



**RECORD OF THE MEETING
OF THE LEGISLATIVE
ASSEMBLY**

**HELD IN STANLEY
ON 30 JULY 2010**

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HELD IN STANLEY ON FRIDAY 30 JULY 2010**

THE SPEAKER OF THE HOUSE

(Mr Keith Biles, JP, B.Sc., ACIB)

MEMBERS (Ex-Officio)

The Honourable Chief Executive
(Dr Timothy Rupert Thorogood)

The Honourable Financial Secretary
(Mr Keith Padgett)

Elected

The Honourable Janet Lynda Cheek
(Elected Member for Stanley Constituency)

The Honourable Emma Jane Edwards
(Elected Member for Stanley Constituency)

The Honourable Roger Anthony Edwards
(Elected Member for Camp Constituency)

The Honourable Sharon Halford
(Elected Member for Camp Constituency)

The Honourable Glenn Ross
(Elected Member for Stanley Constituency)

The Honourable Richard (Dick) Sawle
(Elected Member for Stanley Constituency)

The Honourable Gavin Phillip Short
(Elected Member for Stanley Constituency)

PERSONS ENTITLED TO ATTEND

The Acting Attorney General
(Rosalind Catriona Cheek)

The Commander British Forces South Atlantic Islands
(Commodore Phillip Thicknesse RN)

ACTING CLERK: Anton Livermore CPM

PRAYERS: Reverend Richard Hines

APOLOGIES: The Honourable William Robert Luxton

(Elected Member for Camp Constituency)
Clerk
(Claudette Prior MBE)

The Attorney General
(David Francis William Pickup)

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**The Record of the meeting of Legislative Assembly
held on Friday 30 July 2010**

Prayers

Acting Clerk of the Assembly

Confirmation of the record of the Legislative Assembly Meeting held on Tuesday 26th and Friday 28th May 2010

Mr Speaker

Honourable Members, I have before me the record of the meeting of 26th and 28th May 2010, I may sign these minutes as a true record.

Agreed.

Acting Clerk of the Assembly

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 Legislative Assembly and laid on the table pursuant to Section 34/1 of the Interpretation and General Clauses Ordinance 1977.

1. Coins Order 2010
2. Capital Equalisation Fund Order 2010
3. Road Traffic (Motorcycling Events at Fairy Cove) Order 2010
4. Stanley (Various Roads) One Way Order 2010
5. Public Health (Variation of Fines) Order 2010
6. Public Health (Ships) Regulations 2010
7. Taxes and Duties (Defence Contractors' Employees Exemption)(No 2) Order 2010

The Honourable Chief Executive

Mr Speaker, I lay on the Table, the papers as listed by the Clerk.

Acting Clerk of the Assembly

Questions for Oral Answer

Question Number 08 of 2010 by the Honourable Sharon Halford

The Honourable Sharon Halford

Would the Honourable Gavin Short please explain to this House:

- a) why it takes the PSD such an extremely long time to do the works on vacated FIG houses and turn them around, especially when there is a need for such properties?
- b) Could he also not agree that it is unreasonable and not good practice to have properties unoccupied for more than a month when all they need is repainting; and
- c) would he further explain why work still appears to be ongoing on one property which will soon have been vacant for a year?

The Honourable Gavin Short

Mr Speaker, I am indebted to the Public Works Department for this answer to the question. I'll take it in chunks, if I may. I will start with "why it takes the PSD such an extremely long time to do the works on vacated FIG houses."

The Property and Municipal Services, which is now known as the Public Works Department, endeavours to locate vacant properties as soon as possible. However, due to the demand placed on our services, coupled with resource issues, it is often the case that we are called upon to deal with other more urgent works, which inevitably results in delays. In an ideal world, the preferred solution would be to have a dedicated team whose remit would be to repair vacant properties as quickly as possible. Due to budgetary restraints this is not possible. PWD has recently recruited a painter/handyman, which we hope will help with the turn-around time for vacant properties.

Part "B" of the Question: "could he also not agree that it is unreasonable and not good practice to have properties unoccupied for more than a month when all they need is repainting," if this were the case, I would agree. However, it is normal practice for the Housing Section to relocate property as soon as possible, particularly if the only maintenance issue is decoration. We would not delay the reallocation of property simply on the basis of internal decoration. The Housing Section has dealt with 60 property movements between July 2009 and June 2010. Where possible, PWD use the private sector to carry out decoration on our properties. In recent months the cost of using the private sector has increased to a level that it is financially difficult to sustain this procurement route.

And the third part of the Good Lady's question, "would he further explain why work still appears to be ongoing on one property which will soon have been vacant for a year?" Without specific details, it's difficult to get a clear explanation. The only house that has been vacant for a prolonged length of time was ready for occupation within three weeks of hand-over. That was in October 2009. This house was allocated for contract officers and due to re-shuffling of accommodation for one occupant and another not arriving in post the property remained empty but has since been given back to the Housing Section for non-contract officer usage.

The Honourable Sharon Halford

I thank the Honourable Gavin Short for his response. I am surprised, really, that you mentioned budgetary restraints because when properties are empty for a long period of time they are losing rent. And I would have thought that a little effort and payment

to, maybe, the private sector to get them back online they could be recouping the rent which they otherwise would not be getting. But certainly, just recently, I was asked about redecorating a sheltered unit so people could move in and we were told it could take possibly up to two months before the work could be undertaken. That was why I mentioned properties being vacant for longer than a month. But I thank you for your response and I shall give you the details about the house I believe is still unoccupied on the long-term, later.

Acting Clerk of the Assembly

Question Number 09 of 2010 by the Honourable Sharon Halford

The Honourable Sharon Halford

Now that the camp TV system is up and running, and I hasten to add very much appreciated, could the Honourable Dick Sawle please inform this house of the correct procedure for reporting faults when they occur and also explain who will be responsible for fixing them and in what given time frame?

The Honourable Dick Sawle

Firstly, before anything else I think I owe the Honourable Sharon Halford an apology as I think the last time you asked me a question I called you the Honourable Harren Shalford. So the Honourable Sick Dawle sends his apologies.

I am very glad to be able to confirm that your observation of the Camp TV System together with radio reception via the same equipment is now up and running and also note your kind remarks that it's much appreciated. There is still one or two loose ends in Camp but those should be dealt with in the very near future. I believe it is much appreciated and now that Camp is connected to the rest of the world in terms of entertainment and news, I know for a fact there are many who feel far less isolated as a result.

I would also like to add once again my personal thanks to Andrew Lee, Lynn Brownlee, G&S Electrical and to the SSVC engineers on the ground here and also in the UK for their help both with this project and with others that are still on-going. Mike Fisher of SSVC has worked hard on this project and is currently heavily involved in trying to maintain an FM radio service using the existing and rather ageing equipment. He's also, of course, involved in the update of the FM network which will result in an enhanced service that will improve reception throughout the Falklands and which is still some way away from completion.

Regarding fault reporting, there is at present no formal procedure for fault reporting. This is not yet something which we've turned our attention to. And the reason for this is simply that the primal objective has been to supply the service as promised and all energies have, quite rightly, been directed at this primary aim rather than setting up fault reporting procedures.

Having said this, there is no reason why anyone wishing to report a fault should not make contact with FIRS, who have almost daily contact with the SSVC engineers. I

would suggest that this is probably the most efficient way of dealing with day to day service provision problems.

