



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

**HELD IN STANLEY
ON 27 OCTOBER 2011**

**RECORD OF THE MEETING OF THE LEGISLATIVE ASSEMBLY
HELD IN STANLEY ON THURSDAY 27 OCTOBER 2011**

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

MEMBERS (Ex-Officio)

The Honourable Chief Executive
(Dr Timothy Rupert Thorogood)

The Honourable Financial Secretary
(Keith Padgett)

Elected

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

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

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Could the Honourable Sharon Halford please advise the House on the following:-

1. The number of patients referred to Chile per annum for the last five years;
2. The number of patients referred to the UK per annum for the last five years;
3. The cost of MTO treatments in Chile per annum for the last five years;
4. The cost of MTO treatments in the UK per annum for the last five years;
5. How many patients are currently waiting in the Falklands for visits from specialists;
6. What is the average waiting time for patients in the Falklands for treatment that is not available normally in the Falklands?
7. Has this waiting time been reduced or increased in the last five years and if so, by how much?
8. and; is there a patient's charter in the Falklands which details patient's rights regarding length of time for consultations and treatment, information given to the patient, complaints procedures and patient duties towards the medical service provided?

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This question lapsed under Standing Orders 37(7)

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**The Record of the meeting of Legislative Assembly
held on Thursday 27 October 2011**

Prayers

Mr Speaker

Election to Executive Council

I appoint the Attorney General and the Honourable Financial Secretary to be tellers for the purpose of this election.

Voting took place

Mr Speaker

The Stanley Representative duly elected for Executive Council is The Honourable Dick Sawle

For the Camp Representative, there is a tie; we have equal votes for The Honourable Roger Edwards and The Honourable Sharon Halford. Would you please vote again for the Camp Representative?

The Camp Representative duly elected for Executive Council is The Honourable Sharon Halford.

The Representative from either Stanley or the Camp to serve on Executive Council the election is The Honourable Jan Cheek.

The Executive Council for the next year as far as Honourable Members are concerned comprises:

The Honourable Dick Sawle
The Honourable Sharon Halford
The Honourable Jan Cheek

Clerk of the Assembly

Confirmation of the record of the Legislative Assembly Meeting held on Friday 26 August 2011.

Mr Speaker

Honourable Members, I have before me the record of the meeting of Friday 26 August 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.

- Road Traffic (Variation of Fines) (Correction) Order 2011
- Census (Postponement) Order 2011
- Taxes and Duties (Defence Contractors' Employees Exemption) (No 3) Order 2011
- Coins Order (No 3) 2011
- Coins Order (No 4) 2011
- Pedestrian Crossings (Revocations) Order 2011
- Road Traffic (Mobile Phones etc) Order 2011

In accordance with Section 80 of the Constitution the reports of the Public Accounts Committee on

- the accounts of: Stanley Services Ltd, Media Trust, Falkland Islands Meat Company, Falklands Conservation, Falkland Islands Tourist Board to year end 30 June 2010.

The Honourable Chief Executive

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

Clerk of the Assembly

Oral Questions

Question number 11 of 2011 by the Honourable Dick Sawle

The Honourable Dick Sawle

Could the Honourable Sharon Halford please advise the House on the following:-

9. The number of patients referred to Chile per annum for the last five years;
10. The number of patients referred to the UK per annum for the last five years;
11. The cost of MTO treatments in Chile per annum for the last five years;
12. The cost of MTO treatments in the UK per annum for the last five years;
13. How many patients are currently waiting in the Falklands for visits from specialists;
14. What is the average waiting time for patients in the Falklands for treatment that is not available normally in the Falklands?
15. Has this waiting time been reduced or increased in the last five years and if so, by how much?

16. and; is there a patient's charter in the Falklands which details patient's rights regarding length of time for consultations and treatment, information given to the patient, complaints procedures and patient duties towards the medical service provided?

The Honourable Sharon Halford

Mr Speaker, I would like to thank Michael Poole for this reply.

The number of patients referred to Chile per annum for the last 5 years; in 2006/07 there were 133, in 2007/08 there were 168, in 2008/09 there were 122, in 2009/10 there were 124 and in 2010/11 there are 139.

The total number of individual referrals to the UK per annum were 2006/07: 82, 2007/08: 85, 2008/09: 95, 2009/10: 134 and 2010/11: 172.

The cost of MTO treatments in Chile per annum for the last 5 years; in 2006/07: £502,486.00, 2007/08: £1,045,282.00, 2008/09: £617,952.00, 2009/10: £620,450.00 and in 2010/11: £699,080.00

The cost of MTO treatments in the UK per annum for the last five years; 2006/07: £212,775.00, 2007/08: £525,860.00, 2008/09: £305,971.00, 2009/10: £517,340.00 and in 2010/11: £484,438.00

How many patients are currently waiting in the Falklands for visits from specialists?

Waiting lists for the specialist who commonly visit the Islands as at the 14th of this month were: Gynaecologist – 22, (and incidentally the next visit is scheduled for November this year) Orthopaedic Surgeon – 30, (the next visit for them is due in January 2012), Ophthalmic Surgeon, 28 (a visit is expected early next year) ENT Specialist, 48, (a visit is expected early in the new year) Psychiatrist, 25. That was the number seen on the last visit and they are expected in February 2012, Maxilla Facial Consultant, 67. That was the number seen in the last visit and they are expected to return again in March but this is yet to be confirmed.

You also asked was what is the average waiting time for patients in the Falklands for treatment that is not available normally in the Falklands? This is difficult to say depending on when the referral is made and the date of the next visit. Waiting time for non-urgent referrals can be anything from as small number of days to 12 months. For genuinely urgent clinical requirements, the referral overseas would usually be organised as quickly as possible. In addition when a number of urgent cases are required for a specialist, KEMH try their best with current resources and the availability of specialists to bring them in as soon as possible to address our needs. For example, an extra Gynaecologist's visit was organised in mid-2011 due to extra demand. It's worth noting that the amount of preparation work for referral to a specialist is increasing and that specialists are being asked to see more patients during their visits so that as many as possible can be seen whilst they are here.

