



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

**HELD IN STANLEY  
ON 26 AUGUST 2011**

**RECORD OF THE MEETING OF THE LEGISLATIVE ASSEMBLY  
HELD IN STANLEY ON FRIDAY 26 AUGUST 2011**

The Deputy Speaker of the House  
(Anton Livermore CPM, JP)

**MEMBERS** (Ex-Officio)

The Honourable Chief Executive  
(Dr Timothy Rupert Thorogood)

The Acting Financial Secretary  
(Nicola Granger)

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

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

The Honourable Michael Summers OBE  
(Elected Member for Stanley Constituency)

**PERSONS ENTITLED TO ATTEND**

The Attorney General  
(Mark David Lewis)

The Chief of Staff, British Forces South Atlantic Islands  
(Group Captain James Klein, RAF)

**CLERK:** Claudette Prior MBE

**PRAYERS:** Reverend Richard Hines

**APOLOGIES:**

The Speaker of the House  
(Keith Biles, JP, B.Sc., ACIB)

The Honourable Financial Secretary  
(Keith Padgett)

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

The Commander British Forces South Atlantic Islands  
(Brigadier William Aldridge CBE)

## **CONTENTS**

<b>Prayers</b>	<b>7</b>
<b>Oath of Allegiance: Nicola Granger, Acting Financial Secretary</b>	<b>7</b>
<b>Confirmation of the Record of Legislative Assembly Meeting held on 14 July 2011</b>	<b>7</b>
<b>Papers Laid on the Table by the Honourable Chief Executive</b>	<b>7</b>
<b>Questions for Oral Answer</b>	
<b>Question Number 08/11 by the Honourable Sharon Halford</b>	<b>7</b>
Could the Honourable Jan Cheek please inform this House	
1. Whether or not the Education Department has or is going to consider the possibility of changing the way we fund our children in further education overseas and perhaps look to fully fund those training for skills needed in the islands which are currently being filled by migrant workers and giving less funding for skills not currently needed in the islands; and	
2. Has any thought been given to treating some of the above funding as a loan which could be written off against time spent working in their chosen field in the islands after qualification?	
<b>Question Number 09/11 by the Honourable Sharon Halford</b>	<b>11</b>
Could the Honourable Gavin Short please inform this house of:	
1. The total cost of the recently purchased fire engines for both Stanley and Stanley airport, their ages when purchased, their life expectancy and how this will impact on the replacement programme for the Stanley appliances, what work is required to bring them up to full working order and when it is anticipated that the capability test will be carried out; and	
2. The cost of a standard Dennis equivalent for both, and the life expectancy of such appliances	
<b>Question Number 10/11 by the Honourable Roger Edwards</b>	<b>13</b>
Can the Honourable Dick Sawle please update this House with regard to Camp Radio. Do we have all relevant agreements in place; such as use of C&W masts, approved funding, a preferred contractor and use of SSVC frequencies? When can we expect work on the new service to be completed and come on line?	

## **Motions**

### **Motion number 5 of 2011** 16

That the Legislative Assembly approves the following Codes of Practice (in the form of the copies laid on the table) for the purposes of section 1A(2) of the Protection of Animals Act 1911 (as it applies in the Falkland Islands):

Code of Practice for the Welfare of Animals in Transport  
Code of Practice for the Welfare of Cattle  
Code of Practice for the Welfare of Dogs  
Code of Practice for the Welfare of Horses  
Code of Practice for the Welfare of Pigs  
Code of Practice for the Welfare of Sheep

Under section 1A(2), before the Codes can be issued by the Governor, they have to be approved by resolution of the Legislative Assembly, hence the motion.

### **Motion No: 6 of 2011** 18

That this House accepts the response from the Governor (in Council) on the report of the Public Accounts Committee on FIG use of Vehicles.

### **Motion No 7 of 2011** 19

That this House accepts the response from the Governor (in Council) on the report of the Public Accounts Committee on Falklands Landholdings Corporation (FLH) – Accounts to year end 30 June 2009.

## **Order of the Day: Bills**

Electoral (Amendment) Bill 2011 20

Jury (Amendment) Bill 2011 21

Referendum (Single Constituency Bill) Bill 2011 29

## **MOTION FOR ADJOURNMENT**

The Honourable Dick Sawle 30

The Honourable Jan Cheek 32

The Honourable Emma Edwards 33

The Honourable Gavin Short 34

The Honourable Roger Edwards 36

The Honourable Mike Summers OBE 37

The Honourable Sharon Halford 39

## **Written Question**

### **Question Number 02/11 by The Honourable Roger Edwards**

41

In view of a recent article in the Penguin News and increasing comment from members of the public, please could the Chief Executive give a complete and detailed breakdown of costs of the Container Park built recently close to FIPASS. Costs are to include preparation works completed by Public Works Department prior to Morrisons getting on site, electrical installations, materials, labour and management costs, concrete and security fence.

Could the Chief Executive also state how much the Falkland Islands Development Corporation put into this project and if this figure is included in the above totals?

### **Reports back to the Public Accounts Committee**

Response to the Report of the Public Accounts Committee on Vehicle Procurement, Control and Usage by the Falkland Islands Government (Laid on the Table under Motion 1/2011 on 25 February 2011) 43

Response to the Report of the Public Accounts Committee on Falklands Landholdings (Laid on the Table under Motion 2/2011 on 25 February 2011) 45

**The Record of the meeting of Legislative Assembly  
held on Friday 26 August 2011**

**Prayers**

**Clerk of the Assembly**

The Oath of Allegiance – The Acting Financial Secretary, Nicola Granger

Confirmation of the record of the Legislative Assembly Meeting held on Thursday 14 July 2011.

**Mr Speaker**

Honourable Members, I have before me the record of the meeting of Thursday 14 July 2011, may I sign these minutes as a true record.

Agreed.

**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 the Legislative Assembly and laid on the table pursuant to Section 34.1 of the Interpretation and General Clauses Ordinance 1977.

- Immigration (Permanent Residence Permits)(Amendment) Regulations 2011
- Taxes & Duties (Defence Contractors' Employees Exemption)(No 2) Order 2011
- Livestock and Meat Products (Welfare of Livestock) Regulations 2011

**The Honourable Chief Executive**

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

**Clerk of the Assembly**

Question Number 8 of 2011 by the Honourable Sharon Halford

**The Honourable Sharon Halford**

Could the Honourable Jan Cheek please inform this House:

1. Whether or not the Education Department has or is going to consider the possibility of changing the way we fund our children in further education overseas and perhaps look to fully fund those training for skills needed in the islands which are currently

being filled by migrant workers and giving less funding for skills not currently needed in the islands; and

2. Has any thought been given to treating some of the above funding as a loan which could be written off against time spent working in their chosen field in the islands after qualification?

**The Honourable Jan Cheek**

Mr Speaker, Honourable Members I can confirm that the Director of Health and Education is working on a strategic plan for further and higher education that supports lifelong learning in the community and that the proposals are currently planned to come forward to Executive Council for consideration in November 2011, which will be in time for the next round of budget submissions.

The Director of Health and Education has also confirmed that the funding options will be an integral element of the proposed strategic plan and that the foreseeable knowledge, skills and experience required by the Falkland Islands will also be inherently considered. The possibility of a loan system to assist funding will be one element of the proposed paper.

**The Honourable Sharon Halford**

Mr Speaker, I thank the Honourable Jan Cheek for her response and may I now request of you that we have a debate on this issue as it is allowable under the clause 38(4) of the Standing Rules and Orders?

**Mr Speaker**

Certainly, I welcome debate in the House and leave is granted.

**The Honourable Sharon Halford**

Thank you. I guess if I have asked for it I'd better start off. I have asked for this debate because it is something that we haven't as a group actually discussed openly and it is something that I have quite strong feelings about. I think our education system has been fantastic over the years and they certainly do a lot to encourage our children and I would like that to continue.

I do think with funding as it is we need to start looking at and targeting areas in which we really need expertise. There are so many opportunities for our children and I think they really should be made well aware of this and we should be looking at different ways of targeting them. I do think that funding is one element. I would hate to see children finish their studies and perhaps be as much in debt as some of the children that are overseas. But there must be ways and means that we could do this on a sliding scale and I would be welcome to hear what other Members think about this issue.



## **The Honourable Mike Summers**

Thank you. Honourable Members I welcome this opportunity to speak briefly on this issue. It is a fundamentally important issue to not only the way our community operates but the way we will operate in the future. There's been a lot discussed in recent months and years about localisation; and indeed a key part – perhaps the principal part of the review of government a couple of years ago was exactly about this subject of localisation and how to achieve it. A lot of good work has been done in the last couple of years in terms of putting together budgets for training programmes for localisation.

But it only worked at a certain level and I think you have to start at a lower level than that. There have been lots of discussions over many, many years about the targeting of funding for education and targeting funds towards the things that really matter for us, and I wholly support that option. That doesn't mean that you shouldn't fund people who want to go off and do things that are not necessarily going to be directly applicable to our community. There is a benefit in itself in education and not everybody is going to be equipped to do the things that we need here.

But I think there is a very strong argument that says that we should have a system of either additional funding or bursaries, or scholarships or the sort that might exceed 100% funding and that for other subjects that we can't see a necessary application receive something less than 100% funding. I think there is a lot of merit in differential funding. It will have to be carefully set out and carefully done because what we don't want to do is disadvantage people who might be able to benefit in going off overseas and doing something but for something which we can't necessarily see a clear application.

In respect of loan systems; this was discussed at length at the last Assembly; it's very complicated and it is difficult to see how it could be administered and I didn't support it at the time on those basis and frankly, I don't support it now. I don't much like the idea of students being burdened with loans and if it's not necessary I don't see why we should do it. I do thoroughly support the concept of differential funding and the part it can play in improving the prospect of localisation of key activities not only in the public but also in the private sector.

## **The Honourable Dick Sawle**

Mr Speaker, Honourable Members, as a one-time teacher many years ago, this raises all sorts of conceptual arguments about education itself; what actually is education, what is it for – the individual or for society, for example? I would be very wary of targeting education and targeting funding for education simply to try and fill holes that we currently have in our Islands. I think there is a great danger in that. Education is something which is to the benefit of the individual primarily, secondly to society. Society pays for it but we also benefit, of course from the education that's been granted by other societies by people who come here and do jobs, for example. I think there would be a great danger in saying, for example, the one that's been quoted is the need of a qualified hair dresser. We may well do – we may well do in a couple of years' time. It wasn't that long ago, for example, that one of the favourites that was raised was degrees in Media. This was raised as a big issue and bandied around as a

form of useless education. I think with the growth of media just at present, we would probably disagree that right now. So my point, really is to be careful when you talk about vocational training that is trying to fill holes that one believes subjectively exist in our society currently because that may well not be the case for the future.