The contract that we have for the provision and also for the maintenance for the service provided is with SSVC and they will, ultimately be responsible for repair and maintenance of the delivery of the service to residents of both Camp and Stanley.

However, as people in Camp are aware any fault with any equipment supplied to them by FIG that has been signed for as received in good working order will be for the person concerned to repair or maintain. Any future maintenance or repair of individual reception items would therefore be at the owner's cost in the same way that if my TV in town breaks down, it would be up to me to fix it or buy a new one.

The timeframe therefore, in circumstances such as these is one for the individual concerned to set. If there should be any fault in the broadcast service rather than the satellite service IE the free to view service broadcast around Stanley, then SSVC are obliged under their contract to repair it as soon as is practicable. It's simply not possible to set time-frames for repairs as there are too many factors that need to be taken into consideration, for example, weather, spares in stock or needing to be ordered and the amount of damage and consequently the amount of repair needed.

The Honourable Sharon Halford

I thank the Honourable Dick Sawle for that response. I will certainly be looking forward to the enhanced FM Radio service because whilst he was away I wouldn't have known what was going on had I not sat beside the television and listened to the radio on that. But the FM Service at the moment needs crutches from time to time to keep it going. So I am sure all of us out there in the Camp who find this rather an essential service will actually look forward to when it is fully installed and up and running.

The Honourable Dick Sawle

Point taken. Mr Speaker, as I mentioned to this House before, I think there is some £260,000 still in the budget, which is for the enhanced network system. It should result in great improvements to everybody in Camp and other areas in Camp at the moment don't receive FM. But that is still some way off from completion.

The Honourable Gavin Short

Mr Speaker, I would like to ask the Honourable Gentleman, does he not agree with me that it is slightly unfair that there isn't a customer charter in place for the television service for the repair of it if it is something major, whereas the other service provider seems to have this sort of thing in place and it seems to be a requirement?

The Honourable Dick Sawle

Mr Speaker, we do have an agreement with SSVC and as I say, repairs will be made as soon as practicable. For example, delays to repairs of the transmitter of Mt Mariah were due bad weather and also the lack of helicopter availability. I think in general,

repairs are carried out as soon as they possibly can be but I don't think that it's worth spending a huge amount of time producing a charter document which could be difficult to adhere to given the remote circumstance of the Falkland Islands.

The Honourable Gavin Short

I thank you for your reply.

Acting Clerk of the Assembly

Question Number 10 of 2010 by the Honourable Gavin Short

The Honourable Gavin Short

Given the increased amount of personal data and recorded conversations being held by companies within the islands can the Honourable Dick Sawle please advise this House whether both the private sector and FIG are subject to any data protection legislation and if not whether thought is being given to the introduction of legislation?

The Honourable Dick Sawle

Mr Speaker, I am assuming that the personal data and recorded conversations mentioned in the question relate to, for example, recorded conversations on the Cable & Wireless Fault Reporting Line and possibly regarding data – the data that is collected from a number of retail outlets who provide customers who request them with charge cards.

There is, of course, much data held by FIG relating to employees which is treated, as one would expect, in the strictest of confidence.

However, legislation is often treated as a reactive tool, designed to protect consumers, in this case, from potential unwarranted intrusion. I am not aware of any perceived or real problem with any of the examples I have given above but if I have missed the point of your question then I am always willing to listen and act if necessary.

The specific points of your question, a data protection ordinance was made in 1995 but has never been brought into force because no policy priority has ever been given to the establishment of the appropriate administrative systems necessary to implement a data protection scheme. For this reason no supporting regulations have ever been made on the ordinance, which would reflect the detailed policy decisions necessary for the implementation for a data protection scheme.

There are no existing plans for the introduction of data protection legislation and it is not being notified as a policy provided by the current legislative assembly.

The Honourable Gavin Short

I thank the Honourable Gentleman for his reply.

Acting Clerk of the Assembly

Question Number 11 of 2010 by the Honourable Gavin Short

The Honourable Gavin Short

Under the management code, how many investigations have taken place in 2008, 2009 and so far in 2010. Is the Honourable Dick Sawle satisfied that the present management code is “fit for purpose” and is there any plans to decentralise certain functions and devolve them back down to the Director/Managerial level.

The Honourable Dick Sawle

Mr Speaker, I would like to note my thanks to the HR Department for assistance for the answer to this.

Under the Management Code the following investigations have taken place: In 2008 there were eight, in 2009 there were 13 and in 2010, so far to date, there have been 5. The investigations have covered allegations of bullying, misconduct and lack of capability and have been instigated either in the disciplinary and capability procedure or the whistle-blowing procedure contained within Chapter 4 of the Management Code.

To turn to the second part of your question, “ am I satisfied that the present management code is fit for purpose,” I am not entirely clear what “fit for purpose” means in this context. As the Honourable Member will know, Members are not allowed to become involved in individual cases and therefore it is hard for me to put the subjective view on whether or not Chapter 4 of the code, which is an 87 page document, which I assume you are referring to, is working properly. In any question of discipline in a large organisation such as FIG, they will always, quite naturally be opposing views. My view is the system might well be top-heavy and cumbersome but my view is therefore very much that of someone looking at it from the outside rather than from the inside. But my entirely uninformed views appear at first sight to be borne out by the review of Chapter 4 which is currently being undertaken as I am going to explain.

So therefore the answer to the third part of your question is yes. There are plans to decentralise certain functions and devolve them back down to the Director/Managerial level.

Under the review of Government it is intended to delegate all managerial control to supervisors and managers. In order to achieve this, the Senior Personnel Officer will be conducting a full review of the Management Code Chapter 4, “Conduct, Capability and Discipline”. A full programme of consultation within FIG will be taking place to take onboard comments and to build in managerial accountability at lower levels.

The consultation will be as far as possible in accordance with a time table which is attached as ‘Appendix – 1.’ As it is rather difficult to read out Appendix – 1 because it’s a spread sheet, I would summarise it. I say the review process has already

commenced and is due to finish in June 2011. I will, of course, make the full, written answer available to the Honourable Member.

The intention is to ensure the procedure can be operated quickly, effectively and fairly, is properly recorded at all times, and is robust enough to withstand legal challenge. Advice has been given that any proposed changes to Chapter 4 will need to be consulted on with the Secretary of State.

Managers will be trained in the process and a full programme of implementation will commence once the amendments have the approval of all bodies consulted. The Human Resources Department welcomes Managers being actively involved in disciplinary and capability matters at a lower level. The manager's responsibility of managing HR processes with their staff will be actively supported by the Human Resources Department. It is essential that processes are followed in full and good practices encouraged to prevent successful challenge under the Employment Ordinance through the Summary Court.

The Honourable Gavin Short

I thank the Honourable Member for that rather splendid reply and I look forward to receiving the spread sheet in due course.

The Honourable Sharon Halford

I am just wondering if the Honourable Dick Sawle can tell us whether or not – presumably this Management Code is a living document and as working practices are ever-changing and hopefully improving – it would need to be looked at, updated and amended on a fairly regular basis as you mentioned one chapter – is this document actually amended more often across the board or not?

The Honourable Dick Sawle

Mr Speaker, I don't know if it would be right to describe the document as a living document. I don't think it is. It is a document which, I believe, FIG has to provide under our Constitution and I don't think it's a document that would therefore change without a proper consultation process and, as mentioned, any changes to Chapter 4, which is the disciplinary section would have to be approved ultimately by the Secretary of State.