Also asked was has this waiting time been reduced or increased in the last five years and if so, by how much? Again, unfortunately this is difficult to say. On the whole the

number of specialists' visits has remained relatively stable over the past 5 years, therefore suggesting that waiting times have remained relatively stable.

You also asked is there a patient's charter in the Falklands which details patient's rights regarding length of time for consultations and treatment, information given to the patient, complaints procedures and patient duties towards the medical service provided? A draft Charter had been drawn up but it was decided that more measurable terms needed to be included. Work remains in progress on this, which includes Ambulance response times, waiting times for GPs, specialists and other allied healthcare professionals and emergency equipment to name just a few.

Information leaflets for both in-patients and GP clinics as this has been identified, this work is still in its infancy. Patient information leaflets for certain conditions and diseases are only available in the waiting area and out-patients' clinic and available to the GPs through the EMIS computer system. A complaints/compliments policy has been compiled along with the leaflet which identifies how individuals can raise concerns about the service. With the advent of a website dedicated to Health and Social Services, it is envisaged that all this information and much more besides will be available to service users in the near future.

The Honourable Dick Sawle

Mr Speaker, I would like to very much thank the Honourable Sharon Halford for her extensive response and my apologies for the number of questions that were involved in formulating the question. There is a lot of information there Mr Speaker, which will take time to digest but I probably will refer back to it later on today if I may.

In the meantime with regards to the patients' charter, I went into the government system the other day and looked in the public folders and I was looking for 'medical policies' and noticed I was denied access to that particular folder. I wonder if the Honourable Sharon Halford has any idea about what may have happened to cause those folders to be denied access to members of the government or indeed members of the public.

The Honourable Sharon Halford

Mr Speaker, I have no idea. I can only look into that and come back with an answer. Unless the Attorney General could perhaps provide a response.

The Attorney General

I don't have anything to add to that question. Sorry.

Mr Speaker

On a point of order, to refer back – you can't ask any further questions once we have cleared this.

The Honourable Dick Sawle

Understood Mr Speaker. I will give an opinion next time.

Mr Speaker

During which stage?

The Honourable Dick Sawle

During the motion for adjournment.

The Honourable Gavin Short

Would the Honourable Sharon Halford clarify please whether we are talking about the treatments referred to Chile? I noticed some of the figures were quite large. Do those figures include – if you like – the walking wounded who go on a normal flight or does that include the cost of casavacs to Chile which would include the cost of the aero-med flight over here and not just the treatment costs?

The Honourable Sharon Halford

Mr Speaker, I am not sure if it includes the cost of aero-meds or not. It would, however, include the total of patients sent there and what we have to look at with the numbers of people who have been sent to Chile or see that they are larger to those sent to the UK. We do have a policy whereby a lot of people are sent to Chile for a scan prior to going to the UK, so that's why you would see greater numbers. But as to whether or not that actually includes the cost of the aircraft, I would have to revert back with an answer.

The Honourable Financial Secretary

Mr Speaker, Honourable Members, I can't give a definitive answer to this but looking at the size of the figures involved, I would say that these figures include all those costs.

Clerk of the Assembly

Question Number 12 of 2011 by the Honourable Gavin Short

The Honourable Gavin Short

Could the Honourable Jan Cheek please advise the House if there are currently any plans to close any of the existing camp schools and if so, which one, when and what is the reasoning behind this decision?

The Honourable Jan Cheek

Mr Speaker, Honourable Members, decisions to close or open schools are based entirely on the numbers of pupils. It's been custom and practice to provide a

settlement teacher at a location with four or more school aged children from two or more families and where the settlement is able to provide suitable accommodation for that school. It's also custom and practice that schools are not closed until absolutely necessary. The Education Department tries to anticipate future needs by monitoring the movement of families in Camp and there are currently no plans to close either of the settlement schools.

The Honourable Gavin Short

I thank the Honourable Jan Cheek for that reply.

Clerk of the Assembly

Question Number 13 of 2011

Mr Speaker

This question in fact has now lapsed under Standing Order 37(7)

Clerk of the Assembly

Motions

Motion Number 8 of 2011

“That this House accepts the response from the Governor (in Council) on the report of the Public Accounts on the private use of Government telecommunications facilities by Government Employees (Laid on the Table under Motion No 3 of 2011 on the 25 May 2011)”

Proposed by the Hon 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 the private use of Government Communications facilities by Government Employees received by this Assembly during the May meeting.

The Public Accounts Committee has recommended that FIG should review and update the relevant sections of the FIG Management code as soon as possible, formulate specific guidelines within this process on employees' desktop access to the internet, reflecting best practice from elsewhere in the world, incorporating direction and guidance on what constitutes appropriate use of resources for business and if permitted, personal use, the need for employees to be scrupulous, efficient and economical in their use and management of the public resources provided to them to do their work and the fact that any use of e-mails or web browsing for private purposes is to be with the specific permission only and is limited to lunch breaks or outside of business hours.

In addition that FIG should investigate the cost and effectiveness of more sophisticated monitoring software in relation to private phone calls made on the FIG system to ensure that such costs incurred are understood and monitored regularly.

Finally the PAC report recommended that there must be a careful judgement regarding the level of resources taken up with this matter. The PAC noted that they are of a view that FIG overall should do more to assure itself that the private use of the FIG system does not interfere with the production of work and does not increase costs, threaten system security or incur potential liability and that its staff as is their right can be clear about the limit applied to personal use of the FIG communications systems.

