



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

**HELD IN STANLEY
ON 23 FEBRUARY 2012**

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HELD IN STANLEY ON THURSDAY 23 FEBRUARY 2012**

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

MEMBERS (Ex-Officio)

The Honourable Chief Executive
(Keith Padgett)

Elected

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

The Honourable Dr Barry Elsby
(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 Ian Hansen
(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)

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

CLERK: Claudette Prior MBE

PRAYERS: Reverend Richard Hines

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**The Record of the meeting of Legislative Assembly
held on Thursday 23 February 2012**

Prayers

Clerk of the Assembly

The confirmation of the record of the meeting of Legislative Assembly held on 16 December 2011

Mr Speaker

Honourable Members I have in front of me a record of that last meeting of the Legislative Assembly is it your wish that I sign this as a true record of that meeting?

Aye.

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.

- Electoral (Amendment) Ordinance (Correction) Order 2011
- Taxes and Duties (Defence Contractors' Employees Exemption) (No 4) Order 2011
- Road Traffic (Demining Operations) Order 2011
- Offshore Minerals Ordinance (Rectification) Order 2011

The Falkland Islands Government Statements and Audit Reports laid on the Table in accordance with the provisions of Section 57 of the Finance and Audit Ordinance for the year end 30 June 2011

- Falkland Islands Government Currency Fund
- Insurance fund
- Pensions (Old Scheme) Fund
- Capital Equalisation fund

and for the year ended 31 December 2010

- The Retirement Pensions Equalisation Fund

And are laid on the table pursuant to section 7 of the Public Funds Ordinance a report of the Financial Secretary in respect of funds withdrawn from the Insurance Fund

The Honourable Chief Executive

Mr Speaker, Honourable Members I hereby lay the aforementioned papers on the table.

Clerk of the Assembly

Questions for Oral Answer

Question number 1 of 2012 by the Honourable Dr Barry Elsby

The Honourable Dr Barry Elsby

Can the Attorney General please confirm if any of the required work to develop the regulations which would have made the Data Protection Ordinance 1995 and the Access to Personal Files Ordinance 1995 operative has been carried out in the last 16 years? And if not, are there any records indicating who made the decision not to start or to complete the work?

Attorney General

Honourable Dr Barry Elsby thank you for your question; it does not appear that significant work has ever been carried out towards developing regulations which would have allowed the Data Protection Ordinance or the Access to Personal Files Ordinance to have been brought into force.

We've had a review of the files. There is correspondence on the file dating from early 1996. The then Attorney General indicated that he would be attempting to draft regulations as soon as he could conveniently find time. He also indicated that at that time he was hoping that the Data Protection Ordinance would be brought into force during 1996 or at the start of 1997.

Clearly that did not happen and it is impossible to establish whether this was a positive decision at that time not to bring the legislation into force or whether it was simply the case of the then Attorney General being unable to conveniently find the time.

Executive Council considered a paper on Access to Information in 2004 – that's Paper 162/04. Executive Council noted that the Data Protection Ordinance had not been brought into force, and even then it noted that the Data Protection was not likely to be brought into force within the foreseeable future. The paper did not specifically deal with the Access to Personal Files Ordinance but many of the same issues appear to have applied to it.

The Access to Information Working Group revisited the question more recently as part of a wider review and when it reported to Executive Council in February 2011, Executive Council agreed with the Working Group's recommendation that the two Ordinances should be repealed.

The United Kingdom Legislation on which the two Ordinances were based was superseded in the UK within 3 years of the two Ordinances becoming law. And the two ordinances now are not fit for purpose.

It is a separate question as to whether or not work should be carried out on new legislation in these areas. This is a matter which the current Legislative Assembly

may wish to address. And there will be another opportunity soon for the legislative drafting priorities to change and the matter can be looked at again as part of that process.

The Honourable Dr Barry Elsby

I would just like to thank the Attorney General for his comments.

Mr Speaker

Are there any supplementary questions? There are no supplementary questions.

Clerk of the Assembly

Motions

Motion number 1 of 2012 by the Honourable Dr Barry Elsby

That this House is of the opinion that in an age of increased computerisation and data gathering on individuals, the Falkland Islands should have an Ordinance that allows regulation of the use and storage of personal data and to allow people the right to see and correct any inaccuracies in the data held.

The Honourable Dr Barry Elsby

Thank you Mr Speaker, Honourable members, when I stood for election last year one of the four points I focused on was the need to develop Legislative Assembly into something more relevant, more than a forum where laws are just passed with not much discussion by Members. A place where we can debate issues and it seemed a shame that the only thing the press feel worthy to comment on is the speeches to the Motion for Adjournment at the end of Legislative Assembly. I think a quote from John Fowler, the Deputy Editor of the Penguin News recently on the amendments to the Jury Bill before the House when he said we almost had a debate in Legislative Assembly that day. I think that tells us a lot.

This is the Falkland Islands' parliament yet it seems to me that true debates are a rarity. Now, such a sarcastic comment from the press should, I think, make us question what we do. And today I hope the simple Motion I put forward might help us to start a process of more debate.

The Motion before the House today concerns the proposal that the Data Protection Ordinance 1995 and the Access to Personal Files Ordinance 1995 be repealed. The proposal is that these laws are put out for consultation, so I think it's opportune that at this Legislative Assembly we have the opportunity to debate that so that the people can have some idea what our thoughts are to better equip them to make comments that we are asking for.

And so why does it propose that we repeal the law at this time when many people around the world are increasingly concerned about the amount of data the Governments and Institutions hold on individuals?

In 1994 and in 1995 the Councillors, as MLAs were then called, were concerned about the lack of control over data and these ordinances were drafted .It went to Executive Council and got passed. It then came to this House and I hope some debate took place and they were passed. They were then assented by His Excellency the Governor on behalf of Her Majesty the Queen, Gazetted, and became laws or Ordinances. However, at that point, they needed the additional work that we've heard about by the Attorney General's department to make them really working Ordinances.

Mr Speaker, we have heard today from the Attorney General in his answer to my oral question that it seems that in the 16 years since they had passed, little or no work has been done to enable these laws to become active, working laws.

The Attorney General rightly says that these laws are now out of date and I would agree with him there. And to repeal them would have been a sensible idea but what I am disappointed in is that the question of repealing hasn't been followed up by the need to say yes we now need some more up to date, more modern legislation to replace the 1995 laws.

If we would repeal these laws and they are not really effective ordinances but if we repeal them, are we really saying that the Falkland Islands are in some way immune to abuse of data that people are gathering on us? I don't think that's the case. I think we are at risk – and so what is a data protection act? What if we look at the British and the European Data protection acts? The fundamental thing about those acts is they are there to set up protections for the individual so the data held on individuals will not be misused.

The UK and European acts have really 8 principles that guide them in this process. They say that:

- The information should be fairly and lawfully processed;
- That the information is processed for a limited period only;
- that the information they request is adequate, relevant and not excessive;
- that it is accurate and up to date;
- that it is not kept for longer than is necessary;
- that data is processed in line with your rights;
- that the data is held secretly and securely;
- that the data can't be sent around the world. It can only be transmitted to other parts of the world where they have equally good legislation to protect the data.

The other area covered by these acts gives the individuals the right to access that information, to check to see whether it is correct. And if it's not correct they have the right to make that organisation change the record so it reflects an accurate record.

It also gives the individuals the right for compensation so if your data is misused and you come to harm, distress or financial damage from the release of that information you can claim against that company. And if the company or organisation misuses your data they can be taken to court and fined under the court system.

Some people will feel that the Falkland Islands are remote and don't need such a law but I point out to you that the Council in 1994/95 believed we did need some form of

data protection here and I think things have only got worse in the way of the amount of data that is held and I firmly believe we do need a modern, updated Ordinance.

Remote we may be but we are all connected to the internet and just think about the amount of information that is held on us locally. FIG holds huge amounts of data on us, employee salaries, employment records, performance, disciplinary records, tax returns, school records, medical records, any contacts any of us or our families have had with the Social Services, Police Records, these are just some examples of the data that is held locally. Is all this data correct – recorded correctly? Do we have the right to inspect it to see whether it is an accurate record? At the moment it seems not. And what happens if someone in the Medical, Social or Tax department decided to misuse that information, for whatever reason? As things stand at the moment they would face internal disciplinary procedures under the management code and as a last resort they would be dismissed. But have they done anything illegal? My understanding at the moment is, no they haven't done anything illegal.

But loss or misuse of confidential information is not always malicious. In the UK a few months ago an authority was fined under the Data Protection Act because they had an insecure computer system. They had information that there might have been a suspected paedophile in the area, not a proven paedophile, a suspected paedophile. What they intended to do was send out a brief e-mail to people who really needed to know their concerns but because their computer system was not as secure as it should have been, the information on this named possible paedophile who hadn't been convicted was then sent to hundreds of people on their database. They were fined, taken to court and forced to improve their system.