Acting Clerk of the Assembly

Question Number 12 of 2010 by the Honourable Gavin Short

The Honourable Gavin Short

Given the stated policy of this Government to localise posts, can the Honourable Dick Sawle advise this House if we have actively started to promote succession planning and at what stage is this and when would we expect a full plan to be in place?

Also, are the FIG actively encouraging organisations that receive FIG funding to engage in actively training people in order to localise posts (where appropriate) as part of the condition of receiving future FIG funding?

The Honourable Dick Sawle

Mr Speaker - people normally complain that I speak too much – well, this time it's not my fault.

Succession planning has been taking place on an informal basis in the Public Services Department and FIGAS, with individuals selected for targeted training for some years now. It is the Government's intent to promote the will to train for promotional posts through the advised appraisal process, which is currently being re-drawn for introduction within 2010/11 to become fully operational for all staff in the year 2011/12.

It is also the intention to commence in 2010/11 a management development programme to provide in-house training wherever possible in key management skill areas for existing managers and those aspiring to manage. A leadership development programme is also being devised as an action learning project based upon real life scenarios in 2010/11.

Effective succession planning will depend on the success of these initiatives together with an on-going programme of targeted training opportunities in specific job related professional skills areas. Inevitably this is likely to require overseas training with all the costs attached to send individuals and in some cases families away to complete this training as has happened in the past. Funding is required both for the training and also for any possible back-filling of posts required. A formal policy on succession planning is still in the formative stage.

FIG has not consulted organisations that receive FIG funding as to whether or not they wish to engage in actively training people in order to localise posts where appropriate. Once the FIG management development programmes are up and running it could be appropriate to encourage participation from among groups in the wider community.

The Honourable Gavin Short

I thank the Honourable Member for his reply.

Acting Clerk of the Assembly

Order of the Day: Bills

Family Allowance (Amendment) Bill 2010

The Honourable Financial Secretary

Mr Speaker, Honourable Members, this Bill reflects a proposal from the budget process to reduce the maximum age for entitlement to receive Family Allowance. At

present family allowance is payable until the mandatory minimum school leaving age but is extended until the 17th birthday for those still in full time education. This means that the allowance is currently paid in respect of all children who must attend school, as well as to some children who voluntarily go on to further education.

The affect of this Bill will limit the payment strictly to the age of 16. The link with the mandatory minimum school leaving age is therefore removed and the allowance will no longer be paid in respect of all children who must attend school.

Secondly it is possible that a 15 year old may leave school at the end of the school year and be employed before his or her 16th birthday. They will remain entitled to family allowance until their birthday, if that is the case.

The proposal was announced on the 24th of June and will have retrospective effect from the 1st of this month.

I beg to move the second reading of the Bill.

The Honourable Chief Executive

I second the Bill.

Mr Speaker

Does any Honourable Member wish to speak to this Bill? There is to be no debate. Is there any objection to dealing with this Bill by the short procedure? No objection. Does any Member wish to propose any amendments to the wording of the Bill? No amendments, I declare the Bill will be read a third time and do pass.

Acting Clerk of the Assembly

Family Allowance (Amendment) Bill 2010

Mental Health Bill 2010

The Honourable Chief Executive

Mr Speaker, thank you. This is a large, complicated and very important piece of legislation so of necessity I will spend some time explaining it to the House so I suggest Members make themselves comfortable.

Mr Speaker, by way of introduction mental health has touched the lives of many people here in the Falkland Islands. When mental (ill) health strikes the affects can be devastating for the sufferer and for those closest to him or her.

Having a law in place that treats people with dignity and respect is therefore essential. Many people have suffered from mental ill health within the Islands, although relatively few people, fortunately perhaps, have been subject to the now outdated Mental Health Ordinance with an average of only 2 applications per year. However, as the population of the Falkland Islands increases, there is obvious potential for more

cases of mental illness. This Mental Health Bill takes account of future needs and provides a legislative guidance for appropriate management of mental health issues in a modern context.

In terms of background, Mr Speaker, Chapter 1 of the Constitution protects fundamental rights and freedoms of the individual; and the Falkland Islands are also subject to the provisions of the European Convention of Human Rights. Many countries have introduced mental health laws in recent years and it is therefore right that our own law is updated both to reflect modern best practice and to reflect the human rights provisions under the Constitution and European Convention.

The current Mental Health Ordinance is outdated in a multitude of ways. Just some examples are:

1. Once detained by law the patient has no right of appeal
2. The detained patient has no right of access to seek legal advice
3. The rights of close relatives are not recognised
4. There is no requirement for professionals likely to be involved, including the Police, to have any specific mental health training

As a result of these problems and many others, work to update our mental health legislation has been underway since 2006; and advice has been taken from the Mental Health Unit in the Ministry of Justice in the UK.

Mr Speaker, the underlying principles are, I think, important to understand; and I can summarise these as follows:

1. In terms of purpose; decisions under the Bill must be taken with a view to minimising the undesirable affects of mental disorder by maximising the safety and well-being of patients, prompting their recovery and protecting other people from harm.
2. Least restriction, meaning professionals who have taken action to detain the patient under the remit of the Bill must attempt to minimise restrictions they impose on the patient's liberty.
3. Respect; people taking decisions under the Bill must recognise the diverse needs, values and circumstances of each patient, including their race, religion, culture, gender, age, sexual orientation or any disability. Professionals must also consider the patient's views, wishes and feelings so far as they are reasonably ascertainable; and allow these wishes whenever practical and consistent with the purpose of the decision. There must be no unlawful discrimination.
4. Participation; patients must be given the opportunity to be involved as far as is practicable in the planning, developing and reviewing of their own treatment to help ensure that it is delivered in a way that is appropriate and as effective

as possible. Also, with the patient's permission, the involvement of carers, family members and other people who have an interest in the patient's welfare should be encouraged.

5. Effectiveness, Efficiency and Equity; meaning people taking decisions under the Bill must seek to use the resources available to them in a most effective, efficient and equitable way to meet the needs of patients and achieve the purpose for which the decisions have been taken.

Mr Speaker, the Bill gives effect to these principles as follows. Part 2 gives various definitions:

Mental disorder is defined in broad terms as any disorder or disability of the mind. As mental illness can be difficult to diagnose, a broad definition allows doctors to act in the interests of the patient's safety first and then to deal with diagnosis later.

Part 3 of the Bill provides for compulsory detention in Hospital. All approved professionals must ensure that they are detaining the patient on the grounds that they are suffering from a mental disorder of a nature or degree warranting detention and that the patient ought to be detained for their own health and/or safety of others and for those treatments available.

Two approved professionals have to agree that the detention is warranted. And, there will be a multi-disciplinary conference within 72 hours of the detention. Detention may be for up to 6 months in the first instance but patients must be kept under constant review.

Registered nurses, who will be given specific training, will have the new power, under Clause 7 of the Bill to detain patients who are already receiving treatment in hospital for a period of up to 6 hours.

Clauses 11 and 12 establish new rights for independent examination of patients and access to legal advice.

Part 4, Mr Speaker, deals with taking patients to hospital, which may follow a warrant to search for and remove a patient or detention of a patient found in a public place and provides for 6 hours' detention for the initial examination.

Parts 5 and 6 make new provision for community treatment orders and guardianship orders respectively, as less draconian alternatives for patients who need compulsory treatment but who do not need to be detained in hospital.

