



**RECORD OF THE MEETING
OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY
ON FRIDAY 23RD NOVEMBER 2007**

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THE SPEAKER OF THE HOUSE
(Mr Darwin Lewis Clifton OBE)

MEMBERS (Ex-Officio)

The Honourable Chief Executive
(Dr Michael Dennis Blanch)

The Honourable the Financial Secretary
(Mr Derek Frank Howatt)

Elected

The Honourable Dr Andrea Patricia Clausen
(Elected Member for Stanley Constituency)

The Honourable John Richard Cockwell
(Elected Member for Stanley Constituency)

The Honourable Ian Hansen
(Elected Member for Camp Constituency)

The Honourable Mike Rendell
(Elected Member for Camp Constituency)

The Honourable Janet Robertson
(Elected Member for Stanley Constituency)

The Honourable Richard James Stevens
(Elected Member for Camp Constituency)

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

PERSONS ENTITLED TO ATTEND

The Attorney General
(David Francis William Pickup)

The Chief of Staff
(group Captain Peter John Jones)

CLERK: Claudette Anderson MBE

PRAYERS: Reverend Richard Hines

APOLOGIES: The Commander British Forces South Atlantic Islands
(Brigadier Nicholas Roy Davies MBE, MC)

CONTENTS

Prayers	2
Oath of Allegiance	2
Attorney general – David Pickup Chief of Staff – Group Captain Peter Jones	
Confirmation of the Record of Legislative Council Meeting held on Friday 27th July 2007	2
Papers to be Laid on the Table	3
Questions for Oral Answer	
Question number 05 of 2007 by the Honourable Richard Stevens	3
Surfacing of Roads on East and West Falklands	
Question number 06 of 2007 by the Honourable Janet Robertson	6
Power Requirements for VSAT Systems in the Camp	
Question number 07 of 2007 by the Honourable Janet Robertson	7
Point System for Allocation of Houses to People on the Housing List	
ORDERS OF THE DAY: BILLS	
The Mining (Amendment) Bill 2007	8
The Children and Young Persons (Tobacco) Bill 2007	10
The Supplementary Appropriation (2007/2008) Bill 2007	11
MOTION FOR ADJOURNMENT	
The Honourable Mike Summers OBE	12
The Honourable Ian Hansen	14
The Honourable Richard Stevens	15
The Honourable Mike Rendell	16
The Honourable Richard Cockwell	18
The Honourable Janet Robertson	19

The Honourable Dr Andrea Clausen	21
The Honourable Financial Secretary	23
The Honourable Chief Executive	23
Mr Speaker	24

**The Record of the meeting of Legislative Council
held on Friday 23rd November 2007**

PRAYERS

Mr Speaker

Mr Speaker called for a minute's silence to acknowledge and respect the late David George Pendleton Taylor, former Chief Executive.

Clerk of Councils

The Oath of Allegiance, The Attorney General
The Oath of Allegiance, Chief of Staff

The Election of Members to Executive Council

Mr Speaker

Attorney General and The Honourable Financial Secretary, would you please act as tellers for the purpose of election of Members to Executive Council.

May we proceed then to the first ballot for a representative for Stanley.

The Honourable Michael Summers is returned to Executive Council.

We now proceed with a representative for the Camp constituency.

The Honourable Mike Rendell is elected to represent the Camp constituency

Now we proceed to a representative for either Stanley or Camp constituency.

The Honourable Andrea Clausen

The overall result, The Honourable Michael Summers representing Stanley, The Honourable Michael Rendell representing Camp and the Honourable Andrea Clausen representing Stanley or Camp in this particular case.

Clerk of Councils

The confirmation of the record of the meeting of Legislative Council held on Friday 27th July 2007

Mr Speaker

Honourable Members I have before me the record of the last meeting, is it your wish that I sign them as a true record?

Agreed

Clerk of Councils

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 Legislative Council and Laid on the Table pursuant to (Section 34(1)) of the Interpretation and General Clauses Ordinance 1977.

- The Immigration (Exemption) (No 2) Order 2007
- Planning and Building General Development Order 1991 (Maiden Haven Direction 2007)

and Laid on the Table pursuant to section 61 of the Finance and Audit Ordinance 1988 – Reports and Financial Statements and the Report of the Principal Auditor for the following statutory corporations and funded trusts:

- Falkland Islands Development Corporation
- Falkland Landholdings Corporation
- Falkland Islands Museum and National Trust
- Media Trust
- Falkland Islands Tourist Board

The Honourable Chief Executive

Mr Speaker, I have the pleasure of laying on the Table the papers as listed by the Clerk.

Clerk of Councils

Questions for Oral Answer

Question number 5 of 2007 by the Honourable Richard Stevens

The Honourable Richard Stevens

Could the Honourable Mike Rendell advise whether all non surfaced roads East and West are graded at least once annually? If the answer is yes then when is this achieved i.e. in the spring, during the summer months or throughout the year? If the answer is no could you outline the policy?

Finally could you give an overview of where we are now with grading and repair work after the winter months and where we hope to be at the end of the summer?

The Honourable Mike Rendell

Mr Speaker, Honourable Members, firstly I would like to thank the Director of Public Works for his help in compiling this response.

Not all non surfaced roads in the Falklands are graded annually.

The policy is to give priority to roads that carry the highest traffic levels, but account is also taken of conditions on lighter trafficked sections and every effort is made to balance the needs of all users.

The Highway section of Public Works carries out road inspections both formally and informally virtually continuously.

Grading programmes based on these inspections are then produced and work is carried out accordingly.

Grading is carried out whenever the road conditions are suitable which is mainly the spring and summer months but there are occasional breaks even in the winter when we can do some work of this nature.

It would be preferable to do all of the grading in the spring time when the material is more workable due to higher moisture content but will ordinarily then relatively quickly dry and retain shape for longer but this is not logistically possible as there are now over 900 kilometers of road in the Islands.

The current situation this season is as follows:

The MPA road has been graded several times and will continue to require attention every few weeks.

