

RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD IN STANLEY

ON WEDNESDAY, 1ST APRIL 1987.

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PRESIDENT

His Excellency the Governor, Mr. G. W. Jewkes CMG.

PRESENT: MEMBERS:

Ex-Officio

The Honourable the Chief Executive
(Mr. D. G. P. Taylor)

The Honourable the Financial Secretary
(Mr. H. T. Rowlands OBE)

Elected

The Honourable A. T. Blake
(Elected Member for Camp Constituency)

The Honourable D. L. Clifton
(Elected Member for Stanley Constituency)

The Honourable C. D. Keenleyside
(Elected Member for Stanley Constituency)

The Honourable L. G. Blake OBE JP
(Elected Member for Camp Constituency)

The Honourable J. E. Cheek
(Elected Member for Stanley Constituency)

The Honourable R. M. Lee
(Elected Member for Camp Constituency)

The Honourable E. M. Goss MBE
(Elected Member for Camp Constituency)

The Honourable T S Betts
(Elected Member for Stanley Constituency)

PERSONS ENTITLED TO ATTEND

The Commander British Forces
(Rear Admiral C. H. Layman DSO LVO)

Attorney General
(Mr. M. C. Ll Gaiger)

CLERK

Mr. P. T. KING

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PRAYERS

Prayers were said by the Reverend Canon J.G.M.W. Murphy LVO MA

CONFIRMATION OF MINUTES

The Minutes of the Meeting of the Legislative Council held on Wednesday 12th November 1986 were confirmed without amendment.

PAPERS LAID ON THE TABLE BY THE HONOURABLE THE CHIEF EXECUTIVE

Declaration by the Governor in Council for a Schedule of Fishing Licence Fees.

ORDERS	No. 19/86	The Fisheries (Conservation and Management) Ordinance (No 1) Commencement Order 1986.
	No. 20/86	The Fisheries (Fishing) Regulations Order 1986.
	No. 21/86	The Fisheries (Fishing) Regulations (Amendment) Order 1986.
	No. 1/87	The Fisheries (Conservation and Management) Ordinance (No 2) Commencement Order 1987.
	No. 2/87	The Fisheries (Conservation and Management) (Amendment) Order 1987.
	No. 3/87	The Fisheries (Administrative Penalty Forms) Order 1987.
	No. 4/87	The Pioneer Enterprise (Consultancy Services Falklands Ltd) Order 1987.

PROCLAMATION

No. 5/86 Notice of By-Election for 20.1.87.

QUESTIONS FOR ORAL ANSWER

QUESTION NUMBER 1/87 BY THE HONOURABLE L G BLAKE OBE JP

What stage has been reached in the development of the Jersey Estate?

The Honourable the Chief Executive

The outline design of the Estate prepared by the Director of Public Works in accordance with Executive Council's decision in principle to proceed with it reached my desk just before Christmas and was also sent to ODA in January because it is anticipated that ODA will be approached to fund the project. ODA have indicated that the outline design proposed by the DPW is acceptable. It will now be necessary for Executive Council to approve the proposal as a major Government project and for the Building Committee and Executive Council to approve it from a planning point of view. Once these approvals have been received, detailed designs will be prepared by the Director of Public Works - indeed some work on these has already commenced in anticipation of such approvals. The site has in the meantime been cleared by the engineers of Operation Flogger and local funds were allocated for clearance work and landscaping (including trees) at Starding Finance Committee in February.

The Honourable L G Blake OBE JP

Can the Chief Executive give us an idea of a possible starting date?

The Honourable the Chief Executive

I think it would be, probably, giving something of a hostage to fortune to indicate a firm starting date because we still do not know precisely how the works are to be done. They might be done by the Public Works Department; they might be done by local contractors; they might even conceivably be done by overseas contractors; but I would certainly expect that work would commence on the Jersey Estate later this year. In the meantime it is possible for people to begin to place their houses on the plots on the estate once the plot sizes have been agreed.

The Honourable L G Blake OBE JP

Could the Chief Executive give Council some idea of the costs of these plots?

The Honourable the Chief Executive

I am not able to give Council any idea of the costs of the plots because that decision has not yet been taken, nor has the scheme itself yet been fully costed in detail.

The Honourable L G Blake OBE JP

Would it not therefore be rather foolhardy for a householder or a prospective house builder to start putting his houses on the plots if he doesn't know what they are going to cost?

The Honourable the Chief Executive

Well, quite obviously it would not be possible for the householder to place his house on the plot until that particular decision had been reached and I am grateful to the Honourable Member for drawing my attention to that. Obviously we would have to take a decision about that before any householder actually put his house on the plot.

The Honourable L G Blake OBE JP

Could the Chief Executive perhaps indicate whether it is the intention to let a number of plots to a single builder or whether the plots are to be reserved for individual builders?

The Honourable the Chief Executive

I would expect for the building to be done in a variety of ways. I would expect there to be some construction of houses by builders, perhaps on a speculative basis; I would expect there to be some construction of houses perhaps by the Falkland Islands Government; I would expect there to be construction of houses by FIDC and also construction by self-build and by local contractors building for local people. Essentially there will be a variety of ways of building houses on the Estate.

QUESTION NUMBER 2/87 BY THE HONOURABLE L G BLAKE OBE JP

What are the criteria used in either advising the grant of or refusal of planning permission?

The Honourable the Chief Executive

There are two bodies charged with the giving of planning permission - the first is the Building Committee; the second is Executive Council.

The Building Committee was re-activated by Executive Council a year ago when the Planning Advisory Committee was abolished. In essence it considers applications for Building Permits. These usually involve building matters, such as the siting of a sewer or the appropriate materials for building a porch. They may also involve planning matters, such as the siting of buildings. In general the Building Committee uses the UK Building Regulations as its guidelines: these cover such subjects as permissible foundations or, as I have mentioned, permissible materials, especially where there is concern over fire-proofing.

Executive Council remains the supreme planning authority and the Building Committee refers planning decisions to them when it considers that they are of sufficient importance to warrant their attention. The Honourable Member knows the work of Executive Council in this respect as well as I, almost certainly better. There are, as far as I am aware, no formally agreed criteria by which Executive Council judges planning applications. Their approval is essentially pragmatic, taking into account such considerations as health, safety, appropriateness for the area, appearance, and amenity value.

The Honourable L G Blake

Does the existence of the places like the Jersey Estate and the Eliza Cove Road Estate, or whatever that is called, do these have a bearing on the granting of the siting of buildings?

The Honourable the Chief Executive

I think that Executive Council or the Building Committee has to take into account all these factors when deciding whether to grant a planning approval.

QUESTION NUMBER 3/87 BY THE HONOURABLE L G BLAKE OBE JP

What progress has been made in the drafting of legislation to provide for the rating of privately-owned, unoccupied land?

The Honourable the Financial Secretary

A paper was prepared by the Attorney General in May 1986 setting out a number of difficulties relating to rating privately owned unused land. The paper was widely circulated. It received no response. Since there was no response to the Attorney General's circular it was considered that the difficulties of rating privately-owned, unused land had been accepted. Government has recently made some of its own land available for housing and other development purposes and will continue to do so. It is not now proposed to prepare legislation for rating privately-owned, unused land in the Falkland Islands.