But it's not just FIG we need to worry about. What of the Bank, what about Cable & Wireless, what about FIC? Lots of people in the Islands hold their data about us. Standard Chartered Bank holds huge amounts of confidential information about our financial states, about our loans, about any debts we'd incurred over the years. Now, I believe Standard Chartered Bank is a well-run bank and they follow their own strict guidelines on handling sensitive information. However, when I spoke to the Manager recently when I was looking into this prior to this speech, I asked him if I could have a look at my data that he held to see whether it was correct and whether it was accurate and there was a silence. He said he had never been asked that in his time in the Islands and as there was no law here on data protection, he didn't know what his answer should be.

We also talked about his workers in the Bank, cashiers, who regularly see very confidential information. I am not for a moment suggesting that employees at the bank are untrustworthy but there was a case reported in the UK recently where a cashier inappropriately accessed someone's records. The cashier's husband had been accused of a sexual offence against a lady. She used her position within the bank to access the alleged victim's records to see what she could find to use to help in her husband's defence in court. She was prosecuted under the Data Protection Act and dismissed from the bank. If that was to happen here – again, I am sure the bank would dismiss her. Has she committed a criminal offence by accessing the information? I don't believe she has.

This year we are holding our first on-line census in the Falkland Islands. This highly confidential information will be passed through Cable & Wireless and then on to the Secretariat. It will be handled by the Head of Policy and, I believe, one other person. It will be password protected. That same department can also demand confidential information from businesses in the Islands so that the Government can better assess how the economy is developing. Under our Statistics Ordinance I believe businesses cannot refuse to give that information. And if it was to be passed on to a competitor, that would be very detrimental to that business. However, there seems to be no legal protection to ensure the security of any of that data.

Government here are looking to outsource the work of many of the Government Departments. I fully support that. Outsourcing to the private sector is good. But this will entail the movement of lots of sensitive data into the hands of companies who may not have a robust code of conduct, and without legislation I believe that data would be at risk.

Mr Speaker, I hope that this short introduction has highlighted our need for a better Data Protection Act in the Islands and I hope that my colleagues will discuss this and agree with me and pass the Motion.

Thank you.

The Honourable Ian Hansen

Mr Speaker, I beg to second this Motion and may I reserve the right to speak a bit later if I so wish?

Mr Speaker

Agreed, thank you. Does any Honourable member wish to speak to the Motion?

The Honourable Dick Sawle

Thank you Mr Speaker. I think it is a very interesting subject and I think it is one that is worthy of some thought. There are a number of strands in there which, I am not going to pick up on all of them because frankly I am still assimilating all the information that you very kindly supplied. But when it comes down to the security of IT systems within Government I really think that is an important issue but I would just like to reassure my Honourable Colleague that it is something we are actually looking at as part of the e-government strategy. Various departments at the moment will have various methods with which they protect data and the information which they hold. It is not necessarily just personal data. It can be a wide range of data, whether it's from the health of patients or the performance of fishing companies, but there is a variety of systems that are used.

One of the interesting things about the Fisheries Ordinance is that a lot of the information provided by companies to the Fisheries Department under that Ordinance has to be maintained as confidential. One of the questions that I had at the time when that ordinance was passed, which was, I think, in 2005 was how could I, as a company at that time, reassure that the Director of Fisheries is holding that confidential

information securely and I never received a proper or adequate response to that question.

So I do concur with you that we need to look at some of these things. Whether or not that is something which Members wish to push up the priority list in terms of legislation is, of course, a matter for this Assembly to decide. And on that I am certain. I know that we have a number of pieces of legislation in the pipeline at the moment. I am also well aware of the fact that we are under-resourced as far as Legislative Drafting is concerned. But I do think this topic is worthy of some debate. Whether it needs to be as wide ranging as the Data Protection Act in the UK or not, I don't know. I suspect probably not. It is worth a thought. Thank you.

The Honourable Jan Cheek

Mr Speaker, Honourable Members, because as my Honourable Colleague, Dick Sawle, has said we have an opportunity as we do at least twice yearly to prioritise future legislative drafting. This can be obviously put into the mix with those but whether it is as urgent as some of the other items is a matter for us to decide. But in the meantime, I will be abstaining on the vote on this Motion.

The Honourable Mike Summers

Mr Speaker, Honourable Members, the Honourable Barry Elsby raises a number of interesting questions and many of them have been addressed, I think, in the past perhaps inadequately but perhaps in accordance with our means and that's what tends to happen in the Falklands very often.

I like to see legislation coming forward when there is some overwhelming evidence that it needs to be dealt with. Is there a correction of a mischief required? Is there something going on that fundamentally concerns us? Is it just the possibility that something could happen because you could spend many, many, many happy hours legislating against all sorts of things that could happen. The real question is whether they do happen or not and is there a real issue at task here? So I think that needs to be considered. I don't disagree at all with the basic principle that information has to be handled securely and it has to be held secretly. I believe that a number of Government policies deal with this in various ways and I am not entirely certain that in terms of a Statistics Ordinance it wouldn't be a criminal offence to reveal some of that information inappropriately. So I think there is a need to be clear about that.

There are other bits of legislation to follow the theme that the Honourable Jan Cheek has just raised, there are other bits of legislation that many of us considered very important at the time that actually never came into force and I think particularly of families legislation that was drafted and went to Select Committee but never got beyond that through the want of resource.

Access to personal files is an important issue that is covered by Government policies and Government policies do set down when you have access to personal files and when you don't and Government policies set down the obligations of employees in terms of keeping information safe and secret. So it may well be that legislation would make these things more prescriptive and that policies are not sufficient but I think we

need to be cautious about introducing new legislation that I think would use up a lot of time and be very costly in terms of resources if there is not a real mischief to correct and it will be my underlying principle in considering this.

The Honourable Gavin Short

Mr Speaker, Honourable Members. I will be very brief. Probably what the proposer and seconder don't realise is this is something I have muttered on and off about since I have been elected. It is something that bothers me, not so much the collection but who can gain access that bothers me greatly. I am not saying that people troll out things at the Christmas party but I think it probably could be done and there is not much one could do about it at the moment.

I think it is an area that we have to look at but I am in agreement with other speakers that have gone before me. We've got a very small staff, we have a heavy workload and quite where this fits in the priority of the great scheme of life I am not quite sure, but certainly, as it stands, I am quite happy to support this.

The Honourable Ian Hansen

Thank you Mr Speaker, Honourable Members, I, too, will be brief. My Honourable Colleague to the left, Dr Barry Elsby, has put forward some very valid points as have other colleagues who have spoken on this.

I have to admit that I had very little feedback from the general public on this issue, so to be honest I am not entirely sure how much importance the man on the street attaches to this but hopefully this debate will bring some response. I think the prioritising of legislation and how high up our wish list is an important point. But however on balance I do support this Motion, Sir.

The Honourable Barry Elsby

I would just like to thank members for contributing their thoughts to this. I noted in the Honourable Jan Cheek's comments in the Penguin News a few weeks ago about the consultation phase that we are entering into. She said she hoped that we would develop some new form of legislation.

The Honourable Mike Summers obviously doesn't believe there is a problem yet. I am aware of a number of incidents where data has been inappropriately been used by people who have left the Islands and didn't face any action here.

I do feel we need an Ordinance but everyone has quite rightly said time is limited and we will need to discuss this to decide if it is a priority above other issues.

I thank Honourable Members.

Mr Speaker

Thank you. Honourable members, the Motion before the House is: "That this House is of the opinion that in an age of increased computerisation and data gathering on

individuals, the Falkland Islands should have an ordinance that allows regulation of the use and storage of personal data and to allow people the right to see and correct any inaccuracies in the data held.”

Vote: 5 Ayes and 3 abstentions.

This Motion is carried.

Clerk of the Assembly

Motion number 2 of 2012 by the Honourable Chief Executive

“That this House refers the on-going deliberations on the 2012/13 budget to a Select Committee on the Estimates for presentation to the Assembly in May 2012 and therefore for the Select Committee on the Estimates to be established at this time.”

The Honourable Chief Executive

Mr Speaker, Honourable Members, I proposed this Motion today in order to streamline the budget session process. As Honourable Members are aware, over recent years the budget cycle has been extended to ensure that proposals be reviewed in detail and sufficient time is available to resolve any queries that may arise. However, in the past these meetings have been either informal or undertaken through the Standing Finance Committee.

All the decisions have been in principle only and have been reviewed by the Budget Select Committee in the final week of May. To prevent this repetition but ensure the extended time frame for the processes allowed, the House is recommended to approve the opening of the Select Committee on the Estimates at this time with the final report being presented to the May 2012 Assembly alongside the resulting Finance Bill and the Appropriation Bill.

Standing Orders provide that membership of the Select Committee is all Elected Members, the Chief Executive and the Financial Secretary. It is proposed that the committee be chaired by the Honourable MLA Edwards.

The purpose of the Select Committee on the Estimates will be to review the budget submissions from Government offices, related fees and charges and capital requests in order to provide advice on the Finance Bill to be presented to Executive Council in May 2012.

Mr Speaker, I beg to move that the Select Committee on the Estimates is established.

The Honourable Roger Edwards

Mr Speaker, I second the Motion and fully support the Motion and all the things the Chief Executive has aforesaid.

