

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON 22 FEBRUARY 2002**

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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 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
(Commodore Richard Jeffery Ibbotson, DSC MSc RN.)

CLERK: Claudette Anderson

PRAYERS: Padre McHaffie

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Record of the Meeting of the Legislative Council Held on Friday 22 February 2002

PRAYERS

Clerk of Councils

Oath of Allegiance – Commodore Richard Jeffrey Ibbotson DSC MSc

His Excellency The Governor

Good morning Honourable Members, welcome Commander British Forces, to Legislative Council, and good morning to those listening via Falkland Islands broadcast.

Before we open the meeting may I just perhaps say two things, unhappy events of recent dates, one local, one not local. I think it proper to express our sympathy to members of the Royal family on the death of Princess Margaret, our thought have been with the family and particularly her sister, The Queen and the Queen Mother. Particularly sad that this should have occurred in the Jubilee year, a year otherwise of celebration. Closer to home and perhaps in a slightly more personal way, can I say and I'm sure others will have the same view, that it was very sad that Monsignor Tony Agreiter had to leave here at some urgency after so many years of service to the Catholic and wider community here. He will be receiving treatment we know in Innsbruck and we all wish him very well. I personally, not of the Catholic community group both developed fondness and respect for Monsignor Agreiter, I know the Catholic community miss his spiritual support, leadership, guidance and we all send our warmest wishes, I'm sure, for a successful treatment in Innsbruck.

Clerk of Councils

Confirmation of the record of the meeting of the Legislative Council held on the 29 November 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.

- The Nuclear Safeguard Ordinance (Commencement) Order 2002
- The Annual Accounts for the year 30 June 2001 and the Retirement Pensions Fund Financial Statement for the period 31 December 2000 and Laid on the Table in accordance with Section 57 of the Financial Audit Ordinance.

The Honourable the Chief Executive

Mr President, I have the pleasure in laying the aforementioned papers on the Table.

Clerk of Councils

Question for oral answer, Question number 1 of 2002 by the Honourable John Birmingham

His Excellency the Governor

The Honourable John Birmingham

The Honourable John Birmingham

Mr President, Honourable Members, will the Honourable Roger Edwards outline the plans if any, that Public Works Department have to increase the water holding capacity at Moody Brook.

His Excellency the Governor

The Honourable Roger Edwards

The Honourable Roger Edwards

Your Excellency, there are no plans to further increase the size of the existing impound area, at least until there is a secure alternative source. Due to the nature of the ground forming and surrounding the impound, (peat overlaying stone-run) there is significant risk that further excavation could result in leakage from and even loss of even the existing reserve.

There is, however funding in the Capital Estimates for the provision of an alternative water source for Stanley.

Identified options to supplement the existing supply include the construction of significant additional storage area further within Moody Brook Valley or the additional supply from the Murrell River.

The possible effect of this is yet to be addressed. It is planned that these options will be developed more fully over this austral winter and, depending on which scheme is thought to be best, funding and start could be as earliest as Spring of 2002.

His Excellency the Governor

The Honourable John Birmingham

The Honourable John Birmingham

I thank the Honourable Member for his good answer.

His Excellency The Governor

No further supplementary?

Clerk of Councils

Question number 2 of 2002 by the Honourable John Birmingham

His Excellency the Governor

The Honourable John Birmingham

The Honourable John Birmingham

Mr President, Honourable Members, could the Honourable Roger Edwards tell this House if the Public Works Department are going to improve and upgrade the landing facility at the Public Jetty.

His Excellency the Governor

The Honourable Roger Edwards

The Honourable Roger Edwards

Yes. Drawings for the works are complete and the Public Works Department will shortly be issuing a letter inviting expressions of interest to carry out the work.

The works comprise renovation and modification of the head of the jetty and including an additional set of landing steps, which will facilitate two tenders using the jetty at any one time. My colleagues will be further aware, that there are plans to further improve the sea wall in that area of the Public Jetty so making that available also for use by tender.

His Excellency the Governor

Thank you Honourable Roger Edwards. The Honourable John Birmingham
The Honourable John Birmingham

Mr President, Honourable Members, further to that I wonder if the Honourable Member could tell me whether the plans to improve the sea wall will be funded by the Public works Department?

His Excellency The Governor

The Honourable Roger Edwards

The Honourable Roger Edwards

That, I do not know, it has been suggested that the Falkland Islands Development Corporation and other possible interests may be involved in this work.

His Excellency The Governor

The Honourable John Birmingham

The Honourable John Birmingham

I thank the Honourable Member for his answer.

His Excellency The Governor

No further supplementary?

Clerk of Councils

Question number 3 of 2002 by the Honourable John Birmingham

His Excellency the Governor

The Honourable John Birmingham

The Honourable John Birmingham

Mr President, Honourable Members, can the Financial Secretary tell me if the new Euro will be accepted by Falkland Islands Government Departments such as the Post Office.

His Excellency the Governor

The Honourable the Financial Secretary

The Honourable the Financial Secretary

Mr President, Honourable Members, I am pleased to inform the Honourable Members that Euro notes and cheques but not coins are accepted in the same manner as other foreign currencies are accepted, based on the current official exchange rate.

His Excellency The Governor

I thank the Honourable Financial Secretary, any supplementary

The Honourable John Birmingham

I also thank the Honourable Financial Secretary for his brilliant but honest as usual answer.

His Excellency The Governor

No further supplementary? Thank you.

Clerk of Councils

MOTIONS

Motion No 1 of 2002 by the Honourable MV Summers, OBE

It is moved that with effect from the beginning of the next meeting of this House LIONEL GEOFFREY BLAKE be elected as Speaker to preside over the proceedings of the Legislative Council.

His Excellency The Governor

The Honourable Mike Summers

The Honourable Mike Summers

Mr President, I have great pleasure in quoting this motion to the House which, I believe, is agreed by us all. It is another movement forward in the development of the democracy in this Country. It is and will be an historic moment when the Speaker replaces the Governor as Chair of Legislative Council. It is very much in accordance with the spirit of the White Paper produced by the Labour Government, on Partnership and Progress.

And, requesting of us all, the Overseas Territories that the Governments we provide should be appropriate to modern time. It is the demonstration of internal self-government and, indeed, of the right to self determination that we all have, appreciate, and nurture all that is inferred in the White paper. There are, as we said before in this House, no implications whatsoever for the relationship between the Falklands Legislature and Her Majesty's Government. This is a normal process in maturing of the democracy.

I am delighted that Tim Blake has accepted the position of Speaker. He's provided long service to the Legislative Council in the Falklands over the years and he is, perhaps, as knowledgeable as anybody on Constitutional development and standing laws and rules of the House. He was heavily involved in the 1985 constitution, which is the real bedrock of our current Constitution and brought into force many changes to the Falklands Constitution that benefited the Public. For those who are not aware, the 1985 Constitution, which he helped to create with the Members of the day, introduced a chapter on protection of individual human rights, including the right to self-determination. It increased, from six to eight, the members on the Legislative Council and introduced the system where 3 members of the Legislative Council were elected by their fellows to the Executive Council. There were, after that date, no nominated Members on either the Executive or the Legislative Councils. The Ex-officio Members of both bodies became non-voting. And, there was a simplification of the Constituencies. But it was a landmark change in the Constitution of the Falklands and Tim was very much involved in that with as I said the other Councillors of the day.

We do, in due course, also wish to make provision for a Deputy Speaker but, due to technicalities involved in changing the Standing Rules and Orders, and in due course, the Constitution, the Deputy Speaker cannot be named today but it will be our intention to do that at the next meeting of Legislative Council subject to the House approving some modifications to Standing Rules And Orders.

Mr. President, I am delighted to move this motion.

His Excellency The Governor

I thank the Honourable Mike Summers. Seconded, the Honourable John Birmingham.

Do you wish to speak?

The Honourable John Birmingham

Mr. President, Honourable Members, I would just like to confirm everything and back up everything Councillor Summers has said and to make it plain that everybody on the electoral role, I hope, will be aware of the reasons we are making this change. And, just to say I look forward to being chaired, if not at the next meeting fully then certainly the one after that, by Lionel Blake.

His Excellency The Governor

Does anyone else wish to speak to the Motion?

The Honourable Mrs Jan Cheek

Just briefly. Obviously I join in the welcome for the decision to activate the Speaker's post and that, very soon, of Deputy Speaker. We have had the ability to do this for some years but have chosen to wait till now to do so. As the Honourable Mike Summers has said, it's another step on the road to political maturity and to the clearer definition of our democracy and a very significant step for our country. It will be the Speaker's task to preside over meetings of the Legislative Council and I look forward to working with others on the modifications to Standing Orders when it is necessary to do that. I support the Motion.

The Honourable Mrs Norma Edwards

Yes. Just to rise to support this motion, Sir and to say I look forward to welcoming Mr. Blake back into the fold. He's not exactly in Council but certainly looking over us with a beady eye. As everyone has said, it's a sign of more maturity but may I also say a thank you to you and all the other governors who have sat as our Chairman in this Legislature for many, many years and we have appreciated it and in particular that the Governor hasn't chosen to overrule any of our decisions in the past, which he could have done if he so wished. We look forward to a new phase in this House, which I think, will serve the people well. Thank you

His Excellency The Governor

The Honourable Richard Cockwell

The Honourable Richard Cockwell

Mr. President, Honourable Members, in rising to support the motion, I welcome, the same as everybody else, this move into further democratic change but I do wish to make the point that it is no reflection, Sir, on your conduct of the Legislature in the past. It is purely a move towards further democratic development, which we look forward to and we hope to see in other ways in the future.

Sir, I beg to support the motion.

His Excellency The Governor

I thank the Honourable Richard Cockwell, anyone else wish to speak to the Motion. I take then that there is a consensus of support.

Can I say, for my own part, I think I'm on the record, actually as expressing the hope to this Chamber that the Constitutional provision for a Speaker would be implemented. So there's no doubt about my view. I congratulate Tim Blake on the confidence, which Members are placing in him. Congratulations on his appointment. I wish him success in that post. As has

been indicated, there will need to be an amendment to the Standing Orders. Informally no one is bound by this but it may be helpful to, my suggestion was that I start presiding over the next session in order that such amendments, if required, may be adopted. We do need to look through it carefully. I had rather assumed that the changes might be straightforward but there is, for example, one, which says that the Governor shall preside whenever he is in the Chamber. I think that would be inappropriate in the future. It is the indication that there would still be a 'speech from the throne' and the specific rules dealing with that seem fine but one has to pay attention to that other rule as I wouldn't think it right to preside in such a situation when there is a Speaker. So, rules do need to be looked at carefully but it shouldn't be too problematic. And, I would look forward, at the next session, to handing over to Tim Blake and leaving matters in his hands. It is, indeed, a step forward for democracy in the Falkland Islands and I welcome it as, obviously everyone around this table does.

Many thanks. The Motion is therefore approved.

Clerk of Councils

ORDER OF THE DAY – BILLS

The Supplementary Appropriation (2001-2002) (No 2) Bill 2002
This still requires the first reading.

The Honourable Financial Secretary

Mr President, Honourable Members the purpose of this Bill is to appropriate and authorise the withdrawal of £267,120 from the Consolidated Fund to meet supplementary expenditure approved by the Standing Finance Committee on 30 November 2001 and 25 January 2002.

The supplementary expenditure is spread over seven heads of service under the operating budget. The Bill provides for the Contingencies Fund to be replenished in respect of any advances made. I beg to move the first reading of the Bill.

The Honourable Chief Executive

Seconded

His Excellency The Governor

Seconded. Does anyone else wish to speak in relation to the Bill? We can move to the short procedure. Any amendments? The Bill can be read a third time and passes.

Clerk of Councils

The Supplementary Appropriation (2001-2002) (No 2) Bill 2002.

The Agricultural Loans (Amendment) Bill 2002. This Bill like the rest of the Bills on the Order paper today have been published in the Gazette and do not require a 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 bring into force with effect from the 1st January 2001 those provisions of the Agricultural Loans Ordinance which are concerned with the registration of an agricultural charge in the register of agricultural charges and to make retrospective provision for the inclusion of the Falkland Islands Development Corporation as an organised lender. I beg to move the second reading of the Bill.

The Honourable Chief Executive

Seconded

His Excellency The Governor

Seconded. Does anyone wish to speak to this? We'll move to the short procedure. Any amendments? No amendments. The Bill is read third time and passes.

Clerk of Councils

The Agricultural Loans (Amendment) Bill 2002.

The Co-operative Societies (Amendment) Bill 2002

His Excellency The Governor

The Honourable Financial Secretary

The Honourable Financial Secretary

Mr President, Honourable Members, the purpose of this Bill is to remove from the Co-operative Societies Ordinance, all provisions relating to compulsory annual audit and to empower the Governor by order to make Rules enabling the members of the Co-operative Society to dispense with the audit of the Societies accounts subject to conditions. I can report that the draft Order has been approved by Executive Council subject to the passing of this Bill. I beg to move the second reading of the Bill

The Honourable Chief Executive

Seconded

His Excellency The Governor

Seconded. Anyone wish to speak to this Bill? We move to the short procedure. Any amendments? No amendments, the Bill is read a third time and passes

Clerk of Councils

The Co-operative Societies (Amendment) Bill 2002

The Education (Amendment) Bill 2002

The Honourable Chief Executive

Mr President, this Bill amends the Education Ordinance in particular section 66 which permits the corporal punishment at school of the boy over the age of 11 years. In line with this Government's commitment to the Convention on Human Rights and to the Rights of the Child, this Bill is introduced to make it unlawful to impose corporal punishment on any children in our schools. Mr president, I beg to move the second reading of the Bill.

His Excellency The Governor

Do we have a Seconder?

The Honourable John Birmingham

Seconded

His Excellency The Governor

Does anyone wish to speak on this Bill? No amendments? No, the Bill is read a third time and passes.

Clerk of Councils

The Education (Amendment) Bill 2002

The Interpretation and General Clauses (Amendment) Bill 2002

The Honourable Chief Executive

Mr President, the good news is that this Bill introduces a new public holiday but in fact at the same time takes away one. This is to return us to the position of a public holiday, as it was before 1992 traditionally the Peat Cutting Monday and to make the 1st Monday in October a public holiday and not to

continue with the public holiday on the 14th August. Mr President, I beg to move the second reading of the Bill.

The Honourable Financial Secretary

Seconded

His Excellency The Governor

Does anyone wish to speak on this Bill? No, we shall proceed by short procedure. Any amendments? The Bill be read a third time and passes.

Clerk of Councils

The Interpretation and General Clauses (Amendment) Bill 2002
The Retirement Pensions (Amendment) Bill 2002

The Honourable Financial Secretary

Mr President, Honourable Members, there are two purposes to this Bill. The existing law is sexually discriminatory in that it allows for credit of contribution in respects of periods before the commencement of The Retirement Pensions Ordinance for males on a course of educational training overseas but not for females on such a course. The proposed new section 4(a) deals to right this but would postpone the credit of the contributions on a wait and see basis so as to avoid unnecessary expenditure by the Government. The credit of the contributions will not be made if (a) based on her spouse's contribution record a greater benefit would be payable or (b) her own contribution record entitles her to a maximum retirement pension.

The second amendment is to sections 10(4) and a new proposed section 13(8). These amendments are intended to prevent persons with a substantial income from all sources obtaining contribution credits paid by the Government. Currently only earned income is taken into account. I beg to move the second reading of the Bill.

The Honourable Chief Executive

Seconded.

His Excellency The Governor

Anyone wishes to speak to the Bill? We'll go through the proper procedure in that case. Do you wish to speak?

The Honourable Mrs Norma Edwards

I would just like to thank the Financial Secretary for amending this Bill, however, and I think I must declare an interest here because it may affect one of my children or both of them, one anyway.

Is this going to be a retrospective payment for the girls who have gone through college in recent years or not? I would just like you to make that clear please for information to the general public.

The Honourable Financial Secretary

I can confirm that it is retrospective, its introduction was that it was for periods prior to the commencement of the Ordinance, that will be taken care of.

His Excellency The Governor

Does any other Honourable Member wish to speak? The Bill will be read a second time.

Clerk of Councils

The Retirement Pensions (Amendment) Bill 2002

His Excellency The Governor

Are there any further, if not I think we can move straight to the short procedure. If there are no further comments or amendments then the Bill is read a third time and passes.

Clerk of Councils

The Retirement Pensions (Amendment) Bill 2002
The Statute Law Revision Bill 2002

His Excellency The Governor

It is Statute Law Revision Bill and not as here The Statue Law Revision Bill.

The Honourable Chief Executive

Well, The Statute Law Revision Bill is indeed a monumental Bill to bring. This is essentially a tidying up exercise repealing certain legal drafting and inconsistencies from a few years ago but more applicable than that, it also repeals legislation of the 20th, 19th and 18th centuries. So it takes out of the running, The War Charities Act 1840, The Conspiracy and Protection to Property Act 1875 and here we must be very cautious the Piracy Act 1698 and 1721. If Members are able to encounter such drastic revision, I am pleased to move the second reading of the Bill.

His Excellency The Governor

Does anyone wish to second. The Honourable Roger Edwards seconds. Anyone wish to speak on this Bill? No amendments. No one wants to retain piracy, the Bill is read a third time and passes.

Clerk of Councils

The Statute Law Revision Bill 2002

The Motion for Adjournment.

The Honourable Chief Executive

Mr President, I beg to move that the House adjourns Sine Die. With that I shall also extend my personal warm welcome to the incoming President and I'm sure on behalf too of the Civil Service we extend a welcome and say how much we will look forward to working with the new President when he finally takes the Chair. Mr President, I move the House adjourns Sine Die.

The Honourable Financial Secretary

Seconded

His Excellency The Governor

Anyone wishes to speak to the Motion? I'll leave that to the mother of the House. The Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

Sir, in rising to support the Motion for Adjournment, I would like to mention just a few things. I'd like to welcome to our Chamber, Commodore Richard Ibbotson. I hope that you will enjoy your stay with us and your attendance of our meetings, we look forward to seeing you in. And, I hope that you will enjoy your stay in the Falklands and your wife. We welcome you both.

I have already said congratulations to our speaker in waiting. I've worked with Mr. Blake on Council before today so I look forward very much indeed to having him preside over us.

I must touch on the burning issues of the moment which includes the overspend on the Junior School and the accountability of contractors and partners we get ourselves involved with. It would be inappropriate to pass any judgement at this stage. And, indeed, I couldn't because the Auditor will be looking into the latest overspend but I would say just this that it seems to happen terribly frequently in the Falklands. We really have to look carefully at accountability of contractors and partners in the future if we are to go on giving out vast sums of money for our improvements.

With that in mind, looking at the suggested amount that we should spend on the Police Station leaves me cold. If that's a starting price then it won't get my support. We are not building some institute for the criminally insane. It's just a little lock-up. We don't have too many terribly bad people go through it so I think we can look again at our plans for a new police station. Let me say at this point, a new police station is one of the things I would really like to see advanced but not at any price.

If I could mention the Ground Force team. I was approached and asked if it cost us any money for me to perform. I believe it did cost some money but, in comparison with the publicity that we have achieved from this. I hope that it's good publicity. It would cost an awful lot of money to get an hour of worldwide publicity for the Falkland Islands and good publicity. The money was taken from a vote that wasn't used. I don't know exactly how much yet but in due course, I will let the person concerned know but I don't think it was very much. We have to be grateful to the Armed Forces who helped transport these people and their kit down free of charge. I believe the BBC paid for the accommodation so I don't think we spent very much money, it is not clear yet how much. But for the good publicity we receive it will be well worth it.

On that subject, I have to say that after Max Hastings' negative remarks about the Falklands, it was wonderful to have such an enthusiastic reaction from the Ground Force team. They had nothing but good to say about the Islands and the people. It was a very nice surprise for me and I hope the people enjoy the garden in the future and maybe one day I'll be sitting there. The old people's accommodation and sitting in the garden - goodness knows - not too soon, I hope.

I would just like to say something on the rules and regulations pertaining to Government employees and their vehicles. I was absolutely appalled and shocked to read that one of our employees had refused to help a Serviceman who had an accident. Now, there are rules and regulations pertaining to who they can pick up and ride around with in Government vehicles but I don't think that has anything to do with compassion for someone who is in a difficult situation and who is hurt or injured. Common humanity should tell you what to do in those circumstances. And, I hope that whoever was guilty of this awful deed is found. And, I would hope the Government no longer employs him. I don't want to be part of a government who employs people like that. It reflects terribly badly not only on the workforce of PWD. It reflects on all of us in the Falklands and people are really shocked and upset by it.

On Gibraltar, Sir, I think I would like to just record in this House that we do feel for the people of Gibraltar. I know that they are worried about their future. We support wholeheartedly their aims of self-determination and I think we will be writing in due course on this point to the Secretary of State, just to reiterate our support for Gibraltar's stance. We know very well that it doesn't very much pertain to us in any way the situation in Gibraltar or not very much, but we do sympathise with the people's feelings there.

May I add, Sir, my condolences to the Royal Family on Princess Margaret's death. I believe there is a book of condolence in Government House, if anyone would wish to sign it. I don't know if this has been made particularly public, but I notice that there is one up there. Again, add my best wishes to Monsignor. He will be sadly missed here and I hope he's back before too long.

Thank you, Sir. I support the Motion for Adjournment.

His Excellency The Governor

I thank The Honourable Mrs Norma Edwards. Any other Councillor wishes to speak on the Motion for adjournment? The Honourable Mike Summers

The Honourable Mike Summers

Mr. President. I would like to join in the welcome to the new Commander British Forces I hope he enjoys his term here. I would reiterate the hopes that I put at the time that his predecessor arrived and that is that we can move forward with some of the thoughts and ideas that we have about co-operation between the Military and the civil communities which, I think, can be done to our mutual benefit. We are awfully slow about it and I am sure there are very good reasons for that but I would like to see us move forward on a couple of those issues.

Sir, I don't know if it's that I wasn't paying attention and if this matter has been mentioned before in public, then I apologise to those who have done it but I was advised yesterday that Bob Storey died in March of last year. For those of you who don't know, Bob Storey was the man who essentially wrote the Shackleton Report. Lord Shackleton took of course the credit for leading that team as he should but many of the thoughts, ideas and proposals that came to make up the Shackleton Report were produced by Bob Storey and his team. And, I was not aware that he passed away last year. I don't think it has been mentioned in this House. I would like to pay credit to the work that he did on behalf of the Shackleton team and on behalf of the Falkland Islands.

The Constitutional Review Process continues again in this Council. I think we had a successful meeting here the other evening and I was delighted to see so many members of the public present. Some of it was perhaps interesting and some of it may have been a bit dry. The next meeting of the Constitutional Review Committee will be on the 25th of March in this Chamber and we will deal then with the key remaining outstanding issues, particularly the structure of Government and amendments to the rules of debate in this Chamber and to the provision of an audit commission. Those are the important matters. We hope that members of the public will attend that meeting as well and it is hoped that we will be able to provide some time for members to speak from the floor. So, we look forward to that.

One of the key elements of the discussions the other evening was the agreement of all members, hardly surprisingly, that the issue of self-

determination and, indeed, the right to dispose of natural wealth should be included in the body of the Constitution. We will be looking at re-drafting the first part of Chapter I to achieve that and make those proposals to the UK Government for acceptance. And, on the issue of self-determination, like my Honourable Colleague, we hope that the right to self-determination for the people of Gibraltar will be fully respected in the current process. And, that the notion of self-determination is not somehow undermined by that process. And, that others get excited by that prospect. We wish the people of Gibraltar well in all those deliberations.

We have also been recently through the first part of a budget process for this year and I would just like to mention that whilst we think we ought to produce another balanced budget this year, there is still some work to do both on Operating Expenditure and Capital Expenditure. I think it's only right in terms of public disclosure to mention at this stage that there will be no proposals to blacktop the Mount Pleasant Road. Some further experimentation may take place to see whether it's affordable in the longer term but, at the moment, it's not. In respect of the comments of my colleague on the police station, I think it's also fair to reveal that the original estimate of £3.1 Million has not been accepted by the members of the Council and a significantly lesser amount has been inserted in the provisional estimates. And, there was nobody who deferred from that.

Just as a bit of additional information, I think we do have a provisional figure for the Falkland Islands Government contribution to Ground Force and it was of the order of £24,000.00, which is extremely cheap publicity, indeed.

The deliberations on the estimates also concluded that however popular it may be, the re-introduction of a medical service levy would not be practical. It would probably cost more to collect than we would collect, unless it was set at a very high level. It's an inconvenience for administration, it's an inconvenience for employers and would have no real affect in terms of the over-all budget. However, if taxation is so popular, we are prepared to receive representations about increasing the level of tax, if that's what people would like, so that we could more fully fund the Health Service.

Two other areas just quickly, in which I am involved and there are issues going on just now. People will be aware that there have been a number of changes in Stanley Services. I would just like to reassure the public that the changes that have occurred so far and any changes that might occur in the future will not affect the security of supply of fuel to the Falklands and the level of security that we currently have will be retained. The level of price control we currently have will be retained and we don't expect to see any price rises in the near future, certainly not as a result of any restructuring we might be considering. I, for one, remain committed to the notion of disposing of some of the Government's shareholdings in that company to the general public. That's a proposal that we will bring forward in due course. That might not receive universal acclaim amongst my colleagues but I think it's a good thing for the people of the Falklands to own the assets that provide some of their principal services.

On rural development, we have not made, perhaps, as much progress as I would have liked since the election but it is only a couple of months. There is an urgent amount of work to do in rural development to provide new forms of support - perhaps a new direction in the way that support is provided to the rural community – and greater incentives to other people to move into the rural community and set up their businesses there. And, I look forward to starting that work next week in the Agricultural Support Group. It is an essential matter for us to provide the necessary assistance to maintain the population in Camp and I hope that we will come forward with some new proposals and better ideas for doing that in due course.

Sir, I support the motion.

His Excellency The Governor

I thank the Honourable Mike Summers. The Honourable Roger Edwards

The Honourable Roger Edwards

Your Excellency, in rising to support the Motion for Adjournment, I'd like to be brief in my statements. We have already heard and no doubt will hear yet that there are many things wrong with the way we operate and oversee expenditure and project costs on our fairly high-profile Capital Projects. I believe that this is being investigated by our senior officers and our auditors. I am convinced that systems are being put in place to reduce the likelihood of these being repeated.

Henry Ford, it is said, was being briefed by an aide on some particularly bad publicity. And, when the aide had finished explaining how awful this publicity was, he said did they spell my name right. We have had our share of poor publicity recently from a well known journalist and the article written in the newspaper was far worse than the actual film that went out. But it was, nevertheless, some poor publicity. However, I would like to remind everyone that more recently we had Bob Neal and Jimmy Clues here – a wood turner and wood burner and, thank you very much to the Shackleton Trust for inviting them down. They were a delight to have in the Islands and have gone away full of enthusiasm for the Islands. They were also most generous in obtaining from various manufacturers, items such as lathes, tools and pyrography kits to give to the school and schools in Camp. They will be writing in five or six craft magazines and giving us good publicity. There then followed the Ground Force team. And, for a very small outlay, we obtained incredibly good PR. They, too, were very enthusiastic about the Islands. They go out with one of their Ground Force specials to 10 to 12 million people on the night. And then, when it is released to the worldwide audience, it reaches up to about 100 million people. For the price that it's cost us, that is incredibly good value. And, even more recently, we have had the visit of three MPs from Westminster and one MEP. They were delighted with the way the Islands are and the way we operate. And, as they told us the other evening in their briefing, we have a good story to tell and we should keep it simple and we will get good publicity. And, I hope this theme continues in this, the 20th

anniversary of the 1982 Conflict and this, the Golden Jubilee year of Her Majesty.

I, too, would like to repeat my wife's feelings regarding the Government employee – the Bad Samaritan – who left an injured serviceman on the side of the road. However, I am delighted to say that I have heard recently that the injuries were not quite as serious as previously thought and he appears to be making a good recovery. And, I hope that Commodore Ibbotson will take our best wishes to that serviceman.

Councillor Mike Summers mentioned the Rural Development Scheme. I have been pushing since we got on to Council. And, one of the things I stood for was to get a much more projective and identifiable scheme going for support in Camp. The subsidies will soon fade out but I do believe that to keep the people living in camp, particularly on the islands in West Falkland, further support will be necessary. And, I wish him well in his deliberations with the Agriculture Department and others to provide that support in the future.

Finally, I would like to make my welcome to Commodore Ibbotson and his wife to the Islands. I look forward to seeing him regularly within our Chamber. And I hope, too, that we can continue our close liaison with the all British Forces in the Islands.

Sir, I beg to support the Motion.

His Excellency The Governor

I thank The Honourable Roger Edwards. The Honourable Richard Cockwell

The Honourable Richard Cockwell

Mr. President, Honourable Members, in rising to support the motion, I, too, would like to welcome Commodore Ibbotson and his wife to the Falklands and the Commodore to this House. I look forward to working with you in the coming year. I'm sure we have a lot of interesting things to debate and no doubt there will be certain issues that we can't come to agreement on but I am sure there will be many issues that will carry forward the excellent relations we have with the Military.

Also, I'd like to congratulate – I'm not quite sure what the Speaker's title will be – whether he will be the Honourable Tim Miller or (laughter) I beg your pardon, Sir. We're getting there, exactly I'm not quite sure how we will but anyhow, I would like to congratulate Tim Blake on becoming the first Speaker of the House. It's great to see someone who lived on West Falkland with me for many years reaching this post. I look forward to see the workings of this House later on.

I was very sad to hear the Honourable Mike Summers tell us about the death of Bob Storey. I feel quite guilty. He was an old friend of mine who, unfortunately, I lost track of and I was unaware of his death and I do wish to pass on my condolences to his family.

Going on to 2002 and the 14th of June Anniversary, I think the Honourable Roger Edwards has already said what I would wish to have said. He has covered that issue extremely well and I think the publicity we will get from the media coverage is going to be invaluable. We have to make sure that we brief them in a way, which they can publicise a good story that the MPs say we have. Also, I look forward to seeing what arrangements we have to celebrate the Queen's Jubilee.

During this coming year we also will be receiving the SAMA Pilgrimage in November. I hope that the arrangements, which are being put in place, will be clarified very soon so that we can make sure from this end that everything needing to be done can be covered.

I, too, would like to pass on my sympathy to Her Majesty the Queen and the Queen Mother, of course, on the death of Princess Margaret. And, I would also like to pass on my condolences to the rest of the family.

I was very sad to hear that Tony Agreiter had to leave so suddenly. I think he will be greatly missed in the community. I have heard that the initial prognosis is quite hopeful and I send him my best wishes and hopes for a speedy recovery.

On Gibraltar, I also would like to express my support and hope the support of this House on the rights to determine their own future.
Sir, I beg to support the motion.

His Excellency The Governor

I thank The Honourable Richard Cockwell. The Honourable Mrs Jan Cheek

The Honourable Mrs Jan Cheek

Mr. President, Honourable Members, I'd like to join in the welcome for the new Commander, Commodore Ibbotson and his wife. I hope when your family visits, they will enjoy the Islands as well.

I remember Bob Storey and the great enthusiasm he brought to the task that he had to do. And, I, too, am saddened to hear that he has died.

Turning to what seems to be a great issue at the moment, the cost of new buildings, it's difficult to avoid a wry smile, having just spent part of a short holiday in Edinburgh where I had the new Scottish Parliament pointed out to me. The initial cost, I understand, was to be £28 Million. The current projections are looking like £300 Million and rising – a tenfold increase. Maybe our 10% or 20% is not quite so bad.

The Honourable Mrs Norma Edwards

We don't want to compete with that..

The Honourable Mrs Jan Cheek

Certainly not. Another comparison we could make – if we put together the cost of the Junior School extension, the Abattoir, the FIDF building and once a reasonable estimate has been reached, the Police Station – those four projects could still, together, cost less than the Senior School cost 10 years ago. So, let's not get things out of proportion.

If it is the case that FIG builds cost more, then we need to ask why, not just thrash out blaming all and sundry. I've got some knowledge of building costs and find it difficult to understand why it costs so much more to build a house for Government than for a private individual. I choose a house as an example because it is easier to make a direct comparison. It's not that specifications for Government housing are so much higher, most private builds now – you only need to look at East Stanley to see – have a high standard of insulation, of energy efficiency, most have low-maintenance finishes. We have to analyse the real reasons for the cost differential if we are going to get true value for money.

I am not going to join in the local sport of PWD and Contractor bashing because, as far as I am concerned, the jury is still out. An example now is the police station. It's a pity that people have seized on an estimate for a design that, as far as I am aware – and I am a member of the Police Committee – is not yet finalised. You may be sure that everyone involved is well aware of the budgetary restrictions, the need to balance our budget and the need to build a building, which is sensible and carefully planned to meet the surprisingly complex needs of a small country. With this in mind, I recently alerted you, Sir, as Chair of the Police Committee, on the need for an early meeting to discuss the revision of plans, which I understand were looked at again yesterday by some Officers in order to reach a realistic estimate before people get over-excited on the subject.

On Gibraltar, it's natural that we should have feelings of sympathy for the Gibraltarians, who are currently worried about their position. We all have a clear idea of what our rights are in terms of self-determination and I am confident that those rights will be respected because world opinion requires now that they are.

I support the Motion.

His Excellency The Governor

I thank The Honourable Mrs Jan Cheek. Councillors? The Honourable John Birmingham I call with a certain trepidation. Those who have not read this morning's Penguin News will not have noticed the characterisation of the Honourable John Birmingham as "always a revolutionary when the Governor is the subject." The Honourable John Birmingham

The Honourable John Birmingham

Mr. President, Honourable Members that is one of the reasons I was actually was going to speak against doing away with the Piracy act of 16, 16 Canteen. May I say, for one thing, I can't find my piece of paper but I have now. I'd like also to welcome the Commander to the Islands and hope that he and his wife will enjoy the splendours that we have here including the weather - well, maybe not today.

I'd also like to join members who have spoken and show support for the people of Gibraltar. I notice in the newspaper yesterday that the Portuguese are now starting to wind up a claim against the Spanish that they have not stuck with an agreement entered into some 150 something years ago. And, that the Spanish have hold of some Portuguese territory as well as their possessions in Morocco. I am sure we will see something happen there, no doubt.

On a totally local issue, Mr President, Members, I'd like to put on record my objection to the reintroduction of performance related pay. I think it's divisive, it causes friction certainly amongst the smaller sections within the Government. I don't believe it is supported by more than a minority of the workforce and I don't believe that Heads of Department giving a free vote would support it either. I am only sorry that the Union is so short of support that it isn't able to properly look after its membership and after its members' interests. I'm looking forward to 'performance related pay Mark 2 going the same way as performance related pay Mark 1.' But it is policy and I have to say that employees have to abide by that.

On performance, I would like some acknowledgement of the Post Office, who do a sterling job, who work some outrageously awkward hours and who had to deal with a lady some two days ago, coming to the door at a late hour and swearing at the staff because the swearing mail room wasn't ready when there was swearing enough of you here doing the job. I would like the Post Office staff to know that they certainly have my support and, I am sure, the support of most people who use the service.

On the subject of the road incident and the Bad Samaritan, and that title for the person concerned, we have the Chief Executive looking into this and apparently, from what I hear this morning, there is some doubt that the driver of the vehicle was actually an FIG employee in an FIG vehicle. I'm certainly not pointing any finger at any Government Departments at the moment. Whoever that person was, I hope they are suitably ashamed of themselves. And I would like to add my name to the list of people who asked the Commander to speak with the people concerned.

On the Police Station, the Honourable Jan Cheek has mentioned over-excitement on it. Well, I don't think anybody's getting particularly over-excited at the costs. But, I'd like to point out that in her absence on a well earned leave some weeks ago, I sat in on the Police Committee. It was only by chance that we found out that the roof covering the extensive prison block

was going to be made out of six inches of reinforced concrete. It was purely by chance if the question hadn't been asked we just wouldn't have known. I think that the architect by following guidelines laid down by the Home Office was missing the point about the true status of the Islands. But maybe now that she has been here, she might well change her mind. There have been suggestions, which I am totally against, that it's anything to do with the architect being female. That is outrageous. But hopefully, we will get a new police station but at a reasonable price.

I had a breeze through the Penguin News and I think it's nice to be criticised in the editorial. It means you've arrived. It's taken me a while but I have arrived, so that's fine by me.

I would just say that with the appointment of the new Speaker, apparently the Hon. Mr. Miller-Blake, that we – it's taken four years to get to this point and it would be interesting to know how long it would be to choose an ombudsman from within the local population who everybody was satisfied with.

Mr. President, this is the last meeting that you will preside in. You will leave in some months, we assume, and if you will look to your right, sir, you will find that there is an array of photographs and paintings of previous Governors. Presumably your photograph will go on the wall. One request from myself is that the photograph is black and white because that's how we like things here – black and white.

I don't really have a great deal more to say. In fact, I have nothing more to say. Sir, I support the Motion and I shall sit down.

His Excellency The Governor

I thank The Honourable John Birmingham, and I am very happy with black and white. Any other Councillor wishes to speak? The Honourable Philip Miller

The Honourable Philip Miller

Mr. President, Honourable Members, in rising to support this Motion, I do have things I would like to say. Firstly, I would like to join my colleagues in welcoming the Commander British Forces, Commodore Ibbotson, and his wife to the Islands. I also congratulate Mr. Tim Blake - Miller-Blake as it has been established – on his appointment to be the first Speaker of the House.

I have now almost completed my first three months as an elected member of the Council. Whilst I was under no illusions before the elections in November that there would be a lot of hard work involved, I am somewhat overwhelmed with the amount of reading one has to do. I am sure it will come easier as the months roll by.

At the December meeting of this House I touched on a couple of topics. One was the road to New Haven. I also spoke briefly about the need to use a clear immigration point system. Recently a young Falkland Islands lad couldn't get

a job in Stanley and had to move to Goose Green to find work. This is great for the push to repopulate Camp but what concerns me is what happened to the freedom of choice. I am not, for one minute, saying that Goose Green is not a good place to live or work but merely suggesting that we have a lot of immigrants and no job vacancies. We must surely have a duty to house and provide jobs for our own people.

On the subject of Morrisons, I am concerned, along with a lot of other people, at the length of time it has taken to build the Kent Road and some of the practices that are involved in the building of the road concern us as well. The last thing, about Morrisons, again, it is my belief that it went to compete with the private sector with regard to machinery and plant hire. It appears as though some of these hire rates, that there is some competition.

Sir, I would like to support the motion.

His Excellency The Governor

I thank The Honourable Philip Miller. The Honourable Stephen Luxton

The Honourable Stephen Luxton

Mr. President, Honourable Members, in rising to support the motion I'd like to also begin by welcoming the new CBFFI, Commodore Ibbotson, who, I hope, will have an enjoyable and productive year here. I am fully supportive of you and your successors continuing to have a seat on this Council. I think it represents an important link between Military and Civilian communities.

Speaking of Civil/Military relations, I think I speak for my colleagues and the vast majority of Islanders when I say we were collectively furious to learn of the outrageous incident that occurred on the Darwin Road recently. I sincerely hope that the culprit will be found and punished. We can only offer our apologies for an incident, which was totally unrepresentative of our population.

Moving on to more positive things, I understand that the New Haven road is well on schedule. I feel we are proceeding in the right manner and should ultimately aim to have our coastal vessel, whether Tamar or another, based at New Haven for all its activities once the necessary infrastructure is in place. At the TAC meeting only yesterday somebody mentioned, not for the first time, what a good idea it would be to have a weekend ferry trip late on Fridays and Sundays and this is only realistic with the shortest possible distance across the Sound. The rest of the facilities can be upgraded as required. But short of a major geological event, the one thing you cannot change is the distance across the Sound. I wouldn't wish to be in the position in 10 or 15 years time where we had a successful ferry service operating across the Sound but everyone complained of the long sailing time of 3 hours to Port San Carlos and we all said that we all wished we had put it at New Haven.

Also, on the subject of roads, I would like to congratulate the PWD staff who have been carrying out the excellent and very effective resurfacing of some of Stanley's worst roads recently. I don't know who originally thought of doing it this way but I congratulate them on a very sensible idea. There are quite a few other roads that will benefit from this treatment. While I must declare an interest because I work there, Crozier Place must be getting quite high on the list now. It's a source of some amusement to me that despite being Chairman of the Transport Advisory Committee, I live at the end of what is quite possibly the worst 100 metres of road in the Falklands. I do hope that one day this may be addressed, too.

As many people will be aware, I voice discontent with the nature of our construction partnership at the time of the election. The outrageous delay and cost over-run that has occurred with the Junior School has only served to reinforce that opinion. I hope that, as a result of the investigation into this that procedures and financial controls relating to the construction partnership will be thoroughly reviewed and tightened up. As several folk who had commented recently, there is no point in having an open book contract if nobody's looking at the book.

Sir, I support the motion.

His Excellency The Governor

I thank The Honourable Stephen Luxton. All elected Members have spoken. I call upon Commander British Forces, if he'd like to speak.

Commander British Forces

Mr. President, Honourable Members, it is a privilege to come back and to introduce my wife to these Islands that I know well and for which I have considerable personal affection. If I might note, I am delighted to see the positive changes that I find here since I last served in the Falklands in the mid '80s and I compliment you on those.

I am very keen that British Forces Falkland Islands continue to contribute wherever it's appropriate and I see considerable merit in vigorously pursuing the common areas of interest that have been raised this morning.

Thank you, Sir.

His Excellency The Governor

The Honourable Chief Executive

The Honourable Chief Executive

Mr. President, with apologies but if I might just exercise the right of reply on a couple of items which members have raised. I think the first one is the issue that's been raised by four Honourable Members concerning the incident on the MPA Road. I can confirm what the Honourable John Birmingham has

said. So far, my office and the Royal Falkland Islands Police have spent a lot of time trying to track down the nature of this incident. People have been interviewed. At this stage there is no evidence a civil servant was involved. What we will now be doing is to interview the service people themselves that have come off the Endurance and, once we've got to the bottom of this then, of course, we will be making a statement. If a civil servant is involved, he can be assured that he or she (he in this case) will be dealt with. At present it is not clear a civil servant was involved or to what extent a civil servant was involved. It is important that point is made.

The second point I want to make is the Hon. John Birmingham, who (spoke about) performance related pay. I just wish to say, quite apart from the Honourable Members views on the matter which of course, are terribly right, we have very widely consulted our civil servants. Every civil servant has had details sent to them in a personal letter by me well over two months ago. We have extended the period of consultation. I have had 15 replies. No one has disagreed with me. I've had four meetings with chief officers. All Heads of Department have been required specifically to give their views. Their views have not been repressed. Their views are generally supported. I have to say the reason we are doing this is that a large amount of civil servants – 65% of them – have been held at the bottom of the pay bands for the last three years and are not able to progress. The views that I have, which, I think most Honourable Members have is that if people are to progress, they have to earn that progression. Let us hope there is justification that we will all be coming back here in a few months' time and the fears that are felt will prove untrue. If he's right, I'll buy him a pint. If he's wrong, he can buy me several. Finally I echo the welcome to Richard Ibbotson and his wife, it will be a delight to work with you and there are many things that we have in train between the Government and MPA where we are looking to add value by doing things together. I look to developing those things with you; the Government looks forward to working with you. I've had my say Sir; I shall now sit down.

The Honourable Financial Secretary

I'd just like to support the Motion Sir and a welcome to the new Commander.

His Excellency The Governor

Thank you very much. I'll close by saying this has been a crisp and good-humoured meeting of Legislative council but a very important meeting. The decision to appoint of a Speaker is a historic moment for the Falkland Islands. At the next session it is important that we have a proper handover perhaps with an appropriate audience to witness the event, that is of great importance to the Islands. I thank Honourable Members for their warm comments about the Chairmanship of the successive Governors and for advice on photography and the early departure.

Thank you very much; the meeting stands adjourned.

Confirmed this 28th day of MARCH

Legislative Council
Held on 22 February 2002
Page 25 of 25

J. S. R.
SPEAKER

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON 28 MARCH 2002**

**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY ON 22 FEBRUARY 2002**

PRESIDENT

His Excellency The Governor
(Mr Donald Alexander Lamont)

Mr Speaker
(Mr Lionel Geoffrey Blake OBE)

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
(Commodore Richard Jeffery Ibbotson, DSC MSc RN.)

CLERK: Claudette Anderson

PRAYERS: Padre McHaffie

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Record of the Meeting of the Legislative Council Held on Thursday 28th March 2002

PRAYERS

His Excellency The Governor

Good morning Honourable Members, Ladies and Gentlemen and those who are listening on the radio, welcome to this historic meeting of Legislative Council.

