



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

**HELD AT THE  
COURT AND ASSEMBLY CHAMBERS  
STANLEY**

**28 MARCH 2019**

**RECORD OF THE MEETING OF THE LEGISLATIVE ASSEMBLY  
HELD AT THE COURT & ASSEMBLY CHAMBERS, STANLEY  
THURSDAY 28 MARCH 2019**

Speaker of the House  
(Mr Keith Biles JP)

**MEMBERS** (Ex-Officio)

The Honourable Chief Executive  
(Mr Barry Rowland)

The Honourable Financial Secretary  
(Mr James Wilson)

**Elected**

The Honourable Teslyn Siobhan Barkman  
(Elected Member for Camp Constituency)

The Honourable Stacy John Bragger  
(Elected Member for Stanley Constituency)

The Honourable Roger Anthony 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 Mark John Pollard  
(Elected Member for Stanley Constituency)

The Honourable Roger Kenneth Spink  
(Elected Member for Stanley Constituency)

The Honourable Lucila Leona Vidal Roberts (Leona Roberts)  
(Elected Member for Stanley Constituency)

**PERSONS ENTITLED TO ATTEND**

The Attorney General  
(Mr Simon Young)

Commander British Forces, South Atlantic Islands  
(Brigadier Nick Sawyer)

**CLERK OF THE ASSEMBLY:** Cherie Clifford

**PRAYERS:** Reverend Kathy Biles

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**Record of the Meeting of the Legislative Assembly  
Thursday 28 March 2019**

**Prayers**

**Mr Speaker**

Honourable Members, I bid you good morning and my usual reminder about mobile phones or other electric equipment to be turned off, or turned to silent.

**Clerk of the Assembly**

Confirmation of the Record of the Legislative Assembly held on the 31<sup>st</sup> January 2019.

**Mr Speaker**

Honourable Members, I have before me a record of that last meeting. Is it your wish that I sign this as a true record?

**Members of Legislative Assembly**

It is.

**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;

- Statute Law Database (Rectification) Order 2019
- Administration of Justice (Payments to Jurors and Witnesses) (Amendment) Rules 2019
- Coroners (Amendment) Rules 2019
- Fishery Products (Designations) (Amendment) Order 2019

In accordance with Section 23(3) of the Falkland Islands Development Corporation Ordinance 2013;

- Falkland Islands Development Corporation Financial Statements and Annual Report 2017/18

In accordance with Part 3 section 7 of the Communications Ordinance 2017;

- Falkland Islands Communications Regulator Annual Report 2018

In accordance with section 57 of the Finance and Audit Ordinance;

- The Falkland Islands Tourist Board Audited Financial Statements and Annual Report for 2017/18

**The Honourable Chief Executive**

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

**The Honourable Roger Spink**

Mr Speaker,

Under Standing Order section 41(3) I move that the Statute Law Database (Rectification) Order 2019, Administration of Justice (Payments to Jurors and Witnesses) (Amendment) Rules 2019, Coroners (Amendment) Rules 2019 and the Falkland Islands Communications Regulator Annual Report 2018 be noted.

By way of explanation, the Statute Law Database (Rectification) Order 2019, this Order rectifies defects in the Statute Law Database and the rectifications are contained in the Schedule to the Order and the consequent changes to the database to deem to have effect from 31<sup>st</sup> July 2017, which is the date that the database was first published.

As regards to the Administration of Justice (Payments to Jurors and Witnesses) (Amendment) Rules 2019; rules 4, 8 and 9 of the Administration of Justice (Payments to Jurors and Witnesses) Rules 2016 are amended so that they apply to both prosecution and defence witnesses.

As regards to the Coroners (Amendment) Rules 2019, these rules update rule 46 of the Coroners Rules 1995 by omitting a reference to the Jury Ordinance 1949, which has been repealed and replacing it with a reference to the Criminal Procedure and Evidence Ordinance 2014.

The Falkland Islands Communications Regulator Annual Report has been published on the Regulator's website and is available and sets out the work that the Regulator has done over the previous year, but also work plan for the future years and I would recommend it to anyone to have a read of it.

Thank you.

**Mr Speaker**

Thank you, and a seconder please?

**The Honourable Roger Edwards**

Mr Speaker I second the Motion.

**Mr Speaker**

Does any Member wish to speak to that Motion?

**The Honourable Stacy Bragger**

Thank you Mr Speaker.

Just to touch upon the Communications Regulator Annual Report, it is pleasing to see that, and also bearing in mind we had Communications Week last week, I think it highlighted the work that has already taken place in terms of regulation. I think it has reminded me of our commitment to making sure that we continue to tackle the issue of communications for the Islands and, hopefully, the meetings that took place last week show that things are happening and that we are continuing to try to push forward communications, and ensuring that the regulatory framework is continuing to be developed.

**Mr Speaker**

Does any other Member wish to speak? No.

The Motion before the House is that the Statute Law Database (Rectification) Order 2019, Administration of Justice (Payments to Jurors and Witnesses) (Amendment) Rules 2019, Coroners (Amendment) Rules 2019 and the Falkland Islands Communications Regulator Annual Report 2018 are noted.

Is there any objection to passing that Motion? There is no objection; that Order, the Rules and Report are noted.

**The Honourable Teslyn Barkman**

Mr Speaker,

Under Standing Order section 41(3) I move that the Fishery Products (Designations) (Amendment) Order 2019 be noted. This Order deletes the fishing vessel ‘*Argos Galicia*’ from the Fishery Products (Designations) Order 2014, so has effect to remove designation of the vessel under the Fishery Products Ordinance.

**Mr Speaker**

Thank you, and a seconder please?

**The Honourable Ian Hansen**

Mr Speaker, I second the Motion.

**Mr Speaker**

Does any Member wish to speak to that Motion? No.

The Motion before the House is that the Fishery Products (Designations)(Amendment) Order 2019 are noted. Is there any objection to passing that Motion?

There is no objection, that Order is noted.

**The Honourable Mark Pollard**

Mr Speaker

Under Standing Order section 41(3) I move that the Falkland Islands Development Corporation Financial Statements and Annual Report 2017/18 and the Falkland Islands Tourist Board Audited Financial Statements and Annual Report for 2017/18 be noted.

The financial statements are there for everyone to see and hopefully you will take a look, but with regards to the annual reports, it is important to understand that for example the FIDB that it's not just loans and grants, and I would urge people to read this report. There is comment on FIMCo, Wool Innovation, Innovation in general, business advice for free, rural development, horticulture, workshops and training, youth engagement, business climate survey, providing new office space, they have been working on the second flight as well, as well as nurseries. I would urge people to read the report, and if they want advice, or to develop their business ideas, then go and see them.

The Tourist Board Annual Report, I think the reason we have an upcoming refresh of the Tourism Development Strategy is largely due to the Tourist Board completing most of the previous work, and you will see that within their report there as well. There seems to be quite a few events across the Islands which are mentioned in the reports. They have been delivering grants and the tourist sector will appear to be growing, according to the latest business climate survey. The online presence of the Tourist Board, I think, is a lesson to all in the Falklands, so I would recommend that the public get hold of the reports and read them. They read a very good story.

**Mr Speaker**

And a seconder please?

**The Honourable Stacy Bragger**

Mr Speaker I second the Motion.

**Mr Speaker**

Does anyone wish to speak to that Motion? No.

The Motion before the House is that the Falkland Islands Development Corporation Financial Statements and Annual Report 2017/18, and the Falkland Islands Tourist Board Audited Financial Statements and Annual Report for 2017/18 are noted.

Is there any objection to passing that Motion? There is no objection, those reports are noted.

**Clerk of the Assembly**

Questions for Oral Response.

Question number 6 of 2019 by the Honourable Roger Edwards.

**The Honourable Roger Edwards**

Mr Speaker

Could the Honourable Mark Pollard assure this House that the workforce at the Falkland Islands Meat Company, who we believe are being paid a salary via an agency, are in receipt of at least the minimum wage as required by Falkland Islands Law?

**The Honourable Mark Pollard**

Mr Speaker, Honourable Members

The General Manager has assured me and can assure the House that the South African seasonal employees are being paid above the minimum salary as required by Falkland Islands Law - as are all employees at Falkland Islands Meat Company.

Thank you.

**The Honourable Roger Edwards**

Mr Speaker

The background to this is that while walking in Stanley within an hour I had two people approach me who had concerns about payments to the South African workforce at FIMCo. One of them, I would say, had close links to the abattoir and I would have thought would have known.

However, MLA Pollard's answer to me this morning is assuring, both to this House and to me, that they are paid correctly.

Thank you.

**The Honourable Mark Pollard**

Thank you Mr Speaker

I would just like to urge the general public at large on the minimum wage. If you are being paid below the minimum wage then it is the duty of the employee to report that. We have a minimum wage and we have it for good reason, so if you feel you are being paid less then I think you need to speak up about that.

Thank you very much Mr Speaker.

**Mr Speaker**

Does any other Member wish to raise a supplementary question?

## **The Honourable Roger Edwards**

What my Honourable colleague says is absolutely true, but it is normally the people who are in positions where they earn the minimum wage, or less, are not normally in a position to complain about it.

Thank you Mr Speaker.

## **Mr Speaker**

Any supplementary questions? No.

Honourable Members, we now have a question without notice and it's being raised by the Honourable Dr Barry Elsby.

## **The Honourable Dr Barry Elsby**

Mr Speaker, Honourable Members

In view of the recent events of Argentine flag flying around the Islands, could the Attorney General please advise this House what laws are in place governing the flying of Argentine national flags, or defaced Argentine flags, within the Islands?

## **Attorney General**

Mr Speaker

I thank the Honourable Member for his question. I will give him a straight answer, but Mr Speaker if you also indulge me, I will also address some of the wider issues in relation to the context underlying why this question has been asked at this time.

As a straight answer, there are no laws specifically governing the flying of either the Argentine national flag, defaced Argentine flags or indeed any other flags in the Falkland Islands. There are however Public Order offences set out in Part 21 of the Crimes Ordinance 2014 where activities involving the display of flags, or other items, could cross the line to constitute a criminal offence - but would not always do so. The precise nature of what is said and done, when, where and how, are all relevant considerations when deciding whether an offence has been committed.