Mr Speaker

Does any Member wish to speak to the Motion? The Honourable Chief Executive do you wish to sum up.

The Honourable Chief Executive

Mr Speaker, I have nothing further to add.

Mr Speaker

The Motion before this House is “That this House refers the on-going deliberations on the 2012/13 budget to a select Committee on the Estimates for presentation to the Assembly in May 2012 and therefore for the Select Committee on the Estimates to be established at this time.”

The Motion is carried.

Clerk of the Assembly**Order of the Day: Bills**

The Supplementary Appropriation Bill 2011/2012, this Bill requires a first reading.

The Honourable Chief Executive

Mr Speaker, Honourable Members, this Bill, if enacted will provide the legal authority for the additional sum of £918,400 to be withdrawn to replenish the contingencies fund. This sum is represented by two contingencies warrants that were approved following the Standing Finance Committees on 27 October 2011 and 25 January 2012.

The bulk of the funding in the sum of £905,600 relates to additional costs from medical treatment and residential care for patients overseas. These were set out in the Standing Finance Committee paper on the 25th of January. The remainder relates to two additional items that were approved by the Standing Finance Committee on the 27th of October.

I beg to move the first reading of the Bill.

The Honourable Roger Edwards

I second the Motion.

Mr Speaker

The Motion before the House is that this Bill is read a first time, are there any objections to the Motion? There are no objections; the Bill will be read a first time.

Clerk of the Assembly

The Supplementary Appropriation Bill 2011/2012

The Honourable Chief Executive

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

Mr Speaker

Does any Member wish to speak to the principles of this 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. There are no amendments, I declare that the Bill is read a third time and do pass.

Clerk of the Assembly

The Supplementary Appropriation Bill 2011/2012

The Taxes (Amendment) (No 3) Bill 2011, this Bill has been gazetted and requires a second reading.

The Honourable Chief Executive

Mr Speaker, Honourable Members, this Bill would make one change to the Taxes Ordinance and a further change to both the Taxes Ordinance and the Medical Services Taxes Ordinance. The Bill was published at the end of last year. It was announced in advance that it would be back dated to the beginning of this year so that it applies to the whole of the tax year. Clause 2 of that Bill provides for the backdating.

The first change applies just to the Taxes Ordinance and relates to civil penalties. At the moment Section 12/4 of the Taxes Ordinance provides for a civil penalty of £100.00 to be imposed if a taxpayer does not provide accounts or certain other information to the taxation office when they are required to.

Clause 4 of the Bill would repeal the existing penalty provision and clause 5 would replace it. Civil penalties would now be extended to cover failures to provide tax returns by the due date. They will also be extended to cover failures to notify the taxation office about new sources of taxable income.

At the moment, the amount of the civil penalty for failing to provide returns or other information is £100. The new civil penalties will apply in up to two stages. There will be an automatic penalty of £100 as soon as the due date passes. If the return, accounts or other information are still not provided after 3 months there will then be a further penalty of £200 at that point. The Commissioner of Taxation will be given the power to waive penalties but only for special circumstances.

The second change applies to both the Taxes Ordinance and the Medical Services Tax Ordinance and relates to locally recruited civilian employees for the United Kingdom Government. Section 57.1 of the Taxes Ordinance and Section 21.1 of the Medical

Services Tax Ordinance provide for exemptions from income tax and Medical Services Tax respectively. For both taxes there is an exemption covering service in the UK Armed Forces and employment with the UK Government. These will remain unaffected. However, it recently emerged that this also applied to locally-recruited civilian employees, which is not the original intention. It is also out of line with the exemption for employees of Defence related contractors, which only applies to employees recruited from outside the Falkland Islands.

Clause 6 would therefore amend exemption from income tax so that it no longer applies to locally-recruited civilian employees. And Clause 7 would make the corresponding change to the exemption from Medical Services Tax.

Finally, I should remind tax payers and their advisors that when it was announced that this Bill would be back-dated to the beginning of this year, it was also announced that a number of changes might also be backdated to the beginning of this year. And that remains the case.

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

The Honourable Roger Edwards

I second the Motion.

Mr Speaker

Does any Honourable Member wish to speak to the principle of the Bill?

The Honourable Dick Sawle

Mr Speaker, I am not sure I am speaking exactly to the principles of the Bill or not but if you will indulge me there is just one minor point I would like to make. Our Taxation Ordinance is a fairly lengthy document and we amend it quite frequently. One of the problems and difficulties that people have is understanding our taxation legislation. What I would like my Honourable Colleagues and the Attorney General's Department to consider is that when we make minor amendments of this nature to things, especially things like a Taxation Ordinance that they are incorporated into a complete version which is kept updated. I believe this is quite an important point as it is at the moment it is extremely confusing trying to understand the Taxation Ordinance.

I don't believe that there is a single, complete copy which, hand on heart, can be guaranteed to be correct. So, I am not speaking to the principle of the Bill, perhaps, but it is a point I would like to make.

Mr Speaker

Would the Attorney General like to come back on that or will you consider?

Attorney General

I will consider but I think the position is that we know there is further review of the Tax Ordinance that needs to be carried out. That's been around for a little while and there have been proposals to get specialist drafters and specialist tax experts in order to bring it about. So there is a question of at what point do you consolidate everything and put it all into a new Bill at the same time as doing the patch and repair jobs that we are currently doing. But we have taken the point about how we present legislation to make it clearer. We haven't done that with the Tax Ordinance on this occasion because of the time it takes to consolidate against delivering other priorities. It is a point that was well made and we have taken it on-board. I think it also needs to sit in context with the issue of trying to produce the laws in general that people can have access to understand as well.

The Honourable Mike Summers

Mr Speaker, there are two issues of principle that I wish to address here. One is the principle of back-dating and the other is to do with the other section of the Bill and I will come to that in a moment.

I have a fundamental objection to back dating taxation legislation. I don't think it's fair or reasonable in almost any circumstances. We did discuss this at the time the policy was being set and I did agree to it at that time. But I give notice that I am unlikely ever to agree again to back dating of tax legislation because if there is a need to change the tax law, then change the tax law and give people proper notice of it. But backdating it I think is fundamentally unfair.

The second issue is to do with the employment of local people at Mount Pleasant. We have been wrangling with either this issue or issues like it for an awful long time. Trying to set out a level playing field between local people and people appointed from outside the Falklands is extremely difficult and I don't pretend otherwise.

We are in a phase now of talking very seriously with the Ministry of Defence about localisation and having local people employed at Mount Pleasant doing jobs that were previously done by uniformed staff. We also are attempting, or will be attempting through that process to get local companies carrying out functions that are currently carried out by civilian staff recruited from overseas. You can see or will clearly understand that does not present a level playing field. It makes it more difficult for local companies to be able to undertake employment at Mount Pleasant rather than easier, which is what you might automatically expect.

So, whilst I won't be objecting to this particular amendment because it's just yet another sticking plaster, it's an issue that needs fundamental review in due course.

Mr Speaker

Does any other Member wish to speak? Is there any objection to dealing with this Bill by the short procedure? No objection, does any Member wish to propose any

amendments to the wording of the Bill? No amendments, I declare the Bill will be read a third time and do pass.

Clerk of the Assembly

The Taxes (Amendment) (No 3) Bill 2011

The Pensions Fund Actuarial Review Bill 2012, this Bill has been gazetted and required a second reading.

The Honourable Chief Executive

Mr Speaker, Honourable Members, this Bill will amend two existing Ordinances that relate to pensioners. These Ordinances provide for actuarial reviews to be carried out every three years for the Pensions “Old Scheme” Fund and every five years for the Pensions Equalisation Fund.

The primary purpose of the Bill is to relax the actuarial requirements. Currently only the UK Actuaries Department can carry out those reviews. The intention is to extend the authority to allow other independent actuaries to perform them. In addition the opportunity has been taken to amend the Retirement Pensions Ordinance to specify that the Financial Secretary will be responsible for arranging the review of the Pensions Equalisation Fund in the same way as is already the case with the Pensions Old Scheme Fund.

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

The Honourable Roger Edwards

I second that proposal.

Mr Speaker

Does any Member wish to speak to the principles of that Bill? 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 the Bill to be read a third time and do pass.

Clerk of the Assembly

The Pensions Fund Actuarial Review Bill 2012

The Administration of Justice (Amendment) Bill 2012, this Bill has been gazetted and required a second reading.

The Honourable Chief Executive

Mr Speaker, Honourable Members, this Bill would amend the Administration of Justice Ordinance primarily to abolish the time limits for prosecutions for sexual

offences committed against victims aged 16 or over. A primary review of prosecution time limits more generally will be undertaken later in the year.

Section 51 of the Administration of Justice Ordinance deals with time limits. For prosecutions for murder, manslaughter, piracy and treason, there is no time limit. For most other offences there is a time limit of between 6 months and 12 years. Once that time limit runs out, the offence is time barred and a prosecution cannot be brought for the offence.

At the moment, for the offence of rape and for other sexual offences a distinction is drawn according to whether or not the victim was under 16 at the time of the offence. If, and only if, the victim was under 16 at the time of the offence, there is no time limit. On the other hand, if the victim was 16 or over at the time, the time limit for rape prosecution is 12 years and the time limit for prosecutions for other sexual offences depends on the maximum penalty for the offence. That distinction is discriminatory, arbitrary and potentially causes injustice.

