



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

**HELD IN THE COURT & ASSEMBLY
CHAMBERS**

27 APRIL 2017

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Speaker of the House
(Mr Keith Biles JP)

MEMBERS

(Ex-Officio)

The Honourable Chief Executive
(Mr Barry Rowland)

The Honourable Financial Secretary
(Mrs Lydia Morrison)

Elected

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

The Honourable Roger Edwards
(Elected Member for Camp 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)

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

PERSONS ENTITLED TO ATTEND

The Attorney General
(Mr David Brown)

Commander British Forces, South Atlantic Islands.
(Brigadier Barry Bennett OBE)

Deputy Clerk of the Assembly: Cherie Clifford

Prayers: Reverend Kathy Biles

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**The Record of the meeting of Legislative Assembly
Held on Thursday 27 April 2017**

Prayers

Mr Speaker

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

Deputy Clerk of the Assembly

Oath of Allegiance: Brigadier Barry William Bennett OBE.

Deputy Clerk of the Assembly

Confirmation of the record of Legislative Assembly held on the 30 March 2017

Mr Speaker

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

Honourable Members

Aye

Deputy Clerk of the Assembly

Papers to be Laid on the Table by The Honourable Chief Executive

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

- Criminal Procedure and Evidence Ordinance 2014 (Correction) Order 2017
- Crimes Ordinance 2014 (Correction) Order 2017
- Prisons Regulations 2017

In accordance with section 57 of the Finance and Audit Ordinance

- The Falkland Islands Tourist Board Annual Report and Audited Financial Statements

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

- Health and Social Services Directorate – Payroll Review
- Follow-up Report – Fox Bay Village

The Honourable Chief Executive

Mr Speaker, I hereby lay the aforementioned Papers on the Table.

The Honourable Roger Edwards

Mr Speaker, Honourable Members, under Standing Orders Section 41 (3) I move that the Criminal Procedure and Evidence Ordinance 2014 (Correction) Order 2017, Crimes Ordinance 2014 (Correction) Order 2017 be noted.

These orders correct typographical errors and wrong cross references. Due to the extensive changes that were made to the Ordinance during its passing in the Legislative Assembly, some typographical errors crept in when consolidating the text. Correction of errors in cross references is also done.

The Honourable Mike Summers OBE

Mr Speaker, I second the Motion.

Mr Speaker

Honourable Members, the Motion is that the Criminal Procedure and Evidence Ordinance 2014 (Correction) Order 2017, Crimes Ordinance 2014 (Correction) Order 2017 are noted. Is there any objection to that, there is no objections, those Papers are noted.

The Honourable Mike Summers OBE

Mr Speaker, under Standing Order Section 41 (3) I move that the Prison Regulations 2017 be noted.

The Regulations support the Ordinance and add detail on how the Ordinance is to be administered.

On admission, prisoners must undergo an induction process where their information is recorded and they are familiarised with their new environment. A calculation of their release dates is done and a programme for resettlement and rehabilitation commences.

The Regulations attempt to strike a balance between management of a prison and maintaining discipline. The Regulations provide for procedures for the Prison Board to consider requests and complaints. Board members may also talk to prisoners out of the hearing and out of sight of prison staff. The Board is an overseer and it no longer has appellate powers. This is one of the changes from the current situation.

Acts of misconduct are listed in section 38 and procedures for bringing charges are dealt with in section 40. The Officer in Charge is allowed to punish a prisoner who is found guilty of an act of misconduct. The punishment includes loss of remission for serious offences, loss of privileges and others listed in section 42. A prisoner may appeal to an independent

adjudicator. Restraint is not to be used as a form of punishment and excessive punishment is not allowed.

The Regulations provide for release after a prisoner has served two thirds of their sentence. The prisoner is now released on licence and subject to conditions. This is new. Prison instructions will be made with guidelines regarding the conditions that may be imposed. Support of the prisoner after release through outside agencies is encouraged to facilitate reintegration of the prisoner into society, and to prevent reoffending. In the event of reoffending, the prisoner can now be recalled to prison, in a way that wasn't possible before.

The welfare of a prisoner is ensured in many ways. Prison accommodation must meet a minimum standard prescribed in sections 5 and 6. A prisoner must get suitable clothing and toiletries necessary for their hygiene. Provision is also made for physical education and time in open air. They also get time for religious services with their minister of religion. A prisoner's health is under the care of the Chief Medical Officer.

Provision is made in Regulations for outside contact.

One of the most important changes in the Prisons Ordinance and Regulations is the emphasis that is placed on education and rehabilitation of prisoners, and provision is made for education to be provided to those who require it depending on their level of educational attainment to date.

The Ordinance provides that prisoners must be classified to assess risk and this is done in the Schedule to the Regulations.

Mr Speaker, I propose the Motion.

The Honourable Roger Edwards

Mr Speaker, I second the Motion.

Mr Speaker

Does any Member wish to speak to that Motion?

The Honourable Dr Barry Elsbay

Mr Speaker, Honourable Members, I will be very brief just to say, I too welcome the new Ordinance and the Regulations that goes with it, and as my Honourable Colleague said, we are placing much greater emphasis on trying to make sure the prisoners that are in prison aren't just punished, but they are rehabilitated, because whether we like it or not, whatever crime that person has committed, they are going to be coming out of prison some time and living next door to someone in the islands, so it beholds us all to ensure that from the moment that person enters prison that process of rehabilitation takes place, and starts.

Mr Speaker

Honourable Members, the Motion is that the Prisons Regulations 2017 be noted. Any objection to passing that Motion? No objection, those Regulations are noted.

The Honourable Michael Poole

Mr Speaker, Honourable Members, under Standing Order Section 41 (3) I move that the Falkland Islands Tourist Board Annual Report and Audited Financial Statements be noted.

In rising to propose this Motion, I will just make a few comments.

When it comes to tourism development in the Islands the healthy public discussion and debate on the issue can sometimes make it feel like we're a bit stuck in the mud.

With challenges around getting an additional mid-week flight, an air terminal that increasingly does not meet our needs, a public jetty project that has been likened to the Millennium Dome, and limited infrastructure in a number of other places, means that it is all too easy to paint a negative picture of this area of economic activity.

However, as this annual report describes, and the recent tourism awards demonstrated, that is far from an accurate and complete picture.

Yes, the industry faces some structural challenges which we have to collectively overcome. Yet these are uniformly challenges of growth and ambition – not of an industry in decline. There is and needs to be ongoing honest debate about what needs to be done; where you focus investment and the pace and phasing at which things need to happen.

There *have* been positive, if incremental, developments in the past year. For example, it is good to see a range of excellent and wide-reaching coverage of the Islands as a destination in trade media. This is reflected in a number of international awards the Islands and individual tourism operators in the Islands have won over the past 18 months.

In addition, there have been some capital investments in tarmacking the Visitor Centre car park, phase one of the public jetty is now effectively complete, and the Tourist Board has a new and improved website which compares most favourably to a number of widely-visited destinations around the world.

Looking forward briefly. It is great that FITB has a settled and engaged Board and has clear mechanisms for wider consultation across the industry with season-opening and ending public discussions. The Board and industry generally will once again also be heavily involved at Farmers Week in July, where we will continue to encourage and to push for new tourism destinations across the Islands.

The Board and FIG are currently actively considering investment in appropriate infrastructure at Gypsy Cove, nothing has been decided as yet, that will hopefully be an outcome of the Budget Select Committee in the coming weeks and there are also plans for other tourism-related infrastructure investment over the next twelve months. I am also pleased to note and grateful to The National Trust, who have just commissioned some work on maintaining the

Whalebone Arch, which again is a key bit of local infrastructure which we all enjoy, so thanks to them again, for that is great news.

Mr Speaker, I Propose the Motion.