The establishment of a mental health tribunal under Part 7 is at the heart of the new system; and provides detained patients the right to seek review of their detention at regular intervals by an independent body. Similar rights of review are provided in relation to community treatment orders and under Part 6 in relation to guardianship orders.

Part 8 makes specific provision for the treatment of patients who come into contact with the Criminal Justice System and are found to be suffering from mental disorder.

Again, safeguards by way of right to appeal to the mental health tribunal are included in the provisions.

Part 9 replaces existing provisions in relation to the removal of a patient from the Falkland Islands, in particular, removal can only occur if it's in accordance with the new Constitutional safeguards in relation to removal from the Falkland Islands of people suffering from mental disorder; that is to say, removal is only possible if there is no effective treatment available in the Islands and removal is necessary in the interests of the person or to protect the public.

Mr Speaker, the Bill is to be supplemented by a detailed code of practice under Clause 78 in Part 11. To ensure consistent best practice actually takes place at every level from day to day. In particular, this code must ensure that doctors and other professionals taking decisions under the Bill recognise the needs of individual patients including their race, religion, culture, gender, age, sexual orientation and any disability.

Patients must also be given the opportunity to be involved as far as is practicable in the planning, developing and reviewing their own treatment, with staff ensuring that care is appropriate to the individual's needs. The code must also ensure that doctors and nurses taking action without a patient's consent keep to a minimum the restrictions they impose on the patient's liberty.

Section 79 establishes a complaints procedure, ultimately laying complaints to the mental health tribunal.

Part 13 deals with supplementary matters including systems for the recruitment of professionals. The Chief Nursing Officer, the Ward Manager, Community Psychiatric Nurses, qualified Social Workers will be required to complete training on the Mental Health Ordinance to register as approved professionals.

This final part of the Bill also makes certain provisions in relation to relatives of patients, reflecting a theme running through the Bill that nearest relatives are to be involved, where appropriate, in the application of various safeguards for the patient.

In summary, Mr Speaker, this Bill is a natural element of good governance as it takes account of developments of legal and psychiatric professional practice. It acknowledges the importance of minimising the undesirable affects of mental disorder and maximises the safety and well-being of patients and protecting other people from harm. It also minimises impositions on the patient's liberty and recognises diverse needs. It provides great opportunity for patient's involvement in care options.

This Bill, Mr Speaker, provides greater transparency, accountability and defined professional roles for those involved. Registered Nurses and qualified Social Workers will have additional powers but they will have additional training to facilitate the application of these powers.

The proposed new Bill aims to safeguard patients and staff, offering clear guidance supported by appropriate legislation.

Finally, Mr Speaker, I should mention that it is currently proposed that the Bill will be brought into force later this year – provisionally October. After further training has been approved for another group of health professionals to ensure the legislation is properly supported by approved health professionals.

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

The Honourable Financial Secretary

I second the Bill.

Mr Speaker

Does any Honourable Member wish to speak on the Bill?

The Honourable Dick Sawle

Mr Speaker, Honourable Members, in rising to support the Mental Health Bill, I would just like to say a few very brief words about it. It's one of those pieces of legislation that doesn't grab votes, attention or headlines. But it is, nevertheless a very important piece of legislation which brings us up to date when dealing with what is still very much a taboo subject. The Bill has been around now for many years, has undergone public consultation and comment but it has taken until now to get it placed on this table for approval, so many people may think it's something new. It isn't. The process started back in 2006.

Depression and schizophrenia are common enough illnesses in modern society and clinical depression is something which does affect people in the Falkland Islands, especially the older element of society. What this Bill achieves is the protection of these people's fundamental rights – something which up until now was not the case. This is especially important given that any mental health issue in a small society like ours is always going to be very difficult to discuss.

Until now, as the Chief Executive has explained, a person could be detained with the consent of just one magistrate, the reasons for such detention would not be complete and there would be no right of appeal, nor would there be any right to legal representation.

Until now a person suffering from a mental disorder could be arrested by the Police. It is fundamentally wrong to treat such people as if they were criminals in our society. While such detentions as mentioned probably run to maybe one or two a year, it is nevertheless fundamentally wrong to treat people in this way. This Bill gives people those rights so that they are treated fairly.

In short, this Bill allows for safeguards for patients' rights and also allows for proper treatment whilst at the same time offering the public any protection that may be needed.

Mr Speaker, I very much support it.

The Honourable Emma Edwards

Just one sort of question really, with regards to the Honourable Dick Sawle saying that the Police are no longer able to arrest people. I was under the impression that the Police are still able to arrest people in certain aspects within the Mental Health provided it's for their own health and their own safety. I stand to be corrected.

The Acting Attorney General

Mr Speaker, if it assists, the process under the Mental Health Bill is that where there are issues of personal safety or danger to the public the police can still be involved in the detention of those people but the difference is that those people that are affected by mental ill health and need detention and need treatment are no longer treated in a quasi criminal manner if there is no obvious criminal offence, they are just detained under the ordinance. The old ordinance treated people in a quasi criminal manner and they were actually arrested as criminals, which is clearly wrong. But to clarify in response to your question, if there is a crime committed, of course, they can still be arrested in relation to those crimes.

The Honourable Emma Edwards

Thank you very much.

Mr Speaker

The Motion is that the Bill be read a second time. Is there any objection to the Motion, the Bill will be read a second time.

Acting Clerk of the Assembly

The Mental Health Bill 2010.

Mr Speaker

The Assembly is now in Committee.

Acting Clerk of the Assembly

Clauses 1 to 53.

The Honourable Chief Executive

Mr Speaker, I beg to move that clauses 1 to 53 stand part of the Bill.

Mr Speaker

The Motion is that clauses 1 to 53 stand part of the Bill. Is there any objection to the Motion? No objection, clauses 1 to 53 stand part of the Bill.

Acting Clerk of the Assembly

Clause 54

The Acting Attorney General

Mr Speaker, if I may propose a couple of very minor amendments to the Bill, for which I apologise, two cross referencing errors, typing errors which I spotted myself after the publishing of the Bill. Sir, if I may propose that clause 54 (5)(a) be amended so that the reference to part 3 and 6 be replaced with reference to part 3 and 7. The second proposed amendment is that Clause 54 (5) (b) be amended in that the word “discharge” is “discharged” and finally I propose that clause 54 (6) is amended so that the reference to part 4 is replaced with a reference to part 5.

Mr Speaker

The Motion is that Clause 54 as amended by the Acting Attorney General stands part of the Bill. Is there any objection to the Motion? No objection, clause 54 as amended stands part of the Bill.

Acting Clerk of the Assembly

Clauses 55 to 95

The Honourable Chief Executive

Mr Speaker I beg to move that clauses 55 to 95 stand part of the Bill.

Mr Speaker

The Motion is that clauses 55 to 95 stand part of the Bill. Is there any objection to the Motion? No objection, clauses 55 to 95 stand part of the Bill.

Acting Clerk of the Assembly

No Schedules.

Mr Speaker

There are no schedules

The Assembly resumes.

The Honourable Chief Executive

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

Mr Speaker

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

Acting Clerk of the Assembly

The Mental Health Bill 2010

Falkland Islands Status (Amendment) Bill 2010

The Honourable Chief Executive

Mr Speaker, thank you. This will be a little bit shorter.