Clause 3.2 of the Bill would remove it. There would no longer be a time limit on bringing a prosecution for rape or another sexual offence, whatever age the victim was at the time. Devolution of the time limit would apply whenever the offence was committed, even if it would currently be time barred.

There are also a number of safeguards to ensure that a balance is struck. Prosecutions would still be subject to the public interest and the court has the power to dismiss prosecutions if delay prevents the defendant from having a fair trial or if there is an abuse of process.

The aim of this amendment in combination with those safeguards is to ensure that justice can be served. Clause 3.2 would also update the definition of “sexual offence” and extend it to include child pornography offences

Clause 3.3 is a technical provision that clarifies the position in relation to certain offences. There has been consultation about this Bill with those involved in the criminal justice process, the Judiciary, defence representatives, the Police and those who provide support to victims of sexual offences. There has been a large measure of support for the proposal. There was a comment that the proposal was restricted to sexual offences and did not go far enough. However, it should be stressed that this is only a first stage. A general review of prosecution time limits will be carried out and, as I said earlier, the plan is that further proposals will be presented later in the year.

The view was also expressed that the whole of the Administration of Justice Ordinance should be revisited and at least consolidated. Resources and competing priorities simply do not permit a complete overhaul of Section 51 at this time, let alone the entire Ordinance. Consolidating the Ordinance at this time is not necessarily a good idea because it simply re-enacts legislation that we know needs to be revised.

However, a marked-up document showing the context and effect of the changes was circulated. I hope that provided at least some assistance to our Honourable Members. I beg to move that the Bill be read a second time.

The Honourable Dick Sawle

I wish to second that Motion.

Mr Speaker

Does any Member wish to speak to the principles of the Bill? There is no debate, is there any objection to dealing with this 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.

Clerk of the Assembly

The Administration of Justice (Amendment) Bill 2012

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 Jan Cheek

Mr Speaker, Honourable members, I would like to be first again. The Honourable Dick Sawle and I were at the airport to welcome him but I want to publicly welcome Congressman Jim Sensenbrenner and his aide, Todd Washam and to thank them for making what is not a simple or short journey in order to discover what the Falklands are really about. I hope this will be the first of several such visits. I hope that you will have found enough here that you can go back and tell others that it's well worth a look. It's probably a unique occasion for us in that Mr Sensenbrenner will be saying a few words later.

I want to move on now to something which could be more controversial. I know one or two Members felt uneasy about it, but I wanted to publicly send my condolences to those affected by the horrendous rail crash in Buenos Aires yesterday. We know quite a large number of people were killed and others were seriously injured. There are bereaved families; there are people fighting for their lives. It doesn't matter how ill advised that country's government is in its treatment of our Islands. We can still show humanity and that we care about things like that.

I would also like to welcome someone else who is sitting in the Chamber. Mrs Irene Lucas, who has just completed for us a review of the structure of Government, which was requested by Members as there was a large amount of debate about that review of Government at the time of the General Election. I didn't make it a great feature of my election platform. I only had a couple of issues with it, I certainly didn't think Government was perfect before the review, and I don't think it was perfect after the review. I think we need to keep on reviewing over the years to make sure that the structure of Government is fit for purpose and that our staff get credit for the work they are doing.

There are a lot of departments within Government who we know are stretched almost to the limit by the demands that we place on them. It's easy to forget we are not running just a local Council, we are running a small country. We have no economies of scale and I think that should be borne in mind when people are being critical of the activities of various departments.

I would thank Irene for the excellent review that she has given us, for the opportunities she has given us to have further debate on how we implement the suggestions that she's made and I know that she is going to be sharing those with various groups over the next couple of days.

Finally, because I know a lot of others have to say quite a lot after me, I'd like to say to members of the public who have been unsettled by events in the last week by fairly large groups of slightly aggressive visitors moving around the town and displaying a sense of arrogance exhibiting behaviour that to some was regarded as provocative.

We have only to look at the support we have received from people around the world. Although there has been some negative stuff about us in the Press; the vast majority has been favourable. Above all, we have always enjoyed the support of the British Government as an Overseas Territory. That has been cross-party support for many years. I have to say that it has never been as vocal, as firm and as far-reaching as it has been in recent months. I think our thanks should go to the British Government and people for that.

I support the Motion.

The Honourable Dr Barry Elsbey

Mr Speaker, in rising to support the Motion I would like to join with the Honourable Jan Cheek in expressing my personal sympathies towards the dead and the gravely injured in Argentina following the train crash yesterday. I don't need to tell you the differences we have with Argentina, the government of Argentina but I think as a democratic and empathetic people we have to send our sympathies to any disaster like this and I think those sympathies should be from ourselves to the people of Argentina.

I would also like to join with the Honourable Jan Cheek in welcoming Congressman Sensenbrenner to the Islands. I hope he will have an enlightened stay while he is here. He certainly came the long way around from Washington to London and then on the Airbridge to MPA and so he will have an understanding as to why we need to work with the MoD to ensure that improvements happen with the Airbridge such that it can play a better role in the future development of our Islands. He will be heading back on the LAN flight on Saturday and will understand why we also value that link with South America. We are not isolationists here and want nothing more than good relations with all our neighbours, to be allowed to trade freely, to travel freely and to have our ships trade where they wish.

Mr Speaker, America is a great nation and like Britain is a great defender of democracy and the Falkland Islands must seem very remote indeed when viewed from the distance from Washington. Democracy is not about size or power or strength of

arms; it's about what's right and what's wrong. I hope that during his stay Congressman Sensenbrenner will get a better idea of the realities on the ground here in 2012. That reality check is what most South American journalists and TV crews who visited recently seem to leave with. You don't need for me to tell you just how many journalists have been here lately from Europe, UK, North and South America and even from Japan. I am sure that the Falkland Islands must hold some form of record for a country for the percentage of population that have been interviewed during any four week period because everyone I have spoken to seems to have spoken to some member of the press.

Whenever I meet a journalist from South America and especially from Argentina I make a point of asking them what their thoughts are now, what are their beliefs and thoughts about the reality on the ground compared to what they thought before they left South America? Almost without exception they tell me that their ideas have changed completely; that they realise now that the Falkland Islands are not a part of South America held down by the aggressive British, who need to put their forces in the Islands to keep us in our place but we are a thriving democracy that wishes nothing more than to determine our own future.

Mr Speaker, over the last week or so, as the Honourable Jan Cheek said, we've had large groups of Argentine visitors, perhaps the largest group for a long time. Many were veterans and wanted nothing more than to come quietly to visit sites of battles and to try to lay some ghosts in the same way that many of the British veterans do. But their presence in such numbers and the actions of a small group of their members have caused a lot of distress to the people here, particularly the Islanders who were here during the conflict and I, like many of my Honourable Colleagues have received many calls from distressed people asking why we can't just send them home. I am afraid the answer to that is that we are a democracy and unless they break our laws they have a right to visit. And it is my hope that not only will these visits help veterans to move on and help them heal but the tales that they take back to their own country of the realities of the Falkland Islands now will help us in the long run.

But there is a limit and Members of the Legislative Assembly are working with the Police and the Attorney General's department to try and ensure that future visits do not lead to public disorder, which would be a great detriment to us in the eyes of the world. There is a flight from Rio Gallegos on the 9th of June and so there might be a lot of Argentines here during Liberation Day. We must and I believe we will make careful plans as to how to deal with that situation and all options are being discussed.

Mr Speaker, I would like to finish by thanking everyone in the Islands for being unpaid representatives of the Falkland Islands, if you like, by simply being yourselves and showing the quiet dignity we are renowned for and not responding to this provocation you have endured. You have done more for the cause of the Falkland Islands in the world press than any number of experts.

Mr Speaker, I support the Motion.

The Honourable Ian Hansen

Mr Speaker, Honourable Members, since this Assembly last convened, I think it is fair to say that there has been a considerable flurry of activity on the political front, with Argentina making even more objectionable and ridiculous statements and requests at several international organisations, including the UN. Also, of course, media coverage and tabloid coverage has been higher profile coverage of late than usual. I do believe, however, that as the Honourable Jan Cheek mentioned that on balance this has worked in our favour. It's getting our message of right to determination to remain British and it's getting out to a wider audience and further helping our cause.

Last month and indeed most of this month, two of my Honourable Colleagues, Sharon Halford and Roger Edwards, I believe did some sterling work whilst travelling extensively to Brussels, London, and on to the Caribbean. I would like to take this opportunity to thank them on their achievements and efforts.

Quite a number of people apart from Members of the Legislative Assembly and Government officials have been interviewed by television crews and press over the last couple of months. I believe congratulations are in order for them all for their excellent contributions and they should be proud of the way they have intelligently and clearly stated our cause and supported the Falklands during these interviews. I think I have to add that each and every one have done so much better than I could have done at short notice.