Clerk of Councils

Motion No. 2 of 2002 by the Honourable M. V. Summers OBE

It is moved that the amendments to the Standing Rules and Orders which I now lay on the table be accepted by the House and take immediate effect.

The Honourable Mike Summers

Mr President, the purposes for these amendments to the Standing Orders of Legislative Council are threefold: firstly, to enable the introduction to the House of the Speaker, who was elected at the last meeting. Those are largely technical amendments. Also, we took the opportunity to clarify the voting system for Executive Council. I believe there was a great deal of confusion at the last set of elections for Executive Council and the procedure in the event of a tie is now more clearly set out in the standing orders. The third set of amendments is to enable greater debate in the House, both around questions and motions, motions at short notice, etc. There is one issue that is not included in this set of amendments and that is provision for the appointment of a Deputy Speaker because that is not yet allowed for in the Constitution. I believe it is the wish of Members that in the event that the Speaker is not available at a future meeting that we would ask His Excellency not to invoke Section 33 of the Constitution but to permit the Members to nominate an acting Speaker. And, for the present time, and providing he is available, it is the intention of the members that that should be Lewis Clifton.

Sir, I beg to move this Motion.

His Excellency The Governor

I thank the Honourable Mike Summers, Does anyone wish to speak to this Motion. The Honourable Richard Cockwell

The Honourable Richard Cockwell

Mr President, Honourable Members, In rising to second this motion, I would just like to say that I believe this is part of the Falkland Islands coming of age. It is no reflection, Sir, on your chairing or presiding over this Council but it is the way the world is going. That's the way we expected it to go and I trust that you will accept it as that and not as any reflection on yourself, Sir.

Sir, I beg to second the Motion.

His Excellency The Governor

Does anyone wish to speak to the Motion now that it has been proposed and seconded? May I assume that it enjoys consensus and support within this House? So be it. It is adopted.

May I say that I am very content with this step that has been taken. I am content with the specific amendments and, as I have indicated before, content with the process. I might take this moment to say a few words in general and, I think, Honourable Members may want to say a word and then I shall introduce and hand over to the Speaker.

If I can take slight advantage of my position, very briefly before addressing the substance of this decision, with the Commander British Forces beside me I would like to thank him and through him, the Captain and all on **HMS ENDURANCE**, for the visit I recently made onboard that vessel to various parts of the Falkland Islands. I will say more about that, I hope, if FIBS agrees, suggests that I might be interviewed on the matter, indeed BFBS as well. I just want to record that **HMS ENDURANCE** has done a lot of work of considerable importance for the Falkland Islands in terms of surveys at New Haven and at Stanley Harbour. And, her presence here is a continuing reassurance, so the visit that I made was very welcome in terms of being able to acknowledge and to express satisfaction at the role that the **HMS ENDURANCE** plays and I want to take advantage of this moment to say that publicly.

Turning to the substance of what we are doing, one or two people have said to me "Governor are you really content with this decision" and I have said quite clearly that it is on record from early in my time here that I am. We have now formally agreed amendments to Standing Rules and Orders of Legislative Council, which open the way to Tim Blake taking over as Speaker – a provision

already in the Constitution since its last amendment. It is elsewhere in the Overseas Territories generally the custom that the Governor is not in the chair. It is appropriate that it is someone who is local and, indeed, the practice and my intention in the future is as another Overseas Territories, the Governor would not be at meetings of Legislative Council except on the occasion of the Speech From the Throne.

I think it is, indeed, an important step forward and a signal of the developing maturity of politics within the Falkland Islands and of the willingness of people here to develop to the extent at which they take responsibility through elected representatives for the decisions on matters that affect directly the inhabitants of this territory. I am very content that this step has been taken.

May I say, since this is the last time perhaps that I will have the opportunity to look at Honourable Members and in this sort of context have the opportunity to say so, that it is on one hand a healthy aspect of democracy, I suppose, to be sceptical about politicians but the development of a healthy democracy requires people who are willing to devote time, to devote effort, and to put up generally with the sticks and stones and brick bats rather than pats on the back. And, let me say with all genuine sentiment, that I have a great admiration for the willingness of those of you who are here and who were here previously in Legislative Council during my time, an admiration of the amount of time that you are willing to commit to what is now a very complex task of dealing with the issues which face these Islands. You devote the time – you devote great effort going through papers, which deal with sensitive and difficult issues. There are difficult choices to be made when you are in Government and close to it – difficult choices which you don't have to exercise if you are a critic from outside – which you have to face when you are within that system.

It has been a privilege to me, to work with you, and I look forward to doing so in a slightly different way over the months that remain until the end of my time here. I want to congratulate, as I did on previous occasions, Tim Blake on his appointment, which we now can put into effect with the adoption of these amendments. Before I proceed to hand over, I understand Honourable Members may wish to say a few words.

His Excellency The Governor

The Honourable Roger Edwards

The Honourable Roger Edwards

Your Excellency, many years ago when I was a small boy I attended my first wedding in the village and the bride's mother was crying with happiness and she was saying that she lost me a daughter but gained me a son. We're not crying with sadness now but with happiness that we are losing a President and gaining

a Speaker. And, as has already been pointed out, this is a continuing growth of the Council's maturity and confidence within the Legislature. I would like to thank you, Sir, for your three years in support of the Legislative Council and, as a Member of the Legislature, you are entitled to wear a Falkland Islands Legislative tie. I would like to thank you, and on behalf of the Legislature, give you this tie.

His Excellency The Governor

Thank you very much for that gesture. I shall wear it with genuine pride. Does anybody else wish to speak? The Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

Yes Sir, just to say, like everybody else, I'm sure, welcome to Mr Blake as our Speaker and farewell to you. I am not crying with happiness but I think it's a very satisfying situation that we are now mature enough to continue forward in Government with our own Speaker and so on. I wish you well.

I would like to say also that we thank not just you but all the Governors who have preceded you in this place because we've had wise and good counsel over the years and certainly in my time on Council the Governors I have had dealings with and it's been very much appreciated. They haven't been pushing your point of view. They haven't exercised their rights, as they stood in the Constitution, where they could over-rule us if they so wished. That has never happened and it has been very much appreciated by me and, I'm sure, other Members of Council that's gone before.

Sir, I wish you well in your new capacity of being able to sit in the public, if you so wish and cast a beady eye from there. And, welcome Mr Blake to your seat. Thank you.

The Honourable John Birmingham

Mr President, Honourable members, I would just like to follow on from The Honourable Mrs Norma Edwards and also say that, generally speaking, apart from a little hiccup, the Presidency that's been under your wing has gone rather smoothly. I would also like to welcome the new Speaker and hope that he doesn't rule with the iron hand that you have been ruling with for the last two and a half years.

The Honourable Mrs Jan Cheek

Mr President, Honourable Members, I would like to associate myself with the remarks made by the others. This is, indeed, a big step into maturity for this Council, and one which is the result, not of just frequent work but work over many

years by many people on the Constitution, including our new Speaker, Mr Blake. I support the motion.

The Honourable Mike Summers

Mr President, it is my hope that the Governor doesn't, in fact, sit in the public gallery because, as you mentioned previously, that is not a normal thing. And, there is no reason why we should be abnormal. But I do hope that Your Excellency will listen to the full sessions of Legislative Council on your radio in your office and it can be regarded as work.

The work that goes on here is, of course, particularly relevant to what you do. The position is in no way changed by not being the President of this Council and you remain, unless the Constitution is changed in some very dramatic way, as head of the Executive. And, therefore whatever happens in this House is in your direct interest and your direct responsibility. We look forward to a changing situation and I hope this is one of a number of changes that will take place in this house in the forthcoming months when we see, perhaps, a more active House – a House that's debating more actively and more openly and more involved in the actuality of Government in the public eye, and not simply a bit of pre-organised play-acting.

Thank you very much, indeed, for your Presidency and, as my colleague has said, for the Presidency of previous Governors. We, of course, will pay a proper farewell to you in some months. Thank you.

His Excellency The Governor

Does any other member wish to speak? Can I say that I share the sentiments entirely expressed by the Honourable Mike Summers indeed, I will be an avid listener on the radio. I have, in the past, expressed the hope that more of the Legislative Council would discuss issues in order to form a background for decisions then taken in Executive Council so that there can be awareness among the public about those issues. We've made some progress in that direction. I am sure that more will be made.

I think it is now the moment for me to invite Tim Blake to take the chair as Speaker. I was struck that in all Commonwealth countries, the Speaker plays a very significant role in the development of the Assembly, the Legislative Council, or whatever it may be called, that has been reflected in recent journals of the Commonwealth Parliamentary Association. And, in each territory, of course, the model evolves in accordance with this local practice. And, I wish Tim Blake Good fortune and congratulate him on the confidence that has been placed in him by Honourable Members and would invite him to take the chair.

(Hand over from His Excellency the Governor to Mr Speaker)

His Excellency The Governor

Tim my congratulations. In handing over, I have something that I can give you symbolically – an advantage you will have that I did not have, by courtesy, I understand, of Willie Bowles – you have this rather attractive gavel to use and there was mention of a rod of iron, was there not, from one of the Honourable Members. Rod of iron or not, I do not know but you have a very impressive wooden gavel to aid you in conducting the business of this House.

My warm congratulations to you. I thank Honourable Members.

(His Excellency The Governor leaves the Council Chambers)

Mr Speaker

Honourable Members, I wish you good morning.

Members

Good morning, Mr Speaker.

Clerk of Councils

The Acceptance Speech from the Speaker of the House

Mr Speaker

Honourable Members, you have before you this morning a wholly unique order paper in that it gives the Speaker a chance to make a speech. I will not seek that advantage again but I thank you for it.

At Monday's public Constitutional debate, an Honourable Member asked what constituted under Standing Order 23(3), an inordinately long speech. Well, if he's got a stop-watch with him, then I suggest he starts it now and stops it when I stop talking and he will know then, how long he may speak for in future.

I thank you for the honour you have done me in asking me to be the first Speaker and to chair this House. And, I will do my very best to occupy this seat properly. I will endeavour to encourage debate and can I draw Honourable Members attention to Standing Order, 5(2) (f), the order paper, in which there is the chance to make statements and I think that it is there, where a Member has portfolio responsibility for a department and he feels that it is time that he or she explains to the public what's going that you will avail yourself of that right. And, I would also like to draw Councillors' attention to the fact that we have on the paper this morning, a bill for the Supplementary Appropriation. Now, you will know why the

departments so named require extra funds. But the people outside don't and can I suggest again that perhaps, as time goes on, that somebody actually explains why the Justice Department needs another £400,000.00 or what have you. But that is food for thought.

I will try to ensure that this is not an unruly House, or even a bawdy House but I am sure that this shouldn't be too difficult. May I draw everybody's attention to the fact that the Constitutional step forward that we have made in changing from a President to a Speaker, has been done with the Governor's encouragement and I thank him for that and I would also like to thank him for the kind remarks he made in his hand-over comments.

This is a major step forward in our Constitutional development and I hope that our neighbours and our friends will actually take note of the fact. I do apologise in advance for any errors I might make because make them I will. I remember some years ago sitting in and the President forgot we were passing the Firearms Amendment Ordinance and it was never read a third time and, as the then President had a deaf ear, the clerk tried to draw his attention to the fact that it never had a third reading.

And, so, Honourable Members – ORDER! (Speaker bangs gavel)

Clerk of Councils

The confirmation of the record of the meeting of Legislative Council held on 21 February 2002.

Mr Speaker

Does any Honourable Member have any amendments they wish to make to this record? Should I sign it?

Clerk of Councils

PAPERS TO BE LAID ON THE TABLE BY THE HONOURABLE THE CHIEF EXECUTIVE.

Copies of Subsidiary Legislation published in the Falkland Islands Gazette since the last sitting of the Legislative Council and laid on the table pursuant to Section 34.1 of the Interpretation and General Clauses Ordinance 1977:

The Embarkation Tax Amendment Regulations 2002
Payments on Account of Tax Correction of Error Regulations 2002
Commemorative Coins Amendment Order 2002

The Honourable Chief Executive

Mr President, I have the pleasure in laying the aforementioned papers on the Table.

Clerk of Councils

Questions for Oral answer

Question Number 4 of 2002 by the Honourable John Birmingham

The Honourable John Birmingham

Mr Speaker President, Honourable Members, can the Attorney General please inform this House who the trustees of the Media Trust and Falklands Conservation are answerable to?

Attorney General

Mr Speaker and Honourable Members. As the Honourable Member will be aware, the Media Trust was constituted by the Media Trust Ordinance 1989. A principal object of that ordinance was to make sure that the Penguin News and Falkland Islands Broadcasting Station are completely free from control by Government in their respective editorial policies. This is reflected in Section 5 subsection 1 Paragraph "B" of the Media Trust Ordinance 1989 which states that it shall "Be an object of the Trust to ensure that the Newspaper and Broadcasting Station are in their respective editorial policies, independent from control by the Government, any political party, trade union, religious body or any other body, sect, or interest group other than the Trust." The Penguin News is owned by the Trust but the Falkland Islands Broadcasting Station remains the property of the Government and its staff, are and continue to be, employed by the Government. And, the financial control of the Broadcasting Station and its finances are the responsibility of the Government. That is reflected in Section 5 subsection 5 of the Ordinance. The affairs of the Trust can, of course, be raised and discussed in this House. And, it is for this House to determine whether it meets any request from the Trust for funds in relation to the Newspaper, the Falkland Islands Broadcasting Station being, as I have said, the financial responsibility of the Government in any case.

In relation to Falklands Conservation, I believe that I ought, Mr Speaker, to declare my interest because I am a member of that body. Falklands Conservation is registered as a charity in England and, as such, is answerable under the Charities Legislation in England to the Charity Commissioners for compliance with English Charities Law. In the sense that it is a body with members, the trustees are answerable to the members in annual general

meetings. Falklands Conservation, of course, is entirely independent of Government except that Government has for some years given financial support to Falklands Conservation in relation to the carrying out of various projects. This House has no control over Falklands Conservation but matters relating to it can, of course, be raised and discussed here.

Mr Speaker

Councillor Birmingham

The Honourable John Birmingham

Mr Speaker, I thank the Attorney General for his very good answer there and I should also declare an interest in Falklands Conservation as a member. I wonder if the Attorney General could also tell me the status of the Museum and National Trust, would that be similar?

Attorney General

The Museum and National Trust is a statutory Trust under the Museum and National Trust Ordinance. It has a board of Trustees. It, too, receives financial assistance from Government. It has statutory functions and responsibilities. Its affairs can, of course, be raised in this house but it is an independent body and independent of Government.

The Honourable John Birmingham

Answerable to whom?

Attorney General

It is answerable in the same sense as any body is answerable in this House in the sense that anything relating to it as a public body can be raised in this House. The same would apply in relation to Falkland Islands Development Corporation, of Falklands Landholdings and any other statutory corporation of Government.

The Honourable John Birmingham

I thank the Attorney General for his answer.

Mr Speaker

Any further supplementary? No.

Clerk of Councils

Question number 5 of 2002 by the Honourable John Birmingham

The Honourable John Birmingham

Mr Speaker, Honourable Members, would the Hon. The Chief Executive please confirm that it is Falkland Islands Government policy to reply to letters from members of the public within 5 working days?

The Honourable Chief Executive

Mr Speaker, I thank the Honourable John Birmingham for this question. I remember him asking that same question 5 years ago on 10 May 1997, when he asked my predecessor on Legislative Council about what was "a reasonable time to receive a reply to a letter." The then Chief Executive replied that it was one week. From that stage on, as a matter of practice, it was agreed that the Government, where practicable, would reply to letters within 5 working days. Where a full reply is not possible, a holding letter should be sent. Mr Speaker, that performance indicator has never been monitored. More recently, all Heads of Department have been reminded by me of this standard and a sample audit of letters will be carried out later this year. I should add, that since 1997, the use of e-mail has significantly increased and the same standard applies to e-mails.

The Honourable John Birmingham

Mr Speaker, Honourable Members I thank the Chief Executive for his reply.

Clerk of Councils

Question number 6 of 2002 by the Honourable Mr John Birmingham

The Honourable John Birmingham

Mr Speaker, Honourable Members, will the Honourable Roger Edwards inform this House on the current situation with regard to rodent infestation in and around Stanley?

The Honourable Roger Edwards

Mr Speaker, there is currently no rodent infestation around Stanley. Not of the four legged kind, anyway. Infestation means "overrun in large numbers." And, there is no evidence of this. The Municipal Services section of the Public Works Department carries out rodent control in and around Stanley. Mechanical, electronic and poison bait traps are placed in strategic locations and wherever

signs of rodents are observed or reported. The numbers of rodents caught in the past 12 months average about 8 a month, peaking around March and April. About 90% of those catches were mice. There are presently about 100 traps placed in strategic places around Stanley and the rubbish dump.

The Honourable John Birmingham

Mr Speaker, I thank the Honourable Roger Edwards for his reply. I wonder if he could explain to me why there are so many traps around Gilbert House? But maybe he wouldn't have that information at the moment?

The Honourable Roger Edwards

I would say that there are 8 traps at the Secretariat, 5 traps around selected houses, 18 traps around agricultural buildings, the West Stanley Reservoir has two, the coast fronting East and West Stanley has 35 traps and the rubbish tip presently has 10 traps. And, I might add that the property and municipal facilities section treat rodent control very seriously and constantly monitor traps and bait to ensure adequate protection for the eradication of mice and rats in and around Stanley and staff are trained and have attained certification on environmental health and pest control.

The Honourable John Birmingham

Mr Speaker, Honourable Members I thank the Honourable Roger Edwards for his magnificent answer, I'm beaten, I retire.

The Honourable Richard Cockwell

Mr Speaker, Honourable Members, could I ask the Honourable Roger Edwards if there is a continuing programme to maintain the reduction in vermin not by trapping but by baiting?

The Honourable Roger Edwards

Mr Speaker, during my reply I did state that there are various means of trapping – mechanical, electronic and poison bait. So there is a continuing and wide-ranging course for reduction in rodents.

The Honourable Richard Cockwell

Mr Speaker, the reason for my asking the question was that under the aegis of Falkland Conservation quite recently there were some experts in rodent eradication from New Zealand who came and very successfully removed rodents – rats – from two islands in Port William. At the same time, I understand, they advised the staff of Public Works – people in charge of rodent control on

methods of actually baiting to make sure we don't get any infestation. What I want to make sure is that there is a precautionary baiting rather than a reactive baiting and trapping that they are referring to.

The Honourable Roger Edwards

Mr Speaker, the baits and things are placed permanently so yes. That is part of the on-going programme. And, I might add that those people who visited were much impressed by the methods used by the then rodent exterminator and the present qualified exterminators.

The Honourable Richard Cockwell

Mr Speaker, I thank the Honourable Roger Edwards for that reply, yes, I was aware of the fact that the experts were very impressed with what was being done, I just was requiring assurance that this being continued and I am satisfied with the reply. Thank you very much.

Clerk of Councils

Question number 7 of 2002 by the Honourable Mike Summers

The Honourable Mike Summers

Mr Speaker, Honourable Members, can the Honourable Richard Cockwell please advise the new programme for the production and adoption of the Town Plan and can he confirm that it will not be held up by attempts to finalise the structure plan?

The Honourable Richard Cockwell

Mr Speaker, Honourable Members, at the March meeting of the Planning and Building Committee, the proposal to prepare a development plan comprising a Falkland Islands Structure Plan and a Standard Home Plan was agreed subject to EXCO endorsement on the 27th of March. This approach meets the Planning Ordinance of 1991 which requires a Structure Plan be in place prior to the adoption of a Local Plan. And, the reason why it is called a Development Plan is to make sure that both these processes work in tandem. The proposed timetable will result in a draft Falkland Islands Development Plan available for public comment by 2003 and adopted plan by 2004. I am informed that the proposed timetable is realistic, subject to discussions being made on local choices, particularly in Stanley early in the process. And, also subject to additional staff resources for future delivery of the development control services considered in a separate EXCO paper on the 27th of March.

The Honourable Mike Summers

Mr Speaker, I regard those time-scales as unacceptable. Can I ask, Mr Speaker, if my understanding Order 30 New Paragraph 4 have a short debate on this issue and question members of Executive Council to make a statement on the discussions that were held yesterday and whether they agreed that this timetable is reasonable or unreasonable?

Mr Speaker

Is it the wish of Members that we should have such a debate?

Agreement from Members

The Honourable Mike Summers

Mr Speaker, there has been a draft town plan available for many, many years now. Clearly it needs to be updated. There has not been a draft structure plan but we have managed to have a draft town plan without there being a draft structure plan. That seems to indicate to me that, legalities aside, it is perfectly possible to produce a draft town plan without a draft structure plan. I cannot see why we need to wait for the structure plan to be completed for the town plan to be at least finalised and agreed. We can have some legal nicety if we wish to say that it is subject to the completion of a structure plan but we are talking about 2003 – 2004. That's at least 2 years away. We are constantly aware of issues in the town that require the completion of the town plan, not least of which is the issue that is on the front page of the newspaper, yet again, of old people's accommodation. And, if we were to get on with producing the town plan and agreeing a town plan, we wouldn't have these interminable arguments about what is going to go where. The construction of this badly needed old people's accommodation has been held up now through the life of the whole of the last Council and is looking like being held up again in this Council for want of getting on and completing the town plan.

Can I, Mr Speaker, please ask for a statement from Executive Council as to what the discussion was yesterday in Executive Council on this matter and whether there is any prospect of that time-scale being speeded up.

The Honourable Chief Executive

Mr Speaker, the discussion yesterday did not have in front of it the definitive stages that were proposed to go through. I believe that is to be discussed by the Planning and Building Committee. What EXCO were aware of yesterday, however, was that in the middle of the year, this year, around June or July, it was intended at that stage to get to the nub of the issue raised by the Honourable Member, which was to do with the allocation of land within the town to major

uses. So, the intention of a detailed programme is to, very shortly, move to suggested uses or major zones of the town for public consultation. In the process of putting a town plan together, one goes through stages. Bits of it come before the Planning and Building Committee and then get blessed by EXCO. You aren't waiting to the very end to have the plan in front of you see it building up as the policies build up, as the zones build up. What the Environmental Planning Officer is intending to do, therefore, is to tackle the urgent issues first and to bring papers on the urgent issues. Once those urgent issues have been discussed and a decision arrived upon, then they have the force of a draft town plan and they will therefore inform all planning process thereafter. I think what the Environmental Planning Officer did not want to do, however, was to make promises that he could deliver the final plan plus all public consultation that may be necessary or its bits. It's not just about locations. It's about all the things that form the planning process. He didn't wish to promise that he could get the whole thing available, blessed and adopted in a realistic time-scale. He will certainly move as fast as he can. He will take the most difficult issues first. Those difficult issues will have public debate well before 2003.

The Honourable Roger Edwards

Mr Speaker, if I might add slightly to the excellent answer by the Chief Executive, it was also agreed in (Executive) Council yesterday although I might add we did point out the urgency because once the present plots are allocated the 52 plots that the East End Development are allocated, and the police station site is already identified, beyond that, there are no areas positively identified, so we do have a problem. So the urgency of that was stressed. In addition to what the Chief Executive told you, you will be aware that part time professional assistance was put in place to assist the EPO so that he can continue on this very subject.

The Honourable Mrs Norma Edwards

Can I also add just briefly Mr Speaker, that it was agreed in Executive Council that the structure plan and the detailed plan should go together. That we wouldn't wait for a structured plan and then a detailed plan. And, that it would work as the Chief Executive has spelled out in a resounding way. And, I believe the date when we would be next informed on this is in June. Is that not correct?

The Honourable Richard Cockwell

Mr Speaker, Honourable Members, as chairman of the Planning and Building Committee, I obviously have a role in this matter. And, I understand fully the Honourable Mike Summers' concerns regarding the timing. And, I believe that we should make every effort to try and bring this date forward. These dates, I believe, are actually too far away. Possibly we need to look at how the Environmental Planning Department are planning to stage this and see if there is a way we can actually hasten the delivery of the draft town plan in a form which

enables Councillors to make firm decisions about such matters of concern. I would like to declare an interest as an old person. I would rather go to Sheltered Housing than an old people's home. Such as the Sheltered Housing, the further development of plots and such like, I think we need to try and hasten these things forward and I take onboard what is said. I am not sure whether the Honourable Mike Summers wants to put a date forward for debate or not but I am prepared to listen.

The Honourable John Birmingham

Mr Speaker, Honourable Members, I would just like to make a couple of points. The issue of the sheltered accommodation in the last Council, I think, needs bringing up. It needs clarifying. At the start of the last Council, the number one project for that Council was to build a new Hostel and to put in place on the site of the old hostel, Stanley House site Sheltered Accommodation. Throughout those four years I was never able to get to the bottom of where the decision was changed. Many, many times in this House, people go on about openness. Well, this is as open as you are going to get. That was a number one project for the last Council and through various shenanigans, of some of the last Council, it didn't get anywhere. Now, the Town plan – the development plan – or any plan – we mustn't forget there are eight strands – eight different Councillors. Just putting a date on completion doesn't necessarily mean it will be completed by that date, because, every one of us will have various ideas as to what we want. So, we must bear that in mind.

Mr Speaker

Any other Honourable Member wishes to speak? Perhaps Councillor Summers can wind up?

The Honourable Mike Summers

Mr Speaker, thank you for that opportunity. I am not sure whether I am satisfied or not. I will make that decision in June. But it's very clear, I think, to all of us, that the need for sheltered accommodation is urgent. The need for more housing allocated – allocation area is important and we will see in June whether, in fact, we have been able to identify those areas properly and have them agreed and then be able to move on beyond that. I am prepared not to call for division on this matter or seek a different date but I reserve the right to review the matter in June.

Clerk of Councils

Question number 8 of 2002 by the Honourable Michael Summers

The Honourable Mike Summers

Mr Speaker, Honourable Members, would the Honourable Roger Edwards please advise the House on plans to upgrade the Front Road and the Town Hall before the commemorations of the 20th anniversary of the Liberation?

The Honourable Roger Edwards

Mr Speaker, plans are in place to repair sections of Ross Road prior to the anniversary. Regarding the Town Hall, plans were placed and, as you can see, looking out of the window, work started on Monday, 25 March. This will be followed immediately by exterior redecoration, replacement of rainwater routes, etc. Internally, it is planned for the ladies and gents cloakrooms and toilets to be redecorated following plasterwork repairs and artexing to the ceiling. Vinyl floor covering is to be replaced in the first floor toilets, cloakrooms and landing stairs area. Sanitary ware is undamaged and will therefore remain as existing. Hot water hand-wash and electric hot air hand dryers are to be introduced into toilets. An attempt to use the right impact colours where possible, the floor coverings to the inner hall leading to the main hall will be left unless otherwise requested. The Main Hall floor covering is in need of replacement and that will cost some £20,000.00 and will therefore not be considered at this stage. Other areas of decorating will be freshened up, should time permit.

Other work on Ross Road – you will probably be aware that it was walked with the Civil-Military Liaison Officer and areas that were dangerous for marching, etc. were identified and these will be patched. A temporary road surface from approximately the area of Gilbert House to just beyond the monument is to be put down and then taken up in due course when work on Ross Road Main will be done, would have cost £20,000.00 and was not considered suitable by the Councillors.

The Honourable Mike Summers

I thank you Mr Speaker, no supplementary questions.

Clerk of Councils

The Supplementary Appropriation 2001 – 2002 No. 2 Bill, 2002. This Bill requires the first reading.

Mr Speaker

The Honourable Financial Secretary

The Honourable Financial Secretary

Mr Speaker and Honourable Members the purpose of this Bill is to appropriate and authorise the withdrawal of £214,750 from the Consolidated Fund to meet supplementary expenditure approved by the Standing Finance Committee on the 22nd February 2002. The supplementary expenditure is spread over four heads of service under the Operating Budget plus the Capital Budget. The Bill provides for the Contingencies Fund to be replenished in respect of any advances made. The bill was remitted to this House by Executive council yesterday. The Bill and covering paper giving the reason for each item of supplementary expenditure are available for viewing at the Councillors' Office and copies can be obtained from the Clerk of Councils. I beg to move the first reading of the Bill

The Honourable Chief Executive

Seconded.

Mr Speaker

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

Clerk of Councils

The Supplementary Appropriation 2001 – 2002 No. 2 Bill, 2002.

Mr Speaker

Does any Honourable Member wish to speak to this Bill?

The Honourable Mike Summers

Mr Speaker, I wonder if in view of comments made yourself on your accession whether the Financial Secretary can recall the purpose of the additional expenditure and report it to the House.

The Honourable Financial Secretary

Mr Speaker, Honourable Members I would be pleased to do that.

The total amount of the Supplementary Expenditure as I read out £214,750, that is made up as follows:

£63,000 under the Fisheries head of service and under the FIPASS cost centre for costs incurred in repairing the collision damage to FIPASS caused by a vessel, and matching revenue from insurance recovery is anticipated for that item.

Under the Public Works Department head of service under the cost centre Highways £109,000 and that is primarily due to increased activity on road related capital schemes. There is a matching revenue receipt under labour allocation to capital for that item.

Under the Secretariat head of service, there's £4750 for a re-vote for a final payment on Satellite Tracking of penguins on New Island.

Under Falkland Islands Government Office in London, public relations item £24,000 this is a re-vote for a BBC Special project Ground Force and it's a re-vote from 2001 underspend due mainly to the County shows being cancelled.

Under Capital under the cost centre Plant and Vehicles, there's £14,000 for a replacement for a vehicle written off by the construction partner and matching revenue is anticipated from reimbursement from the construction partner for that item.

All those items add up to £214,750.

Mr Speaker

Thank you very much. Are there any amendments, we shall go to the short track procedure.

The Bill should be read a third time and do pass.

Clerk of Councils

The Supplementary Appropriation 2001 – 2002 No. 2 Bill, 2002.

The Licensing (Amendment) Bill 2002. This Bill has been published in the Gazette previously but has since been amended, therefore a first reading is required.

The Honourable Chief Executive

Mr Speaker, the Licensing (Amendment) Bill amends the original Ordinance of 1994, it offers relatively modest change in relaxation of licensing hours on Sundays and certain Public Holidays. It introduces provisions for children's certificates to be granted to bars and also facilitates the granting of entertainment certificates. It is based on full public consultation which I believe began in 2000 and as a result of that consultation a number of suggestions have been incorporated into this Bill. Mr Speaker, I beg to move the first reading.

The Honourable Financial Secretary

Seconded.

Mr Speaker

The Motion is that the Bill be read a first time. Has any Honourable Member any objections to the Bill being read a first time?

Clerk of Councils

The Licensing (Amendment) Bill 2002

The Honourable Chief Executive

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

Mr Speaker

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

The Honourable Mike Summers

Mr Speaker, I will have to ask to beg your indulgence because I failed to bring a copy of the Bill with me today, but there is a provision in this Bill about which I am slightly disturbed and it is Clause 14 of the explanatory memorandum, which says "Clause 9 of the Bill would amend section 67 of the 1994 Ordinance so as to allow a person of 16 years or over accompanied by one or both of its parents" (and then it says) "or of a person or persons apparently of at least 25 years of age or more who appear to have charge of him for the time being to be supplied with beer, porter" etc. Mr Speaker, I am not happy with that provision, I would like to see the Bill amended such that provision for clearly parents and or a legal guardian to take somebody under age into such an establishment. I am not happy about a person or persons "apparently of at least 25 years of age" who appear to have charge of him. It is not a provision that appeals to me, Mr Speaker, and I would like to see it deleted.

The Honourable John Birmingham

Mr Speaker, Honourable Members this has been discussed the other day and I fully support Councillor Summers on it. Some of us who look exceedingly young for our age might have had difficulty some years ago. Thank you.

Attorney General

Mr Speaker, Honourable Members, can I say that the effect of the proposed amendment would in fact be extremely restrictive, of course it is a matter for this House. But it would mean for example, that although, I hope that I would be regarded as a perfectly respectable person to be in charge of my grandchildren, I couldn't take my grandchildren into a pub with me, under this revision, if it were to be amended that way, because I am neither the parent nor the guardian, but I am afraid that I am apparently over 25 years of age. The reason for the provision was an attempt on my part to avoid a situation where somebody only just reached drinking age themselves of 18 taking their mates under 18 to the pub. That was the aim. Elsewhere as Honourable Members will be aware (and when I talk about elsewhere I am talking about the United Kingdom, Falkland Islanders will be well aware of that) it is perfectly lawful for a person over the age of 14 years to go into a public house accompanied by nobody. It is of course a matter for the licensee to agree whether they admit them or not into their public house. It will be a matter for the licensee here to decide whether they want to take advantage of the provision which would allow a person under the 18 but over the age of 16 to be admitted to the public house. Honourable Members may believe that every licensee will know who are the parents of every person under 18 who might go into a public house, but Honourable Members will also be aware that licensed premises are often staffed by quite young people under the age of 20 or under the age of 30 or people who are not indeed from these Islands, who will not know people's parents, but could quite well, I suggest, see whether those persons are apparently over the age of 25. It is a matter for Honourable Members but in fact we might to look at ways we could address this. It is a genuine problem with Honourable Members, but the precise form of the amendment which has been suggested to limit it to parents I believe would be overly restrictive and I suggest Mr Speaker that we might look at the Committee stage of the Bill as to what sort of amendment would achieve Honourable Members' objectives. I understand the concern, only too well do I understand the concern, but I believe that it will have a much more restrictive effect than the Honourable Members would perhaps intend.

Mr Speaker

Thank you. Would any Honourable Member wish to speak to the Motion?

The Honourable John Birmingham

Mr Speaker, I do take on board what the Attorney General has just said and I am happy now that he can appreciate our concerns and I am more than happy for it to be spoken at the committee stage.

The Honourable Richard Cockwell

I would just like to also confirm that I agree with the Attorney General and had the same concerns. Having discussed it the other day, it seemed a sensible suggestion but on reflection I think it is actually being over restrictive and we need to try and find a new form of speech.

Mr Speaker

Is it therefore the wish of the House to consider this question further in Committee? The Motion is that the Bill be read a second time.

Clerk of Councils

The Licensing (Amendment) Bill 2002.

Mr Speaker

Council is now in Committee.

Clerk of Councils

Clauses 1-14

The Honourable Chief Executive

I beg to move Mr Speaker that Clauses 1-14 stand part of the Bill.

Mr Speaker

The Motion is that Clauses 1-14 stand part of the Bill. Does any Honourable Members object to the Motion?

Attorney General

We will need to discuss Mr Speaker Clause 9 so that should not be moved to be part of the Bill, at this stage. Save Clause 9 I would suggest Mr Speaker.

Clerk of Councils

Schedules 1 and 2

Attorney General

We will still need to discuss Clause 9 before we go on.

Mr Speaker

Attorney General, would you have a suggestion as to how Honourable Members' concerns are actually dealt with yet, your points adequately covered.

Attorney General

I believe that Honourable Members ought to perhaps consider an amendment which would provide that the person under 16 is:

- (i) In the company of one or other of his parents (I don't think it has to be both, one or the other would be better because if it is both he is clearly there with one or the other.) or
- (ii) Of a person of at least the age of 25 years (I think perhaps we would like to say) who the licensee or the person who for the time being is in charge of the licensed premises, is satisfied, is at least of the age of 25 years and is bone fide in charge of that person for the time being with the consent of one or other of his parents or of his guardian.

I would hope that that amendment might (I'm drafting on the hoof) serve Honourable Members' concerns which I take to be quite legitimate and have no problem in agreeing with.

Mr Speaker

Chief Executive.

The Honourable Chief Executive

Subject to this House agreement as the move to the motion, I am quite happy to incorporate into the Motion, the in loco parentis amendment.

Mr Speaker

Does that meet Honourable Members needs.

The Honourable Mike Summers

Mr Speaker, it meets my requirements.

Mr Speaker

Clause 9.

The Honourable Chief Executive

The objective is now that Clause 9 as amended stands part of the Bill.

Mr Speaker

Clause 9 as amended does stand part of the Bill.

Clerk of Councils

Schedules 1 and 2

The Honourable Chief Executive

I beg to move that Schedule 1 and 2 stand part of the Bill

Mr Speaker

The Motion is that schedule 1 and 2 stand part of the Bill. Is there any objection?
No objections. Schedules 1 and 2 stand part of the Bill.

Council resumes.

The Honourable Chief Executive

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

Mr Speaker

The Motion is that the Bill be read a third time and do pass. Does any Honourable Member object to the Motion?

Clerk of Councils

The Licensing (Amendment) Bill 2002

The Animal and Food (Miscellaneous Provisions) Bill 2002. This Bill is being presented under a Certificate of Urgency and requires a first reading.

Mr Speaker

Chief Executive

The Honourable Chief Executive

Mr Speaker, this Bill follows on from recommendations made by the Veterinary Inspector Dr Niederberger, from the European Union who inspected the Sand Bay Abattoir in order for us to secure approval to export fresh meat to the European Union. The Inspector noted that the abattoir generally, satisfactorily met EU Standards but outside the abattoir in standards of animal and public health, in the powers of our veterinary services, in controls on animal identification and movements and on additive in food stuffs and freezer storage, he believes that we should consider making some changes. The requirements that he put into his draft report, I think, have been made all the more acute from the European Union's point of view since in the EU over the last two years there of course as Honourable Members know have been many cases of Foot and Mouth, BSC and Swine Fever. So the EU now has quite critical internal standards. On the identification and movement of animals for instance, and on controls and additive in foods, for instance the waste food controls. So, if we, the Falkland Islands are successfully to achieve EU Third Country status, we are being asked to legislate for and move towards these standards. These will affect all farmers, not just those who choose to export to the EU and that is a critical point. For that reason, Government believes it important that this Bill be given the widest possible consideration and consultation and as we move to the second reading, Mr Speaker, I will beg the indulgence to move the Bill into a Select Committee of the House in order that consideration can happen and that farmers and the RBA can be consulted on its implications. The Bill itself confers absolute independence on the Senior Veterinary Officer, it makes specific regulations on the transport of fresh meat and limits the use of certain farm ecological substances and additives to animal feed stuffs. It also implements the European Union Council directive 72/462 and this is a complicated piece of legislation in itself covering several hundred smaller clauses and regulations and it will be important for this to be debated in committee. So to conclude Mr Speaker, in moving this Bill, I do so because Government believes it important to grow a strong meat industry here and that means exporting to the European Union. However, Government realises that there is an acute need to inform and consult farmers, we will be doing this through literature, on the radio, by visiting Camp during the road show and raising this through Farmers Week and also through consultation with the RBA. I take this opportunity to urge farmers who are interested to look out for this information and to contact us to ask questions. Mr Speaker, I beg to move the first reading of the Bill.

Mr Speaker

The Motion is that the Bill be read a first time. Does any Honourable Member object to the Bill being read a first time?

Clerk of Councils

The Animal and Food (Miscellaneous Provisions) Bill 2002.

The Honourable Chief Executive

Mr Speaker, I beg that the Bill be read for a second time and that it be remitted to a Select Committee of this House.

Mr Speaker

The Motion is that the Bill be read a second time and be referred to a Select Committee of the whole. It is the Select Committee of the Whole?

The Honourable Chief Executive

It is Sir.

Mr Speaker

Does any Honourable Member wish to speak to the Motion.

The Honourable Roger Edwards

Mr Speaker, I am delighted that this Bill is going to a Select Committee of the whole body here. The answer is we don't really know the impact or implications that this Bill is going to have on Island farming. It was thought at one stage amongst Island farmers that it would only affect those supplying animals to the abattoir. We have since learned that it does not. The EU legislation that accompanies this particular Bill runs to some 750 pages, I believe and some items of legislation within that have already been amended 99 times we are assured by the Attorney General. And so, the complexity and the enormity of this Bill as a whole, not this particular Bill on the Table, but what will be introduced with it must be made aware to all the farmers and everyone involved with agriculture and animal productions across the Islands. All must be consulted before we can genuinely accept what this entails.

Mr Speaker

The Motion is that the Bill be read a second time and referred to a Committee of the whole.

Clerk of Councils

The Animal and Food (Miscellaneous Provisions) Bill 2002.

The Motion for adjournment.

The Honourable Chief Executive

Mr Speaker, in moving the Motion for adjournment, could I also say, to use the words of the Governor, to express how full of admiration I am that you have taken this high office. And, also to congratulate you on your commendably short speech of acceptance which sets a new standard in this House. It was three minutes exactly. We will, I think, very much benefit from your experience, from your wisdom and your sagacity and I dare say we shall also benefit from your iron hand. On behalf of my colleagues in the civil service, can I say we look forward to working with you and for you for the benefit of the Falkland Islands.

Mr Speaker, I beg to move the House stands adjourned sine die.

The Honourable Roger Edwards

Mr Speaker, in rising to support the motion for adjournment, I would like to start where I left off at the last Legislative Council. I expressed happiness that the wool prices were rising and they appear to be continuing that trend. I also went on to suggest that although the prices are rising now, and farmers will have money in their pockets again, much of the infrastructure is still outstanding. Work needs to be done on that infrastructure and so it will be some time before farmers are affluent again. I mentioned the farms on the West and the islands. Within a few minutes of leaving this place, I was reminded that there are other farms on the East and I would like to apologise to farmers on the East and admit that it is, of course, all the farms on the Falkland Islands. And, I am delighted for those farmers who rang me and asked "What about me?" It does show that people do listen to Legislative Council on the radio and do take an interest. This leads me on to the next thing, which is the subject of this bill which is being put to Select Committee. It will affect all the farmers and I would like to ask them to look out for all the literature and the road shows. The Chief Executive is the lead person in the body of about five who are studying the impacts. Badger them if you want to know any answers. They will not be straight-forward, it will take a lot of understanding. So, I beg all farmers and everyone involved with agriculture to badger those people to get the answers they require.

Finally, Mr Speaker, I would like to thank Commander British Forces for arranging the trip with the Governor on the ENDURANCE around the West and North of the Falklands and I had some very good reviews back from people who had been very delighted with that trip and I would like to thank Commander British Forces and the Captain and Crew of Endurance for laying that on for us.

Sir, I beg to support the Motion.

The Honourable Mrs Jan Cheek

Mr Speaker, Honourable Members, while no one could have missed the significance of the appointment of the Speaker to this House – and it was quite a special day to be here – more important, I think, in the way that our debate will open up is the fact that it's a kind of quiet revolution. No longer will we be in the situation where a couple of stilted exchanges are possible under the old Standing Orders, so I really welcome the opening up of Standing Orders and the far more transparent debate that it will bring.

I intend to be very brief with just a couple of things I want to mention. In EXCO yesterday we decided to put out into the public domain the papers that we looked at on discussions of two incredibly important issues: minimum wage and maximum working hours. It's been a long-standing worry for many of us, that there has been a possibility, I'm finding it difficult to prove, but a possibility that people are being exploited in the terms of the hourly rate they receive and the hours that they work. This is bringing the issue out for discussion by everyone and hopefully we will solve another problem over which I receive many phone calls. People hear jobs advertised at a minimum of 50 hours a week, or a wage of £3.50 an hour and they say that no one is going to apply for these jobs. They appear to be a ploy to bring in some kind of cheap labour. So, I hope that this debate over the next few months will solve this problem for us. I hope that people will believe that if they have a genuine grievance they can complain confidentially to someone about it. They mustn't fear that if they rock the boat they will lose their job. If they feel they are being genuinely exploited in some way, I hope they would approach, confidentially, one of us, perhaps a legal advisor, at least let's see what is the truth of this matter.

Finally I want to mention some very good news. Two of my colleagues went with me the other day to look at the new Junior School Extension, which doubles the amount of space available for Infant and Junior children. They will have much improved facilities and will be moving into those very shortly. Unfortunately, there is going to be a delay on the outside works but that won't prevent the additional inside space being used in the very near future.

I support the motion.

The Honourable Mrs Norma Edwards

Mr Speaker, in rising to support the Motion for Adjournment I would just reiterate what the Honourable Jan Cheek has said. This is a historic occasion in this House and it's nice to be part of this new move into a different means of controlling our Government, or helping with our Government, I should say. I am not planning a coup just yet.

Since I have been on Government we've changed from a colony to a dependent territory, now to an overseas territory with a Speaker. So, in a relatively short space of time we have changed a great deal, I think, in our outlook and I hope in the perceptions of our neighbours across the way as well. They no longer think of us as a colonial part of the British Government. Hopefully not.

I will probably be even briefer than you today. I would just like to mention two things. One is Camp Roads and I congratulate the road builders on the West for the tremendous amount of work they have done well this year and to say to all the people who contacted me about the roads on the West over the past months, that we are hoping to put into place measures whereby the roads will be capped eventually and that we will have properly finished roads at the end of this exercise. At this point in time, and it happens every year, the amount of road that gets built gets chewed up after the first rains because they are not capped. So, we hope that it will be put right in future.