The Honourable Mike Summers OBE

Mr Speaker, I second the Motion.

Mr Speaker

Does any Member wish to speak to the Motion? No, the Motion before the House is that the Falkland Islands Tourist Board Annual Report and Audited Financial Statements be noted. Is there any objection to passing that Motion? No objection, so that Motion is passed.

The Honourable Ian Hansen

Mr Speaker, under Standing Order Section 41 (3) I move that the Health and Social Services Directorate – Payroll, Review and Follow-up Report – Fox Bay Village be noted.

These are pretty self-explanatory issues, and the actions that have been identified have been implemented. Mr Speaker, I propose the Motion.

The Honourable Dr Barry Elsby

Mr Speaker, I second the Motion.

Mr Speaker

Does any Member wish to speak to the Motion? Honourable Members, the Motion is that the Health and Social Services Directorate – Payroll Review, and Follow-up Report – Fox Bay Village be noted. Is there any objection to passing that Motion? No objection, so that Motion is carried.

Deputy Clerk of the Assembly

Questions for Oral Response.

Question number 8 of 2017 by the Honourable Ian Hansen.

The Honourable Ian Hansen

Mr Speaker, Honourable Members, could the Honourable Michael Poole please inform this House whether or not the Public Jetty as it stands after completion of the first phase of development, can be used in any way to complement tourism or visiting yachts before the next phase begins?

The Honourable Michael Poole

Mr Speaker, Honourable Members, before I answer the question posed, hopefully people won't mind if I just run through some brief history. Some of this has been covered in the press in recent days so I apologise for any repetition, but I think it is useful to set some context.

- The need to replace the Public Jetty was first discussed at ExCo in 2009 and work was ultimately commissioned in late 2011.
- The main driver behind this work was that the previous jetty was built in the 19th century and was failing and nearing collapse.
- PWD were asked to replace the existing structure effectively so that it would continue to protect the pontoons used by tenders to deliver tourists. It was also to be built in such a way so as to allow for future development of a full 'marina' type structure in the future if we chose to do that.
- As has been widely discussed, the project has taken considerably longer and cost considerably more than originally hoped, we have talked about that in depth in the past and I won't repeat that here, but there were clear reasons for this which have been described. This work is now nearing completion with some final relatively minor bits, I think over the weekend, should be open early next week, and it will be officially ready for use at that point.

To now answer the question:

- In the short-term the jetty's functionality for berthing alongside will be limited although it will continue to protect the pontoons. It also offers a larger usable area meaning that there is greater space for tourists to queue in the area when looking to return to their vessel.
- However, the Director of Public Works and the Harbour Master have put a brief proposal to Budget Select Committee looking at a relatively short-term step to make the west and north berthing faces usable for yachts in particular. There is clear demand for such facilities and an economic benefit which arises from them. If this work is agreed by Budget Select Committee, the intention is that this would be ready by next season, at the beginning of next summer.
- Longer term, the Tourist Board are keen to have a discussion around a full marina type investment, the hope was that we would be able to lever some private investment for that. I think that is still an on-going conversation, it will take some time and we clearly need to make sure that conversation is linked to wider discussions around port development as well. We don't want to do something in terms of a marina that undermines the business case for investment in the new port infrastructure, though I think ultimately they serving slightly different markets, so I don't think they are necessarily going to contradict each other, but that is a conversation yet to be had.

Thank you, Mr Speaker.

The Honourable Ian Hansen

Mr Speaker, Honourable Members, I would like to thank my Honourable Colleague for his reply.

Mr Speaker

Does any Member wish to comment or raise an additional question?

The Honourable Roger Edwards

Mr Speaker, I would just query the word ‘phase’ and the suggestion in the question, that there is a second phase to the Public Jetty. I have with me here the various Executive Council Papers and the Honourable Michael Poole reported in each. The first Paper was considered in November 2009, at that time we were given a choice of either paying for a replacement to the existing Jetty, a straight Jetty or a replacement with a T head. The difference in price at that time was some five hundred thousand pounds, so we chose the straight Jetty with no T, at eight hundred and fifty thousand pounds. At that time, it was expected the works would be completed at the end of October 2010.

When they looked further into the replacement of this Jetty in 2011, no work having been done, or the very little work having been done in the meantime, costs had risen such that the cost of a straight Jetty was in the order of one million and forty seven thousand pounds, and the cost with a T had risen to one point six million, it gone up by six hundred thousand pounds to put the end on.

We then had a third ExCo paper, which because of the interruptions to the possible cruise ship industries and landing tourists in that area, it was proposed that they build a parallel Jetty to the existing wooden structure, and this was put to us that there was no indication at that time that there would be a T on that Jetty. The cost had now risen to some one point three million pounds. There is a phrase in the wording, there are options 1, 2, and 3 within the Waterfront Development Scheme, which proposes, as my Honourable Colleague mentioned, a Marina type thing in that area, but we have not seen details or any costings of that, as yet.

The Jetty has now been completed and I am pleased to say that I look forward to seeing it completed this weekend, it has been a long time in coming, but I just point out that we have not seen any second phase proposals or costings, although if my colleagues have read the budget papers that we will be considering later in the Budget Select Committee process there is a “finger in the air” figure, for possibly putting a T on, should that phase, I will use the word loosely, be considered and necessary, but the costs have risen dramatically. I just query the word ‘phase’ because there is no second phase to the Public Jetty, as such. Thank you.

The Honourable Michael Poole

Thank you, Mr Speaker and Honourable Members, I am familiar with the papers to which my Honourable Colleague refers and it is not for me to speculate what was in the minds of Executive Council Members at the time, but having read those papers, it was clearly a coherent and clear decision making process, and we don’t want to get bogged down in semantics over the word ‘phasing,’ I think the phasing I referred to and the potential extension to the Public Jetty is already laid out in the Waterfront Development Master Plan, which was adopted by Executive Council around 2011 as well, so I think it was recognised that this was potentially just a first step in that wider ambition of developing the Waterfront area, but I think the decision, which ultimately I entirely agree with, was just purely a replacement of a failing asset. It needed to be done, it was done, we know there has been

some issues in terms of implementation, but they have been well looked at and explained. It is great that we have now reached this step, and as you say we have not seen any detail in terms of the potential next step, we will see that over the twelve months or so, or the government at work will see it, and at that point we can make a decision in terms of how much money is potentially available for that work. Thank you, Mr Speaker.

The Honourable Mike Summers OBE

Mr Speaker Honourable Members, I am aware that there is nothing my Honourable Colleague likes better than to poke at the Public Jetty, and complain about the costs of the Public Jetty, it is a source of constant amusement for him. I took over as Head of the Tourist Board in 2011, when this project was still in its gestation, and my Honourable Colleague said that nothing had been done between 2009 and 2011. That is simply not correct. What had been done between 2009 and 2011 was work by the Public Works Department Design Office and others to try and work out a way of properly replacing the old rotten wooden structure, and that is when the proposal was arrived at to build a concrete Jetty.

In terms of Tourist Board thinking of the time, there was a significant degree of vision, where we might be going with the Tourist Board and what might be developed in Stanley for tourism development, and there had always been in mind of those members who were on the Tourist Board at the time, that once we had built the initial concrete pier, which is built to a standard that enables heavy vehicles to go down it to the end, that you could then put another piece on the end.

My Honourable Colleague is absolutely right that there is no proposal to Members to do that yet, but that doesn't mean that there isn't another phase, there is always another phase in life. I will be encouraging the Tourist Board on a constant and regular basis to put forward proposals to the Government to do the T piece on the end of the Jetty, which will allow significant number of passenger exchanges to take place in Stanley, and create a very substantial amount of business for those people both in the retail and hospitality sectors in Stanley as well as many others, to broaden and strengthen the tourism industry.

