



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

**HELD IN STANLEY  
ON 26 JUNE 2014**

**RECORD OF THE MEETING OF THE LEGISLATIVE ASSEMBLY  
HELD IN STANLEY ON THURSDAY 26 JUNE 2014**

The Speaker of the House  
(Keith Biles, JP)

**MEMBERS** (Ex-Officio)

The Honourable Chief Executive  
(Keith Padgett)

The Honourable Financial Secretary  
(Nicola Granger)

Elected

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

The Honourable Dr Barry Elsby  
(Elected Member for Stanley Constituency)

The Honourable Ian Hansen  
(Elected Member for Camp Constituency)

The Honourable Michael James Poole  
(Elected Member for Stanley Constituency)

The Honourable Phyllis (Phyl) Mary Rendell MBE  
(Elected Member for Stanley Constituency)

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

**PERSONS ENTITLED TO ATTEND**

The Acting Attorney General  
(Rosalind Cheek)

Chief of Staff British Forces South Atlantic Islands  
(Group Captain Keith Taylor MA, BEng, RAF)

**DEPUTY CLERK:** Cherie Clifford

**PRAYERS:** Reverend Richard Hines

## **Apologies (Overseas)**

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

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

Commander British Forces South Atlantic Islands  
(Air Commodore Russell La Forte CBE)

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**The Record of the meeting of Legislative Assembly  
held on Thursday 26 June 2014**

**Prayers**

**Mr Speaker**

Honourable Members, I bid you good morning and my usual reminder please about mobile phones to be turned off.

**Deputy Clerk of the Assembly**

The Oath of Allegiance, Group Captain Keith Taylor, MA, BENG, RAF.

**Deputy Clerk of the Assembly**

The confirmation of the record of the budget sessions of Legislative Assembly held on 4<sup>th</sup> and 6<sup>th</sup> June 2014.

**Mr Speaker**

I have before me the record of the Budget Meetings. Is it your wish that I sign these as a true record?

Honourable Members

Aye

Mr Speaker

Thank you.

**Deputy Clerk of the Assembly**

Papers laid on the Table by the Honourable Chief Executive.

In accordance with Section 80(2) of the Constitution the report of the Public Accounts Committee in respect of Internal Audit Reports

- Capital Projects
- Investment Management
- Immigration

**The Honourable Chief Executive**

Mr Speaker, I hereby lay the aforementioned report on the table.

**Deputy Clerk of the Assembly**

## **Motions**

### **Motion Number 13 of 2014**

That this House accepts the response from the Governor (in Council) on the report of the Public Accounts Committee following the Payroll Audit in 2013.

### **The Honourable Ian Hansen**

Mr Speaker, Honourable Members, at the request of the Public Accounts Committee an internal audit of the payroll system was conducted during 2013 and the findings were reported in August of that year. The high level finding by the Chief Internal Auditor was that the control mechanism with regards to the payroll system was unsatisfactory.

The Public Accounts Committee raised concerns about this Audit Report in a letter dated 27 September 2013. Some of the concerns raised were about possible wilful obstruction to the audit process and the PAC asked whether this alleged obstruction had been dealt with appropriately in line with the Management Code. The Public Accounts Committee were also made aware that a large number of items raised during the previous audit had not been actioned and they asked if Members could assure the Public Accounts Committee that the root causes of this failure to act following the previous audit, would be resolved at the earliest possible time. They also advised that one of the reasons given by Human Resources for not resolving previous issues was that the payroll service was being out-sourced. The Public Accounts Committee stated that they did not believe out-sourcing the service should be contemplated while issues remained unresolved.

The Chief Internal Auditor also gave an example of how problems that exist in payroll are being compounded by Government Departments and it appears that there are serious management and training weaknesses in these Departments and this is a serious issue that must be addressed in order that the administration of payroll within Human Resources can function properly. It was also brought to the attention of the PAC that while software CHRIS is in place and utilised by Human Resources, it is not being utilised to the extent that it could be, and a large number of tasks are being carried out manually often leading to errors. Mr Speaker, Honourable Members, those are the concerns raised by the Public Accounts Committee. There was a reply from Falkland Islands Government of 9 October 2013. I shall leave My Honourable Colleague, The Honourable Michael Poole, to address that. I would like to propose that this Motion be accepted in the House.

### **Mr Speaker**

Thank you.

### **The Honourable Michael Poole**

Thank you Mr Speaker, Honourable Members. As my Honourable Colleague has described, this Motion being presented to us today is the response from the Government to the Public Accounts Committee on the Falkland Island Government payroll system. Obviously we received this late last year and we have taken the full six months allowed to respond as a

Government. There are a number of reasons for that, particularly because of changes in senior management within the Human Resources Department it has taken a bit longer than we would have hoped. The response that we are seeing today isn't particularly detailed, but it does cover off a number of the key points, I think, and I'll run through these in turn.

Firstly, the Government has accepted that there is significant room for improvement in terms of the Government payroll system, in both its management and its oversight. We don't dispute any of the major findings of the Public Accounts Committee and clearly we recognise the obligation we have to ensure that there is proper management of public funds.

Secondly, as the Public Accounts Committee suggested, we have decided not to progress the out-sourcing of the payroll function at this time. This is, in part, due to the level of risk involved, and also that the tender board that were looking at this were not convinced that such a move would represent value for money at this point.

Finally, changes have been made, both within the Human Resources team, and through the use of the relevant software to try and ensure that there is better oversight and control of the payroll system. This has included training for the Departments in the completion of payroll returns, an area where a number of issues have been raised by the Public Accounts Committee and the Internal Auditor, in addition Directors are now directly responsible for signing off payroll returns, meaning that they are accountable for any errors that may occur. Further work is planned in a number of areas over the next six months, particularly in terms of the using of the software to a greater degree which is one of the key points that the Public Accounts Committee made. I think it is fair to say that while MLAs are not yet satisfied this issue is entirely covered off, progress has been made and the Public Accounts Committee will see the next annual Internal Audit Report in the next few months' time and if issues continue to occur, then the Public Accounts Committee will clearly write back to the Government and make their concerns known to them. Executive Council yesterday requested an up-date on the further work that is going on by the end of the year, so we are keeping a close eye on this issue.

Mr Speaker, I second The Motion.

**Mr Speaker**

Does any Member wish to speak to The Motion?

**The Honourable Phyl Rendell**

Mr Speaker, Honourable Members. I thank my Colleagues for that Report. When the PAC Report came to this House six months ago, it did cause a lot of concern and we spoke at length on it. I think all of us. I welcomed the Report. I note that my Honourable Colleague says that this is not a very detailed reply and I am looking forward to the detail in the next few months from the Audit Report to ensure that we really have addressed the issues which were brought to our attention, so I do take this very seriously. I hope everybody in the Civil Service takes it seriously, and we really need get this work well under control so that we can then look towards potential out-sourcing in the future, Mr Speaker. Thank you.

**Mr Speaker**

Any other Member wish to speak?

**The Honourable Gavin Short**

Mr Speaker, Honourable Members. I was one of those Members who did have concerns when the Report first came to this House six months ago. I would just like to very much echo the sentiments that my Honourable Colleague has just expressed. The response that I am seeing here to me does not answer all the questions that were asked, and leaves me with certain doubts in my mind. I would have preferred to see a more detailed response to this House and it also doesn't seem to pick up at all on one of the main points that the PAC was making, that there seemed to be wilful obstruction of their process. In view of this, and I hope I am not breaking any rules, Mr Speaker, I don't think I can support this Report.

**Mr Speaker**

Any other Member wish to speak?

**The Honourable Michael Poole**

Thank you, Mr Speaker. Just to respond to the point that was made in the PAC Report regarding wilful obstruction, I mean, that was discussed at the time in the Assembly when it was tabled then and this is very much an internal matter for the Chief Executive to deal with. We have been assured that it has been dealt with and that I don't think it is appropriate for the Assembly as such to continue to discuss that particular item at this point. Thank you Mr Speaker.

**Mr Speaker**

Any other Members? The Motion before the House is that this House accepts the response from the Governor in Council on the Report of the Public Accounts Committee following the Payroll Audit in 2013.

I certainly heard an indication of dissent there so would all those in favour of that Motion please indicate, and those against, just The Honourable Gavin Short. Thank you. That Motion is passed.

**Deputy Clerk of the Assembly**

Motion Number 14 of 2014. That this House notes the planned programme of works for the Public Accounts Committee for year ending 30 June 2015.

**The Honourable Ian Hansen**

Mr Speaker, Honourable Members. The planned programme of work for the period of July 2014-June 2015 seems a fairly lengthy one, but some of it is fairly straight-forward. I will give a brief detail of the issues that the Public Accounts Committee will be addressing.

First of all public accounts will be looked at and we will consider and report to the Legislative Assembly on the Accounts of Statutory bodies, also bodies in receipt of public

funds will be considered, which include the likes of the Media Trust, the Museum, Falklands Conservation, etc. We will also consider reports on the bodies in which the Falkland Islands Government is a share-holder and also those bodies in which a statutory body is a share-holder.

Matters referred by the Governor will be considered, that is any matters that are referred to the PAC from HE The Governor or Executive Council. We will consider and report on reports of the Chief Internal Auditor and there are approximately, I think, 25 such reports annually, plus follow-up reports.

We will look at the use of consultants by the Falkland Islands Government. I won't go into that in any detail because I know my Honourable friend, the Honourable Michael Poole, would like to make a comment on that, but that is another thing we should be looking at.

The building that the Department of Natural Resources occupies, on Exco's recommendation there is additional capital funding, the question of the overall cost of this building has been raised and that should be looked at. The view of Leisure Centre investment during 2013/14 will also be looked into and it will also look at any related investment in that area.

We shall review the Coastal Shipping Service sea-truck, i.e. the Concordia Baby, but that will only be proposed when a value for money review is undertaken when all the final information arrives. And finally, ITQ, it is proposed to look at the very high level economic data comparing 10-years previous and 10-years post ITQ.

Mr Speaker, Honourable Members I would like to propose The Motion.

### **The Honourable Michael Poole**

Thank you Mr Speaker, Honourable Members. Thanks to my Honourable colleague, Ian Hansen, for introducing this Motion,. I won't add a great deal to it, other than to say that there was considerable discussion within the Public Accounts Committee on that, on our work plan for next year. As has been said, much of what is contained in the Plan is relatively routine and forms a part of the statutory obligation of the Public Accounts Committee in particular to review the accounts of the government and other bodies in receipt of public funds. But I will talk briefly about some of the more specific projects that were added on the end of the programme. Firstly, we are proposing, and we have agreed with the Public Accounts Committee we would like to look at the use of external consultancies by the Falkland Islands Government. Because there has been considerable coverage in the UK in recent years of the use of consultants by the UK Government, and there is a perception that this may be a growing area of expenditure within FIG, too. So I think the PAC would like to take some time to look at the trends in that area, see if we are actually spending more money on external consultancies and to try and understand why that is, and to particularly make sure we are following the financial instructions in terms of the tendering processes that for some of the more expensive consultants that we are bringing in. We haven't added this item because of any particular concerns that we are aware of, not that I am aware of any way, but just because we think that looking at that may help Government in terms of its policy in that area, so that would be a useful piece of work.

I am also pleased that we have added to the work programme a value for money review of the investment in the Stanley Leisure Centre in the past 18/24 months or so. The re-development of the Centre has naturally received quite a bit of public attention. It's publicly known that there has been a significant over-spend on the swimming pool project in particular and, I think, it is only right that the Public Accounts Committee takes a look at why that occurred and report back to the Government, and there are a couple of other items on there as well which are not as well defined or developed at this point.

Members have agreed with the Public Accounts Committee that we have had an outstanding item for a couple of years in relation to the Fisheries building that was completed sometime back, which cost a significant amount of money. We decided, as a Government, that we would like to keep that on the list of the Public Accounts Committee but will only ask them to take a look at that if the work on the Morrisons Partnership does not progress as we may wish over the next few months, so we will review that item and see if it is still needed come the end of the year.

We have also got items to look at the current coastal shipping service just to make sure that's working as it should be and that we are getting value for money there, and also an item, potentially the PAC looking at whether the individual transferable quota system within the Fisheries Licence regime is achieving what it intended to.

So thank you, Mr Speaker, I second The Motion.

**Mr Speaker**

Does any Member wish to speak to The Motion?

**The Honourable Jan Cheek**

Mr Speaker, Honourable Members. I'd first like to pay tribute to the amount of work done by the Public Accounts Committee. It's quite an undertaking and, I know, the volume of material they had to get through, and I'd also like to particularly welcome the fact that they are looking at consultancies. There is a cynical view that the consultant comes along, asks you for your information, puts it between glossy covers and sells it back to you for £60,000. Now that may be an exaggeration, but Government has on its shelves so many reports on some issues – the Port not the least of them – that it will be good to know, first of all that we are getting some value for money and, secondly that the proper tendering process for consultancies is being adhered to. Thank you.