The Honourable L G Blake OBE JP

How does the administration intend therefore to encourage occupiers of such prime building land in the centre of the town to make them available for development?

The Honourable the Financial Secretary

No decision has been taken on any method of making available land in the centre of Stanley which may be privately owned. First we have the carrot method - that is a possibility - and also there are the sticks we could use in certain circumstances but it depends largely on the amount of land that may be required. For instance only less than half an hour ago I spoke to the Lands and Agricultural Officer who advised me that there was only one person who is having some difficulty in obtaining land but he is confident that he will satisfy his needs.

The Honourable L G Blake OBE JP

Is it not a fact that most of this land which is being made available gets further and further from the centre of the town and that for the development of any tourist related project something a mile from this building is in no way attractive? Yet we have patches of land scattered right through the centre of this town which look an eyesore and which would be ideal for the development of such enterprises.

The Honourable the Financial Secretary

It is a fact that there are some available plots of land. The Government has some land in the centre of Stanley which may be made available but it depends on the requirement for that land and we do not wish, I'm sure, to dispose of such lands as Victory Green and such like. We want to retain green areas in the centre of Stanley. There are many difficulties. We are having a map prepared and to consider any further use of land it is necessary I think to consider a proper survey of the land. Until the map is available I'm afraid that there is little point of any further consideration.

The Honourable L G Blake OBE JP

In agreeing with the Financial Secretary that we need green areas can he suggest, in that case, how we can persuade the owners of these vacant plots to make them a green area instead of a rubbish dump?

The President

May I just interpose from the chair at this stage. The subject is undoubtedly an interesting, complex and important one. I do not think I can allow question time to become a debate on a single issue of this nature but what I would very strongly recommend because I think it is a matter that perhaps would be of interest to all Councillors is that the Honourable Member might consider putting down a private Motion for full debate at the next meeting of the Legislative Council. I myself will be more than happy to facilitate a broader review of the matter at that stage. Thank you.

QUESTION NUMBER 4/87 BY THE HONOURABLE R M LEE

Can the administration tell Council what has happened to the Aviation Report and why none of the suggestions in it have been implemented?

The Honourable the Chief Executive

The Honourable Member has been advised as to what has to happen to the Report of the Civil Aviation Advisory Committee in a letter from myself to all Honourable Members dated the 21st of January 1987. This indicated that it seems sensible to await a Report from the Civil Aviation Authority Inspector who had visited the Islands in December 1986 before taking action on the local Civil Aviation Advisory Committee Report. The Civil Aviation Authority Inspector's Report reached the Islands earlier this year. The Civil Aviation Authority Inspector is again about to visit the Islands as I speak. I would expect action on the comments of both reports to follow reasonably soon and will impress on my successor the need to establish a clear way ahead.

The Honourable R M Lee

I thank you for that reply but I feel that we seem just to be going from one report to another. Can you give an assurance that we may at least - I'm talking about the man in the street on the

receiving end of FIGAS - actually see some action being taken within the next few months?

The Honourable the Chief Executive

I certainly can give an assurance that I will urge upon my successor as I said in my first answer the need to establish a clear way ahead. I don't believe in fact that the man in the street is quite as dissatisfied with the performance of FIGAS as the Honourable Member for Camp's question would imply. I accept that there are a number of things that need to be put right and it is the view of Executive Council that the Report of the Civil Aviation Advisory Committee was extremely helpful but it was not able to answer all the questions which we need to be answered if we are to make FIGAS the really efficient organisation that we would all wish. I suggest that it is sensible for us to take into account not only the work done by the members of that Civil Aviation Advisory Committee but also the thinking of the Civil Aviation Authority Inspector who is doubtless very experienced in these matters.

The Honourable R M Lee

I thank you for that reply but I must point out that the man in the street might be happy, or reasonably happy, but I can assure you that the man in the Camp who is on the receiving end of this service is not very happy and he sees there is great potential for improvement and I would beg to differ with you when you suggest that people are reasonably happy.

The Honourable the Chief Executive

The Honourable Member for Camp, Mr. Lee, makes very clear the dissatisfaction of certain people in the Camp and I suggest that we take that into account in considering the future of the FIGAS organisation when we look into it a little bit later in the year.

QUESTION NUMBER 5/87 BY THE HONOURABLE R M LEE

As it would seem that the Overseas Development Administration are turning the tap off on aid to the Falklands can you expect local funds to be made available for the implementation of the Prynne Report?

The Honourable the Chief Executive

As was explained during the recent visit of Sir Crispin Tickell, Permanent Secretary in the ODA, Her Majesty's Government will consider future aid requirements with the Falkland Islands Government later in the year in the light of developments over fisheries revenue. It would therefore be quite premature to speculate what the Falkland Islands Government might or might not pay for in the absence of aid funds.

The Honourable A T Blake

Could the Chief Executive indicate whether he feels that the local administration and the Public Works Department has the labour resources and mechanical equipment to implement in

particular the road section of the Prynne Report?

The Honourable the Chief Executive

I think it is very clear, Your Excellency, that the local Public Works Department does not have either the labour or the equipment to carry out the recommendations of the Prynne Report in respect of roads at the kind of speed at which it would be sensible to do so, bearing in mind the importance of roads in the economic development of the Islands.

QUESTION NUMBER 6/87 BY THE HONOURABLE C D KEENLEYSIDE

Can the Chief Executive indicate the number of vacancies unfilled within Government Departments?

The Honourable the Chief Executive

I was hoping to be able to give a two figure answer to the Honourable Member but that would be misleading.

The total establishment is currently 233: the total number of vacancies in the sense that there are permanent and pensionable posts not filled on a permanent and pensionable basis was 50 at the time this answer was drafted a week ago. However, 17 of these vacancies are more or less filled on a temporary basis by, for example, married women who do not want to work full office hours, or by people who prefer to work as hourly paid employees and one, dare I say, by a locum vet. The total number of the vacancies is accordingly 33. The Fisheries Department, which has yet to have an agreed budgeted establishment is not included: in fact they have two vacancies for observers.

The Honourable C D Keenleyside

In that case considering the large number of outstanding vacancies is there a criteria by which after a certain time, if a vacancy isn't filled then Government then starts looking elsewhere to fill the vacancy?

The Honourable the Chief Executive

The policy of Government in filling vacancies is in the first instance to endeavour to fill them from local people and then only to look outside the Islands where those vacancies remain unfilled and where it is appropriate to do so.

The Honourable A T Blake

Could the Chief Executive indicate whether, since these figures were produced, he has received any resignations from the administration?

The Honourable the Chief Executive

I have not, as far as I'm aware, been advised of any resignations.

QUESTION NUMBER 7/87 BY THE HONOURABLE C D KEENLEYSIDE

What plans does Government have to utilise the Camber house fuel tanks and Navy Point area?