By way of comparison, and I think there may be a bit of a double standard here, there is no discussion about spending two million pounds a year on maintaining Camp roads for the benefit of the Agriculture community, there is no discussion about spending one point four million pounds a year on supporting Agriculture in the Falkland Islands. I support those things, but I also support levels of public investment in tourism, which is now our second most important industry and has the potential longer term to be the most important industry in the Falklands, and the one with the most potential, so I accept the comments that my Honourable Colleague makes about it having cost more than originally thought, but that doesn't mean that there isn't still a really strong business case for carrying on with the development of the Port infrastructure in Stanley, and putting in place a facility that will allow passenger exchanges and the like, to grow the tourism industry, not only for the benefit of the cruising industry, but also for the very significant benefit of the land based industry that will be supported by it .

The Honourable Jan Cheek

Mr Speaker, Honourable Members, I too remember many phases of this. First, I would like to say that the work that has been done and is near complete now is looking extremely good and much more attractive entry to the Islands than we had previously, but I would like to go sideways on this. As a Government, we have released by sale in two cases quite large tracts of valuable waterfront land to people who proposed to set up marinas. Now there is one, that you might say, that is being used by yachts, and there's one in which you rarely, rarely see a vessel. Perhaps we should be more scrupulous in ensuring that when we release this valuable property of the tax-payers to people that they use it for the purpose for which they were allowed to buy it. I support further work on the Jetty, when it is appropriate.

The Honourable Roger Edwards

Mr Speaker, Honourable Members, I once again repeat that it is the word 'phase' that I query. I think the Camp tracks are for everybody in the Falkland Islands, not just for farmers. I think the Public Jetty will probably be used by all Falkland Islanders, and not just people who live in Stanley, nor the Tourists, but I would like to quote from the Executive Council Paper from November 2011 regarding the Falkland Islands Tourist Board, "Following primary discussions with operators, Captains, visitors, Sullivan Shipping and The Falkland Island Tourist Board, it is suggested that the transfers of visitors via the cruise ships' own tenders is a perfectly acceptable, as well as attractive means of arrival and departure for visitors. This is a well-accepted practice in many cruise ship ports world-wide, and the Falkland Islands Tourist Board evidence indicates the actual down time likely caused by the Falklands winds would in reality be very infrequent".

The Honourable Gavin Short

I would just like to rise in support of what has been said by the Honourable Michaels, Poole and Summers, it was always my understanding and I am stepping back beyond the ExCo papers, the Waterfront Development Project, that there would probably be a second phase, and I am quite clear in my own mind that was the thinking at the time. My Department had the joy of doing the many designs and also trying to get the thing built, and it was one of those projects that if it could go wrong, it did.

One Honourable Person made reference to the figures that are in the Budget papers, I have read those figures. Are they excessive? I don't think they probably are, I think they are based on what we know now and are realistic. And finally before sitting down, there was a quote from an ExCo paper where it talked of tenders. I don't think it was ever the intention of phase two going out far enough to allow the larger vessels to come along-side. We are talking about the smaller cruise vessels and the world changes, and I believe, although I am not an expert in tourism in any way shape or form, I believe that the world has changed and we could if we get our act together, get quite a bit more of the small cruise vessel activity here in the Falklands, and that will generate income, and as we move into the Budget process of course, as I look at the way loading the current Budget, by golly, we need more income.

The Honourable Ian Hansen

Thank you, Mr Speaker, Honourable Members. I just want to rise to say that I am quite surprised, but gratified that my seemingly innocent question has sparked such useful debate. Thank you.

Deputy Clerk of the Assembly

Motion No 5 of 2017 by the Honourable Ian Hansen

That this House notes the comments and recommendations of the Public Accounts Committee in respect of:

- Medical Treatment Overseas Follow up report
- FIG Mortgages

and in accordance to the Public Accounts Ordinance 2009, clause 14 (1) a written response is to be submitted to the Legislative Assembly by the Governor within six months.

The Honourable Ian Hansen

Mr Speaker, the Public Accounts Committee are basically content that issues that have been raised in both these reports: both the Medical Treatment Overseas Follow up Report and the FIG Mortgages Report will be dealt with, so I would like to propose this Motion.

The Honourable Dr Barry Elsby

I would like to second the Motion

Mr Speaker

Does any Member wish to speak to that Motion? No, the Motion before the House is this House notes the recommendations of the Public Accounts Committee in respect of the Medical Treatment Overseas Follow up Report and the FIG Mortgages Report. Is there any objection to passing that Motion?

There is no objection that Motion is carried, and in accordance with the Public Accounts Ordinance a written response is to be submitted to the Assembly by the Governor within six months.

Deputy Clerk of the Assembly

Portfolio Reports, the Honourable Dr Barry Elsby

The Honourable Dr Barry Elsby

Mr Speaker, I would like today to talk about some of my portfolio responsibilities, and I am sure this House will be very, very reassured I am nothing to do with the Public Jetty, either the first phase or the second phase.

I have had a few people contact me over the last few weeks to ask about Multicultural events and is there going to be one this coming summer.

People will remember that we had our first ever multicultural day over 2 years ago, and last year we extended it to a two day event to include a whole range of events on the racecourse. They were both hugely successful and we were very lucky with the weather for the day at the racecourse.

At a meeting of the committee after the last weekend of events we decided not to hold one this coming summer as we didn't want it to become repetitive, but to hold one the year after.

However, if there are people out there with new ideas and a willingness to get involved then please call me.

There are always lots of things going on in the Islands and FIODA have asked me to remind people of their latest performance, "His Second Best Bed", which I am told is a brief but often humorous romp through some of Shakespeare's best loved plays.

It is on tonight, Friday and Saturday starting at 7pm with doors opening at 6.30. £5 on the door or £3 for under 16, those on benefits and for people of a certain age.

A few weeks ago we had two Uruguayans from the AFS exchange programme visit the Islands in order to select a student to spend six weeks in Uruguay this summer to learn about the country, their culture and attend school there. Darby Newman was awarded the scholarship and will be setting off for Uruguay in July.

It's worth remembering that we have long standing links with Uruguay, and they are one of our strongest supporters in the region.

MLAs recently saw the latest of a series of opinion polls carried out in Uruguay and it is clear that there is strong support for our right of self-determination, and a keen desire to increase contact and trade between our two countries.

I have recently returned from an MLA trip in South America, and I mentioned the AFS scholarship to people employed in the various British Embassies. I was surprised at just how many people had done an exchange programme with AFS or had a close friend who had exchanged. This is clearly a good organisation and I hope these sorts of exchanges will become something that young Islanders choose to take up on an annual basis.

Career guidance is something we have been trying to improve so that students make the right decisions about which GCSEs to choose, which apprenticeships or A 'levels and beyond.

Ali Ford is the person leading on this, and she is just back from a trip to the UK where she spent time at Cardiff and Vale College which greatly impressed her, Chichester College, Peter Symonds and an agricultural college. I have asked her to produce a report for the next Board of Education about what she had learned on these trips and how we can best improve our education career guidance in the Islands. She is already working with staff and students in the Community school but also in the Infant and Junior School as well, because I think that the sooner we introduce ideas about future jobs to students, the more time they have to

discuss and think. She is also helping older people in the Community who are thinking about a change of career.

In March, we had a visit from Chris Harris, our school improvement officer. He was last here in 2016 and is working with all our schools to check on improvements, and ensure we are on track with the school improvement plans.

At our last formal Ofsted style inspection, the Infant and Junior School was graded as “good” with elements of “outstanding”.

Chris Harris’s report this year concludes by saying:

“The Infant and Junior School and Camp education is a good and rapidly improving school. An emerging transformation to higher performance of staff and better outcomes for pupils is observable. The senior leadership team have high expectations of themselves and others. Assessment is good and the very strength of the school”

That word, “assessment” is one of the key words and is used repeatedly throughout his report. It does not mean continually examining students, but it does mean teachers continually assessing each individual student on a very regular basis to ensure they reach or exceed their true potential.