Graded once so far this season on the East are the following: Darwin Road, San Carlos Road, New Haven Road, Fitzroy Road, half of Goose Green Road, Murrell Road, MPA Road to Port San Carlos, Cape Dolphin, Estancia to Johnson's Harbour plus other areas around town such as tracks leading via Boxer Bridge to Stanley Airport.

On the West grading has been done from Fox Bay to Harps Farm, intermittent grading from Hill Cove turn off to Hill Cove and Roy Cove, intermittent grading from Fox Bay to Port Stephens, all graded to Albermarle, Port Edgar and Mount Alice, intermittent grading to Dunbar.

Grading is ongoing towards Salvador and on the MPA road currently.

Linked to grading, is capping, which both improves the running surface and the ease with which grading can be effected and some work has already been done this season, notably on the San Carlos and North Arm sections.

At the end of summer we would hope that all sections of road that need it would have been graded but that also capping will have been carried out to sections leading out from Port Howard, the New Haven Road and North Camp.

The Honourable Richard Stevens

I would like to thank the Honourable Mike Rendell for that comprehensive answer, but if I could ask one additional question. What is the process of prioritising and how does that work, is there any consultation with the main road users and landowners and

is there any kind of work between all parties that use the work when they prioritise grading and upgrades.

The Honourable Mike Rendell

I'm not sure specifically myself, how the priorities are worked out, but I would be quite confident that the Road Engineer would be consulting with people and would be receiving feedback from people if they felt they had a particular problem in their area. So, if there isn't consultation I would suggest it would be in the best interests of the road users who felt there might be a problem in specific areas to address their issues with the Road Engineer or the Director of Public Works.

The Honourable Richard Stevens

I would like to thank the Honourable Mike Rendell.

The Honourable Janet Robertson

It would appear from your answer that there is considerably more grading going on roads on East Falklands rather than on West Falklands it would appear to be more intermittent on West Falklands and I understand there are logistic issues why that might be the case but I was wonder if it is expected that in the future it will be more even between both Islands.

The Honourable Mike Rendell

I expect that is an issue related to plant equipment and crushers. If you are going to do grading you have got to have better quality material which means you have got to crush. As a result of the work that is going to be going on with the ferry terminals, it is expected that there will be new plant bought in particular a driller. That would mean that in the long term there could be one available on the West Falklands as well as the one that is currently working on the East Falklands. That in itself would give more potential for finding better quality materials. Of course, as more work is completed on East Falklands so it will ease up equipment and resources to do work on the West. I think we all acknowledge that there is a lot of work to be done on the West, it is just a question of how it can be fitted in.

The Honourable Mike Summers OBE

Mr Speaker, I assume from the answer that all of the works been undertaken both on the East and on the West are undertaken by the Public Works Department could he confirm that or if any amount is undertaken by the private contractors? Is the member aware of any longer terms plans to privatise the maintenance of roads on East and West?

The Honourable Mike Rendell

It is a fact that some work is being done by private contractors. I think we are all aware of a contract that has been awarded out at Port Howard in particular. I am not aware of any policy decision being taken to privatise the whole operation but it would

appear to be absolutely no reason why that shouldn't be very seriously considered in the longer term and be a potential way forward.

Clerk of Councils

Question number 6 of 2007 by the Honourable Janet Robertson.

The Honourable Janet Robertson

Could the Honourable Richard Stevens advise what power requirements there will be for the proposed VSAT systems that will be supplied to some Camp areas, and further, who will take responsibility for the cost of installing and maintaining the power systems?

The Honourable Richard Stevens

The total power requirement can vary greatly depending on the equipment, manufacturer, size of antenna, the location of the terminal, band-width required and the satellite being used. Additional factors, such as requirement for antennas, de-icing, if it is a life-line telephone service can also increase power consumption from 100W to 1 KW or more.

It is possible that in some areas a single satellite dish could supply several homes and therefore power consumption would be higher than where a single dish serves a single home. System design and integration work is currently on-going and a VSAT equipment vendor has not yet been selected so Cable & Wireless are unable to provide an exact figure for power consumption at this stage.

The aim of the on-going design work is to try and improve as many of the remote areas as possible in the terrestrial radio network to reduce the number of locations which will be connected using VSAT solutions.

As Cable & Wireless will manage the design, procurement and installation, for power systems required by the Camp Network, Government has agreed to fund the cost of the initial installation base systems.

Some information, the antenna de-icing is required on dish based solutions because connectivity can be lost if the dish becomes covered in snow and ice in the winter. High power consumption is required for service dedicated primarily to voice telephone rather than internet at the first requirement.

The Honourable Janet Robertson

Thank you, Councillor Stevens, for your answer. I was wondering if we had available to us any information about whether other VSAT systems require the same amount of power and what the difference might be between what is being proposed for these Camp areas and what might already be in existence elsewhere. I appreciate that's a complex subsidiary question but I was just wondering if you might happen to know.

The Honourable Richard Stevens

Yes. It is a ticklish question and the answer that I have given, of course, is it gives quite a few options from 100W to 1 KW and 1 KW is a considerable amount of power for people living in Camp. I have been told that the VSATS that are now in operation in the Falklands require less. It would be in the early 100W rather than in the 1 KW range.

The Honourable Janet Robertson

I thank you for your answer.

Mr Speaker

Any further supplementary on this question? No.

Clerk of Councils

Question Number 07 of 2007 by The Honourable Janet Robertson

The Honourable Janet Robertson

Could the Honourable Mike Summers confirm that there is a points system in place for the allocation of houses to people on the housing list, and further, that the criteria used in the points system is in the public domain?

The Honourable Mike Summers OBE

Mr Speaker, Honourable Members, I am happy to confirm that a points based system is in place in the allocation of Government housing for qualifying parties, other than those who are provided with housing as part of their employment conditions.

The current system was adopted in July 2006 and has been in use since that time, with minor adjustments in the application form to improve clarity. The system is primarily based on the size and make-up of the family unit, the size of existing housing relative to that, medical and social needs, the age of applicant, financial situation including savings and earnings being under notice to quit from existing accommodation and any previous record as an FIG tenant or debtor.