And the other thing I would like to mention briefly is the Sheltered Accommodation, which, again, I will reiterate, we have been asking for a very, very long time, long before the last Council, I might say to Councillor Birmingham. It was a top priority many years ago then it slipped down the list again. So I hope that within the next month or two we can come to some sensible arrangement for Sheltered Accommodation and not stall any more. That will go of course to Planning and Building next week which, no doubt will be a contentious issue. No doubt we will be hearing more about this next week.

Sir, I support the Motion for Adjournment.

The Honourable John Birmingham

Mr Speaker, Honourable Members, I along with many previous speakers would like to, again, congratulate you for coming to sit in this House and I hope for some exciting debates in the future. I would like to align myself with the words of Councillor Cheek on the minimum working hours and I hope we can achieve something in the future for that.

I have picked up a the Penguin News on the way down here and trying to be current, I see on the first page there is upset about the usage of Stanley House grounds. Can we be sure as to why Stanley House Grounds were chosen and that is because we do need accommodation for an expanding elderly population and to my right is the Honourable Richard Cockwell, who might declare an interest but I don't have to yet. But we definitely need accommodation for the elderly and there are not going to be any fewer. Now, the Honourable Norma Edwards was right about Sheltered Accommodation being on the list of things to do for many years but as far as I am aware, it was only the last Council that there was an actual plan, and to repeat what I said earlier on, the plan was to build a new hostel, thus emptying Stanley House Grounds. And, to me, that would be

the ultimate aim. What we require is a site plan for the whole of Stanley House and I would like to say that the plan that I saw and that other Members have seen this last week or so is not how I envisaged the accommodation units going in those grounds. I think that in the next few weeks we shall see a more realistic approach to this problem. Just to finish on that subject, it is for a good cause. It's not just a whim.

I don't have a great deal other than a fast breeze through the editorial, which is always a good read –always a good read. They call for more openness. I am for more openness. I would be quite happy for GPC to be open. The editor obviously didn't hear what I said, or chose not to hear what I said on Monday evening, when the subject came up, which was that we now have the experience of a couple of years of more openness and open committees and very often, there are very few items that can be discussed within the public sphere. And, trolling through, I actually have a GPC agenda here and there are 14 items and out of 14 I would suggest that only 4 would be spoken about in public. So yes, please, let's open up GPC. But I notice this morning at Standing Finance Committee which meet every month after Executive Council which deals with real issues of money, and at this month's meeting we had HSBC down to give us a talk on the investments that the Falkland Islands Government have overseas, there wasn't one member of the media there. Nobody. And, I would suggest that because of some of the times of some of the meetings, people would look to the Media to inform them as to what's going on. So, I would suggest to the Editor of Penguin News – and I dare say she will reply to me next week – that look in her own back yard perhaps.

I don't have a great deal more to say, so I support the Motion.

The Honourable Richard Cockwell

Mr Speaker, Honourable Members, I am proud to be a member of a legislature which is the first legislature in the Falkland Islands that is able to say, "Mr Speaker." It is, as the Governor said, a sign of our developing maturity. But also the other changes in the Standing Orders which we implemented today, I believe will be a breath of fresh air to many others when we can actually debate in a much freer and a more open way. It was quite difficult for Councillors who are amateurs to actually work in the very restricted rules and standing orders that we had to work through.

There was a point of order which I was thinking of bringing up, sir, at the beginning but in fear of being the first recipient of the gavel which might have been an honour or not. The matter, with due respect, Sir, is that the lack of an oath of allegiance from our Speaker, the Speaker of the House which owes allegiance to the Queen which I believe is possibly an omission which we may have to change.

May I also suggest, Sir, that in parliamentary language, is "Shenanigans" an accepted word? I thought that might have brought the gavel out. Anyhow, welcome to this House. I look forward to a very firm hand and statesmanlike conduct from this House from now on.

One thing that I would like to mention – I'm not going to make a long speech. But the one thing I would like to mention is the Stanley Dairy. I think everybody in this House and most people in Stanley know that Mr And Mrs. Hogarth after a long.. (the chamber breaks out in laughter) I knew I'd get it wrong, Ashworth...shows my age, have done many years of hard work and delivered a service, which I believe many people have taken for granted. Milk has arrived on the doorstep or in their little box every day and I don't think people realise how much work goes into that and how much dedication. They haven't taken a holiday since the dairy started out. I do believe – I hope and believe we will be able to find a way that this service will be carried on in the future. There is some work to be done but we do need to recognise the work they have done in this long period and try and do everything we can to make sure that what they have started continues.

Sir, I beg to support the motion.

The Honourable Stephen Luxton

In rising to support this Motion, I'd also like to extend a warm welcome to you. It is a significant development for us politically and a large step for us to take at a time when we seek constitutional advancement. The only thing they didn't tell us was that you were going to be armed with a blunt instrument to control us, worries me.

On the subject of our constitutional advancement, I'm personally not in favour of some of the proposal being put to us for the restructuring of Councillors' portfolios and committees. I don't think they take into account one significant issue which is the amount of time that individuals devote to Council work. If the role of the member becomes to either a super councillor demanding virtually full time commitment or a scrutineer sitting in the background moaning with no real decision taking power, frankly I would think twice about standing again. I personally don't have the time for the first option and I have already said you can do the second without having to be elected. My point is that taking this route would devalue the role of the lesser members and reduce even further the number of people who would be prepared to stand. I think this has got to be a bad thing.

As readers of the Penguin News will know I recently attended the AAPG Conference in Houston. I think most people's perception of oil in the Falklands is that it is a bit of a dead duck, there is nothing there and might as well forget about it. This isn't the case at all, it is a very real prospect and we saw significant interest from some big oil companies at the conference. We hope at least some

of these will take advantage of the very favourable exploration regime here and come back for a better look soon. A lot of good information came out of the first round of exploration and I believe the second round will have a much better chance of success, the basin contains one of the best source rocks in the world, proof of the working petroleum system and a good range of possible reservoirs. The big challenge is to put all the pieces of the jigsaw together. The important thing is that prior to the first stage nobody even knew what the piece of the jigsaw looked like or even if they are all there, now all they need to do is find out how they all go together.

I recently had to endure an ear bashing from a couple of the members of the electorate about the Councillors in general, one or two in particular, and particularly the nature of Councillors' public meetings. I didn't agree with many of the comments but nevertheless I take them on board. As I hope more people will be listening to this broadcast, than usually turn up to public meetings, I would like to say a few words on the subject. If anybody out there has any ideas on how our public meetings could be handled and structured better, then let's hear them, come along to the next public meeting and give us your views if you would prefer write or phone me at home. I certainly listen to them because I think we do need to improve on this, but I honestly don't know what is the best way forward, and so far, I haven't really heard anyone bursting with ideas. So if anyone out there who doesn't come to our public meetings because they feel what is the point, then why not let us know what you do want to see. I hope by doing that we can develop what we have into something that more people can feel that they can make use of.

Sir, I support the Motion.

The Honourable Philip Miller

Mr Speaker, Honourable Members, in rising to support the Motion on this historic occasion, I'd like to welcome you into the House. I paid the price of being hesitant earlier and missed the chance of saying a fond farewell to the Governor. As I say, I'm very proud to be a member of the Legislative Council on this occasion. I'll keep this very short and finish with, I might suggest you get some blue tak for your gavel Sir before it takes off onto the floor.

Sir, I support the Motion.

The Honourable Mike Summers

Mr Speaker, today is for being brief, which is merciful for most. I too, welcome you back inside the chain, inside the rope and I hope you enjoy your term as Mr Speaker.

I had the pleasure and the privilege of attending the Commonwealth Parliamentary Association Seminar in honour of Her Majesty's Golden Jubilee recently and had the honour during that process to meet Her Majesty for a few seconds and to pass on the loyal greetings of the people of the Falklands to her on the occasion of her Golden Jubilee, for which she was very grateful. I also had a discussion with the Duke of Edinburgh which was by tradition more robust.

There was also an opportunity to address the London School of Economics for a brief lecture. It was a fascinating experience. We do this thing from time to time, but it was interesting to talk to a number of young people undertaking international studies. I was very struck by their depth of knowledge of the Falklands and the issues around the Falklands. That was, I guess very gratifying. One goes to these things thinking, they'll know absolutely nothing this is going to be rather difficult, actually they knew a tremendous amount and it was very satisfactory. I think it does suggest to us that talking to young people is a very important element of our long term plans for the Falklands. Young people in the United Kingdom, the people undertaking international studies, dare I say it, young people in Argentina because it is them, the new generations who are going to be giving up the old mantras who are going to be leaving aside the old nationalistic issues and who may in due course be able to come to a different view about allowing the people of the Falklands to determine their own future. So, I think that is something to be borne in mind.

Sir, I didn't speak on the question of the Bill in terms of changes to legislation affecting agriculture, but I am glad that it was introduced to the House because it is an important matter and equally delighted that it should be going to Select Committee. I hope that we will be able to interrogate at the Select Committee all of those people who will have an input to it, so, the Director of Agriculture, the Chief Veterinary Officer and other officers. It will be an opportunity to get to the root of the purposes of the Bill and make sure that what we are doing is appropriate to our circumstances and doesn't put too great a burden on the farming community. Whilst making sure that we don't close off the sort of opportunities that we have been investing in the last several months.

Sir, I support the Motion.

Commander British Forces

Mr Speaker, could I add a military perspective to your welcome and I am grateful for points raised about ENDURANCE and I will take your thanks to the Commanding Officer and the ship. I would add that I would hope to be able to repeat that opportunity early in the period of office of the next Governor.

Can I also briefly add to the Honourable Jan Cheek's point and hope that any civilians working within MPA or associated with the military are prepared to

approach me confidentially in addition to the groups that she mention if they feel that their working conditions are unsatisfactory.

Sir, thank you.

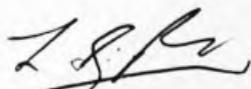
The Honourable Financial Secretary

Mr Speaker, I'd just like to add my congratulations to your appointment and I support the adjournment.

Mr Speaker

Honourable Members, the House stands adjourned accordingly. I wish you good day.

Confirmed this day of May 2002



Mr Speaker.

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON 20th AND 23rd MAY 2002**

**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY ON 20TH AND 23RD MAY 2002**

MR SPEAKER

(Mr Lionel Geoffrey Blake OBE)

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
(Commodore Richard Jeffery Ibbotson, DSC MSc RN.)

CLERK: Claudette Anderson

PRAYERS: Padre McHaffie

His Excellency The Governor invited to present his address to Legislative Council
(Mr Donald Alexander Lamont)

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**BUDGET MEETING OF THE LEGISLATIVE COUNCIL
HELD ON 20TH AND 23RD MAY 2002**

Clerk of Councils

The Speaker of the House.

Prayers

Mr Speaker

Honourable Members I wish you good morning and I welcome you to this, my first Budget Session as your Speaker. Is it your wish that His Excellency should deliver his speech from the throne? (*Agreement from the House*) Would you invite His Excellency?

Clerk of Councils

His Excellency the Governor

Address to the Legislative Council by His Excellency the Governor

Mr Speaker, Honourable Members of the Legislative Council, Listeners to the Falkland Islands Broadcasting Station, Ladies and Gentlemen

This is a historic year for the Falkland Islands. It is a time, certainly, to look back, to remember the sacrifices made by the members of the Armed Forces who came to restore the liberty of Falkland Islanders to live under a government of their own choice. It is a time to remember those who died, both military and civilian, and those families on both sides who suffered as a result of the Conflict.

But if it is a time to reflect on the Islands as they were in 1982, with a depressed economy and a declining population, it is a time also to emphasise the contrast with the present. A former Councillor, speaking to me soon after my arrival, recalled that in the late seventies he had then been without hope for the future of the Islands. Now, by contrast, young Islanders, having secured their academic qualifications in Britain, return, confident of the future. Visitors speak of dynamism, vibrancy, and self-confidence. The relationship with Britain is now one of partnership based on British sovereignty and respect for the right of self-determination of the people of the Falkland Islands. The Prime Minister has spoken of the opportunity the people of the Falklands now have, underpinned by firm British commitments on sovereignty, self-determination and security, to plan with confidence for the future.

If we in the Falkland Islands are marking an anniversary this year, the people of St Helena are celebrating two events without the more sombre overtones of our own commemorations. It is 500 years tomorrow since the discovery of St Helena, and that is also the day on which Saint Helenians have restored to them the right to British Citizenship, a commitment made by the British Government in the White Paper of 1999 and now fulfilled. Honourable Members have asked me to send, through my fellow Governor, a message of congratulation and greeting to the people of St Helena, a duty I am, of course, very happy to fulfil.

The other event which all of us of course will be celebrating this year is the Golden Jubilee of Her Majesty the Queen. I shall be making an announcement of one aspect of that later in this address.

If I turn now to the annual review of the activities of the departments of the Falkland Islands Government, it is right to start with Agriculture. Not only for alphabetical reasons, but because it is such a central part of the unique culture of the Falkland Islands.

You do not have to spend much time in Camp before you recognise the range and depth of the challenges, which the community there has faced over the last twenty years and more. In economically unfavourable circumstances, they have taken on new management responsibilities in agriculture, but have also had to deal with copious advice on how they might diversify their activities so as to diminish the impact of the drop in the wool price.

It is therefore cheering that, when I have recently visited Camp, I have found people in more upbeat mood than has often been the case in the recent past, thanks in large part to the fact that the global wool price has increased 30-60 % compared to 12 months ago. It is hoped that farmers in the Islands will experience similar increases in the prices received for wool.

Islanders have taken on the responsibilities of managing farms with little training. It is therefore particularly encouraging that 4 young Falkland Islanders have received qualifications in agricultural studies. Three have secured positions within the Department of Agriculture and one is now gaining practical experience in the UK.

The range of activities in which the Department of Agriculture and the Falkland Islands Development Corporation are engaged inevitably draw on experience in other countries. If the lessons others have learned are to be satisfactorily applied here, then farmers must adapt them to local circumstances and have the opportunity to discuss the issues with other farmers. I welcome the improved communications I have seen between the Department of Agriculture and farmers in the last three years. Open Days at Saladero have been well attended, for example. The Chief Executive's road shows have drawn a large and interested attendance; and the recent visit to Chile allowed a group of approximately 30

farmers representing 14 farms to visit various agricultural establishments there and draw on lessons they have learned.

Among the problems faced by the Camp community this year have of course been the very dry spring and summer. Some settlements have experienced water shortages and a number of fires have burned uncontrolled across the Islands. Pasture growth has been limited and may impact on livestock condition over the winter months.

Looking ahead, the Department of Agriculture is starting a new project focussed on whole farm management. The proposed project is aiming to increase farm profitability by introducing a rigorous programme of continuous business analysis, education and review. This project will be applied at the individual farm level and will recognise the unique attributes of each farm.

I have already mentioned the Falkland Islands Development Corporation, now working very closely with the Department of Agriculture. Without question, their major project has been the abattoir.

The abattoir started production in September and local staff training went extremely well. Joerg Niederberger, the European Union's veterinary representative in Washington, visited in January 2002 and we are addressing the series of issues, which he raised in his report. It is frustrating for everyone, at farm level or in Government, not to be able to give firm undertakings about the timing of the next steps; that is, inevitably, not under the control of the Falkland Islands Government. Officials are, however, being assiduous in maintaining the pressure on the EU machinery for early progress.

In support of the drive to market the Falkland Islands, FIDC have developed the "Falkland Finest" quality accreditation scheme. The use of the tussac-inspired mark will be strictly controlled to ensure that only products meeting certain quality, content and environmental standards will be allowed to be marketed in this way.

This, coupled with our organic certification scheme (and two farms became legally certified as organic this year), will help raise the profile of Falkland Islands products around the World and to provide a framework for quality improvement in the Islands.

The Development Corporation has also been more directly involved in the marketing of our seafood products during 2001/2002 with the sponsoring of a trade show stand at both the Boston and Brussels Seafood Shows. The fishing industry was well represented at both shows and this sort of activity is felt by all to be crucial in the move to ensure that more of the value of our fish is retained in the Islands.

The year has also seen the opening of the new Jetty Centre and feedback from the tourists visiting Stanley has been extremely positive. After the events of September 11th, there were fears that tourist numbers would drop significantly but the LAN Chile statistics show a rise in passengers carried of over 30% for the period from October to February compared to the same period in the previous year.

Turning to fisheries, "dismal" is the word the Director of Fisheries uses to characterise the illex fishery. Total catches in the Falkland zones are just over 10,000 tonnes, and the total catch this season is unlikely to exceed 15,000 tonnes. This is about a quarter of the previous lowest catch, in 1995. Companies have been advised that the Falklands fishery will close at the end of May, and we are waiting to hear whether the Argentines will, as we hope, take similar action.

The low abundance of squid appears to be partly explained by the prevailing environmental conditions. We must hope that the conditions encountered this year are unique and not part of an enduring change or trend.

Meanwhile, the prudent approach which Councillors have adopted in recent years on matters of public finance allows us to deal with this set back calmly with major judgements to be made when the situation on the next season is known.

Fisheries research in the last year has looked at environmental effects on distribution and migrations of squid. Sea surface temperature data derived from satellite together with data from oceanographic transects have identified some oceanographic limits on the distribution of both squid species. Other research has included the use of the "Dorada" for 6 weeks research during which the biomass of Southern Blue Whiting was assessed by acoustic methods. Genetic studies on the stock structure of Toothfish are underway.

There has been some progress with Argentina on fisheries issues in the South Atlantic Fisheries Commission. The process has been revitalised to some degree, with a multilateral arrangement to extend conservation to the high seas being included on the agenda. It is also likely that this year will see the "Dorada" actively participate in the joint cruise programme for the first time.

Looking to the future, one of the major issues is the review of fisheries policy, which is underway. There are currently 26 fishing vessels registered in the Falklands, and local fishing companies have turnovers, which run into the tens of millions of pounds. The time is ripe to consolidate what has been achieved so far, and to consider future development of the domestic fisheries sector. There should be scope for economic expansion providing new business and employment opportunities. This is inevitably linked to the potential construction of a new deep-water port.

It would be pertinent, I think, to extend thanks at this point to 78 Squadron and BFFI in general for the excellent service provided to evacuate seriously ill or injured fishermen from their vessels. And while mentioning military support, I should record that parties from HMS Endurance have undertaken surveys of Stanley Harbour and the Newhaven-Port Howard ferry route, both of which are clearly important to the Falklands economy.

Fishery Patrols remain an important activity of the **Falkland Islands Government Air Service**. In its other operations, the Service has reported that yield from some areas of the Islands has dropped considerably. The effect of the road network on air travel is significant and will inevitably have to be taken account of as new destinations are reached.

The reduction in freight rate for fresh produce from camp has proven popular; in excess of 26 tonnes was carried during the period. The major part of this was fresh meat for the Stanley market. A total of 86521 kilograms of freight were carried during the year.

The UKCAA undertook an annual inspection of the Service's maintenance facilities in November 2001 and issued a positive report. An operational inspection of the airline was carried out in February 2002. A report is awaited.

The **Civil Aviation Department** reports that aircraft movements through Stanley Airport during 2001 were 3067. In addition to the usual BAS aircraft, 2 British registered and 5 Argentine registered aircraft visited Stanley during the year.

There have been visits by United Kingdom Civil Aviation Authority inspectors from their Operations, Airworthiness, and Fire and Rescue departments. Their reports will help to form the next stage in the development of aviation in the Islands. This external monitoring and advice is welcome in ensuring the maintenance of high standards of safety, a key concern of the UK authorities in seeking to fulfil their international commitments in this area.

This is probably the moment at which I should pay tribute to both Gerald Cheek and Vernon Steen for the excellent legacy they have left of a safe air service and a safe aviation environment. UK experts who visit consistently pay tribute to the high calibre of our pilots, to the commitment and quality of aircraft maintenance and to the disciplines observed within the Department. This equips us well to deal with pressures from the UK to develop a regime which we believe would not best suit the Falklands. My recent exchanges with the UK authorities do suggest that our particular circumstances may now be more properly taken into account in the second phase of an Institutional Study now under way.

Turning now to our **Health and Social Services**, I note that some of the financial questions arising from the Civilianisation of the King Edward VII Memorial Hospital remain unresolved. That said, I know that the Director of Health

Services and the Command Secretary from MPA are clear on their wish to develop a clearer and longer-term financial structure and have gone a long way towards achieving that.

Elsewhere in the Department, there has been considerable progress. In October 2001, the Pharmacy in the Hospital started selling a range of medicines and drugs 'over the counter', and the pharmacy staff have been able to offer health advice without prior appointments. These are welcome additions to the services in the Islands, particularly as they afford patients a choice in how and where they are treated and advised.

At about the same time, the Health Service introduced a Complaints Procedure to encourage people to complain **to** the Service rather than **about it**. This has encouraged people to make their complaints and concerns known and the use of the procedure has been most encouraging.

The normal round of specialist visits have continued and, in particular, we have seen a visit from a maxillo-facial and oral surgeon, and a further visit from an ophthalmologist who has performed further cataract surgery and lens implantation.

In early 2002, the Service identified a very cost effective and speedy option for some diagnostic tests – sending the patient to Chile. The results have been excellent and have benefited both patients and the Service.

Not so much an improvement in service as an improvement in the Hospital environment was the product of the much-publicised visit by the 'Ground Force' team in February 2002. It was wonderful to see the Islands to be chosen to host this programme. The team was very impressed by the Islands and Islanders and I firmly believe that the resulting programme will be of great benefit to us, not least because up to 6m people will see the Islands as they really are.

Finally, looking forward, I am delighted to report that plans for the creation of a nursing home within the hospital are well advanced and that, after at least four years of discussion, there is a clear determination to bring to fruition the building of further sheltered housing units for the more infirm members of our community.

2001/2002 was a year of change for the **Education Department**, a year in which Dr David Langridge retired as a result of ill health and Richard Fogerty led the Department as Acting Director until Sylvia Cole took up appointment in late November. It is to the credit of all staff involved that so much has been achieved in difficult circumstances.

I shall not say much on the question of the adoption of a school year designed to allow Falklands pupils best access to English examinations. I believe the

outcome reflects very careful consideration by Councillors and by the officials most directly involved. The only aim has been to achieve the best arrangements for the children of the Falkland Islands, and the adoption of the so-called Option One plus an enhanced Option Four, with specific arrangements in place, will achieve this.

The number of students from the Falkland Islands who are taking advantage of higher education continues to grow. In September 2001, fifteen students began their first undergraduate year, studying courses ranging from Psychology and Osteopathy to Law and English. We should also congratulate the students at the end of their formal studies who gained a GNVQ (distinction) in Advanced IT; a BTEC National Diploma (Merit) in Visual Communication; a Degree in Medicine and a Degree in Veterinary Science.

2001 was a difficult year for many people in Education. The Infant/Junior School staff has demonstrated amazing patience and co-operation during the contract building work. The Infant/Junior School extension is however, worth the trial. It is a truly impressive asset with tremendous potential. Many other people, in Camp Education, Stanley House and the Community School have been inconvenienced by this process they all deserve a word of thanks and promise that 2002 will be calmer but unfortunately no less demanding, as the department faces a new term structure, an increasing requirement to raise standards and set targets.

The Department of Mineral Resources report that the first five-year exploration phase ended in November 2001 and all licence holders fulfilled their work commitments before that date. Argos Evergreen, Desire Petroleum and Talisman Energy, who took over Lundin Oil's interest late last year, continue to operate. Shell relinquished its licence in November. Shell spent US\$63m exploring for hydrocarbons and made a huge contribution to the very early understanding of the geology of the area. Although their departure is regretted their data can now be viewed by companies considering exploring in the Falklands.

In mid 2001 Councillors supported recommendations by the department to extend phase one terms to allow companies more time to seek new venture partners. Companies have welcomed the flexibility shown by the Falkland Islands Government whereby the message is one of responsible exploration over the long term that will hopefully result in a discovery, rather than short-term gain. 2001 saw the introduction of open door licensing whereby companies can approach the government about areas of interest for exploration. Interest in the Falklands as an exploration province has increased considerably this year and companies have been keen to pursue the opportunities this policy offers.

The department has been involved in Continental Shelf Survey preparations this year. Following Councillors' decision to undertake necessary data acquisition in

order to put a case to the United Nations Convention on the Law of the Sea (UNCLOS) to claim the seabed to the east of the Islands, work has been ongoing with Southampton Oceanographic Centre (SOC). In July last year first meetings were held with the Argentine Government in Buenos Aires on the matter; the Falkland Islands Government was of course represented at those meetings. It is a number of years before proposals need to be submitted to the UN for consideration.

Onshore geological activities have been ongoing with the Falkland Minerals Joint Venture concentrating effort in Australia to find new partners to fund the next stage of exploration. A further sampling programme was, however, carried out by the group in February. Work has progressed in learning more about calcified seaweed deposits around the Islands. The rate of accumulation and age of peat beneath deposits is being assessed and work is ongoing to discover the biological origins of the mineral.

During the 2001/02 financial year the **Taxation Office** have made extra efforts to collect unpaid taxes arising from overseas companies activities during the oil exploration activities of 1997/98. This has meant close co-operation between the Taxation Office here and the UK Inland Revenue and has been very successful, resulting in the collection of over £300,000 for the benefit of the Islands.

During this year the Taxation Office will carry out, with full public consultation, a review of the principles underpinning our whole system of taxation. This will result in a transparent structure within which future tax policies and practices will be enacted and implemented. This in turn will provide stability in taxation, and enable potential investors both from within and outwith the Islands to plan securely for the long term.

During the period under review, the **Customs and Immigration Department** experienced several long periods of staff shortages and the extra efforts made by remaining staff, including those employed on a casual basis is most appreciated.

A major overhaul of legislation concerning the registration of ships in the Islands was completed. One deep-sea fishing vessel was added to the current register, bringing the total number of Falklands flagged vessels to 36, of which 26 are fishing vessels.

62 cruise vessels brought 28,250 visitors to the Islands this last austral summer, which is an increase of 8 vessels and 5,450 passengers on the previous season. The corresponding Passenger Tax revenue for this financial year is £217,900.

2001 was another busy year for **Post Office** staff. The Tourist season was particularly hectic but staff flexibility enabled services to be provided during the festive holidays including Christmas Day. Stamp issues for 2001 received favourable reviews from customers around the world. Our sales policy was also

well received.

When I turn to **Public Works Department**, I turn to a department which, more than any other perhaps, is in the public eye. If I were to touch on all activities, an already long speech would become excessive. I hope those involved in activities I do not mention will not feel too aggrieved.

The retirement of Tony Lee deprived the department of course of someone who has made a long and major contribution to its work.

This year saw the collection and containment of sheep dip from farms followed by shipment to the UK for disposal by high temperature incineration. This operation was made possible by co-operation of farmers, shippers, various Government departments and by no means least the small team lead by David Ford who, after training, undertook the most critical stage, that of making safe for shipment. It is worthy of note that the Disposal Company in UK sent congratulations to the Falklands team, saying that the packing, stowing and bracing were all top quality and passed an Environment Agency inspection on the quayside with flying colours.

Water testing of Stanley Harbour continues. Although this shows there is no need for concern about discharge levels, a scheme to connect two major harbour outfalls to the East Stanley disposal system is in the design stage and work should commence in early 2003. Once this is operational 60% of the untreated discharge produced by Stanley will no longer enter the harbour.

The Water Section had a testing year, maintaining supply during the driest spring and summer since 1875, despite which the usual high quality of water was maintained. Consumption for the year was over 220m litres. Overall, treated water demand continues to rise steadily, and plans are being advanced for developing a supplementary supply and also to increase the capacity of the treatment works.

Camp road construction has continued with vigour, and 47 kilometres of new road should be completed this season by direct labour and private sector teams. North Arm is now linked, as is Long Island and despite difficult conditions progress is ahead of programme on the road towards Port Stephens. A road has almost reached Horseshoe Bay.

There have been some disappointments, with it now being certain that New Haven will not be reached this season as planned. Also, although additional funding was made available for work to be undertaken by additional private contractors on East Falkland the take-up has not been as expected.

Key to driving forward works on West Falkland was the arrival of new heavy plant and a new 16-person accommodation camp in September. This was achieved

by direct shipment on a charter vessel from UK into Fox Bay and represents an excellent example of private/public sector co-operation in delivering both the required result and significant cost savings over other options. It appears also to have been the trigger for further direct shipments into and from West Falkland with attendant savings.

Within Stanley, surfacing works have been undertaken on Glasgow and Kent Roads, and overlaying on Villiers and Barrack Street, Dairy Paddock and Brisbane Roads and surfacing for the private sector at Seafish Chandlery, K4 complex and the Golden Touza Fish Processing Plant.

The Power and Electrical Section have enhanced the performance of their generating sets by carrying out fine mechanical adjustments which, coupled with tight operating regimes has improved fuel consumption per unit of electricity generated by 1.5%.

Investigation into the integration of wind-powered electricity into the main grid continues.

Training continues to be a high priority within PWD. Apprentices continue to obtain excellent results at both craft and technician level and NVQ courses are also being followed by experienced workers to gain further skills and formal qualifications.

Disappointingly, there was a lower level of applications for apprentice posts than in the previous year, which is of concern, particularly as this has resulted in an apprentice plant fitter post remaining vacant.

The Design Section have completed contract documentation in house for works worth approx. £3.6m, more than double that of the previous year.

27 cadastral plans have been surveyed and drawn for land transactions in Stanley and Camp. A great deal of other survey work has been carried out, notably in connection with the pasture improvement programme, documentation for Camp airstrips and the updating of local mapping. This gives a total to date of over 1,600 kilometres of farm boundaries and fence lines surveyed and mapped by the section, much of this on foot, together with approximately 385 kilometres of Road.

As a direct result of the Best Value review in the Plant and Vehicle Section, some of the light vehicle fleet has now gone out to the private sector for servicing and repair with the bulk of the remainder due for release in July. As well as encouraging growth in the private sector this will allow more time for members of the Plant and Vehicle Section to concentrate on the maintenance of the much more costly heavy plant and equipment.

Worthy of particular mention is work carried out by members of the section on the West Falkland. The main superstructure of a CAT 320 excavator weighing almost 12 tonnes was lifted off the undercarriage to replace the main ring gear. Safely carried out in the field with no heavy lifting equipment available, using jacks and supports made in the workshop, this required ingenuity and resourcefulness.

The Partnering agreement with Morrison International Construction Ltd continues to enable the completion of projects within a shorter time scale and with greater flexibility where change is required. The Abattoir and By-products Plant and Infant and Junior School extension are examples of this.

The FIDF HQ, the Infant and Junior School extension, Abattoir and By-products Plant, and New Visitors Centre have all been completed. Glasgow and Kent roads have been reconstructed, improvements effected to the Moody Brook reservoir, four sea truck ramps completed and the new public toilets fitted out. These represent a wide range of scales and resource needs, and have all been facilitated within the agreement.

There have been difficulties with cost monitoring, due in part to highly compressed time scales, but this is being addressed and project costs are still lower than had previously been achieved by more traditional project procurement means. The Infant and Junior School extension, although more sophisticated and of a higher specification, is cheaper per square metre, even ignoring inflation, than the Community School, built 10 years earlier. Costs per plot for East Stanley are also significantly less than before.

One of the aims of the partnership was expansion of local companies working as subcontractors. This has been achieved, with several of these employing additional personnel and undertaking significant works on major projects.

This has been period of change for the **Environmental Planning Department**. Tom Eggeling left the post of Environmental Planning Officer in October 2001, to be replaced by Antony Lancaster who arrived in January 2002. And there were other staffing changes to deal with. Thanks are due to Graham France for shouldering added responsibilities in the interim.

During the course of 2001, 180 planning/building applications were considered by the Planning and Building Committee. Among them were plans for a memorial at the Argentine Cemetery, Darwin, which were approved at the Planning and Building Committee on 7 March 2002, following a period of discussion regarding amendments. The amendments met in full the stated requirements of the Planning and Building Committee following their site visit to the cemetery in September 2001. It is, I believe, a tribute to the political maturity and confidence in the Islands that plans for such a sensitive project were approved after, I believe, discussion in public at three meetings of the Committee.

The Island's first Ramsar sites have been designated during 2001, at Bertha's Beach, Fitzroy and at Sea Lion Island. Two further sites are being considered for designation in the near future at Pebble Island and Lake Sullivan.

Work is now in hand for the preparation of a Draft Falkland Islands Development Plan. This will comprise a Falkland Islands Structure Plan and Stanley Town Plan and set land use policies and proposals for the Islands for the next 10-15 years. In particular, the Town Plan will help to resolve long standing location issues in and around Stanley for housing, public buildings and infrastructure.

Once again the **Royal Falkland Islands Police** have managed to maintain the crime figures at target level and increase the detection rate on last years. The crime figures last year were the lowest in 14 years and the detection rate has also been increased, from 92% to 96.5% - an excellent achievement.

The Royal Falkland Islands Police are striving to become more community focused. The D.A.R.E Programme plays a large part in this and has been very well received by students, parents and the education authorities alike. This is a major step forward in the drugs awareness campaign, and although the problem is only small at the moment, this will help ensure it doesn't escalate. The D.A.R.E officer has now been moved to act as the interface with the general public on a daily basis. There is a very good working relationship between the Police, Education Dept, Health and Social Services especially with regards to child protection matters, and we have recently witnessed very good results in this area.

The past year has been a particularly hard one for the **Fire and Rescue Service** due to the long, dry summer. Resources, both in personnel and equipment, were stretched to the limit on only the major camp fires that threatened property. Assistance from the PWD, Agricultural Department and a private contractor was needed to surround these fires and eventually bring them under control. A working party group has been established to give guidance to farmers/campers on how and, more importantly, when to burn.

The amalgamation of the Fire and Rescue Service and the Aerodrome Fire Service is progressing satisfactorily.

The **Falkland Islands Defence Force** has now fully occupied its new Headquarters and is enjoying the wider and enhanced training opportunities that the excellent facility offers. Effort is being focused on continual improvement of its training standards and operational capability.

The FIDF continues to maintain its capability to assist the Fisheries Department in fisheries protection, and its annual training visit by the Royal Navy resulted in a positive report. The Force supports the major defence exercises organised

through HQ BFFI, while at the same time ensuring that in-house exercises and training provide the right balance of development for its members.

Recruitment is always a problem in this small community. However it is essential that a steady stream of new members are available to build up the Force and to replace those who for one reason or another must move on. It was therefore pleasing to see a modest number of very capable and proud recruits receiving their berets on Saturday evening.

I think it may be appropriate to announce now that Her Majesty has agreed that the Jubilee medal shall be awarded to members of the Falkland Islands Defence Force and to members of the emergency services, subject to certain criteria. Individuals who meet the criteria will be informed soon about whether they qualify.

In this Anniversary year the **Falkland Islands Broadcasting Station** has been inundated with media visitors. Members of the Station have given good accounts of themselves and the Islands as a whole.

The station now has a firm foundation from a programming and news output and has covered many local major events including the last general election, which again was well received. During the next twelve months we are looking into recording the public meetings and playing out the next evening.

The most important development of the year for the **Archives** has been the appointment of an Archives Assistant in order that the vital work of cataloguing and indexing the holdings can be progressed while the provision of a research service and the accessioning of new material continue.

Once again, the Archives have benefited from generous donations over the year. A major acquisition has been the complete set of *Discovery Reports*, detailing fifty years of scientific research in the Southern Oceans from the 1920s to the 1970s.

With the retirement of the Curator, John Smith, the **Falkland Islands Museum and National Trust** has reached a milestone in its history. The Trustees have appreciated the hard work that John and his staff have put into the running and the development of the Museum, to bring it up to the high standard that it is today.

Time over the year has been dedicated to the inventory of exhibits and artefacts in the Museum. Over 3200 items have now been entered on to a computer database. Other hundreds of items have been checked, numbered and re-catalogued ready for entry. A start to a computerised photographic record has also been made.

The number of tourists visiting the Museum remains high. It continues to be a highlight for visitors. The Trustees are aware of the requirement to develop this side of the Museum's facilities to accommodate tourist/visitor's needs and at the same time generate revenue. Infrastructure has been put into place with this in mind, further planning of facilities having been prepared.

2001/2002 has been a year of change within the **Human Resources Department**. Responsibility for payroll transferred over from the Treasury along with two members of staff. Carolyn Montgomerie was seconded for a year from Cornwall County Council to review policies and procedures relating to recruitment, terms and conditions and discipline and grievance to ensure a more co-ordinated and modern approach to the Human Resources throughout Government.

It has been a very busy and successful year for training, with the introduction of several new training initiatives. A working group of key stakeholders in the field of training has been set up by the Human Resources Department to support the work of the Falkland Islands Training and Education Council by developing new training initiatives and drafting a training strategy related to the Islands Plan.

FIDC and FIG have entered into a partnership for the provision of IT training in the Islands and have set up courses in Word and Excel. To date over 98 Government employees and some from the private sector have attended these courses. In June 2002 a number of people who attended these courses will undertake RSA examinations. The framework is also being put into place for NVQ programmes in Administration, IT and Customer Service to commence in July 2002.

Twelve junior/middle managers have successfully completed the Certificate in Supervisory Management course this year and a further twelve are currently well through this course and expected to achieve good results.

On the vocational training front, the Modern Apprentice Scheme has continued to run successfully. Eight apprentices on this scheme have started vocational courses at Chichester College this year and four have successfully completed an NVQ Level 2/3 in their particular trade. Several people from PWD, Social Work and the Leisure Centre have successfully gained NVQ assessor awards, which will enable NVQ programmes to be run locally within these areas.

During the year the performance management system was revised to provide a process for staff to progress through the pay bands subject to satisfactory performance during relevant reporting periods. This has gone a long way to rectifying a source of discontent within the public service. The performance management system is an important tool for improving the efficiency of Government and identifying staff training requirements; receiving feedback from staff is also a key component.

The **Registry** section during the 2001 was very busy. During the earlier part of the year the Census took place, and of course the General Election and Referendum were held in November.

Assistance was given by the Registry to assist with the St Helena Referendum on an airstrip or replacement ship.

Within the **Secretariat**, the Chief Executive's roles are to provide leadership to the Civil Service, act as Government's principal policy adviser, and to chair the FIDB and FLH Statutory Corporations. Key achievements were

- ◆ producing the first Islands Plan (2001-4), and associated capping of growth in operational expenditure;
- ◆ improvements in people management and communications through better training of staff, revised pay and pension arrangements and a staff magazine, and a new Training and Employment Centre for the Islands;
- ◆ constitutional advice and new election procedures;
- ◆ a focus on support for Camp, through the new FIDB and FLH Boards, three Roadshows and the work on the abattoir.

Within the Secretariat also, the Economic Adviser and Policy Officer form a small team that provides Falkland Island senior government managers and elected representatives with policy advice. Key achievements during 2001/2002 include:

- ◆ Reviewing, updating and ensuring the continual improvement of the Island Plan
- ◆ Initiating, co-ordinating and ensuring implementation of best value reviews
- ◆ Completion of an application to the European Commission for derogation from the requirement that all Falkland flagged vessels have more than 50% EU or Overseas Territory nationals as crew to qualify for tariff free export of seafood to the EU.
- ◆ Review of essential shipping services.
- ◆ Initiation of reviews of tax policy and fisheries policy in partnership with relevant departments.

Key deliverables for the 2002/2003 financial year include the completion of the tax and fishery policy reviews and also the development of a System of National Accounts that will improve the range and accuracy of economic data available to Government and the community.

With effect from January 2002 line management of the IT Section moved to the Treasury. However, the Secretariat continues to maintain an interest in IT and is currently working and costing a proposal to establish a website for the dissemination of Committee and other Government information to the public and within Government itself.

The **Courts** are, of course, independent in their judicial functions from Government. It is worth remarking on one or two issues, however.

The Courts have this year procured and installed a new close circuit evidence system. This enables vulnerable witnesses, such as the young, to give evidence to a Court without having to experience the worry and trauma of appearing in Court in person. The system has been used once in the Islands this year to good effect, leading to the successful prosecution of a man charged with the serious sexual assault on a child, and now remains available for other cases in the future.

Following discussions between the Senior Magistrate and the Attorney General, it is hoped to introduce a greater range of sentences for the Courts in the near future, although at the same time there will be a need to review the provision of probation services in the Islands to supervise these new sentences.

In line with The Islands Plan objectives, the **Falkland Islands Government Office** underwent substantial refurbishment during the year. The ground floor now provides the Islands with a modern image and 'Showcase' for art exhibitions and Falklands crafts. This has led to a marked increase in visitors to the office and sale of goods, as well as provided the Islands with a much higher profile in London.

With the twentieth anniversary of the Falklands War, the main thrust of work has been in the area of public relations. The message has been 'commemoration not celebration', and the Office has been assisting journalists with information, briefings and their visits to the Islands – in each case stressing the changes that have taken place since 1982 and persuading them to focus on the Islands today – with good results.

The well-received Falklands Focus continues to be produced and distributed to over 700 recipients, including MPs and other opinion formers. In addition, the office has worked with the Tourist Board to produce a new A4 colour brochure on the Islands. Updated briefing information that reflects the confident outlook of the government today is in final stages of production.

The touring photographic exhibition "Falklands in Focus" had a large number of visitors in Norwich and will open in Belfast in May and thence to London and Oxford. Visitors have been very impressed and, in some cases surprised, by what they have seen. Each exhibition involves local press activity and a private opening reception for local dignitaries and friends of the Falkland. Plans for the attendance at two major agricultural shows are underway for June and July.

The Parliamentary contact programme is ongoing and a successful visit to the Islands with three Members of Parliament took place in February. An exhibition about the Islands is due to be held in the Houses of Parliament in July.

The Representative continues to attend meetings of the UK based Falklands groups as well as many special events throughout the year which, due to the significance of the year, have increased in number. Additionally, the Representative is to be congratulated on being elected to continue as Chairman of the UK Overseas Territories Association.

With one minor addition at the end, that completes this necessarily selective review of the activities of Government Departments over the last year. Since this will be the last occasion on which I shall have the honour to deliver this review, perhaps I may now be allowed some reflections on how the governance of the Falklands has developed over the last few years, the role of the Governor, and the ongoing Constitutional Review.

A year ago, I invited discussion of whether the people of the Falkland Islands wished the Governor to wear uniform, for which the Falkland Islands Government would be expected to meet the cost. It has been agreed by Executive Council that my successor, Howard Pearce, should wear uniform. Councillors have also responded graciously to my suggestion that I gift my sword to be the property of the Falkland Islands Government, for the use of my successor.

I recognise that, especially seen from outside, the Governor's uniform is not a symbol of change or of modernity. Nonetheless, I welcome the decision of Councillors, for a number of reasons, but in part because, for the Falklands, history matters. A key element supporting British sovereignty is that the Islands have been under continuous British administration since 1833, with an interruption only in 1982. It seems to me no bad thing to retain some visible reminders of that historic continuity.

To value tradition is not, however, to deny the importance of change. Early in my tenure of office, I reported to London that a group of Councillors who were experienced, ambitious for the Falklands, and prepared to deal with the stresses involved in opening a dialogue with Argentina, were a group who would be prepared to take much greater responsibility for decision-making. That required arrangements better attuned to assisting Councillors in policy-formation and more responsive to their wishes and concerns.

Whatever my strengths may be, I do not pretend to be best equipped by temperament or experience to be an agent of change in local government. When the search was under way in 1999 for a new Chief Executive, it seemed to me right that we recruit an individual with precisely those skills, and with sensitivity to the needs and aspirations of elected members. I believe that the greater coherence which I see in the work of the Public Service, the sense of purpose

which visitors tell me they detect in the Falklands community are in large part the product of the way in which the Chief Executive has been able to support Honourable Members and suggest how their aspirations can be brought closer to being achieved.

What, in that context, is the role of Governor? There is no simple answer. I would, however, identify two important elements.

I am, first, indebted to Capt. Ian Moncrieff, of HMS Endurance, for a description of part of the role of a Royal Navy Captain. Very often, he said, the Captain is to be found in his comfortable chair, in the middle of the bridge, but apparently taking no part in proceedings. Around him, orders are shouted, measurements are made, and changes of course are decided on. Able people, well qualified in their respective disciplines, are doing an excellent job, leaving the Captain apparently to observe only. It is, however, important that the Captain is there, not in his cabin hoping for occasional reports. His job is to ensure nothing goes wrong, and if it does, there are people back in the UK who hold him responsible and rely on him to ensure that accidents are avoided.