The recommendations of the PAC were considered by Executive Council, which accepted the recommendations in principle and agreed that during the 2011/2012 financial year the Director of Central Services in conjunction with the Head of Human Resources, the Computer Co-ordinator, the Attorney General who would review and update the chapter on the FIG Management Code, investigate the costs and effectiveness of more sophisticated monitoring software and ensure that FIG continues to ensure that the private use of telephones is not abused.

Mr Speaker, I move the Motion.

The Honourable Jan Cheek

I second the Motion.

Mr Speaker

Does any other Honourable Member wish to speak to the Motion? Does any Member object to the Motion being passed? There is no objection, the Motion that this House accepts the response from the Governor (in Council) on the report of the Public Accounts Committee on the private use of Government telecommunications facilities by Government Employees is passed.

The Clerk of the Assembly

Motion Number 9 of 2011

“That this House notes the Report of the Public Accounts Committee Inquiry into Stanley Dairy.”

This is proposed by The Honourable Roger Edwards and seconded by The Honourable Jan Cheek.

The Honourable Roger Edwards

Mr Speaker, Honourable Members, I would firstly like to commend the work of the Public Accounts Committee in producing this long, detailed report. I know there are members of the public who will be disappointed with this report because it doesn't

name people and put the blame down to individuals. However, I will come on to that shortly.

The Terms of Reference for this report “given the policy to provide fresh milk to Stanley, to determine whether value for money had been achieved by the time the project was closed. If value for money was not achieved, identify what were the factors leading to poor value for money; and how these could be prevented in future such projects”.

All the points of the Terms of Reference, I believe, were covered in this report. The broad conclusions are that value for money was not achieved by this project and in fact the sum of in excess of £660,000 has been effectively wasted.

However, the report does recognise that many of the decisions taken were collective decisions. They were Committee decisions by various boards, including Government, FIDC, private sector and the like. And therefore I think it is right and proper that this report does not name individuals as the sole source for the failures of this particular project.

I would like to propose that the House notes the report to the Public Accounts Committee inquiry into the Stanley Dairy and recommends that all people who have an opportunity to read this report in its entirety.

The Honourable Jan Cheek

In seconding the Motion, I too would like to commend the work of the Public Accounts Committee. They put in many, many hours going through masses of information, a pretty thankless task but I think they do it extremely well. I think the most important thing to be taken from this report is lessons for the future and that is the whole point of having a Public Accounts Committee so that we can learn from past mistakes and, we hope, avoid them in the future.

I support the Motion.

The Honourable Dick Sawle

Mr Speaker I would just like to put my name to those comments as well. I think this is yet another example, both reports in fact, are results of the sterling work being undertaken by the PAC which I, for one, am very grateful and I am sure it takes many, many hours; there is a huge amount of information to digest and the reports are eminently readable, and of a very high quality as well. I'd like to personally thank all Members of the PAC both past and present for their work.

The Honourable Sharon Halford

Mr Speaker, I would also like to add my appreciation for the PAC as well. As has already been said, I think they do a sterling job and it takes up an awful amount of time and we should be grateful for all the effort they actually put in.

Mr Speaker

Any other Member wish to speak? Is there any objection to passing the Motion that this House notes the Report of the Public Accounts Committee Inquiry into Stanley Dairy? There is no objection, that Motion is therefore passed. I will also point out that since it is a report from the Public Accounts Committee it is now passed to the Governor in Executive Council to respond within six months.

The Clerk of the Assembly

Order of the Day: Bills

The Jury (Amendment) Bill (remaining stages)

The Honourable Chief Executive

Mr Speaker, Honourable members, for reasons I will explain briefly, I would like to seek the leave of the Assembly to withdraw this Bill under Standing Order 58.

When the Legislative Assembly considered this Bill at its last meeting, it was clear that Honourable Members wanted there to be further discussion and wider consultation on the Bill. As Honourable Members will be aware, there has been a period of consultation on the Bill. Full consultation documents were issued, there was coverage in the Media and a presentation was made at a recent public meeting.

In addition to the eight written responses being submitted, informal feedback was received throughout the consultation period and there was a lively discussion about the Bill at the public meeting.

To reflect this and to take account of the views expressed during that consultation, a number of changes need to be made to the proposals. Rather than making further amendments to the existing Bill, the easiest way to deal with this would be to start the process again by withdrawing the current Bill and bringing forward a brand new one.

The new Bill will be published in the Gazette shortly and it will come before the Assembly at its next meeting in December. In the meantime, the current Bill needs to be withdrawn.

Accordingly, Mr Speaker, I seek the leave of the Assembly to withdraw the Bill under Standing Order No 58.

Mr Speaker

Is there any objection to the Assembly giving leave for the Jury (Amendment) Bill to be withdrawn? There is no objection. The Jury (Amendment) Bill is withdrawn.

The Clerk of the Assembly

Offshore Minerals (Amendment) Bill 2011, this Bill has been gazetted and therefore goes to the second reading.

The Honourable Chief Executive

Mr Speaker, the Offshore Minerals Ordinance contains provisions that deal with the requirements for Environmental Impact Assessments known as EIAs and Environmental Impact Statements known as EISs in relation to offshore hydrocarbons activity.

The existing provisions, Mr Speaker, date from 1994. However, it has been recognised for sometime that there is a need for them to be revised to make sure the legislation reflects best practice in the industry.

After research had been carried out into the legislation which applies in other jurisdictions, and also after industry representatives had been consulted a report outlining the proposed changes was submitted to the Mineral Resources Committee in December 2010. That report was then approved by Executive Council in January 2011.