**Mr Speaker**

Does any other Member wish to speak?

**The Honourable Dr Barry Elsbey**

Mr Speaker, Honourable Members. I, too, welcome the opportunity of the PAC looking at consultancies. Some of the figures that we receive are quite eye-watering and I always wonder whether they are value for money. We recently saw some quotations that varied three-fold for the same amount of work, but the price could have been, I don't know,

£100,000 or £300,000 and it's trying to decide from those bids which are the best, so I think, the work that the PAC will do on this will give us some insight into whether we are getting value for money.

I am sorry that we are not going to be committed to doing a review of how the Fisheries building went forward and the cost over-runs there. I think it is an important issue and, I think, it is an important issue that the community would like to see, to see what went wrong, if anything, and I do hope that that will progress irrespective of the Morrisons proposal. Mr Speaker, thank you.

### **Mr Speaker**

Does any other Member wish to speak? The Motion before the House is that this House notes the planned programme of work for the Public Accounts Committee for the year ended 30<sup>th</sup> June 2015. Is there any objection to passing that Motion? There is no objection. That Motion is therefore passed.

### **Deputy Clerk of the Assembly**

### **Reports**

Portfolio Reports, by The Honourable Michael Poole and The Honourable Phyl Rendell

### **The Honourable Michael Poole**

Thank you Mr Speaker, Honourable Members.

As you are probably aware, we have decided to move to only 2 MLAs doing portfolio updates each month, so clearly that will mean we are doing one every 4 months individually, so hopefully this allows me to be a bit more expansive today than I have been, though I realise that we have quite a full agenda so I'll try and be brief.

My portfolio is entitled Policy and Public Diplomacy. I shall begin with an update on the policy element of that. The Policy Unit itself which sits in the Secretariat has a wide range of items that it is currently working on and I'll mention a couple of these.

Firstly, Executive Council yesterday agreed in principle a paper to move forward the discussion regarding immigration procedures and strategy within the Islands. This paper will be published in full with some covering comments shortly, and we do look forward to engaging with the community on this important discussion which is contained within the Islands plan as a commitment from the Government to have this debate over the coming year or two. The policy team have also recently presented to Members the 2011 and 2012 draft GDP estimates for the Islands. Sadly, these are not yet ready for publication because they still require a bit more work, but once complete they will be made available, hopefully, in an appropriate format, and with appropriate explanation.

Finally in terms of the policy unit, they have been leading on a paper looking at agreeing a new commercial Lands Disposal policy for the Islands. Something that I mentioned a couple of months back. This is an area that has caused a lot of debate over recent weeks and months.

I sadly missed the Lands Committee meeting earlier in the week when it was discussed, but have already had a number of people contact me about this issue, so if there are people with strong feelings please do get in touch, and this new policy will be discussed and hopefully agreed at Executive Council in July, where, personally, I hope that we can end up with a more flexible land disposal policy that better facilitates development than the interim does at the moment.

The Environmental Planning Department also sits within my portfolio and they are currently leading on two large and important pieces of work. Firstly, the team there have produced some guidance on draft Environmental Impact Assessment regulations. This work is timely with the development of the oil industry at the moment, but it will be a difficult balance to strike between retaining appropriate freedoms and protecting ourselves against inappropriate development. The team there have put forward some ideas for debate and discussion and those will be consulted on widely over the coming months.

The second piece of work that Steve Butler and the team are looking at is the review of the Development Plan on which the consultation has just closed recently. There was a very good response to that, over a hundred responses I believe, and they are currently being pulled together, the initial responses have been published and there will be more work over the coming months, hopefully we will end up with a new development plan - the middle of next year is the intention.

Last time I updated the Assembly, I had made a commitment to push for the Falkland Islands Tourist Board, which I currently Chair, to become a Statutory Corporation by the 1<sup>st</sup> July. As had been predicted by a number of my Honourable Colleagues at the time, sadly we have missed that date. The draft Bill is ready and has been agreed by the Tourist Board itself, but it does need proper review and oversight from the Attorney General's Chambers, and due to their workload that hasn't been achievable for the 1<sup>st</sup> July but, I think, because we are not due to have an Assembly Meeting next month, in reality the earliest date at which the Statutory Corporation will now come in is the 1<sup>st</sup> September, and that is certainly what we are aiming for and, I hope, that is what we will achieve and I won't have to stand up in four months' time and give a new date. I do apologise to the industry for those delays as well. In the meantime the Board continues to operate as it has been and there is a lot of marketing effort going on within the team areas as you would expect and hope.

I will just finish by talking quickly about the Government Office in London and our international public diplomacy efforts a bit as well. In terms of FIGO, I was there just last week and, as always, continue to offer an excellent service. We have approved in the coming years budget for an additional post to be created within FIGO and, I think, that will see the team there even further strengthened which is great news and the team there have recently hosted another successful annual reception at Lincoln's Inn as they do annually. Glynis King will be working there for a number of months on secondment in the finance role within that team, and I would also like to pay particular tribute to Mel McKinley, who performs the Human Resources work for the Government in the UK. She is heavily involved with assisting nearly all contract officers that come to the Islands to work for the Government. In a recent survey of contract officers, nearly two thirds of them said that Mel was part of what worked well about the Government recruitment process. She was described as efficient, helpful, and friendly. So I think we should extend our thanks to her for that.

Finally, this Government had at the outset committed to using a wider cross-section of the community to assist with our public diplomacy efforts. In recent months we have had a number of successful inbound and outbound trips, but we have not always been able to use individuals as we would have hoped to. We do have a good number of people on the list of those that want to be involved. I think 35 or so at the last count, from what I have been told, and we are actually sitting down tomorrow to discuss our public diplomacy strategy and do a bit of a kind of six-monthly review of it so that I personally hope that when we are doing that we can make sure that we make more use of these people that have offered up their time for that purpose. Thank you, Mr Speaker.

**Mr Speaker**

Does any Member wish to raise a further question?

**The Honourable Ian Hansen**

Mr Speaker, Honourable Members. I thank The Honourable Michael Poole for his report on his portfolios. I totally concur with his remarks about FIGO. I think the staff are doing an excellent job as they have done for many years, and in particular his remarks about Mel McKinley. I think that was very good news for us. Given the fact that we have spoken for many years of the location of the Falkland Island Government Office in such a prime location, and we have spoken over the years of perhaps trying to do more with where it is and having a bit more, so it is more visible if you like, to people going past. Are there any plans to forward that?

**The Honourable Michael Poole**

Thank you Mr Speaker. And I thank my Honourable Colleague for his question. It is something that is being discussed both within the Government Office in London and with the Tourist Board as well. I don't think things have been pulled together quite as well as they could have been at this stage, but with the appointment of this new role within FIGO; the Job Description of which has still to be finalised, but in effect will be a Deputy to the Representative, and the idea is that that post will be able to give some more capacity to look at the longer term plans for the office there; how it can be developed, potentially, in relation to a bit of a Tourism Office as well and to also look at whether that site is still the best for the Government. I mean it feels like it is perfectly placed, but there could be cheaper, better options elsewhere in London, so I mean, nothing has been decided at this stage – it is still early days – but it is certainly being considered. Thank you.

**Mr Speaker**

Any other comments or questions?

**The Honourable Phyl Rendell**

Thank you, Mr Speaker. I would like to thank The Honourable Michael Poole for his report. I would like to just pick up on the matter of the Immigration Review, which is a massive piece of work that started well back in the previous Government's time and there was a questionnaire that went out way back in 2013. I would like to ask him if he would agree with

me that this was very much a piece of work that addresses processes and procedures for Immigration, and doesn't address the bigger picture of, perhaps, where we would like to be in 5, 10 or 15 years' time as a community and how we would like to see our population grow, and that is one question I would like to put to him. Secondly, I would like to be reassured that from the paper that will become public that we saw at EXCO yesterday, there were a number of recommendations in it and, I think, the whole package will take some time to move forward. In fact, there was a request for another consultant to work on the recommendations that we have asked for further work on, but I am concerned that no progress has been made for some time on this issue, and there are some things that we should move forward more quickly than other things that we do need to consider in detail. There was a recommendation for a skills council to be established, where we can look at the skills that are lacking in the community so that we can focus our immigration policy on encouraging people to come to the Islands and fill those skills gaps, and I'd like to see that progressing rather than waiting for yet another year, and I'd like that also to tie in to the Permanent Resident Permit criteria for qualification to become a permanent resident. That has been static for a considerable length of time and, in my view, that should be addressed at least on an annual basis to fit with the requirements of our community which is forever changing, and I would just like to say here that, I think, all of us do want to see people apply for PRP and become part of our community; they have to be here for 3 years to be able to apply for PRP and, I am sure, they have got to know us and they have made the decision that they like the place and they want to live here. I do think there should be an iterative process so that we continuously address the criteria and make sure it is fit for purpose, so I would be grateful if the Honourable Michael Poole could give me some reassurances in those cases.

### **The Honourable Michael Poole**

Thank you Mr Speaker, and thanks to The Honourable Phyl Rendell for her comments and questions there. In terms of the paper which will be published shortly that was discussed at the Executive Council yesterday, it very much is focused on the mechanisms and the process of immigration. I think there are some sensible improvements we can make there, but we did discuss at EXCO the need to have this much wider policy debate about what are we trying to achieve in immigration; what size of population and type of population do we want, and that is something that the Head of Policy will be leading on in the next few months. We intend to get the Immigration Review Group, which is a number of officers and includes the Honourable Mike Summers and myself, together as soon as possible to talk about how we do that kind of public consultation on the policy issue. There was some work done earlier in the year to, kind of, prepare for that. I think in the end you'd probably start asking three or four key questions and engage with the community on it, so that is in train. I think in terms of the work that was agreed at Executive Council yesterday, we had highlighted in EXCO that we wanted to see a skills council created as a matter of urgency so that they can look at what kind of gaps that we have, and also to particularly do some work reviewing the point system for PRP which hasn't been looked at for a few years now. I think, that is something which I would hope by the end of the year we would have pretty well established and kick that piece of work off, and I absolutely echo my Honourable Colleague's comments in terms of encouraging people to take up PRP. It is something that, I think, has been described to me we are a bit schizophrenic about sometimes. I think that is a fair comment that we are not always consistent in our message, but I hope that this Government has been, and will be, that if people choose to make their life here we would like to see them move to PRP and eventually move to Status as well. Thank you, Mr Speaker.

## **Mr Speaker**

Are there any other comments?

## **The Honourable Gavin Short**

Mr Speaker, Honourable Members. I thank my Honourable Colleague for his report that he presented this morning. I would just like to associate myself fully with the comments by the Honourable Phyl Rendell about immigration; it is an area which I have a great interest in, and I do accept that he has probably taken over a bit of a poisoned chalice when it comes to that, but I do think we've actually done this whole thing and, at the last Government I said the same, the whole process was done backwards; we need to be looking at the big picture and what we want for our country before we start tinkering around the edges. I would also like to associate myself with the comments made about the FIG office. I'm a very, very rare visitor to there, but they do do an excellent job for us in the UK. The window has always been a great bugbear of mine, though, we are right next to St James' and I have watched people walking past that window and sometimes stopping, but there is basically nothing to see; we should have something in that window which is pushing out, not just pretty pictures, but political messages. We really have a captive audience there, so I do look forward to something being done in the term of this Government because we certainly failed last time around. Could I ask him, though, please when the Immigration Review Group are meeting and thinking about tinkering with immigration, what are their underlying strategies, what are their underlying thoughts of what immigration is all about. Do they have a clear picture in their mind or are they really waiting for guidance from us as to what they should be aiming for.

## **The Honourable Michael Poole**

Thank you Mr Speaker, and thanks to The Honourable Gavin Short for his question there. It is a very good one and we've only met once since this Government was formed and that meeting was focussed on the consultation that was held towards the end of last year and the results of that, and where there was clear public support for some changes to the mechanisms of the immigration system we kind of said "yes, that makes sense; let's move it on and take it to Exco" as was done yesterday morning. In terms of whether the Honourable Mike Summers and I have a kind of vision or strategy, I mean, I do. It's a personal one, though; it hasn't been agreed as a Government, and I think the thinking is that in the end firstly that that Working Group will agree how we consult with the public on it, and then you would end up with a vision and, a direction coming out of that, rather than just two individual MLAs driving a particular agenda through it. So the Head of Policy, who is effectively the lead officer in that Group will be making recommendations about what questions we ask, how we ask them and then see what response we get from the public and I am sure that will then inform our eventual immigration strategy. Thank you Mr Speaker.

## **Mr Speaker**

Any other comments/questions?