### **The Honourable Jan Cheek**

There are just a few points I would like to follow up on. Obviously our country benefits from well-educated young people, whatever field we educate them in. Targeting has some value but not targeting alone because you can't always anticipate what will be useful. I have mentioned before, when our Director of Natural Resources did his original Marine Biology degree there was no anticipation at that point that it would be needed to any extent in the Falklands.

Now we have a good number of people working in the Fisheries Department with that kind of degree. So none of us can foresee exactly how things will develop in future. From next year, of course, we will revert to the higher rates as we paid in the past when we paid the full overseas rates for our young people's education and we need to design a system that continues to encourage our young people to pursue courses that will permit them to replace the many contract people we still have to bring in.

I would only support loans if they were written off on the student returning with appropriate experience and working for an agreed number of years in their chosen field in the Islands. Otherwise I can foresee a situation where we won't have the number of graduates that will be celebrating a little later this morning because people will be deterred. People are glibly talking about £40 – 50 – 60 thousand debt burden for students when they complete their education because it's not just the fees they are paying. In many cases they are paying their living expenses as well.

I can see the advantages in enhanced funding for most desirable subjects and I applaud the initiative of a local company that I believe is already offering a special bursary to people doing technical subjects.

The other thing we have to take care of is to get the advice right. On Media studies the advice is still that if you want to attend one of the better universities, don't include Media Studies in your "A" Levels. The advice is if you want to be employed by a major media organisation, you will be much better equipped if you got a good degree in History or Politics. They don't want media studies; they want you with a serious track record in a serious subject.

I look forward to the discussions we will have in the months ahead and I think it's not quite true to say we haven't discussed it. It has been discussed in passing in a number of meetings over many, many years. And I look forward to working to a system that works for the benefit of our country and its young people.

### **The Honourable Mike Summers**

Since this is a debate I presume I am allowed to have to speak again. I would just like to pick up on a point that was made by my colleague, the Honourable Dick Sawle because I think it's a fundamentally important point and it's one that we must never,

ever forget. He spoke about effectively the rights of the individual compared to the rights of society. This is a theme that has arisen in recent weeks in respect of human rights legislation and it's one that we have to be very, very careful about. It is my belief that the rights of the individual never supersede the rights of the community as a whole. I think it's important to think about that in the context of this discussion. So not to go on about it at great length but I think that when you hear people analyse, and this is not to do with education, when you hear people analyse some of the issues that are going on in the UK at the moment in terms of riots and sick societies and the like it is to a significant extent, I think because the rights of the individual have become in many cases superior to the rights of the society. It's a really important thing to think about. I think it is actually an important issue to think about in terms of funding for education.

### **Clerk of the Assembly**

Question Number 9 of 2011 by the Honourable Sharon Halford

### **The Honourable Sharon Halford**

Could the Honourable Gavin Short please inform this house of:

1. The total cost of the recently purchased fire engines for both Stanley and Stanley airport, their ages when purchased, their life expectancy and how this will impact on the replacement programme for the Stanley appliances, what work is required to bring them up to full working order and when it is anticipated that the capability test will be carried out; and
2. The cost of a standard Dennis equivalent for both, and the life expectancy of such appliances.

### **The Honourable Gavin Short**

Mr Speaker, I would like to thank the Honourable Member for her question and I'm indebted to the Chief Fire Officer for the reply.

The response to the first part of the question is as follows, the cost of both appliances was within the approved £230K which consisted of:

£129K for Category 2 (Bremach Airport appliance)

£101K for the refurbished Mercedes (Stanley appliance)

The airport appliance was new and should provide 12 – 15+ years of service if maintained and looked after.

The refurbished appliance was 20 years old when purchased and should we hope, provide 8-10 years.

There should be no impact on the future replacements for the Stanley appliances though this may be dependant on decisions made by Honourable Members during Executive Council and budget deliberations.

The Category 2 airport appliance is currently operational though requires some minor repairs to the gearbox as a result of the conversion from left to right hand drive.

The Mercedes Stanley appliance is not operational as new heavy duty rear suspension springs and a tank bladder are required. These are currently en route and are expected in September whereupon engineers from Fire Vehicle Services Ltd and a Bremach specialist dealer will arrive in the Islands to complete the repairs at their expense. The vehicle will then undertake a capability test whilst the engineers are present to ensure it is fit for purpose.

The response to the second part of the question is as follows, Dennis fire appliances are no longer available, Alexander – Dennis ceased production of their fire chassis two years ago.

The price of an equivalent Type B Water Tender vehicle to the specification of our Dennis Fire Appliance F1736 delivered to a UK Port is £245K

**The Honourable Sharon Halford**

Mr Speaker, I thank the Honourable Gavin Short for his response. I was aware that fire engines are very expensive. However, looking at the information he has given us, it would seem that the old one has far better life expectancy than a new one. It was 20 years old when bought and was expected to do 8 whereas the new one is expected to do 15. Perhaps we should have just bought old ones all around. But, better still, I think when you are buying any vehicle for the Falklands; we should be buying new rather than bringing in other people's mistakes. I am, however, pleased to hear that the work needed on the fire engine for Stanley will be undertaken not at our expense. And I look forward to seeing that on the road. I would ask do we now have the cover necessary to cope with the BAS requirements this season.

**The Honourable Gavin Short**

Mr Speaker, I will have to answer this one on the hoof. As to the BAS requirements it depends very much on the capability test that will be undertaken. I am afraid it depends very much on that and it will be signed off if agreed by the Director of Civil Aviation. Can I venture an opinion in an answer, Mr Speaker or is it not allowed in this Council?

**Mr Speaker**

It's not really allowed but I will allow you to start with it.

**The Honourable Gavin Short**

All I was going to say, Mr Speaker, was that in my opinion it is also better to buy new wherever we can. I believe it's better value for money as buying second-hand you generally inherit problems with the machinery which would become apparent as time goes on.

## **The Honourable Sharon Halford**

I thank him for his response.

## **The Honourable Emma Edwards**

Mr Speaker, Honourable members, thank you very much for your answer Honourable Gavin Short. I would just like to add one thing that I think it's very important that when we come to looking at specialist vehicles for any of the departments within Government that is down to those departments to make those recommendations and then for the Council to support those recommendations, rather than trying to do a botched job.

## **Clerk of the Assembly**

Question Number 10 of 2011 by the Honourable Roger Edwards

## **The Honourable Roger Edwards**

Can the Honourable Dick Sawle please update this House with regard to Camp Radio? Do we have all relevant agreements in place; such as use of C&W masts, approved funding, a preferred contractor and use of SSVC frequencies? When can we expect work on the new service to be completed and come on line?

## **The Honourable Dick Sawle**

Mr Speaker, Honourable Members and Ladies and gentlemen listening in Camp and waiting for this answer and I promised them at the last session of public meetings we had.

Since completing the roll out of digital TV last year the FIG Department of Procurement & Efficiency has been taking forward the TV & Radio project to deliver enhancements to the FM radio network for this financial year 2011/12.

As per the digital TV service, SSVC is the preferred provider for the FM Network enhancement project.

The enhancements will see the replacement of life expired equipment by a more reliable distributed network infrastructure and the broadcasting of FIRS islands wide on FM.

There will also be the capability to distribute the BBC world service islands wide on FM and to extend FM coverage of the BFBS radio channels.

Some of the benefits of the new system will be:

- 1) Replacement of life expired equipment, bringing greater reliability
- 2) FIRS plus a second FM service covering the vast majority of the Islands plus extended coverage of the BFBS radio channels

- 3) Distributed resources with reduced dependency on a single, large isolated site such that any fault should have a more limited area of impact
- 4) Better monitoring and remote control for diagnosis

SSVC and C&W have agreed the broad principles of site sharing and distribution and are working together to finalise the detail of the project. A total of nine sites have been identified, a mixture of C&W and MOD assets are involved:

The sites involved are:-

Byron Heights  
Green Hill  
Leicester Hill  
Mount Alice  
North Arm  
Sussex Mountains  
Pleasant Peak  
Mount Kent  
Bombilla

In conjunction with the recently upgraded facility at Sapper Hill, these will provide comprehensive coverage of the Islands for the FIRS network. Also, subject to final agreement with C&W on power consumption & equipment space, a second channel can be broadcast islands wide.

With the BBC World Service being the preferred choice for the second channel, provisional rights agreements have already been secured with them to broadcast on FM.

There are no plans for FIG to compete with either FM or MW coverage of the BBC World Service in the Stanley area, as there is already coverage broadcast under licence by KTV Ltd and assuming this equipment is in good order, coupled with the other proposed sites this will deliver equivalent coverage of the BBC World Service to the FIRS network.

Further, BFBS Radio covers a substantial part of the East Falkland, and there is some capacity to increase coverage in the West over and above FIRS and the BBC Worldwide service so that the BFBS services can be received as widely as possible.

Inevitably there may be some pockets on the Islands where not all of the services can be accessed. Where this is the case, smaller local transmission arrangements, subject to funding, will be considered in due course.

The overall frequency ranges for Islands wide coverage are currently being mapped as part of the on-going technical assessment.

Design and sharing arrangements with C&W are targeted for completion over the next four weeks, following which equipment will be ordered to support a rolling installation programme starting late this calendar year. Completion will be by the early part of next calendar year 2012.

Once installed as part of the rolling programme, broadcasting will commence sequentially area by area. As to which areas receive the service first - this is to be decided upon in the near future as part of the overall installation plan.

The capital budget allocated in 2009/10 for TV and Radio continues to be used to fund this enhancement and at this present moment it is anticipated that this will be delivered on time and within budget. Precise details of costs are currently being negotiated and in order to release funding from the budget allocated, an Executive Council paper will be submitted in due course.

The Department of Procurement & Efficiency will continue to play a key part in coordinating the overall project. Further status up-dates will be released closer to the time when broadcasting equipment arrives on Island so that the installation can commence.