Mr Speaker, the Bill that follows that process makes the following changes:

1. An Environmental Impact Assessment would become mandatory before an exploration appraisal or production well is drilled. Currently the requirement for an EIA is discretionary.
2. An Environmental Impact Assessment would also become mandatory before a drill stem test is conducted.
3. The Governor, normally acting on the advice of Executive Council, will still have power to require an Environmental Impact Assessment to be carried out for other offshore activities such as 3D Seismic Surveys. However, the criteria used by the Governor when deciding whether to exercise his power, would be updated to make an equivalent to the ones that apply in the UK while still being abducted for the circumstances.
4. The requirements about the content of Environmental Impact Statements would be updated to bring them into line with those that apply in the UK.
5. Operators would be required to organise the public consultation process for the Environmental Impact Statements.
6. The Governor acting on the advice of Executive Council would have the power to exempt projects from these requirements but this would be limited to cases in which the proposed activity is already covered by previous environmental impact statements.

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

The Honourable 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? There is no objection; does any Member wish to propose any amendment to the wording of the Bill? There are no amendments. I declare that the Bill be read for a third time and do pass.

The Clerk of the Assembly

Offshore Minerals (Amendment) Bill 2011

The Supplementary Appropriation (2011-2012) Bill 2011, this Bill requires a first reading.

The Honourable Financial Secretary

Mr Speaker, Honourable Members, this Bill, if enacted, will provide the legal authority for the additional sum of £1,293,570 to be withdrawn from the Consolidated Fund. This sum relates to carry-overs of unspent funds from the 2010/11 financial year. It was set out in detail in the paper approved by the Standing Finance Committee on the 26th of August.

Normally the contingencies fund is used to temporarily fund additional expenditure. This is authorised by the Financial Secretary under a contingencies warrant. The Legislative Assembly then considers a Supplementary Appropriation Ordinance to replenish the Contingencies Fund from the Consolidated Fund.

However, the maximum sum that I can authorise to be advanced from the contingencies fund is £1 Million and the total of the carry-overs requested was obviously in excess of this amount.

Therefore, I approved a reduced sum of £812,690.00 to be advanced from that fund under the authority of a Contingencies Warrant No 1. This was intended to fund those items most likely to be required before this Bill could be considered by Legislative Assembly.

The Departmental breakdown of this amount is included in Schedule 1 of the Bill. The balance of £480,880.00, which is set out in Schedule 2 will be withdrawn from the Consolidated Fund in support of the remaining carry-over of expenditure.

I beg to move the first reading of the Bill.

The Honourable Chief Executive

I second the Motion.

Mr Speaker

Honourable Members the Motion is that the Bill be read a first time, is there any objection to that Motion? There is no objection the Bill will be read for a first time.

The Clerk of the Assembly

The Supplementary Appropriation (2011-2012) Bill 2011

The Honourable Financial Secretary

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

The Honourable Chief Executive

Mr Speaker, I second the Motion.

Mr Speaker

Does any Member wish to speak to that Motion? There is no debate on the Bill, is there any objection to dealing with the Bill by the short procedure. There is no objection; does any Member wish to propose any amendments to the wording of the Bill? There are no amendments, I declare that the Bill be read a third time and do pass.

The Clerk of the Assembly

The Supplementary Appropriation (2011-2012) Bill 2011

The Motion for Adjournment.

The Honourable Chief Executive

Mr Speaker, Honourable Members I beg to Move that the House stands adjourned *Sine Die*.

The Honourable Dick Sawle

Mr Speaker, Honourable colleagues, there are always many topics that one could mention in speaking to the Motion for Adjournment and I would like to keep my topics short and focused today for which some colleagues of mine will be most grateful.

Firstly I would like to thank the Chief of Staff, Jim Klein for he and his colleagues' valuable assistance over the last 6 months or so, I had the honour of being at a slightly less formal good-bye last night. It was good to be surrounded by fast-jet pilots. It certainly put my penchant for large engine motor vehicles into prospective. But victory rolls over Stanley, Sir, are always most welcome.

Last week there was a reception to award the Queen's Certificate and Badge of Honour to both Jan Miller and Vivienne Perkins. I was delighted to receive an invitation to attend and in congratulating them, I would like to emphasise a point which I frequently make, namely that they, like many others in this community work long and hard and almost always in an unobtrusive way to contribute and assist in the community. There are many others in this category, the list is very lengthy but I would like to thank both Jan and Vivienne and the many others who serve on committees of one sort or another or who give freely of their time for no self-interest or reward other than knowing they are doing the right thing. This type of selfless giving enriches our community and gives it strength.

Time Change: there's been a lot of face-book comment whether or not to keep to summertime. There has also been a plethora of e-mails and phone calls and no doubt the odd tweet, perhaps. No doubt there will be far more tweets in the near future given the fact that our mobile network is soon to go live with data capabilities. However, in the meantime, what is interesting is that each of us tasked with making the decision seems to have differing views on the feedback received. I am glad, therefore that we have agreed to a telephone survey which will hopefully give us a clear steer. For my money for what it's worth is on making the current arrangement permanent. But it will be interesting to see what the result is.

November the 3rd is another interesting consultation day and I would urge everyone to use their vote and make their choice. Will those living in Camp be ignored if we have a single constituency? Mr Speaker, I doubt that very much indeed. All of us are elected to represent the Falklands and certainly I have never heard of any Stanley MLA refusing to deal with any Camp matter on constituency grounds or visa-versa.

The fact is that we work a portfolio system which takes no account of constituency boundaries. I hope that the vote will be a resounding one in favour of a single constituency. This will give everyone more choice in election time and more choice has to be the right way forward.

