

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON 26 JANUARY 2001**

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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 Mrs Janet Linda Cheek
(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

APOLOGIES

The Honourable John Birmingham
(Elected Member for Stanley Constituency) (Absent Overseas)

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

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MEETING OF THE LEGISLATIVE COUNCIL HELD ON FRIDAY 26 JANUARY 2001

His Excellency The Governor

Good morning Honourable Members, members of the public and those who are listening on the radio.

I regret the slight delay in the start of this meeting of the Legislative Council, but it appears that there were important announcements going out on the radio, so for the interests of public information it seemed to me that we might delay our own business just a couple of minutes, so that those would not be interrupted, or our own business fail to be broadcast.

I should say first that the Honourable Lewis Clifton contacted me this morning. There has sadly been an incident on the *Dorada* in which two crew members have been injured. He has to deal with the consequences of that in human terms and in operational terms for the *Dorada*, so I readily agreed that I would present his apologies to you this morning. He may, of course, be able to join us later, but I think that there is quite a lot of business that he has to do in connection with this sad incident. We wish the two crew members involved a speedy recovery.

Perhaps I might also look ahead to the latter part of our session today and see if we can agree a procedure. There are two elements which are particular today. One is that this is the final meeting of the Legislative Council in the Falklands, which the current Commander British Forces will attend. I am sure that people will wish to note that, towards the end of our session. Also, I am sure that the Commander British Forces would welcome the opportunity to be able to say something about the fire on South Jason.

What I suggest, with the agreement of Members, is that perhaps under the Motion for Adjournment, I might unusually, first look in the direction of the Commander British Forces to say something on South Jason only. I will then look to Honourable Members who may wish to speak on that or other matters. They may wish to say farewell, if I can put it that way. Then right at the end I might give the Commander British Forces an opportunity to respond on any remarks that have been made, either on South Jason or in terms of farewells, salutation – whatever. That is an unusual way to proceed. Are people content that that would allow business to go in a proper way?

From what I think the Commander British Forces would say on South Jason, my sense is that he is likely to answer a lot of the questions which would otherwise be raised by Honourable Members. I see nodding around the Table. Thank you very much. I take it that the Commander British Forces is content with that?

Commander British Forces

Absolutely, yes.

Clerk of Councils

Confirmation of the records of the meeting of Legislative Council held on 24 October and 24 November 2000.

His Excellency The Governor

I am not sure that I formally asked for amendments, I'm so used to there not being any. Forgive me. Are there any amendments? It is usually done with great efficiency before the meeting. Thank you.

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.

- Fishery Products (Hygiene) (Designated Establishments) Order 2000
- Stanley Town Hall Car Park (Circulation) Regulations Order 2000
- Registration of Charities (Exemption) Order 2000
- FIG (All Funds) Financial Statements and Audit Report
- Financial Statement for:
 - the Insurance Fund;
 - the Sinking Fund;
 - the Pensions (Old Scheme) Fund;
 - the Currency Fund for the year ended 30 June 2000; and

- The Retirement Pension Equalisation Fund Financial Statements for the year ended 31 December 1999. Laid in the Table Pursuant to section 57 of the Finance and Audit Ordinance.

The Honourable the Chief Executive

Mr President, with the permission of this House I beg to lay the papers so mentioned on the Table.

QUESTIONS FOR ORAL ANSWER

QUESTION 1/01 BY THE HONOURABLE JAN CHEEK

Your Excellency, Honourable Members, could the Honourable Mike Summers please indicate when we may expect the recent fall of approximately 30 percent in world oil prices, to be reflected in the price we pay to Stanley Services for fuels in the Falkland Islands?

The Honourable MV Summers OBE

Mr President, I answer this question as one of the Government nominated Directors of Stanley Services Limited. There are possibly two parts to this question and we deal with both: bunker fuel and domestic fuel.

The bunker fuel price charged by Stanley Services Limited, fell by approximately seven percent in a recent reduction announced on 18 January this year, from a price of \$390 per tonne to \$360 per tonne.

In respect of domestic fuel, the prices charged by Stanley Services for various fuels supplied within the Falkland Islands, are regulated by a formula which is agreed with the Government. The formula is applied on an annual basis to the imported cost of fuels and associated operating costs. In order to manage the trend of the underlying base fuel costs, the prices charged by Stanley Services for each of the fuels are reviewed on a quarterly basis. This frequency being considered appropriate in relation to the stock levels maintained by the company, not to have prices jumping up and down on a too regular basis.

The next review process will take into account market conditions existing up to the period two weeks before the review date. Also the cost of stocks in hand and the projected operating costs for the current formula year. I don't think it is appropriate that I announce in public, the date the reviews take place. I think that would be inappropriate.

Prices charged in the Falkland Islands do sometimes lag behind the trend in international markets, due to the quantities of fuel held in stock. This average is a four month stock. However, Stanley Services has already benefited from falling oil prices, with the cost per litre of diesel purchased in December being 22 percent lower than that purchased in November. This benefit will be passed on to the customer at the next price review. However, we must not lose sight of the fact, that the formula calculation is based on the weighted annual cost of actual fuel deliveries in the year to date and those projected for the remainder of the year, not just the cost of any individual fuel delivery.

The Honourable Mrs JL Cheek

I thank the Honourable Member for his complete reply.

The Honourable Mrs N Edwards

Can I ask the Honourable gentleman if he is satisfied that the criteria of the formula by which the fuel price is arrived at is correct, because this is a question I am frequently asked. I wonder whether the actual formula is lacking in something because it does seem to take an awful long time for price increases or decreases to filter through. Certainly the decreases, if there are any. Thank you.

The Honourable MV Summers OBE

Mr President, I am satisfied that the formula, as written, is properly operated. Honourable Members will know that I have a history of not being necessarily satisfied with the formula itself, but it is a commercial agreement between the Government and commercial parties.

However, we may, in due course, renegotiate that formula and other parts of the fuel supply agreement. There is a provision in the management of the company to maintain balances in favour of the client (that is the customers), or in favour of the company, when prices change in the market place but haven't been changed at the pumps. We try to keep that balance within a reasonable figure so there are times when the customer is benefiting from the lag, if you like, between purchase and sale. There are other times when the company is benefiting, but over time that is equalised.

The Honourable Mrs N Edwards

Thank you.

The Honourable WR Luxton

Mr President, he may not know the answer immediately, but could I ask the Honourable Member a question, in which I declare a small personal interest? I understand that avgas is now shipped in bulk instead of in 200 litre drums, each one of which required a non returnable, very expensive drum. May I ask why the price of avgas has not decreased now that it is coming in bulk, and bulk storage? I consider that it should have done.

His Excellency The Governor

I would understand if the Honourable Member thought we were moving into another area.

The Honourable MV Summers OBE

Mr President, I don't have the detail or the recollection to answer that question at the present time. I will try to give a written answer in due course.

His Excellency The Governor

Any other further supplementaries?

QUESTION 2/01 BY THE HONOURABLE JAN CHEEK

Can the Honourable Sharon Halford say if the Infant/Junior School extension is still on schedule, and when the handover is expected to take place?

The Honourable Mrs S Halford

Mr President, Honourable Members, the programme for the Infant/Junior School extension, showed handover taking place on 3 December 2001. This was on the basis that the contractors estimate for the final design would be within budget. The programme did not, therefore, contain an allowance for a cost reduction exercise following the receipt of the contractor's estimate. The contractor's estimate was received this week and an analysis is now under way. The first indications are that this estimate significantly exceeds the architect's estimate and, therefore, the budget. An associated significant cost reduction exercise may be required, or, alternatively, additional funding will be required. Until the initial results of the analysis are available – and these are expected within the week – it is too early at this time to predict what effect such a cost reduction exercise would have on the programme.

The Honourable Mrs JL Cheek

May I just ask the Honourable Sharon Halford when Members of Council will have an opportunity to review the cost and make the decisions to allow it to go ahead?

The Honourable Mrs S Halford

As I have said, the exercise, or the results of this cost reduction exercise, are expected within the week. After that time I would expect Councillors to be informed as to what costs are.

The Honourable Mrs JL Cheek

I thank the Honourable Member.

His Excellency The Governor

Any supplementaries from other Honourable Members? No, there are no more questions so we can go on to the next item of business.

Clerk of Councils

MOTION 1/01 BY THE HONOURABLE MIKE SUMMERS OBE

It is moved that –

The Select Committee on the Constitution be requested to extend its functions to include the following:

To examine the Standing Rules and Orders of the Legislative Council, in particular, parts II and III, and if thought beneficial to the promotion of more open debate and transparency, to make proposals to the Legislative Council on amendments to the Standing Rules and Orders.

The Honourable JR Cockwell

I will second.

His Excellency The Governor

The Honourable Richard Cockwell seconds.

The Honourable MV Summers OBE

Mr President, it has been a regular theme of this Government and in the business of reviewing the Constitution, that democracy in the Falklands would benefit from more lively debate in the Legislative Council. I believe that the rules, as currently written in the Standing Rules and Orders, inhibit lively debate in this Council, in particular, the strict rules about dealing with questions and the limitations on numbers of times anybody may speak to Motions. I feel that democracy may well be served by relaxing some of these rules.

I have no particular suggestions to make at this stage, but ask that the Select Committee be able to review all sections of the Standing Rules and Orders to look at areas where more debate may be facilitated. I beg to move the Motion.

His Excellency The Governor

Thank you very much. Does anyone else wish to speak on the Motion? Maybe it is regarded as being adopted by consensus – so be it. I trust that the slight mis-typing here will not be perpetuated in the record for ‘Stranding’ Rules and Orders.

Clerk of Councils

ORDERS OF THE DAY: BILLS

The Retirement Pensions (Amendment) Bill 2001. This Bill is being submitted under a Certificate of Urgency and therefore requires a first reading.

The Honourable the Chief Executive

Mr President, the attached Bill allows us to amend the Retirement Pensions Ordinance 1996, so as to enable the Governor, by Order, after consultation with EXCO, to authorise the Retirement Pensions Board to exempt contributors and employers, who would otherwise be liable to make contributions and making those contributions. The reason that it is presented under a Certificate of Urgency is because the Bill that has now been put around to Members is slightly amended from the Bill that was published in the Falkland Islands Gazette on 1 November 2000.

The Bill which has been put around to Members, contains additional provisions to allow us to backdate matters to 1 January 2001, and provides for the Board of Management to manage the exemptions. A new subsection allows the exclusion of higher paid people for the benefits of this Scheme. Other than that, the Bill is substantially as it was published in the Gazette of the 1 November 2000.

The reason that we bring this Bill forward is to enable us then to put in place, in the first case, an Order which was recently considered by Executive Council, which will allow us to give exemption, to employers and employees who live and work in Camp. This is to give exemptions to all who live and work in Camp, whether on farms or in tourist or other businesses, so that they will no longer have to pay the retirement pension contribution of £14. It is proposed that this provision lasts for at least three years.

The intention here, is to give special help to rural areas – to existing businesses, to remain in Camp; to existing businesses to take on the additional cost if they wish to do so of employees; and to encourage new businesses to consider locating in Camp.

This provision does not apply to people who live in Stanley but work in Camp, or vice versa. In order to be eligible people will have to spend 240 days, or two thirds of the time, living and working in Camp.

This is a part of Government's drive for a new rural development policy which Government and the new Falkland Islands Development Board, will be pursuing to encourage people to live and work in Camp.

Your Excellency, I beg to move the first reading of the Bill.

His Excellency The Governor

Anyone wish to second the Bill?

The Honourable the Financial Secretary

I beg to second the Bill.

His Excellency The Governor

The Motion is that the Bill be read a first time, but let us pause to check whether people would wish to speak in debate, or whether we would move to the short procedure. Do any Members wish to speak in debate? If not we can move to the short procedure. That does allow for amendments. Are there any amendments that any Honourable Member wishes to propose. If not then it will be the short procedure which allows me to say that the Bill will be read a third time and passes.

Clerk of Councils

The Retirement Pensions (Amendment) Bill 2001.

THE MOTION FOR ADJOURNMENT

The Honourable the Chief Executive

Thank you your Excellency, in the normal tradition of making long speeches, I beg to move that this House stands adjourned *Sine Die*.

His Excellency The Governor

Thank you, the Honourable the Chief Executive. In accordance with the indications I gave at the beginning of the meeting, my eye rolls immediately to my left and I would invite the Commander British Forces to take the floor.

Commander British Forces

Thank you very much, Mr President, Honourable Members. I very much appreciate the opportunity of covering events on South Jason for you now. I feel forbearance over the last few days whilst we established the facts, and I am very grateful to those who waited for this information rather than leaping in with any premature conclusions. I will cover it as broadly as I can, although, of course at the end, if there are any further questions, I will do my best to answer them.

I am delighted to say that Mr Ian Strange's report of his aerial and ground surveys, is a supplement in today's Penguin News so all the detail is now widely available around the Islands. I would like, in front of Legislative Council, as I did yesterday at Executive Council and as I have in the past on the Falkland Islands Broadcasting Service, to apologise on behalf of all of us at MPA for the fire. We are not here just to defend the Islands but we are here to look after its unique habitat and wildlife. We all regret it as much as anybody else on the Islands. Nobody wanted to see it happen and I am very sorry that it did happen.

Some of the press coverage of the incident has been, I am afraid, wildly inaccurate, and it is a source of some regret to me, both as CBF and as a member of Falklands Conservation myself, that some of their reporting has been a little inaccurate and premature.

The fire does raise a number of key issues and I would like to start firstly, if I may, with some words about what we have found out so far about the environmental impact.

As I have mentioned, Mr Strange, with two colleagues, has been to the Island twice now and looked at it both from the air and on the ground. We are offering Becky Ingham and four of her colleagues the opportunity of a helicopter trip to the Island next week. I had hoped that it was going to be Monday, but it is going to be slightly later in the week now, because we have used so many helicopter hours on putting out the fire and on various search and rescue operations recently, including the one last night that His Excellency alluded to. We have also got to do some routine maintenance, but we will get them there as soon as we can.

Taking the species in turn, the Black Browed Albatross colony there, which some years ago Mr Strange had estimated as 900 to 1000 pairs, and which Falklands Conservation established recently as, I think, 1,750 breeding pairs as a result of a photographic survey: that colony is intact. The fire fortuitously, perhaps, went around the colony, partly because it is a very rocky part of the Island; and partly because it was to the west, and the fire was going in the other direction; partly because the natural functions of the birds had created a sort of damp environment around it. Mr Strange's team has walked around the colony and has counted over 800 chicks alive, being fed and to all intents and purposes, sitting happily on their nests. Only two dead chicks were found. I think it is impossible to establish whether that had anything to do with the fire, or whether it was natural causes. So there is no damage to the small, but nonetheless important, Black Browed Albatross colony.

The same applies to the small number of Rockhoppers which are essentially co-located with the Black Browed Albatross colony. There are no indications of any significant damage at all to that rookery.

There has been mention of damage to sea lions on the Island, but I am informed that there is no evidence of a breeding colony of sea lions ever being on South Jason, so there is, therefore, no damage to them.

There is, however, a small but important Fur Seal colony on the westernmost tip of the Island on the rocks there. They are completely unaffected by the fire, so there is no impact on the Fur Seal colony.

Mr Strange's team has counted some 70 Magellanic penguins on the eastern edge of the Island. In the past he has not noted the Island as having any form of significant Magellanic penguin colony, perhaps because access for this particular species is extremely difficult all the way around the coast, apart from on that eastern tip. He had to do an aerial survey only of the Magellanic penguins, because that was an area where the fire had gone through and where it was still smouldering. So having counted I think, something like 70 penguins there, he believes that it is fair to make the assumption that this small group must have been affected, to some extent, by the fire.

The evidence that Mr Strange has found, indicates that there has never been any more than a small group of Prions, or ground burrowing Petrels on the Island. In the time he has been able to spend on the island, he would be able to establish that 6 birds have died as result of the fire.

Investigation of the burrows, hasn't managed to reveal whether or not there is any more damage. It is rather too deep to get in them. The indications are that there has been some damage to what were small groups of these species on the Island. They weren't major residents anyway, and there is no clear indication of how much damage there might have been.

Moving on to the question of tussac. Reports have indicated that 90 percent of the tussac and, by implication, 90 percent of the island had burned. In fact, forty percent of the Island has been burned. The Island is – for those who aren't familiar with it, split north/south by a very dominant, rocky ridgeline and the sixty percent to the north of the Island is virtually untouched. The fire spread extremely rapidly on the southern side from west to east.

There have been reports and I have certainly been written to, indicating that this was a pristine site and in technical terms, the literal meaning of that is important. In fact the Island is not a pristine site. There have been at least two previous fires and the 1960 fire, which burned across the whole Island and burned for 4 to 5 months, did some quite major damage.

In this instance, because the fire spread so rapidly, the main tussac stools across most of the southern part of the Islands have not been burned. The dead grass in and around them has been burned and the tussac has been scorched, so across most of the area that has been burned, recovery should be quite quick. How quick depends on when we get any rain. If there is rain and there is no indication of that the moment, it could start to recover within weeks.

There are patches on the southern part of the Island, where the tussac continues to smoulder. Particularly there is an area over to the west where that is the case. There the damage to the tussac is bound to be greater because the fire will proceed to burn deeply in a way that we are all familiar with on the Islands.

So, to summarise the damage to the habitat, the bulk of the southern side should recover quickly. Some parts will be more damaged, depending on how long it takes for the fire to be put out. We are very much in the hands of when it rains. We remain concerned about the possibility that the fire could come over the ridge line and damage the northern part of the Island. On Tuesday we went back and dropped about 150 tonnes of water along the ridgeline, to try and prevent that happening and to dampen any smouldering there. But the winds are strong at the moment and if the winds remain somewhere over thirty knots, it's very difficult for the water bombing to be effective. We continue to watch and monitor it closely, but there has to be a possibility that the fire will re-ignite and cross to the north. We very much hope it won't of course, and we will do everything we can to stop it. The sixty percent that is

untouched contains twenty percent tussac, so there is still significant tussac habitat there.

I think that is all I can usefully say about the environmental damage to the Island, but I repeat that the full supplement of the reports that have been made are available in Penguin News for those who would like to read it.

I would just like to touch now on two or three of the other important, I think, matters of public concern about what has happened.

The first is that I am conducting an enquiry at Mount Pleasant into what happened, so that we can learn the lessons for the future. I don't have the results of that yet, but when I do have I promise to make them available to Executive Council so that they too know what our conclusions were.

I do know at this preliminary stage that the Explosive Ordnance Disposal Team carried out the demolition that they did with great care. Rather as you would expect, they were handling 18 year old ammunition, some with an explosive content and they were handling other explosives in order to deal with them. I think we would all agree that you don't do that sort of thing lightly or casually. It appears most likely that an unfortunate piece of bad luck led to the fire starting. I am reluctant to commit myself until I have heard the full results of that enquiry.

I might perhaps just make the point, about what the Explosive Ordnance Disposal Team have been up to. You will perhaps know that at the time of the 1982 conflict, there were something like 80 crash sites around the Islands. All of those of course, are potential hazards and I speak not about the minefields but about separate sites. There are still five of those sites left open. We have managed to clear a further two and declare them absolutely clear of ordinance in the last 18 months.

Over the years, from all these sites, we have so far disposed of 52,117 rockets, 331 missiles, 14,092 cluster bomb units – or parts of – and 112 other pieces of unexploded ordnance, in addition to the 4,477 mines that they have cleared in and around the minefields. I think we all agree that disposing of that hazard has been a critical part of making sure that Islands are safe for the public.

South Jason – it remains unique. The other four crash sites are not on islands where there is such a delicate habitat and I am quite sure, even ahead of the enquiries that we are all conducting, and Government looking at its procedures, which I know they are doing, but the real lesson has got to be that we don't attempt to do a clear up on South Jason again. It clearly doesn't make sense to risk the habitat in this way, regardless of how carefully the EOD team may carry out its task. The lesson of this fire has to be, in my opinion, unless there is a compelling reason to do so, is that we should leave the island and not attempt to carry out any form of demolition again in the future.

I think really, in terms of procedures, that is perhaps all that I can usefully say about what has happened up there. I would just like to finish perhaps by returning to my remarks before. I think there has been quite a lot of inaccurate and emotional

speculation about this which I slightly regret, partly because at a senior level I and my Acting Chief of Staff have taken a close interest in the incident and have made ourselves available to brief Government, the broadcasting services and interested conservation groups throughout. I would have hoped that the information that we were passing would have been treated with rather more respect than has been the case with one or two vocal groups. That being said, I have no doubt at all in my own mind that the close relations that exist on the Islands between Islanders and the military is a very profound one, and one that covers all our relations. It's one that is not significantly affected by this. All of us regret what has happened, we all feel a loss, but I don't think personally that it has wider implications for the extremely warm and close relations that I believe exist on the Islands. I think that is all I can, perhaps, usefully say at this stage, Sir.

His Excellency The Governor

Thank you very much. I look around for those who might wish to take the floor.

The Honourable JR Cockwell

Mr President, Honourable Members, in rising to support the Motion, I would like to draw this Council's attention to the ever increasing plight of people living in Camp, particularly those living on the West and outlying Islands. Income for many of these people is decreasing and their ability to remain in Camp is becoming more doubtful every year. I would also like to reassure these people that their interests are not going unnoticed, and every effort is being made to make their lives in Camp more financially and socially attractive. Hopefully we can reverse the continuing drift into Stanley.

Many people will say that nothing can be done, but I firmly believe that there are many things that can be done to make new and existing businesses viable. I also know that there are many Campers working extremely hard to diversify into other enterprises, at the same time as working to improve their wool production and the presentation of their clip. These efforts have to be supported.

In particular, I would like to mention the people of Port Howard, who are at risk of losing their jobs this autumn. Every effort is being made to ensure that their suggestions for new enterprises are supported and funded in a way that I am confident will enable them to earn a living and remain in their houses, in the Port Howard community. Assistance will be required for other people living in Camp wishing to create new enterprises and these cases will be looked at positively and sympathetically. This assurance should not bring people living in Stanley to believe that their interests are not being looked after but, however, at this moment the Camp community needs all the support that it can get.

One factor that should change life in Camp, is that at last we are building the abattoir, a project that people know is close to my heart. I am pleased that we have been able to recruit Mr Brian Corner to oversee the building and commissioning of the abattoir. I have only met him briefly, but to hear a person highly experienced in the meat trade

outside these Islands, speaking so confidently about our ability to be able to sell our product overseas, as well as in the Islands, fills me with enthusiasm. Plans are well ahead for temporary measures to enable farmers outside the East Falkland, to transport their animals to the abattoir.

Referring to the Commander British Forces' report just now, I would just like to mention this regrettable fire on South Jason. I believe that the whole affair can be summed up in the words of Ian Strange who visited the Island and says in his excellent and detailed report, that although a loss, this cannot be classified as an environmental disaster. I firmly believe that we now have to ensure that accidents like this are not allowed to occur again and we must not let this event damage our excellent relationship with the Military personnel, who are here to ensure the defence of our Islands.

I would also like, at this moment, to express our thanks to HQBFFI and 78 Squadron for their prompt action in response to the accident on the *Dorada*. Their support to our fishing community continues to be invaluable.

In closing I would like to thank the Commander British Forces for all his support last year, and wish him bon voyage and hope that he hits no more submerged objects in the future. Sir, I beg to support the Motion.

The Honourable MV Summers OBE

Mr President, it is not fair that I should always have the last word, so I won't. You mentioned that Councillor Lewis Clifton couldn't be present. Of course, Councillor John Birmingham also can't be with us again today, our thoughts are with him and his family.

(Hear! Hear!)

I think I will refer to the South Jason incident first. I think there has been a good deal of hysteria about this accident. Not only was South Jason not a pristine site because it had burnt twice before, it has also been thoroughly and heavily grazed by sheep over the years. So there are at least two reasons why it is not pristine. Nevertheless, it was a disaster of sorts. It was an accident which perhaps ought not to have occurred and all those of us who are responsible for it will have to learn the lessons from it. I know that the Commander and his people will learn their lessons. I hope we will learn ours. It is not that long since we passed, in this House, new environmental protection legislation, which gives us the opportunity to set out management plans, not only for sites owned by private land owners, but for sites owned by the Falkland Islands Government. I very much suspect that we don't have a management plan either for South Jason or for the other Jasons that we own, or for the other pieces of important land that the Government owns. Perhaps we will get on and do this.

That brings me to the other major issue in the same sphere, which I wanted to raise at this time. It is the continuing absence of a structure plan and a town plan. The planning legislation was passed goodness knows how many years ago, and made

provision for a structure plan at an early stage and a town plan to follow. We have been through at least three Planning Officers and I see no evidence of either. It does affect the way that we develop the Islands. In particular, it affects the way that the town is developing. We are in serious danger of getting into a situation that this legislation was designed to avoid, that is, piecemeal development of the town. We will end up paying more for it in the end if we don't get on with this important work.

I make a plea to the Management of the Government please, to ensure that work on the structure plan is finished in a reasonable time and the town plan is finished and adopted and becomes then a live working document for regular modification.

The other point I wanted to mention in this closing speech is the issue of global warming. There has been a lot of interesting reporting in the international media recently about global warming. I wonder if we have taken much account of it here. Have we taken sufficient interest in the effects of global warming in communities around the world? Are we making sufficient contribution ourselves? I know we are very small but I think we are probably massive energy wasters in our own way. I think that we could perhaps do better. I do though wonder whether perhaps we shouldn't in fact have discussions with either the British Antarctic Survey, or the Meteorological Office, to see if we can't get some better prognosis of the likely effect of global warming in our area. We are charging ahead with pasture improvement and other agricultural developments and I would like to be assured that the effects of climate change aren't going to undermine those efforts.

Whilst talking about Camp, I enjoyed very much, the recent seminar on rural and economic development, put together by the Chief Executive and his staff. I think there were some refreshing and interesting views on future economic development and what we might do in the Camp. It will require us, I think, to re-examine one or two of our firmly held views about how to manage the economy in the Falklands. Most particularly in relation to labour, and the importation of temporary contract labour. I look forward to those discussions and I look forward to completing the debate about the speed of development and the speed of assistance in Camp, versus retention of monies in Camp. The whole issue is whether you proceed more slowly and let work that is to be done in Camp to be done by the farmers themselves and therefore retain that money, or whether you bring in other people to do the work more quickly and bring the benefit more quickly then to the businesses. That is a key issue.

In closing, I would just like to say thank you to Geoff and of course to Liz during your time here, for your refreshing approach to civilian/military relations. I think you have taken a more businesslike approach to co-operation between the civilian and military communities than perhaps most of your predecessors. I hope that that will be continued because there clearly is very useful potential co-operation between the two communities. Internal transport is the most obvious and I hope we make progress with that, but we have identified others and will continue to discuss those. You can be assured that from my point of view, the incident on South Jason does not affect one iota, the relationship between the military and civilian communities. I hope those who acted rather hysterically after the South Jason fire will, on reflection, feel the same. Sir, I support the Motion.

The Honourable Mrs N Edwards

Sir, in rising to support the Motion for Adjournment I would just like to say thank you very much for the comments that the Honourable Richard Cockwell made about Camp. Declaring an interest here not only as a resident of Camp but as a resident of the West Falkland, which I think at the moment is perhaps in many ways suffering a little bit more than all the farms in some respect, in particular the workforce at Port Howard. I am pleased to hear, that the labour element will be taken into account, because that has always seemed to me one of the big gaps in the assistance programme. Unless you have labour – unless you can afford labour, not a lot else will happen. Not even if you have 90 percent enthusiasm for the project. You still need that 10 percent of labour to get it going. People will go where the money is and unfortunately it is not in the Camp at the moment. That is the main problem, I feel, and the main bar to going ahead with this incentive scheme.

However, it's refreshing and I can say on behalf of all Campers, I am sure, that we are extremely grateful for the support we get from the Agricultural Department and the encouragement that is given from that Department.

Moving on to the Jason's saga, I was pleased to read Mr Strange's report, and very pleased to hear what CBFFI has had to say about it. I would agree with comments made around this table so far. It is unfortunate that hysteria took over in some parts and it is important that we don't forget that it was an accident. An unfortunate accident and accidents do happen. We have to remember too, that for the last, almost twenty years, various members of the EOD have kept us – the public – safe in these islands. For that I am very grateful and will continue to be so. Yes there are lessons that will be learnt from this and I think one of the main lessons that could be learned is the time of year when these exercises take place. Winter visits to various sites wouldn't be a problem at all, I don't think.

However, enough said of that and as the Honourable Mike Summers has previously said, it will not affect my relationship with the military one iota. I think the general population would feel the same way. We are extremely grateful to the military for all their help in all quarters and also may I just say a thank you as I know how much hard work went on from not only the military fire-fighters, but our own lads who went out and fought the fire. Everybody worked extremely hard and are to be commended I think, for all the effort that went into it in the howling gale, which couldn't have been easy.

I have taken on board what the Honourable Mike Summers says about a town plan. We did have one some years ago. It cost a lot of money if I remember - £300,000 and it came to nothing, I think. So I am sure that we will look at that again. Look in the cupboard, Chief Executive and you will find it!

(Laughter).

Sir, I think I would like also to wish CBFFI and his good lady well for the future and I support the Motion for Adjournment.

The Honourable Mrs S Halford

Mr President, Honourable Members, in speaking to the Motion for Adjournment today, I think that in view of the recent fire on South Jason I should, on this occasion, speak with my environmental hat on. We had a meeting of the Environmental Committee the other day and I am pleased to inform Councillor Summers that it was noted at this meeting that management plans are most definitely needed for Government owned Islands and other areas, because we are well aware that the way people do or do not seek permission to go to some of these places is inadequate at present. We need a definite policy and it needs to be advertised so that people do know who to go and ask permission from when they wish to visit somewhere.

Whilst I do not condone the deliberate lighting of fires in sensitive or other areas, it must be acknowledged that from time to time, and because none of us are perfect, accidents can and do happen. Fires can be started accidentally. They can also be started by lightning strikes and on occasion by broken glass lying in dry areas with the sun beating down upon it. The fire on South Jason was indeed unfortunate, but to try and put it into some perspective, would there have been such a fuss had this fire been caused by lightning? I suspect not, as Arch Island, which caught fire some time ago and which I understand still has smoke coming from it, is also a sensitive area and we have not heard much about that. It is still common practice on some farms around the Falklands to burn areas of land at certain times of the year. These fires, deliberately lit, must in many cases, destroy some wildlife. We don't hear many complaints about this practice.

Perhaps we have been lucky this summer that it has been so wet as even a brief look around Stanley common would shock many, as to the quantity of broken bottles that are lying around the area, many of which could be potential fire hazards, given the right conditions.

Councillor Cockwell commented upon Ian Strange's report, in which Mr Strange said that although a loss he did not classify it as an environmental disaster when he was referring to the fire on South Jason. In his view he said that had this occurred on the Beauchêne, Bird or Kidney Island then we could claim to have had an environmental disaster.

Last year we had two minefield fires on Stanley Common, and like the recent fire on South Jason, the question must be asked – could these have been avoided? More importantly, could they be avoided in the future? At the same time we must also accept that as Great Britain has signed up to the Ottawa Convention, in so doing she undertook to destroy or ensure the destruction of all anti-personnel mines in mined areas under her jurisdictional control as soon as possible, but not later than ten years after the entry into force of that convention. Once found, mines and other pieces of ordnance are more often than not, very dangerous and therefore have to be destroyed in situ.

Stanley Common is out there for us all to enjoy in our various leisure pursuits, but I would urge you to take home the empty bottles. After all, they must be much lighter to carry home than they were to take away. I have also had complaints about the abuse of some of the land in this area, by drivers and vehicles seemingly intent only on making as much mess as possible and destroying certain areas. I would not like to see people stopped from driving over the land, but I would urge the dedicated mud trackers to try and find an area somewhere, which would suit their needs and which could perhaps even be used as a proper circuit where they could compete and spectators could watch.

From the latest Penguin News, it would appear that many must have enjoyed their recent off-road sojourn last weekend on the Long Island track. It is pleasing to see that some farmers are still happy for this kind of activity to be undertaken on their land. However, I am sure that farmers would still like to see less litter left around – certainly less than what was on Stanley Common.

The Honourable Mrs N Edwards

Hear! Hear!

The Honourable Mrs S Halford

I would also like to take this opportunity to thank the Commander British Forces for his efforts, or the efforts of the Military, in assisting with other fires around the Islands. We have had various Island fires over the last year and long may this continue – the co-operation between their fire-fighters and ours.

As you are about to leave us I would like to wish you and your wife well, wherever your tours may take you. Sir, I support the Motion.

His Excellency The Governor

Thank you the Honourable Sharon Halford. Any other Honourable Member wish to take the floor? I make one small comment if I might on behalf of the absent Honourable Lewis Clifton, if the Honourable Jan Cheek will allow me. Lewis, when we were speaking this morning said that had he been here, he would wish to have said that he knows the leader of the EOD team involved in the South Jason Island very well and would have wished to have express here, his confidence in the professional skill and confidence of that individual. I think Lewis would want that said and put on the record here.

The Honourable Mrs JL Cheek

Your Excellency, Honourable Members, I would like to thank the Commander British Forces for the detailed information that he has given us, both previously, in EXCO and here today. I await, like him, with interest, the report on the enquiry that is being done. We have to look, as some of my colleagues have said, at our management of

these nature reserves. There are a number like South Jason, Cochon, Beauchêne, which only a handful of Islanders have ever visited. We are not being mean to visitors by saying 'thou shall not go there.' Most of us don't go there either, because there has been a consensus that certain areas are best left alone as far as possible, in order that the wildlife on them can continue undisturbed.

There needs to always be careful balance of a need to go to any of these sites, against the dangers of going into those sites. Those are always taken into account, for example, when requests to visit Beauchêne Island come to Executive Council. As others have said, we need clearer rules on all these and we look to the Environmental Committee to lead on that. One suggestion I have, is that in terms of fire risk, perhaps there should always be an experienced Falkland Islands guide with any group who are likely to risk starting a fire anywhere. We are more conscious than others, perhaps, of just how easily you can set white grass. It only takes three days of a good blow to dry it out completely and it is like tinder.

On a completely different subject, we were looking this morning in Standing Finance Committee at the greater financial controls needed on our Capital projects, which have been recently highlighted for us by the large proportional rise in the cost of the FIDF building. I recognise the need for these controls, the urgency of putting them in place, but hopefully that won't lead to an inordinate delay on the Infant/Junior School project, which people know is close to my heart anyway and very, very necessary.

Finally, I would like to thank Commander British Forces for all that he has done in his time with us and I hope that others at MPA understand that implicit in our thanks to the Commander, is a thank you to all of those serving in whatever capacity out there. We do appreciate it, as we have appreciated the constructive way in which he has worked with us. We still hope that his masters will look one day to making this a longer appointment. It seems that a Commander is barely in place that we are saying farewell to him and welcoming his replacement. It is my privilege as Chair for the month to make the traditional presentation of a CPA, Falkland Island tie to the Commander with our thanks and our good wishes to you and Liz.

The Honourable the Chief Executive

Could I just add to that from the Honourable Jan Cheek? On behalf of myself and my colleagues in Government and the Civil Service, I say goodbye to Geoff. He and I arrived at about the same time. We first met in the offices of Cable & Wireless in London, where we both decided to go and make a joint attack. The organisation, however, bounced back, but nevertheless it might fall over one day.

(Laughter).

We were both intent on getting our services, our two services to work together and as the Honourable Jan Cheek has said, I know that Geoff would have liked to have stayed longer than a year in order to see this to fruition, but in the past year I think we have made very good progress on improving joint civil military liaison. The Honourable Mike Summers mentioned improvements in our work together on

transportation and many other things too, including municipal services and privatisation of services at MPA, where I am sure, matters will bear fruit in the forthcoming year.

Geoff goes on to one of the most challenging jobs in the army, in charge of electronic matters and information technology for the Army, so we wait to see what transpires there. Your name will no doubt be in lights in one way or the other.

(Laughter).

Penny and I will miss Geoff and Liz Sheldon's ebullient style and their hospitality, they're regularly calling one another Basil and Sybil from Faulty Towers.

We also congratulate him on very recently surviving a determined attempt to sink him at sea. I wonder who is responsible for that? Having survived all these things in the Falkland Islands please go with our best wishes and the best wishes of my colleagues in the Civil Service for you and Liz, and your future career.

The Honourable the Financial Secretary

Just rising to support the Motion for Adjournment, Sir, I would just like to add my thanks to Geoff for his contribution to the Islands, and I wish both him and his wife well in the future.

His Excellency The Governor

I did promise CBF the last word and I will allow that. Usually the President has the last word, but if you will allow me, Geoff, I might just say a couple of words now and then give you the final word of the meeting, apart from my formal wrap-up.

I said recently, that from my experience, the British Armed Forces, wherever they are, pay great attention to environmental matters. That has been my experience certainly, in the Falklands. It is perhaps for that reason that people reacted with shock to the accident that happened on South Jason. In what I said, I think that some have interpreted what I did say as a criticism of individual or individuals involved in the incident. That was not my intention. I think I intended to convey that against such an excellent record of environmental concern, the happening of a fire in a nature reserve was inevitably a shock to people and a matter of public concern. I welcome the full and open response, which has come from Commander British Forces and the military side throughout this incident, and the engagement of Ian Strange and the production of his report has certainly been an excellent way of demonstrating, with objectivity, what is or is not the extent of the damage caused. I also welcome the fact that Falklands Conservation are to go out to the Island themselves. I know that Becky Ingham understands the reason that this could not happen as early as CBF had hoped.

I think, I also betray no confidences in saying that I know from conversations with Becky and others, that the more negative aspects of what has been said over the last week or so, Falklands Conservation want to put that behind them and work very

closely with the Garrison. I was also pleased to hear that the Commander British Forces designate, who is so far in the Islands, a sort of non-person (but he will begin to emerge I think later today) that he has already, in fact, been in contact and visited Falklands Conservation, so out of a most regrettable incident, I think good will come.

In terms of the military/civilian relationship, I was reflecting this morning that it is sometimes difficult to dispel myths. With another one of my hats on, we recently had the episode in which an innocent remark by someone on the HMS Endurance was distorted in the UK, in the media, and became a world-wide story of this myth about penguins falling backwards. I regret that I suspect that the article in the *Times* will confirm in many people's minds, a perception that civil/military relations here are less than good. That is a false impression. I have said it in private to the Chief of Defence Staff and I say it very publicly, that my perception of the civil military relationship here, is that it is a very healthy and very good one. We are all human; Islanders are human; soldiers are human; Governors are human? Yes I think I would acknowledge that. But within those frameworks the dealings between Islanders, as the Honourable Jan Cheek has said, at all levels with the military, is characterised by a very positive spirit. We are indeed grateful to members of the Garrison who are serving a long way from home, many unaccompanied, for the hard work that they do.

Earlier this week I was interviewed by the Broadcasting Station so I won't repeat much of what I said then, but I will again echo one remark made this morning by the Honourable Norma Edwards. The effort put in by the military in defeating and controlling the fire was a significant one. Gardner Fiddes, speaking to me on the Sunday, was describing to me the situation which the military and our own people from the Fire Service faced on that Saturday. Difficult terrain, steep, in many areas burrowed into and high winds made it at that stage subsequently a dangerous operation. There were later, in that week I know, 40 or 50 people from the Garrison on the Island dealing with the problem, and they all deserve our thanks.

If indeed I say and stand by the fact that civil/military relations are in a very healthy state, that must of course depend, to a large extent, on the Commander British Forces. You have done a lot of work here that has been innovative, Geoff, not all of which is visible outside MPA. You have been skilled in dealing with the pressures which come from the UK, which are financially driven, and these pressures will certainly continue. You have dealt with them very effectively, so that one can feel comfortable at present in the assets that are here. We have been promised by the Defence Secretary, no significant reduction.

In many other ways (as I say) you have contributed to a high morale and a good relationship at a working level. How will morale be tomorrow? There is the Governors XI, versus CBF's XI cricket match at Mount Pleasant. Should the Governor's XI win, we keep the trophy. Councillor Summers – I congratulate him on selection for the Governor's XI. Rumours that I am having T-shirts printed that say 'I am batting for the Governor', are entirely untrue, though the thought has crossed my mind. That meeting tomorrow will I think, reflect the good relations that exist between our communities and I look forward to victory...no...to a good match! Geoff, thank you very much indeed for all you have done and I give you the floor.

Commander British Forces

Mr President, Honourable Members, I am very sad to be leaving the Falklands as a number of people have alluded to. I have plagued my masters to extend the length of this tour, but perhaps in the future you won't have this difficult business of just educating just one chap or lady in the future and then them going away and having to start all over again.

On behalf of Liz and I, thank you very, very much for all your kind words, and your generous friendship and hospitality during our year here. Thank you specifically for the tie which I shall wear with great pride, in the knowledge that there is still only quite a small club of CBFs who have had the opportunities to wear them.

Thank you also for your kind words about surviving my ordeal by sea. *Avid Penguin News* readers will be able to catch up. Sadly the cricket match does present another potential obstacle to my health, and I am very much hoping that Councillor Summers' bowling isn't as competitive as his running was in the hundred metres on Boxing Day, when he defeated me very easily. Otherwise I will be leaving the Islands on a stretcher or something.

I just wanted to make two or three little points very quickly, as I have already bored you for a long time this morning. The first was just to say that I have really valued being a Member of Legislative Council and Executive Council, so from a purely personal perspective, I think it is absolutely right that the Commander of some 2,000 souls up the road and responsible for the defences should be on these bodies. It helps us all to work together, for us to understand and to keep everybody briefed, whether it is over rubber dinghies or fires. So it is certainly my hope that it will continue to be felt appropriate that CBF should sit on these two bodies.

The second thing was the question of the business opportunities. I won't rehearse them again because they have already been talked about, but I do fervently believe that we have opportunities to put business in the way of Falkland Islands entrepreneurs, and that by working together with commercial concerns on the Islands and with the Government we can save support men and woman power up the road, thus ensuring that the defence of the Islands costs no more than it needs to, binding our communities together, and providing work and money for the economy. So I do hope that despite the extraordinary bureaucratic obstacles we seem to have, that they will continue to inch forward on those areas.

Finally, really, it has been an enormous pleasure for Liz and I. We have made many friends. The only good news about us going is that Air Commodore John Cliffe and his wife Mandy are taking over, they are close, personal friends of ours, they are ideally suited to be coming here, and if we have to hand over to anybody, I am delighted it is to them. I am sure that they too will enjoy the experience of friendships that we have. We go with very many regrets. Part of our hearts will stay in the Islands and I hope we will be able to come back and visit in the future. I support the Motion.

His Excellency The Governor

Thank you very much. The House stands Adjourned accordingly.

Confirmed this 30th day
of March 2007

Donald A. Lamont
Governor

Authentication

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON 30 MARCH 2001**

**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY ON 30 MARCH 2001**

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 Norma Edwards
(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 Acting Attorney General
(Graham James Cripps)

The Commander British Forces Falkland Islands
(Air Commodore John A Cliffe OBE, FRAeS, R.A.F.)

CLERK: Claudette Anderson

PRAYERS: Padre McHaffie

APOLOGIES

The Honourable the Chief Executive
(Dr Michael Dennis Blanch) (Absent Overseas)

The Attorney General
(Mr David Geoffrey Lang CBE, QC) (Absent Overseas)

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Record of the Meeting of Legislative Council Held on Friday 30th March 2001 at 2pm

PRAYERS

His Excellency The Governor

I thank the Reverend McHaffie. Good afternoon Honourable Members, Ladies and Gentlemen and those who are listening on the Falkland Islands Broadcasting Station. The Chief Executive and the Attorney General are both absent from the Islands at present, and the Principal Crown Counsel, Mr Cripps, will be substituting as acting Attorney General, at this session of Legislative Council.

Clerk of Councils

THE OATH OF ALLEGIANCE: THE COMMANDER BRITISH FORCES.

Acting Attorney General

Commander, would you take the Bible and take the oath please?

Commander British Forces

I, Air Commodore John Cliffe, do swear that I will faithfully bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors according to law, so help me God.

His Excellency The Governor

I would like to welcome the new Commander British Forces to his first meeting of Legislative Council.

Clerk of Councils

THE CONFIRMATION OF THE RECORD OF THE MEETING OF LEGISLATIVE COUNCIL HELD ON 26 JANUARY 2001.

His Excellency The Governor

Are there any amendments further to those already communicated to the Clerk of Councils? I assume I may sign?

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 Falklands Landholdings Corporation Operative Date Order 2001;
- The Committees (Access to Information) Correction Order 2001;
- The Fishery Products (Hygiene) Designated Vessels Order 2001;
- The Retirement Pensions Contributions (Exemptions) Order 2001;
- The Buildings (Stanley) 4 Villiers Street Designation Order 2001;
- The Buildings (Camp) Social Club, Goose Green Designation Order 2001;
- The Criminal Justice (Increase of Fines) Order 2001; and
- The Fishery Products (Hygiene) Designated Vessels (No 2) Order 2001.

The Honourable the Financial Secretary

Mr President, Honourable Members, I lay on the Table the papers named by the Clerk.

Clerk of Councils

QUESTIONS FOR ORAL ANSWER

QUESTION NO 3/01 BY THE HONOURABLE JOHN BIRMINGHAM

Mr President, Honourable Members. Can the Honourable Sharon Halford please inform me of any improvements to the management of the Town rubbish dump that are in the pipeline, especially with ways of controlling the illegal dumping of waste oil?

The Honourable Mrs S Halford

Mr President, Honourable Members. The provision of instructions for tip users: additional signage has been placed adjacent to the access road, which makes it absolutely clear that waste oils are not to be dumped at Eliza Cove tip. In relation to this the Attorney General has advised that the dumping of waste oil at Eliza Cove, if contrary to the wishes of FIG, is unlawful but not illegal. There is no law preventing such dumping, therefore it is not illegal. It is against the wishes of the landowner – FIG – therefore, it is unlawful.

The number of instances when waste oil is now placed at the tip is low. When this does occur the oil is normally either removed to the storage area at Megabid, or placed to one side for later use as an accelerate to burn food waste or packaging when

these are too wet to ignite. That the level of such placement is low, is supported by the need, on occasions, to take waste oil to the tip for just such a purpose.

It is clear that the most successful manner of controlling waste dumping is for it to acquire a value, or at least to be seen as having a use. PWD and FIDC are jointly examining options for using waste oil arising both onshore and from ships. These are all based around using the oil for heat production, including possibly, for the abattoir waste disposal system. Discussions have also been held with the Fisheries Department, the information received being that oil arising from ships is going into the properly controlled waste streams with some being exported. Small quantities only, are being placed on FIPASS in the short term, then being moved on to the storage area at Megabid or disposed of through other known systems.

Other improvements planned in the short-term are the setting up of specific areas for waste that should not be placed in landfills. It is intended, for instance, that a suitably marked container will be set up for the storage of lead acid batteries from vehicles, until a suitable disposal system can be established. This may need to be re-exportation. Any improvements will require the co-operation of all users.

His Excellency The Governor

I thank the Honourable Sharon Halford for that answer.

The Honourable J Birmingham

Mr President, I would like to thank the Honourable Sharon Halford for that answer. I am sure I am not alone at being mystified by the pieces coming from the Attorney General's Chambers. It is either illegal or it is not; or is it unlawful? I can't remember. Can that Honourable Member assure me then, that there will be no more dumping of waste oil by FIG Departments in the future? Can she also tell me if there is any progress on the disposal of the remaining waste oil from Albemarle sealing station?

The Honourable Mrs S Halford

Mr President, I was not expecting the latter part of that second question, therefore I can't answer that at this time. The first part though – I would certainly not like to put my hand on heart and say 'no Government Department will dump waste oil.' I would certainly hope they would not and they are instructed not to, but I cannot give a guarantee that they will not.

His Excellency The Governor

Thank you the Honourable Sharon Halford. Any other further supplementaries?
Thank you.

Clerk of Councils

QUESTION NO 4/01 BY THE HONOURABLE JOHN BIRMINGHAM

Mr President, Honourable Members, can the Honourable Lewis Clifton please inform me of the cost, to date, of the project known as the 'Bambi project' but officially known as the reindeer project?

His Excellency The Governor

I call upon the Honourable Lewis Clifton to respond to a question slightly modified from the text that I have before me.

The Honourable DL Clifton

Mr Chairman, point of order, would the Honourable Member like to repeat the question please? It doesn't appear to be on my order paper.

The Honourable J Birmingham

Mr President, Honourable Members, apparently owing to the Honourable Lewis Clifton's age, his hearing is becoming slightly jaded, so I shall repeat the question.

Can the Honourable Member please inform me of the cost, to date, of the reindeer project?

The Honourable DL Clifton

Mr President, £154,118.06.

The Honourable J Birmingham

I would like to thank the Honourable Member for his reply.

QUESTION NO 5/01 BY THE HONOURABLE JOHN BIRMINGHAM

With permission, Mr President, my question didn't quite come out as I thought it was going to come out. Could the Attorney General please tell me if there is a points system in relation to fines for speeding in place? If not, would it be possible to introduce one?

Acting Attorney General

Mr President, Honourable Members, the Attorney General assumes that the Honourable Member has in mind, a system similar to the penalty points system in

England and Wales in respect of driving offences, which is not of course only limited to speeding offences. There is no such system at present in the Falkland Islands.

Under the system in England and Wales, a person who acquires 12 or more penalty points in a three year period, must be disqualified from driving for at least six months and ordered to take an extended driving test after the period of disqualification before he can drive again.

The minimum number of points attracted by any offence is three points and a speeding offence – for example – attracts three to six points, depending on how seriously the court views the offence. If the speeding offence is dealt with by the fixed penalty system, it attracts three points. It would of course be possible to introduce a system similar to the system that applies in England and Wales in the Falkland Islands, but legislation of some complexity would be required.

The Attorney General does not, at present, propose that such legislation should be introduced. He will of course prepare it if that is Honourable Members' wish.