You can, of course, take parallels too far, but Capt. Moncrieff's account rang a bell with me, as being in large part a metaphor for how I have seen my role as Governor. Gone are the days, when a Governor of the Falkland Islands should express views on a range of domestic issues. The Governor does, however, need to be fully in the picture and will have to retain certain levers of power or authority if the relationship of partnership between the Falklands and Britain is to remain healthy. Why should that be?

Visiting representatives of the media have asked me whether the role of Governor is not an anachronism. I have said that, while the requirements differ from Territory to Territory, and will naturally evolve, the post of Governor acts as a necessary hinge in the relationship between an Overseas Territory and the United Kingdom. One of the difficult elements in a process of Constitutional Review is to determine, without avoidable misunderstandings or confrontation, what are the legitimate requirements of the United Kingdom in the relationship. And we must avoid reducing the argument to one of attitudes in the Foreign and Commonwealth Office. Other British Ministers – the Chancellor of the Exchequer, the Secretary of State for Defence, and other Departmental Ministers, never mind the Attorney General in London, have a legitimate interest in the relationship. For the Foreign Secretary, the key concern is that the United Kingdom Parliament, which is the guardian of your right of self-determination, also looks to the Foreign Secretary to answer to it for the Good Governance of the Overseas Territories. The question therefore does arise of how the Foreign Secretary may be satisfied that he is able to meet the requirements of Parliament as to the exercise of his responsibilities for the Overseas Territories whilst at the same time fulfilling the commitment to develop to the maximum extent appropriate the autonomy of these territories.

I hope these remarks will not be interpreted as putting a brake on the development of Councillors' responsibilities. The desire to see these grow is a genuine one. The present Constitution of the Falklands was drafted to allow for such growth. It may be that the direction in which it pointed is not now judged the best for the Falklands. That is a perfectly legitimate point of view, but I believe it was wise of Councillors, in the recent meeting of Select Committee, to conclude that time was needed to reflect on the best way forward. The UK Government will certainly want to join and support that exercise, and Councillors and the wider public may wish to seek advice from elsewhere too. I have, however, recently heard the relationship between the Falkland Islands and the United Kingdom as the closest among the Overseas Territories. Given past history, I believe that is something to be proud of, to be valued and built upon.

I have I note in this address made no reference to the Legislature Department, for which I apologise, in this particular year they have borne particular burden and will continue to do so until the end of the year. Apart from a normal range of duties and visits, including externally by Councillors the level and calibre of visitors to the Falkland Islands from the UK has been testimony to the quality of relationship between the Falklands and London. Media visitors have for the most part been willing to portray the Islands, as they are today to correct many prejudices and misapprehensions. The Secretary of Defence Geoff Hoon was particularly welcomed on his second visit during my governorship and we look forward to a senior representative of the British Government sharing in the commemorations in June and the visit of His Royal Highness the Duke of York in November at the same time as the SAMA Pilgrimage.

Mr Speaker, I have admitted to not being an agent of radical change in local government. I can, however, claim that from early in my tenure, I believed it right that the Legislative Council, whose role in the development of Falklands democracy may still be underestimated, should be presided over by someone other than the Governor. I renew to you my congratulations on being appointed as Speaker and I thank you and Honourable Members for your patience in hearing my address today.

Mr Speaker

Thank you Sir, would you like to remain and hear the Motion of Thanks.

Clerk of Councils

The Motion of Thanks to His Excellency the Governor on his address to Council.

Mr Speaker

Would one of the Honourable Members like to propose the Motion?

The Honourable Mrs Jan Cheek

Your Excellency, Mr Speaker, Honourable Members in rising to support the Motion of thanks I too am conscious that this is a year of commemoration. We remember those who have not just died and suffered because of the war in '82 but those who played a part and subsequently died. On a happier note we look forward to meeting many veterans later this year and hope that can feel we have made something of our country since they restored our freedom twenty years ago.

Moving on to the departmental references in your speech, I declare my fishing interest but must comment on the main source of our income, dismal is indeed an appropriate description of this year's Illex fishery, the Loligo fishery is a little better and after last year when many vessels made a loss because of low prices I hope we will see a rise this year of both catches and the price. We have been managing our budgets carefully but even more strenuous efforts are needed to ensure that we stay on an even keel. Next year even if the Illex entering the zone increases those Far Eastern jigger companies that survive this season will still be very cautious about buying licences and we should be aware of that.

This year has been a prolonged wake-up call for both the Government and local fishing companies; there should no longer be a place for cosmetic deals where some companies simply provide a front for an interest. The policy review must recognise that we need to secure a real local industry which will make us less vulnerable to the seasonal variations and the environmental changes over which we have no control than we are today, if we can bring more of our fishery on shore. In the meantime, I'd like to be assured that we really are taking the cautious approach to conservation of stocks that I, and many others have advocated for years.

Turning to one of my own portfolios, that of Education, we are in a way becoming victims of our own success because improving GCSE results qualifying more and more of our young people for further and higher education we've consequently greater budget demands. It is a success of which I think we can be rightly proud. It is essential though that those students get the best possible careers advice before embarking on their courses. If they plan to make their home here in the Falkland Islands, they need to be realistic in their choice of studies and they must be aware of their need in many cases to gain relevant experience before returning to take up posts in the Islands.

I take this opportunity to welcome the new director Mrs Sylvia Cole and to thank her and those many members of her staff who have been working constructively to overcome the urgent and serious problem of the dwindling number of GSCE subjects available in November. I am pleased that we have seemed to have

reached a solution that will give the best opportunities and choices to all students in the Falkland Islands. On a related subject the training available locally has vastly increased in recent years and we are just beginning to reap the rewards of that.

I am pleased to see the boost given to farmers by the rise in wool prices and the new plans for assistance in farm management. As subsidies are phased out, it is important that there is practical support for farmers working towards real viability after so many difficult years.

You mentioned FIDC and their recent achievements, I hope that the General Manager soon has the support he deserves from a deputy with specialist marketing skills and look forward to the launch of the Falklands Finest Scheme for our best quality produce.

Another of my portfolios Medical Services: there have been many welcome developments within the last year in Health and Social Services. Most vitally important to me have been the development and implementation in co-operation with other department of properly structured child protection procedures. We can now begin to hold our head up feeling that we are protecting those most vulnerable people in our community. Urgent further developments are of course the Sheltered Housing and the proposed nursing home.

Again on the subject of development I hope we can soon approve the design for the Police Station and prison. As I have said before here and in other forums the prison is not fit for the purpose for which it is used. It reflects badly on us as a community that it has not yet been replaced. The new police station needn't be huge or elaborate but must be constructed with facilities that protect people's individual rights and at the same time do not jeopardise the possibility of safe convictions where it is appropriate.

As in previous years I warmly applaud all those civil servants who work conscientiously in many fields to make our lives better. I especially congratulate those who work long and unsocial hours to provide essential services to those who provide police and fire cover and I'd also like to mention the FIDF whose enthusiastic volunteers provide vital evidence of our determination to contribute to our own defence.

Finally following from your remarks on Constitutional development I reiterate my commitment to finding with my colleagues a workable way for Councillors to take greater responsibilities in Government. Much hard work in particular by the Chief Executive has already gone into this but we have not yet found a model that fits. I hope that further progress will be made in coming months because our right to self-determination is inextricably linked to our ability to take charge of our own affairs. I support the Motion.

Mr Speaker

Thank you Councillor, Councillor Norma Edwards.

The Honourable Mrs Norma Edwards

Your Excellency, Mr Speaker and Honourable Members, in rising to reply to your address your Excellency, I too look forward to this year of commemoration – the twentieth year of the conflict, but I will be celebrating I have to say, not just commemorating. I think it is something we should celebrate that we have had twenty years now post conflict and it will be wonderful to see some of the people come back to visit us and I hope we do have a celebration on that front.

I won't touch on all the subjects you have spoken about, Sir, but I would like to just single out a few, FIGAS, in particular, I think continues to service the Camp very well and they constantly have excellent reports from the CAA each year. They're an excellent air service I believe and we are very lucky to have such able pilots. What I would say is that the freight rates which have been arranged now are an improvement for Camp people, however I would still like to see that further reduced to include freight rates from Stanley to the people who have businesses in the Camp, a reduced rate for them from Stanley as well as from Camp to Stanley, not just for perishable goods.

Sheltered housing we are now finally going to build a few but that is not going to solve the problem. We still have to look for further sites for more sheltered accommodation, the nursing facilities for the old folks will be a great help when they get underway but to provide five or six houses for sheltered accommodation doesn't half meet the requirements that we need. So, I have said, that in due course I will be asking a group who are concerned with health and with planning to have a little trip around the town with me, notably up to the old BFFI site to just have a look at that site and see if it couldn't be developed for that purpose.

The Post Office continues to work extremely hard and my congratulations to the Post Master Mrs Moira Eccles and her staff for all the hard work they do in very restrictive circumstances sometimes, they have very little room for all the parcels and stuff. One day, before too much longer we are going to have to look to a new Post office to add to our list of things that we need. They cannot stretch much further, I don't think, in that end of the building.

PWD, I pleased to hear you say, Sir, that there will be a link up for the sewage disposal to not be discharged into the harbour, I believe the present situation has not yet been properly fixed up. So I hope in the future that we will be able to say we are not discharging any sewage into the harbour. At present I don't believe we can say that.

The Camp roads, I was pleased the other day to have phone call from the roads engineer saying that they had been thinking about my proposal to have a maintenance gang on the west and the east for Camp roads. I was delighted to hear that because they thought it was quite a good idea and it's an idea that has been mooted by me for a considerable number of years. Finally some progress on that front hopefully which will make all the difference I believe because at the moment they do a wonderful job. I have to congratulate in particular the Camp road gang this year on the west, they have done more than their fair share of work and are about half way to Port Stephens which is pretty good achievement. However, the road still has to be capped and rolled, so there is still a lot of work to be done on all of the Camp roads not just on the west, the east as well. I went to North Arm on Saturday to see that road for the first time and was very impressed with it; I congratulate that road gang too for all the work they have done. But, I went to Brookfield on Sunday and there the road needs quite a bit of repairs done to it, and that would be, I presume the case all over the east as well because the roads have been around, some of them quite some considerable time. They need more maintenance than they are getting and it would seem to me to be a great pity once they are built to sit back and watch them fall to bits. So that is something I will be pressing for.

Wearing another one of my hats to do with Planning and Building, the Stanley Town Plan will be a welcome document to work to, Mr Lancaster is now back in the Islands and he will be updating the town plan that we already have and so I look forward to seeing the suggestions, hopefully by July, I believe he hopes to have some suggestions as to how we go forward on the new plans for Stanley.

Can I just mention the Fire and Rescue Service, and say that the Camp population are extremely grateful for all the help that they have received from the fire service during the fires in the summer and they did a tremendous job. Hopefully next year we won't have so many camp fires.

I would like also to say happy retirement and thank you for all the work that you have done, to Mr John Smith. I think it is true to say, that without him we wouldn't have the present museum that we now have. He has done a tremendous amount of work over the years and years before this museum even existed and I for one am very grateful to him and wish him well and a happy retirement.

You mentioned, Sir, that you felt that Councillors were willing to take the plunge and open up a dialogue with Argentina, you felt deserved and were able to take more responsibility on the home front. Well, I don't think that had anything to do with it at all. I think that opening up a dialogue with Argentina bears no weight at all with how we behaved at home politically and how we handle our politics at home. So whether they were brave enough to open up a dialogue with Argentina or not is neither here nor there. I think we are mature enough and capable

enough to take more responsibility of our own government, we can also speak to Argentina as well if we feel like it. Sir, I support the speech.

Mr Speaker

Thank you Councillor Norma Edwards, Councillor Roger Edwards.

The Honourable Roger Edwards

Mr Speaker, I would like to thank His Excellency the Governor for a most comprehensive, full and detailed summary of the year's events. Indeed this is the twentieth anniversary of the Falklands conflict and indeed it is a commemoration for all those who died and were wounded and we will remember them in detail later this month. On June 14th I believe it is a celebration of our freedom. It has given the Islands new life and that freedom is shown today, I believe, with the continuation and support of our Armed Forces based mainly at Mount Pleasant Airport but also around the Islands guaranteeing our continued safety and the sovereignty of our choice. Also I would like to thank them for the survey they have been doing so we have safety, sovereignty and survey.

It is a continuation of our right of self determination and today in particular we must think of Gibraltar where our own Prime Minister from the United Kingdom is meeting with his Spanish Counterpart in the continuing discussions over Gibraltar.

I cannot possibly mention all the departments as you did sir during your address, but I would like to start with Agriculture, in particular, to thank the Chief Executive and his fellow officers, councillors and others who went with him to the road shows. A large number of people attended those road shows and I think the Chief Executive would agree that there were full and frank discussions on all subjects. It was a delight to have a new aspect to that road show and I have heard nothing but good reports back from it.

We look forward to the abattoir opening, hopefully going into full production later this year giving the farms and farmers a new string to their bow. I think with the improving wool prices there is possibly a light at the end of the tunnel but sadly many campers have been lost in that tunnel. I won't go through them but I have here a list of twenty three men, women and children who have left West Falklands since Christmas this year, eight from one farm alone. So I hope, although we have good words, good plans, I do hope we can also provide a future for the farmer in the Camp.

It is a bad year for our fisheries and future revenue may well be down on what we have been expecting in the past but if you look at the title of the inner and outer areas you will see they are conservation zones. Conservation zones in which we allow fishing, not fishing zones in which we do conservation.

I would briefly like to repeat what my colleagues have said regarding FIGAS and the Civil Aviation Departments. The reports of the inspections they had earlier this year were quite outstanding and they do provide quality and service. I would like to thank them.

Customs and Immigration you mentioned. Customs we don't like very much because they collect money from us for our fags and booze, but behind the scenes they do a tremendous amount of work. The Immigration Department in particular really have to learn life skills in handling people. There is a tremendous problem they face, alone, at the desk, at the airport or on ships and they do a wonderful job.

I would also like to thank our Falkland Islands Defence Force, they looked remarkably smart this morning and they are with their enthusiastic recruits trained soldiers increasingly offering benefits to our defence of the Islands.

I would like also to congratulate our road gangs who have done such sterling work both east and west Falklands and as my wife has pointed out earlier we really must get to grips with some of the repair on these roads otherwise we will be losing them.

You mention the vessel taking the new plant and equipment direct to Fox Bay and that was welcomed by the farmers on the west with the benefit it gave them and the fact that we were able to ship our wool for the first time direct from West Falkland to the market in the UK, thereby saving something in excess of £5.00 a bale. Sir, thank you for your speech.

Mr Speaker

Councillor Birmingham.

The Honourable John Birmingham

Your Excellency, Mr Speaker, Honourable Members in rising to speak to the Motion, I also wish the fellow Overseas Territory of St. Helena Happy 500 Years. I am pleased with the words that the Governor uttered, self determination, sovereignty and partnership, I trust the same applies to all overseas territories including of course Gibraltar of which we hear some things at the moment.

It truly is a historic year here and I'd like to express my thanks to the committee that are organising the events in June. They put a lot of work in and I am sure it is going to be a well organised memorable month. I will be celebrating my freedom on the 15th June, which of course is Fox Bay Liberation Day.

Mr Speaker, I'd publicly like to thank all those in the Civil Service for their continued high standards that we've become used to. I think we tend to forget the

dizzy heights that we have now achieved, the level of service within the Falkland Islands, be it from the Medical Department all the way through to Social Welfare and to FIGAS is such that not that many years ago we would only have dreamed about and that is all to do with money; we can afford it and I hope that certainly will continue.

Many people who work for the Falkland Islands Government are overseas contracted staff and I think it is a shame that we see, we hear, we read in the local newspaper insults printed about these people that come here. No contracted staff comes to these Islands without the approval of Councillors. Councillors consider that they bring skills to the islands that we don't have and I don't think it does our image any good to have people constantly knocking and abusing these men and women that come here to do jobs that we think we don't have the skills for here in the Islands. I think it is especially sad when ex contracted officers put pen to paper and have a go and a dig at those who have come recently.

I didn't plan to speak about any particular department, but I am just going to mention the work done by the one and that is the Medical Department. In the last month or so the staff have worked exceedingly hard with various visiting consultants. I know I see them every day and they really do put a lot of time and effort in and that goes from the very top all the way down to the people who are cooking the meals.

The only individual that I am going to mention is Mr Tony Lee who has headed the Design Section a large number of years. Probably not many people know that he was the key that started the East Stanley development. If it had not been for Mr Tony Lee at a particular meeting some years ago with his information and the designs that had been drawn up and his skill in pointing the way ahead for us, East Stanley (I'm not saying it would not have happened) but it would have certainly have been well delayed and if we have a shortage of service plots now we would have certainly been in dire straits without that. I wish him and his wife well.

Mr Speaker, it is an important week for the Falkland Islands and as we know the fisheries income is being hit, this Council, I am sure will do the right thing and if there is a continued dip in income, then this Council will continue to do what is in the best interest of the Falkland Islands as a whole. This is the Governor's last time in this House and I thank him for his address, it's not the only dress I've been interested in this week. But I would like to thank him for his guidance over the last three years and I wish him and his wife well in UlanBator when they arrive there later on this year. Sir, I support the Motion.

Mr Speaker

Thank you Councillor, Councillor Cockwell.

The Honourable Richard Cockwell

Your Excellency, Mr Speaker, Honourable Members I listened with interest, to your address sir and having been away from the Islands for a few weeks I don't intend to get into too much detail in case there are something that I have missed in my absence - I haven't had the chance to catch up yet. However, I heard what you said about the Fisheries and I think we are all concerned about the dip in fisheries income this year. If I could repeat what the Honourable Jan Cheek says in regard to the review of the fisheries policy, which is going on at the moment. I think this review needs to take very seriously all the consideration that we need to do, not only to make sure that our fisheries policy upholds our conservation measures, but to make sure that we maintain our stocks, also maximises the income from the fisheries for the Falkland Islands in general. I think there has been some very useful input from the fishing industry already on this subject and I look forward to further discussion.

Regarding Agriculture and the abattoir, I understand and fully comprehend the frustration of many people regarding the delays in licensing of the abattoir, but I think we have to realise it is something outside our control and although we were assured that it would be quite a quick process the reality is that it is not. I believe that we will get our licensing. Within the next year we will be in the position where we can start processing our livestock and give the farmers a second string to their bow and second source of income.

It is interesting that during my travels, I spent a short time in Tasmania whilst I was away and talking to the farmers there, they say that actually at this moment, their agriculture is in the best state it has been for many years, income wise. I believe that that it going to repeat itself in the Falklands. If we can actually get our meat processing going and we can start exporting our meat and hopefully the wool prices will maintain themselves, I believe the income to our agricultural community may be considerably more than they've experienced for some years. I think that is something they can look forward to.

Just to show that I was listening to you sir, I was very concerned to hear you refer to calcified seaweed as a mineral. It is no more a mineral than the bone out of a sheep sir; it is the product of a vegetable, which has high calcium content. The Attorney General and I often discuss this matter but I just thought I'd mention that.

I'm glad to see that you actually recovered on your omission of the contribution of the Legislature Department. I was going to bring you to task on that one sir. They have worked extremely hard this year as you say and particularly with 2002 and the media relations and I think they should be congratulated for what they have been doing.

I do not intend to go right through all the departments, I would just like to reiterate what the Honourable John Birmingham said, the high quality of service we have received from the Civil Service is to be commended and I would like to commend them myself and say, that I believe, that we are extremely lucky in the service we get. Having been to conferences and visited places less fortunate than ourselves, I can really say that I think we really need to count our blessing on this subject and people who complain bitterly want to go and live in some of the places I visited sir.

With reference to your remarks regarding our relationship with the United Kingdom, I have just returned from a round of conferences, the final one of which was the United Nations conference on Non self governing territories. At that conference I was pleased to state that we were comfortable with Her Majesty's Government's stated policy on overseas territories particularly as my understanding that the fact that the policy is based on our right to determine our own future. I regret to see in your statement that the relationship between ourselves and the United Kingdom does not stress our part in the formulation of the relationship of the partnership. I believe, or at least I hope, that this was an omission rather than deliberate. If I can quote the Secretary General of the United Nations in his message to the recent meeting I attended. He called for programmes of work to be established on a case by case basis so that each territory can freely determine its status and strive towards political, social and economic development. Sir, I fully support this statement and hope that your statement does not look towards a less democratic process. I hope that Her Majesty's Government supports the policy which allows the Falkland Islands to freely determine its status along with the United Kingdom in the future and not the United Kingdom decide our status with the United Kingdom. Sir, I beg to support the Motion.

Mr Speaker

The Honourable Philip Miller.

The Honourable Philip Miller

Your Excellency, Mr Speaker, Honourable Members, Ladies and Gentlemen on rising to support the Motion of thanks, I would like to say a few brief words, if I may. This historic year is the twentieth anniversary of the Falklands conflict, it is a year to remember for supreme sacrifices made by those people who came to the South Atlantic to liberate the Falkland Islands and restore our freedom.

Pre '82 we had to rely largely on the development aid from the United Kingdom. Our economy was based on sheep farming, the population was dwindling, education was limited, and in fact the Falklands was in a state of decline. Since 1982, the country has seen a growing wealth due to the sale of fishing licences. The economy no longer depends on wool, the population expanded with

Islanders returning and immigrants wanting the sort of life the Falklands had to offer. We have an education system second to none with careful management of our resources and firm commitment of the British Government on sovereignty, security and the right to self-determination we can plan for a secure and bright future for the Falkland Islands.

I would like to take this opportunity to speak about some of the departments of the Falkland Islands Government. It is not my intention to mention every department as everyone will appreciate it will take far too long. The first mention goes to the department of Agriculture. Being a Camper, this department is of particular interest to me, the past decade has been very depressing for the farming community with the World wool recession making living in the Camp very difficult. I recently visited two road shows both of which were extremely well attended, there is a very positive outlook amongst farmers now and that is largely due to the work done by the staff at the department of Agriculture. Pasture improvement and Incentive Schemes are just two of a number of plans that have been developed to improve the viability of farms. The introduction of discussion groups, Open days and Road shows have meant that there is a lot of information available to help people with their own farm management.

I recently visited Chile along with twenty four other farmers. We visited Chilean farms and discussed farming techniques we learned that they were facing the same problems that we were and have also diversified to other projects to help support their businesses. A massive thank you must go in particular to Doug Martin for organising the trip.

A new management initiative intended for improving farm profitability was presented at the recent road shows entitled "The Way Forward"; the introduction of this project will greatly benefit the farming community.

Turning from farming to fisheries, we are faced with the worst season to date this year with the Illex fishery unlikely to exceed 15,000 tonnes; the previous lowest catch was 64,000 tonnes. Last summer's uncharacteristic warm dry weather could be the reason why we are experiencing such a bad squid season.

Very special thanks go to the RAF and the military at Mount Pleasant for the often very dangerous work their aircrew do for the sick and injured fisherman. The sterling work carried out by everyone involved in fisheries deserves a mention.

From fisheries to FIGAS, which are of course linked with the latter being the eye in the sky doing the very tedious work of fishery patrol covering a huge area everyday. The passenger, freight service around the Camp has virtually ceased around East Falklands but FIGAS keeps the everyday link between Stanley and West Falklands. The introduction of fresh produce freight rate has proved very popular with farmers.

Moving onto the rural road programme with the continued expansion of the roads, more farms are being linked to the network, I'd like to extend my congratulations to the construction teams both PWD and private contractors for the hard work and achievements they made during the last season.

Finally, I'd like to pay tribute to everyone involved with the essential services, a couple of which include the Fire and Rescue Department, Medical Departments.

Sir, I wish you and Mrs Lamont well for the future. I support the Motion.

Mr Speaker

The Honourable Mike Summers

The Honourable Mike Summers

Your Excellency, Mr Speaker, Honourable Members, glancing to my right I noticed that the Commander British Forces has a code on his bleeper, 9999, which is for "God's sake get me out of here", so I will be relatively brief.

Sir, I'd like to join with your congratulations to the people of St. Helena for their Quincentenary and it is actually fitting that tomorrow on that date, they also have restored to them the right to British Citizenship and we welcome that greatly. At the same time we have empathy with the people of Gibraltar who are going through worrying and uncertain times and we wish the very best for them in the pursuance of their right to self determination.

I'm delighted to be associated with the agricultural plans for the future and particularly the whole farm management scheme called "The Way Forward" which has now been introduced to Camp and the farmers and has received I think, strong support. It will bring individual business support to farms and treat farms as individual business units, which is how they should be treated like every other business.

The abattoir is now fully underway. I think it is important to remember when we think about the abattoir that it wasn't set up to be a stand alone business, a business in its own right. It was set up as a tool for development to be able to assist farmers and others in looking at new business and new ways of increasing income into the Falklands and that is how we should see it. It is a tool for development. We do think that in due course it will wash its face, it will break even and that will be good but it was a risk that we were prepared to take at the time and we still have to accept at the moment.

As we get into the Budget Session, there are pressures on income from a reduction in Illex in the oceans this season with the potential of significant reduction in income next year that will be a worry. Whilst there are still some

upward pressures on costs, so there is budget uncertainty but we have ways of dealing with it and we do have a substantial reserve which we have built up for precisely this purpose over a large number of years. It sounds odd to say that we have planned for this event, we didn't know how it was going to occur or when but we knew it would one day and here it is with us. So, we will proceed with caution and prudence. It does remind us, I think, once again if we needed to be reminded any more, that the high seas and protection of the high seas is vitally important to us and we must push forward with imagination and vigour on protection of the stocks on the high seas.

I was appalled to hear my colleague over there say that the first round of advice on the town plan will arrive in July, I had understood it was going to arrive in June and I hope we are not a month late after only one month.

I would like to congratulate the Broadcasting Service on the introduction of the Breakfast Show this year; it slid in quietly and gently without too much fuss and is now a part of many people's daily routine.

One other mention I'd like to make is the D.A.R.E project, which you mentioned in your address sir, I am delighted that the D.A.R.E project is working so well. I am delighted to record that it was introduced to the Falklands by the YMCA and that is yet another small contribution that that organisation perhaps has made to the development of youth here. The D.A.R.E project together with the recently approved Zero Tolerance Policy on Drugs which is to be published on the Falklands Website I think is a clear message to anybody visiting these Islands who think that perhaps we may be relaxed on some issues, indeed we are, but not on drugs.

I too, would like to thank all of those who have worked well in the public service this year and congratulate those who have reached the age of retirement, not just at management level but at worker level. There are many those who put in many, many years of sterling service very often through difficult times when money was less available and their contribution is greatly appreciated. There are many people too in the private sector who have worked long and diligent years and congratulations to them too who are retiring and going onto do new things. I would like to express my particular appreciation to Malcolm and Glynis Ashworth who are leaving the dairy. If there ever was an example of community service that has been it.

We look forward to the visits of our guests on the 14th June and in particular to the honouring of Her Majesty's Forces with the Freedom of the Falklands. I think this is a reflection of our ongoing appreciation of the work that the Forces have done here not only since 1982 but prior to 1982, and the close co-ordination and social interaction there has been between the civil community here and Her Majesty's Forces and that is an important element of their presence here. Sir, we will thank them at great lengths I feel sure over the next few weeks when indeed

we will celebrate as well as remember. We will do the same when the visitors come from SAMA.

I would like to pass my thanks to the organisers of all these events, it has been a tremendous exercise this year. Press relations in itself has been a huge exercise I think we've been able to put out some very positive messages of progress and success. I had a very interesting question from a television company from the West Country, one fellow said to me, "do you think that people in the Falklands feel any sense of guilt over the loss of lives in the Falklands War?" My answer to him was I think we would have felt a good deal guiltier had we not achieved the successes that we have since 1982; that indeed would have been a sad loss.

Thank you, your Excellency for your final address. We've enjoyed your company in this House and your company as Governor of the Falkland Islands. If I do have one little suggestion to your successor for the next speech from the throne, it is perhaps that you might discuss with him the possibility of combining a little more of the content of the Islands Plan and the future with the review of the past. That perhaps, would give us a little more balance in terms of not what we've done already but what we think we are going to do in the future. Mr Speaker, I support the Motion of thanks.

Mr Speaker

Thank you Councillor Summers. Commander British Forces do wish to join in the vote of thanks?

Commander British Forces

Briefly Sir, if I may, Your Excellency, Mr Speaker, Honourable Members, to thank His Excellency for the recognition of support to the community that is provided by British Forces Falkland Islands. Just to pick up on that one point sir, I think it is very important that the resource continues to be properly targeted. There are many opportunities for this, you highlighted some already and I am delighted that we are constructively involved with Councillors and the Chief executive in identifying progress. We look forward to continuing to serve you here sir. Thank you.

Mr Speaker

The Honourable Financial Secretary.

The Honourable Financial Secretary

Your Excellency, Mr Speaker, Honourable Members, as you will hear enough of me in my budget presentation later, I'd just like to join elected members in supporting the Motion of thanks to your address.

Mr Speaker

Thanks very much. Chief Executive.

The Honourable Chief Executive

Mr Speaker, Your Excellency, I too want to thank the Governor for a definitive speech but particularly sir, I think, the civil service will warm to the recognition that has been put into that speech and also the recognition that Members have given for the work that they have done throughout the year. I thank the Governor for that but also Honourable Members.

Mr Speaker

Thank you. Attorney General do you wish to speak.

Attorney General

As an official, I do not speak on these occasions.

Mr Speaker

Sorry. Thank you sir for your speech and attending this morning. May I wish you and Mrs Lamont maybe somewhere more conducive for the future.

His Excellency the Governor

Thank you very much Mr Speaker.

(His Excellency the Governor leaves the Council Chambers)

Mr Speaker

Please be seated.

Clerk of Councils

The confirmation of the record of the meeting of the Legislative Council held on the 26th March 2002.

Mr Speaker

Do Honourable Members have any amendments they have to that record? Is it your wish that I should sign?

Agreement from the House.

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.

- ◆ Waste Food Order 2002
- ◆ Fishing Licences (Applications and Fees) Regulations Order 2002
- ◆ Licensing (Amendment) Ordinance 2002 (Correction) Order 2002

The Honourable the Chief Executive

Mr Speaker may I formally lay those papers on the Table before this House and in rising in order to follow through on one of those papers, I formally move that this House approves the "Employment (Variation of Limits) Order 2002" which was agreed at the meeting of Executive Council on 21 February 2002. This Order revises the limits on certain statutory payments to Employees such as statutory redundancy pay in line with inflation from the enactment of that original Ordinance until the 30th September 2001.

The Honourable Financial Secretary

I'd like to second the Motion.

Mr Speaker

Honourable Members do you wish to speak? No. Any further comment?

Clerk of Councils

Motion (No 3) of 2002 by the Honourable MV Summers OBE.

That this House MOVES that the Honourable Speaker be requested to convey to Her Majesty the Queen on behalf of the Legislative Council of the Falkland Islands their loyal greetings on the occasion of her Golden Jubilee and their best wishes for a long continuation of her reign.

Mr Speaker

Councillor Summers.

The Honourable Mike Summers

Mr Speaker in rising to propose this Motion I would like to record that the Falkland Islanders are very solemnly British and solely loyal to Her Majesty the Queen and her family. The visits of members of the Royal family to the Falklands over the years have been very much appreciated, those of Prince Charles, the future Monarch and the Princess Royal, Prince Andrew on a number of occasions, Prince Phillip twice and Princess Alexandra all in fairly recent years. These visits are warmly welcomed by us as a continued demonstration of Her Majesty's sovereignty over the Falkland Islands. It is perhaps a minor disappointment to us that Her Majesty has not yet herself managed to visit the Falkland Islands, but perhaps in her continued reign she will yet find the time to do so.

Sir, I would like to add my loyal greetings to those of the Government and propose the Motion.

The Honourable John Birmingham

Mr Speaker, Honourable Members, it's a pleasure and an honour for me to second this Motion. Her Majesty has been Queen and head of state since before I was born and long may she continue to do so. Mr Speaker, I second the Motion.

Mr Speaker

Do other Councillors wish to speak to the Motion? Councillor Norma Edwards.

The Honourable Mrs Norma Edwards

Yes Sir, just to reiterate what has already been said. I think we appreciate all the Royal visits we've received over the years, I think my Honourable friend across the way forgot to mention Princess Anne as well, you did, sorry I missed that. But we look forward to more Royal visits in the future and wish Her Majesty a long and continuing happy reign.

Mr Speaker

Councillor Cockwell

The Honourable Richard Cockwell

Mr Speaker, I'd like to just rise to support the Motion as somebody who actually can remember when the Queen came to the throne. I think it might be expected that somebody who is that age can support it. Thank you sir.

Mr Speaker

Thank you. Councillor Cheek, are you confessing to old age too?

The Honourable Mrs Jan Cheek

In rising to support the Motion, I wholeheartedly I support the sentiments of my colleagues. Yes, I do remember the coronation, I think I was four at the time, I'm not quite sure about that. There were fireworks on the football field and I lived in a house overlooking it. I too welcome the Royal visits, not least for the coat of paint that they guarantee to go on every building of the Royal route. I think there is much to celebrate in fifty years of the Queen's reign, and of course I support the Motion.

Mr Speaker

Can I take it that the Motion is carried unanimously? (*Agreement*)

Clerk of Councils

QUESTION FOR ORAL ANSWER

Question number 9 of 2002 by the Honourable Mrs Jan Cheek.

The Honourable Mrs Jan Cheek

Mr Speaker, Honourable Members, will the Honourable Mike Summers indicate the current levels of hydatid disease being found in sheep and what steps are required to completely eradicate it?

The Honourable Mike Summers

Mr Speaker, I am advised by the Senior Veterinary Officer that in the period from 1st July 2001 farmers have submitted three lesions which they were suspicious might have been hydatid cysts to the Department of Agriculture laboratory. All three of these cysts were negative.

From the beginning of January 2002 it has been possible to inspect offals of all sheep and cattle passing through the abattoir because a full time meat inspector was available. In that period two positive hydatid cysts have been identified out of a total 2840 sheep slaughtered. This equates to an infection rate of 0.07% and would indicate that there could be as many as 450 infected sheep in the total Falkland Islands sheep population of 650,000.

Regular meat inspection at the abattoir has not continued for a long enough period to be certain that the figures obtained so far are an accurate reflection of

the true incidence, although the figures do match quite closely those obtained from the local butchery when it was last operating.

It is hoped that when a full year's set of figures has been obtained from the abattoir it will be possible to identify any "hot spots" of residual infection so that the veterinary service can check these farms to see whether their current practices (e.g. disposal of offals, pilling of dogs etc) need to be improved. This process will be made much easier when all animals coming to the abattoir are properly identified as to their farm of origin.

In the meantime it is proposed that the current methods of controlling hydatids are continued. This involves the destruction of all offals for "farm killed" meat, denying dogs access to killing facilities on farms and the regular six weekly worming of all dogs in the Falkland Islands.

The Honourable Mrs Jan Cheek

May I thank the Honourable Member for his reply; he anticipated my supplementary which was can we yet identify where the incidence is highest. It is interesting that we have reached this very low percentage and just seem unable to get rid of that last residual tiny point, whatever it is. I understand that the disease was introduced in the 1930's, I saw a medical report indicating that it had been brought in by Welsh sheep dogs at that time. We've been practically working on it since the 60's 70's I think when mass screening went on of the human population, I just wish to express my frustration that we can't get rid of that last tiny percentage.

Mr Speaker

Councillor Summers do you have anything further you wish to say?

The Honourable Mike Summers

I don't thank you.

Clerk of Councils

Question number 10 of 2002 by the Honourable Mrs Jan Cheek.

The Honourable Mrs Jan Cheek

Will the Honourable Mike Summers please give running cost of the abattoir with current level of staffing and the projected cost of running at full capacity in the busiest period?

The Honourable Mike Summers

Mr Speaker, our best view of the abattoir costs at full production volumes (2,500 - 3,000 sheep/lambs per week and 23 staff) would be £47,500 per week. This figure includes packaging, freight, storage and waste incineration charges.

On the core manning that we are shortly going to be moving to, the costs are estimated at £4,400 per week with five people employed. On this occasion I have not anticipated the Honourable Member's supplementary.

The Honourable Mrs Jan Cheek

Just as well because there isn't any. Thank you.

Clerk of Councils

Question number 11 of 2002 by the Honourable Mrs Jan Cheek.

The Honourable Mrs Jan Cheek

Will the Attorney General please explain why a Falkland Island mother can automatically give her nationality to her child while in some circumstances a father apparently cannot, and how is this reconciled with our constitution which forbids discrimination on grounds of gender.

Attorney General

Mr Speaker and Honourable Members, the situation the Honourable Member refers to can arise when a child's mother is not married to the father of the child and in consequence the child is born illegitimately. As the Honourable Member will be aware, the law as to citizenship is to be found in the British Nationality Acts, that is United Kingdom Law which applies here. Under the British Nationality Act 1981, the father of a child outside marriage cannot transmit his British Nationality to the child unless and until he subsequently adopts the child or marries the child's mother. The child will of course be a British citizen, if its mother is a British Citizen. It will not be a British Citizen if its mother is not a British citizen unless the birth takes place in the Falkland Islands and the mother is to be regarded as settled in the Falkland Islands. Settled is an expression defined by the British Nationality Act 1981, in such a way as to require that the mother is ordinarily resident in the Falkland Islands and not subject under the Immigration Ordinance to any limitation on the time in which she may remain in the Falkland Islands. Even if, a mother who is not a British citizen is settled in the Falkland Islands, if the child is born overseas, the child will not be a British citizen. It may well be as the Honourable Member supposes that the provision of the British Nationality Act 1981, those in question are discriminatory in terms of the Falkland Islands constitution. In my view the Supreme Court of the Falkland

Islands has no power to declare a United Kingdom Law which the United Kingdom has applied here to be void. There is a very good reason why I think that view must be right. It is, that supposing that the Supreme Court (and this is totally hypothetical) were to find the provision of the British Nationality Act void we have no power, and there could be no power in that way to confer citizenship, because citizenship derives from the United Kingdom Law. Sir, what I am saying is that the Honourable Member's view as to the inconsistency of provision with the Constitution may well be correct but I don't think any constitutional action could be taken to correct it.

The Honourable Member may be aware that the Nationality, Immigration and Asylum Bill presently before the United Kingdom Parliament contains a clause, which if enacted will change the law relevant to the subject matter of her question. It will enable an application to be made for British citizenship in favour of the illegitimate child of a father who has British citizenship if his parentage of the child is proved by DNA evidence. I ought to add that that provision is not contained directly in the Bill, but will arise under the new definition of father in the Bill if enacted. The United Kingdom Government has announced its intention to make regulations under that provision to enable an application for British citizenship to be made on behalf of the child based on DNA evidence of its parentage.

Finally, I ought to say that here I have been dealing only with British citizenship. There is a different position under the Constitution of the Falkland Islands in relation to Falkland Island Status. The child of a father who has Falkland Islands' status gets Falkland Island' status even if the child is illegitimate. In the case of illegitimacy until the child reaches the age of 18 when of course on or before then an application for Falkland Islands' status can be made by the child it self. One would hope that, in the circumstances and particularly, if the child had lived its life in the Falkland Islands, the Councillors of the day would be sympathetic to the application.

Mr Speaker

Thank you Attorney General. Councillor Cheek.

The Honourable Mrs Jan Cheek .

I thank the Attorney General for his very comprehensive reply and in particular for his clarification in the case of Falkland status.

Mr Speaker

Councillor Birmingham

The Honourable John Birmingham

Mr Speaker and Honourable Members, that was a very comprehensive reply and I thank the Attorney General for that. At the beginning you were talking about the father of the child if he marries the mother, the child will gain status. Yes.

Attorney General

Would gain citizenship.

The Honourable John Birmingham

Would gain citizenship. Does this mean that if married he wouldn't have to adopt or would he, even though marrying the mother would he still have to adopt the child?

Attorney General

He would not have to adopt. The child would be legitimated by the subsequent marriage of the parents and would acquire British citizenship and would also as it happens acquire full Falkland Island Status without having to make a later application on or before achieving the age of eighteen years.

The Honourable John Birmingham

I thank the Attorney General for his answer.

Mr Speaker

Thank you Councillor Birmingham. Councillor Cockwell.

The Honourable Richard Cockwell

Mr Speaker, I wonder whether I might ask a question. I'm not quite sure if I'm out of order or not, I wish you to guide me on the subject.

Regarding the legitimacy of the child, is it not time that we actually reviewed the term illegitimacy in view of the fact that a lot of people are living in long term committed relationships outside marriage. To refer to these children, the fruit of these relationships as illegitimate is putting a stigma on the child, which really we are not intending to do.

Attorney General

I am sympathetic to what the Honourable Member has said in his question. There are considerable difficulties in approaching a change in the law, because

some matters including citizenship arise by virtue of legitimacy. We have gone a long way in the Family Law Reform Bill which was enacted in 1996 to take away a lot of the consequences of illegitimacy. For example if I make a will in favour of leaving estate to my children, that will include illegitimate children. They are not disqualified from inheritance. The same applies in relation to intestacy. We have a bit further to go, I accept, I will look at the matter and see how much further we can go in locally made law. It may be that for the time being there is little further that we could go. But as I say, I shall be looking at the matter with sympathy.

The Honourable Richard Cockwell

I thank the Attorney General for his reply.

Mr Speaker

Councillor Summers.

The Honourable Mike Summers

Mr Speaker, Attorney General, am I mistaken in believing that the proposed amendments that you put forward to the Constitutional Review Committee in terms of Falkland Status would change the situation in respect of a father. I'm not talking about citizenship here and issues conferred by the British Nationality Act but Falkland Status. I thought that when I read your proposed amendments that a father would automatically confer on his child Falkland Status. Was that not the purpose of those amendments?

Attorney General

No, with great respect Honourable Member, No. It was an amendment prompted by a request by the Honourable Richard Cockwell for an amendment. There is a difficulty in relation to children of Falkland Island mothers or fathers who've got Falkland Island status and who were not born in the Falkland Islands. There if the child is born overseas, the child obtains Falkland Islands Status under section 17 subsection 4-paragraph (f) of the Constitution until the child reaches the age of eighteen years. It does not however, receive full Falkland status, even though its parents have lived in the Falkland Islands and even if both of them have Falkland Islands' status. Now, it was to that, I believe that the proposed amendment to the Constitution was directed, perhaps I see the Honourable Richard Cockwell nodding, I'm somewhat comforted that my memory is correct.

Mr Speaker

These supplementaries are beginning to wander a little bit, does any other Member have a supplementary they would like to include on this subject.

The Honourable John Birmingham

No, Mr Speaker.

Clerk of Councils

Orders of the Day – Bills

The Appropriation Bill 2002

The Honourable Financial Secretary

Mr. Speaker, Honourable Members, as this is the Golden Jubilee year, I trust you will allow a momentary digression into the past, to the Appropriation Bill of 50 years ago. In 1952, the Appropriation Bill passed in the grand sum of £330,919. Out of this sum; £158,000 was allocated to ordinary expenditure. At that time, the general revenue balance account, the equivalent of today's consolidated fund, amounted to £184,000. Therefore, this represented about 14 months' operating expenditure – about half of today's equivalent. Due to a 100% increase in revenue from export tax – export duty on wool and company tax the appropriation included a transfer of £75,000 to a special reserve fund, a prudent approach to budgeting which is followed to this day.

Under a miscellaneous heading of extraordinary expenditure are listed the following 3 items, which appear to have similarities to some of today's issues:

1. Loan to dairyman
2. Subsidy to FIC Charter Plane
3. Share in Ajax Bay Freezer Capital

I know that Councillor Summers thinks I have been around forever. Although alive and starting to kick, I was not quite old enough to be at that 1952 LEGCO Meeting. Back now to the present, although I will return to 1952 later in my presentation.

Mr. Speaker, the purpose of the Bill before us today is to authorise the withdrawal of £42,169,380 from the consolidated fund for the service of the financial year beginning on 01 July 2002.

The schedule to the Bill summarises the appropriation under three headings:

1. £32.2m is allocated to the operating budget, which represents estimated expenditure, net of internal charges of £1.3m and capital charges of £3.2m.

2. £5.1m is allocated to the capital budget

3. £4.7m is allocated to transfers.

The draft estimates for 2002/03 are presented in a similar form to that of last year, in one document, with the capital budget following the operating budget. The opportunity has also been taken to identify fund transfers and transfer payments separately from the capital estimates. It should also be noted that the estimates have been prepared on the basis of an incremental introduction of resource accounting and budgeting. The operating estimates include an element relating to capital charges. However, for the purpose of preparing the revised estimates for this year, with the draft estimates for next year, capital charges are excluded.