The Honourable the Chief Executive

Government does not yet have any firm plans for the use of Navy Point. The most obvious usage for Navy Point is as a fuel depot but until the issue of how fuel supplies are to be organised has been settled the detailed use of the assets of Navy Point will probably have to remain undetermined. It seems likely that most of them will be used in connection with the main fuel supply function, but Navy Point also has potential for the supply of water, for example, to fleets.

The Honourable A T Blake

Could the Chief Executive, for the piece of mind of the man in the street, indicate that we do in actual fact have satisfactory arrangements for the continued delivery of fuel to the public.

The Honourable the Chief Executive

Yes, I can assure the Honourable Member for Camp, Mr Blake, that we do have this matter very much under control. We have an interim fuel supply arrangement at the moment. We shall be discussing with the Ministry of Defence the next stage in fuel supply shortly and eventually, of course, we hope to have a permanent civilian fuel supply, but that is an issue which I think would not be resolved till much before the end of this year.

QUESTION NUMBER 8/87 BY THE HONOURABLE C D KEENLEYSIDE

In view of recent flouting of Government immigration procedures, can the Chief Executive outline the process of immigration control for persons travelling to the Falkland Islands via Mount Pleasant Airport?

The Honourable the Chief Executive

At Mount Pleasant Airport, immigration control consists of the inspection of a passenger's passport and the verification of the particulars shown on the immigration declaration made by him. Passengers who, by virtue of Section 10 of the Immigration Ordinance 1965, have an automatic right of entry and those who declare themselves to be visitors or crews in transit are allowed to proceed without further delay. Those who have arrived on a contract of employment with a non-government agency are issued with employment permits before being allowed to proceed, and those who declare themselves to be immigrants are questioned briefly concerning employment and accommodation before also being allowed to enter the country.

Should an irregularity be discovered which cannot immediately be resolved then the traveller is detained and, as soon as all other passengers have been processed, enquiries are commenced in order to establish the facts of the case. Unless the results of such

enquiries were available before the departure of the aircraft on its return journey the persons concerned would be allowed to enter the Islands pending a decision.

The Honourable C D Keenleyside

In view of the recent problems we have encountered would the Chief Executive not consider it more prudent perhaps to detain these persons until further information was obtained?

The Honourable the Chief Executive

In this particular instance the reason why the two individuals concerned, to whom he refers, were allowed to come to the Islands was because they did not in fact follow the correct procedures in the U.K. before coming out and the Foreign and Commonwealth Office has conceded that it was at fault in not checking their circumstances as fully as should have been done before issuing them with a ticket. There is, I think, on the part of Government, a reluctance to detain people unless it is absolutely necessary, nor am I certain that we would actually have the power to detain them in those circumstances. It seems to me, if I may say so, that in this instance we were perhaps rather taken advantage of in that we allowed them rather a long time to prove their bona fides and we should perhaps have taken a decision to persuade them to leave rather earlier than we did.

QUESTION NUMBER 9/87 BY THE HONOURABLE D L CLIFTON

Whose responsibility is the section of the Mount Pleasant Road which passes through the PWD's Pony's Pass quarry and why has the road surface continued to remain in a very poor state of repair?

The Honourable the Chief Executive

For a main road to pass through the middle of a working quarry where blasting occurs is, to say the least, unusual. The responsibility for the maintenance of the road at the moment is that of the Ministry of Defence but will shortly pass to the Falkland Islands Government. Tracked vehicles and other heavy vehicles cross and re-cross the road as part of the quarry operation and it is therefore likely to be much more difficult to maintain than the rest of the road. It would not be reasonable in the circumstances to expect the Ministry of Defence to maintain that portion of the road to the standard of the rest nor would it be reasonable to expect the Public Works Department to maintain it to other than a passable standard in the future, perhaps ensuring that there are appropriate warning signs.

The Honourable D L Clifton

I thank the Honourable the Chief Executive for that reply. I'm afraid I do not particularly take his stand on that since he may recall that in September 1986 I made reference to this poor section of the road in Executive Council. I made it at that time because we were expecting a reasonable number of tourists in the Falklands during the summer and it doesn't really amplify what the Falklands has on offer to pass through a section of road where you can virtually tip off Pony's Pass into the stream.

There are no warning signs and there are considerable ruts in the road and I would urge now as I did then that speedy renovation work be put into gear.

The Honourable the Chief Executive

I share the Honourable Member's concern but I do believe that the practical difficulties of maintaining that road under present circumstances are very considerable. However, I can give him some cause for hope because it is expected that eventually the quarry operation will be able to be confined to one side of the road and once that has happened obviously it will be possible to maintain the road in a perfectly normal way. I wouldn't like to say precisely when that is expected to occur because it depends on the productivity of the quarry and the off-take of its products.

The Honourable D L Clifton

Honourable Members are all too frequently told of the high sales of the manufactured goods from the quarry and I am sure that Members of Council would not miss several tons of gravel to be spread about on that section of road from time to time.

QUESTION NUMBER 10/87 BY THE HONOURABLE D L CLIFTON

Is the Chief Executive in a position to make a statement on negotiations to seek compensation for damage to Ross Roads West and East and is any such compensation likely to form part of the agreement to resurface the Stanley Airport Road during the 1987/88 summer?

The Honourable the Chief Executive

There are three claims in respect of Ross Road East, Ross Road West and the Moody Brook Road. These claims have been under preparation and negotiation since 1984 and indeed were the subject of a question by the Honourable Member in December, 1985. I am advised by the Director of Public Works that local agreement has been reached following discussions with the Command Secretariat who will now again submit the claims to the Ministry of Defence in London.

The repairs of the Stanley Airport Road is an entirely separate arrangement concluded in principle as long ago as November 1984 by which the Ministry of Defence and ODA agreed to share equally the costs of refurbishing the road.

The Honourable D L Clifton

I wonder if perhaps in the resurfacing of the Stanley Airport Road that consideration may be given to laying a little tarmac towards the FIDC complex?

The Honourable the Chief Executive

I'm always anxious to help FIDC as the Honourable Members will be aware and that will certainly be borne in mind. We are in fact considering with the advisers that we have in ODA and with PSA how precisely that work should proceed, which will be later in the year.

The Honourable J E Cheek

Would the Chief Executive amplify his comments when he talked about refurbishing the Airport Road? I think there are now a considerable number of people in the administration who don't realise that on the 2nd April 1982, or to be more accurate the 14th June 1982, that road still had a very good tarmac surface and by refurbishing is the Chief Executive saying that it is coming back to that standard?

The Honourable the Chief Executive

I don't know what that road looked like in 1982 and I believe it would be quite foolish, therefore, for me to say to this House that it will be refurbished to precisely that standard. All I can say is that a total sum of 1.6 million pounds is to be paid on it, that is to be shared equally between the MOD and ODA, but some £400,000 pounds was spent some while ago on it and that the remainder will be spent at the end of this year.

QUESTION NUMBER 11/87 BY THE HONOURABLE D L CLIFTON

The Power and Electrical Department is in need of professional electricians to supplement its heavily over-burdened manpower resources. Has a recruitment campaign been established and what are the initial results?

