

**LEGISLATIVE ASSEMBLY  
OF THE  
FALKLAND ISLANDS**



**ORDER PAPER**

**09.00 AM**

**THURSDAY 24 MARCH 2016**

**IN PORT HOWARD**

**LEGISLATIVE ASSEMBLY**

**THURSDAY 24 MARCH 2016**

**IN PORT HOWARD**

**ORDER PAPER**

**09.00**

1. Prayers
2. Proposal on the suspension of Standing Order 5(2)
3. Motion  
  
Motion number 5 of 2016 by the Honourable Mike Summers OBE
4. Confirmation of the Record of Legislative Assembly held on 25 February 2016
5. Papers to be laid on the Table by the Honourable Financial Secretary
6. Questions for Oral Answer
7. Motion  
  
Motion number 6 of 2016 by the Honourable Michael Poole
8. Portfolio Reports:
  - The Honourable Dr Barry Elsby
  - The Honourable Phyl Rendell MBE
9. Order of the Day: Bills
  - The Supplementary Appropriation (2015-16) Bill 2016
10. Motion for Adjournment

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 24 MARCH 2016**

**MOTION**

**Proposal on the suspension of Standing Order 5(2)**

That this House agrees to suspend Standing Order 5(2) for the current sitting of the Legislative Assembly to enable the Assembly to take a Motion, of which notice has been given pursuant to Standing Order 43, out of order.

Proposed by the Honourable Mike Summers OBE

Seconded by the Honourable Phyl Rendell MBE

**Motion number 5 of 2016 by the Honourable Mike Summers**

This House congratulates Port Howard Farm on the 150th Anniversary of its foundation this year, and notes with pleasure the many developments in farming over the period since its founding.

Proposed by the Honourable Mike Summers OBE

Seconded by the Honourable Phyl Rendell MBE

## LEGISLATIVE ASSEMBLY

### ORDER PAPER

THURSDAY 24 MARCH 2016

#### PAPERS TO BE LAID ON THE TABLE BY THE HONOURABLE FINANCIAL SECRETARY

Copies of Subsidiary Legislation published in the Falkland Islands Gazette since the last sitting of the Legislative Assembly and Laid on the Table pursuant to section 35(1) of the Interpretation and General Clauses Ordinance 1977.

- Mental Health (Approved Practitioners) Order 2016;
- Land (Non-Residents) (Amendment) Ordinance 2015 (Correction) Order 2016
- Taxes (Amendment) Ordinance 2015 (Correction) Order 2016
- Maritime Safety and Security (FIPASS Restricted Zone) Designation Order 2016
- Stanley Services Limited (Residence in the Falkland Islands) Order 2016
- Road Traffic (Stanley Speed Limit Zone) Regulations 2015 (Correction) Order 2016

In accordance with Section 80 (2) of the Constitution the report of the Public Accounts Committee in respect of accounts:

- Falklands Conservation Accounts Year End 30 June 2015
- Falkland Islands Development Corporation Accounts Year End 30 June 2015
- Falkland Islands Landholdings Accounts Year End 30 June 2015

In accordance with Section 80 (2) of the Constitution the reports of the Public Accounts Committee in respect of internal audit reports:

- The Training Centre
- FIPASS
- Aviation Services
- PWD Water
- PWD Tenders and Contracts
- FIG Mortgages
- Internal Audit Management Letter – OC FIDF Fund 2014-2015
- Follow up report Insurance

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## SUBSIDIARY LEGISLATION

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### MENTAL HEALTH

#### Mental Health (Approved Practitioners) Order 2016

S. R. & O. No. 1 of 2016

*Made:* 4 February 2016

*Published:* 29 February 2016

*Coming into force:* 2 February 2016

I make this order under section 91 of the Mental Health Ordinance (No 7 of 2010) —

(a) after consulting the Chief Medical Officer on the appropriate qualifications, training and experience required by different classes of professionals for initial inclusion on the list of approved practitioners, as required by section 91(4); and

(b) without consulting Executive Council because, in my judgement, the urgency of the matter requires me to act before I can consult Executive Council.

#### PART 1 INTRODUCTION

##### 1. Title

This order is the Mental Health (Approved Practitioners) Order 2016.

##### 2. Commencement

This order is deemed to have come into force on 2 February 2016.

##### 3. Approved doctors

Each person named in Schedule 1 is a medical practitioner who is an approved doctor for the purposes of the Ordinance.

##### 4. Approved professionals

Each person named in Schedule 2 is a nurse, social worker or other professional who is an approved professional for the purposes of the Ordinance.