The draft estimates for 2002/03 reflect the budget strategy approved by Executive Council. The budget strategy supports the Islands Plan and, as such, is intended to build and develop the framework needed to deliver the policies and the required sub-programmes and tasks. This strategy has been reinforced and expanded under Policy 9 of the approved Islands Plan 2002 to 2005.

With regard to the balance of the Consolidated Fund, a new target has been set of three times the annual operating expenditure by 30 June 2005. In order to achieve this target, it will be necessary for future budget policy to be set accordingly.

As usual, before dealing with the 2002 /2003 budget, I will briefly review the current financial year. The draft estimates show that the out-turn at 30 June 2002 is expected to produce a budget deficit of £10.2m, compared to the almost balanced budget forecast a year ago. The reason for this variance is a combination of an estimated reduction in revenue of £3.3m and an estimated increase in expenditure of £6.9m. The reason for the reduction in revenue is mainly due to lower income of £1.3m from fishing licences as a result of the extremely poor Illex season. Lower than forecast income taxation of around £400,000 and a shortfall of £1.5m in the receipt of STABEX monies anticipated for this year.

The reason for the increase in expenditure is mainly the result of a "carry forward" of a £4.6m, 2001/2002 under-spend for on-going capital schemes and transfer payments plus a £3.5m supplementary approved for additional pension fund transfers.

At the 30th of June 2002, it is estimated that the balance of the Consolidated Fund will amount to £81.8m, which represents around 2.25 years worth of proposed total operating expenditure and is an appropriate time to start the report on the 2002/2003 budget.

Total revenue for 2002/2003 is forecast at £48.9m. Submissions for total expenditure are inserted at £46.7m to produce an estimated budget surplus of £2.2m. Excluding capital charges, operating revenue is inserted in the draft estimates at £44m, which is £1.7m higher than the revised estimate for this financial year. This is judged to be a realistic forecast, provided economic stability can be sustained. Dependence on the major contribution of £22.8m from the sale of fisheries licences remains a concern, having regard to the fragile nature of the industry. This has been demonstrated most recently by the lowest ever Illex catch rates. Actual revenue from the sale of fisheries licences in 2000/2001 amounted to £27.5m. The forecast for fisheries licensing revenue for next year is therefore £4.7m less than last year's actual.

The strategy is to maintain base operating expenditure at the 2001/2002 level of £31.5m. Inflation, including a proposed pay increase of 3.6% and the re-introduction of performance related pay has been absorbed. Additional savings of £260,000 have also been identified that will provide Honourable Members with some flexibility at Select Committee.

In addition to recurrent expenditure, there are bids from Heads of Departments for one-off special expenditures of £1.3m and for recurrent additional growth items of £2m. This includes £860,000 for the proposed pay adjustments and an allocation of £374,000 for the Islands Plan reserve. Excluding capital charges, this makes a total estimated operating expenditure figure for 2002/2003 of £33.6m.

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

Capital Expenditure for 2002/2003 is inserted at £5.1 and £4.7m is inserted for transfers. There is an estimated carry-over of capital under-spend this year of £1.5m. The estimated carry-over has not been included in the appropriation bill and it is proposed that the actual under-spend be carried over by supplementary appropriation as soon as possible in the new financial year.

As a precautionary measure, in case the poor Illex season is repeated next year, it is proposed that expenditure bids amounting to £4.3m should be delayed and re-phased. These expenditures are therefore excluded from the appropriation bill and are highlighted as such in the draft estimates document.

In summary, the deferred expenditure consists of £3.1 under the capital schemes, £705,000 under transfer payments and £500,000 under the Islands Plan reserve. It is considered that this re-phasing of mainly capital expenditure and transfer payments that have a low impact on employment and local contractor spend and will not cause an economic recession.

The financial position of Government will be reviewed in February next year and, if the fisheries situation has returned to normal, then the deferred expenditure can be re-phased as appropriate. In the event the situation does not return to normal, at least a prudent start will have been made to a review process, which would then need to be continued. We can be thankful that our healthy cash reserves are able to cushion a short-term shortfall in revenues.

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

Turning now to Revenue measures, it is proposed to increase customs import duties on tobacco products by 10%. These increases would, for example, add an extra 15p on a packet of 20 cigarettes and an extra 45p on a 50g pouch of tobacco. This will raise additional revenue of £14,000, which it is suggested, should be used to help fund health promotion and anti-smoking measures.

At this stage last year it was decided that the base rates and rationale behind the current customs import duty should be reviewed. Unfortunately, this has not been done and Executive Council has agreed that the review be carried out during 2002/2003.

It is proposed that harbour dues be increased by 3% in respect of all vessels over 15 tonnes with effect from 01 January 2003. Additional revenue from this source is estimated at £20,000.

To keep pace with inflation it is proposed that customs service fees be increased from 01 July 2002. This time last year Honourable Members agreed that fees should be introduced for the issue of immigration permits and that the fee levied for visas should be increased. On 26 July 2001, Executive Council approved the schedule of fees. It is proposed that these be implemented with effect from 01 July 2002 along with two minor adjustments approved by Executive Council on Friday of last week. All the dues and fees are detailed in the Finance Bill and, if approved, a list of them will be made available from the Customs and Immigration Department upon request.

On account of inflation it is proposed that the annual vehicle licence fees be increased by 10% with effect from 01 July 2002, as follows:

1. Motorcycles from £30.00 to £33.00
2. Light vehicles such as Land Rovers, cars and agricultural tractors from £70.00 to £77.00
3. Heavy Vehicles exceeding 3400 kilos from £110.00 to £121.00
4. Heavy vehicle trailers from £25.00 to £27.50.

Overseas Airmail and local mail postage rates have not altered since 01 July 2000 and overseas surface mail and parcel rates have not altered since 01 July 1999. To keep pace with inflation it is proposed that postage rates be revised with effect from 01 July 2002. The revision includes the removal of the lower weight stages in small packets and printed papers and an amendment to the definition of printed papers. The majority of the proposed increases are under 5%. Full details of the revision are contained in the draft replacement Post Office Order, which will come up for consideration at Select Committee. If approved, copies of the new postage rates will be made available from the Post Office upon request.

With the exception of rents on Sheltered Accommodation which are already subject to an approved staged increase, it is proposed that rents in all other Government housing accommodation be increased by a maximum of 5% with effect from 01 July 2002.

There are no proposals to adjust rates of income, or corporate tax or income tax allowances. Executive Council agreed that any revision should await the outcome of the comprehensive review of the taxation policy framework, which is currently taking place, and out for public consultation.

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

1. Embarkation tax
2. Passenger tax
3. Water charges
4. Electricity tariff

I now turn to specific benefit proposals. Under the provisions of the Retirement Pensions Ordinance, it is proposed that the weekly rates of contribution and pension be increased as follows with effect from 01 July 2003:

1. The employer contribution from £8.00 to £ 8.50
2. Employee contribution from £ 8.00 to £8.50
3. Self-employed contribution from £16.00 to £17.00
4. Voluntary Resident rate of contribution from £16.00 to £17.00
5. Voluntary overseas contribution from £20.30 to £21.40

The standard rate of pension: from £95.00 to £100.00 and the Married Couples supplement from £53.00 to £56.00.

Retirement pensions contributions are paid into and the payment of pension is met from the Retirement Pensions Equalisation Fund. At the last review of the fund as at 31 December 1998, the central projection of the Government actuary indicated that the fund represented 84% of the assumed liabilities. Thus, the state of the fund was around 16% short of reaching actuarial balance. This is not a cause for concern. It should be noted that very few, if any national retirement pension schemes in the world are in actuarial balance. Many countries operate on a largely pay as you go basis in which pensions are paid partly out of general taxation and ultimately guaranteed by the national government. The Government actuary has commented that the present level of the fund may be regarded as providing an additional safeguard in the special circumstances of the small economy of the Falkland Islands.

The proposed increase in contribution rates to match the proposed up rating of the pensions, together with the continuation of a £450,000 annual subsidy should ensure that the value of the fund is maintained at around its current level. The requirement for a subsidy is necessary for so long as the resident rate of contributions remain less than the actuarial overseas rate of contribution.

Not only is 2002 Her Majesty the Queen's Golden Jubilee, but it is also the golden jubilee year of old age pensions, now known as retirement pensions. The lack of any provision for old age attracted the attention of Governor Sir Miles Clifford soon after his arrival in the Islands. And he promoted support for a bill for an Old Age Pensions Ordinance in Legislative Council on 06 March 1952. The pension for a single man was introduced at £1.00 per week. And, the adult contribution rate was introduced at 5 Shillings or 25p as we know it today. At that time the pension represented about 26% of the lowest clerical salary in the Civil Service. As there was no benefit payable previously, £1.00 was obviously better than nothing and was welcomed. It was certainly simple at the cash desk – an exchange of one piece of paper – the coupon – for another piece – a pound note.

While salaries and wages continued to increase, this rate of pension remained in force for eight years as it did not receive its first increase until 1960. At that time, like we still do today, the Government took advice from the UK Government Actuaries Department. And, it was that Department who advised the contribution rate.

At another significant time in our history – 1982 – at the 30th anniversary of Old Age Pensions, the then £14.50 per week pension represented 32% of the lowest clerical salary. Today, 20 years on, at its golden jubilee, the current retirement pension of £95.00 per week represents 46% of the lowest clerical salary. Now, I would not be so bold to say that the current relationship is right. Perhaps the 1952 relationship should be maintained. Perhaps it should be greater than the 46% where it has now reached, more by accident than by design. The absence

of some form of target relationship is in our mission and it is something I need to address in the form of a policy paper to Executive Council at some stage.

As mentioned earlier, the rate of adult contribution was 25% of the pension back in 1952. The current resident contribution rate of £16.00 per week represents 17% of the current pension of £95.00 per week. So today there is a much better deal for those pensioners and contributors alike.

As a result of a proposed increase in retirement pensions, a maximum ex-gratia pension would increase by £4.50 from £85.50 to £90.00 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 with effect from 1 July 2002, Public Service Pensions and payment under the Final Salary Scheme provisions of the 1965 and 1979 Pensions Ordinances be increased by 3%. This is the same increase as must be purchased under the annuity provisions of the Falkland Islands Pension Scheme Ordinance 1997. The estimated cost of this increase is £15,000 and would be met from the Pensions All Scheme Fund.

The system and scope of Social payments are currently under review. As a result, the introduction of a living allowance is the subject of a separate policy paper, which was approved in principle by Executive Council on Friday of last week. Subject to consultation, and further consideration, if the policy is confirmed, it is anticipated that the living allowance will replace the means tested benefits currently in place but not until 01 January 2003 at the earliest. In the interim, therefore, it is proposed that the existing means tested and non means tested welfare allowances should be increased by approximately 5 to 6% with effect from 01 July 2002. The fostering allowance to remain at £20.00 per day.

A means tested winter fuel allowance of £150.00 per annum was introduced for pensioners last year. Although fuel prices have decreased, it is proposed that the allowance should remain at £150.00 for the 2002 winter.

The child allowance is currently £52.00 per month per child and has remained at that rate since 01 January 2000. It is proposed that it be increased by £1.50 with effect from 01 January 2003.

The estimates are now presented in some reform. 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, in particular, managers need to be able to convince Honourable Members that they need the additional growth bids or

special expenditure. In addition to their base line budgets in order to achieve their departmental aim and objectives and fulfil their mission.

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 best value for money.

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. This is why, as a result of the decline in Illex catch rate and a reduction in revenue from that source, it has been necessary to pause some non-essential expenditure for next year. But despite this slight set-back, the indications are that the economy is in a healthy position for going forward.

Once the system of national accounts is up and running, a more accurate indication can be given. Inflation, as measured by the retail price index, is running extremely low. For the year 2001 it rose by only 0.27%. The quarter ended 31 March 2002 showed a decrease of 0.78%. This no doubts reflects a growing and competitive retail and service sector which is important for economic stability. There has been a significant improvement in wool prices, which will help combat rising costs in production and recoup losses. After many years of depressed markets it is too early to predict how long these improved prices will last. Or whether they will continue to improve.

With improved wool prices and the additional benefits to be derived from the various rural diversification schemes, such as meat production, the future prospects in the agricultural sector look promising. The Government continues to assist other areas of the private sector also, as demonstrated by its annual transfer payment to the Development Corporation.

The local fisheries sector is continuing to mature. And, its contribution to the economy should not be under-estimated. Without its profitable activities over the recent years, the Government revenues would not be as high as they are today.

The Government continues to invest in the promotion and management of our offshore minerals regime because it is confident that the benefits that will eventually accrue are necessary, to help broaden the economic base of the Islands.

As far as the public sector is concerned, the improvements in service levels and infrastructure development are available for everyone to see and enjoy. At the same time as financing the significant improvements and developments, the Government has continued to build up its cash reserves to provide additional security against downturns in the economy.

As mentioned earlier, the estimated Consolidated Fund balance at 30 June 2002 is £81.8m. At 30 June 2001, the total reserves of Government, including the Consolidated Fund, Pension Funds and other funds amounted to £168m. For comparison, prior to the declaration of the Fisheries Zone in 1986, the total reserves amounted to £9m. As it took us 153 years to reach £9m, the pace of change over the last 15 years has been remarkable.

Provided we continue to live within our means, we can look forward to a long-term economic future with confidence and optimism.

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 Treasury staff, in particular to Keith Padgett, Bernadette Lang, Lynda Lyse and Helga Burroughs, 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. Speaker, this concludes my budget presentation and I beg to move the first reading of the bill.

Mr Speaker

The Motion is that the Bill be read for the first time. Any objections to the Motion? 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 2002 and ending on 30 June 2003.

The Honourable Financial Secretary

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

Mr Speaker

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

The Honourable Mrs Norma Edwards

In rising to speak to the Motion, may I just congratulate the Financial Secretary and his staff for all the hard work that they have done. Probably not this year but

certainly next year may be an even more difficult budget for you to handle. This year I think the demise in the fisheries came too late to affect this particular budget very much. However, you will not be surprised to know that I won't be supporting your increase in cigarettes, although I am no longer a smoker it always used to get up my nose when they put pennies on a packet of cigarettes and it made me smoke more. I think it has a negative effect, not a very positive effect either and £14,000 is the gain from this exercise and wouldn't even buy you another Government rover.

Anyway, apart from that congratulations on your Bill and congratulations to your staff for all your hard work.

Mr Speaker

Was the increase charged Honourable Member or was it the smoke that got up your nose.

The Honourable Mrs Norma Edwards

Little of both Mr Speaker.

Mr Speaker

Councillor Birmingham

The Honourable John Birmingham

Mr Speaker, Honourable Members I also would like to thank Derek and his staff for all work put in. I would just like for public information, make a slight alteration to what the Honourable Norman Edwards has just said. £14,000 raised from the increase in tax on tobacco products is going to be channelled directly into promoting health issues, especially to help people stop smoking.

The Honourable Mrs Norma Edwards

I hope it works.

Mr Speaker

Any other Honourable Member wishes to speak to the Motion? Councillor Miller.

The Honourable Philip Miller

Mr Speaker, Honourable Members, I too would like to join the accolades in congratulating the Financial Secretary, Keith Padgett and the staff of the Treasury on their hard work.

Mr Speaker

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

Clerk of Councils

A Bill for an Ordinance to provide for the service of the Financial Year commencing 1 July 2002 and ending on 30 June 2003.

The Honourable Chief Executive

Mr Speaker, I beg to move the Bill and the draft Estimates be referred to a Select Committee of this House and that The Honourable MV Summers be appointed chairman.

Mr Speaker

The Motion is that the Bill and the draft Estimates be submitted to a Select Committee of the House and that the Honourable MV Summers be appointed chairman. Any objection to the Motion?

The Honourable Richard Cockwell

I second the Motion.

Mr Speaker

No objection. The Bill is now referred to a Select Committee of the House.

Clerk of Councils

The Finance Bill 2002

The Honourable Financial Secretary

Mr Speaker, Honourable Members the purpose of this Bill is to give statutory effect to the increase in various fees, charges, contributions and benefits, regulated by Ordinances, which I proposed in my budget presentation as follows:

In clause 2 vehicle licence fees, in clause 3 Customs service Fees, in clause 4 retirement pensions, in clause 5 retirement pensions contributions, in clause 6 fees for immigration permits, etc and in clause 7 Harbour Dues. Mr Speaker, I beg to move the Bill be read a first time.

Mr Speaker

The Motion is that the Bill be read a first time. Any objection to the Motion? No objection, the Bill be read a first time.

Clerk of Councils

A Bill for an Ordinance to amend various laws so as to increase fees, charges, contributions and benefits.

The Honourable Financial Secretary

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

Mr Speaker

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

Clerk of Councils

A Bill for an Ordinance to amend various laws so as to increase fees, charges, contributions and benefits.

The Honourable Chief Executive

Mr Speaker, I beg to move that the Bill be referred to the select Committee on the Estimates.

Mr Speaker

The Motion is that the Bill be referred to the Select Committee on the Estimates. Is there any objection to the Motion? No objection. The Bill is now referred to the select Committee on the Estimates. The Council is adjourned until 2.00pm on Thursday 23rd May 2002.

COUNCIL RESUMED ON THURSDAY 23RD MAY 2002

Mr Speaker

Honourable Members, good afternoon, please be seated.

Honourable Members, I think you probably had a copy of my letter to His Excellency, but think perhaps that it should be put on record. I wrote to His Excellency on Monday 20th May in the following terms

“On the instruction under a Motion of the Legislative Council on the 20th day of May 2002. I, as Speaker have been asked through you to convey to Her Majesty the Queen, on the occasion of her Golden Jubilee, the loyal greetings and best wishes for her continued health and reign from her loyal and loving subjects of the Falkland Islands.”

I hope that meets with your approval.

(Thanks from the House)

Clerk of Councils

The Appropriation Bill 2002.

Mr Speaker

Would the Honourable Financial Secretary like to report back on the happenings of the Select Committee?

The Honourable Financial Secretary

Mr Speaker, Honourable Members, this reports covers both the Appropriation Bill and the Finance Bill referred to the Select Committee on the Estimates of Tuesday this week. The Committee comfortably carried out the business of budget meetings in the one and a half days allocated on the agenda. They were busy sessions attended by those Heads of Departments who were needed to aid the process. There is no doubt that the pre Select Committee meetings held in February, the regular reviews by the Standing Finance Committee, the several reviews of the Capital programme enabled the Select Committee's task to be accomplished over those one and a half days. This was the first budget session of the new council. As Councillor Luxton was absent overseas on Council business only two out of the seven elected members were new to the process. It was apparent from Councillor Roger Edwards' grasp of the situation that he had received some in-house training from Councillor Mrs Edwards and I mean that in

a complimentary way. With the help, of at least two generations of political blood in his veins, it was not apparent that Councillor Miller was attending his first budget session. Councillor Summers who has chaired these meetings for almost as long as I can remember did an excellent job of keeping everyone on the right track and extracting firm decisions.

With regard to the Operating Budget, the Committee concentrated mainly on the additional growth items, and the Special Expenditure I drew my attention to in my budget presentation. Several minor adjustments were made to operating revenue and expenditure.

Three items of operating expenditure were transferred from departmental budgets to a central reserve, as the committee was not satisfied that the expenditure was fully justified at this stage. In due course, these items can be released back to departments once the Standing Finance Committee has been satisfied.

The Committee approved the allocation of £82,605 to implement the proposed pay award and performance related pay for the Civil Service, on the confirmation that this cost was absorbed by efficiency savings in excess of £1m. After taking income tax into account, it was noted that the net costs of the pay adjustments was estimated at £700,000.

The Islands Plan Reserve was confirmed at £374,000 after being bolstered by excess savings of £260,000 but reduced by deferred expenditure of £500,000.

It was agreed to confirm the estimate of fisheries licensing revenue at the inserted figure of £22.8m. I should just add that at the best of times, due to its vulnerable and volatile nature, fisheries licensing revenue is very hard to predict with any degree of certainty. Fisheries science itself appears inexact and this reflects in the revenue predictions. The revenue estimate takes account of a possible modest downward adjustment in licence fees and a lower take-up of licences as a consequence of this dire Illex season. A variation of around £5m would not be unusual in any annual cycle. While we might hope for this to be in a positive direction, there is a negative possibility, which is a further reason why it has been decided to defer some non-essential expenditure.

No major adjustments to transfers or to capital expenditure were made. Transfers were increased marginally by £25,800 to remain at £4.7m. Capital expenditure was increased by £58,700 to £5.2m. All these adjustments result in a slight improvement to the budget surplus for the next year, which is now estimated to be £2.3m, compared to what I reported in my presentation of £2.2m.

As proposed, it was agreed to defer mainly non-essential transfer payments, capital expenditures and Islands Plan reserve money until the revenue position

becomes clearer next February. The amount deferred was adjusted slightly from the £4.3m proposed to £4.2m.

The approved budget of £5.2m for capital expenditure includes allocations for the following major schemes:

1. £1m for continuing the building of Camp Roads both on East and West Falklands. Based on historic costs, this should produce a further 50KM of all-weather tracks. If it is decided to upgrade some existing roads, then this will reflect on the distance of new roads to be built.
2. £250,000 to continue the programme of upgrading Camp jetties and ramps in accordance with the priorities determined by the Transport Advisory Committee.
3. £250,000 to allow a start to be made for the building of more sheltered housing. Over the following three years, a total of £2.3m is projected for sheltered and disabled housing purposes.
4. £433,000 for the building of the second phase of housing at Rowlands Rise. It is estimated that an under-spend of £200,000 will occur this year and this would need to be re-voted by supplementary appropriation in the new year.
5. £150,000 continuing the backlog of maintenance work on public buildings.
6. £200,000 to add on an additional ward to the hospital for the care of the elderly.
7. £1m to continue the provision of services to the East Stanley Development. This will produce around 25 fully serviced plots for self-build private sector housing. This is one scheme where expenditure of £750,000 has been deferred.
8. £100,000 has been inserted for Camp Airstrip improvements.
9. £100,000 to improve facilities at FIGAS.

It is considered that this mix of major capital construction schemes together with the other, more minor works will keep the in-house labour teams fully occupied and take up any slack in the private sector contracting business. At least one benefit of a modest and hopefully temporary reduction in the Government's capital programme is that an opportunity is provided for more productive private sector work to be undertaken. We can turn hopes to address the concerns expressed about the over-dominance of the public sector.

The £4.7m inserted for transfers consists of two sub-heads:

1. Fund Transfers
2. Transfer Payments

£950,000 is allocated for fund transfers to Pensions Funds. The Fund Transfers have a neutral effect upon the Government's balance sheet as the money is simply being transferred from one fund to another.

£3.8m is allocated to Transfer Payments. This represents the transfer of money from public to private – the opposite of taxation. This includes subventions and subsidies to agencies and trusts, agricultural assistance and family allowances and the holiday credit scheme – to name but a few.

The Committee approved grant in aid of £565,000 to FIDC in order to support its budget of £1.5m. All this money is to be transferred to help the economy develop and grow.

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

- ◆ An increase in customs import duty on tobacco products. A Motion is on the order paper to confirm this.
- ◆ An increase in harbour dues and customs services fees as detailed in the Finance Bill
- ◆ The proposed increases in immigration permit fees subject to an upward adjustment in two particular fees. An amendment to the Finance Bill will be proposed in relation to the fees where details will be given.
- ◆ An increase in vehicle licence fees as detailed in the Finance Bill
- ◆ The revision in postage rates as set out in the Post Office Order 2002 was approved. The Committee expressed concern as to the effective increase in postage on Christmas cards both inland and overseas brought about by the revision. The Committee requested that this be revisited well before cards need to be posted this year. It is intended that special postage rates for Christmas Cards should be introduced by an amendment to the Post Office Order. It was on this basis that the Committee approved the making of the order as currently drafted.

A points based system for assessing Government Housing rents was approved by Executive Council last year. Currently only 25% of properties are at the level of their assessments. 45% are already in excess of the assessment and 30% are

below. In some cases, significantly. Rather than the proposed 5% maximum increase, the Select Committee, after reviewing the background and considering several options, agreed that a 10% maximum increase should be applied – the same as last year. This means a maximum of 10% will be applied to rents of properties, which are significantly below the points base level. For those properties that already attract a points based rent, the increase will be limited to 3%. The Committee noted that by applying a maximum increase of 10% a year, it will still take around 4 years for all properties to achieve the points based rents. All tenants will receive a notification of the revised rents together with a simple explanation of the points base system and calculation. It should be noted that a rent rebate system is in place to assist those tenants who are unable to afford to pay the increased rents.

I can confirm that, as the St. Mary's Walk and Thatcher Drive sheltered housing is already subject to an approved staged increase, they are excluded from any further adjustment at this time.

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

1. Embarkation Tax
2. Passenger Tax
3. Water Charges
4. Price of Electricity

The proposed increases in retirement pensions, ex-gratis pensions and the Christmas bonus were all approved. At this stage, the Committee did not approve the proposed increase in retirement pension contributions. Concerns were expressed over the difference in the rates of contribution payable by an employee and the self-employed. And, the Committee asked that this matter be referred to Executive Council for consideration. This decision of the Committee will require an amendment to the Finance Bill, which is the next item of business on the order paper.

The proposed increase in public service pensions was approved. The Committee approved the proposed increase in welfare allowances. Upon further consideration, the Committee approved an increase of £50 in the proposed winter fuel allowance from £150 to £200. For those eligible pensioners, the allowance for the 2002 winter will be paid monthly in monthly instalments as follows:

1. On 03 June 2002, £66.

2. On 01 July 2002, £67.

3. On 01 August, £67.

The existence of this allowance, which was introduced in August last year will be publicised.

The Committee approved the proposed increase in the child allowance.

I trust that we are all pleased with the outcome of the budget process this year, as a healthy surplus has been achieved. I am also happy that the process was managed in a professional and more orderly fashion than last year. The Officer responsible is my deputy, Keith Padgett. And, I am most grateful to him for all his hard work and expertise.

As well as striking a balanced budget, I believe we have also struck a reasonable balance between expenditure on service provision for social purposes, for economic development, and on capital schemes. Despite a deferral of some non-essential expenditure, the Government is planning to spend around £41m of public funds on salaries, goods, services, and distributions.

It will be down to the private sector to determine how much of this sum will continue to circulate within the economy in order for it to benefit more than just the original payee.

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 the Executive Council recommends to Legislative Council the Amendments to the Appropriation Bill necessary to accommodate those adjustments.

I would like to take this opportunity to thank all Officers and Honourable Members who took part in the Select Committee. In particular I thank Helga Burroughs for taking the minutes and once again Keith Padgett for keeping an accurate record of the adjustments.

This concludes my report of the proceedings of the Select Committee on the Appropriation Bill and Draft Estimates.

Mr Speaker

I thank the Financial Secretary.

Does an Honourable Member wish to move that the report be accepted?

The Honourable Mike Summers

I can Move that the report be accepted.

Mr Speaker

Do I have a seconder?

The Honourable Richard Cockwell

I'll second.

Mr Speaker

The report of the Select Committee has been accepted. Council is in Committee.

Clerk of Councils

Clause 1 and 2.

The Honourable Financial Secretary

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

Mr Speaker

The Motion is that Clause 1 stands part of the Bill. Do we have any objections?

Clause 1 stands part of the Bill. .

Clerk of Councils

Schedule.

The Honourable Financial Secretary

I beg to Move that the Schedule stands part of the Bill with the amendments circulated to Honourable Members under the cover of the Executive Council paper.

Mr Speaker

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

Schedule stands part of the Bill.

Clerk of Councils

Clause 2

The Honourable Financial Secretary

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

- ◆ Delete the words and figures Forty Two Million One Hundred Sixty Nine Thousand Three Hundred Eighty Pounds and insert Forty Two Million One Hundred Seventy Thousand One Hundred and Thirty Pounds.

Mr Speaker

Honourable Members the Motion is that Clause 2 stands part of the Bill. Is there any objection to Clause 2 as amended standing part of the Bill?

Clause 2 stands part of the Bill.

Council Resumes.

The Honourable Financial Secretary

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

Mr Speaker

Honourable Members the Motion is that the Bill be read a third time and do pass. Is there any objection to the Motion?

The Bill will be read a third time and pass.

Clerk of Councils

A Bill for an Ordinance to provide for the service of the Financial Year commencing 1 July 2002 and ending on 30 June 2003.

The Finance Bill 2002.

Mr Speaker

The Honourable Financial Secretary, did we have your report on the Finance Bill, was it included with the Budget, or is it a separate report?

The Honourable Financial Secretary

It's a separate report.

Mr Speaker

I'm sorry, I wasn't quite sure which bits came where.

The Honourable Financial Secretary

Mr Speaker, Honourable Members although I covered the report on the proceeding of the Select Committee on this Bill when I reported on the Appropriation Bill and Draft Estimates, I need to confirm that the Select Committee approved the following provisions of the Finance Bill:

- ◆ Clause 2 for increase in Vehicle License fees
- ◆ Clause 3 for an increase in Custom Services fees
- ◆ Clause 4 for an increase in Retirement Pensions
- ◆ Clause 6 for the implementation of Immigration Permit fees subject to the amendment of two particular fees under sub clause 1(a) and (b). I will propose the relevant amendments to this clause at the Committee stage of the Bill.
- ◆ Clause 7 for an increase in Harbour Dues
- ◆ Clause 8 for an increase in Child Allowance.

At this stage the Committee did not approve provisions of Clause 5 which would effect an increase in Retirement Pension Contributions for the reasons I included in my report on the Appropriation Bill and Draft Estimates.

I will propose the deletion of this clause and the renumbering of the subsequent clauses at the Committee stage of the Bill.

I can report that Executive Council approved the amendments to the Bill at its meeting earlier this afternoon. Executive Council now recommends to Legislative Council those amendments to the Finance Bill.

This concludes my report on the proceedings of the Select Committee on the Finance Bill.

Mr Speaker

Thank you Financial Secretary. Would a Councillor like to propose the report be accepted.

The Honourable Mike Summers

I move that the report be accepted.

The Honourable Richard Cockwell

I'll second.

Mr Speaker

Thank you. The report is accepted. Council is in Committee.

Clerk of Councils

Clause 1 to 8.

The Honourable Financial Secretary

Mr Speaker, I will have to move the amendments to the Clauses I mentioned in my report and we do that at this stage, I understand.

Mr Speaker

Can I recommend to Honourable Members that we leave approving clauses 1 to 8 until we get to the committee stage.

The Motion is that clauses 1 to 8 be deferred.

The Honourable Financial Secretary

The whole of clause 5 which provided for an increase in Retirement pension contributions is to be deleted and all the subsequent clauses will then need to be renumbered.

Mr Speaker

So, clause 6 becomes clause 5, clause 7 becomes clause 6 and clause 8 becomes clause 7. You were going to elaborate on clause 6 (1)(a) and (b).

The Honourable Financial Secretary

I am. Which now becomes clause 5 (1) (a) and (b). The fees under clause 5(1) (a) for a Work Permit and any renewal for extension of a work permit was included in the Bill at £5.00 and that should now be amended to £15.00 and for the fee under clause 5(1)(b) for a Residents Permit and any renewal or extension of a Resident's permit should be increased from £5.00 to £15.00 also.

That is the amendment which was proposed from Select Committee.

Mr Speaker

There is no Schedule. Does any Honourable Member wish to speak to the amendments to Clauses 1 to 7.

The Honourable Mrs Norma Edwards

Just to say that I am grateful, I'm sure that all self employed, declaring and interest of course, that the small businessman will be pleased that we have made this adjustment in the contributions. I hope it helps.

The Honourable Mike Summers

Mr Speaker, for the benefit of the public by deleting clause 5 we have made no adjustment to the Retirement Pensions Contribution.

The Honourable Mrs Norma Edwards

I beg your pardon.

The Honourable Financial Secretary

They remain as they are.

Mr Speaker

Clauses 1 to 7 as amended stand part of the Bill.

Clerk of Councils

There is no Schedule.

The Honourable Financial Secretary

I beg to Move that the Bill as amended be read a third time and do pass.

Mr Speaker

The Motion is that the Bill as amended be read a third time and do pass.

Clerk of Councils

A Bill for an Ordinance to amend various laws so as to increase fees, charges, contributions and benefits.

The Finance Bill 2002.

Motion No 4 of 2002 by the Honourable Financial Secretary.

That it be resolved that, with effect from midnight tonight, Customs duties payable in respect of tobacco products, under the provisions of the Customs Ordinance, shall be increased as follows:

On cigars from £137.31 to £151.04 per kilo
On cigarettes from £99.32 to £109.25 per kilo
On tobacco from £90.25 to £99.27 per kilo

The Honourable Financial Secretary

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

Mr Speaker

Any Honourable Member wish to speak to the Motion? Councillor Edwards

The Honourable Mrs Norma Edwards

I think Mr Speaker that I have already had my say on the subject, my views are still the same. I don't think raising the cost of cigarettes will help people to stop smoking, I think it needs more than that.

Mr Speaker

Can I ask if Honourable Members to approve the Motion?

The Motion is approved.

Clerk of Councils

ORDER OF THE DAY – BILLS

The Animal Food (Miscellaneous) Bill 2002.

This is being presented for the third reading. The Honourable Chief Executive will report back from the Select Committee on the Bill.

The Honourable Chief Executive

Mr Speaker, Honourable Members reporting back from the Committee of the Whole on the Animal Food (Miscellaneous) Bill 2002. The Committee considered the Bill in great detail and as a result of that proposed a number of minor technical and tactical changes the details of which have been laid on the Table and circulated to Honourable Members.

I can say that it was a difficult Bill to work our way through because it related to quite a large volume of European Union Legislation and I would like to thank Members for their patience and forbearance in that very unexciting process. However, two issues were raised in the course of the debate which with the House's permission, I'll relate to you now.

The first was to do with the use of certain banned pharmaceutical drugs where a list of ten drugs which are listed in an Annex to an EU Directive were presented to the Senior Veterinary Officer so that he could confirm that those drugs are not used nor are likely to be used in the Falkland Islands, lo and behold he confirmed that one of them was. I have now asked him about that drug and his view is that that drug is mostly used on cats. It is occasionally used on dogs and rarely used on horses. It is his view that he does not need to use that drug on food producing animals and therefore he suggested to me and I suggested to Honourable Members that the acceptance of that list of ten drugs does not present a problem to animal health in the Islands.

The second issue was linked to that and it concerned additives to imported feed stuffs. What we were seeking to do was to make clear what forms of additives would be of concern, if we imported feed stuffs from either Europe or from South America. The amendments on the Table in relation to Clause 11(1) uses the words "but only" those words are rather important because that gives effect to a subtle change in the Bill, which means that, the additives with which we would be

concerned were we to find them in animal feed stuffs are essential pharmacological additives; without those words "but only" we would have embraced a much wider list which includes antioxidants and preservatives and colouring. It isn't necessary for us to embrace that wider list. It is necessary for us to embrace the list, which includes pharmaceutical pharmacological products. The items which would normally be either not accepted in animal feed or subject to maximum residue limits are essentially antibiotics, coccidiostat steroids and growth promoters. The importers of animal feed stuffs will need to ensure that the list of components of the feed stuffs are cleared with the Senior Veterinary Officer prior to import. However, it is my view and the Director of Agriculture's view that it is extremely unlikely that these additives would be found in standard feed because they are expensive and they are there for a purpose.

At the request of members I asked the Director of Agriculture to look at the components of a feed, which is, currently being imported "Casita" currently being imported into the Islands by the Department of Agriculture and a number of farmers. We have looked at that and the only additives, which appear to be in that feed, are soya, urea, neither soya nor urea is a pharmacological substance, which are banned. On this basis neither he, the Director of Agriculture nor I believe that this poses particular problems for the import of feed, nor does it pose a problem in the timing of the Bill; therefore I do not see any need to delay the passage of the Bill or its enactment date.

Those are the two issues, which were raised during the course of the debate, which I promised to report back upon. I hope that members have found that explanation of reassurance and on that basis I am moving that the Bill be read a third time as amended by the paper laid upon the table and do pass.

Mr Speaker

The Motion is that the Bill be read a third time as amended by the paper laid upon the table and do pass. Does any Honourable Member wish to speak to the Motion? Councillor Edwards.

The Honourable Roger Edwards

Mr Speaker, I thank the Chief Executive for his very detailed brief on the importation of animal feed stuff, however, I would ask him please to relay to the Department of Agriculture and especially to the Director as they themselves are importers of those animal feed stuffs, that they continue to monitor both the requirements of the EU and the additives to the various feed stuff that we import so that we can be assured that there is nothing underhand going on with the importation of animal feed stuffs.

The Honourable Chief Executive

Mr Speaker I am delighted to do as requested by the Honourable Member.

Mr Speaker

Any other Member wish to speak to the Motion? The Motion is that the bill be read a third time and pass.

Clerk of Councils

The Animal Food (Miscellaneous) Bill 2002.

The Supplementary Appropriation 2001/2002 ((No 3)) Bill 2002. This Bill requires a first reading.

The Honourable Financial Secretary

Mr Speaker, Honourable Members the purpose of the Bill is to appropriate and authorize the withdrawal of £258,100 from the Consolidated Fund to meet Supplementary Expenditure approved by the Standing Finance Committee on 28th March and 26th April 2002.

The Supplementary Expenditure is spread over three heads of service under the Operating Budget. The Bill provides for the Contingencies Fund to be replenished in respect of any advances made. The Bill and covering paper giving the reason for each item of Supplementary Expenditure are available for viewing at the Councillors' Office and copies can be obtained from the Clerk of Councils. I beg to move the first reading of the Bill.

Mr Speaker

The Motion is that the Bill be read a first time. Are there any objections to the Motion? No objections. The Bill will be read a first time.

Clerk of Councils

The Supplementary Appropriation 2001/2002 ((No 3)) Bill 2002.

Mr Speaker

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

The Bill will be read a second time.

Clerk of Councils

The Supplementary Appropriation 2001/2002 ((No 3)) Bill 2002.

Mr Speaker

Council is in Committee.

Clerk of Councils

Clauses 1 to 3

The Honourable Financial Secretary

I beg to move that clauses 1 to 3 stand part of the Bill.

Mr Speaker

The Motion is that clauses 1 to 3 stand part of the Bill. Is there any objection to the Motion? No objection. Clauses 1 to 3 stand part of the Bill.

Clerk of Councils

Schedule

The Honourable Financial Secretary

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

Mr Speaker

The Motion is that the Schedule stands part of the Bill. Is there any objection? No objection. The Schedule stands part of the Bill.

The Bill should be read a third time and do pass.

Clerk of Councils

The Supplementary Appropriation 2001/2002 (No 3) Bill 2002.

The Fisheries (Conservation and Management) (Amendment) Bill 2002

The Honourable Chief Executive

Mr Speaker, with your permission may I ask that this Bill not be presented at this time, that I bring it back to a future House. This is in order to allow us more time for consideration on its clauses.

Mr Speaker

Which means that the Bill be withdrawn. The Chief Executive asks that the Bill be withdrawn currently and be presented at a later date. Is that with your consent Honourable Members?

(Agreement from the House)

It may be withdrawn.

Clerk of Councils

The Interest of Debts Bill 2002. This Bill has been published in the Gazette and requires a second reading.

Mr Speaker

The Motion is that the Interest on Debts Bill 2002 be read a second time. Does any Honourable Member wish to speak to the Motion?

The Honourable Financial Secretary

Mr Speaker, Honourable Members as part of the Budget Policy for 2000/2001, it was agreed that legislation should be enacted to enable a charge to be made by Government for late payments of debts. The Attorney General expressed the view that Government should not specially favour itself by such legislation, which he thought should apply also to debts owed to the private sector. He said that legislation requiring interest to be paid on overdue debts was enforced in the United Kingdom. Subsequently on the 23rd March 2000 the Executive Council confirmed the policy and on the 19th March 2002 approved the content of the Interest of Debts Bill 2002 for remission to Legislative Council.

The purposes of this Bill are to provide a right to charge interest on late payment of debts due in respect of the supply of goods and services by the private sector or by Government. It aims to encourage the timely payment of debts and prevent the debtor in effect obtaining an interest free loan from his or her supplier whether in the private sector or Government.

I beg to move the second reading of the Bill.

Mr Speaker

Does any Honourable Member wish to speak to the Motion? Councillor Summers.

The Honourable Mike Summers

Mr Speaker, I very much welcome this Bill, not only does it help to regularize the position that some businesses have already attempted to promote, but it also I think, benefits those people who are timely in their payments, who are otherwise somewhat prejudiced by people who don't pay on time. As far as the Government is concerned this in particular affects the fishing industry and the tourism industry, many cruise vessel businesses are notoriously bad payers and tend not to pay until they want to turn up the following year. That is a serious disadvantage to the Government and a serious disadvantage to those people who have the good manners to pay on time. So, I very much welcome this Bill and I hope that it will be used sensibly and sympathetically by the Government in respect of local people. We can use the harder fist if we need to on businesses from outside who don't pay up on time.

Mr Speaker

Any other Honourable Member wish to speak to the Bill? No objection, the Bill should be read a second time.

Clerk of Councils

The Interest on Debts Bill 2002. Council is in Committee. Clauses 1 to 17.

The Honourable Financial Secretary

I beg to move that clauses 1 to 17 stand part of the Bill.

Clerk of Councils

No schedule.

Mr Speaker

The Motion is that clauses 1 to 17 stand part of the Bill.

Clerk of Councils

There are no schedules.

The Honourable Financial Secretary

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

Mr Speaker

The Motion is that the Bill be ready a third time and do pass. Does any Honourable Member wish to speak to the Motion? No objections. The Bill will be read a third time and do pass.

Clerk of Councils

The Interest on Debts Bill 2002.

The Public Funds (Amendment) Bill 2002. This still requires a second reading.

The Honourable Financial Secretary

Mr Speaker, Honourable Members in 1990 the Public Funds Ordinance was passed. This established an insurance fund to enable the Government to have a distinct fund to support its policy of self-insurance of low risks. At that time the upper limit of the fund was set at fifteen million pounds. As a result of a recent review of the insurance, Executive Council agreed on 29th November 2001 that the upper limit of the fund should be increased from fifteen million pounds to twenty five million pounds on account and inflation. The purpose of this Bill is to increase the upper limit of this fund accordingly. I beg to move the second reading of the Bill.

Mr Speaker

The Motion is that the Bill be read a second time. Does any Honourable Member wish to speak to the Motion? We'll go straight to the third reading.

The Honourable Financial Secretary

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

Clerk of Councils

The Public Funds (Amendment) Bill 2002

The Falkland Islands Defence Force Club (Special Provisions) Bill 2002

The Honourable Chief Executive

Mr Speaker, this Bill sanctions the use of the Falkland Islands Defence Force Club Force premises for the use of the public on those occasions in which the club premises are let to the public. I think it is a sensible measure and I am glad to move the second reading.

Mr Speaker

The Motion is that the bill be read a second time. Does any Honourable Member wish to speak to the Motion? No debate. Third reading of the Bill.

The Honourable Chief Executive

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

Mr Speaker

The Motion is that the Bill be read a third time and do pass. Does any Honourable Member object to the Motion? The Bill will be read a third time and pass.

Clerk of Councils

The Falkland Islands Defence Force Club (Special Provisions) Bill 2002

Motion for Adjournment.

The Honourable Chief Executive

Mr Speaker I move that this House adjourns *sine die*.

Mr Speaker

Does any Honourable Member wish to speak to the Motion?

The Honourable Roger Edwards

Mr Speaker, this was my first budget. If I came to Council and even, there have been times on Council when you ask seven Members for an opinion and you get eight answers. I must say that during this week, I think all of us have actually been in agreement throughout. It has not been an easy budget, you had to balance the books and also make contingencies for the future, should the reduction of Illex income continue. I was delighted that we were able to maintain the agricultural programmes, the Camp roads and even continue with the planning of the sheltered accommodation. Also I was very pleased to find that we could find a small amount of money to put the houses at Mount Pleasant back into the plans for the future and provide a further two houses for accompanied military personnel at Mount Pleasant.

I would next like to mention the school year. This has been a very heated debate throughout the Islands, everyone with children at school, pre school or even those yet to be conceived seemed to have very strong ideas, one way or another. We in the Camp certainly were informed that the majority was against

the proposals one and four. I must admit I was too, I could not be convinced otherwise. However, having seen all the debate and speaking with our Director of Education Mrs Cole, and getting from her a guaranteed option four, the complete package be put together and re-offered to the parents, I was happy to go along with the recommendations and recommend options one and four. But four as a complete package, not as it was put forward previously where it went half way and stopped with various and vague promises. I want to see those promises carried through and I am sure if anyone feels strongly about this decision, please get in touch with me or Mrs Cole and if you are a parent then I'm sure she would like to hear from you so that you can help in producing this total package.