The Honourable the Chief Executive

First of all let me say that I entirely share the concern which the Honourable Member's question implies. The position is as follows:

There are three vacancies being advertised by ODA for OSAS supplemented professional electricians. The post of Electrician was advertised on 12th February. There were 100 initial expressions of interest. Interviews of short-listed applicants will take place in the second or third week in April.

The post of Electrical Technician was advertised on 12th February. There were 60 initial expressions of interest. Interviews of short-listed applicants will take place in the second or third week in April. Both these are still expected to be short-term appointments of one year in the hope that the posts can be filled by applicants on local terms.

The post of Senior Technician was advertised on 5th March and 12th March. There were 74 initial expressions of interest. Again, it is intended that there should be interviews in mid-April. This is a standard length appointment of 2 to 3 years.

The results are therefore very promising. Efforts will continue to fill other vacancies in the Power and Electrical Department by local recruitment.

The Honourable D L Clifton

I wonder in actual fact if he is referring to February/March 1986 or 1987 as I recall that in February 1986 Executive Council approved the appointment of two overseas supplemented officers to the Electrical Department?

The Honourable the Chief Executive

The Honourable Member's memory is absolutely correct, these recruitments were indeed agreed in Executive Council as long ago as that. There was then a lengthy delay in processing the recruitment here and the indents did not in fact go to the ODA till the 22nd July 1986. An immediate delay then occurred in ODA because in processing the recruitment ODA queried whether it was appropriate for the FIG to recruit craftsmen. There was then a further delay in my absence on leave involving a missing telegram but as soon as I realised that the delay had occurred, on the 17th October, I explained that our need was urgent. I received a further reply questioning the one year period. I replied immediately. The advertisements did not, in spite of the urgency which we stressed in all our communications, following delay I can see at this end, appear till February. My displeasure has been expressed already to ODA in no uncertain terms long before I received this question to answer.

The Honourable D L Clifton

I wonder if you can perhaps give the Council an assurance that the delays we seem to be experiencing in recruiting teachers, electricians, whatever, is going to remove itself in the future?

The Honourable the Chief Executive

I cannot promise it will remove itself in the future. All I can say is that we have had a great deal of correspondence with ODA about this subject, that they have been left in no doubt whatsoever of our concern about the delays at their end, that they have set out for us a system for ensuring that delays do not occur any more than is strictly necessary and I shall be discussing that system with my successor on his arrival. I believe that we have got the whole thing a good deal straighter than we have done in the past. We have been at fault as I have said before and they certainly have been at fault and they can see that they have been at fault. I think one has to accept that all overseas recruitment takes quite a long time. I think it's reasonable to accept that because of the nature of the situation but of course that in itself means that those who are involved in overseas recruitment should in fact move as quickly as possible to eliminate any kind of delay on their own part.

The Honourable A T Blake

I think most Council Members were in receipt of a letter which implied that due to the shortage of labour within the Electrical Department an apprentice may not be allowed to go on for further education overseas. I would like the Chief Executive to indicate that the shortage of manpower should never be used as an excuse to delay or forestall the training of young Falkland Islanders who we require in the Colony, in Electrical Department or any other Department.

The Honourable the Chief Executive

I was not aware of this letter. It is something which I am prepared to have a look at. In general I would agree with the Honourable Member but I think one would have to say that the state of a number of Departments, as we have seen from the question which I answered on vacancies, is one of very considerable pressure on human resources. This of course is a factor which always has to be taken into account, but I take his point entirely.

The Honourable C D Keenleyside

I wonder if the Chief Executive would consider extending the Power and Electrical Recruitment campaign to include some new generators as well?

The Honourable the Chief Executive

As the Honourable Member is aware the Director of Public Works has been asked, as a matter of urgency, to make proposals to Executive Council and Standing Finance Committee for the purchase of a generator.

QUESTION NUMBER 12/87 BY THE HONOURABLE J E CHEEK

Would the Chief Executive indicate if there are any plans to move the current rubbish dump to a more suitable site such as Eliza Cove and in the meantime would it be possible to surround the existing dump with a high chain link fence to contain the rubbish?

The Honourable the Chief Executive

There are no immediate plans to move the rubbish tip. It is generally accepted that the rubbish tip is poorly sited. The problem is where else to put it. The Eliza Cove site is unlikely to be suitable because it is within a minefield area. Fencing of the south side of the existing tip could be done at a cost of some £3,000 but it would not be practical to fence the sides bordering on the harbour. It is a problem which should be addressed afresh now that the military are moving away from the east side of Stanley and I will certainly undertake to have that done.

The Honourable T S Betts

I would hope that the administration would make every effort to look for a better site because the present one is appalling.

The Honourable the Chief Executive

Perhaps Honourable Members might like to make some suggestions?

The Honourable T S Betts

We did suggest Eliza Cove but it appears that it is not suitable. I will certainly look for one.

QUESTION NUMBER 13/87 BY THE HONOURABLE J E CHEEK

Would the Financial Secretary indicate the expected annual running costs of the new hospital, what approximately would be the cost of this to FIG, and what may be expected in revenue from charges to non-entitled patients?

The Honourable the Financial Secretary

The estimate of the annual running costs of the new hospital is now £1,237,400. The negotiations on cost sharing have not yet been concluded. Councillors will be supplied with details of the cost sharing arrangements and be asked to endorse those arrangements shortly.

The estimate of revenue from charges to non-entitled patients will undoubtedly vary considerably from year to year. At one stage it was considered that the estimate of receipts from non-entitled patients would be £90,000.

The Chief Medical Officer has recently advised me that from the information now available to him the total receipts from the last 12 months is approximately £140,000.

QUESTION NUMBER 14/87 BY THE HONOURABLE J E CHEEK

Considering the relatively large income from fishing licences accruing to FIG would the Financial Secretary indicate whether consideration is being given to lowering personal income tax and increasing OAP payments as possibly the fastest way of allowing the most number of Falkland Islanders to benefit from that income?

The Honourable the Financial Secretary

Councillors will wish to address themselves to these matters during their consideration of the Budget.

A number of factors need to be taken account of:-

e.g.

- a) The uncertainty of capital aid beyond the £31 million;
- b) The amount to be retained in the Consolidated Fund as the general reserves of the FIG;
- c) Rising costs. For instance, the substantial expenditure forecast on the maintenance of the Stanley/MPA road and the recurrent costs of the new hospital; and
- d) The probable need to make substantial sums available for housing loans and to finance land transfer.

Those are just a few of the factors that Councillors will wish to take account of during consideration of the forthcoming Budget.

The Honourable L G Blake OBE JP

Could the Financial Secretary perhaps allay our fears and confirm that there will be some fishing revenues left having equipped the Public Works Department with all the equipment it desires?

The Honourable the Financial Secretary

After seeing some of the figures and the requirements of the Public Works Department yesterday I have my doubts, but I can assure the Honourable Member that Councillors are in control of the expenditure of this Colony and I'm sure that he will ensure that there will be some fishing revenue left after the requirements of the Public Works are authorised.