#### **The Honourable Roger Edwards**

Mr Speaker, Honourable members, I think the Honourable Dick Sawle should have started by saying the ladies and gentlemen who would like to hear your reply in Camp because there are quite some large areas where it is not available currently.

Would the Honourable member not agree with me that we are already, effectively a year late? The Chief Executive and I, when giving a road show one year ago assured Camp residents that provision was imminent. And would the Honourable Member agree it would be better to obtain full coverage of the Islands as was originally agreed rather than a majority. I would ask him would he please also do his best, his upmost to follow up this important information service to ensure the earliest possible provision. And, Mr Speaker, I look forward to the Executive Council paper at the earliest opportunity.

#### **The Honourable Dick Sawle**

Mr Speaker, taking the last point first, I will, of course, promise to make my best endeavours, as I think I made clear in many occasions in public in the past. Following that the third point my Honourable Colleague mentioned was can I assure him that full coverage, no, I can't. The reason why I can't is because there is a technical assessment which has been ongoing now for some time. There is a map of what we expect the coverage to be but until we start the transmission using the new equipment we will be unable to ascertain that, in fact, includes every single pocket on the Falkland Islands. It is expected that all settlements will be able to receive coverage but until it actually happens, it is impossible to say.

On the point my Honourable Colleague mentioned on some residents in Camp being unable to hear my response all I can say is, 'point taken,' and I promise to publish that response. On the second point about the assurances that myself and the Chief

Executive gave to the people at Fox Bay last year, I wasn't there and I didn't give those assurances so I think you need to take responsibility for your own actions on that particular issue.

**The Honourable Roger Edwards**

Mr Speaker, I thank the Honourable Dick Sawle for his full and complete answer.

**The Honourable Dick Sawle**

Mr Speaker, I would like to say, 'no problem at all.'

**The Honourable Sharon Halford**

Mr Speaker, Thank you. I would like to agree with the Honourable Roger Edwards that we are a year behind and whilst the Honourable Dick Sawle might not have given those assurances they were, as I recall, correctly given to us by the head of Procurement that this stuff would be ordered and would be in place. It was first to be in place in March/April last year and then October this year. So we are well behind.

**The Honourable Dick Sawle**

Mr Speaker, just to counter my Honourable Colleague slightly there, the promises that I gave are the ones that I would like to refer to. I can't really speak on behalf of other people here. But the promise that I made was that we would get the radio service up and running as soon as possible. That was in November 2009. That was achieved with the old equipment.

**Clerk of the Assembly**

**Motions**

**Motion number 5 of 2011**

That the Legislative Assembly approves the following Codes of Practice (in the form of the copies laid on the table) for the purposes of section 1A(2) of the Protection of Animals Act 1911 (as it applies in the Falkland Islands):

Code of Practice for the Welfare of Animals in Transport  
Code of Practice for the Welfare of Cattle  
Code of Practice for the Welfare of Dogs  
Code of Practice for the Welfare of Horses  
Code of Practice for the Welfare of Pigs  
Code of Practice for the Welfare of Sheep

Under section 1A(2), before the Codes can be issued by the Governor, they have to be approved by resolution of the Legislative Assembly, hence the motion.

This Motion is proposed by the Honourable Mike Summers



## **The Honourable Mike Summers**

Mr Speaker, Honourable Members, the Protection of Animals Act 1911 is enjoying its 100<sup>th</sup> birthday this year, still applies in the Falkland Islands in a modified form.

One of the modifications to the 1911 Act (section 1A) allows the Governor to issue Codes of Practice for the Welfare of Animals. However, before Codes can be issued, they have to be approved by this Assembly.

A set of Welfare Codes was introduced in 1998 but they have not been updated since then.

A new revised set of Welfare Codes has been produced to take into account the developments that have taken place in the field of animal welfare and also to ensure that the Falkland Islands complies with internationally accepted animal welfare standards.

This is not just important from an individual or animal group point of view but it is also very important in maintaining confidence in our animal welfare standards amongst our trading partners and also in maintaining our European Union licences especially for the Abattoir, such licences deal with many animal issues particularly in transport and how they are treated at the Abattoir so they are essential for the maintenance of those licences.

For livestock (sheep, cattle and pigs), the 1911 Act is now being supplemented by the Livestock and Meat Products (Welfare of Livestock) Regulations.

There is some overlap because the Codes for sheep, cattle and pigs and the Transport Code will also be issued by the Department of Agriculture under the new regulations.

However, those Codes also need to be issued separately by the Governor for the purposes of the 1911 Act and the Codes for horses and dogs cannot be issued under the new regulations because those animals are not livestock, as defined in the legislation.

To make the revised Codes as familiar as possible for farmers and other users, they are in the same format as the existing ones and the same chapter headings have been used.

The revised Codes have been widely consulted upon with members of the farming community over a 2 year period and they were most recently discussed during an open forum this year at Farmers' Week. Farmers are fully aware of the contents of the Codes and they have accepted the necessity of having them.

I beg to move that the Legislative Assembly approves the following Codes of Practice (in the form of the copies laid on the table) for the purposes of section 1A(2) of the Protection of Animals Act 1911 (as it applies in the Falkland Islands):

Code of Practice for the Welfare of Animals in Transport

Code of Practice for the Welfare of Cattle

Code of Practice for the Welfare of Dogs

Code of Practice for the Welfare of Horses

Code of Practice for the Welfare of Pigs

Code of Practice for the Welfare of Sheep

**The Honourable Roger Edwards**

Mr Speaker, Honourable Members, I would like to support my Honourable Colleague. This Motion is very important for the continuation of our EU licences and the future of the Abattoir itself. The introduction has already been delayed because I, for one, had asked that the Veterinary officer explain to the Farming community in particular the details and the reasons behind this paper. That he did, I am very pleased to say, at the Farmers' Week of this year.

So Mr Speaker, I second the Motion.

**Mr Speaker**

Does any other Honourable Member wish to speak? No, the Motion is passed.

**Clerk of the Assembly**

**Motion Number 6 of 2011**

That this House accepts the response from the Governor (in Council) on the report of the Public Accounts Committee on FIG use of Vehicles.

This is proposed by the Honourable Gavin Short.

**The Honourable Gavin Short**

Mr Speaker, Honourable Members, this report provides the Government's response to the report of the Public Accounts committee on FIG use of Government Vehicles received by this Assembly at its February meeting.

The Public Accounts Committee has recommended that FIG should audit fuel use monitoring systems periodically throughout departments, analyse the relative merits of the existing system of procurement of vehicles and Plant and to look into the feasibility and cost benefits of greater use of private vehicles for Government business.

The recommendations were considered by Executive Council, which accepted the recommendations in principle and agreed that during the 2011/12 financial year the Director of Public Works in conjunction with the Chief Internal Auditor and Plant and Vehicle manager would develop a system to monitor vehicle fuel usage, investigate

the options for vehicle maintenance and contracts and report on the feasibility and implications of encouraging greater use of private vehicles for Government business.  
Mr Speaker, I move the Motion.

**The Honourable Sharon Halford**

Mr Speaker I second the Motion.

**Mr Speaker**

Does any Honourable Member wish to speak to the Motion? No, the Motion is passed.

**Clerk of the Assembly**

**Motion Number 7 of 2011**

That this House accepts the response from the Governor (in Council) on the report of the Public Accounts Committee on Falklands Landholdings Corporation (FLH) – Accounts to year end 30 June 2009.

This is proposed by the Honourable Sharon Halford

**The Honourable Sharon Halford**

Mr Speaker, this report provides the Government's response to the report of the Public Accounts committee received by this Assembly at its February meeting. The Public Accounts Committee had recommended that an updated public statement be made regarding the direction and management of FLH, with clear management and financial targets over a declared period.

This recommendation was considered by Executive Council, which accepted the recommendation in full. Executive Council further approved a statement of priorities and objectives for FLH to fulfil the first part of the Public Accounts Committee's recommendation. This statement is detailed in section 4.2 of the report clarifies the priority for FLH must be to make a profit or at least break even.

It then lists in order of priority a specific set of objectives for FLH. Profitability and productivity are at the top of this list and maintaining social structure and creating Camp communities also feature.

Executive Council further considered proposed management and financial targets. However, it decided that these should be represented within 6 months in a clearer form.

Mr Speaker, I am thus pleased to report that not only has the Public Accounts Committee's recommendations been accepted in full but have already been fulfilled in part with complete fulfilment scheduled within 6 months.

Mr Speaker, I move the Motion.

**The Hon Jan Cheek**

Mr Speaker, I second the Motion.

**The Honourable Dick Sawle**

Mr Speaker, Honourable Colleagues, I would just like to say that these two reports from the Public Accounts Committee – I would just like to applaud the work of the Public Accounts Committee and I think this shows what a useful body it is. And I would like to thank all those involved in the PAC for their hard work in producing these documents.

**Clerk of the Assembly**

**ORDER OF THE DAY: BILLS**

Electoral (Amendment) Bill 2011

This Bill has already been gazetted so we go straight to the second reading.

**The Honourable Chief Executive**

Mr Speaker, Thank you. This Bill would make a number of mostly very technical amendments to the Electoral Ordinance. Members may be relieved to know that I did not intend to give a detailed explanation of all 64 clauses to the Bill.

Mr Speaker, the Electoral Ordinance was amended to some extent before the 2001 Referendum. However, the ordinance was reviewed again in preparation for the forthcoming single constituency referendum and further amendments need to be made. The majority of changes to be made by this Bill simply ensure the existing provisions in the Electoral Ordinance apply exclusive of modifications to the referenda as well as elections. However, the opportunity has also been taken to make a number of other changes to the Electoral Ordinance.

Firstly, the Bill would make changes to allow the system of rolling registration, to simplify it and to make it work more effectively.

Secondly the Electoral Ordinance currently provides tendered ballot papers to be issued when someone attempts to vote that is marked as having voted already or has arranged to vote by post, proxy or postal proxy. Tendered ballot papers are not actually counted and in practice are very rarely issued. It is proposed to abolish them.

However, the single constituency referendum is being used as a pilot for this. So, unlike the rest of the Bill, the amendments relating to tendered ballot papers only come into force at a later date.