I am mindful of the strong public feelings that have been aroused caused by the actions of individuals and also by the decisions which have been made. I think it would be inappropriate to discuss the specific cases in this forum, but I hope it is of some assistance to talk a little bit more generally.

Where a complaint is made Honourable Members, the Royal Falkland Islands Police will investigate without fear or favour and that absolutely is right. They may seek legal advice from myself or a member of my team during their investigation, and generally then at the conclusion of their investigation they will present a file to me for a charging decision to be made. My power to make these decisions is actually set out in section 72 of the Constitution. This makes clear that in exercising that power, I am not subject to the direction or control of

any other person or authority – and just for the benefit of members of the public, I can assure them that in no point in my tenure here has anyone improperly sought to influence charging decisions.

When making decisions as to whether or not an individual or a company should be prosecuted, ultimately a judgment must be made. It is a judgment made on the basis of knowledge and experience - not only my own knowledge and experience, but that of members of my team also. We follow current UK practice and publish guidance about how those matters are considered. This is kept up to date and is available online if members of the public wish to view that. It sets out the approach which is taken and some of the factors which are taken into account. We are also able to benefit from guidance published by the Director of Public Prosecutions in the UK, as many of the criminal offences in the Falkland Islands mirror offences that apply in the UK.

My first decision whenever a case is presented is whether or not it passes the Evidential Test. In other words, whether I believe that there is a reasonable prospect of conviction of a criminal offence. If not, then no prosecution will be brought and nor should one be brought. Each offence contains a number of elements, each of which must be proven by the evidence. So I look at all of the evidence. Firstly, is there enough to satisfy the requirements of the offence. Secondly, I will look at any contrary evidence, any likely defences to potential charges. In relation to all of that evidence, we have to consider whether it can be used in court, whether it is reliable, and whether it is credible.

If a case passes that Evidential Test, then I would go on to consider the public interest. It has been said many times over the years, but it's never been the case either here or elsewhere that prosecution will follow automatically once the Evidential Test is met. The public interest often involves balancing a range of factors for or against prosecuting an individual. It is not possible to be prescriptive about the factors which can be taken into consideration, but just to give you a flavour of some of those factors - the seriousness, or otherwise, of the alleged offence is a factor which is always taken into consideration; the culpability of the suspect in terms of their conduct; the circumstances of the harm caused to any victim; the age of the accused is relevant specifically if they were a child when the offence was allegedly committed; proportionality of prosecution as a response to the offence as to whether or not there could be other responses to the offence, for example a caution or warning or something of that nature; and finally, and I think perhaps most importantly, the impact on the community of the offending behaviour is also a factor which is considered.

In most cases, the decisions are relatively easy to make. In some cases, they are more difficult – ‘difficult’ issues could be around the extent or the admissibility or the reliability of the evidence or it could be around the application of those particular facts to the law as it exists. It also could be a difficulty around the public interest in weighing and balancing the various factors. I have to say the fact that a particular decision will be popular or unpopular, or will be uncomfortable or embarrassing, are not factors which influence the decisions that we take.

The question from the Honourable Member asks what laws exist now and, of course, it is the prerogative of Honourable Members to determine whether any changes to the law are required. I think it will be important for Members to examine very carefully any proposals in that area. Just to highlight a couple of areas where I think that those considerations really do need to be taken into account; the Constitution of the Falkland Islands enshrines the right of persons to freedom of expression. That right is not to be hindered except in limited

circumstances. Restrictions on freedom of expression can be placed where reasonably required in the interests of defence, internal security, public safety, public order, public morality or public health, so long as those restrictions are applied in a way which is reasonably justifiable in a democratic society. The Public Order offences I referred to earlier can act as restrictions on freedom of expression, but in a way which is legitimate and does not infringe those constitutional rights.

I should also mention that the Falkland Islands are subject to the European Convention on Human Rights and to the jurisdiction of the European Court of Human Rights. The decisions of that court on these sorts of issues are relevant in interpreting our Constitution, as are decisions of UK higher courts on these issues.

Finally, Honourable Members, I would say a new law must not offend the Constitution and it must be capable of enforcement. Otherwise, I think we do risk undermining the fair, open, free and democratic society of which I think the people of the Falkland Islands can be rightly proud.

### **The Honourable Dr Barry Elsby**

Mr Speaker

I would like to thank the Attorney General for his comments and I think the points he raises are very, very pertinent about the line we must tread between the rights as enshrined in the Constitution, and how people feel distressed by certain events.

You will be aware, Mr Speaker, of the concern on this matter and the effect it has had on a significant number of our community, and I believe this House would welcome the opportunity of debating this matter today, if you would agree.

### **Mr Speaker**

Indeed, I know there is obviously a measure of public concern about the circumstances surrounding the recent occasion at the cemetery, amongst other places, and I am very willing to open the subject up to debate now.

However, I would point out to Members the rules in the Standing Orders and one which states '*you must not solicit an expression of opinion on any question of law, the solution of an abstract legal case, or legal advice on a hypothetical proposition*'. This is already in Standing Orders, so please be aware of that.

### **The Honourable Teslyn Barkman**

Thank you Mr Speaker

I think it goes without saying, as we have spoken about public opinion on this matter; it is very hard I think for Falkland Islanders as a community to accept behaviour that feels like a visceral attack to your democratic society in this way.

I thank the Attorney General for his lengthy explanation and for pointing to the tool within the Constitution that exists around freedom of expression to be curtailed if there is a need for

public order, public safety, public morality, or internal security. I think it is a very pertinent part that did jump out at me as being a possible lever should we look to it for that in the future.

I think it can be very hard to divorce your emotions to seeing a display, such as happened in the past and people have been commenting on Facebook. They are very personal and it can be difficult to extend a moderated response and reaction to that. I would just like to express my sympathy to people who may feel disappointed by what's been the final decision around this matter, that particular matter, but I think it goes without saying that there is absolutely no will within the Assembly to look lightly upon this kind of behaviour that people feel is incredibly threatening, and I think we support our constituents in whatever suggestions they can bring forward as well for this matter.

Thank you Mr Speaker.

### **The Honourable Leona Roberts**

Thank you Mr Speaker

Yes, thank you to the Attorney General for setting out the facts, that is very much appreciated.

I also would like to comment on the events of last week and I hope that I can make my points within the rules of the House, but am sure Mr Speaker will keep me on track if I stray.

I would first like to commend the Royal Falkland Islands Police for their swift and thorough investigation following the complaint of distressing and offensive behaviour. I would also make mention of the local person who gave the initial report and was prepared to then take the time to see that through.

That this did not result in a prosecution has been acknowledged as a source of concern in the community and I understand that, but I would also like to reiterate some important points which have been touched upon this morning.

The Constitution of the Falkland Islands sets out our laws and guides how we as a country does business and I believe, personally, that we all put great stock in that Constitution and the rights and freedoms and protections enshrined within it. It's a set of values that defines our Islands and sets us apart from other countries, where perhaps dictatorships or corruption and the like hold sway. This is something which we should be proud and never stray from. The rule of law means a great deal here and that means the process of law does too and police, our legal service and our judiciary operate within the framework of those laws, as they should and as we continue to expect that they do.

While we as individuals may not always like decisions that are made from that framework we must respect them and acknowledge that they are made within the scope of laws which we hold dear.

Alongside this though, we do need to recognise how Islanders feel when they see such flags or banners bearing political or offensive slogans being displayed here in our country.

While there may be some to whom it feels like quite a small thing, it must be remembered – to put it in context – that these Islands were invaded and that, despite our liberation, there continues to be a spurious claim over our home which sadly has not gone away. So for some people who lived through the war in 1982, they will feel afraid or deeply distressed by such actions, which can bring back terrible memories and feelings which they may still struggle with thirty seven years later.

Others feel genuine fury, others insulted, I think the majority appalled that anyone would just think that it's okay to visit our country and behave in such a way. For most people these actions offend the memory of those who gave their lives for our freedom and that is particularly abhorrent.

There are also those who think that these petty incidents of flag waving are nothing short of pathetic, impotent, meaningless and unable to hurt us ever again. I have to admit for my part I feel all of those things at varying degrees and at varying times.

What does concern me though is that for some in our community the situation feels like it's becoming intolerable and, more than anything, I would hate to see any of our people react to these incidents in a way which may see Islanders sinking to levels of behaviour which would not show them in good stead and it would cast the Falklands as offenders.

So, to anyone who may feel that they are approaching the limits of their patience and attempt to react, I would say – please don't. We are better than that here in the Falklands and I do believe that many of these individuals will be deliberately looking to provoke reaction which would give them some sort of 'status', I guess you could say. I ask that you please don't give them the satisfaction in that respect, and that if you do witness something, take your evidence to the police and, where they are able to, they will follow up on this.

I would also offer a reminder that not all visitors from that nation are of the same ilk. There are a good number who actually support our right to self-determination, and that is something that we would want to continue to strengthen, and there are also those who genuinely come to the Islands purely to pay their respects to their war dead, and that is a solemn undertaking which we recognise and allow because we are a decent and tolerant little country.

The issue does remain though and we continue to look for ways to deal with individuals who display such bad behaviour. Unfortunately, I acknowledge there isn't going to be a simple easy solution – if there was I think it would have been found by now, but I do hope a solution exists and by working with the Attorney General and his team and our advisors here in the Islands that we will find a way forward, whether through criminal or civil law.

But what is absolutely essential Mr Speaker, is that we do not sacrifice our beliefs or principles to meet this end. That would be a victory in itself for those who want to discredit the Islands and ultimately to damage the relationships that we have built with countries throughout the world who support us.

So while we look for the right way forward I would, again, ask for patience. I know that maintaining the moral high ground can be incredibly difficult, but we do need to hold our ground. The war in 1982 was fought to give us our freedom and we owe it to those men and women to continue to uphold the values set out in our Constitution. So, as we go forward and

look for a balanced way to find a solution to this, I ask for everyone to bear with us and look forward to working with everyone.

I would thank the Attorney General again for his reassurances and his work on this.

Thank you.

**The Honourable Dr Barry Elsby**

Mr Speaker, Honourable Members

I would like to join with our previous two colleagues, the Honourable Teslyn Barkman and Leona Roberts, who touched on many of the points that are crucial in this debate. I would also like to thank the Attorney General for his very clear explanation of the law and indeed the Constitution. I think all of us around this table are absolutely conscious of the fact that the judiciary is, and will always remain, separate from this House in a sense that we do not appoint the Attorney General and have no involvement in managing how the laws are dealt with in court. The Chief Justice, as the Head of the Judiciary, has this responsibility.