The Honourable J Birmingham

I thank the Acting Attorney General for his answer. For information, the reason I asked the question is that surely the idea of speeding fines is to assist the police in catching offenders, but there are people who are constantly speeding. Recently there have been cases where people have been fined astronomical amounts for what would apparently be just a one off. The reason that I ask there be a points system, or certainly that a points system be looked at, is that persistent offenders would then get the idea that they can't continue. One-offs could be a warning, or they would at least get the idea that they better not do it again. Does the Acting Attorney General have a view on that?

His Excellency The Governor

The latitude of the question mark at the end of that supplementary question there, thank you the Honourable John Birmingham

The Acting Attorney General

I fail to see at this stage, how the introduction of a penalty points system would assist the police in catching speeders. It would of course remove the considerable discretion that the Court, at present, has over how to deal with speeders who are apprehended and are at present required to be prosecuted. There is the additional factor that should perhaps be borne in mind; that the introduction of a fixed penalty system would not be possible without an amendment to the Constitution. This is because the Constitution provides that if any person is charged with a criminal offence, which of course even speeding is, then unless the charge is withdrawn, he shall be afforded a fair hearing within a reasonable time by an independent and impartial, court established by law. So as things stand at present under the Constitution, any criminal prosecution has to go to court.

QUESTION NO 6/01 BY THE HONOURABLE SHARON HALFORD

Could the Honourable Lewis Clifton please state what measures have been taken to prevent the possible introduction of foot and mouth into the Falklands, from waste food stuffs and from both aircraft and ships?

The Honourable DL Clifton

Mr President, I will at the beginning, draw the Honourable Member's attention to two Proclamations made in the Gazette volume 12, number 4, dated 28 March. The Importation Prohibition Foot and Mouth Disease Proclamation 2001 and the Import Prohibition Foot and Mouth Disease Proclamation Notice Number 1.

With regard to waste food from aircraft which arrives on the Lan Chile flight, it is returned on the same aircraft to Chile. That waste which arrives on the RAF Tristar meets the requirements agreed between the Ministry of Defence and the United Kingdom Ministry of Agriculture, Fisheries and Food, so that all waste leaving the plane should pose no risk of harbouring the foot and mouth virus. This food waste is double bagged at Mount Pleasant Airport and taken to the Military tip on the Mare Harbour Road.

Disposal of Ships' waste has been addressed by an instruction issued by the Marine Officer dated 22 March, following Legislative Councillors' consultation with Officers. This now requires vessels not to dispose of any galley or domestic waste ashore. Vessel owners shipping agents are required to make vessel masters fully aware of this requirement.

Perhaps finally, Mr President, I may say that it is an offence under the Imported Waste Food Order 1998 for any imported waste foods to be fed to pigs or any other kind of livestock.

The Honourable Mrs S Halford

I would like to thank the Honourable Lewis Clifton for his response. I know it's not a question, but could I just state that those Gazettes weren't actually in place when I submitted the question.

The Honourable DL Clifton

Mr President, I am aware of that and I had to amend the original answer.

The Honourable Mrs N Edwards

In relation to the Foot and Mouth Regulations, can I ask the Honourable Lewis Clifton whether he is aware that that in Brize Norton, I understand there is a notice saying 'if you are going to such and such a country (and there is a list of them) you must have your footwear contained in a bag, ready for inspection at your destination.'

But, the Falklands is not included on that list. Could the Agricultural Department check on that and find out why this is so. If it is correct then can they have our name included on this list?

The Honourable DL Clifton

Mr President, I am not aware of that particular notice, but I am aware of the fact that all Falkland Islands bound passengers boarding the Tristar at Mount Pleasant, are made aware of the Agriculture Department's current requirements in respect of the foot and mouth disease outbreak.

His Excellency The Governor

Might I just say I will undertake for Government House to pursue that point?

The Honourable MV Summers OBE

Mr President, can I ask the Honourable Member to confirm whether or not the other measures that are in place at Mount Pleasant for the receipt of passengers from destinations suspected to be suffering from foot and mouth, are also carried out at Stanley airport when aircraft arrive there from international destinations? If it is not happening, will it happen very quickly, please?

The Honourable DL Clifton

Mr President, I am aware of the particular incident the Honourable Member refers to, and I will take steps to ensure that Department officials do something to improve the facility there.

His Excellency The Governor

Is it taken care of?

The Honourable Mrs N Edwards

It is being dealt with, thank you.

His Excellency The Governor

Any further supplementaries? No.

QUESTION NUMBER 7/01 BY THE HONOURABLE NORMA EDWARDS

Mr President, Honourable Members, can the Honourable Richard Cockwell tell us of the progress which has been made by FIDC regarding markets abroad for meat products from the new abattoir?

The Honourable JR Cockwell

Mr President, Honourable Members, I am pleased to be able to reassure the Honourable Norma Edwards, and others, that good progress has been made regarding markets abroad for meat products from the new abattoir.

FIDC are in discussion with three mainstream wholesalers in the United Kingdom and one organic specialist meat marketing company. All the companies involved at this stage are very positive about the potential for selling Falkland Islands meat. These companies are also positive about their ability to market organic, clean and green Falkland Islands meat at premium prices. Recently, Mr Peter Burke from Swallow International Foods, visited the Islands and following a slaughtering trial organised by the FIDC during the week commencing 18 March, he confirmed that he could find markets for a wide range of lamb and mutton carcasses from the Islands. He suggested that the prices used by FIDC in budgeting exercises were possibly conservative. However, until the abattoir meets EU approval, alternative markets must be found.

FIDC are currently in discussion with pet-food manufacturers in the United Kingdom, South African and Mexican certification bodies and local fishing companies, to determine the potential sales of meat into alternative markets until the EU inspection procedure has been completed.

The Honourable Mrs N Edwards

I thank the Honourable Richard Cockwell for that reply. I am reassured – at the moment. Thank you.

QUESTION NO 8/01 BY THE HONOURABLE NORMA EDWARDS HAS BEEN WITHDRAWN AS COUNCILLOR SHARON HALFORD HAD ALREADY PRESENTED IT AS A WRITTEN QUESTION. THEREFORE WE MOVE TO:

QUESTION NO 9/01 BY THE HONOURABLE NORMA EDWARDS

Mr President, Honourable Members, will the Honourable Mike Summers tell us whether the Transport Committee intend to recommend that the West road programme continues this year, beyond the end of the present season, weather permitting?

The Honourable MV Summers OBE

Mr President, it is the intention of the road gang on the West to complete the road to Spring Point and that should be done very shortly, following which, there are substantial further works to be completed on existing roads and they will work on that until the projected date for closedown at 27 April.

There is also a considerable amount of work to be done to close down the road camp which is to be dismantled and disposed of. It is the plan of the West roads gang to close down on 27 April. It is considered by the Management that a firm date should be given to the people who work on the West roads so that they can make alternative arrangements for employment during the closed season. There is no intention of the Transport Committee, at this stage, to interfere with the good management of the road programme.

The Honourable Mrs N Edwards

I thank the Honourable Mike Summers for that answer. I asked this question merely because I think there is quite a considerable amount of work still to do on the capping of the road through the Leicester. If they have also got other work to do until the end of April, it may not be completed within that time scale.

His Excellency The Governor

I must say to the Honourable Member that I didn't quite notice the question mark at the end of the supplementary, but...

The Honourable Mrs N Edwards

I'm sorry. The question is if this is the case, would they then consider extending the programme?

The Honourable MV Summers OBE

I can assure the Honourable Lady that that work that she refers to is the further works to be done on existing roads that I referred to earlier. I would also note that there are three members of the road team who remain at Fox Bay and work on just that type of work throughout the closed season. That will continue to take place.

The Honourable Mrs N Edwards

Thank you very much.

Clerk of Councils

ORDERS OF THE DAY: BILLS

The Fishing (CCAMLR) (Amendment) Bill 2001. This Bill has been published in the Gazette, so does not require a first reading.

The Honourable the Financial Secretary

Mr President, Honourable Members, the purpose of this Bill is to correct an error in the definition of CCAMLR waters, which appears under section 2 of the principal

Ordinance. I should also draw attention to a minor drafting error under Clause 1 of this Bill, which will need to be amended at the Committee stage.

For the benefit of listeners, CCAMLR is the abbreviation of Commission for the Conservation of Antarctic Marine Living Resources. I beg to move the second reading of the Bill.

The Honourable JR Cockwell

I second the Motion.

His Excellency The Governor

Thank you. Can I establish whether any Honourable Member wishes to speak on the Bill? If not I will move to short track procedure, which does allow for the amendments, both of which have been referred to, can move to the short procedure. In which case I request to call for the amendments to be circulated, or announced.

The Honourable the Financial Secretary

The amendment is a minor amendment to Clause 1 of the Bill, where the short title of the Bill should read 'this Ordinance may be cited as the Fishing (CCMLAR) (Amendment) Ordinance 2001.' As drafted, it is incorrectly cited as the Principal Ordinance of 1999; that is the amendment.

His Excellency The Governor

I take it there is no objection to that? Under the short procedure I believe that we move, therefore, to the third reading and declare that the Bill has passed as amended.

Clerk of Councils

The Fishing (CCAMLR) (Amendment) Bill 2001.

The Falklands Landholdings Corporation (Amendment) Bill 2001. This Bill has also been published in the Gazette and does not require a first reading.

The Honourable the Financial Secretary

Mr President, Honourable Members, the purpose of this Bill is to amend the Falklands Landholdings Corporation Ordinance 2000, to permit any Councillor Members of the Board to appoint another Councillor to act in their place in cases where they are unable to attend meetings. I beg to move the second reading of the Bill.

His Excellency The Governor

I thank the Honourable Lewis Clifton for seconding the Motion. Again, does any Honourable Member wish to speak in debate on this issue? If not then I can move

into the short procedure? Are there any amendments proposed? There are not so we can go straight then to the third reading. The Motion is that the Bill will be read a third time and do pass. Any objection? No objection, so the Bill is read a third time and passes.

Clerk of Councils

The Falklands Landholdings Corporation (Amendment) Bill 2001.

The Falkland Islands Development Corporation (Amendment) Bill 2001. Again this Bill has been published and does not require a first reading.

His Excellency The Governor

The Honourable the Financial Secretary working overtime this afternoon.

The Honourable the Financial Secretary

Mr President, Honourable Members, the purpose of this Bill is very similar to the previous one. This is to amend the FIDC Ordinance to permit any Councillor Members of the Board, to appoint another Councillor to act in their place in cases where they are unable to attend meetings. I beg to move the second reading of the Bill.

His Excellency The Governor

Thank you, the Honourable Lewis Clifton has seconded. I ask whether any Honourable Member wishes to speak in debate on this Motion? If not, I move to the short procedure. There are no amendments I take it? In which case the Motion is that the Bill be read a third time and do pass. Any objection to the Motion? No objection, so the Bill be read a third time and passes.

Clerk of Councils

The Falkland Islands Development Corporation (Amendment) Bill 2001.

The Supplementary Appropriation (2000/2001) Bill 2001. This Bill has not been published 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 £1,524,720, to meet supplementary expenditure approved by the Standing Finance Committee at five meetings held during the period 27 October 2000 to 23 February 2001.

The Bill provides for the Contingencies Fund to be replenished by up to £936,430 in respect of any advances made for urgent or unforeseen expenditure.

Significant items of expenditure of £100,000 or more, provided by the Bill are, under the Operating Budget, £115,500 for the Public Works Department quarry products cost centre, to meet additional expenses associated with increased production. There is £108,000 for the Public Works Department asphalt production cost centre, to meet additional volumes of black top and to supply a stock of bitumen for the following season. In respect of both these items, matching revenue will accrue mainly from sales to capital projects.

Under the Capital Budget, a sum of £429,870 is allocated to enable the new FIDF building to be completed, at a total project cost of around £1.5 m.

£213,000 has been brought forward from the next financial year in order to complete the first phase of the public jetty visitors centre, together with a car park, at a total project cost, for this phase, of £463,000.

Under both the Operating and Capital Budgets, a total sum of £247,790 is provided in respect of the disposal of part of the revenue of £326,576.90 received from the sale of the catch from the Mila. This includes a payment of £100,000 to CCAMLR; an additional £80,400 allocated to the budget for environmental studies; and a contribution of £63,545 towards the cost of housing for the Seaman's Mission. I beg to move the first reading of this Bill.

The Honourable MV Summers OBE

I second the Motion.

His Excellency The Governor

The Honourable Mike Summers thank you for seconding the Motion. The Motion is that the Bill be read a first time, does any Honourable Member have any objection to the Motion? No objection so the Bill will be read a first time.

Clerk of Councils

The Supplementary Appropriation (2000/2001) Bill 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 this Motion? No objection, so the Bill will be read a second time. There is no short procedure as it hasn't been Gazetted.

Clerk of Councils

The Supplementary Appropriation (2000/2001) Bill 2001.

His Excellency The Governor

The Council is 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, does any Honourable Member have 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 objections, so Schedules 1 and 2 stand as part of the Bill.

The Council now resumes.

The Honourable the Financial Secretary

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

His Excellency The Governor

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

Clerk of Councils

The Supplementary Appropriation (2000/2001) Bill 2001.

MOTION FOR ADJOURNMENT

The Honourable the Financial Secretary

Mr President, I beg to move that this House stands adjourned *Sine Die*.

The Honourable J Birmingham

Mr President, Honourable Members, mainly because my sir name begins with 'B' do I rise. In speaking to the Motion I do have a few things to say, and as Chair of the General Purposes Committee this month, I have a message for those in and outside of the Islands who may choose to listen.

The agreement between the United Kingdom and Argentine Governments, with the approval of this Council – one Councillor^{etc} excepted – in July 1999, allowed access to Argentine nationals into the Falkland Islands as visitors. This Council's interpretation of that access is that, except for families visiting the families of those who died here during the occupation, all other Argentine nationals are here as tourists and private individuals and not for any other reason.

The monument at Darwin is also in the news at the moment. Again for those who wish to hear, a side letter to the July agreement, signed by the Foreign Minister Cook, to the Argentine Foreign Minister, I shall read:

'I should like you to be aware, that some of the responsibilities and commitments of the Government of the United Kingdom of Great Britain and Northern Island, under the aforementioned Joint Statement and exchange of letters, will be discharged by Her Majesty's Government of the Falkland Islands.'

The Planning Officer is part of Her Majesty's Government in the Falkland Islands, and at lunch time today, there had been no planning application to erect any structure in the Darwin cemetery. Nothing will happen there until the proper procedures have been gone through and that includes full access to the plans by the general public.

Having read the Editorial in the Penguin News today, I would like to distance myself from comments made at the Public Meeting on the subject of fish licences in South Georgia. The public are well aware that individual Councillors, on occasion, make remarks that are just that: remarks by individual Councillors. They are not necessarily a Council view.

Also in the Penguin News letters this week, was a letter entitled 'Stop and Search; Police Harassment.' I can't believe this is happening in the Falklands. Surely not, but if there are any complaints against the Police, or indeed any other department, there are procedures in place to tackle them. Sir, I support the Motion.

The Honourable JR Cockwell

Mr President, Honourable Members, there is only one matter which I wish to speak to. However, I wish to associate myself with the points made by the Honourable John Birmingham, particularly regarding the cemetery. I can understand the need of parents wishing a memorial to be erected for their dead, however, the proper procedures have to be gone through.

The point I wish to bring Members' attention to is the procedures to prevent foot and mouth entering the Falkland Islands. At the moment there is an outbreak of foot and mouth in Europe, which is causing an awful lot of concern. However, we live next door to, and we have fishing boats coming from, two areas in the world where foot and mouth is endemic. Yet unless there is an outbreak of foot and mouth in Britain we do more or less nothing about it. I believe that we have to make sure that whatever waste management procedures we put in place, or we have put in place, are amplified and are kept in place, irrespective of whether there is foot and mouth in Europe or not. We get very nearly as many visitors from the Far East, we get tourists coming from South America, some parts of which have foot and mouth endemic. So I believe that we have to put proper procedures in for the disposal of waste, in particular, food waste which prevents this food waste getting into the food chain in any shape or form. Sir, I beg to support the Motion.

The Honourable DL Clifton

Mr President, just a couple of points. In the light of the Honourable John Birmingham's question about reindeer, I can tell him that Saladero has another open day ~~tomorrow~~ and I would encourage him to take a look at these very fine animals. They were recently enquired about and there was a fair chance that we could sell them for a profit, so I suspect that it is not money down the drain at the moment. But I would encourage him to go and take a look. At the same time I would encourage any other listeners to go and take a look at Saladero tomorrow and all of the works that have gone on over the years there. Also to see some of the responses to the pasture improvement works; the calcified seaweed trials in particular.

Mr President, I would associate myself with all but one of the remarks made by the opening speaker for the Motion for Adjournment. I had privately elected not to speak on the matter of South Georgia, but I do so now. I believe that there are certain questions there that need to be addressed, certainly by the Falkland Islands authority as the holder of that flag vessel register. I take particular note, Mr President, to some remarks that you made yesterday that another paper may be forthcoming, so I would hope that in the not too distant future, we can enter into perhaps a slightly better spirit of transparency and accountability in all of these matters. I support the Motion for Adjournment.

The Honourable MV Summers OBE

Mr President, Honourable Members, I would like to welcome the Commander British Forces, John Cliffe, to his first Legislative Council meeting. I hope that he and his family have an enjoyable time in the Falklands and find it productive. I would also like to welcome the Acting Attorney General who I don't think has been with us before.

I have a contribution to make on agricultural matters. It is slightly different from those who have gone before. It is to do with the debate about the live import of cattle. I have been mightily concerned about some things that have been said from – apparently – official sources recently, about live importation. There is no prohibition in the Falklands on the live import of cattle or any other animal, providing it is done within acceptable health protocols. The Government does not have the authority to tell anybody that they cannot import live animals, provided that it is done within acceptable health protocols. If any member of the Agriculture Department, or any other part of the Government has been telling people that they can't do it, they do not have that authority.

We have heard the debate about live imports. It was debated at very great length some years ago, in respect of our national stud flock of sheep. It was a very lively debate; it was sometimes acrimonious; it was sometimes personal and unpleasant, but nevertheless, the outcome was that we had a large importation of live sheep. They did not bring widespread disease to the Falklands and I believe that it has been a very successful project indeed, in terms of improving the quality of sheep in the Falklands, bull sheep???

I agree with the proponents who say that live importations of cattle will increase the herd more quickly. I equally agree with the Director of Agriculture that the development of new pastures is crucial to the improvement of the beef herd. I don't agree with the two sides who tried to promote one view against the other. A combination of common sense activity that involves all the activities that will improve the beef herd, is surely the way to go. If any farmer feels he is being bullied or disadvantaged by any part of the Government in respect of his views about cattle imports, or in respect of his views about any other matter, I would be delighted to hear from them and take up those matters.

There have, I believe, been accusations from some parts of the farming community that some people have not been able to benefit from special investment funds, because they happen not to agree with the views of the Agricultural Department. If that is the case it is a disgrace and it should be stopped. The people who have been bullying farmers – if they have - should be held accountable.

I would like to make some comment too about visitors. I was of course part of the discussion group that negotiated the 1999 agreement and we were all very, very clear at the time that that agreement was made, that we are allowing visits for tourism purposes. We never agreed that we were entering into any kind of visits for business

arrangements, doing business, conducting business or any other purpose. It was specifically tourism, and tourism, as far as I am concerned, it will remain.

Some words now about the progress on the Constitutional review. The current position, for the benefit of members of the public, is that we are attempting to describe a status quo. That may sound a little bizarre, but the majority of Members feel that the current system of Government is the one with which we should proceed, perhaps on a developed basis, to provide some more accountability to Members and some more authority to Members in the Committee system. So we are in the process of trying to describe how that might happen in the context of the Constitution. I personally think that that is going to be rather difficult. We will see how we get on. Sir, I support the Motion.

The Honourable Mrs N Edwards

Mr President, I support the Motion for agreement...Motion for adjournment. I would just like to reiterate what the Honourable Mike Summers has said about the July agreement. Although I didn't agree with the agreement, I thought it was clearly understood that it was to allow tourists to come in from Argentina. Visitors from Argentina. I do feel very strongly, that when we discussed the gentleman who arrived yesterday on the plane, we were in agreement, I thought, that yes it was tourists that we were letting in. Then the goal posts were moved to allow him to come in as a visitor. I don't think that is right. He was informed that if he was to come as a visitor that was okay. I think he shouldn't have been allowed to come at all, to make a point.

However, that has happened now. I know that you will say this is the Argentine press, but with regard to the memorial we are constantly hearing that the British Government have said we may proceed with it. Constantly we say 'you must come through the proper channels.' I feel sorry for the families who would like this memorial to be built and I would just say once more, please can you convey to the British Government, that if they are leading the Argentineans to believe that that is the only channel they have to use to get the memorial up and running, please stop doing it. If they aren't then please inform Argentina, in no uncertain terms, yet again, through the Embassy in Buenos Aires, the correct channels to use. They don't even have to come and present their plans, they just have to put them in the post to the Environmental Planning Department.

Thank you, Sir, I support the agreement...I mean the Motion.

(Laughter)

His Excellency The Governor

That is a remark I didn't expect to hear today! I thank the Honourable Norma Edwards even more than usually.

The Honourable Mrs JL Cheek

I would like to first welcome the new Commander British Forces and his wife. They have already been here over a month, but I hope that they enjoy the remainder of their stay.

✕ We are in the presence now of an example of profligate waste and I am talking about the hot air emanating from the radiators and not form the speakers. In our budget preliminaries, we were able, without too much difficulty, to find the savings we were asking for. Each of us, almost every week, spots another example of waste. In this case waste of oil, waste of heat. Doesn't someone know about thermostats, for example? It is not just this building; there are other buildings where there is a problem. I know that there is an expert coming to investigate the problem in the Senior School of heating, but I think other Members have pointed out in the past. We need to take a more responsible attitude in saving fossil fuels. Just to be in this room, working in conditions which I personally find intolerable, rubs it in rather painfully.

(Hear! Hear!)

We are looking again at reviewing the plans for the new police station. I would just like to make a plea that when that review happens, we don't make thoughtless cutbacks on the prison area of the new building, because that is being carefully designed so that we will at last comply with legal requirements for separation of different categories of prisoner. We need to be able to separate juveniles; to separate remand prisoners from long term prisoners; and women from the others. Some of those categories we rarely have. I mean, the woman's cell is rarely used by women. It is often used as an overflow from the main prison. But, it is important that we have the ability to do that, and the flexibility to do that, when the new design is approved.

I have an awful fear, that I will leave this Council in October still saying that I hope that the Junior School isn't going to be further delayed. I don't think there are any more excuses left for delay, so I am hoping that we will soon see some real progress on that site.

I would like to associate myself with all the remarks made by my colleague on my left. There are two of the issues which he mentioned that have a particularly high profile at the moment. Flights and the simple need for the clarification of the policy, so that it can't be circumvented either by devious people for their own reasons or other people for devious reasons.

There has been a bit of muddled thinking. We should be able to define what is a commercial flight and what is a private flight; who is a tourist and who is a visitor coming for another purpose. When that is clear there will be less room for doubt and confusion.

On the question of the memorial, the way ahead is very clear, as Councillor Edwards has said. There is a simple application process. A letter in the post would suffice, so

that the application can be properly considered under the laws of the Falkland Islands Government. I support the Motion.

The Honourable WR Luxton

Mr President, Honourable Members, I too would like to say a welcome to the new Commander and his family. I hope that he has a very enjoyable visit here.

I would also like to associate myself with the remarks made by Councillor Birmingham, as Chairman of the General Purposes Committee for this month, concerning the memorial and visitors and so on.

Councillor Summers gave us a very comprehensive talk about the National Stud Flock and the beef herd. I would concur entirely with that. We had an importation of a large number of pedigree animals and it has been, I think, generally a huge success in upgrading the stock of the Islands' sheep. The same genetic principles must apply to beef. I believe that with the abattoir coming on stream, there is a good future for beef production in these Islands. It is not true to say that the existing pastures don't produce good beef, because they do. Cattle in these Islands for many years have been of secondary importance and have usually taken the dregs as far as land was concerned. Sheep have always been the prime producers of income. I think we probably started the National Beef Herd from a pretty poor starting point with taking other people's old culls, and a pretty degenerate herd of cattle from Keppel Island. I am convinced that the way forward is to combine a good AI programme with the importation of live animals, and to try to short-circuit the long process that at the moment is being found. So I would very much like to see the importation of live animals being allowed.

Finally, that is something which holds up a good prospect for all farmers, including particularly West Falkland. I think the census, when we have it, is going to be quite revealing concerning the population on West Falkland. I fear that unless something is done soon, to encourage people to stay on Islands, other than those connected by road to Stanley, it may be too late. Lots of people are leaving. I think you can count the number of young people on West Falklands who have made their lives there, on the fingers of one hand. There are more and more near pensionable age. I think we really need to take some fairly drastic action in this last budget session, to try to encourage people to stay on West Falkland. Jacking up FIGAS fares and putting up charges for children in Stanley House is not the way to go about that. It sends the wrong message even if the sums are fairly small. Mr President, I support the Motion.

The Honourable Mrs S Halford

Mr President, Honourable Members, I too would like to support the Motion. I would like to welcome the Commander to his first LEGCO. I wonder will he be the first in his post to actually have a sensible length post. I mean by that, an extended one.

I too would like to associate myself with all the comments that the first speaker made. I would like to add to what has been said in *Clarín* today about the memorial. Maybe

one shouldn't always believe what is said in the press. It is also said that the more you say something, the quicker people are likely to believe it.

Talking about the memorial, *Clarín* are again saying that the British Government finally authorised its construction, saying it would be constructed within the next few months. Well, we have heard earlier that it won't be, because it hasn't been through planning. The one thing, though, that concerned me, was it also said, like I said, you can't always believe everything you read, after months of going back and forth the project approved by the British authorities. Then it goes on to explain how it is going to appear. There has obviously been some toing and froing. It is just a pity it hadn't been in this direction because then it wouldn't have taken the couple of years that it says it has taken, because we seem to be the stumbling block. I think the stumbling block is in their own minds because they can't find the right address to post it to.

It is also very concerning hearing Councillor Luxton talk about depopulation of the Camp. I would agree that it is very concerning. What do you actually do to keep people in Camp? On the other hand I also find it concerning that there are people who live in Camp currently, who are actually opposed to other people going there unless they are farmers. With all the diversification that we talk about these days, I wouldn't expect everyone that moves to Camp or wishes to live there, to be a farmer. I would, though, hope that those who do move there will add to the population and to the wellbeing of the place. Sir, I support the Motion.

The Honourable Mrs N Edwards

Hear! Hear!

The Commander British Forces

Mr President, Honourable Members, in rising to support the Motion I take the opportunity to say a few words. First of all, my thanks to Honourable Members for their very kind welcome. It is indeed a great honour and a privilege to be a Member of this Legislative Council.

Since my last tour on the Falkland Islands in 1984, there have been many changes, the vast majority of which, from my perspective at least, appear to be for the good. Any change, particularly in a democratic society, is difficult, usually carrying the cost, in terms of money, and human effort. Ultimately, successful change demands sound leadership and courage. What I have returned to find in the Falkland Islands, therefore reflects well in the qualities of those who have held office in this Council and the Executive Council. I applaud you.

By allowing the Commander British Forces to be a Member of both Councils, does help greatly with the communication process between the relatively large Military contingent at Mount Pleasant and the Islanders. That process is vital if we are to maintain the excellent relationships that currently exist. I believe that the Military presence on the Falkland Islands is a force for good. Not just in deterring any foreign opportunism within the South Atlantic Overseas Territories, but also in working

closely with the Islanders to expand commercial and non-commercial opportunities that are in both our interests.

One issue that I should perhaps mention, is that of the fire on South Jason. My predecessor said a great deal about the incident in his statement at the last Legislative Council meeting. I do not intend repeating his words. What I will say is that the enquiry initiated by my predecessor is all but complete. What it shows is that the explosive ordnance demolition operation on the Island followed correct procedures. Sadly it resulted in a most unfortunate accident. The report raises questions over the continued validity of such clear-up operations, particularly at remote sites, where there is a high fire risk.

All our procedures are being reviewed; something that will involve consultation with Councillors to ensure that we have a solution that meets the needs of the Falkland Islands, whilst also meeting the directives within the Ottawa Convention. Of course every cloud has a silver lining, and I am pleased to say that the unfortunate incident has resulted in a much closer relationship between the Military and Falklands Conservation.

Mr President, Honourable Members, I look forward to working closely with you during what I expect to be an all too short tour. I only hope that I can contribute in some way, to assist you in meeting the many challenges that you face in bearing the responsibility for the governance of these unique Islands. Thank you.

The Honourable the Financial Secretary

Mr President, Honourable Members, in rising to support the Motion for Adjournment I ~~would just like~~ to, on behalf of the Civil Service, send a welcome to the Air Commodore and his family to these Islands. Thank you, Sir.

His Excellency The Governor

I thank the Honourable the Financial Secretary. There being no other business, we can go out into the rather cooler outside and ponder the difference between unlawful and illegal. The meeting stands adjourned accordingly.

Confirmed this 22nd day of MAY
2001

Donald A. Lambert
President

**RECORD OF THE BUDGET MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON 22 AND 25 MAY 2001**

**RECORD OF THE BUDGET MEETING OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY ON 22 AND 25 MAY 2001**

PRESIDENT

His Excellency The Governor
(Mr Donald Alexander Lamont)

MEMBERS (Ex-Officio)

The Honourable the Financial Secretary
(Mr Derek Frank Howatt)

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 Norma Edwards
(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
(Air Commodore John A Cliffe OBE, FRAeS, R.A.F.)

CLERK: Claudette Anderson

PRAYERS: Padre McHaffie

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Budget Meeting of the Legislative Council Held on 22 and 25 May 2001

Address to the Legislative Council by His Excellency The Governor

Honourable Members of the Legislative Council, Commander British Forces, Ladies and Gentlemen.

This session of the Legislative Council is being held the day after we commemorate the landing of British troops whom came to restore freedom to the Falkland Islands in 1982. It seems appropriate for me first to say a few words of thanks to our Armed Forces for their contribution, then and now.

The British people and the people of the Falkland Islands owe much to the dedication and professionalism of those who fought in 1982. We must not forget the impact on the families of those who died or who were wounded, physically or mentally.

It is the lot of the Armed Forces to intervene where politics and diplomacy have failed. Those who serve in the Falkland Islands today are providing an assurance against such a failure happening again in the South Atlantic. The civilian community benefits in other, more direct ways from their presence. Throughout the contributions that Heads of Department submitted to me for this Address, were examples of the support received from the British Forces in the Falkland Islands and of the excellence of the civil/military relationship. From the Police, the Fisheries Department, the Medical Services and others, came warm votes of thanks, which I draw together in these opening remarks.

Of course, the fire earlier this year on South Jason Island was something we all wish had not happened. The report of the internal inquiry is, I know, almost complete. But the response at MPA, both immediately in dealing with the fire and subsequently in putting in place measures to improve civil/military co-operation on environmental matters, has been exemplary and provides a positive outcome to a regrettable incident.

Perhaps I might also now say a word about the Falkland Islands Defence Force, who provided a Guard of Honour as I arrived here this morning. In view of some of the issues surrounding the Force, I think it is right to say two things. First, to note that the level of skills among the members of the Force is testament to the dedication and commitment of all its members, both its leadership and the led.

It is right also to reflect on why the Acting Commanding Officer could not head the Guard of Honour today. Together with other members of the Force he has embarked on fisheries protection duties, returning this morning, which is a vital task for this community and one which, as they demonstrated last year, the FIDF carry out with great skill in often arduous conditions.

I turn now to my review of the past year. Perhaps, having just now mentioned fisheries, I should start with that subject.

The outlook for fishing licence revenue at present is quite healthy and it's suggested it could amount to some £24m. Catches of *Illex* have been reasonable after a late start to the season. The *Loligo* fishery in the current season started poorly but has now improved, although there is unlikely to be a repeat of the high catches of 2000.

It is reassuring that there has been little evidence of poaching. The successful arrest and prosecution of the *Her Ching 101* last year, still appears to have had some effect. Other developments on Fisheries Protection included the arrival of the *Sigma* in August, as the second fishery protection vessel. The Governments of the Falkland Islands and of South Georgia and the South Sandwich Islands, entered into an agreement whereby the latter sub-charters 25% of FIG's fishery protection vessel time. This arrangement has benefits for both territories.

Some collaborative work has been done with Falklands Conservation, to look at the interaction between the fishery and some wildlife issues. The commitment to protecting seabird populations, particularly Albatross and Petrels, has been strengthened through the introduction of a number of measures including the requirement for full time observers on longliners.

An options study for a new permanent port development has been awarded. This should guide site selection and provide an estimate of likely costs. The right site should provide significant business opportunities, offering considerable potential for investment and growth in the fisheries sector.

We must hope that progress can be made in the coming months in implementing the fisheries aspects of the July 1999 Agreement. There could be greater co-operation over poaching, for example. In his letter to the Argentine press, Councillor Cockwell argued that there was scope for co-operation on high seas fishing. He noted that the July 1999 Agreement had mandated Argentina and Britain to seek progress on a multilateral arrangement and that this was something which already fell within the remit of the South West Atlantic Fisheries Commission. Given the interest we and Argentina have jointly in the sound management of fisheries resources in the South Atlantic, I hope there can be tangible progress on this issue when the SAFC next meets.

Before I leave the issue of fisheries, let me just say a word about my recent visit to Vigo. My wife and I had thought of taking a few days' leave in Spain after visiting London for the Overseas Territories Governors' Conference. Where better, it was suggested to me, than Vigo, which has such strong links with the Falklands. I was much impressed by what I saw and profited from seeing from a different perspective the quality of the relationship between companies in the Falklands and their partners in Vigo. I should like to thank those companies in the Falklands who contributed to the success of my visit. I am particularly grateful to those companies and organisations in Vigo, which took time to show me their various facilities, of which they are justifiably proud, and for making my visit with Lynda enjoyable, as well as productive.

Since they play such an important role also in fisheries, with fishery patrol aircraft continuing to maintain a high profile throughout the Conservation Zones, let me now say a word about FIGAS.

The number of passengers carried by the Falkland Islands Government Air Service during 2000 showed a slight decrease when compared with the same period in 1999. The major part of this traffic has been tourists, both overseas and local. However, approximately 4.5 tonnes of fresh produce was also carried by the service between June and December 2000. To aid diversification in Camp, the rate for fresh produce has, I have been told, been reduced recently, with a substantial increase in volume.

The high standard of airmanship and engineering that prevails in FIGAS is a credit to the management and staff there.

Closely associated with FIGAS is, of course, the Civil Aviation Department.

Aircraft visiting Stanley Airport from airfields in South America over the last year included two UK registered aircraft, two carrying Chilean registration and three Argentine, these being the first to land at Stanley Airport since June 1982.

The design and planning requirements for the Purvis Pond airstrip upgrade are now well advanced and the works should commence in April 2002 when the summer road building programme ends. When this task is completed the intention is to close the airstrip at Port Howard settlement. Especially on East Falkland, the trend for reduction in landings at those settlements which are now, or are about to be served by the road system continues.

It may be worth mentioning that the UK authorities have engaged consultants to carry out an Overseas Territories aviation study. This study will look into all aspects of the regulatory control of civil aviation in the Overseas Territories. The consultant has spent the last few days in the Falklands; we look forward to receiving his recommendations and discussing them both here and with the UK authorities.

Last year, I began my Review with an account of the activities of the Department of Agriculture. Development of the rural economy must be a high priority for Government given the economic, social and human problems apparent in Camp. This is a problem to which this Council has devoted considerable time, thought and resources. Inevitably, there will be contention. There are no easy answers, and there will be different views on the policy choices to be made. A recent visitor from Australia stimulated a vigorous airing of views. Whatever the merits of the arguments, I hope it will be clear from the recent road-shows, for example, and the preparations being made for further debate in Farmers' Week, that this Administration is keen for the issues to be discussed and does want a constructive engagement with farmers.

As to specifics, it remains obvious that farms still need to develop supplementary income streams through changes to their operations and making use of available assistance schemes. Annual agricultural subsidies to the value of £292,362 are being paid early this year to help with farm cash flow situations. The Incentive Scheme is in its third year and has to date assisted 41 rural businesses with 7 others in various stages of application at the moment. The total funding approved to date is £661,821, an average of £16,142 per farm.

Two new forms of assistance have come into operation in the last year. The Labour Support Scheme makes provision for Camp residents to earn supplementary income working on designated projects such as fencing and pasture development. To date £15,500 has been paid in wages to 26 people, benefiting projects on 19 farms. The Special Fund is also in its infancy and has provided supplementary assistance and advice to 6 farms at a cost to date of £43,092.

The Pasture Improvement Programme has completed its third year, with all eligible farms now having received sufficient rock phosphate to produce fifty hectares of quality grassland. Some four hundred and fifty hectares of land prepared last year have now been planted with improved grass and legume species, and are expected to be in full production in spring of this year. A further 300 hectares have been disced or rotovated but the wet summer has halted any further development until the soil dries out. With the coming on stream of the calcified seaweed as a lime source, the whole programme will be able to speed up accordingly.

The research and development of suitable legumes is the key to improved pastoral production in the Islands, and the Department continues to carry out an introduction and evaluation programme.

The recent field day at Brenton Loch, Saladero on 20th March was attended by nearly 200 people. On show were the pasture species field trials, forage crop development, the cattle programme, and the recently acquired reindeer herd. These young animals were captured by a DoA-led team in a project funded by the Falkland Island Development Board. The animals have settled in relatively well, with above average weight gains and seemingly no problems in adapting to the Falklands climate. The project has generated considerable international attention and enquiries have already been received from Scandinavia and Chile as to the availability of both meat and hides.

The Veterinary section of the Department of Agriculture has continued to have a busy year in 2000 and indeed in the first part of this year. The outbreak of Foot and Mouth Disease in the United Kingdom made us turn to our veterinary team for advice on actions necessary to protect the Falklands from the disease. In addition, the Senior Veterinarian Officer also attended the General Session of the OIE (Organisation International des Epizootic) in Paris in May as part of the UK delegation.

One of the key changes made under this Council to bring clearer focus to the question of development of the rural economy has been the bringing together of the Department of Agriculture and the FIDC. The new structure includes greater advisory input from the Chamber of Commerce and the Rural Business Association and more formalised multi-disciplined team-working at the grass roots level.

A major element of the FIDC's work this year has been to get the abattoir built. It is currently on target for completion in July. However, the physical construction of the plant is a relatively simple matter compared to the range of other internal and external activities necessary to achieve EU-approval and to develop a meat industry that farmers on both East and West Falkland can participate in.

Supporting the abattoir, but also with implications for other local industries, are the projects to set up an accredited organic certification system and the creation of a Falkland Brand. The former has been difficult due to the intricacies of EU legislation in this area, but we hope to have a system that allows farmers to convert to organic status (in legal terms) by the end of the financial year.

The Falkland Brand is aimed at positioning the Falkland Islands as a clean, pure and disease-free country, allowing consumers in export markets to buy with confidence. The ultimate objective of this branding exercise is to achieve higher prices for our quality products, to offset the disadvantages we have in our lack of economies of scale and the distance from our traditional markets.

E-commerce is likely to be an increasingly important means to do business in the years to come; it is a very effective way to reduce the distance between supplier and consumer. FIDC has been instrumental in the creation of a new Falkland Islands Internet Portal, designed to be a focal point for people wanting to find out more about the Islands. Next year we will see the emphasis shifting to helping people sell products and services through the Internet with e-commerce facilities to be added to the portal and the physical business structure (shipping and warehousing) being set up to allow companies to trade in export markets.

Tourism continues to be seen as an area for major development. However, we need improved facilities and greater ease of access if our full tourist potential is to be achieved. The new Tourist Information Centre at the Public Jetty will be opened officially at the start of the next tourist season. Developments on the jetty, including the refurbishment of the jetty head and additional passenger off-loading points, should ease congestion in this area and it is hoped this will reduce the potential for costly cruise ship cancellations next season.

The Lan Chile flight has operated efficiently throughout the year and confidence is growing in this route. Our focus now is on changing the schedule to allow passengers to travel on to Europe and North America without an overnight stop in Santiago.

Many of the developments planned by FIDC highlight the changes in the organisation, away from owning and operating assets, into facilitating trade and marketing the Islands. This is a measure of how the economy is developing and how the private sector is maturing and growing in self-confidence.

Turning now to Public Works Department, the partnering agreement entered into in August of last year between FIG and Morrison International Construction Limited, although still developing, has enabled a significant number of capital works to be progressed at a faster pace than would previously have been possible. 13 projects have been initiated under the partnering agreement of which 7 have been completed. Where possible, work elements are subcontracted by Morrisons to local contractors, which should enable them to develop and in future expand.

Looking slightly ahead, the new police station is to be procured as a design and build package within the partnership agreement, a first for a project of this scale and an approach that should provide cost savings.

Training courses leading to a certificate in supervisory management have been followed by a significant number of foremen and other first-line managers. Training of this nature has been lacking in the past and this should assist in effecting overall improvement within the department, as well as providing opportunity for individuals to develop.

The road building programme on East and West Falkland has again shown significant progress with almost 60 kilometres of road having been laid. Despite the wet period mid-season, both Spring Point and Johnsons Harbour were reached (the latter despite Michael McKay's unfortunate injury), as was Saladero. North Arm is now in sight of its road head.

The Quarry will produce in excess of 100,000 tonnes of aggregates this year, supplying local major projects such as East Stanley Housing Development Phase 5, FIDF Headquarters and the abattoir. Improved quality of product by the Materials section resulted in sales of 1,000 tones of premium aggregates for use in South Georgia on the new BAS research station, bringing revenue into the Islands.

Supplies of both power and water now extend from Stanley Airport to the abattoir site. Although peak demands have not increased significantly for either, consideration is being given both to increased installed capacity for power generation and a second supply source for water.

On the personnel front, this year saw the retirement from the Power and Electrical section of Les Harris, after 40 years service. Les planned and shaped much of the development of the electrical supply system as it currently is and left behind an effective operation.

Willie Bowles also retired, after 8 years as Works Manager with the Property and Municipal section. His energy on the apprentice training front has been of great value to the department.

On the Environmental front, some improvement has been effected in waste disposal. Monitoring of bacterial levels in Stanley Harbour caused by raw sewage discharge has been undertaken. Although the results suggest there is not a problem, there are plans to collect discharge from some harbour outfalls and route this to an open sea outfall. Funding has been agreed for the first stage and this is likely to be followed by collection and treatment of all foul discharge currently entering Stanley Harbour.

The Environmental Planning Department received 148 applications for planning and building permission in 2000, a decrease of 25 over the previous year. All of the 71 house plots in phase 2-4 in East Stanley have been allocated, as have 4 of the 10 house plots in Phase 5. Nonetheless, there remain over 40 applicants on the Government's priority waiting list for serviced plots and around 50 people on the waiting list for rented accommodation.

Under the Conservation of Wildlife and Nature Ordinance 1999, the Environmental Planning Officer was empowered to issue licences for scientific research and other purposes. In 2000-2001, 13 licences were issued for various research purposes and 22 for the collection of penguin eggs for human consumption.

Through its Environmental Studies Budget, the department funded research work totalling £178,000. This work has included studies of penguins from New Island South, albatrosses from Beauchene Island and fur seals from Bird Island, as well as survey work on the at sea distribution of birds and marine mammals around the Falklands.

The Financial Secretary considers that the Treasury's main achievements during 2000/01 were as follows:

- The Treasury's contribution to completing the Islands Plan and then using that Plan for the first time as a strategic tool in the budget process.
- The issue of the Year 2000 Edition of Financial Instructions, which make detailed provision for the administration and control of Government's financial affairs.
- The privatisation of the central stores function by negotiating supply contracts with several local businesses.

Looking ahead to 2001/02 the strategy of the Treasury is to continue to maintain long-term financial security for the Falkland Islands. To this end the main objectives for 2001/02 are:

- To continue the concept of Best Value and conclude the studies underway in order to gain efficiencies and improve value for money for all stakeholders.
- To continue the introduction of resource accounting and budgeting, so that the business of Government can be recorded and reported in a more meaningful and informative manner.
- To review taxation policy to ensure the fiscal system reflects economic reality and to close any major loopholes in the system.
- To review social policy, including welfare allowances, to ensure the distribution of public funds for such purposes alleviates hardship on a fair and equitable basis.

It is worth recalling that last year the Financial Secretary invited me to draw attention to the backlog of tax cases. That is being vigorously addressed by a secondee from the UK Inland Revenue, whom we expect to make a number of recommendations for future policy.

The Education Department had a very satisfactory year in 2000. Early in the year there was a major departmental inspection. The Inspection Report found the Department to be in good health and making significant progress.

One highlight of the year was undoubtedly the academic success of the Falkland Islands students in the United Kingdom. Seven students with second class degrees and one student with an HND, all graduating in one year, bears witness to the diligence, dedication and success of Falklands students overseas. This is a huge achievement for such a small population and one of which every Falkland Islander can justly be proud. There will also be more to come. This year's A Level results were outstanding with, among other students, Anna Luxton achieving four grade A's en route to becoming a physiotherapy student and Stephen Betts with two A's and a B to take him to Lady Margaret Hall, Oxford, to read Biochemistry. Stephen is the first Falkland Island undergraduate to attend either Oxford or Cambridge.

Pride of place on the extracurricular front for the Community School, for yet another year, was the success in the Times Educational Supplement's Newspaper Day competition. This year the *Falkland Focus* team was taken out of the international section, which the school had won for the previous three years, and judged against over seven hundred United Kingdom entries. Although the School did not win the competition this year, to be placed in the final eight was a superb achievement.

At the beginning of the school year the settlement school at Fox Bay re-opened. This was by way of an experiment whereby pupils were transported into school at Fox Bay each day from Chartres and Teal River. The project appears to have been a great success.

Finally, the Infant/Junior School extension, with its innovative style and farsighted facilities, will serve to enhance further the educational facilities to be found in the Falklands and the educational opportunities that can be embraced by Falkland Island children.

In the field of Health and Social Services I am happy to report that the developments I described in my report last year have progressed as planned. The Hospital produces its own oxygen, has regular and highly appreciated visits from hygienists, and continues to receive frequent and highly valued visits by specialist doctors from the NHS.

The most significant change, however, has been the completion of the transition of the military services at KEMH to civilian staffing. This was completed on 1 July 2000. That the new arrangements are working extremely smoothly is a great tribute to all the civilian and military staff involved, particularly the former Director of Health Services, Derek Muhl. Some work, however, remains to finalise the agreement on future co-operation and joint funding between FIG and the Ministry of Defence.

The change to civilian staffing presented an opportunity to re-organise hospital nursing services, to better reflect the needs of our population. The final phase of that process was completed in April 2001 with the appointment of a Practice Nurse. This is an essential appointment for the further development of primary care, which is a significant task for the new Director, Norman McGregor Edwards, who took up post in January 2001. In the next 6 months, we can expect to see completion of the conversion of the Outpatient Department into a dedicated GP Practice and primary care facility. This will provide more treatment and consultation space, enable the provision of enhanced services for the treatment of chronic diseases such as asthma and diabetes, and has already enabled improvements to pharmacy services.

Earlier this year, Executive Council formally accepted the 'Health of the Nation' report prepared by the Chief Medical Officer. Work is now in progress to develop plans to address the various issues raised in the report. Significantly, we have already seen the Islands take part in the World Health Organisation Mental Health Day, with a live radio debate on 7 April 2001. The production of an Oral Health Strategy is well underway, to address the very poor dental health of the Islands population. In the next year we can expect to see further initiatives to tackle depression, the abuse of alcohol and smoking. In each of these areas, we will see more emphasis on a 'whole community' approach to addressing these serious health problems and towards the prevention of ill health, rather than simply treating it.

This has been an exceptionally busy year for the Social Work Department starting with the physical move from KEMH to the Welcome Centre, Shackleton Drive in August 2000. The Department has worked closely with the Police, the Attorney General and other agencies, to introduce child protection measures and training in their use. An interview suite has been incorporated into the Welcome Centre. A Family Placement Panel has been created and four foster carers have now been trained. In November 2000 the Young Persons Unit was opened, staffed by local people who are being trained to NVQ Level III. The Unit provides accommodation for individuals from very disturbed backgrounds and will assist them in becoming able to live independently. We owe a very considerable debt to our Senior Social Worker, Alison McPherson, who has worked with exceptional dedication in very difficult circumstances.

During the last year, the Department of Mineral Resources has been involved in fulfilling oil company work commitments for the first five-year exploration phase ending in November 2001. A seismic survey comprising 2D data was completed in January by IPC, part of the Lundin Oil group and partners, Desire Petroleum. This new information about the North Falkland Basin will add to the substantial geological database now held by oil companies and the Falkland Islands Government and will assist with pinpointing future drilling locations.

The department has been assisting licence holders by marketing the region at oil conventions, meeting with oil companies and supplying information to interested parties. A key event was the opportunity to review the achievements of the first drilling phase and future opportunities to businessmen at the Falklands Forum, held in London in July last year. The Minister of State, John Battle, confirmed in his opening address the UK Government's support for the Islands' pursuit of oil exploration. He reinforced this message during his visit to the Islands in February.

In response to oil industry enquiries, the Falkland Islands Government has expressed its willingness to consider bids from companies at any time and companies are expressing some interest in exploring in new areas. FIG representatives attended a meeting of the Joint Commission with Argentina, which was held in London in July. The British and Argentine delegations met in a cordial atmosphere, but no further meetings are scheduled at the present time.

A number of variations to the offshore prospecting licence operated by a joint venture comprising Cambridge Mineral Resources, Falkland Islands Company and Falkland Islands Mineral Development, were made during the year. I said offshore, I think I meant onshore. The venture's resident geologist has made good progress with field work sampling and is developing a comprehensive database of information, including the location of traces of gold and mineral sands containing minerals such as zircon, rutile and garnet.