I also look forward to the day when that choice of candidates standing for election is widened by the removal of what I see is the one major obstacle that prohibits some very able and committed people from standing for election, namely that of pay and conditions of Members. I firmly believe that Members should be properly paid and properly resourced. The days of this job being a part-time business are fading into the distance. There is, I believe, plenty of evidence to support this view. If I had to support a family, pay a mortgage and meet all of my financial commitments on Member's pay, I simply could not afford to stand. This cannot be right as it largely limits the electorate's choices to those of independent means, retired or part time workers. I would like to emphasize that this is not a criticism of any of my colleagues past or present it is simply an observation which I know many support. I have often said that I have every admiration for those who hold down a job and also take on the task of being an MLA. It must be far from easy. I believe that we should re-open the book and look at this before the end this term in November 2013.

I would like to ask the people's views on this.

Mr Speaker, returning to the theme of community, I asked a number of questions earlier of my colleague the Honourable Sharon Halford. I would like to take this opportunity to make a few comments.

I would like to stress that in asking the question I am not critical of my Honourable Colleague or any individuals whatsoever. I know that she has taken forward and dealt with many concerns that have been raised on medical treatment. I also know that she shares common concerns with me in many cases. But the fact is, Mr Speaker, there are some in our community who are simply not receiving the treatment they require. We may well be in constrained financial times; we may well have to keep a weather-eye on budgets but we cannot lose sight of the people that are caught up in the net of those financial considerations. The fact is that people whose problems are capable of remedy are simply not being dealt with. I do not believe that there are many in this situation but that is not the point. The point is that even if there is one person who is not being treated, who could be treated and who has been left outside the system suffer, that is one too many for a community this size.

We may save money on medical treatment overseas which would look good in terms of the financial balance sheet. However, for every pound saved on the asset side of the balance sheet, unless the health of the nation is dramatically increased, there is a corresponding human liability building up on the other side of the balance sheet. We must be careful that we are not simply meeting current budget targets whilst building up a large future liability. People cannot simply be left untreated for months, unable to work and therefore unable to earn the money needed to pay the increasing costs of living.

It is, I imagine, a fairly simple matter to determine the need for medical treatment overseas in life threatening situations but where the situation is not immediately life-threatening, there is, to quote FIG's own policy, and I quote: "a significant functional intend" or "not to refer would have a serious, detrimental effect on the patient's health and well-being" then we should be acting to sort the problems out.

Mr Speaker, I would urge Honourable Colleagues to consider this and reflect on the very real, yet intangible value of a caring society. There is always a danger of ignoring the human element in society and letting the Holy Grail of the balanced budget govern our decision-making to the detriment of those who contribute and who are assets to our country. That cannot be the right way forward.

Mr Speaker, I support the Motion.

The Honourable Sharon Halford

Mr Speaker, Honourable Members, in rising to support the Motion for Adjournment I would like to touch on the issue of the dissemination of information. We are often taken to task for how we get information out to the public and a good example of this is when the Building Advisor put out some proposed changes to the Planning and Building Regulations for consideration and feedback. This was advertised in Penguin News, on FIRS and I also sent the document out to all on my mailing list. After this I understand the subject was mentioned on Face book, after which I received a call and was asked why the information had not been made public; and how could you obtain

it. Sometime later, just before the closing date for the comments I received a somewhat irate call from a member of the public who had not been made aware of this consultation process. When I pointed out to the caller that it had been advertised in Penguin News I was told they didn't read it. I then said it had been advertised on FIRS and was told they didn't listen to that. I ended by saying it had also gone out on my mailing list and had been mentioned on Face book with the answer that they didn't do Face book. I then asked what else could have been done to advertise the issue. We can try as we might and exhaust all the media efforts available but if people do not make use of any of them, I don't know what else we are meant to do.

Earlier this week we had our regular public meeting which I went to and then walked out on before it started. My reason for this was that no one had bothered to mention and I had not picked up in minutes at that time that a show of hands had been taken at a previous meeting about whether or not to allow filming to take place. Although I am not camera shy, I do not see why I should be filmed by FITV if I do not wish to be. I do, however, congratulate FITV on what they are trying to do and are achieving but I believe this is a service that could gradually be provided further afield than just Stanley. And until such time as I see some considerable progress in this area, I shall remain off camera and therefore away from the public meetings. I can still be contacted on any issue by anyone whether they are in Camp or Stanley by either phone, e-mail, or in person.

As people will be aware, I was out of the Falklands for a month attending the Liberal, Labour and Conservative Party Conferences with the Honourable Roger Edwards. These conferences are really good opportunity for us to thank people from all walks of life for their continued support for the Islands and bring them up to speed with all things Falkland. And we also had the opportunity to meet with many MPs. These trips are no holiday and the long days can be quite tiring but they are something that I believe are necessary for us to continue to do. We can never have too many friends and supporters.

Probably most times we go shopping we manage to have a rant about the cost of this or that. I was somewhat shocked to see that many prices on supermarket shelves in the UK were very little different to here in the Falklands. As someone who likes blueberries, to use as an example, I had to pay more or less the same price in England as I do here in the Falklands. So perhaps we are not always as hard done by as we think. But the reality is that world-wide prices are on the up.

Next week will see the referendum on the single constituency. To me the most important issue to consider is that the Falklands are a country that comprise of Stanley and the Camp; the latter being made up of East, West and the islands. It is essential for the Falklands if they are to continue to grow and progress for all of these areas to work together as I doubt any single area would be able to stand alone without the others. Currently when we have a general election we have to stand for a particular constituency; but the moment we are sworn in we then have to work together for what we believe to be the greater good of the Falklands as a whole. Interestingly the make-up of Executive Council has one seat each for Stanley and the Camp and a 3rd for "Either/OR." But if someone is absent from the Camp seat, the stand-in does not have to be from that constituency. That happened recently when all the Camp Constituency

members were out of the Islands. This does then beg the question as to why we need two constituencies.

This is the third Assembly I have had the privilege to serve on and on all three there has always been firm support for the Camp by the majority of members. I have heard some arguments both in favour of and against the referendum. But something to consider is whether or not you think you would have a larger pool of candidates to vote for in an election if it was one constituency rather than as it currently is with two.