##### 5. Revocation of Orders

The following Orders are revoked —

(a) Mental Health (Approved Practitioners) Order 2014 (S. R. & O. No. 4 of 2014)

(b) Mental Health (Approved Practitioners) (No. 2) Order 2014 (S. R. & O. No. 11 of 2014)

**SCHEDULE 1  
APPROVED DOCTORS**

Dr Narendra Pranlal Dave  
Dr Mukhtar Ahmad Uqaili  
Dr Bruce Chipps  
Mr Ahmed Cheema  
Dr Rebecca Edwards  
Dr Hilary Napier  
Dr Sherwood Elcock  
Dr Arthur Allison  
Dr Mary Whittle  
Dr Dipankar Bandy

**SCHEDULE 2  
APPROVED PROFESSIONALS**

Janice Vanessa Dent  
Mandy Heathman  
Karen Rimicans  
Phillip Kelly  
Glen Wesley Sturdee  
Derek Henry  
Rachel Williamson  
Donna Marie Ryan  
Nikki Murphy  
Kareen Mhairi Brand  
Janette Mary Vincent  
Jacqueline Susan Bailey  
Kristina Vincent  
Allison Webb  
Carol Coombs  
Miranda McKee  
Yvette Sherriff  
Karl Jackson  
Rebecca Dickens  
Alex Moreton  
Althea Maria Biggs  
Jennifer Reece  
Jonathan Hadley  
Gail Johnson  
Julie Scott  
Vince Keegan  
Julie Chapman  
Judy Westerman

Made 4<sup>th</sup> February 2016

C. Roberts C.V.O.,  
*Governor.*

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EXPLANATORY NOTE  
*(not forming part of the order)*

Section 91(1) of the Mental Health Ordinance (No. 7 of 2010) provides that the Governor may, by Order, approve doctors as medical practitioner for the purposes of the Ordinance. Schedule 1 contains a list of medical practitioners approved as doctors. According to section 3, they are also approved practitioners.

Section 91(2) provides that the Governor may, by Order, approve a nurse, social worker or other professional as an approved professional for the purposes of the Ordinance. Schedule 2 contains a list of nurses, social workers and other professionals approved by the Governor as approved professionals. Again under section 3, they too are also approved practitioners.

As required by section 91(4), before making the list of approved doctors and approved professionals, the Governor consulted the Chief Medical Officer on the appropriate qualifications, training and experience required by different classes of professionals for initial inclusion on the list.

Clause 4 revokes the 2014 orders as they are replaced by this new updated list.

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**SUBSIDIARY LEGISLATION**

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**LAND LAW**

**Land (Non-Residents)(Amendment) Ordinance 2015 (Correction) Order 2016**

S. R. & O. No: 2 of 2016

*Made: 17 February 2016*

*Published: 29 February 2016*

*Coming into force: see article 2*

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) I make the following order —

**1. Title**

This order is the Land (Non-Residents) (Amendment) Ordinance 2015 (Correction) Order 2016.

**2. Commencement**

This order will come into force on publication in the *Gazette*.

**3. Correction of Land (Non-Residents) (Amendment) Ordinance 2015**

The Land (Non-Residents) (Amendment) Ordinance 2015 (No 12 of 2015) is amended in section 3 by inserting the words “of the Land (Non-Residents) Ordinance” directly after “Section 2(2)”.

Made 17<sup>th</sup> February 2016

C. P. Judge M.B.E.,  
*Attorney General.*

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**EXPLANATORY NOTE**  
*(not forming part of the order)*

This order corrects a typographical error.



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**SUBSIDIARY LEGISLATION**

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**TAXES**

**Taxes (Amendment) Ordinance 2015 (Correction) Order 2016**

S. R. & O. No: 3 of 2016

*Made: 17 February 2016*

*Published: 29 February 2016*

*Coming into force: see article 2*

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) I make the following order —

**1. Title**

This order is the Taxes (Amendment) Ordinance 2015 (Correction) Order 2016.

**2. Commencement**

This order is deemed to have come into force on 1 January 2016.

**3. Correction of Taxes (Amendment) Ordinance 2015**

The Taxes (Amendment) Ordinance 2015 (No 10 of 2015) is amended —

(a) in section 3 by inserting the words “of the Taxes Ordinance” directly after “Section 106(4)”; and

(b) in section 4 by inserting the words “of the Taxes Ordinance” directly after “Section 116”.

Made 17<sup>th</sup> February 2016

C. P. Judge M.B.E.,  
*Attorney General.*

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EXPLANATORY NOTE  
*(not forming part of the order)*

This order corrects a typographical error.

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## SUBSIDIARY LEGISLATION

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### SHIPPING AND NAVIGATION

#### **Maritime Safety and Security (FIPASS Restricted Zone) Designation Order 2016**

S. R. & O. No: 4 of 2016

*Made: 18 February 2016*

*Published: 29 February 2016*

*Coming into force: on publication*

I make this order under section 7 of the Maritime Safety and Security Ordinance (No. 17 of 2009) on the advice of Executive Council.

#### **1. Title and commencement**

This order is the Maritime Safety and Security (FIPASS Restricted Zone) Designation Order 2016 and comes into force on publication in the *Gazette*.

#### **2. Restricted zone and duration of restriction**

(1) The whole of the harbour area at the Falkland Interim Port and Storage System (FIPASS) more particularly delineated edged grey on the plan set out in the Schedule is a restricted zone for purposes of the Ordinance.