It means ensuring that lessons are taught to a high standard and that all teachers follow the same assessment process so that data is reliable throughout the school.

He noted that there was some variation in the quality of the teaching in some areas, but that this had already been recognised by the senior leadership team, and all teachers were working hard to address it.

The Community School’s last Ofsted style inspection reported an improvement from the previous grading of “inadequate” to one of “requires improvement”.

Chris Harris carried out the same assessment as at the Infant and Junior School. He finds that the Community School has improved since the last Ofsted inspection, but not sufficiently so as to change the grading awarded.

The assessment process that is the strength of the Infant and Junior School is not yet as well embedded in the Community School as we had hoped, and the accurate recording and use of data to tailor teaching to individual student’s needs, needs more development.

He is very positive about curriculum changes and the efforts of the Senior Management team and learning leaders.

Finally, a paper was discussed at EXCO yesterday looking at ways of regulating our nurseries and providing the financial support necessary to enable them to significantly raise their standards.

The recommendations from EXCO will now be discussed as part of the ongoing budget process.

Mr Speaker, that concludes my report.

Mr Speaker

Does any Member wish to raise a comment or question on that report? No, Thank you for that.

Deputy Clerk of the Assembly

Portfolio Reports - The Honourable Roger Edwards

The Honourable Roger Edwards

Mr Speaker, Honourable Members, I will start my portfolio updates with the Treasury. Since my last update in December, the Directorate has once again hosted the external auditors for their interim audit. I am pleased to confirm that upon completion of their onsite work, there were no issues to report. They will be returning in late September to complete the annual audit.

The Internal Audit team is making good progress against the annual internal audit plan. There have been some recent reports which have highlighted weaknesses in the control environment and in these cases, internal audit are working with Management to improve the processes.

Follow up reviews will be conducted to provide management with assurance over these risks. To help strengthen our overall governance processes, a Monitoring Officer Group has been established. This group, consisting of the Chief Executive, Financial Secretary and Attorney General with support from the Director of Human Resources, and the Chief Internal Auditor, the group meet regularly to discuss important governance issues, including Internal Audit findings.

The Chief Internal Auditor recently attended a UK Overseas Territories Conference on Public Financial Management, which was hosted by the Commonwealth Parliamentary Association UK. The event enabled Chief Auditors and Public Accounts Committee Chairs from across the United Kingdom Overseas Territories to receive updates on recent developments and best practice. I am pleased to report that the Falkland Islands Government Internal Audit function was the only internal audit function that had recently reviewed its performance against the International Internal Audit Standards, and that an external assessment found them to be compliant with the standards.

The team were able to share their experiences with the other internal audit teams, and have provided template documents to assist other United Kingdom Overseas Territories. Following the conference, discussions have also been held to identify how the Internal Audit team can assist the Public Accounts Committee with their value for money reviews.

FIG's Tax Office have also been busy and have completed the annual Employer's Return processing with strong results, with around 330 returns assessed and closed – representing 91% of returns and the remaining 9% requiring queries to be raised with the employer or their agent.

Over 2,300 personal Tax Returns for 2016 have been issued, the vast majority of which were sent out at the beginning of March. To date 509 of these have been returned by taxpayers and processed by FIG Tax Office. 98% of these were completed within the deadline of 4 weeks from receipt.

A number of historic Corporation Tax cases in dispute have recently been resolved and work to finalise Schedule 6 returns related to oil exploration activity in 2015 and 2016 nears completion. Normal enquiry and assessment work continues to occupy the team's resources in relation to recently filed accounts and returns.

The FIG Tax Office will shortly be fully staffed with Jody Aldridge joining the team in May as the new Deputy Head of Tax, transferring across from the Treasury team.

The focus for the Treasury team had been to continue in the preparation of reports for Budget Select Committee for the 2017/18 Budget, and I'm sure that over the next few weeks as we come to the end of the budget setting process we will be faced with some difficult decisions as we seek to approve a Budget in line with our Budget Strategy and principles.

In February, Newton Investment Management visited FIG and gave a presentation to Standing Finance Committee on the performance of FIG's investment funds. The Government commissions an independent review every two years of the strategic asset allocation and benchmarks of the investment funds held on behalf of the Government, the results of this will be reported to through Standing Finance Committee in due course. Also, the actuarial review of the Retirement Pension Scheme which is commissioned every five years has just been completed, the full results of which will be reported to Budget Select Committee. An upgrade of FIG's accounting system, Microsoft Dynamics, is currently being completed, with a rollout and training scheduled for the end of May.

Treasury has seen a number of staff changes in recent months. Elaine Pattison has been recruited to the post of Management Accountant in February, having previously worked at the Department of Education in the UK, and Ana Crowie has recently joined as Senior Accounting Assistant (Pensions), having recently worked at Falkland Islands Company. Mim Newton and Celia Short have both retired, and I would like to thank both Mim and Celia for their time with the Treasury and wish them both an enjoyable retirement.

And finally, Mr Speaker, I would like to remind everyone who is here and outside listening, to ensure that they take their old United Kingdom paper Sterling 5 pound notes to the bank by the end of this week, as they will no longer be legal tender. You have three days to get them to the bank.

That completes my report on the Treasury, Mr Speaker.

Mr Speaker

Does any Member wish to raise a comment or question on that report? No, I thank both the Honourable Members for their Reports. Oh sorry, there is more.

The Honourable Roger Edwards

We are only half way Mr Speaker, but I needed a drink.

I will now continue my Portfolio Reports on Legal and Regulation Directorate

Honourable Members will have seen from the Government announcement and also from reporting in the media that the Crimes Ordinance 2014 and the Criminal Procedure and Evidence Ordinance 2014 are now law and came into force on the 21st April 2017. On the same date the Prisons Ordinance 2017 and the Prison Regulations also came into force. This legislation, taken together, represents a complete reform of the criminal justice system. It brings to an end outdated practices and uncertainty. It creates a modern and accessible set of laws in which people can have confidence and is part of the wider revision of the law being led by the Law Commissioner as part of the Revised Laws Project. The Attorney General has also published guidance documents on the Law and Regulation Directorate webpages.

There is still work to be done around secondary legislation and procedural rules and the Criminal Justice Council will begin its work in developing bespoke sentencing guidelines specific to this jurisdiction. However, Honourable Members can be satisfied that the commencement of the legislation marks the creation of a bespoke criminal justice system which will develop to serve the citizens of the Falkland Islands, and pride can be taken in having delivered such far reaching and important legislative reform.

As a result of the family law reform we passed a Marriage (Amendment) Ordinance 2017 which will allow for same sex marriages as well as same sex civil partnerships. This amendment also allows for civil partnerships for all couples. The amendment further allows for shorter time frames for bringing in divorce or dissolution proceedings.

Other streams of work are ongoing and will come to this Assembly in due course. These are items we have identified as urgent in the Legislative Drafting Priorities List and which we want this Assembly to pass before dissolution.

One of these items is the Draft Maritime Legislation, and I encourage anyone with an interest in this area to engage with the Government on formulating the appropriate approach to implementation.

As reported to the Assembly last month (in the Revised Laws Project's fifth report to the Assembly), there has been a small delay in the technical work to establish the laws database. As a result of the recent visit by the Statute Law Commissioner to the technical contractor, the nature of the delay has been identified, the situation managed, and a revised timeframe for delivery of the database provisionally agreed.

It is anticipated that publication of the database will be delayed by one month; to 30 June 2017. However, it is also anticipated that this will not involve any over-run on budget - due to identifiable savings. The risk of further delay is considered relatively low.