Additionally residents returning from training as professionals gain points, as do those that are overcrowded or in a house share.

Consideration is also given to those wishing to transfer to another FIG property where this better optimizes usage of those properties.

The detail of the system has not been published, although there is no reason why it should not be, but the information sought on the standard application form makes clear in terms of the information sought, what criteria are likely to be taken into account.

The reason that the information has not been formally published is an administrative error. A decision was made by the Housing Committee on the 7th of June 2006 that the points system should be sent to the General Management Team for any comment and then on to EXCO. For reasons which pass me by, that did not happen, but I will make sure that it does now happen.

The Honourable Janet Robertson

Thank you that answered the question perfectly.

Mr Speaker

Any further supplementary on this question? No.

Honourable Members we now proceed to item 7 on the order paper, the Motion proposed, Motion Number 2 of 2007 by the Honourable Richard Davies, unfortunately this Motion now lapses because Richard Davies is no longer a member of this House, and with your indulgence I would like to offer the floor to the Honourable Janet Robertson to make a brief statement on this matter.

The Honourable Janet Robertson

Mr Speaker, Honourable Members I would like to withdraw the motion at this point and would be quite willing to consider it at a future date if it is still relevant but certainly await the outcome of an election before that will happen.

Clerk of Councils

Order of the Day: Bills

The Mining (Amendment) Bill 2007, this Bill has been published in the Gazette and therefore we go to the second reading.

The Honourable the Chief Executive

Mr Speaker, this Bill would amend section 11 of the Mining Ordinance 2005 it has effect to allow the Governor to grant a prospecting, exploration or mining licence which relates to stone, flint, chalk, gravel, sand or calcified seaweed, to a person . As presently enacted, the section unintentionally restricts the grant of such a licence to a body corporate only. In agreeing to it being a person that by definition will also include a body corporate.

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

Mr Speaker

Do we have a seconder?

The Honourable Financial Secretary

I second the Motion

Mr Speaker

The Motion is that the Bill be read a second time. Is there any objection to the Motion?

No objection, the Bill will be read a second time.

Clerk of Councils

The Mining (Amendment) Bill 2007

Mr Speaker

Honourable Members may we adopt the short track procedure?

The Motion is that the Bill be read a third time and passed, if there is no objection, the Bill will be read a third time and passed.

Clerk of Councils

The Mining (Amendment) Bill 2007

Children and Young Person (Tobacco) (Amendment) Bill 2007. This Bill has also been published in the Gazette and therefore we go to the second reading.

The Honourable Chief Executive

Mr Speaker, this Bill amends the Children and Young Persons (Tobacco) Ordinance 2007 in a number of ways by:-

1. Defining more inclusive definition of teacher for the purposes of the Ordinance;
2. Amplifying and replacing sections of the Ordinance to clarify the circumstances in which a pupil may request another person to be present whilst the pupil is required to empty the pupil's pockets etc; and
3. Repealing and replacing section 9 of the Ordinance to enable the Governor, by order, to introduce, in annual stages, an increase in the age below which smoking is not permitted 16 to 17, 17 to 18. Mr Speaker if this House approves this Bill which amends sections 8 and 9 this will not be brought into force until approval of the Ordinance itself which will be brought forth at the next meeting of the House.

Mr Speaker I beg to Move the second reading of this Bill

The Honourable Financial Secretary

I second the Motion.

Mr Speaker

The Motion is that the Bill be read a second time, is there any objection to the Motion? There is no objection the Bill will be read a second time.

Clerk of Councils

Children and Young Person (Tobacco) (Amendment) Bill 2007.

Mr Speaker

I declare the Council to be in Committee.

The Honourable Dr Andrea Clausen

I just wanted to seek the Attorney General to confirm that because of the Order paper, it is not possible to bring a Motion for a resolution of the House which in practical terms means that the amended clauses will not come into effect until the next meeting of this House so in actual fact the increase in legal ages will not take affect until that happens.

Attorney General

I can confirm that that is indeed the position. Members do not want sections 8 and 9 to be brought into force in their current form. The amendment Bill provides for the changes needed to the Ordinance, until those are passed and the amendment Ordinance comes into force on publication of the Gazette it is not possible to make a resolution under section 2 (2) of the original Act bringing sections 8 and 9 in their amended form into force so such a resolution will have to await the next Legislative Council meeting. There is a secondary point and in any event the point in the Order paper the removing of a resolution by Motion, has now passed so it will have to await the next Legislative Council meeting.

Clerk of Councils

So, the Ordinance comes into force but not sections 8 and 9?

Attorney General

The ordinance is already in effect. We can proceed.

Clerk of Councils

Clauses 1 and 2.

The Honourable Chief Executive

I beg to Move that clauses 1 to 3 stand part of this Bill.

Mr Speaker

The Motion is that clauses 1 to 3 stand part of the Bill is there any objection to the Motion? No objection. Clauses 1 to 3 stand part of the Bill.

Clerk of Councils

No Schedule.

The Honourable Chief Executive

Mr Speaker I beg to move that 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. Is there any objection to the Motion? No objection. The Bill will be read a third time and passed.

Clerk of Councils

Children and Young Person (Tobacco) (Amendment) Bill 2007

The Supplementary Appropriation (2007/2008) Bill 2007. This Bill does not require publishing in the Gazette but does require a first reading.

The Honourable the Financial Secretary

Mr Speaker, Honourable Members this is the first supplementary appropriation Bill to be presented for the current Financial Year. Its purpose is to withdrawal of the sum of £484,810 from the Consolidated Fund to meet supplementary expenditure approved by the Standing Finance Committee on the 24th August and the 26th October 2007. In summary £335,790 was approved in respect of carryovers of under spends from last financial year for nine items of expenditure. In addition £6120 was approved for survey and chart work for Stanley Airport £105,000 for compliance work at the abattoir and £37,900 in connection with the appointment of the General Manager for the Falkland Islands Tourist Board. Details of supplementary expenditure are recorded in the open minutes of the Standing Finance Committee.

I beg to move the first reading of the Bill.

The Honourable Chief Executive

I second the Motion.