The main purpose of this Bill, Mr Speaker, is to assist a group of people who were unintentionally disadvantaged when the new Constitution came into effect in January 2009. The new Constitution changed the law in relation to Falkland Islands' Status in a number of respects:

1. Section 22.5.a provides if a person has Falkland Islands' Status immediately before the Constitution came into effect, the person had Falkland Islands' Status under the various provisions of the former constitution.
2. A number of provisions of Section 17 of the former constitution required a person to be domiciled in the Falkland Islands to be able to claim the benefit of that status. So, if a person whose status was dependent on their being domiciled in the Falkland Islands, changed their domicile somewhere other than the Falkland Islands, that person would no longer have the benefit of Falkland Islands' Status. It could be appropriate to think of the person's Falkland Islands' Status being suspended whilst they remained domiciled outside the Falkland Islands. However, their status could be revived under the former constitution when changing the domicile back to the Falkland Islands.
3. Under the new Constitution, a person whose' Falkland Islands' Status was suspended immediately before it came into effect in the way I just described, on 1st of January 2009, can no longer revive their status as they could in the past. This was not intentional. When the review of the constitution was undertaken this matter appears simply to have been overlooked.

Therefore, Mr Speaker, this Bill seeks to provide redress to this disadvantaged group of persons. The people in this group will not be given their old status back but they will be able to apply for status under the new, easier and quicker process.

The existing process requires a person to be ordinarily resident in the Falkland Islands for seven years before they qualify to apply for Falkland Islands' Status under the Ordinance.

This Bill will achieve this effect through the following provisions:

1. Clause 4 revises the definition of Qualified Person to enable this disadvantaged group to apply for Falkland Islands' Status even though they would not satisfy the usual requirement of 7 years' ordinary residence.
2. A person from a disadvantaged group can apply for Falkland Islands' Status if they are present and ordinarily resident in the Falkland Islands on the day of the application.
3. Clauses 5 and 6 make provisions for applications received from the disadvantaged group to be effectively fast-tracked.
4. The applications don't have to be advertised and will be considered at the first available meeting of Executive Council, whereas applications are normally considered only at specified four times a year intervals.

In conclusion, Mr Speaker, the Falkland Islands' Status Amendment Bill sets out some bare minimum amendments to the Falkland Islands' Ordinance to address specific issues relating to those people who were unintentionally disadvantaged by the new Constitution.

The Bill does not deal with wider issues relating to status such as proposals to allow the partners of Falkland Islands' Status holders to apply for status after a shorter period of ordinary residence. Issues such as those will be considered at a later date.

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

The Honourable Financial Secretary

I second the Bill.

Mr Speaker

Does any Honourable Member wish to speak to the Bill?

The Honourable Dick Sawle

Mr Speaker, I would just like to say that I support this Bill entirely. I think it's a triumph of common sense over bureaucracy. I am very pleased to see it on the table today.

Mr Speaker

Is there any objection to dealing with this Bill by the short procedure? No objection, does any Member wish to propose any amendments to the wording of the Bill? There are no amendments; I declare that the Bill will be read a third time and passed

Acting Clerk of the Assembly

Falkland Islands Status (Amendment) Bill 2010

The Motion for Adjournment.

The Honourable Chief Executive

Mr Speaker, I beg to move that the House stands adjourned *Sine Die*.

The Honourable Jan Cheek

Mr Speaker, Honourable Members, I wish to begin with tall poppies and Mexican Crabs. Tall poppies are something you will be familiar with. I think it's an Australian expression. When people seem to be getting above themselves or perhaps a little too successful they are chopped off at the base of the stem and brought back on the level with the others. Mexican Crab is less used but it involves a bucket of crabs on the way to the market. The ambitious fellow wishes to climb up and escape but is pulled back by his less ambitious bucket mates.

We don't do enough to celebrate the success of some people in the Islands and I want to use this opportunity to give very warm congratulations to our students who have come back again with a set of very good results. This includes certainly one 1st Class Honours Degree, a number of 2.1s – there are HNDs and other very good qualifications being gained by our students.

I can't go into great detail because we don't have a full list yet and if I did without that, I might be missing someone out. But I think that we should celebrate the success of these students and hope that at some point in the future, with appropriate experience that they will be contributing in our community.

Some people will have read the piece I've been doing in Penguin News as an MLA. And I was congratulated by one reader on the fact that it was so succinct. There's a very good reason for that – I am only allowed 300 to 350 words, so it has to be. But clearly my most recent one was not only too succinct, it was clearly too subtle because the main point of it appears to have been missed, or would appear to be so from my reading of the editorial this morning. I am certainly not trying to avoid public debate or giving as much information as we can to the public. What I was trying to say is that diplomacy is not usually conducted in public. Megaphone diplomacy is something perhaps a little more Latin American than we are. We're not Latin American at all.

MLAs are happy to share all their information and thoughts with individuals but not to have them broadcast the length and breadth of South America. If we do have a strategy for dealing with a particular thing, we certainly don't want to be broadcasting it and I hope this clarifies that point.

Clearly what I am referring to is the additional rhetoric we have been getting from across the water – the attempt to hinder trade, which we've been open about for many months, long before their more recent passing of their legislation, which would have the clear, unequivocal support of the British Government in saying that it goes against

international law. But I'm just making a plea. We've been there before; nothing to get hugely excited about; there may be small hardships – we've been there before as well.

I am only speaking on those issues today but I want to welcome Anton and thank him for standing in for our Clerk, Claudette Prior, and to wish Claudette a very speedy recovery and hope to see her back very soon.

I Support the Motion.

The Honourable Roger Edwards

Mr Speaker, Honourable Members, in rising to support the Motion for Adjournment I, too, cannot pass this moment by without mentioning Argentina and their shenanigans against trade in the Falkland Islands. It appears that it's spreading and even affects trading with the UK itself. But what I can say is that the Falklands' War finished over 28 years ago and so there's a whole new generation of Islanders brought up without knowing what affects that war had. But the latest shenanigans of the Argentine people have only gone to alienate that new generation against them.

I see on the front of Penguin news today the whole page is taken up by questions on the employment law. Some of the people listening today will remember that that was one of our top eight priorities which this Assembly agreed immediately after our election and, of course, minimum wage is one of those items within that employment law. I am pleased to announce that it's been agreed that we hope to complete work on that employment law by October with a possible paper coming to the November Executive Council. So those worried and concerned about the law, please be aware that we are working on your behalf.

Finally, to keep this very brief, with our on-going review of the review of Government, and I hear it mentioned a couple of times this morning, we have now agreed formally that the Public Works Department will be known as the Public Works Department and not the Public Services Department.

Thank you very much Mr Speaker. I support the Motion.

The Honourable Emma Edwards

Mr Speaker, Honourable Members, in rising to support the Motion for Adjournment, I was delighted to hear of St Helena getting an airstrip after all these years of trying. I really do believe that this shows a commitment from the new British Government towards its Overseas Territories. And I think it is something that Falkland Islanders can also take to heart at this particular time with our problems across the water. I don't think the British Government will turn her back on us. They are committed to looking after their Overseas Territories.

I would also like to take this opportunity to thank personnel at MPA who were involved in operation Silver Teal just this week. Their advice and their help are always very welcome by our emergency services here in the Falklands. We pass on our thanks through CBF – thank you.

The other area which I am very, very delighted with is the bug busters. The Honourable Glenn Ross is leading us on this particular group. I would also like to say thank you very much to everybody out there who answered the questionnaires. There was a very, very good response and it shows that the earwig problem is throughout Stanley. I believe the group have come up with some suggestions and hopefully we might begin to get our earwig pests under control.