The Royal Falkland Islands Police have had a very good year. There have been 225 cases of crime this past year, compared to 354 in 1999. This large reduction was partly due to a mini crime wave perpetrated by a small group of youngsters in 1999, who were all caught and dealt with. These are the lowest crime figures in 14 years. The detection rate has been maintained at the target level; it is 92% this year.

The Drug Abuse Resistance Education (D.A.R.E.) course has now been introduced into the schools, to make young people aware of the dangers of drugs, alcohol, smoking and bullying. There has been a very good response from young people and parents alike.

During the period under review, the Customs and Immigration Department conducted five criminal investigations, two of which were carried out with the assistance of the Royal Falkland Islands Police Force. These resulted in the successful prosecution of three individuals for drug offences. After serving terms of imprisonment, they were required to leave the Islands. Two other persons were also detained in relation to immigration offences and subsequently removed from the Islands.

The number of cruise vessels that visited the Islands this last austral summer, was somewhat less than expected as ten vessel visits on the program did not materialise. The total number of sea-borne passengers who visited this summer was 22,800, which is only 404 more than the previous season. This has of course affected the revenue from Passenger Tax.

The current overhaul by the Attorney General's Chambers of legislation and procedures relating to the operation and registration of ships in the Falkland Islands, will bring major changes to the Falkland Islands' Register of Ships during the year ahead.

The Post Office report that the volume of mail received from overseas increased during the year to December 2000. Incoming air parcel mail increased by 80%. This demonstrates that the air parcel service, via the Lan Chile flight, is popular and well used by Post Office customers.

The Philatelic Bureau operated during 2000 with a 60% reduction in staffing. Despite the difficulties, comments from bureau customers around the world are encouraging and some attractive stamp issues emerged during 2000.

There have been a lot of changes at Falkland Islands Broadcasting Station since the arrival of the new station manager, Steve Johnston, in August 2000.

The structure of the station has now been in place for the last seven months, which includes programmes having established times on a daily basis and also a news bulletin three times a day. Programme generally has improved with a more 'local' feel to presentation.

The 'on air' output has been extended at lunchtimes during the week until 1.00pm and the station has been able to extend its coverage of 'live' events such as horse racing and other local sporting and social events.

The immediate plan for the future would be to present a 'local' breakfast show at the beginning of June 2001.

The creation of the Falklands Internet portal shows every sign of substantially increasing the number of research enquiries to the Government archive from overseas. It is hoped that eventually user-access to computerised records will enable people to carry out much of their research for themselves. In addition to saving staff time, this will have the additional benefit of protecting fragile original documents from handling. A system developed by the Museums Documentation Association in Britain, specially adapted for archive use, has been chosen and will be installed shortly.

The main event of the year for the Falkland Islands Government Office was the very successful Forum held in London on 12 July. With the theme "Sustaining a Secure Future", the Forum was well-attended and received good media coverage. The event was generously sponsored by businesses involved in the Islands.

The political contact programme has continued. Invitations have been issued to all sitting MPs who have visited the Islands, to join the Parliamentary Falkland Islands Dining Club, designed to strengthen the network of support in Parliament. Once again, the Falkland Islands Government had stands at the Labour and Conservative Party Conference and, in January, the contact programme was expanded to cover the European Parliament.

With the appointment of Sam Allanson Bailey as the Customer Services and Marketing Manager, FIGO has begun to take on more media activity in-house. Her role also supports FIDC and Tourist Board activities in the UK.

The first half of 2002 will provide a challenge and opportunity for the Islands in public relations terms; the UK media will once again be focusing on the events of 1982 and this must be balanced by effective presentation of the Falklands today.

The Representative has maintained contact with all the UK based Falkland Islands groups and additionally is to be congratulated on being elected Chairman of the UK Overseas Territories Association for the coming year.

After much debate, the Clerk of Councils and her assistant undertook a move from the Secretariat building to join the Councillor's Assistant, in the newly renovated Gilbert House. This merging of resources has proved successful and has enabled the staff to take on extra duties. The department is now responsible for the majority of FIG sponsored visitors and is strengthening the Public Relations link locally and between here and Falkland House.

Legislative Council has sat on six occasions in the last year and has passed more than 20 Bills. Select Committees on the Land Acquisition Bill, the Criminal Justice (Evidence) Bill and the Review of the Constitution have met several times. On the latter, it remains important to maintain a dialogue with the FCO through Government House, in a spirit of partnership and to avoid unexpected difficulties. It will also be important to demonstrate informed public support for any proposed changes to the Constitution.

It is intended that this House will be dissolved on 10 October this year and that a General Election be held on 22 November.

Let me now say a few words by way of conclusion.

I look back on a year of considerable activity and political interest. There has been sadness, of course, and some excitements we could have done without. Old friends of the Falklands like Rex Hunt and Julian Thompson were particularly welcome visitors, and several journalists came too. The Chief of the Defence Staff was another welcome guest. Two Foreign Office Ministers, John Battle and Baroness Scotland, visited and re-stated the firm British positions on sovereignty, security and self-determination. A former Foreign Minister of Argentina came on a tourist visit and was received with due courtesy.

A number of visitors who know the Islands have spoken to me of their perception that there is a level of self-confidence in the Islands that had not been so marked before. I was struck by a recent editorial in Penguin News, which drew attention to the fact that young people who had recently been airing their views also showed confidence in the future of the Falklands.

That manifestation of confidence is as welcome as it is justified. That confidence is underpinned by the changed attitude of British Governments since 1982 and the tangible evidence of a robust military presence. In part it is the confidence which comes from the ability of the people of the Falkland Islands increasingly, to make their own decisions on matters of policy. The age of colonialism is past. Decolonisation also belongs to history. The British Government's White Paper spoke of a new partnership with the Overseas Territories. It also set out the goal that each overseas territory should develop constitutionally the greatest degree of autonomy consistent with local circumstances. The adoption of the Island Plan is consistent with that policy. Perhaps the Plan exists partly as a management tool. But its political importance lies in its demonstration that the elected representatives of the people of the Falkland Islands have the right to shape the future of these Islands and have confidence to develop a strategy for the future. The Plan establishes a strategic framework for those changes which Councillors believe are required to take these Islands forward socially, economically and politically. You have made clear your wish to do so in partnership with the United Kingdom, but within that context Councillors will naturally act in accordance with the wishes of their electorate.

Reference to the wishes of the Islanders allows me to conclude by raising one issue on which, as Honourable Members know, a decision will need to be made locally. I stand here in uniform. There are different views on whether Governors should continue to wear uniform. To some, it is a welcome part of tradition, symbolising the link with the Crown, depersonalising the wearer, a reminder, in its design, of the historic relationship with the Royal Marines. To others, it is an anachronism, a symbol of a colonial era which has now gone. Certainly, it is more expensive than many may assume.

The FCO has concluded that it is for the Governor and the Government in each Overseas Territory to decide whether uniform should be worn. If so, the cost will fall to that territory. It is probably right for an incoming Council to decide whether my successor should wear a uniform. I shall discuss the matter with them, but it is a matter on which members of the public will have views and this occasion seems an appropriate one on which to mention the new policy adopted by London. Without prejudice to any decision relating to my successor, I shall continue to wear uniform on those occasions where tradition has hitherto required it.

Honourable Members, Ladies and Gentlemen, this has been another lively year in the Falklands. Modern life dictates that the pace of change will continue. I look forward to another fascinating year, to the General Election in November and to being here to mark the twentieth anniversary of the Liberation in 2002. Thank you.

Council Adjourns for 30 minutes.

His Excellency The Governor

Council Resumes.

Clerk of Councils

MOTION OF THANKS TO HIS EXCELLENCY THE GOVERNOR

His Excellency The Governor

The motion is proposed by the Honourable Mike Summers. Do we have a seconder?
The Honourable John Birmingham seconds. Does any Honourable Member wish to speak to the Motion?

The Honourable J Birmingham

Mr President, Honourable Members, I would just like to rise and thank the President for his Address.

The Honourable DL Clifton

Mr President, too many points in your Address to go unnoticed, I have to say. You are right, of course, that it is appropriate to thank the Armed Forces. There is no better time than at this particular time of the year when we are all reminded of the events and the timing of those events in 1982. I salute the dedication of those Armed Forces at that time and also today, in terms of our right, our desire, to promote self-determination.

I can say that perhaps there is nothing more timely also, to be reminded of this than to attend, as I have had the good fortune to do recently, the Falkland Families Association Memorial, their thanksgiving and their Annual General Meeting. It is at a time like that, that one does remember with very deep and personal feelings, the dedication and commitment shown, not only on behalf of the Armed Forces in 1982, but also the Merchant Marines. I extend cordial thanks to all of those and the incumbent Forces at Mount Pleasant.

Just by way of a note in terms of the Falkland Families Association, I am still impressed that it has a very strong and continuing membership. I believe it has something like 196 fully paid up members. I think that, in itself, says something of the Committee and the drive and determination of Mr Des Keoghane and Mrs Jones in particular, to keep that going. Next year they are trying to give some extra content to their celebration and I will move during the budgetary session that the Falklands commits a small sum of money to that, so that they can have a rather more upbeat celebration next year in London.

I think it is also timely to express thanks for the continuing endeavours, commitment and dedication of the Falkland Islands Defence Forces to fisheries protection duties. That seems to have worked rather well this year as you have rightly said. Perhaps the effort that we undertook last year in terms of the *Her Ching* has paid off. I don't think, though, that we should be complacent about this matter and we shouldn't be complacent about it in context of what the revenue does to the future of the Falklands. I think we need to be on our guard in that area. Also to make the Argentines more aware of their commitment to that process, within the aegis of the South Atlantic Fisheries Commission.

On the fishery as a whole, I suspect that it has something to do with the fact that I was one of the Lobbyists here in Council in 1985 with Councillor Norma Edwards, when we were lobbying for a fishery zone, the zone we eventually had declared was a conservation management zone. I regret that over the years the terminology gets shortened somewhat to conservation zone. Conservation is not possible without due management and so that is a plea, along the way, that we don't lose sight of the fact that is a conservation and management zone as declared and provided for in the Law of the Sea provisions.

I can't help but say something in terms of your statement, Mr President, that a recent visitor from Australia stimulated a vigorous airing of views on beef. He certainly had a lot to say for somebody who said that he had never tasted a piece of good Falklands beef in the time that he had been here. I think, this, perhaps said something for his analysis of the overall situation in the Falklands. All I would say is echo your own views that we need to have a constructive debate on this whole issue and not for individuals, or the department itself, to be seen to be promoting one view. There is a view within the Department that there needs to be constructive debate on this issue. We also need to be aware of where we started from in all of this, in terms of developing the beef herd.

I can't help but say something about the abattoir. I think it was a little over sixteen months ago, when we decided, at a Select Committee on the Capital Estimates, to remove ourselves from the whole process that we had been involved in for several years – to try and secure EU funding to move along and fast-track the abattoir ourselves. I think that we are beginning to see the success of that and the doubters of it will, I am sure, reduce in number as it moves along, and as it comes to the production stage later this year. I think it is something that we can be justifiably proud of and I think that will go a long way to improving the lot of the farmers in particular.

There is no doubt that the Lan Chile flight has operated efficiently throughout the year and the competence of its service has grown, but we still seem to have this dichotomy of one side saying that the flight cannot be rolled over on a regular basis, and the other side saying that it can. We really need to put that to bed or find a way of putting it to bed. The issue has been around since June/July last year and we don't seem to be able to cause both sides to meet on that.

I can't help but mention the quarry. I don't intend to be entirely negative, Mr President, but the quarry may have produced in excess of 100,000 tonnes of aggregate this year, but members committed funds for reinvestment in the quarry on the basis that we would be able to tap in to the Mount Pleasant market. I know that the Mount Pleasant complex imports several thousands of tonnes of aggregate every year, so it seems to me that we still have a lot of work to do on that, to make sure that the investment that we committed to for the quarry, has the best possible return.

There is one other point that I think I need to make a mention of. I am conscious of other papers that are in the wings and it is the work that has been undertaken in terms of the social policy, welfare allowances and other things. We have committed substantial funds to improving the lot of the social welfare system. That now has a heavy recurrent cost and we have incurred some not inconsiderable costs in terms of the infrastructural development of that. We did so because we were assured that there were a number of cases that were being investigated. I think that we all felt reasonably confident that some fairly speedy movement on those, would enable there to be a prosecution, or perhaps more than one prosecution. I don't know; I am not privy to all that information. It does seem to me that we haven't quite squared that circle. I would urge that perhaps if there is a need for that to be brought forward, that it be brought forward quickly so that people can see some other tangible benefit from all of those investments that we have made.

There will no doubt be some considerable debate on whether your successor should be in a uniform or not in a uniform. I would hate him to come in a bowler hat with a broly. I do have some difficulty with the whole concept of the third way. It seems to me that it either has to be one way or the other and not something fanciful in between. On that point, Mr President, I will support the Motion.

The Honourable MV Summers OBE

Mr President, Honourable Members, just a few observations. Sir, you mentioned a concept of partnership between the Overseas Territories and Her Majesty's Government. I am happy to see that the concept of partnership is working extremely well between the Falklands and Her Majesty's Government in one respect. That is that there is no light whatsoever between the United Kingdom Government and the Falkland Islands Government on the issue of self-determination. That is an issue that we have to be in constant discussion about and we always have to be using the same phraseology, using the same words and pushing the same concept in every possible area that we can. So I am happy about that.

In terms of your comments about work in progress I think there is more to do in sharing of information in other areas and I think that it is not satisfactory that the Executive Council has not yet received a report on the issue of the dinghy. We know that information exists and I think that Executive Council can be trusted with that information. I think it should be forthcoming as soon as possible. I think you know that we are not entirely happy about the personnel and staffing arrangements in the Overseas Territories Department in the United Kingdom. The short termism that seems to have crept in doesn't bode well for relationships, or for good management. Whatever you may have already said, Sir, in your role as Governor, I hope you will convey from the elected Members of the Falklands that we would prefer to see more continuity in the Overseas Territories Department.

In introducing your comments about the fishery, you noted that implementing the fisheries issue in the 1999 agreement required more work. It does require more work in one particular respect, but I think we shouldn't miss the point that it has worked very well in other areas. I think the joint co-operation on policing is working well. The sharing of scientific information continues to work relatively well, although sometimes data exchange is rather slow. So let us not be overly despondent about the outcome of that. The area where we do need more activity is clearly in protecting the high seas. The exchanges that took place earlier in the year, I think highlighted interestingly, the need in Argentina for high seas protection as well as the need in the Falklands. It is an international responsibility and an international requirement to protect the high seas and we need to push forward with that with all haste.

We are coming into the budget session and we will talk in due course about the skills of the Financial Secretary, but I am pleased to note that the Treasury has been working in this past year or so, with better management and control. There is better information to Councillors from the Treasury to assist decision making. I think that is all to the good. I think that the satisfactory continued growth of the private sector and the economy in general, is underpinned by this professional work that comes in managing the economy.

It dovetails well, as you said, with the Islands Plan, which is now in place and gives a structure for a longer-term financial management, as well as social planning and other issues. It is a live document and it must be updated regularly. I think that this Council should update it once more before it leaves office, and I hope that the new Council will take it as a live document as soon as they are elected at the back end of this year.

I would like to commend the work of the three Camp roads squads who are still doing excellent work to a high standard.

(Hear! Hear!)

They just go out and get on with it. They don't require a lot of support, they don't require any expensive support, they just get out and do it. Congratulations to them all for that. I very much look forward to the completion of that work in not too many years time. I know that some people in the South of the West Falkland particularly, are yet to see the road nearing their areas, but I actually think we are in the beginning of the final phase of this particular round of Camp roads. I look forward to the road being to Newhaven next year and the introduction of the cross-sound ferry, which I think, together with the abattoir, will make a considerable contribution to Camp development.

In finishing, I would like to congratulate the Chief Executive for his management of the Civil Service this year. I think that we have seen a degree of professionalism in the service that wasn't perhaps evident in some aspects, in previous years. The opening up of Committees has made, I hope, a contribution to the knowledge of what is going on in Government, in public. It hasn't presented, I don't think, as many difficulties as some had foreseen and I think that we have been able to cope with it relatively well. So I look forward to that system continuing to work.

I would finally like to thank all those, over this last year, who have contributed to the voluntary services in the Falklands. They don't often get a mention, but without them the community would not be the same as it is and it would be much the poorer. So I thank all those people, I thank Your Excellency and I support the Motion.

The Honourable WR Luxton

Mr President, first of all I would like to be associated with the remarks so far of thanks to our Armed Forces over the years. I think probably, here in the Falklands, the words 'we shall remember them' will remain as strongly felt, as they were 19 years ago, we shall always be forever grateful for what was done for us.

I thank you for your comprehensive round-up of the Nation's affairs, and I will try not to take up too much time. While the system that we now use has certainly streamlined the Select Committee process and doesn't involve Members in trying to analyse in minuté detail every item of expenditure, there is a heavy programme to get through in the next few days.

Sir, you mentioned the great deal of effort that is going into working Camp. I would like to make just a few points which I hope will be thought of as constructive suggestions.

Much time and effort is being devoted to the recent road shows. There is a great deal of perceived enthusiasm for revitalising the Camp community, but still the drift away from Camp continues. I believe this is because there is no prospect of a decent financial return for most people in the immediate future, and what does lie in the future is still somewhat uncertain at present. There are big financial penalties for living in Camp. If it were to be the other way around it could halt, or reverse the drift. I have one rather radical suggestion to put forward. It is not originally mine. The idea was originally proposed by Mr Gleadell who was in the Treasury many years ago. I suggest that we might look at a form of negative income tax for Camp residents. This suggestion would be for an additional allowance, depending on your place of residence. It would be added to your other allowances in your tax return, but the difference would be that if the allowances exceeded your income, then a payment would be refunded to bring your income level up to that point.

I believe that this would make a big difference to lower paid people in Camp and encourage them to stay there. Just for an example – very simplified – say a single Camp resident is being paid £600 a month, or £7,200 a year, then at present he will have an allowance of £5,500 plus 10 percent, with a total of just over £6,200. He is therefore still going to have to pay tax on this income of £200. If my proposed allowance for a Camp resident were to be set at £3,000, his total allowances would amount to £9,200 in respect of an income of £7,200. He would therefore receive a rebate of £2,000. I believe that this would provide a very big incentive for people to reside in Camp. I suggest that the allowance might be scaled to reflect the real financial disadvantage of place of residence, with say, East Falkland being at 2,000, West at £3,000 and offshore Islands at £4,000, or some such figures. I would urge the Treasury to look at this idea with an open mind and come up with some figures, some details of the overall effects and perhaps with a view to introducing it before the end of this year, to cover 2001 income.

Another financial matter and although the big 64 looms for yours truly, I don't have to declare an interest because I come under the Camp OAP scheme anyway.

It seems to me that there is an anomaly in the Retirement Pensions Scheme, which penalises all those who have given all their working lives to these Islands. It is this: in order to receive a full pension a person needs to have made a total of 2,200 weeks contributions. In the case of someone starting work here at 18, this is completed by the age of 60. I understand in some cases that FIG employees, and perhaps others, are even encouraged to retire around his age. Some choose to. Then they find that they need to continue to contribute to the scheme until they are 64. Other people may look for a change of direction and some other job. I believe that the fairest approach of all would be to require a contributor to complete only the 2,200 payments and no more. I don't suggest paying the pension earlier, but at whatever age the required number of payments are reached, further contribution could cease.

Again, I would ask the Treasury to look at this proposal and assess the cost. After all, many other people were very generously treated, particularly the females, who were taken into the scheme with an assumed full contribution record. A life service to these Islands and paying the contribution shouldn't be a penalty.

Mr President, I now want to turn to the thorny question of Camp roads and their proposed designation, particularly on the West. After the recent road show, my Honourable friend, the Chief Executive, will be able to confirm that the idea is deeply unpopular on the West, at least, and I didn't detect a huge level of enthusiasm at last night's public meeting. I know what effect it would have at Chartres where our very good farm tracks were obliterated, with my approval at the time, I might add. We are probably the worst affected with all three main roads joining on our land. It would make life extremely difficult if those roads were designated.

It is also said that the full might of the Road Traffic Ordinance would not be applied. I think that anyone who believes this would last, is in cloud cuckoo land. I am sure that the temptation to go for a blast around the West in lurid coloured Discovery's with all the lights flashing would become irresistible.

There may be alternatives that could satisfy the insurance worries of some. Maybe we can look at what other countries do in similar conditions. In the end I believe that the community that is to be most affected should be able to decide.

Finally, Sir, I would like again to register my strongest objections to the appalling service being provided to Camp by Cable & Wireless – and to the whole Islands in some respect. In the last week, the Camp service has failed at some stage on Friday, Saturday, Sunday and Monday. I am not sure about today. The internet is a disgrace Island-wide, and the concept of Cable & Wireless making more money, the worse it gets, is quite unacceptable. We hear that it might improve, but from the details that I have heard, it looks like it might be too little, too late, yet again.

In the Camp, it seems to me to be dishonest to charge a monthly rental for something that doesn't operate all of that month. I think they should give a rebate every time the system goes off.

Mr President, we shall all return here next Friday, the last time for some of us. In the meantime, I support the Motion.

The Honourable Mrs JL Cheek

Mr President, Honourable Members, I hope my voice will hold out for a couple of minutes. I would like to associate myself with the remarks already made about our gratitude for our past, present and future defence, and for those who provide it.

You mentioned the FIDF. I have endless admiration for the way they work through, even the present upheaval of the move. We should remember that they are volunteers doing a sometimes difficult job and always doing it professionally.

You mentioned fisheries and the question of co-operation. Argentina should be aware; they have been told often enough. I had the opportunity to tell their last Foreign Minister in person in New York when Councillor Halford and I were there nearly two years ago. We pointed out that it was their global responsibility to look to the long-term conservation issues on the high seas.

Some people are surprised that someone like me who relies for my main income on the fishery, should be so keen on research into questions like the interaction of seabirds and the fishery. I will continue to support this even if the end result is proving that there is serious competition between the two, because we need to bear in mind that if the birds are in trouble because of the fishery, then the fishery is in trouble and so are we all.

Turning to agriculture, I cannot believe that there can still be anyone who can doubt the commitment of this Council to trying to turn around the problems in the Camp. Just adding up the figures in your speech on direct assistance, add to that road, plus all the other ancillaries as a proportion of the resources of these Islands. Some would say an inordinate amount is spent on agriculture. At this time, I don't begrudge that amount, because I think it is necessary. However, it is a two-sided thing. It requires active participation. We know that there are many individuals in Camp who have had the far sightedness to start diversifying before they were in real trouble. There are others now who are seizing on the new opportunities that are there. There will be difficult times. We all experienced those in the past across the board in the Islands. Certainly in the 60's and 70's living standards overall were uncontrollably lower than they are today, in Camp, as well as in Stanley. There is an end in sight and I hope that those who really want to, are able to hold on until better times arrive for them.

Another element I didn't mention in the support we are giving to Camp of course, is the abattoir. I do hope that a great many people have an opportunity to see it, in order that some of the myths around Town can be laid to rest. It really is an impressive project. There has been misunderstanding of the number of staff it will need because of the huge advert placed in the Penguin News some weeks ago.

The worries that that aroused about the cost of running it hadn't entirely been allayed by the later correction of that misunderstanding. The fact is though, that the full-time manning of that abattoir, will only be very slightly higher than that of the old slaughterhouse.

I hate to contradict you, but you did say that sewerage was not a problem. I would argue that it is both an aesthetic and a sensory problem, as long as it continues to be poured, untreated into the sea.

Moving from the ridiculous to perhaps not the sublime, but something a bit more important – Education. We are always striving to improve standards and each year, great achievements are held up, but we want to see an improvement of standards across the board for all abilities; opportunities for people of all abilities. We have been well led for the last few years in that task by Dr David Langridge, whose contract is nearing completion. I would like to take this occasion to publicly thank him for the professionalism that he has brought to the job.

In the Medical Department, as my question later will show, we're also striving to maintain and raise standards. Related to that, the question of social welfare. We are trying to bring ourselves into the 21st century, where some attitudes still seem to hark back to Victorian times. I am afraid listening to one or two of my colleagues on occasions, that they would prefer the workhouse to a more modern concept.

You talked about partnership. We welcomed the White Paper when it came out with that concept. You are quite right in saying that it is work in progress. It has a long way to go before we get there. More and more Councillors are able to take decisions on what happens internally. More and more we are prepared to take full responsibility for those decisions. It is difficult for some of our constituents, who were brought up in another era, to believe that this is the case. I still have people saying to me 'Oh, but you would have to do that because the Foreign Office wouldn't let you do otherwise.' I assure you that is not the case. I would not do something that I didn't believe was right.

As the Honourable Mike Summers has pointed out, we still have some difficulty with the lack of continuity in the relevant departments in the Foreign Office, and we still have some way to go on real transparency. It would be nice to know their thinking; their long-term planning.

Finally, I look forward to planning a new uniform for your successor. I support the Motion.

The Honourable JR Cockwell

Mr President, Honourable Members, the people who have gone before me have covered most of the subjects which I was going to cover, but there are just one or two things which I feel I should comment or enlarge upon.

The work of the Fisheries Department in general has been very good in the last year. We have succeeded, with the help of the FIDF and the fishery patrol, in considerably reducing the incidents of poaching within our waters. I believe that we should recognise that the amount of money which was invested in the gun and the training of the FIDF officers to operate that gun, has been well worth the investment, despite the fact the many people, at the time, thought it was a total waste of money. It has made a huge difference to us and it has helped to stabilise our fishing grounds. The only thing which I believe we must remember is not to become complacent. We have to recognise the involvement of FIDF in this exercise. We have to recognise that we have to have trained personnel to operate the gun if necessary. As far as I am concerned it is an issue of 'speak softly and carry a big stick.' We have used the stick once and since then, it hasn't been necessary to use it, but we have to have it and we have to be prepared to use it. So we have to make sure that we invest money in this issue.

While on the subject of the FIDF, I think I should agree with what you said – that the commitment of the volunteers in that force, through very difficult times, should really be commended. I hope that we can get over the present difficulties as soon as possible.

There has been a lot mentioned about agricultural assistance. I don't think I wish to enlarge on that other than to say that we should recognise the amount of money that is being put into direct agricultural assistance and indirect agricultural assistance. We have to make sure that we halt and hopefully reverse the flow of people from the Camp communities. We have to find ways of dealing with that. There were certain things discussed in the agricultural road show which have some merit, but we have to look at all different channels and ways to halt and hopefully reverse the flow and make the life in the Camp as financially awarding as it is in Stanley. That has already been pointed out today. I mean, it is very rewarding in other ways, but it is not financially rewarding.

On tourism, it was disappointing that so many vessels had to turn away this year, due to bad, or perceived bad weather, even though it didn't always come. That has actually had quite a severe effect on our projected passenger tax. We have to find ways of making sure that this doesn't happen again. I believe that the time is coming when we have to consider, along with the deep water port proposals, the requirement for a tug. If we had tug facilities many of those vessels may well have called in. They cannot manoeuvre in restricted waters in high winds. The other thing is that we have to make sure that the tourists can disembark and re-embark speedily. So we have to take forward the improvements of the jetty head with pontoons and such like.

I fully concur with everything everybody said about the abattoir. It is a pity that with it being a food processing factory (it is not a slaughterhouse) that people will not be able to go and visit it – except on special appointments and only in very small quantities. It is a pity that people won't be able to go and see it easily because it is an amazing facility that we have got there it is being built very professionally. It is being designed by somebody who has been in the abattoir business all his life. He has been building EEC accredited abattoirs for many years and despite all the rumours going around, this man knows more about it than anybody here in the Falklands. There is no doubt about that. The Councillors were able to go out a week ago and have a look at the abattoir and I think that all of us agreed that it is a very professional and very well constructed building. I think that credit should go to everybody involved in it.

Before I sit down, I would just like to mention some of the people who weren't mentioned in your speech, Sir, small departments who plug along every year and create things and do things for us. We take them for granted really. There are too many to mention but I would like to mention one – The Print Shop. We get printed papers, we get everything that comes out of the Print Shop, we expect to get, and we give very little credit to what goes on in that shop. The machinery is becoming very antiquated, it is kept together by a very dedicated staff and they actually produce what we ask them to do. I do believe that the time has come for us to look at the Print Shop and maybe some of the other small departments. We need to look at the Print Shop and try and produce a statement of requirements to see where we are going to go, because otherwise we are going to find one of these days that it just can't manage any more, and we just don't get our Gazettes, we can't get our printed papers and such like. Because they are doing a professional job we are inclined to forget about them. I am also sure that there are many other small departments that are like that. The large, sexy, high profile ones we remember, but the smaller ones need to be remembered as well. I beg to support the Motion.

The Honourable Mrs N Edwards

In rising to support the Motion, can I just touch on what the Honourable Richard Cockwell has just said. Over the years the Print Shop comes up for accolades every so often and I agree entirely with what he said. If it wasn't for the Print Shop Government would come to a grinding halt. However, it would be nice if we took forward your suggestions. As I said, over the years we pay this lip service to it every now and then and nothing happens. Perhaps this year we can really look at it seriously and upgrade it or whatever we decide to do to it. There is a report somewhere on the feasibility of the Print Shop, which was done some years ago by FIDC. I am sure that could be dug out. That was when they were thinking about privatising it. I am not suggesting that that is the answer now, but I am sure that there is some information in there that would be of some use.

May I just also, Sir, say thank you very much to the Forces who look after us so well. It is always a pleasure to see them in Camp. I look forward next year very much to welcoming the SAMA people here in the Islands and I am sure that the population will be pleased to help out on the logistics front – if you like – and house these people when they do come and visit us. I know it is a long way ahead at the moment, another year or so, but I think it will be a year to remember and something for us to celebrate. I will be eternally grateful to them as I think will all the Falkland Islanders for what went on in 1982 and we should never forget it.

I look forward too, to welcoming some well-known faces, I would expect, next year and perhaps this year as well.

To touch on agriculture, so much has been said lately that I won't dwell on it. It is nice to know that there are up to 21 farms in the process of receiving the Incentive Scheme. I wish the abattoir every success, because there are farmers who are waiting for it to get on line to support their incomes. I hope that it is a great success.

I am pleased to hear that the vet has attended the OIE sessions. I have got a question so I won't dwell on that any more, but just to say that there were four more cases of Foot and Mouth yesterday in UK, so therefore, Britain will not be free for some time. So I hope that we can get our disease free status back as soon as possible.

It was interesting to hear that PWD are doing lots of managing programmes for their Foremen etc. That will go with the 25 filing cabinets that they had at one stage I suppose and we'll end up perhaps, with too many managers and not enough Indians. Too many Chiefs and not enough Indians I should say, but good for them. I am sure it is of great use.

The rural roads have been mentioned and of course I add my congratulations to all the rural road teams. They are very devoted. They beaver away; they do an excellent job; they work as hard as possible with nobody at their tails, they just get on and do it. They have done a tremendous job on the West this year and I hope it continues.

I have got a question which will no doubt annoy my colleague up the way there. He will say I am repeating myself from last time, but I will continue to do so until I get a decent answer. I will leave that for the questions.

I would like to add my good wishes to Les Harris and Willie Bowles on their retirement from Government. They have served us for a very long time over the years, one way or another and I wish them well in their retirement. I hope they enjoy it tremendously.

(Hear! Hear!)

I would also like to congratulate our A'level students this year. They have again done extremely well. I thank the school and wish them well in their future studies. They will be a bit homesick in the first year, but after that it's not so bad – so my girls inform me.

The health service – you have mentioned what all of the changes there have been. I think we have to be extremely careful. We have gone down the road. I hope that the Honourable Jan Cheek wasn't referring to me, when she said that some of her colleagues wanted to...

The Honourable Mrs JL Cheek

No.

The Honourable Mrs N Edwards

Thank you, or else I'll put you in the workhouse.

(Laughter)

But we have gone down the road of a modern social service, but I think we have to not be complacent.

The Honourable DL Clifton

A long way down the road.

The Honourable Mrs N Edwards

Yes and we have to be extremely careful that we monitor that social service very carefully.

(Hear! Hear!)

We have to make sure that we have the right people in place to handle it. We are a very small place and the whole of the community can be upset extremely easily if we are not very, very careful. I have no wish to brush things under the carpet or anything like that, but I think the way we handle that particular service is extremely important. We also have of course, an ongoing oral health programme, and I believe that the General Manager himself is going to the school and talking to the children. Also trying to recruit some future nurses, doctors and dentists from the schools. Trying to instil some interest in health services at that age.

I will just briefly mention your uniform, Sir. If it is up to me you will keep it. I don't mind us paying for it. I think it has become now, in this day and age that colonialism has become a dirty word. Well it wasn't all dirty. Britain did some very good things in the colonial era and I don't mind at all having a symbol of colonialism still stalking around once a year. That will do.

(Laughter).

The Honourable J Birmingham

A point of order there. Is the right Honourable Member accusing you of being a stalker?

(Laughter).

The Honourable Mrs N Edwards

No I am not. I am pleased to see a little bit of colonialism still left in this modern day, politically correct society that we live in and I am a bloody colonial and pleased to be so. Thank you Sir, I support the Motion.

The Honourable Mrs S Halford

Mr President, I was pleased to hear you and other Councillors refer to the level of skill within the FIDF. I feel that often their dedication and commitment is overlooked by many in the community who do not appreciate the amount of time these volunteers actually put in. As you said, Sir, going out on fisheries protection duties is a vital task, but one that seems to draw an amount of criticism. Not everyone is qualified for these duties which makes it even more important for employers to release certain persons when asked to, without making the individuals concerned feel as though they are committing an offence. It is also worth noting that the FIDF would not be where they are today without the continued close ties they have with the military presence we have here. No doubt a considerable benefit to both parties. We of course need to be mindful that without funding for more training, the FIDF will find it increasingly difficult, if not impossible, to fulfil the fisheries role. As we are going into the budget session, I think that is something we should be mindful of because some time down the road it would not be proper for this Council, or the Members of it now, to say that it was the fault of the ones following on.

I too would like to thank the Military for their support; not only to FIG but to the community in general. It is often the small things they help or advise upon that go unnoticed to many. They have quite recently been sharing their knowledge and expertise with our water section, which has no doubt been exceptionally helpful.

Talking of our water section, you mentioned our essential services. Many of us take these for granted and probably don't even think about them more than once or twice a year, if that. We flick a switch or turn on a tap and it's there. We do not think what goes behind it. I do think it is important that we continue to look for a second water source because this year we have been very lucky with the season being wet – well perhaps not lucky with it being wet, but from the water point of view we have. If we continue to build and expand we are surely going to stretch our current system. If we have a few more dry seasons like we had a couple of years ago, I think we will be very stretched to supply the demand.

You touched upon the July 1999 agreement. I believe that in going into that agreement, we demonstrated our confidence and maturity. Sadly, these qualities have not been shown by our neighbours and they have been slow in responding to their commitments under the agreement.

You also mentioned the Falkland Brand. I think it is going to be good to have this brand. A lot of people seem to be very interested in it, because producers will now have a standard to aim for. That can only be good for the Falklands. Although I have to say, that with the current range of locally produced goods which are on sale, they do appear to be of a very high standard already.

We have heard a lot about the road gangs on the West. We also have the road gangs maintaining the roads around Stanley and there has been a considerable amount of black top laid this year and I do think it has made the place look a lot better.

(Hear! Hear!)

Talking of roads in the Camp, it is interesting isn't it. We have had various roads built and we have had various road openings. I wonder, when do we open roads? We opened one when it got to Port San Carlos and couldn't go any further; we opened the road when it got to Salvador; it couldn't go any further. We didn't open the road when it got to Johnson Harbour. Does this indicate that it is going to go further or did we just forget that one?

It was good to hear you recognise the retirement of individuals from within the Government situation. It is also interesting to know, I think, that Les Harris has got himself a place in Camp. We are talking about repopulating the Camp. Is he going to be one of the pioneers who is going to alter the trend? Although Les didn't actually work in Camp, there has been a trend for many years for people who worked in Camp, that when their time was finished on the farm they had to go. Where did they have to go? They had to go to Stanley because there was nowhere else. I think it is actually very pleasing now to see people actually wanting to move out. I hope that continues.

You also mentioned the LAN Chile flight. I agree it is good, it is a regular service, it does have a couple of minor hiccups from time to time. But the air parcel service via LAN Chile is very popular. Unfortunately it is not always 100 percent regular. Sir, I support the Motion.

His Excellency The Governor

I think all Honourable Members have taken the floor. I thank them for their comments. Maybe I will just make one very brief response as it is FCO and it covers a couple of points. In terms of the staffing situation, it would be perfectly proper for me to convey the views which I know you share, and which I know were expressed by the Honourable Mike Summers. It would be proper for me to convey those to London. The FCO does have a philosophy nowadays of trying to determine the views of its "customers" and there are, in a sense, no more interested "customers" than those of the Overseas Territories. So I will certainly relay your comments.

It is also quite right as the Honourable Jan Cheek has said, that the situation – the relationship – is not as it was. I have a feeling that I, for the sake of brevity, deleted a sentence from the draft of my remarks, which I gave to Councillors. If I did delete it, I think I can say it here.

During the Overseas Territories Governors' Conference, which I attended a couple of weeks ago, it was said by a Minister that the nature of the partnership implied that there would be issues in which the London view would prevail and that there would be issues on which the views of the Overseas Territory would prevail. That seems to me to represent in a nutshell what the situation is and should be. I think I will say no more than that. Thank you for the comments.

I slightly regret that there is no "Goose News". I would love to see designs of new uniforms appearing on its pages, but perhaps I will see them in some other context.

Clerk of Councils

Confirmation of the Record of the meeting of Legislative Council held on 30 March 2001.

His Excellency The Governor

Have all amendments been noted? If I may sign?

Clerk of Councils

Papers to be laid on the Table by the Honourable the Chief Executive.

Copies of Subsidiary Legislation published in the Falkland Islands Gazette since the last sitting of the Legislative Council and laid on the Table pursuant to section 34(1) of the Interpretation and General Clauses Ordinance 1977.

Fishing Licences (Applications and Fees) Regulations Order 2001

The Honourable the Chief Executive

Mr President, with permission of the House, I formally lay these papers upon the Table.

Clerk of Councils

Questions for Oral Answer.

QUESTION NO 10/01 BY THE HONOURABLE J BIRMINGHAM

Mr President, Honourable Members, will the Honourable Sharon Halford tell me of the whereabouts of the remaining oil from the Sealing Station at Albemarle? Will she also tell me what plans there are to dispose of this oil in the near future? Will the waste oil burner purchased for the purpose be used?

The Honourable Mrs S Halford

Mr President, the remaining oil from the former sealing station at Albemarle is still being stored in 81, fifty-gallon drums within one of the fenced laydown areas at FIPASS, Gordon Lines.

Although no oil appears to be leaking from the drums, the containers have a limited life span and the oil will be required to be disposed of in the very near future. There are no present plans to utilise the small Swedish incinerator to burn the remaining oil which is contaminated with the water.

A report recommending the disposal of this oil is due to be submitted for consideration at the June meeting of Executive Council.

The Honourable J Birmingham

Would the Honourable Sharon Halford agree that the oil has been hanging around for some time? Can she actually tell me the reason why the incinerator isn't being used?

The Honourable Mrs S Halford

I am sure that we have been down this road before. I think I remember the Honourable John Birmingham asking me this question, not so long ago, actually. I am not sure at this moment why the incinerator is not being used. No doubt, the paper going to the June meeting is going to give various options and it will be for Honourable Members to then decide, which options they think are the best to dispose of the oil.

The Honourable J Birmingham

I thank the Honourable Member for her answer. Would she agree with me that as the incinerator was purchased at considerable expense to the taxpayer, perhaps that might be the machine that could be used to dispose of this oil?

The Honourable Mrs S Halford

I would hope, Sir, that Councillors will make the sensible choice and go for the option which is going to be the most cost effective to use to get rid of the oil, whether or not it uses that incinerator or not.

The Honourable J Birmingham

I am mystified. Would the Honourable Member agree with me that it is a mysterious way to go about the disposal when we already have the management in place to make a decision? Can she tell me why there is going to be a paper so that Councillors can decide on the way this oil should be disposed of?

His Excellency The Governor

I think I would have to warn that we are slightly stretching supplementaries, which are in terms of stressing facts.

The Honourable J Birmingham

Well I withdraw, I withdraw.

His Excellency The Governor

No, I don't want you to withdraw, but I give the Honourable Sharon Halford the opportunity to withdraw.

The Honourable Mrs S Halford

I withdraw.

The Honourable MV Summers OBE

Can the Honourable Member indicate to the House whether one of the options to be considered in the paper, is the use of the oil in the incinerator to be built at the abattoir? If that is a feasible option, wouldn't that be better to make some positive use of it rather than simply burning it off into the air?

The Honourable Mrs S Halford

Mr President, yes I can assure you that that is one of the options. There are a couple of options about burning it off where it will be of use, rather than just burning it just for the sake of burning it.

The Honourable JR Cockwell

Mr President, can I conclude from Councillor Halford's answer, that the problem is the water in the fuel and separating the water? Is Councillor Halford aware that there is equipment to separate oil and water available in the Islands?

The Honourable Mrs S Halford

Yes, Sir, I am aware that the water will need to be separated off from the oil, as obviously they wouldn't burn too well together.

QUESTION NO 11/01 BY THE HONOURABLE LEWIS CLIFTON

Mr President, during 1998 Falkland Islands Legislative Councillors were persuaded by Her Majesty's Government, to commit funding for the planned re-civilianisation of South Georgia. The budgetary Select Committee subsequently agreed a sum of £250,000 be paid to the Government of that territory. Will the Chief Executive, advise the terms under which that payment was made; whether similar payments are to be made annually; and whether the tangible and other benefits promised by Her Majesty's Government have been delivered? Will he also advise the role of the British Antarctic Survey in this matter?

The Honourable the Chief Executive

Well I do thank the Honourable Member for that question. The establishment of a scientific base on South Georgia, was planned to cost around £5m in capital for buildings and equipment and thereafter annual recurrent costs of approximately £1m. The bulk of this is paid for by the Ministry of Defence, the Foreign and Commonwealth Office and the Government of South Georgia.

At a meeting of the Executive Council held on 25 May last year, Honourable Members agreed a single payment of £250,000 as a contribution to the establishment of the presence of the British Antarctic Survey. The EXCO paper at that time drew attention to the benefits flowing from the Falkland Islands fishery, including a substantial contribution towards chartering of fishery protection vessels and the involvement of Falkland Islands companies in South Georgia fishery licenses.

There were two conditions stipulated by Executive Council:

- 1) That Falkland Islands Government, through me, was involved in the management plan for the ongoing maintenance of the presence; and
- 2) That Falkland Islands Government had input into future scientific programmes and access to data.

In relation to those two conditions, there has been limited involvement by FIG in preparing the Management plan, but a potential Management Advisory Committee has not yet been established. A full scientific programme for the fishery has, however, been consulted upon and established.

In relation to the future, Select Committee are recommended by Executive Council not to continue with a further £250,000 payment this year.

Turning to British Antarctic Survey's role, as requested by the Honourable Member, the British Antarctic Survey's role is that of a contractor. It contracts with the Government of South Georgia to run the base and carry out the scientific programme. It is required by the UK Government fully, to cover its costs and to charge the full costs for its activities, including a contribution towards its central administration costs in the UK. A reduction in its annual budget would require it to reduce its effort.

The Honourable DL Clifton

Could I thank the Chief Executive for his reply? Could the Honourable Chief Executive please be specific, in terms of the relationship between the Falkland Islands Government Fisheries Department and the management of the fishery of South Georgia, setting aside the provision of fishery patrol vessels?

The Honourable the Chief Executive

The scientific programme was established after consultation with the Director of Fisheries. There was an interest in that certain parts of that programme may have longer term implications for our own research programmes. That was particularly true in the area of toothfish. In other areas of course, like ice fish and in the limited movement towards the crab fishery in South Georgia, it is less relevant.

His Excellency The Governor

Does the Honourable Member have a supplementary? No, so we will pass to the next question.

QUESTION NO 12/01 BY THE HONOURABLE LEWIS CLIFTON

The norms established under the South Atlantic Fisheries Commission require the regular exchange of fisheries data between the Falkland Islands Government and the Argentine Government. Will the Honourable Richard Cockwell kindly advise whether such exchanges have taken place during 2001? Will he further advise the dates on which the Director of Fisheries received illex catch information from Argentina, and whether the timely receipt of that information is at variance with dates from previous years? If the Argentine Government has either been slow to, or failed to transmit such information, will he further advise what representation by Her Majesty's Government has been made on our behalf?

The Honourable JR Cockwell

Mr President, Honourable Members, in accordance with agreements in the South Atlantic Fisheries Commission, fisheries data was exchanged between Imperial College and INIDEP in Argentina. INIDEP is the main Argentine fisheries research institute.

There has been a long outstanding recommendation that catch and effort data be exchanged at weekly intervals during the main Illex season. Imperial College sends data on a weekly schedule. Transmission of data from Argentina has usually been a bit more variable, although usually sufficient to allow monitoring and identification of the need to implement additional conservation measures if required. In 2001 there has been significant delay in receiving information from Argentina. Imperial college started weekly data sets in February when the Falklands Illex season started. The first set was received from INIDEP, on 23 March 2001. The next update was received on 27 April. Since then, data transfers have been at approximately weekly intervals.

The lateness of the data provided by Argentina has made it difficult to monitor the state of the Illex resource in this season. It could have had adverse consequences for the implementation of any conservation measures necessary to allow significant Illex squid to survive to spawn. The reasons for delay are not entirely clear, although both Argentine agriculture, Fisheries Ministry and INIDEP have undergone changes in administrators during the relevant period.

It is worth noting that the charter system, whereby foreign vessels gain access to Argentine fishery zones, was also much delayed this year. Consequently the data from the charter fleet would not have started accumulating until much later than usual. However, data from Argentine domestic fleets should have been available at an earlier date. The new Director of INIDEP appears to have resolved many problems and the data exchange is now working.

Her Majesty's Government has made it clear to the Argentine Government, the importance it places on co-operation in all fisheries matters and will continue to do so. The whole area of data exchange will be an item on the agenda at the scientific sub-committee of the South Atlantic Fisheries Commission. The next meeting is scheduled to take place in London in mid-June.

The Honourable DL Clifton

Mr President, I thank the Honourable Member for that reply. I have a supplementary. It is to ask the Honourable Member if he is completely satisfied that sufficient effort and pressure has been brought to bear, through Her Majesty's Government, to the Argentines to make them understand the terms of the agreement initiated in July 1999, so we can be sure that there cannot, or there will not, be a repeat of this in future years? I am not convinced by what the Honourable Member has said, that he is convinced that we will not get involved in this same situation next year. The Honourable Member has underscored the fragility of the fishery. The Argentines seem not to understand that.

His Excellency The Governor

I indeed will allow the Honourable Richard Cockwell to answer. I think we again are pushing the definition of a supplementary question and determination of fact slightly, but...

The Honourable JR Cockwell

Sir, as I am guilty of the same sort of problem, I have got to be prepared to stand up and reply to the Honourable Member.

I believe, and we have been assured, that Her Majesty's Government has been making strong representations to the Argentine Government on these matters. I have had various discussions with His Excellency and the Acting Governor, while His Excellency was away on these matters and we have been assured that strong pressure has been put on Argentina.

I should also like to point out that in my statement I pointed out that the new Director of INDEP appears to have resolved any problems and data exchange is now working. I think we can be comfortable that this is now working this year. As for following years, I believe it is again something which has to be brought up in the SAFC. It has to be emphasised that this data is absolutely essential for the maintenance of the Illex biomass, in a form which will allow it to be self-sustaining. This has to be pushed and argued very strongly, whenever possible. I am assured that this will be so in the next meeting in mid-June.

QUESTION NO 14/01 BY THE HONOURABLE MRS N EDWARDS

Would the Honourable Richard Cockwell tell us if the Inter Island Transport Review has been completed at FIDC and if it has, what are the recommendations and conclusions arrived at?

The Honourable JR Cockwell

Mr President, I thank The Honourable Norma Edwards for the question. The Inter Island Transport Review was commissioned by FIDC in their position as Secretaries to the Transport Advisory Committee. It was the Transport Advisory Committee which commissioned the Inter Island Transport Review. Therefore, other than to say that I know that a draft has been received by this Committee, I am unable to answer your question.

The Honourable MV Summers OBE

Mr President, would it help the Honourable Member if I was to advise him that the Secretary and the Chairman of the TAC have seen the draft of that report and have discussed it with the Chief Executive. They were not satisfied with its depth and its final content. It has therefore been returned to the author for more work.

The Honourable JR Cockwell

I thank the Honourable Member for that question and I think it would help a lot.

QUESTION NO 13/01 BY THE HONOURABLE LEWIS CLIFTON

Mr President, the Falkland Islands Government is committed to the provisions of the United Nations Commission, on Limitations of the Continental Shelf. Will the Honourable John Birmingham outline what work will be required to be undertaken by the Falkland Islands Government (FIG); how much it will cost FIG; what scientific assets are likely to be deployed in this work and whether any support funding will be made available from Her Majesty's Government? Could he also indicate the likely completion date of such work, and when the report is likely to be submitted for consideration by the Commission?

The Honourable J Birmingham

Mr President, Honourable Members, the Falkland Islands Government has been advised that the work required to make a case for the United Nations Commission on limitations of the Continental Shelf for the Falkland Islands and South Georgia, should comprise a swath bathymetry survey, followed by a multi-channel seismic survey.

The cost to the Falkland Islands Government of these surveys and data interpretation, is estimated to be £1.3m. A contribution towards the case relating to the Falkland Islands, of £650,000 will be provided by Her Majesty's Government. In addition, the South Georgia Government will fund the costs relating to their potential claim. The scientific assets likely to be deployed in this work, include contracting British Geological Survey to manage the project on behalf of FIG, with a contract for the British Antarctic Survey, Southampton Centre and the United Kingdom Hydrographic Office to execute the work. Shipborne data will be supplied by the survey vessel, *James Clark Ross*.