Thirdly, the Electoral Ordinance still contains an out dated provision allowing the Governor to require announcements about elections be broadcast on the former Falkland Islands Broadcasting Station. That will be replaced with a power, subject to

safeguards, to make subsidiary legislation about publicity for the arrangements for elections and referenda and also about regulating media coverage of campaigns.

Fourthly the Bill would allow candidates' partners, not just spouses to attend the counts.

Finally there are changes that are even more technical still. To summarise them, some of them reflect the changes made in the Constitution such as references to the former Legislative Council. Others transfer functions formerly carried out by the Government Secretary, the provision about how election candidates consent to nomination would be amended to reflect the demise of the telegram. Finally there are corrections to cross-referencing other minor errors that are to be identified in the existing version of the Electoral Ordinance.

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

### **The Hon Acting Financial Secretary**

I second the Motion.

### **Mr Speaker**

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

### **Clerk of the Assembly**

Electoral (Amendment) Bill 2011

Jury (Amendment) Bill 2011

The Bill requires a second reading.

### **The Honourable Chief Executive**

Mr Speaker, when someone is charged with a serious crime that is to be heard in the Supreme Court rather than the Magistrates' Court, that person has the right to choose between being tried by a Judge sitting alone or by a Judge and Jury. That right is specifically provided for in the Constitution and it is reflected in section 16 of the Jury Ordinance.

The right to choose between being tried by a Judge and Jury is one aspect of the wider right to a fair trial, which is enshrined in section 6 of the Constitution.

However, potential short comings have been identified in the current provisions relating to Jury Trials. First, there is at least a risk that a verdict could be challenged because of the pool of potential Jurors not being large enough or wide enough. The

size of the Jury pool also creates practical difficulties in assembling a large enough panel for Jury Service.

Secondly there is a risk that in some circumstances there could be inconsistent verdicts in separate trials on the same indictment.

Mr Speaker, both the defendant and the prosecution may challenge a Juror on the grounds of prejudice or partiality. This is consistent and a right of fair trial. There are situations in which it could be very difficult in practice to convene a Jury that is as free as possible from prejudice or partiality, especially in a small community like this one. Even the perception of prejudice or partiality is a problem. Justice must not only be done, it must also be seen to be done.

One of the things this Bill is intended to do is to reduce the risk of challenge as far as possible by extending the qualification of Jury Service and hence the pool of possible Jurors.

Mr Speaker, Clause 5 would replace section 3 of the Jury Ordinance with a new version setting out a new set of qualifications for Jury service. Jurors would be drawn from a large and wider pool of people based on 5 categories.

Firstly, as now, registered voters, which covers those with Falkland Islands Status, Secondly, Permanent Residence Permit Holders, Thirdly, work permit holders, Fourthly, Residence Permit Holders and Fifthly, Adult Dependents named on Permanent Residence Permits, Work Permits and Residence Permits.

There would be no longer requirements for 5-years ordinary residence since the age of 13 but simply a requirement to be ordinarily resident at the time of Jury Service. It might be helpful to mention at this stage that if the Bill is given a second reading I will also be moving an amendment to increase the upper age limit for Jury service from 65 to 70. Mr Speaker, these changes would approximately double the number of people who would be qualified for Jury service.

Clauses 6, 7, and 8 would make the necessary changes to the machinery to identifying those who are liable for Jury service and summoning Jurors when they are needed. Those who serve on a Jury are excused from further Jury service for at least two years. At the moment, this also applies to those who attend for Jury service but do not actually serve on a Jury.

Clause 9 would reduce the number of those who move from the Jury pool by limiting excusal to those who actually serve on a Jury.

Mr Speaker, moving on to the second of the two issues, that is the risk of inconsistent verdicts; when more than one person is being charged at the same time with the same offense or connected offenses. Each of them has a separate right to choose whether to be tried by a Judge and Jury or to be tried by a Judge sitting alone. Obviously they may choose differently and there have to be two separate trials – one before a Judge and Jury and the other before a Judge sitting alone for the same offense or connected offenses. Section 16 (3) of the Jury ordinance deals with that situation. It provides that

the Jury trial must be held first and that it must be completed before the trial with the Judge sitting alone can start.

Mr Speaker, the rationale behind that seems to have been to protect the Jury from the risk of being prejudiced by the verdict of the Judge in the earlier case. However, that order might not be appropriate in all circumstances. Obviously it is always possible that two separate trials might end in different verdicts. However, it is also possible in certain situations where the different verdicts might actually be contradictory.

Clause 10 of the Bill would amend section 16 of the ordinance to allow a trial Judge to decide which is the most appropriate order to conduct the trials. The Trial judge would be able to listen to the arguments from both sides and decide which order is more appropriate in the circumstances in a particular case. These amendments should protect the right to trial by Jury and the right to a fair hearing within a reasonable time by a fair and impartial court.

If existing provisions are left as they are, there is a serious risk the defendants could successfully argue that their rights to a fair trial have been infringed. This Bill is intended to reduce that risk.

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

### **The Honourable Acting Financial Secretary**

Mr Speaker, I second the Motion.

### **Mr Speaker**

Does any Honourable Member wish to speak on the principles of the Bill.

### **The Honourable Jan Cheek**

Firstly I welcome this because historically we have had at least one case I know of and there may be more where verdicts were overturned because the person convicted was successfully able to appeal on the grounds that he was too well known to some of the jurors. I also welcome it because I know the pool of Jurors is so small now that some are overburdened and if a trial takes place in summer, for example, farmers may be taken away from their farms unless they can come up with a very good reason not to for a week or more at a time.

But what we will want to know as soon as possible, and I think this will probably be something that the Attorney General's Department will be able to tell us, and that is what process will be put in place to ensure that Jurors whatever sort of permit holder or connection there may be, but what will be put in place to ensure that they have sufficient command of the English language to understand the evidence presented to them in Court.

Otherwise I support the Bill.

## **The Attorney General**

Thank-you Mr Speaker, in the legislation itself in the Jury Ordinance that there isn't a specific requirement in terms of sufficient command of the English Language. However, when Jurors are called there are opportunities for both the Prosecution and the Defence to examine those Jurors to satisfy themselves that they are capable and appropriate people to hear that case. If as part of that process it becomes apparent that there is a lack of understanding of the English Language then those Jurors can be rejected by the Prosecution and by the Defence Counsels. So there is a safeguard in place. There is no test in the Ordinance as it were.

I suppose the other thing after that response is in terms of are immigration provisions, there are provisions in there which require certain standards of English in terms of people coming to work and reside on the Islands. So there is a secondary degree of protection in that sense.

## **The Honourable Mike Summers**

Speaker, I welcome the purpose of this Bill and the intent behind it is clearly important. However, I have serious misgivings about the process. This is an important issue dealing with the rights of people to a fair trial. It cannot be right that the principles of it being adopted that were set out in the Executive Council Paper in the first instance were not made public. I had to protest to the Governor to get those issued in the first place. In the second place there now appears to be a number of amendments coming to the House, which are quite substantial amendments; and not everybody has had the opportunity to review those and discuss them at length. I don't object to a second reading of this Bill but I would object to a third reading and a completion of the Bill because I don't think this has been properly handled. This is not a piece of legislation that needs to be rushed through; it's a fundamentally important piece of legislation that all of the public should have the opportunity to feel comfortable with. I certainly don't feel comfortable with all the issues that have now been laid before us and are likely to be laid before us in amendments have been properly considered.

## **The Honourable Dick Sawle**

Mr Speaker, Honourable Members, as somebody that has been involved in various events in this courtroom, this is something which certainly those in the Judiciary here have been well aware of as a very practical problem. I think this Bill seeks to address two main issues and one is the practical problem of selecting Jurors and two is the fundamental right that any defendant has to a fair trial and objectivity from those Jurors. In this very small society where we have, as has been pointed out, at the moment on the list of potential Jurors probably only about 50% of the working population of the Falklands, it is incredibly difficult for any defendant to feel that they are going to be treated fairly, so I welcome this Bill. I take on-board the comments made by the Honourable Mike Summers that there could perhaps have been more consultation, I don't necessarily disagree with that but I would like to support my Honourable Colleague, Jan Cheek, when she mentions the test of the ability of a Juror to speak and understand English. I believe that, that test has to be somewhat greater than the one that is applied when a residency permit or a work permit or a PRP



application is made. I think that is a very fundamental issue and it's not perhaps one that would not be heard or investigated thoroughly when the Jurors are selected by both sides in the Court.

**The Honourable Gavin Short**

Mr Speaker, in rising, I, too support this Bill. It is needed because it's been here before. There is a very real danger here that you may not be able to get an untainted Jury. However, the Honourable Dick Sawle has actually slightly stolen my thunder, I do have reservations that the test that is given to a person applying for PRP to the level of English, I don't think would apply to Jury service. That really is just a test to find out whether you have a good enough understanding of English to survive on a day to day basis. I would think a trial probably is a whole different ball game and would require a much greater grasp of the English language.

**Mr Speaker**

The Motion is that the Bill be read a second time. Is there any objection to the Motion? No objection. The Motion will be read a second time.

**Clerk of the Assembly**

The Jury (Amendment) Bill 2011.

**Mr Speaker**

The Assembly is now in Committee

**Clerk of the Assembly**

Clauses 1 to 4.

**The Honourable Chief Executive**

Mr Speaker, I beg to move that Clauses 1 to 4 stand part of the Bill.

**Mr Speaker**

The Motion is that Clauses 1 to 4 stand part of the Bill. Is there any objection to the Motion? No objection, Clauses 1 to 4 stand part of the Bill.

**Clerk of the Assembly**

Clause 5.

**The Honourable Chief Executive**

Mr Speaker, since the Bill was first published there have been a number of issues being considered further in relation to the detail of the Bill. And, as a consequence, I will be moving three amendments. One of these is significant and the others we would

consider to be more technical in nature. The first amendment to Clause 5 would do three things in effect. Firstly, it would re-cast the new version of section 3 of the Jury Ordinance to make qualification for Jury service clearer. Secondly, and this is significant, it would also increase the upper age limit for Jury service from 65 to 70. Finally, it would extend a temporary disqualification from Jury service for those in custody or remand to cover those on bail as well.

Mr Speaker, I beg to move, (a) that Clause 5 be omitted, secondly that the amended version of the clause as set out in the paper to be provided to each Member to be substituted, thirdly that the substituted clause be read a second time and fourthly that the substitute clause stand part of the Bill.