Mr Speaker

The Motion is that the Bill be read a first time. Is there any objection to the Motion? No objection. The Bill will be read a first time.

Clerk of Councils

The Supplementary Appropriation (2007/2008) Bill 2007

The Honourable Financial Secretary

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

Mr Speaker

The Motion is that the Bill be read a second time. Does any Honourable Members wish to speak to the Motion? No. Honourable members may we move to the fast track? The Motion is that the bill be read a third time and do pass.

Clerk of Councils

The Supplementary Appropriation (2007/2008) Bill 2007

The Motion for Adjournment.

The Honourable Chief Executive

Mr Speaker, I beg to move that this House stands adjourned *Sine Die*.

The Honourable Mike Summers

Mr Speaker, Honourable Members, I would just like to thank my Honourable Colleagues for returning me to Executive Council for the next year and hope that I will be able to execute the trust that they put in myself and my colleagues to help carry us forward in what will be some interesting times.

It was highly appropriate, in my view, that we had a minute's silence for the late David Taylor before the session started. For those of us who worked with David Taylor both in Legislative Council and Executive Council as I did, he was an extraordinary man and he came at an extraordinary time in Falklands' history, right after the war when a lot of things needed to be done, a huge amount of reconstruction work needed to be co-ordinated and put forward. There was no time, really, for slow decision making and David was the right sort of man to push those things forward. He also had to be incredibly creative in his thinking and in the exercise of his duties because he had the responsibility of recommending how the revised report of Lord Shackleton in 1982 should be carried forward. He was responsible for the reform of the Public Service and for the creation of the Falkland Islands Development Corporation. He was responsible in many ways for overseeing the beginnings of the creation of the fishing zone around the Falklands and many, many, many other things. So, he made a tremendous contribution to the Falklands life in his work. He was also

an extraordinary character. For those of us who had the pleasure of knowing David, he could be great fun. I was speaking the other day to one of his friends in the Post Office about David and she said to me that he was great fun and had a fantastic sense of the ridiculous. You probably needed, just post 1982, a good sense of the ridiculous just to survive in those very difficult times. He did a tremendous job and we all owe him a great debt of gratitude.

I would just like to note, too, the passing of Tony Pettersson, who was a servant of the Government for over 40 years in the Printing Office, who recently passed away and, of course, Graham Middleton, who passed away in service. It was a sad time especially when such things happen with young people, young families and I think this House would like to extend our condolences both to Tony Pettersson's family and to Graham Middleton's family.

I am delighted that as of today, effectively, we have implemented the new portfolio system that this Council has been working on for quite some time. The purpose of the new portfolio system is to bring greater scrutiny to the activities of the Government. It has been well trailed through the process of the Select Committee. But essentially the three Executive Council Members now will have only very limited portfolio responsibilities and the other members not on Executive Council will carry the bulk of Portfolio responsibility.

The purpose of that is so that the members of Executive Council should not be too closely involved in making recommendations for policy that come up to Executive Council and then can scrutinise them in a more independent and clearer fashion. Members who are not on Executive Council also have the right and, indeed the duty to scrutinise the decision-making processes of Executive Council. But we have to be thinking about ways in which that can be better done. So, there will be five portfolios from now, headed by individual Councillors with support from others. We have had a number of discussions in recent days about how the non-Executive Council Members are going to scrutinise the Executive Council Members and some of our thoughts turn around revising the way we do things in this House. We intend to have some discussions with the Honourable Speaker and others in due course about that. We may, indeed, bring the activities of the Standing Finance Committee back into the House and have a finance section of the agenda, perhaps questions with written notice, perhaps questions without notice. Those are the sorts of ideas that we are thinking about to give Members the opportunity to scrutinise Executive Council about decisions they have made and how they have made them, so we look forward to those discussions and hope that those along with other measures that we will introduce will improve the quality of scrutiny in our Government. If anybody has any other ideas, we are always very happy to hear them.

Briefly, the portfolios that now exist from today: Minerals and Agriculture (One Portfolio), Fisheries, Tourism and Development (the second), Education (the third), Health and Public Protection (the fourth), and Land Use and Public Services (the fifth). Executive Councillors will take responsibility for: Policy and Administration, Regulatory Services, Treasury and Finance. I look forward to bringing that into its full form in the next several months and hope that it will provide for us an improved system of Government.

The final comment I would like to make today is about drugs. The issue was rightly raised in the public meeting the other day that there is some concern about there being drugs in the community. All Councils, in my recollection, have posted a zero tolerance policy about drugs in this country. They are, as I think many people will agree, the root of many evils, if not all of them. So, I would just like to take this opportunity to appeal to all and any members of the community who have any knowledge at all about either the importation or the use of drugs in this community to report it directly to the Police, if they so feel, or to a member of the Council or somebody else who can take it to the Police if they feel somehow inhibited. It is critically important to us as a community that we do not allow drugs to take any part in life in these Islands.

Mr Speaker I support the Motion.

The Honourable Ian Hansen

Mr Speaker, Honourable Members, I will be brief. I would just like to begin by mentioning the recent departure from these Islands of Neil and Jenny Judd, who spent six years here. Neil was first the Wool Advisor and then the Senior Agricultural Advisor. Jenny, of course, was a very efficient and popular teacher in the Infant/Junior School. I think both of them have made a very valuable contribution to the Falklands and I would like to take this opportunity to thank them and wish them well for the future.

I thought I would speak briefly on development and progress in the Islands and perhaps particularly in the Camp. It would be very easy to concentrate on the slightly pessimistic and critical approach which seems to be directed mainly at the Camp in certain quarters at the moment.

Flying over the Falklands is something I spend a fair amount of time doing. I actually find it very satisfying to see the road system is continually extending all over Camp, reaching out to farms and locations large and small. I find it pleasing to fly over the Sand Bay Wind Farm and to see those huge wing turbines turning and know also that most of the farms and locations of the road system are continuing to link in, they also have their own power generated by smaller wind turbines.

Of course it has to be good to see cruise ships anchored in and around Stanley from the months of October to April every year. All this is progress.