I hope people in Stanley say that they wish they could have voted for some people who stood in Camp and I have also heard for many people in Camp who wish they could have voted for some people who stood in Stanley. Only you, the electorate can decide whether or not you should move to one constituency or stay as we are. Please use your vote.

Now that we have a by-election to take place I hope we see all those people who are all too ready to criticise everyone and everything that has been done or is a work in progress, putting themselves forward for election. If you have an opinion on everything which you continually like to share then would you not be a good candidate? Now is the time to stand up and be counted.

Talking of elections, I note that the Argentine people have re-elected their President for another term. Unless things change over there, which I doubt, then we will continue to hear more and more of the misinformation and complete distortion of truth and fact. The way Argentina appears to be claiming parts of the world at random; they are now showing maps that show parts of Antarctica as being part of Argentina. The rest of the world had best beware, for soon Argentina will be claiming the whole world piece by piece. I would not wish to live in such a delusional bubble where truth and fact are cast aside and fiction appears to be the norm. If they ever wake up and face reality they could be in for a shock.

I would like to publicly congratulate all our young graduates who recently achieved such good results. They are a credit to their parents and the Falklands. They have bright futures ahead and I wish them well as they start down the path of their chosen careers.

My Honourable Colleague Dick Sawle mentioned some hospital policies which have gone slightly awry of late. I give my assurance that I am still hot on the tail of those. But some other hospital policies have also been brought to my attention. It would appear to be somewhat unfair, namely that of who is to be funded to accompany newly born babies overseas; and a policy for funding parents overseas when difficult births are anticipated. The current policies in these areas do not appear to be on a level playing field. I have therefore asked that these policies be brought before the Hospital and Medical Services Committee in January and have ordered for them to be reviewed. I hate to disappoint not only the Financial Secretary but inform the Honourable Dick Sawle that the medical budget is very likely not ever to be reduced. It's going to go the other way.

Finally, I would like to finish by wishing Emma all the best as she prepares to start a new chapter in her life.

Mr Speaker, I support the Motion.

The Honourable Mike Summers OBE

Mr Speaker, Honourable Members, I will be relatively brief, I think, this morning. I will just talk about a couple areas of responsibility.

I am happy to say that we will have the Rural Development Strategy to Executive Council in November. It's taken a long time and it's a shame it hasn't been there a good deal earlier; we might have more progress in the last couple of years had it gone through its proper process. I again look forward to working with FIDC and the Rural Strategy Co-Coordinator to get some more activity in the rural areas and see a bit of movement in the Rural Development Strategy, which is not just there as a few words; it's there to be delivered. And if I reasonably can deliver it, I will.

In slightly similar words but in a different situation on tourism; there are a number of different organisations and people working to provide good tourism facilities for visitors to the Falkland Islands and there are some exciting possibilities that we can look forward to. I think none of us are convinced that what we have currently is the right structure for developing either the strategy that we have produced or indeed our current offering. And I will be having a discussion this afternoon with some key players in the tourism industry to see if we can put together an alternative structure that will properly service what is now one of our key industries. And I will assure all those people working in the Tourism industry that this is not some kind of scheme to change the way things are done to your disadvantage. It is, in fact, to try to improve the delivery for tourism and give you more commercial opportunities to earn more money and to grow the industry which is what we all must be looking for.

I would like to make brief reference, if I may, of the attendance of our young people at the Commonwealth Youth Games and the Isle of Man recently. Sonya, Laura, Dominic, Jordan and Sorrel represented the Falklands exceedingly well, as they always do. Some people really have an ability to get out and about amongst others and talk and meet and make friends and of course it is a Commonwealth organisation and they make a real contribution and make sometimes old friends, I hope we will continue to support young people going to not only sporting events but other events like the Commonwealth Youth Parliament that Pippa and Nadia recently attended, which I believe was also a great success. I am looking forward to next year when we are going to be celebrating the role of young people in our society for the 30th anniversary. I hope these young people will be remembered and perhaps considered as people who could be playing a role in that.

Since it is a live issue, I would like to make some comments on access to information. It's an interesting subject and one that I don't think anybody will ever think that we ever got right. Not only is it interesting, it's also exceedingly difficult and every government struggles with this issue and we are no different. I think every government thinks it's as open as it possibly can be and I heard many comments from Members around this table that perhaps this government was more open than any of its predecessors, etc, etc. I don't think it's any different, frankly. The problem is that

we don't have sufficient numbers of mechanisms for getting information out and I think that's the issue we need to address.

One of my Honourable Colleagues mentioned the radio and the Penguin News. The Radio is a one-off. It goes out once, that's it, and it's gone. Penguin News, once a week, if you miss it, it's gone; and that's our real problem. I'm not blaming anybody or saying anybody is any better than anybody else. It is a real problem. We must recognise it's a real problem – let's not be in self-denial about this. We do not get sufficient information out to the public about what we are doing and how we make decisions and we have to find ways of doing it. I have no instant solutions. If I had I might have applied them prior to the last election. So let's look at it collectively. New access to information thoughts are coming out for consultation now. The thinking should be more transparency and more openness – not less. It must always be more. I said regularly that there's an air of secrecy around at the moment that frankly isn't necessary and we need to do away with that. So the role of the media is absolutely critical. The way that we develop the Access to Information Ordinance is critical and we have to have a serious think about the number of committees that we now have that have grown in the last two or three years that are not subject to the access to information ordinance but some very serious business takes place there and people don't know about it. And that's not good. So let's be open-minded about it, let's think about it and let's try to be progressive as more transparency and more openness begs for better government.