**Mr Speaker**

The Motion is that Clause 5, the amended version before Members be substituted, that the substituted clause be read a second time and that the substituted clause stands part of the Bill. Is there any objection to the Motion? There is no objection, Clause 5 as substituted stands part of the Bill.

**Clerk of the Assembly**

Clause 6

**The Honourable Chief Executive**

Mr Speaker, the second amendment to this Bill is in fact a very simple one. It would make consequential amendments to the new Section 3(B) of the Jury ordinance to reflect the proposed increase in the upper age limit from 65 to 70. Accordingly I beg to move that Clause 6 be amended by omitting 65 and substituting 70 in both places in which it appears in the new section 3(B) being inserted by that clause.

**Mr Speaker**

The Motion is that Clause 6 be amended as indicated by the Honourable Chief Executive and that the amended version before Members be substituted and that the Clause as amended stands part of the Bill. Is there any objection to the Motion? There is no objection, Clause 6 as amended stands part of the Bill.

**Clerk of the Assembly**

Clauses 7 to 10.

**The Honourable Chief Executive**

Mr Speaker, I beg to move that Clauses 7-10 stand part of the Bill.

**Mr Speaker**

The Motion is that Clauses 7 to 10 stand part of the Bill. Is there any objection to the Motion? No objection, Clauses 7 to 10 stand part of the Bill.

**Clerk of the Assembly**

New Clauses 11 and 12.

**The Honourable Chief Executive**

Mr Speaker, Honourable members, this is the last of the three amendments I am moving to this Bill. This would add two new Clauses to the Bill. The first new clause, new Clause 11 would amend section 17(1) of the Jury Ordinance to pick up something missed in the original Bill. Section 17(1) provides that the Trial Judge must explain various things to the defendant in open Court before the defendant chooses between trial by Judge and Jury or a trial by Judge alone. Section 17(1) lists the things that have to be covered in that explanation. The discretion of the Trial judge would be given to determine the order of trial that needs to be reflected in that list.

The second new clause would amend the schedules to the Jury Ordinance in two ways: There are stray references the former Legislative Council as the Clerk to the Councils in part 1 of the schedule. These would now be updated to refer to Legislative Assembly and to the Clerk of the Assembly. An entry in part 3 of the schedule provides that those over the age of 65 or less than 18 can be excused from Jury Service as a right. That would now need to be amended to reflect the increase in the upper age limit. However, it duplicates the qualification provisions in section 3. Until it needed amending it was going to be left alone. However, it is now proposed to remove the entry entirely.

Mr Speaker, I beg to move that new clauses 11 and 12 as set out in the paper provided to each Member be read a second time and be added to the Bill.

**Mr Speaker**

The Motion is that new clauses 11 and 12 be read a second time and added to the Bill. Is there any objection to the Motion? No objection, new Clauses 11 and 12 are read a second time and added to the Bill.

**Clerk of the Assembly**

Clauses 11 and 12.

There are no Schedules.

**Mr Speaker**

The Assembly resumes.

**The Honourable Chief Executive**

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

### **The Honourable Acting Financial Secretary**

I second the Motion.

### **The Honourable Mike Summers**

Mr Speaker, Honourable Members, coming back to my earlier comments and comments of colleagues about inadequacies in the assurances that Members might have about the use of the English language; I have concerns about Section 10 of the Bill and changes to the rights of the Trial Judge to determine the order of trial, which have not been consulted to the wider public. They have been consulted to members of the Legal Service, who commented at very short notice, which was included in an Executive Council paper yesterday and brought straight to the House. That is not adequate process for something of this importance. I object to this Bill being given a third reading.

### **The Honourable Dick Sawle**

Mr Speaker, I would second those comments.

### **The Honourable Emma Edwards**

I would also actually agree with the comments made.

### **The Honourable Mike Summers**

Mr Speaker, just to clarify, I have no objection to this Bill coming to the House on another occasion but I object to it being passed now. So for the benefit of members of the public what is being proposed here is that we take this away, we consolidate the amendments that have been made at very short notice, we consult properly on it and make sure that we have the necessary provisions for dealing with the English Language issues and this Bill comes back either in the same form or an amended form for a third reading at another date.

### **The Honourable Chief Executive**

Mr Speaker, can I say, obviously one understands the concerns that have been expressed by a number of Honourable Members. However, the view of the Attorney General and myself is we are happy to leave this decision to the House and the matter is easy to determine. There is no need for any professional advice and obviously we will act accordingly.

### **Mr Speaker**

I tend to agree with Honourable Members in that it would be right and proper to cease this Bill where it is now and come back to a third reading at a later date.

We will put it to the vote. Four in favour of it coming back for a third reading at a later date and three against.

## **Clerk of Assembly**

The Referendum (Single Constituency Bill) Bill 2011. This Bill requires a second reading.

## **The Honourable Chief Executive**

Mr Speaker, under the Constitution, Members are elected to the Legislative Assembly from two separate constituencies, Camp and Stanley. There was, of course, a referendum in 2001 on a proposal to replace the separate constituencies with a single constituency for the whole of the Islands and also to introduce a system of single transferable voting.

That referendum would have been clearly advisory and, even if the proposal had been approved in a referendum, the Constitution would have to be amended by Order in Council.

Since the new Constitution came into effect at the beginning of 2009, it's been possible to make changes to constituencies by ordinance. However, under section 27(3) of the Constitution that can only be done if the Bill for the amending ordinance is supported by a referendum by two thirds of all of those voting in both constituencies. Mr Speaker, members decided last year that another single constituency referendum had to be held and this Bill will provide for that referendum to be held on the 3<sup>rd</sup> of November 2011.

Anyone registered to vote is entitled to vote in the referendum. This Bill will provide for the referendum to be about a single constituency Bill that appears in Schedule 1 of this Bill. That means that the referendum will satisfy the requirements set out in Section 27(3) of the Constitution.

Mr Speaker, voters would be asked, "Do you want a single constituency for the whole of the Islands?" And they would be able to answer either yes, I support the single constituency Bill or no, I oppose the single constituency Bill.

Unlike 2001 the referendum would only be about the question of whether there should be a single constituency for the whole of the Islands or separate constituencies for Camp and Stanley but it would not be about the voting system itself.

The Bill also deals with the referendum arrangements including the information to be given to the voters, allocation of responsibilities, staffing and the appointment and role of count observers.

To the extent that more specific provision is not made, the Electoral Ordinance would apply to the referendum but there would be a power under the Bill for subsidiary legislation to be made if required.

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

## **The Honourable Acting Financial Secretary**

I second the Motion.

## **Mr Speaker**

Honourable Members, the Motion is that Bill be read a second time, does any Honourable Member wish to speak to the Bill? There is 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 that the Bill be read for a third time and do pass.

## **Clerk of Assembly**

The Referendum (Single Constituency Bill) Bill 2011

The Motion for Adjournment.

## **The Honourable Chief Executive**

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

## **The Honourable Dick Sawle**

Mr Speaker, Honourable Members In rising to support the motion for adjournment today, I would like to firstly (as I missed the last Assembly meeting) welcome the Honourable Mike Summers to this Assembly. I look forward to working closely with you and all colleagues on many issues and making good progress. I would also via the Chief of Staff Jim Klein like to welcome Brigadier Bill Aldridge. We are, living in interesting times. The Strategic Defence Review has resulted in some sweeping changes but we are all grateful not only for the continual, uninterrupted and unreserved support shown to the Falkland Islands by UK politicians from all parties, but also we are indebted to you for the hard work and dedication shown towards us by the forces under your command. We have some potentially very interesting tasks ahead of us as we look at ways of localising some non-military elements of your operation at MPA and ways in which we can cooperate to mutual benefit.

However, the defence of the Falkland Islands is not something which relies wholly on strong deterrence. We also have to be self-reliant and resilient. I am delighted that, with this in mind, we have now resolved the issue of international shipping. There remains a great deal of work yet to be done, but the framework is there and there is no practical reason for it to not be successful. I know from talking to people that there is a large sigh of relief and a desire for the service to be up and running as soon as possible. This service has huge potential in terms of economic benefit to the Islands, and the continued efforts of all of those involved in both SAAS and CFL are much appreciated

On the Import Substitution front, a scheme has now been approved which will enable those who wish to seize the opportunity to grow more locally and reduce reliance on imports. That work is now finished and details will very shortly be available on how

the assistance package will work. I hear of the success of the Farmer's Market. It is clearly a victim of its own success as it has always been sold out by the time I get there. I hope that this will help to boost activity and enterprise and make future events even more popular and successful. I also hope that a free market will result in competitive pricing and thereby reduce the costs of vegetables, but that will become clear in the course of time.

But, Mr Speaker, we cannot sit back and consider the job done. The Falklands message has to be sent outside in clear and unequivocal terms to the wider audience. We are doing that on many fronts, some of them, like the C24, are customary and very public. However, a lot of the work is in the background and involves meeting foreign journalists, foreign politicians and attending a variety of events. Some of this work, is very public and short-lived, but much of the progress is a question of networking with people, building confidence, trust and contact and then working on these relationships to further our aims and get our message of self-determination out on the international stage. The results of this work are not readily seen, but like any good medicine, it slowly works its way into the system and hopefully cures the rot.

Turning to more local issues and the thorny question of roads, there are some dreadful stretches of roads in the Falklands and nobody can doubt that for one moment. There is no instant fix. This is unfortunate, but a fact of life. Next week we are all meeting to discuss what we can achieve, but it would be foolish to pretend that we can provide a long-term fix for the problem. It would be equally foolish to make promises that we simply cannot keep. The only promise that I or any of us can make is that we will give it all the time it takes. In consultation with a very experienced and knowledgeable team, we will do our very best with the resources that we have available. As I often say, to those who ask, the lowest common denominator in this particular equation is cost.

Recently we had a collective trip to Camp, first Goose Green and then on to the West. The public meetings were I hope interesting, informative and sociable events. I certainly found them to be exactly that. It was great to catch up on Camp and see people and places that I hadn't visited for years. If the weather hadn't been so bad, it would have been good to have had a longer yarn, set the world to rights over a beer or two and no doubt have a completely erased memory by the next morning as to what was the precise nature of the perfect solution to everything. Reflecting more deeply on this, I suspect that may have happened once or twice, but I can't recall the exact details!