At our last Assembly meeting in December, of course, the Honourable Dr Elsby and I were not aware of what our portfolio responsibilities were going to be. I would now like to briefly touch upon the ones that I either directly inherited from the MLA I replaced or was given on the day.

I am very pleased to be involved with the Rural Development Strategy and I would like to thank the Honourable Mike Summers and the RDS Steering Group for the huge amount of work they put into producing the strategy in a relatively short period. This Strategy went to Executive Council yesterday and that is definitely a step in the right direction. Of course there is still much to do and where we immediately go from here it isn't crystal clear and it is not going to be plain sailing. But at least we do now have a platform from where to start and we do have an idea of what we want to achieve in the future; and hopefully some of it in the near future. I personally am of a firm conviction that this strategy can and absolutely must encompass and serve all areas and aspects of rural life.

I was also delighted to be returned to the Falkland Landholdings Board as Chairman. Wool and meat prices being as they are, mean that for the last couple of years, perhaps more than a couple of years at least, Falkland Landholdings farms can hold their heads high and not have to experience concerns about controversial subsidies or overdraft facilities. Although it is obvious that market forces have assisted this in no small way, it's worth noting that management and staff continued to work hard through the difficult times alongside the Falkland Islands' Wool Company, Department of Agriculture and, of course, FIMCO to try and continue to produce the

highest quality of wool and meat for marketing. And I found it very gratifying to see their dedication is now getting some reward.

It's also a pleasure to be involved in Agriculture and Education again, albeit in a secondary role and it's a very interesting experience to be part of the Public Accounts Committee and Civil Aviation, though I have much to learn about both these portfolio responsibilities and in particular, Public Accounts.

Finally, Mr Speaker, I would say what a pleasure and a privilege it is for us to have Congressman Jim Sensenbrenner visiting the Falklands this week. I thank both him and Todd Washam for taking the time out of their very busy work schedule to come and see us and to pass on to us your valued opinions and support. I hope you enjoy the rest of your stay.

Mr Speaker, I beg to 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 a few issues.

Firstly I would like to give a brief update on where we are on road-works this season, as I had various representations from concerned road users. Bearing in mind that many areas on the West had not seen road maintenance for two to three years, you could say that West Falkland has had a well-deserved face lift this season and that all roads, with the exception of the road to Spring Point, have been graded. There has been more capping undertaken on the main spine road between Port Howard and Fox Bay. I understand that Wind-bound Valley has also been successfully realigned and as this was a large operation, let us hope it holds its own and lasts for some considerable time into the future. Unfortunately it has not been possible to get all the work finished on the West that had been hoped to be achieved but overall I do hope that the work undertaken has made a difference. No doubt I will be told if it is not.

East Falkland, on the other hand, has not seen the same level of maintenance that it has been used to as the grading plant was on the West a good portion of the season. This plant should hopefully be back on the East this weekend and will be put to work on the MPA Road and hopefully within a week will also be working on the North Camp Track.

Several people have expressed concern about the replacement of the culverts between the Estancia and Malo being undertaken before the end of the FIMCO season. I am assured that this work will not be undertaken before the end of the FIMCO season but it should hopefully be undertaken before the start of the next one. I am aware that a lot of capping needs to be undertaken in the future on both islands and people will have their own views as to where this is or is not the most deserving. The road from Wall Mountain to the Estancia is now in real need of capping. But if we think back it has perhaps served us well as it was one of the first roads built. However, before more work can be done with the regular fire-fighting we have been trying to deal with to date, we will have to think seriously about additional funding on an annual basis and this will be something that we will need to address in the budget round. If we do not

then we can forget about all the other development strategies that rely upon communications, which include a good road network.

The Onion Range Road is at last near completion, which will release that gang back into the pool for road-works. We have also undertaken two road trials this season. The first was on the south side of the Fitzroy Ridge and was an “Eco-tracks” trial. This was only undertaken on a small stretch of road but it appears to be holding up reasonably well. However, the winter will be the real test. The second trial was the “Otta seal” trial on the Moody Brook Road, which was laid more recently, in fact, whilst I was away. So again we will need to see how this holds out over the winter. Later in the year both trials should be able to be fully assessed and decisions made as to whether or not either of the trials are the way to go for the future.

Executive Council confirmed yesterday the appointment of Dave Roberts as the East Falkland Representative to the Transport Advisory Committee. He will be following on where Ted Jones left off. Owen Betts has been appointed to the Committee as a representative for Stanley replacing Gerald Cheek and Bill Pole-Evans remains as the representative for West Falkland. We still have a vacancy for an outer island representative and would, of course, like to hear from anyone who would be interested in taking on this role.

To finish on roads, I would like to thank all of those in the Highways Section and in the private sector who continue to work long hours and strive to keep our roads operable.

As many of you are aware and as the Honourable Ian Hansen has already said, I was out of the Islands recently for a month with the Honourable Roger Edwards. And despite what some may surmise, this was no holiday. Firstly we attended a forum in Brussels for Overseas Territories before spending a couple of days in London assisting with the first sift of candidates on the long list for the post of Chief Executive here in the Islands. After that we travelled to the Caribbean to Barbados, Granada, St Lucia and St Vincent before returning to London for another session of interviews and then thankfully we returned home to a warmer climate. Well it was for a few days.

The purpose of the Caribbean visit was to try and put the truth across about the Falklands and its people and our right to determine our own future, rather than the people only hearing the myths and lies that are all too often spread by our neighbour. We received a warm welcome and good support from most of those we were fortunate enough to talk to. We also had excellent support from the Foreign and Commonwealth Office and I would like to thank them for that.

There is no doubt in my mind that our message is best portrayed to the outside world by ourselves, the Falkland Islanders, not just MLAs but Islanders as a whole including the younger and older generations, whether through politics, sport or simple everyday living. If we wish to be heard, then we should not be backward in coming forward. I would like to say, “well done” to all of you here and overseas who have been contributing in getting our message across and are continuing to do so.

I do not normally give air time to Argentina but on this occasion I would like to thank their President and her government for all of the publicity they have afforded the Falklands of late; and the way in which they have raised our profile internationally. People are now hungry to know the truth and hear our side of the story.

We were presented with a report on the Review of the Review of Government this week, which is to be made public. As the Honourable Jan Cheek has already said, Irene Lucas is to be thanked for her part in getting this to us. Throughout the process she tackled it with a very quiet and, in my view, efficient manner.

Prior to being elected on to this Assembly; in other words being on the outside looking in, I was one of those who was not all together happy with all the changes that had been made. Now you could say that I am on the inside looking out and I am still not happy with all the changes that took place but can see where some have worked and improvements have been made. This review contains a number of recommendations and it will now be for MLAs and officials to look at and consider the recommendations and decide upon the way forward; and if systems can be tweaked and improve even more in some areas.

In this line of work you win some and you lose some, as I did in relation to the time change. I was absent from the Executive Council meeting when it was decided that the time change would no longer happen and that we would remain on Summer time all year around, I did express my opinions loudly and clearly but obviously to no effect. I do recall that when we first started on the exercise, there was a suggestion that we try both time zones for the same time – no pun intended. But that idea also seemed to fall by the wayside. I am still disappointed that the telephone survey did not take place as I feel that many people within the Falklands have no idea that the online survey was going on. As I have been told on numerous occasions, the people in Camp can continue to do as they wish, as had been the case to date. That's not much consolation for the businesses that start work early in the mornings in Stanley. We now have to live in this time-zone and I continue to look forward to seeing some of my colleagues becoming former shadows of themselves after all the evening exercise they are able to enjoy.

As has been mentioned here this morning we are to have a census in the Islands in the not too distant future. The intention is that the census will be completed online. Please note that it is only if that is how you wish to do it. You will still be able to ask for a paper copy to fill in. As computer literate as many in our community may be, there are still many people who are not online and others like myself who are not exactly up to doing much more than sending and receiving e-mails.

Finally, I, too, would like to welcome Congressman Sensenbrenner and Todd Washam to the Falklands. It is, indeed, both an honour and a pleasure to have the opportunity to entertain and show our Islands and way of life to an American Congressman. Although brief, I do hope that your visit will be both informative and enjoyable.

I support the Motion.

The Honourable Gavin Short

Mr Speaker, Honourable Members, in rising to speak to the Motion for Adjournment, I would like to keep my comments briefer than normal because I know at least one Member wishes to take his son out to lunch.

To answer the Honourable Sharon Halford, I do NOT do exercise. I have not seen a happy jogger yet so I am sure it must be bad for you.

I would like to start by extending a very warm welcome to Congressman Jim Sensenbrenner and also his aide, Todd Washam that made the long trip down from the USA to visit our country and see for themselves what we are and who we are. I sincerely hope that they are finding our country and our ways of doing things both enjoyable and illuminating. We are honoured that you have made the trip and hope that when you return to Washington you will be able to interest others of all political persuasions to come down and see us.

We have been living in very interesting times. We have been subject to an almost constant barrage from the Argentine side, which seems to be becoming ever more desperate and fanciful with every passing week. We have weathered it and I would like to think we have given as good as we got; which I think came as a nasty surprise to those who had been so used to handing it out with very little coming back at them. The game has changed. We are not sitting back quietly anymore. This is our country. We are a people. We have a right to exist and we have the right to self-determination. And, by Jove, we intend to carry on telling the world just that. We will chose with whom to have allegiances and not have one hoisted on us by a wannabe colonial power.