QUESTION NUMBER 15/87 BY THE HONOURABLE E M GOSS MBE

When does the Falkland Islands Government take over responsibility for the maintenance of the Stanley to Mount Pleasant Road?

The Honourable the Chief Executive

With your permission, Your Excellency, I will answer both this question and questions 16/87 and 17/87 together. I will read out those two other questions:

No 16/87 by the Honourable E M Goss MBE:

Will Ministry of Defence vehicles using the Stanley to Mount Pleasant Road be monitored so that a road tax can be levied according to weight or frequency of use to help pay maintenance costs?

No 17/87 by the Honourable E M Goss MBE:

What would it cost to tar-seal the whole of the Stanley to Mount Pleasant Road to bring it into a more safe and lasting condition?

First of all, I should draw the Honourable Member's attention to the reasonably full answer that I gave on this subject to the then Honourable Member for Stanley, Mrs Edwards, and several supplementary questions on 12 November last. This answer will cover much of the same ground but in some more detail.

To answer the first question, the precise date on which FIG will take over responsibility for the MPA road is for negotiation between MOD and FIG. It is FIG's view that the road must be in a fit and proper condition for takeover.

To answer the second question, it has been made clear to MOD that in the first year after the takeover by FIG the effect of military usage on the condition of the road will be assessed. If it is clear that the road is suffering particularly on account of military usage, then MOD will be invited to discuss the possibility of a contribution towards its maintenance.

To answer the third question. The extension of what is described as spray and blind sealing presently applied to steeper gradients would cost of the order of £450,000 done by local labour. It would need to be re-done every four years or so and would be more difficult to maintain than the existing road and would not necessarily make the road safer since it would encourage high speed and the formation of ice. It was for that reason rejected by FIG when the road was constructed. The use of a proper tar or bitumen seal would have the same disadvantage in terms of safety and, though far more lasting, could I understand cost between £3m and £9m to implement according to whether the work was done from local resources or by overseas contractors.

The Honourable E M Goss MBE

I was well aware of the previous questions that had been asked on the subject but the public users of the road are very concerned about the standard and its safety and as a supplementary can I ask you how can PWD ever hope to maintain this extra mileage of road bearing in mind the limitations of labour and machinery?

The Honourable the Chief Executive

It is a substantial burden for the PWD, I don't think one could possibly deny that and indeed we have recently agreed in the Standing Finance Committee, as the Honourable Member knows, to incur capital expenditure of £185,000 on equipment to maintain that road. The recurrent cost could vary between something of the order of £50,000 per annum and £350,000 according to the standard of maintenance and the extent of usage. It is obviously a question for concern and it will certainly impose a considerable burden on the PWD and upon our financial and human resources.

The Honourable E M Goss MBE

I understand from the discussions yesterday with PWD that the delivery of the necessary machinery to maintain this road will take something up to a year and if we are about to take over the MPA road - I might have missed the date you gave on that if you could clarify that for me - does that mean in the period of taking over the road and taking delivery of the machinery necessary to grade and roll this road, there will be a stand-off?

The Honourable the Chief Executive

There will certainly be a delay, not a delay of a year but a delay I think we were told of the order of 5 months in the delivery of that equipment. What I would hope the Public Works Department would do in the meantime would be to see whether they could not in fact get hold of some of the equipment that has been used on that road and purchase it rather more quickly and, hopefully, at a considerably lower sum than would be necessary for the purchase of equipment from overseas. It seems to me that that could be a very sensible thing to do.

The Honourable T S Betts

I sincerely hope that FIG is not contemplating receiving the road from MOD in its present condition.

The Honourable the Chief Executive

The Honourable Member has my assurance that it is intended that there should be a Board of Survey in which the Director of Public Works will take part together with representatives of the PSA and representatives of the MOD and we certainly do not intend to take the road over until we are satisfied as to its condition.

The Honourable L G Blake OBE JP

In the light of the Chief Executive's answer with regard to the tar-sealing I think he said it would cost us £450,000 and would last for five years. Then later on he said that maintenance of the present road is likely to cost us between £50,000 and £350,000 per annum. There seems to be a strong economic argument for the reconsideration of the surface. Would he also please reconsider the type of surface in view of the fact that in its current state a vehicle is as unstable on that road in summer as it would be on a tarred road with heavy ice in winter. Therefore, for 12 months of the year it is as easy to skid off the edge of that road in its present state, whereas if the number of days of hard frost in winter could be counted they would probably number less than 20.

The Honourable the Chief Executive

I am grateful to the Honourable Member for drawing all these factors to the House's consideration. I would not wish to be drawn into an economics debate about the various methods of maintaining the road and their merits. I can only say that the Government will apply its mind to all the various possibilities and see whether there is anything more that can be done to make the road safer and to minimize the cost of maintaining it.

The Honourable A T Blake

With reference to the possible taxing of military vehicles that use this road I would indicate that we should take caution about charging the military for various items which they may use of local equipment and facilities because I do realise, and I think Honourable Members should also realise, that they do in actual fact provide to us a number of services for which we pay absolutely nothing. It was indicated to me today that of course the weather forecasting service now bears no cost to the FIG. I wonder if it would be possible for Admiral Layman to indicate to us whether or not the MOD pays road tax or anything of that nature to other countries in which they help with defence.

The President

If I may at this stage I would just protect the Admiral's position in relation to this. I have no doubt that the Admiral would be delighted to take this question away with him for private consideration but, if I may say so, I think it would be inappropriate for me to expect the Admiral to answer that question at this juncture. So, if I may, I would suggest that the question be pursued outside of this particular forum, that is not in any sense to reduce in importance the question itself. I shall look forward to receiving the answer in due course myself.

The Honourable D L Clifton

I would like to endorse Councillor Blake's comments and simply to add that the road is a very handsome asset to the FIG and it has cost us nothing so far.

The Honourable the Chief Executive

I would simply like to say, really by way of a half answer to the question put by the Honourable Member for Camp, Mr Tony Blake, that there is absolutely no intention that I know of for charging a specific toll for military vehicles using that road.

ORDERS OF THE DAY - BILLS

A Certificate of Urgency was laid on the Table by the Honourable the Chief Executive in respect of the seven Bills taken at this meeting of Council.

THE SUPPLEMENTARY APPROPRIATION 1985/86 ORDINANCE 1987

The Honourable the Financial Secretary

Your Excellency, this Bill which is a formal Bill seeks to confirm the following expenditure incurred in excess of that provided for in the 1985/86 Appropriation Ordinance:-

Head of Service

Aviation	£ 24,305
Fox Bay Village	£ 13,787
Police and Prisons	£ 6,736
Legislature	£ 359
Transfer to Development Fund	£ 200,000
Development Expenditure to be met from local funds	£ 63,842
	<hr/>
TOTAL	£ 309,029 =====

All amounts have been approved at various stages by the Standing Finance Committee of this Council. I beg to move the first reading of the Bill.