Certainly not pesky was the swimming gala at the Senior School this week. The children at the Falkland Islands Community School showed excellent swimming skills and I would like to pass on my congratulations to Fitzroy and Shackleton Houses who actually came joint top in the Gala, very good performances by a number of the pupils there.

It's almost the end of the school year. I would like to say good luck to the pupils who are leaving school this year. I am sure the students who will be returning next year are looking forward to their well-earned holiday and thank-you also to all the contract staff in the Education Department whose contracts are up very shortly.

One thing which is worrying and I know for a number of people is the price of goods in Stanley, the £1.24 orange and the £6.00 lettuce seems to be becoming more of the norm all of the time. It just brings us back to the time when we are going to have to start growing our own goods. And this is what brings me on to my little gripe and winge this month.

We are going to need gardens, providing the earwigs don't eat them. At the same time, we are still insistent on in-filling our green spaces around. When I stood for election I stood against the infilling of green spaces; and I will continue shouting from the rooftops if need be "stop filling in our green space". Once a house is on it that is it. The green space is lost forever. Infilling in East Stanley is a short term solution. As an Assembly we have agreed in principle to the development of the West Stanley Housing Project. And I would much prefer to see the money being spent on this project rather than being spent on the infilling of green space, certainly within the area of East Stanley. I believe it's a short-term solution. It is not a long-term solution. And, following on from the Mink Park Development which was very successful it shows that we do have a huge demand for housing and plots. However, I really do feel very strongly about our green space and because of this I would be grateful to hear from anybody out there in the community who feels the same as I do about this; and I am going to be putting together a petition to put towards PWD to try and stop the infilling of green space. If anybody would like to sign this, please contact me.

Mr Speaker, Honourable members, thank you very much.

The Honourable Glenn Ross

Mr Speaker, Honourable Members, I would like to thank the Honourable Emma Edwards for stealing my speech. I regret I am not talented enough to change it at such late notice so I will just go ahead and read it as it is.

I, too, am pleased for the people of St Helena that the long overdue airport will now be built. This development is certain to attract major investment, economic growth and exciting opportunities for St Helenians and I wish them well.

Mr Speaker, my congratulations to the new General Manager of FIGAS. This is exactly what our country needs, our own talented people stepping up and taking responsibility. Our task now is to get fully behind him and encourage him to return FIGAS to its rightful place at the very top of service provision here in the Falklands. This, of course means Councillors, Chief Executives, Tour Operators and users of FIGAS letting FIGAS get on with the task in hand.

Something I noticed in speaking to Falkland Islanders in general terms about our own people rising to take control of departments and operations, we are all in agreement that as soon as a specific name is mentioned or if a senior role is discussed, there's a scurrying for cover and a whole series of fairly limp reasons why we should look to recruit from outside. We need to put aside these fairly petty reasons and press on.

Mr Speaker, I am not a fan of ASSI or the MCA. We are a small country of less than 3000 people. We have a history of operating vessels and aircraft safely and to high standards. No one is suggesting promoting unsafe practices. One other aircraft operator told us some months ago that they'd spent £1Million on compliance with ASSI rules and not a penny of that has gone on aircraft safety. We need to dig in and resist needless regulation.

Mr Speaker, July was an entertaining month -the World Cup for us football fanatics and also Farmers' Week. There's only so much excitement any man can take. This was, of course, my first Farmers' Week and I've nothing to compare it to. All of the sessions were well attended and I sensed an air of optimism and hopes of a bright future for farming. All that we can do as an Assembly is to create opportunities. It is now up to others to seize the day; and hats off to all those involved in the setting up of the Falkland Islands' Meat Company many years ago. It took a fair amount of vision. I've said this before – "FIMCO might not be the 'last chance saloon but there aren't too many watering holes for farming after this one."

There is just one note of slight regret for me. I notice in my recent enforced sole shopping runs that the farm names have disappeared from the meat selections. I quite like seeing Port Howard diced beef and Port Louis and other place names on the packaging.

Mr Speaker, not everyone here in Stanley supports the Camp. I do. I have no wish to imagine the Falkland Islands without the Camp.

Something that is not so good or brilliant – earwigs – my thanks to all of you who returned questionnaires. The response to the questionnaire has been good. We now have over 400 data sets for Stanley and the Camp. This for me was always a first step; we will seek to fill in some of the gaps over the next few weeks. The data that we do now have has been transferred on to a town map. My thanks go to the Public Works Department Design Office for producing this powerful, visual reference and to the Department of Agriculture for collating the data into a thought provoking listing of all the returned comments. It is clear from reading this document that people are engaged

in a pretty desperate and expensive struggle against these pests. Some 100 of the returned questionnaires were anonymous. It implies to me that there is a reluctance to admit to an infestation. Many others volunteered that the earwigs are outside only. I am really pleased that many people, especially in the Camp, have already taken sensible measures to prevent their spread. All of us, I think, realise that we are up against it so let's have a good go.

Mr Speaker, we are often challenged on open government. I made it clear during the election that there were times whether as a family, a business or a government, some discussions and decisions have to be made in private. Also, there are some initiatives and documents that are produced, the EDS, for example, that were immediately pounced upon for criticism. I find this slightly sad when opportunities are there for individuals to get involved and shape these documents.

Mr Speaker, I am a big fan of Latin America – most of it – some of it – a little bit actually. But I think it is sensible to have contingencies and well thought out options in place.

Mr Speaker, I am also very pleased that the Public Works Department is once again officially the Public Works Department.

I Support the Motion.

The Honourable Sharon Halford

Mr Speaker, Honourable Members, in rising to support the Motion for Adjournment, I would like to take this opportunity to say how privileged I felt sitting at the Infant/Junior School prize-giving in the Town Hall yesterday evening, watching the expressions of pride and achievement on the faces of the little people there; and the obvious competition between the different houses was heartening to see. I believe there is nothing like competition to inspire motivation. I trust the Governor must have been aware that at times even he seemed to pale into insignificance when compared to the prizes and packages the children were receiving.

But my overriding thoughts were that although the children before us were probably blissfully unaware of it, the future of the Falklands will one day be in their hands, with their lives stretching ahead of them and ever improving opportunities. Each and every one of them has the ability to one day be what they choose.

Although I have not been travelling far from home through the winter, I have, on my trips to Stanley, noted that, although the MPA/Darwin Road may not be perfect, it is, nevertheless, in very good shape for this time of the year; and indeed much, much better than it was at this time last year.

On the other side of the coin I am also aware that there are some Camp tracks out and about that deteriorated very considerably just recently. And hopefully some works can be done on some of these as soon as the weather permits. At this time of the year it is not the best time to be doing road or track repairs, unless, of course, there is no option, as any road works tend to be very messy when everywhere is so wet.

I therefore must thank the road gang who managed to replace the washed out culverts on the San Carlos track recently; and left behind a much improved crossing which will now be appreciated by all those who use that route. The finished product is a very neat piece of work, too.