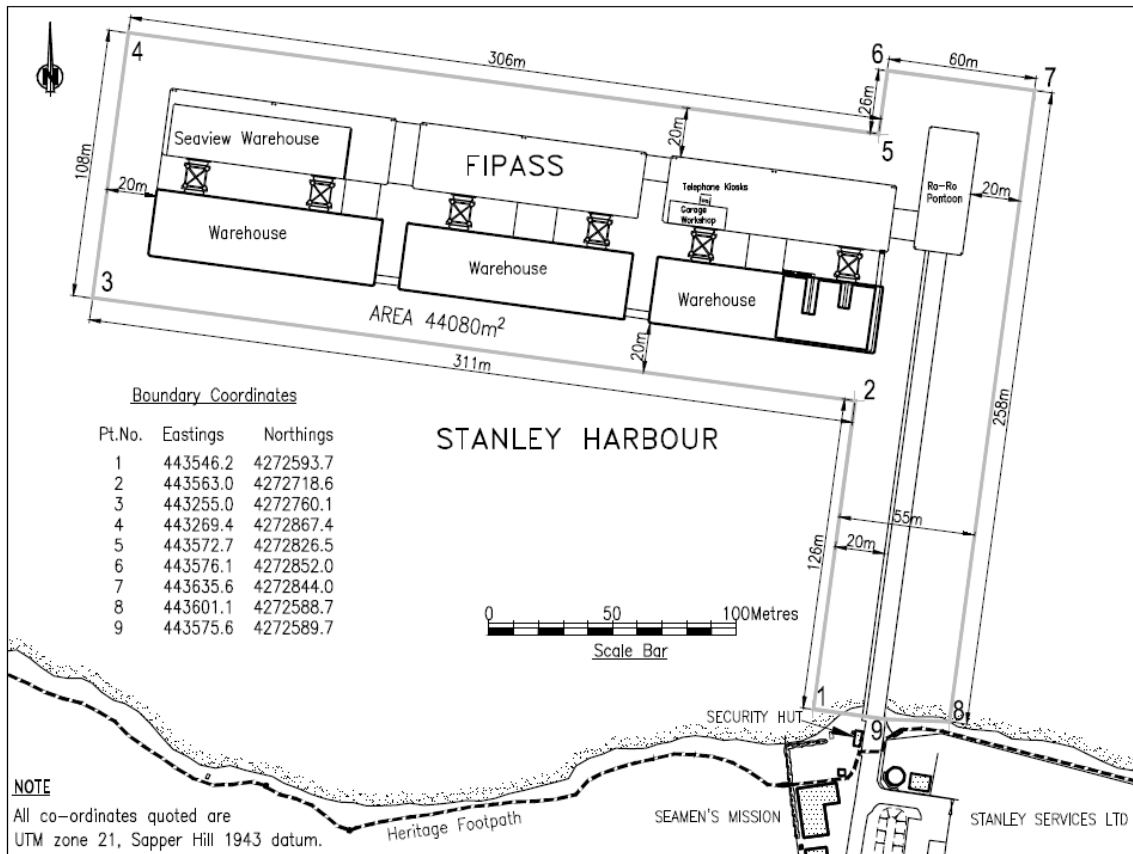
(2) This designation applies from commencement of this order and applies at all times when —

- (a) security personnel are operating controls at either end of the causeway at FIPASS; and
- (b) the restricted zone sign is displayed.

#### **3. Revocation of Notice No. 19**

Notice No 19 of 2010 published in Gazette Number (Volume 1) dated 29 January 2010 is revoked.

## SCHEDULE



Made 18<sup>th</sup> February 2016

C. Roberts C.V.O.  
Governor.

### EXPLANATORY NOTE (not part of the regulations)

This order is made under section 7 of the Maritime Safety and Security Ordinance (No. 17 of 2009) to designate a restricted zone around the Falklands Interim Port and Storage System and to cancel the existing security controls.

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**SUBSIDIARY LEGISLATION**

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**LAND**

**Stanley Services Limited (Residence in the Falkland Islands) Order 2016**

S. R. & O. No: 5 of 2016

*Made: 19 February 2016*

*Published: 29 February 2016*

*Coming into force: on publication*

I make this order under section 3(2) of the Land (Non-Residents) Ordinance 1999 (No 14 of 1999) and on the advice of Executive Council.

**1. Title and commencement**

This order is the Stanley Services Limited (Residence in the Falkland Islands) Order 2016 and comes into force on publication in the *Gazette*.

**2. Stanley Services Limited to be treated as resident in the Falkland Islands**

Stanley Services Limited (a company incorporated in the Falkland Islands with registered number 8257) shall for the purposes of the Land (Non-Residents) Ordinance be treated as being resident in the Falkland Islands for the purposes of section 3(1) of the Land (Non-Residents) Ordinance.

Made 19<sup>th</sup> February 2016

J. S. Tyler-Haywood,  
*Acting Governor.*

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**EXPLANATORY NOTE**

*(not part of the order)*

The effect of this order is that Stanley Services Limited does not need to obtain a licence under the Land (Non-Residents) Ordinance to hold or acquire land in the Falkland Islands.

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**SUBSIDIARY LEGISLATION**

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**ROAD TRAFFIC**

**Road Traffic (Stanley Speed Limit Zone) Regulations 2015 (Correction) Order 2016**

S. R. & O. No: 6 of 2016

*Made: 26 February 2016*

*Published: 29 February 2016*

*Coming into force: see article 2*

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) I make the following order —

**1. Title**

This order is the Road Traffic (Stanley Speed Limit Zone) Regulations 2015 (Correction) Order 2016.

**2. Commencement**

This order is deemed to have come into force on 30 November 2015.