The likely completion date for the project is planned to be 2005. This allows three seasons for survey work in the event that weather conditions delay the surveys, plus time to process the material. Her Majesty's Government would be in a position to prepare a case for submission to the Commission by 2007.

The Honourable DL Clifton

Mr President, if I may, I have already primed the Honourable John Birmingham on this matter. Can he advise or indicate the involvement of the Director of Mineral Resources in this work please?

The Honourable J Birmingham

Mr President, Honourable Members, a meeting on the subject is planned in the near future, in Buenos Aires and I can assure the Honourable Member that the Director of Mineral Resources will be there.

The Honourable MV Summers OBE

Could the Honourable Member tell us why it is necessary for there to be a meeting in Buenos Aires?

The Honourable J Birmingham

Mr President, Honourable Members, as we all know, the Argentines also have a claim to the continental shelf and the Falkland Islands are doing this work. The Argentines will presumably hope to do a similar amount of work and for scientific reasons, it makes sense that both sides work as much together as they possibly can.

The Honourable Mrs N Edwards

Can we be assured that working together on this front does not imply that the Argentineans have any say in our continental shelf at all?

The Honourable J Birmingham

Mr President, Honourable Members, I can assure the Honourable Member from the West that this is nothing new. If she looks back in the recent past there have been discussions over fishing, there have been discussions over oil. There is nothing devious going on. It would be purely for scientific and logical reasons that both sides work together.

The Honourable Mrs N Edwards

I thank the Honourable Gentleman for that. I just wanted it made clear to the general public.

The Honourable Mrs S Halford

Could the Honourable John Birmingham assure us that our funding will not be used for Argentine work?

The Honourable J Birmingham

Mr President, Honourable Members, not only can I assure the Honourable Member that Falkland Islands taxpayers' money will not be used to support Argentine works, neither will it be used to subsidise anything that is going on in the Argentine.

QUESTION NO 15/01 BY THE HONOURABLE MRS NORMA EDWARDS

Would the Honourable Lewis Clifton please update us on whether any more progress has been made in the Falkland Islands regaining disease free status from the OIE/EU committees, in particular with regard to the foot and mouth epidemic being suffered at the moment in Europe and South America?

The Honourable DL Clifton

Mr President, I would refer the Honourable Lady first of all, to part of your statement this morning, but I do have some current information and I can relay it to the Honourable Lady.

The Senior Veterinary Officer wrote to the Director General of the International Office of Epizooties (excuse my rather poor French) outlining the concerns of farmers in the Falkland Islands being included with the United Kingdom, with regard to our foot and mouth disease status.

A reply was received from Dr J Pearson, head of the Scientific and Technical Department of the OIE on 19 April. His reply is as follows:

“The Commission would be happy to consider it a request to have the Falkland Islands as a separate zone. There have been similar requests submitted and approved. The problem is the delay in accomplishing this. In order to comply with OIE regulations, this request must be submitted to the Commission. If they recommend approval, that recommendation must go to the member countries for a 60-day comment period and then be submitted to the International Committee for approval. Consequently, one cannot be approved as free before May 2002 and the date of the general session is 2002.

The recent foot and mouth disease conference did discuss a number of resolutions to submit to the International Committee, but they did not submit one to speed up the procedure to create new zones. Creating new zones in most countries is a difficult and sensitive issue and they did not want to change the present review procedure. They realised that this will be a hardship for the Falkland Islands and Dr Pearson has recommended that we continue to work with the UK to submit a request before August 2001, to establish the Falkland Islands as a foot and mouth disease free zone, without vaccination. The FMD and other Epizooties Commission can then be considered in September when they meet.”

That is the end of the quote from the letter from Dr Pearson.

I am advised that the Senior Veterinarian Officer has written to the Chief Veterinarian Officer in the United Kingdom, asking him to submit a request to establish the Falkland Islands as a foot and mouth disease free zone of the United Kingdom. This can then be considered at the Foot and Mouth Disease and other Epizooties Commission in September 2001 and ratified it at the Annual General Session in May 2002.

The Senior Veterinarian Officer comments finally that there appears to be no speedier means of the Falkland Islands being recognised as being an FMD free zone.

QUESTION NO 16/01 BY THE HONOURABLE NORMA EDWARDS

Would the Honourable Michael Summers advise whether TAC has recommended to PWD that they cap the new road to Spring Point, through the Leicester Falls area, prior to the winter setting in?

The Honourable MV Summers OBE

Mr President, I am delighted to hear that winter has not yet set in on the West.

The Honourable Mrs N Edwards

No, not yet.

The Honourable MV Summers OBE

The Transport Advisory Committee was not aware of the situation regarding capping of the new road to Spring Point at their last meeting, which was held on 5 April. There has therefore, been no opportunity at which to address this matter. However, the Public Works Department has inspected the section of road as part of their scheduled road inspection routine on 15 and 16 May. We will investigate this matter at our next meeting, which is on 30 May, next week.

It should be noted, that under normal circumstances the TAC does not make recommendations to PWD: it is a committee set up to advise Executive Council. However, concerns regarding any part of the road network can always be notified to the Public Works Department.

The Honourable Mrs N Edwards

Thank you very much.

QUESTION NO 17/01 BY THE HONOURABLE MRS SHARON HALFORD

Could the Honourable Lewis Clifton please inform the House how much Agricultural equipment has been purchased by the Agricultural Department for use by farmers and how is this equipment being allocated?

The Honourable DL Clifton

In rising to answer this I would also refer the Honourable Sharon Halford to part of the statement in your Address this morning.

I can advise that, in total 29 pieces of equipment have been purchased by the Department for use in the Pasture Improvement Programme.

That equipment is distributed across East and West Falkland and consists of:

- 3 Massey Ferguson 110 horse power tractors – 2 on East, 1 on West;
- 2 Ford New Holland 120 horse power tractors – 1 on East, 1 on West;
- 1 90" Howard Rotavator – on East Falkland;

2 Dowdeswell 110" Rotavator – 1 on East, 1 on West;
 4 Vicon Teagle Three-point-linkage Fertiliser Spreaders – 2 on East, 2 on West;
 1 Shellbourne Reynolds Large Trailed Fertiliser Spreader – on East;
 1 Transpread Large Trailed Fertiliser Spreader – on West;
 2 Parmiter Chain Harrows – 1 on East, 1 on West;
 2 Truax Direct Drills – 1 on East, 1 on West;
 2 Einboch (3m) Air-seeders – 1 on East, 1 on West;
 1 Einboch (6m) Air-seeder – on East;
 2 Cambridge Cousin Rollers – 1 on East, 1 on West;
 4 Spearhead Rotary Slashers – 2 on East, 2 on West; and
 2 Cousins Offset Discs – 1 on East, 1 on West.

During the last summer, this equipment was passed between farms on an ad hoc basis. The President has referred to the work concluded to date in his presentation address this morning. Next summer it is anticipated that more farmers will want to use the machinery and a regular programme of use will follow.

The cost to the Government to date has been:

Financial Year	Amount
1998/1999	£189,000
1999/2000	£237,000
2000/2001	£308,000

The above has been spent on equipment to improve it.

The Honourable Mrs S Halford

I thank the Honourable Lewis Clifton for that response. Is he in a position to tell us who is actually responsible for the maintenance of this equipment on both East and West?

The Honourable DL Clifton

Mr President, if I may, at the moment it is somewhat divided between those who have the facilities to be able to maintain it in particular locations. The whole subject of maintenance will be dealt with in terms of the formalised programme, now that there is more demand to use that equipment in the following summers. As you said this morning, Mr President, some 450 hectares have been improved and there is a need to move forward with that and there is a need to move forward in a systemic and organised way.

The Honourable Mrs S Halford

Mr President, obviously this is very expensive equipment and it is, according to the Honourable Member, being shared around. Would it not make more practical sense for this equipment to actually be allocated to a dedicated user on both East and West? We always talk about diversification and this surely would diversify for somebody. If that were the case, does the Honourable Member not agree that the equipment would that way, be better looked after and maintained?

His Excellency The Governor

... a rather normal caveat about the nature of supplementaries around debate but the Honourable Member seems very willing to answer.

The Honourable DL Clifton

I hear what the Honourable Member has to say and that is being looked at in terms of the labour scheme and other schemes, which are being looked at by the department. The whole idea is to get the maximum benefit from the investment of this equipment, the Pasture Improvement Programme and all the other programmes that are running, in a number of cases, almost hand in glove.

The Honourable WR Luxton

Mr President, can the Honourable Member tell me what the status is of the, I think, quite expensive piece of machinery purchased to dry and grind the calcified seaweed, without which I understand it is less useful in application. Will this machine be shipped to West Falkland for use at Spring Point with the calcified seaweed there?

The Honourable DL Clifton

Mr President, I can answer that. I can say it is out with the bounds of this particular question. As the Honourable Member is aware, I am only recently appointed to the Development Board so I am not familiar with that perhaps as he might have been up until recently. I will though, ask the appropriate department and search out an answer to that question.

The Honourable Mrs N Edwards

I have got a supplementary in relation to that question, but I will also if I may, enlighten you of the West situation on that.

This equipment that you have listed for East and West, does it include equipment used at Saladero, or is this entirely for the farms? Thank you.

The Honourable DL Clifton

Mr President, as I understand it, the Department doesn't have a prior claim over that equipment. It is to be used for the benefit of the Pasture Improvement Programme on a regional basis.

The Honourable Mrs N Edwards

Can I just clarify, some of this equipment is at Saladero - is used at Saladero or is this free equipment for all the farms to use?

The Honourable DL Clifton

Mr President, it is certainly not free equipment, it had a very expensive price tag. The equipment that is used at Saladero of course, is the centre where the Pasture Improvement Programmes have been trialed. That is the equipment and it has been trialed and tested there and that is the same equipment that is available for those folk who wish to put in place their 50 hectares of free Pasture Improvement Programme on East Falkland.

The Honourable Mrs N Edwards

Yes, I thank you for that, but if I may just clarify, that mainly, a lot of this equipment is at Saladero and it isn't sort of floating around the farms. Yes we can ask to use it and presumably go on the list, but a lot of it is used at Saladero over the year. Is that not right?

The Honourable DL Clifton

Of course that is where the Honourable Member is right to a degree. That is where the emphasis of the pasture improvement programme has been, but that equipment is available and has been used on areas of East Falkland where there has been sufficient will in place to engage and secure the use of that equipment to put in place 58 hectares of Improved Pasture per farm.

The Honourable Mrs N Edwards

Thank you, I just wanted to clarify that it wasn't floating around the West because I haven't seen it.

QUESTION NO 18/01 BY THE HONOURABLE SHARON HALFORD

With the closure of the Central Stores, could the Honourable Mike Summers please explain the current procurement process in instances where contracted suppliers are unable to supply the goods?

The Honourable MV Summers OBE

Source and Supply Agreements have been entered into with local firms with a supply of goods formally ordered and supplied by Governments Central Stores. It is part one of the operation, which will result in the closure of Central Stores by June 2001.

Each of the local firms have purchased from Government sufficient stock to continue to meet departmental requirements on an ongoing basis. Departments are being provided with a list and amount of stock items taken on by the firms. For goods not previously ordered and supplied through Central Stores, departments will initially be able to obtain these goods from existing or alternative suppliers until part two of the process commences later this year.

Under the part two arrangement, it is intended to expand the list of goods to be supplied by locally contracted firms under the open book partnership arrangement, to include many items currently purchased directly by departments. The Government's Procurement Auditor will be the first point of contact for clarification of the system. He will be working closely with both Government departments and the contracted suppliers to ensure that the best possible value for money for the landed price of goods to the Islands.

It should be noted that a sum of £60,000 per annum has already been identified as savings in this exercise.

Although the source and supply agreements are in their infancy, significant price reductions for some goods have already been identified. It is anticipated that with good communication and co-operation, a lasting and successful partnership will develop between the public and private sectors.

If I can just quote to you from a note issued on this subject fairly recently, it says:

"If the contracted supplier is out of stock of a listed item, it is the suppliers job to get it for you by whatever means. It is not for you to search the local shops."

QUESTION NO 19/01 BY THE HONOURABLE MRS JAN CHEEK

Will the Honourable Mrs Norma Edwards please list the clinical audits recently instigated at the KEMH and outline their purpose?

The Honourable Mrs N Edwards

I thank the Honourable Member for her question, which enables me to advise Honourable Members of progress to monitor and where necessary, improve standards of care in our Health Service through a process called 'clinical audit'. Put simply, clinical audit process carries out simple research to find the standards we should be achieving and the best ways of doing things. Usually, by looking at international comparators.

These standards and 'best practices' are then compared with the performance of our own service. If we do well then that is fine, we move onto other topics. If not, improvements are made and the audit then repeated to see what effect they have had.

It is worth pointing out that clinical audit is lead by the doctors and nurses themselves. It is not another way of using clinical staff to gather information. The Health Service has recently formed a Clinical Audit Group, whose members are ordinary working nurses, administrative staff and a GP, which is leading the introduction of clinical audit. Perhaps the biggest benefit of clinical audit, apart from ensuring that our Health Service is providing a high quality service, is that it helps and encourages doctors and nurses themselves, to take a step back, look at the evidence of good practice, look at what we are doing and see how we compare. Coincidentally, it can also make a big difference to their levels of job satisfaction.

The Health Service Clinical Audit Group has recently sought ideas from staff on which areas should be audited. I am able to report to Honourable Members that the audit is already underway, or about to commence in six areas;

- Cervical smear screening;
- Appointment availability;
- Nurse care plans;
- Protection of confidential information;
- Monitoring of Methotrexate – a drug used for skin conditions, amongst other things; and
- Child immunisation levels and child health.

Over the next 12 months, the group is intending to look at a number of other areas suggested by staff. These include:

- The care offered to foreign nationals;
- Message handling – especially of calls from Camp;
- GP/nurse ward communication;
- Health checks on women using the contraceptive pill;
- Promotion of breast feeding;
- Availability of results from the Pathology Laboratory;
- Depression rates and treatments;
- Note keeping on paper and computer;

- Hearing loss and the use of screening and hearing aids;
- Outcomes of surgical procedures;
- Prescribing; and
- Whether or not Casualty services are being used appropriately.

It is important for Honourable Members to understand that clinical audit is an internal and reflective procedure and it must not be used as a performance management tool. Treating it as a topic for external scrutiny, almost invariably reduces the willingness of the staff to discuss problem areas and concerns, in an open and frank way, which is what they must be able to do. Thus, whilst the Health and Medical Services Committee will receive reports on audits, in which it has a specific interest, or which give cause for concern it will not normally routinely review audit outcome, nor will it expect Executive Council to review the audit process. I hope that that is as clear as mud.

The Honourable Mrs JL Cheek

I thank the Honourable Mrs Edwards for her reply and I am sure that it will reassure patients to know that such systematic work is in progress.

The Honourable DL Clifton

Mr President, I heard from the Honourable Member, a whole list of clinical audits. It seemed to me that there was one maybe missing from that and that would be the well-man clinic. Is there such a clinical facility?

The Honourable Mrs N Edwards

It is an important subject to bring up and I will certainly report back to the Medical Services Committee and see what we are doing on that front, thank you.

The Honourable DL Clifton

I thank the Honourable Member. It seemed that her reply was perhaps a little one-sided.

His Excellency The Governor

Any other supplementaries? Is that the end of the questions? May I just briefly say, I would I hope be the last one to try to suppress enthusiasm to pursue certain issues. I have done it more today. It is slightly because there are, and I am delighted to see Legislative Council used for debating issues, but there are separate procedures which allow for that. Procedures which indeed are a matter for discussion and debate in the Select Committee. Actually, the only reason that I have tried to put a slight brake on what seemed to be the stretching of the rules on supplementaries this morning. Thank you for your tolerance.

Clerk of Councils

ORDERS OF THE DAY – BILLS

The Appropriation Bill 2001.

The Honourable the Financial Secretary

Mr President, Honourable Members, the purpose of this Bill is to authorise the withdrawal of £51,354,300 from the Consolidated Fund for the service of the financial year beginning 1 July 2001. The Schedule to the Bill summarises the appropriation in two parts:

£31.6m is allocated to Part I, the Operating Budget, which represents expenditure net of internal charges of £1.3m. £19.7m is allocated to Part II, the Capital Budget, which includes provision for transfer payments of £4.4m and fund transfers of £6.2m.

The Draft Estimates are presented in one document and in the same summarised format as last year. This will continue to give managers greater freedom to vire money within each summary head. It also continues the move in emphasis away from costing the inputs to valuing the outputs, in that the purpose of the budget is to support the Islands Plan, to facilitate the provision of public services, finance the capital programme and is thus one of the main guides to help deliver pre-determined and measurable aims and objectives.

As usual, before dealing with the 2001/2002 Budget, I will briefly review the current financial year. In accordance with the draft estimates, the out-turn at 30 June 2001 is expected to produce a budget deficit of £3.6m compared to the £2.3m deficit forecast a year ago. The reason for the negative variance is a combination of an estimated reduction in revenue of £800,000 and an estimated increase in expenditure of £1.5m. At 30 June 2001, it is estimated that the balance of the Consolidated Fund will amount to £82.8m, which represents around two and a half years worth of proposed operating expenditure and is an appropriate point to start the report on the 2001/2002 Budget.

Total revenue, including capital receipts for 2001/2002 is forecast at £44.8m and the submissions for total expenditure, including capital schemes, transfer payments and fund transfers, are inserted at £52.6m to produce an estimated budget deficit of £7.8m. The suggested use of general reserves of £7.8m to balance the budget, should not be viewed with too much concern as £6.2m of this relates to fund transfers. £5.3m of this figure represents an estimated transfer for a contingent liability adjustment in respect of staff pensions, approved in principle, but subject to confirmation.

Operating revenue is inserted in the draft estimates at £44m, which is marginally higher than the revised estimate for this financial year of £42.8m. This is a realistic forecast, provided economic stability can be sustained. Dependence on the major contribution from the fisheries sector remains a concern, having regard to the fragile nature of the industry. The strategy is to maintain the base operating expenditure as currently identified at the 2000/2001 recurrent level of £29.9m so that inflation, including a proposed pay increase of 5.1% can be absorbed. The draft estimates reflect this, although there are issues to resolve during Select Committee.

In addition to the recurrent baseline of £29.9m, there are allocations of £2.3m in total in respect of bids from Heads of Departments or one-off, non-recurrent special expenditures and for growth items. Provision is also made for the estimated carry-over of the uncommitted balance of the contingent Islands Plan reserve of £713,000 which is subject to adjustment at Select Committee. This makes a total estimated operating expenditure figure for 2001/2002 of £32.9m including internal charges of £1.3m. It should be noted that operating expenditure includes additional costs of £1.2m of which it is anticipated there will be matching revenue for the civilianisation of the Hospital, the employment of long-liner observers and for increased output in the Public Works Department.

Following the comprehensive round of budget meetings at the Standing Finance Committee in February, it is proposed that the Select Committee should focus efforts on the consideration of operating expenditure to a review of the discretionary growth bids and special expenditure items.

Capital expenditure for 2001/2002 is inserted at £19.7m, which includes provision for transfer payments of £4.4m and fund transfers of £6.2m. In addition, there is an estimated carry-over of under-spend this year of £3.2m. This estimated carry-over has not been included in the Appropriation Bill and it is proposed the actual under-spend be carried over by supplementary appropriation as soon as possible in the new financial year.

It should be noted that £2.8m of the estimated carry-over and £8m of proposed capital expenditure for 2001/2002 relates to construction related schemes. These allocations are the result of discussions at the Public Works Committee sub-group. The discussions were in response to the decision of Executive Council that the current ceiling of capital expenditure of £11m per annum of new money should be examined more thoroughly alongside of resource levels before consideration was given as to whether this ceiling should be increased. There is some confidence that a level of spend of £10.8m on an appropriate balance of construction related schemes can be designed, resourced and managed. However, I propose that capital expenditure bids are reduced by at least £2.5m. This is the product of the estimated deficit of £7.8m, less the £5.3m special fund transfer to staff pensions I mentioned earlier.

On historic levels of actual spend, this would still leave an ambitious programme of £14.2m, excluding fund transfers of £6.2m, but taking into account the estimated carry-over of £3.2m.

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

Since finalising the draft estimates, other information has come to light. Firstly, I am pleased to say, it appears that the revised estimated position for the current financial year will show an improvement of around £1m to £1.5m on account of additional fisheries licence income. Secondly, there are a number of late requests for adjustments to be made to the Estimates. The Heads of Department concerned have been advised to put their cases to the Select Committee for consideration.

Turning now to revenue measures, it is proposed to increase customs import duty on tobacco products by 10% and on alcohol beverages by 5%. These increases would, for example, add an extra 14p on a packet of 20 cigarettes, an extra 31p on a 75 cl bottle of spirits, an extra 8p on a case of beer.

It is also proposed that the current single rate of duty on spirituous beverages be divided into two rates to reflect the lower alcohol content of ready mixed cocktails. Currently, the duty rate of £4.48 per litre is applied to all spirituous beverages up to an alcohol content of 22%. It is now proposed that beverages up to an alcohol content of 7.5% should attract the same revised duty rate as beer which has a similar alcohol content of 22p per litre and that beverages over 7.5% and up to an alcohol content of 22% should attract a revised duty rate of £4.70 per litre. It is estimated that these measures would raise additional revenue of around £24,000. I can report that Executive Council decided that the base rates and rationale behind the current customs import duty should be reviewed.

It is proposed that harbour dues be increased by 3% in respect of all vessels over 50 tonnes with effect from 1 January 2002. Additional revenue from this source is estimated at £20,000.

It is proposed that rents of all Government accommodation be increased by 10% with effect from 1 July 2001 as an interim measure pending a full review.

It is proposed that water prices be set to recover the cost of production with effect from 1 July 2001. This proposed increase includes the introduction of charges on metered basis to all commercial premises, instead of the current standard charges and in respect of all Government Departments, where in most cases no charges are made at present. For domestic premises, it is proposed that the standard charge should be increased from £165 to £175 per annum. For householders who chose to pay by instalment after 30 September 2001, it is proposed the charge be further increased to £180 for payment by 31 January 2002 and to £190 for payment by 31 March 2002. The charge for pensioner households, to remain at 50% of the full revised charge in each case.

In order to move towards a break-even position at the Registry, it is proposed that particular charges and fees are increased with effect from 1 July 2001. These are detailed in the Finance Bill and, if approved, a list of the revised charges will be available from the Registry.

It is proposed that the price charged for the undertaking service in Stanley is increased from £450 to £500 per funeral with effect from 1 July 2001. The estimated cost of a funeral is £800.

It is proposed that certain fees levied by the Education Department be increased with effect from 1 January 2002. If approved, a list of the revised fees can be obtained from the Education Department Office.

There are no proposals to adjust rates of income tax or allowances. Executive Council agreed that any revision should await the outcome of the review of taxation policy which is due to take place over the next several months.

Proposals to introduce a charge of £5 for each application for a work permit and to increase the fee for a visa from £5 to £20 are to be the subject of a policy paper to Executive Council.

Executive Council agreed in principle that certain items currently issued free from the Medical Department should be subject to a charge and requested that this matter be put forward in a policy paper by the Director of Health Services.

Executive Council agreed that the matter of a review of FIGAS fares should be discussed initially by the Transport Advisory Committee.

It is proposed that there should be no change at present to the following:

- Embarkation tax;
- Passenger tax;
- Road traffic and other licence fees;
- Postage rates; and
- the price of electricity.

It is proposed that unless specifically identified, all other charges should be raised by 3% at the most appropriate opportunity.

I now turn to specific benefit proposals:

Under the provisions of the Retirement Pensions Ordinance, it is proposed that the weekly rates of contribution to pension be increased as follows with effect from 1 January 2002:

- Employer contribution from £7 to £8;
- Employee contribution from £7 to £8;
- Self-employed contribution from £14 to £16;
- Voluntary Resident Contribution from £14 to £16;
- Voluntary Overseas Contribution from £19.20 to £20.30;
- Standard Rate of Pension from £90 to £95; and
- Married Couples Supplement from £50.50 to £53;

Retirement Pension contributions are paid into and the pensions are met from the Retirement Pensions Equalisation Fund.

It should be noted that for voluntary contributions overseas, the proposed increase matches the proposed percentage increase in benefits, whereas for resident contributors the proposed increase is greater.

This increase in contribution rates will reduce the subsidy requirement by £50,000, from £500,000 to £450,000, which is inserted in the capital estimates under fund transfers. Please note that a subsidy is necessary in order to maintain the value of the fund for as long as the resident rate of contribution remains less than the actuarial overseas rate of contribution.

Following the introduction of the Retirement Pensions Contribution Exemptions Scheme, for contributors resident and working in Camp, Executive Council requested that the earnings limit threshold be reviewed in the context of the budget. It is proposed that the threshold be increased from £70 to £160 per week. This proposed doubling of the threshold means that contributions would not be compulsory unless weekly earnings exceeded £160. In certain situations where this threshold is not reached a contributor can obtain assistance from Government so that contributions are made on behalf of the contributor. An additional allocation of £20,000 for contribution credits has been inserted in the estimates in anticipation of an increase of applications for assistance.

As a result of the proposed increase in retirement pensions, the maximum ex-gratiā pension would be increased by £4.50 from £81 to £85.50 in order for it to remain at the agreed 90% 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 5.1%, the same as the proposed pay increase with effect from 1 July 2001. The estimated cost of this increase is £23,000 and would be met from the Pensions: Old Scheme Fund, which was established in 1999 to meet those pension liabilities.

It is proposed that, pending a review of welfare allowances, the existing welfare allowances be increased by approximately 10%. Executive Council agreed that there should be no adjustment in the rate of child allowance in advance of this review.

It is proposed that Councillors' annual and daily allowances are increased by approximately 15% to £3250 and £98 respectively, with effect from when the next Council takes office. This increase takes account of inflation from when the allowances were last set with effect from 1 January 1998.

As I mentioned earlier, the Estimates are now presented in summary form. This means that Honourable Members no longer see every detail of how the estimates are built up. The move to valuing the outputs should enable Honourable Members to devote more time to the allocation of resources so the managers can achieve their departmental aims and objectives and fulfil their missions. In particular, managers need to be able to convince Honourable Members that they need the discretionary additional bids or special expenditure, where appropriate, in addition to their baseline budgets. There is a need to either confirm that the proposed expenditures are necessary in order to achieve the outputs or to review the outputs so that they can be achieved with less resources in order to obtain value for money. However, this cannot be looked at in such black and white terms as in certain areas, there will be scope to obtain greater efficiencies than in others.

As I have reported in previous years I am pleased to be able to repeat that the public finances remain in a healthy state. As Government is such a major player in this small and fragile economy the stability of the public finances is crucial to our well-being.

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 Frank Jackson, Mike Luxton, Lynda Lyse and Leslie Waite in the Treasury for all the time they have devoted to producing the draft estimates and accompanying information. 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 1 July 2001 and ending on 30 June 2002.

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 1 July 2001 and ending 30 June 2002.

The Honourable the Chief Executive

Mr President, I beg to move that the Bill and the Draft Estimates be referred to a Select Committee of this House and that the Honourable M V Summers be appointed as 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 Mike 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 2001.

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:

- In Clause 2 – an increase in harbour dues;
- In Clauses 3,4,5, 8 and 9 – an increase in fees in the Registry;
- In Clause 6 – an increase in Retirement Pensions Contribution and the Earnings limit threshold; and
- In Clause 7 – an increase in Councillors' Allowances.

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

His Excellency The Governor

The Motion is that the Bill be read a first time, 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 increase harbour dues, to increase existing fees and introduce new fees in an number of Registries administered by the Registrar General, to amend the Retirement Pensions Ordinance and to increase Councillors' Allowances.

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 increase harbour dues, to increase existing fees and introduce new fees in a number of registries administered by the Registrar General, to amend the Retirement Pensions Ordinance and to increase Councillors' Allowances.

The Honourable the Chief Executive

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

His Excellency The Governor

The Motion is that the Bill be referred to the Select Committee on the Estimates. Any objection to the Motion? No objection – the Bill is now referred to the Select Committee on the Estimates.

Council is now adjourned until 2.30pm on Friday 25 May.

**COUNCIL RESUMED BUDGET MEETING OF LEGISLATIVE COUNCIL ON
FRIDAY 25 MAY 2001**

Clerk of Councils

ORDERS OF THE DAY: BILLS

The Appropriation Bill 2001 (remaining stages).

His Excellency The Governor

I invite the Honourable the Financial Secretary to report on the proceedings of the Select Committee on the Estimates and on 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 this week. The Committee was hard pressed this year to carry out the business of the budget meetings in the one and a half days allocated on the agenda. They were busy sessions attended by Heads of Departments, where required and a little extra time was needed yesterday to finalise the Capital Programme. There is no doubt that the pre-Select Committee meetings held in February, the regular reviews by the Standing Finance Committee and the review of the Capital Programme by the Public Works Department Subgroup, made the Select Committee's task a little less time consuming.

With regard to the Operating Budget, the Committee concentrated mainly on the additional growth items and special expenditures I drew attention to in my budget presentation. In summary and after several adjustments both up and down, the surplus of Operating Revenue over expenditure of £11.1m shows a slight improvement of £26,000 over the Draft Estimates.

I can report that inflation, including a 5.1 percent pay award, has been absorbed by savings and reductions and that cost pressures arising from additional growth have been contained within an operating expenditure budget of £33m. This containment was helped by the use of the Islands Plan reserve, which, after allocations made at Select Committee, is inserted in the Estimates at £462,700. This balance can then be used to fund areas of growth identified in the Islands Plan, in the event that they arise during the course of the Financial Year, subject to the approval of the Standing Finance Committee.

A significant adjustment to capital receipts was made at the sum of £1.5m in respect of STABEX monies was brought forward from future projections in anticipation that it can be drawn down earlier, to cover the costs of certain agricultural related capital schemes.

Another significant adjustment was the removal of the provision of £5.3m, which had been inserted in the Draft Estimates under fund transfers, to fund a potential contingent liability for staff pensions. The Select Committee decided that it would be more appropriate for this to be considered under a Supplementary Appropriation Bill in due course after all options have been investigated and advice has been taken.

In addition, Capital Expenditure was reduced to £1m to leave a Capital Budget of £13.4m, and to bring the overall budget into balance. A most satisfactory result.

The £13.4m Capital Budget includes £4.3m for transfer payments and £950,000 for fund transfers.

The fund transfers have a neutral effect on the Government's balance sheet as the money is simply being transferred from one pocket to another. Not in my jacket or trousers I should add.

The transfer payments of £4.3m represent the transfer of money from public to private. The opposite of taxation. This includes subventions and subsidies to agencies and trusts, grants and aid, agricultural assistance and subsidies.

A subsidy of £125,000 has been inserted to assist the abattoir in its first year of operation. All this is designed to help the economy grow and the Islands to prosper. This leaves £8.1m allocated to the rest of the Capital Programme. £6m of this figure can be related to construction schemes. It is anticipated that a £2.5m under-spend, will occur this year on construction schemes and will be carried over to next year. Therefore there is £8.5m allocated for capital construction, which it is recognised will be a demanding objective for both PWD management and the private sector to achieve.

Taking into account the estimated carry over, the funding for construction schemes includes:

An allocation of £2.2m for roads, both in Stanley and in Camp. A substantial sum is included for the reconstruction of the well-worn section of Ross Road in downtown Stanley. Over £1m is included for Camp jetties, roads and a new accommodation camp on West Falklands.

An allocation of £1m for housing, which includes Government housing for rent, disabled housing and a start to sheltered housing.

An allocation of £4.4m for Government buildings and land. This includes such projects as completing the Infant & Junior School extension, modifications to the Town Hall, the refurbishment of the Secretariat, starting the new police station and completing the abattoir.

An allocation of £900,000 is made for municipal services, which includes the start of a new phase of development of housing plots at East Stanley, a sewerage disposal system and improvements to both electricity and water supplies in Stanley.

Turning now to the revenue proposals made in my presentation, the Select Committee approved the following:

- A ten percent increase in Government house rents. I can confirm that this excludes St Mary's Walk and Thatcher Drive sheltered housing, which is already subject to a phased increase.
- An increase in water charges, including a change to a metered basis in respect of commercial premises, subject to the definition in each case being confirmed by the Standing Finance Committee.

It was recognised by the Select Committee that the change in the water charging system would result in significant increase for commercial premises which use a lot of water – such as hotels. However, it was also recognised that some commercial premises, such as the Market Garden for example, have been charged on a meter basis for years. This move to full cost recovery also helps to level the playing field between consumers in Stanley and Camp, with the exception of Fox Bay Village, where public funds, at least at the present time are not expended in connection with the supply of water.

- An increase in existing fees and an introduction of new fees in a number of registries administered by the Registrar General were approved.
- An increase in the charge for the undertaking service was approved.
- An increase in certain fees levied by the Education Department was approved.

The Select Committee agreed that there should be no change, at present, to the following:

- Embarkation Tax;
- Passenger Tax;
- Road traffic and other licence fees;
- Postage rates; and
- The price of electricity.

The Select Committee approved an increase of three percent in all other Government charges.

I believe my proposals for an increase in customs import duty have the support of the majority, but I am not so confident on my proposal for a lower rate of duty on spirituous beverages with a lower alcohol content. We shall have to await the outcome of my Motion, which is the third item on the Order Paper for today's meeting.

The proposed increase in Retirement Pensions Contributions, the earnings limit threshold, ex-gratia pensions and the Christmas bonus were all approved.

There was some dissent over the proposed increase in the resident rate of contribution, but I understand that the majority of the Members supported it.

The proposed increase in Public Service Pension was also approved.

The Select Committee approved an increase of five percent in existing welfare allowances rather than the ten percent increase proposed and asked for the outstanding review to be undertaken as soon as possible.

The proposed increase in Councillors' Allowances was approved.

I am pleased with the outcome of the Select Committee deliberations, as a balanced budget has been achieved, however, I am not so pleased with the management of the budget process and the issue of more and more papers at the eleventh hour and beyond. In hindsight the issue of the papers in an indexed folder would have been an improvement. I feel I must apologise to Honourable Members for the confusion which was caused and will do my utmost to improve the process for future years for the benefit of both officers and Elected Members alike.

As well as striking a balanced budget I believe that we have also struck a reasonable balance between expenditure on service provision to social purposes for economic development, and on Capital schemes.

The Estimates, once approved, and in support of the Islands Plan, 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 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 Leslie Waite in her sufferance in taking the minutes, Frank Jackson for helping me to keep an accurate record of adjustments and Mike Luxton and Linda Lyse for all their hard and swift work behind the scenes. This concludes my report on the proceedings of the Select Committee on the 2001/2002 Draft Estimates, Sir.

His Excellency The Governor

I thank the Honourable Financial Secretary and his team for the work that has been done. Would anyone wish to move the acceptance of the report? The Honourable Mike Summers moves. Is there a seconder – the Honourable Richard Cockwell. Does anyone wish to speak on the Motion, or debate?

The Honourable MV Summers OBE

I would just like to say a few words, Sir, about the budget and the budget process.

I appreciate the difficulty that the Financial Secretary had this year and it was noble of him to apologise for some slight muddling of the papers.

(Hear! Hear!)

He was landed with a difficult job because of staff changes at rather short notice at a critical time of the year. We did, in the end, get through what we needed to do with sufficient dispatch. This is the fourth budget of this Council and of course the last and I think that we are all very happy to have got through this four years having contributed to some extent, to the reserve and having turned around the deficit position, an increasingly difficult deficit position that we inherited. As the Chairman of the Standing Finance Committee I would like to thank all my colleagues for pulling together very strongly, all very much in the same direction in terms of how we have dealt with the public finances to get ourselves back into a positive situation, at the very least, a balanced budget year on year.

We have been able to hold recurrent expenditure at effectively current levels again this year. That has not been that easy, particularly with the cost pressures of civilianisation of the hospital. There do remain considerable uncertainties about whether the income that we will receive back from the Ministry of Defence (MOD) in this particular financial year to cover those hugely increased costs, can in fact be negotiated for future years. I do very much hope that the MOD will recognise that these are changes that it required and requested and helped the Government to adopt a neutral position in terms of the civilianisation process.

I know that it has been long and difficult and I know that you too, Commander, have your budget difficulties, but I think that if we can't continue with the neutral position in future years, the next Council is going to have an extremely difficult time in maintaining current expenditure levels.

Having said all that, it is highly satisfactory that there is no reduction in health care and there is no reduction in service provision, I don't think, in other areas in the Government as a result of our holding recurrent expenditure at the current levels.

The Financial Secretary has mentioned the principal items of Capital works that are to be carried out. I think that we should mention, because it is only fair, that the surfacing of the Mount Pleasant Road has to be slipped a further year, to be able to deal with the demands that we currently have. We judged that the completion of the Junior School, police station and the work that needs to be done on housing, plus the very substantial maintenance requirements that we have, the need to have at least the front part of Stanley in good condition before June 14 next year when we have a major anniversary, warrant the decision to slip that surfacing project one further year.

I know that some people will protest – that is inevitable – but I think that in the interest of maintaining a balanced budget it had to be done. If there are other capital demands after the election, then clearly it will be for the Council of the day to resolve how they are to be funded. Of course the new Council will have the option in December/January of reviewing both the estimates and the Islands Plan that they will inherit from us. I wish them well in that. Sir, I support the Motion.

The Honourable Mrs N Edwards

Sir, may I add my congratulations to the whole of the Treasury team for all the hard work they have done over the budget session and before. It is a very difficult time for them – I know. At times I must admit that it did feel as if it was a bit of horse race to get through in here in time for today. However, It was very well handled and very well Chaired by Mr Summers.

I have to comment on the old fags and booze issue because as an ex-smoker, an ex-drinker too as I don't really drink much...

(Laughter).

I do feel that each year this gets knocked every time. I am wearing two hats here. I am speaking for the minority of people who get very upset about annual increases in their booze and cigarette bills, but also as a member of the Health of the Nation team who say this is what we have got to do to make people healthy. I personally feel it is the wrong way to encourage people, through their pockets. I think you have to persuade rather than bludgeon them over the head with more and more costs. It worries me a little bit that some of our whisky and things like that – the hard liquor is more expensive here now than it is in Britain. What are we trying to prove and what difference does it make to the overall budget one has to ask oneself? However, it is always a good healthy thing to do and I think we had a respite last year from the Financial Secretary as he didn't put it up last year so it was inevitable that we would catch up this year.

I am also extremely pleased that the rents for the sheltered accommodation will not be increased along with the rest of the Government rents again. I know that the old people were worried about this. I have asked that we look again at the St Mary's Walk situation and at the amount that they pay for their fuel. I know that the houses are different and all the rest of it but it is sheltered accommodation and they feel a bit disadvantaged as to the amount that they pay for their fuel for those houses. Sir, I support the Bill, thank you.

His Excellency The Governor

Any other Honourable Member wish to take the floor on the debate? I see no noticeable stampede. Do we move on then to consider it in detail? I declare therefore, the Council to be in Committee.

Clerk of Councils

Clauses 1 and 2.

The Honourable the Financial Secretary

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

His Excellency The Governor

The Motion is that the Clause 1 stands part of the Bill, any objection? Clause 1 stands 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 amendments as shown in the attachments to Executive Council paper 135/01, issued today to all Honourable Members.

His Excellency The Governor

The Motion is that the Schedule, as amended, stands part of the Bill, any objection? No objection so the Schedule, as amended, stands part of the Bill.

Clerk of Councils

Clause 2.

The Honourable the Financial Secretary

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

Delete the words and figures "£51,354,300" and insert £45,107,900".

His Excellency The Governor

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

The Honourable the Financial Secretary

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

His Excellency The Governor

Honourable Members, the Motion is that the Bill, as amended, be read a third time and passes. Is there any objection? 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 on 1 July 2001 and ending on 30 June 2002.

The Finance Bill 2001 – remaining stages.

His Excellency The Governor

I invite the Honourable the Financial Secretary 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 Draft Estimates. It is confirmed that the Select Committee approved the provisions on the Finance Bill, which provides for increases in harbour dues, registry fees, retirement pensions contributions and the earnings limit threshold and Councillors' allowances. I reported the details of these changes in my Budget presentation on Tuesday. That concludes my report, Sir.

His Excellency The Governor

Does anyone wish to move acceptance of the report? The Honourable Mike Summers, thank you very much. Does anyone wish to second – the Honourable Richard Cockwell. Does any Honourable Member wish to speak on the matter in debate? We move to Committee then. I declare the Council to be in Committee.

Clerk of Councils

Clauses 1 to 9.

The Honourable the Financial Secretary

I beg to move that Clauses 1 to 9 stand part of the Bill.

His Excellency The Governor

The Motion is that Clauses 1 to 9 stand part of the Bill, is there any objection to the Motion? No objection, so Clauses 1 to 9 stand as part of the Bill.

Clerk of Councils

No Schedule.

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

Clerk of Councils

A Bill for an Ordinance to increase harbour dues; to increase existing fees and introduce new fees in the number of registries administered by the Registrar General, to amend the Retirement Pensions Ordinance and to increase Councillors' Allowances.

MOTION NO 2/01 BY THE HONOURABLE THE FINANCIAL SECRETARY

That it be resolved that

'With effect from midnight tonight, customs duties payable in respect of tobacco and alcohol products under the provisions of the Customs Ordinance shall be increased as follows:

- On cigars – from £124.83 to £137.31 per kilo;
- On Cigarettes – from £90.29 to £99.32 per kilo;
- On tobacco – from £82.05 to £90.25 per kilo;
- On beer – from 21 pence to 22 pence per litre;
- On wines – from 55 pence to 58 pence per litre;
- On fortified wines – from 66 pence to 69 pence per litre;
- On spirits from £8.60 to £8.57 per litre; and

That it be further resolved that the category of spirituous beverages be divided into two rates of duty instead of the current single rate of duty of £4.48 per litre as follows:

- On spirituous beverages up to 7.5 percent alcohol by volume – 22pence per litre.
- On spirituous beverages over 7.5 percent and up to 22 percent alcohol by volume £4.70 pence per litre.'

His Excellency The Governor

I invite The Honourable the Financial Secretary to introduce the Motion.

The Honourable the Financial Secretary

Mr President, Honourable Members, this Resolution of gentle persuasion will bring into force from midnight tonight, the increases in duty and the division of the spirituous beverages category I proposed in the Budget presentation.

The purpose for proposing the division is so that beverages with a lower alcohol content can attract a lower rate of duty. I understand that this principle is followed elsewhere.

I beg to move that the Resolution be adopted.

His Excellency The Governor

Would any Honourable Member wish to second that Motion and speak to it? The reluctant Chief Executive. I invite Honourable Members to speak to the Motion. Any Honourable Member wish to address?

The Honourable MV Summers OBE

On the issue of splitting the category of spirituous beverages I am one of they who are not in favour of this. When mixed drinks, alchopops, call them what you will, were raised as a problem to this House some three or so years ago, the decision was made that in the interests of protecting young people in particular from being enticed by these well packaged drinks, that the rate of duty should be at the higher rate. I have heard no evidence up until this time, that that is no longer required. I would, therefore, wish to see the single rate maintained and the higher rate of duty to continue to be applied to those beverages.

The Honourable J Birmingham

Mr President, Honourable Members, I would just like to rise and support everything that the Honourable Mike Summers has just said.

The Honourable WR Luxton

Mr President, I support the Motion in its entirety. I see no justification for the maintenance of this high rate of duty on a very low alcohol beverage. In fact, the fortified wines and wines contain considerably more alcohol at a much lower rate. There is no evidence as the Honourable Mike Summers says, because to the best of my knowledge there is probably no sale for the things in the Falklands at that rate. I really see no reason why we should try to discriminate against a series of beverages, which are quite popular with a lot of people in other parts of the world, for no apparent good reason. Mr President, I support the Motion as put by the Honourable the Financial Secretary.

The Honourable JR Cockwell

Mr President, I would like to oppose the Motion. I think that the problem is that these drinks are specifically aimed at young people and what we should be doing is trying to get a more balanced approach to the consumption of alcohol. I think that it would be much more appropriate if we look at our licensing laws and make our licensing laws more appropriate to this day, rather than trying to encourage the consumption of what are alcoholic drinks, which are aimed at young people. I beg to oppose the Motion.

The Honourable Mrs S Halford

Mr President, Honourable Members, I would like to add my support to what Councillor Summers said.

The Honourable Mrs N Edwards

I suppose I ought to say something because I actually agree with this particular little bit of the Ordinance. I would like to see that all of the rest of the alcoholic beverages brought down to this level.

(Laughter).

But I do believe that these are particularly aimed at children, therefore, we don't want to encourage that, thank you very much. So I support the amendment as proposed by Mr Summers.

His Excellency The Governor

Does any other Honourable Member wish to speak? I can sense the.....

The Honourable DL Clifton

I do support the Honourable Michael Summers.

His Excellency The Governor

I sense that no other Honourable Member wishes to speak; it seems to me that there is a clear tendency against the division proposed by the Honourable the Financial Secretary. I think that without going to any formal vote, that has emerged in the debate as is the case, but I suppose it remains to be determined whether you would wish to amend, one could either just delete, or it is a question of whether you may therefore wish to maintain the present rate of £4.48 or go across the board for the higher rate. I suppose that option at least, exists.

His Excellency The Governor

The question then is perhaps what sort of amendment the Honourable the Financial Secretary would wish to propose?

The Honourable MV Summers OBE

I could probably propose an amendment and it would be to delete the words from "and that it be further resolved..." down to the penultimate line "...22 pence per litre". You simply leave the last line in. I believe that that would serve the purpose. I therefore formally propose that amendment.

His Excellency The Governor

My only question is what that does to the rate on beverages under 7.5 percent alcohol?

The Honourable the Financial Secretary

Mr President, I think that you would just say that you would remove everything from "and" down to "£4.70 per litre" and just insert under where it says "on spirits" just "on spirituous beverages from £4.48 to £4.70 per litre."

His Excellency The Governor

That captures it all. Has everybody got that amendment? Would you perhaps like to say ~~that amendment~~ again The Honourable the Financial Secretary?

The Honourable the Financial Secretary

Yes, Sir, that all the words from "and" to "4.70 per litre" be deleted, and that we insert under where it says "on spirits from £8.16 to £8.57 per litre" insert "on spirituous beverages from £4.48 to £4.70 per litre".

Attorney General

That will achieve the intention of Honourable Member who have indicated their wish to go for the amendment.

His Excellency The Governor

Does that amendment enjoy support? I think that the Motion, as amended, is in joint approval of Legislative Council.

Should we formally vote? Sorry I haven't got the rule in front of me. A voice vote?

The Attorney General

It is a voice vote unless there is a hand vote call.

His Excellency The Governor

Right, okay, in that case, sorry to have pre-empted the decision, but would those in favour of that amendment to the Motion please indicate by saying 'aye'.

(Members vote)

Those against say 'no'.

(Members vote)

The amendment is carried, thank you.

Attorney General

You then put the Motion, as amended, Sir.

His Excellency The Governor

Thank you. I put the Motion, as amended, and I think you all understand the amendment, to Honourable Members. Those in favour of the Motion say 'aye'.

(Members vote)

Those against say 'no'.

(Members vote)

I thank Honourable Members. I thank the Attorney General for steering me through the Motion.

Clerk of Councils

The Immigration (Amendment) Bill 2001. This Bill has not been published in the Gazette and is being presented under a Certificate of Urgency, as are the remaining Bills on the Order Paper today.

The Honourable the Chief Executive

Mr President, this Bill amends the existing Immigration Ordinance 1999, Sir, to get work permits, with the permission of the Governor, to be granted for an initial period greater than two years. This is a tidying up amendment in that in many cases contracts are given for two years and a few months which is carry over of leave. In exceptional cases, sometimes contracts are given for three years. At this point, Mr President, I shall declare an interest and move the first reading of the Bill.

His Excellency The Governor

May I look for a seconder for the Motion? The Motion is seconded.

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 Immigration (Amendment) Bill 2001.

The Honourable the Chief Executive

I beg to move that the Bill be read a second time, does any Honourable Member wish to speak to the Motion or do we go to the fast-track procedure? No indication of a desire to debate? No so the Motion is that the bill be read a third time and do pass. No objection? The Bill will be read a third time and passes.

Clerk of Councils

The Immigration (Amendment) Bill 2001.

The Falkland Islands (Pensions Scheme)(Amendment) Bill 2001.

The Honourable the Financial Secretary

Mr President, Honourable Members, to protect the pensions of FIG employee members of the Falkland Islands Pension Scheme, who have reached the age of 40 years before 1 January 1997. FIG is obliged to top up a members' account, if necessary, to ensure that the retirement benefits are not less than what would have been payable under the old final salary schemes. This protection Provision, under paragraph 5 of Schedule 3 to the Falkland Islands Pension Scheme Ordinance, is known as the 'no worse off guarantee.'

Under the provisions of section 24 sub-section 2 of the Ordinance, the value of a member's account includes any additional voluntary contributions and any investment earning attributable to those additional voluntary contributions. This means that any FIG employee member who makes additional voluntary contributions to the scheme and whose account needs topping up to protect their pension, is at a disadvantage compared to a member who makes additional voluntary contributions to another scheme. This disincentive to make additional, voluntary contributions to the scheme was, obviously, unintentional.

This Bill would amend the Ordinance so that additional voluntary contributions would be disregarded for the purpose of calculating the 'no worse off guarantee' for eligible FIG employee members.

I beg to move the first reading of the Bill.

His Excellency The Governor

Anyone wish to second the Motion?

The Honourable the Chief Executive

Yes, Sir.

His Excellency The Governor

The Motion is seconded by The Honourable the Chief Executive. The Motion is that the Bill be read a first time, any objection? No objection, so the Bill will be read a first time. I think it is actually at this stage that I am actually entitled to determine whether we should follow the short-track procedure, an explanation of the Bill having been given. Does anyone wish to speak in debate on the Bill? That not being the case, the Bill will be read a third time and passes.