However, as people have referred to already, many of our citizens find it difficult to understand how people from a country who invaded these Islands thirty eight years ago are allowed to carry out what are provocative acts of flying flags, flying defaced flags, flying banners, claiming these Islands and claiming that they will take sovereignty and control over the Islands. As my colleagues have already alluded to, this is very distressing to a large number of people. But as has already been pointed out, we are a very welcoming and a very open modern democracy and indeed we always welcome veterans from both sides – genuine veterans from both sides – to visit the Islands and try to lay some of those ghosts of what was an awful time for everyone involved. We have also encouraged family visits in the past as well, for those families who lost a loved one in the conflict, to come and see where it actually happened.

Of course, the Falkland Islands Government are rightly proud of being involved in the DNA analysis in conjunction with the ICRC, the United Kingdom Government and the Argentine Government. Without the involvement of the Falkland Islands Government we would not have been able to identify, or the teams would not have been able to identify, all but ten of the Argentine soldiers in the Argentine cemetery there. For so long many of the crosses have been labelled ‘A Soldier Known Only To God’, and how can anyone feel that we should not have engaged in that so that families could then come down and say I now know where my brother, my father, whoever, lies. To be able to mourn at a grave where they know their loved ones lie, and indeed the most recent families visit to visit those recently identified soldiers was at the invitation of the Falkland Islands Government. It is disappointing, with everything we have already said, it is disappointing that a small number of Argentine citizens feel that they have to come and try to disturb the people in the Islands and try to make these political statements which are nothing to do with humanitarian gestures.

So Mr Speaker, the question I think is what can we do about this? I think my colleagues have already mentioned that we should be as tolerant as we can and hope that nothing happens. There is always a danger that an Islander might, particularly if they suffered during the war themselves, respond in a way that would bring a criminal charge against them and that is something we must avoid if at all possible.

I don't think the criminal law is necessarily the way to go about this. As the Honourable Leona Roberts said, if there was an easy answer under the law we would have already done it, it would have been in place and it clearly isn't – by that I mean it isn't necessarily the tool that we can use to control this.

I wonder, and I mentioned this in public, whether the issuing of permits for flying national flags other than the United Kingdom's flags might be a way forward. Many countries have restrictions on what flags can be flown within their country and I bring it to your attention that Denmark – a very modern country, European country, good Constitution – and in that country, apart from Nordic flags with which they have a direct reciprocal agreement with, the only flag that is allowed to be flown in Denmark is the Danish flag. Now if you want to fly another national flag you have to get permission, you have to get a permit. If that permit is issued, you then have to fly the Danish flag of equal size alongside that other flag which is being flown. So it is possible for some countries to take these sorts of actions; the need for a permit would also then, I believe, take the matter out of the criminal court and turn that, if anyone didn't apply for a permit or they breached the conditions of that permit, then that matter could be treated as we treat crimes such as parking offences, or road traffic, and we can bypass the court in the sense that it's a civil matter I believe, and thus we can then impose just an 'on the spot' fine, a large 'on the spot' fine. I think this is perhaps something we should explore with the Attorney General over the next few weeks to see whether the issuing of a permit would be a good way forward.

I have been also distressed by the fact that much of the flying of flags and distressing images are posted online, often when those people are in the Islands and carrying out these actions. At a time when people in the United Kingdom are being prosecuted for putting inappropriate pronouns and using inappropriate pronouns on a Twitter feed when you are talking about someone who claims that their gender has changed, it seems another thing we should explore is if it is a hate crime to put this sort of image and this sort of statement of wanting to take over this country and take that country into the control of the Argentines. Is that a hate crime? I don't know, but I think it's something we should consider alongside possible permits.

Thank you Mr Speaker.

### **The Honourable Ian Hansen**

Thank you Mr Speaker, Honourable Members

I think most of the issues I wanted to address have already been addressed by my colleagues, but I would also like to obviously reassure all Falkland Island constituents and everyone who lives in the Islands that we certainly do not take the matter lightly and I think we have to all sit around together and decide what we can do more to prevent this.

I can absolutely assure people that we do not forget what is like - even after thirty seven years - you do not forget what it's like to be taken out of your house with a gun at your back. I think many people will know that feeling and, of course, as the Honourable Leona Roberts has just mentioned, seeing the abuse of, I think, illegal flag waving certainly brings back those memories to many people.

The Honourable Dr Barry Elsby perhaps inadvertently slipped up and said thirty eight years ago when we were invaded, it's actually thirty seven, but you are not wrong in the fact that

many people, even before the physical invasion, felt threatened by the Argentines presence in the Islands. So it goes back a lot longer than just the thirty seven years.

The way forward, I think, we have to sit down as an Assembly, we have to sit with the Attorney General and officials and just walk through the whole thing, step by step, and say can we do this, how do we change our laws, of course, within the limitations of our constitution. I think that has to be done as soon as possible.

Thank you Mr Speaker.

**The Honourable Stacy Bragger**

Thank you Mr Speaker.

Not a great deal to add to what my colleagues have said, I too utterly condemn the actions of those last week and the other incidents that have happened previously. I find them offensive, unacceptable and, as the Honourable Leona Roberts said, pathetic. I think a number of different avenues have been put forward by the Honourable Dr Barry Elsby, and I think we have to work at this across a number of different strands to try and tackle this problem, but the will is certainly there as a matter of urgency.

**The Honourable Mark Pollard**

As with my colleague, the Honourable Stacy Bragger, I don't have a huge amount to add to this other than to say that I think as an Assembly we are absolutely committed to try and find a solution to this. I would urge the public to be patient and whilst I know there does seem to be a head of steam building up with this, we have to act within the law and the Constitution and we are absolutely committed as an Assembly to doing that.

Thank you very much Mr Speaker.

**Mr Speaker**

The Honourable Dr Barry Elsby you initiated this debate, do you wish to sum up or close?

**The Honourable Dr Barry Elsby**

Well, both I think, Mr Speaker and thank you for the opportunity and I thank you for allowing this brief debate because I think as an Assembly we have a duty to react to concerns of our public and our concerns as well, and our frustrations around this matter.

I think we have raised a number of points here today, and I think a number of Members have asked for us to have meetings with the Attorney General in the days and weeks to come, and I think that is exactly how we should attack this, because we are democratic, we are a free society, but we need to come up with a solution that will be appropriate and well-founded in law, that will never the less hope to control, what I think we all agree is, distressing images.

Thank you Mr Speaker.

## **Clerk of the Assembly**

Motions.

Motion number 3 of 2019 by the Honourable Ian Hansen.

That this House accepts the response from the Governor in Council on the report of the Public Accounts Committee Internal Audit Follow Up; Power and Electrical.

## **The Honourable Ian Hansen**

Mr Speaker, Honourable Members

Following the Public Accounts Committee meeting held on the 20<sup>th</sup> July 2018, and subsequent Motion 28 of 2018, concern had been expressed by the committee with regard to the delay in meter readings and recommended that meter readings should be attended to promptly, going forward.

At the time of the Executive Council report, 07/19 dated 15<sup>th</sup> January 2019; all meter readings were up to date. The outstanding self-read meters have now all been read by the meter reading contractor.

Meter readings are undertaken quarterly. These are occasionally delayed due to difficulty with access, but this is improving. All self-read meters will be read annually by the meter reading contractor to verify values.

Mr Speaker, I propose this Motion.

## **The Honourable Stacy Bragger**

I second the Motion.

## **Mr Speaker**

Thank you, seconded by the Honourable Stacy Bragger.

Does anyone wish to speak to that Motion? No.

The Motion before the House is the House accepts the response from the Governor in Council on the report of the Public Accounts Committee Internal Audit Follow Up on the Power and Electrical section. Is there any objection to passing that Motion?

There is no objection, that Motion is carried.

## **Clerk of the Assembly**

Motion number 4 of 2019 by the Honourable Roger Spink.

This House approves the recommendations of the Report of the Statute Law Commissioner on application of United Kingdom Law, March 2019 submitted under section 25 of the Law Revision and Publication Ordinance 2017.

**The Honourable Roger Spink**

Mr Speaker, Honourable Members

The Statute Law Commissioner is required to report regularly to the Assembly on new UK laws. This report covers the period December 2018 to March 2019.

One UK Act made during the reporting period applies directly to the Falkland Islands – the Counter Terrorism and Border Security Act 2019 – however, the Act only applies to the extent that it amends the Armed Force Act 2006 which applies to the Falkland Islands to regulate Her Majesty’s regular Armed Forces based in the Islands.

There are also nineteen laws which are adopted in the Falkland Islands automatically through operation of the updating provisions of the Law Revision and Publication Ordinance 2017. The Commissioner recommends that those laws all continue to be adopted in the Falkland Islands largely just to ensure the adoption of UK law is coherent and consistent.

A draft Order attached to the report would give effect to the report’s recommendations if agreed by the Assembly. It would amend the Schedule to the Law Revision and Publication Ordinance 2017 which lists the UK laws which are adopted by the Falkland Islands. It is necessary to add the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019 to the list because they repeal and replace another instrument listed.

**Mr Speaker**

Thank you, and to be seconded by the Attorney General?

**Attorney General**

I second the Motion.

**Mr Speaker**

Thank you, does any Member wish to speak to the Motion? No.

The Motion before the House is this House approves the recommendations of the Report of the Statute Law Commissioner on the Application of United Kingdom Laws, March 2019.

Is there any objection to passing that Motion?

There is no objection; it is therefore resolved by Legislative Assembly on this 28<sup>th</sup> day of March that;

(a) the recommendations of the Statute Law Commissioner submitted to the Legislative Assembly under section 25 of the Law Revision and Publication Ordinance 2017 are approved and,

(b) the Assembly recommends that the Governor makes an Order in the form, or similar form, to the Order annexed to that Statute Law Commissioner's Report, and finally that the Statute Law Database should be amended accordingly.

### **Clerk of the Assembly**

Portfolio reports; the Honourable Teslyn Barkman

### **The Honourable Teslyn Barkman**

Thank you Mr Speaker.

I am here to update on my portfolio which includes the Department of Natural Resources, Department of Mineral Resources, and an update on Brexit from the Policy team as well.