**3. Correction of Road Traffic (Stanley Speed Limit Zone) Regulations 2015**

The Road Traffic (Stanley Speed Limit Zone) Regulations 2015 (No 18 of 2015) are amended in regulation 3(1) by deleting the words “subregulation (1)” and replacing with the words “subregulation (2)”.

Made 26<sup>th</sup> February 2016

C. P. Judge M.B.E.,  
*Attorney General.*

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EXPLANATORY NOTE  
*(not forming part of the order)*

This order corrects a typographical error.

## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: [pacsecretary@horizon.co.fk](mailto:pacsecretary@horizon.co.fk) Website:  
[www.pac.org.fk](http://www.pac.org.fk)

Ref: PAC/16/03/01

3<sup>rd</sup> March 2016

Mrs C Prior  
Clerk to the Legislative Assembly  
Gilbert House  
Stanley

Dear Claudette

### **Falklands Conservation Accounts Year End 30<sup>th</sup> June 2015**

In accordance with Section (80) of the Constitution I am pleased to report to the Assembly that the Public Accounts Committee has examined the above accounts and have no further matters to bring to your attention.

These will now be been published on our website.

Yours sincerely,

Louise Taylor  
Secretary

cc: Chief Executive Officer, Falklands Conservation

## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: [pacsecretary@horizon.co.fk](mailto:pacsecretary@horizon.co.fk) Website:  
[www.pac.org.fk](http://www.pac.org.fk)

Ref: PAC/16/03/02

3<sup>rd</sup> March 2016

Mrs C Prior  
Clerk to the Legislative Assembly  
Gilbert House  
Stanley

Dear Claudette

### **Falklands Development Corporation Accounts Year End 30<sup>th</sup> June 2015**

In accordance with Section (80) of the Constitution I am pleased to report to the Assembly that the Public Accounts Committee has examined the above accounts and have no further matters to bring to your attention.

Members particularly wish to congratulate the financial team at the FIDC for their hard work.

These will now be been published on our website.

Yours sincerely,

Louise Taylor  
Secretary

cc: General Manager, FIDC

## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: [pacsecretary@horizon.co.fk](mailto:pacsecretary@horizon.co.fk) Website:  
[www.pac.org.fk](http://www.pac.org.fk)

Ref: PAC/16/03/03

3<sup>rd</sup> March 2016

Mrs C Prior  
Clerk to the Legislative Assembly  
Gilbert House  
Stanley

Dear Claudette

### **Falkland Landholdings Corporation Accounts year end 30 June 2015**

In accordance with Section (80) of the Constitution I am pleased to report to the Assembly that the Public Accounts Committee has examined the above accounts.

Members were pleased to again see another good year for Falklands Landholdings and wish to congratulate all staff. There are no further matters to bring to your attention.

These will now be been published on our website.

Yours sincerely,

Louise Taylor  
Secretary

cc: General Manager, FLH



## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: pacsecretary@horizon.co.fk

Ref: PAC/16/03/04

8<sup>th</sup> March 2016

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members,

### **The Training Centre**

At our Committee Meeting held on 25<sup>th</sup> February, the Chief Internal Auditor appraised us of an Internal Audit on the Training Centre.

We understand that the audit was requested by the Training Centre Manager and identified issues with the payment system about which she herself was concerned and has now rectified with a comprehensive booking and invoicing system.

We are pleased that the Training Centre Manager was proactive and has acted immediately on the advice given. We have no further comments to make.

Yours sincerely,

Dr Andrea Clausen  
Chairman  
Public Accounts Committee

cc: Chief Internal Auditor

## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: pacsecretary@horizon.co.fk

Ref: PAC/16/03/05

8<sup>th</sup> March 2016

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members,

### **FIPASS**

At our Committee Meeting held on 25<sup>th</sup> February, the Chief Internal Auditor appraised us of an Internal Audit on FIPASS.

We understand that the audit was satisfactory overall and that great improvements had been achieved in terms of health & safety and in relation to financial systems. We gained the impression that the new contractor has generally done a good job and have no further comments to make.

Yours sincerely,

Dr Andrea Clausen  
Chairman  
Public Accounts Committee

cc: Chief Internal Auditor

## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: pacsecretary@horizon.co.fk

Ref: PAC/16/03/06

8<sup>th</sup> March 2016

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members,

### **Aviation Services**

At our Committee Meeting held on 25<sup>th</sup> February, the Chief Internal Auditor appraised us of an Internal Audit about Aviation Services.

We understand that this audit combined the three aspects of Aviation Services i.e. FIGAS, Stanley Airport and Airport Fire Services for reasons of efficiency and that the findings were generally good. We have no further comments to make.

Yours sincerely,

Dr Andrea Clausen  
Chairman  
Public Accounts Committee

cc: Chief Internal Auditor

## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: pacsecretary@horizon.co.fk

Ref: PAC/16/03/07

8<sup>th</sup> March 2016

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members,

### **PWD Water**

At our Committee Meeting held on 25<sup>th</sup> February, the Chief Internal Auditor appraised us of an Internal Audit on PWD Water.

This report had a limited assurance overall but it was explained that this was mainly due to the lack of and then change-over of staff. The main concerns were described as lack of stock control, poor health & safety standards and poor maintenance. However it was noted that those working in the system now have accepted all matters raised in the report, clearly a large step in the right direction.