User acceptance testing of a prototype database has commenced, and work is ongoing gathering and supplying the final data to the technical contractor for incorporation into the database.

A Select Committee has now met on six occasions to consider the Law Revision and Publication Bill, which provides the framework for publication of the database and proposes updating of adopted UK laws. The Committee has dedicated a considerable amount of time to considering the proposed changes to adopted UK laws in particular. The Committee anticipates holding its final meeting this Friday; after which the Bill will return to the Assembly for third reading.

In conclusion, this project continues to make good overall progress and remains in a strong position to deliver online publication of our laws by mid-year.

In the meantime, proposals concerning a programme of ongoing law revision to be progressed by the Law Commissioner after completion of this project are due to be considered by Executive Council in May.

In the Civil Aviation Department, the safety audit programme is on schedule and providing necessary Regulatory oversight for our Aviation industry. Since my last update the department has completed various safety audits including an audit of Stanley Airports Rescue and Fire Fighting Service and their new rapid intervention fire vehicle, and I am pleased to say that it satisfied all the mandatory performance requirements. In February Air Safety Support International visited the Islands to conduct a routine biennial assessment of Civil Aviation Department. The team of three looked at all the Department's designated activities and subsequently issued a report to the Governor detailing their findings, which were all very positive.

This assessment visit has provided evidence that the standards of Aviation Safety Regulations being applied and the adequacy of the resources being employed on such Regulation by the Civil Aviation Department in the areas designated, are appropriate and effective

And finally Mr Speaker, I will end with the Registrar and the recent circulars regarding names going on to the Electoral Register. 108 new applications of which 89 meet the criteria and have been registered on the Electoral Roll, however 16 electors have been removed from the Camp Roll and a 125 from the Stanley Electoral Roll, having failed to complete the forms. All will be receiving registered letters with applications to be included on the Electoral Roll, and I would like to remind everybody if they are not on the Electoral Roll they will not be able to vote in the forthcoming Elections in November.

Mr Speaker, that completes my report on the Law and Regulation Directorate.

Mr Speaker

Does any Member wish to raise a comment on phase two of that report?

The Honourable Phyl Rendell MBE

Thank you, Mr Speaker I would like to thank the Honourable Roger Edwards for his comprehensive report on the work of the Law and Regulations Department.

I would just like to highlight the point he made about drafting legislation, and he referred to the Maritime Bill, and I would like to draw attention to that. Last week we had a very useful workshop on the Draft and I mentioned at the last Legislative Assembly that we know have two Bills and also a small third one. We have the Maritime Bill, and we also have the Harbours and Ports Bill now, which is a shorter and more digestible document I must say. The Maritime Bill is a very large piece of work. I would just like to ask the Attorney General having had that workshop, I think we agreed that we would now release that Draft to interested Mariners, FIFCO etc. I would like to ask the Attorney General if we are in a position to do that.

Thank you, Mr Speaker.

The Attorney General

I thank the Honourable Member for that Question. We are in a position to release the draft of the Maritime Bill and the Ports and Harbours Bill and indeed the third small piece of legislation which is about the adopted legislation on the Maritime Bill, the drafts I hope have been made available to Members previously.

The Honourable Mike Summers OBE

Mr Speaker, Honourable Members, I thank my Honourable Colleague for his comprehensive report on the work of the Law and Regulation Department and it is clear that things have moved forward apace in legislative provision. I was hoping that he would have mentioned the work that is now effectively completed on the new Immigration Ordinance. Following my chairing a meeting back in September of last year to try and pull this thing together and get it moving, there have been almost weekly meetings between the Immigration Department and the drafter to cover off areas of very detailed policy that need to be dealt with, and that the drafting is now substantially completed. My understanding is that will be going to Executive Council as a draft at the next meeting of Executive Council, so just to update people really of where we are with that. Thank you.

Mr Speaker

Does any other Honourable Member wish to raise a comment or ask a question?

Deputy Clerk of the Assembly

The Motion for Adjournment.

The Honourable Chief Executive

Mr Speaker, I beg to move that House stands adjourned *sine die*.

The Honourable Phyl Rendell MBE

Mr Speaker, Honourable Members, I would just first like to welcome Brigadier Bennett to the Falkland Islands and, of course, to the Assembly, and welcome to his wife Shona. I do understand that he has got a link with the Royal Marines, so he is particularly welcome in my

area anyway, and many people in the Falkland Islands would thoroughly look forward to working with you in the coming months.

I just wanted to reflect really, on the work that we are going through currently. I think April and May every year is sort of “Budget time”, and we are exercised with the budget, but perhaps particularly so this year as it is the last budget process for this Assembly. It is a time when we do reflect on what’s been achieved, what is in progress and what hasn’t started yet, when funds have been approved, and it is just surprising how long the lead-in time seems to be now-a-days for departments and for offices to procure equipment etc., from the time that funds have been released from the first of July. I think it is just frankly the way life is these days, extremely complex contracts that have to be entered into and so on, and it is sometimes quite difficult for the general public to not see things happening after approval dates, including ourselves. I think, unfortunately, that’s probably where we are, but I do urge people to as soon as they have got approval for projects that they are timely in trying to action those purchases.

As I say, it’s this Assembly’s last crack at the whip so to speak, to get things underway, so there is a sense I feel of urgency, a bit of frustration: “why hasn’t that happened, I want to see it happen on my watch”. Certainly, I speak for myself on that, but it is not all bad news by any means, and I just think that the complexity of the Budget now just shows the growing aspiration that we have for developing our country and for the things that we want to see done, and I think that is really quite exciting, and I’m particularly interested in seeing how we can help support traditional industries for the current Budget, that’s fishing, farming and tourism. There has been a lot of discussion this morning about tourism, which was very welcome. The Economic Development Strategy is under review and I believe we should see that piece of work come to us before the end of the Budget process, which will be very welcome, and help shape our priorities. We have got some hard thinking and discussion and debate to go through to decide just what we do prioritise in the current Budget. It’s whether we are going to put roads before a power station are we going to put a port before an air terminal and so on?

It was most useful to see at the recent Rural Business Association Agricultural Show at Goose Green, the Policy Unit were out there with just that list and asking the general public to categorise/prioritise what they thought were the key issues for them, key projects we should be driving forward. It was very useful to consult the public in that way, and to understand what their priorities are, which sometimes may not be quite what I think is what we should be driving at.

Lots of decisions to be made in the next couple of months, but I would also like to say that we should not beat ourselves up too much about what we haven’t done. It is the 35th Anniversary of our Freedom, and I for one, with some of my colleagues, have been doing a piece of work on a booklet to encapsulate what has been achieved in the last 35 years, and it’s been very refreshing and stimulating, and particularly in that booklet we highlight what the Private Sector has achieved. It is quite remarkable how far we have come in the last 35 years, both as a government and what the Private Sector industries have done, and it is a time to reflect where we want to be in the next five, ten or even thirty five years. It’s a piece of work we still have to do, and to consider we are only a population of three and a half thousand people I think we really should sometimes pat the Private Sector on the back and the Government on the back for what we have done and where we hope to be, so I am quite

optimistic about the Budget. Going forward, I think we will leave it in a good shape for the next Assembly, but there is still lots of work to be done, so I look forward to seeing those projects coming forward in the future.

Mr Speaker, I support the Motion.

The Honourable Ian Hansen

Mr Speaker, Honourable Members, in rising to support the Motion for Adjournment I just have a few issues to address.

Over the last couple of weeks, or perhaps even months, there has been reports coming in from farmers about Turkey Buzzards and Stinkers (Shags) attacking and killing healthy young sheep in flocks. This is quite a disturbing trend because I remember ten, fifteen, twenty years ago you would never see this happening, so I don't think we can really just say it is nature taking its course, because it certainly isn't the norm. I think perhaps some responsibility lies with us because, with the creation of the abattoir, this has meant that instead of thousands of carcasses of sheep being dumped on the beach for birds to scavenge off, this is no longer the case, so I think it may have some effect.