The other part of my portfolio is Falkland Landholdings which is currently undertaking recruitment for a new General Manager. As Chair of the FLH board, MLA Ian Hansen, my Honourable colleague, has been on this aspect and informally taken over that aspect of my portfolio which I fully support him. He is doing a marvellous job so I will leave that to him to update upon.

Starting with the Department of Natural Resources, the 2019 fishing year is well underway. It has been a strong start to the Calamari season with some 29,000 tonnes caught to date. The Illex fishery has been operating with rather more modest catches and total catches to date that are in the order of 35,000 tonnes.

There have been significant research cruises this year with three research cruises already completed. These included a pre-recruit survey of the Calamari fishery which identified a high biomass which has been reflected in the current catches. There has also been a pre-recruit survey of the Illex fishery, which involved a joint cruise with Argentina using an Argentine research vessel. The Falklands contributed two scientists to this cruise and the initial results suggested a modest to low Illex year. Additionally the *Monteferro* was used to undertake a survey of the main demersal - the ground fish resources. These results will feed into the stock assessments for 2020 and beyond.

Aside from that there has been a range of different policy work that has been going on which includes an ITQ review which FIG, and FIFCA have been working on a report and recommendations. Some of these relate to technical aspects, but the review also extends to considering the introduction of the Illex to the ITQ system and the process for dealing with current ITQ expiry in 2031.

Significant efforts have also been made to improve safety on vessels, particularly jiggers. This has involved industry-wide involvement in the provision of information, training and inspections. The programme put together by Fortuna Ltd was to provide training for fishermen in Stanley which was commendable. FIG inspections were also more robust with a couple of vessels having to go to Montevideo for equipment and/or training before being approved for licencing.

Despite efforts made on safety, unfortunately a number of incidents and accidents have arisen already this year; you may remember the *F/V Jung Ron* in early February this vessel had what

was initially an engine room fire, although it spread through much of the vessel. Sixty four crew were rescued by another jigger, but unfortunately five crew are missing. Silver Command was activated and FPV *Protegat* remained with the vessel until a tug arrived to take it to Taiwan.

The *S/Y Paradise* on 5<sup>th</sup> March was a yacht in which two persons had been lost overboard some 500 miles from the Falklands. Assets were co-ordinated to search and to assist in evacuating an injured crew member.

There was also the *F/V Hsiang Ching*: on 8<sup>th</sup> March this jigger reported a man overboard. A search was undertaken but the crew was not recovered. An investigation involving RFIP and Natural Resources personnel were carried out on the vessel.

It is worth noting that the response to these incidents involved a number of parties, in addition to FIG, and thanks go to all of them including the other fishing and commercial vessels which assisted and a major contribution of assets from British Forces South Atlantic Islands is also worth commending.

Unrelated to this Search and Rescue activity, FIG has been considering the capability review of the Falkland Islands Search and Rescue arrangements. This review was undertaken by the UK's Maritime & Coastguard Agency in 2018. The review makes a number of recommendations which FIG is addressing.

Contracts are in place at FIPASS as well to undertake the ventilating and 'making safe' works on the FIPASS causeway supports. This work should take place towards the middle of this year.

In the Department of Agriculture, wool prices during the recent season have continued to be strong which has been encouraging for farmers.

The Saladero ram sale took place on Saturday 16<sup>th</sup> March and was very well attended. I am very sorry not to have been able to attend, but unfortunately this illness has been striking me for a number of weeks.

A new record price was paid for an ex-elite ram at the ram sale and all animals offered on the day were sold in the sale or sold subsequently.

The IWTO Congress has also been considered with the Department of Agriculture, together with the Falkland Islands Wool Company and Falkland Wool Growers, will be represented at the 88<sup>th</sup> annual event which will be happening in Venice between 8 - 11<sup>th</sup> April. The Congress is a great way to establish industry links and provides an excellent opportunity to promote Falkland Islands wool to the global textile industry.

We have also had a very large delegation from Uruguay just recently in a joint initiative between FIG and the British Embassy in Montevideo. The Department of Agriculture hosted a visit of nine Agricultural representatives and the delegation included four representatives from Asociación Rural del Uruguay - the organisation responsible for Expo Prado, which we have attended for a number of years. The visit gave the delegation a chance to experience what it is like to live and farm in the Falklands. I would also like to thank the farmers who supported that visit; they had an amazing trip throughout their week here.

There is also work being done on the 2019 Sheep Genetics Programme and they have been busy preparing the Artificial Insemination programme this year. It will take place throughout May, during which time some 2700 ewes will be inseminated with a mix of imported and local semen.

Control activities are also being undertaken as part of the four year calafate control programme. The challenge remains to have sufficient field hours dedicated to the project. The Department of Agriculture has been advertising for local contractors to commit to the full 2019/2020 season. If this process proves to be unsuccessful, the DoA will seek to engage seasonal workers from overseas for the campaign.

In the Veterinary section there has also been a fair amount going on. They have been finalising details with MGAP for the importation of pigs from Uruguay. They have also been working towards the arrival of rat detector dogs from the USA to aid inter-Island biosecurity and biosecurity for vessels travelling to South Georgia via the Falkland Islands.

Two thirds of the way through the abattoir export season and things have been going reasonably well. It has been the busiest season to date and will end on April 25<sup>th</sup>.

Good progress has been made on updating the SOP for dealing with an outbreak of exotic disease which is a new piece of policy work that the Veterinary department has been working on. They plan to have a desk-top exercise to test out the Standing Operating Procedures sometime next year.

In the Minerals department, since the last update in January I am pleased to report that progress continues to be made on the Sea Lion project. We have received an update to the Environmental Impact Statement from Premier Oil which now incorporates responses to the public consultation exercise.

The department has been participating in an environmental risk assessment workshop as part of the Gap Analysis project with stakeholders. This looks to identify and fill gaps in environmental knowledge relating to oil exploration.

The project to review critical safety legislation is well underway and it is expected that legislative drafting can commence soon. Revisions to the main ordinance are also being made.

The team is reviewing the first draft of new oil related environment provisions, and work continues on other oil readiness issues across Government and with the FCO and other UK Government departments. Progress is being made on these areas including environment, maritime, onshore activities and the regulatory framework in general.

Meetings and associated technical work has continued with Premier Oil making further progress on Sea Lion towards project approval.

And as you may have picked up from the news, Brexit continues to roll on. This directs a lot of trade issues that we have in the Falklands, and the updated position is for the UK to leave the EU on 12 April 2019 without a deal if a way forward is not found. With a deal then we are expected to leave on 22<sup>nd</sup> May 2019.

Our position remains the same and, hopefully, you have seen some of the correspondence published by the Policy department. We remain hopeful for a deal to be struck to enable a smooth transition to the UK leaving the EU, and to maintain our trading relationship with the EU.

Thank you Mr Speaker.

### **Mr Speaker**

Honourable Members, does anyone wish to raise a question or comment?

### **The Honourable Roger Spink**

Mr Speaker, Honourable Members

I would like to thank the Honourable Teslyn Barkman for her briefing. I just had a couple of questions – I wondered, on the Illex fishery, how likely a refund is with the 35,000 tonnes that had been caught so far? The second question is, I wondered there has been a lot of work done on bird mitigation measures in the fishery and I wondered what the bird mortality figures were like - are they dropping significantly? And also on the Agricultural portfolio, I wondered if there was any indication on what the lambing percentages had been this year?

### **The Honourable Teslyn Barkman**

Thank you that is quite a range of questions which I shall endeavour to reply.

It would have been useful to have some insight and if I can't provide the full figures I would get them to the Assembly later and publish them on the website.

So in terms of the Illex fishery, we have had a number of modest years I know. We can prepare a model against this event, and as to how likely a refund will be I think it will be difficult to say until we are further into the season, but I remain, and hopeful, as anecdotally has been reported that catches on the high seas are also more moderate, so we shall see a sustained interest to use the licences here in the Falklands to their full potential.

So I think 'hopeful' is probably the response I can give – hopeful to have no refund is the response I can give that first question.

In terms of seabird mitigation, the full reports have been provided by Amanda Kuepfer and actually the last update to this was given in the Fisheries Committee in December which I unfortunately missed as I was away attending Joint Ministerial Council. As you know the Falkland Islands have been doing an extensive piece of pioneering work on batch discarding, which is shown to be incredibly dramatic in lowering the number of bird mortalities that interacts with the fishery. I know there are still efforts being made to retrospectively fit in batch containerisation for dispatch discarding. For people who may not know what it is, it does what it says on the tin – so it's essentially a tank that stores fishing products that aren't released as the fishing is also happening at the same time, so you don't have birds trying to interact to gather some of the off-cuts from the fishery as the fishing is taking place. It instead holds it for a sustained period of time to release the products after the fishing has happened so it's a low interaction with the fishing, thus saving many, many seabird lives along the way.

A full report can be shared later, but I think in general the figures are decreasing for seabird interaction fishery, so that's very positive news and good work that Amanda is doing there.

In terms of the lambing percentages, I know at the last Agricultural Advisory Committee it was reported that some of the lambing percentages weren't as great as recorded in Saladero, for example. I think they were not very good but work is being done to try and track this progress across the Islands, but I am afraid I don't have that figure at the moment. I think in general what we are seeing is concentration of ways in which we can assist through grants such as Falkland Islands Farming Improvement Programme to offer good advice and finance for projects such as ditching which then helps increase the lambing percentages across the Islands.

So we are ready to assist for analysing - Saladero results on lambing are not great, but we are trying to figure out why these anomalies seem to be happening.

Thank you Mr Speaker, I hope that has satisfied MLA Roger Spink's questions enough.

### **The Honourable Roger Spink**

Thank you Mr Speaker, Honourable Members

I thank the Honourable Teslyn Barkman for her replies. The refund on Illex is a function of the amount caught and the market price, so obviously we need to know what the market price is and that's why it's quite important I think that that is known by the Fisheries Department, so it would be useful to have that sort of figure at an early stage.

Thank you very much.

### **Mr Speaker**

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

### **The Honourable Leona Roberts**

Thank you Mr Speaker, and thank you to the Honourable Teslyn Barkman for her report.