## **The Honourable Dr Barry Elsbey**

Mr Speaker, Honourable Members. I too would just like to support the comments made by the Honourable Phyl Rendell and the Honourable Gavin Short, that we need to look at the big picture; we have done a lot of work at looking at processes, but we need to look at that big picture, and I hope that when we are all back together we will progress that because it is vitally important. We have already seconded someone to the Islands for six months to look at the process, and she produced a Report and I was disappointed in the paper that came to EXCO yesterday to see that there was a suggestion of yet another person being seconded in, another expert, and having discussed PAC and decided whether consultants are worth their money, I am not quite sure that another secondment is necessarily good value for money. I do take the point that the Honourable Michael Poole made about the conflict between what we are telling contract officers and what we really want, and we have asked HR yesterday in EXCO to make sure that any contract officer that is looking to renew their contract that we want them to stay. That they should be told and made very clearly aware of the process of becoming a PRP holder and then Status, because we do want people to stay here and they need to be aware of the process. Mr Speaker, thank you.

### **Mr Speaker**

Any other comments? No. We will move on to the next report from the Honourable Phyl Rendell.

### **The Honourable Phyl Rendell**

Thank you Mr Speaker. My portfolio is Natural Resources. I spoke and covered Natural Resources in the Budget Select Committee and adjournment speeches a couple of weeks ago, so I won't be too exhaustive, but there are some details I think we need to put on the record.

FIPASS. There was a lot of discussion during the Budget Select Committee about FIPASS – the lack of maintenance, and lack of repairs, and major repairs needed, most probably because for some time there has been a view that we may be looking towards a new port facility being built, and that FIPASS has slipped into the shadows a little bit in people's minds, but we are where we are and we know that development with oil is some way off and we do need to use FIPASS for some years to come, particularly the fishing industry is very much dependent on FIPASS. So there were additional funds put in the Budget for work on FIPASS – I believe it was about £1million a year –which I think it is very reassuring that we have got those funds, and there are now plans underway to make some sound repairs to that facility and there should be a paper coming to EXCO in July to set out just what is proposed for FIPASS. The current management agreement arrangements for FIPASS conclude at the end of October and tenders should be invited imminently for that contract.

The draft Fisheries Science & Research plan for 2015-17 was recently presented at the Fisheries Committee Meeting, and is open for comments by the industry and really anyone that would like to see that plan and have comments about the Fishery, and it can be made available from the Department of Fisheries.

I am Chairing, currently, a Working Group, together with my colleague The Honourable Ian Hansen, on looking at fishing crew working conditions. We have had, as everybody knows, a very busy season with Illex and a huge number of ships, vessels of many different nationalities working in our waters and, inevitably, in some cases standards are poorer in

some of those vessels than others, and we have had concerns about the conditions over the years and we do feel we, as a Government, have responsibility to look at those conditions, so we are having another meeting this afternoon in fact to move that work on, but we are concerned that still in our waters we have nationalities that have lower standards on their vessels and that conditions are pretty harsh and everybody knows in the Falkland Islands we have had the tragedy of people jumping from those vessels and drowning in our waters. We have worked through the Foreign Office and through the Embassies of those countries to try to get the message across to agencies that the South Atlantic is a very dangerous place, and if you enter those waters you are going to die, but that message must be continuously reinforced and furthermore we must try to persuade the vessel agencies to improve working conditions on those ships, provide better equipment so that they don't get frost-bite and have to come to our Hospital for amputations, etc, due to severe frost-bite. It is a major issue, I know that we have limited controls over foreign nationals and it is an issue which we continue to work on and try to improve wherever we can, and in many cases some of those vessels are not even licenced in our area, but they have chosen to come into our area to tranship in Berkeley Sound.

Two members of the Department of Natural Resources recently participated in a South Atlantic Overseas Territories Regional workshop on Ascension Island. The participants were involved in the Sustainable Fisheries and Marine Protected Areas workshops and they shared their Falkland Island experience of the fisheries and fisheries protection and observer programmes in particular with Ascension Island and St Helena who are looking at developing their own fishery. I think it has been well publicised in the press, but I would like to say it again that it was an outstanding season for the Illex fishery, where 306 thousand tonnes of Illex was caught on our waters; the highest ever since the Fishery was established. Berkeley Sound as a result has been a hive of activity. Whilst the high catch this year has a number of very positive aspects, the Illex fishery in the Falklands and Southwest Atlantic is still likely to be a case of feast or famine. It needn't be so in my view and in the view of the Director of Natural Resources. If there was regional co-operation on fisheries science and conservation it is likely that Illex could be managed on a much more sustainable basis. Catches might be stable at a 'middle' level. It might be the end of bumper catches, but would hopefully also be the end of blank years when hardly any squid are caught. The risk of over-exploitation would be reduced. As a side effect of improved conservation, prices would be better for fishermen; both in the Falklands, and for the Argentine and for the Far East. The supply could be more readily and consistently matched to market demand. It could be a much better business, and it might have been achievable had Argentina stuck with the South Atlantic Fisheries Commission programme, and not walked away from it.

I now turn to Agriculture. FIMCo high season has now concluded. I mentioned in this House that there were some difficulties earlier in the season finishing animals, but at the end of the day I think FIMCo achieved some quite encouraging results; they processed New Season Lamb to the quantity of 16,634 animals, Yearling Lamb we were on 11,956 animals we put 26,747 mutton through the Abattoir, 55,000 animals were processed which was a return to farmers of around £880,000. And in addition almost 500 cattle were processed with good beef quality, the gain for the farmers was approximately £200,000 from those sales.

Sheep flock development and improvement continues with imported genetics. There was a fairly short artificial insemination programme carried out this year involving 1200 sheep

which lasted just over a week. We do bring in specialist from Australia to carry out that work, and there was also a small insemination programme with cattle, which will help to continually improve our breeding stock.

The Farmers Week is imminent; the week after next. It starts, I believe, the 7<sup>th</sup> July and the Rural Business Association has organised a diverse range of presentations and events and I do hope colleagues and listeners will attend, particularly the Monday morning there is an expo that a lot of the companies will have stands on display and you don't have to be part of the farming community to go along and look and see what these companies do, so I do urge people to attend, particularly that Monday morning session. The Department of Natural Resources and Agriculture will contribute to the week with topical presentations, particularly on Caseous lymphadenitis or CLA or boils to some, that we have do have a fairly high occurrence in our sheep meat, also hydatids, and we do continually need to be vigilant to try to completely eliminate hydatids from our sheep flocks. We are doing extremely well compared to other countries; some countries have successfully eradicated hydatids; we are very close to that. We are also going to be focussing during Farmers Week on reducing the risk of dark fibre contamination in wool; we are now looking at sheep breeds and we have always prided ourselves as a nation that produced very fine white wool and we must safeguard that to assure our market that we still have very fine white wool.

We have recruitment underway in the Department of Agriculture. We have been struggling to recruit for staff but we are hopeful that we may fill some of those posts in the next few months. Thank you Mr Speaker.

### **Mr Speaker**

Does any Member have a comment or a further question?

### **The Honourable Gavin Short**

Mr Speaker, Honourable Members. I would just like to thank The Honourable Phyl Rendell for her report on the Departments that she has. Perhaps, just a couple of comments, one of them slightly facetious I suspect that if all the reports and studies that have been done on FIPASS were to be dumped in Stanley Harbour we could probably have built ourselves quite a causeway! I would like, though, to completely associate myself with the work that my colleagues are doing on the welfare of fishermen in our waters. It is something long overdue; I know it is going to be hideously complicated; I looked at it myself, and I am still, to a point, of the opinion that it will take a regional agreement to enforce something meaningful because some of those vessels do have poor working conditions and on others you hear reports of downright mistreatment of people on board. But it is a wider issue; it is not just us that we would have to take into account Uruguay, Argentina and right round to Peru because those vessels which are, I think, the main offenders go right round to Peru, but I do wish her well, and I think we should be doing everything we can, certainly in our waters. There was a case that I reported to her, I think, at the beginning of this season where there was some suspicion reported to me of (a) mistreatment of a national and (b) another national suffering from frost-bite, which were quickly dismissed, but I noticed later on in the season we did start getting people of the same nationality with frost-bite so I do believe there was something in what I was being told at the early stages, but I would like to conclude by

wishing her and her colleagues well and will fully support them in whatever they can do to improve conditions for people in our waters.

**The Honourable Phyl Rendell**

Mr Speaker. Yes, I would agree about FIPASS and the reports. I am optimistic that what we receive at EXCO in July will be a practical action plan, and we do have some materials here already that should be utilised too; sheeting so that we can utilise the slip-way where small launches go in. I hope that can be actioned fairly quickly so I hope we are not going to have yet another lengthy report on FIPASS, but we are going to have some practical application to improving the facility over the next few years, and I thank Honourable Gavin Short for commenting on the Working Group that is looking at fishermen's conditions; it is very difficult, a lot of legal issues that today we will have the advice from the Acting Attorney General at our meeting to just see what our powers are, because they are somewhat limited, but I thank him and I look forward to reporting to MLAs as to how that work progresses. Thank you Mr Speaker.

**Mr Speaker**

Any other comments or questions?

**Deputy Clerk of the Assembly**

Order of the Day: Bills

Children Bill 2014 (Remaining Stages)

**Mr Speaker**

I invite The Honourable Dr Barry Elsby to report on the proceedings of the Select Committee on this Bill.

**The Honourable Dr Barry Elsby**

Mr Speaker, Honourable Members. It's my duty today to make a formal report to the House on the sitting of the Select Committee into this Bill. We needed a new Bill to help better protect our children in the years to come. The fact that our Select Committee made relatively few changes to the Bill is, I believe, testament to the skill of those involved in its production. I'd like, before reading the Report make special mention of some people involved, and particularly Justine Hoskins who was seconded to the Islands here for six months from the Children's Legal Department in Cornwall who very much lead on the production of this Bill, but also to our own Legal Department, especially Ros Cheek, who is our acting Attorney General today, but also the Social Services Department who had a lot of input and all those other people who contributed to producing what, I believe, is an excellent Bill. It would have been all too easy to do a "cut and paste" exercise from the UK laws, but that did not happen and because of that I think we have a new Bill here that is very sensitive to the needs of the Falkland Islands and, I believe, it will protect our children for many years to come. I will now just move on to reading the formal Report.

This is the Report on the Select Committee of the Legislative Assembly on the Children Bill 2014. The Children Bill was presented to the Legislative Assembly under a certificate of urgency on 27 February of this year, and it was then referred to the Select Committee because it was a document that ran to about 150 pages and Members were absolutely adamant that we needed to go through this very carefully.

The Bill was subsequently published in the Gazette on 28 February, together with a detailed explanatory memorandum, and a briefing was given on the Bill at a public meeting on 26 May, and that was well attended by the public.

The Select Committee met on four occasions and a full transcript of the Committee's proceedings will be available in due course.

The meetings were held, in public, on 3 March, 14 March, 30 April, and 10 June. The meetings were attended by all elected Members except that the Honourable Roger Edwards was absent from the first meeting and part of the second, and the Honourable Michael Poole was absent from the fourth meeting.

The Select Committee was advised by the Director of Health and Team Leader from the Social Services as well as by legal officers.

The Bill was examined clause by clause during the first two meetings. The subsequent meetings were spent considering the detail of areas of concern raised by Members, in particular considering whether amendments to the Bill should be recommended by the Committee to this House.

The Bill would replace the existing Children Ordinance and is intended to improve child protection practices, procedure, and standards in the Falkland Islands. A summary of the Bill was given to the Assembly in February, and a more detailed explanatory memorandum of the provisions of the Bill has been published and was available to the Select Committee, so this report will not repeat those provisions.

The Committee's discussions on the Bill were thorough and wide ranging but, in particular, concentrated on areas of significant change proposed by the Bill. Those significant changes can be summarised as follows:

- firstly, the acquisition of parental responsibility for children by unmarried fathers and step-parents;
- the provision of support, including accommodation and funding, by the Falkland Islands Government (FIG) for children in need;
- the imposition of a duty on FIG to identify and assist children with disabilities and to maintain a register of such children;
- an entirely new Part providing for the regulation of the care of children by individuals who are not close family members (currently referred to in the Bill as "private fostering"); and finally

- moving the existing Childrens Safeguarding Board to a statutory basis and providing for the acquisition of information by that Board.

The Committee largely supported these areas of change, but resolved to recommend a number of amendments to the Bill across several areas; in particular in relation to private fostering.

The details of discussion and proposed amendments are set out as follows by reference to the Part heading as listed in the Bill.

### **Part 1 –The Introduction**

*Clause 11* makes provision for the court to ask for welfare reports on a child, and would allow the Chief Justice to make regulations specifying matters which, unless the court orders otherwise, must be dealt with in any report. It is proposed that the clause be amended to substitute the reference to “regulations” with “rules”, as this will make it more consistent with the language commonly used in the laws of the Falkland Islands empowering the Chief Justice to regulate such matters.

Under Part 3 which was the Support of the Crown for Children and Families. This Part of the Bill would create an entirely new law for the Falkland Islands, and it is noted that it is intended to create a framework to provide early help to families to try and prevent future crises. The Committee was informed that much of the support is already provided, but that the statutory framework extends and formalises that position.