Those years ago Turkey Buzzards were not protected and there were many more people living in Camp then and also there was a bounty on these birds, but it didn't seem to make any difference in the numbers. I am not suggesting at this point that the protection should be removed, but it's something we should just recognise that fact. As far as I am aware these buzzards that we see here are exactly the same as the ones you see right up through South America. I may be wrong about that, but I think they are, apart that perhaps they speak a different language. But I believe it would be beneficial for all concerned in this problem if this was treated as a real issue, and it could be addressed by farmers, the people from the Environment and Conservation, and if they all get together and talk through the issue.

On a totally different matter Mr Speaker, during the weekend I did a television interview with a journalist for a UK newspaper, and during the course of the interview it became apparent that he was under the impression that since the meeting with Sir Alan Duncan and Mrs Malcori in September, many of the sanctions, if not all, that Argentina placed had been lifted. Needless to say, I corrected him on that, but it is slightly worrying that that perception is out there, and I think we have to make sure that people don't think it is all wonderful and hunky dory.

I, too, would like to add my welcome to Brigadier Bennett. I know you are a very busy man, but I really hope you can get out and about into the Camp and across to the West; you'll be given a warm welcome, I am sure.

Finally, Mr Speaker, on a more sombre note, I would just like to quickly pay tribute to John Hobman, who worked for many years for the Falkland Islands Government at Saladero and did an excellent job. John passed away on the weekend after a long illness and even after retiring from Saladero, he did a great job filling in at Goose Green and for FLH when there was nobody around to do things, and he will be sorely missed.

Mr Speaker, I support the Motion.

The Honourable Michael Poole

Mr Speaker, Honourable Members.

Just a couple of points: last month Executive Council considered and approved a paper on the development of a new facility and a community-wide service for the elderly and vulnerable. Members have been very supportive of this project from day one of this Government, and it is now great to see it picking up pace in terms of the infrastructure, but the Community Service element of that has now been in place for a few months or even longer, and I have only ever heard positive things about it, which is great, and if all goes to plan, we shall see a substantial new facility in Stanley come mid-2019.

Whilst we often, and I often do rail against the time things take, and often express frustration at how it seems to take a minimum of two years for us to move anything on. In this instance, I would like to sincerely congratulate the Honourable Mike Summers as portfolio holder, the team within Health & Social Department, the Public Works Department and the community working group that have been advising on this project.

It is clearly very well thought through and well developed, and will be a significant step in terms of social provision for the people of the Falkland Islands in the future, and as my Honourable Colleague Phyl Rendell has touched upon, in Budget sessions the Honourable Chief Executive has been pushing us to take similarly bold and ambitious steps in our investment in future economic development, and not just social provision and services. I think in my mind, if we can agree some substantial projects in terms of a new port facility for the islands, and also clearly continue power provision, then I think that it will be a useful final capital budget for this Government.

I just wanted to give a brief update, which I usually do as part of a portfolio report, but this is kind of time sensitive, I just wanted to update on the 35th anniversary event planning. The Government have issued a press release a few weeks back now, listing the range of events that are planned, and the working group that are monitoring this will be doing an update on that in the coming days, so people can see how it has moved on and what's going to happen and when. I would encourage anybody from the Islands that is travelling to the UK throughout May or June in particular, just to give the Government Office in London a call and just let them know they are there, as there are a range of events around the country going on, and they are always pleased to host people from the Falklands, so give Sukey or James or Colin there a shout, and I am sure they can point you in the right direction, if you are interested in attending anything. There are a couple of key events in the UK that we have got planned. One, there has already been a Press release on the 35th Anniversary Photo Exhibition, the "35 years of progress" and giving a bit of an insight into the community here. That will be on for a week in central London, and also the Honourable Jan Cheek will be attending an event at Canning House, a think-tank in London in June, details of that are to be tied down, and again there will be a Press Release in the coming days as well, I'm sure.

And the final thing I really wanted to pick up was a practical point in terms of the operation of the Assembly. Throughout this Government a number of us have made an effort to propose more Motions within the Assembly, not all of those have been supported, some have and in some areas there has been follow up work done for them, either driven by Members

themselves or picked up by Officials and are taken forward. In other areas they have just sat there, and I think people hear these debates, one of the more accessible parts of the Assembly operation I think, and we don't always manage to follow them up properly, so I will initiate discussion with the Chief Executive in the coming days, just to see if there is any work we need to do in terms of Standing Rules and Orders, to make sure that Motions that are passed are formally followed up, and I will speak to the Honourable Speaker about this as well, and I think ultimately you need to make sure that they reach Executive Council within a certain timeframe, but we can have that discussion and see what people think.

Mr Speaker, I support the Motion

The Honourable Jan Cheek

Mr Speaker, Honourable Members.

I am also delighted to say welcome to Brigadier Bennett and his wife, and look forward to working with him in the coming months that are left of this Assembly.

We talked earlier following the question by the Honourable Ian Hansen about the Public Jetty, and I said how good that is now looking. I also wanted to say how good the new tarmacking on the MPA Road is looking, and as we work through the Budget meetings, and see the slightly frightening list of potential Capital projects, some increasingly urgent, for example: a new power station, and obviously, as mentioned by the Honourable Michael Poole, the Vulnerable Peoples Care Programme or at least the structures which we have to build related to that. I am satisfied that we have done the right thing just by staging the surfacing of the MPA Road rather than investing large sums of our reserves trying to do it all at once. When you weigh it up against the competing projects and the number of people that they affect, then I think that is right.

In the short five months that we have left on this Assembly we have a lot to do. We will never feel we've done everything we wanted to, but I think we can take some satisfaction from a number of the things we've achieved. I would, again, use this opportunity to urge anyone thinking of standing for election to learn about our Constitution and our legislative processes so that when elected they do not waste valuable time learning the role then.

Somewhat related to that we have heard from the Honourable Roger Edwards that a significant number of people have failed to return the canvass form, and their names have been deleted from the Electoral Roll. I would remind people that you need to be on the Electoral Roll not just to vote, but to stand for election or to nominate candidates, and if you value the democracy and freedom won for us at great cost, please take the simple steps to respond to the letters that will be going out soon to those people, and get yourselves reinstated on the Roll and if you are in any doubt check the Register when it's published and contact the Registrar if you are not on it, and if you have not received a letter on how to appeal.

I support the Motion.

The Honourable Roger Edwards

Mr Speaker, Honourable Members, in rising to support the Motion for Adjournment, I too would like to reflect a little on this particular Assembly, and it seems to my mind that we have spent an enormous amount of time in Select Committee. Apart from reading inches of paper of Criminal Procedure and Evidence Bill and the Crimes Bill, we spent some 32 hours in Select Committee, which I had the honour of chairing. The Communications Bill, the number of hours spent in the workshop to try and get that right, they are enormous and as I mentioned in my Portfolio Report this morning, the Revised Laws Project Select Committee, we have already held six meetings, but hope to complete on the seventh meeting this Friday, and, of course, each year we go through a whole raft of Budget Select Committee meetings, and again trying to get the Budget right for some bodies, for others they will always find objections.

I would like to start by thanking the RBA, and all the people at Goose Green and everybody else who had anything to do with the Agricultural Show at Goose Green recently. I thought it was absolutely superb, it was very well organised, the quality of the animals there were quite staggering, and animals the like of which you would not have seen in the Islands only a few short years ago. I have mentioned that previously about the show on West Falkland, the standard of the animals has improved continually as these things like the West Falkland Ram and Fleece show and the Goose Green Agricultural show and the Annual Ram sales at Saladero that have improved the quality of the animals, and this is reflected in the price that farmers are prepared to pay for those animals, so well done to everyone at Goose Green, I thought it was a wonderful day.