Getting back to the Camp development, it is not perhaps immediately apparent or recognised that there are already established and successful business enterprises operating in and from the Camp. Southern Imports, Saddle Computers, Warrah Design and the new tannery at Hill Cove, all these and probably others I have missed have the belief and force of business acumen to believe they can be successful outside Stanley. When you actually take into account the lodges and self-catering units that are already operating, it actually adds up to a pretty positive picture. Just having a positive attitude is not enough, never enough for existing or new businesses because it is always possible that businesses of any type will need assistance in some form or another.

We often have complaints, and usually with just cause about television footage and of course, our telephone communications. But this in itself should be viewed as progress and development because our expectations are far higher than they used to be. So we obviously have developed and progressed because of those higher expectations.

I do believe that if those who first supported the concept of roads, the concept of the abattoir, wind farming, television, all the things I have mentioned, if those people had taken heed of the minority of people who, in each case, were adamant that these things just could not happen, there is no question in my mind that they wouldn't have happened. I do firmly believe that not only this Council and this Government but future Councils and Governments should always take the attitude that though new ventures may not be smooth running and perfect, we should at the very least have the confidence to put them in place and try them and adapt them with common sense both financially and practically.

There was just one other issue I thought of while I was speaking to do with the development and I will finish on that and that is there is still the issue of a single constituency in the air. It's been mentioned this week. I personally can't see the benefits of a single constituency and what benefits that would bring to the Camp in particular and indeed the Falklands as a whole. I am one person who will question the logic behind such a move. However, if this is an issue that this present Council feels it should discuss I would be very interested to hear the views of not only my colleagues but both the Camp and Stanley Electorate.

Finally, Mr. Speaker, I would like to welcome the Chief of Staff to this meeting of Council as well as the Attorney General and Dr Blanch back to the Islands. I know it's a short time I will be working with you Dr Blanch but it's a privilege to have the opportunity.

Thank-you Mr. Speaker.

The Honourable Richard Stevens

Mr Speaker, Honourable Members, there seems to be a reluctance of Members to stand forward. I would like to start where Councillor Ian Hansen ended and welcome the new Members around this table. And, just to say that Michael Blanch is the fourth Chief Executive that I will be working with, even if it is only going to be in a cameo role. All the Chief Executives that I have worked with have their own style and I have already found Michael positive and supportive and look forward to working together in the remaining time.

I would like to say a few words on the SAMA visit. I believe it was an incredible community event for Falkland Islanders and everyone will have their individual memories. I wonder if any other community could have offered the beds, the vehicles and the depth of friendship and gratitude that was on display during the SAMA visit. Some of my lasting memories include driving over to the service at San Carlos and seeing the first squall of the day rolling over Wreck Point as some veterans and their drivers looked down on San Carlos Water from the mountain behind and others walked in the paddocks behind looking for their trench or hole that they occupied in '82. The most moving sight for me was seeing the procession of British Forces, FIDF

and Veterans lead by the band coming from the Cathedral to the Cross of Sacrifice. It probably occurred at the Cross of Sacrifice and, indeed at other times that we could have done a better job with the weather. I hope that we all got something out of the SAMA visit and, for those that seek it, have found comfort in the proceedings.

The Education Department has undergone a recent inspection. The inspection has included self assessment and input from students and parents. And, it is clear that although there is a lot of quality throughout the service, there are areas, especially in the Community School, where we need to improve. At the recent Education Board we looked at ways of supporting the Community School with additional resources that address the issues highlighted in the report hopefully within our existing budget. These recommendations will go to the next Executive Council in December.

Mr Speaker, Honourable Members, I support the Motion.

The Honourable Mike Rendell

Mr Speaker, Honourable Members, I would like to endorse the comments made welcoming Dr Blanch. It's good to see you back and three months is going to take a few hairs out of your head by the time you leave, I would suspect, for the amount of work you are putting in. The Honourable Mike Summers has made reference to David Taylor and all the work he did back in the '80s. It was my privilege to work alongside him in the Secretariat back in 1982-1984 and the quiet and motivated system that he used to get on with his work. He left probably a lot of people in the dark as to the amount of work he was actually doing. It is absolutely clear and evident that he laid the foundation for Chief Executives in particular in the Falkland Islands, so it's very sad to see him go.

As the Honourable Mike Summers has also mentioned we now see a change in the portfolio system, which means that the three of us Executive Councillors no longer have portfolio responsibilities or not major portfolio responsibilities. That means that we are going to be stepping out of the committees that we have been servicing over the last few years, which, for me, is regretful in a number of ways. It is the way the system has to evolve and that is just the way it is. I would like to make a few comments about some of the Committees from which I will be withdrawing.

First of all, from the Police who are going through a major process of change at the moment. We were all present at the presentation by the Chief Police Officer here several days ago and I think it was clear from that presentation that he is trying to change the basic methodology of the way the Police operate in the Falklands or not specifically change it but trying to bring it much more into the community, much more community driven. I think that is a tremendously good idea. Whether it is the view of the populace as a whole will be seen fairly soon, when the results of questionnaires which he's passed out to people to fill in will be received. I would earnestly support everybody to get a questionnaire if you have not already got one so that your views can be passed back to Paul Elliot so that he has got a clear line on which to steer.

The Medical Department has been a very demanding portfolio area to be leading over the last two years. We have gone through quite a few difficult areas including the

evolution of a medical treatment overseas policy, which involves individual patients paying some money themselves, which has gone, in my opinion, remarkably smoothly. I think people have accepted their responsibility in contributing towards the costs of expensive treatment overseas. It has been particularly refreshing, I think it's the first time it has happened that the Hospital has had a full audit from an overseas team actually a Ministry of Defence Audit Team which took place five or six weeks ago. Although the final report has not yet been received, the interim indications are that the Hospital comes out with flying colours in just about every aspect of its operation. I think we all find this particularly encouraging.