Clerk of Councils

The Falkland Islands Pensions Scheme (Amendment) Bill 2001.

The Electoral (Amendment) (Referendum) Bill 2001.

The Honourable the Chief Executive

Your Excellency, this Bill is an amendment to the existing Electoral Ordinance to regulate the carrying out of referenda. It does not of itself predicate the holding of a referenda and give authority for that to happen, it merely regulates the way in which we would carry out referenda, were we to do so. I beg to move the first reading of the Bill.

His Excellency The Governor

The Honourable Richard Cockwell seconds the Motion. Will anyone wish to speak in debate on this Bill or may we adopt the short-track procedure? No indication of a desire to debate so the Bill will be read a third time and passes.

Clerk of Councils

The Electoral (Amendment) (Referendum) Bill 2001.

The Referendum (Single Constituency and Voting System) Bill 2001.

The Honourable the Chief Executive

Your Excellency, with your permission I would wish to defer moving the first reading of this Bill until the next meeting of the Legislative Council in order for us to look more properly at some of the implications behind parts of this Bill.

His Excellency The Governor

I thank the Honourable the Chief Executive. Does that proposal discussed informally earlier meet with general support? I think it does. I beg your pardon the Honourable Mike Summers.

The Honourable MV Summers OBE

May I make a brief statement for the benefit of the public?

His Excellency The Governor

Please do.

The Honourable MV Summers OBE

Mr President, as Chair of the Select Committee on the Constitution, I would just like to explain for the benefit of members of the public, why this Bill is not being taken at this time. It remains the intention of the Council, that there should be a referendum on the single constituency issue, held at the same time as the General Election in November. It also remains the view of this Council, if there were to be a single constituency, then there would need to be a different type of voting system.

However, in order to pass this Bill, it is necessary, as the Chief Executive has said, to look at one or two technical items that may need to be checked with the Foreign and Commonwealth Office legal advisors. We will, therefore, consider this Bill at the next meeting of the Legislative Council in July, all things being equal. In the meantime it would be our intention to put out an amount of information for electors on which potential voting systems might be used if there were to be a single constituency, so that people can begin to familiarise themselves with the systems that might be chosen. They will be able therefore, to take a proper view when they vote for or against a single constituency, as to whether the type of voting system that might be recommended at that time is appropriate or not.

This doesn't really represent a change of philosophy as far as the referendum is concerned, but it gives us a little further time to reflect.

His Excellency The Governor

I thank the Honourable Member for that explanation.

Clerk of Councils

The Family Allowances (Amendment) Bill 2001.

The Honourable the Financial Secretary

Mr President, Honourable Members, this Bill would amend the Family Allowances Ordinance so that the payment of an allowance to a person classed as temporarily absent can be suspended, where the Financial Secretary is satisfied that the person is receiving a corresponding allowance from the country of temporary residence.

This amendment to the Ordinance follows the approval given by Executive Council to amend the Family Allowances Regulations so that a parent who is absent overseas on a temporary basis, whilst undergoing a course of education or training and the child accompanying that parent, can remain entitled to an allowance, provided they do not receive an equivalent allowance in the country in which they are training.

I beg to move the first reading of the Bill.

His Excellency The Governor

Does anyone wish to second the Motion? The Honourable Chief Executive, thank you. The Motion is that the Bill be read a first time, any objection? No objection so the Bill will be read a first time. Does anyone wish to speak in debate on this Bill? I guess not. In that case short procedure. If there is no objection, the Bill will be read a third time and passes.

Clerk of Councils

The Family Allowances (Amendment) Bill 2001.

THE MOTION FOR ADJOURNMENT

The Honourable the Chief Executive

You Excellency, I beg to move that this House stands adjourned *Sine Die*.

The Honourable J Birmingham

Mr President, Honourable Member, I was just looking at the clock and I don't know what happened to me there. Sorry I was confused. It must have been reading the editorial today that sent me a little bit off the mark.

In speaking to the Motion for Adjournment, may I just apologise for my colleagues, some of whom are not very good speakers, but at lunch time I did look in my book of clichés – I do have one – and I wouldn't want anyone to think it is the thin end of the wedge when I say this...

(laughter)

...but I will quote Mr J A Spender, he is saying that the hardest worked cliché is perhaps better than the phrase that fails. So maybe we will bear that in mind in the future. Anyway, in the fullness of time, things will probably turn out better. Can I just finish that by saying that some of the best speakers in the world have been second-hand car salesmen?

I too would like to congratulate the Treasury team, ably led by Mr Derek Howatt and the Heads of Departments who put a lot of time and effort in. I think it has been a good solid budget also, with practically everyone getting something out of it.

I am particularly pleased that the next phase of housing plots are going ahead, along with some more Government housing. This I hope, will greatly ease the problems we still have at present with the housing. If there is a disappointment for me, it is that nothing came to the table for provision for assistance for childcare, within the community. I do know though that it will come and I know that it will happen. Of that I am sure.

Sir, I was on a visit last week with other Councillors, to the abattoir and I was very impressed with the construction. Not only the construction, but also with the way in which it is being constructed. Surely it is a tool to enable the agricultural community to get back on its feet. This has had the support of this Council and I hope that it will get the full support of farmers. As it is such a major project, I think it would be an idea before it is commissioned that there were an open afternoon so that the public in Stanley and surrounding areas could see what their money is being spent on.

Looking around this Chamber today and the other day, it seems to me, not for the first time, that if we truly want young people coming forward to participate in local politics then having some of the Senior class of students spending a bit of time seeing how their Government works, would be no bad thing.

Sir, the other day, there were concerns surrounding social services. This Council had concerns some time ago and we chose one Councillor, the Honourable Jan Cheek, to be the Council's spokesperson and eyes and ears and I trust this Councillor to keep an eye on what is going on. It is not for the rest of us to know everything that is going on, up on the hill and in the hospital, but we did choose a Councillor and, as far as I am aware, this Council is happy and satisfied with what is happening within social services.

Tonight is May Ball night and I know that some of the youngsters around this Table will probably be there. It is a community event. It is in fact probably the event of the year for many youngsters. The word community is becoming another cliché I suppose. I could say that there is no doubt though, that over the last couple of weeks or last couple of months, the idea of a community centre has caught the imagination of the public, especially the young adults. Although it certainly isn't a new idea, I think its time has arrived.

It was interesting to hear the views this week of some professionals who are dealing with people and their problems and to have a centre where all age groups would go is seen as a major tool in the fight against boredom, dependence and depression. The group of people chosen last week to take some ideas and turn them into a project will be meeting with the manager of the jetty development next Tuesday to see what plans are afoot for the next phase there.

To me it makes sense to incorporate, if possible, in one area, a centre with facilities that can be used by tourists and not the other way around. Surely that is the way ahead but it is going to be a big but. It is going to take some time and I think, a bit of patience will be required.

I had a memo today from somebody who tells me that there is such a thing as the Discovery Reports. This is a collection of 37 volumes that were the end result of an expedition in the late 20s and early 30s – the Honourable Luxton will remember – and these reports have been around for all of this time. The Falkland Islands Government don't have a copy of these reports. These reports provide a principal baseline information for the majority of the regions around the Islands. The research was funded, primarily by whaling money from the Falklands Islands Government and apparently, to quote the forward in volume 23:

'We hope that it will be of assistance to any consideration of the future economic development of the Falkland Islands.'

Apparently, to date, the FIG have declined to purchase this collection of reports which two years ago were quoted to cost between £2,500 to £3,000. As time goes by, the cost of these reports will increase and I think it is surely well worth looking at the purchase.

The reason, by all accounts, why there wasn't a set sent here in the 20s and 30s is that the then Governor (Governor Hodson) was so rude to the Discovery Committee that they decided not to send any copies of the text resulting from the expedition. Now we know that wouldn't happen in this day and age.

As the Councillor with the responsibility for Mineral Resources, may I just say a couple of things on the recent events in Stanley? People will be aware of the visit by Professor MacIntyre for the Environmental Forum on 7 May, which went very well. There has been a fair bit of discussion on the radio about that. Councillor Halford will be going to Denver shortly, with the Director of Mineral Resources and a representative from BGS. She will be attending the oil convention in Denver and this is just another example of FIG continuing to promote the Falklands and future explorations here. I wish her a good trip.

Now, Sir, I was just going to finish but I couldn't without mentioning your uniform. If I may, I am going to read out what was said by me on 19 November 1998, just before your predecessor left.

'Sir, I mean no disrespect, but as we approach the end of the 20th Century, and as we appear to be wanting to be taken seriously in the big world, but more importantly we want to shed the image of the poor downtrodden Colonial, do we really want the next Governor, who after all will lead these Islands into the 21st Century, to be wearing a 19th Century outfit that looks more as if it has come from a Hollywood remake of *The Mutiny on the Bounty*?

To me, it gives an image not of a small progressive country moving towards and new era, more of a small inward looking place harking back to days gone by. Some say it is history. I say put history where it belongs – that is in the past' (another cliché).

Maybe it is too late; perhaps the new Governor has already been kitted out. Well, Sir, we know that you have been kitted out, but I wonder that in the very unlikely event that a lady might become a Governor here in the future, I say unlikely event because I think that a true lady would not wear the kind of outfit that you're obliged to wear – I do wonder what kind of a design would be placed upon that person. Sir, I support the Motion.

His Excellency The Governor

I thank the Honourable Member for his contribution and its substance, and I thank the Honourable Member and his tie for brightening up this afternoon, thank you very much. Does any other Honourable Member wish to speak on the Motion. I am sure the answer is yes, but...

The Honourable JR Cockwell

Alright, I'll go. Mr President, I believe the reason why we are all reluctant to get up is that we have been castigated by the media. I personally have not only been accused by the media of spluttering and using clichés, but also the other section of the media accused me of coughing into the microphone, which I can assure was not correct. It might have sounded like it but it just wasn't the case.

I too would like to congratulate the Financial Secretary and his assistants on the difficult process that we have been through in the last week. I think that we all understand that they were suffering severe problems from having a change of staff in the middle of this process. I think that on the whole, we should be pleased with the way we have actually managed to achieve a balanced budget.

I won't go into details of everything in the budget, but I think there is one thing that we have to realise is hanging over us. The Honourable Mike Summers pointed out that we would not be funding the surfacing of the MPA road, sooner or later we are going to have to find the money for it. I think that the problem that we had, or the problem that I had and I think other Councillors did as well, is that it doesn't appear that the engineers have even

decided yet how to do it. Until we know how we are going to do it and succeed, it is going to be very difficult to vote the money to even start the process.

Some years ago now, the PWD did some resurfacing work and they were castigated for using the wrong amount of tar, the wrong type of stone, all sorts of things. In fact, people were talking of heads rolling and people were accused of all sorts of things, which they had done which was obviously absolute stupidity. Everybody at that stage appeared to know how it should be done. However, the longer we go on, the more the engineers come down and look at it and say that they are not quite sure how we should do it. Possibly, these people who were castigated five/six years ago should leave the court without a stain on their character. They did the best that they could at the time, but unfortunately they failed in many places. I think that is one of the things that we have to be aware of on a lot of factors in the Falklands – that if something goes wrong, there are so many people who know exactly what should have happened and why it should never have started in the first place, but if we did that we would never get anywhere at all.

The Honourable John Birmingham mentioned the abattoir. There have been all sorts of stories about the abattoir. We Councillors went out about ten days, a fortnight ago, and it is a very professional enterprise which is going on out there. As the Honourable John Birmingham has said it is very impressive to see how it is going on. It would be nice, if we could try and get away from the delight that many people have in something failing. There is nothing more cheerful than something failing. I would like to hope that the projects that we are undertaking this year, will be taken as projects that we are doing to the best of our ability, or the engineers are doing to the best of their ability. I believe that we will see a success. We are actually seeing many more projects completed now. We have got the Town Hall Car Park, there is that piece of Dean Street. There are all sorts of things going on now which are tidying up the Town and we are slowly getting that way. We are getting roads around East and West Falklands. We are getting somewhere, it does take time. Sir I beg to support the Motion.

The Honourable Mrs N Edwards

Sir, I haven't a great deal to say other than the fact that I was very pleased to hear that we are intending to repair the front road this financial year. That would make a great difference I think to the look of Stanley.

I am also pleased that there is money set aside to at least begin the process of sheltered accommodation, the design work. I hope that we can go for a design and build and thereby once we have identified a site, get on with the job as soon as possible. It probably won't be in the life of this Council, but hopefully in the next financial year.

Modifications to the Town Hall were mentioned and I did make a suggestion that there is one easy solution to the problem with the roof – gargoyles. The Chief Executive suggested eight of them.

(Laughter).

I think that that would be a worthy thing to do to our Town Hall. It wouldn't look any worse, anyway, than it does at the moment.

I have to comment on the Governor's uniform. I disagree absolutely with Councillor Birmingham. The Governor is a representative of the Queen and I am pleased to see some of our heritage still walking around the Town on occasions.

(Laughter).

Long may it be so. Sir, I support the Motion.

The Honourable DL Clifton

Mr President, I hope I have not got much to say. I had hoped to respond to the letter in the Penguin News last week regarding the abattoir. The Honourable Richard Cockwell has already mentioned something about it. I would simply say that it is not over budget. I think that we have currently budgeted somewhere a little of £2m for the complete project and an incinerator on top of that at about £150,000. It was all part of the planning to get the abattoir up and running. We then have the expenditure to meet in terms of the expected loss during the first year. All that is being properly budgeted for.

As far as I am aware, it is still on schedule, and a number of options in terms of kicking it off in early August. I did not have the opportunity to visit the site, with my Colleagues some weeks ago. I will do so next week with the Director of Public Works and I hope that it lives up to all of the expectations that all of my Honourable Colleagues have spoken about.

In terms of whether it is the wrong location. Well we did have that debate and I felt that it was in the wrong location but when we looked at the funds that had been expended on that initial site, we all concluded that it should go there because the facility in that location would be able to draw down on available water supply and electricity essential perquisites to the success of the project.

The Honourable John Birmingham spoke of the Community Centre. I did put on the Table a tongue-in-cheek proposal at Select Committee, that the community might perhaps be better rewarded by setting aside the £600,000 for the passage scheme as from 1 July and invest that in a community centre, but I have to say that that proposal didn't hold a lot of water.

I would like to say two things about the media. I did take special note of the editorial in the *Penguin News* this morning and this is probably a first. It is often not an easy thing to jump up on one's feet and have all the right words in the right catalogue order, to be able to speak to whatever the point is. I think that some allowance must be made for that. I was quite heartened by the second or third paragraph down in the editorial, that some interesting news and statistics had been revealed by the questions and answer session. I know that it is the wish of this Council that we further improve that process before the life of this Council expires. I look forward to some further developments in the whole debating process within the House here within the next two sittings, before it is dissolved.

I did make mention earlier on in response to your State of the Nation Address. I made a response to the social services and I am pleased that in the intervening period, from the Tuesday afternoon until today that Mr McGregor Edwards has been able to be interviewed by FIBS and for a rather robust statement to be made by him. I welcome that as I welcomed the discourse we had in Select Committee. I also welcomed the view from Members that they wished to be involved in some interdepartmental discussions to see where we are going, perhaps where we have been, in some respects, on the whole development of the social services.

Councillor John Birmingham is absolutely right that we have instilled our trust in the Honourable Jan Cheek who has a portfolio for the Health Services. I don't wish to be inquisitive in all the 'warts and all's', but I think we need to have a review so I particularly welcome that opportunity later on.

I was minded today by a response to a question from the Honourable Chief Executive, Andrew Gurr some three years ago, who promised that the road to Port Stephens would start in October 1998. We are a few years on from that but I think it should be heartening for those folks out in the south west to realise that there is a commitment of £300,000 for the start of the road. There is a commitment of £200,000 for the construction of a work camp, plus other funds in support of that road development. I hope, at long last, they can take some heart from that so that they can get quickly linked up and to be able to enjoy some of the benefits the other folk in the north of the West Falkland have been able to do.

I think with that, Mr President, I will conclude, but before doing so I would express my thanks for the stewardship of the exercise by the Chairman of the Select Committee. A little brusque at times, but that is inevitable.

The Honourable Mrs J Cheek

It's his age.

The Honourable DL Clifton

It may be something to do with that but it is his style as well. I took particular heart to one of my former school teachers who was sitting opposite, took a quick forty winks.

(Laughter).

With that Mr President, I support the Motion.

The Honourable MV Summers OBE

Mr President, I won't vie to be last – it is not my turn. I am in the fortunate position that I was working this morning and I haven't seen the editorial and I don't know what it said. If I had I probably would have taken no notice of it anyway, so there you are. We are gifted amateurs at these things and we do often things to get seen the wrong round way, but that is just too bad.

I have spoken already about the Capital Programme and I won't dwell on it, but it is a fact that setting the budget year on year, particularly in the Capital Estimates, is a matter of choices. You choose those things that you think are most important for the society, for the community at large and you have to set back those that you cannot yet afford to do and that is the position we are in. It is noticeable. The Honourable Lewis Clifton noted that the Port Stephens road is starting three years late, it is now only eleven years since I first proposed to the Council of the day that we should build the abattoir so we are nearly there.

One of the things that I would really like to see during the course of the next few months is further movement forward on commercial co-operation between the civilian and military communities. Whilst you are still in your early days here, Commander, I hope that we can – between us – develop the will, the commitment and the long-term planning, to see what it is that we can do for you. We often thank the Forces rightly for what it is they do for us. We don't often get around to thinking what we can do for you. I think there are a number of things that can be done. There are a number of ways in which a civil community can, on a commercial basis, assist the smooth running of the military community here. I hope that we will bend our minds to that in the next few months and really try to get something significant going on that front.

I was delighted to see after my words of only a couple of days ago about the Overseas Territories Department and the lack of continuity, that the matter has already been fixed. I see that Mr Jarvis was reported on Mercopress today as saying that the matter was now solved. That is delightful and thank you for that very swift response, Your Excellency.

Yes there have been some discussions about social services and so there should be. It is an area of development that's relatively new here and I know that all my colleagues, as I do, support the need for looking after those who are less fortunate in the community. We need to support the children, the older folks and even those in intermediate years, who are not as well able to cope as others.

Where I think there begins to be a difference of opinion, is when the issue of social services begins to intervene in family life, normal family life, and when it begins to intervene in taking away parental responsibility and parental rights. We have seen in other places, degrees of intervention, from those more interested in running different types of society, undermining in some ways, the rights of parents; dictating to parents and other people about the way they should do things: that has a place, when there is abuse or people are genuinely underprivileged. I don't believe that it has a place for the sake of it. Where we might differ from time to time is in that sort of area.

The designation of roads is going to be an interesting topic leading up to the General Election and well beyond I expect. Again, my approach to the designation of roads is probably the same as it is to most subjects. What is the real problem and what are you trying to do. Then you concentrate on that. Don't try to generate some great generic solution that rides over many other people's interest and responsibilities. Fix the problem if the problem exists, but if it doesn't exist then leave it alone.

Finally, Sir, I thought I wouldn't, but I must make a public comment about the Governor's uniform. I regret to say that I am now in my declining years and I support the elder members of the community in this respect.

(Members thank him for his comment)

I like a bit of tradition. It has done other people well and I think we should maintain some of ours. Sir, I support the Motion.

(Hear! Hear!)

The Honourable WR Luxton

Mr President, I too would like to congratulate the Financial Secretary on his achievement in what were fairly trying circumstances I suspect, but we got through it under the able Chairmanship of my colleague on my right who was more successful in keeping the Honourable Jan Cheek quiet than the Honourable Norma Edwards at one stage of the proceedings.

Mr President this is a rather sad occasion for me. It is quite possibly the last time I shall have the privilege of standing at this Table and certainly my last budget session. I shall be – as I have been accused of doing before – following the doctoral North next week. Shortly after I get back I will be departing for Australia and the CPA conference. Another meeting is scheduled before Council is dissolved, but I may well miss it. I would like to thank my colleagues for giving me the last opportunity to represent the Falklands at what I believe to be a very important venue, along with the Honourable Mike Summers. While it is sometimes thought of as a jolly and there is no doubt that it can be a most enjoyable experience in some really delightful places, I think it is important that we continue to take every chance we can to put our case before international forums.

(Hear! Hear!)

The Commonwealth consists of a large proportion of the world's democracies and we need to constantly remind them all that the failure to support our right to determine our own future does not equate with the principles that both the Commonwealth and the United Nations stand for. I hope the next Council will continue to grasp every chance to carry on banging that drum.

I think our General Election is going to be a fascinating process. I hope that there will be lots of candidates. Most of all I hope that there will be some younger people. From what we have heard I think a young person standing as a pro-community centre candidate in Stanley, would have a very good chance of being elected with so many of his or her contemporaries being entitled to vote.

There are lots of rumours about who will be throwing their hat into the ring – another cliché – but I am delighted to know that one new Wester, Ian Hansen, is certainly going to stand for the Camp constituency. He would be an excellent Councillor and I hope that he makes it to this Table in November. I wish him well.

(Hear! Hear!)

It would be good to hear a few more people declare their intention to stand. Equally, I wish success to any of the present Members who seek the election.

The long budgetary process has ground to an end. It seems to take ever longer, starting at the beginning of the year, but I hope it seems a prudent budget overall, for the continuation for the various projects that everybody wants to see completed sooner. If only we had the resources.

Mr President, I have just one small niggling worry remaining. When I look over there at the territorial photographs there are only six spaces left, or five, for your uniformed successors. I think I have had the pleasure of knowing ten of them and served on Council under about six of them. I hope there is not a message there for us. On the other hand, maybe in due course we can start another row along the back there with Falkland born Governor-Generals – who knows?

Mr President, Honourable Members, I support the Motion.

His Excellency The Governor

I thank the Honourable Bill Luxton. I hadn't prepared myself in a sense for a response to a farewell of that sort, but thank you very much, Bill, for the contribution you have made. I have actually enjoyed doing business...I came here at what was a, shall we say an interesting time here. I enjoyed very much the dealings with Councillors including yourself, at that difficult stage. It was a time when difficult judgements had to be made and throughout it all also a sense of humour was maintained. We did serious business collectively there and I much enjoyed dealing with you at that time and subsequently. Very many thanks for the contribution you have made including of course, within this forum and elsewhere.

What you say, if I may, as I have the floor, I won't go on long but what you say about the burden on Councillors is, in my perception absolutely true. It has become a much more demanding task than before. There was a lot of complex material because so much is happening in the Falklands that is new and because decisions fall much more to Councillors and the forum in which their voices are dominant.

Equally, that is internal and the need for projecting the message externally in various international fora (UN, Commonwealth and others) has not diminished and it is a role best played by people who live here and know it and carry out that function. Those are very important.

Thank you for your words and very many thanks for your contribution throughout these many years, Bill.

The Honourable Mrs JL Cheek

Mr President, Honourable Members, I too would like to add my thanks to the Honourable the Financial Secretary and commend the Treasury for the work done during the budget. Perhaps we saw off a slightly smaller swathe of the rainforest this year, so that was no bad thing.

I would also like to congratulate Government Departments on finding savings to keep within the limits which we had set, even if they did have the incentive of a pay increase to do it.

Moving on to serious matters, several people have mentioned social services. It has been interesting working, to a greater degree, with social services, facing up to the extent of some of the problems we have to deal with is, however, a painful process. I wouldn't say that mistakes haven't been made. But I hope that where they have been made that everyone has learned from them and that now, long neglected problems are receiving the attention that they deserve.

I would like to take this opportunity to correct a misquotation that I heard on the radio yesterday, when I was quoted speaking about the abattoir. Those who listened carefully to what I said, and not to what FIBS said I said, would have heard me say that the fulltime staff for the new abattoir is little larger than those running the old slaughterhouses. This does not of course take into account the temporary staff at busy times or the cost of running a much larger and more technically sophisticated establishment, which will of course be greater.

There is another issue, which I believe requires a public airing, the Honourable John Birmingham referred briefly to it. There is a danger that this may be rejected, because there are three Councillors strongly not in favour of it. That issue is the possibility of taxable child care vouchers for working parents and I stress *parents*, let's not be sexist here. It is not just working mothers.

Those individuals who need to use childcare are, in many cases very valuable employees in the public and the private sectors. There is no question here of forcing people to work saying 'here are your vouchers, you must go out to work', but it is giving them a choice. Some mothers would work, at least part-time, some full-time, if they can afford and rely on good, safe childcare. That applies to single parents of either sex as well as married working mothers.

Remember, not every family has a kind grandmother willing to provide free childminding. Some grandmothers hold down responsible jobs of their own, so we have moved on from the 19th and even the 20th century. I think that the idea of taxable child care vouchers could be pursued then help would go to those who most need it, because those on higher incomes would pay tax on the vouchers, those on lower incomes would not, so they would get the full benefit of them.

I was left in a discussion we had last week on the subject, angry and almost speechless by some of the outdated prejudices that were trotted out by people who would have rejected the proposal before it had been properly debated and a sensible decision made on whether the benefits would justify the expenditure. Let's have that debate.

(Hear! Hear!)

My aim is to bring the subject back into the public domain for real discussion by all informed and interested parties.

I can't end without going back I am afraid to the subject of your uniform. I am not sure that I would choose that particular design, but the Governor's uniform is symbolic, as several people have said, of the fact that you are the Queen's representative as will be your successors. There should be some way of ensuring that for ceremonial occasions, we can pick out the Queen's representative from all the other suited individuals. I support the Motion.

The Honourable Mrs S Halford

Mr President, Honourable Members, it hadn't actually been my intention to be last.

There is an awful lot of behind the scenes work involved in the budget process and I believe that all those concerned should once again be congratulated on their efforts. Whilst the process concentrates the minds of officers in all departments the personnel in the Treasury deserve a special mention because they have had to undertake more work on this occasion due to staff shortages.

As this is the last budget for this Council, I think it is time for a little reflection on our efforts over the past four years. I believe that we have been able to continue the quality of life within the Islands, largely as a result of the Fisheries Department and their excellent management of our natural resources.

You often hear people say that they have not benefited from our fisheries revenue. I find this hard to believe when you look around and see what is currently available. We have continued to provide and improve upon our medical service, which is free to residents. We continue to benefit from our free educational system, which provides excellent opportunities to all those wishing to embark on further education and training. Surely we must all see this money as being well spent. There is no doubt in my mind that every qualified individual who returns to the Islands is an asset.

We continue to subsidise our internal shipping service and FIGAS and also continue to build and maintain roads throughout the Islands. Whilst these services are essential to Camp, they are also desirable to the Stanley and Mount Pleasant communities, both for recreational and business purposes.

We have also been fortunate in that we have also been able to steadily increase the amount paid to our senior citizens, thereby giving them a more comfortable retirement after their contribution to our society.

People wishing to go overseas to represent the Islands in games and other events are part funded and this is considered an excellent PR activity to make the outside world aware of who and what we are.

We have the passage allowance scheme which benefits all those who are eligible to vote and also their siblings.

The income tax threshold has been reduced; a house building assistance programme is in place, which has been beneficial to many people. In addition to this there is also a scheme in place to help pensioners to maintain their properties. Farmers have been helped with their mortgages.

We have a welfare system that looks after those in need in many different ways. It would indeed be good if no one needed this kind of assistance, but we must be realistic and realise that for differing reasons, there will always be those who are less fortunate than ourselves and who will need help or assistance in some form or another.

We are also now being asked to consider funding for the minding of children by some form of voucher system, whilst their parents go out to work. If we decide to go down this pathway, will we then be relieving parents of some of their parental responsibilities? Our welfare system should already be catering for those who are needy. Over and above that, is it not down to parents whether or not they wish or need to work. I would be surprised to find any parents who did not have to tighten their belts or shorten their purse strings after their offspring started arriving. In addition to the child allowance that is already paid, should the nation be asked to contribute even more?

Whilst I am pleased that we are in the fortunate financial position of being able to provide all I have mentioned, with the exception of childminding which is yet to be determined, I sometimes ask myself, have we gone too far? It often seems that the more we are giving, the more we expect to be given. If this trend continues, what kind of community will we turn into?

One of the articles in the Penguin News on "domestic bliss" with Alanis last month asked the question – what do you miss about life prior to 1982? The most popular response appeared to be that we had lost the community spirit. During our lives we can only go on and make the best of what we have at any given time, but in our case, whilst we continue to progress along life's pathway and our expectations continue to change and grow, are we losing sight of our community values? There was a time when people were actually pleased when someone made a success of their lot. All too often that seems to have been replaced by resentment and jealousy. In a small society like ours, that eats away at the core.

Councillor Birmingham has already mentioned that tomorrow I will be flying out with the Director of Mineral Resources to attend an oil convention in Denver and whilst manning the stand there, we will not only be able to inform the industry of where we are at present and what we have to offer, but also learn from them what their expectations and hopes are. We will also be able to show them that since starting along the road of the open door licensing policy, it is pleasing to see that it is gradually bearing fruit.

Recently I attended the memorial at San Carlos. I have to say that it was nice to see so many people attend, as I am sure that they do to most of these services. What was very noticeable was the total lack of toilet facilities there. Having actually bought mobile toilets, although the chemicals hadn't arrived, I wondered why these couldn't or shouldn't be used for this kind of occasion.

Talking of things we have bought, we have also bought a calcified seaweed machine. I believe this is still to prove whether or not it is actually up to doing the job it has been brought here for. My concern about this machine at the moment is that it is currently stored at Megabid and it is uncovered, despite the fact that it does have a cover to cover especially the expensive 60-kilowatt engine. I think that those responsible should be taken to task and make sure it is being looked after, because it was a pretty expensive piece of kit.

Talking of expense, I have heard various people mentioning your uniform, Sir. I have to say that to lose your uniform would be to lose yet another piece of our tradition. I think that you mentioned the other day that it was likened to that of a uniform of a Royal Marine. I for one wouldn't like to see anything associated with the Royal Marines disappear. Somebody suggested today that it might be a lady who replaces you. Goodness me, ladies join the Military now and they all have suitable uniforms, so I am sure that yours could be adapted accordingly.

There is a lot of talk at the moment about a community centre as well. Whilst this might be as good idea I am sure that those looking into it will try and draw together everything they would like to see in it. Once this is done and the plan drawn up it will then be very important for them, to determine a site because I suspect that if this is to go ahead then it will not be a small building. I think people should really be urged to start looking at where it would be best to place it.

We also had mention of the MPA road and the fact that it has been put back. The engineers have not yet decided upon the methods to use, because as people are probably aware we are actually still waiting for a report to be sent down here for people who visited earlier this year. Once that report arrives and it is decided upon whichever method might be suggested as being the best, we will then have to determine if or not we can actually afford to build this road. At the moment we have seen figures bandied around in the media, of £5m. How would we all feel if we were asked to pay £20 or £25m. I know it is a hypothetical question, but at the moment we don't actually have any idea.

As for the Governors' frames around the wall, I too have been looking at these, but not quite in the same light as Councillor Luxton. I wondered if the person who drew them up had actually made space so that in time, if we do continue to have Governors you could actually fit nine frames in to each large frame there. That would mean that we would be going on a lot longer with Governors. Sir, I support the Motion.

The Commander British Forces

Mr President, as the only person here in uniform you will be delighted to hear I am not going to comment on your uniform. In supporting the Motion, may I take the opportunity of thanking Honourable Members for the kind words of support that they have given at Tuesday's and today's Legislative Council for our armed forces. I will ensure that these are passed on to my people.

I would like to assure Honourable Members of British Forces Falkland Islands, continued intent to carry out its standing defence commitments. In so doing, I strongly support any initiative that we can progress that is of benefit to both our communities. Thank you.

The Honourable the Financial Secretary

Mr President, Honourable Members, in rising to support the Motion for Adjournment I would just like to, on behalf of my colleagues, thank Honourable Members for their kind words.

His Excellency The Governor

Can I just say in conclusion, that I think the words of thanks to the Treasury team are well deserved. It is very difficult to lose a key lieutenant at the stage at which he was lost, clearly you had a significant, additional burden in getting papers and proposals forward. The situation has been reached as a tribute to you team. It is a tribute to the Select Committee and the Chairmanship of the Honourable Mike Summers not only on this occasion but over the recent years, over which the Council has developed a very disciplined attitude towards budgetary matters and increasing authority.

I shan't comment on the uniform issue. I shall say thank you all for your contributions to the debate and congratulations on the work that you have done.

This session of the Legislative Council stands adjourned accordingly.

*Conferred this 21st day of
September 2001*

[Signature]
Acting Governor

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON 27 JULY 2001**

**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY ON 27 JULY 2001**

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 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
(Air Commodore John A Cliffe OBE, FRAeS, R.A.F.)

ACTING CLERK: Maria Strange

PRAYERS: Monsignor Agreiter

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Record of the Meeting of the Legislative Council Held on Friday 27th July 2001

PRAYERS

His Excellency the Governor

Ladies and Gentlemen, for those who may hear this on radio, perhaps I might say that the voice of the Clerk of Councils, Claudette, will not be heard this morning. Making her way yesterday, to the meeting of Executive Council, sadly she slipped on the ice outside Government House, broke her ankle and at the moment is in hospital. We hope that will get sorted out as comfortably and as speedily as possible. I'm most grateful to Maria Strange for stepping in and acting as Clerk of Council this morning. If you hear more fluttering of papers than usual, it will be, I expect exchanges between Maria and me both feeling our way. Maria may I hand over to you.

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.

- Registration of Charities (Exemption) Order 2001
- Family Allowance Regulations (Amendment) Order 2001
- Falkland Islands Pension Scheme (Dispute Procedures) Regulations 2001
- 12 James Street Direction 2001
- Currency Notes Regulations 2001
- Finance Ordinance 2001 (Rectification of Error) Order 2001
- 9 Brandon Road Direction 2001
- Jersey Road Direction 2001

The Honourable the Chief Executive

Mr President, I have pleasure in laying the aforementioned papers on the Table.

Clerk of Councils

Questions for Oral Answer.

Question No. 20 of 2001 by the Honourable Lewis Clifton.

The Honourable Lewis Clifton

Mr President, Will the Honourable the Chief Executive please advise: how many Public Service Officers were in post on 1st July 2001; how many are contracted officers; how many are on permanent and pensionable terms; and how many are on hourly pay? Would he further advise the total budgeted cost of permanent emolument for the 2001/02 financial year.

The Honourable the Chief Executive

I thank the Honourable Lewis Clifton for his question and have pleasure in telling him there were six hundred and eleven civil servants in post on the 1st July 2001 of which four hundred and thirty one were permanent and pensionable, eighty two on contract or secondment and ninety eight are on hourly pay or otherwise temporary. The cost of wages and pensions allowances and bounties and the cost of all seconded staff for 2001/2 is estimated to be £14,483,800.00.

The Honourable Lewis Clifton

Mr President, I thank the Honourable the Chief Executive.

Clerk of Councils

Question No. 21 of 2001 by the Honourable Lewis Clifton

The Honourable Lewis Clifton

Mr President, will the Honourable Norma Edwards please advise on the progressive development of the Social Services Department; what the budgeted costs are for 2001/2002; and how many officers are presently employed in the department?

His Excellency the Governor

Honourable Norma Edwards

The Honourable Mrs Norma Edwards

I thank the Honourable member for giving me the opportunity to bring Council up to date with the progress in our Social Services Department as it is now two years since our Social Worker, Alison McPherson, took up her post.

There is no doubt, Honourable Colleagues, that progress in the development of our Social Services has been very rapid indeed. To summarise some of the main achievements:

- A Family Centre in Shackleton Drive which is providing ongoing support to over 35 families and 80 individuals on a continuing basis, as well as providing a suitable base for training a wide range of professionals including the Police, Education staff, and those responsible for child care.
- An up to date investigation suite, which includes a video recording system, used to record interviews.
- The establishment of a Young Person's Unit for the care of vulnerable young people who cannot be cared for by their families.
- A proper system of foster care, backed up by training and support for both the foster parents and the children.
- Support for, and development of, the provision of child care.
- The appointment of a second Social Worker to assist with the Child Protection workload and to develop further services.
- The production, with representatives of the Police, Education and the Attorney General's Office, of the Islands' first Child Protection Guidelines.
- A huge input, in time and effort, into the detection and prevention of child abuse within our Islands.
- A much-enhanced and improved system of carers and home help for people who need help to look after themselves.
- Most recently, a very significant input into the review of social welfare payments and regulations, sheltered housing and the implementation of a Mobility Scheme for disabled people.

Ms McPherson, is due to leave the Islands tomorrow. We wish her well for the future.

Moving to the future, our new Social Work Team Leader, Sarah-Jane Rich, has arrived with her family and is starting to build upon the work already started. I expect to see the Social Work Department becoming more closely involved in developing services for a wider range of people (most notably the elderly and those with special needs) and in supporting whatever may be the outcome of Executive Council's discussions on childcare matters.

Turning now to the resources used by the Social Work Department, there are 5 full-time staff (including 2 qualified Social workers) plus 4 sessional staff who are largely used to support the residents of the Young Person's Unit. There are also separately accounted for a variable number of home-helpers and carers (because the need is variable) and a Sheltered Housing Warden.

The total Revised Estimated Cost of the Social Services Department, which includes all salary costs, departmental overheads, and the payments made under the Social Payment Schemes, amount to £342,300. I should add, however, that some of the detailed budgets within that overall figure, are currently the subject of discussion between the Health Services and the Treasury, in order to clarify some aspects of the detail.

I hope that this is a sufficient comprehensive reply for the Honourable Member.

The Honourable Lewis Clifton

Mr President, I thank the Honourable Lady for her comprehensive reply.

His Excellency the Governor

Honourable Member, any further supplementary? No.

Clerk of Councils

Question No. 22 of 2001 by the Honourable Lewis Clifton

The Honourable Lewis Clifton

Mr President, will the Attorney General advise on the situation of designating Camp roads?

The Honourable Attorney General

Mr President and Honourable Members, I thank the Honourable Member for his question. The matter of designation of further Camp roads was referred by the Executive Council for consultations with the persons likely to be affected and in particular with farmers during Farmers' Week. A number of concerns were expressed, further consultations appear to be necessary to address those concerns. When those consultations are complete the matter will be referred back to the Executive Council and it is possible that at a later stage this House maybe asked to consider Legislative Proposals.

The Honourable Lewis Clifton

Mr President, I thank the Honourable Attorney General for his reply. Does the Honourable Attorney General have in his mind a date by which those consultations may be concluded?

The Honourable Attorney General

I have not at the moment fixed a date in my mind for the conclusion of the consultations because I wish to address as fully as I possibly can the concerns, which are being expressed. I would hope (this is just a hope) that they would certainly be completed before November.

His Excellency the Governor

Honourable Michael Summers.

The Honourable Michael Summers, OBE

Will the Attorney General please advise whether it is possible for designation of Camp roads to take place without there being Legislative changes, which would require the approval of this House?

The Honourable Attorney General

It is possible for designation of Camp roads to take place without Legislation, which would require the prior approval of this House. I say, prior approval of this House because as the Honourable member will be aware, the Interpretation and General Clauses Ordinance, requires that any Order designating Camp roads as well as any other subsidiary legislation has to be laid on the Table of this House. At any time when subsidiary legislation is laid on the Table of this House, the House can by resolution disapprove that legislation and it then ceases to have effect. As it happens, however, I have no intention (but this is a matter for Executive Council) of presenting an Order for designation of further Camp roads without first having addressed some problems which I believe farmers have drawn attention to a legislation which will have to be by way of primary legislation, that is an ordinance. I have explained that in this case, although, roads could be designated without prior approval of the Legislative Council, I have no intention whatsoever that that should happen.

His Excellency the Governor

No further supplementary?

Clerk of Councils

Order of the Day

Bills

Referendum (Single Constituency and Voting System) Bill 2001

This Bill is being presented under a Certificate of Urgency.

His Excellency the Governor

Honourable Chief Executive

The Honourable The Chief Executive

Mr President, this Bill is intended to make provision for the holding of a Referendum on the possible replacement of the existing two constituencies of Camp and Stanley with a single constituency and at the same time the adoption of a new voting system for the election of members to the Legislative Council. If this Bill is passed then the Referendum will place at the same time as the General Election on the 22nd November this year, with separate counts being held for the Referendum count separate counts for Stanley and for Camp. The Referendum will be advisory, it will not mandate a subsequent Legislative Council to provide for a Single Constituency or for a particular form of voting system. It is an advisory Referendum. The results of that Referendum will be considered by the new Legislative Council in order to apply to the following full General Election in 2005.

Mr President, before I sit down can I also give notice that if this Bill is passed, I will then ask Honourable Members to agree to the suspension of Standing Orders in order that I may have informal direction from this House on the nature of the question to be put to the people. Mr President, I move the first reading of the Bill.

His Excellency the Governor

Can I have someone to second the Motion? Make I take it that people will wish to speak in debate on this issue in general or, you will wish to speak in debate.

The Honourable Michael Summers, OBE

Your Excellency, I wish to speak in debate, but I have a question.

His Excellency the Governor

I think, I will follow the procedure without skipping to the short procedure. The Motion is that the Bill be read a first time. Any objection to the Motion? No objection, it will be read a first time.

Clerk of Councils

Referendum (Single Constituency and Voting System) Bill 2001.

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 Michael Summers, OBE

Mr President, can I please ask the Attorney General to explain why it was necessary to bring this Bill under a Certificate of Urgency since it has been round for quite some while. I thought it had already been published or at least it should have been published.

The Honourable Attorney General

It didn't require a Certificate of Urgency is the quick answer, because the Bill has certainly been published. The Honourable the Financial Secretary has drawn to my attention that there is a minor error in the Order Paper, the Bill which should be considered on a Certificate of Urgency is the Supplementary Appropriation Bill, which of course has not been published in the Gazette.

His Excellency the Governor

It could be inappropriate for me to sign that Certificate of Urgency? We'll square that circle I'm sure.

The Honourable John Birmingham

Someone will pay. Ankles will rule

(Laughter)

His Excellency the Governor

No, No! Well I think perhaps we can fairly quickly go through the procedure that we've embarked on for this Bill and if there are no other interventions in debate, the signals I'm getting round here say I can complete the short titles of the Bill

Clerk of Councils

Referendum (Single Constituency and Voting System) Ordinance 2001.

His Excellency the Governor

The Council has to go into Committee, I think there are probably no amendments. I think we therefore have to move that clauses stand part of the Bills and I can embark on this procedure.

The Honourable The Chief Executive

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

His Excellency the Governor

The Motion is that the Clauses stand part of the Bill, any objection to the Motion? No objections. The Clauses stand part of the Bill. Are there schedules?

Clerk of Councils

There are no schedules.

His Excellency the Governor

Council resumes.
Anyone wish to move?

The Honourable the Chief Executive

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

His Excellency the Governor

The Motion is that the Bill be read the third time and do pass. Any objections to the Motion?

No objections, the Bill will be read the third time and passes.

Clerk of Councils

Referendum(Single Constituency and Voting System) Bill 2001.

The Honourable The Chief Executive

Mr President, may I now ask permission of the House to move the suspension of this House Standing Orders in order that I may have informal guidance from this House on the nature of the question to be placed on the Single Constituency issue in the Referendum. The purpose of this informal guidance is in order that we may be able to firm up on this question but this House will be asked formally to approve the question at its next sitting in September. I move suspension of Standing Orders, Sir.

His Excellency The Governor

Any Honourable Member?

The Honourable Lewis Clifton

I can second that.

His Excellency the Governor

Honourable Members content, as I am to suspend Standing Orders so that there be a discussion on the subject. I have general consent. Honourable Chief Executive.

The Honourable The Chief Executive

Mr President, it is proposed that the question to be put to the people on the Single Constituency is a single question containing the issue of whether there be a single constituency and what form the voting system should be. The question which is proposed on which I would like informal guidance from the House – Do you agree that there should be a Single Constituency for the Falkland Islands with a new Voting System for proportional representation? This question does not commit to a particular form of voting system but it does give an undertaking that any new voting system chosen by a subsequent Legislative Council if there were a single constituency would seek to effect proportional representation.

Mr President, can I say that there is a leaflet available should the House agree this; a leaflet is available and will be available in the Post Office and in the Secretariat, which sets out that question and, sets out the arguments for and against the single constituency and gives details of how certain proportional representations systems might work. This leaflet will be followed by presentations to the public in September in order that we can begin the process of information. I need guidance from Members and this House now on whether that question is informally approved.

His Excellency the Governor

Any Honourable Members to contribute to the guidance? The Honourable Lewis Clifton.

The Honourable Lewis Clifton

Mr President, I agree that we do need to move down this road of promoting the Single Constituency, whatever else that entails to ensure that the widest possible choice in appointing candidates in future general elections. I welcome this initiative. I perhaps would have preferred to have seen a Single Constituency in place before the end of the life of this Council, nevertheless we've moved ahead several steps and I welcome the initiatives of the Honourable the Chief Executive which he will lay out in the months ahead. I thank him for his presentation at Farmers' Week, in which he gave a preliminary reading of the likely situation to the members of the Rural Community, who were there present. I know he has on his agenda to explain in some detail in the future where this will go. I welcome the initiative he is taking particularly in that regard to make sure that the Rural Community do understand what this is all about.

His Excellency the Governor

I thank the Honourable Member. The Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

Mr President, can I ask the Chief Executive (he mentioned this leaflet would be available in the Post Office) can it be circulated to every person on the electoral roll or every household. Bearing in mind this concerns the Camp Constituency in particular, existence of it or not, they won't all be able to get to the Post Office so at least the Camp Constituents should have sight of this leaflet, I think. Thank You.

His Excellency the Governor

Can I just confirm from the Honourable Member that you are content that it go forward in that form.

The Honourable Mrs Norma Edwards

I am content that it goes forward in this form and I know what the majority of my constituents feel, I think, and I would urge them please read it carefully and to make sure they understand it.

His Excellency the Governor

I thank the Honourable Mrs Norma Edwards. Chief Executive do you wish to respond to that.

The Honourable The Chief Executive

I am entirely happy to agree to the suggestion of the Honourable Member that this be made available to all household and who are on the electoral roll.

His Excellency the Governor

Honourable Michael Summers

The Honourable Michael Summers, OBE

Mr President, I wish to make clear my understanding of this particular issue, it is that whether there should or should not be a Single Constituency and what the voting system should be. Would both be advisory in terms of the next Council and not just the nature of the voting system.

The Honourable The Chief Executive

Indeed, that is so the new Legislative Council will have before them the separate counts for Stanley and for Camp. They will then need to have a view about whether there should be a single constituency and secondly, if there is

to be one, what form proportional representation is to be put in place to secure a more equitable voting system.

His Excellency the Governor

I assume that you have the signal that you were seeking Honourable Chief Executive that the wording seems informally to meet with the favour.

The Honourable The Chief Executive

Thank you, Sir.

His Excellency the Governor

Thank you very much. Standing Orders, now we revert to operating under Standing Orders.

Clerk of Councils

The Land Acquisition Bill 2001. This Bill has been gazetted and does not require a first reading.

The Honourable Richard Cockwell

Mr President, Honourable Members, in the absence of Councillor Sharon Halford, who chaired the Select Committee, I have been asked to present the report of the Select Committee on the Land Acquisition Bill 2001.

The Select Committee on the Land Acquisition Bill 2001 met on two occasions to discuss and make recommendations on the draft Bill and consider written representations from the public. As a result of these deliberations the Committee asked the Attorney General to incorporate various recommendations in the revised Bill, which is laid before this House.

The main recommendations were to provide that unless Legislative Council agrees the Crown cannot possess compulsorily any land until compensation has been agreed or fixed by the Supreme Court. They require the Crown to pay off a mortgage instead of part redeeming it, which would have let the mortgager pay the part not redeemed by the Crown. To delete the Clause in the draft Bill which would have permitted compulsory purchase of land for development by a third party. In effect the result of the alterations made by the Select Committee ensures that the Crown will never compulsorily purchase land unless it believes that it is essential in the national interest of the Falkland Islands. If it does it will be prepared to justify publicly the use of these compulsory purchase powers. Sir, I beg to move the motion.

His Excellency the Governor

I thank the Honourable Member. The Motion is that the Bill be read the second time. Honourable Members wish to speak to the Motion. I sense one Honourable Member who does so. The Honourable Lewis Clifton.

The Honourable Lewis Clifton

Mr President, yes Sir, I have some doubts. I know we've all sat through the first reading, those of us who could have participated in a meeting of the Select Committee early in the year, but, I still have some doubts in my mind as to whether perhaps this Bill is necessary. Land ownership in the Falklands has changed dramatically over the last twenty years and the point that I think is made in some of the submission here is that the last time the Government attempted or did compulsorily purchase some land was in 1983 before we really engaged in massive land ownership transformation we now currently have. I think that is in a way where I am coming from – Do we really need it? I am not convinced, I think, in my own mind that we perhaps do need it. One of the underlying concerns in this Bill is that there is attached to it a summary of Executive Council's Policy on the use of Compulsory Purchase Powers to Acquire Land. This is a policy schedule as we all know we can't require the future Governments to uphold the same policies, a policy wind can change from time to time. I'm not sure in my own mind whether rights are best protected in what I see before me here today. I think I would be rather more satisfied if the whole process was rather more open than is set out here, by meaning open I do mean transparent. I think that I would prefer if this Bill is to go through that it is the Legislative Council that engages in its process rather than the Executive Council. I know that there are some provisions for Executive Council in this Bill and there are some provisions for Legislative Council particularly in terms of (I think it's Section 12) Report of Magistrate's Court to Governor.

I think somebody told me today that the Penguin News referred to my dribbling, but I think this is a serious issue and I'm not convinced in my own mind that this is the way to proceed at this particular time. I know we've had significant changes introduced and are now incorporated in the Bill, but I still do have reservations. If the consensus of the House is that the Bill should proceed through to the third stage, then I will wish to submit some changes in some of the detail as scheduled because I think there is a need for the Legislative Council to be rather more involved in this process than the Executive Body. Thank you Sir.

His Excellency the Governor

I thank the Honourable Member. The Honourable Michael Summers.