Members are keen to see that financial and human resources will be allocated appropriately to achieve the objectives identified and look forward to receiving the appropriate follow-up report.

Yours sincerely,

Dr Andrea Clausen  
Chairman  
Public Accounts Committee

cc: Chief Internal Auditor

## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: pacsecretary@horizon.co.fk

Ref: PAC/16/03/08

8<sup>th</sup> March 2016

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members,

### **PWD Tenders and Contracts**

At our Committee Meeting held on 25<sup>th</sup> February, the Chief Internal Auditor appraised us of an Internal Audit about PWD Tenders and Contracts.

This report had a limited assurance overall. It was explained to us that this audit had been brought forward at the request of the Financial Secretary and that as a result seven high priority recommendations had been made. It was noted that the PWD management team have taken the recommendations on board and that a follow up review will be carried out in three months. At this stage Members have no further comments to make but look forward to seeing improvement in the follow up report.

Yours sincerely,

Dr Andrea Clausen  
Chairman  
Public Accounts Committee

cc: Chief Internal Auditor

## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: pacsecretary@horizon.co.fk

Ref: PAC/16/03/09

8<sup>th</sup> March 2016

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members,

### **FIG Mortgages**

At our Committee Meeting held on 25<sup>th</sup> February, the Chief Internal Auditor appraised us of an Internal Audit on FIG mortgages.

We understand that this report had satisfactory assurance overall and that steps are now being taken to improve documentation and review. We have no further comments to make.

Yours sincerely,

Dr Andrea Clausen  
Chairman  
Public Accounts Committee

cc: Chief Internal Auditor

## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: pacsecretary@horizon.co.fk

Ref: PAC/16/03/10

8<sup>th</sup> March 2016

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members,

### **Internal Audit Management Letter – OC FIDF Fund 2014-15**

At our Committee Meeting held on 25<sup>th</sup> February, the Chief Internal Auditor appraised us of a Management Letter regarding the Officer Commanding FIDF Fund 2014 - 15.

We understand that issues raised are similar to those raised in the previous year, however it is now agreed that the FIDF Club Accounts should be audited.

Members recommend that this advice, i.e the recommendation to audit the club accounts, from the Internal Audit team is followed up.

Yours sincerely,

Dr Andrea Clausen  
Chairman  
Public Accounts Committee

cc: Chief Internal Auditor

## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: pacsecretary@horizon.co.fk

Ref: PAC/16/03/11

8<sup>th</sup> March 2016

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members,

### **Follow up report Insurance**

At our Committee Meeting held on 25<sup>th</sup> February, the Chief Internal Auditor appraised us of a follow-up report about insurance.

We understand that the audit report had only partial implementation and that one of the original high priority recommendations has yet be to fully addressed. Internal Audit noted that the travel policy guidance note and Marine Cargo Policy claim details require updating alongside a full review of all insurance information held on Public Folder. However, it is believed that this work is now in progress.

We recommend that Members ensure the relevant actions are taken to address these issues raised.

Yours sincerely,

Dr Andrea Clausen  
Chairman  
Public Accounts Committee

cc: Chief Internal Auditor



## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ

Tel +500 22905

Email: [pacsecretary@horizon.co.fk](mailto:pacsecretary@horizon.co.fk)

Ref: PAC/16/03/12

8<sup>th</sup> March 2016

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members,

### **Follow up report – Regulatory Services**

At our Committee Meeting held on 25<sup>th</sup> February, the Chief Internal Auditor apprised us of a follow-up report about Regulatory Services.

We would like to congratulate the Regulatory Services department for fully implementing the recommendations contained in the original report.

Yours sincerely,

Dr Andrea Clausen  
Chairman  
Public Accounts Committee

cc: Chief Internal Auditor

# Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: pacsecretary@horizon.co.fk

Ref: PAC/16/03/13

8<sup>th</sup> March 2016

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members,

## Follow up report – Performance Indicators

At our Committee Meeting held on 25<sup>th</sup> February, the Chief Internal Auditor appraised us of a follow-up report on performance indicators.

We understand that this report has limited implantation and in fact none of the recommendations implemented fully; it was explained to us that this is likely to be due to timing as the previous Head of Policy has recently departed the Islands and so aspects of work not taken forward. However, it would appear that work is now being carried out to meet the recommendations of Internal Audit.

Internal Audit noted that the Head of Policy should introduce a system of critical review of existing PIs, that CMT endorsement should be sought to insist that all elements of FIG provide business plans against which performance can be measured, that guidance on creating PIs should be amplified and that for outsourced services directors should use the PIs included in relevant contracts. In addition, the Head of Policy should encourage all directorates to include background notes to justify performance scores and request directors to review and ideally reduce PIs to a core group. We recommend that Members ensure the relevant actions are taken to address these issues raised.

Yours sincerely,

Dr Andrea Clausen  
Chairman  
Public Accounts Committee

cc: Chief Internal Auditor

## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: pacsecretary@horizon.co.fk

Ref: PAC/16/03/12

8<sup>th</sup> March 2016

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members,

### **Follow up report Pensions**

At our Committee Meeting held on 25<sup>th</sup> February, the Chief Internal Auditor appraised us of a follow-up report about pensions.