The Transport Advisory Committee is another area, which I will be stepping back from. Of course the major thrust there has been the setting up of the new coastal Shipping and Ferry Service and all that goes with it. It is getting there. I think we've overcome most of the main hurdles. It has been a long and bumpy path for lots of us but it is getting there. One of the conclusions of this will be that people on West Falkland will need to adapt the way in which they do their business because they are not going to get a door to door service as they did with the Tamar. That has been devolving over a period of time but once the Ferry is running on a very regular basis it is going to change completely the way in which people do their business. It is the same process that people on East Falkland had to go through a number of years ago when roads were built to their settlements and the coastal shipping service was subsequently withdrawn from those places on East Falkland. People on the East, I think, have coped, have adapted and made it work best for them and I can see no reason why that should not happen on the West.

We are in an interesting situation today with not being broadcast live because changes are being made in the FIRS studio so there is no radio around the Islands. The medium-wave transmitter at MPA at Bush Rincon caught fire a few days ago so there are no BFBS 2 medium wave transmissions, a number of people are having problems in the Camp with their internet connections and, I think the TV is off as well in the Camp. So, these are all issues which are being considered, they are under consideration but we need to move on a pace and get those people out there who are, in lots of cases quite isolated, in touch with people in Stanley and with what is going on around the world. I am sure we would all go along with that.

One thing it is a question I am going to have to ask the Honourable Dr Blanch is if anything could be done to harness our own medium wave transmitter whilst the MPA medium wave transmitter is off, to disseminate the news that otherwise wouldn't be possible to do. Not this weekend, we accept this weekend. We all sit here very cosily. I go out to Camp every month or thereabouts and I go out to a situation where there's no World Service Radio except for very short periods of the day, where there is no KTV, there is no ability to see live direct news. Then you come back to town and you have got everything at your fingertips. I think we tend to forget about the situation that the Camp is in. It is convenient to do that for some. I am not suggesting that people in this room do but I just wanted to make a gentle reminder about it and it needs to move on as quickly as we can.

I would also like to associate myself with the remarks that the Honourable Ian Hansen made regarding a single constituency. I have to be honest. Before I seriously considered standing for Council, I was of the opinion that a single constituency would

be the best solution for us. But since I've been elected I have changed my mind. I think there would be a danger, depending on who is elected, of the Camp losing any kind of influence at all in what happens in the Camp. I do not for one minute suggest that is the case with the existing Council. In fact, you couldn't ask for a more sympathetic bunch. But that might not always be the case.

I would like to finish with a few words about the visit of the veterans over the last month or two. In particular to make some comments about what happens in the future, it is absolutely clear that many of those people that came back got tremendous benefit from the visit and also, so did a lot of Falkland Islanders who had gone through a lot of difficulties in 1982. It's not a phrase I like using but I think it's an appropriate one I think a lot of ghosts were laid to rest. However, there are a lot more that are sitting on street corners, perhaps in London, swigging away on a bottle of whiskey, who nobody knows about, who probably nobody really cares about, out of sight, out of mind. It is those people, in my belief, that really do need to be targeted if at all possible. When Chris Keeble was down here in June he had clearly identified this as a serious problem and was going to try and do something about it.

But we should not by any means assume that because we have gone through the 25th anniversary that that is the end of it because there are many thousands of veterans who probably would benefit from a return visit to the Falklands. I hope that in the longer term that can be achieved the very, very long-term!

Mr Speaker I support the motion.

The Honourable Richard Cockwell

Mr Speaker, Honourable Members, in rising to support the Motion I, too, would like to mention the veterans' visit. I think it was a great success and safe to say beyond what the Honourable Mike Summers said about it and others. In particular is the benefit that Falkland Islanders get out of it as much as the veterans themselves. I really do look forward to trying to find ways to make sure that this happens not every year but reasonably frequently. I think it is a chance for us to show our gratitude to the people who came down in 1982 and gave us the lifestyle we are able to enjoy today. If we can give them some help and benefit at the same time that is an added bonus. The Honourable Mike Summers mentioned the passing of three people who will be greatly missed in the Falkland Islands. Of course, David Taylor was our first Chief Executive and I, amongst many others are proud not only to remember him not only as an excellent Chief Executive but a friend as well and we grieve his passing.

I welcome the new portfolio arrangements. There has been a lot of discussion amongst ourselves on the best way to achieve more scrutiny and clarity in our proceedings. I think this, hopefully, will go a long way to achieve that.

And while talking about this I am wondering whether this is the time to change our name from a Council. It creates a huge amount of confusion overseas calling ourselves Councillors. It is a colonial system where originally when we were a colony we were Councillors just like Councillors, Rural Councillors or Town Councillors. We are not now. We are a Legislative Assembly. And I would like to see us change the name from Legislative Council to Legislative Assembly. We are

Members of Parliament. We are not just ordinary Councillors. Not that it takes away from the work that Councillors in other parts of the world and in Britain in particular do but we are a Legislative Assembly

Obviously with my Public Works portfolio, which I may or may not lose in the new arrangements, I have to mention the success of the wind farm. It's been a great thrill to me to see the wind farm coming to fruition seeing those magnificent generators spinning in the wind and realising that we are creating electricity for no major cost other than the Capital costs of the wind farm. I must acknowledge the contribution of everybody who has been working with it, not only Enercon, who actually constructed it, the engineers who came down to help construct it, but also the members of the Electrical Department who put in many hours and who still are putting many hours in to bringing it up to full capacity. I really do have to recognise that.

Waste management is moving on. We already have bottle imploders and people are getting used to using them – taking their bottles down to the imploders rather than just chucking them in the bins. I understand that there is a scheme now for the disposal of or the recycling of aluminium cans, which will be another benefit. It is going towards showing that the Falklands are concerned by green issues and our environment and I think it is very important that you continue this and I look forward to seeing a waste management programme put forward where we actually take everything right forward, including proper land fill so we can actually close Eliza Cove Tip, which, although it is doing a good job, is a bit of an eyesore.

Just before I close, I, too, would like to associate myself with what the Honourable Mike Summers said about drugs. It is a very serious matter to hear that drugs are becoming available in the Falklands. I believe that if it is deemed necessary that we buy ourselves a drugs dog, I will certainly support it as long as it is properly put forward. I would support the concept of us having our own drugs dog but let us hope it's not necessary.