Some concern was expressed by Members that the obligations imposed on FIG should be sufficiently reasonable and flexible to reflect the practical and resource limitations faced in the Falkland Islands; it is important that the right balance is struck when seeking to support children and their families. Accordingly, a number of amendments are proposed to this Part to seek to better achieve this balance.

*Clause 22*, together with *Schedule 3*, makes provision for FIG to provide services to children in need and to their families. *Clause 22(11)* defines a child in need for those purposes, making reference to a child being disabled.

A lengthy discussion was had by Members about the risk of stigmatising such children to be weighed against the need to be able to identify such children and ensure that FIG is aware of their needs in order to provide them with the appropriate services. After much discussion it was concluded that such children do need to be identified, but that there is more appropriate language for doing so.

In particular, it is recommended that in *Clause 22(11)*, and throughout the Bill, amendments are made so that children are referred to as “children with disability” rather than being “disabled”. This may seem a subtle distinction, but was felt by Members to be important; putting the child before the disability.

Similarly, in *Clause 22(12)* use of the words “dumb” and “handicapped” was considered outdated and inappropriate, and it is recommended that the Clause be amended to read “a child has a disability if a child is blind, deaf or mute or suffers from mental disorders of any

kind or is substantially and permanently impaired by illness, injury or congenital deformity or such other disability as may be described”

*Clause 24(b)* currently makes provision for the **secure** accommodation for the detention of children under the Criminal Justice Ordinance. Officers indicated to the Select Committee that this provision was included in the Bill by oversight, and there are in fact no proposals for such secure accommodation to be provided, so it is proposed that this Clause is removed from the Bill. In the very unlikely event of a child requiring detention following arrest, existing cells at Stanley Police station would have to be used.

*Clause 28* would ensure that a child whose care is the responsibility of the Crown remains placed with its parents, with family, with friends or other persons connected with the child; unless that is not consistent with the child’s welfare or would not be reasonably practicable. *Clause 28(8)* also requires the Crown, when placing a child who cannot be placed with its parents, to ensure that the placement is such that it allows the child to live near the child’s home. Members were concerned that there might be difficulties placing a child near their home if the child lives in Camp. Accordingly, it is recommended that *Clause 28(8)* is amended to make reference to the obligations only existing as far as is reasonably practicable. Whilst every effort would be made to place a child near their home in these circumstances, the particular practical difficulties in doing so must be recognised.

*Clauses 36 and 37* are in a part of the Bill which requires FIG to provide advice and assistance to certain individuals who have been in the care of FIG, in particular assistance in connection with education and training. The obligations on FIG are linked to pathway plans prepared for that individual in accordance with this Bill.

Members were concerned that the obligation to be placed on FIG should be a reasonable one, in particular having regard to FIG’s published education policy. It is recommended that an additional sub-clause is added to each Clause to this effect, which would require any published education policy of FIG to be taken into account when preparing or reviewing the relevant pathway plans.

Members were also concerned that it should also be made clear that the obligations created by *Clauses 36 and 37* do not extend the obligations on FIG to fund education beyond that which could be provided by an ordinary parent. The phrase “an ordinary parent” does not lend itself to definition in the absence of a more detailed policy position, but it is recommended that additional sub-clauses be added to both these Clauses which make clear that the obligations on FIG will not exceed the provision which could reasonably be expected to be made by a parent caring for a child in the relevant circumstances. Focussing on the element of reasonableness would have a very similar effect (especially when combined with the need to have regard to FIG’s published education policy).

Under Part 4 of the Bill – Care and Supervision and particularly the section on Education Supervision Orders. This part of the Bill is not significantly changed from the existing Ordinance. However, the new Bill does propose the introduction of education supervision orders, and whilst the Committee supported the basic principle of such orders, amendment of some detail is recommended. In particular, Members were concerned that the threshold of determining whether or not a child is “properly educated”, i.e. the point at which there could be intervention under the Bill, was not sufficiently clear. Members were concerned that the

threshold might be inappropriately judged against the standards of another jurisdiction. It is therefore proposed that *Clause 54* be amended to require a court to have regard to any published education policy of the Falkland Islands Government in determining whether a child is being properly educated or not.

Under Supervision Orders, the introduction of education supervision orders supplements existing provision repeated in the Bill for ordinary supervision orders. Ordinary supervision orders provide an intermediate position where there are concerns about a child's welfare, but not sufficient to warrant the child being placed in the care of FIG. Instead the care of the child is subject to the supervision of an individual appointed by the court. The existing law provides for children who are subject of supervision orders to be subject to medical and psychiatric examination and treatment, which could potentially require the child to travel outside the Falkland Islands. There are certain Constitutional protections, contained in section 8 of the Constitution, which limit the circumstances in which individuals can be removed from the Falkland Islands. Unfortunately the existing Children Ordinance does not appear to explicitly reflect those protections. The Bill as currently drafted amends the substantive provisions dealing with supervision orders to reflect the Constitutional protections but, by oversight, the Bill didn't similarly amend the same provisions dealing with interim supervision orders. An amendment to the Bill to ensure that those protections are consistently applied in relation to both supervision orders and interim supervision orders is therefore proposed to *Clause 56(9)*.

Moving on to Part 6 which in the original Bill was called Private Fostering. This Part of the Bill is entirely new, and would impose a duty on FIG to satisfy itself that privately fostered children are being properly safeguarded. That would be achieved by imposing obligations on relevant individuals to notify FIG of private fostering arrangements, so that the arrangements for the care of the child could be assessed by the social services team. The existing provisions seek to regulate the care of children by individuals who are not the parents or close family of the child; with a 28 day threshold applying before the provisions have effect in relation to a particular arrangement for a child.

The Part caused the most debate within the Select Committee. Whilst a minority of Members were satisfied with the provisions of the Bill as representing an appropriate level of regulation to protect children in circumstances of particular vulnerability, the majority of Members indicated that they had concerns about the proposed provisions; either because they do not agree that there is sufficiently evidenced vulnerability in such children to warrant this intervention, or they believe that the level of proposed intervention is disproportionate to the aim.

Particular concern was expressed about regulations of arrangements for children who spend their holidays in Camp. Such arrangements would potentially be caught by existing provisions in the Bill if the children were being cared for in the relevant circumstances for more than 28 days. On the one hand some Members felt that such Falklands traditions should not be interfered with, whilst some other Members felt that children in these circumstances had been proved particularly vulnerable (as evidenced by previous convictions of some adults), and they should be protected.

Similarly, concern was expressed by Members that the proposed regulation would affect children who are sent to Stanley to stay with friends or relations whilst attending school.

Some Members also felt that such Falklands traditions should not be affected by regulations of this type.

It was also noted that the employment of migrant workers; in particular at Mount Pleasant, means that many employees there cannot have their families live with them due to the lack of family accommodation. It was debated whether this was a particular problem that regulation should properly focus on, although it was noted that this is not the only area of risk.

Members were concerned that the unique circumstances of the Falkland Islands (such as individuals having to have to travel overseas for medical treatment at short notice and having to make arrangements for their children to be cared for), should be recognised by a more relaxed regime than the UK equivalent which this Bill is largely based upon.

A number of different options were put to the Committee by officers over several meetings and debated at length. Whilst Members did not necessarily concede their differing positions held as outlined above, it was concluded that compromise would seem to be appropriate, and the following amendments are proposed on that basis.

- firstly, the implementation of a more relaxed regime in relation to children who are cared for by relevant individuals only for the purpose of allowing them to attend school (referred to as “private boarding”), which would involve only notification of the arrangements to the school together with the provision of certain information to the school about those arrangements;
- secondly, a relaxation of the threshold at which regulation would have effect; with the regulation only having effect after 28 days if there is an intention for the arrangement to last more than 56 days in total, but otherwise the regulation would only apply if the arrangement has actually lasted for more than 56 days

Finally in relation to that Part, some Members expressed concern about the phrase “Private Fostering”, and indicated that this might be confused with children being actually fostered or cared for by the Crown. Accordingly, it is recommended that references in the Bill to private fostering are replaced with references to children being “hosted”, rather than “fostered”.

Under Part 7 of the Bill – Safeguarding Children Board. This Part of the Bill is entirely new in that it would create a statutory Safeguarding Children Board. A Safeguarding Children Board already exists, but it operates on a non-statutory basis.

Members propose that *Clause 79* be amended to change the provision in which the Governor or the Governor’s representative would be a member or observer on the Board; to instead allow the Governor or the Governor’s representative only to be an observer on the Board.

Members raised concerns about *Clause 82*, which purports to require any person to provide information to the Board if certain conditions are met (although the provision does not include any enforcement provision if the information is not provided). Members were concerned that a private individual should not be compelled to provide information, nor should they be purportedly compelled (even if there is actually no consequence for failure to comply).

An amendment to *Clause 82* is therefore proposed which would change the focus of the provision. It would provide that the Board may request any person or body to supply information to the Board, but that only public officers and statutory bodies would be required to provide such information (the consequences of a failure to do so being left outside the provisions of the Ordinance; for example to be dealt with by internal disciplinary action in the unlikely event of failure of a public officer to so comply).

It is also recommended that a number of amendments are made to *Clause 82* to simplify provisions which currently refer to information being obtained or used by others on behalf of the Board. It is not considered that these provisions are necessary.

In *Schedule 2* of the Bill *Paragraph 2* of *Part 1* of the Schedule provides that FIG must maintain a register of children with disabilities. Members noted that the reader of the Schedule to the Bill may not understand what is intended to be meant by children with disabilities, so it is recommended that a cross reference to the definition of children with disabilities in section 22(12) be added to this element of the Bill.

*Paragraph 6* of *Part 1* of the Schedule provides that FIG must provide services designed to assist children with disabilities. Members expressed concern that FIG's resources could potentially be unreasonably strained by an absolute obligation of this nature. It is therefore proposed that the paragraph be amended to include an element of reasonableness.

*Paragraph 8* of *Part 1* of the Schedule makes provision for FIG to provide help to children in need (as defined in clause 22(11)) through the provision of various services. Members recommend that the paragraph is amended so that the list of services under the paragraph is no longer an exhaustive list.

*Paragraph 10* of *Part 1* of the Schedule would create an obligation on FIG to consider racial matters when making arrangements designed to encourage persons to act as foster parents on behalf of FIG. Members did not believe that such a provision was necessary or appropriate to include in the Bill given the very small scale of the population in the Islands.

There are a number of consequential amendments to be made to the Bill as a result of amendments above; largely changes to numbering and cross referencing.

Finally, examination of the Bill through the Select Committee process identified a number of minor drafting errors, which it is also proposed be corrected by amendment during the Committee of the Whole. Those errors are listed below:

*Clause 22(6)* – Cross referencing errors

This Clause should correctly cross refer to sections 23, 26 to 28, 35 to 38, 41 and 42.

*Clause 74(2)(a)*

There is a duplication of the phrase “a period”, one of which should be omitted.

*Schedule 1*

In *paragraph 2(3)* “the person he reached” should be omitted and replaced with “the person reached”.

There are two *paragraphs 15* in *Schedule 1*, so the second paragraph should be re-numbered 16.

*Schedule 2, Part 1, Paragraph 1* – there are cross referencing errors

This paragraph should correctly cross refer to sections 22, 23, 35 to 38, 41 and 42.

*Schedule 3, Part 1, Paragraph 5*

In *sub-paragraph (7)* “examination” should be omitted and replaced with “treatment”

*General* - The use of “Falkland Islands”

When drafting provisions equivalent to the Children Act, the drafter incorrectly directly substituted “in the Falkland Islands” as an interpretation of the equivalent reference to a local authority having a duty to do something “in their area”. However, this is generally unnecessary because the Falkland Islands Government will have a duty to do those things throughout the Falkland Islands (because it is a unitary authority), so it is recommended that the phrase “in the Falkland Islands”, and similar, be removed from the following Clauses and Schedules:

*Clause 22(1) (a)*

*Clause 23(1) (2) & (3)*

*Clause 75(1), (2) (b), (4) & (6)*

*Clause 77(3) (a)*

*Clause 79(1)*

*Clause 80(1) (a)*

*Clause 81(1)*

*Schedule 2, Part 1, paragraphs; 1(1), 2(1), 3, 4, 6(1) (a), 7(a) (i), 8, 9 and 10*

*Schedule 5, Part 2, paragraph 13*

All the above proposed amendments are illustrated by way of tracked changes in the Bill which is before Members.

**Mr Speaker**

Thank you very much.

**The Acting Attorney General**

Mr Speaker, if I may I would just like to propose two very minor corrections to the Report of the Select Committee and to apologise for the need for those, but I think it is important to do so for the record. The first correction is that in the list of proposed amendments to be made to reflect drafting errors, just listed, there is an additional drafting error which has been

identified to Schedule 3, Part 1, Paragraph 5 and that is that in sub-paragraph 6(a) the duplication of the words “the Court is satisfied” should be removed, and secondly, as referred to by the Honourable Dr Barry Elsby, the proposed amendments were set out in a re-printed version of the Bill and there was one typographical error in a proposed amendment to Clause 81 there is an additional word “not” which would need to be removed. Just for clarification, Mr Speaker, I confirm that those issues would both be picked up as we go through the amendments if the Report of the Select Committee is accepted.