Finally a few words about the referendum and I had plenty to say last night so I won't say too much today. But two of the things you hear on a regular basis from those who propose a single constituency are there are an inadequate number of Camp candidates, maybe, there are also many, many assurances that campers would still be elected, this is interesting. Who is going to be electing inadequate candidates that don't exist? You can't have it both ways. I don't think, actually, that the single constituency will solve the problems that we perceive. I don't deny, indeed I fully support the notion that there is an argument for reviewing the Camp/Stamley representation but not only in terms of constituencies, representation and voting systems. I would urge those who are voting next week, particularly the campers not to support what I regard as a poor compromise but call for a proper discussion about representation and what would be in everybody's interest. And I think we have to look at all of these factors before we decide.

I would just like to close by thanking The Chief of Staff and all his colleagues for the work that they do for us and wish him well in the future.

I support the Motion.

The Honourable Gavin Short

Mr Speaker, Honourable Members, in rising to support the Motion for Adjournment I would just like to say a few brief words on a couple of subjects. I will keep it brief as I believe some Members take side bets on whether the Honourable Dick Sawle and myself have the longer winding-up speech at the end of Legislative Assembly. No one has actually seen us throwing the match.

A single constituency referendum as others have talked about looms upon us and I would urge everybody in Camp and Stanley to take part. I have heard it said that perhaps the right question was not being asked that we should perhaps have included one asking if a 6-2 split was correct. However, that may have confused the issue so let's just go with what we've got.

I know there are those who are convinced that things must stay the same and others who would rather see a single constituency. We all come at this from our personal perspectives. As far as I am concerned, for myself, having never really lived in Camp I feel that I just can't completely understand the challenges and the unique problems that living in the Camp can sometimes bring. I make no secret of the fact that I depend very heavily on Camp Members when we are discussing particular issues with the Camp. I do worry that if we ever had eight people like myself on Council, whilst being well intentioned and completely pro-Camp, we could through sheer lack of understanding of what living in Camp is really like start almost dictating to those in the rural community.

I see, as we all expect, that the oil exploration round is bringing some real cash into the Government coffers. These are large amounts and the question must now be asked, what should we do with the windfall? Whilst I would urge that we are prudent in its use, I do not want to see it all squirreled away in reserves for that rainy day. Neither would I like to see us starting to behave like drunken sailors and fritter it away on some pretty nice projects that would cost us even more in recurrent expenditure to maintain, thus putting a greater burden on the public purse should the income from the oil round decrease or indeed stop for some years.

Whilst we can allow ourselves to pop some into reserves and maybe for example tarmac a few kilometres of the MPA Road, we must, and I repeat must use part of this windfall wisely and invest it in projects that will help us generate work and future income for our country. Otherwise, we will, in the future, find ourselves at best with a flat lined economy and more realistically, one that is going into a gentle decline.

This coming year sees us arrive at the crossroads that I have spoken about before. I can see opportunities to take our country on to better things as long as we have the nerve to take the great decisions. It will probably be a bit risky but I, for one, am willing to calculate the risk and take them rather than see my country stagnate. The results will probably not be apparent for a couple of years. This is not short-term stuff. We must take the longer view.

The results from across the water, whilst not being unexpected certainly does, in my humble opinion, mean that we will have to put up with another four years of bellicose words, irrational and erratic actions from the Argentine government, probably combined with a renewed onslaught on our attempts to peacefully co-exist in trade with the rest of the world.

How little they understand us and as I said before, we will never bow before their tyranny and we will never, ever, give an inch.

Finally I would like to welcome Jamie Fotheringham the new Head of Policy. I am overjoyed to see him here as this now means that work on labour related legislation

can start again. I have already visited him with my shopping list that includes statutory sick pay, statutory leave, working hours plus the vexed question of just how long can a job be deemed to be temporary. There has to be a definition of this term as I believe some employers have, maybe still are, using this description to avoid giving fair and equitable terms to some employees who carry on being termed as temporary more than the short term. I also wonder whether we should try and define part time, as this, too, can be open to abuse by the more unscrupulous employers, which mercifully are very few in the Islands at the moment. I honestly feel that this work may not be completed before our four-year term is up. We still have not touched on Health & Safety as this is a complex subject that we must tailor to our own needs, as I certainly would not want to see the lunacy that has got loose in some parts of the world happen here, whilst keeping people safe at work and from being injured by others who are working, it must be practical. This work will take along time and will probably tie a person or two people up just writing Health & Safety legislation to suit us.

If, for nothing else to be part of moving these and other issues forward, such as localisation of posts, etc., it's already causing me to start thinking seriously and being tempted to chuck my hat in the ring for another four years come the next election.

I guess before getting too excited about four years more, I will have to make it through the remaining two and carry on trying to do the very best I can for my people and my country.

I wish to support the Motion.

The Honourable Jan Cheek

Mr Speaker, Honourable Members, first I would like to associate myself with the good wishes to Emma. I was second to her on Oil Committee and on Housing Committee and I know what a big contribution she made on both of those, her main portfolios. I think her departure has shown us the difficulties experienced by Civil Servants in the role of MLA. The right decision was made many, many years ago to allow Civil Servants, where possible, to stand with some barred areas. This was done with very, very good reasons. If you say no Civil Servant can stand for election, you are cutting out close to 600 of the most able, well qualified, energetic people in the community. This is fine as far as it goes but if it is to work there must be some kind of back-fill provided for their post.

We saw the difficulty that Glenn Ross had in making it to meetings when the demands of his very demanding job and shortages of staff made it simply impossible sometimes for him to attend. And Emma, who did her very best, I am sure, to fit around a school time table was, at times in difficulties arranging meetings at times that were convenient both for her and for Civil Servants, who also have other commitments to deal with after working hours. I think we have to address this urgently before the next election.