And finally, welcome the new faces here, we have three new faces and an old, a familiar face, the only old face here is mine! It's very good to see Michael back. It's been a breath of fresh air and I wish him luck on everything else he does because I don't think he will be here for the next Legco so I do wish you all the best in the future.

Thank you very much Mr. Speaker. I beg to support the Motion.

The Honourable Janet Robertson

Mr Speaker, Honourable Members, I think many have touched on the subjects I wanted to talk about today. Of course I would like to endorse the comments welcoming the three new members to the House. I just wanted to say, for David, I know it has been much of an upheaval coming from the UK to quite a difficult start. I am glad to see the Attorney General's Department is back on track with a full complement of staff and I hope that this allows you to get everything settled. I would just like to actually mention about the excellent work that Ros Cheek has done because over the last year she has had to step in on several occasions with very short

notice and she has done it extremely well. I would like to say on behalf of all of us, we would like to thank her for what she has done.

I was just going to say that the Honourable Richard Cockwell and Mike Summers have both mentioned drugs. I absolutely agree that there should be a zero tolerance policy towards this. Being a small community with only two points of entry into the Islands, I think it is something that we can control and that we can do something about. But it's not just the practical presence of drugs or the availability of drugs that's the problem. It's also the attitude to them. And, it is not just drugs in this respect but it's also alcohol and underage sex – all areas that we need to be concerned about.

For that reason I was absolutely delighted that the Chief of Police announced that we are going to have a full DARE Training programme commencing in the Islands. Last year I think everyone endorsed and supported the DARE Programme for many years. It was in the Junior school and we were just going through the process of extending that into the Senior School when, due to staff issues at the Police Department it had to be withdrawn from the Junior School. So, it was going back a step. I think also that the recent school inspection highlighted the need to have exactly this type of programme put into the schools and developed with the whole issue of social and health education for young children is vitally important. So it's great news about DARE and I think already achieved such great success in that.

Again, a little bit on young people. I absolutely agree with all the comments made about the SAMA visit. It was hugely successful, it was hugely emotive. I think we all probably got to hear stories that we never heard before and in my case what I found so moving was one case as I was told stories and I was assured by the tellers that they had told no one other than their psychiatrist before what their story had been. They had not told their wives, they have not told friends. In that sense the visit was, for some of them, a real release valve and I just hope they return and be able to talk more and tell those closest to them some of the things they told us here in the Falklands.

One of the things I really enjoyed was the third event this year – the Royal British Legion Dance. It was open to 12 years and up. I think that this year we have an opportunity to see how successful and how enjoyable it is to have a greater mix of ages at these community events. I think we have spent far too long working on the basis that children, teenagers and adults should be kept apart at all costs. If we do this we can not then complain when there is a complete lack of understanding between all these groups. We have this teenagers do not trust adults they think they are going to stop them having fun. Adults think teenagers are a nuisance, children are consider by everyone to be a nuisance, this is not healthy we have got to try and find the forums where the community together is allowed to enjoy themselves together and those dances have been a success and I would like to see more of them in the future. It might be that we have to look at the issues in our licensing laws again and see if these are some ways hampering those ambitions.

Just quickly on the issue of the portfolio system, I am looking forward to it. It is going to possibly be quite a lot more work for us all but I think that is a challenge that we've all accepted and it is achieving what we want to achieve. It is a little bit ironic that recently we had a survey in the newspaper asking precisely these questions about

were we getting more transparency, more scrutiny. It's been two years in discussion and we always hoped to be able to put something into place at this time and half way through our Council and I am really pleased that we are making steps forward.

Another thing I would like to say is that whilst it is true that we probably haven't been great at putting debate in the public arena, I think the same thing happened backwards. We don't necessarily have a great understanding of what the community thinks and feels, I would just like to see if there could be more opportunity for full forums for debate, for the public meeting there could be, maybe a little bit more debate and discussion. If need be on the radio we could hear. I would like to hear what members of the community think. I'd like to hear debates on the radio. We do have a letters page and I like to see people making full use of that and I was just wondering if we could find some way to develop that line as well.

Finally Honourable Michael Rendell's remarks about communications in camp. I would like to say we must work and find a solution to this whilst we are building roads and spending vast amounts of money on ferry ports people are much more isolated than they were before there was a single road built. Communications are absolutely essential if we want to see the Camp develop. So I know that everyone understands and takes this seriously I would just like to emphasize the point that radio especially is critical as well as access to internet and telephone.

I support the Motion.

The Honourable Dr Andrea Clausen

Mr Speaker, Honourable Members, firstly, I, too, would like to join my colleagues in thanking all colleagues for my re-election to Executive Council and will endeavour to work hard to apply a consistently fair and objective and where necessary robust approach to policy making and I hope that my re-election to Executive Council reflects their appreciation of that being the case over the last two years.

Of course My Honourable colleague talked in terms of outlining the changes that we are about to implement regarding the portfolio structure and areas of responsibility. And, as a result of my election to Executive Council today, I will be saying goodbye to some of my areas so I just would like to mention that.

I would like to thank the Heads of Department, the General Manager of FIDC, Fisheries and Minerals, for all of their support over the last two years. Especially being a new member to Legislative Council we have got an awful lot to learn and it is very important that the Heads of Department are there to help you along to provide you with relevant information as and when you need it and also to treat you as if no question is too stupid, which I think is very important.

There has been a considerable amount of progress in my portfolio areas over the last few years. Two areas I would particularly like to mention and that is the implementation of ITQ, the new property rights system in fisheries. Whilst that law was passed before this Council, it's been fascinating to work on the Committee, the Fisheries Advisory Committee with members of the industry and Officers in seeing

that being implemented – being rolled out and actually starting to bed into some of the fisheries.

On the subject of fisheries, of course, it is not all smooth and we have at least one issue on the horizon which we are going to have to figure out a way to deal with and that is the UN Resolution for a ban on bottom fishing on the high seas in order to protect ecologically sensitive areas. The fact of the matter is they would like that ban. It's within the resolution that, that is a reverse burden of proof i.e. we have to put our case and there may well be difficulties for the industry to address and the Government together with the industry, work is already in line for trying to put together a case so that the industry is kept informed at all times.