**Mr Speaker**

Honourable Members, you have before you the Report of that Select Committee on the Bill. Is it your wish that the Report be received? It is indeed. The Report is therefore received.

The Assembly is now in Committee.

Just a couple of points before we start. Since we are in Committee you may remain seated, which I am sure is something that, at least the Acting Attorney General, is going to welcome and we are faced with a complex and lengthy Bill, which in fact does require a fairly large number of amendments, so I beg your forbearance as we go through this rather tortuous procedure, but it does get all the amendments into the public record.

**Acting Attorney General**

Mr Speaker, I would like to start by begging to move that in accordance with standing order 72, standing order 55(11) is suspended; the reason for that is Standing Order 55(11) requires new clauses to be read a first and second time, given that the Select Committee Report has been accepted by Members it might be considered that that is unnecessary.

Secondly suspension of the Standing Order would allow the consideration of the new clauses in the order in which they appear in the Bill, rather than after all other clauses which, again, might provide a slightly simplified process.

**Mr Speaker**

The Motion is that standing order 55(11) is suspended – is there any objection to that Motion? Standing order 55(11) is suspended

**Deputy Clerk of the Assembly**

Part 1 – Introductory, Clauses 1 and 2

**Acting Attorney General**

I beg to move that Clauses 1 and 2 stand part of the Bill but that consideration of Clause 3 be left until after the remaining clauses has been considered. That is because Clause 3 deals with the interpretation provisions of the Bill so is traditionally left until after all other Clauses have been considered.

**Mr Speaker**

The Motion is that clauses 1 and 2 stand part of the Bill – is there any objection to that? No. Clauses 1 and 2 stand part of the Bill.

**Deputy Clerk of the Assembly**

Clauses 4 – 10

**Acting Attorney General**

I beg to move that clauses 4 to 10 stand part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that clauses 4 to 10 stand part of the Bill – is there any objection? There is no objection. Clauses 4 to 10 stand part of the Bill.

**Deputy Clerk of the Assembly**

Clause 11

**Acting Attorney General**

I beg to move that clause 11 is amended by omitting, in sub-clause (2), the word "regulation", and substituting the word "rules", and that the amended clause stands part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that the amended clause 11 stands part of the Bill – is there any objection to that? There is no objection. Amended Clause 11 stands part of the Bill.

**Deputy Clerk of the Assembly**

Part 2 - Orders with respect to children in family proceedings

Clauses 12 to 21

**Acting Attorney General**

I beg to move that clauses 12 to 21 stand part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that clauses 12 to 21 stand part of the Bill – is there any objection? There is no objection. Clauses 12 to 21 stand part of the Bill.

**Deputy Clerk of the Assembly**

Part 3 - Support from Crown for children and families

Clause 22

**Acting Attorney General**

Mr Speaker, I beg to move that clause 22 is amended as follows, and that the amended clause stands part of the Bill -

- (i) in sub-clause (1)(a) by omitting the phrase "in the Falkland Islands";
- (ii) in sub-clause (6)(a) by inserting the numbers and words "26 to 28, 35 to 38" between the numbers 23 and 41;
- (iii) in sub-clause (11)(c) omitting the phrase "the child is disabled" and replacing it with the phrase "the child has a disability";
- (iv) in sub-clause (12) -
  - (a) by omitting the phrase "a disabled child", and replacing it with the phrase "a child has a disability";
  - (b) by omitting the word "dumb" and replacing it with "mute"; and
  - (c) by omitting the word "handicapped" and replacing it with "impaired"

**Mr Speaker**

Honourable Members. The Motion is that amended clause 22 stands part of the Bill – is there any objection to that? Clause 22 stands part of the Bill.

**Deputy Clerk of the Assembly**

Clause 23

**Acting Attorney General**

Mr Speaker, I beg to move that clause 23 is amended by omitting the phrase "within the Falkland Islands" wherever in appears in that clause, and that the amended clause stands part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that amended clause 23 stands part of the Bill – is there any objections to that motion. There is no objection. Clause 23 stands part of the Bill.

**Deputy Clerk of the Assembly**

Clause 24

**Acting Attorney General**

Mr Speaker, I beg to move that clause 24 is amended by omitting sub-clause (b), and that the numbering in sub clause (a) be removed and that the amended clause stands part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that amended clause 24 stands part of the Bill – is there any objections to that? No objections. Clause 24 stands part of the Bill.

**Deputy Clerk of the Assembly**

Clauses 25 to 27

**Acting Attorney General**

I beg to move that clauses 25 to 27 stand part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that clauses 25 to 27 stand part of the Bill - is there any objection? There is no objection. Clauses 25 to 27 stand part of the Bill.

**Deputy Clerk of the Assembly**

Clause 28

**Acting Attorney General**

I beg to move that clause 28 is amended as follows, and that the amended clause stands part of the Bill -

(i) in sub-clause (8) by inserting the phrase in parenthesis "(as far as reasonably practicable taking into account all factors)" between the words "placement" and "is"; and

(ii) in sub-clause (8)(d) by omitting the phrase "the child is disabled" and replacing it with the phrase "the child has a disability"

**Mr Speaker**

Honourable Members. The Motion is that amended clause 28 stands part of the Bill – is there any objection to that? There is no objection. Clause 28 stands part of the Bill.

**Deputy Clerk of the Assembly**

Clauses 29 to 35

**Acting Attorney General**

I beg to move that clauses 29 to 35 stand part of the Bill

**Mr Speaker**

Honourable Members. The Motion is that clauses 29 to 35 stand part of the Bill – is there any objection? There is no objection. Clauses 29 to 35 stand part of the Bill.

**Deputy Clerk of the Assembly**

Clause 36

**Acting Attorney General**

Mr Speaker, I beg to move that clause 36 is amended by adding the following sub-clauses after sub-clause (13), and that the amended clause stands part of the Bill -

"(14) Any published education policy of the Falkland Islands Government must be taken into account in reviewing the pathway plan for a former relevant child in accordance with subsection (3)(b);

(15) The obligation on the Crown under this section does not exceed the provision which could be reasonably be expected to be made by a parent caring for a child in the relevant circumstances."

**Mr Speaker**

Honourable Members. The Motion is that amended clause 36 stands part of the Bill – is there any objection to that? There is no objection. Clause 36 stands part of the Bill.

**Deputy Clerk of the Assembly**

Clause 37

**Acting Attorney General**

I beg to move that clause 37 is similarly amended by adding the following sub-clauses after sub-clause 10, and that the amended clause then stands part of the Bill -

"(11) Any published education policy of the Falkland Islands Government must be taken into account in formulating the pathway in accordance with subsection (3)(b);

(12) The obligation on the Crown under this section does not exceed the provision which could reasonably be expected to be made by a parent caring for a child in the relevant circumstances."

**Mr Speaker**

Honourable Members. The Motion is that amended clause 37 stands part of the Bill – is there any objection to that? Clause 37 stands part of the Bill.

**Deputy Clerk of the Assembly**

Clauses 38 to 47

**Acting Attorney General**

I beg to move that clauses 38 to 47 stand part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that clauses 38 to 47 stand part of the Bill – is there any objection to that? There is no objection. Clauses 38 to 47 stand part of the Bill

**Deputy Clerk of the Assembly**

Part 4 - Care and supervision

Clauses 48 to 53

**Acting Attorney General**

I beg to move that clauses 48 to 53 stand part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that clauses 48 to 53 stand part of the Bill – is there any objection to that? There is no objection. Clauses 48 to 53 stand part of the Bill.

**Deputy Clerk of the Assembly**

Clause 54

**Acting Attorney General**

I beg to move that clause 54 is amended by inserting the following sub-clause after sub-clause (4), and by re-numbering the subsequent sub-clause, and that the amended clause then stands part of the Bill. The inserted sub-clause 5 would read:

"(5) A court must have regard to any published education policy of the Falkland Islands Government in determining whether a child is properly educated"

**Mr Speaker**

Honourable Members. The Motion is that the amended clause 54 stands part of the Bill – is there any objection to that? There is no objection. Clause 54 stands part of the Bill.

**Deputy Clerk of the Assembly**

Clause 55

**Acting Attorney General**

I beg to move that clause 55 stands part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that clause 55 stands part of the Bill – is there any objection to that? There is no objection. Clause 55 stands part of the Bill.

**Deputy Clerk of the Assembly**

Clause 56

**Acting Attorney General**

Mr Speaker. I beg to move that clause 56 is amended by omitting sub-clause (9) and replacing it with the following sub-clause, and that the amended clause then stands part of the Bill. The new sub-clause (9) would read:

"(9) Where the court makes a direction for an examination or assessment under this section, paragraph 4 of Schedule 3 will apply as if the supervision order referred to in that paragraph is an interim supervision order".

**Mr Speaker**

Honourable Members. The Motion is that amended clause 56 stands part of the Bill – is there any objection to that? There is no objection. Clause 56 stands part of the Bill.

**Deputy Clerk of the Assembly**

Clauses 57 to 62

**Acting Attorney General**

I beg to move that clauses 57 to 62 stand part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that clauses 57 to 62 stand part of the Bill – is there any objection to that motion? There is no objection. Clauses 57 to 62 stand part of the Bill.

**Deputy Clerk of the Assembly**

Part 5 - Protection of Children

Clauses 63 to 73

**Acting Attorney General**

I beg to move that clauses 63 to 73 stand part of the Bill

**Mr Speaker**

Honourable Members. The Motion is that clauses 63 to 73 stand part of the Bill –is there any objection to that motion? There is no objection. Clauses 63 to 73 stand part of the Bill.

**Deputy Clerk of the Assembly**

Part 6 - Private fostering

Clause 74

**Acting Attorney General**

Mr Speaker, I beg to move that consideration of clause 74 be postponed until the end of the Part because the clause contains the interpretation provisions for that Part.

**Mr Speaker**

Honourable Members. The Motion is that consideration of clause 74 be postponed until the end of this Part –is there any objection to that? There is no objection. Consideration of clause 74 is therefore postponed until the end of this Part.

**Deputy Clerk of the Assembly**

Clause 75

**Acting Attorney General**

Mr Speaker, I beg to move that clause 75 is amended as follows, and the amended clause then stands part of the Bill -

(i) in the clause heading, and in sub-clauses (3) and (4) the phrase “privately fostered” is replaced with the word “hosted”;

(ii) in sub-clause (2) the phrase “every child who is privately fostered” is replaced with the phrase “every hosted child”;

(iii) in sub-clauses (1) and (6) the phrase “children who are or children who are proposed to be privately fostered” is replaced with the phrase “hosted children or children who are proposed to be hosted”;

(iv) the phrase "within the Falkland Islands" is omitted wherever it appears in that clause.

**Mr Speaker**

Does any Honourable Member wish to speak to this motion?

**The Honourable Phyl Rendell**

Thank you, Mr Speaker. As has already been outlined by the Honourable Dr Barry Elsby who introduced this Bill, this has been the most contentious part of this legislation. This legislation has been lifted from the United Kingdom, and I am grateful to the Acting Attorney General and all my colleagues for making tremendous efforts to change the language in this

Bill to suit the Falkland Islands and to match our language in our legislation, but this is an entirely new imposition on the Falkland Islands that was not in the previous Children Bill. and I have had to compromise on my views on this to enable the Bill to go forward, and so have some of my colleagues, as the Honourable Dr Barry Elsby explained in the first draft it was proposed that anybody private fostering a child for over 28 days would need to get approval from the Falkland Islands Government, and many of us felt that this was an imposition on Falkland Islanders; it has been a tradition in the Falklands for children to go out to camp for long school holidays and vice versa. We felt this was onerous and I am grateful that the compromise has been we now look at the extent the time by which people can host other children from other families is extended to 56 days, which should cover most school holidays or other eventualities, but I am still concerned about this and I do want the public to understand the implications. I do appreciate, too, the distinction where people look after children that are attending school in Stanley, or who might be attending a school in the camp, and that if they are boarding purely for term to attend that school they need to register with the school so that the school is aware of who the family is that has taken care of that child; I think that was a sensible addition, but I beg to accept the addition of private hosting, as it is to be called, but I just wanted to put on record that I feel that this was quite a departure from our previous legislation and I accept it, but I think it is quite a change for the Falkland Islands.

**Mr Speaker**

Does any other Member wish to speak?