This audit report had only partial implementation. It was explained that progress had been slowed due to under-staffing issues at the office and that information is currently being consolidated to a single database. Once this achieved we understand that it should be extremely helpful to the Pensions Office and enable them to carry out work more effectively and so meet the recommendations made by Internal Audit.

Internal Audit noted that data still requires transfer, that a link should be added to the Treasury website for scheme members to access Pensions Ordinances and that guidance notes for staff should be expanded. We recommend that Members ensure relevant actions are taken to address these issues raised.

Yours sincerely,

Dr Andrea Clausen  
Chairman  
Public Accounts Committee

cc: Chief Internal Auditor



**FIRST REPORT TO THE LEGISLATIVE ASSEMBLY  
FROM THE STATUTE LAW COMMISSIONER**

*In accordance with section 5 of the Law Revision (Paving) Ordinance 2015*

**Contents:**

- 1. Introduction**
- 2. Summary**
- 3. Preparatory work**
- 4. Legislative text (what will we publish?)**
- 5. Technology (how will we publish it?)**

**1. Introduction**

*Requirement for report*

1.1 The Revised Laws (Paving) Ordinance 2015 was passed by the Legislative Assembly in October 2015, and came into force on 30 November 2015.

1.2 In accordance with section 3 of the Ordinance, a Statute Law Commissioner was appointed with effect from 30 November 2015.

1.3 Section 5 of the Ordinance provides that the Statute Law Commissioner must lay before the Assembly reports about progress in complying with the duty imposed on the Commissioner by section 4 of the Ordinance. The first report must be laid as soon as reasonably practicable after the end of three months beginning with the date of the Commissioner's appointment. This first report is therefore due to be laid before the Assembly at their meeting of 24 March 2016.

1.4 Subsequent reports must be laid before the Assembly as soon as reasonably practical after the end of each subsequent period of 3 months, in accordance with the following schedule:

- (a) 2<sup>nd</sup> report: 30 June 2016
- (b) 3<sup>rd</sup> report: 29 September 2016

- (c) 4<sup>th</sup> report: 15 December 2016
- (d) 5<sup>th</sup> report: end March 2017 (tbc)
- (e) 6<sup>th</sup> report: end June 2017 (tbc)

*Contents of report*

1.5 The duty under section 4 which the Statute Law Commissioner is required to report on is as follows:

**“4. Statute Law Database**

- (1) The Statute Law Commissioner is responsible for the preparation of
  - (a) a database of the laws of the Falkland Islands; and
  - (b) draft legislation which enables the Legislative Assembly to approve the Statute Law Database as an authoritative statement of the laws of the Falkland Islands.
- (2) The Commissioner must aim to ensure that the Statute Law Database—
  - (a) is complete not later than 31 March 2017; and
  - (b) is as accessible to all residents of the Falkland Islands as is reasonably practicable.
- (3) In complying with subsection (2)(b) the Commissioner—
  - (a) must treat the internet as the primary means of access to the database, but
  - (b) must also have regard to the needs of those who have no access, or limited access, to the internet, or who prefer to access information in other ways.
- (4) The Commissioner’s primary objective is to ensure that the database serves the needs of residents of the Falkland Islands; but subject to that, the Commissioner must also have regard to the needs of others who may wish to access the database.
- (5) The Statute Law Database must contain—
  - (a) the complete and up to date text of all Ordinances of the Falkland Islands in force;
  - (b) the complete and up to date text of all subsidiary legislation, made under Ordinances of the Falkland Islands, in force; and
  - (c) a list of United Kingdom enactments having force in or in relation to the Falkland Islands.

(6) For the purposes of subsection (1) the Commissioner may take as the authoritative text of an Ordinance or of subsidiary legislation any version produced in accordance with the Revised Edition of the Laws Ordinance that appears to the Commissioner to be accurate.”

### *Legislative Assembly powers on consideration of report*

1.6 If the Legislative Assembly debates this report and makes recommendations, the Commissioner must give effect to those recommendations (reference section 5(4) of the Ordinance).

## **2. Summary**

2.1 The duties on the Commissioner required to be addressed in this report can be distilled into two key tasks:

- (a) Preparing the Statute Law Database; and
- (b) Ensuring that it is accessible.

2.2 Detailed plans for the project to implement these and other ongoing tasks were considered and largely approved by Executive Council in September 2015. The plans identified three main work streams to meet the two key tasks above:

- (a) Preparatory work
- (b) Legislative text (what will we publish?)
- (c) Technology (how will we publish it?)

2.3 **Preparatory work:** This stage has largely been successfully completed. There has been some delay in procurement of the technology solution, which may impact on the final delivery date, but this is now progressing well.

2.4 **Legislative text:** Good progress has been made on compiling the legislative text, with the lists of laws almost complete. Preparation of the full text of local laws is underway, although behind schedule due to resourcing difficulties.

2.5 **Technology:** The database design is not yet scheduled to begin.

2.6 **Completion:** The Commissioner must aim to ensure that the Statute Law Database is complete no later than 31 March 2017. Because of difficulties encountered in properly resourcing some areas of the project (notably administrative support and Legislative Drafting time), the Statute Law Commissioner has recently recommended to Executive Council that the Project High Level Timeline be revised to show a likely publication date of 30 April 2017 (ie a delay of one month).