Finally I would like to mention Landing Day, the 21st May on Tuesday. I thought there was a wonderful turn out at San Carlos and I would like to thank Commander British Forces for arranging the helicopters to pick up people on the West and from here in Stanley and for myself to get us back also in time to continue the budget Select Committee. The lunch laid on and the hot glue wine was very welcome on such a crystal clear frosty morning. I can't say that Commander British Forces did actually arrange the weather but if he did thank you indeed because it was charming to see the ships silhouetted in the bay as they were. There was one shortfall however, and I apologise to Commander British Forces for this and that was the coverage given to this very important 20th Anniversary and that is the lack of coverage given to us by the Falkland Islands Broadcasting Service. I hope this is not of things to come for the next three, four weeks leading up to the June 14th celebrations and the Freedom of Stanley to our forces. I hope that the Broadcasting Service can give us a better coverage and bring everyone in line. Sir, I support the Motion for adjournment.

The Honourable Mrs Norma Edwards

Sir, in rising to support the Motion for Adjournment, may I just say that I managed to get thoroughly confused and meant to say I was pleased we didn't alter the contribution, rather than alter them. However, I am sure the small business will appreciate that we have a change to the contributions from their point of view.

May I just reiterate what my husband just said about Landing Day. It is a very, very important day in our history and it was wonderful to see so many of the forces as well as local people at San Carlos on the 21st. We go every year. I think it's the first year that I've been that hasn't been horrendously cold and blowing a gale and freezing to death type weather. It was very pleasant and very much appreciated. And, I am sure that the rest of the coverage as well as the celebrations that we are about to undertake with regard to Her Majesty's Jubilee and also the 14th of June will be covered properly by local media and lots of the others as well, I suppose. It was very much appreciated and a very touching service at San Carlos.

I am pleased that we have been able to allow for £1m for Camp Roads to continue. And, I hope out of that £1m we can find some smaller amount to put towards repair of the roads as well, and a team to undertake such repairs. It could be done by local farmers outside of the contract year if there were a more flexible contract and if the road gangs in the summer laid up some stone for them to use.

I hope that will go ahead and I am delighted to know that we will at least be starting on sheltered accommodation this year. I will repeat again, as I do just about every Council meeting that we really have to address this problem more robustly. Providing a few units of sheltered housing is not going to make too much of a dent in the demand that there will be, and there is now for sheltered housing. We have to not just stop there. We really do have to provide more. Two hundred thousand pounds for a ward for the elderly is very welcome, too, and that, I hope, will be up and running by the next financial year. I hope we should complete that by then.

Sir, I thank the Treasury and Derek's Staff. The Deputy Financial Secretary has done a tremendous job this year and it is very much appreciated by us all.
Sir, I support the motion for adjournment.

Mr Speaker

Any other Honourable Members wish to speak to the Motion?

The Honourable Mike Summers

Mr Speaker, Honourable Members I would like to as I normally do at this stage, thank Derek very much for his guidance in the preparation of the budget and to Keith in particular for his very hard work and for the work of the support staff in preparing the budget. I think, we all found this year's preparation was excellent and there were few occasions where we had to go shuffling through papers to see quite where we were up to. So thank you very much indeed for that, it is greatly appreciated.

As the Financial Secretary has mentioned the work done earlier has been of great benefit to us and we have been able to produce a budget in relatively short time that is satisfactory in the circumstances with a relatively small surplus.

I would not like anybody who works for the Government Service to take that as an indication that they are free to spend anything that isn't necessary to spend. We still are in an unknown situation. We do not know what the level of income will be from Illex licensing next year. It could be substantially less than we have predicted and so if there is still discretionary spending then I invite people not to spend if it really is not strictly necessary.

The budget generally speaking has come out in the same sort of shape as previously and I think it is just worth noting for members of the public if they are not aware. We allocated about 14% of recurrent expenditure on Health and Medical Services, around 12% on Education, about 20% on Fisheries management and protection and about 21% on Public Works. That is both the utilities and the management of public buildings, municipal services etc, etc. those four heads of service represent 67% of the total operating budget. It shows where our priorities lie. I think they still sit in the right direction, but those who feel that there is excessive expenditure in the Government might care to reflect on where they think the savings are going to come from, if 60% of the budget is taken up with pretty much essential services.

On a different subject now, the Executive Council last week approved for distribution to the public and for comment two papers, one on living allowances and one on childcare provision. These are important papers for the public to look at, ruminate on, comment and provide your feed back because they suggest some very different thinking in terms of the way that the Falklands has dealt with essentially social services, social provision. They would provide on the one hand more equity between people who receive public assistance, some who perhaps should and don't, but on the other hand, they might have an effect on the nature of the caring society and on the nature of self help, the nature of family help and I for one in the consideration of these papers will be anxious to see that more provision by the state, more intervention perhaps by the state doesn't change the nature of the caring society and we don't go down the path of state reliance. It is very difficult to sift through the evidence to see whether moves along these paths in other countries in previous times have had this effect or whether the social disruptions you see in many other communities are due to other factors, but I think we should reflect closely on this, and I look forward to hearing what other members of the community think about it.

I very much look forward to the 3rd June and the modest celebrations we are going to have for Her Majesty's Golden Jubilee. There will be fireworks, I believe on Victory Green on the evening of the 3rd June followed by a public reception. I hope as many people as possible in Stanley and who can make it from Camp will come to those celebrations and demonstrate their loyal support for Her Majesty the Queen. There will be parallel celebrations at Goose Green and Fox Bay, I believe so we hope that just about everybody can make it to one or the other.

Finally, I would just like to make a couple of comments on the road show that some of us have been out on fairly recently. It was heartening to see quite a positive mood amongst people in the Camp. I suppose, that is to be expected with a upturn in the wool prices this year, however, it is one year after ten or eleven very, very poor years and we don't yet know whether it will last. It is certainly not time for any of us either in the Camp or those of us in Stanley who support the Camp to rest on our laurels. There is much, much more to be done in terms of providing support to the Camp businesses and support to camp

communities. I am very firmly of the belief that an unpopulated camp is a much, much weaker Falklands. Sir, I support the Motion.

Mr Speaker

Thank you very much. Councillor Birmingham

The Honourable John Birmingham

Mr Speaker, Honourable Members I would also like to extend my thanks to Commander British Forces and his staff for Landing Day, it went very well, very well indeed.

On the budget, I'd like to say something, and I know the other Members have taken on board some of the concerns expressed that we haven't reacted to a serious situation, that of course, being the fall in the Fisheries income. Well, steady on, I would suggest. This Council will do the right thing as we said the other day. We are not ignoring the problems, but are not going to knee jerk either. If in the future difficult decisions have to be made, then I am very confident that this Council will make those decisions. If next year there is a further downturn, then we will see whether we can or not.

I'd also like to extend thanks to the Financial Secretary and his staff for all the work they have put in this week and also prior to this week. I hope that the promised, tot from the boss is forthcoming for his staff.

We just had a visit from two FCO funded Human Rights Consultants, I don't think the Islands have anything to worry about. The Penguin News often have very interesting letters from people expressing their views and the local radio with one obvious glaring exception this week, in my opinion, has never been better. They also have phone ins which are always well supported, I look forward to that report reaching the Islands.

The subject of de-fence, now not the military side of de-fence, but the one below Government House. It seems to me that this time of year the same old questions are asked why, why is it that we the Falkland Islands Government cannot put out weather dependent tasks and contracts such as painting early in the previous winter, so that contractors and others can plan their seasons. I'm sure there is a reason and one day I will be told.

No one can deny that the Town Hall looks good, it looks a treat on the outside and the gang that did it deserve a pat on the back, but the inside is going to be a problem forever, unless the flat roof is sorted out. I know Councillor Roger Edwards is on the case and I look forward to seeing some kind of a pitch in that there roof in the near future.

I am sure that it is common knowledge that the Falkland Islands Government have a majority stake in Stanley Services, now I don't have a problem with a partial sale of shares but I look upon the Falkland Islands Government holding as inward investment and I am happy for that to continue just as long as there is no interference with the running of the company.

At last the site as the Honourable Norma Edwards just stated has been agreed for the Sheltered Housing. My own view has not changed and I consider that place to be phase one of what I hope will be many more houses around the Stanley house site in the next few years. But, to achieve this a new school hostel has to be built, and in my opinion the only site that remains for a new school hostel is the old BFFI site. Now I am confident that this will happen before I, unlike some who are sitting around the table, will have to declare an interest.

I've been contacted recently, by a couple of concerned mothers, about drivers in the center of Stanley and at the speed of some of the younger ones is a little bit worrying. Now on an open road 25 miles per hour seems slow, but when you are around parked cars and there are children around it can on occasion be just a little bit too fast. I appeal to those drivers, slow down in areas where there are parked cars and where there is a chance of children crossing the road or just playing.

Now as the Honourable Mike Summers has just said, there is a paper being issued, two papers, the one being issued for public discussion on social payments, I don't consider this is some slippery slide to a nanny state. If the recommendations are accepted by Councillors, then what the Islands will have for the first time will be a properly structured system in place for helping those in the community who truly do need help. I hope there will be plenty of interest and comment on that paper and also the sister paper that is going out on the provision of childcare.

Now I would like to know if there is somebody going round at night pushing over road signs because if you drive around over the next couple of days you will see them sleeping. Councillor Edwards, I need to know who is doing this. Some of them seem to only go down to sleep when you are in town, I don't know if this is true, this is what I have been told.

The term live and learn comes to mind, when I think of the media interest we are going to get next month. I for one would try and remember that the visiting media will be after a story and as has happened in the past, are more than capable of twisting it to suit themselves. I for one will be wary.

For public information, the new blue bus is on the dock waiting the next FIC chartered ship, we have reached our target of £15,000 to pay for it, but we are still collecting a little bit more because the garage need altering. We do need a few more drivers, but only today, I have and somebody come up to me

expressing interest, so there are a number of people, who I know are interested. I give a big thank you to those who have given and raised money, especially the Junior school who had a blue day the week before last with everybody wearing blue.

Speaking of schools I heard some good news today at lunch time which is that the Community School have got a distinction or some kind of an award, don't know what it is yet for international newspaper day. So I say well done to those students.

Now, Mr Speaker, I wish you well on Saturday on the flight up north for your business and I hope that when you come back you will be able to do the Circassian circle in the special way you used to at sports on the West.

I support the Motion.

The Honourable Mrs Jan Cheek

Mr. Speaker, Honourable Members, I would like to join with my colleagues who thanked all the Treasury personnel involved in the presentation and updating the budget information for us. I found it particularly easy to follow this year. I am glad to say sir, I actually know what we did the last few days.

Turning to the effects of that budget, we all saw the effects of an unnecessary panic by Councillors in the early '90s. Lives were disrupted and many people were left with justifiable grievances after early retirement or curtailment of contracts. This Council is made of sterner stuff and if we have to, we will make proper use of money from reserves. No one knows what's going to happen next year. But I support the decision made by my colleagues during my recent absence, to curtail some planned expenditure until the situation in the fishery becomes clearer.

I do, however, have some reservations on some aspects of the budget as agreed. Firstly, we are told that pay increases are funded from savings but, as I pointed out to my colleagues in Select Committee, I wait to be convinced that those savings can be achieved without any reductions in service. I have probably said this before but I reiterate that delaying recruitment where the post holder supplies an important service is not a legitimate saving.

A second genuine concern, which I expressed in Select Committee, is on the public perception there may be of an increase in public sector pay at this time. Thirdly, I questioned whether the very large sum paid for fisheries advice from London is well spent, given the massive uncertainties we are facing. Many of the increases we have had to make are genuine cost covering increases. But declaring an interest, I would query those in harbour dues, given the fact that prices are already high for a relatively limited service.

I find myself being tediously repetitive and I apologise but I must complain again about the excessive heat in this room on Monday. It's a small wonder that departments can find savings when there are examples of such profligate waste for all to feel. I would ask every individual in the civil service to pause and do something about this kind of waste. I can't believe that we have to roast down here in order to dry rooms upstairs. I am sure there are more efficient ways of doing it.

I'd like to mention, as I didn't in my speech earlier in the week, the work of the 2002 Committee and praise the efforts put in by all those people who have been very busy and responsible for drawing together many threads to plan for all the events and visitors this year. It was always going to be complicated but I think it's right to place emphasis on bringing back people who have not had the opportunity to return since '82.

Also returning to Monday, I thank the Hon. John Birmingham for his information at Monday's LEGCO regarding Tony Lee's involvement in planning the East Stanley Development. This is probably one of the most far-sighted and praiseworthy developments of recent years and it's something that I hope Tony will remember with great pride in what I hope will be a long and happy retirement.

In this year of anniversary, commemoration, and celebration, public relations are an increasingly important issue. It's also a controversial one in a world, which seems more and more to cater for people with very short attention spans. FIGO plays an important role in the every day work of everyone there and in helping set up media visits to the Islands. As Councillors, we regularly see that work first hand and I am impressed by the dedication and professionalism I have encountered there. But we have all a part to play every year but especially this year, in the way that we treat our visitors. I know they will receive the traditional warm welcome.

I wanted to continue with what I said earlier about constitutional development. Our situation is unique, which is why it's taking so long to find an acceptable means of giving greater responsibility to Councillors. Comparisons with other territories, or UK local authorities have their uses but are not the whole answer. Our small population combined with a very small number of Councillors, creates special problems, which must be solved. In the meantime, I would like to reassure those who have spoken to me about it, that we have not lost sight of the other issues. They are safely parked away and will be brought back again into the discussion, including the citizenship anomalies.

I have to declare an interest again on an issue, which is out of sight of most people in the Falklands but that is the provision of fuel in Falkland Islands waters. Most of us understood that the agreement provided for fuel to be available 365 days a year. However, that's not been the case in recent weeks. Fuel, if available

at all, is, in effect, rationed. And, this is having a serious effect on fishing plans, which are usually built around infrequent bunkering and transshipment and thus a minimum of lost fishing time. I know that the Chief Executive and the others are busily addressing this problem but it's becoming acute as the Loligo season draws to a close and a good number of vessels are preparing to head north, and, at the moment, cannot get the full supply of fuel that they require.

Finally, I look forward to all the commemorations and celebrations that continue next month. We have much to be grateful for and need to take time this year to reflect on where our country is going and to reaffirm our right to self-determination.

I support the motion.

The Honourable Richard Cockwell

Mr Speaker, Honourable Members I too, would like to rise to congratulate Derek and Keith on the presentation of the budget proposals this year and the smooth way in which our deliberations were carried out. Very professionally guided by our Chairman Mike Summers who with one look over his glasses would bring us all to order. I for one was brought to order many a time by a glare from him.

I think that my colleagues have covered most of the issues that I wish to raise but possibly if I could talk about the media coverage that we are getting this year. After a shaky start with one report on the Falkland Islands today which really wasn't particularly helpful, I think we have had very positive and supportive coverage from the media that have been visiting us in the last few months. In fact in my travels when I was in Australia a lot of people came up to me and were remarking on the good coverage that they have had on the Falklands, how much information they have had this year, and how pleased they are to see the Falklands are going ahead. It looks like the coverage has been very useful and I think the work that has been spent on briefing and giving the media that have been visiting the Falklands the information they required has been well worthwhile. I personally welcome the fact that for the 14th June the media coverage we thought we were going to have which was going to be very intensive has actually slackened off because as we have said, it has been the declared policy of the 2002 Committee, supported by Executive Council, that this year we are bring back people who haven't been here since 1982 and we are commemorating and remembering the people who came here to fight for us and those who died for us. We will still celebrate our liberation but we are here to commemorate the people who came down here in 1982 and allowed us to develop the Falklands into what it is.

In November when we have the visit of the SAMA pilgrimage, I think the media coverage, may be a lot more intensive. I think that is when we are going to find that the cameras of the world are back on us, so we need to be prepared for that.

Just one other point, which Jan mentioned and I would like to mention, are the offices in our Falkland Islands Government Office in London. I think they look splendid they are a wonderful showcase for the Falklands and I would like to congratulate the team who are there. They are working exceedingly well, very hard and they actually make a very good window for the Falklands and I should congratulate them all.

If I could just mention, the issue which the Honourable Jan Cheek brought up regarding the bunkering. I don't know whether she has seen the letter from the Chief Executive on the subject but, it looks as though her concerns which were very real concerns over the shortage of bunkers in our fisheries zone, are now being allayed I understand that there is a considerable amount of fuel coming down for this fisheries. Sir, I beg to support the Motion.

The Honourable Philip Miller

Mr Speaker, Honourable Members this won't take very long at all. On rising to support the Motion, can I offer my congratulations to Treasury Staff ably led by Derek Howatt and the Heads of Departments who have put a lot of time and hard work into preparing the budget.

On Tuesday last I along with about 200 other people attended the 21st May Landing Day Commemorative Service at San Carlos and it was very heart warming to see so many folk there. Thanks go to Major Jamie Hayward for all the preparations. He leaves the Islands next Tuesday and I would like to take this opportunity to thank him and wish him well for the future. Mr Speaker, Honourable Members, I support the Motion.

Commander British Forces

Mr Speaker, Honourable Members first of all can I request your indulgence that you find me here dressed like a tree in your Council Chambers, your armed forces are conducting live exercises this week and from here I go back to my trench.

On the note of accommodation a sincere thanks for the decision to continue house building plans in MPA. I do realise the implications given the tight budget this year we are very grateful. Thank you as well for your kind words regarding Landing Day and Major Hayward, which I will take back for him, we'll take those back to MPA.

The Honourable Financial Secretary

I would like to support the Motion for adjournment, Mr Speaker, and thank Honourable Members for their kind remarks.

The Honourable Chief Executive

In exercising the right to reply Mr Speaker, I would like to say thank you to those Members who passed on congratulations to FIGO staff, that will of course be sent onto them. I would like to echo the thanks to Jamie Hayward who in a very short time has made the most amazing impression on the place, he and his dog.

Can I just for information since the Clerk reminds me on the Living Allowances paper and the childcare paper, those will be available from the Clerk as of Monday next week. So, those are not yet available but will be soon.

Finally, can I join in the congratulations to the Financial Secretary and the Deputy Financial Secretary and the Treasury staff for a virtuoso performance and also compliment Members themselves for their deliberation and sagacity.

The Honourable John Birmingham asked me to make available a tot from the boss, I should be happy to make that available to Treasury staff. Mr Speaker, that finishes my reply.

Mr Speaker

Honourable Members before I actually declare the House adjourned may I take this opportunity to wish everybody on the Falklands a successful, happy and pleasurable celebration of Her Majesty's Golden Jubilee and also the 14th June. One other fact perhaps with regard to the changes in the curriculum as some children who aren't yet conceived are being considered may be we should include family planning. Honourable Members I declare the House adjourned.

Confirmed this 23rd day of August

2002

J. B. C.
MR SPEAKER

Laid on the Table at the Meeting
of the Legislative Council
held 23 August 2002.

Legislative Council Clerk of Councils
Held 20th and 23rd May 2002

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON 23RD AUGUST 2002**

**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY ON 23RD AUGUST 2002**

MR SPEAKER

(Mr Lionel Geoffrey Blake OBE)

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 Commander British Forces Falkland Islands
(Commodore Richard Jeffery Ibbotson, DSC MSc RN.)

ACTING CLERK: Maria Strange

PRAYERS: Father Mongohan

APOLOGIES

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

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Record of the Meeting of the Legislative Council Held on Friday 23rd August 2002

PRAYERS

Mr Speaker

Honourable Members I wish you good morning.

Acting Clerk

Confirmation of the meeting of the Legislative Council held on 20th and 23rd May 2002.

Mr Speaker

Minutes confirmed.

Acting Clerk

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:

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- Co-operative Societies Rules (Amendment) Order 2002
 - Post Office Order 2002
 - Animal Health (Additional Notifiable Diseases) Order 2002
 - TSE Prevention, Control and Eradication Order 2002
 - Employment (Variation of Limits) Order 2002
 - Licensing (Amendment) Ordinance 2002 (Correction) (No. 2) Order 2002
 - Finance Ordinance (Correction) Order 2002
 - Food Stuffs (Maximum Levels of Certain Metals) Order 2002
 - Stanley (Various Crown Buildings) Designation Order 2002
 - Commencement and Approval of Volume 7 of the Revised Edition of the Laws Order 2002
 - Building (Stanley) (Sullivan House and Stanley House) Designation Order 2002
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- Defence Contractors' Employees Tax Exemption Order 2002

The Honourable Chief Executive

Mr President, I have pleasure in laying the aforementioned papers on the Table.

Acting Clerk

Questions for Oral reply. Question number 12/02 by the Honourable John Birmingham

The Honourable John Birmingham

Will the Honourable Roger Edwards advise this House if there are any plans to make smaller plots available for single bedroom starter homes?

The Honourable Roger Edwards

Mr Speaker, none. I will elaborate on that to a degree. When I first got this question and it was put to DPW for answer he came back and basically said "I am surprised that this was asked of a PWD Members because PWD are a service provider and do not designate plots for particular uses; he suggested that perhaps it should have gone to the Member for Planning, the Honourable Richard Cockwell. I looked into it even further and thought no, it's not planning, I know because my wife spent years chairing that particular committee. It is not the purpose of the Planning Committee, maybe it's for Lands. So after some investigation we discovered it was not lands either. Investigations continued until we found an Executive Council paper of the 26th May 1977 which says "that the remit of the Housing Committee be amended to provide for the committee making forecast and recommendations on FIG's role as a provider of accommodation to the Executive Council as certain circumstances dictate I would refer this question back to the Member for Housing, the Honourable John Birmingham.

The Honourable John Birmingham

Well, there is not a great deal to be said, although, I'm going to say a great deal. When this subject first came up, which has been going around for some time now, if I may give a bit of background to this Mr Speaker. I had a little speak on the radio about single bedroom units, I had thirteen people contact me; I then spoke with a couple of builders and passed on those names and they had twenty people contact them who were desperate for single bedroom accommodation and would be willing to enter into a mortgage arrangement.

Now, I like to skylark myself of course I do, but I'm afraid that the Honourable Member's answer, although very full and certainly very frank, will give no comfort to those twenty or plus people who actually are after single bedroom units. When we think that in 1977 I would have been about 18 or something like that, the

Housing Committee of the day would have been dealing solely with Government houses, there would not have been any plots being set aside for new build. I won't even say it was in the last century because we all know that and I have to say that I don't think that is a very good answer.

Mr Speaker

Perhaps we should actually defer this question until the Attorney General returns and he can perhaps rule this confusion out? Councillor Edwards.

The Honourable Roger Edwards

I would like to perhaps respond to the statement by the Honourable John Birmingham. I appreciate there is a great demand in the present plots that are being made available, there is still time should this need be positively identified to alter some of those plots, whereby we could build small terraces of houses, single semidetached houses and the like. So there is still time to put before the committee the use of those particular plots that are presently being produced by Morrisons, our construction partner. So, it is not entirely lost but it is up to someone to designate and nominate what those plots are. It is not PWD's responsibility to designate what plots go for what.

Mr Speaker

Councillor Edwards

The Honourable Mrs Norma Edwards

Mr Speaker, as Chairman of Lands Committee and a member of the Planning and Building and a member of the Housing Committee, can I suggest that perhaps a way forward would be for the Housing Committee and the Lands Committee to put forward the request for single units of accommodation to PWD to act upon, with the approval of other Members of course.

The Honourable John Birmingham

Mr Speaker, Honourable Members, whilst sitting here listening to the Honourable Roger Edwards my mind was frantically looking for some kind of a response and now I have it. I recall a memo from the Director of Public Works some time ago to the Housing Committee and in fact to the Chairman of the Housing Committee and I am he, telling the Housing Committee that as far as he was aware the Housing Committee's remit was only to allocate Government properties. But if we can find some way out of this then I am more than happy to talk to anybody, if it is so decided that it comes to the Housing Committee to realign plot sizes then let's just do it.

Acting Clerk

Question number 13/02 by the Honourable John Birmingham

The Honourable John Birmingham

Round two. Mr Speaker, Honourable Members, Will the Honourable Roger Edwards please advise this House of the estimated timescale for the relocation of the PWD Dockyard Section?

The Honourable Roger Edwards

Mr Speaker, this was discussed during the budget session and was published in the programme showing that the relocation of PWD will take place in the financial year 2006/07.

The Honourable John Birmingham

I thank the Honourable Member for his answer.

Acting Clerk

Question number 14/02 by the Honourable Richard Cockwell

The Honourable Richard Cockwell

I apologise for asking another question of the Honourable Roger Edwards, however, can the Honourable Roger Edwards indicate when the pedestrian crossing warning lights at the Community School will be repaired?

The Honourable Roger Edwards

Mr Speaker, the pedestrian crossing warning lights have been vandalised beyond repair. Replacement lights are being ordered, and whilst a firm date for replacement is not available it is envisaged that they could be operational by the middle of October 2002.

If I may add a little on to that, the damage to these lights was not identified to the Public Works Department prior to this question being asked. We had a similar thing in a recent Legislative Council where it was road signs. I would encourage Council and members of the public, if they see things are wrong, broken or at fault, please would they bring it to the attention of the PWD or the various committees so that action can be taken to remedy and rectify them.

The Honourable Richard Cockwell

Mr Speaker, Honourable Members, I'm amazed at that reply particularly regarding the notification of the damage. To my certain knowledge it is at least three years since those lights have been out of order. Any road user must be aware of the fact that those lights are not in operation; you come round the corner and see that they are not working particularly when children are crossing the road. It should be evident to anybody and I would have thought it would be evident to members of the Public works Department that they weren't working. Thank you sir.

Mr Speaker

Can I remind Honourable Members that this is question time, not statement time and therefore questions should be phased as questions not as statements. Councillor Edwards.

The Honourable Roger Edwards

I take the rebuke from Councillor Cockwell and as I say if people do know of these problems and they see them in their everyday life please would they report them certainly then action can be taken to remedy them.

Mr Speaker

Any other Honourable Member has a supplementary?

Acting Clerk

Question number 15/02 by The Honourable Richard Cockwell.

The Honourable Richard Cockwell

Can the Honourable Jan Cheek (as Chair of the Health and Medical Services Committee) indicate what is the planned starting date for the construction of the elderly peoples' wing in the King Edward Memorial Hospital? Is the project on schedule, and when is the expected completion of the project?

The Honourable Mrs Jan Cheek

Mr Speaker, I thank my Honourable friend for the opportunity to describe the progress so far with the creation of a dedicated nursing home attached to the KEMH.

Progress has been occurring on two fronts. Firstly, a small working group of KEMH staff and members of the public has advised on the preferred layout, main

features and facilities, and the 'atmosphere' the home should have – essentially more of a real home with privacy and dignity rather than part of a hospital. Members of the group have been discussing the requirements with the PWD design team who have sought to include these in the plans.

Secondly, PWD is proceeding with the activities, which precede work on site. Outline planning permission was obtained in March 2002 and work is now under way on completion of drawings, to be followed by obtaining the building permit, appointment of a contractor, and assembly of materials and staff. The period for appointment of a contractor is dependent on the procurement route selected. It is envisaged that the earliest date for a start on site is mid-2003 with completion no later than autumn 2004.

At the moment, the project is on schedule, but of course that is dependent on the ability of PWD, the design team and essentially the contractor to deliver on time.

The Honourable Richard Cockwell

I thank the Honourable Member for her reply. In view of the timescale which has been indicated, is there any means of fast tracking this because we do have a desperate need for this accommodation and I believe that Councillors asked some time ago that it should be expedited as soon as possible.

The Honourable Mrs Jan Cheek

It was also the view of the Hospital and Medical Services Committee that this project is one which has a great deal of urgency attached to it, however, you are as aware as I am of the speed at which the Government machine moves. Councillors may wish to get together at our meetings next month and ask that this take priority over some other projects.

The Honourable Richard Cockwell

I thank the Honourable Member for her reply and I agree the sentiments.

The Honourable Mrs Norma Edwards

Can I ask my Honourable friend Mrs Jan Cheek whether this contract will go out to private contract or are we keeping it in house? I was under the impression that it was to be kept in house and therefore that was a way of fast tracking it. Perhaps you could enlighten me on this front.

The Honourable Mrs Jan Cheek

Mr Speaker, I regret that I'm not certain of the route to be taken at present, I can find out the answer and contact Mrs Edwards later.

The Honourable Mike Summers

Mr Speaker, can I ask my colleagues when they discuss this next month to remember that whilst this is an important project that every project becomes urgent once it starts to get on the stocks. And, whilst I would agree that we should move forward with this project with all haste, fast tracking mustn't mean short tracking because we have experience of short cuts. If you short cut the design, you short cut procurement periods, you end up with more expense.

Mr Speaker

Does any other Honourable Member have a supplementary?

Acting Clerk

Question number 16/02 by the Honourable John Birmingham.

The Honourable John Birmingham

Mr Speaker, Honourable Members, will the Honourable Jan Cheek please explain the timescale for the removal of the temporary structures placed in the Leisure Centre and outside of the Public Library?

The Honourable Mrs Jan Cheek

Mr Speaker, I'm afraid my answer won't nearly be as entertaining as the Honourable Roger Edwards' on an earlier question. The temporary structures are used for storage and were placed in their present position to enable Camp Education to store resources and materials during the period in which the Infant Junior School was being extended. They are now surplus to requirements as Camp Education has moved into the new extension at the Junior School.

The Director of Education has discussed the removal with Mr Gary Fuller from PWD. It has been proposed that, as the structures are substantial, they first should be advertised and offered to other Government Departments to see if they can be used elsewhere. The outcome of this will decide whether the structures are removed and re-sited, or removed and demolished.

The Director (this is the Director of Education) has requested the Director of Public Works to consider this proposal and assuming his agreement, to action the advertising and removal of the structures as soon as possible. I hope there will be no delay because there was a clear understanding that when these structures were put in place that they were temporary for the duration of that particular requirement.

The Honourable John Birmingham

I thank the Honourable Jan Cheek for her answer.

Mr Speaker

Does any other Honourable Member have a supplementary?

Acting Clerk

Question number 17/02 by The Honourable Philip Miller

The Honourable Philip Miller

Mr Speaker, Honourable Members, would the Honourable Roger Edwards please advise how much the cost over run is on the Infant/Junior School, how much will the final cost be and when is completion expected?

The Honourable Roger Edwards

Mr Speaker, I thank the Honourable Philip Miller for this question. As we are well aware it is raised in Penguin News and other media interests by the week.

A final cost for the project will not be available until after completion of the project and final accounting has taken place. The current projected cost to complete the project is £3,025,844. The original estimate was £2,506,124. The estimated overrun is therefore £519,720.

Regarding the completion date, some of the exterior works is weather dependent. However, the contractor's works should be complete no later than mid-September, leaving bituminous surfacing to the access road and parking areas by the Public Works Department. The Department's road surfacing programme is also weather dependent and is scheduled to commence on 14 October. The paving at the school is the first item in the programme and should be completed by no later than the end of October this year.

The Honourable Philip Miller

Mr Speaker, Honourable Members, I thank the Honourable Member for his detailed answer, but the answer I was really requiring was just two figures and the date. Thank you.

Mr Speaker

Does any other Honourable Member have a supplementary?

The Honourable Mike Summers

Mr Speaker, can I ask the Honourable Member if he has or can supply information on the breakdown of the additional £519,000, how much is due to inadequate design in the initial phase, how much is due to poor estimating, how much was due to weather delays and how much was due for additional works?

The Honourable Roger Edwards

These figures can be provided to the Honourable Member in due course and I will make it available to the Members of this House.

Mr Speaker

Any other Honourable Member wish to question?

Acting Clerk

Orders of the Day – BILLS

The Supplementary Appropriation (2002/2003) Bill 2002. This Bill requires a first reading.

The Honourable Financial Secretary

Mr Speaker, Honourable Members, the purpose of this Bill is to appropriate and authorise the withdrawal from the Consolidated Fund of the additional sum of £2,701,180 to meet supplementary expenditure approved by the Standing Finance Committee, for the current financial year. The Bill provides for the Contingencies Fund to be replenished to the extent of £294,240 in respect of any advances made. A total of £607,690 is provided under the Operating budget. Out of this sum £250,000 is allocated to the Fisheries Department. As a consequence of the early closure of the 2002 Illex season, this will allow appropriate refunds to be made to those vessel owners who paid for licence fees in full in the last financial year. A sum of £313,450 is allocated to allow several operating budgets underspends for 2001/2002 to be carried over to this financial year in order to meet commitments.

Under the Capital budget £2,093,490 is provided for a carryover of part of the capital underspend of £4.2 million from the last financial year. The principle of carryover of capital budget underspends was confirmed by the budget Select Committee where those underspends represent committed deferred expenditure. These particular carryovers were considered by the Standing Finance Committee and scrutinised further by the Public Works Committee to ensure they were fully justified.

At the committee stage of the Bill, I will propose amendments in order to accommodate further supplementary expenditure amounting to £180,000 approved by the Standing Finance Committee earlier this morning. Part of this sum amounting to £20,000 was approved under the operating budget for the recruitment of temporary cover in the Attorney General's Chambers whilst staff are absent due to illness and study leave.

Under the Capital budget £160,000 was approved in respect of carryovers inadvertently omitted from the previous schedule. I can add that £10,000 of this sum is allocated to purchase and install additional mailboxes in the Post Office and £150,000 was allocated to continue the house building programme at Mount Pleasant.

I beg to move the first reading of the Bill.

The Honourable Chief Executive

I second the Motion, Mr Speaker.

Acting Clerk

The Supplementary Appropriation(2002/2003)Bill 2002.

The Honourable Financial Secretary

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

Mr Speaker

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

Acting Clerk

The Supplementary Appropriation(2002/2003)Bill 2002.

Mr Speaker

I declare the council to be in Committee

The Honourable Financial Secretary

I beg to move that Clauses 1 and 2 stand part of the Bill with the following amendments. The sums of £2,881,180 to be substituted for the sums of £2,701,180 which appear in both the introduction and under clause 2 of the Bill.

Mr Speaker

The Motion is that Clauses 1 and 2 stand part of the Bill as amended. Does any Honourable Member wish to speak to the Motion?

Clauses 1 and 2 stand part of the Bill.

Acting Clerk

Schedules 1 and 2

The Honourable Financial Secretary

I beg to move that schedule 1 stands part of the Bill and that schedule 2 stands part of the Bill with the following amendments.

Under part 1 Operating Expenditure, insert the line 0451 Attorney General's Chambers £20,000 in between the lines 0250 Education and Training and 0600 Central Administration. The line Total Operating Expenditure, delete the sum of £313,450 and insert the sum of £333,450.

Under Part 2 Capital Expenditure delete the sum of £2,093,490 and insert the sum of £2,253,490 and under Total Supplementary Expenditure delete the sum of £2,406,940 and insert the sum £2,586,940.

Mr Speaker

The Motion is that Schedule 1 stands part of the Bill and schedule 2 as amended stands part of the Bill. Does any Honourable Member wish to speak to the Motion? Schedules 1 and 2 as amended stand part of the Bill.

Council resumes.

The Honourable Financial Secretary

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

Mr Speaker

The Motion is that the Bill be read a third time and do pass.

Acting Clerk

The Supplementary Appropriation(2002/2003) Bill 2002.

The Education (Academic Year) Bill 2002. This Bill requires its second reading.

The Honourable Chief Executive

Mr Speaker, Honourable Members, this Bill follows considerable public debate and consultation. It arises, it becomes necessary, because the range of GCSE options open to our children who currently take GCSEs in October/November is declining. It is considered necessary for those children to be able to sit a wider range of GCSE options, the full curricular range, which only are available in the northern summer in the examination periods May and June.

This Bill gives effect to the change of school year, so that the school year may start on the 1st September in each year in order that the GCSE options can be taken at the end of year 11, i.e. in year 11 May or June. In changing the school year, it means of course that children will enter school when they are five or if they are likely to become five in the year beginning 1st September and they will leave school when they are 16 if they have completed year 11, or if they reach the end of year 11 and they are still not 16 this Bill makes provision for a further term of education.

During the consideration debate on this Bill there were quite rightly strong views expressed about younger children who should not leave school, if they had not reached their 16th birthday by the end of year 11. Thus we have a proposal which is in the Bill to keep those children on at school for a further term in year 12 and Mr Speaker, if I may when we come to the committee stage I will have certain amendments to make in particular to clause 5 and in the way in which that further term might work. These amendments have been notified to members.

The purpose of that additional term of course is to develop a special curriculum for those children so that they are better prepared for work also that they have the chances of a better quality of life because of that additional term. As members know there is a continuing consultation on the nature of that curriculum on the way now in a working body which includes Education Members, Members of the Board and also parents. A number of options are being looked at for the construction of that term, the first one of which will appear in September 2004. The working group will be having a third meeting on September 10th and will produce its recommendations for public consultation. So, there therefore will be a further stage of public consultation in September and October. The working group will meet again in October and the Education Board will consider the outline of the nature of that additional term at its meeting in November.

I think we have made some progress on that, clearly more needs to be in order to firm up the nature of that year but to make certain that it is a real and worthwhile option for those children who are kept on.

Mr Speaker, subject to the amendments which I propose to move later, I have pleasure in moving the second reading of this Bill.

Mr Speaker

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

The Bill will be read a second time.

Acting Clerk

The Education (Academic Year) Bill 2002.

Mr Speaker

Council is in Committee. I would suggest Chief Executive that we deal with Clauses 1-4 and then clause 6 and finally come back to clause 5 with the amendment. Is that acceptable to Honourable Members?

Acting Clerk

Clauses 1-4.

The Honourable Chief Executive

I beg to move Mr Speaker that clauses 1-4 stand part of the Bill.

Mr Speaker

The Motion is that Clauses 1-4 stand part of the Bill. Any objection? No objection? Clauses 1-4 stand part of the Bill.

Acting Clerk

Clause 6

The Honourable Chief Executive

Mr Speaker, I beg to move that Clause 6 stands part of the Bill with a minor typographical amendment which has been notified to Members. That clause 6 of the Bill should be amended at (a) to refer to an amendment of section 57(2) not 57(3) of the principal Ordinance.

Mr Speaker

The Motion is that Clause 6 with minor amendments stands part of Bill. Does any Honourable Member wish to speak to the Motion? No objection.

Clause 6 as amended stands part of the Bill.

Acting Clerk

Clause 5

The Honourable Chief Executive

Mr Speaker, I beg to move that Clause 5 substantially amended by the three proposed amendments, which have been circulated to Members and, which are laid on the Table. If I might, Mr Speaker, speak to those three amendments together so that you get a picture of what they are intended to do.

The first concern that arose in discussion after the original Bill was drafted concerned those children who attained the age of 16 in the holidays in August; should they do another term? The recommendation is not.

Those children, who achieve the age of 16 having finished the first term of year 12 at Christmas: should they do a further term? We don't think so.

So the first amendment (which is actually on your list as the second amendment) is intended to ensure that those children who attain 16 during the holidays are regarded as having achieved the age of 16 before the term starts.

Then we came to a second concern; this is reflected in the first amendment and here we turn to younger children. Those children who having done this additional term that I described before and got to Christmas in year 12, those children who are still not 16 years of age. Ought we to put another term on for those children? The recommendation is that in ordinary terms we should not do that. We looked at the year lists entering that year and for information of Members I will give you some figures of the number of children who may be involved, i.e. those children who at Christmas still wouldn't have reached their 16th birthday. In the first year that this is proposed to be done, that is the current year 10, there are three children whose birthdays are in January and one in February. In the second year, which is our current year 9, there is one child involved. In the third year, which is year 8, there are no children involved and in the fourth year, year 7, there are two children involved. Therefore the amendment of the Bill is to recommend to you that although these children have not quite reached their 16th birthday they should nevertheless be allowed to leave school rather than put on a complete term's education for one or two children. They would not however be allowed to begin work until they achieve the age of 16.

Then we come to the third amendment. This is a contingency. It says, and of course Members will be thinking now well okay these children who are a bit young at Christmas have been allowed to leave school. But, what if they were very young, what if their birthdays weren't in January, February but perhaps they were in April or May, or what if educationally they were young, if they were children who were physically young but also had not developed very well. Perhaps they needed more schooling. Should there not nevertheless be a contingency in place? We have, and we don't know of any children like this at the moment; if we have certain children who are caught out like that then the Director of Education can come forward and recommend nevertheless those children should remain in school. They should remain in school either to the end of term or the end of the academic year. So therefore the third amendment puts that facility in place to allow in exceptional cases the Director of Education to recommend to the Governor that a child shall stay on at school until they reach 16 or until they reach the end of year 12. We know of no cases where that will be necessary, but nevertheless it is a helpful amendment, we think. It was suggested by Members, just in case such cases come up, because who knows we may have a child come into the middle of the year, put in by a contract officer, for instance, and that child is with us. We don't know about that child now but that child may well come out of the world later.

With those three amendments, Mr Speaker, I move Clause 5.

Mr Speaker

The Motion is that Clause 5 with the three amendments stated and explained stand part of the Bill. Does any Honourable Member wish to speak to the Motion? No objections?

Clause 5 as amended stands part of the Bill.

Acting Clerk

There are no schedules.

The Honourable Chief Executive

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

Mr Speaker

The Motion is that the Bill be read a third time and do pass. Are there any objections?

The Honourable Financial Secretary

I second the Motion.

Mr Speaker

The Bill will be read a third time and do pass.

Acting Clerk

The Education (Academic Year) Bill 2002

Falkland Islands Development Corporation (Amendment) Bill 2002

The Honourable Chief Executive

Mr Speaker, this Bill facilitates the appointment of an Honourable Member as Chair of the Falkland Islands Development Board and also facilitates the appointment of the Chief Executive as Executive Vice Chairman of the Corporation and of the Board. It is brought before you supported by Government in order that we can advance the course of democracy and accountability for Elected Members.

I beg to move the second reading of the Bill.

Mr Speaker

The Motion is the Bill be read a second time. Does any Honourable Member wish to speak to the Motion? Are there any amendments? In that case I suggest we move to the short track procedure and go to the third reading of the Bill.

The Honourable Chief Executive

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

Mr Speaker

The Motion is that the Bill be read a third time and do pass. Any objection from Honourable Members? The Bill will be read a third time and pass.

Acting Clerk

Falkland Islands Development Corporation (Amendment) Bill 2002

Falkland Landholdings Corporation (Amendment) Bill 2002.

The Honourable Chief Executive

Mr Speaker, this is ditto, this too allows and facilitates the Honourable Member as Chair of the Falkland Landholdings Corporation and the Chief Executive as Executive Vice Chairman.

I beg to move the Bill have a second reading.

Mr Speaker

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

The Honourable Chief Executive

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

Mr Speaker

The Motion is that the Bill be read a third time and do pass. The Bill will be read a third time and pass.

Acting Clerk

Falkland LandHoldings Corporation (Amendment) Bill 2002.

Motion for Adjournment.

The Honourable Chief Executive

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

Mr Speaker

The Motion is that the House stands adjourned *Sine Die*. Does any Honourable Member wish to speak to the Motion?

The Honourable Mrs Jan Cheek

Mr Speaker, Honourable Members, I will be brief I promise. People should be aware of by now but I hope not alarmed by the current review of expenditure and the production of an alternative budget. We would be irresponsible if we didn't

look at possible scenarios if problems continue in the Illex and other fisheries. I've lost count of the times that I have emphasised, both in election speeches and in speeches in this House the fragility of the fishery and the many unknown quantities in terms of the climate, currents, water temperatures, natural fluctuations in stock and unnatural fluctuations and changes in economics and politics. My interest in the fishery is well known but I am sure that there is now a widespread acknowledgement that we all benefit from the services that we could only have dreamed of twenty years ago. Even the most perfunctory look at annual statistics from the Fisheries Department will show general downward trend. Part of this can be explained by the reduction in allowed effort, but that of course is driven by assessment of the stocks and in some cases, that points to dwindling stocks. We are right to be cautious both in terms of conservation of stocks and conservation of the financial reserves built from that resource. While I personally retain my eternal optimism, we must be aware of any dangerous complacency and ensure that over coming months we don't allow economic pressures to force unsustainable levels of licencing.

On to something much less gloomy, in spite of the answer given earlier this morning regarding the progress on the final completion of the Infant/Junior School, in spite of all those difficulties we now have a wonderful, clean, modern working space. We brought together the primary resources of the whole islands and that is benefiting a great many young children. I hope that everyone gets and opportunity to look at that resource the way it is now being used will take it and that Honourable Members will seek an opportunity, if they have not already done so, to see it while working.

We have recently seen a paper put out by the Environmental Planning Officer on future planning for our town and I am very pleased that that paper includes proposals that a policy of using renewable power resources be pursued to a greater degree. This is only a start, I am not saying that wind power, for example wind generation, is the only answer but certainly it would be a useful supplement and should in the very long term reduce our expenditure.