**The Honourable Jan Cheek**

I'd like to speak in slightly more general terms, but in relation to this as well as the rest of the Children Bill. Of course the ideal would be that all children grow up protected in a happy, loving family with all their needs understood and met. But the sad truth is that this is not always the case and occasionally some sort of control, or intervention is both appropriate and necessary, and such intervention in the past could, in some extreme cases, have prevented several generations of abuse and neglect. This has been a matter of great concern to me and something I have raised in Executive Council a number of times over many years. The Children Bill will go a long way towards ensuring that children who are in anyway particularly vulnerable, or in need, are protected and, of course, children away from their home and away from their parents, and perhaps from their usual confidante, could be in that situation so this Bill will help ensure that they are protected, and that their right to achieve their maximum potential, safe from any abuse or neglect, has to be something we would all support.

**Mr Speaker**

The Motion before the House is that amended clause 75 stands part of the Bill - is there any objection to that motion? There is no objection. Clause 75 stands part of the Bill.

**Deputy Clerk of the Assembly**

Clause 76

**Acting Attorney General**

Mr Speaker, I beg to move that clause 76 is amended as follows, and that the amended clause stands part of the Bill -

(i) in the clause heading the phrase "private foster parents" is omitted and replaced with the phrase "host parents";

(ii) in sub-clauses (1) and (4) the phrase "privately foster" is omitted and replaced with the word "host";

(iii) in sub-clause (4)(a) the word "fostering" is omitted and replaced with the word "hosting"

### **Mr Speaker**

Honourable Members. The Motion before the House is that amended clause 76 stands part of the Bill – is there any objection to that motion? There is no objection. Clause 76 stands part of the Bill.

### **Deputy Clerk of the Assembly**

Clause 77

### **Acting Attorney General**

Mr Speaker, I beg to move that clause 77 is amended as follows, and that the amended clause then stands part of the Bill -

(i) in the clause heading the phrase "private fostering" is omitted and replaced with the word "hosting";

(ii) in sub-clause (1)(a) the phrase "privately foster" is omitted and replaced with "host";

(iii) in sub-clause (1)(b) the phrase "fostering a child privately" is omitted and replaced with the phrase "hosting a child";

(iv) in sub-clause (2)(a) the word "foster" is omitted and replaced with the word "host";

(v) in sub-clause (3) the phrase "fostering privately" is omitted and replaced with "hosting a child or being a host parent"; and

(v) in sub-clause (3)(a) the phrase "within the Falkland Islands" is omitted

### **Mr Speaker**

Honourable Members. The Motion is that amended clause 77 stands part of the Bill – is there any objection to that? Clause 77 stands part of the Bill.

### **Deputy Clerk of the Assembly**

New clauses 78 to 80

### **Acting Attorney General**

Mr Speaker, I beg to move that the following new clauses are added after clause 77, and stand part of the Bill, and I also propose that the subsequent clause numbers, and all relevant numbered cross references wherever they appear in the Bill, be re-numbered and accordingly stand part of the Bill. For the avoidance of doubt I don't intend dealing with all the relevant cross-referencing, but I confirm that the proposed cross-referencing was dealt with in the re-printed copy of the Bill attached to the Select Committee Report.

**78. Private Boarding – duty on parents, etc.**

- (1) This section applies where arrangements are in place for private boarding.
- (2) A parent or person with parental responsibility for a child must notify the school at least 7 days before the beginning of the academic year of an arrangement for private boarding.
- (3) The notification under subsection (2) must provide the following details —
  - (a) name, address and contact details of the parent or person with parental responsibility;
  - (b) name, date of birth and culture or language of the child;
  - (c) name, and address of any sibling of the child;
  - (d) arrangements for contact with family members;
  - (e) name, address and contact details of person with whom an arrangement for private boarding is made including the names of all persons in the household in which the child is to be accommodated aged over 18 years old;
  - (f) contact details of person to be contacted to give consent for medical treatment;
  - (g) proposed duration of arrangement for private boarding;
  - (h) relationship, if any, between the person providing care and accommodation and the child; and
  - (i) any other details as may be required.
- (4) A parent or person with parental responsibility must notify the school of any change to the information supplied under subsection (3) or any other information provided in relation to a private boarding arrangement.
- (5) The Governor may by regulations make further provisions about the making and form of notifications.

**79. Private boarding – duty on schools**

- (1) A school which is furnished with information under section 78 must maintain and keep accurate and up to date a list of all the details relating to children who are subject to private boarding arrangements (referred to in this Part as the “private boarding list”).
- (2) The school must —

(a) allow access to the private boarding list or supply any information required from the list on reasonable request by any public officer involved in promoting the welfare of children;

(b) monitor the welfare of any child on the private boarding list and refer any concerns if the child appears to be in need or at risk of any harm to the Social Welfare Department.

**80. Welfare of private boarding children**

(1) Where, after a report is made under section 79(2) and an investigation is carried out, the Crown is not satisfied that the welfare of any child who is on the private boarding list is or will be satisfactorily safeguarded or promoted, it must consider the extent to which (if at all) it should exercise any of its functions under this Ordinance with respect to the child.

(2) Section 75(6) applies to private boarding arrangements with the necessary modification.

(3) The Governor may make regulations relating to the monitoring of the welfare of children on the private boarding list.

**Mr Speaker**

Honourable Members. The Motion is that new clauses 78 to 80 stand part of the Bill and that the subsequent clauses and all relevant cross references in the Bill, be re-numbered accordingly and stand part of the Bill. Is it your wish to pass that Motion. Is there any objection? There is no objection. Clauses 78 to 80 stand part of the Bill.

**Deputy Clerk of the Assembly**

Clause 81

**Acting Attorney General**

I beg to move that clause 81 is amended by omitting the phrase "privately fostered" wherever it appears and replacing it with the word "hosted", and that the amended clause stands part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that amended clause 81 stands part of the Bill – is there any objection? There is no objection. Clause 81 stands part of the Bill.

**Deputy Clerk of the Assembly**

Clause 74 and Part 6 heading

**Acting Attorney General**

I beg to move that clause 74 and the heading to Part 6 is amended to read as follows, and that the amended clause stands part of the Bill –

## Part 6 Hosting and Private Boarding

### 74. Hosted children (CA, s66)

(1) In this Part —

(a) “a hosted child” means a child who is under the age of 16 and who is cared for, and provided with accommodation by a person in the person’s own home, and the person is not —

- (i) a parent of the child;
- (ii) a person who has parental responsibility for the child; or
- (iii) a relative of the child;

(b) “to host a child” means to look after the child in circumstances in which the child is a hosted child as defined by this section, but does not include private boarding; and

(c) “private boarding” means the provision of a child (who is under the age of 16) with care and accommodation outside of any home or institution provided, equipped or maintained by (or on behalf of) the Crown, in order to facilitate the school attendance of the child by a person who is not —

- (i) a parent of the child; or
- (ii) a person who has parental responsibility for the child.

(2) A child is only a hosted child if paragraph (a) or (b) applies —

(a) this paragraph applies if the person caring for and accommodating the child —

- (i) has done so for a period of more than 28 days; and
- (ii) intends to do so for more than 56 days;

(b) this paragraph applies if the person caring for and accommodating the child has done so for a period of more than 56 days.

(3) Subsection (1) is subject to the exceptions made by paragraphs 6 to 10 of Schedule 5

(4) In the case of a child who has a disability, subsection (1)(a) has effect as if for “16” there were substituted “18”.

(5) The Governor may by regulations make provision as to the circumstances in which a person who provides accommodation to a child is, or is not, to be treated as providing the child with accommodation in the person’s own home.

(6) Schedule 5 has effect for the purposes of supplementing the provision made by this Part.

### **Mr Speaker**

Honourable Members. The Motion is that the amended clause 74 and the amended heading to Part 6 stand part of the Bill – is there any objection to that? Clause 74 stands part of the Bill and the heading is amended.

**Deputy Clerk of the Assembly**

Part 7 – Safeguarding Children Board

Clause 82

**Acting Attorney General**

I beg to move that clause 82 is amended by omitting sub-clauses (4) and (5) and replacing them with the following sub-clauses, and that the amended clause stands part of the Bill –

(4) The Board must include (as an adviser) the Attorney General or a representative of the Attorney General.

(5) The Board may also include —

(a) representatives (as members or observers) from the Ministry of Defence;

(b) representatives (as members or observers) from one or more organisations with a role relating to the welfare of families of those serving in the armed forces;

(c) representatives (as members or observers) from one or more other organisations with a role relating to the welfare of children or families; and

(d) as an observer, the Governor (acting with discretion) or a representative of the Governor (acting with discretion).

**Mr Speaker**

Honourable Members. The Motion is that amended clause 82 stands part of the Bill – is there any objection to that? There is no objection. Amended clause 82 stands part of the Bill.

**Deputy Clerk of the Assembly**

Clause 83

**Acting Attorney General**

I beg to move that clause 83 is amended by omitting the phrase "in the Falkland Islands", and the amended clause stands part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that amended clause 83 stands part of the Bill – is there any objection? Amended clause 83 stands part of the Bill.

## **Deputy Clerk of the Assembly**

Clause 84

## **Acting Attorney General**

I beg to move that clause 84 is amended by omitting the phrase "in the Falkland Islands", and the amended clause stands part of the Bill.

## **Mr Speaker**

Honourable Members. The Motion is that amended clause 84 stands part of the Bill – is there any objection to that? Clause 84 stands part of the Bill.

## **Deputy Clerk of the Assembly**

Clause 85

## **Acting Attorney General**

I beg to move that clause 85 is omitted and replaced with the following clause, which would stand part of the Bill

### **85. Supply of information requested by Safeguarding Children Board (CA 2004, s14B)**

(1) The Safeguarding Children Board may request a person or body to supply information specified in the request to the Board.

(2) The request must be complied with if the person is a public officer or if the body is a statutory body

(3) The request must meet the three conditions specified in subsections (4) to (6).

(4) The first condition is that the request is made for the purpose of enabling or assisting the Board to perform its functions.

(5) The second condition is that the request is made to a person or body whose functions or activities are considered by the Board to be such that the person or body is likely to have information relevant to the exercise of a function by the Board.

(6) The third condition is that the information relates to —

(a) the person or body to whom the request is made,

(b) a function or activity of that person or body, or

(c) a person in respect of whom a function is exercisable, or an activity is engaged in, by that person or body.

(7) The information may be used by the Board, only for the purpose of enabling or assisting the Board to perform its functions.

**Mr Speaker**

Honourable Members. The Motion before the House is that amended clause 85 stands part of the Bill – is there any objection to that? There is no objection. Clause 85 stands part of the Bill.

**Deputy Clerk of the Assembly**

Part 8 - Miscellaneous and General

Clauses 86 to 99

**Acting Attorney General**

I beg to move that clauses 86 to 99 stand part of the Bill

**Mr Speaker**

Honourable Members. The Motion is that clause 86 to 99 stand part of the Bill – is there any objection to that? There is no objection. Clauses 86 to 99 stand part of the Bill.

**Deputy Clerk of the Assembly**

Part 9 - Subsidiary legislation

Clauses 100 to 102

**Acting Attorney General**

I beg to move that clauses 100 to 102 stand part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that clauses 100 to 102 stand part of the Bill – is there any objection? There is no objection. Clauses 100 to 102 stand part of the Bill.

**Deputy Clerk of the Assembly**

Part 10 - Modifications of UK legislation (as it applies in the Falkland Islands)

Clause 103

**Acting Attorney General**

I beg to move that clause 103 stands part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that clause 103 stands part of the Bill – is there any objection to that? There is no objection. Clause 103 stands part of the Bill.

**Deputy Clerk of the Assembly**

Part 11 - Repeal

Clause 104

**Acting Attorney General**

I beg to move that clause 104 stands part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that clause 104 stands part of the Bill – is there any objection? There is no objection. Clause 104 stands part of the Bill.

**Deputy Clerk of the Assembly**

Schedule 1

**Acting Attorney General**

I beg to move that Schedule 1 is amended as follows, and stands part of the Bill -

(i) in paragraph 2(3) the phrase "the person he reached" is omitted and replaced with the phrase "the person reached"; and

(ii) the second paragraph numbered 15 is re-numbered 16

**Mr Speaker**

Honourable Members. The Motion is that amended Schedule 1 stands part of the Bill – is there any objection to that? No objection. Schedule 1 stands part of the Bill.

**Deputy Clerk of the Assembly**

Schedule 2 – Crown support for children and families

**Acting Attorney General**

I beg to move that Schedule 2 is amended as follows, and the amended Schedule stands part of the Bill –

(i) the phrase “within the Falkland Islands” is omitted wherever it appears in the Schedule and for clarification it appears in paragraphs 1(1), 2(1), 3, 4, 6(1)(a), 7(a)(i), 8 and 9;

(ii) in paragraph 1(2)(a)(i) by -

(a) omitting number “37”; and

(b) inserting the numbers and word "to 38, 41" between the numbers “35 and 42”;

(iii) in paragraph 2 by –

(a) omitting the word “disabled”, and replacing it with the phrase “with disabilities” in the heading and at the end of sub-paragraph (1), so those amendments would occur in the heading and at the end of sub-paragraph (1) of paragraph 2;

(b) inserting a new sub-paragraph (3) at the end of sub-paragraph (2) as follows –

“(3) For the avoidance of doubt, “Children with disabilities” has the same meaning given in section 22(12)”;

(iv) in paragraph 6 by –

(a) omitting the word “disabled” and replacing it with the phrase “with disabilities” in the heading and in sub-paragraph (1)(a); and

(b) in sub-paragraph (1) by inserting the phrase “take reasonable steps designed to” after the phrase “The Crown must”;

(v) in paragraph 8 by omitting the phrase “the following”; and inserting the phrase “, which may include the following” at the end of the introductory words to paragraph 8;

(vi) the schedule by omitting paragraph 10 and renumbering all the subsequent paragraph numbers and re-numbering all relevant cross reference numbers in the Schedule and in the Bill to be re-numbered accordingly and stand part of the Bill and again for clarification I confirm that those proposed cross-referenced numbers were addressed in the re-printed Bill annexed to the Standing Committee Report.