Not a question actually, just a comment. She touched on the calafate work that is being carried out by the Agriculture Department; my family and I spent a lovely weekend out at Port Sussex last week away from internet and all the rest of it and it was absolutely wonderful. Toni and Richard showed me the extent of the calafate problem around the farm and I was absolutely appalled. I heard it was bad, but it was far beyond my imaginings so, as I say, not a question, but really just a comment to hope that the Agricultural Department will continue to work closely with and consult with farmers who have extensive experience of this problem and the difficulties experienced in trying to clear it. I, again, would come back to no easy solutions, but something has got to be done there before it gets even more out of control.

Thank you.

## **Mr Speaker**

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

No.

## **Clerk of the Assembly**

Portfolio report; the Honourable Stacy Bragger.

## **The Honourable Stacy Bragger**

Thank you Mr Speaker, Honourable Members

I am pleased to provide this morning to the Legislative Assembly an overview of the Education and Community portfolio.

Firstly, the work to support the childcare sector continues with progress being made in many different areas. As the House will be aware, the Childminding and Day Care Bill was passed by this Assembly. This was a significant milestone for the project.

A concern was raised previously in the House by the Honourable Barry Elsby about the exemption to the legislation for those who could potentially operate below the two hour threshold. This is currently being considered and an initial meeting held to see if an amendment is required, so that has been given further consideration.

All child minders and nurseries have achieved preliminary registration and are on track to be fully registered by the end of the year.

The subsidy for the childcare sector is now fully in place and is working well. The subsidy has enabled greater viability for the sector and for the nurseries to be able to invest in their staff and training. The capital strand of the project is well underway and is progressing towards achieving some exciting new facilities for the nurseries. Two applications were considered yesterday by Executive Council.

A key issue for Education in the Falklands is the capacity of our schools. A feasibility study was commissioned by the Education Department and this is progressing well. The consultants 'Atkins' were selected through a tender process because of their proven track record in the design and construction of a wide variety of education establishments, from nurseries to universities. In January a building surveyor from Atkins visited and assessed the condition of our facilities. Following that, in February, we had a visit from the senior architect who consulted widely with all stakeholders on the current facilities and what we might need from them in the future. The feasibility report is due in the next month or two, and having attended the meetings held with both staff and the public I heard loud and clear their desire that we address this pressing issue and the feasibility study, I believe, will enable us to look at the options in the short and longer term. Put simply, it is not a problem that is going to go away.

Whilst on the subject of visits, the two schools in Stanley have just hosted an external reviewer who was commissioned to look at the quality of educational provision from early year's foundation stage through to key stage four. Mike Gershon has published over 40

books on educational matters and has a wide portfolio of experience surrounding teaching and learning. It is hoped that the department will continue to develop a positive relationship with him and that he will become the next school improvement partner.

The purpose of the review was:

- to provide an independent, objective assessment of education on the Islands, with a specific emphasis on teaching and learning;
- to assess whether the judgments made by school leaders about the quality of provision are accurate;
- and to offer developmental advice and guidance on what could be improved and how it could be improved.

His assessment highlighted many positives, along with some areas that need to be worked on. There were no surprises in the report, as the judgments by school leaders in their self-assessment documents were found to be accurate. Mr Gershon's assessment will be followed by a post-inspection action plan.

Moving to focus on the Infant and Junior School and Camp Education, there has been a focus on health – physical and emotional - recently. In term one a packed day of extra-curricular activities were organised for World Mental Health day, including yoga and 'train like a Jedi'. This was followed at the end of term by the swimming gala – a high energy event that saw every single child from year three upwards taking part.

Term two contained the Sports Day and the good weather enabled every child to do their best for their respective houses. In addition there are the continuing extra-curricular clubs held after school which concentrate on fitness and healthy eating, as well as other more cerebral pursuits.

The staff at the Community School have been busy implementing a new behaviour and rewards policy. There is still fine tuning to be done, but the introduction of a "reflection room" where students with low-level disruptive behaviour are sent to reflect on their actions, has certainly shown signs of achieving its aims. The recent external review commented that *"behaviour has improved considerably since the start of the year. ... and this has led to greater consistency of approach across the school, supporting teachers to do their jobs effectively."*

Since my last portfolio report, staff at Stanley House have continued to work on general refurbishments, the policy review and the minimum standards action plan. December saw the retirement of the Matron at Stanley House after forty years. This represented a big change, but the new Matron has been in post for three months now, and she has big shoes to fill but she has a wealth of experience in similar settings elsewhere which she is bringing to bear.

The PA to the Director of Education has recently returned from the UK where she visited every Further Education student. The purpose of the visits have been to check on our student's welfare, their academic progress and to check with the various colleges that we are doing all we can to support our students, both academically and pastorally.

Speaking of Further Education, we were pleased last month to host Sara Russell, the Principal of Peter Symonds College. A feeling had developed that the college had become perhaps less interested in its relationship with the Falklands, but Ms Russell reassured us that this wasn't

the case. She said that she had a number of ideas about how greater support can be given to the Falklands students whilst studying at the college and, indeed, prior to going away to study. One suggestion was that the college's Head of Admissions visit the Islands prior to the end of the school year to provide guidance to students potentially going to Peter Symonds. All in all, it was a very positive visit.

Highlights from the Training Centre include the new Falkland College building. Groundworks for the building are due to start next week with the project due to be completed in October or November. Elsewhere, the lift of the cap on apprenticeship funding previously approved has been successful with twenty six apprentices now on the books.

The annual Careers Fair was held last week and in my view it gets better and better every year; many thanks to the different organisations who contributed to the event and had stands. Myself, the Honourable Leona Roberts and Meghan Law from Gilbert House had a stand to represent the Legislative Assembly and it was very enjoyable. We had a suggestions board asking what students would change if they were an MLA and the most popular comments were for more investment in Education and improved education and sporting facilities. I promise, Honourable Members and the Chief Executive, that I didn't twist anyone's arm to put down those comments! Also popular were better internet and better infrastructure for the Islands.

Moving away from Education and on to the Community aspect of the portfolio, I find it always astonishing how many community and sporting events take place seemingly every week. A few recent highlights have been the Standard Chartered Stanley Marathon held last weekend. Congratulations in particular go to Iain Bailey from MPC for his incredible winning run – it was staggering. There was a fantastic atmosphere around the course and for me one person who embodied the spirit of the event was young Jacob Ford who, having taken part in the fun run, accompanied one of the runners around the final part of the course in order to encourage them across the finish line. It was really quite moving to see.

Another fine recent example of young people showing enthusiasm and commitment was the Swimming Club's twelve hour overnight non-stop swim. They swam a total of 140 miles and I believe raised around £5000 which is an incredible amount. They were raising money to compete at the Island Games.

Today, in fact, marks 100 days until the Opening Ceremony of the Games. The Games are always a fantastic platform for the Falkland Islands and it is very important that we attend, and everyone who does is always an incredible ambassador for the Falklands. This year's games will be even more special with them being hosted by our close friends in Gibraltar. The Falklands are collaborating more and more with Gibraltar, with one recent example being the successful arrangements put in place with the Gibraltar Bank which has helped alleviate problems being encountered by Falklands businesses unable to access banking services, so that has been a tremendous success.

Continuing with the sporting theme, a report on the outcome of the consultation on the new Sport Facility is due to be considered by Executive Council next month. The paper was delayed by a month in order to provide more time to analyse what is described as the overwhelming number of public responses. That is really encouraging and I look forward to seeing the outcome of the consultation and moving ahead with the project.

Away from sport, congratulations to FIODA for their latest production 'The Importance of Being Earnest'. I thought the cast were all superb and their ability to deliver the very challenging material was very impressive.

Finally, an initial meeting has been held to look to organise a multi-cultural event for later this year. A date has been set for the end of October and plans will start to ramp up in the next month or two to start organising it. If you are interested in taking part in some way then please get in touch with me.

Mr Speaker that concludes my portfolio report.

### **Mr Speaker**

Thank you, does any Member wish to raise a question or comment upon that report?

### **The Honourable Roger Edwards**

Mr Speaker, Honourable Members

I just like to comment on one thing that the Honourable Stacy Bragger said and that was the Careers Fair. I attended the Careers Fair, both at the beginning and again at the end and I thought it was exceptionally well-prepared this year. I was delighted that Government actually took part in many areas this year, which they have been rather reluctant to do in the past. I thought that was a big step forward, after all we are the biggest employer in the Falkland Islands and so I thought that was very good.

I was also delighted to meet some of the members of the three Armed Forces who also had a table there, so I thank the Commander of British Forces for allowing them to be there and to have their stall.

I thought, overall, it was absolutely superb and everyone involved should be congratulated.

Thank you Mr Speaker.

### **The Honourable Dr Barry Elsby**

Mr Speaker, Honourable Members

I would just like to thank my Honourable colleague for such a very positive report. It is very good to start a day when you have got such a very positive report, and I think we will all be pleased to see the developments that are ongoing within the nurseries sector, and I think that is something that needs to be driven forward and I think it is being so.

I am also very pleased to see the work that is going on to try to resolve how we cope with increasing numbers of children within the Infant and Junior School, which is already on three sites, and I am sure that that report will come back saying we need to consider a new build. It is something that I pushed for in the last Assembly and got nowhere, but I think there will be that same request.

I am also pleased to hear that the Infant and Junior School have now got trained Jedi knights there and I think that is very important and Mr Speaker, may the force be with you!

**The Honourable Leona Roberts**

Thank you Mr Speaker

Thank you to the Honourable Stacy Bragger for such a positive and encouraging portfolio report. I think there are lots of good news stories in there.

I would just add my thanks also to all those staff across the Education Department who do such a lot of work there for our kids every day and I too am a little envious of the Jedi training!

I would also briefly like to commend our Honourable colleague for throwing himself quite so wholeheartedly into his portfolio, taking part in not just the marathon, but also the overnight swim. I would perhaps suggest the amateur dramatics element is lacking and that might be where he goes next!

Thank you.

**Mr Speaker**

Does any other Member wish to comment or raise a question? No.

Both the Honourable Teslyn Barkman and the Honourable Stacy Bragger, I thank you for your portfolio reports.

**Clerk of the Assembly**

Order of the day: Bills.

Supplementary Appropriation (2018/19) (No.2) Bill 2019. This Bill has not been gazetted and we go to the first reading.

**The Honourable Financial Secretary**

Mr Speaker, I beg to move the first reading of the Bill.