The Bill was read a first time and passed through its remaining stages without debate or amendment.

THE FISHERIES (CONSERVATION AND MANAGEMENT) (AMENDMENT) BILL 1987

The Honourable the Chief Executive

Your Excellency, shortly before the Fisheries Conservation and Management Bill was placed before Legislative Council the Foreign and Commonwealth Office suggested that Section 7 of the Bill, which deals with transshipment, be amended.

The request from the Foreign and Commonwealth Office was made because of a decision of an international tribunal which effectively limited some of the controls previously exercised by states over fish caught outside of their territorial seas. Owing to the haste with which it was done the amendment to Section 7 was more limiting of the powers of the Falkland Islands Government than was necessary. The existing Section in the Ordinance allows transshipment of fish without a licence anywhere in the fishing zone of the Falkland Islands if the fish being transhipped was caught outside the zone, that is the existing Section. In fact under international law, if fish is transhipped within the territorial sea, that is to say within the 3 mile limit, a licence can be required wherever the fish was caught.

Section 2(A) of the Bill before the House amends Section 7 of the Ordinance so that if transshipment takes place in the territorial sea a licence must be obtained. If the Bill is passed the position will therefore be that a transshipment licence will be required firstly for ships transshipping anywhere in our zone if the fish was caught in the zone and, secondly, if the fish was caught either inside or outside the zone if the fish are transhipped in the territorial sea.

If I can turn to Section 2(b) of the Bill, although it is probable that persons who gave false information in order to obtain licences under the Ordinance, or gave false information in relation to other matters connected with the Ordinance, can be charged with offences under the Ordinance and other laws, it has become apparent during the administration of the Ordinance that giving false information should be a specific offence provided for under the Ordinance. If such an offence exists reference to it can then be placed on the licence application forms and the like and officers administering the Ordinance do not need to rely on other laws in order to proceed. Section 2(b) therefore includes an addition to Section 15 that provides for it to be an offence to give false or misleading information when giving notification or information required by the Ordinance or making applications under the Ordinance. Under the general provision on penalties the maximum fine for such an offence will be £20,000. I beg to move the first reading of the Bill.

The Bill was read a first time and on the Motion that it be read a second time the Honourable L G Blake OBE JP spoke to the Bill as follows:

The Honourable L G Blake OBE JP

Your Excellency, Honourable Members, I rise to support this Bill wholeheartedly and, in supporting it, I must at the same time congratulate the Fisheries Protection Authorities that operate here in the efficient way in which they started this season and in which they are managing it and, further, the very efficient way in which they are now policing the transshipment areas, particularly in Berkeley Sound and these Islands. Having found, I think, at least three unlicensed transshippers the cost of the patrol launch has been well and truly justified and I hope that all Members will support them in the rest of their season's work.

The Bill was then read a second time and passed through its remaining stages without further debate or amendment.

THE DANGEROUS GOODS ORDINANCE 1987

The Honourable the Chief Executive

Your Excellency, dangerous goods of many kinds including explosives and petroleum are transported, stored and used in the Falkland Islands and, indeed, with the increase in economic activity and development in the Islands there is likely to be an increasing use of such goods.

At present the only legislation in force in the Islands that deals with the handling of dangerous goods is the "Explosives Act

1875", "The Harbour Ordinance", and the "Petroleum Products Ordinance".

The "Explosives Act", as its title implies, only deals with the handling of explosives. The "Harbour Ordinance", deals also with the handling of explosives on ships and the firing of cannon balls. I think that will indicate to Honourable Members that that particular Ordinance, at least when it deals with explosives, may not have quite kept up with the times. The "Petroleum Products Ordinance" deals only with petroleum products in a cursory manner so the Government has felt for some time that there is a need for comprehensive legislation which will enable the Government to provide statutory safeguards for individuals and the public at large in respect of dangerous goods.

The Bill before this House is intended to enable the Government to provide for these safeguards. Members will see that Section 3 provides for the appointment of a licencing authority who will administer the Ordinance.

I would draw Honourable Members attention to Section 4 which defines dangerous goods and allows for regulations to be made to add to the category. The proviso to that Section provides for a number of exemptions from the application of the Ordinance.

Paragraph (c), in particular, exempts goods used for domestic, office, light industrial, farming or horticultural purposes and for use in vehicles in quantities reasonably required for such use.

Section 6 provides for licences for the manufacture, storage and transport of such goods.

Section 7 prohibits the manufacture of prohibited goods. These are goods declared to be such by Your Excellency in Council.

Section 8 provides for the licencing of persons who hire labour, vessels or equipment for handling dangerous goods. There are also provisions about marking dangerous goods (Section 10), moving goods dealt with contrary to regulations (Section 11), searching for dangerous goods (Sections 12 and 13), reporting of accidents involving dangerous goods (Section 14), Government explosive depots (Section 15) - I suppose they come under the Director of Public Works - and the usual provisions about offences and penalties in the making of regulations.

Section 21 provides for the repeal of the outdated provisions relating to explosives contained in the Harbour Ordinance. It also discontinues the application of the Explosives Act 1875 to the Falkland Islands. It should be emphasised that this Bill, if it becomes an Ordinance, will enable Government to apply a measure of control over the handling of dangerous goods in order to minimise the risk to life and limb. It will in no way unnecessarily hinder economic activity. I beg to move the first reading of the Bill.

The Bill was read a first time and on the Motion that it be read a second time Honourable Members spoke as follows:

The Honourable L G Blake OBE JP

Your Excellency, Honourable Members, I rise in support of the Bill and if I may, Sir, to draw particular attention to Section 4(c), which the Chief Executive mentioned in his opening remarks, just to make quite certain it is underlined before people start getting worried; Section 4(c) reads - "Subject to any regulations that were made under Section 20 to dangerous goods (other than explosives and radioactive material) normally used for domestic, office, light industrial, farming and horticultural purposes, or as fuels or lubricants....". The public may rest assured that their jerry can of petrol which they collected from the petrol station, or their jerry can of kerosene for the stove, they do not need a licence to carry it up the front road and nor does the farmer require a licence to shift a drum of diesel from one spot to another. I am grateful to the Attorney General for making that absolutely clear in this Section.

There is only one other thing, Sir, that I would like to draw attention to. I note in Section 6, the "Licence for manufacture of Dangerous Goods", I just wonder whether some of the memoranda which are produced for Standing Finance Committee actually come under the manufacture of dangerous goods!

The Honourable C D Keenleyside

I, too, wish to support this Bill. I am just interested in a point of clarification. In the Interpretation Section on page 3 I notice, listed under petroleum, we have peat. I wonder if perhaps the Attorney General could clarify that?

The Attorney General

It was taken from models from elsewhere and I included it as a normal clarification of what petroleum is. I must say that looking at it again I am not sure when peat would become dangerous; maybe some other Honourable Member could tell me, for example if it is stored and gets wet or something like that, whether it is subject to spontaneous combustion.

The Honourable L G Blake OBE JP

Your Excellency, in clarification I believe that they do use it in blast furnaces in Ireland. If you grind it fine it is an extremely explosive substance and if you apply a naked light you can get a flash explosion from it.