People have raised other issues in relation to this but I think it is enormously important that we don't lose those potential candidates. I am not sure that throwing money at it is the answer. I believe people put themselves forward for Assembly for much stronger reasons and are willing to make some sacrifices very often in order to

fulfil those roles, not least of time, family life, leisure, it's something I think we really need to address very seriously, probably not this minute but certainly early in the new year because before we know it the next general election will be upon us.

On the single constituency, which a number of people have spoken of, this is the only subject where I am not in full agreement with my colleague the Honourable Gavin Short. I have to say I agree with absolutely everything else he said. However, I truly think two constituencies create an artificial divide in a very small community at a time when we should perhaps be more than ever united not least because of the threats that are made against us but also because I think we are at a very exciting time in the history of the Falklands and I think we are all committed as much to developing the rural economy as we are the economy as a whole.

On the time change, everyone knows my views but I wish to reiterate the kind of messages I am getting from people are that children have had time outside school at the end of the day to play, to walk home and go to the playing field on-route. That's been good to see. Many people, gardeners like me, value that hour of daylight after normal working time in order to tidy up their garden ready for the summer. More importantly I think, a number of people, not just the elderly, have said just the thought of dark evenings creates a feeling of 'winter blues' and they have thoroughly enjoyed that extra light at the end of the day and they actually think it's improved their whole view of life.

I won't go on at length. I now want to say farewell to the departing Chief of Staff and welcome to the new one seated in the audience. I promise I won't touch your land rover.

I support the Motion.

The Honourable Roger Edwards

Mr Speaker, Honourable Members, I will start by the single constituency. There was a phone-in last evening on FIRS at which my colleague, Honourable Mike Summers, and I sat for an hour and answered many questions that came in from members of the public. The two of us sat there because we had differing views on the single constituency. The Honourable Mike Summers thinks that we should remain as we are that it is not the best way to go forward at present. I believe it is the best way to go forward and the 1571 voters that we have on the electoral lists in the Falkland Islands, there are only 260 of those in Camp. As the Honourable Jan Cheek has just said, there is this artificial divide because once elected, the portfolios no longer reflect where you come from. We have seen and it was welcomed that Glenn Ross when he was still a Member of the Assembly volunteering and going forward with it with enthusiasm in supporting Agriculture and Camp policies in the portfolios that he held. I will encourage everyone, please, to go out next week and vote because if they don't we could well find a situation where we have 300 people vote 100 votes in Stanley and on that the referendum can be passed to go to a single constituency against, perhaps, the majority view. So let's all go out and make our feelings known and vote, be it for, against, or what have you, please go and vote.

I would like to echo what my colleague, The Honourable Sharon Halford said about the Party Conferences. This was the first full week that we spent at the Liberal Democrat's and by golly, was it ever worth it. I do hope that we will continue to spend a full week at each of the Party Conferences in the future. It only costs a few pounds but we already paid for the airfare so it's an additional cost of a few nights in a hotel but the returns are enormous. I thoroughly recommend that we go forward as we did this year and attend all the Party Conferences. We need all the friends we can get wherever they are and this is one good way of earning those friends.

I cannot go through this Legislative Assembly without mentioning Emma. I have had my say and my comments on what I perceived to be the poor treatment she received have been made common knowledge in both Penguin News and on the Radio. So I will not continue and say more here but I would like to thank her and I would like to thank the others who thanked her this morning for her work in Tourism, Housing, Environment and not least the Public Accounts Committee, which received praise earlier this morning. It was touched on again by the Honourable Jan Cheek this morning. Emma, Civil Servant, Glenn, a Civil Servant both have had to resign for different reasons but when it comes to the by-election, which I believe will be announced shortly, will be held before Christmas. I do hope people will stand because the impression I am getting around town and in Camp in more recent days is that following Emma's resignation and following Glenn's resignation, both for different reasons have actually put a block up for folks to stand but I hope that they can see that they are doing good and I hope we get sufficient numbers to stand. But this is a warning. I think this has set a bad example.

I, too, would like to say thank-you to The Chief of Staff and farewell and one other person in the public, I would like to say thank-you to Rodney Lee for the work he has done as Chairman of FIMCO over the last two years. I have never seen a more enthusiastic and supportive Chairman of the Company; and Rodney has led the Company into actually making a profit for the first time. And I am sure he has set the ground-works and the structure for FIMCO to continue to evolve and make greater profits in the future. So Rodney, thank you very much.

Sir, I support the Motion.

Chief of Staff, British Forces South Atlantic Islands

Mr Speaker, Honourable Members, thank you very much for the opportunity to speak in front of you today. Thank you for your kind words; they mean an awful lot.

If I could just pick up on a point of order with the Honourable Dick Sawle, that in fact we did have a very pleasant evening last night but can I just say he wasn't surrounded completely by fast jet pilots; he was, indeed partly surrounded by fast jet navigators. Speaking from a navigator's prospective I will make sure my successor does his very best to make sure that there is super flying activity over Stanley as indeed over the other areas of the Islands; but not just fast jet activity.

There are the slower, slightly larger fleets that we have at MPA will also do their part as well. Thank you all very much for your kind words. As Chief of Staff I feel very honoured to have been able to hold that post albeit for a short period of time, six

months. It allowed me to stand in for Commander British Forces at events like this where I have been particularly privileged to see the workings of the Islands.

I have met a huge number of people here in Stanley and when I have got out and about on the Islands as well. I am honoured to have been part of that and I will take away many, many happy memories of my time down here, albeit brief, and I will look back on my time here with very fond memories.

So thank you all very much. I wish you well and I hope that Group Captain Toby gets as much fun and finds it as rewarding in the post of Chief of Staff as I have done. So thank you very much indeed.

Mr Speaker

Honourable Members with your permission, may I also wish the departing Chief of Staff well for his future, and also thank Emma for her contribution to the Assembly in the past and wish her well for her future life.

Honourable members, the House stands adjourned accordingly.