**Mr Speaker**

And a seconder please for that Motion?

**The Honourable Roger Spink**

I second the Motion.

**Mr Speaker**

Thank you, the Honourable Roger Spink to second.

The Motion is that the Bill be read a first time, is there any objection to that Motion?

There is no objection, the Bill will be read a first time.

**Clerk of the Assembly**

Supplementary Appropriation (2018/19) (No.2) Bill 2019.

**The Honourable Financial Secretary**

Mr Speaker

This Bill is the fifth Supplementary Appropriation Bill to be presented for the current financial year, and the second one for this calendar year.

The purpose of the Bill is to authorise the withdrawal of £2,766,540 from the Consolidated Fund.

Of this amount, £2,318,000 is for a transfer to the Capital Equalisation Fund to set aside funds to pay for, firstly, a new replacement aircraft for FIGAS. The funding for this has in fact been transferred from the Insurance Fund to the Consolidated Fund.

Secondly, an acceleration of the MPA road surfacing project within the current financial year; and thirdly essential minor repairs to the pipework within the FIGO building in London.

Of the remaining £448,540 this is for operating expenditure approved by the Standing Finance Committee meeting of 27<sup>th</sup> February 2019 and relates to additional requirements in the current financial year for legal aid and other costs associated with trials as part of the court budget which amounts to £116,540. Secondly, within the Public Works Department there is a requirement for £332,000 of additional funding to pay for repairs within the Electricity section and in the Water section.

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

**Mr Speaker**

Thank you, and a seconder please?

**The Honourable Roger Spink**

I second the Motion.

**Mr Speaker**

The Honourable Roger Spink to second.

Does any Member wish to speak to that Motion? No.

Is there any objection to taking this Bill by the short procedure? No objection.

Does any Member wish to raise an amendment to the wording of the Bill?

There are no amendments, I declare the Bill will be read a third time and do pass.

**Clerk of the Assembly**

Supplementary Appropriation (2018/19) (No.2) Bill 2019.

Crimes (Amendment) Bill 2019. This Bill has been gazetted.

**Mr Speaker**

The Honourable Leona Roberts?

**The Honourable Leona Roberts**

Yes Mr Speaker, if I may I will introduce this and the next Bill, the Criminal Procedure and Evidence (Miscellaneous Amendments) Bill 2019 jointly in the main part.

The Criminal Procedure and Evidence Ordinance 2014 and the Crimes Ordinance 2014 commenced on the 21<sup>st</sup> April 2017, and comprehensively re-formed the entire criminal justice system. The aims of the reform were achieved and the criminal justice system now operates in a way that is reflective of modern society and the issues of uncertainty that existed under the previous system have been successfully addressed.

Since commencement, the criminal law has been kept under review by the Law and Regulation Directorate. The purpose of the review has been to identify areas that require amendment and to propose new criminal law provisions that will benefit and protect our community.

The Crimes (Amendment) Bill 2019 and the Criminal Procedure and Evidence (Miscellaneous Amendments) Bill 2019 address a wide range of criminal justice topics, but the provisions contained within the Bills can be categorised under two broad headings.

Firstly the bills amend the Criminal Procedure and Evidence Ordinance 2014 and the Crimes Ordinance 2014 by correcting minor errors, clarifying some provisions that require additional explanation and repealing other provisions that have been found to be unnecessary. Many of these amendments are technical in nature, but in essence they are designed to ensure that the criminal justice system remains clear and efficient in its workings.

Secondly the bills introduce new procedures and new criminal offences. These provisions are designed to improve the criminal justice system, protect members of our community, and ensure that we can co-operate effectively with international partners.

To give some brief examples; the Criminal Procedure and Evidence (Miscellaneous Amendment) Bill 2019 reduces the qualifying residence period that is required before a citizen is eligible to sit on a jury. The period has been reduced from thirty six months to twelve months.

The right to trial by jury for indictable offences is enshrined in the Constitution and is an important freedom. By increasing the number of people eligible to sit on juries, the Bill strengthens the right to trial by jury and reduces the risk that people will be called to attend jury service too frequently.

The Crimes (Amendment) Bill 2019 introduces Child Abduction Warning Notices and Orders. These provisions are designed to prevent adults from developing inappropriate relationships with children. These provisions allow the Royal Falkland Islands Police to issue a notice that prohibits an adult from being in the company of a child.

The court, if it considers it appropriate to do so, can turn the Police Notice into a Court Order and breaching the Court Order becomes a criminal offence. Child Abduction Warning Notices and Orders specifically allow the police and courts to disrupt the process known as 'grooming', which is the process whereby an adult gains the trust and confidence in a child in order to commit sexual offences against them.

These new provisions provide the police and the courts with additional powers to protect and safeguard our children.

The Crimes (Amendment) Bill 2019 also introduces a number of criminal offences. The criminal offence of controlling and coercive behaviour in domestic relationships criminalises those who choose to assault, threaten, humiliate and intimidate others in order to harm, punish or frighten them. The offence covers a range of acts that offenders use to make a person subordinate or dependant by isolating them from sources of support, exploiting their resources and capacities, depriving them of the means needed for independence and regulating their everyday behaviour. This new criminal offence is designed to protect those people who find themselves controlled and coerced in abusive relationships.

The new criminal offence of corporate endangerment of life applies to companies and organisations. Where a company or organisation acts in a way that is grossly negligent, and causes a person to whom they owe a duty of care to suffer a serious injury, then the company or organisation will commit a criminal offence. This criminal offence is designed to protect employees and other relevant persons from the failings of companies and organisations who act in a grossly negligent manner.

The Bill also introduces a new range of criminal offences relating to terrorist activity. Although there is a low risk of terrorist activity occurring in the Falkland Islands, it is important that the criminal law can properly address such activity, were it to occur.

In order to co-operate with international partners and assist in effective law enforcement, it is important that the law of the Falkland Islands has specific criminal offences relating to terrorist activity.

The Bill introduces offences committing terrorist acts, encouraging terrorism and funding terrorism.

The Crimes (Amendment) Bill 2019 and the Criminal Procedure and Evidence (Miscellaneous Amendments) Bill 2019 build on the reform work that has already been undertaken. The bills strengthen the criminal justice system and provide important new

provisions that are designed to protect our community and keep our children and vulnerable adults safe.

I would thank Stuart Walker, Crown Counsel, for his information and assistance with that.

I beg to move the second reading of the Bill.

**Mr Speaker**

Thank you and a seconder please?

**The Honourable Teslyn Barkman**

I second the Motion.

**Mr Speaker**

Thank you very much.

We will take the Crimes (Amendment) Bill 2019 first; does any Member wish to speak to that Bill?

**The Honourable Dr Barry Elsby**

Mr Speaker, Honourable Members

I would like to thank my Honourable colleague for her very detailed explanation. I am pleased to see within the Crimes (Amendment) Bill 2019, the new section on ‘Corporate Manslaughter and Endangerment of Life’. I see in section 122(A) in subsection (2) on page 21 it talks about the Government having equal responsibility and could be prosecuted but in brackets it refers to ‘other than exempt departments of Government’. I wonder if the Attorney General can tell me which departments in Government are exempt?

**Attorney General**

Mr Speaker

I am not able, off the top of my head, to tell the Honourable Member which Government department would be exempt, but I would certainly be able to report back to all Members of the Assembly on that.

**Mr Speaker**

Thank you. Does any other Member wish to speak to this Bill? No.

Is there any objection taking the Bill by the short procedure? No.

Does any Member wish to propose any amendments to the wording of the Bill? There are no amendments, I declare that the Bill will be read a third time and do pass.

**Clerk of the Assembly**

Crimes (Amendment) Bill 2019.

The Criminal Procedure and Evidence (Miscellaneous Amendments) Bill 2019. This Bill has also been gazetted.

**Mr Speaker**

The Honourable Leona Roberts, do you wish to add anything to your previous statement?

**The Honourable Leona Roberts**

Mr Speaker,

Nothing to add, I beg to move the second reading of the Bill.

**Mr Speaker**

And to second?

**The Honourable Teslyn Barkman**

I second the Bill.

**Mr Speaker**

Thank you very much; does any Member wish to speak to the Bill? No.

Is there any objection with dealing with this Bill by the short procedure? There is no objection.

Does any Member wish to propose any amendment to the wording of the Bill? There are no amendments, I declare the Bill will be read a third time and do pass.

**Clerk of the Assembly**

Criminal Procedure and Evidence (Miscellaneous Amendments) Bill 2019.

Currency (Amendment) Bill 2019.

**The Honourable Roger Spink**

Mr Speaker

The Currency (Amendment) Bill 2019; section 6(1) of the Currency Ordinance 1987 gives the Commissioners of Currency appointed under section 5(1) of the Ordinance the sole right to issue currency notes and coins, and section 6(3) of the Ordinance provides that only notes and coins issued by the Commissioners are legal tender. Under section 6(5)(a) of the Ordinance, the Commissioners must arrange for the minting of coins in the denominations,

weight, form, design and metal composition as are prescribed. Section 9(1) also specifies the amounts of notes and coins that are legal tender.

The Bill amends the Currency Ordinance 1987 to amend section 9 to clarify what is legal tender in the Falkland Islands. Section 9(1) specifies that notes and coins are legal tender if they have been issued by the Commissioners under the Ordinance and have not been illegally dealt with or called. Section 9(2) removes specification of the metallic composition of coins which are legal tender for payment of amounts as specified in that section. It also removes separate specification that the payment of coins of denominations of 2 pence or less are legal tender for up to 20 pence, with the effect that they may be paid for amounts not exceeding £5 under section 9(2)(d).

I beg to move the second reading of the Bill.

**Mr Speaker**

Thank you, and seconded by?

**The Honourable Roger Edwards**

Mr Speaker I second the Motion.

**Mr Speaker**

Thank you the Honourable Roger Edwards to second.

Does any Member wish to speak to the Motion? No.

Is there any objection to dealing with this Bill by the short procedure? There is no objection.

Does any Member wish to propose any amendment to the wording of the Bill? There are no amendments, I declare the Bill will be read a third time and do pass.

**Clerk of the Assembly**

The Currency (amendment) Bill 2019.

Travel Credit Scheme Bill 2019, remaining stages.

**Attorney General**

Thank you Mr Speaker.

I beg to move the Report of the Select Committee be received by this House.