## **3. Preparatory work**

The preparatory work was split into the following four areas:

### **3.1 Project planning**

Very detailed project plans have been agreed for the work. One outstanding area of project planning was not agreed by Executive Council, and is still under consideration (concerning the process of updating adopted United Kingdom laws after publication of the laws in 2017). The Legislative Assembly will be given the opportunity to debate the issues when proposals are put forward in due course as part of the Law Revision and Publication Bill (the Bill is not due for submission until the end of 2016).

### ***3.2 Establishment of project assurance framework***

The Law Revision Expert Advisory Committee has benefited from appointment of members with a very wide range of international expertise on law revision, as well as appointment of members representing key stakeholders. Establishment of the Committee was slightly delayed, but the Committee had its first meeting in December 2015. The role of the Committee is to advise Executive Council (which has responsibility as the Project Board).

### ***3.3 Procurement of technology solution***

Procurement of the technology solution is now underway, with an Invitation for Expressions of Interest widely disseminated in early March. The procurement process is delayed; largely because input was required from the Law Revision Expert Advisory Committee; with other contributing factors including pressures on the Project Manager's time.

### ***3.4 Preparation of Law Revision Paving Bill***

The Ordinance was passed as scheduled.

## **4. Legislative text - What will we publish?**

The work to prepare the legislative text for the database has been split into the following four areas:

### ***4.1 Initial list of Ordinances and secondary legislation***

The initial list of Ordinances and secondary legislation to be published through the database was completed in November 2015 (subject to some minor checks; and updating which will be required nearer the time of publication).

The list currently consists of:

188 Ordinances  
353 secondary statutes

#### ***4.2 Initial list of applicable UK Acts and secondary legislation***

The list of UK Acts and secondary legislation currently applicable to the Falkland Islands is substantially complete (currently consisting of 960 statutes) but with two areas of work ongoing:

- (a) updating the lists to take account of automatic updating (estimated 5 days' work outstanding)
- (b) identification of comprehensive list of directly applicable UK laws; many already listed, but await FCO assistance in completing work

#### ***4.3 Settled text of existing Ordinances and subsidiary legislation (ie revised text)***

This work commenced as planned November 2015, but has progressed slower than scheduled due to lack of resources. To date the text of 33 Ordinances has been settled.

#### ***4.4 Recommendations for application or omission of UK Acts and secondary legislation not already listed***

This work is not yet scheduled to begin, but will involve consideration of recent United Kingdom legislation, and making recommendations as to whether or not such legislation should be adopted by the Falkland Islands.

### **5. Technology - How will we publish it?**

Database design is not yet scheduled to begin, the detail of which will be determined by the outcome of the procurement process referred to above. The tender documents set out what outcome is required to ensure an appropriate level of accessibility for the database.

Rosalind C Cheek  
Statute Law Commissioner  
4 March 2015



**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 24 MARCH 2016**

**QUESTIONS FOR ORAL ANSWER**

**Question Number 08/16 by the Honourable Phyl Rendell MBE**

Could the Honourable Mike Summers OBE please describe what measures have been put in place so far to fulfil the first Islands Plan Health objective for this Assembly, which states that the Assembly will “place renewed emphasis on health prevention and promote healthy and active lifestyles to reduce the requirement for costly treatments (at home and overseas) in the longer-term”. Could he highlight any recent initiatives that will be of interest the public and in particular, what work is being done to address obesity levels in young people.

**Question Number 09/16 by the Honourable Gavin Short**

Could the Honourable Michael Poole please give this house an update on the present phase of de-mining in the Falklands and also could he indicate whether there are plans for further phases and in what areas any subsequent phases may be concentrated.

**Question Number 10/16 by the Honourable Michael Poole**

Can the Honourable Ian Hansen please update this House on the work undertaken on the Fox Bay Masterplan, and where this currently stands?

**Question Number 11/16 by the Honourable Phyl Rendell**

Can the Honourable Mike Summers inform this House on the current policy on fire management on farm land and if this policy is under any form of review?

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 24 MARCH 2016**

**MOTION**

**Motion No 6 of 2016 by the Honourable Michael Poole**

This House believes that Government should progress as a matter of urgency a national waste management strategy that balances environmental protection with practicality and cost.

Proposed by: The Honourable Michael Poole

Seconded by: The Honourable Jan Cheek

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 24 MARCH 2016**

**Portfolio Reports:**

The Honourable Dr Barry Elsby

The Honourable Phyl Rendell

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 24 MARCH 2016**

**Order of the Day: Bills**

The Supplementary Appropriation (2015-16) Bill 2016

**LEGISLATIVE COUNCIL**  
**PROCEDURE FOR TAKING GOVERNMENT BILLS WHICH HAVE NOT BEEN PUBLISHED**  
**IN THE GAZETTE**  
**(NOT READ FOR THE FIRST TIME)**