Finally, I would like to praise our people, who have been taking part in sporting competitions overseas, and I would like to make a special mention of the shooters whose dedicated practice and commitment clearly deserves our respect. It also puts in a truly competitive position both at Besley and again back at Besley for the Commonwealth Games Competition.

I support the Motion.

The Honourable Mrs Norma Edwards

Mr Speaker, Honourable Members, in rising to support the Motion for adjournment I too will be brief this time. Just to make mention of the Junior School, I hope that November does happen to be the completion date finally, its

been going on for quite a long time and I'm frightened that it will go on for so long that we will have a request for a further extension to the Junior School because of more numbers if we go on for too long. However, I haven't yet been round the facility, I will make an effort to go round the next time I'm in town and I look forward to that.

There has been some comment in the papers lately about FIGAS flying at Christmas and so on, which is being looked at and evaluated and so on. I was rather amazed to see that the lost of earnings for the tourist industry with the lack of three days flying would be in the region of £35,000, if it is that much with the loss of three days flying, I suggest that the tourist industry gets together and does a deal with FIGAS to fund the necessary plane that they need over that period of time, because that is quite a considerable amount of money. But I think we shouldn't forget that there is a big cost to FIGAS if they do fly over the Christmas period, it's double time for all the members that have to support the- No, not double time, overtime ??? I'm willing to bet it will be an extra cost on top of the usual flying arrangements, I will consult with you later and see just what. If they do fly at Christmas well I hope that the real cost will be passed onto the tourist industry, that's all I have to say on that.

I would like to reiterate what the Honourable Jan Cheek has said about our people attending the Commonwealth Games. It's good, I think, when people go away and partake in the games even if they don't win any medals, they are good ambassadors for the Falklands and this particular shooting team that went this time, did extremely well and deserve all the congratulations that we can give them. One day they will come home with some medals I'm sure.

May I just say to the children who have recently had their "A" Level results and their GCSE results, congratulations to all those, whether you got good results or bad results at least you have been away, you've tried and if it isn't as good as expected, never mind, try again is all I say. Good Luck to them all. Occasionally we have a bad year, students don't do as well as other years and I don't think they should be despondent because of that.

Sir, I support the Motion for adjournment.

The Honourable Roger Edwards,

Mr Speaker, in rising to support the Motion for adjournment there are a couple of items that I would like to mention.

We have this morning passed the Education (Academic Year) Bill 2002 I welcome the Chief Executive's comments on the fact that this is a continuing process right through till November and that there is a committee established to oversee the smooth introduction of this particular facility. There is a feeling amongst families that we are introducing this Bill before they have their final say,

to those families I would like to say that I have raised this with the Chief Executive, discussed it with the Chief Executive and fellow Councillors and we are assured that there is ample time to stop what we do not want to go forward to stop it. My fellow Councillors has given support in the fact that they too will be monitoring the additional input that this committee is seeking and we have ample time to ensure that the committee's wishes are introduced as and when the Bill comes forward. If they still have feelings of being upset then please do get in touch and we can discuss it in greater detail.

The second item was responding to one of the questions that I was given this morning regarding the provision of housing plots. I was not trying to be flippant, I was making a statement of fact and it does show that there is a certain amount of doubt even amongst Members who have been in Council for some time as to who is exactly responsible for deciding what goes where and how. I hope by raising it in a forum such as this we can actually get together and discuss it and thrash it out so these doubts don't linger.

I was going to raise as Councillor for FIGAS the article in Penguin News of last week; my wife has already done that.

(Cllr N Edwards – I'm not sure I explained it very well)

However, the possibility of flying over the Christmas period is being looked at, at this very moment and a decision will be forthcoming.

I too, congratulate all those who took part in the games and I congratulate our young achievers at "A" Level and GCSEs and not to be put off by what was seen by some as being a not very congratulatory message from their Director of Education.

Sir, I support the Motion.

The Honourable John Birmingham

Mr Speaker, Honourable Members, following the line of everybody else, I don't have too much to say either. Not for the first time in this House I would like to publicly support the Post Office staff for doing such a good job. Many times I've passed by along Ross Road on a Saturday and I see the lights burning, the mail obviously being sorted out and this is out of ordinary Government working hours. I see the lights on in an evening when the Tristar is late sorting out the mail also. Can I just say to letter writers who wear rose tinted glasses please take note that Councillors make policy decisions. When the price of stamps go up it is the Councillors who make those decisions not the people within the Post Office and although I also know to support the introduction, the reintroduction of a delivery service in Stanley, the last Council and this Council have decided against that and I respect that decision.

I hope people will also read and respond to the very good pamphlet put out by the Environmental Department on the subject of the enlargement of Stanley. My own view is that we should make steady progress forward as we have been doing these last few years but a small community like ourselves has to be careful that we don't over extend ourselves too far too fast and lose all the things which make living here so attractive. If this to some, seems like the approach of a parson's nose then so be it, Council in the past have been accused of falling into some clichés so here's another one "Act in haste, repent at leisure".

As we all know on the news people like to link the last word with another word of the next paragraph, so on the subject of letters, as a parent, I would also like to thank the staff of the Leisure Centre for all their efforts in trying to put together a programme to keep the children occupied during this holiday. I was surprised however, whilst in the Leisure Centre yesterday, to see an electrician putting up a camera, a CCTV camera. Now I can understand, there are times when certain sections of certain societies need to be monitored. I don't have a particular problem, if there is a difficult area within the town that does need monitoring such as outside of the West Store, but I was concerned to see that this camera was being put in place without as far as I was aware, the knowledge of elected Members. I believe it hasn't gone to the Education Board or if it has I'm not aware of it. I phoned up the manager of the Leisure Centre this morning and he has assured me that the cameras, although being put in place, the cameras will be marked out and there will be a sign to tell the public that you are under surveillance. I only hope that we won't be seeing too many of these around the town in the future. It would be a sad, sad time in the Islands if that were the case.

There is a feeling around locally that produce that is on sale from local suppliers have moved from being totally under packaged to being over packaged and members of the public have commented to me about the amount of polystyrene that flies around. I have spoken to a few retailers who are actually looking into other packaging materials, but I do ask anybody selling anything to look into and think not only about the minimal packaging but also environmental friendly packaging.

It has also been pointed out to me recently that everywhere you go in the town practically has steps to enter a building and to come out of a building. Again I ask not only retailers and companies but also the Falkland Islands Government and the Planning Committee in particular to bear in mind that on occasions wheels have to go into buildings be it a pram or pushchair and access for these people should be taken into account.

On the subject of shops and service in general, it is no good to my mind, adults talking about children not behaving properly and having bad manners, if those adults then treat those youngsters with no respect. I have seen children in some

of the shops with money in their hand waiting politely to be served only to be treated in a not very nice manner, so I ask (and I know this is on the air) that if you are dealing with a young child who is also a customer please treat them as a customer.

Planning for the future we must also try and get the next generation interested in how this place, this place being the Council Chamber here, ticks. There has to be a start somewhere and that has to be at school, surely. We will be swearing in a new Governor in the near future and I don't see any reason why there can't be some involvement by the students of both schools in that process if only to be outside of his House when he arrives and have it explained to them what it is all about.

I would also like to see a senior class in here at some point in the future, perhaps at the next budget meeting to give them an idea of how this place works and what we all do here.

May I say something also about FIGAS as that has come up this morning? The figure quoted at £36,000 I know not where that comes from but I believe the thinking behind this is to do not so much with the people flying on that aircraft it is to do with people deciding not to enter the Islands, because they can't be assured of the service that FIGAS would give. I'm pleased that the Honourable Roger Edwards told us that the difficulties are being spoken about.

There are two members going to Namibia in the near future and I hope that when you get there and that when you speak to people you make it plain that the Falkland Islands deplore the actions of the government of Zimbabwe, and also, that you express our continued support for the people of Gibraltar at this time.

I think that I'm just about clued up Mr Chairman, except that I would just like to say "Come on you boys." I support the Motion.

The Honourable Richard Cockwell

Mr Chairman, having heard the Honourable Member on my left being brief I don't quite know what I'm going to say but it's going to be an awful lot shorter than that, I can assure you.

I wish to apologise for the fact that I did not frame my supplementary to the Honourable Roger Edwards about the Pedestrian crossing at the Junior School as a question, I'm afraid my emotions got the better of me. I cannot believe that members of the Public Works Department, the Police and everybody else had not been aware that something, which I understand is a statutory requirement, was not actually operating for three years. It seems an extraordinary statement to make. Although I do take the point that if we see something wrong we should actually point it out and I apologise for not doing so three years ago, Sir.

Mr Speaker, it was a great pleasure to see you walking into this room without a walking stick and I hope to see you rejuvenated in lots of ways, I'm very pleased to see you back and apparently in good health.

Just two matters which I wish to draw people's attention to and the first is the Fisheries Policy Review, which I think everybody knows is under consultation process at the moment and I look forward, as chairman of Fisheries Advisory Committee, to receiving in the future the industry's attitude to this policy review and I hope that the aims, which are to rejuvenate our fisheries policy and make it more user friendly for the industry and help to rejuvenate the industry and assist in making it better economically. I do hope that this will come out and the result of this review will be successful.

Also we have the review of the Draft Town Plan again, this is out for consultation and I look forward to the response of the general public as to how they see this draft town plan should be finally agreed. I do wish that this time the draft town plan will remain the draft town plan which we follow over the following years and not like the last one which was published and then for one reason or another has been virtually ignored.

Finally, sir, I wish to congratulate our young people who went away to the Commonwealth Games. It isn't the reward at the end it is the taking part and the representation of the Falkland Islands, which they made. I'm very proud of them, in fact I'm very proud of all the young people who go away from the Falklands and take part in various organisations, various things, including the ones that go away to college and come back with results which they cannot achieve here. I follow the Honourable Norma Edwards to say may be some students have not achieved the results that they might have wished, however, I'm sure the experience will be of great benefit to the Falkland Islands.

Sir, I beg to support the Motion.

The Honourable Stephen Luxton

Mr Speaker, Honourable Members, since my last opportunity to speak in this House I've had the welcome opportunity to visit the UK Branch of the Commonwealth Parliamentary Association. This was a very useful experience for me as a new member, to see how a very old and established parliamentary system operates. My visit to the palace at Westminster really brought home to me that we are still in a very early stage of our constitutional development. It would be quite impossible and unnecessary, I think, to replicate the complex UK system here without a party political system and we can't implement that. I must admit I have warmed considerably to the idea of change. Our system of Government has already developed considerably over the last couple of decades but there is still room for improvement. I think from a starting point of eight

members with eight different sets of ideas we are now reaching some consensus on the way forward. I'm still concerned however that developing things too far will have the undesirable side effect of reducing even further the number of people who are able to pursue a political career and can afford the time to do so. I think this is an important issue for us to bear in mind.

In March of this year, I raised the issue of public meetings in this House and pleaded for some ideas of developing the concept further away from its rather stilted format at the moment. The response afterwards was sadly minimal; recently, though, we have had some ideas put forward we are actually looking into these for future meetings. However, I would still welcome more input from the public. I hope that the later time of 5:30pm will encourage more people to attend, it certainly seemed to improve things last week, really it is the content that is more important than the timing.

I would like to appeal to anybody who does not go to the public meetings and is not interested in local politics to ask you what would make you interested. What would grab your attention and bring you along on a Tuesday evening, let me know.

Councillors were recently invited along to MPA to see the current deployments there and to be briefed on the current military situation. The comprehensive and informative command brief that we received was greatly reassuring. It is comforting to know that although we see far less of the military than immediately post '82 there are still watchful eyes focused on the horizon and that they are more than capable of dealing with any potential threat. I would like to take this opportunity to thank the Commander British Forces and his staff for the work put into providing us with a day that was informative, reassuring and enjoyable.

As many folk will be aware, we are in the middle of a major review phase of the Construction Partnership right now, so far Councillors have not had a great deal of feedback on the progress on this. I can't help but wonder if this is because the administration is struggling to find convincing reasons to continue with the current arrangements which seems to lurch from one disaster to another. I am aware that there have been come genuinely unforeseen difficulties, but I feel that in the current financial situation the last thing we need is to lose financial control that has been shown on recent major projects. As part of the current review process we are expecting to see statistics on the cost of projects built under this arrangement in comparison to the cost of projects built by previous contractors. This may well prove that the concept of the partnership works, it does not as I have said before prove that this particular one is working properly at the moment. I shall await the final report and recommendations with interest.

Sir, I support the Motion.

The Honourable Philip Miller

Mr Speaker, Honourable Members, on rising to support the Motion for adjournment, I'd like to make comment on a few recent activities. Firstly, may I take this opportunity on behalf of the people living at North Arm to thank the Highways Section of PWD for their timely repair of the Sound Creek road crossing. These repairs once completed will enable safe vehicle passage and of course make the road passable for the eagerly awaited fuel supply truck. Whilst on the theme of thanks may I take this opportunity to thank the Commander British Forces and his staff at MPA for the useful and informative visit he recently arranged for members.

It will be a great relief to a lot of folks that we are seeing some improvement in the weather. The Camp roads are drying up and making it safer and certainly easier to travel around the Camp. It concerns me when I see the rural road network deteriorating ever more year after year and unless we identify and plan exactly how to tackle the problem of reconstructing and capping these roads in the near future we are going to end up spending a lot of money on them.

May I refer to a statement made earlier by the Honourable Mike Summers that fast tracking may be more costly in the long run and also by the Honourable John Birmingham's statement recently of "act in haste, repent at leisure". What I don't want to see is a rushed job that would do further extensive damage to other parts of the road network. Reconstruction and capping will be a long job and while the job of planning these works is being done we should concentrate on building new roads to farms that don't yet have them – Walker Creek, The Murrell, Wreck Point to name a few. I believe there will be a requirement for PWD construction on the East and on the West Falklands for a good many years to come. The recent unrest concerning the future of the East team was completely unwarranted. These professional people need some assurance that their jobs are as secure as possible. Some of them may have been working in that team for fourteen or fifteen years. I'm sympathetic with the concept of speeding up road construction on the West but fear farmers that have taken up jobs with the West team will have their jobs cut short that much sooner leading to possible income problems, as a good many of them subsidise their farm income with work on the roads. There will be a requirement for a stone crusher and sprung trucks for road capping and to have the West three or four maybe five years behind the East will perhaps not be a bad thing as we would not have to double up on machinery. Once the east is completed, the West would be at the construction phase and ready for the plant and equipment to be shipped over for capping their roads.

Lastly, I'd like to touch briefly on cattle. I have yet to speak to the Cattle Breeders' Association but I believe that the only way forward for cattle production in the Falklands is with imported live animals. The Abattoir has a beef line, which is largely unused. Falkland farmers do not have the stock numbers to supply it.

The import of in-calf cows would speed up the process of increasing suitable meat/breed animals for the abattoir. The Falkland Islands have to rely too heavily on one main source of revenue. Yes, there is tourism and wool etc, but our income is mainly reliant on fishing; we need to develop other potential resources and one of those is meat. We have an abattoir that cost a lot of money, more or less standing idle. It needs to be kicked into gear to provide extra income to farmers and ultimately revenue to the Country as a whole, with the export of clean and green product.

Sir, I support the Motion.

The Honourable Mike Summers

Mr Speaker, may I also welcome you back here looking healthy and note the gap in the Attorney General's chair still and hope that his recovery is swift. On staff matters I would also like to congratulate the stand in clerk for an efficient job today.

I have a few items. I wholly concur with the comments of my Honourable colleague Mrs Cheek on the alternative budgeting process. This is an important matter, we need to go through this process to see what we might be able to do or what we might need to do in the future if fishery revenue declines. Planning is an important part of the Government's activities, planning for eventualities, which may or may not occur and we are entitled, indeed it is our duty to plan for things, which may or may not occur. That is the same in respect of financing and the same in respect of roads. It is the duty of the Government to look at all options and all possibilities. There may be some unrest caused perhaps by mischievous people but nevertheless it is our duty to look at all the options and then choose the best, I hope in the alternative budget process that we don't need to have to make those choices that our revenue lines will be sufficient not to have to make them. If we do, make them we will, and we will have to make the best choices that are available to us collectively in the overall interests of the Falklands.

Having touched briefly on Camp roads, I had one other thing I wanted to say about camp roads this year and it is that we have had perhaps the most difficult winter for some time. It has had significant effects on the roads and has caused a fair amount of damage and difficulty to the surface. That damage has been exacerbated in some instances by some people who have taken little care about the way they use these expensive roads and have frankly been selfish and careless and created damage when it wasn't necessary to create damage. I would like to think that when people are carrying heavy loads on the roads, they just think about the purpose for which they were built. They were built to provide access to remote areas in the Falklands for everybody and the quicker we can do that the better. They weren't built for heavy trucking. Heavy trucking damages these roads and if necessary legislation will have to be introduced to restrict the use of heavy vehicles and overloading vehicles on the roads and most

particularly in the wintertime. It is not fair on the people who rely on these roads for their livelihood for a few individuals to go out and wilfully damage them.

On the question of the fishery and the fishery consultation exercise, it has come to my attention in the last few days, I perhaps should have realised earlier, but actually the consultation phase has been rather restricted. Yes, the fishing industry has been asked to comment on this very, very important and fundamental paper and yes it has been largely circulated around the businesses. Many, many members of the public have not seen it. Many seem to be unaware of it. I've seen very little in the media on what is potentially fundamental change to the industry that drives the economy of the Falklands. This needs wide distribution and wider discussion and everybody is entitled to have a say on the fisheries policy. It is not just a licencing policy for the industry; it is how we treat our major resource for the future and therefore everybody's livelihood depends on it.

Two more items briefly, it has come to my attention recently and as you all know I am not one to indulge in gossip, but I hear that some individuals in the community have purchased equipment to enable them to listen to other people's mobile phones. This includes the sort of little phone you would use in your house. If this is the case I hope it is illegal and if it's illegal I hope it is stopped. If it is not illegal then I hope that it is made illegal very soon. If we can't do that I hope the despicable individuals who feel the need to pry on other people's telephone calls have a think about it. If it is not true then I'm delighted.

Finally, I have had the opportunity in the last couple of weeks through the Development Board to listen to the views of those involved in the tourism industry and it was disappointing and instructive to hear many of them say they feel that they are treated like second class citizens in our economy, that they don't feel that tourism is thought worthy. I hope that we can set that fear aside in the near future and assure the people involved in what is probably still the fastest growing industry in the world and probably still the fastest growing industry in the Falklands that we do value tourism in these Islands both for the economic benefit that it brings and for the political and social benefit that it brings. The political benefit for people coming to see our Islands for what they are. I was struck by the comments of my colleague who said "well, if it's going to cost extra money to move tourists about over the Christmas period then the tourism industry should get on and organise that"; I never heard that view expressed in relation to shearers or other agricultural activities. It is an important industry and it deserves our support.

Sir, I support the Motion.

Commander British Forces

Sir, may I comment. I would wish to report to Honourable Members that the LanChile airbus is happening without difficulty or incident at MPA, which I think is a good thing. Secondly that I was delighted to host members at MPA, you are always welcome, at the end of the day we are your Armed Forces.

Sir, I support the Motion.

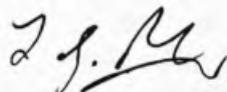
The Honourable Financial Secretary

I support the Motion.

Mr Speaker

The Motion is that the House stands adjourned *Sine Die*. The House stands adjourned *Sine Die*.

Confirmed this 25th day of October 2002.



Mr L.G. Blake, OBE
The Hon. Mr Speaker.

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON 25th OCTOBER 2002**

**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY ON 25 OCTOBER 2002**

MR SPEAKER

(Mr Lionel Geoffrey Blake OBE)

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)

CLERK OF COUNCILS: Claudette Anderson

PRAYERS: Padre Alastair McHaffie

APOLOGIES

The Commander British Forces Falkland Islands
(Commodore Richard Jeffery Ibbotson, DSC MSc RN.)

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Record of the Meeting of the Legislative Council Held on Friday 25th October 2002

PRAYERS

Mr Speaker

Honourable Members I wish you good morning.

Clerk of Councils

The election of Elected Members to Executive Council.

Mr Speaker

Honourable Members under the requirements of the Constitution and under the Standing Rules and Orders 6A and B we are required today to elect three of you to be Members of Executive Council.

I appoint the Attorney General and the Honourable Financial Secretary to be tellers and firstly we require a Member representing Stanley for Executive Council. I think you all have ballot papers.

The Honourable Mrs Jan Cheek

Can I just state please that I am not available for election this year, I have spoken to some but I haven't spoken to all.

Mr Speaker

Does any Honourable Member wish to change his voting paper.

The Honourable John Birmingham has been elected to be the Member representing Stanley on Executive Council.

Now we require a representative for the Camp to serve on Executive Council.

The Honourable Philip Miller is elected to represent the Camp on Executive Council.

We now require one further representative who can be either a Member for Stanley or for the Camp.

The Honourable Mike Summers is elected to fill the third seat on Executive Council. I therefore declare that Executive Council Members will be:

The Honourable John Birmingham for Stanley.
The Honourable Philip Miller for Camp
The Honourable Mike Summers to fill the third seat.

Thank you.

Clerk of Councils

Confirmation of the meeting of the Legislative Council held on 23rd August 2002.

Mr Speaker

Minutes confirmed.

Clerk of Councils

PAPERS TO BE LAID ON THE TABLE BY THE HONOURABLE THE CHIEF EXECUTIVE.

Copies of Subsidiary Legislation published in the Falkland Islands Gazette since the last sitting of the Legislative Council and laid on the table pursuant to Section 34.1 of the Interpretation and General Clauses Ordinance 1977:

- 20 • Building (4 Pioneer Row) Designation Order 2002
- Buildings (barren Island) Designation Order 2002
- Fishing licences (Applications and Fees) (No 2) Order 2002
- The Magistrate's and Summary Courts (Guilty Pleas in Absence) Rules (Amendment) Order 2002
- Post Office (Amendment) Order 2002
- Criminal Justice (Increase of Fine) (Control of Drinking by Juveniles Ordinance) Order 2002
- 26 • Licensing (Amendment) Ordinance 2002 (Correction) (No 3) Order 2002

The Honourable Chief Executive

Mr President, I have pleasure in laying the aforementioned papers on the Table.

Clerk of Councils

Questions for Oral reply. Question number 18 of 2002 by the Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

Can the Honourable Roger Edwards tell this House if there are plans to repair the bad parts of Ross Road this summer season and if this is the case, when is work likely to begin?

Mr Speaker

The Honourable Roger Edwards.

The Honourable Roger Edwards

Mr Speaker, the project for the reconstruction of Ross Road has been deferred, therefore only temporary patch repairs will be carried out this season. It is envisaged that work on the worst areas will commence during this month and in total should carry on for about three weeks.

Mr Speaker

Councillor Edwards do you have any further supplementary?

The Honourable Mrs Norma Edwards

Can I ask if it is hoped to complete the bad pieces of road in time for the SAMA visit or would that not be possible.

The Honourable Roger Edwards

Mr Speaker, the worst areas of the road have been identified and all efforts are going to be made to ensure that they are patched prior to the SAMA visit and any marches that take place upon those roads.

Mr Speaker

Thank you.

Clerk of Councils

Question number 19 of 2002 by the Honourable Mrs Norma Edwards

The Honourable Mrs Norma Edwards

In view of some discrepancies in the grading of recent "A" Level results in the United Kingdom, can the Honourable Jan Cheek tell this House if checks have been made on our students' results to ensure that they were properly graded?

Mr Speaker

Councillor Cheek.

The Honourable Mrs Jan Cheek

Mr Speaker, Honourable Members, the decisions on re-grading and which subjects were to be looked at were taken by the then Secretary of State for Education and Skills (Estelle Morris) in the U.K. The re-grading process was separate from any re-marking requests which are personal to individual students.

It appears that the only subject at Peter Symonds affected by this re-grading process was Physics.

The Director of Education has consulted the Principal of Peter Symonds College and he has made it clear that NO Falkland Islands student was affected in any way by the re-grading process, which I take to mean that none of our students took any of the subjects involved. Peter Symonds would as a matter of course be checking all students there. This shouldn't be confused as I said earlier with requests for re-marking which can be made by students and their tutors for subjects with grades not as predicted and expected. As far as I am aware no re-marking has been requested which would seem to indicate that the grades achieved were those expected by the students.

The Honourable Mrs Norma Edwards

Thank you very much.

Mr Speaker

Any further supplementary?

Clerk of Councils

MOTIONS

Motion number 5 of 2002 by the Honourable the Chief Executive

"It is MOVED that this House approves the Criminal Justice (Evidence) Ordinance 2000 (Commencement) Order 2002 to come into force upon publication in the Gazette".

The Honourable the Chief Executive

Mr Speaker, I so move. Members will recall the original piece of legislation that this seeks to add to. The original piece of legislation was passed on September 2000 and related to the discretion being given to the Court to define how they would treat witnesses, particularly witnesses in cases where there were difficult matters to be discussed such as in areas of child abuse or rape. The original legislation that members passed bound the legislation to those things that had been passed also in the United Kingdom and at that time it related to the ways in which the Court could have discretion to rule upon the giving of evidence by children age 17 or under. Members will recall for instance that this allowed the giving of evidence by video links, the giving of evidence in private if absolutely necessary or by using communication aids. Now at that stage Members said they were not happy to take the legislation further forward in order to include certain categories of adults as well, as that had not been done in the United Kingdom. The United Kingdom has now passed those additional parts of its Act into law and we bring back to you now to consider whether those protections can be given or the Court can be given the discretion to offer those protections to certain adults in certain circumstances.

Sections 4 and 5 define how those adults maybe defined and here we are talking about witnesses who may have problems with learning disability or mental health impairment or maybe under threat of considerable intimidation in a court situation. The facilities given to those witnesses, again at the discretion of the Court, defined in sections 11 through to 24 and that allows in those certain circumstances those witnesses to be screened from the accused in order that they cannot be borne down upon if the Judge considers that to be right. The witness evidence can be given by live link, can be given in private in certain circumstances the right ***** means that the accused is removed from the Courtroom or his representatives, the removal of wigs and gowns and also video recording of evidence.

This I think is a correct step now that the UK has done it and it may well be that Members will support that. In addition Members have been asked to implement section 28 which allows the Court discretion in certain circumstances to restrict the questions which may be placed on a witness about that witness' sexual history. This does not implement, and the proposals I bring before you do not implement the entirety of the UK possibilities of all the legislation that members saw, in particular Members will remember section 17. Section 17 allowed the giving of evidence through an intermediary or by proxy, that has not been approved in the United Kingdom and we are not seeking that approval from you today. Mr Speaker, I think that this is a right addition to the legislation and I so move.

The Honourable Financial Secretary

I second the Motion.

Mr Speaker

Does any Honourable Members wish to speak to the Motion?

Councillor Summers.

The Honourable Mike Summers

Mr Speaker, can I ask either the Chief Executive or Attorney General advise the status of section 17 in the United Kingdom now, is it part of the United Kingdom legislation or is it anticipated that it will be in due course and if so will there be recommendations here for its implementation.

Attorney General

The corresponding provisions which section 17 was taken in law in the United Kingdom which has passed Parliament but which has not been commenced. My understanding is that debate continues in the legal profession with the Judges and Consultative Committees as to the rules of court which should be made before that section is implemented. The matter is visited with some controversy on the detailed rules and it may be some time before it is commenced in the United Kingdom. No decision has been taken at this stage whether if it is commenced in the United Kingdom it will be recommended to Honourable Members for commencement here. We will need to consider the matter in the light of the rules which are made and to see whether special rules should be made here. The intention would be that if satisfactory rules are available in the United Kingdom to make a recommendation to Honourable Members for its commencement here.

Mr Speaker

Any other Member wish to speak to the Motion?

Councillor Cheek

The Honourable Mrs Jan Cheek

Mr Speaker, Honourable Members, I just want to welcome the commencement of these measures which are an important part of ensuring that justice prevails for

all including those who are vulnerable for reasons of age or disability. Thank you.

Mr Speaker

Are all Members in favour of the Motion?

The Motion is passed.

Clerk of Councils

ORDER OF THE DAY BILLS

Grass Fires Bill 2002

The Honourable the Chief Executive

Mr Speaker, this Bill seeks to regulate the lighting of fires in the Camp. With your permission I will ask to withdraw this bill pro tem for further discussion by elected Members. It has been moved somewhat fast through the proceedings, I believe there are more things that need to be discussed and with your permission too I would ask the Honourable Philip Miller to mention some of those items.

Mr Speaker

Councillor Miller do you wish to address Council.

The Honourable Philip Miller

Mr Speaker, Honourable Members, it is generally felt that we are rushing the Bill through and it hasn't allowed full consultation with the Camp community and landowners in general. There are a couple of amendments, which it was felt, couldn't be done on the floor.

Mr Speaker

Can we be assured that the future Bill will be published well in advance of it coming to this table so that we can get reaction from the public.

The Honourable the Chief Executive

Yes, most certainly, Mr Speaker, and indeed the substantive changes are not enormous but they are changes of some context and we just feel the need to ensure that they are right irrespective of the limited consultation that we have had.

Mr Speaker

Thank you, the Grass Fires Bill 2002 has been withdrawn.

Clerk of Councils

The Motion for Adjournment.

The Honourable the Chief Executive

Mr Speaker, I move that the House adjourns *Sine Die*.

Mr Speaker

Does any Honourable Member wish to speak to the Motion? Councillor Birmingham.

The Honourable John Birmingham

Mr Speaker, on rising to speak to this Motion, I will say those famous words, "I will be brief", but I have only just returned last week from the Party Conferences with the Honourable Roger Edwards. I do know that quite a bit has been said this week about the Party Conferences and I would just like to say that the Falkland Islands in my opinion must continue to have a presence at those particular conferences.

Mr Speaker, there is a certain amount of unease in the fishing industry and the public at large in the number of Councillors involved in the fishing industry and with the process we are going through at the moment, I would just like to put them at ease by saying that in this Council however, there are only three Members that have no involvement in the fishing industry. When it comes to the final decision, I do not see those Councillors involved in fishing in any way being party to that final decision making. There will be consultation all the way through but the final decision, I am sure will be made by the Councillors who have no involvement. It has always been the case since the fisheries first opened that there are some people who view with suspicion any elected person being involved in the industry, but the fact is that we are part time and we have to earn a living elsewhere. That is how it is at the moment.

Everybody has their little baby and mine is the issue of housing plots and housing. At the last meeting, I asked a very simple question to which I received a very long and detailed answer, so long if I remember rightly that if I had known what was coming I would have probably packed lunch. But I am still confident that we will be able to do something in the near future but those single people are not necessarily young single people, but those who wish to live on their own, those people who will be able to purchase affordable housing.

I had a quick glance in the "Penguin News" this morning, just on the way here and I don't mind spending eighty pence, I think it's a damn fine read, but I had a quick breeze through the editorial and I noticed that the editor is going to have invited editors. I'm not very up on this and I'm sure that Councillor Cheek will right me if I'm wrong if somebody other than the editor does an editorial, surely it is not an editorial, because the editor is not doing it. I'm sure we will hear a little bit more on that. I also note in the Penguin News that there is a full page on disabilities. At the Hospital Committee meeting last week or earlier this week, I meant to have mentioned this but I forgot, and that is that possibly the worst public building throughout the Government for anybody in a wheelchair to actually enter is the hospital. I have jotted this down and I hope to follow this through but there are certain buildings. We all know when we go overseas we see something revolutionary called electric doors and I often wonder why these electric doors which have been around for donkeys years, why it is that we down here have lifts, we have all manner of modern equipment, why it is that Government buildings can't install electric doors. I shall be pursuing that.

I have one other item and that is contracted staff. Whilst I was away I was getting the Penguin News, and you see before you here the real flesh and blood and not a cardboard cut-out I must emphasise that, and I don't mind taking flack from the Penguin News I think it is part of the job, but the continued attacks on contracted staff is something that should worry us all. It has been said time and time again that contracted staff are brought here. They are employed by the Falkland Islands Government, every post is okayed by Councillors. There is no way a new contractor will be taken on without it passing through Council, so we are the ones to be blamed. We are spending upwards of £200,000 a year on recruitment costs that is a lot of money that we could be using elsewhere for social purposes now surely if we need these contracted staff, and we will do until the day comes when we have our home-grown teachers, home-grown nurses and other medical staff, home-grown agricultural professionals, then we will require these people. Whilst they are here I don't think it does the community any good at all by certain individuals continually writing letters having a go at these people. There is one individual who amazes me why that individual writes when he himself spent twenty years overseas being a contractor. We all like to have a moan and groan, me as much as anybody, but these people, the vast majority come here and do their damndest for the Falkland Islands and I feel that sometimes it gets a little bit personal. Mr Speaker, I would like to support the Motion.

The Honourable Mike Summers

Mr Speaker, Honourable Members, I have two subjects that I wish to speak about today and that is the abattoir and the other is the economy.

Just to update people on the status of the licensing of the abattoir and the works that still need to be done so that we can retain public confidence in the project which is extremely important for the future of the Camp community, the economics of the Camp community and indeed the economics of the Islands as a whole.

We have been right royally messed about on this project by the European Union, not something that I suppose was unexpected but still irritating when it happens, but we are now in a position where we have to make interim and then firmer arrangements for the provision of cold storage. That wasn't the position when we first discussed the project with the European Union but they've changed their position and we now have to do it. So since it's their licence we will have to do what they want us to do. So that is very much in planning and indeed in process. We have also been let down by the European Union in respect of processing our residues plan for testing of residues in the meats. There is no problem with our residue plan they simply haven't put it through the necessary legal processes. So that leaves us tight on time for requiring the licence for this killing season. I do want to assure the rural community/camp community that we are pushing very very hard to have the licence issued as soon as we possibly can hopefully still during the course of this year, a lot of people working in different spheres to push in this direction. I remain confident that we will make the licence in time for this killing season. If we do not we have had some very preliminary discussions about whether we will in fact still carry on with the whole kill of all the animals that farmers have retained for this season in order that they are not disadvantaged through having accepted our planning parameters our planning proposals. It may well be that that will result in certainly reduced cash flow and almost certainly operating losses for the abattoir, but it may well be better to in fact take all the animals that have been held for the abattoir this year and kill them and to sell them into lower price market rather than disappoint farmers. That is not yet a firm plan but I wish to assure farmers that everything is being done to ensure that the abattoir will be in production in time to take the sheep that they planned to put through this year. All of this has resulted in some additional expenditure for the abattoir both on the freezer and on some other works outside which the Standing Finance Committee has agreed to today and we are now in a position to make absolutely firm commitments to the European Union about our obligations and hope that they will now accept them and proceed with the issuing of the licence.

The second item I just wish to address is the economy and where we are now in general terms with our revenues and shortfalls in revenues for next season. By and in large the Illex licence fees that were due from the last season have been collected, there are still some of them outstanding but we are confident that the very large majority of those will be collected so revenues for the 2001/2002 fishing season are pretty well all collected.

For the forthcoming season there have been some quite productive and helpful discussions with Korean and Taiwanese Companies about their intentions for next season and I think we have made good progress in ascertaining that there will be a level of licence income next year that is at least satisfactory, it is not disastrous. However, there will still be a need as a result of that to do some budget squeezing, a very large majority of the population will know that Government has been going through some heart searching in respect of expenditure, both in capital expenditure and in operating expenditure and priority based budgeting has been very much the buzz in Government. We haven't yet finished that project but will inevitably be some squeezes on the budget and we will not have the level of revenue from Illex next year that allows us to support the current level of expenditure. There will be a measured response to the reductions in licence revenue, we've expected this for some time and it continues to be that way, but I think that I would just like to assure the whole community that it is very much a measured response, any of the reductions we make will be those that are strictly necessary to keep us in as near as we can a balanced budget and to maintain the reserves as near as we can to two and a half times the level of current expenditure. So that process will continue during this next month, we hope in the new year to be able to give more and further information about the level of expenditure for future years.

Mr Speaker, I support the Motion.

Mr Speaker

Councillor Miller.

The Honourable Philip Miller

Mr Speaker, Honourable Members, on rising to support the Motion for adjournment, I too have two subjects I would like to mention. With the very welcomed rise in wool prices that farmers are receiving at the moment, I would like to just remind farmers that it is still a very volatile market and just because the future is looking a little brighter we shouldn't get complacent and shove diversification plans and ideas to the side. The proceeds from wool can help to bring some of those diversification plans to fruition and maybe even become the main farm income and wool being the secondary income.

Another important issue is that we will shortly be welcoming a substantial amount of visitors to the Islands among them will be VIP and press and media personnel, I would just like to ask members of the public to make an effort and have a general tidy up, even junk can look less of an eyesore if it is stacked uniformly and tidily. Landowners in camp have possessions along the side of the road that may look untidy. I drive past one such site at New House turn off every time I come to Stanley. The MPA road also has its fair share of eyesores and we would really like to create a good impression. The last thing we need is a

headline in the newspaper that goes something like "Junk shadows the natural beauty of the Falkland Islands" or something along those lines.

Sir, I support the Motion.

Mr Speaker

Councillor Cockwell.

The Honourable Richard Cockwell

Mr Speaker, Honourable Members, I also have just one or two items that I would like to mention. During my recent travels abroad, I was privileged to visit Gibraltar as a guest of the Gibraltar Government and I was able to discuss with Government Officials issues of mutual interest to extend our support to the people of Gibraltar in their wish to determine their own future. I would like to take this opportunity to thank the Government of Gibraltar for their hospitality during my only too short a visit. We shall follow with interest the outcome of the referendum, which is to be held soon.

Within the next few months we are undertaking two major consultations over matters that will affect the future directions the Falklands may go. Firstly, we have the Fisheries Policy Review. This review is intended to permit us to find ways to help our fishing industry to expand in a way that is to the benefit of all members of the industry and the economy of the Islands. The process is on the way and I am pleased to see the amount of constructive response that has already been received and I look forward to following this through.

The second consultation that is under way is the draft Stanley Town Plan and Structure Plan. Coupled together these plans when completed will guide planners as to the way we wish Stanley to expand within the next ten years. I recommend anybody who is interested in the future development of Stanley to obtain a copy of the first draft documents and forward their comments to the appropriate department.

The down turn in the fisheries is causing concern in many sectors of the Islands. I along with a lot of other people am very concerned. However, I do believe that we have the ability of overcoming any possible down turn in income. We may not quite enjoy the same ability to spend in the way that we have in recent years, however, I have confidence that we shall be able to maintain an acceptable budget based on any reduced income that may occur. This will entail the tightening of belts in many government departments but I do not believe that it will result in significant reduction of essential services.

If I can mention one other item as the Honourable Philip Miller said, we have people from SAMA coming in next month and I do ask people to remember that

many of these people have suffered post traumatic stress through the war and can they please remember not to let off fireworks whilst they are here in the country. It is not much to ask but I do wish that people will not let off fireworks willy nilly whilst these ex-servicemen are here in the Islands. Sir, I support the Motion.

Mr Speaker

Councillor Cheek.

The Honourable Mrs Jan Cheek

Mr Speaker, Honourable Members, in supporting the Motion I have just got a couple of things to say. The fisheries policy review has been mentioned and I felt that this was a time when I should not be available for election to Executive Council because no matter how often I declare my interest and withdraw when it is proper to do so from the debate I think it is essential for credibility that someone who stands to benefit from improvements to the industry here should not in any way be seen to be advocating parts of that issue or even to be imagined to be advocating parts of that issue. I am always happy to give factual information to my colleagues should they ask for it. I do try to be scrupulous in not getting involved in the discussion of things where I stand clearly to benefit either overtly or quietly behind the scenes and I hope that my three colleagues who have no fishing interest will be able to confirm to anyone who asks them that I do not buttonhole them privately, socially or anywhere on the subject and when Councillor Birmingham recently asked me something just before he left I was actually quite reluctant to discuss it at all for that very reason.

Now, moving onto the problems we may experience with our budget, I think I am not alone in believing that this is going to be a useful exercise. We can all look around and see things that to us appear to be wasteful, unnecessary, badly done, things that are done once have to be done again, whatever the outcome in terms of revenues in the coming year, I hope that we end up with a slimmer budget and one which has less for members of the public to criticise.

Finally, when the Honourable John Birmingham mentioned Penguin News in terms of the guest editorial, which I believe they are having, I thought he was actually wanting me to give critical analysis of his poetry. I support the Motion.

The Honourable Roger Edwards

Mr Speaker, in rising to support the Motion for adjournment there are a couple of things I would like to mention, one already mentioned by the Honourable John Birmingham and that was the Party Conferences. I must admit before I went to the Party Conferences, I didn't know what to expect and was a little sceptical of

the whole thing; however, now having been I realise just how important they are to the Falklands. I believe they have three main aims, that was to renew acquaintances, thank those who presently support us to meet those who do not support us and try and convince them how they are wrong and thirdly, even twenty years or so after the conflict to dispel the myths and rumours that are still around about the Falkland Islands. It amazed us just how many people came up with just the most ridiculous questions that they believed to be true, however, we were able to dispel most of those myths and feel that the whole thing was very, very worthwhile. It was also worthwhile while we were at the conferences to attend several of the meetings regarding Gibraltar and to listen to their First Minister's speeches and to realise what support they are being given by the Government that are actually doing the negotiations to get away from their joint sovereignty with Spain or to give away the joint sovereignty with Spain. The average rank-and-file MP appears to me or appeared to me at those meetings that they do fully support the people of Gibraltar and their rights to self determination and, as was pointed out many times during these speeches and by the MPs we met and this applies to us also here in the Falklands. That when it comes to self determination size doesn't matter, it is the principals that should be looked upon. You either support the principle of self determination which is the right to determine your own future, if you don't support it then you are against it and that is meaning that someone else should decide a person's future and that is totally wrong. I was pleased to hear from Councillor Cockwell how welcomed he was in Gibraltar and how he enjoyed the experience.

Our economy has been mentioned by the Honourable Mike Summers and I would like to point out that this Council I believe has done quite a lot in revamping the budget and the capital programmes in such a way that we have been able to keep many things going and supplying work and cash into the private sector which would be otherwise lacking. We hope that with the increase in wool prices, with the return of the fishes and we hope with the possible coming on line of oil resources to the south east of the Islands, that our future is looking again rosy. Sir, I support the Motion.

Mr Speaker

Thank you. The Honourable Mrs Norma Edwards.

The Honourable Mrs Norma Edwards

Mr Speaker, Honourable Members, I think most of the subjects that I was thinking about talking on have already been mentioned. I will just say that as far as the abattoir goes I'm relieved to hear what the Honourable Mike Summers said this morning that we will continue regardless of the EU and I'm not a great admirer of the European Union I have to say. It wasn't the road I wanted to go down originally with the abattoir however, that is water under the bridge, but I am

pleased to hear that the farming community will still be able to send their sheep in for slaughter regardless of the decision of the EC Inspectors this next time round.

The Honourable Mike Summers

Mr Chairman, may I make a point or order? Mr Chairman, I did not guarantee that that was what would happen. What I said was that we have begun those discussions and we very much hope that we will be able to continue to take the animals that people have kept but we can't make an absolute commitment at this stage.

The Honourable Mrs Norma Edwards

I beg your pardon, I thought we had agreed that that was the road we would take should we not have agreement from the EC. However, I would also say that it has been a bad winter and there may not be the number of sheep available this year anyway that may be required. I hope that all goes well and we don't have to worry about whether we are going to have source for sale of the animals.

I would just reiterate what the Honourable Philip Miller has said about the visit from SAMA and tidying up around about the bazaars, it does make a lasting impression on people if they see a load of rubbish hanging about the place, so I hope that people will take that on board and tidy up where they can.

As far as the budget goes and squeezing the budget may I just remind Honourable Colleagues that we have always said and I hope it is still the case, that when we come to looking to down sizing budgets if we have to, that education and the medical services will come bottom of the pile and everything else that we can do will be cut before those two particular departments. I think that is important that we don't cut back on our education and if possible we don't cut back on our medical services. Sir, I support the Motion.

Mr Speaker

Councillor Luxton, your name unfortunately is going to come at the bottom of the pile for the next twelve months.

The Honourable Stephen Luxton

Mr Speaker, Honourable Members, it's my great saying that I shall always have the last word. I think it has been a while since the subject of the Camp phones came up in this House, some areas of the Camp network are still experiencing significant problems with line noise which is extremely disruptive to fax and phone communications and renders the internet almost completely unusable on some days. I was talking to somebody in camp just the other evening and

commented that I must go and download the mountain of emails from No 9. I immediately regretted saying this and the response was hhruppmmh, I probably have some too but haven't been able to get them all day, incidentally this response was edited to remove un-parliamentary language. However, possibly the biggest irritation seems to be not the fact that customers can take several attempts to download their email but the fact that they apparently get charged at the full rate for every one of those attempts. I do hope that Cable & Wireless will look sympathetically at this issue until such time as they are able to improve the service provided.