**Mr Speaker**

Thank you very much. The Report I think has been circulated to all Members.

**The Honourable Roger Spink**

I second the Motion.

**Mr Speaker**

Thank you, is there any objection to receiving that Report? There is no objection; the Report of the Select Committee is received.

I declare the Assembly is now to be in Committee.

**Clerk of the Assembly**

Part 1 Preliminary, Clauses 1.

**Attorney General**

I beg to move that clause 1 stands part of the Bill.

**Mr Speaker**

Honourable Members

The motion is that clause 1 stands part of the Bill, is there any objection to passing that Motion? There is no objection, clause 1 stands part of the Bill.

**Clerk of the Assembly**

Clause 2

**Attorney General**

I beg to move that clause 2, Interpretation, is amended as follows and that the amended clause 2 stands part of the Bill, and that there be inserted the following definitions in alphabetical order:

“*abuse of the Scheme*” means to obtain unintended financial benefits from the Scheme by engaging in conduct as prescribed;”.

**Mr Speaker**

Honourable Members

The Motion is that the amended clause 2 stands part of the Bill, is there any objection to passing that Motion? There is no objection, the amended clause 2 stands part of the Bill.

**Clerk of the Assembly**

Clauses 3 to 4

**Attorney General**

I beg to move that clauses 3 and 4 stand part of the Bill.

**Mr Speaker**

Honourable Members

The Motion is that clauses 3 and 4 stand part of the Bill, is there any objection to passing that Motion? There is no objection, clause 3 and 4 stand part of the Bill.

**Clerk of the Assembly**

Part 2 Establishment of Scheme and Registration, clauses 5 to 8.

**Attorney General**

I beg to move that clauses 5 to 8 stand part of the Bill.

**Mr Speaker**

Honourable Members

The Motion is that clauses 5 to 8 stand part of the Bill, is there any objection to passing that Motion? There is no objection, clauses 5 to 8 stand part of the Bill.

**Clerk of the Assembly**

Clause 9

**Attorney General**

I beg to move that clause 9 be amended as follows and that the amended clause 9 stands part of the Bill.

In sub-clause (1), omit “To” and replace it with “Subject to section 13, to”

**Mr Speaker**

Honourable Members

The Motion is that the amended clause 9 stands part of the Bill, is there any objection to passing that Motion? There is no objection, the amended clause 9 stands part of the Bill.

**Clerk of the Assembly**

Clauses 10 to 12

**Attorney General**

I beg to move that clauses 10 to 12 stand part of the Bill.

**Mr Speaker**

Honourable Members

The Motion is that clauses 10 to 12 stand part of the Bill, is there any objection to passing that Motion? There is no objection, clauses 10 to 12 stand part of the Bill.

**Clerk of the Assembly**

Sorry Mr Speaker, just one second – did you have a question?

**The Honourable Stacy Bragger**

Mr Speaker,

I am not entirely sure if I am in the right place so forgive me if I am not in the right clause for a question, but following the policy change I was wondering if the Financial Secretary could outline what safeguards will be put in place to stop abuse of the Scheme?

**Mr Speaker**

This is running back to which clause?

**Clerk of the Assembly**

Clause 2

**Mr Speaker**

We are back to clause 2, okay. The Financial Secretary can you address that?

**The Honourable Financial Secretary**

Yes, I would like to thank the Honourable MLA Bragger for his question.

I would like to be able to outline some of the safeguards that have been placed to prevent abuse of the Travel Credit Scheme.

Firstly, within the overall Scheme there is a process for registration of individuals to the Scheme, so the identity of Scheme members will be known.

Secondly, clause 23 will make it an offence for a person to make a false statement in respect for even application for registration or indeed claiming travel credits knowingly or recklessly.

Thirdly, there is clause 12 which provides that registration can be suspended.

Fourth, guidance will be issued by the Scheme Administrator. Guidance will be published and the rules will be made clear.

Fifth, importantly like all financial transactions, those transactions will be documented and retained for audit purposes and no reimbursement will be made without an appropriate audit trail in compliance with the rules of the Scheme.

Sixth, processes and the work of the administration within the Treasury will be reviewed by Internal Audit.

Seventh, there is of course an existing Fraud and Corruption procedure which can be used where appropriate.

So I hope those seven points help address some concerns.

Thank you.

**Mr Speaker**

The Honourable Stacy Bragger are you now satisfied?

**The Honourable Stacy Bragger**

Thank you, I would like to thank the Honourable Financial Secretary for his response and apologies again if I popped up at the wrong point.

**Mr Speaker**

Honourable Members, we are to clause 13 now.

**Clerk of the Assembly**

Clause 13

**Attorney General**

Mr Speaker I beg to move that clause 13 be amended as follows:

- (a) in subclause (3), insert “or against a ban to re-join the Scheme” after “registration”;
- (b) in subclause (4), insert “for reasons other than abuse of the Scheme” after “cancelled”;
- (c) add the following new subclause after subclause (4) -  
“(5) Regulations under subsection (2) may provide for the banning of a person who is found to have abused the Scheme from re-joining the Scheme.”

**Mr Speaker**

Honourable Members

The Motion is that amended clause 13 stands part of the Bill, is there any objection to passing that Motion? There is no objection, the amended clause 13 stands part of the Bill.

**Clerk of the Assembly**

Clause 14

**Attorney General**

I beg to move that clause 14 stands part of the Bill.

**Mr Speaker**

Honourable Members

The Motion is that clause 14 stands part of the Bill, is there any objection to passing that Motion? There is no objection, clause 14 stands part of the Bill.

**Clerk of the Assembly**

Part 3 Travel Credits, clauses 15 to 17.

**Attorney General**

I beg to move that clauses 15 to 17 stand part of the Bill.

**Mr Speaker**

Honourable Members

The Motion is that clauses 15 to 17 stand part of the Bill, is there any objection to passing that Motion? There is no objection, clauses 15 to 17 stand part of the Bill.

**Clerk of the Assembly**

Clause 18

**Attorney General**

I beg to move that clause 18 be amended as follows and stands part of the Bill.

Firstly, omit sub-clause (1) and replace it with the following:

“(1) Subject to section 17 and subsection (2) -

(a) a registered person may apply in a form approved by the Scheme Administrator to redeem travel credits as reimbursement for -

(i) the fare for travel undertaken; or

- (ii) the fare for travel that has been independently booked and paid for in advance of travel;
- (b) a travel provider may redeem vouchers in advance of travel, or after travel, in order to pay the fare in respect of a registered person; and
- (c) travel credits may not be redeemed more than two years in advance of travel.”

**Mr Speaker**

Honourable Members

The Motion is that amended clause 18 stands part of the Bill.

**The Honourable Teslyn Barkman**

Thank you Mr Speaker.

The amendment to this clause in the Bill is very significant and it was raised in the last Legislative Assembly. It gives people the opportunity to pay for their travel in advance rather than retrospectively claim and, as we heard from MLA Stacy Bragger’s intervention earlier, there is a process in which to guide that so it shouldn’t be abused.

I would like to ask the Financial Secretary if this adds a significant extra administrative burden to this Travel Credit Bill and whether that burden will be re-addressed should it become too extreme.

**The Honourable Financial Secretary**

I would like to thank MLA Barkman for the question.

We don’t believe that this will add or create additional administrative work. The important thing is that any transactions or claims made to reimburse an individual are properly documented and evidenced, whether that be someone, for example, using the internet to purchase an air flight in advance, that would be documented in the same way as if a person had travelled and then submitted the claim. The key thing is having an audit trail.

I hope that answers the question.

**Mr Speaker**

Honourable Members, I would remind you we are in committee so you don’t actually have to stand up to speak to the House!

**The Honourable Dr Barry Elsby**

Mr Speaker

I would just like to say I think this is the clause that caused some confusion as we were discussing matters before the finalisation of the document, and as the law stood before it

would be impossible for people to claim until after they had returned and that would cause financial distress to some, I think. So this is a welcome clause, it gives people the opportunity to book online and perhaps get much better deals and I think the Financial Secretary has already explained, there are measures in place to catch anyone who, for whatever reason, might wish to act in a less than honest manner with the funds and I am convinced that would be a proportionate response.

**Mr Speaker**

Any other Member wish to comment upon that clause? No.

The Motion is that amended clause 18 stands part of the Bill, is there any objection to passing that Motion? There is no objection, the amended clause 18 stands part of the Bill.

**Clerk of the Assembly**

Part 4 Determination of Disputed Awards of Travel Credits, clauses 19 to 21.

**Attorney General**

I beg to move the clauses 19 to 21 stand part of the Bill.

**Mr Speaker**

Honourable Members

The Motion is that clauses 19 to 21 stand part of the Bill, is there any objection to that Motion? There is no objection, clauses 19 to 21 stand part of the Bill.

**Clerk of the Assembly**

Part 5 General, clauses 22 and 23

**Attorney General**

I beg to move that clauses 22 and 23 stand part of the Bill.

**Mr Speaker**

Honourable Members

The Motion is that clauses 22 and 23 stand part of the Bill, is there any objection to passing that Motion? There is no objection, clauses 22 and 23 stand part of the Bill.

**Clerk of the Assembly**

Clause 24

## **Attorney General**

I beg to move that clause 24 be amended as follows and the amended clause 24 stands part of the Bill.

In sub-clause (2) replace “Executive Council” with “Governor” and if I can just explain that amendment, that is to accord with normal legislative practice in the Falkland Islands in that references to matters referred to the Executive Council refer to the Governor, and the Interpretation and General Clauses Ordinance provides the Governor is to be interpreted as ‘Governor in Council’ unless an alternative provision is put in place.

## **Mr Speaker**

The Motion before the House is that the amended clause 24 stands part of the Bill, is there any objection to passing that Motion? There is no objection, amended clause 24 stands part of the Bill.

## **Clerk of the Assembly**

Clause 25

## **Attorney General**

Mr Speaker

I beg to move that clause 25 be amended as follows and that the amended clause 25 stands part of the Bill.

In sub-clause (2):

- (a) omit “and” at the end of paragraph (c);
- (b) insert the following paragraphs after paragraph (c); —
  - “(d) cancellation, and deferment of travel;
  - (e) reimbursement of Scheme as a result of failure to travel;
  - (f) sanction for abuse of the Scheme; and” and
- (c) renumber paragraph (d) to “(g)”

## **Mr Speaker**

Honourable Members

The Motion is that amended clause 25 stands part of the Bill, is there any objection to that Motion? There is no objection, amended clause 25 stands part of the Bill.