The Honourable Ian Hansen mentioned damage being done by Turkeys, and I have heard in fact that other birds of prey that we have also ganging up and doing quite considerable damage, and I certainly think this is worth a discussion and follow up at Farmers' Week when it comes round very shortly, and I hope that more concerned people from Conservation, to the farmers and everybody else try and work together to see how we can overcome this terrible problem. They do seem to be changing their behaviour, whether this a short term change or whether it's a longer term change, I know not, but there is a big problem. Also I have heard from quite a large number of Campers regarding the Marine Protected Areas and so on, that papered the south at the moment for a consultation, and again I would encourage anyone who have views on that to let the committees know what their views are, and again we have asked, and thankfully they have agreed, that this would also be discussed at Farmers' Week so that we hopefully can set people's minds at rest on both sides of the void.

This is our 35th Anniversary from the end of the Conflict, we are producing a 35th Anniversary coin that rather than reference to the war, I think it is only right and proper and my Honourable Colleague Phyl Rendell mentioned this in her speech for Adjournment, we have made considerable progress in the Falkland Islands and the motto on this particular coin is '35 years of progress', and I think that is very apt.

Finally, I would like to welcome Brigadier Barry Bennett to this Assembly and to the Falkland Islands, and welcome to his wife Shona, and as I say to all new arriving Commanders of British Forces, get out and visit the Islands, the Islands do not end in between the gates of Mount Pleasant. You will find there is a wonderful Islands out there. You may have missed the fishing, but duck shooting and things is just commencing and the

trout will be running again next year, so get out and visit the Islands, you will be made very welcome, and it's a different place.

Thank you, Mr Speaker, I support the Motion.

The Honourable Gavin Short

Mr Speaker, Honourable Members,

In rising to support the Motion for Adjournment, I will keep my comments fairly brief, as I don't think the good people of North Arm have still quite forgiven me for what I did to them during my last Adjournment speech.

In rising to support the Motion for Adjournment, I would like to first associate myself with the greetings and welcome that have been extended to Brigadier Baz Bennett. Welcome to the Falklands Sir, and I hope your time here will be enjoyable and also uneventful, and I do really hope that we can all work together to make the good relations that exist between our communities even stronger.

Now, I often get accused, (and at times quite rightly), of talking a load of rubbish and today is going to be no exception.

At the public meeting people raised the subject of the tip and rubbish disposal in general. To those who say that the tip is a mess, then I guess it is. Tips are not that nice or cleanest of places however, I would like to clear up one or two points that were raised.

It was stated that PWD had said that one end of Pony's Pass Quarry could be used for a rubbish tip. However, after some research, I think I have found that a couple of words may have been omitted. I believe the PWD position is that Pony's Pass Quarry could indeed be a splendid place for a tip – once we have finished using it as a quarry, and I can't see us moving out of the present site for a good many years.

The current situation with the Eliza Cove tip and rubbish processing is as follows:-

- The tip floor will be stoned up within the next 2/3 weeks.
- Design is about complete to upgrade the ramp to improve safety and this work is likely to go out to tender in May.
- Quotations have been sought for 6, 9 and 12 foot catch fencing to go around the existing site. Materials will then be ordered and the works tendered.
- Review of landfill options are underway
- Discussions are being held with the MOD regarding future waste management solutions
- Further resources will be needed to manage the tips, but not until the first 3 items above have been completed. The initial increase can be covered within P&M, but future management is likely to lead to future staffing requests. It is too early to determine this and it will become clearer as we move forward through the forthcoming financial year.

Now, all the above will come at a cost, and what I want to say is this: once the various options are costed, whoever the Government may be at the time is going to have to make a few decisions. Are they going to absorb the costs of extra employees/segregation of rubbish etc. or, if it is decided that the policy of user pays is the one that they wish to follow, then they should put the options, along with how much each household will have to pay in increased rates or maybe tax increases or whatever it may be, to the public and let them decide how much that they are willing to pay to look after their environment.

We sort of see the problems that we have with asking people to pay to keep the environment clean and green as whilst people are happy to get rid of their waste oil, when asked to pay for its disposal, they suddenly become less enthusiastic.

On the subject of waste oils, we have quite a mountain of the stuff. In talking to people including Tim Miller who uses waste oil to heat his poly tunnels, it's quite a time consuming and dirty job. To begin with you have to know what it is you are being presented with. Is it just engine oil? If there is anything else in there, if so, what is it? For example, having fuels mixed in with oil may get some very unwanted results if it's fed into the burner. Is the oil synthetic? (Apparently waste oil burners don't appreciate a high percentage of synthetic oils). Mr Miller was telling me that during winter, even with the oils filtered, they sometimes have to clean the filters at least once a day.

I believe a large part of the waste oils that we have lurking at Megabid fall largely into the category of "we don't really know what it is or is mixed with and so we shan't be putting it through the burner".

We may well be back to having to pay to have it disposed of outside of the Falklands and we return to the old problem: just how much are people going to be happy to pay to protect the environment.

I am not being provocative and am probably oversimplifying things, but these are questions that are going to have to be answered and fairly soon as we are already loading the recurrent budget quite heavily in certain sectors and if this continues without a matching increase in income into the recurrent income streams, it will end in tears in some years' time.

Something relating to oils and hydrocarbon products is asphalt. If everything went to plan we should have finished putting the last of the wearing course on the new stretch of topping on the MPA road yesterday.

Again, I would like to thank everyone and I mean everyone in all departments who contributed to making this year's asphaltting the success that it was.

We had a few close calls with the plant, (and some with our staff thanks to inconsiderate drivers passing the asphalt layers at dangerously high speeds), and the old lady, that's the asphalt plant, was only running at two thirds capacity at the end of the season, but she limped through thanks to those who worked miracles to keep her going.

Hopefully, the new plant will arrive when we are expecting it to and be able to be plumbed in and fired up ready for the next season, and the old plant can now have a long and happy retirement. She has done the Falklands proud.

The Honourable Mike Summers OBE

Mr Speaker, Honourable Members.

I have a number of relatively short issues to touch on in the Motion of Adjournment.

I feel very happy to welcome Brigadier Baz Bennett here; I won't refer to you as Barry in case you think I am your mother. Very welcome to the Falklands, and I hope you enjoy your time here as well as working together with the Government to achieve a number of the things that we think we can achieve together jointly, and for keeping us safe, which is the prime role here.

I have touched very briefly on the Police. The Police have been through a bit of a difficult time, yet again in the Falklands. I would like to express my public and continuing support for the work that the Police do in our community to keep us safe, and to protect us from the very small minority of people who aren't able to properly control themselves in certain circumstances. I don't think it is yet announced, but we will have an enhancement to the Senior Management capability of the Police Service very shortly, somebody who is already known to us, so that will have a significant effect on the Management and the working practice of the Police, so we look forward to that.

I would like to thank my Honourable Colleague for his comments about the Vulnerable Peoples Services Project. It shows up, I think, the importance of planning projects properly, and not diving into them half way through the middle. We invested quite a lot of money in the early stages of this project in making sure that we had the right information, the right advice, the right technical capability and the right management capability, to create a project that set out all the details for all the Members to see before we entered the procurement phase, which we have now entered. I think that worked well, it does require some up-front investment, but the benefits can be seen further down the line, others might like to reflect on that in thinking about other projects, if you dive into the middle you miss a lot of stuff, do the work up-front first.