As a bit of a stay at home sort of a lad, I must sincerely thank other MLAs who spend an inordinate amount of their time roaming the world and spreading the truth and countering scurrilous mistruths that are spread by the Argentines. And in doing so, they have actually helped in turning the tide. Also, those who are here at home, and indeed those overseas who spent hours and hours giving interviews and writing articles; I thank you for that. Also, not to be forgotten are the Penguin News and other media organisations, the Chamber of Commerce plus ordinary people who spent so much time talking to the various media outlets. You have all done exceptionally well in getting our story out there. Also a big thank-you in this campaign to assert our rights to our freedoms must go to the general public who more and more are entering into the discussion forums on the internet and most eloquently and forcefully put their case. At times the voice of just one ordinary citizen is worth more than all us political types together, so keep it up. I once made a joke in this house about blogging and tweeting for victory and that is just what you, the people are doing and I salute you for doing that.

The last 10 days or so have been quite the most horrible I have had for some time. They started with the incident where we had the crewmen jumping from the jigger into the cold waters of Stanley Harbour. Miraculously they all survived. I was lucky enough, if you can put it that way, to have been able to follow the whole operation as it proceeded throughout the night. I must pay tribute to all involved from Fisheries Ops and staff who held it all together through to the emergency services, people from

the various fishing agencies and companies who responded so quickly and had their launches out in no time at all through to the search and rescue helicopter and members of the ordinary public who did their bit. This time it had a happy ending. It is so sad though that most of these incidents do not. The actual effort was carried out with all parties in unison. But the main problems started to arrive after the incident. Then departments almost seem to go back in their shells. The “Director of Homeland Security” has now written a protocol to be followed as there didn’t seem to be one before. The operating procedures are just as important as those that are in place during the incident. I had input into the protocol and whilst I think it covers most of the important issues it still needs to address the issue of the fact that we need to start getting information out as soon as we can. I put forward my ideas on this as well but I am not sure if they really are being taken on board. We need someone in the ops room or in a position to start disseminating information as things unfold. This is a very small community and rumours spread like wildfire. This was the case with the Jigger incident this time. As soon as I heard that the Search and Rescue helicopter was on its way I knew, given people’s heightened state of anxiety, thanks to the Argentine situation, we had to start getting word out as they may well have jumped to the wrong conclusions. I must admit that I used a pretty unorthodox method but Face book did the trick. We must have someone who is public facing and can think about these things whilst leaving the Fishops staff and others to get on with running the rescue effort. And I also repeat that I wish to be notified straightaway no matter what time of day or night if there is an incident.

Following hard on the heels of that came the shenanigans of a group of Argentine veterans that were here in the Islands. Most veterans come, lay their ghosts to rest and leave and you really do not know that they were here. This group was unlike anything we have seen here before; and the sheer numbers also added to the problem. As the week wore on I could see tensions were building to a point where there was a very real probability of a confrontation and alas it was proved true. I must appeal to people to try and keep cool and not do anything. But as someone who has been through the experience of 1982 I also know just how hard it is, especially this year, where a lot of us are going to have memories awakened that we would much rather lay dormant.

And that is without having a bunch of people roaming our country who seem to be intent more on pursuing a nationalistic agenda rather than laying ghosts to rest. I received many calls from distressed people and passed these on to the Police. However, I must plead with the public to call me by all means as I do indeed want to know what’s happening but only after calling the Police. I am assured that they will respond to your calls but they can only do that if you tell them what is happening in real time. Something told me a day or so later isn’t much use. So please as soon as you become aware of anything or feel intimidated, please call the Police first and you’re friendly MLA after that. We have met with officials and are awaiting word back on just how best we can protect you, the Public. Again, I must plead with you, you must do your bit as well. Call the law first immediately when something happens and your MLA at your leisure.

Alas, with all that has been happening, I think our eyes have been taken a little off the day to day stuff but I would like to report on just a few items.

Once again this year we sailed very close to the wind with our potable water and had to restrict large sales to the oil industry so that we could keep the town, etc. supplied. It is almost unheard of to have two back to back dry summers but it's happened. The Director of Public Works is doing his best to work figures in time for this year's budget for the alternative water supply and, if he can get them in on time I will be pleading with Members to look favourably on this project. I guess oil is going to happen so we will have a window of a year or two to have our infrastructure ready.

Another scheme that has languished in the doldrums somewhat is the soft loan scheme for improving potable water in the Camp. I have asked Treasury that a line be inserted in this year's budget so that at least it will have funding as soon as we can get the details finished.

The Town Hall lift moves slowly on and I believe Members may already have sight of the new figures. They are somewhat hair curling but let's just get on and do it. The last lift got put on hold and although it languished here in a container it was never fitted due to budget cut-backs, I believe. Then it was forgotten. I think this has proved to be a very false economy as the lift is now deemed useless. We are going to have to get a complete new unit and so have wasted a lot of money. If we do it I hope we do it properly and go for an option that will make it of the most use to the public and not the half-hearted job that we often do.

Mark Boucher, the new General Manager of FIDC is now in post. I would like to welcome him and he comes with new ideas. I find his ideas really interesting but one in particular really grabs me; as it will as it comes to fruition help young people who have the drive to strike out on their own. I will not steal his thunder nor pre-empt what the Board may have to say by revealing any more. But I really look forward to him working up his ideas and presenting them to the Board. I would also like to thank the staff up at FIDC. We have a really close-knit little team up there who, like a lot of the FIG departments that I represent, punch way above their weight.

An area of concern for me, though, still remains the Police. Recruitment has proven to be almost impossible. It does, I believe, come down mainly to wages. I believe this is being looked at now but would plead that we get into gear and get this sorted at the greatest of haste. Let's start thinking and acting like the private sector would. They can identify a problem, find a solution and act accordingly, whilst government seems to trundle along with the speed of an aged elephant in a tar pit. We must get a solution in quickly or we may find ourselves, not with what we have at the moment but as tired, disgruntled Bobbies but with hardly any Bobbies at all. I can't blame them if they decide to leave. Goodwill can only sustain people for so long. I think with the Police as indeed with some other departments, we have ridden the goodwill train for far too long. It's time we started stepping up beside the workforce, supporting them and repaying that goodwill with positive action.

A few days ago I managed to sneak out with the Fisheries boys to see the process of the inspection that they carried out during the licensing of the Squid Jiggers. This doesn't suddenly make me an expert but it does give me greater understanding of what the Fisheries Department does on that front and also what it looks like aboard a Jigger. My grateful thanks to the Ops Room Boys and especially Bernard for telling it to me like it is and that's just the way I like it.

Tomorrow, Jury Bill debate and weather permitting, I hope to be setting sail with the Fishery Patrol Vessel and the FIDF to take a look at some gunnery procedures. Having, if I remember correctly being part of the Council that bought the famous gun for fisheries action, I am at long last going to see the beast in action, I hope.

The Falkland Islands Defence Force recently deployed under their new guise on to the West Falklands. They were, from all the reports I have received from the folk in the West, very well received. They also co-operated very closely with British Forces in various scenarios which also went well and is a splendid indication of just what we are capable of.

I am also happy to report that us Falkland Islands Defence Force Veterans will be marching again on the 1st of April. I would like to thank Gerald Cheek for stepping up to the plate and starting to make it happen. Alas our numbers are starting to dwindle and for us this will be the last major anniversary when we will have a fair number of us still around.

I note the Member for Camp is starting to glance at his watch and turning a funny colour so I will now end but not before mentioning Christmas. It was brought to my attention just before Christmas that we hadn't strung the lights up as we normally do on Ross Road. On making enquiries it transpired that the lights were past their sell by date, had in any case, been vandalised, plus we did not have enough physical bodies to get them up. I have asked that funding be put in the budget for new lights for this year plus also funding that the private sector can be used to put them up if need be. As a caller said to me, apart from looking nice, with all the pressure that we've been under over the year up to Christmas, it would have been a wonderful thing to have them up and jolly the place up a little bit. I actually got enthused and spent a few happy hours goggling Christmas lights. I found that there area lot of well groovy Christmas things out there like outdoor artificial trees and the like. And before the Treasury start having a fit about me wanting to squander the whole £19 Million windfall on Christmas decorations, it actually crossed my mind that it would be wonderful if there could be a joint private and public sector effort to light up the front of town like it's never been lit up before for Christmas 2012 and those years thereafter.

On my travels in the UK just before Christmas I spotted, even in the smaller towns, and even with them being in the icy grips of a recession, which we are not, they could manage some quite enchanting displays which we seemingly can't. So let's think about it, or even better, let's do it. Whatever happens, it is my intention that we will all be well lit this Christmas.

Mr Speaker, I support the Motion.