Whilst on the subject of Camp Tracks, I would like to mention some other issues surrounding them and surrounding them is an understatement when it comes to fencing along the sides of some of them. In some places farmers have been issued with fencing materials to enable them to fence off the tracks, thus avoiding the need to install cattle grids. This probably works to the advantage of both parties. I have noticed that some of these fences are right beside the track, and in some places, right beside the track on both sides of the track, which begs the question: How do you think the track is going to be graded and maintained in the future? As I see it there is no way for a grader to turn around and if materials needed to be carted or dumped on the track there is nowhere for any of the plant to turn around, either. Whilst I may not be a road builder, I did look at some of these situations and was left scratching my head. Prior to this Assembly being elected one of the things I said I would like to see is the resumption of the land that Camp Tracks are built upon. And with the Road Traffic Bill appearing before us over the next months, some would like to think years, it is something that I shall be pushing for. There will probably be a move to designate the Camp Tracks out there and though I can see the arguments both for and against this, I do not believe the issue should even be considered until the land underneath and around them has been resumed and some of the tracks improved to the standard where they could quite rightly be called roads.

My last issue in relation to roads is to once again mention that we shall shortly be seeing those beautiful little, white, woolly things appearing – lambs. And I would once more urge drivers to take care when passing through these camps. These little animals and their mothers have as much right to use the road as you and also the same right to life. Your journey can surely not be that important that you cannot pause to let them cross the road ahead of you.

On another transport issue, I think the Honourable Glenn Ross has just about taken my speech from me, I am pleased that we now have another General Manager in place at FIGAS, Morgan Goss and I wish him well for the future. When I spoke to him earlier this week he mentioned that he alone would not be running the operation. It takes a good all-round team to achieve this and this is what he believes he has.

I hope, with the changes at FIGAS, with a new flight programme we have created, which is what the public wished for, and also a more cost-effective operation which is what FIG were looking for, that we have made a step in the right direction. Ultimately time will answer that for us.

On another of my portfolios, Medical Services, I am pleased to say that I have been getting some positive feedback as well as some complaints. I have had written praise for the in-patient treatment that some people have received during their stay in hospital and also much praise for the locum doctors who have been visiting for some months now and we hope that a number of them will wish to return. With complaints, when valid, it is always good to try and find ways for areas to be improved.

At the recent public meeting a question was asked about where money went to when it was donated to the hospital. The hospital now only has one fund for receiving donations, the KEMH Charity Fund. And when donations are made to this fund, it can be specified what area the money should go towards. The old folk's bus was one such item. Where no specification is made, then the money is put towards something or things that would be beneficial to the greater good of the majority. It would not be used to purchase items that FIG should purchase.

I am currently looking forward to the summer season as no doubt many others are but my reasons are that it would enable me to get into the polytunnel and garden once more. I suspect that many others will be taking up this activity also with the current price of fruit and vegetables – tomatoes over £1.00 each, oranges, as the Honourable Emma has already mentioned, £1.24 – to name only a couple of items. The keeping of hens may also become more popular with the current price of eggs being over £5.00 a dozen on some of the shelves.

Finally, as this is the last meeting of this House before His Excellency departs these shores, I would like to take this opportunity to wish both him and Helen well for the future and hope that the Falklands have managed to get under their skin and thus they will take with them many fond memories and will not forget us in a hurry. I know we will remember them as I did pass a well sign posted Huckle Corner when out for a drive recently.

Mr Speaker, I support the Motion.

The Honourable Dick Sawle

Mr Speaker, I have recently been away for three weeks. I took advantage of that time to join in a session of interviews in London for companies wishing to tender for our Public Relations Contract. It was very interesting and the competition was quite fierce. Public relations may sound like a large spend with no tangible result but it does deserve our very close attention. This all relates to the image of the Falklands as seen by others and these days with the advantages and disadvantages of the internet it's all the more important that we push out our messages in a lively, modern and attractive way.

Young people of today and many older ones also no longer read papers but look to the internet for their information and their education. We as a country need to smarten up our image and get engaged with and use these modern tools to their best advantage. Good PR might be hard to measure but bad PR is instant in its effect and once it's done the damage repairs to reputation and image may take many years.

Our own FIG website, whilst fine if you wish to look up the most recent minutes of the Planning Committee, is, I would say, parochial, staid and, quite frankly, boring. It would lose most people's attention after only a couple of minutes. It's fine as a research tool and a source of local information but on the world stage where we are now prominent and likely to remain so for the foreseeable future, we need to project the right image and the right messages. It's not difficult and we must do it.

I expect that the successful tenderer will assist us with this aim and will also ensure that we send out the key messages of a forward looking economy, an independent and proud people and our overwhelming desire for political self-determination.

I would also like to touch very briefly on the Economic Development Strategy or EDS. This document has been nearly two years in the making and many people have made their contribution to it. It's not finished, though and the public consultation period is now upon us with meetings arranged with the Development Board, Chamber of Commerce, the Fishing association, a public meeting, the Rural Business Association and also a radio phone-in. These meetings are all happening in the very near future. And it's very important that the EDS is given a good airing. Whilst the fixed costs of running the country will always increase, our wealth is effectively in slow decline. The fact is our country costs ever more to maintain and the only way to achieve a sustainable future is to grow the country's wealth. Simple mathematics means that we require economic growth to sustain our spending. Progress is inevitable but it carries with it financial and social costs.

The EDS spells out potentials and options which need to be debated. There will be those that will wish to see a larger population so as to increase the tax base, have more customers in their shops or benefit from synergies of size and there will also be those who want to keep things the way they are as they will not see any perceived benefit in a growing society. We all must remember this is our future and our document. It's not owned by the Falkland Islands Government.

But, Mr Speaker, progress is not always welcome. There is always a sense of nostalgia when people refer to 'good old days' of 2Metre Sets, mutton, spuds and peas, which, judging on the price of vegetables might be with us again. The days when life was free and easy and there were few restrictions, for example, those occasions when the early hours of Sunday morning, one might spot a 'Series II' leaving the Colony Club in low range and weaving gently up the hill with maximum revs and minimum speed – the only real danger being to near-by telegraph poles. However, a return to the past is never an option. Judging by the number of people who have contacted me over the last few months requesting more TV channels, more radio channels, it does seem that we do have short memories. It wasn't long ago that the only TV you could watch was a 50p hired video tape of any evenings TV programmes from the UK from Chuck Clifton's emporium. Trying to get soaps in the right order was totally impossible.

We've got what we've got and it's a lot more than we ever had plus, of course, there is always the option to source private TV channels if people wish to have more entertainment. However, it is really good to be able to report today the Camp TV and radio system that is received by satellite is now up and running in almost all areas.

On Cable & Wireless issues, I am pleased that a number of people have taken disputes to Cable & Wireless and have had them looked into and, in some cases, resolved to the customer's satisfaction. The perception agent reports that FIG commissioned are absolutely vital to our monitoring of perceived quality of the internet service here. It is the only way we have of collecting purely objective data which measures a variety of performance criteria. As you will see from Penguin News this week, we need more volunteers to send data off for analysis. This is the only way we can effectively

measure performance. The most recent perception report is very encouraging and shows fewer outages and an improvement in the service provided.

Cable & Wireless have not stood still. They have upgraded the bandwidth and made many changes to the way the local network is set up in order to make increased use of the fibre optic links. Usage updates are now available hourly. They have issued a free bandwidth monitor and have come up with more attractive business packages. Parts of the Camp WiMAX system have begun to be replaced in order to improve voice quality and customers are now being moved across to the new soft switch. The most pressing problem at the moment affecting people concerns the e-mail system. And I am aware that Cable & Wireless have employed a consultant to look into this and his report and recommendations will be shared with FIG. But the best way to help test progress or lack of progress is to join in the volunteer programme which is there to monitor the service and give us the information we need to assist. We do need more volunteers, look for the details in Penguin News.