The Assembly resumes.

## **Attorney General**

Mr Speaker

If I could just, prior to moving that the Bill be read a third time, highlight one point which was raised by, I believe, a member of the public. The Bill is predicated on the qualification of registration on the Electoral Register, and is just to be clear to all Members and members of the public that that is a requirement of the scheme, so there will be a very small number of those who hold Falkland Islands status, but who are not British Citizens and are not able to be entered on the Electoral Register that will not be eligible for Travel Credits under the Scheme.

I just wish to make that clear, but with that point made I beg to move that the Bill be read a third time and do pass.

## **Mr Speaker**

Thank you, the Honourable Roger Spink do you second the Motion?

## **The Honourable Roger Spink**

I second the Motion.

## **Mr Speaker**

Thank you.

Honourable Members the Motion before the House is that the Bill be read a third time and do pass. Is there any objection to that Motion?

There is no objection the Bill will be read a third time and do pass.

## **Clerk of the Assembly**

Travel Credit Scheme Bill 2019.

The Motion for Adjournment.

## **The Honourable Chief Executive**

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

## **The Honourable Ian Hansen**

Thank you Mr Speaker, Honourable Members

In rising to support the Motion for Adjournment I just had a couple of small things to mention. First of all, the Honourable Teslyn Barkman mentioned in her portfolio report about the situation with Falkland Landholdings advertising for a new General Manager, and just to update on that, tomorrow night and Monday night the interview board will be doing final

interviews and hopefully, we will be able to put somebody in post before too much longer. We have some very good candidates to interview.

Just to mention something briefly on social media, I don't know how many people of the general public have actually noticed the Legislative Assembly Discussion Group, I think it's getting quite a lot of interest. At the moment the main topic seems to be single constituency, that seems to be getting more comment than anything else, but there are several other issues being discussed on there as well.

I will just ask the public, certainly from my perspective, to be a little bit patient in us, or certainly me, replying immediately because regardless of what the perception might be we don't actually sit at Gilbert House all day looking at Facebook – well maybe some of us do, I don't know.

Finally, Mr Speaker, of course ten years ago in February you came to this House as Speaker and I would just like to congratulate you on being able to put up with us for that long and, in fact, we haven't seemed to have aged you at all!

I support the Motion.

### **The Honourable Leona Roberts**

Thank you Mr Speaker, Honourable Members

I have already had far too much to say today so I will keep this brief, otherwise I will get a hard time after we go back to Gilbert House, but there are a couple of things that I just want to touch briefly on.

Firstly, I was privileged to spend half a day with the Falkland Islands Defence Force on Onion Range where they were taking part in some training out there; live firing which was fantastic to see, cold and miserable and I wasn't even traipsing around in the stream there. I am not sure if my Honourable colleagues will recover from the photo I generously shared with them of me kitted out in FIDF protective gear.

I would particularly like to thank the Commander of British Forces Brigadier Sawyer for allowing the FIDF to make use of this fantastic resource, and also to his team for a very interesting briefing evening which again I was invited along to as portfolio holder up at the Defence Force, that was tremendous. It is really good to see that knowledge and information being shared and I know that the FIDF will benefit greatly from the experience and knowledge of CBF and his team, so thank you.

Similarly I would like to say how pleased I was to see that a member of our Armed Forces won the Standard Chartered Bank marathon – that was fantastic stuff.

That is really it from me, other than to say also Mr Speaker congratulations on ten years presiding over this House. Thank you for your patience with certainly what I know are sometimes ridiculous questions from me, but for keeping us on the straight and narrow and I hope that you stick with us for a while longer.

Thank you Mr Speaker, I support the Motion.

## **The Honourable Roger Spink**

Mr Speaker, Honourable Members

I would like to thank the Commander of British Forces for the assistance that he is providing as regards to the second flight. It is not the first time that this was recognised of course, because way back in 1983 there was a question asked in the House of Commons by Sir Anthony Buck and he actually asked the Right Honourable Michael Heseltine, he said *‘will he comment on what is proposed concerning the use of the airport that is Mount Pleasant, not only for military purposes but in connection with the recommendations in the Shackleton report that an additional civilian facility should be available in the Falkland Islands?’* Mr Michael Heseltine in those days I think was the Secretary of State for Defence and he said *‘I am grateful to my Honourable learned friend for his comments. The airfield will be built to deal with civilian traffic and we understand and welcome the suggestions in the Shackleton report in that context.’*

So I can see that Her Majesty’s Government is right behind us in this vital asset which is essential for the economic development of the Falkland Islands.

I would like to thank the Brigadier for his assistance.

Thank you.

## **The Honourable Mark Pollard**

Mr Speaker, Honourable Members

In rising to support the Motion, I would just like to touch on my recent trip to St Helena if I may, just to say that it is an absolutely beautiful country with welcoming people and it was really like a home from home. I think despite economic difficulties, we face very similar issues as Island nations and there are lots of areas we can learn lessons from and also provide advice for the people of St Helena as well.

My Honourable colleague Ian Hansen touched on social media briefly there, and I saw a comment last night that said perhaps we should drop talk of the single constituency referendum in favour of progressing some other work. I would just like to point out that, as MLAs, we vote money and set policy, and whilst ExCo pushes things along, we rightly rely on others to deliver which gives us plenty of time to work on many things simultaneously. We are due to update the public on the progress of our Island Plan and I would like to reassure the public that we are moving forward on lots of different fronts at the same time. Whilst we need to focus efforts from time to time, there are lots of things progressing and hopefully we will update the public very soon on that.

Thank you very much Mr Speaker.

## **The Honourable Teslyn Barkman**

Thank you Mr Speaker.

The Honourable Ian Hansen and the Honourable Mark Pollard have already mentioned the MLA Discussion Group online. When we first came into this Assembly we decided we wanted to try and approach public consultations and requests a little bit differently. We had created an MLA forum which seemed to be a little bit of an administrative burden to our lovely staff, and also didn't quite engage people as much as we had on Facebook already, so it is great to see the enthusiasm in which people have been engaging and posting questions and, yes, there may still be some questions that concern people for many years, but it doesn't make them any less pertinent or important.

While it can also be very difficult to balance those priorities that the Honourable MLA Pollard has pointed to, it's great not to lose sight of what is really important and the concerns that are still governing how you make your decisions every day. So we are always trying to come up with new ideas and one of the suggestions that I have had which was briefly shared on to the website such as to get around Camp a bit better was to try and use the FIGAS flights that go to repeat destinations – a little bit in the same way that the Doctor's visits are conducted to do day trips essentially to try and get to the more far flung places, and knowing the demands on an already very busy service it would be grateful to hear what you think about this idea, and whether it would be worth pursuing.

While it may not always be clear that we are working together on a lot of great issues, we are, and I would like to reassure people that they can always approach any one of us, even if it's not about our portfolio subject.

Other than that, similarly to other Honourable Members I would like to extend my thanks to yourself Mr Speaker for putting up with us for ten years – I think it can be aptly said to be that – and very much look forward to the next few Assemblies we are going to have together.

Thank you.

**Mr Speaker**

Honourable Members, that concludes the business for today. I thank you all for your kind comments on my anniversary of my appointment here. All I can say is perhaps I need some Jedi training to continue!

The House stands adjourned accordingly.

Confirmed this 25<sup>th</sup> day of April 2019

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Speaker of the House



## Legislative Assembly Question for Written Response

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### **QUESTION NUMBER 01/2019 BY THE HONOURABLE TESLYN BARKMAN**

*Scheduling the Concordia Bay to service outer islands does inevitably distract from the ferry service but with demand on tourism and stock movement already high, and set to increase, please could the Honourable Dr Barry Elsby advise what are FIG doing to improve the connectivity of our two main Islands?*

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I thank my Honourable friend for her question on the subject of the ferry and coastal shipping service and improving the connectivity of our two main islands.

The service is witnessing increased demand for the ferry service from 252 crossings in 2008/09 to 466 in 2017/18. A total of 2,596 passengers were carried in 2008/09 rising to 4,995 in 2017/18. Over a ten year period, the domestic vehicles carried increased from 1,213 to 2,037 and commercial vehicles from 160 to 682. The *Concordia Bay* currently services 14 islands regularly including dry & frozen goods, drums, gas, diesel, wool and livestock movements in increasing numbers including sheep and cattle.

The Public Works Department (PWD) is concluding a report on ramps and jetties now that surveys have been conducted across the Falkland Islands. This survey data will be fed into a working group already established by Development & Commercial Services made up of PWD, Work Boat Services Ltd, The Government Veterinary Service, FIMCO, Falkland Land Holdings, Goose Green Farm and a representative from the Rural Business Association. This group has already succeeded to facilitate improvements in livestock transport and will be working with PWD to understand access issues and improved connectivity options through the ramps and jetties report. Using demand forecasting data for tourism, cargo, passenger, vehicle and stock movements linked to wider economic development data, a business case setting out options for improving connectivity and providing substance behind any financial proposition will be presented to ExCo in due course.





## Legislative Assembly Question for Written Response

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### **QUESTION NUMBER 02/2019 BY THE HONOURABLE TESLYN BARKMAN**

*Please could the Honourable Leona Roberts advise what are the plans for the rehabilitation of, and public access to, Yorke Bay following the extensive demining work?*

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This question addresses two points, firstly habitat recovery within the Yorke Bay minefield following clearance activities and secondly public access following the clearance activities. To address the first part; dunes are incredibly dynamic and changeable environments and can often shift quickly and so, any dune habitats are expected to recover very quickly. In fact this is a very normal natural process in Sand dune habitats which can become disturbed during a winter storm and be fully “recovered” within 6 months. The main disturbance to this habitat through the demining works is through the physical displacement of large quantities of sand which can then blow away. In order to ensure that sand does not blow away as quickly, untreated wooden pillars will be driven into the duned areas to help stabilise the dunes. The second part of the question relates to public access after the clearance activities. Following the clearance activities and the minefield being signed off as clear, this area becomes accessible to the general public. Furthermore, following the clearance activities, it will be requested that the fence be removed, however, as at Surf Bay, there be no vehicular activities within the dune system or on the beach itself.