The Honourable Mike Summers

Mr Speaker, Honourable Members, I would like to provide my very warm welcome to Congressman Jim Sensenbrenner. Thanks for coming to see us and thanks also to his aide Todd Washam. It's a long and arduous journey as others have noted. I welcome you with the same warmth as we welcome all visitors to these Islands and I would like

to say how good it was to see the Minister from the Coalition Government, David Willets here earlier in the week; and his colleagues from BAS. We have very close relationships with British Antarctic Survey and it's good to see them stopping off to talk to us as they pass through. We also very much look forward to welcoming the Defence Select Committee here in due course. This appears to be a secret everywhere other than the British media. They are coming and we hope to welcome them into Stanley for part of their visit.

I would like to talk about a couple of areas that need highlighting and for which I have some responsibility. The rural Development Strategy in particular. We have finally got the strategy approved in Executive Council probably 3 years after it was written. That must be almost a record. So we have the policy agreed for the way forward for the Camp. We now have to work together with Colleagues Ian Hansen and the Camp Members and the people who live in the Camp on an action plan as to what is required. I have had a number of discussions with people already about labour supply and how we increase the quantity of labour in Camp; also interestingly about water because not only Stanley experiences difficulties with water but also the farming areas. And I think we need to be addressing ourselves to that in the near term and how we improve the services for Camp. A lot of things are going already, of course, in terms of Agriculture, Roads, Ferries, etc. There are other areas that need to be addressed and to be addressed urgently and to get some of the funds we made available for Rural Development actually out and in action.

The Tourism Development strategy is better advanced. I was incensed during the course of the week to see a very ill informed comment in the editorial in the Penguin News about the recruitment of a new General Manager for the Falkland Islands Tourist Board, and I told her so.

We have struggled with three different agencies trying to deliver the Tourism Development Strategy. We have FITB itself, which is a Members' Organisation, we have a Tourism Development Strategy Group, which is a group of people representing essential Government interests and we also have the Falkland Islands Development Corporation. Each of those groups has done excellent work in their own areas but pulling them together into a cohesive arrangement is really important. We have an Extraordinary General meeting of the FITB shortly to talk in that group about how we can improve communications and what we can do to reform the FITB if necessary to make sure that Tourism is delivered from one point that supports the tourism industry. The staff that we put in place in the FITB will be absolutely critical to that and it will help take some of the load off some of the other organisations but having said that, we have made some very good progress.

I am delighted to see that the Museum Project is about to get underway under the custodianship of the Museum and National Trust and not the Government and I think that's a great decision. We have approved money for the construction of new toilets, isn't it extraordinary what a fuss that can cause anywhere and everywhere? And we have made huge progress in marketing the Falklands both in the United States and in Europe so I think we are making some real progress.

One of the key issues remains around air links and there are two different strands of discussions taking place in terms of air-links, how we can develop a route to the

United States, which would support passenger exchanges for expedition vessels and also substantive air-links between the Falklands and the Northern Hemisphere - whether they go into the United States or whether they go into the United Kingdom. But what I can, again, assure the general public of is in the unlikely event that the Argentine Government does try and stop the LAN Flight, we do have contingencies in place that will enable people to still travel and do the work that they want to do and still have abilities to get tourists here to the Falklands. And particularly to the Chilean Community, we do have contingencies in place to be able to get you back home if that is what is required. We are clearly not going to talk in detail about what those contingencies are because we don't wish to give the enemy the opportunity to then respond to them. But they are there and in place so please be reassured about that.

A few words about the Review of Government, thank-you to Irene Lucas for producing what I think is an excellent report. It delivered most of what I thought it probably would. In terms of the structure of Government I am not surprised about her recommendations and her observations. There are some important areas that we need to get on with and to grapple with. They are the issues of delegation and the issues of training. They are short words but actually there is a lot behind them in terms of how to delegate authority back down to competent levels in the Government and to get around some of the bureaucratic over-lays that we have is quite a task as is putting together meaningful training programmes and properly funding them, not only for the public service. I was horrified to hear the other day that the training funds had been denied to a quasi-private sector organisation for an essential piece of training on the grounds that it was a requirement. How bizarre is that? Most training, I think, is a requirement and we need to properly fund training both in the public sector and in the private sector.

I think the review of Government also gives us as MLAs the opportunity to reflect on how we do our work. We've been reflecting on how the public service does its work. I think there is adequate scope for us to reflect on the way that we organise ourselves and we do our work. That is not to be critical of this Government. We had the same reflection in the previous government. I am not necessarily certain we got it right, but I don't think we are as well organised as a group as we ought to be and I think we need to reflect with an open mind about that and think about what is best for the Falklands, not what's best for us individually. Not who wants to be the boss, who wants to be the leader, who wants to have lots to say, it's about what's best for the Falklands and what works best with the structure that we've put in place for the Public Service. I think that's an important piece of work for us to do also.

A couple of other brief observations, in terms of Argentina and what's happened in the last month, I thoroughly agree with the Honourable Sharon Halford and congratulate the Argentine Government on giving us the opportunity to get our message out around the world. I think collectively the Falklands have done a splendid job and responded to the tasks that were put in front of us. What do we need to do to get our message out there? We need to tell the truth and we need to tell the truth consistently. I think that will compare and contrast starkly with what happens elsewhere and that can only be to our benefit. We need to concentrate on the principles. We don't need to argue about history although I believe as I think all Members do that actually history is on our side and if we need to get that information out to the media and to others then we should do so but we need to concentrate on the

principles. The real principles are that we as a population and as a people have the right under the UN Charter to self-determination and that's what we focus on. There was a famous comment in 1982 about two bald men fighting over a comb. Well, we are the comb. Never mind the bald men, they don't matter, it's the comb that matters; it's what we think that matters and that should be our consistent message.

As long as we work within the law that is our own law and international law, I think we will always triumph. The international law in this case supports us. Our own domestic law, I think, also supports us in the way that we deal with visitors coming here. We had some interesting discussions the other day with officials about how to control and make sure the people in the Falklands are not intimidated by visitors. I think that's an important issue but we must always work within the law.

So I will finish with that. I would like to thank as others have, everybody who has contributed to the information flow, to media around the world about the Falklands and we are getting the message out there. There remains an awful lot more to do. This month is not the end of the issue. It will go on for the rest of this year and it will go on next year and the year after. So our long-term plans on how we deal with that are going to be critically important.

I support the Motion.

The Honourable Dick Sawle

Mr Speaker, thank you very much, indeed. I was given a severe warning by my Honourable Colleague to my left that I have to be very short today so normally I don't pay too much attention but today I thought I would make an exception. With this in mind I would just like to concentrate exclusively on a single matter, which is the same single subject that has been exercised in all of the media in recent weeks, namely that of sovereignty and our right to self-determination.

Many people from a variety of UK Ministers, Ambassadors, our own democratically elected politicians and, most importantly, many members of our community here have been extremely active and vocal in getting our messages out and about in the international media whether that be in a variety of publications, on the radio or on television. But what has really and truly impressed me is the complete consistency of our message. None of this is choreographed. We don't indoctrinate people in false history lessons at school. We quite rightly and simply let people decide for themselves, speak for themselves and tell it how they see it.

I think it's rare indeed to have any population in any country as united in the same way that our Falklands' community is united. The value of all of our combined efforts has been, I think, immense. And we have seen in recent weeks, even today how public opinion even in Argentina can be changed. Many people in Argentina are now questioning, quite rightly so, the policies of the Kirchner government. There has been real progress and one of the things that has made this progress fairly simple for us has been, as my Honourable Colleague Mike Summers has just said, the indisputable fact that we do not spin, we do not lie and we do not mislead people. We tell it as it is straight down the line.

I couldn't resist a smile when I saw Mr Timmerman and his rather odd power-point display at the UN as part of a rather feeble, I thought, and vague protest that was made. And as proof of the militarisation of the Falklands, he showed what purported to be the latest all singing and all dancing radar that has apparently just been built near Goose Green. Well, Mr Speaker, I travelled back recently on a flight with the scientist who was responsible for the construction of this HF Radar site and it was actually built by him in 1986. And far from being a military application it actually has an entirely peaceful purpose and studies, I believe, the ionosphere rather than the disposition of hostile aircraft. But whilst it may be amusing to see a senior Argentine politician making such a fool of himself it is, nevertheless, disturbing that the rest of the world might be taken in by it, which is why we must ensure that the truth, the whole truth and nothing but the truth is our watchword.

Recently I also heard Simon Winchester, the ex-correspondent of the Sunday Times, say in response on the Canadian National Radio broadcast, that Argentina should be granted sovereignty over the Falkland Islands because of what he called the macho nature of the Argentine mentality. I doubt I have ever heard such nonsense in all my life. What absolute dribble!

So you would agree to hand over a country and its people to another country simply because if you don't, they will get upset. Mr Speaker, Honourable Members, I can feel my blood pressure rising and I have no wish to seek an early grave, just an early conclusion and I haven't mention any of the pressing and important local issues that have been mentioned here today such as, for example the public consultation over the port, regulation of drivers for hire and reward, or even the public access to information and I make no apologies for that.

These matters, though, are important and serve to demonstrate our commitment to a democratic process that we enjoy under our self-governing, democratic system.