The Honourable D L Clifton

If I may make one or two observations while the Attorney General is in the chair. Does this Ordinance cover all waters that are territorial as I am quite concerned about that and also the need to enforce it inside those territorial waters? What expertise do we actually have within FIG to enforce it inside waters territorial?

The Attorney General

I can confirm that it does apply to territorial waters. In fact territorial waters are waters which we do exercise sovereignty over and all our laws apply, including Immigration and Customs.

Whether we can administer it is another matter and I am afraid with our small administration this is a problem that will always arise, but I do know, of course, we have the Harbour Master and his small staff who do exercise an amount of control over recognised harbours and I think we are going to have to continue to rely on them to administer an Ordinance like this when we are dealing with harbours and territorial seas.

The Honourable D L Clifton

I certainly would not consider that there is the marine expertise within the Harbour Department at the moment to enforce this. I wonder perhaps if some form of consultation may be appropriate with the marine offices we have recruited for the fisheries. I am sure that they would be in a much better position to control marine vessels than the Harbour Master.

The Attorney General

What I can say on that is that as Honourable Members may know Mr. Peter Derham has returned to act as Director of Fisheries for a time and part of his terms of reference is to give us advice on matters of that kind.

The Honourable J E Cheek

Your Excellency, in rising to support this Bill I too would like to comment on the same Section that the Honourable Member for Camp, Mr. Blake, commented on and that is Section 4(c) which provides within the order for household use of goods. The one it excludes is radioactive materials. Although this is a great improvement on the Bill from 1875, it possibly isn't right up to date. I am not quite sure how it affects us but radioactive materials are used, or can be used in the household. I know, for example, quite a number of fire alarm detectors do use it and I would hope that if I, or any other member of the public, has such a detector they do not have to go through the full Ordinance to get the necessary licences to use them.

The Attorney General

My interpretation of this particular paragraph is that we are talking about radioactive material in its raw or processed state to radioactive material, rather than something that is part of a manufactured item. I think it is unlikely that households would be storing actual radioactive material in its raw state.

The Honourable J E Cheek

I hope the Attorney General will assure us that although a hydrogen bomb is a manufactured item Members are not allowed to store one!

The Attorney General

I assure you.

The Bill was then read a second time and passed through its remaining stages without further debate or amendment.

THE FIREARMS AND AMMUNITION ORDINANCE 1987

The Honourable the Chief Executive

Your Excellency, the existing Firearms Ordinance is unsatisfactory in many respects. For example, it does not cover ammunition; does not allow for the loan of sporting guns to other persons who have licences; it does not clearly deal with the importation of firearms and ammunition.

The Bill before this House is intended to replace the existing law. It provides for the keeping of registers of firearms, dealers, holders of licences to use firearms and holders of firearms and ammunition import and export licences. It also provides for the keeping of a register of firearms not unlike the present register of motor vehicles. Provision is also made for the granting, variation and revocation of licences to import and export firearms and ammunition to deal in firearms and ammunition and licences to hold firearms and ammunition. The Officer in charge of Police will also be empowered to attach conditions to licences. The Bill contains suitable penalties to be imposed on any person who does not have the necessary licences and keep the required records. For example a person who imports a firearm without a licence could be fined up to £500 or imprisoned for up to 3 months.

Section 14 provides for persons to be exempted from the requirement to have a firearms licence. Apart from the obvious persons like members of Her Majesty's Forces and the Police, the Section covers members of shooting clubs, persons taking part in competitions and persons holding antique or unserviceable weapons in respect of which a certificate of exemption has been granted.

The Bill also provides for the control of transfer of weapons, restrictions on possession by young persons, the prohibition of certain modifications to weapons, offences related to the holding of weapons for unlawful purposes and powers of Police search.

In summary it is to be hoped that this new Ordinance will be easier to administer than the present law and consequently will provide more effective control of the firearms and ammunition and make licencing easier for the holders of firearms without loss of control. I beg to move the first reading of the Bill.

The Bill was then read a first time and on the Motion that it be read a second time the following Honourable Members spoke to the motion:

The Honourable D L Clifton

Your Excellency, in rising to give general support to this Bill there is one particular observation I have to make in relation to Section 25(1)(a) which is the area in which a firearm may be discharged. I do not think this Ordinance that is now before us is really as up to date as it should be. According to my information the entire area of Cape Pembroke peninsula is out of bounds for the discharging of firearms and I would like to see that incorporated into this Section, 25(1)(b), that the Stanley Common area should extend to the East as far as Cape Pembroke Lighthouse. I believe that that is not only in the interests of conservation but also in the interests of the Islander aircraft

flying from Stanley Airport.

The President

May I suggest that we take note of that and that when we come to the Committee stage it would be entirely in order for you if you so wished to move an amendment to that effect.

The Honourable L G Blake OBE JP

Your Excellency, Honourable Members, in rising in general support of this Bill I would like a little clarification with regard to Sections 9 and 10. Basically, the holding and resale of ammunition by small camp stores and what have you, there is a tremendous amount of paper work which such holding will entail plus quite a lot of checking and rechecking quarterly and I feel that for the amount that is generally held in one of these areas the amount of effort required is going to make it almost not worth-while holding such quantities of ammunition in the camp store.

Could the Attorney General explain whether this would be considered as being a sort of domestic stock because a private individual can hold as many rounds of ammunition as he likes without a return being made, whereas the storekeeper of a small co-operative store who looks after the general ordering, where you've got two or three farms, has seemingly under this Ordinance to a) buy a licence and b) count up every quarter and make a return of what he has sold and what he has still got and make absolutely sure that they actually add up. Could he please give some clarification on that one.

The Attorney General

As I see it Section 9 applies to dealers in firearms and ammunition. If you look it says, "No person except a licensed firearms dealer acting in conformity with his licence shall by way of trade or business sell, transfer or expose or possess for sale or transfer any firearm or ammunition", and I think it very much turns on whether these stores are actually giving a service to a number of people. In other words, as you say, taking advantage of maybe discounts and so on and also, of course, the fact that it is easier to order in certain quantities and just passing on the firearms and ammunition to the people they are giving a service to without making a profit-making business out of it. That I cannot answer to but I gather from the way you are speaking that they are not acting by way of trade, they are just giving a service to their community and, really, if the administration is satisfied that that is what they are doing it would not be able to insist on the stores having a licence or having to keep the records provided for in the next section. Now whether that satisfies the Honourable Member or not I do not know, but that is the most I can say.

The Honourable L G Blake OBE JP

Thank you, Sir. Yes I think that does satisfy in that he has covered the situation very fully in that if one orders a thousand rounds of ammunition from Britain they will cost you about £1.00 a bullet whereas if you order a minimum quantity and hold them for your employees it costs you an awful lot less. But basically

this is it. I mean the alternative is for the individual to own them himself and then pass them round the back door and I do not like laws that people will try and break.