The Honourable Michael Summers OBE

Mr President, I too have some reservations about this Bill. I had a very large number when the first version of the Bill was produced and some of them

have been allayed. Some of them have not. Like my colleague I feel somewhat reticent about passing this Bill. I argued in the Select Committee for a more exact definition of "Public Purpose". As it stands at the moment "Public Purpose" is "if it is acquired so that it may be developed used or disposed of for the promotion of the physical, economic or social wellbeing of the Community." Those are very broad definitions indeed and that concerns me to some extent. I know that there are provisions for it to be referred to the Legislative Council. I have heard the arguments that any future Legislative Council can simply change the provisions of the legislation if it wishes to achieve a particular end. I don't think that is really satisfactory in terms of this Bill. I would like to see the "Public Purpose" more closely defined, if I'm to pass this legislation.

There is an issue of detail, Sir in section 3(2) where it says "In respect of the role of the Governor if he is satisfied after such consideration (that is consideration of the report from the Magistrates Court) that a compulsory purchase order may be properly made under section 6 in respect of the land, he may refer the question to the Legislative Council". Sir, If I'm to pass this Bill that will read "shall".

Hear, Hear.

There is another section of the Bill about which I remain deeply uneasy. We've had discussion about it in Select Committee and the Attorney General has explained from his point of view why he thinks my objections are unfounded. They nevertheless exist. It is in section 17(1) where it says "except on application to the Supreme Court under section 15(1) (which is the section which deals with the arrangement for compensation) the validity of a compulsory purchase order shall not either before or after it is made be questioned in any legal proceedings whatsoever". Sir, I can see no reason why the Government at any time should wish to exempt itself from being examined in any Court and I find this type of clause objectionable not only in the Bill but in any other Bill.

My final point is that if this legislation were to be passed and it is yet perhaps not certain, I would be extremely concerned about who had the authority to utter the words compulsory purchase. Only in the last few months has it been reported to me that an Officer of the Government said to a private citizen "we have the powers of compulsory purchase and we can exercise them if you don't agree." Now I'm absolutely certain that that officer had no authority whatsoever to say that and even if he had it was a pretty irresponsible thing to do to an old lady. I think that sort of behaviour is the sort of thing that concerns the private citizen and rightly so. That forms a part of my reservation if you like about the whole concept of this Bill. I understand the arguments from the Attorney General that compulsory purchase is permitted under the Constitution and therefore it should properly be defined. I accept that. I think there probably is a need to properly define the powers of the Government in terms of compulsory purchase, but there remain some provisions in this Bill about which I am deeply uneasy.

His Excellency the Governor

I thank the Honourable Member. Any other Honourable members wish to ...
The Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

Yes, Mr President, I unfortunately was unable to attend the last Select Committee meeting on this Bill but I still have reservations (the original reservations which I had when it was first presented) which is, apart from the other ones that have been highlighted already. In section 6(4), where it does say that land may be acquired for public purposes if it is acquired so that it may be developed used or disposed of, for the promotion of the physical, economical, social wellbeing of the community. That allows Government (in my reading) to take land from people and sell it on for use, which was what my concern was last time round, so I will just reiterate it now, and also, would also like to say that I have grave reservations along with my colleagues on my left and my right as to the overall effect of this Bill on the community.

His Excellency the Governor

Any other Honourable Member wishes to take part in the debate? The Honourable John Birmingham

The Honourable John Birmingham

Mr Chairman, Honourable Members, I too was unable to get to the last Select Committee. Some two plus years ago there was a situation where a piece of land could have been acquired for a very, very useful purpose by FIG and although there were (and still are) measures within (as we know the law to acquire pieces of land) we didn't do that on advice. That was a situation where that would have greatly helped not an individual but I think the community in the future, no action was taken and I too am a little bit concerned that we may put into law, legislation that people would shy away from in the future, so I would also like to put my name down to the people who have a question mark on this.

His Excellency the Governor

Thank you, Honourable Member. Any other Honourable Member wish to speak in the debate. It's clear that there are developing...

The Honourable Attorney General

There are technical points without trying to deal necessarily with any policy matter.

In relation to Clause 6 subsection 4 which the Honourable Mrs Norma Edwards has raised, it is my view that Clause 6 subsection 4 could not be

used by the Government for the purpose expressly of selling on the land to somebody else to use. The reason for that is that the legislative history of the Bill, that having regard to remarks in Select Committee and representation of members in Select Committee, specific provision in the Bill would have allowed acquisition of land for that purpose has been deleted from the version of the Bill which is being considered as a result of the report from the Select Committee. So Clause 6(4) could not have been interpreted the way the Honourable member fears.

The second point I wish to make is that if the House were to accede to the suggestion made by the Honourable Michael Summers as to the amendment of Clause 3 subsection 2, so that the approval wasn't with the Executive Council, it was with Legislative Council. I would then wish if that amendment were to be passed I would wish the Bill immediately to be defeated because the consequent amendment which would be required would mean that the Bill would be a nonsense that is before the House today. It is as simple as that. The Bill would have to be very substantially recast and different provisions would go in as to the consideration of a whole range of matters including objections. The Bill would be in an unsuitable form. That is not saying that I oppose such a course if you're saying I would wish the Bill to be withdrawn so that an entirely different Bill could be drafted to cater for that process.

His Excellency the Governor

I thank the Honourable Attorney General. Do Honourable Members wish to respond, express a view on the substance of the matter. The Honourable Lewis Clifton

The Honourable Lewis Clifton

As far as I can see it is a substantive matter that needs to be addressed in 13(2), and I wonder whether it is not pertinent at this point to suggest that the reading of this Bill be suspended at this time until we can reconsider it or a draft can come back in some form which takes into account provisions of this House.

His Excellency the Governor

It is certainly my sense that we are not going to be able to proceed harmoniously and successfully on this, there are grave reservations I sense it's apparent around this Chamber and I think that we have to find some way. There are different options I suppose that are possible of giving this further consideration before it comes back to this Chamber. Whether that is to be further work by the Select Committee or wider consideration through Executive Council or perhaps look for guidance from the Attorney General on procedures that might be suitable and appropriate, but I think we are not going to be able to proceed successfully today. The issues seem to be causing unease I think are not capable of being resolved by a simple amendment. That seems to be a sense of this House at the moment. The

Honourable Attorney General, would you have any views on what procedure might..... Sorry, the Honourable Michael Summers.

The Honourable Michael Summers, OBE

Mr President, I would be perfectly happy to formally propose that the Bill be withdrawn for further consideration.

The Honourable Attorney General

I respond to the Governor's invitation to indicate what might be the procedures. I think that it would be appropriate to say that clearly it would be not feasible at this stage of the life of this Legislative Council for the matter to be considered again by this Legislative Council. The Bill would therefore be an orphan Bill which will be lost at the dissolution of the Legislative Council. We'll start with a clean sheet. What I would propose to do would be a very different legislation, there would be a Statutory Order procedure, Sir, which will result in a much shorter Bill and I think most of the provisions of this present Bill which were meant to guard the liberties of the individual. May I say that I went to very considerable trouble to protect the individual, given right to be heard and to make it clear that compulsorily purchase was a last resort. As it happens I personally believe that it should be the last resort, I have been amused to hear today that the Bill is alleged to be a conspiracy between myself and you, Sir, to shaft somebody by compulsory purchasing their land. That, I don't get angry at that suggestion, I just laugh, with a hollow laugh, I wish I had that sort of power, but I wouldn't like to have that sort of motivation. I will come back with proposals to the new Executive Council, Legislative Council after the General Election. There is no purpose in doing so now. I do firmly believe, that the Government will need as a reserve power (a last reserve) to have a power to purchase land where the Legislative Council thinks that that is justified in the public interest. That's the bottom line as far as I personally am concerned.

His Excellency the Governor

I thank the Honourable Attorney General. It seems to me that there is consensus, we don't need to vote. Is that the motion, for withdrawal of the Bill. It enjoys general support, it will therefore be withdrawn. I thank Honourable Members.

I should perhaps just interject that clearly the radio is working and either a response to what I said on the radio or perhaps there is telepathy between here and the hospital, but we have "ankles will not rule". Thank you Claudette for the message. I am advised at a distance by Claudette from the hospital that in fact the Referendum Bill was not gazetted and needed a Certificate of Urgency which I did indeed sign and the Supplementary Appropriation Bill which I think we may be found to be, does not require a Certificate of Urgency. Thank you Claudette for your intervention.

Clerk of Councils.

The Supplementary Appropriation (2001/2002) Bill 2001.

His Excellency the Governor

The Honourable the Financial Secretary

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 £4,968,920.00 to meet supplementary expenditure approved by the Standing Finance Committee to date, for the current financial year. The Bill provides for the Contingency Fund to be replenished to the extent of £100,000.00 in respect of any advances made. £179,500.00 is provided under the Operating Budget to meet approvals for additional provisions in respect of seven departments. Under the Capital Budget, £4,589,420.00 is provided for a carry over of part of the capital underspend of £6 million from the last financial year which ended on 30 June 2001. The principle of carry over of capital budget underspends was confirmed by the Budget Select Committee where those underspends represent deferred expenditure. A further £200,000.00 is provided to meet costs in connection with the contractual dispute.

To compensate for the requirement for supplementary expenditure I can report that the interim financial position at 30 June 2001, shows an improvement of around £6.7 million on what was forecasted at the time of the budget. This is mainly the result of a combination of additional Fishery Licence revenue and a greater Capital underspend than anticipated. I refer to the interim financial position as there are a number of transactions to be put through the draft accounts before a final position can be reported. I beg to move the first reading of the Bill.

His Excellency the Governor

I thank the Honourable Financial Secretary. The Bill will be read the first time, any objections. No objections the Bill will be read the first time. Will any Honourable Member wish to speak in debate for this Bill or should we move to the short track procedure? Short track procedure, I think, any amendments to the Bill intended? No amendments. Proposed the motion is the Bill be read a third time and do pass. The Bill will be read a third time and passes.

Clerk of Councils

The Supplementary Appropriation (2001/2002) Bill 2001.

His Excellency the Governor

Honourable Chief Executive

The Honourable The Chief Executive

Mr President, I beg to move this House stand adjourned *Sine Die*.

His Excellency the Governor

The Honourable John Birmingham

The Honourable John Birmingham

Mr Chairman, Honourable Members. As first speaker, may I say I think people will be aware as to why Councillor Halford is not with us today and on behalf of the Council I would like to pass our condolences to her and her family.

Sir, along with Councillor Cockwell, last month I represented the Falkland Islands at the Committee of 24. I join the long line of people who have been there representing the Falklands in saying that Councillors have to go every year, there is no doubt that we have to have representatives there. The feeling I got was that there is a certain amount of sympathy for the Islands but the opposition (if I may call it that) also have a great deal of support and I think it would be a disaster if the Falkland Islands in the future did not have representatives at that meeting.

For a little bit of information for the travelling public, yesterday at EXCO came up the vexing problem of those awful forms that we have to fill in on the way out of the Islands and on the way back in, that don't seem to have any useful purpose. We have been assured that the matter is being looked into.

Sir, I'd like to extend congratulations to the Island Games team who well represented the Islands in the Isle of Man. I was there for three days and I shall remember those three days not only for the way the Falkland Islands team behaved themselves and were good ambassadors for the Islands but also for the weather. I shall remember the Isle of Man whenever anybody complains about the weather in the Falklands.

Sir, as we now know, our Clerk is listening in the hospital bed with her feet up, I'd extend a little bit of sympathy for her lying there but she'll be enjoying good food and good radio at this moment in time.

I was surprised to see in this morning's Penguin News that there is a fund being set up to purchase a pain control machine. A lady had spoken to me about this before I went away some weeks ago and because at the time I hadn't had the time available I couldn't pursue this. I find it rather strange that with a budget of some £3 million plus that we can't find £3,000 a little bit more to purchase, what seems to be a very useful piece of equipment, when at the same time we're thinking of spending tens of thousands of pounds on major items for the hospital. Sir, I'd like the medical authorities to review and look into this if they would be so kind enough to do that.

There's an information paper going out for consultation to the public on the matter of childcare in the community, and I'd like to, not for the first time, put my hand up on the side of those who feel that there should be support for working parents. I say to those who are against support for working parents that maybe you should have another look at the film Jurassic Park and see where your home really lies.

At the forthcoming election, there are going to be people who are thinking of standing, who don't really have an insight as to how the Falkland Island Government works. Now some time ago I had a small meeting in the Community School specifically targeted at younger people (like myself) who would be willing to stand and are interested in standing, but as I say not too sure how the system works. I wonder if the Chief Executive in his spare time (if he could spare a few moments) to think of ways that we, could perhaps put across, (maybe even an evening) to explain the structure of the Government and the way the Committees run and just to inform people (and there are many capable people out there who are thinking of standing in this next election) and show them that it can be done. If I can more or less cope then I'm sure there are a lot more people who can. Looking around the Table here there are some Councillor or more Councillors far intelligent than I and yet I just about manage to keep up with them.

(Laughter)

We know that the Prime Minister of the United Kingdom is visiting the Argentine Republic in the near future. I have a great deal of confidence in the Prime Minister and I'm sure, positive, that he will put down the Falkland Islands' point of view in no uncertain terms to the President of Argentina and anybody else that he meets. Sir, I support the Motion.

The Honourable Richard Cockwell

Mr President, Honourable Members, the Honourable John Birmingham has covered most of the things that I would like to have covered, however, I must support him on his remarks on the C24. I think it is essential, that the Falkland Islands are represented every year, there is no doubt about it, if we weren't there, there would be a very different attitude and the members have a much better understanding, I'm sure, by having Councillors to go there to lobby them and talk to them about the situation, even if the results in the actual meeting are not as satisfactory as one might wish.

I also would like to congratulate the Island Games team. I'm sorry I wasn't able to get up to see them, when I was in UK at the time. From what I can understand they represented the Falklands very well as they always do and we should be very proud of them.

There's one thing that I would like to mention here, in the Penguin News today, (we've all obviously seen our Penguin News today) the listing of the Camp Roads Programme. I think, that that is rather unhelpful, in as much as there is a lot of discussion going on at this moment, to see how (within the

Transport Committee and other places) we can actually speed this programme up. If you are someone who is right on the bottom end of that line, it will be so depressing to have a look at that document. I can assure everybody, that wherever possible, it is not the intention for the programme to be carried out as laid down in the Penguin News. It isn't cast in stone so please don't get too depressed on it.

To finish off, I think as we understand that our Clerk is listening we would be remiss without wishing her well and hurry up and get out of bed and back into the Office.

His Excellency the Governor

I thank The Honourable Richard Cockwell. Does any other Member wish to speak on the motion for adjournment? The Honourable Lewis Clifton

The Honourable Lewis Clifton

Mr President, I rise to support the motion for adjournment. I'm minded by what Councillor Birmingham said about the meeting of C24 in New York. In this room not that very long ago was a meeting of two (with somebody in higher authority) I have to say and I will say, I was very pleased by the outcome by that decision and I'm very pleased that there has been a reinstatement of two Customs and Immigration Officers to their posts. I would have thought that, indeed I felt that that was what the outcome would bring. I am very pleased and heartened about that.

We've just been through a period of winter, where snow was laying for sometime and a number of the citizens have enjoyed what once was a national winter sport of the Falklands, sleighing or tobogganing on some of Stanley's hills. I don't use the word lightly, it was a national sport not that many years ago and I think recent incomers to the Community need to be reminded of that and they need to be reminded of the fact that snow when it comes tends not to last for very long and children do need to enjoy that fall of snow. I was particularly heartened by some of the measures that the Police seem to put into place for that. I think some more could have been done to have given the children some greater encouragement to participate in that short-lived sport and I think it was deplorable on the count of some motorists, who just seem to think that the hills was just a bit of a run around track while those children were tobogganing.

I think there is one other thing that stems from all of this and that seems to be the huge discharge of salt on Stanley's roads. There are many that will argue that salt does not cause a chemical reaction with the water, the ice and the concrete but nevertheless if you don't put salt (as is deposited on the road) on your garden path, your garden path surface remains whereas the concrete road surfaces do not. Therefore, I am concerned about the forthcoming import of another 200 tonnes of salt to be gaily thrown about our roads. I think there is a need to put in place a system, which will provide for an ice route, but not necessarily where it has been laid down at this time. It's all very

well for motorists to rush about in their trucks when the salt does remove some of the ice and snow, but there is nothing done for the pedestrians.

The Honourable John Birmingham has raised the Childcare issue. I don't have a problem at all in supporting childcare where there are issues of perceived hardship to overcome, but I do have a problem about subsidising something that in large part is the doing of the families and that where that subsidisation is perhaps required because the standards of living that some folk have is a little bit higher than what they can perhaps afford, if they had not taken into account the considerations of good family planning. I can hear a little chuckle in the background, but as the Chief Executive knows I think that the paper is going to go out for consultation, debate is very wide ranging on the issue and there are some people who say it will become a general election issue. If it does, then so be it, but there are many people on both sides of the fence on this one and there needs to be a way ahead in all of this. Perhaps a way ahead on the basis that child support and provisions are tax deductible in a review of the Taxation Legislation and it becomes tax deductible on the basis of attendance, not just a monetary gain that is afford to, perhaps all people that have children. Some mothers I have met (and I speak very frankly about this) have taken the decision to have a family and they have learnt to live within their means. I wonder what the wives in the Camp would think, they're out there, and they've brought up their children and in the last fifteen years some of the children have had less, there was no particular hardship coming from that or requirement to pay money for their children to find additional child support out there.

The Honourable Richard Cockwell has raised the Camp roads issue, part of the reason behind my question today to the Attorney General was to see where we may go on the whole issue of designation of Camp roads. I was a recent victim on the Camp road, late at night, snow blizzard, and I have to say that if the Government is to embark on the process of designating Camp roads, then it needs to have in place a better travel surface and some other provisions, than it currently does.

The Honourable Richard Cockwell

Salt the roads.

The Honourable Lewis Clifton

And salt the roads an awful lot is needed between here and Port San Carlos, I have to say

I don't hold the view that we need to designate camp roads, but if we are going down designation road then we need to have some safety provisions put in place. One of those needs to be an island wide radio communication network, at the time of my recent difficulty I couldn't raise a soul on any radio frequency anywhere. That may have been somebody else who was less attuned to those particular conditions on a winter night, but if we are hell bent

on designating Camp roads we need to make sure that there is a good safety net put in place to support all of that. Mr President, I support the Motion.

His Excellency the Governor

I thank the Honourable Member. The Honourable Michael Summers.

The Honourable Michael Summers, OBE

Mr President, Honourable Members. A few points I would like to make. I'm pleased like all of my colleagues, I think, that the paper on Childcare is now to be issued for public comment. When people consider the issue, I hope they will be analytical about it and not simply resort to abuse of those who perhaps have different or a more analytical view. I think, some of the people who have been promoting this issue are not entirely clear about what they're trying to achieve. If it's to support a business, that takes one approach, if it's to regulate childcarers that takes another approach, if it's to get people to work, I think that's the third approach or if the purpose is to improve facilities in the Nurseries that takes yet a different approach. I am far from convinced that a single route can solve all of these issues. I think we have to determine what it is we are trying to achieve and then determine what is the best way to go about achieving it. There is no generic solution, I don't think, to all of these issues and what we need to determine is what is important and then get on and deal with that issue.

I'm delighted by the continuing support that the community is showing for Tristan da Cunha, I would like to congratulate everybody who's been involved in *raising funds* for Tristan, I think they've made a brilliant effort. I should be fascinated to see whether we're quite so good when it comes to public subscription for childcare facilities in the community centre. But that remains to be seen.

On the issue of travel forms raised by my Honourable friend, I believe that there is already a solution to this issue, if you don't like filling in the forms as most of us don't you can take your passport to the Passport Office where it will be stamped to confirm that you have resident status, then you no longer need to fill in the form. Delightful.

I share the concern about the publication of the Camp Roads Programme to a degree. I think it required some better explanation in respect of one particular area. The Council is still discussing and considering whether the road programme should be speeded up in a particular part of the West, that decision has not yet been made. I think it would have been helpful to have explained that to the people involved who have become rather depressed by the implication of the programme without that explanation.

The Island Games was a great success and everybody has to be congratulated for it. It has a place in promoting the Falklands as my colleagues have said. It also has an important place in terms of personal development for these young people who went to the Isle of Man. The degree

of enthusiasm that it generates amongst them doing better is a wonder to see and several folks are now planning for Guernsey in two years time, I think that's great, I think all of the organisers for the Island Games are to be congratulated, there were many people who worked hard here who didn't in the end go to the Isle of Man and didn't have the pleasure of seeing the outcome, but congratulations to all of them too.

I was going to say a word about taxation and about my disappointment that the invitation in the public meeting the other evening to get into some kind of discussion about the philosophy of taxation wasn't taken up and that was noted I think today in the editorial. At some point we do need to rethink our approach to taxation in the Falklands, there are many issues around about allowances and whether allowances should be tax deductible or not tax deductible. There are issues about how we apply taxation for economic development purposes and social development purposes, they're very important discussions. The Tax Review Committee will take these up but I think it's a discussion that needs to take place over a lengthy period of time and won't be resolved, I don't think, before November 22nd. So I would encourage members of the public and anybody who's interested in the economy and how the economy works to give some thought to that issue.

Finally, on the matter of Foreign Affairs, I'm pleased that Tony Blair is going to cross the Iguazu Falls and talk with President De La Rúa, it can never do any harm. Like my Honourable Colleague, I have faith that the Prime Minister will be robust in his defence of the Falklands' right to self-determination if the issue is raised. It's interesting that it's not our agenda, I suspect it might be on theirs, and I don't doubt if the other side raise it then the Prime Minister will reassert the British right of Sovereignty over the Falklands and the right of the people here to determine that future. Sir, I support the Motion.

His Excellency the Governor

Thank you Honourable Member, The Honourable Mrs Jan Cheek

The Honourable Mrs Jan Cheek

Mr President, Honourable Members, I too would like to join those of our colleagues to congratulate the people that went to the Island Games. I'm particularly impressed by those who train for months before they go and improve their times or their performance in some way by going, I think it's a great credit to them and a valuable example to us all.

No one has mentioned the FIDF performance at the Bisley Skill at Arms competition. They not only came back with lots of good memories but they also came back with some medals and all credit to them for the effort they put in, in a very difficult competition, in very hot conditions, wearing full kit most of the time. I think we shouldn't forget them.

I have already spoken in other places about the time that Norma and I spent at the CPA, but as an add on to that we both had the opportunity to go to the

Memorial Service in June at the Falkland's Chapel at Pangbourne. I would urge anyone else who has an opportunity to go and see that chapel or to attend a service there to do so. It's a beautiful place and a very fitting memorial in Britain to the people who were here and who died in '82. It was a beautiful service and it was also good opportunity to meet some of the veterans who were there, some of whom didn't get ashore long enough when they were here to meet a Falkland Islander and who were delighted to do so on that occasion.

Like my colleagues I'm really pleased that as I raised the issue at the last meeting of Legislative Council that is of public discussion of some kind of Nursery provision, I'm delighted that is now going ahead. It is unfortunate if some of my colleagues have got the impression that it is a single issue because of course it's not. A very simplistic way of dealing with it would be a taxable allowance to parents that would solve the issue of those in need getting the most benefit from it. If properly managed it would also allow those parents to pay the real costs of childcare. The problem is (and the reason the Nurseries are in difficulties) that someone who, I heard yesterday of people being paid £3.25 per hour, these same people are being encouraged by us to go out and buy their own properties rather than depend on subsidised Government housing, which is another form of assistance given to a great cross-section of the population with no assessment of their actual need for subsidised accommodation. At the same time we're saying to these families before you have children think about housing them. I think with care perhaps, a group should be got together to look at the whole issue. I can speak freely on it now because I'm not involved in running any of the Nurseries or supporting any of the Nurseries financially, but I do have a very good idea of what it costs.

There is talk elsewhere about building a purpose built nursery. I have yet to be convinced that that is the way ahead, when we have so many buildings in Stanley which are used, pubs, for just a couple of hours a week. A lot of those buildings were built or the building of those facilities was assisted by Government or by public subscription, if only some of those organisations could get their heads together, put their resources together and make better use of those buildings. I don't think we actually need to go out and build something new. Anyway, I look forward to the discussion over the next few weeks. I think we've already lost one or two working parents from the workforce because of the problems they're experiencing in getting satisfactory, safe affordable childcare. I happen to believe those working parents are valuable assets to our economy and it would be a shame to lose them.

On an issue not entirely unrelated, I'm glad to see that we now have proper Child Protection Procedures in place. I make no apology for the increased expenditure on the Social Welfare side of things. If we've saved just a handful of children from misery, deprivation and actual abuse, then that's been money well spent.

Moving onto an issue which would really concern the new Council, but it's already an active one, mentioned to me by members of the public and that's the proposal to surface the Mount Pleasant road. The kind of costs that are starting to be bandied about are alarming, and certainly would be an early matter for the next Council to decide what priority it wants to give to surfacing of a road, which truly isn't heavily used when it would dispose of a large proportion of the Capital Budget in each year. I don't have a solution but I recently travelled in a country, which has extensive gravel roads, thousands of kilometres. It's a case of what a community can afford and it's a case of making allowance for the conditions in which you're driving. People will have to weigh that up very, very carefully.

Finally, I'm glad to hear that the Clerk of Councils is still working from her hospital bed and delighted that she didn't receive any blow on the head yesterday. I hope she gets well soon.

His Excellency the Governor

I thank the Honourable Member. The Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

Sir, as the Honourable Jan Cheek has mentioned we attended a Commonwealth Parliamentary Regional Conference in Edinburgh recently and the Penguin news will be pleased to hear, that as she has reported back to my fellow Councillors and was interviewed on FIBS I won't reiterate all that she had to say about the Conference, so I won't bore them.

It was very worthwhile and interesting though, I will say that and I hope that whoever the new Council are they will continue to attend, not just the CPA meetings but the Committee of 24 too, as Councillor Birmingham has mentioned.

The CPA is not only a useful international forum for us but now that we are a part of the British and Mediterranean Region, it is a good opportunity for us to meet with British politicians at the same time.

Whilst I was away, I took the opportunity to visit our desk at the Foreign Office and asked if they could possibly speed up the process (at the risk of boring everybody again) of regaining our Disease Free Status for us. This they promised to do. True to their word, a week or so later a copy of a letter to the OIE in Paris from the Chief Vet in England was kindly forwarded to me. I know our Veterinary Department here in the Islands have also been working hard on this front so whether this letter was the result of my visit to the Foreign Office or not, it's doubtful. But however it came about it is gratifying to know that at least our concerns reached the Chief Vet in Britain. I know that once the abattoir is opened it will be about another year before we are permitted to sell beef into Europe but, hopefully the EU will see sense and sort our Disease Free Status out so that we don't lose any time or opportunity to sell into Europe. It's not so long ago that they insisted that Gibraltar pass

legislation for rivers, they wouldn't listen to the fact they would just rather a large rock and didn't have any rivers and in the end they passed legislation for their non-existent rivers to keep the EU happy. (Laughter) So, I keep on about this subject because I worry that the fact that we don't have Foot and Mouth in the Islands may well not impress the EU, if they've decided in their wisdom that we have. So I would urge all concerned in the Department of Agriculture to keep pressing the powers that be to reinstate our Disease Free Status now, so that we can sell our meat in Europe when the opportunity arises. We shouldn't have to wait until next June for a decision on this, particularly, as Uruguay was given permission to sell into Europe a couple of months ago and they do have Foot and Mouth. It is very important for us to get our market established as soon as possible, if our abattoir is to be a success, as it is expected to be. Some of our farmers, who have gone into the meat production business rather than wool, eagerly await the outcome of this.

While I was away too, I see that the proposed Memorial at the Argentine Cemetery at Darwin was submitted to the Planning and Building Committee. They quite rightly in my opinion have deferred it because the dimensions are far too large and they have refused phase two. Phase two, the Chapel, was an add-on which was never even spoken about when the memorial was first asked for, at the first round of talks in the Foreign Office, prior to the July 1999 Agreement. At the Planning and Building Committee, because the way the Ordinance is written we quite rightly may only make comment on the papers presented to us from a purely planning or building point of view. So I will take this opportunity to give you and no doubt Argentina too, my own personal views. I found it very sad that Argentina has chosen to turn this request for a memorial to their war dead into a political issue when it was first mooted by the then Argentine Foreign Minister Guido di Telia. It was said that we would be prepared to consider a memorial provided it was not ostentatious and was in keeping with the surroundings. Since then we have had a new Government in Argentina who have refused to talk to or acknowledge the existence of the Falkland Islands Government. The first plans, which were in circulation, were even more grandiose than the present one, although they were never submitted to the Planning Department. These ones were submitted in Spanish, so I give all concerned a fair warning, if I am still Chairman of the Planning and Building Committee when the plans are submitted again in Spanish, I will not accept them. I do not understand Spanish and I have no doubt that if the boot were on the other foot, they would have been dismissed out of hand, were we to have tried the same ploy. Therefore I would say to Argentina, very respectfully, if you are really serious about wanting a memorial in the Darwin Cemetery, then please be sensible, don't waste our time and yours, presenting us with plans that are completely unacceptable to us. Remember, it's your loved ones, you are supposed to be honouring with the memorial and don't present us with something, which is going to be to the glory of Argentina rather than for the memory of those young men who lost their lives. If you try that on we just will not accept it. Just one more thing I would like to tell you, for goodness sake, give up trying to get it all done through the back door of the Foreign Office or the front door for that matter, nothing makes us more cross. We are no longer the oppressed Colonial

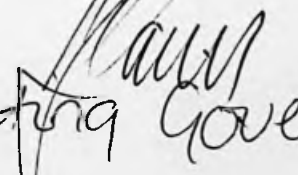
power you seem to think we are. On matters like a war memorial for the Cemetery at Darwin for the Argentine dead, we are quite capable and fully intend to make sure that the decision which is eventually made will be acceptable to the people who live in the Falkland Islands and whose home land, these Islands are.

One more thing I would like to mention, people have mentioned roads, the MPA road, I would suggest that if we don't stop, throwing salt around with gay abandon, there isn't going to be any money to put on the MPA road anyway, it is all going to have to be spent on Stanley potholes. I was appalled at the state of the front road. I brought this matter up several years ago and was assured that the salt didn't do any damage at all, but it seems very strange to me that the next bad winter we have, it only takes a couple of months and the disintegration is there for all to see again. So I presume it must be salt, I know my mother as soon as she sees (they very kindly come and salt the old folks' paths) and she gets a big bucket of water and washes it all off, (Laughter) because she wants to keep her path. I think that's very sensible. As far as the other roads, the West roads, I was heartened to hear that perhaps there will be a speed up of some of the west road programme. But I was heartily disappointed, when I came home to find that the road that was being built to Spring Point and which I asked several times, boringly, that they cap before the end of the season. I was assured that the work would be done, now find that its got for seven miles twelve inch ruts in the clay and that the guy who's got the calcified seaweed at the end of it which he's supposed to deliver can't. As he couldn't possibly put his trailer on it, so it's such a waste of money. Can I appeal to the powers that be, after the next season of road building they do finish off, they do cap, what they have begun and not leave it over the winter so it costs a whole lot more at the end of the day to put right. Sir, on that dismal note, I will support the motion for adjournment and just add if I may, my best wishes to Claudette and her bad leg. Thank you.

His Excellency the Governor

I thank the Honourable Member. I'll only make one comment, which picks up what was said about the Island Games Team. I thought it was a very nice letter in today's Penguin News from the manager of the Hotel in the Isle of Man, paying tribute to the members of the team, young and Patrick, it was very nice to read that. The meeting stands adjourned accordingly.

Confirmed this 21st Day of
September 2001


Acting Governor

RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL

HELD BY STANLEY

ON SEPTEMBER 2001

**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY ON 21 SEPTEMBER 2001**

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 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
(Air Commodore John A Cliffe OBE, FRAeS, R.A.F.)

CLERK: Claudette Anderson

PRAYERS: Monsignor Agreiter

APOLOGIES

The Honourable Michael Victor Summers OBE
(Elected Member for Stanley Constituency) (Absent –Overseas Business)

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Record of the Meeting of the Legislative Council Held on Friday 21 September 2001

His Honour the Acting Governor

Good morning, Honourable Members, Ladies and Gentlemen, and members of the public who are listening on the Falkland Islands Broadcasting Service. The Governor is away at the moment on leave, but before we invite Monsignor to lead us in prayers, I'd like to ask all in this House and those listening to join with us and observe a minute's silence in memory of those who have lost their lives or missing in those acts of terrorism that occurred in the United States last week.

MINUTE SILENCE

His Honour the Acting Governor

Thank you.

PRAYERS

His Honour the Acting Governor

Welcome Monsignor, good to see you back in the Islands.

Monsignor Agreiter

Thank you

His Honour the Acting Governor

It's also good to see the Honourable the Chief Executive and the Honourable Financial Secretary back from their leave. I should also point out that the Honourable Mike Summers is not with us today. He's in the United Kingdom representing the Falkland Islands at the Overseas Territories Consultative Council.

Clerk of Councils.

Clerk of Councils

Confirmation of the Records of the Meetings of the Legislative Council held on 22nd and 25th May and the 27th July 2001.

Legislative Council

Held on 21 September 2001

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His Honour the Acting Governor

I assume that Honourable Members are content with these minutes and quite happy that I sign them.

The Honourable Mrs Jan Cheek

There are a couple of typos, which I'll give to the Clerk afterwards; I didn't have an opportunity to.

Typographical amendments to Record of the Budget Meeting of Legislative Council on 22nd and 25th May 2001, page 22, to add in the fourth paragraph the letter "s" to the end of the wording "**road**" to read "...**roads**" to change the wording of sentence in the fourth paragraph ". standards overall were **uncontrollably** lower..." to read "... standards overall were **incomparably** lower..." to amend the word "**sewerage**" in the last paragraph to "**sewage**".

His Honour the Acting Governor

Subject to those, yes I can sign.

Clerk of Councils

PAPERS TO BE LAID ON THE TABLE BY THE HONOURABLE THE CHIEF EXECUTIVE

Copies of Subsidiary Legislation published in the Falkland Islands Gazette, since the last sitting of the Legislative Council, and laid on the Table pursuant to section 34(1) of the Interpretation and General Clauses Ordinance 1977.

- Planning and Building 21 Jersey Road Direction 2001
- Falkland Islands Pension Scheme (Amendment) Ordinance 2001 (Correction) Order 2001
- Commemorative Coins Order 2001
- Building (Stanley) (Cable Cottage and Police Station) Designation Order 2001
- Registration of Charities (Exemption) (No 2) Order 2001

The Honourable the Chief Executive

Mr President, I lay the papers on the Table as mentioned by the Clerk to the Council.

Clerk of Councils

Questions for oral answer. Question Number 23 of 2001 by the Honourable Lewis Clifton.

The Honourable Lewis Clifton

Will the Honourable the Chief Executive advise on the current status of the Holiday Credit Voucher Scheme, in respect of monies set aside for draw-down; monies expended; total number of individuals who have used the scheme since its inception, and the financial balance remaining in respect of unspent monies at the 30th June 2001?

The Honourable the Chief Executive

I thank the Honourable Lewis Clifton for his question and am delighted to tell him that the Holiday Credit Voucher Scheme is alive and well, which will no doubt overjoy him. I will now read out some facts and figures and provide a written copy of that to members.

The monies set aside for draw down in this Financial Year are £600,000. The monies expended in the last four years from 1997 to 2001 are £1,528,033. The total number of individuals who use the scheme since its inception (and this is an estimate) is 1694 people made up of children under 12, 331, adults 1313 and people who are no longer resident (but who used the scheme) 50 people. Finally, the financial balance remaining and unspent at the 30th June 2001 is £1.4 million.

His Honour the Acting Governor

The Honourable Lewis Clifton.

The Honourable Lewis Clifton

Mr President, I thank the Honourable the Chief Executive for that reply and am grateful for him outlining in some detail, I didn't expect the question to provide all that detail because it is of interest in the public domain and I'm grateful for him in responding in the way he does. I wonder whether I may ask a supplementary in terms of whether the Chief Executive believes that it is still providing the cultural ventilation that was conceived at the beginning and the purpose of the Holiday Credit Scheme.

His Honour the Acting Governor

The Honourable the Chief Executive.

The Honourable the Chief Executive

Well, I think the Honourable Member has asked me a rhetorical question, and I would ask him to define cultural ventilation. I think it's true of course that the scheme is now much broader than it was when it was originally conceived not just for external travel, but also for internal travel, for passages and vehicle freight on Byron Marine, the use of hotels and lodges and local tours and travel accommodation arrangements which are made with genuine business and vehicle hire and vehicle provision for disabled persons (the most recent addition to the scheme). There had been quite a number of pressures on Members, considerably to expand the scheme. I think Members have sought very carefully to restrict the scheme to its original concept while at the same time make it somewhat more broad than it was originally.

The Honourable Lewis Clifton

Mr President, I thank the Honourable the Chief Executive for that answer.

Clerk of Councils

Question number 24 of 2001 by the Honourable Lewis Clifton

The Honourable Lewis Clifton

Will the Honourable Sharon Halford advise the breakdown of the total costs incurred by salting the Stanley roads during the 2001 winter?

The Honourable Mrs Sharon Halford

Mr President, Honourable Members. The Public Works Department does not keep records of this activity in sufficient detail to easily extract all the information requested. Some of the following figures are therefore estimates:

Cost of labour on standby £4,123

Cost of labour on call out £3,685

Cost of salt used £13,550

Cost of fuel - £504

Not all roads are treated. Treatment is confined to notified roads around Stanley and the hills on the Stanley-MPA road, the latter on aeroplane days only.

Salting is carried out in accordance with long established policy.

His Honour the Acting Governor

The Honourable Lewis Clifton

The Honourable Lewis Clifton

Yes, if I may Mr President. Would the Honourable Member advise this House particularly in terms of the provisions of Policy Six, Island Plan whether that represents best value for money spent.

His Honour the Acting Governor

The Honourable Mrs Sharon Halford.

The Honourable Sharon Halford

I did not address the matter of best value. Best value would need to consider alternatives to the current policy and I am not aware of what took place when the current policy was established.

The Honourable Lewis Clifton

I thank the Honourable Member.

Clerk of Councils

Question number 25 of 2001 by the Honourable Lewis Clifton

The Honourable Lewis Clifton

Mr President, when I first arrived I was seated last, it seems as though I'm in the middle now and first however, will the Honourable Richard Cockwell, as Chairman of the Fisheries Advisory Committee and to whom marine matters normally fall, advise

- a) On the current state of FIPASS, and its anticipated future use, and
- b) Why the promised deepwater jetty consultation has been slow to deliver and if he will make a statement in that regard.

His Honour the Acting Governor

The Honourable Richard Cockwell

The Honourable Richard Cockwell

Mr President, the current state of FIPASS is reasonable, bearing in mind its age, the fact that it is a temporary structure, and that it is on a low maintenance schedule. The last technical survey in 1997, indicated that the structure should be good for 5 years, but would not survive for 10 years. The impressed current cathodic protection system is operating. Providing the structure does not sustain catastrophic damage, either as a result of weather or vessel operations, it is likely to be viable for the short term. Until a new port facility is constructed FIPASS will continue to be used as at present. Once a firm decision to construct a new port facility is taken, its future will be

for debate. It is likely that FIPASS will continue to form part of the Falklands port infrastructure as long as it is technically and economically viable. A number of commercial operations are based on or around FIPASS, including Stanley Services Ltd. in particular. At least some of the options for future port infrastructure are likely to take that into account.

Regarding the deepwater consultancy, the current consultancy on the deepwater port is the second attempt. It was considered that an earlier attempt was likely to be too costly, and that the scope of the project required further tuning. The current consultancy was awarded as a result of a tender. The timetable as set out in the tender document is being adhered to. A draft of the final report has been received for comment. Once comments have been forwarded to the consultant the final report should be available. It is crucial that any investment in port facilities not only provides a permanent alternative to FIPASS, but also creates the necessary port infrastructure for the long-term, bearing in mind that maritime activities are the largest sector of the economy.

The Honourable Norma Edwards

Mr President, can I ask the Honourable Richard Cockwell, he says that the report will be going out for comment, will this go for comment not just from Councillors but from users and the Fisheries Department?

His Honour the Acting Governor

The Honourable Richard Cockwell

The Honourable Richard Cockwell

Mr President, I thank the Honourable Mrs Norma Edwards for that question. I am not aware at this moment whether or not it will be for wider consultation but I personally would hope that it should be, because there is no point in setting up facilities for the maritime economy if the people involved in the economy are not consulted.

The Honourable Mrs Norma Edwards

Thank you for that answer.

The Honourable Lewis Clifton

Mr President can the Honourable Member give an indication of the likely cost of the schematics that are contained within the deepwater options.

His Honour the Acting Governor

The Honourable Richard Cockwell

The Honourable Richard Cockwell

Mr President, I thank the Honourable Lewis Clifton for his question. I cannot actually at this moment discuss the cost or indicate what the cost is because there are many scenarios that were actually put forward. If and when the Honourable Lewis Clifton reads the report he will actually find that there are these figures put in but they are much too complicated to actually discuss on a short term.

The Honourable Lewis Clifton

Mr President, if I may, I'm aware that I can't make a statement but I can answer the question that I put to the Honourable Member. The cost indicators are from £27 million to £54 million, so I would simply endorse the question that the Honourable Member has raised and ask that the report does go out for wider circulation. It is currently listed to twelve departmental heads, inclusive of that is the Legislative Council Office because there are quite huge cost implication is this, I think the community at large need to be aware of this.

His Honour the Acting Governor

The Honourable John Birmingham

The Honourable John Birmingham

Mr President, if I may, I would like to ask the Attorney General, if there is a legal reason why there couldn't be a copy placed in the Public Library?

The Attorney General

I think it's a matter of policy whether it's placed in the Public Library at this stage. I have noted that it is a draft report and I would have thought it was more profitable for the definitive report to be placed in the Public Library, as a personal view.

His Honour the Acting Governor

The Honourable Richard Cockwell, are you going to take all those on?

The Honourable Richard Cockwell

Mr President, I note the figures which the Honourable Lewis Clifton has given, however, some of the indicators are a lot more expensive than he's actually indicating and there are possibly options which are cheaper and that is why I didn't want to actually bring out figures which could be questioned.

Regarding the availability of the document I have already said, I personally support the consultation with the people involved in the maritime industry because this has to serve their industry and we have to make sure that

whatever we furnish in the end is suitable for what they require. I personally will make sure, to do everything I can, to ensure that this consultation goes out to as wider circulation as possible. Whether as the Attorney General points out the draft report should go out or whether we should wait until the final report, I believe I need to take advice on. I will ensure to the best of my ability that it does go out for as wide a consultation as possible.

The Honourable Lewis Clifton

I thank the Honourable Member for the assurances that he's able to give at this time.

His Honour the Acting Governor

I take there are no further supplementaries. I thank Honourable Members.

Clerk of Councils

Question number 26 of 2001 by the Honourable Richard Cockwell.

The Honourable Richard Cockwell

Mr President I apologise, I was still moving my papers when I got to the question. Will the Honourable Sharon Halford advise what plans do PWD have for the construction of the steelwork for Cattle Grids for the coming year's Camp road construction?

His Honour the Acting Governor

The Honourable Mrs Sharon Halford

The Honourable Mrs Sharon Halford

The steel has been purchased and is on the islands. Cattle grids for East Falkland have been fabricated by directly employed labour in the road team as a winter activity. Cattle grids on West Falkland will be fabricated on West Falkland.

His Honour the Acting Governor

The Honourable Richard Cockwell

The Honourable Richard Cockwell

I thank the Honourable Sharon Halford for the reply. Can I have the assurance that it will be organised via the private sector rather than going through the Morrison's system and the partnership. These are contracts, which should come to under £100,000 and should be put out to tender to local contractors.

His Honour the Acting Governor

The Honourable Mrs Sharon Halford

The Honourable Mrs Sharon Halford

I do believe I'm actually in a position to give that assurance at the moment. The answer I have been given here is that the route taken is seen as the most appropriate on this occasion. Steelwork for cattle grids has been constructed by the private sector in the past and no doubt will be again in the future. On this occasion suitably experienced staff were available in the direct labour team.

His Honour the Acting Governor

The Honourable Richard Cockwell

The Honourable Richard Cockwell

I thank the Honourable Sharon Halford for her reply but I wonder whether at a later date she could actually get me the assurance of the question that I asked previously, that it is not being put through the partnership because of that fact that the price should be lower than £100,000 which is the cut off point.

His Honour the Acting Governor

The Honourable Mrs Sharon Halford

The Honourable Mrs Sharon Halford

Mr President, I can ask for that assurance but I would hope that we are taking the most cost-effective route but that will need to be checked and confirmed as well.

His Honour the Acting Governor

The Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

Can I can I confirm that you mentioned that this work would be done in the winter, does that applies to the West as well, does it?

His Honour the Acting Governor

The Honourable Mrs Sharon Halford

The Honourable Mrs Sharon Halford

No, the answer I gave was that the cattle grids on West Falkland would be fabricated on the West Falkland by a member of the direct labour team.

His Honour the Acting Governor

The Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

Can I ask if she could enquire why this work couldn't be done on the West during the winter months as well, which would enable the work to go ahead more quickly during the summer months?

His Honour the Acting Governor

The Honourable Mrs Sharon Halford

The Honourable Mrs Sharon Halford

Mr President, I can ask.

The Honourable Mrs Norma Edwards

Thank you very much.

Clerk of Councils

Question 27 of 2001 by the Honourable Mrs Jan Cheek

The Honourable Mrs Jan Cheek

Will the Honourable Chief Executive please say when the "CHRIS" personnel system was first purchased and at what cost. What have been the costs of keeping the system updated, of additional software and of training personnel to use it? On what date was it finally in full operation?

His Honour the Acting Governor

The Honourable the Chief Executive

The Honourable the Chief Executive

I thank the Honourable Jan Cheek for the question. The CHRIS personnel software system was first purchased in 1998 at a cost of £18,900. Implementation of the package was not achieved immediately and due to a lack of available staff time the project lost momentum. In January (this year) 2001 it was decided to reenergise the project but add to it a payroll module that will in due course replace the existing Treasury payroll system. The

payroll module cost £18,000 and training on this aspect of the system plus some re-training on the personnel module was carried out in March and June of this year. The CHRIS payroll module is now running in parallel with the Treasury system and it is intended it will go live and replace it on 1st January 2002. The personnel side of the CHRIS package is now in use and is being gradually developed to its full potential. Another training session is planned for operatives in November.

To date it has cost approximately £20,700 to provide training for staff in the Computer Section and in the Human Resources and Treasury Departments.

The annual licence/maintenance fee for the HR software module, which as I say began in 1998 costs £3,950 a year and the fee for the payroll module, which as I say we brought on this year is £3,600 a year. The total cost to date of these two systems, there's one system but two modules, over the four years has been £77,000, that to some extent is offset, as Members would be aware by a staff reduction within Human Resources when these two programmes were brought before Members earlier this year.

His Honour the Acting Governor

The Honourable Mrs Jan Cheek

The Honourable Mrs Jan Cheek

I thank the Honourable Chief Executive for his reply, can I ask, has it resulted in a greater efficiency worth that type of cost.

His Honour the Acting Governor

The Honourable the Chief Executive

The Honourable the Chief Executive

Not yet, it's argued that it will, which is why we reenergised it rather than said well let's not use it. I think it will make a very significant efficiency in the running of our Human Resources and also in our ability to service the payroll needs and resources. I think part of that can be seen by the fact that we have already made a half a member of staff savings in implementing the package.

His Honour the Acting Governor

The Honourable Richard Cockwell

The Honourable Richard Cockwell

Can the Chief Executive assure us that there is no redundancy in this package, because we've had it for sometime, we are liable to find that we

have to actually purchase complete new expensive upgrades in the near future or is that covered within the annual costs.

His Honour the Acting Governor

The Honourable the Chief Executive

The Honourable the Chief Executive

I don't know whether the upgrades are carried within the annual costs I suspect it to be so within the licence, I can tell you that the software itself is still entirely current and is still being used throughout the world.

His Honour the Acting Governor

The Honourable Mrs Jan Cheek

The Honourable Mrs Jan Cheek

Thank you.

Clerk of Councils

Question number 28 of 2001 by the Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

Small typo in this question on the last line which I will correct as I go along. Would the Honourable Sharon Halford ask the Public Works Department to ensure that new stretches of road built during the summer seasons in camp are properly capped before the end of the season, thus avoiding as far as possible deterioration during the winter months and a repetition of work at the start of the next season's work which also delays the planned work for that season and of course it has an effect on that season's budget.

His Honour the Acting Governor

The Honourable Mrs Sharon Halford

The Honourable Mrs Sharon Halford

Mr President, sitting where I am I think I'm going to have to be brave to give this answer. The short answer is No. This is a policy issue. There has been pressure to build roads quickly and as a consequence some stretches of road on both East and West Falkland have not been capped either at the end of a season or in some cases at all.

His Honour the Acting Governor

The Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

I thank the Honourable Sharon Halford for that answer but would she perhaps point out to PWD that this is not a cost effective way to build a road and it would be more sensible in my opinion if they did cap them before going on.

His Honour the Acting Governor

The Honourable William Luxton

The Honourable William Luxton

Mr President, could I ask the Honourable Member to explain why work stopped when the weather was still fine and it would have been possible to in fact cap the roads at least on West Falklands.

His Honour the Acting Governor

The Honourable Mrs Sharon Halford

The Honourable Mrs Sharon Halford

Mr President, I like to think that we don't just think of West Falklands but we think of the Falklands as a whole.

The Honourable Norma Edwards

I did add the East into this question.

The Honourable Mrs Sharon Halford

It is purely a matter of policy, we decided a policy some time ago how the roads would be built and if Honourable Members wish that policy to be changed then they will need to make that policy decision and ask for a paper to be submitted for a change of policy to EXCO.