But today we have attending and speaking in our Assembly a man who I am honoured to call a friend, namely Congressman Jim Sensenbrenner from Wisconsin in the USA, together with my very good friend and his Chief of Staff, Todd Washam, who has been identified with a variety of posts this morning but I believe you are the Chief of Staff. You are most welcome here in the Falklands. Your trip here is very welcome indeed and all of us here place great value on your experience and input. When I first met you I was briefed beforehand, which is always dangerous. The briefing told me that you do not suffer fools gladly and I know that to be the case. You speak from the heart and are not afraid to pass comment honestly and truly, whether that be on the size of a particular posterior or, to put it on a higher plane, thoughts on the effects of uncontrolled immigration into the USA. As a result of which, I believe you receive many personal threats. I would also wager that very few people have managed to change a Constitution and even fewer have managed to achieve that at age 16.

In my briefing, the point was made to me that it takes a very special person to survive over 30 years in Washington politics, and there is no doubt whatsoever that I will not survive that many years in political life here in the Falklands. I sincerely doubt I have that many left to me. But Jim, I really do welcome you and your candid views to this Falkland Islands Legislative Assembly.

Mr Speaker, I wish to support the Motion.

The Honourable Roger Edwards

Mr Speaker, Honourable Colleagues, in rising last to support the Motion for Adjournment is always difficult because things have probably been covered before but I would like to start by congratulating. I have three areas where I think people need congratulating.

Firstly the roads, my Colleague Sharon Halford mentioned the roads and the work that has been done I think we should thank everybody from top to bottom, the officers for putting forward the proposals, the MLAs for passing the funding but above all those people who are actually out on the West working and making the roads better. We have a long way to go and much more work needs to be done. And despite the rumours on the West that there isn't going to be any work done there at all, I hope to assure people that the good work that has been done this year continues into the future.

Secondly is the Abattoir. We were aware from the time we were elected that there was much work to be done at the Abattoir to provide compliance with EU regulation and to better work practices in the Abattoir itself. Although supportive of the Abattoir, Members were not really happy with the high costs that were proposed and so the whole project was taken in-house, overseen by an oversight board and I am pleased to announce that we have come to the end of phases 3 and 4. Even the reduced figures that we came up with have come in under budget. So I think Government has a lot to learn from the way we have treated the Abattoir and congratulations to all those concerned in doing such a good job brought in under budget. We have much to learn.

Third thing I would like to congratulate is Irene Lucas for the review of the review. Many of the manifestos of the November '09 election referred to the "Super-heads", the super-directors who were being appointed, a new level of Government etc. etc. we now have a report by an independent person. I think it's a very good and very fair report and I am pleased that it's going out to the Civil Service and to the Chamber of Commerce. It is now time to digest that report, decide on what actions we will be taking on that report. We will welcome feedback from members of the Civil Service, members of the public and from the Chamber of Commerce. And further reviews, I am sure, will be necessary.

Next I would like to mention briefly our overseas visits. The Honourable Sharon Halford and I went to Brussels to the Overseas Countries and Territories Association meeting where the main subject of discussion was the new Overseas Association Decision Paper which lays out the relationship between the European Union and Overseas Territories. The final paper will be produced shortly although it seems to continually slip and it's always 6 weeks away but they tell us it will be produced very shortly and I am sure that we will have a better relationship with the European Union following on from that production.

In the Caribbean, which was as the Honourable Sharon Halford said certainly no holiday, with the number of flights and the number of visits and the number of people we had to see, but we did get across the very basic message. We updated the islands

where we in the Falkland Islands are, we highlighted the myths and rumours that were propagated by the Argentine PR machine and we pointed out, as many people have done before, our simple right to self-determination. If you don't grant us that right to self-determination you are implying that someone else has the right to decide your future. I think that is totally wrong.

We also assisted in the conduct of various interviews for a new Chief Executive and there will be further interviews and discussions next week.

I am pleased the RDS was mentioned. It is an important document for the Camp. We will, I hope, be following up the decision from Executive Council in actually producing the paper but we now need the action plan and that will need discussion, visits and so on so I hope in the near future we will all be able to meet with members of the public out and about in the Camp to turn the strategy into an action plan.

Argentines and their visits, we had a very robust meeting with the Attorney General and the Chief of Police on Tuesday afternoon and it came about that in the bit of paper they are given both in English and Spanish to everyone arriving, it says in there that the waving of flags, wearing Argentine football shirts and all the rest of the paraphernalia they bring with them does cause alarm and distress to some people. I am a great believer that if these visitors cause alarm and distress and intimidation and provocation, I think we should be able to react to that. And I welcome back in a couple of weeks the Attorney General, the Chief of Police and possibly the Immigration Officer on things that we can do to prevent further alarm and distress to our population.

While we were abroad in the Caribbean we pointed out that actually we would much prefer a much friendlier relationship with Argentina. There is a whole raft of things that we can do, joint fish stocks, areas for hydrocarbons search and so on. Many of these things we had agreements in the 1990s. Suddenly they were unilaterally withdrawn by Argentina. We would love to progress these things. We must be one of the only seriously rich fishing grounds in the world where we don't have an area regulation. So there's much we can do with Argentina but while the Argentine government continues with this bullying and nasty attack on the Falkland Islands, how can we possibly conduct those things? However, as was mentioned by a couple of people that does not stop the people of the Falkland Islands from expressing our sympathy to the families and relatives of those killed in the train crash in Argentina.

Finally, I, too, would like to welcome Jim Sensenbrenner and Todd Washam. Probably the last important visit to the Islands from the USA was in the form of the *USS Lexington* in 1832 when it came to sort out the then population trying to impose taxes on American Sealers in the area. But that, to our benefit, gave rise to the Admiralty sending down *HMS Clio* and Captain Onslow in 1833.

Thereafter, of course, history is as is. I hope, Jim, that you will leave a friend and supporter to the Falkland Islands.

Mr Speaker, I support the Motion.

Commander British Forces

Mr Speaker, Honourable Members, in a period of increased rhetoric and misinformation both in the UK and elsewhere, I thought it might be appropriate to add a bit of Military prospective.

As you know, following the strategic defence and security review there has been no change to the Military dispositions in the Falkland Islands, either up or down nor, indeed, to our alert states. As you will know only all too well, military deterrence has worked effectively for the last 30 years and I believe the balance we've got is just about right.

I accept, however, that with the removal of a number of redundant structures around Mount Pleasant and my increasing drive to localise elements of the operation at Mount Pleasant that I could reasonably be accused of demilitarising the South Atlantic.

I have, however, no wish to be flippant or complacent. It is my assessment that the biggest threat to the Falkland Islands remains in the Political and Economic spheres. But I do not underestimate the difficulties being imposed on people here by those measures. Sticking therefore with Military matters, can I take the opportunity to reassure Members that BFFSAI continues to develop and refine its various contingency plans and in this regard I am especially pleased to report the increasing co-operation and co-ordination with an increasingly capable Falkland Islands Defence Force.

Honourable Members, BFFSAI remains ready to continue to support the Falkland Islands Government in exercising its authority and the Falkland Islands people in exercising their right to self-determination.

Mr Speaker, I support the Motion.

Mr Speaker

Honourable Members, on your behalf, may I invite Congressman Jim Sensenbrenner Jnr. Of the United States House of Representatives to cross the Bar of the House and come and address the Assembly?

Congressman Jim Sensenbrenner Jnr

Mr Speaker, thank you for your indulgence in inviting me to address the Assembly. It is an honour that we could not give to you or to any other Members in the United States House of Representatives as our rules prevent that.

I believe I am the first sitting member of Congress ever to visit the Falkland Islands. I hope I will not be the last because what I have seen here did not fit the stereotype that I thought would happen before my arrival.

These Islands are vibrant, they are economically self-sufficient, they have a democratic government that makes all of the decisions outside of the areas of Foreign

Policy and Defence. And somehow the recession has escaped the Falklands even though it has hit most of the other parts of the world.

The United States has always stood for the principle of Self Determination. We let the British Crown know that about 230 years ago and we haven't changed our viewpoint that the people should be allowed to direct their own government, they should be allowed to choose their system of government and they should be allowed to make whatever alliances and determinations that are necessary.

I think that looking at what I have found here and talking to people in the Falklands, not one person wants to change the status and effectively become a colony of Argentina. If the United Nations means what it says, then the United Nations is going to have to stand behind the decisions the Falkland Islanders have made themselves rather than getting involved in a geopolitical game which will end up benefiting nobody, not the Falkland Islanders and not the Argentines. What I can say is I have been genuinely impressed with the friendliness, the sincerity and the dedication of the Falkland Islanders to preserving the present system.

I would hope that the rhetoric on the other side of the ocean in South America is cooled because a war of words can result in accidents. This is currently a political and economic issue but I would hope that people in Argentina realise that they made a mistake falling into that trap 30years ago and will not repeat it.

So again my thanks, I am supposed to meet the press and I don't know if there are any Argentine TV cameras around but let me assure you I am ready for them whether it's across the street in the hotel or in Washington or anywhere else.

So thank you very much Mr Speaker for your indulgence.

Mr Speaker

Honourable Members, the House stands adjourned Sine Die.