Another important point I would make Mr Speaker is that of consultation with the public, which is an issue that has been raised at different points today. This is undoubtedly an important and vital part of any democratic system of government. However, it is not always a simple matter to engage in a complete public consultation exercise for each and every item, there has to be a degree of choice as to what needs extensive consultation and what does not need such detail. The answer lies with the Gazette this is the official government document and is available on-line and also on CD by subscription. This is the consultation document that is issued on a regular basis. However, I believe the vast majority do not have time to read the papers off a computer screen or the ability to print off from a CD what can be many pages. The solution Mr Speaker has to be to offer a subscription service on printed paper as it

used to be. I do sincerely hope that we can revert to this far more sensible system it may cost us a few pennies, but I believe we cannot afford not to go back to print.

Mr Speaker, I answered a question on radio coverage around the Falklands this morning. These improvements make a great deal of sense. Just briefly visiting Camp reminds me of the isolation that must gnaw away at the soul if there is no radio, no TV, no phone and no internet. The last two years have undoubtedly seen vast improvements in all of these areas. It's not yet perfect, but as Shakespeare once wrote:-

“The image of it gives me content already, and I trust it will grow to a most prosperous perfection”

In closing, Mr Speaker (and declaring my interest as a Director of Stanley Services), I would like to briefly make mention of Falkland Islands Television (FITV). FITV has been running now for only 6 months, but it tackles local news and issues with a huge amount of enthusiasm and energy. I have every admiration for the way in which they work and really do wish them every success with the venture. Early days are always the hardest times, but from what I see and hear, they are doing a great job. To those critics, I would simply say that it is not an easy task being behind or indeed in front of a camera. The venture is going well and has what it takes to be a resounding success.

Entrepreneurs, innovators, risk-takers, movers and shakers all of these are what makes us a great country, so let's be sure to encourage and promote these values.

I support the Motion.

### **The Honourable Jan Cheek**

Mr Speaker, Honourable Members, I will be brief as I'm the one who has been coughing when everyone else has been speaking. I would like firstly to associate myself with the remarks made by the Honourable Dick Sawle regarding the Military and our defence of the Islands in its broadest sense.

Turning to my main portfolio, that of education, I am pleased to say that August has produced firstly a good set of “A” Level results; we have also received news of 14 graduates, one gaining a first, 8 gaining 2.1 another PGCE and Qualified Teacher status. I'd like to pass my heartfelt congratulations to all of those and I hope it will not be too many years before they are back in the Falklands and contributing to our community.

I'd like to commiserate with the Honourable Emma Edwards, who I know spent an entire night downloading the GCSE results and I'd like to pass my congratulations to all the students who have achieved what they have set out to; and I would like to use this time to remind them that while the academic route is an excellent one and an interesting one, don't forget the apprenticeships. We have more on offer now, we have a wider range of areas that can be the lead into very interesting careers. Should you wish to pursue a more academic route later then you can do that also.



Finally, I'd like to take a moment to pay tribute to a friend and former colleague both from school and latterly as a fellow trustee of the Museum. "Tim" Simpson was an outstanding teacher whose extraordinary dedication to young people earned her an MBE several years ago. In her role as Art Teacher she enabled students to discover abilities on many levels. But on the other hand, she was always ready to listen and advise in her characteristically down to earth fashion when anyone needed help. When she finally retired and for as long as her failing health permitted she was an active and enthusiastic Trustee of the Museum, where she will be sorely missed. I can think of few Government servants whose work touched so many lives.

I support the Motion.

### **The Honourable Emma Edwards**

Mr Speaker, Honourable members, I love spring and it really is an absolutely beautiful spring morning with its smells in the air. Spring for me really is the start of the new year and we see a new school year start next month. And, declaring my interest, I'd very much like to congratulate those students who found out their GCSE results yesterday. For those students it is a start of a new chapter in their lives. It may mean heading off to college or starting to look for work. Whatever direction the results take you in, I wish all of those students good luck in the future.

Again, I love spring. Lambs are starting to appear along the MPA Road. Although most sheep do learn quite quickly that playing with vehicles can be terminal, I do ask drivers to take extra care when you see sheep and to slow down. I always find it so sad to see a sheep dead on the side of the road and hope that their deaths have been swift. I also, though, hear of people coming across sheep still alive. I do know that sometimes you cannot help hitting the animals as they tear out of ditches before you can do anything about it. The least a driver can do is to stop and check the animal and not just leave it in the road for somebody else to come and deal with.

Spring, yes it is lovely. The other day from a Gilbert House window I saw the pretty courting dance of Grey Ducks. They will be nesting soon and, yes, this is leading to Cape Pembroke. Spring along the shore of Cape Pembroke is a pleasure. The birds will soon be nesting, the Magellanic penguins will soon be making their appearances in large numbers in the middle of next month and the smelly old Sea Lions will be roaring and making their harems in the tussock grass. All too often though, we forget about the little birds. They nest in the long grass and amongst the Diddle Dee. This is the sort of area that our more adventurous drivers like to explore. We are in a society to enjoy freedoms but stones have been placed around a pond known as Yorke Pond for a reason. They are stones and not a fence because we have to allow horses to get access to the water. But they are also there to try and encourage people and members of the public not to drive in the area. When I hear that these stones have been moved to allow vehicle access I sometimes wonder what goes through people's minds. It is an important area for our wildlife. If the few members of the public who continue to move the stones and insist on driving around this pond then we will have no other option but to start to look towards legislation to protect this area. It is not a move I would like to go down and I really ask the public to please recognise that they are there for a reason so everybody can enjoy the special area.

I am also very pleased to report that the Public Accounts Committee has now completed their Stanley Dairy Report and this has been handed to the Governor. I believe it highlights important issues and I would like to thank the Chair of the Public Accounts Committee and other members of the PAC for their hard work in producing this report. I am sure Members will enjoy reading it, too.

Spring also means time to weed the gardens and to start planting seeds. I was very pleased this Assembly has made provision to encourage more locally produced goods through the Import Substitution Scheme. I am trying to do my bit and now am the proud owner of a young rooster and two very geriatric hens. I have been feeding them for a month and am still awaiting my first egg. I wish others more success but hope that spring will help the old girls pay their way.

Finally, it's the Single Constituency Bill. I am amazed at the amount of legislation that has to be gone through just to create one question to ask people. I am amazed actually and I nearly spoke on the subject that we haven't specified the colour of the paper that the Bill needs to be written on. We have specified the size; we haven't specified the colour or weight and I do believe that sometimes we get bogged down in Assembly and legislation.

Thank you Mr Speaker. I support the Motion.

### **The Honourable Gavin Short**

Mr Speaker, Honourable Members, in rising to support the Motion of Adjournment I would like to make a couple of points if I may, please?

I would like to say thanks to those in the Power and Electrical Section who went out and made sure that Stanley was again lit up like a little Christmas tree after our last session here and also for putting the covers back on the tin-lamp posts around town. If the public see any of the posts minus covers or working lights, etc. I or the Power Station would be very happy to hear from you.

As stated here before the Department is woefully under-staffed but manage in spite of this to respond very quickly to requests to repair lights. I have yet to hear how we are getting on recruiting the extra manpower required for the power station. However, I do hope I will be given some positive news on this soon and that will not be allowed to drag on for another two plus years.

With one eye on the future, I have asked PWD to inform me of the type of street lamps that will be used on the Sapper Hill development, as the new ones that we have here around town, which to me look more like tin whistles with lights on top certainly don't seem to be coping with our winds without trying to vibrate the lamps or their innards to pieces and I suspect that Sapper Hill is going to cop some rather boisterous winds. And I certainly don't want us having to spend more cash in the future bolting RSJs on to them in order to stop them from self-destructing.

The MPA Road has caused me to get a few broadsides over the past months, not to mention compacted vertebrae from my weekly excursions up and down to the LAN flight. Weather has played a great part in this. If you get a wet spell then as quick as

the grader can get up and down the road, the holes are re-forming. And it's only if you get a few dry days that you can start to make a difference. And I am not taking a pop at the road crew. They do the best they can and I, for one, appreciate their efforts.

The fact is that all the goods for Stanley have to be hauled in the road and that is a large contribution factor to the state of the MPA Road and this is something that we will have to keep firmly in our minds if we decide that Mare Harbour is the place for our port; as traffic levels will increase and we cannot have the road that in long periods of darkness becomes extremely dangerous. This will have to be factored in to the final price of the port.

I know the efforts made by some of the MLAs to get around as much of the road system on the West as they could during their recent outing. It was very much appreciated. And in only a few days we will be locking ourselves away to have a session on roads. I guess we all know before the key turns in the lock that it will come down to dosh. I suspect that we will have to consider seriously upping the amount that is spent if we want to make a difference, which in turn will take funding away from other capital projects. It is going to be difficult to strike the right balance but if life were easy then it would be boring.

I am actually finding myself torn between wanting a dry summer so that we can crack on with roads and Sapper Hill and all the other projects that depend on the weather being kind to us and also wanting rain so that the effects on the water supply for having a second rig down this way aren't felt too much.

It has been a joy to watch the cement going down on Ross Road; and I would like to thank the public for their patience as laying cement and, more to the point, waiting for it to go off does take time. But unlike Asphalt, it does have a much longer life if laid correctly. That said, the front road is something that I know the PWD are wary of touching as it is sitting on top of clay, very deep clay which would almost be prohibitively time consuming not to mention expensive to dig out. So we are keeping our fingers firmly crossed that the methods used on the slabs outside of the Police Station will work.

What is causing me some alarm though is the rate at which the old sections are breaking up as soon as the traffic is all re-directed on to one side. The front road has done us well and has certainly stood up brilliantly to traffic flows and weights that are much greater than it was ever imagined when it was laid.

Once the slabs are finished then we can get on with putting the barriers up on the sidewalk and installing the zebra crossing and opening up the footpath down from the IJS, which I hope will alleviate the extremely unhealthy mix of vehicles and pedestrians that we have at the moment.

Some time ago there was general talk of looking at a one-way system. The works on the front road have caused traffic to flow in directions that they normally wouldn't, were Ross Road open. This has had an unfortunate effect on one house owner who lives on a road that has suddenly saw much heavier use. The traffic passing by is actually causing quite strong vibrations to be felt which he is becoming heartily fed up with. I can only presume that this is because in areas of old Stanley, roads and

properties are built on top of peat and clay. I can only apologise and assure him that we will have Ross Road works finished as soon as is humanly possible.