His Honour the Acting Governor

Thank you

The Honourable Mrs Norma Edwards

Thank you.

Clerk of Councils

Question number 29 of 2001 by the Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

As we now have several hundred kilometres of roads on the East and West Islands would the Honourable Sharon Halford ask the Public Works Department (if they have to change their policy of course or asked to change their policy) to seriously consider writing in to their next budget the cost of a road maintenance gang for both Islands to ensure that all the money which has been spent on rural roads over the years isn't wasted (and that's both Islands)?

His Honour the Acting Governor

The Honourable Mrs Sharon Halford

The Honourable Mrs Sharon Halford

Mr President, I'm afraid I have to answer in the negative again. The Public Works Department currently has a team based in East Falkland, which is dedicated to the maintenance of unsurfaced roads. Periodically this team travels to West Falkland to carry out maintenance works. The Public Works Department is acutely aware of the need to maintain the road system, which is why it has been insistent that it be constructed properly in the first place.

His Honour the Acting Governor

The Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

Thank you.

Clerk of Councils

Question number 30 of 2001 by the Honourable Mrs Norma Edwards.

The Honourable Mrs Norma Edwards

Would the Honourable Jan Cheek please update this House on the progress of the construction of the extension to Infant/Junior School and when is the project due to be completed?

His Honour the Acting Governor

The Honourable Mrs Jan Cheek

The Honourable Mrs Jan Cheek

Mr President, there have been some delays amounting to about 3 weeks, weather being the primary cause of those delays. The project is now due for completion at the end of January 2002. Discussions have already been held with the Acting Director of Education regarding the projected completion date and advice is that substantive occupancy of the new facility during the school holidays 25 February – 5 March is acceptable. The Public Works Department is working closely with the Education Department on this project and will continue to do so until completion and I must give credit to the Director of Public Works for that information.

Honourable Mrs Norma Edwards

Thank you very much.

His Honour the Acting Governor

The Honourable Lewis Clifton
The Honourable Lewis Clifton

Mr President, with the number of intended prominent visitors in 2002 will the Honourable Member take into account an appropriate opening time.

His Honour the Acting Governor

The Honourable Jan Cheek

The Honourable Jan Cheek

I'm quite sure a formal opening could be arranged at a suitable time, we'll discuss that or the next Council will discuss that nearer the time.

Clerk of Councils

Question number 31 of 2001 by the Honourable Mrs Sharon Halford

The Honourable Mrs Sharon Halford

Would the Honourable John Birmingham please inform the House what the total cost has been of vehicle accidents involving FIG vehicles over the past twelve months.

Could he also state how many accidents there have been, how many vehicles were written off and what cost recovery FIG received.

His Honour the Acting Governor

The Honourable John Birmingham

The Honourable John Birmingham

Mr President, Honourable Members, in the past 12 months there have been eight accidents involving FIG vehicles. Thankfully, there have been no serious injuries.

The total cost of repair is £24,000. This figure includes an estimated repair cost of £6,000 for an Agricultural Department vehicle, which is being considered as a write-off. The vehicle is six years old and had covered 90,000 miles.

Also included in the figure is an estimated repair cost of £10,700 for a PWD vehicle, which is also being considered as a write-off.

Cost recovery is a difficult matter, as negligence really has to be proved on the part of the driver. It's noteworthy that seven of the accidents included in this answer occurred on unsurfaced roads, and a number of them occurred in remote locations. One of them resulted from hitting a pothole on a surfaced section of the road in snowy conditions.

His Honour the Acting Governor

The Honourable Mrs Sharon Halford

The Honourable Mrs Sharon Halford

I thank the Honourable John Birmingham for his response. Would you agree that if £6,000 per vehicle is the average cost of repairing them it would seem inappropriate to spend this money on older vehicles when it would be cheaper (I would have thought) to simply write them off.

His Honour the Acting Governor

The Honourable John Birmingham

The Honourable John Birmingham

Thank you for that supplementary, the Honourable Member will recall that the answer I gave included two vehicles a total of which came to £16,700. So that was £16,700 out of the £24,000 for two vehicles, so clearly the average cost isn't £6,000 for an accident.

Clerk of Councils

Question number 32 of 2001 by the Honourable Mrs Sharon Halford

The Honourable Mrs Sharon Halford

Would the Honourable Norma Edwards please state what the annual cost for the new arrangements at the Hospital Pharmacy will be? By new arrangements I mean the intention to sell over the counter medicines and provide professional advice. Would she also indicate what the anticipated annual returns from these sales are likely to be?

His Honour the Acting Governor

The Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

I thank the Honourable Member for this question.

Honourable Members will be aware that approval for the creation of the pharmacist post was given by the Select Committee in May of this year. The post is intended to address 4 areas:

First, relief of the chronic and longstanding excessive workload of the pharmacy technician.

Secondly, provision of health advice and health proMotion services to patients, which will avoid them having to make an appointment to see a doctor. This will include not only advice on drugs at the time they are dispensed but also on a wide range of health issues.

Thirdly, provision of professional advice to doctors and nurses on pharmacy matters, particularly on prescribing effectiveness, and on new drugs and medicines.

Finally, development of an 'Over the Counter' medicine sales service, to enable patients to obtain a range of drugs and medicines quickly and easily without needing to see a doctor. This is a service widely available in much of the rest of the world and given that we have no commercial pharmacy on the Islands, is seen as both an improvement in the services offered to patients and as allowing patients more choice.

The financial allocation approved by the Select Committee for this post is £34,000 and the anticipated revenue from 'Over the Counter' sales for the current financial year is £20,000. I should add that the revenue is intended to cover the cost of the drugs and therefore reduce our overall drugs bill, not make a profit, as our Health Service is keen to encourage the use of this new service.

In closing, I can advise Honourable Members that the appointment of staff to this new post is well advanced and that we expect the new Pharmacist to commence work on 8 October. I have, as yet, no indication of when an 'Over

the Counter' sales service will start but I know that it is a very high priority indeed for the Health Service.

I trust that this fully answers the Honourable Member's question.

The Honourable Mrs Sharon Halford

It does.

His Honour the Acting Governor

The Honourable Lewis Clifton

The Honourable Lewis Clifton

A supplementary, if I may, Mr President. Does the Honourable Member anticipate an increase in estimated sales of remedial muscular medicines given the uncomfortable, if not undesirable arrangement that patients must sit in a waiting room for the flashing red light to call them forward. (Laughter)

His Honour the Acting Governor

The Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

I think the Honourable Member does have a point and I have actually something to say about that in my Motion for adjournment speech. I do share your concerns and I can't assure you that it will increase the sales but I have a feeling that it may well do.

His Honour the Acting Governor

Is the Honourable Member prepared to wait?

The Honourable Lewis Clifton

I'm prepared to wait.

His Honour the Acting Governor

Sorry, I do apologise forThe Honourable John Birmingham.

The Honourable John Birmingham

Will the Honourable Member confirm that this post was approved by the Medical Services Committee and also if people living in Camp, could she tell me whether they can phone through for this service and that the medication would be dispatched to them by mail.

His Honour the Acting Governor

The Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

Yes, certainly the post was approved by the Medical Services Committee, I can't confirm that patients from Camp, I presume they would be able to get the services, but I would have to check on that point. It would be up to the Pharmacist, most certainly now patients from Camp can phone the pharmacy to get repeat prescriptions so I presume they will be able to use this service just as anybody else on the Islands.

The Honourable John Birmingham

Thank you.

The Honourable Mrs Norma Edwards

Can I just add that the cost of this, some time ago the Medical Services committee did suggest the reintroduction of the Medical Services Levy, which was considered not to be a good idea by this Council. Had we had a reintroduction of the Medical Services Levy we wouldn't be talking I think of charging for drugs over the counter.

His Honour the Acting Governor

The Honourable John Birmingham

The Honourable John Birmingham

I thank the Honourable Member for her answer and she's aware of my opinion on that subject.

Clerk of Councils

Motions. Motion number 2 of 2001 by the Honourable Lewis Clifton

"It is moved that -

" This House RECOGNISING the great debt of the Falkland Islands and their people to the men and women of Her Majesty's Services serving in the Falkland Islands and in the waters surrounding the Falkland Islands for the preservation of the liberty and right to self-determination of the people of the Falkland Islands, the assistance given to the civilian community by members of Her Majesty's Services and their support of local charities and good causes RECORDS its sincere and grateful thanks and RESOLVES that all components of Her Majesty's Services from time to time serving in the Falkland Islands or the waters surrounding the Falkland Islands be granted

the Freedom of the Falkland Islands on the occasion of the Twentieth Anniversary on 14th June 2002 of the Liberation of the Falkland Islands from Argentine occupation."

His Honour the Acting Governor

Do we have a seconder?

The Honourable Richard Cockwell

Yes, I second it.

His Honour the Acting Governor

Okay, the Honourable Lewis Clifton

The Honourable Lewis Clifton

Mr President, may I say at the onset that I am indebted to the Attorney General for the crafting of the Motion as is presented.

I think it is especially important at this time to move this Motion not least we're in a very liberal democracy where other freedoms have recently been denied or torn apart. What I think this Motion does is cements the long-term future military and civilian relationship. A lot has changed since 1982: initially we placed great reliance on Her Majesty's Forces under what then became known as the Tri-Service; many strong and lasting relationships have been established. There is still, as the Motion sets out the reliance upon Her Majesty's Forces today here in the Falklands, not least in support of our defence but through that, it allows us to promote and maintain our right to determine our own political future. Her Majesty's Government's commitment to the Falkland Islands is very real and it is very transparent and we are eternally grateful for that. The Twentieth Anniversary is significant, I think it's a significant time to bestow this freedom because we are all growing a little older, and as I will mention later in the Motion for adjournment there are certain things we need to move with. We are all growing older, it's not to say that memories diminish but on the Twentieth Anniversary it seems right and proper to take forward this initiative. The Freedom of the Falkland Islands I believe has only been bestowed on one other person, that is the Right Honourable Baroness Thatcher and it seems fitting therefore that the serving garrison under the command at the moment of the Commodore John Cliffe should receive the Freedom next year. We are attempting to put together a number of celebratory events in 2002 but the most significant of course will be the Twentieth Anniversary of Liberation on the 14th June; it is felt that would be the most appropriate date to bestow that Freedom. I think that in so far as the First freedom of the Falkland Islands was bestowed on the Right Honourable the Baroness Thatcher, it is even more appropriate to do so to Her Majesty's Forces here. It exhibits the similar display of warmth and affection of Her Majesty's Forces who serve in the Falklands, they are here to

enable us to promote our long term aspirations under the flag of our own choosing. I therefore commend this Motion to the House and ask that Members give it unequivocal support. Thank you.

His Honour the Acting Governor

The Honourable Richard Cockwell

The Honourable Richard Cockwell

Mr President, I have seconded the Motion I am very pleased to be in the position to second it. I believed that we, over the years there have been many young men and women who come down in the British Services to guard our Islands and to preserve our right to determine our own future. It is very appropriate at this time that we should offer them the Freedom of the Falkland Islands. They've given us the freedom of the Falkland Islands, which we would not have had if it hadn't been for their presence.

Just one other thing which I think we should recognise is that it was said yesterday in Executive Council that most probably in this terrible time we have in the world today that the Falklands may be one of the safest places in the world. The reason why it is the safest place in the world is because of the dedication of the Service People in the Falkland Islands, and I think, it is very appropriate that we recognise this fact by giving them the Freedom of these Islands. Sir, I beg to support the Motion.

His Honour the Acting Governor

Thank you, I now give any other Honourable Member the chance to speak to that Motion please.

The Honourable John Birmingham, if I may, please, or whoever....

The Honourable John Birmingham

Ladies first.

His Honour the Acting Governor

The Honourable Mrs Jan Cheek

The Honourable Mrs Jan Cheek

Mr President, Honourable Members I would like to be associated with the remarks of the proposer and seconder of this Motion and of course I support it.

His Honour the Acting Governor

The Honourable John Birmingham

The Honourable John Birmingham

Mr President, Honourable Members I would also very much like to support this. Of course it is not only the events of '82 we're to be grateful for, it's also for the ongoing assistance from the British Forces in the Islands not least the assistance given to people who have been medically evacuated to the United Kingdom and elsewhere. I support this Motion.

His Honour the Acting Governor

The Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

Yes Sir, I would like to reiterate everything that has been said about this Motion and just add to, that we have to be extremely grateful to all the Forces that have gone through the Islands, not least EOD, who have been here and have kept us safe, literally, stopped the Islanders from being killed for many, many years. Thank you.

His Honour the Acting Governor

The Honourable Mrs Sharon Halford

The Honourable Mrs Sharon Halford

Mr President, I would like to associate myself with what's been said already as the events of last week showed us very clearly there is nothing more important to us all than our security and without the Forces here we certainly wouldn't feel secure. I hope they remain for a long time to come and I support the Motion.

His Honour the Acting Governor

The Honourable Bill Luxton

The Honourable Bill Luxton

Mr President, I would like to be associated with the Motion also. Twenty years, it doesn't seem all that long, but of course there will be young members of Her Majesty's Forces at MPA now who probably weren't born when they came in to restore our freedom for which we are enormously grateful. Those young people will probably be called on to defend the freedom again in the not too distant future, all the things that have been happening and I thank them for what they did then and for what they will continue to do. I support

the Motion.

His Honour the Acting Governor

May I take it then that the The Commander British Forces.

The Commander British Forces

I thank the Honourable Lewis Clifton for proposing the Motion and for the kind words of Honourable Members. Events of twenty years ago are vividly remembered by Islanders and indeed by many service personnel some of whom fought in the Falklands War. Granting the Armed Forces the Freedom of the Islands is a marvellous way of saying thank you to those who gave so much in 1982. Since the conflict the maintenance of a credible military deterrent in the Falkland Islands has been and continues to be a tremendous undertaking that depends on the large part on the commitment and professionalism of our service men and women. Many of whom were not in the service nor as Councillor Luxton has pointed out were even born when the conflict occurred. To them and to all those families and loved ones who endure the separation imposed by service in the Falklands this gesture, indeed this honour will be seen as a recognition of their contribution. It will indeed further cement the excellent relationships that exist between our Armed Forces and the people of the Falkland Islands. Thank you very much

His Honour the Acting Governor

Thank you. I'm taking it that as all members agree with the Motion that we can take it as passed and it's passed by all members with acclamation.

Clerk of Councils

Motion number 3 of 2001 by the Honourable the Chief Executive.

It is moved that -

"This House MOVES that the Referendum (Single Constituency) (Arrangements) Order 2001 as laid on the Table of the House, be approved."

The Honourable the Chief Executive

Mr President, Members have a copy of that Order published in Gazette Supplement dated 7 September 2001. What this gives effect to is authority to run the referendum but in particular it gives effect to the nature of the question and by supporting this Motion members will be supporting the question. The question will read as it has been publicised (the leaflets have gone out to the public). The question will read "Do you agree that there should be a Single Constituency for the Falkland Islands with a new voting system for proportional representation?" I so move.

His Honour the Acting Governor

The Honourable Financial Secretary

The Honourable Financial Secretary

I'll second the Motion.

His Honour the Acting Governor

Is there any Honourable Member who wishes to speak to the Motion?

The Honourable Lewis Clifton

The Honourable Lewis Clifton

Mr President, if I may I welcome this move ahead, part of my manifesto in 1997 was to take this forward; I'm pleased that the Honourable members have agreed to take it forward.

If one looks back at the Falklands history and reads up on a lot of the political debate (I shouldn't say at the turn of this century but the turn of the previous century), there have been some very real differences of political opinion between what we now call the Rural Area on the seat of Government. I think that over the last fifteen years or so since we have been able to generate considerable revenues from the fishing industry that we have been able to mould our own future in a very different way to that that our forefathers had foreseen. Because of that and because of the commitment to the Rural Area both in terms of policy initiatives, in terms of funding and all sorts of other real and genuine support. I firmly believe that it is about time that we move together as one uniformed voice and to place aside once and for all perception (I believe they are only perceptions) of a divided society. So, I welcome this initiative. There is one matter of course which tends to be on a lot of folks' minds at this time and that is what will constitute the new voting system. We were tasked (members present who were at the public meeting earlier this week) with some questions in that regard and know that the Chief Executive has firmly on his agenda to start the public awareness of all this, so I welcome that as a step taking this forward and I hope that all Members will support it. Thank you.

His Honour the Acting Governor

Any other Honourable member wishes to speak - the Honourable Bill Luxton.

The Honourable Bill Luxton

Mr President, I would abstain on this Motion I think because I don't support the concept of the Single Constituency, and I live in "the Camp" not the "Rural Area" but anyway I would urge all my present constituents in the Camp

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Constituency to vote NO, we probably won't win. I would hate to see the Camp Constituency lose its separate representation and therefore I would abstain on this Motion.

His Honour the Acting Governor

Thank you - The Honourable Mrs Norma Edwards.

The Honourable Mrs Norma Edwards

I'm afraid I feel the same as the Honourable Bill Luxton, so therefore I would abstain as well and also ask my constituents to think very carefully about whether they want just one constituency. It is important I feel for the Camp to have its own voice, especially in the troubled times they're going through at the moment. Thank you.

His Honour the Acting Governor

The Honourable John Birmingham

The Honourable John Birmingham

Mr President, Honourable Members I would just like to make the point for the general public that this is a non binding referendum and I am sure that within the next couple of months there is going to be plenty of discussion on the subject, but this is a non binding referendum it is to gauge public opinion on the matter.

His Honour the Acting Governor

Thank you – the Honourable Mrs Jan Cheek

The Honourable Mrs Jan Cheek

Mr President, like the Honourable Lewis Clifton, I warmly welcome this opportunity for people to choose whether we have one constituency or two. My personal preference is for one. I think the Falkland Islands is too small to have this artificial divide. The majority of this Council represents Stanley but I do not believe that we have ignored the interests of Camp: far, far from it. I support the Motion.

His Honour the Acting Governor

Thank you – The Honourable Mrs Sharon Halford

The Honourable Mrs Sharon Halford

Mr President, I too support this Motion. I've said many times in the past that I believe as far as the Falklands is concerned Stanley cannot do without the

Camp and the Camp cannot do without Stanley. I think the Falklands to carry on in the future we need to do so as one. I support the Motion.

His Honour the Acting Governor

I think in this instance I'll have to ask for a voice vote just to make certain that we know where we stand, if I could ask all those in favour to say Aye.

Honourable Members

Aye

His Honour the Acting Governor

All those against say Nay.

Honourable Members

No response.

His Honour the Acting Governor

The Motion is carried. Thank you.

Clerk of the Councils

Order of the Day – Bills.

The Control of Drinking by Juveniles Bill 2001. This Bill has been published in the Gazette and needs a second reading.

The Honourable the Chief Executive

Mr President, this Bill seeks to amend the current legislation on Control of Drinking by Juveniles, as Honourable Members are aware it is currently unlawful to supply intoxicating liquor to a juvenile in a public place. This widens the areas of potential offences. This Bill will make it unlawful for any person to sell intoxicating liquor to a juvenile in any place whether it is public or not and to supply intoxicating liquor to a juvenile in a private (not to sell it but to supply it in a private place), except by the consent of a juvenile's parent, guardian or other bona fide person in charge of that juvenile. The Bills includes provision for a significant increase in the level of fines for offences under the Ordinance. I so beg to move.

His Honour the Acting Governor

Will you second that?

The Honourable the Financial Secretary

I'll second that.

His Honour the Acting Governor

The Motion is that the Bill be read a second time. Does any Honourable Member wish to speak to the Motion? If not perhaps we can move to the short track, is everybody all right with that?

The Motion is that the Bill be read a third time and do pass. Any objections. No objections the Bill is read a third time and pass.

Clerk of Councils

The Control of Drinking by Juveniles (Amendment) Bill 2001.

The Merchant Shipping Bill 2001.

The Honourable the Chief Executive

The Merchant Shipping Bill 2001, Mr President, is an extensive piece of legislation which has been widely consulted upon with interested parties including the industry itself. It seeks to bring together a disparate range of previous legislation and to generally emulate the UK's Merchant Shipping Act of 1995. The schedule itself is extensive, but it particularly focuses on conditions under which a ship maybe registered as a Falkland Islands vessel, makes provision too for the de-registration of such ships under certain circumstances, and provides for levels of fines where vessels fishing for profit which are not registered as Falkland Islands vessels or overseas are in our area. I beg to move a second reading of the Bill.

The Honourable the Financial Secretary

I second the Motion

His Honour the Acting Governor

The Motion is the Bill be read a second time. Does any Honourable Member wishes to speak to the Motion? The Honourable Mrs Jan Cheek.

The Honourable Mrs Jan Cheek

Mr President, Honourable Members, I welcome this Bill for a number of reasons but not least because its passing, and I'm sure the Attorney General will put me right if I've misunderstood it, will allow us to deal with vessels which are flagged here and are used for illegal fishing. I believe we now have the ability, if the will to do so exists, to remove such vessels from our register. By doing this we can demonstrate to the World our seriousness in supporting

the conservation of sustainable fisheries worldwide not just in our own waters.

This might also be the moment to raise another issue, that is the level of Falkland Islands ownership required for a vessel to be placed on a permanent register which I believe is currently around 25%. Here, as always in fishing matters, I have to declare my interest, but I have ascertained that a number of those involved in the industry believe that we should be targeting a higher figure. Whatever claims are made it's highly unlikely someone only owning a quarter of a vessel has real control over the operation of that vessel. I don't intend to propose an amendment at this point because I'm aware from previous discussion that I wouldn't have sufficient support but I wish to raise that point.

His Honour the Acting Governor

Thank you.

The Attorney General

Mr President, Honourable Members, it wouldn't be necessary as you point out to make an amendment to the Bill, the legislation and the regulations which have been consulted upon have been drawn so as to provide the minimum level of the Falkland Islands ownership. If it is desired at some stage to take a policy decision that the level should be pitched at a higher level than 25%, that would be within the ambit of possible policy decision. But I confirm what the Honourable member has said about the Bill giving the right to enable regulations to be made to remove vessels from the register in the circumstances, which will have to be prescribed by the regulations.

His Honour the Acting Governor

The Bill will be read a second time.

Clerk of Councils

The Merchant Shipping Bill 2001.

His Honour the Acting Governor

I believe we are now in committee.

Clerk of Councils

Clauses 1 to 6

The Honourable the Chief Executive

I beg to move that Clauses 1 to 6 stand part of the Bill.

His Honour the Acting Governor

The Motion is that Clauses 1 to 6 stand part of the Bill. Are there any objections. No objection Clauses 1 to 6 stand part of the Bill.

Clerk of Councils

Schedules parts 1 to 5.

The Honourable the Chief Executive

I beg to move that Schedules part 1 to 5 stand part of the Bill.

His Honour the Acting Governor

The Motion is that Schedules 1 to 5 stands part of the Bill. Any objection to the Motion? No objection. Schedules parts 1 to 5 stands part of the Bill and Council resumes.

The Honourable the Chief Executive

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

His Honour the Acting Governor

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

Clerk of Councils

The Merchant Shipping Bill 2001.

The Finance and Audit (Amendment) Bill 2001

The Honourable the Chief Executive

Mr President, a very short Bill which seeks to regularise the employment of the Government's principal auditor and place it on the same status as other principal and senior civil servants for instance like my good friend and colleague the Honourable the Financial Secretary. I beg to move the Bill be read for a second time.

The Honourable the Financial Secretary

I second the Motion

His Honour the Acting Governor

The Motion is the Bill be read a second time. Does any Honourable member

wishes to speak to the Bill? If that's the case then we'll move onto the short track.

The Honourable the Chief Executive

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

His Honour the Acting Governor

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

Clerk of Councils

The Finance and Audit (Amendment) Bill 2001

The Councillors (Continuing Membership of Statutory Boards and Committees) Bill 2001.

The Honourable the Chief Executive

Mr President, this Bill if passed will allow the continuity of the membership by elected members of Legislative Council of Statutory Boards and Committees after dissolution of this Legislature and up to the first meeting of the new Legislature. It is clearly a desirable facility in order that these Boards can continue to do business over the time when Legislature is dissolved. I beg to move the Bill be read a second time.

The Honourable the Financial Secretary

I second the Motion.

His Honour the Acting Governor

The Motion is the Bill be read a second time. Does any Honourable Member wish to speak to the Motion? Shall we move onto the short track.

The Honourable the Chief Executive

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

His Honour the Acting Governor

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

Clerk of Councils

The Councillors (Continuing Membership of Statutory Boards and Committees) Bill 2001.

The Road Traffic (Amendment) Bill 2001

The Honourable the Chief Executive

Mr President, yet another short Bill, you'll be delighted to know. The effect of this is to amend the current legislature by which it is an offence for a person disqualified from holding or obtaining a driving licence to drive on an undesignated road or off roads or even on their own farm. What it does is remove that so that the disqualification only applies on designated roads. I beg to move a second reading of this Bill.

The Honourable the Financial Secretary

I second the Motion

His Honour the Acting Governor

The Motion is the Bill be read a second time. Does any Honourable Member wish to speak to the Motion? We move onto the short track again please.

The Honourable the Chief Executive

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

His Honour the Acting Governor

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

Clerk of Councils

The Road Traffic (Amendment) Bill 2001

The Motion for Adjournment.

The Honourable the Chief Executive

Mr President, I move that this House be adjourned *sine die*.

His Honour the Acting Governor

The Honourable John Birmingham, alphabetical order.

The Honourable John Birmingham

Mr President, I believe the good book says something along the lines of "those who were first will be last and those who were last will be first" or some such thing. I rise first because it gives everybody else a chance to have a pot shot which is fair enough.

In rising to speak to this Motion, there are obviously a few things I'd like to say and it's the last Council meeting for this Legislature. I'd like to thank all the officials who have worked well with the Councillors over the last four years and also the committee members who I have worked with (members of the public). We do need more committee members and I would like to think that more people in the future will put their names down on the list in Gilbert House to sit on Committees.

It has certainly been an eventful four years and to me one of the biggest events Council wise was in the middle of 1999 and it's probably the biggest decision that this Council has ever made. Everybody has a view, my view hasn't changed, that is that the Council made the right decision and I'm proud to be seen as part of the team that made that decision. Mr President, the events of the week before last has certainly put some of our own problems into perspective. Life does go on. What I am certain of is that we now know that whatever happens in a country such as the United States, any economic down turn in a country as large as that will have an effect everywhere around the world and probably I cannot see how the Falklands will escape that. I'm sure I'm not alone in being aware of that.

The next Council is being left with a good solid financial base, certainly better than four years ago and I'm sure that the present sensible spending will continue. By sensible, I mean affordable, notwithstanding that we all have our own baby projects.

Mr President, now and again I gaze at the gazette (and may I say by the way a very nice grey suit your wearing today) and the nearest I could come to a hundred years ago was the year 1903 and the Governor of the day was not only the Governor but he was also the Commander in Chief and he was a Vice Admiral. Now I know that you're Acting Governor, it's an honour for you to be here, you are no longer Commander in Chief, regarding vices I'm not sure whether you have any, but maybe you'll tell us later on.

In today's Penguin News I noticed a front page little article with a picture, nice picture....

The Honourable Mrs Norma Edwards

Good picture.

The Honourable John Birmingham

The subject of open Government which came up at the public meeting a couple of days ago. What's brought to mind is that it's only sixteen years since the last appointed councillor who by the way is sitting around this table, the father of the house, Councillor Bill Luxton, left his seat and was duly re-elected some four years later, but there were people who were appointed to council, it's only sixteen years. I would suggest that in sixteen years the Falkland Islands have come a long way towards far more openness than they had in that short time ago.

Hear! Hear!

Mr President, I believe a councillor can speak up to forty five minutes in this House, if he or she wishes, well I'm not going to bore you although I'm sure that some of my colleagues will, oh yes, speak for longer than me. So I'll just finish by saying thank you to all elected councillors and in fact to all the Legislature, non-elected included for a very interesting four years. Last but not least to the staff of Gilbert House who have a fair bit to put up with over this time, there has been lots of tea made and there has always been a listening ear, of course I'm including "number nine" in that and I will miss them very much. Mr President, I support the Motion.

His Honour the Acting Governor

Thank you, the Honourable John Birmingham. Can I just thank you for your comments on my suit and your grey suit is equally as smart.

The Honourable John Birmingham

Greys together

His Honour the Acting Governor

The Honourable Mrs Jan Cheek

The Honourable Mrs Jan Cheek

Mr President, Honourable Members, I have on occasion resisted this alphabetical tendency, I can only think I'll have to change my name, I've threatened it before I and I may really do it by deed poll.

We were reminded in our silence at the beginning of this meeting of people who are still waiting for news of lost family and friends. It reinforces to us how much we are to be grateful for and that gratitude was mentioned in connection with the earlier Motion but we've much more than that to be grateful for, the security and peace of our beautiful islands, and the opportunity to live in freedom and without fear (hear, hear!) something we should treasure, and

with absolute determination hang onto in the future whatever we come up against.

When I came onto this Council nearly four years ago my first concern was the oil fuelled spending that was going on at that time. People somehow had the idea that there were oil revenues just around the corner and somehow expenditure grew to match. It took us two years (and I don't take any personal credit for this, it was a joint effort, official and Councillors) to turn around that oil fuelled spending. I believe we've reversed that trend; income now exceeds expenditure, which is how it should be, and I hope it will long continue to be.

Still looking back on our four years I recently found a small treasure trove of almost forgotten papers because I retrieved a filing cabinet key that I'd put in a safe place when I went to South Georgia two and a half years ago. Among those papers were my list of priorities for when I came onto council and those are on record in my election speech. It was satisfying to note that we'd quickly achieved some of those, for example, more housing, in a programme which is ongoing, still not enough however; demand and expectations still outstrip supply. Others were slower to happen but I'm pleased to see the large Junior School extension taking shape day by day (I drive past there regularly just to check it out). I hope that others like me have been pleasantly surprised by the amount of space that was created by the FIDF move. While on the subject of Education our students have achieved some good results again and they demonstrated commitment and hard work. I congratulate all of them who recently received results in the last month or so. We've seen steady improvements over many years but I still warn against complacency. We have to be sure that we're meeting the needs of pupils of all abilities. One group it is easy to forget is those with exceptional ability. They too have special needs just as great as those do with specific learning difficulties.

I'm unhappy that we've still not resolved the problem of assisting in childcare for working parents, however, I believe we are working painfully towards a solution. I know the pressures that many working parents feel, they want the best for their children, they want safe care in a happy environment that provides the right kind of stimuli. Mothers too, have a right to work if they want, not just to supplement family income but to use and keep current their skills and qualifications. At present many are struggling to do so, using childcare that is kept going by a willing few in premises that are sometimes far from ideal. However, I don't believe that we can solve that problem simply by throwing money at it. There are other resources that can help, we can give advice and training to those who need and want it and I hope that this can be achieved by the co-operation and help of those with knowledge and skills to offer. Our whole society will be the beneficiaries in the future, that early childcare is every bit as important as the later stages of a child's education.

I've enjoyed the four years, we've had some difficult times, but some very interesting times. The 1999 Agreement among them. It was an unexpected challenge but one in which I felt able to participate because I have complete

confidence in our right to our homeland. It was not an easy decision for Councillors to speak with members of the then Argentine Government but the timing was such that we felt an opportunity would be missed if we left it, and I challenge anyone who still maintains that we somehow affected the sovereignty of the Islands to justify that claim. I also challenge them to imagine where we would be without that agreement. (Hear! Hear!) One of the things that made that difficult time easier was the camaraderie with my colleagues. Even when we disagree as inevitably we do we can still respect a differing opinion and the individual's right to hold it. At the time of the 99 Agreement the weight of responsibility was heavy. My advice to any new candidate thinking of standing is be prepared to meet new and difficult situations almost daily and above all have the courage to stand by decisions that are honestly made and take full responsibility for them.

One who used his experience to stand firm at that time was Councillor Luxton. I don't have statistics at hand but Councillor Luxton must have a claim to being one of the longest, if not the longest serving councillor. He has seen many interesting times and many of us come and go. He's announced his intention to retire so this is his last meeting. I wish him a long and happy retirement and many hours of Greek sunshine.

Finally, I'm leaving next Tuesday for the Party Conferences with the Honourable Sharon Halford and I hope that people don't regard that time as wasted. Admittedly we can only talk to hundreds of the thousands who pass by the stands but surely by feeding good accurate information and current news of the Falkland Islands we can make sure that the Government and Opposition are better informed. On that subject, with the balance of the Parties in Britain appearing to swing ever so slightly, I wonder if we shouldn't consider the third conference, that of the Liberal Democrats, in future years.

(Hear! Hear!).

I'd like to join with my colleague Councillor Birmingham in thanking officials, I've enjoyed working with all of you over the last four years. I support the Motion.

His Honour the Acting Governor

Thank you very much. The Honourable Richard Cockwell

The Honourable Richard Cockwell

Mr President, I break the alphabetical order, I understand that Councillor Clifton comes before me but not to worry I'm not going to insist on it.

In rising to support the Motion I feel that I should mention what is in, I think, everybody's minds at this moment and I would like to express my sympathy along with everybody else's to the people of the United States during this terrible time. To see the images of mindless terrorist destruction on our

television screens brings home how few misguided and wicked militant extremists can wreck the lives of so many innocent people who only want to live their lives in peace. These evil people must be brought to answer for their deeds. However, I pray and I hope the rest of us pray too, that the United States and their Allies in their efforts to punish the perpetrators of this evil deed remember the pain and suffering of the people of New York and Washington and do not inflict similar suffering on more innocent people living under the totalitarian government, caught up in a war that has nothing to do with them. These people are caught up in a war, which is brought up by fanatical bullies who hide behind these innocent people in order to carry out their vile deeds. To cause untold suffering to these people would bring the United States and their Allies down to a level of those who they wish to punish. We can only wait and hope.

To return to the Falkland Islands there are predictions of real economic recessions and we must be aware of this possibility but I suggest that we must not be frightened into taking steps to reduce labour and other costing measures before we know where we stand. Many of us will remember the problems, which arose as the result of panic about our economy in the early 90's, where the main sufferers were the lower paid. We have no cause for complacency but let us not take precipitous action.

To go onto more mundane matters, I understand today that the Abattoir has been handed over for the operation by the Management of Mr Brian Corner and his team. I look forward to the first production in a few weeks. Hopefully, we shall see the inspection necessary to qualify for export to the EEC takes place before Christmas. In the meantime, transport arrangements to allow farmers to supply animals to our new abattoir are well in hand. Good markets have been identified for culled sheep, which will absorb production until third country status is granted.

I have to mention the problems of the agricultural community, who are already suffering from severe recession due to the drop in wool prices. I hope that all members in the next Council will work together to find a solution to this problem.

I could go through the achievements and omissions of the last four years of this council but I'm sure that my colleagues will most probably do this for me. Sufficient to say that despite not totally agreeing on everything, I believe that as a group this Council has worked well together and has achieved many things that future generations will recognise as landmarks. I believe that one major achievement is that most elected members of the Legislative Council no longer look on themselves as the opposition of the administration but active participators in the administration of the Government of the Falkland Islands. In view of this I would be disheartened to hear individual councillors in the new Council remove themselves from any decision by saying it is time they did something. Difficult decisions can only be taken after working together with the administration to find solutions, not by blaming one's fellow Councillors and the administration and abdicating oneself from the

responsibility for decisions which may be controversial.

Mr President, I have enjoyed working with my colleagues, with the administration, we've had our ups and downs, we've had our arguments, but we've worked together well, I believe. I would also like to associate myself with the thanks of Councillor Birmingham to the staff of Gilbert House who have an awful lot to put up with. Sir, I support the Motion.

His Honour the Acting Governor

Thank you. Councillor Lewis Clifton.

The Honourable Lewis Clifton

Mr President, if giving up tradition, so be it. May I bid you a warm welcome to this your first sitting as the Acting President. I'm sure it will make an interesting extension to your CV. I regret very much unlike my colleague councillor, John Birmingham, that you are not more suitably attired for the occasion, however, I expect after this first time shortfall we should look to have a reserve uniform on the pay for occasions such as this (laughter).

I would like to endorse what my colleagues have said about working with administrators, with the civil service. It is not always easy to reach a consensus decision and sometimes decisions may be, as they are from time to time with an eight-person house, split 50-50, but nevertheless I think we've moved on. I too would like to thank those members of committees I have worked with. I'm conscious that the political landscape could well change in a couple of short months. Nobody quite knows who will be sat round this table come the end of November, so I'm going to, if I may, Mr President bid farewell to two people in particular. Honourable Members know the schedule of jobs coming up on the vacancy list that the Director of Agriculture will leave us in the new year. I would wish to publicly thank him for his hard work, his dedication and determination to change the face of agriculture in the Falkland Islands. I would like to thank him for his comradeship and his friendship during the years that I have been on this Council I thank him very much for that and I hope that green grass will continue to grow which ever pasture he cares to go visit.

I'm also conscious that at this table the Commander of British Forces is probably on a short lease of life at this time. (laughter) His successor said at a reception which Commodore Cliffe very kindly and generously put on for us on the 7th September, that his successor may be here during December. I'm not sure where the next Legislative Council meeting may place this House for saying something by way of thanks for your contribution to the work of this Council. By doing so now personally, I would like to personally thank you for your very kind words of support and appreciation of this Council that you gave at your reception on the 7th September. Thank you for that. Of course you are somewhat of a unique CBFFI because you fall between two Councils, one that's going out that you may appreciate and perhaps the incoming that you

may be rather uncertain about.

I would also like to say something about the military in terms of 2002. At the beginning I would like to say that we have Legislative Council set up a Committee to deal with the events for 2002 some months ago, the membership of that includes two members from the Commander's staff Colonel Clews and David Relph. I know that David Relph is soon off as well, so I bid him farewell from this House and thank him for his support.

2002 Committee as I have said has been established; we're looking at events that can run throughout the calendar year next year, of course the most significant of which will be the 14th June celebrations and I'm grateful to the Commander and his staff at Mount Pleasant for having made the appropriate noises to ensure that the guests that we will invite for that occasion will have an appropriate length of stay in the Falklands. Thank you for that. I've been rather coy about making any public statement as to who may or may not be invited for next year. Part of the reason for being coy was because we had rather issued the Right Honourable Baroness Thatcher an invitation to come to visit us. I can now tell you all that in a letter received yesterday, the Right Honourable Baroness Thatcher thanks Legislative Council for an invitation to visit for the twentieth Anniversary of our Liberation. She greatly appreciates our thoughtfulness in asking her, she knows from her previous visits here that she would receive a very warm welcome, however, it is with very deep regret that she feels that she must decline our invitation. She will be 76 next month. Sir Denis is now 86 and in Baroness Thatcher's own words, "though I am still fit and well I feel that the journey, which would be more gruelling even for me would be far too much for Denis and I know that he would not wish me to go without him. The Islanders and the Islands are always in my thoughts and in my heart and I hope that the Islanders will understand." With that Mr President, I would ask for leave of the House for me to reply appropriately to the Right Honourable Baroness Thatcher.

We expect a Royal visitor next year, we're very hopeful of that. A number of other prominent folk have been invited, we await the outcome of those invitations, but the present guest listing is made up of twenty names that have all been tendered by public subscription. We hope those twenty names will also include spouses where appropriate and those guests will all come to the Falklands in June. It is likely that some of the earlier events will start off at some point in the new year, I think a lot of it has been good news. The most disappointing news is that the SAMA pilgrimage may have a question mark surrounding it now. As I understand it, the question mark is due to the fact that £100,000 of anticipated sponsorship may not be forthcoming and that may cause for the pilgrimage not to come forward at all. I would ask Honourable Members through the media that perhaps if this situation is going to develop (and I know a local committee has recently been formed and is very active now working with the Attorney General's office to establish their charitable status so that it can raise funds and support the SAMA pilgrimage), that the future Legislative Council, the new Legislative Council may wish to invite a number of smaller groups of veterans who wish to return perhaps

around the events surrounding Remembrance Sunday or the 8th December Battle's Day celebrations next year.

Honourable Members have spoken about the inheritances and where this Council has been, where it attempted to go over the last four years. There were two inheritances which have bothered us, perhaps bogged us down from time to time, Hay and pay and pension provisions and I look forward to both of those reaching a successful conclusion within the remaining few weeks of this Council.

Councillor Cheek spoke about the oil fuelled spending leading up to the General Election in 97. I'm very pleased that a lot of the work that we started to place from January and February 1998 has come to fruition. It has come to fruition in the form of the Islands Plan, that is the benchmark I hope that a new Council will move forward from.

I regret that we did not advance the Constitutional Review to the point that it could have been brought to a conclusion during the life of this Council; nevertheless I go with the consensus decision and that it needs to spread over the general election.

I raised the question this morning about the Holiday Credit Scheme because I know that there are some differing views in the community as to how and perhaps people might wish to see their unspent monies spent. I am pleased to hear that there was a debate, perhaps a minority debate within the committee that is seeking to establish the community facility (that debate was earlier this week), it is a matter that I tried to raise within the budgetary sitting of this House in May. I believe that there may be people who are just about to earn their full entitlement to the Holiday Credits that might wish to put it to a good cause. I suspect that if the avenue was opened up there, there would be a rather surprising out-turn of all of that.

The Honourable Jan Cheek spoke about Party Conferences and she hoped that it was time not wasted, I especially hope that that is time not wasted because I was there very much at the sharp end introducing the Falkland Islands Government into both the Labour Party Conference and the Conservative party Conference the late 1980's and at that particular time it was all done from FIGO which was not very well staffed and placed great strains. So I hope that future Council does not give up that opportunity to go forward and participate in those Party Conferences. The idea was in the late 1980's that we would also walk into the Liberal Democrat camp, the decision taken at the time was that we were simply far too short of monies to do that. So I would urge especially the new Council to take up that chance. Mr President, I support the Motion for adjournment.

His Honour the Acting Governor

Thank you very much. The Honourable Norma Edwards.

The Honourable Mrs Norma Edwards

Mr President, in rising to support this last Motion for adjournment for this Council, may I take this opportunity to thank all of the administration, of course, and to say a big thank to all the staff who work for us, or have worked for us at Gilbert House over the past four years. We often ask to give up their time way beyond the normal working hours, they have always risen to the occasion, cheerfully and willingly. We are very lucky to have this little team to support us and I'm sure my fellow Councillors will agree with me when I say we are very grateful to them. I know that whoever the next Council are they will enjoy the same help and attention that we've been given which I'm sure will be gratefully received by any newcomers.

To the new Council whoever they may be my very best wishes for their term in office, it is a privilege and an honour to serve the people of the Falklands as a member of their Government. I wish that I could say that I have enjoyed all the last four years, I can't say that honestly, I have enjoyed my time on this particular government up to July 14th 1999; generally speaking I enjoyed the experience very much. I haven't enjoyed the last couple of years much at all and I am glad that this particular Council are about to be dissolved.

I have yet to decide whether I will stand again but I know that the Honourable Bill Luxton has decided to call it a day. Over the years although we have had our differences of opinion, none more so than the infamous 14th July agreement, I still like to think that we remained friends. I wish him well in his retirement, I can only think that he must have gone just a little bit loopy in mid 1999 because until that time he'd always given sound and wise advice when it was needed. Although I won't forgive him for supporting the agreement, I'll excuse his misjudgement and put it down to some midlife crisis. Over the years, he's served the Falkland Islands well apart from that one blip and it has been a pleasure working with him. Good Luck for the future, Bill, and go easy on the olive oil.

There have been several mentions of people leaving us soon, one is Tom Eggeling and I would like to wish him well in the future, he hasn't been well lately, we've managed to give the poor man a heart attack. He has worked extremely hard for the Falkland Islands Government, I have enjoyed working with him on the Planning Committee and he has helped us tremendously outside of the Planning Committee, the Historic Buildings Committee have appreciated all his help and advice. He has given unstintingly to us in that direction and he didn't have to. On that point I would suggest to people to go and see the Archives Building, lots of people don't know what's up there or what work has been done. Also visit your museum, the museum is a treat and since the man who came down to do the (I forgotten the name of it, stuffing the animals) taxidermy who is coming again, there are some very nice displays and there will be more. The museum had some money allocated for an extension which they desperately need; that isn't going to happen until six years time, I think it is in the budget for that. I would hope that maybe the new

Council can see their way to bringing that money forward a little bit so that they can display all the wonderful things that they have hidden away. On that point, when I visited the museum I had a look at Menéndez hat and I'll tell you this, I'd rather have the Governor's plumes wandering around twice a year than that pokey little thing with one feather, so let's keep the Governor's Uniform please.

This term of Government has seen many changes to departments and not least in the Department of Health. The main changes now being that we have the Hospital Manager and a new Social Services Department, which has grown like Topsy. I had hoped that we would be able to recruit a Social Worker from within the Falkland islands to replace Marilyn Hall, who had very efficiently with only one helper managed the whole of the gambit of Social Work from the SEP down to the domestic problems, housing problems, drink related problems and many other day to day crises that needed to be dealt with. Unfortunately we couldn't find anyone at home to fit this very demanding job so we recruited from abroad. I can remember well saying that if we are going to recruit from the UK, make sure that whoever we employ understands that this is not the National Health and we do not want to mirror the Social Services in the UK. Make sure whoever is employed understands that this is a tiny community which can be very easily devastated by over zealous Social workers who are used to the anonymity of a huge population. I am not one for minute suggesting that we turn a blind eye to social problems or brush them under the carpet, and if we have paedophiles in our midst, then throw the whole weight of the law at them by all means. But I have to take issue with the present Director of Health with regard to the previous Social Worker. Whilst she did have a very difficult job of setting up the Social Services virtually from scratch, and no doubt he saw many positive aspects of her work, I had to deal with families who had many, many complaints about the way they had been handled. One family in particular who had a horrific and frightening experience and quite rightly in my opinion demanded a second opinion to be sought from the UK which I'm pleased to say has vindicated them completely. I had intended to make no more mention of Social Services, but after the one to one programme given by the Director of Health on FIBS, I had a great many phone calls from individuals asking me to make sure it was made public that they did not hold the same opinion as him. We now have a new Social Worker and I'm sure people will find her an entirely different kettle of fish and I'm sure you will all welcome her and I'm equally sure that she will work in her own way to give us the social support that is obviously needed in some parts of the community.

One of the other big changes within the Hospital, Councillor Clifton touched on it earlier on, is the reorganisation of the doctors' consulting rooms and the waiting area for patients. I will just say this to the general public, please let us know your views on this. If you don't like the new arrangements please say so, I have yet to meet anyone who actually does not like the new arrangements but it would be interesting to have an overall view from patients. We are trying to provide the best service for patients so I would welcome that very much.

You won't be surprised at all I'm sure, to hear that I'm bitterly disappointed that we can't go out of this Government having finally decided on a site for the proposed Sheltered Accommodation. Once again, it has been stalled, nothing to be surprised at I suppose, it's part of the course, but it's certainly nothing to be proud of. Just for a little while I really thought that this government was actually going to make a decision on it, but I guess I should have known better. What has come out of this is the suggestion that we should have another Town Plan and this I think is crazy. Yes, we need to update the present town plan that we've got, but really if you sit down and think about it, what we're looking for is a site for sheltered accommodation, more sites for housing, the site for the new Police Station, PWD and so on, have all been decided upon. So to generate another town plan to come to those few conclusions would be costly and very stupid in my opinion.

You won't be surprised either that I have something to say about PWD. The other day I was shown a form for the collection of three bags of rubbish from the general office (I've got it here). I was fascinated, it was on an A4 sheet of paper, the request was made by one person, it was then forwarded to the foreman for his approval, it was then forwarded to the man who was decided should do the job, he then took it to the office, presumably picked up the rubbish and disposed of it, signed the bottom of the form to say he had done the job, filled in the time he started and the time he'd finished and the time it had taken him to do the job, and then, I suppose it goes back somewhere, I presume to the foreman probably for his approval and comment, if he has any, (there's space left for comment) God knows where it goes from there, into one of the twenty five filing cabinets we were asked for originally when we came onto this government I think. I was interested to hear the Chief Executive say in his one to one that he had thought that government was rather going round in circles when he arrived here, but he's managed to put it in the right direction (laughter) or words to that effect. Well, I think you've been a bit mistaken, I think what's happening is that some departments, anyway, are getting wound up with red tape and can't get out of it. So I think he'd better take a look at starting with PWD and sorting out the red tape there.

The sad thing is that we've spent an awful lot of money on supposedly making that department more efficient, I would respectfully suggest, this is obviously failing. It's not only bags of rubbish which require a form to go through the hands of four people to be able to do the job, every other nit picking job requires a form as well. How long has this mentality going to last before it gets to the Secretariat or is it there already? Rumour has it that on his retirement we replaced Willie Bowles with three blokes, well, well done Willie he must be a very hard act to follow. It's a great pity I think that government doesn't have the same concerns for some of its long term workers at PWD as it seems to be for three bags of rubbish. One PWD employee who had worked for the department for almost ten years apart for a couple of months, didn't get any sympathy when he asked if he could take three weeks of his holiday at the same time as his foreman. He was told no. The foreman and the assistant foreman couldn't be away at the same time, so he asked if he

could resign as assistant foreman and come back to PWD as a labourer. That wasn't acceptable either so he just resigned. I would have thought that someone who had given the best part of ten years of his working life to government might deserve a little more understanding than he received. It is time I think that we have some common sense written into all the rules and regulations.

We now have a joint board for FIDC and the Agriculture Department, which is to create more efficiency. I have to say it doesn't work if you want an import licence though. You now have to collect the form and return it to FIDC whereupon the lady then has to trot across to the Agriculture Department to have it signed and then she brings it back to FIDC where you collect it. Sometimes dealing with government departments makes you wonder at the reasoning behind all the craziness. We haven't some mad mullahs hidden away anywhere, have we?