The internet will always be expensive for us in the Falklands but it is a vital tool for our current and future economic growth. And as I write, there is draft legislation in the pipeline that will go a long way towards assisting with these aims.

Finally, Mr Speaker, I note also in my e-mail inbox many concerns raised about our noisy neighbours. The fact that I haven't spoken at great length about them doesn't mean to say that I underestimate their capacity to cause mischief. It would be foolish to go into detail but I am very encouraged by the Coalition Government's stand on Foreign Policy and know that in particular that with David Cameron and William Hague, we have some very strong support.

I am, of course, happy to speak with anyone who wishes to do so but do agree with my Honourable Colleague, Jan Cheek, that noisy gunboat diplomacy over the airwaves would not be of benefit to any of us. My plea, if there is one, is that people listening don't assume that just because the dogs of war have not been let slip or the drums of battle beaten, any of those that you elected are ignoring matters or burying heads in the sand. I can assure you that we are well aware and very attentive.

I support the Motion.

The Honourable Gavin Short

Mr Speaker, Honourable Members, I think I am about to start banging the drum. In rising to support the Motion for adjournment I would like to mention just a few things. As all will be aware, the Honourable Emma Edwards and myself recently had the privilege of representing the Islands at the C24 meeting. It was probably in sporting terms like putting a bantam weight boxer in with a heavy weight, however, from what we have been told after the event, a few of our jabs did get through and caused some discomfit. It is essential that we continue to attend these meetings and get our point of view across to counter the untruths and twisted versions of events that the Argentines trot out each year. It is our intention to have different people attend each year and this is probably a very good idea as it will keep our message fresh which is something that could not be said for the opposition. Indeed some of what

was being said was basically tired rehashing of what was said each year and seem to have nothing to do with the subject that was being talked about.

I know I often use a story to illustrate a point or move to where I want to be, but the long ramble of cattle breeding in Patagonia that was delivered by one gentleman had nothing much to do with anything, indeed I think he got to the point of talking about artificial insemination, I was not really sure 100% what he was saying as my mind started doing some very strange things. I thought at one point I had gotten into a meeting organised by the Agricultural Department. To me though, what made that occasion almost emotional was the fact before I left I had people call me, email me, talk to me saying put this in your speech, put that in your speech. Nobody with the exception of people around this table knew what I was going to say, and then they did not have a complete idea as I had not finished it until five minutes before I stood up. However, everything that was said or emailed to me fitted in exactly with what I wanted to say. It was a wonderful feeling to stand up and deliver my speech, and to know that I was speaking for the vast majority of people in the Falkland Islands was a truly wonderful experience. We must continue going back and we must continue telling the world the truth and we must continue to use every opportunity to counter the rubbish being spouted by our amigos across the water.

I was lucky to get a few spare hours in New York before my flight south so I wandered down to the South Street Sea Port museums. I am a nautical enthusiast. Whilst wandering around the dock there was also live music going on which I enjoyed very much. Whilst in Santiago I was also entertained by live music. This leads me onto my next subject, last night I attended the Infant/Junior School prize giving and was extremely impressed by both children and staff. Equally impressive was a couple of lads who cooked up a storm with their tutor Mr Freer, if those lads keep up like they are, I can see that New Orleans will have some serious rivals in the South Atlantic. Unfortunately due to work commitments I will not be able to make the concerts next week, so I will miss out on seeing a lot more talent, but it bodes well for our cultural future.

The school is only as good as the pupils and staff and I think that we must be getting it right. I must declare an interest with my lad being at the Infant/Junior School, but I would like to thank the teachers and support staff for all that they do and their future endeavours.

Not everyone can be a winner and walk away with a prize, you are all equally important and in the future these Islands will depend on each and everyone of you. You will all have an important role to play, you will all depend on each other.

Someone was taking the micky out of me the other day saying I was representing the Department of Homeland Security; I would like to assure him and everyone that the homeland is in very good hands. All departments continue to give their all making sure that we are safe in our country. I know they have the full support of everyone around the table here and if ever there was any doubt about their ability to hit the target then I think the FIDF's achievement at Bisley will have allayed that fear. I would like to publically thank all those who took part, their support staff and the families of those who went, you all in your own ways did these Islands proud.

I did promise that I would keep you all up to date with the Immigration working group and our endeavours, we have dedicated the last few meetings to wandering through the various functions and legislations, trying to get an understanding of it and what needs to be looked at. As I have said we have almost finished that and are ready to move onto starting to make things happen. A few weeks ago I almost got my ears scorched by an irate parent wondering why on earth they had to go away and write a letter saying why their child had to have a resident stamp in their passport when said child was born here and everyone knew that. It does seem daft and we have now almost got a solution to that, if all goes well when you pick up your passport you will be given a little check sheet to go through which someone will be more than happy to help you with, it should be a very easy process of getting that stamp in your passport if you are entitled to it. There may be one or two cases where there may be uncertainty but that will be looked into. But, we are doing our very best to make sure that something is in place that is quick and easy.

I would also like to make a quick mention of the Employment Law, I am currently seeing the first part coming to fruition, there does appear to be a little bit of heel dragging going on, but I think we can push that on fairly smoothly. Also when you look at the Employment Law and what is happening here, there are vast sections that are horrendously out of date and need bringing up to date to be current and not have some of the nastier practices that have been brought into the Islands.

Finally, no Legislative Assembly would be complete without the so called mention of the blockade by Argentina. They are doing their best to make things difficult but life here has always been difficult with a challenge. Everyday can be a challenge right from the moment you throw open your curtains in the morning and see whether you are going to spend the day battling the elements to try and get done what you are wanting to do outside. The situation we find ourselves in is nothing too new or novel to us and we always do and always will find ways of working around problems. If it is thought by those across the water, that making life a little inconvenient is going to bring us to our knees then how little do they know us Falkland Islanders. We will survive and I know the Islanders here are resilient people and will never give an inch when it comes to defending their country, I am proud to represent people like that. This is not Berlin or Palestine, we will not starve. A one sided blockade will never work, it will be a mere inconvenience to us. We always like a good challenge and I know our business community are already adapting, there will be no hysteria, ringing of hands or waving of white flags because we will merely adapt our present practices and Falklands PLC will carry on as normal.

Argentina is playing a very dangerous game not only are radicalising a complete new generation of people here in the Falklands, their attempted blockade may cause us to cast our eyes in other directions towards other continents and if that happens it will mean that the entire of South America will be gone and gone for good and the only leverage Argentina had over us will also be gone. I would caution those in the wonderful named Pink House in Buenos Aires to think very carefully about what they do, you may lose and lose big time.

I mentioned the following to a Chilean newspaper and thought it worth repeating here, Argentine companies are not shut out of our hydrocarbons industry, well they are but not by us, if in the future they are on the outside looking in and losing out then the

only people they have to blame is their Government and their selves for not pressuring their government to come to their senses. If we can see a bit of common sense from those across the water, then the whole southern cone could really rock if hydrocarbons take off here. Think about it. Whether you as an Argentine company are in or out really does lie in your hands. Don't let your government ruin your chances of doing business. To the people of the Falklands I say this, we have been here before, we will survive and we will never compromise our country in any way, shape or form. We will, as we have in the past, stand united. We will never surrender to any tyrannical bullying. Thank you.

Mr Speaker

Honourable Members before we finish, I would like to send my best wishes to Claudette our Clerk for her present rather broken winged situation and hope she returns to us before very long. Honourable Members this House stands adjourned accordingly.