<b>CLERK</b>	“Orders of the day – Bills”
<b>CLERK</b>	<b>The Supplementary Appropriation (2015-16) Bill 2016</b>
<b>MOVER</b>	“Mr Speaker, this Bill etc....(explanation) I beg to move the first reading of the Bill
<b>SECONDER</b>	“I second the Motion”
<b>MR SPEAKER</b>	“The Motion is that the Bill be read a first time – any objection to the Motion? No objection the Bill will be read a first time”
<b>CLERK</b>	<b>The Supplementary Appropriation (2015-16) Bill 2016</b>
<b>MOVER</b>	“I beg to move that the bill will be read a second time”
<b>MR SPEAKER</b>	“The Motion is that the Bill be read a second time – does and Honourable Member wish to speak to this Motion?  -----Debate if any -----
<b>or</b>	“No objection, the Bill will be read a second time”
<b>CLERK</b>	Reads the SHORT TITLE of the Bill
<b>MR SPEAKER</b>	Declares the Council to be in Committee
<b>CLERK</b>	“Clauses .....
<b>MOVER</b>	“I beg to move that Clauses ..... stand part of the Bill”
<b>MR SPEAKER</b>	“The Motion is that Clauses ..... stand part of the Bill – any objection to the Motion? No objection, Clauses ..... stand part of the Bill”
<b>CLERK</b>	“Schedules”
<b>MOVER</b>	“I beg to move that schedule stands part of the Bill”
<b>MR SPEAKER</b>	“The Motion is that the schedule stands part of the Bill – any objection to the Motion? No objection, the schedule stands part

of the Bill”

**MR SPEAKER** “The Council resumes”

**MOVER** “I beg to move the Bill be read a third time and do pass”

**MR SPEAKER** “The Motion is that the Bill be read a third time and do pass – any objection to the Motion? No objection – the Bill will be read a third time and passes”

**CLERK** Reads the SHORT TITLE of the Bill

### **SHORT TRACK PROCEDURE**

- 2a) Immediately after an exposition has been given on the contents of the Bill the President may, if he thinks fit, enquire as to whether any Member other than the proposer and seconder wish to speak in relation to the Bill. If no such member indicates a desire to speak, the President may indicate that the Bill will be dealt with in accordance with the short procedure. Otherwise the Bill shall be dealt with thereafter in accordance with paragraph 3 to 6 of this Standing orders and standing orders 43 to 46, the long procedure.
- 2b) Where a Bill is to be dealt with by the short procedure, the President shall enquire whether any amendments of the Bill are desired if there are, any councillors shall straightaway be informed of them, if there are any, Council shall straightaway be informed of them and ask whether they will be agreed to. If any Member so requires they shall individually be put to the vote and accepted or rejected accordingly. Immediately after any desired amendments have to be dealt with, and if none are desired straightaway, the President shall declare the Bill to be read a third time and to have passed

**Supplementary Appropriation (2015-2016) Bill 2016**

(No:            of 2016)

**ARRANGEMENT OF PROVISIONS**

Clause

1. Title
2. Commencement
3. Withdrawal of additional sum
4. Replenishment of Contingencies Fund

Schedule

## SUPPLEMENTARY APPROPRIATION (2015-2016) BILL 2016

(No:                      of 2016)

*(assented to:                      2016)*

*(commencement: on publication)*

*(published:                      2016)*

A BILL

for

AN ORDINANCE

To authorise the withdrawal from the Consolidated Fund of the additional sum of £702,560.00 for the financial year ending 30 June 2016.

BE IT ENACTED by the Legislature of the Falkland Islands —

### **1. Title**

This Ordinance is the Supplementary Appropriation (2015-2016) Ordinance 2016.

### **2. Commencement**

This Ordinance comes into force on publication in the Gazette.

### **3. Withdrawal of additional sum**

(1) The Financial Secretary may withdraw an additional sum of £702,560.00 from the Consolidated Fund.

(2) Any additional sum withdrawn under subsection (1) may be applied in the financial year ending 30 June 2016 in accordance with section 4 and the Schedule.

### **4. Replenishment of Contingencies Fund**

If any sum has been withdrawn from the Contingencies Fund by the authority of Contingencies Warrant Nos 4 to 8 of 2015/2016, the Financial Secretary will replenish the fund from the additional sum withdrawn under section 3.



## SCHEDULE

<b>Number</b>	<b>Head of Service</b>	<b>Amount</b> £
	<b>Operating Budget</b>	
0110	Central Services	215,000.00
0250	Education & Training	10,000.00
0350	Public Works	106,610.00
0410	Natural Resources	221,270.00
0550	Emergency Services	143,100.00
0700	The Treasury	6,580.00
	<b>Total Operating Budget</b>	<b>702,560.00</b>
	<b>Total Schedule</b>	<b>702,560.00</b>

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## OBJECTS AND REASONS

The Bill provides for:-

- (1) supplementary expenditure of £702,560.00
- (2) the Contingencies Fund to be replenished to the extent that any sums have been advanced under the authority of Contingencies Warrant Nos 4 to 8 of 2015/2016.

The Bill is proposed in accordance with section 26 of the Finance and Audit Ordinance (Title 19.3).

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 24 MARCH 2016**

**PROCEDURE FOR THE MOTION FOR ADJOURNMENT**

<b>CLERK</b>	“Motion for Adjournment”
<b>CHIEF EXECUTIVE</b>	“Mr Speaker I beg to move that House stands adjourned sine die.”  Honourable Members may speak to the Motion.
<b>THE SPEAKER</b>	“The House stands adjourned accordingly.” Mr Speaker then departs