I was accused this week at various times by one of my more excitable colleagues of putting process in the way of progress. I was doing no such thing. I was just using my experience of managing and creating projects to make sure they are done properly and can avoid making a mess further down the line. I think in that respect, we might like to think as we go forward into the Budget process, about the process for the Capital programme, and I was thinking about that again recently. We have had many a discussion about how to order the capital programme, and it is a really, really important issue, and I will be suggesting to our next meeting that we might like to reconsider the way we consider projects. Clearly, "vital to life" projects have to be done first; there is no question about that. But there has to be a clear definition of what is going to be "vital to life". You don't want everybody to put their favourite project into "vital for life", but there are some "vital to life" projects that we have to do, and they have to be funded first, clearly. I think we then have to think about percentages for other categories of projects. Maintenance is clearly important. Currently maintenance takes up about 20% of our capital programme so that's probably about right, so we probably have to set about 20% of the programme for maintenance. In my view we should be setting aside something like 30% of the available capital for economic development projects, and I

think that should be the next category. So there's already 50% of the available capital budget set aside, even without putting a percentage on "vital for life", and you then come down to the replacement of and new infrastructure departmental assets, and it sometimes might be much easier to shove those things into the mix because they are more easy to define. So I will be suggesting that we should restructure the capital programme and make sure that we don't force out things like economic development projects, because some others are easier to create, and I will be suggesting once again that we allocate money, set aside money to prepare the information that's required to put forward the justification for those economic development projects, because as colleagues, all colleagues have said that the revenue to the Falklands is crucial. We have to keep pushing forward with additional revenue, unless we invest in economic development activities, we won't be creating that additional revenue.

Interestingly, my Honourable Colleague to my left (the Honourable Roger Edwards) made the comment about the quality of sheep just recently. Those of us that prepared the project for the National Stud Flock way back in 1989 suffered a fair amount of abuse from a number of people about wasting public money. We can now see what the vision was for those people who created that project, and to all those people who were involved in it, many congratulations on the outturn a couple of decades later, as we said that the time would take, but for all those that opposed it, they might like to reflect on their vision for the long-term of the Falkland Islands.

Last issue I think for today, there was a discussion here in the public meeting on the PNG list, the PNG list is the Persona Non Grata list, a list of people that are not welcome in the Falkland Islands. A fair amount of work has been done on this recently, it hasn't been well used in the past, and we haven't used it in the ways that we might best have used it for the benefit of the Falkland Islands. We are now improving that with a bit more work to be done, but we are nearly there, and the PNG list will consist of those people who have previously committed crimes in the Falkland Islands and have been deported, or have gone away and we don't want them back. It will also include people who are likely to commit crimes in the Falkland Islands and who we don't want to see here. It will also include people whose presence is not conducive to the public good, and this can cover a wide range of areas, and many people might like to have a listen and hear what is being said. There are a number of people whose presence in the Islands, whose presence may not be seen to be conducive to the public good, and they might like to reflect whether it is worth them bothering to try and get here, so we will use the PNG list more actively, and we will try to ensure, along with other measures, that people that are intent on upsetting Falkland Islanders, upsetting the peaceful way of life of the Falkland Islands, may find themselves not able to come here.

I will be going to Washington and New York in June to obviously visit the US Government as we always do, and attend the UN C24. My Honourable Colleague Ian Hansen will be with me in New York, and he will also go to the Caribbean on the way. The office will be putting out a notice very shortly for people to apply to come as a Special Advisor. This an opportunity again if anyone is considering standing for election to see how things are done, or at least how they are done in this Government, or by this couple of people, and I think there is a lot to be learnt, and a lot of experience to be gained, so if you are at all interested in that please contact the office or phone me or anybody else.

And finally in closing, to reflect that it is six months since the signature of the Joint Statement in Buenos Aires by the UK Minister and the Argentine Foreign Minister. As of today, none of

the issues in respect of the Falkland Islands have moved at all. The Argentine Government has not honoured the commitments that it made six months ago, and frankly it does not look as though it will be able to do so. We may be happily surprised maybe next week suddenly someone will say, “oh no, flights are all okay”. I think not, but the planning for a second flight will continue, to push to get the Argentine Government to honour the commitments that it made at Ministerial level that it would not interfere with another flight to Brazil or with another South American country. For the moment it is beginning to look as though they can't deliver on that, so we will have to go back and look at some of the other options, and there are other options available to us. They may be less palatable, they may be more difficult to plan, they may be more costly, but we do need additional air capacity in and out of the Falklands, and we have to carry on and do that work.

On that topic, clearly a number of people have been affected by the issue with the airstrip in Ascension Island. On behalf of the Ministry of Defence they apologise for the disruption that's caused, and its caused some real disruption to some people, but I know from discussions that they are working hard on making sure that there are proper arrangements in place for the continuation of what now becomes the Falkland Islands Air Bridge rather than the South Atlantic Air Bridge. It's just no one else can access it, so it's the Falkland Islands Air Bridge. It will be running on a twice weekly basis as is set out in the JPS. Clearly the stop-over point will be different. For those that heard the Ascension Island runway may be patched within a couple of weeks – sorry, not true. We all wish, but that is not the case. It is going to be closed for a considerable period of time, and we will continue to work with Brigadier Bennett and his staff and others in the Ministry of Defence to make sure that the Air Bridge provides the level of support that is necessary for Falkland Islanders to continue to access the United Kingdom

I support the Motion.

The Honourable Dr Barry Elsbey

I support the Motion.

Commander British Forces, South Atlantic Islands

Mr Speaker, Honourable Members, I will start with the Air Bridge and I have very little to add to what the Honourable Member has just said, other than to say that the Ministry of Defence does continue to work it hard, particularly the Royal Air Force, and some very senior meetings will take place within the Ministry of Defence next week to come up with that medium term solution, but I think with the loss of only one Air Bridge and to go back to almost business as usual, I know I thank the people back in the United Kingdom on all our behalves that we have maintained a pretty good status quo over the last two to three weeks. I will continue to furnish you with the information, as it is available, to reassure the whole community down here that it will be business as usual. As I said to a number of people in ExCo yesterday, clearly I have a personal concern on the Ascension Islands as well, which I command, and in making sure that I am giving them a service that is satisfactory, and that is a slightly more technical piece of work. Actually the easier piece, which is easier for me to stand here and say, is actually servicing the Falklands, which I will think will continue as pretty much business as usual.

Really, I wanted to say that Shona and I are absolutely delighted to be within your Islands, and thank you for the ties, I will wear them with absolute pride. I look forward with working with all of you on a number of joint enterprises, and I think the word and flavour of my command down here will be joint, not in an Army, Navy and Air Force sense, but working with you, the Falkland Islands Government. There are already a whole host of areas I know and most of them have been discussed here today, that have already come across my radar in my short time here, be that improving the Air Terminal and the services there, exploiting waste management opportunities between the two of ourselves, utilities writ large across the islands, and Port Services, and perhaps, of course, working very much with your local businesses here in Stanley and of course wider across the Islands. All of that said, I have not lost sight of what I am actually here to do, which is to provide you with a credible defence and make sure your country is safe, and I feel on that note, I can build an even greater integration with your Emergency Services and, of course, your Falkland Islands Defence Force, which I fully intend to do.

I look forward to becoming part of your collective ambition, energy, and vision, and the desire to continue to move forward, and that has obviously come through clearly to me this morning in everybody's reports. I can assure you, you will have my full efforts and focus over the next two years, but also assure you that whilst I may only be here for two years, I think we have to, and I have to, look out for the next 35 years and I won't be just looking at the next two years, but absolutely going forward in that next 35 years in your strategy.

Thank you for your warm welcome, it really is an honour, a true honour for me to be Commander of British Forces and the roles and responsibilities that brings with it. I look forward to getting to know all of you, and perhaps more importantly, and again it has come out this morning, the wider community in which I am here to serve. I promise I will get out beyond the gates of MPC.

Mr Speaker

Honourable Members, may I, too, add my words of welcome to the Brigadier.

The House stands adjourned accordingly.