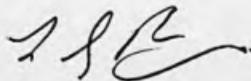
While I'm on the subject of communications it is very disappointing that the people of Port Stephens have now been without FM Radio for almost one year. This is mainly due to procrastination of certain contractors who I am told will take an unbelievable length of time to install a simple power socket to feed the rebro transmitter. I learnt yesterday afternoon that the job might actually be almost done. The Port Stephens area is generally disadvantaged by poor radio reception but this particular problem has got nothing to do with radio reception and everything to do with waiting a year for somebody to get off their butt and do a half hour job with twenty pounds worth of materials. It has been very frustrating for people in the Port Stephens area, not to mention for BFBS who I understand have been waiting for months to be able to finish their own work. I hope the service will be up and running again soon.

There has been a fair bit of criticism of the Camp road network in recent months following the very bad winter that we had, with only a few exceptions, the only thing that ever gets publicity is complaints; few people make a fuss about a good road. The road gang has done an excellent and very quick job in patching up the winter damage to the bulk of the Camp road network in double quick time. I would like to take this opportunity to congratulate them on a good job well done. It is not a long term solution, this will take more time, but it gives time to think about the options for creating a better all weather road network which will better withstand the rigours of winter. In the meantime, the roads that I have driven on have been reinstated to an almost as new surface, which must have transformed the travel for those people that rely on them. Sir, I support the Motion.

Mr Speaker

Honourable Members, before I declare the House adjourned can I commend the three new members of Executive Council and wish them success in their deliberations. The House stands adjourned *Sine Die*.

*Confirmed this 22nd day of November
2002*



Speaker of the House.
Legislative Council

Held on 25th October 2002

**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON 22ND NOVEMBER 2002**

**RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY ON 22nd NOVEMBER 2002**

MR SPEAKER

(Mr Lionel Geoffrey Blake OBE)

MEMBERS (Ex-Officio)

The Honourable the Chief Executive
(Dr Michael Dennis Blanch)

Elected

The Honourable John Birmingham
(Elected Member for Stanley Constituency)

The Honourable Mrs Janet 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
(Commodore Richard Jeffery Ibbotson, DSC MSc RN.)

CLERK OF COUNCILS: Claudette Anderson

PRAYERS: Padre Alastair McHaffie

APOLOGIES

The Honourable the Financial Secretary
(Mr Derek Frank Howatt)

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Record of the Meeting of the Legislative Council Held on Friday 22nd November 2002

PRAYERS

Mr Speaker

Honourable Members, before commencing the business of the House, I have here a letter, which I would like to read to you if I may from the Duke of York's private secretary.

"The Duke of York asked me to thank you all for your involvement in his recent visit to the Falkland Islands. The warmth of the welcome by you and all members of the Legislative Council was much appreciated by His Royal Highness as was the dinner, the Mandy Shepherd book and on the last morning, the album of photographs. This visit was of course an unusual one in that it combined both official engagements and the opportunity for His Royal Highness to meet and talk with others who have a common experience of events in 1982. His Royal Highness much enjoyed being able to return to the Islands and to see for himself the evermore vibrant emerging economy as well as a stable sound and hospitable community. The Duke has asked me to send good wishes to you and all members of the legislative Council." And that is signed Ms Charlotte Manley OBE.

Clerk of Councils

Confirmation of the record of the meeting of the Legislative Council held on 25th October 2002.

Mr Speaker

Honourable Members, is it your wish that I sign these minutes as being a true record of that meeting? Agreed.

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:

- 28 • Law Revision Order 1 of 2000
- 29 • Law Revision Order 1 of 2001
- 30 • Disapplication of Enactment No 1 Order 2002
- 31 • Administration of Estates (Amendment) Rules 2002

The Honourable Chief Executive

Mr President, I have pleasure in laying the aforementioned papers on the Table.

Clerk of Councils

Questions for Oral answer.

Question number 20 of 2002 by the Honourable John Birmingham.

The Honourable John Birmingham

Will the Honourable Jan Cheek give a brief review of the difficulties the swimming pool has been facing in raising the temperatures to the level that is normal in a public swimming pool.

The Honourable Mrs Jan Cheek

Mr Speaker, Honourable Members, I've received some detailed information on this however, I think the real problem is a technical one which is not one that I can respond to properly, however, I'll give the information I have:

"The Pool closed to the public 13th Oct 02. Work commenced on the pool 14th Oct 02. Work completed 19th Oct 02, at this stage the pool was full but not heating. The water temperature on refill of pool was 9°. Unable to start heating pool as there was a problem within the system. Contacted plumbers to check water system, heat exchanger, the pipes cold, not receiving any hot water at all, valves blocked. The problem with hot water found and corrected on afternoon of the 22nd Oct 02. Pool temperatures go up approximately a degree every 36 hours, the pool covers are kept on to assist in this process. The pool opened to the public at 25°, Friday 8th November 02. Temperature as of the report I have been given that from the 12th November 02, was 26°. The normal running of pool temperature should be between 27 and 28°."

A number of factors apart from technical ones influenced pool temperature gain; these are the outside temperatures, the ambient temperature in the building itself, the amount of glass used in the pool area, which allows more heat in when we have good weather and the reverse, obviously. The significant loss of hot water from the power station due to reduced electrical output over night-time periods and as we are aware in the past there has been a problem with heat lost on the way across the road where it could clearly be seen that snow was melting over the pipe. I hope that satisfies the Honourable John Birmingham.

The Honourable John Birmingham

I thank the Honourable Jan Cheek for her answer and I'm sorry to put her in any deep water there. I just wonder when we will be getting the report back from the Chilean engineers.

The Honourable Mrs Jan Cheek

I'm sorry I don't know but I will let the Honourable Member know as soon as I find out.

The Honourable John Birmingham

Just one more if I may, Mr President. Did the Honourable Member know that the general temperature in public swimming pools in Britain is between 29 and 32. She may or may not be interested in that.

The Honourable Roger Edwards

I don't know where the Honourable Member got his information but in all the brochures that we have been given and here, the temperature for adult swimming pools all over the place is 27°, 28° and for juveniles, it rises to 32°. Our splash pool should be at 32° and normally is a slightly higher temperature than the main pool because it is inside a glass window and in the summer months when the sun is strong the water temperature does rise. So we only have one heat exchanger so all the water goes through and heats the water, all the water in the swimming pool to 27°. At Mount Pleasant they don't have the same problem, their water is heated 27° to 28° but it is a wooden building and is much better enclosed and insulated and the air temperature is kept at a steady 29° to 30°. We do not have a problem with our water temperature in the swimming pool here. Thank you Mr Speaker.

The Honourable John Birmingham

I'm standing with my tail firmly between my legs, Mr President. All I can say is thank you very much and I'd love to see these brochures because as we know, as the Honourable Member is fully aware, brochures can say one thing and when they visit the site the reality is somewhat different.

Mr Speaker

Any further supplementary on that subject. We shall move on perhaps before we all get wet.

Clerk of Councils

Question number 21 of 2002 by the Honourable Mrs Jan Cheek.

The Honourable Mrs Jan Cheek

Mr Speaker, Honourable Members, will the Honourable Mike Summers please give the estimated net contribution to the economy of tourism after the deduction of all known costs, promotions, subsidies and the costs of FIDC staff directly involved in tourism.

The Honourable Mike Summers

Mr President, I'm grateful to the Honourable Lady for the opportunity to inform the public about the progress of tourism over the years and I'm grateful to the General Manager FIDC for the provision of these figures.

It is inevitably difficult to estimate accurately the net benefit to the economy of a whole industry and a very diverse industry in which the large majority of economic benefits accrues to private sector companies. Many of these also have other sources of income and are unable to divide tourism income from local income. However, 2001/2 we received 1533 land based tourists whose contribution that is revenue less bought in cost is estimated at £715 per person per week mostly accounted for in further figures below. However, FIGAS income from this group is estimated at just short of £103,000. FIGAS show that in addition to these there are 1198 Mount Pleasant and local tourist flights providing revenue of just short of £51,000. Given the loss making operation of FIGAS it would perhaps not be reasonable to include either of these figures as net income.

Cruise ship visits during 2001/2 contributed just short of £218,000 in passenger tax plus just under £12,000 in embarkation tax. A further £41,600 was paid to Camp destinations.

Restaurants, Hotels, Lodges are estimated to make a net contribution of £807,000 per annum. Retail outlets a net estimated contribution from tourism of £342,000. Taxis, buses, tour guides and travel services contribute a further £178,000. Fuel and provisions for cruise vessels contribute around £125,000. This gives a total estimated contribution to the economy of £1,816,500.

On the cost side there are direct and indirect FIDC/FITB staff costs of about £87,500. FITB promotion costs for 2002/3 are £112,838. Lan Chile subsidy for this year has totalled just under £3,000. Capital allocations to the industry for next year are projected to be £65,000 some of which may generate future income to FIDC. Some of the collection costs of passenger embarkation costs cannot be individually identified and are therefore not separately quantified.

This gives total estimated public sector costs of £288,000. The past and ongoing support to some tourist lodges must also be seen as a sunk cost investment in several lodges has not been fully recovered, for example Sea Lion and Darwin, or may not be realised in the future for example at Pebble, Port Howard and Blue Beach. No lodge currently receives operating subsidy however, these costs do have to be seen as start up costs for the industry as a whole. There are believed to be forty companies involved in the tourism industry in the Falklands employing some 200 people either full or part time. There are a number of non-quantifiable benefits from the tourism industry, these include critically raising of the profile of the Falklands and the benefit that brings in supporting our quest for self-determination. The support to very small businesses in Stanley and in Camp and the support to external communications via Lan Chile.

In conclusion Sir, the net contribution in financial terms from the tourism industry is by any calculation now, well in excess of £1.5 million per annum.

The Honourable Mrs Jan Cheek

I thank the Honourable Member for his comprehensive reply and of course I realised it could only be an estimate, which is what I asked for.

Clerk of Councils

Question number 22 of 2002 by the Honourable Mrs Jan Cheek

The Honourable Mrs Jan Cheek

Mr Speaker, Honourable Members can the Chief Executive please give an assurance that in the current financial climate Falkland Islands Government will not send people overseas to interview for new posts but use people already there or going there for other essential purposes.

The Honourable the Chief Executive

I thank the Honourable lady for her question and I am indeed happy to remind Heads of Departments and other selectors of the post where they can they must avoid unnecessary travel to London and elsewhere for interviews. As the Honourable Member says we may use as interviewees staff already in the UK and the staff of FIGO, retained consultants as we do in New Zealand and in Australia, even telephone interviews. These two existing Heads of Department and two senior FIDC posts whom I have appointed have been appointed successfully after interviews by telephone. But, there will be occasions, not many of them, but there will be occasions when it is important for the interviewees to be seen face to face, when we have senior chief officer posts or the post carries responsibility for the exercise of sensitive or highly professional

judgement which may be in certain legal or medical areas. In these cases Heads of Departments will be told they should discuss the matter with me before they commit to an overseas interview.

The Honourable Mrs Jan Cheek

I thank the Honourable the Chief Executive for his reply and am very pleased to hear the tone and substance of it given that recruitment costs have grown so hugely in recent years.

Mr Speaker

Any further supplementary? Thank you.

Clerk of Councils

MOTIONS

Motion number 6 of 2002 by the Honourable the Chief Executive.

It is moved that this House resolves to approve the Retirement Pensions (Prescribed Rates) (Amendment) Regulations 2002.

The Honourable the Chief Executive

Mr Speaker, this resolution if approved will bring into effect from the 1st January 2003 an increase in retirement pensions contributions of the order of 6.25% which for most people will involve a rise of 50p a week in the employers' contribution and 50p a week in the employees' contribution raising the total contribution from £16 to £17. Members, Mr Speaker, will be aware that we periodically review the actuarial balance of the pension fund and at its last review which was some four years ago, we determined that the actuarial balance was around 80%, in other words the pension fund at the levels of contributions then in place could meet 80% of their liabilities and for the purpose provision is included in the budget of £450,000 per year which effectively brings the pension fund into balance and subsidises the retirement pension. This increase which is proposed ion contributions will sustain that position, it will keep us at 80%, but members will also be aware that there is a quinquennial review underway of that fund which I hope will report early next year and that may tell us where we are now in terms of the actuarial balance. The last point I wish to make, Mr Speaker before I sit down is that the voluntary overseas rate will rise to £21.40, that is the cost of an unsubsidised contribution to the pension fund. Mr Speaker, I so move.

Mr Speaker

Some Honourable Member wish to second the Motion?

The Honourable Richard Cockwell

I second the Motion.

Mr Speaker

Does any Honourable Member wish to speak to the Motion? Are all members in favour of the Motion?

The Motion stands.

Clerk of Councils

ORDERS OF THE DAY – BILLS

The Supplementary Appropriation Bill (2002-03) (No 2) 2002.

This Bill requires a second reading.

The Honourable the Chief Executive

Mr Speaker, I move the Supplementary Appropriation Bill for its second reading in the absence of my Honourable Colleague, the Financial Secretary. He would wish me to draw to your attention that the supplementary expenditure, which is being requested for voting totals £1,29,840. That is made up predominately of capital expenditure of £1million and operating expenditure of £29,000. Of the Capital Expenditure, of £1million, Mr. Speaker, provision is made of three quarters of a million for the 7th phase of the East Stanley Housing Development. (East Stanley Phase 7). And, this would then be facilitated to go ahead subject to continuing discussion with the contractor.

Also provided in there, is the sum of £220,000 for additional works at the Abattoir, predominately for the installation of a fixed freezer from the 1st October next year. It is on the basis of an assurance that members would support the provision of that fixed freezer installation that the European Union, earlier this week, approved the Abattoir for export of sheep meat to the EU.

Turning to the operating budget of £29,840, this request is predominantly for the revised cost of the anniversary of events – the 20th Anniversary of Liberation of £20,000 and I am sure that Members will feel that, that was money extremely well spent.

Mr. Speaker, I move the second reading of the Bill.

Mr Speaker

The Motion is that the Bill be read a second time

Clerk of Councils

The Supplementary Appropriation Bill (2002-03) (No 2) 2002.

Mr Speaker

Does any Honourable Member wish to speak to the Motion? Cllr Summers seconds it. Are there any alterations? I suggest we use the short track for this Bill.

The Honourable the Chief Executive

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

Mr Speaker

The Motion is that the Bill be read a third time and do pass. Does any Honourable Member wish to speak to the motion? The Bill is read a third time and passes.

Clerk of Councils

The Supplementary Appropriation Bill (2002-03) (No 2) 2002.

The Retirement Pensions Amendment No. 2 Bill 2002.

This Bill was presented under a certificate of urgency. It has been Gazetted but not for the requisite time and requires a first reading.

The Honourable the Chief Executive

Mr Speaker, this Bill makes provision for a time limit in which individuals who wish to claim assisted contributions to the Retirement Pension Scheme can do so. There is currently no time limit. This introduces a time limit of five years. The Retirement Pension Assisted Contributions Scheme is for individuals who are earning below the threshold which is set generally at ten times the self-employed contribution rate which will make it now £170 a week and who are entitled to family allowances or looking after a person with attendance allowance or are unable to work by ill health or are unemployed and are actually seeking work or following a prescribed course of education and training. The Bill does not relate separately to the Pensions Contribution Scheme which was recently introduced for people in Camp. But it relates to all those people throughout the

Falklands who fall into the categories which I have just outlined to you. Mr Speaker I beg to move the first reading of the Bill.

Mr Speaker

Could we please have a seconder?

The Honourable Mike Summers

Mr Speaker I will second the Bill but it is very difficult to see why it needs to be submitted to the House under a Certificate of Urgency. I nevertheless will second the Bill.

Mr Speaker

Does any Honourable Member wish to speak to the Bill.

Clerk of Councils

The Retirement Pensions Amendment No. 2 Bill 2002.

The Honourable the Chief Executive

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

Mr Speaker

Does any Honourable Member wish to speak to the Motion? I shall go to the short track procedure. Are there any amendments?

The Honourable the Chief Executive

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

Mr Speaker

The motion is that the Bill be read a third time and do pass.

Clerk of Councils

The Retirement Pensions Amendment No. 2 Bill 2002.

The Taxes Amendment Bill 2002.

This Bill was presented under a certificate of urgency, again it has been Gazetted but not for the requisite time and therefore requires a first reading.

The Honourable the Chief Executive

Mr Speaker, this Bill makes changes to the 1997 Taxes Ordinance. It follows extensive public consultation a year ago and debate led by the Tax Review Committee. Now, that Tax Review Committee is still in being and it will report and recommend further changes to legislation perhaps early next year. I do apologise that this bill has been presented under a certificate of urgency. I am afraid it was not Gazetted for the requisite time. However, it has been published and the proposals within it were substantially debated in public consultation a year ago.

It will be perhaps helpful if, for the benefit of people listening to the presentation of this Bill, if I could outline some of the major features of the Bill and what it will mean for them.

The Bill modernises our tax system. It clarifies areas where there may be ambiguity currently in interpretation and it encourages international co-operation. I will cover those three areas briefly.

On modernisation, the biggest single proposition contained in the Bill is that of independent taxation for Married men and women. If agreed, this will be implemented in the forthcoming tax year – 2003/04. Previously, all declarations of taxable income, as Members are aware, were left to the husbands, which did not ensure the confidentiality of the wife's income position. Subject to Members agreeing this proposition, a leaflet will be sent to all households and will be sent out this afternoon, which will set out the new system and will ask couples to decide how they wish to divide up the Married Persons' Allowance. I have to say, however, that having decided, that is not bound in stone. Taxpayers can, of course, change their minds later.

Other modernisation provisions contained within the Bill include the taxation of non-money pay. There are rare occasions, of course, where people may be paid in gold bars but more realistically, where they may be paid by the gifts of vehicles or by the payment of school fees. It is my understanding that this provision would also include flights to and from the Falklands paid for by employers. But the Commissioner of Taxation intends to publish an extra statutory concession to exclude these flights from taxation.

Further modernisation proposals include the taxation of income from investments held overseas by contract officers. Through defining them to have the same domicile status as local people – as residents of the Falklands.

And also, there will be the closing of certain loopholes that currently apply to agency workers.

Clarification is included in the Bill on property letting as a business and on deductible expenses, which can be claimed by employees against tax.

Moving on to international co-operation, the Bill facilitates the exchange of information between our own revenue office and the taxation authorities abroad on accounts held overseas. On request, the Commissioner will require information from the Standard Chartered Bank on accounts held here in order to share information with those revenue authorities.

Finally, the Bill enables the submission of personal tax returns within longer time limits. And, later, it will facilitate the submission of tax returns by electronic means. If passed, returns should be submitted by the 30th of June, which allows 150 days for the submission rather than the current 60 days.

Mr Speaker, this Bill is, of course, a more complicated piece of legislation but I think I've highlighted the main features of it. It does modernise our tax system and it is, I believe, the view of Honourable Members that it will be succeeded by a further bill later which will take the taxation system further on. But, for the moment, we think it right to bring to you these fairly modest but sensible proposals. I move the first reading of the Bill.

Mr Speaker

Do we have a seconder? Councillor Summers seconded the Bill.

Clerk of Councils

The Taxes Amendment Bill 2002.

The Honourable the Chief Executive

I beg to Move Mr Speaker that the Bill be read a second time.

Mr Speaker

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

The Honourable Mike Summers

Mr President, this is clearly an important Bill for the reasons that the Chief Executive has outlined. For the benefit of public information, I do think there is one other provision in this Bill that is important. And, it is that for the first time, actually not for the first time, we are confirming practice, that the construction and rental of houses will now be confirmed in law as being considered to be a business. That has significant benefits for those people wanting to provide rental

houses to the community, in that they can treat the cost of building and expenses associated with running that as a business. Previously, it was not regarded as a business. This is intended to be another contribution to assisting the building and rental of houses to create a private rental stock.

Mr Speaker

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

Clerk of Councils

The Taxes Amendment Bill 2002.

Mr Speaker

Council is in committee.

Clerk of Councils

Clauses 1 to 25.

The Honourable the Chief Executive

Mr Speaker I beg to move that clauses 1 to 25 stand part of this Bill.

Mr Speaker

The Motion is that Clauses 1 to 25 stand part of the Bill. Does any Member wish to speak to the motion?

Clauses 1 to 25 stand part of the Bill.

Clerk of Councils

Schedule 1 and 2.

The Honourable the Chief Executive

Mr Speaker I beg to move that Schedules 1 and 2 also stand part of this Bill.

Mr Speaker

The Motion is that Schedules 1 and 2 stand part of the Bill. Does any Honourable Member wish to speak?

Schedules 1 and 2 stands part of the Bill.

Council resumes.

The Honourable the Chief Executive

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

Mr Speaker

The Motion is that the Bill be read a third time and do pass. Does any Honourable Member wish to speak to the Motion?

The Bill will be read a third time and passed.

Clerk of Councils

The Taxes Amendment Bill 2002.

The Grass Fires Bill 2002

The Bill required a second reading.

The Honourable the Chief Executive

Mr Speaker the Grass Fires Bill now brought before you after being withdrawn at the last Legislative Council for further consultation, repeals and out dates the effective Ordinance from 1955 and makes unlawful the intentional setting of fire to vegetation in Camp except during an open season which is from the 1st April to the 15 September each year or with permission granted by the Director of Agriculture. Where such permission is granted either to individual farmers or generally each farmer or person lighting the fire before he sets a fire must notify the Chief Police Officer and his neighbours within two miles of the fires aside. This last provision is for the ones recently been put in to amend the Bill. With those new changes, I am happy Mr Speaker to move the second reading of the Bill.

Mr Speaker

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

The Honourable Mrs Norma Edwards

Mr Speaker, can I just clarify when it is intended that the Bill will be enacted, will become law?

Attorney General

It will become law on the publication in the Gazette. It is likely to be published in the Gazette on the issue of the Gazette on the 30th November.

The Honourable Mrs Norma Edwards

Thank you.

Mr Speaker

The Bill will be read a second time.

Clerk of Councils

The Grass Fires Bill 2002

Mr Speaker

Council is in Committee.

Clerk of Councils

Clauses 1 to 9.

The Honourable the Chief Executive

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

Mr Speaker

The Motion is that Clauses 1 to 9 stand part of the Bill. Does any Honourable Member wish to speak to the Motion?

Clauses 1 to 9 stand part of the Bill.

Clerk of Councils

No Schedules.

Mr Speaker

Council Resumes.

The Honourable the Chief Executive

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

Mr Speaker

The Motion is that the Bill be read a third time and do pass.

Clerk of Councils

The Grass Fires Bill 2002

The Motion for adjournment.

The Honourable the Chief Executive

Mr Speaker I move that the House adjourns *Sine Die*.

Mr Speaker

The Motion is that the House stands adjourned *Sine Die*. Councillor Edwards.

The Honourable Roger Edwards

Mr Speaker, thank you for the opportunity to speak to the Motion for Adjournment.

Earlier on, I was rather abrupt in my answer to the Honourable John Birmingham regarding temperatures of the swimming pool. Yesterday, in one of our media sources, Legislative Council was accused of being duller than letting paint dry. I hope that is not the cause of so few people being here today. Even our Curate has left before the end of Legislative Council.

The Abattoir, I am delighted to read in Penguin News this morning that the abattoir has its licence and we may now proceed with the slaughtering and export of animals to the European Union. It has taken quite some time. And, there has been a considerable amount of controversy in the past regarding cost, the site, etc. We now have the licence. I am absolutely delighted that we have the licence. And, it is now up to those who promised us that we have markets, to the farmers to provide the animals for those markets, etc. to make it work. It has taken a long time as I said previously but I am delighted that we now have the licence and lets wish it good luck for the future.

My second point, again, is on the front page of the Penguin News, regarding FIGAS flying over the holidays. It is a trial period for three years. But sometime back, it was again Penguin News and the Tourism Industry that accused FIGAS

of not flying over these Christmas holiday periods especially that cost at least £30,000.00 a year. Well, now they are flying, at some considerable expense and it's not just a matter of involving one aeroplane, a pilot, and an engineer who goes out and kicks the tyres in the morning. It involves a considerable number of people. In fact, in total, to operate over these 9 days involves 24. So there is quite an additional cost to Government. But we are assured we will get it back. And, lets hope the tourists and those who are agents for the tourists etc. back it up and we see those additional tourists using FIGAS over those periods.

A very brief mention, we have been passing taxation bills this morning, but recently the tax office has sent around to farms a letter declaring the loan, the Interest free loan. I must admit, like many others who had been calling me up, that it was a devaluation of the Farm, rather than an interest free loan. And, many of the farmers concerned have found themselves having their land devalued from only £1.00 an acre at the start that has been devaluated by 25%. Their animals, which, I think, in normal cases, were valued at £3.00, has been reduced to something like £2.00. And, all the other fencing materials, etc. that they have been devaluating in accordance with tax laws, has left them with an enormous balancing sum, which, when they come to sell their farms, they will be liable to tax on. And, I trust that this will be one of those things that the Tax Advisory Committee will be looking into. I know our Tax Officer is here this morning and I know he is working on this and answering the queries that these farmers have had.

One thing that has already been mentioned this morning is the SAMA Visit. I saw for myself, the importance of the visit. One person, who had been severely wounded in fighting here in the Falklands, who had been out of work, marriage had broken down, etc. and, before he left, he was a changed person. And, I think it was a delight to see them here and what effect it had on them. And, I've heard nothing but praise from the various organisations. And, I would like to thank the 2002 committee, Government House, and Commander British Forces for all their help in arranging and seeing that the SAMA Visit went off so very well. I would also like to make the point that the SAMA visit also worked extremely well in reminding the people of the Falkland Islands what their services did for them 20 years ago. And, I hope they remember, which, they certainly did during the brief visit the SAMA pilgrimage made.

This is the last Legislative Council for the Governor, our 31st Governor, would have been sitting at, had you not, Mr. Speaker, taken over during the change in this past year. And, I will be saying good-bye to the Governor later on today, so I will not say anything here.

It is also the final Legislative Council of the Commander British Forces. I thank you, Richard, for all your help and assistance and balanced view that you have given, certainly in the year that I was on Executive Council and also in Legislative Council.

And, before I conclude, I would like to make a presentation to you (CBFFI) of a Legislative Council Tie. They are very unique, as only members who have sat in Legislative Council may wear them. You are now an honorary member of Legislative Council and there is your tie.

Commander British Forces

Thank you very much. I shall wear it with pride.

The Honourable Roger Edwards

Mr Speaker, thank you.

The Honourable John Birmingham

Mr President, Honourable Members, I don't know whether I can follow that but I shall certainly try.

As has been said, it's been a busy few weeks in the Islands here. And, the SAMA Visit has certainly gone down very well. And, I would like to also thank all those people, not least, the Commander British Forces in the Falklands for their contribution to making the visit such a success. With the Commander and his wife going, I would like to wish them well for the future. And, I am sure that you will be looking forward to going back to sea, sir. Yes. See what you can see. But also there was the Royal Visit, which, listening to the President reading out the letter from Prince Andrew's PA, seems to have gone down well and all, which can only be good for the Falklands. I also have a local newspaper and, looking today, you would think that James Bond had been the Abattoir inspector because being licensed to kill is a very good headline. And, I think that there it deserves a round of applause – not necessarily here – for all those people involved in the many hours and many visits and many discussions that have been had with the EU. There are people in these Islands who have put a lot of work in the past to get this and I hope that we can press ahead and make it work. And, I am sure we can if everybody is like-minded.

The issue of the alternative budget, which we have been discussing this week and last week, is quietly taking shape in people's minds. And, I am sure that this Council will do as previous Councils have done, which is to do the very best they can for the Falkland Islands. And, if there are difficult decisions to be made, then we will make those difficult decisions and not shirk from them. Over the next few months, there will be more discussions. And, if, in March, things aren't looking very good, then we will be making difficult decisions. And, I would like people to appreciate that they will be made on the basis of what is, in the long-term, in the interests of the Falklands.

To anybody who drives down John Street at the moment and sees that magnificent addition to the Junior School, which has had so many letters of praise, and we just ran out of space on the wall to put it – to put them, will know that there have been two yellow lines painted either side of the one-way street, going down to the car park, Now, I don't have a problem with yellow lines but what I would do is publicly ask the Police to have a think of maybe introducing restrictions that are time-based. The school hours, I can well understand there being parking restrictions there. But I do not see the reason for all of those parking restrictions outside of school hours. That is a lot of time in a given year. And, anybody who thinks otherwise should take a drive along John Street, either on the weekend or of an evening after 4:30.

Mr. President, I don't think I am alone in voicing these concerns about certain contractors at Mount Pleasant Airport introducing non-Commonwealth citizens to work in the Military base. And, I hope that in the near future, there will be some adjustment and some recognition of the security aspects of employing non-Commonwealth citizens.

People will be aware – fully aware – that Mr. Dennis Middleton, after his unfortunate accident, is overseas in hospital and hopefully coming back soon. Dennis has had a particularly bad accident and will need care and attention. There are others in the community who also needs a certain amount of care and attention and also is not too dissimilar. Now, there has been discussion for a couple of years as for the provision of a disabled accommodation unit. One of the items that has stopped Council going ahead with this is the lack of a suitable site. And, following discussions with my colleagues, they have agreed that I write to St. Mary's – the congregation of St. Mary's – and ask them if they would discuss the possibility of releasing that very fine paddock that is behind Malvina House. I can't really think of a better site or a better reason for releasing that. I'd be very surprised if you could ever build another Church on it. – not with the parking restrictions we have around and about. So, I shall be writing to the new Monsignor in the near future.

Mr. President, the existing Governor leaves on Saturday and I would like to make a personal thanks – public thanks to both him and his wife, Lynda, for the assistance they've given, certainly to me, over the last three years. And, I wish them well and best wishes for the future.

Sir, I support the motion.

The Honourable Philip Miller

Mr. Speaker, Honourable Members, in rising to support the Motion for Adjournment, may I make a couple of comments I feel deserve a mention?

Firstly, the recent SAMA Visit, which has already been mentioned. It went, as everybody knows, really well and, I would like to take this opportunity to pay tribute to all those people who worked so hard to organise and make the visit the success that it was. It was a very emotional time for a great deal of people – veterans and local people included.

It also comes as a relief to everyone, at least, our farming community, that we now have an EU accreditation for the abattoir. We have been waiting a long time for this licence. Indeed, there were some folks around who were very sceptical that we would ever get it. Now we have it we must make the markets fully developed and make full use of what we have.

A very large thank-you is extended to all the people who worked tirelessly to overcome the hurdles that have been erected at each turn. To them, it must have seemed that we were trying to achieve the impossible. But patience, as they say, is a virtue. Well done.

I'd like to take this opportunity to say good-bye to His Excellency the Governor and Mrs Lynda Lamont, also Commander British Forces, Richard Ibbotson and his good lady, Marie. It's been a privilege to know you all. And, I would like to wish you all the best for the future and hope to see you again some day.

Mr. Speaker, I support the motion.

The Honourable Mike Summers

Mr. President, Honourable Members, It would be invidious not to mention the SAMA Visit. And, I guess we all will, and, rightly so. I think what I marvelled about at the SAMA Visit, apart from the issues that colleagues have already talked about, is that there was effectively a community effort. And, I think it was all the better for that. It was the community that organised the very large majority of the money. It was the community that organised the accommodation. It was the community that put out the vehicles. And, in that, there was huge benefit and I think that the visitors appreciated that much, much more than perhaps if we had it if the Government put out loads of money and made it all available. I think that was a marvellous thing. And, I congratulate the whole community, therefore, for the effort that they put into the SAMA Visit and the success that they made it.

I, too, am delighted about the EU licence for the Abattoir; a project that I first proposed as General Manager FIDC at around 1990. Sir, it's taken a while but we are there at last. My particular thanks and public congratulation at this stage, I think, goes to the Senior Veterinary Officer, Steve Pointing, who has probably put in the large majority of the work that's been mentioned already. He's done a tremendous job, has been thoroughly professional about it and he's created an atmosphere in his Department and with his colleagues and compatriots in the European Union that have given the European Union confidence that the

Falkland Islands Government can properly regulate such a facility. And, I think, therefore, that enormous credit goes to him on a personal basis and, therefore, the team around him, who supported him through this time.

One rather unpleasant issue – not a local issue as yet but nevertheless unpleasant and one that threatens us all at one time or another – is the sinking of the tanker, *Prestige*, off the coast of Spain and Portugal recently just reminds us of the vulnerability that we have, to unsuitable tankers carrying crude oil around the world, very often licensed in 'flags of convenience states,' very often with poor inspection regimes. It's an issue that I've taken up certainly in the few international fora that I have been able to go to and talk about at these things and I am sure and I hope that Honourable Colleagues will do the same. I think it would be a good thing to remind the British Government of the dangers to our shores from unsuitable oil tankers and the hazard of 'Flags of Convenience States' – the hazards that they present to innocent people whether its here in the Falklands or somebody in the Pacific or, indeed, those poor fishing people in the North of Spain, who are now going to suffer as a result of their failures. Sir, it's an important issue for us. Next week, while I am at a board meeting of Stanley Services, I will be taking up the issue with the company on behalf of the Falklands to ensure that our sub-contractors do not use tankers that may pose this kind of threat. And, if we can't get that assurance, we may consider some kind of actions of our own here to do the best that we can to protect our shores.

I, too, would like to thank Richard for his contribution to the Government of the Falklands and to Marie for her support for us all. And I also mention a fond good-bye to Governor Lamont, who came in at a difficult time but nevertheless survived with the support, I am sure, of his wife, Lynda, so thank you to him for his contribution also to the Government of the Falklands.

Sir, I support the Motion.

The Honourable Mrs Jan Cheek

Mr. Speaker, Honourable Members, I would like to support wholeheartedly the words Councillor Summers has said about our chief vet, Steve Pointing's part in getting the Abattoir approved. People couldn't possibly imagine, I don't think, how much work has gone into that in recent months.

I would like to give my congratulations, while on the subject of the Abattoir, to all the officials, the lawyers and the Councillors who have lead this for some time now, through a lot of criticism, a lot of difficult times. Now, it's down to the farmers who, I hope are already gearing up their production, to make it work.

I would like to support the words of Councillor Birmingham on the difficult decisions we may have to make in future months if either the vessels do not take up their licences or if the Squid don't swim in the right direction next season. We

could have difficult times for a period but I am sure by working together co-operatively, we can overcome them.

I would also like to support the words of Councillor Birmingham on his concerns about MOD Subcontractors. I have spoken in the past relating to the low pay that is being offered to individuals both Commonwealth and now non-Commonwealth citizens. I don't think this reflects well on us as a community, or on the British Government. And, I hope this matter can be addressed.

I, too, was moved by the SAMA Visit and by speaking to a good number of the veterans and hearing their experiences while they were down here. I think we can reassure Councillor Edwards that there is no danger of people in these Islands forgetting what was done for us.

I would like to say a fond farewell to Commander British Forces and Marie and to thank the Commander and all who work with him for the continuing security that they give us all and all the work they are doing for the continuing security that they give us all. They go with our good wishes.

And, of course, I wish to add my farewell to Governor Lamont, his wife and family who supported him, as people said, through a very difficult start where there were clear misunderstandings by some people who imagined that people, still sitting around this table could have been party to something that, in any way adversely affected the sovereignty of these Islands. And, as Governor, he had to take the brunt of some of that unjustified criticism. He weathered it, we weathered it. There have been good times since then and I wish them both very well for the future.

I support the Motion.

The Honourable Richard Cockwell

Mr Speaker, Honourable Members, the previous speakers just spoke at considerable length on issues which I wish to speak to so I won't bore everybody by repeating what they said.

However, I can't let this occasion pass without mentioning the Abattoir and the licence – the European licence. And, again, I have to agree that our Chief Veterinary Officer should be thanked and congratulated for the amount of very hard work and the midnight oil that he spent on this issue. There are other people as well but I think he has to be singled out as a person who spent huge amounts of time and was able to persuade the European Union that we do have the ability to run an abattoir under a regime which they can accept and I think it is something which they should be congratulated on and everybody else as well.

Regarding the SAMA Visit, I think everybody has said, it should be said, I must agree that I think the Community really did wonderful. They came out and gave everything that they could do and I think their contribution is what really made the visit so successful. The veterans themselves were superb but so were the people who rallied around them where they wanted to go, made them welcome. And, I think the whole community should be congratulated on the whole conduct of that visit.

I have to agree that the sinking of the tanker off the north coast of Spain brought to me the reality of the risks that we could be under. And, I think we have to bring to the attention of the world the dangers that could be inflicted on people who have nothing to do with the fuel which is being carried past their shores. We are aware of, I think it was two years ago, a tanker came into our waters and we had no means to prevent it from coming in. It came in and we actually welcomed it on humanitarian grounds but it could have been a tanker full of crude oil, leaking and it could have spread oil all over our pristine beaches and drastically damaged our wildlife and our fishing industry. And, so I think we do need to press in any occasion we can that this sort of thing has to cease.

I, too, would like to wish a fond farewell to the Commander British Forces and his wife. It's been a pleasure working with you. It's been great. In your time here, I think we achieved a lot. And, also, my farewells to the Governor and his wife. Lots of people have said things about when he came, the problems, I agree with everything they said but I wish him a farewell and we will be interested to see where he goes to because I don't think he knows himself at the moment.

I wish to support the motion.

The Honourable Mrs Norma Edwards

Mr. Speaker, in rising to support the Motion for Adjournment, I won't bore the vast audience too much with my words, so they won't have to suffer the alternative to watching paint dry for too long. What would focus their minds, though is that if they concentrate on Councillor Birmingham's tie that would keep anybody awake today.

My colleagues have said a great deal about the SAMA visit and I will add my thoughts to it as well. I think it did us all good, not just the veterans. It did the local community good to remind them where their allegiance lies and I am sure they won't forget it. But it doesn't hurt to be reminded now and then. And, it was a delight to meet the veterans again. I had not met all of them before but quite a considerable number so it was very nice to see them here in the Islands. And, I hope that in due course, they will repeat the whole thing in future years. Not every year but on occasions.

I was also pleased that to welcome the Duke of York again. And, I think we have to remember that all the visits we've had from royalty – we have had more than our fair share in the Islands – probably stem from his influence, having visited here before and said good things about us to the family at home. So, I think we should be grateful to him for that, too.

I was pleased to hear the answer about the tourism industry and the approximation of the money we are receiving from tourism. Now, it was only a couple of Councils ago that I was smacked smartly on the wrists, daring to suggest that if FIGAS flew at Christmas, it would cost a considerable amount of money. And, therefore, I felt that Tourism could put something towards it. Well, I don't think they could this year but if this is the amount of money that's coming into tourism, and, may I remind you, Chief Executive, that it is costing quite a considerable amount of money, and maybe in future years when we see how well it works, Tourism could contribute towards this extra activity over the Christmas period. Because it isn't the local community that has asked for these extra flying hours. It is the tourism industry. And, fine, you know, but if there's money coming in, then I think some of it should go towards supporting that particular activity, especially for the tourist industry.

I would also like to say good-bye to CBFFI and his good wife, Marie. It's been a pleasure having you down here, Sir. And, we wish you well for the future, of course. I shall be sorry to see the Navy go because I am prejudiced in that fashion. I prefer the Navy in charge, not that I disagree with any of the others but I just prefer it when it's the Navy at the top.

Commander British Forces

I can't disagree with that.

The Honourable Mrs Norma Edwards

Of course not. And, also to Governor Lamont and his wife, Lynda. I wish them well for the future. Wherever he goes, I hope he enjoys it and remembers us down here at times when he's feeling a bit harassed because I don't think he had too bad a time from anybody, when he came or in due course since then.

Thank you Mr Speaker.

The Honourable Stephen Luxton

Mr. Speaker, Honourable Members, the last couple of weeks has been very busy for many people with the visit of SAMA and everything that, that entailed. I was very pleased with the way it went. Somebody remarked it's like 5 million people descending on England all at once. It was really reassuring to see that so many people pulled together to make it a memorable visit for our liberators. At times I

worry about the events of '82 and the memories are becoming a bit distant but once in a while, something like this takes place just to prove that it's very much not the case and people do remember. The fact that they may not necessarily talk about it every day doesn't mean that people are forgetting. Personally, I hope that such visits in the future will become a fairly regular occurrence. It will be easier to accommodate more frequent visits with smaller numbers. But however many come and whenever they choose to do so, they will always be welcome.

I usually say a word about roads at some point. This month I would just like to say – a great job on the bit outside the Globe. It's enriched my journey to work quite considerably.

I think I ought to have a gentle dig at one of my portfolios. People may remember the ho-ha two years ago surrounding the deployment of two new Police Discoveries which were kitted out with highly visible markings. In the local newspaper of November the 24th 2000, a Police spokesman was quoted as saying, "By making them highly visible, anybody that thinks we are hiding around corners will be wrong." I was therefore, a little surprised to find the other afternoon that not only was the highly visible Discovery hidden around a corner, but the two Officers carrying out routine speed checks were hiding – highly visible yellow coats and all – behind a stone wall, pointing the speed gun over the wall at on-coming traffic. Naturally, as I was only doing 25MPH, this was not a matter of great personal concern. But I do feel it's just a little bit naughty. There we have the sound of freedom, of course.

On a more positive note, it is good to see a far greater number of foot patrols out and about during the last few months, than we have seen in a great while and I hope this trend continues.

I'll just finish by bidding farewell to the Governor and his wife and the Commander British Forces and his wife, both of whom leave the Islands in the near future. I would like to thank them for their contribution over their time here and wish them well in their future postings and we look forward to welcoming new arrivals in due course.

Sir, I support the motion.

Commander British Forces

Mr. Speaker, Honourable Members, unlike my Air Force colleagues, I come from a silent service. And, I subscribe to the view that the Military should be seen and not heard. So, I will keep this short, Sir.

Thank you very much for your kind words. It has been a real privilege for me to be here this 20th commemoration year. And, particularly, thinking back to the present when the Armed Forces were given the Freedom of the Falkland Islands.

As many of the Councillors have said this morning, I think it has been inevitably a reflective year. And, perhaps that's a good thing. It is, however, as we look to so many changes, and the year coming to an end, most appropriate that I should consider the future, particularly for the Military here and the challenges that are associated with that.

I think, whatever the future holds, I am hard over that it should be best conducted against the backdrop of a strong defence. But there are issues involved with that. And, given the scale of our continuing footprint here, it is a fact that the Military presence is intrusive. Currently, your tolerance and acceptance of that is outstanding and I can't think of anywhere else in the world that it happens. But I am mindful that many of the Military serving under my command here now were not even born in 1982. And, very soon, no doubt, Legislative Council will comprise people who didn't live through the Conflict.

The point I am trying to make is that – picking up on an issue that's been raised by some of the Councillors – we mustn't become complacent regarding the future Military presence here if it's to enjoy the success of the last 20 years.

I thank you for that success, your tolerance and your support and I would like to add publicly my thanks to His Excellency the Governor and Lynda for their rock-solid support of the Military here.

Sir, we, your Armed Forces, are proud to contribute to the Falkland Islands. We wish you a prosperous and peaceful future and I look forward to returning.

Thank you, Sir.

The Honourable the Chief Executive

I have the interesting thing to do at the end and exercise the right to reply and like the Commander, I also believe that senior officers shouldn't say very much. But I wouldn't be remiss entirely if I didn't also add now on behalf of the Civil Service, our best wishes to Richard and to Marie. It's been a joy to have worked with Richard over the last year and to have enjoyed his and Marie's company. Congratulations at his new – one of the best appointments, I think – in the Navy and in the Nato Forces. And, he goes, very much, with the best wishes from me and my colleagues in the Civil Service.

It would also be, of course, entirely remiss, if, on behalf of the Civil Service, I didn't say good-bye to our Governor. And, I think I'd like to say good-bye to him and to Lynda and to thank him for a number of things. To thank him for his leadership, which he exercises in a very quiet but very definite way, for his sage advice and for his inspiration. And, also for his and Lynda's hospitality which has been quite considerable. I think we all recognise, my colleagues in the Civil

Service, Chief Officers and all of us, the enormous contribution that they have both made within the community. And, we will be sad to see them go.

Mr Speaker

Honourable Members, I hope you will allow me to wish the Commander British Forces and his good wife and the Governor and his good wife my good wishes. It isn't usual that the Speaker speaks but it would appear that the paint is dry so Council stands adjourned Sine Die.

Confirmed this 31st Day of January 2003



*Hon. LG Blake OBE
Mr Speaker.*