In the absence of a regional fisheries management agreement the deadline for that ban is actually 31 December 2007, which does not give us very manoeuvring time but we do already have a reasonable case to put.

On the subject of SAMA, I will just say a few words. I think it's been a very humbling experience, talking to people who have come back, particularly Paras that I met from Goose Green and the fact that I was only 10 when the war happened and we were liberated and I really hadn't got my head around some of those men were, in fact, 17, 18 who came into Goose Green in '82 and I found that very hard to get my head around and very moving. Of course we are all very grateful for the sacrifice that they made. I hope the visit went a way to helping them. It certainly helped me and I believe many people in the Islands as well with trying to understand both sides.

On the issue of a single constituency, I would just like to say a couple of words as I am a person who supports holding another referendum on a single constituency. I would just like to say that by supporting that, I in no way would like to see the Camp marginalised or the Camp vote marginalised. I would only support moving to a single constituency if there was an appropriate voting system to back that up so that representation was as fair as it could possibly be. I do believe that when you are elected to the Legislature in a country as small as ours that you are responsible for all of the Falkland Islands. Whilst it's very important that you represent your constituents, be it Stanley or Camp, actually, you are responsible for the Falklands Plc – which I quite like as a phrase. We are responsible for everybody in the Falklands and everything that happens within our country. I believe that having a single constituency might be a way to progress and reinforce that issue.

There is only one further thing I want to say today and that is on a subject that is quite controversial but I believe the time might have come for a bit of a public debate on this. It is recently come to my attention both the private sector and the public that the policy of positive discrimination in terms of employment may not always be sensible or logical. It is not clear that the policy which exists for the public service is applied equally to the private sector or indeed if it is different. I understand the historical background to why positive discrimination was put in place in terms of our Constitution and, indeed, our ordinances. But I think that maybe it's time to look at that a little more closely. I believe that we need to look at the long-term impact of such a policy on our society and are we, indeed, at times promoting a degree of mediocrity within our society in order to strictly adhere to a policy that may well be getting out of date.

In order to bring this issue into the public arena, I do propose to bring a motion to this House in the New Year to allow a full and very public debate on this issue. I think I would like to hear my colleagues and I would like the opportunity myself to further research the area and to present it so that we can all think long and hard about what it means now and what it means going forward.

Sir, I support the Motion.

The Honourable Financial Secretary

Mr Speaker, Honourable members, I would just like to add my condolences to David Taylor's partner on the passing of the Hon David Taylor because I also had the pleasure of working with him. He was certainly a very hard working man. In addition to that list of tasks that Councillor Summers explained, I think the other major task was kick-starting the land reform policy and farm subdivision and that took a lot of his time. He was hard working but also quite funny as well. I always remember that he used to call me the "Master of the Rolls" and, that was because the Treasury Department was closest to the toilets and keeps the stock of toilet paper.

I would like to say, too, welcome to the Chief of Staff to his first meeting and the Attorney General and my colleague, Mike Blanch back to this House and also to say that he has more than one thing in common with the late David Taylor. They were both Chief Executives and David Taylor came back for another term as well when the former Chief Executive left unexpectedly.

I should like to support the Motion for Adjournment.

The Honourable Chief Executive

Mr Speaker, thank you for asking me to respond to the debate on the motion for adjournment. First, I want to echo the Honourable Members condolences to David Taylor's partner. I stand in awe of what that man did and I think I am a very unworthy successor. I met him in 2002 when he was here for the 20th anniversary and he was deadly keen to find out what I was up to and stay in communication. He lived the Islands. He lived them, I suspect, right up until the moment of his unfortunate death.

I would also say thank you very much for your very kind remarks about me and really thank you for the privilege of coming back here again, even if it's only, in the words of Councillor Stevens, in a cameo role. I am immensely, I suppose I share with David an immense commitment to the Islands and it's been a real joy to help, even if I have been getting balder in the last few weeks I will continue to do so. And I note that the Honourable Member that said I might be getting balder, that added to my objectives, which is to look at the Medium Wave Transmitter. But not this weekend.

I leave in six weeks, the day after the by-election. I will be succeeded by Tim Thorogood. And I know that Tim and Alison are looking forward very much to coming here. I know that he is equally enthusiastic and I am sure he will be an absolute asset to you.

And so I end by wishing this House and Honourable Members and my Colleagues in the Civil Service and the whole community that may or may not be listening to this broadcast the very best for the Islands' undoubtedly successful future. And to say that you are remaining in our hearts and very much in our prayers.

Mr Speaker

I will move on to close this meeting. Before I do, if I may, Honourable Members, associate myself with the remarks you made in respect of David Taylor. I wish to be associated with those.

Indeed, there are probably four new faces from the last time we sat at this meeting here today and I wish a warm welcome to the Reverend Richard Hines and although not in the inner sanctum, still within the chain fence. I welcome the Attorney General David Pickup to his first meeting, Dr. Michael Blanch back for a return match, so to speak and to Group Captain Peter Jones.

Honourable Members, I do look forward to participating in your desire to take forward not only constitutional development but also the way in which meetings and legislative business is conducted. I will make myself available to whatever meetings you wish to propose to take all that forward and I very much look forward to it.

I appreciate that some Honourable Members have made various commentary in the Penguin News over the last week or so and while standing orders of this House are rather strict, I have endeavoured, particularly in terms of question time to allow you to ask a number of supplementary questions. I suspect if there had been another Speaker here he may not have been so inclined to allow them. They are sometimes rather loose in nature but I have taken the view that there is a listening public out there and indeed, when it is listening, and they appreciate those extra comments and extra statements you are able to make, even if it causes in one particular case the Financial Secretary to go scurrying into his briefcase to find the answer to give to the House.

So I welcome your forward thinking in terms of constitutional development on the proceedings of the government business of this House.

The House stands adjourned *Sine Die*.