I am leaving this government with the agricultural community still struggling to make ends meet in many respects. Wool prices are up a little this year and hopefully they will continue to rise, although with the financial reeling from the recent terrorist attacks, nothing is sure any more as far as financial is concerned. However, I hope the new government will continue to give the farming community in the Islands the support that this government, the previous government have given and we are very grateful for. I will just comment, that although it has been said many times over the few years that we would do all we can to encourage young families to stay in Camp, particularly in the West, which has been depopulated at an alarming rate over the past few years, we don't seem to put our money where our mouth is. There is a young couple at present who would very much appreciate a bit of help to be able to stay in their job, but were told no and they are now being replaced by people from outside the Islands. No doubt costing more to employ than ever they did I suppose? So I hope we are not just paying lip service to this promise. Falkland Islanders are becoming the most endangered species here I think, but contract officers abound. Add to that the nearly £15 million to run the Civil Service for population of 2500 and you have to ask yourself, surely we can afford a little bit, to help encourage young families to stay in Camp.

Finally, Mr President after all the whingeing that I have been doing, I have to say that our little problems in the South Atlantic pale into insignificance after the events in New York and Washington on the 11 September. No one I'm sure will ever forget the sight of the horrific carnage and destruction which unfolded before our eyes on the television that dreadful day. It was unbelievably terrible and our hearts go out to all those thousands of people who are mourning lost loved ones and for the wounded and suffering. This was the day the world changed forever and even though we were far away in the South Atlantic we will no doubt feel the repercussions that will result in one way or another from the wickedness of the mad man who perpetrated these deeds. Sir, I support the Motion.

His Honour the Acting Governor

Thank you. The Honourable Mrs Sharon Halford.

The Honourable Mrs Sharon Halford

Mr President, Honourable Members, as this is a time for farewells, I too would like to say a fond farewell to Tom Eggeling as I chose the Environmental Committee and worked with Tom over the past few years. I have to say he always had a very calm and I thought sensible attitude towards conservation of our environment. I'm particularly pleased that he recognised that horses grazing land actually improves it and helps to bring on flowers and other things as other persons in the past thought that it was detrimental to the wellbeing of plants.

The Public Works Department has taken its fair share of criticism over the past few years and certainly over the past few minutes. Perhaps one of the most controversial areas it has to deal with is roads, their building, maintenance and salting. Roads in general must take up the largest part of most discussions. I have often wondered why this particular item is so passionately debated. They are a benefit to us all and I suspect a headache to many as well. However, in the overall scheme of things, if this is our main concern, we really are very well off. Yes, we all like good roads, but we also like electricity at the flick of a switch, water at the turn of a tap, well kept surroundings, the list is endless.

Some of us probably never spare a thought for the conditions that some of this work has to be undertaken in. I would like to thank all the personnel in the departments of Public Works who have soldiered on in their different ways to keep things going and in so doing have helped to maintain and improve our quality of life.

One of my colleagues asked me recently, just what the FIDF actually do and I realised if he had to ask this question then there must be others who also have no idea of the role of the FIDF. Perhaps too many of us are of the opinion that the FIDF is a waste of time since we have the British Forces here who are highly trained and who will take care of the defence of these Islands. This begs the question, do we need the FIDF and the answer I believe is yes, we do. Over the years the FIDF has gradually become more and more involved in the defence planning for the Falklands and would now have an important role to play in the event (God forbid) of our national security being breached. To reach this level of commitment it is necessary to have willing volunteers who are prepared to give up a lot of their time and exercise on a regular basis both in house and with the military. These exercises may seem like games to some of you, but these games have an important and serious purpose and enhance the day to day effectiveness and capability of the Forces here in the Islands and make a valuable contribution to our right to self-government. Working together on exercises builds up skills and

teamwork, both of which are valuable in times of crisis. The other role undertaken by the FIDF is to help with the protection of our offshore fisheries against would-be poachers. This particular function is not without risk and those who volunteer to go out on the ships should be congratulated. Without the revenue from our fisheries our economy would not be in the condition it is today and we would not be benefiting from the many things we currently take for granted, like our roads, our medical services, our education opportunities and our holiday passage scheme, to name but a few. The FIDF is one small part of a large wheel that makes up the Falklands, as we know it today, but all the parts are necessary to keep the wheel turning.

Best Value seems to be the new word at the moment and I question whether or not we actually get best value from best value. We've had several of these reports to date, which must take up a considerable amount of officers' time only to be told what we already know. Perhaps a few rain forests could be saved with a few less of these paper chases, Councillor Edwards has already mentioned one chain of paper chasing. Talking of paper chases do we really need to use so much paper within the government system, and I mean the whole of the government system. I think not, but I would hate to suggest a review, as it would increase the use of paper just for the review. We were told when we received computers and they took over from typewriters that they would save time, as I see it all they do is churn out more paper. There is no doubt that the wheels of government are far from round most of the time and therefore many things do not run on as quickly as we would sometimes like. However, it has to be said on occasion there is a good or valid reason for this, at the end of the day none of us are perfect and we all make mistakes; at the same time I'd like to think that all of us in the Falklands do our best to pull together in our own way and make this our home a better place to live in.

Much has happened over the past four years and many decisions have had to be made, not all of these decisions have been palatable. But that is life. I have not always agreed with all the decisions that have been taken but being one of eight it is impossible to get what you think is best for the Falklands every time something crops up and you have a debate. I have always believed that if you make a decision you should be able to stand up and argue for that decision, if you can't do that then you shouldn't have made it. I stand by the decision I made in July 99. There is only once during the life of this Council I have to say I behaved very unprofessionally and thumped the table in the presence of my colleagues because I believed I knew best, but they all thought they did. It gave me no satisfaction one month later to tell them I told you so. It has been interesting working together and I'd like to thank them for that time because as it has been said previously even when we did disagree we were still able to respect the other person's point of view. I would also like to thank all the members of the government and those people working in Gilbert House. We haven't always agreed on everything, but I'm sure we didn't do too badly.

We as a Council like others before us have taken our fair share of criticism, on the odd occasion we have even been praised. It is rewarding to receive a

thank you note or letter from someone who appreciates something that has been done, it has also been helpful to receive letters and phone calls of complaint as without these you are not always aware of what is going wrong or where. Lastly I would like to take this opportunity to thank those of you who gave me the opportunity to represent you and your views over the past four years. I would also like to thank you for all the support of phone calls over that time. I have given considerable thoughts as to whether or not I should stand for re-election in November and what effects this would have on my family if I were to be elected. My father never got over what had been planned for me in July 1999 by people he knew and some of them his friends and to his dying day could not speak about it. Being nearly run off a road whilst in my company also affected him; despite all of this he remained supportive of what I was trying to achieve. I have therefore decided that I will put my name forward at the next election in November and I would like to say to the most critical of you out there, I look forward to seeing your names put forward for election in November as well. It is very easy to sit back and criticise but please be brave and put yourselves forward to be criticised. Sir, I support the Motion.

His Honour the Acting Governor

Thank you. The Honourable Bill Luxton

The Honourable Bill Luxton

Mr President, as we leave this room, it's like going into the unknown a little bit with the appalling events that occurred in the States just over a week ago. I shall never forget that, I think, to watch live on television and away from home as well, I was in Australia at the time, it was deeply shocking. I guess a lot of us have been in those buildings, I think I've been to the top of them both on two occasions, to see what happened is just horrific. I know people who work fairly close by and they have all been deeply affected. Anyway we shall see what happens and when the next Council gathers around this table it may be quite a different situation.

I would thank my colleagues who have made some nice remarks, Councillor Birmingham drew attention to the fact the first I was around this table I was an appointed member (the governor's lackey), although I think not.

The Honourable John Birmingham

Never that.

The Honourable Bill Luxton

In fact on that occasion I was narrowly defeated in an election in the Camp and the Governor at the time decided that (I guess there were five votes in it) he would appoint me instead. I would say that I campaigned strongly and endlessly for a wholly elected council and also to have three elected members

on Executive Council. I'm glad to say that not long after that Council did (there was a Constitutional change) become wholly elected and with three elected members on Executive Council. I think that was the big turn around for these Islands. That was when democracy really made itself felt and we were entirely responsible for our own affairs. It coincided with the huge increase in self-confidence and feeling of the Falkland Island people that they were entitled to run their own affairs which happened after the war, the events of 1982.

Thank you, Jan for your kind remarks. I'm sorry I upset you, Norma, in 99.

The Honourable Mrs Norma Edwards

You did you all did.

The Honourable Bill Luxton

But I think we made the right decision, whatever flack we took at the time it will be interesting to see how people who stand again fare in the election. I hope that there are some new faces putting themselves forward, preferably young people or some younger people anyway, it would be a pity if Council continued to be populated by old fogies.

The Honourable Mrs Jan Cheek

Speak for yourself

The Honourable John Birmingham

Point of order, Mr President.

The Honourable Bill Luxton

Like the Honourable John Birmingham. I thank colleagues present for the last four years and all those in the past that I've had the pleasure of serving with, it has been an interesting time and also the staff present and past of Gilbert House who've always done us proud. Thanks to you all and I look forward to hearing the next Council from the other side of the bar. Mr President, I support the Motion.

His Honour the Acting Governor

Thank you. Commander British Forces

Commander British Forces

Mr President, Honourable Members, the terrorist atrocities that took place last week in America have not surprisingly drawn comment and rightly earned the condemnation of the Honourable Members. I speak for all those at MPA

when I echo that condemnation and in offering our thoughts and prayers to those who have lost loved ones and friends, and to those who have the seemingly impossible task of rebuilding shattered lives and communities and to those who have now picked up the gauntlet of rooting out and defeating the evil of terrorism. I agree with the sentiment that the world order will now change and bringing about that change the men and women of the Armed Forces within our civilised and democratic societies will have a major and at times dangerous roles to play.

I feel I must say something in response to the Honourable Sharon Halford's words about the Falkland Islands' Defence Force. I support what she said. When a country appears to be under no immediate threat it is easy to be lulled into a false sense of security. It is easy to think that you are paying too much for your insurance policy but cheap insurance or being under insured is likely to end in tears. There is of course a significant military force at MPA but that force makes assumptions about what the FIDF will contribute to any deterrents and possible defence of these Islands. As intimated by Councillor Halford without the FIDF there would be a gap in our capability, a gap that given all the other commitments the British Forces currently face is unlikely to be filled. I can assure you that I and my colleagues at MPA greatly value the contribution the FIDF makes to the overall military capability within the Falklands. A reduction in the FIDF will affect that capability and would in my view be a mistake.

As someone who is neither standing down from Council nor standing for re-election I'm in the fortunate position of not having to worry about making political comment, however, as this Council comes to an end, I would like to thank all Councillors for continuing to invite the Commander of British Forces to be a co-operative member of the Executive and the Legislative. I have found the privilege to be rewarding and I truly believe that it has served well the interest of both the civilian and military communities. I sincerely hope that the Council that emerges after the elections continues to support this practice. While I'm sworn not to discuss outside EXCO and LEGCO the proceedings and arguments that take place, I will reveal one thing and may be the occasional "um" and "er" and the occasion stutter and the odd smattering of clichés during the broadcast speeches of Councillors and Heads of key Government Departments that that is unimportant. From what I have witnessed from my privileged position over the last year, and here I make no apology for repeating words as I have said before, these Islands have been served by people who take the business of democratic government and the wellbeing of these Islands most seriously. That is important. Mr President, I support the Motion.

His Honour the Acting Governor

Thank you. The Honourable Financial Secretary

The Honourable Financial Secretary

Mr President, Honourable Members, I'd just like to thank elected members for their major contribution to the Government of the Falkland Islands for the past four years. Most of time I've enjoyed working with them in partnership along with my fellow officers for the long term social and economic benefit of the people of these Islands. This Council has left the new Council on a sound financial footing to continue the business of government. I beg to support the Motion.

His Honour the Acting Governor

Thank you. The Honourable Chief Executive

The Honourable Chief Executive

Now I can of course exercise the right to reply, can't I? (laughter) But I won't do it too much. I have only been here eighteen months (I'm not much of a new boy), if I'm going to stay here another eighteen months I'd better not exercise that privilege. It does occur to me to say right at this point, on behalf of the administration in response to those Honourable Members who said kind things about working with the officers, that it has been a particular joy from my side, from my colleagues side, working with you too. You are a particularly challenging and able group of members. How you chose to use that in your election addresses is entirely up to you. But I think its true to say also being elected members is an extremely difficult job that people who don't do it and don't see from the opposite side what you do don't appreciate it. It is a very difficult job, it does invade your private lives in a way which most people find very, very unacceptable. It is generally unsung. From the most part it is entirely being done to improve the standard and quality of lives and integrity of communities and the existence of these Islands. It is also important, I think, Councillor Richard Cockwell made this point, that it's a business of working in partnership with the officers in the administration to secure improvements. I've been very proud to have been a part of that in just the eighteen months and I see that as being a particular feature of the future.

I say it's unsung, it might be useful perhaps if I just relate to you a story from another overseas territory legislature which I won't name but this overseas territory decided it wished to twin with Papua New Guinea. It decided to send a delegation to Papua New Guinea. The delegation consisting of its President (in that case he was an elected member), one of the senior elected members and the Chief Executive. Unfortunately, the delegation was captured by head-hunters and was threatened with being put in the pot. But before they were going to be boiled they were allowed each one wish and the president said, "I would wish to chair my last legislature. It will be a stupendous event, it will go on for many, many days, and cover all the important policy decisions and Island plans that we should ever have had." The senior elected member said, "I would like to make my final and definitive adjournment speech, it will cover the last thirty-six years that I have been in power and the next twenty-five that I hope to be in power and it will be a stupendous effort which will go on for a

very long while." And the Chief Executive looked at the cannibal and said, "please eat me first". (Laughter).

His Honour the Acting Governor

I don't think I can top that but I do feel I have to say something and want to say something. I think everybody, listeners and all realise this is the last meeting of this current Council. In recent times I think it has been unusual for a Foreign Office Official to have been at post right through that Council, from the beginning through to the end, I claim that privilege. I would just like to take this opportunity to thank all the elected members for their advice that they have given me both as the First Secretary and as Acting Governor. Some of the advice I have taken, some of it I haven't, and some of it I've totally ignored or wished I'd have ignored. But as I say I do appreciate that. I also again think I would repeat what the Chief Executive has said, that people don't realise the amount of time and effort that is put into undertaking the very important responsible task that elected members have to do. I am certain that I speak for both former Governor Ralph who was here during this Council's term and current Governor, Governor Lamont, that applies to him as well. Just to finish off, can I wish you all the very best and wish you all well for the future. With that, unless there is anything else, the House stands adjourned accordingly.

Confirmed this 27th day of
November 2002

Donald A. Lamont
GOVERNOR

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

HELD IN STANLEY

ON ²⁷~~29~~ NOVEMBER 2001

RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY ON 28 NOVEMBER 2001

27

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 Lynda Cheek
(Elected Member for Stanley Constituency)

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

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

The Honourable Roger Anthony Edwards
(Elected Member for Camp Constituency)

The Honourable Stephen Charles Luxton
(Elected Member for Stanley Constituency)

The Honourable Philip Charles Miller
(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
(Air Commodore John A Cliffe OBE, FRAeS, R.A.F.)

CLERK: Claudette Anderson

PRAYERS: Monsignor Agreiter

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Record of the Meeting of the Legislative Council Held on Friday 27 November 2001

PRAYERS

His Excellency The Governor welcomed the new Council to the House and congratulated them all on their success in being elected to Legislative Council.

Clerk of Councils

THE ELECTION OF ELECTED MEMBERS TO EXECUTIVE COUNCIL

His Excellency The Governor

I would like to appoint the Attorney General and The Honourable the Financial Secretary as tellers for the purpose of this Election. The first vote, which takes place, is for a Stanley representative.

(The first election takes place and results in a tie between the Honourable Jan Cheek and the Honourable Mike Summers. A second vote is held, which again results in a tie between Councillors Cheek and Summers; Councillor Summers defers the result to Councillor Cheek, for which she thanks him.

His Excellency The Governor

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 and results in a tie between Councillor Norma Edwards and Councillor Philip Miller. A second vote is held, which again results in a tie between Councillors Edwards and Miller; Councillor Miller concedes to Councillor Edwards)

His Excellency The Governor

The result for the seat on Executive Council to represent camp is Councillor Norma Edwards congratulations.

Finally, the third vote is for a representative for Executive Council for either Camp or Stanley.

(The third election takes place and results in a tie between Councillor Birmingham and Councillor Roger Edwards. The Governor called for another vote to take place but to be only between Councillor Birmingham and Edwards. This again resulted in a tie. A third vote was taken for amongst all candidates and resulted in Councillor Roger Edwards receiving the most votes.)

I congratulate the three who have been elected to Executive Council, The Honourable Jan Cheek representing Stanley, the Honourable Norma Edwards, the Camp and the Honourable Roger Edwards Camp and Stanley, congratulations to you all.

Clerk of Councils

Confirmation of the record of the meeting of the Legislative Council held on the 28th September 2001.

His Excellency The Governor

All comments have been passed to the Clerk of Councils. May I sign?

Clerk of Councils

PAPERS TO BE LAID ON THE TABLE BY THE HONOURABLE THE CHIEF EXECUTIVE

Copies of Subsidiary Legislation published in the Falkland Islands Gazette, since the last sitting of the Legislative Council, and laid on the Table pursuant to section 34(1) of the Interpretation and General Clauses Ordinance 1977.

- Candidates' Election Expenses (Increase) Regulations 2001
- Fishing Licences (Application and Fees) Order 2001
- Referendum (Single Constituency)(Arrangements) Order 2001
- Falklands Conservation (Residence in the Falkland Islands) Order 2001
- Sand Bay Abattoir (Designation) Order 2001
- Referendum (Single Constituency)(Arrangements) Order 2001(Amendment) Order 2001
- British Nationality Ordinance (Amendment of Schedule) Order 2001

The Honourable the Chief Executive

Mr President, I have the pleasure in laying the aforementioned papers on the Table.

His Excellency The Governor

Thank You.

I understand there may be Motions. The Honourable Mike Summers.

The Honourable Michael Summers

Mr President, I Move that I be granted the leave of the House and the suspension of Standing Orders so far as is necessary to enable me to move without notice the following Motion: -

Motion No 4/01

That this House do establish a Select Committee of all the elected members to continue and carry forward to a conclusion the work of the Select Committee of the former House on the review of the Constitution.

Have I leave?

His Excellency The Governor

Is the Motion seconded? It is seconded. Any objection? No objection received you have leave.

The Honourable Michael Summers

I therefore put the Motion that this House do establish a Select Committee of all the elected members to continue and carry forward to a conclusion the work of the Select Committee of the former House on the review of the Constitution.

His Excellency The Governor

A seconder. Seconded. Does anyone wish to speak to that Motion, does it draw general support. The consensus draws general support. The Motion is approved.

I believe there is a further Motion. The Honourable John Birmingham.

The Honourable John Birmingham

Mr President, Honourable Members I Move that I be granted the leave of the House and the suspension of Standing Orders so far as is necessary to enable me to move without notice the following Motion: -

Motion No 5/01

"THAT this House proposes in the near future to elect a Speaker of the House"

Have I leave?"

His Excellency The Governor

Anyone second the Motion to suspend the Standing Orders, the Honourable Mike Summers has seconded the Motion. Any objection? No objection, you have the leave. The Honourable John Birmingham

The Honourable John Birmingham

May I just speak to the Motion?

His Excellency The Governor

Yes, you may.

The Honourable John Birmingham

The last Council had the ability to elect a Speaker, although spoken about, it never actually happened. There seems to be support in the new Council for such a chair and I would expect certainly within the next six months that we will be following this through.

His Excellency The Governor

Any seconder for that proposal? The Honourable Mike Summers to speak to the Motion.

The Honourable Michael Summers

Mr Chairman, I'm happy to second this Motion, I think it's a continuing sign of the maturity of the internal self government of the Falkland Islands that we're able to make this move. It is very clearly no reflection of the relationship between the Council and the Governor or the Council and the Government of United Kingdom, or the Falklands and the United Kingdom. It is simply a move forward in the exercise of internal self-government and I'm very happy to second the Motion.

His Excellency The Governor

Any other to speak to the Motion. I imagine we can draw general support, the Motion is approved.

Clerk of Councils

ORDER OF THE DAY – BILLS

The Supplementary Appropriation (2001-2002) (No 2) Bill 2001
This still requires the first reading.

His Excellency The Governor

The Honourable Financial Secretary

The Honourable Financial Secretary

Mr President, Honourable Members, the purpose of this Bill is to appropriate and authorise the withdrawal of four million and six thousand six hundred and sixty pounds from the consolidated fund to meet supplementary expenditure approved by the Standing Finance Committee on the 3rd October 2001. The Bill provides for the Contingencies Fund to be replenished to the extent of four hundred and ninety six thousand six hundred and sixty pounds in respect of any advances made.

This Bill includes under Health and Social Services Operating Expenditure of One Hundred and Fifty Two Thousand Four Hundred and Sixty pounds is provided in respect of extra funding required to cover costs associated with aero-medical evacuations and medical treatment overseas. Under Capital Expenditure Three Hundred and Forty Thousand Seven Hundred pounds is provided to increase the Government's investment in a local company. Also under capital expenditure Three Million Five Hundred and Ten Thousand pounds is provided as a further transfer to fund a contingent liability for staff pensions. I beg to move the first reading of the Bill.

His Excellency The Governor

Anyone wishes to second. The Chief Executive seconds the Motion. To determine whether we go to short procedure or to determine whether anyone else wished to speak to the Bill. If not, then we'll proceed with the short procedure. Does anyone have any amendments to propose to the Bill? No. The Bill will be read a third time and passes.

Clerk of Councils

The Supplementary Appropriation (2001-2002) (No 2) Bill 2001

The Falkland Islands Pension Scheme (Amendment) (No 2) Bill 2001

This Bill is being presented under a certificate of urgency and requires a first reading.

His Excellency the Governor

The Chief Executive.

The Honourable Chief Executive

Mr President, this Bill gives effect to a minimum safety net for the Pensions of certain civil servants who transferred from the old scheme to the new pension scheme in 1997 consequent upon the Hay Reviews. The Bill solely relates to those who were aged 40 or over on the 1st January 1997 and these people

are those who are expected to retire in the next ten to fifteen years. In 1997 they were given a guarantee that their pensions under the new scheme would not be less than their pensions under the old scheme. This was the so-called no worse off guarantee. However, there are a number of exceptions, caveats, that came with this guarantee which somewhat weakened it. The proposals here which would affect around one hundred existing civil servants strengthen the guarantee by removing some of the restrictions and also allow civil servants to leave Government employment and take up employment in the private sector, for instance, without losing their rights under this guarantee. Why is Government proposing to do this, Mr President, there are two reasons, the first Government recognises that the long term down turn in world interest rates and the performance of world stock markets has eroded the value of these transferred pension funds. Whilst in the longer term things will no doubt come right in the short term, affecting those who retire in the next five to ten years there could be some problems in them securing a reasonable pension. And as a good employer the Falkland Island Government thinks it right to strengthen the safety net just in case things don't turn out so well. And secondly, Mr President, the Falkland Island Government wishes a policy to encourage a free flow of its employees from government to the private sector. The current arrangements restrict that and the new Bill makes it much easier. The cost of the proposal at this stage is contained in the resolution which Honourable Members have just passed proposed by my colleague the Honourable the Financial Secretary. We may not need the transfer from funds into the old scheme funds; these are contingent provisions, which are there in case the no worse off guarantee is called upon. Mr President, I move the first reading of this Bill.

His Excellency The Governor

Anyone wishes to second that Motion. The Honourable Financial Secretary seconds the Motion. In order to determine whether we go to short procedure or to determine whether anyone else wished to speak in relation to this Bill. No, we shall adopt the short procedure. Are there any amendments to propose to the Bill? No. In that case the Bill will be read a third time and passes.

Clerk of Councils

The Falkland Islands Pension Scheme (Amendment) (No 2) Bill 2001
The Motion for adjournment.

His Excellency The Governor

The Chief Executive.

The Chief Executive

Well, Mr President that has stolen upon me rather fast. Like you I would like to offer the thanks of the Civil Service to the outgoing Councillors now Bill Luxton, Lewis Clifton and Sharon Halford and behalf of my colleagues, Chief

Officers and all members of the Civil Service I welcome the new Legislature and new Councillors and to say that all of us look forward to working with you over the next four years to achieve your agenda. Mr President, I move that this House adjourn *sine die*.

His Excellency The Governor

Anyone wishes to speak. The Honourable Norma Edwards.

The Honourable Mrs Norma Edwards

Sir, in rising to support this Motion for adjournment I don't intend to meander on for long because I think probably the general public have had enough of politics lately. I would like first of all, if I may, to say goodbye and thank you to CBFFI Air Commodore Cliffe, this is his last LEGCO I believe and we very much appreciate, speaking as a member of the old Council and I'm sure as a member of the new Council as well all that you do for us in Council and all the wise decisions and advice that you give us. We wish you well and your wife in the future. We have got a little gift for you, which we give to every outgoing CBFFI and they're very rare, we don't give them to too many people, but have that with our thanks. (*CBFFI was presented with the Falkland Islands Branch CPA tie*)

Commander British Forces

Thank you very much.

The Honourable Mrs Norma Edwards

I would like to welcome back to Council, to congratulate all my fellow Councillors and to welcome back to Council those who have been in this place before and in particular to welcome the newcomers. I look forward to working with you all. Thank you too, to JR and his team and to the Chief Executive and all the people who beavered away counting the votes etc. To FIBS and to Penguin News and Juanita for their excellent coverage and last but certainly not least for all those people who voted for me. I will do my very best to represent you during the next four years and help in anyway I can to promote the Islands both at home and abroad.

Wool prices are slowly, very slowly rising, I hope that by the end of this next term of Government the Camp will be able to look back and say the worst is now over, by then too, some of the new projects being undertaken by the farming community should be showing a positive return. Who knows with any luck, maybe, people will see a positive future in the Camp again. I do hope so and during this term of office I feel we must continue to do all we can to encourage new enterprise within the farming community and to help with the shortfall in the revenue in farming, we will hopefully one day be able to say thank you for the support we have been given over the years and will once more be viable businesses and self sufficient again. I hear a lot of criticisms about grants and subsidies, but believe me the farmers will be delighted when

they are in that position to say its over and we are on our feet again. No one likes hand outs, least of all those who always work hard to make a living from the land.

I mentioned in my election address that I thought it was time to review the number of contract officers we now have. They've all been approved by previous Councils of which I have been a member and part of that approval process and I am not suggesting for one moment that we should suddenly terminate lots of contract officers contracts neither am I knocking contract officers. I appreciate very much that the Falklands could not prosper without them and of course we appreciate the contribution they make. Much of the work undertaken by contract officers is essential and we could not do without them, but I do seriously think that as contracts come up for renewal we should make every effort where possible to fill those posts with able local people if they're available. They may not have a fist full of qualifications, indeed some of them may not have any qualifications at all, but I am sure there are some local people who can hold down some of the middle management jobs given the chance. Anyway, no doubt this subject will come up for discussion in due course and I will listen with interest to others' points of view. There are of course many other topics, which will hopefully be the business of this Council's term of office, not least sheltered accommodation and long stay accommodation for the elderly within the hospital. I hope we will be able to commence these projects as soon as possible.

May I just say to the people, who voted in the referendum too, thank you for keeping the Camp Constituency. I know everybody in Camp is delighted with the outcome and I presume that's the end of that, until it raises its head maybe in the future and it may of course be necessary in the future. But at the moment people are happy with the situation as it is, so I'm pleased with the referendum results.

Finally Sir, if I may, I'd like to tell Mr Ian McLeod that I always enjoy his correspondence with the Penguin News and I am off to the Dental department next Tuesday in fact. Can I assure him that I'm not going there to have my teeth out, I'm going to have them sharpened up. I support the Motion for adjournment.

His Excellency The Governor

I thank the Honourable Norma Edwards and tremble. (Laughter) Would any other Honourable Member wish to speak to the Motion for adjournment? The Honourable Philip Miller.

The Honourable Philip Miller

Mr President, Honourable Members, on rising to support the Motion for adjournment, I feel I should make comment on a couple of subjects. Before that, may I take this opportunity to thank all the constituents who voted for me in the election and I could only do my very best to do them justice. The result

of the referendum was very satisfying although the Camp was fairly predictable, one can never be sure, when the Stanley vote was announced it was very pleasing. Thank you everyone for the support in keeping the two constituencies. I would also like to take the opportunity to congratulate fellow members on winning the elections I look forward to the next four years. I hope we can work together as an efficient team. I have for a long time now taken an interest in our politics and members of the last Council will remember that they had some earaches from me during their last term in office. I stood for this Council to represent the people of the Falkland Islands. I believe the most important quality of a Councillor is to be able to listen to his or her constituents. That is one thing I hope to do well during the forthcoming four years.

I would like if I may to touch on a couple of other things, firstly the New Haven Road. I have no problem with the need for a ferry link between East and West Falklands but I do have severe concerns about, as I see it, a gross waste of public funds on a road to New Haven, especially as there is something in the wind about a large ship calling into Fox Bay to pick up wool which incidentally, as I see it, is a step in the right direction. We have a lot of people not yet linked into the road network and I see that as a top priority. May I suggest a different tactic, rather than build a road to some obscure destination that will probably be only used a few times a year perhaps we should link the Walker Creek track up this season, thus finishing the network in the South. The ferry link to continue to use Port San Carlos harbour which has a jetty which that was completely refurbished at Government expense and has the well known POD Guest House, self catering cottages, people who have diversified into the tourist industry already living there. We could channel the money that was set aside into the New Haven Road into capping the North Camp road. This would not take the road building team only the maintenance crew. The road will have to be done anyway at some stage to enable North Camp folk to get their animals to the abattoir. After all the inhabited farms are linked to the road network and we have time to gauge the traffic that stop there between East and West then, we could look at the option for the New Haven jetty and ferry facility and see if it really is a necessary expense.

Another topic I'd like to raise at this time is the Immigration Policy, I believe that we need a very tight legislation in this case. I'm led to understand that there has been a points system similar to the Australian one drafted up, if that's so I'd like to see it implemented as soon as possible. We need to get a grasp of this problem before its too late, although I think it should have been addressed long ago and may well be too late already.

I'd like to thank again, all those people who had the confidence to put me here and I'll try not to let them down. Sir, I support the Motion.

His Excellency The Governor

I thank the Honourable Philip Miller. Any other Honourable Member? The Honourable Roger Edwards.

The Honourable Roger Edwards

Your Excellency, Honourable Members, in rising to support the Motion for adjournment, I would like to begin by thanking all of my constituents who were kind enough to put their faith in me to represent them for the next four years. I will listen to your views, your wishes and your future aspirations and will do all in my power to help assist and guide the best I can.

Secondly, I wish to congratulate all of the other successful members who were elected to this the new Legislative Council. I would like to say to all those who were unsuccessful, do not be despondent and downhearted. I think it made a good election by having so many people stand for Camp and Stanley Constituencies and all put up a good fight. I echo my Honourable wife's thanks to all the officials who took part in the counts and the arrangements for that day. The shock of the amount of work that lies ahead was made plain for us less than twenty-four hours after the results were known, when each of us were handed a six inch high pile of documents to read and digest prior to this week's round of meetings. I'm assured that this is only the tip of the iceberg.

Many of us stated clearly that the Government spending must be brought to rein. We can start I believe with the advertising of the post for the Director of Agriculture and query whether this is truly essential. Our out going Director brought with him a new drive and ideas for improving the productivity of the Camp and was forceful in getting his ideas into action. I believe that the lead he has given could well be continued by his deputy who has years of experience in the department and knowledge of the local farming methods and so making an instant saving of £200,000 over the next three years.

I have not been given sight of the revised transport review, which I believe was to have been delivered by Mr Hugh Normand, this I will read with interest because if wool is shipped directly from the jetty at Fox Bay by the FIC Chartered vessel it will have a dramatic effect on the future requirements of the coastal shipping service. We were led to believe that no large ship would come to this jetty because the difficulty of piloting into and out of the harbour. This myth was well and truly laid to rest by the expert handling of the chartered boat when it came in to off-load heavy plant and equipment for the West roads. It was made to look easy despite the thirty-knot onshore gale. Shipping wool direct from Fox Bay could be a huge saving to the West farmers and would reduce double handling and possible damage to the wool bales. I look forward to the first possible sailing early in the New Year.

There are other possible changes I would like to see and these items have already been covered by my colleague from Camp. As the new boy to Legislature I must not begin to ramble and other than to say hello and goodbye to the Commander of British Forces, Sir I support the Motion.

His Excellency The Governor

I thank the Honourable Roger Edwards. The Honourable Stephen Luxton

The Honourable Stephen Luxton

Mr President, in rising to support the Motion, I don't have a great deal to say on this occasion, I'm still very much into the listening and learning stage of being a new member. Yesterday I think gave us the first indication to all the new members as to how much we are going to need to know to do this job, it all seems a bit daunting at first but I have no doubt we will get used to it quickly. I thank all of those who gave us a brief overview of how Government works; it was a very useful if rather long day.

I was somewhat taken aback to learn in last week's Penguin News of the considerable and complex medical and dental operations required to be undertaken by new members. I am happy to report it was indeed quite painless. Already I seem to be able to stand up straight and eat without any difficulty. I look forward to the challenges of the next four years and once again I would like to thank all of those who voted for me. Sir, I support the Motion.

His Excellency The Governor

I thank the Honourable Stephen Luxton. Any other Honourable Member wishes to speak to the Motion? The Honourable Jan Cheek

The Honourable Mrs Jan Cheek

Mr President, Honourable Members, in supporting the Motion I'd like to first to say a number of farewells although in most cases I hope they'll only be au revoir. I did say my goodbye to Bill Luxton at the last meeting but of course at that time did not know that we would not be back with Sharon and Lewis. I worked with Sharon on a number of overseas trips and I would like to set right a misconception that Sharon was in some way soft on the Argentines, believe me she did not give one millimetre and on occasions went rather further than most of you would expect in standing up to the kind of pressures that Councillors find themselves under. She was hard working, courageous and I personally hope to see her back on Council one day. She has a lot to contribute. Likewise Lewis, who was unable to stand because of his ill health, he brought unmatched experience and specialist knowledge to the last Council, his knowledge of things like the Law of the Sea left the rest of us standing. He tipped us off on the Continental Shelf issue that was coming up a long time ago in the time of former Governor Ralph who had apparently at that time not heard about it; we'll hear much more in the months ahead. It is going to cost us quite a lot of money but it's an issue where we have a lot of hard work to do. Other farewells, I failed to realise that the last Council

meeting was the last one before Bob Reid left, I would like to say that I had the greatest respect for job. The did in very difficult circumstances to try to bring a little light and hope to farming at a time when it was going through difficulties such as farmers here had probably never experienced before. I can't leave out my brother in law who has recently retired from the Government Service, Gerald Cheek, Director of Civil Aviation who I know worked conscientiously for many years resisting even the attempts of Councillors to bend the rules for the convenience of the few. Finally, the farewell to John Cliffe, we enjoyed working with you perhaps we'll see you back again one day in some other guise.

Moving on to a few issues I wanted to mention, having got all those farewells out of the way. It may seem mundane but if I counted up the phone calls I've had over the last couple of weeks over issues not directly connected with the election, the one, which has raised the most heat in more than one sense of the word, is fireworks. We all enjoy displays on the 5th November perhaps even on other high days and holidays but those who buy fireworks should give a little thought to the fear that it causes people's animals and to people with a slightly nervous disposition living alone. Suddenly unexpectedly, if it's not the 5th November you don't expect to hear sounds like shots outside your house. It is something we need to give some thought to and perhaps get together some kind of code of practice so that people don't use fireworks thoughtlessly, carelessly and without warning their neighbours and nearby animal owners.

I look forward to further deliberation on the committee looking at the development of our constitution. I think the development of responsibility for portfolios needs to be moved with some speed. We are in an intolerable situation at the moment, where we have to stand up if we're honest, and take responsibility for decisions made by committees we sit on but at the same time we have little real power to influence the actions that follow those decisions and the sooner we can formalise something which brings this into a more sensible arrangement, the better.

It would be unusual I think if I spoke without mentioning Argentina. Argentina's currently preoccupied with its own failing financial problems but we can't pretend that if we ignore them they will go away. We must strive to consolidate our position of relative strength, firstly by ensuring the continuation of our financial independence, but for our defence we are not dependent on Britain for any handouts. We want to manage our budget very, very carefully to maintain that position. It is a position, which gives us more control over our own affairs. Most importantly we've got to seek everywhere-wider recognition of our right to self-determination.

I'd like to thank the officials who ran the election so well. I would like to thank all those who voted for me and to assure them that I will strive as always to bring reason and common sense to every debate. Thank you.

His Excellency The Governor

I thank the Honourable Jan Cheek. The Honourable Richard Cockwell.

The Honourable Richard Cockwell

Mr President, Honourable Members, I too would like to welcome the new Councillors, the newly elected Councillors to this Council and to welcome back my colleagues from the previous Council. I would also like to express my thanks to all the people who kindly voted for me in the last election. There have been people going around congratulating me on my re-election I should say that I congratulate people who voted me on otherwise I would not be here, congratulations are not for me.

We have difficult decisions to make in the next four years. There will be decisions made which we may not all agree with. There will be things, which we wish to do that we cannot do due to financial constraints or other constraints. However, I believe that we as a group will work together well, we may have our disagreements but we will work together and create a firm lead in the way the country is to be run and essentially we will ensure that the world recognises our undeniable right to our own way of life in our own country decided by ourselves without any outside influence and that is what we have to do whether it is Argentina or whoever it is who wishes to try and organise our lives, it is up to us as the Council to make sure that we make the decisions.

The Honourable John Birmingham put forward a Motion regarding election of the Speaker, Sir, I also hasten to reassure you it is in no reflection on your way of running the Legislative Council meetings but just a sign of our maturity. We wish to move forward.

As the Honourable Jan Cheek has mentioned, the Constitution Review, I believe we've got to get to grips with this in the near future and get on with it. It's going to be difficult, there is going to be things which we may, some of may not agree with but we have to actually come to a decision on how we see the constitution for these Islands for the coming future.

The Capital programmes, we have problem with the capital programmes, there are so many projects and priorities, and we all have our own priorities. In the long run we cannot manage to perform all the capital programmes which we would like to see. So we have to actually prioritise. Whether we like it or not possible our priorities, our own personal priorities may not come to the fore, but as long as we have our projects on the program, I believe we should reassure people that sooner or later these will come to fruition, but we cannot do them all at once much as we would like to.

The one thing which I would like to promote and possibly being the oldest member of Council, I should declare an interest, is the sheltered housing and nursing home facilities. I believe that the older generation of this country deserves to pass their latter days in dignity and with privacy. At the moment the situation we have in the hospital has been recognised does not ensure that. I welcome the new nursing home facility, which is being constructed, within the hospital and I think that will go a long way to solve some of these

problems. However, we do need sheltered housing and so hope that we will be able to move this program forward rapidly.

One matter which I have had a lot of telephone calls about, and may be its because I was a Camp Councillor before I've come to be a Stanley Councillor is fires in Camp. I'm not one of these people who say that we should not have fires in Camp. Some of the fires, which are created, are caused by burning of trash as pasture improvement scheme. Some others are farmers' traditional ways of hoping to improve the available natural pasture. I don't say this should be banned altogether. However, I do believe that the guidelines, which have been issued by the Agriculture Department on the lighting of fires in the Camp, should actually be formulated into a proper code of practice and people who are careless who light fires carelessly and cause huge amounts of work for people, a lot of cost for Government have to be brought to task on this one because there have been fires lit on days when there was a risk and farmers who follow a proper code of practice have no problems whatsoever. Other people through possibly carelessness have cause huge amounts of work, huge costs and so I think we should create a code of practice on this matter.

Finally Sir, I also would like to say my thanks and farewell to John and his wife Mandy, it's been a privilege working for you, working with you, and I beg your pardon (laughter). I look forward to you coming back on holiday and looking at all the birds and other things which I know you enjoy looking at. Sir I beg to support the Motion.

His Excellency The Governor

I thank the Honourable Richard Cockwell. Any other Honourable Member wishes to speak? The Honourable John Birmingham.

The Honourable John Birmingham

Mr President, Honourable Members I won't speak for long and I actually mean it. I'd like to welcome the colleagues to this House both new and some of the older ones. I'm sure the next four years are going to be interesting and I'm sure it's not going to be boring anyway. I'd like to also thank those people who voted for me and also thank you for a well-run election. Those candidates who weren't successful I also think they deserve a pat on the back, as they showed enough interest to actually stand for Council rather than just write in letters to the Penguin news, which brings me onto the Penguin News and a certain letter. My back's aching at the moment so I presume the bone is still there.

I'd like to associate myself with the comments of the Honourable Norma Edwards and with her support for contract officers and the fact is that Councillors decide which contracts go out and if you want to continue with these contracts, and the letter in the Penguin News from some weeks ago made that plain and if there's anybody to blame then it must surely be Gilbert House.

I would also like to stand alongside the Honourable Jan Cheek with her comments about Lewis Clifton and Sharon Halford. And I think that the last Council and I'm sure this Council will show that where there is a particular problem, that we don't look at whether it's good for any other party, what we look at is whether it is good for the Falkland Islands and, as far as I am aware, that's how it's been for a good many years.

Air Commodore Cliffe and his wife Mandy and I've never worked for you sir, so I don't have the same insight as others, but I do know that yours was the seventh tie we saw today. I wish you well in the future and your wife and hopefully you will at some point return.

But enough has been said as the Honourable Norma Edwards said earlier on, there has been a lot of speaking over the last few weeks and as they say we've all done the talk and now we have now try and do the walk. Mr President, I support the Motion.

His Excellency The Governor

I thank the Honourable Member. The Honourable Mike Summers

The Honourable Michael Summers

Mr President, Honourable Members, my congratulations too to everybody whose been elected to the Legislature. Thank you to those folks who voted for me, very kind, and I'll work hard for you, as you well know. I too, greatly respect those who stood for election and attempted to represent their people. I hope they don't give up there are lots of jobs to do there's lots of work to be done in the community other than in the Legislative Council and I hope those people will put themselves forward to work on either Government Committees and there are any number of them at the moment I hope there will be substantially fewer number in due course but that's another matter I'll come to. There are also many other areas of good work to be done in the community in the voluntary services, organising sports clubs, organising youth programmes and alike. There is plenty of work to do in the community other than on the Legislature and I do hope they will join in on that.

I would like to pay tribute to Bill Luxton, because I wasn't here at the last Legislative Council and say how much I enjoyed working with him. Most particularly on the Roads program we started up almost without support in 1990 and I'll come back to that again. I too pay tribute to the work of Lewis Clifton and I was particularly disappointed that he wasn't able to stand this time, I enjoyed his comradeship and his support in the last Council and the different perspective sometimes he brought to the work of the Legislature. I worked too with Sharon on two particular occasions, once when we went to Chievening and another one when we were negotiating with the Argentines in 1999 together with the British Government. If I think there is something that could be said about Sharon is that she wasn't backward in coming forward if there was a difficult job to be done. They weren't easy jobs to do and I think,

actually we did rather better than many people would like to think. But time will tell it is the result that counts not the process and not the perception.

I guess I'm still the Chair of the Constitutional Committee since we didn't change it and since I proposed the Motion. I hope that we all try and get this work finish within six months, it is important work and I think we need to get it done because it seriously affects the way the government operates. Like Jan Cheek, I look forward to a revised system that enables Councillors to take full and proper responsibility for the work they do and I think if you look again at the revised committee system and the way that it is proposed to interact with Executive Council you will find that it will do that and I think it will give Councillors a stronger position and more opportunity to influence and guide the work that goes on in the Government. Irrespective of the outcome the elections to Executive Council I do believe in the primacy of Executive Council and will fight for that in the Constitutional Review process and I also believe in the comments I made during the course of the election about elected leadership. I think there is a vacuum that needs to be filled and we need to look closely at that.

I think activities elsewhere have perhaps made us even more conscientious, if we needed to be, over the issue of self determination and in the Constitutional Review process I will wish to revisit the issue of having the right to self determination included in the body of the constitution, not only for the Falklands but for all Overseas Territories. It is I believe a fundamental right and it should be in the body of the constitution.

I too am happy to see or was happy to see the results of the single constituency elections. I perhaps didn't have such strong views as some people but I felt uneasy about the disfranchisement of Camp and I'm happy to at least put that off for a longer period of time until we see how the Camp develops.

The other responsibility of the Select Committee will be to deal with the Standing Orders of Legislative Council. For those colleagues who have not yet had the opportunity to read the Standing Orders, (just one more wee job for you to do) but we all believed in the last Council and I think we probably all believe in this Council that there is a need to change the rules for debate in this House. So that as we create a separation between Executive Council and the work of Councillors meeting in informal sessions and Executive Council becomes more responsible for the decisions it makes, it will be more scrutinised in this House and that's quite right.

As for the rest of the program for this Council, there are of course many things to do some large, some small. In conjunction with the work to be done on the Constitution I will look forward to further modernisation of the public service and the elimination of waste and I look forward to the starting up of the energy conservation campaign. It seems to be fairly low key still at the moment.

I will support all my colleagues in pushing forward housing programmes for older people and for youngest and for those in need; there is an urgent need

to plan further for housing. And I will push hard since I have done since 1990 for the continued construction of Camp roads. I will not take a short-term view; I will take a long-term view. I think there is an urgent need to put in place for the Camp long term infrastructure and I think taking short term views about using this for the moment and that for the moment, actually won't do. We've been putting things off for too long and unless you get to the core of the issue and deal with the fundamental infrastructure we'll end up in another five years fiddling about with short term solutions.

Sir, that's all I'll say for this particular session other than to say, John goodbye, thank you very much for your support and assistance. I hope you will have briefed your successor well to get done all these things that we've been planning during the time that you've been here. We look forward to working with the MOD to create new economic opportunities for people in the Camp and to provide you with perhaps in some areas more cost efficient services. I wish you well.

Commander British Forces

Thank you.

His Excellency The Governor

I thank the Honourable Mike Summers. I'll allow the Commander British Forces to say a word at the end just before I wind up. The Honourable Financial Secretary.

The Honourable Financial Secretary

Mr President, Honourable Members, in rising to support the Motion, I would like to congratulate all members on your election victory and I look forward to working with you over the next four years for the benefit of the people of the Falkland Islands. I'd also like to thank Air Commodore John Cliffe for your valuable contribution and I wish you and your wife well in your future postings.

His Excellency The Governor

I thank the Honourable Financial Secretary. Commander British Forces.

Commander British Forces

Your Excellency, Honourable Members, I add my congratulations to those who have been elected or re-elected to the Legislative Council. I wish you well in your term of office. Sadly, as I'm soon to hand over the reins of Commander British Forces I will not be able to enjoy working with you for long or witness your efforts at close quarters but I shall certainly watch with great interest from afar. As already alluded to, there are many issues that you as a Council will have to grapple with over the coming years. I will not attempt to offer advice and indeed from what I have witnessed during my attendance at EXCO and LEGCO under the previous Council you are well able to provide

sound governance. I will however as the senior military man on the Islands raise one issue. I hope that this Council will continue to invite the Commander British Forces to be a non-voting member of EXCO and LEGCO. I do not know another situation where a community and such a rather large armed force interact as much as they do here on the Falklands. It does not take the brains of a rocket scientist to see why this happens. The close understanding between the civil and military communities is in everybody's best interest, mutual benefits are gained in many ways through links with the judiciary, the planning officers, Falkland Conservation and FIDC to name but a few. The outcomes of these links are not always made widely known, perhaps because of one group's agenda, perhaps for security reasons. I am convinced though that even in the short time that I have been here we have made significant progress in a number of areas. Such progress will only continue if we maintain the links and many of those start at the highest level i.e. in Council.

As this almost certainly will be my last LEGCO, I would like to thank Legislative Council Members past and present for their support and understanding during my time in office. Thank you, for your most kind words today. I can honestly say that it has been privilege and a pleasure to work with you and I shall wear your rare and highly prized gift with pride.

Finally at risk of wandering away from the proper LEGCO business and bearing in mind that the proceedings are being transmitted live, I would like to take the opportunity of wishing everyone in the Falkland Islands the best of good fortune. To all those Mandy and I have had the privilege of meeting thank you for the experience, we found you to be wonderful and generous people. Both of us will be sad to leave but we will be taking with us some fond memories for which we are eternally grateful. Sadly, all good things must come to an end I just wish it did not have to be so quickly I guess, I'll just have to come back. Mr President, I support the Motion.

His Excellency The Governor

Thank you John. I might just make three remarks on three topics before I close. The first is to echo the thanks to the Chief Executive, to John Rowland and to all those who took part in organising and running the General Election. A properly functioning system of that sort is vital to democracy. There were many involved and it's right that we express thanks to them for the dedication and for producing the results so effectively.

I should also perhaps just confirm on the matter of the Presidency of Legislative Council, that I think I'm on record some considerable time ago as taking the view that it would be appropriate that the provision of the amended constitution should be implemented and that there be someone else in this Chair. So I'm entirely content with what's proposed there is no conflict on that. It may be prudent for the Attorney General to take a look at the Standing Orders which in fact will require a little mechanical tinkering to provide for that change which is perhaps different from the substance of discussion or

possible amendment of the Standing Orders which will take place in the Select Committee.

Finally, John thank you, for the co-operation we have enjoyed during your time here. It is very important for the security and the well being of the Islands that the Governor and the Commander British Forces should have a good open and close working relationship, and I feel we have had that it has been very good. As you say the engagement with the armed forces here with the civilian community is very close and it is very effective and mutually supportive. It will be interesting when your counterpart from Cyprus, a very different environment comes. On the basis that I think you both have been encourage to as it were swop experiences or exchange best practice it will be interesting to see coming from his very different environment and his reaction, his evaluation of the situation and the nature of co-operation that we have here. I will have to try and separately say farewell to Mandy as well, I thank you both for all you have done and for the co-operation and friendship we've enjoyed here.

I thank Honourable Members for this interesting session of Legislative Council. The meeting stands adjourned.

*Confirmed this 22nd day of
February 2002.*

Donald A. Lamont
Governor.