I was extremely happy to see the Immigration and PRP amendments finally come into this House. There were times when it seemed like it would never happen; and my grateful thanks to all those involved. A lot more work remains to be done but progress is being made and we start work in earnest again in September.

Before sitting down I would like to turn my attention towards the dreaded neighbours. I note in particular a statement that was made by their defence minister in which he said that his Government was minded to respect our ways of life, language, culture, etc. We've heard all this before and from my experience of them nearly thirty years ago, they would not know the word "respect" if it came up and sat up on its hind legs wanting attention. I had a dose of their respect and will not be having another experience of it. Perhaps if instead of using macho bullying tactics they were to grow up or smell the coffee and start to behave like a first world country, which they say they are and recognise us as a people with just as much right to our country and to determine our own future and way of life as they have then maybe, just maybe, given long enough we could start to have normal, friendly relations as we would hope to have with any other country. But until they drop their totally unfounded and illegal claim, stop behaving in a threatening, macho manner and with blatant disregard for international treaties then they can sit over in their crumbling country and posture all they like. This Islander is not giving an inch, full stop.

Sir, I wish to support the Motion

### **The Honourable Roger Edwards**

Mr Speaker, Honourable members, in rising to support the Motion for Adjournment I would like to go back a few weeks to Farmers' Week here in Stanley. And there was a note of optimism at that meeting, be it better wool prices, better meat prices, more co-operation with the Department of Agriculture or what it was but there was definitely a sign of optimism that week among the farmers. And something I heard which is seldom heard among farmers, certainly not in the recent years, farmers complaining about how much income tax they are paying. That optimism, I note, is now on front page of Penguin News this morning in Stanley.

And so despite all the problems and hassles thrown at us by our neighbours across the water the Islands are optimistic and I think we can be optimistic for the future; which leads me on to congratulate all those students who worked hard for their results at GCSE, "A" Level and their degrees. This is not the end for them but this is the start of the next stage in their life. I encourage them all to work hard because you are our future.

I'd like to apologise for the shortened meeting at Fox Bay. Some Members had to leave to catch the aircraft as the Ferry had been cancelled due to the inclement weather. However, I would like to thank all those Members and Officers who took their time out to go to Goose Green and to Fox Bay. I believe that it is very important that we not only hold meetings here in Stanley but out in Camp to give as many as possible the opportunity of questioning those who make the decisions.

The delay in return for some, I can't honestly say that I organised it but it did give them the feeling of what I get on a fairly regular basis, when I get stuck in Stanley either FIGAS can't fly because of fog, the ferry can't run because it's too rough or what have you. So they experienced some of that medicine.

I am pleased to say that funding for the Import Substitution, the paper went through Executive Council this morning and the funding was ratified this morning in the Standing Finance Committee and I look forward to seeing the details of the grant and soft loans available to people out there who wish to grow horticultural products or eggs or what have you to improve our lot with regard to Import Substitution. And hopefully also to bring down the price we have to pay for our produce here in the Falkland Islands.

We heard this morning that the livestock and meat products legislation has gone through. This was delayed because I asked the Veterinary Officer to explain to Farmers at Farmers' Week in more detail what this meant and why it had to be imposed. But I would still urge all those who have more queries to contact the Agricultural Department, the Veterinary Officer to solve those problems.

I and my Colleague Sharon Halford are very shortly off to the Party Conferences in Birmingham, Liverpool and Manchester. So, no exotic places on our travels, however, as has been mentioned earlier, it is very important that we get our points of view across. There are many new politicians in the UK and we need to gain their confidence and express our wishes to them. There was a Mercopress article a couple of days ago which several people have mentioned to me and it was regarding the port and our expected imminent expenditure (£50 to 60 Million). On that port, I would like to point out that we all accept that at some time in the future a new port will be a necessity. Various areas have been identified for that port but I can assure everyone that no decisions yet have been taken as to where it will be or the cost of it will be. So that Mercopress article, for those listening, was a little early.

Finally, I welcome the Acting Financial Secretary to her first sitting in this Assembly.

Mr Speaker, I support the Motion.

### **The Honourable Mike Summers**

Mr Speaker, Honourable Members, I have a few things to touch on briefly. I was not really part of putting together the Referendum Bill and therefore I have not spoken about it publically in the past. I am pleased to see it here. I know it's irritating to have very, very long Bills to deal with relatively short issues but it probably needs to be done. Actually I suspect we might need to use this provision at least two or three more times afterwards because if there is not an agreement on a single constituency then there probably will be requests for something else. But actually I am not a supporter of a single constituency and I don't think it will make people in Camp better represented. But I do favour a readjustment of the numbers between Stanley and Camp to something like 6 and 2. I have talked to a number of people about that, who think it might be a better way to go but we will see.

Many people have already talked about the Import Substitution Programme and I am happy that's now come through. It's one of the processes and it will be advertised now from FIDC and people will then be able to take that up. I think I will be involved in that most of the way so if people are unclear about what's happening with the Import Substitution Programme by all means give me a call and I will try to help. But it is an important attempt to come a little closer to self-sufficiency. Self-sufficiency is one of those nice, green, ideas that we have that are sometimes are not that altogether practical but I think in this particular case the growing of food stuffs in the Falklands is perfectly possible. We are a food producing nation, we always have been and that's an important place to be in this difficult world.

And I hope in the next few weeks to be able to get some more meat on the bones of programmes from the Rural Development Strategy. We will be having a discussion next week about the high-level objectives and then hope to get to some high-level solutions which we don't yet have. There are some important things to be done in Camp, some important concepts to be talked through and I think some important investments to be made to achieve the sort of objectives we are looking for.

I would like to associate myself with the remarks the Honourable Jan Cheek made about "Tim" Simpson. She's not a lady that I knew but I am mightily impressed that everybody that I have met who did know her had a huge amount of respect for her and I think she will be hugely missed in this community. And the emotion that Jan showed in talking about her is testimony to the work that she did in this community.

A brief word about shipping and the new arrangements for shipping: The nice thing about this is that it's not only just been put in place but it is that we will always find solutions to these sorts of problems and it doesn't matter how many different problems that the neighbours or others try to throw at us. We will always find a solution. There's always another way of doing things and we will always find them. Sometimes it's difficult to accept that a certain service is not there anymore, we can't ship to Punta, and we can't ship to here or to there. But there's another way of doing it. And I think if there is a message from this to the other side, it is just, "open your eyes." We are Islanders, we are resilient, and we will always find another way. That's how we've lived for the last two centuries and that's how we will do for the next couple of centuries and that's how all Islanders cope with their lives. So try as you might, we will survive.

A quick word about transparency and consultation: I did raise the issue in a particular manner today. But it has been my experience over the years that this is one of the more difficult things for all councils to deal with. And I know that sometimes people don't like the putting out information that they think might have the wrong effect in the wrong places but we do ultimately have a responsibility to the public and to keep them informed about what's going on. And I am very pleased that we are about to appoint our own public relations manager who can begin to manage the information, massive amounts of information that is available from the Government and that can be given to the public. And the solution to these things is never a single solution. It's not just going on the radio, it's not just putting it in the Penguin News, and it's not just almost ever putting it in the Gazette because nobody reads it. It always going to be a multiple of those things and very often you have to push information in front of

people to get them to see it and to join in the discussion. But that's our responsibility, that's what we have to do.

Finally, I would just like to wish good luck to the two young ladies going to Commonwealth Youth Parliament shortly. I hope they will have a fantastic time. I know they will represent the Falklands really well. I would also like to wish good luck to our five competitors going to the Commonwealth Youth Games on the Isle of Man. And I know that they will do a really good job for us because I have already seen them doing it in Delhi and on the Isle of Wight. So I wish them very good fortune.

I support the Motion.

### **The Honourable Sharon Halford**

Mr Speaker, Honourable Members, it seems to be that time of year again where madness takes over and common sense goes out the window. I know not everyone will agree with me but we, your officers have been tasked to update and effectively write the business plan, in other words the Islands Plan. This is a time consuming exercise and gets rid of a rain forest or three each time around. It would be interesting to ascertain just how many man hours goes into this exercise, hours that could be better spent on real work.

I would agree with the comments the Honourable Emma Edwards made on the budget and all the paperwork that comes out of it. I apologise for my simple request on my yes, no answer for the single constituency. It's created massive amounts of paperwork. I would also lend my support for the idea of the Gazette. Although this is increasing paperwork being in paper form rather than on computer, I mean, who said computers would get rid of paperwork. In this instance, they obviously are not going to.

Last week we had a very welcome change from my usual routine in that we went out to Goose Green for a public meeting and took the ferry across to the West where we held another public meeting in Fox Bay. I would like to thank all of you who took time out to attend and hope your journeys were worthwhile. I apologise for opting out early from Fox Bay but with the weather closing in as it was, I thought it was the best option. Next time I visit, I plan on staying at least a week.

I heard not so long ago of a ferry crossing the Sound westbound with a trailer-load of peat. This must surely be the longest peat-carting route in the Falklands. I am slightly bemused as to why peat cannot be sourced on West Falkland as it would surely have been far cheaper. As I understand it, peat is a mineral and as such belongs to the Crown. Far less peat is cut these days in the Islands; I would have thought that there must still be plenty around to satisfy the needs of the few who require it. No doubt someone will give me the true details of the exceptionally long peat haul.

There was mention about communications earlier and FITV and their success. I wish them every success, too. But as I haven't the faintest idea of what they produce, I can't really comment further. I would consider them successful when they can actually put their channel around Islandwide. I look forward to that.

I understand there is a petition going around Stanley about the time change or lack of it this last winter. I would like to say, well done,” to whoever has got this up and running as you obviously feel very strongly about it. You all know my views on this. However, as not changing the time this winter was a trial, it is an issue that needs further debate. Should we next trial a year on Falklands’ time, other words, Camp time, should we try changing the time for three months during the winter? Should we go back to changing the time as we always did previously? Or should we stay on this so called summertime all year round? How does the change of time or no change of time affect your daily life and work. I do believe all MLAs would like to hear from everyone with an opinion of whether one likes winter time in winter or summertime in winter. I am from one of those households as my husband, being a little bit tight, likes the fact with the summertime that he doesn’t run the generator for as long as he would normally otherwise. I, on the other hand, don’t like it.