### **Mr Speaker**

Honourable Members. The Motion is that amended Schedule 2 stands part of the Bill – is there any objection to that? There is no objection. Schedule 2 stands part of the Bill.

### **Deputy Clerk of the Assembly**

Schedule 3 – Supervision Orders

### **Acting Attorney General**

I beg to move that Schedule 3 is amended as follows, and the amended schedule stands part of the Bill –

Paragraph 5 is amended –

(a) in sub-paragraph (6)(a) by omitting the phrase “the court is satisfied”; and

(b) in sub-paragraph (7)(a)(i) by omitting the word “examination” and replacing it with the word “treatment”;

### **Mr Speaker**

Honourable Members. The Motion is that amended schedule 3 stands part of the Bill – is there any objection to that motion? There is no objection. Schedule 3 stands part of the Bill.

### **Deputy Clerk of the Assembly**

Schedule 4 – Additional provisions about powers of arrest attached to exclusion requirements

### **Acting Attorney General**

Mr Speaker, I beg to move that Schedule 4 stands part of the Bill.

### **Mr Speaker**

Honourable Members. The Motion is that schedule 4 stands part of the Bill – is there any objection? There is no objection. Schedule 4 stands part of the Bill.

### **Deputy Clerk of the Assembly**

Schedule 5 – Fostering

### **Acting Attorney General**

Mr Speaker, I beg to move that Schedule 5 is amended as follows, and the amended Schedule stands part of the Bill –

- (i) in the heading to Schedule 5, the phrase “and hosting” is added;
- (ii) the main text of the heading to Part 1 of Schedule 5 is omitted and replaced with the following “Foster Parents and Host Parents: Limits on Number of Hosted Children or Foster Children”;
- (iii) paragraphs 1 and 2 of Schedule 5 are omitted and replaced in their entirety with the following paragraphs –
  - “1. Fostering and hosting
  - For the purpose of this Schedule –
  - (a) a person fosters a child if the person does so on behalf of the Crown;
  - (b) a person hosts a child if the person does so as a result of an arrangement under Part 6.
- 2. The usual fostering or hosting limit
- Subject to what follows, a person may not at any one time foster or host more than three children (“the usual fostering limit”)
- (iv) paragraph 3 is amended by inserting the words “or hosting” between the words “fostering” and “limit”;
- (v) paragraph 4 is amended by -
  - (a) inserting the phrase “or hosting” between the words “fostering” and “limit” in sub-paragraph (1);

- (b) adding the phrase “or host” after the word “foster” in sub-paragraphs (2)(a), (2)(d), and (3)(b); and
- (c) inserting the phrase “or hosted” between the words “fostered” and “children” in sub-paragraphs (2)(b), (2)(c) and (2)(e);
- (vi) in the heading to Part 2 of Schedule 5 be amended so that the phrase “Privately Fostered” is omitted and replaced with “Hosting”;
- (vii) paragraph 6 of Schedule 5 is amended by omitting the phrase “privately fostered child” and replacing it with “hosted child under Part 6”.
- (viii) paragraphs 7, 8, 9 and 10 of Schedule 5 are amended by omitting the phrase “privately fostered” and replacing it with the word “hosted”;
- (ix) paragraph 11 is amended by –
- (a) in sub-paragraph (1) by omitting the phrase “fostering any child privately, or proposes to foster any child privately” and replacing it with the phrase “hosting any child, or proposes to host any child”; and
  - (b) in sub-paragraph (1)(a) by omitting the phrase “privately fostered” and replacing it with the word “hosted”; and
  - (c) in sub-paragraph 3 by omitting the word “fostered” and replacing it with the word “hosted”;
- (x) paragraph 12 is amended by –
- (a) omitting “fostering” and replacing it with the word “hosting” in the heading to that paragraph
  - (b) omitting the phrase “fostered privately,” and replacing it with the word “hosted” wherever that phrase appears;
  - (c) in paragraph (2)(d) by omitting the phrase “foster privately” and replacing it with the word “host”; and
  - (d) in paragraphs (2) (e), (f), (g) and (h) by omitting the phrase “fostering a child privately” and replacing it with the phrase “hosting a child”;
- (xi) paragraph 13 of Schedule 5 is amended –
- (a) by omitting the word “fostering” and replacing it with the phrase “hosting arrangements” in the heading to that paragraph; and
  - (b) by omitting the phrase “in the Falkland Islands” wherever it appears;
- (xii) paragraph 15 of Schedule 5 is amended -
- (a) in the heading by omitting the word “fostering” and replacing it with the phrase “hosting arrangements”;
  - (b) by omitting the phrase “or will arrange for, a child to be privately fostered” and replacing it with the phrase “or will arrange to host a child.”;

(xiii) paragraph 16 is amended –

(a) in the heading of the paragraph by omitting the phrase “privately fostered” and replacing it with the word “hosted”;

(b) by omitting the phrase “fosters a child privately and” and replacing it with the phrase “hosts a child”.

**Mr Speaker**

Honourable Members. The Motion is that amended schedule 5 stands part of the Bill – is there any objection to that? There is no objection. Schedule 5 stands part of the Bill.

**Deputy Clerk of the Assembly**

Schedule 6 – Modifications to UK Legislation (as it applies in the Falkland Islands)

**Acting Attorney General**

I beg to move that Schedule 6 stands part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that Schedule 6 stands part of the Bill – is there any objection to that? There is no objection. Schedule 6 stands part of the Bill.

**Deputy Clerk of the Assembly**

Clause 3

**Acting Attorney General**

I beg to move that clause 3 stands part of the Bill.

**Mr Speaker**

Honourable Members. The Motion is that clause 3 stands part of the Bill – is there any objection to that? There is no objection. Clause 3 stands part of the Bill.

**Mr Speaker**

You will be pleased to know that the Assembly resumes.

**Acting Attorney General**

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

**Mr Speaker**

Honourable Members, The Motion before the House is that this Bill be read a third time and do pass – is there any objection to that motion? There is no objection. The Bill will be read a third time and do pass.

### **Deputy Clerk of the Assembly**

Children Bill 2014.

Motion for Adjournment

### **The Honourable Chief Executive**

Mr Speaker, Honourable Members. I beg to move, with some relief that this House stands adjourned *sine die*.

### **The Honourable Michael Poole**

Thank you, Mr Speaker. It has been a long morning so I just have the one item, and actually it is a privilege to end with this. As many people will be aware it is Armed Forces day this coming Saturday, the 28<sup>th</sup> June. Both as a Government and as a community clearly we are very grateful for the work that the Armed Forces do here in the Islands, and what they have done and the sacrifices they have made on our behalf in the past. It is a good time of the year to, kind of, reinforce that and reinstate that, though it goes without saying, much of the year of course. I'd also like to thank the local Falkland Islands Defence Force for the work they do across a number of parts of the Government. It is a service which we should be proud of, and we are proud of, especially because so much of it is done on a volunteer basis. As a military representative in the House today, I wonder whether we can ask Group Captain Taylor that he please take away our full thanks of the Assembly to his team based at MPA, and pass that on. It may not feel like there is a great partnership between us when we have just put you through all this, but there certainly is and, just as a small token of that, we intend to fly the Armed Forces flag, alongside the Falkland Islands Government flag, this coming Saturday.

Thank you, Mr Speaker, I support The Motion.

### **The Honourable Phyl Rendell**

Mr Speaker, Honourable Members. I, too, will be fairly brief after that long session, but I just wanted to talk about something that the Honourable Michael Poole and I were engaged with last week. We both attended the 63<sup>rd</sup> Westminster Seminar in London, and it was an extremely informative event, it was very interesting to learn about the workings of Westminster. I think our Colleagues advised us to go along as newly elected Members, and I think it was very well worthwhile. We did meet our Minister, Hugo Swire briefly, who addressed one of the presentations, and, amongst numerous MPs it was very good to meet Nigel Evans MP, the Deputy Speaker, he has visited the Falklands three times, I think he'd very much like to visit again. We also met, and were introduced to Members of the House of Lords, their support is very much with us, and we were grateful for that. It also gave us the opportunity, because there were 80 people attending that seminar from Commonwealth countries, it gave us an opportunity to speak to representative from all of those countries, and

to hear their issues and concerns in their countries and for us to get across the matters that we have to address here, in a small and remote location. I was particularly impressed by the way MPs conduct themselves, and how engaged and passionate they are about their subject matter and they are very firm in putting across their points of view, but having done that they still retain extremely good working relationships across Parties. It was very impressive to see that in practice.

The Honourable Michael Poole and I met with a group of young people who have formed an association called The Friends of the British Overseas Territories. I gave a presentation to them on the Falkland Islands economy and we were inundated with questions, it was quite late after a long day at Westminster, but was well worth doing and these young people, average age 22, will inevitably become opinion-formers and influential in their future careers, so it was well worth engaging with them.

The Budget for 2014/15 is behind us, and those decisions have been made and I am really looking forward to seeing progress made on the decisions we made two weeks ago, particularly in the recruitment of new posts that will, I think, give the resources that some of those more stretched departments require, so I do hope that good progress is made with recruitment and also with the approved projects that we debated in the Budget Select Committee.

It was a very ambitious Capital Programme indeed, and just one item I would like to refer to is the camp road building project. We saw a paper in Executive Council yesterday, that will be public and it has been to the Transport Advisory Committee outlining how the PWD has listened to the concerns of contractors and has looked for longer term contracts for work, ranging from 3 to 4 to 5 years. I think that's fantastic that PWD have stepped up and looked at how we could extend the length of contract so that contractors can then invest in machinery and the necessary equipment which, I know, costs hundreds of thousands of pounds to do that work. I also thank my colleagues for supporting those funds in the Budget, so I do hope contractors will now look at those bids and tender for them because it will make a massive difference to the road network in the camp if they do.

Lastly, I would just like to say I do believe our missing Colleagues, MLA Summers and Edwards will be addressing the Committee of 24 at the UN in New York today, and I do wish them well in that meeting.

Thank you, Mr Speaker.

### **The Honourable Jan Cheek**

Mr Speaker, Honourable Members. The Honourable Phyl Rendell referred to the fact that two of our number are away today. The Honourable Roger Edwards and The Honourable Mike Summers are speaking at the UN Committee of 24, probably almost as we speak now, and I thought it worth reiterating because it can be lost sight of. Why we continue attendance at what must appear to be an increasingly irrelevant forum, we made our choice during the Referendum last year to remain in association with the UK as an Overseas Territory, but if our elected Representatives were not there, Members of the Committee of 24 would only hear from the two, I can't think of a better word, "stooges" trotted out by the Argentine Delegation as Falkland Islanders. One, who may have never set foot in the Islands and the other who

abandoned his family, including small children and his country 32 years ago, and who, incidentally probably helped compile the list of 600 suspect Islanders with which the Argentine invasion forces arrived in 1982. I believe that we have to continue to give that Committee the opportunity to hear the truth and not to be exposed only to Argentine lies and distortion. Furthermore our elected Representatives reinforce by their presence, and by the fact that they are elected Representatives our right to self-determination.

I support the Motion.

### **The Honourable Ian Hansen**

Mr Speaker, Honourable Members. In rising to support the Motion, but I too will be brief. I would like to associate myself with the remarks made by The Honourable Dr Barry Elsby when he introduced the Children Bill in thanking everybody who worked very hard in getting that Bill to this House today, and in particular our Acting Attorney General who, I know, has spent a huge amount of her own time on its preparation.

I, too, was going to mention briefly the Committee of 24 and, as usual, there is a large Argentine Delegation there, which will also as usual deliver the age-old, and historically incorrect jargon they trot out year after year. However, I am equally sure, that the addresses given by our Colleagues, the Honourable Mike Summers and the Honourable Roger Edwards, are of the highest quality and any intelligent neutral observer will recognise the Argentine Delegation's gibberish twaddle as just that.

I will briefly mention FM Radio. At the end of this month, all the system should be in place, however, there will be a period of testing this new system and gap-filling will be undertaken where needed. There is no intention to leave anyone in the Islands without radio reception, although there may well be a time-slip in some areas and I ask people to be patient while those gaps are filled.