Now that we have hopefully managed to leave the winter behind us, we are once again reminded that spring is here as every time I drive along the road to and from home I manage to count more baby lambs along the way. Once again, I would like to remind drivers to take care as these lovely little things are not wise to the world and do not have too much road sense. But you should.

Talking of roads, I, too, acknowledge the fact that there are a lot of bad roads. They are not just bad on West Falkland; they are bad on East Falkland also. They are particularly bad this season. The road gang have done a tremendous job and continue to do so in repairing the MPA Road. Hopefully before the season kicks in and people are wanting to transfer their stock to FIMCO, they will be able to get around and make some of those other roads navigable because, at the moment, some of them would certainly not be, with the stock trailers.

There’s also been criticism of signage over the past couple of weeks in Penguin News about triangles being put on gates and one actually said “gate” and I would agree that is pretty obvious. The gate is there. But believe me, without those triangles, which are luminous at night time, it’s amazing how many gates get destroyed. Somebody made the wisecrack perhaps we should put signs on posts beside them. Perhaps we should if you have seen as many of them taken out as I have! And of course, nobody’s ever done it but they are just lying on the ground. So I don’t think we can ever complain when we see signage. We have to bear in mind, too, just because some of us know where these things are, other people who may be out driving don’t. When you are out in dark areas, and you are not familiar with the road, you are not really sure what’s around the next corner or along the way, so a sign on a gate is not a bad thing. But hopefully, we will eventually get rid of all the gates and have cattle grids.

I support the Motion.

**Mr Speaker**

Honourable Members the House stands adjourned accordingly.





**Legislative Assembly**  
**Question for Written Answer**  
**Number 02/2011 by the Honourable Roger Edwards**

In view of a recent article in the Penguin News and increasing comment from members of the public, please could the Chief Executive give a complete and detailed breakdown of costs of the Container Park built recently close to FIPASS. Costs are to include preparation works completed by Public Works Department prior to Morrisons getting on site, electrical installations, materials, labour and management costs, concrete and security fence.

Could the Chief Executive also state how much the Falkland Islands Development Corporation put into this project and if this figure is included in the above totals?

**Response to Legislative Assembly Question Number 02/11**

Spend to date on the container park totals £1,283,000 which is within the approved funding and can be broken down as follows:

FIG costs totalling £468,000 as follows:

Labour costs	£ 71,000
Plant Hire costs	£106,000
Fuel costs	£ 22,000
Plant Maintenance costs	£ 17,000
Aggregates	£226,000
Asphalt	£ 26,000

Costs incurred directly from Morrisons of £441,000 as follows:

Labour & management costs	£214,000
Private sector plant hire	£ 30,000
Materials costs	£100,000
Shipping costs	£ 61,000
MFL 10% fee	£ 36,000

Other costs, including sub-contractors fees, were incurred as follows:

Concrete works	£ 122,000
Electrical works	£ 110,000
Floodlights	£ 38,000
Fencing costs	£ 24,000
Miscellaneous materials	£ 21,000
Shipping costs	£ 59,000

In addition to this FIDC spent £49,000 on the temporary container yard known as Area A.

Shipping Costs can be broken down as follows:

Morrison's		
<b>Material</b>	<b>Shipping Cost</b>	
Setting out equipment	£	260.00
Reinforcement Tying Wire	£	722.00
Bamtec Reinforcing Mat, A393 Mesh & Spacers	£	47,414.00
Dowels Jointing Materials, Formwork & Concreting Equipment	£	10,407.00
Sleepers & Drainage	£	2,397.00
		£61,200.00

Bolt assemblies for floodlights FIC	£	404.08
Drainage pipes - FIC	£	2,766.26
Drainage pipes - FIC	£	2,921.24
Floodlights FIC	£	2,964.53
Fencing - FIC	£	2,593.59
Fencing - FIC	£	2,933.80
Electrical cables - FIC	£	2,247.46
Concrete shipping costs - SAAS	£	29,388.00
Electrical materials -AGR	£	2,244.92
Electrical materials -AGR	£	10,191.82
		£58,655.70



**Title of Report:** Response to the Report of the Public Accounts Committee on Vehicle Procurement, Control and Usage by the Falkland Islands Government (Laid on the Table under Motion 1/2011 on 25 February 2011)

**Motion No:** 6 of 2011

**Date:** 26 August 2011

**Report of:** The Governor in Executive Council

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## **1.0 PURPOSE**

- 1.1 To advise of the response of Executive Council in respect of the report from the Public Accounts Committee on FIG Use of Vehicles.

## **2.0 RESPONSE**

- 1.0 That the recommendations of the Public Accounts Committee are accepted in principle; and that

The Director of Public Works should:

- Develop a system to monitor vehicle fuel usage  
This system will be developed in conjunction with the Internal Audit Department, and will need to be verified that the resources used to implement and monitor the system will actually be of any benefit to FIG. This will be progressed during the 2011/12 financial year in conjunction with the Chief Internal Auditor and the Plant and Vehicle Manager of PWD.
  - Investigate the options for vehicle maintenance contracts  
The merits of individual contracts versus a single centralised contract will be evaluated and a report will be prepared in conjunction with the Plant & Vehicle Manager of PWD, bearing in mind the current system does allow more flexibility than previous fixed term contracts.
- and
- Report on the feasibility and implications of encouraging greater use of private vehicles for Government business

A report will be prepared by the Plant and Vehicle Manager of PWD during the 2011/12 financial year, with input being sought across all FIG departments.

## **2.0 BACKGROUND**

2.0 The Public Accounts Committee submitted a report on FIG use of Vehicles to Members of the Legislative Assembly on 5 January 2011. The report was submitted to the Legislative Assembly by way of Motion No 1/2011 on 25 February 2011 in accordance with section 81(5) of the Constitution. The report recommends that the Government should take a course of action. Section 14 of the Public Accounts Committee Ordinance requires the Governor (in Council) to submit within, six months, a written response to such a report to the Assembly.

2.1 The Public Accounts Committee made the following recommendations:

- The Chief Internal Auditor should audit fuel use monitoring systems periodically throughout the departments.
- The relative merits of the existing system of managers negotiating individually with service providers and of one where a central contract is tendered every few years should be analysed.
- The feasibility and cost benefits of encouraging greater use of private vehicles for Government business on a reimbursement basis be studied.

2.2 A paper was submitted to Executive Council on July 28<sup>th</sup> 2011 by the Public Works Department's Design Engineer on behalf of the Director of Public Works. The paper accepted in principle the recommendations of the Public Accounts Committee, and that the Director of Public Works would

- a. develop a system to monitor vehicle fuel usage;
- b. investigate the options for vehicle maintenance contracts;
- c. reports on the feasibility and implications of encouraging greater use of private vehicles for Government business.



**Title of Report:** Response to the Report of the Public Accounts Committee on Falklands Landholdings (Laid on the Table under Motion 2/2011 on 25 February 2011)

**Motion No:** 7 of 2011

**Date:** 26 August 2011

**Report of:** The Governor in Executive Council

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## **1.0 PURPOSE**

1.1 To advise of the response of Executive Council in respect of the report from the Public Accounts Committee on Falklands Landholdings (FLH).

## **2.0 RESPONSE**

2.1 That the recommendations of the Public Accounts Committee have been accepted by Executive Council which has determined that:

- (a) The priority for FLH must be to make a profit or at least break even in accordance with the five year plans as set out in Executive Council Paper 190/11.
- (b) In tandem with but not to the detriment of recommendation (a), FLH should then strive to achieve the objectives outlined below in order of priority

- Secure Profitability
- Secure high levels of productivity, quality as well as quantity
- As far as is practicable in terms of the first two objectives above, ensure a supply of good quality animals to the abattoir
- Maintain a degree of detachment from FIG but maintain a degree of democratic accountability
- Provide a test-bed for new techniques and options for farming
- Encourage careers in Agriculture
- Maintain social structure and create camp communities

### 3.0 BACKGROUND

3.1 The Public Accounts Committee submitted a report on Falklands Land Holdings to Members of the Legislative Assembly on 25 February 2011. The report was submitted to the Legislative Assembly by way of Motion No 2/2011 in accordance with section 81(5) of the Constitution. The report recommends that the Government should take a course of action. Section 14 of the Public Accounts Committee Ordinance requires the Governor (in Council) to submit within, six months, a written response to such a report to the Assembly.

3.2 The Public Accounts Committee made the following recommendations:

*“that an updated public statement be made regarding the direction and management of FLH, with clear management and financial targets over a declared period”.*

3.3 A paper was submitted to Executive Council on 16 August 2011 by the General Manager of Falklands Landholdings. The paper recommended that Executive Council accept in principle the recommendations of the Public Accounts Committee, and made a number of detailed recommendations. On consideration of the paper, Executive Council agreed to accept the recommendations of the Public Accounts Committee, and that Executive Council should direct Falklands Landholdings as follows:

*(a) The priority for FLH must be to make a profit or at least break even in accordance with the five year plans as set out in Executive Council Paper 190/11 attached.*

*(b) In tandem with but not to the detriment of recommendation (a), FLH should then strive to achieve the objectives set in the 1990's outlined below in order of priority:*

- *Secure Profitability*
- *Secure high levels of productivity, quality as well as quantity*
- *As far as is practicable in terms of the first two objectives above, ensure a supply of good quality animals to the abattoir*
- *Maintain a degree of detachment from FIG but maintain a degree of democratic accountability*
- *Provide a test-bed for new techniques and options for farming*
- *Encourage careers in Agriculture*
- *Maintain social structure and create camp communities*

3.4 The further paper referred to (190/11) contained detailed business plans for Falklands Landholdings. In connection with this report Executive Council agreed:

- (a) *That all three FLH farms continue to be operated as part of the FLH Corporation but they be permitted to operate more independently of each other.*

- (b) *That the Stanley Office administration is wound down and its functions transferred to the farm managers on their own farms.*
- (c) *That the accounts and audit functions should continue as at present.*
- (d) *That the five year plans (appendices 1-3 of the report) are adopted for each of the three farms but that a clear presentation be provided to Executive Council within six months.*
- (e) *That a bonus scheme to award performance based on annual operating profit (profit before interest and tax) be agreed.*

3.5 Therefore clear financial targets will be published within a six month period following further consideration by Executive Council.