Mr Speaker, as there isn't another Assembly meeting until late August, I think I would like to take this opportunity to wish our team of athletes who are travelling to Glasgow the very best of luck. They will be great ambassadors for the Falklands as usual and, I am sure, we all wish them well. On another sporting event, the World Cup, many people have said to me how grateful they are that KTV at some expense have been putting some of the matches on live. Several people have asked me to mention that in this House today, and as an avid football fan I have no problem with that at all.

Finally, I would like to welcome Group Captain Taylor to this House for the first time, and apologise on behalf of the Assembly for the length of the meeting.

Mr Speaker, I support the Motion for Adjournment.

### **The Honourable Gavin Short**

Mr Speaker, Honourable Members. In rising to speak to, and support the Motion for adjournment, I would like to touch on some matters that are, probably, largely PWD based to begin with. But before I launch into that, I would actually like to thank, my colleagues, the Honourable Dr Barry Elsby for his rather splendid, and herculean, efforts in presenting the

report from the Select Committee on the Children Bill. That was quite something, and also, of course, to our Acting Attorney General and everybody else. It is a job well done and the place wasn't lost once all the way through, so definitely impressed.

As I have already said in this House before, the budget is going to put a lot of work in the direction of the Public Works. Although the budget hasn't yet kicked in, and we haven't got our hands on the dosh for the next three days or so, work has already started, planning how we are going to progress with some of the projects such as the track to Cape Pembroke, electricity generation and distribution within Stanley, the next loop on Sapper Hill and housing to name just some.

It is going to put pressure on my staff but, I know we will deliver. Talking of putting pressure on staff, the recent leak of fuel into the drainage system in Stanley kept the lads quite busy for a few days and I am happy to report that it was eventually tracked down to a leaking pipe between a person's fuel tank and burner. I would like to thank all those people who were involved with this, and it wasn't just the PWD but I know there was also staff from the Fire Brigade who was flushing out the system. Being a recipient of those rather splendid kerosene smells that were wafting up everywhere, I am very thankful that the leak was eventually tracked down as us smokers face enough prejudices and dangers without adding being singed or blown up to the already long list.

Every cloud though, as they say, has a silver lining and even this fuel leak had a positive side in that we were gazing up or down the pipes with our cameras and we detected not just fuel (and whatever else lurks down those pipes) but also two collapsed sewers so we are off to rectify them as that will save us chasing another problem a bit further down the line.

I tend to like getting out there and seeing things for myself, and so it was on Wednesday morning that I spent a rather cold but illuminating half hour on a street corner seeing how good or bad the traffic flow was on John Street at turn-to time. This was followed by subsequent appearances at school dropping-off time and at lunch time.

I was actually quite heartened to see the welcome sight of a WPC outside of the school at a quarter to 9 which most definitely helped the situation, and before the cynics out there say that the RFIP was only in attendance because I was turning up and will never be seen again, I am happy to bust that myth as neither they nor anyone else knew that I had taken it into my head to see for myself what was happening. As I sometimes do, I like doing my own thing without letting other folk know what I'm up to as you tend to get the real picture that way.

I would like to publicly thank the Police for their presence which is needed as it is bedlam especially at school dropping-off time and at dinner time, and I know that Willie, our lollipop man, does a sterling job, but he just can't be everywhere at once and the presence of another person with the power to stop and direct traffic plus shepherding children across the road was very much appreciated. To be honest, especially at drop-off times, we could do with two Police personnel in attendance. I do though realise that they can't be everywhere all the time, as there is also some problems at the other side of the school on Pencil Lane plus outside the big school on Reservoir Road, where some people have taken to stopping on Reservoir Road to drop off their youngsters and this is causing traffic flow problems, not to mention the real possibility of a coming together of vehicles – especially if there is ice or snow about. If I

could make a choice, I would rather see the emphasis being put on the crossings by the IJS as that is where the greater density of children is.

At midday, I suspect that anywhere between 75 and 100 vehicles passed the school intersection which ranged from normal cars and landrovers through to a lorry. It mostly flowed well, but I did see some people waiting on zebra crossings which means that children can't cross, and one or two others being slightly aggressive in their driving styles. All this, of course, is being caused by the Ross Road works and I can only, once again, plead with drivers to avoid John Street if they can. It may put another three minutes on your journey time to use other roads, but to me three or even five minutes is preferable to adding to the mayhem outside of the IJS – and please bear in mind that winter is coming and there will eventually be ice and snow which will add to the dangers and mean that traffic will transit even more slowly – one hopes.

We did have in mind creating a one way system to try and improve safety, should it be needed. It was something that we were reluctant to introduce immediately preferring to wait and see whether drivers would re-route and that the traffic flows would stay at a safe level.

You can imagine my dismay when I mentioned this to somebody else on Wednesday only to be told that “no, under our present road traffic legislation that is not permitted”. I have had two people telling me quite different stories. One of them has to be correct and I shall jolly well be finding out where the truth may be. If I find that we can't introduce temporary one way systems when needed, and should I find that is because our present legislation is not where it should be, then I will be asking my fellow MLAs to put the updating of our road traffic legislation back on the “to do list” and to give it some priority.

As I said, getting out there and seeing for myself though was a good experience and I have returned from my foray with a few things that I am mulling over – for example, the zebra crossings would seem to be too close to the corners, and it would probably be safer to move them back and install barriers on the pavement so that children escaping from the school cannot whizz straight out on the road before they reach a zebra crossing – some of the zebra crossings really could do with a street lamp close by as it is quite gloomy there and it is hard to see children who may be wearing dark clothing, and it also goes through to the fact that it is really quite embarrassing that on the corner by the school on the John Street/Villiers St intersection on both sides of the road, I guess, the space certainly between the school and pavement is covered in crushed rock and pretty big bits at that. I was actually watching children wobbling their way across it, so I shall be asking PWD if they can see if we can actually black-top or cement that, as it would be much better and safer.

Talking about getting out and about, as I have been, I have to admit that I haven't been around the many bits of my empire as much as I would have liked, but now that the budget is out of the way I intend to do just that. It is my intention, though, not to see just the heads of sections but I also want to get out with the workforce and see what they are up to, but I do accept that I must do this in a way that means that I am not getting in their way or under their feet.

I would fully like to associate myself with the comments that have gone before with my two colleagues who are probably in action at this moment in the C24. I certainly know that, I and everybody else in the Falklands, passes on our best wishes to them. They are up against a

pretty biased and dysfunctional Committee, but somebody needs to tell it to them like it is, and I know they will.

Finally before sitting down, I would like to deal with the matter that is extremely sensitive in the Falklands. Over the last few years we have seen an increased number of Argentines visiting out country. When they first came over I would say that they were all respectful and were here to bury ghosts and pay respects to their fallen.

As time has passed the tone of these visits and visitors have changed steadily and now we are seeing a lot of visitors indulging in more and more nationalistic stunts and becoming bolder and more organised in the way they go about this.

It is my belief that things have reached a point where we have to take some action and/or introduce measures to protect both our country and our people. To people from outside it may seem hard to understand why these nationalists cause such distress both with their actions whilst in the Falklands, but also what is posted on the web, either after they have left our country or in recent cases whilst still here.

For those of us who were here when they invaded the whole terrifying experience and the bleak hopelessness of days that followed are as fresh in our minds now as it was at the time. Argentina has never dropped their claim, indeed have never declared an end to hostilities as far as I am aware and past Ministers in their Government, have made oblique comments to the effect that if it were not for the protection afforded to us by Her Majesty's Forces, we would be under Argentine control. As we would never invite them back in that leaves only one option – another military-led invasion. Take also the comments from their Government and their attempts to disrupt our economy and way of life in every which way that they can, and also have a look to see what is put up on the web and you may start to see why, when people who come in with an agenda that involves flag and banner waving, it has the effect that it does on us.

Doing nothing, in my opinion is no longer an option. To this end, I have re-visited a discussion paper that I have been putting together which outlines the problems and puts forward some thoughts on action that could be taken. For obvious reasons I am not going to advertise what my proposals are on this matter, but will be presenting it to my colleagues once we have all, or nearly all of them, back in the Falklands.

What I am suggesting may not be the way to curb this nationalistic and totally unacceptable behaviour, but I do hope that it sparks a discussion that will lead to an acceptable solution. Be sure though, that whatever is decided on there will be an almighty backlash from across the water, but I for one am not willing to sit back for fear of what a larger and aggressive neighbour might do to us, and allow this behaviour to carry on and grow. I have a real worry that things may be reaching a point whereby we are going to have an incident and it would be wholly unacceptable that due to our inaction it is an Islander who is before the judicial system for becoming incensed and taking action. We must do something.

Finally Mr Speaker, there was a very fine piece published on Forbes.com which I would recommend to everyone –it was about the banner that the Argentine national team displayed in a friendly match just before the FIFA World Cup which I am sure all of you know that the banner says that the Falklands are Argentine – and by the way it was officially backed by the

Argentine Government - the article contains some passages that I would like to read to you before sitting down, some passages that I wished that I could have penned myself as it really does sum up what we are faced with and I quote:

“Let’s clear up this Falklands issue once and for all. The dispute over these Islands in the South Atlantic is not between Argentina and Great Britain, as so many people falsely report. It is between Argentina and freedom.” The piece goes on to look at us the Falkland Islanders and our referendum, but ends thus – “People who want to change the status of the Islands, as members of the Argentine national football team do, are saying that the people of the Falkland Islands don’t count for anything. They should be stripped of the right of self-determination.” The way this issue is reported, you’d think that the choice was between imposing a hostile British occupation on people of the Falkland Islands or imposing a hostile Argentine occupation. Or you’d think that this was a “morally neutral” dispute between two countries. Or you’d think this was like 1776, another case of a free people trying to break free of the imperial shackles of London. It isn’t. It’s between imposing a hostile Argentine occupation on this free and independent people, or letting them remain free.

“Las Falklands son Argentinas,” boasted the footballers. The correct response is not, “Las Falklands son Britanicas” (“the Falkland’s are British”). It is, “Las Falklands son libres.” “The Falklands are free.”

### **The Honourable Dr Barry Elsbey**

Mr Speaker, Honourable Members. I will be brief. I would like to associate myself with the comments made by Honourable Michael Poole in regards to the Armed Forces Day. I think that was set up in the UK, to make people in the UK more aware of the debt they owe to the Forces and, I don’t need to say that the Falkland Islanders do not need reminding of the debt of gratitude they owe to Her Majesty’s Forces, but it will be good to see the Armed Forces flag flying alongside our own flag on Victory Green.

The only other point I would like to bring up is to say goodbye to Rebecca Roxbrough who has been our early years co-ordinator for some months now, she leaves the Island next week, but in the time she has been here she has made tremendous strides in developing the early years, that’s mainly focusing around the nurseries in our community, and she has so inspired all those nurseries to develop the service they offer, to take on extra training and I wish her well in her future. We are presently looking for a replacement and, I hope, we will be able to find someone locally because I wouldn’t wish to see the tremendous strides which have been made under her guidance to be lost.

Mr Speaker, I support The Motion.

### **Mr Speaker**

Honourable Members, the House stands adjourned accordingly.

## **Response to the PAC Payroll Audit Concerns raised in their letter of 27 September 2013**

The Public Accounts Committee raised concerns in relation to the Payroll Audit conducted in 2013. In a letter to PAC on 9 October 2013 from the Director of Central Services, it was confirmed that a number of actions had already been implemented, and the remaining issues would be reviewed by the Director of HR who was being appointed from January 2014. The review by the Director has now been undertaken.

There were a number of items raised in the audit that had not been actioned from an earlier audit. This was because the system enhancements to reduce the risk have been either technically challenging or require investment of time and resources that the department has not been able to provide. This will be reviewed again as part of the 2014 audit programme and we will work with Internal Audit to ensure recommendations are appropriate and realistic.

Payroll outsourcing has been considered and a tender exercise was undertaken. In reviewing the single tender and following some initial work to assess the issues, risks and likely costs it was not a viable option. The commercial company were not willing to accept the high level of risk exclusively and when the costs were modelled based on likely payroll scenarios, they were significantly more expensive than maintaining an in-house provision.

Changes to the HR team structure, including the reinstatement of a dedicated role of payroll officer will help facilitate standardisation and accountability going forward. In addition training has been provided to all departments on the completion of payroll returns, and Directors have been made accountable for the sign off of all payroll returns. These two issues will help improve accuracy and accountability.

Additional software licences have been purchased for the CHRIS HR system and subject to further training and technical enhancements being successfully introduced, a pilot will commence in Q3 2014 which will allow departments to enter data at source with the aim of minimising processing errors. The full benefits from this work will not be realised for around 18 months.

In conclusion, there have been challenges with the operation of the payroll system and there will continue to be challenges as a consequence of operating with a bespoke system with complex multidepartmental returns. There will always be opportunities to make improvements and audit will continue to play a part in identifying such opportunities for consideration.