The Honourable A T Blake

Your Excellency, I wonder with the increased tourist trade if I might ask whether this Bill allows for the lending of firearms to bona fide tourists who may be here on a fishing/ shooting package deal. I wonder if perhaps the Attorney General might be able to indicate?

The Attorney General

The Bill provides for persons who use firearms to be licenced and I believe that that is right and proper that anybody who comes into the country must have a licence. It also allows for the loan of guns, in other words for a person who has a licence to borrow a gun or use a gun belonging to someone else which at present it is not possible to do. The question of whether this can be applied to tourists is partly a question of administration and possibly a question of making regulations to provide for them. But it seems to me that the Bill in its present form would allow for tourists to be catered for and at the same time give us a measure of control.

The Honourable A T Blake

I thank the Attorney General for his answer to that question and in general I support the Motion.

The Honourable C D Keenleyside

I also wish to support this Bill but I wish to point out that it misses one particularly dangerous item which does not necessarily fall under the category of firearms and that is in fact a crossbow. I wonder if the Attorney General can inform us if we intend to do anything about the control of crossbows in the Falklands and when we are likely to see something done?

The Attorney General

This is very interesting. I happen to know that the modern form of crossbow is a very dangerous weapon. I did consider when this was brought to my attention whether crossbows should be covered by this law and I came to the conclusion that it may be a little difficult to include them in the same provisions that deal with firearms as opposed to other sorts of weapons like swords and so on. If there is public concern, and I should think there probably is, about that type of weapon coming into this country we can fall back on Section 35 of the Customs Ordinance that does allow the Governor in Council to prohibit the importation of any goods or to allow the importation of goods subject to conditions.

For the time being I would prefer to rely on that while we consider whether or not we have to cover the question of crossbows and indeed other dangerous weapons like, for example, we have had problems with people bringing in Japanese swords, but we could cover those sorts of weapons under another type of Ordinance.

The Honourable T S Betts

Your Excellency, I too rise to support the Bill and wonder how practical it is to implement Section 19 which makes it an offence for owners of firearms and ammunition to transfer these to any person whom he knows or has reasonable grounds for believing to be under the influence of alcohol. I think we have found experiences in various laws in the past that it is very difficult to prove that somebody is in fact under the influence of alcohol.

The Attorney General

Yes, it is not always easy to prove that a person is under the influence of alcohol. The Honourable Member may in fact be thinking of the Road Traffic Ordinance which has its own peculiarities. Under that Ordinance the Court has to be satisfied that the person is unfit to drive, not that he is under the influence of alcohol as such. It may be difficult but I think it is wise to have a provision to cover where the person quite blatantly allows a person who is under the influence of alcohol, or is quite clearly insane, to have charge of any sort of dangerous weapon.

The Honourable J E Cheek

Your Excellency, Honourable Members, I too, generally support this Bill. I would like to be associated with the comments made by the Honourable Member for Stanley, Mr. Keenleyside, that we do need some sort of legislation to cover crossbows and other types of bows and I accept the assurance that the current legislation will do until we have time to find such legislation.

I would also like to be associated with the comments by the Honourable Member for Stanley, Mr. Clifton, that we extend the area either of Stanley Common if Stanley Common itself is included in the Cape Pembroke peninsula or, if it is not, I would be grateful for some form of advice on how we could put forward some changes to that Section 25(1)(b). Otherwise I support the Bill, Sir.

The Bill was then read a second time. During the Committee Stage Clauses 1 to 24 inclusive were adopted after the Honourable D L Clifton had sought clarification regarding Section 15.

The Honourable D L Clifton

Your Excellency, just a minor point of clarification regarding Section 15(b) where it refers to a person in the service of the Crown or the British Antarctic Survey in respect of firearms and ammunition. I was not aware that the British Antarctic Survey had a firearms cache here in the Falkland Islands today. I know that they did some years ago but that was phased out. Is it in this Ordinance simply as a reservation for future years?

The Attorney General

I think the answer to that is that we are continuing what we have done for years. Now, whether Honourable Members think we should retain reference to the British Antarctic Survey in case they have a larger presence here again is up to them. I am wondering, thinking slightly ahead, whether we may not be applying this

particular Ordinance to British Antarctic Territory and therefore, of course, we would wish to keep them in. The last Ordinance, as far as I know, was applied to the British Antarctic Territory.

The Honourable D L Clifton

Would this also apply to South Georgia?

The Attorney General

South Georgia now has its own Constitution and we will not in future apply laws from here to South Georgia. The Commissioner will have to enact laws for South Georgia if he considers it necessary.

The Honourable D L Clifton

I really make the point, Sir, in the light of a recent visit, I think during last Summer, of some Swedish taxidermists who seemed to blatantly shoot at anything that moved at South Georgia, probably misusing the name of the British Antarctic Survey in that respect.

The Attorney General

Yes, the present Firearms Ordinance, of course, applied there also. It may be necessary for the Commissioner to consider, if this Bill goes through, whether or not an identical or very similar Bill be enacted for South Georgia also.

During consideration of Clause 25 the Honourable D L Clifton proposed an amendment, seconded by the Honourable J E Cheek, to paragraph 25(1)(b), which was carried unanimously. This amended the paragraph to read:

"any firearm on Stanley Common, that is to say land outside Stanley to the east of a line drawn from Moody Brook Bridge to the Stone Corral thence to the estuary of Mullet Creek Stream".

Clauses 26 to 33 inclusive were adopted without amendment and the Bill was then read a third time and passed.

THE REGISTRATION OF UNITED KINGDOM TRADE MARKS (EXTENSION TO SERVICE MARKS) ORDINANCE 1987

The Honourable the Chief Executive

Your Excellency, it has been possible to register trade marks in the United Kingdom since 1875 and the law was consolidated in the Trade Marks Act 1938. In the same year the Registration of United Kingdom Trade Marks Ordinance provided that any person being the registered proprietor of a trade mark in the United Kingdom may register that trade mark in the Falkland Islands.

Now Honourable Members will be aware that trade marks are names or symbols by which products are identified to prospective

purchasers. An example of this would be the label on a bottle of Lamb's Navy Rum. The learned Attorney General wanted me specifically to mention a brand of whiskey to which he is partial but I thought that I would remain true to my origins!

The effect of registration of such trade marks is to prevent business rivals using the mark on their own products.

A practice has also grown up over the years of using trade symbols or logos, as they are often named, for services. The strange coloured bar chart on the FIDC note paper would be an example of that. These could not be protected by registration as they did not identify manufactured products in the United Kingdom. The Service Marks Act which came into force on the 1st of October 1986 has now provided for such protection in the United Kingdom. The Registration of United Kingdom Trade Marks Ordinance does not allow for re-registration of service marks. It is considered logical and desirable that it should now do this. Not only will we then provide protection for such marks but we should gain some revenue for providing that protection.

Revenue from the registration of Trade Marks totalled £1422 in the 1985/86 financial year. The Bill before this House amends the Registration of United Kingdom Trade Marks Ordinance so that it extends to service marks. I beg to move the first reading of the Bill.

The Bill was then read a first time and passed through its remaining stages without debate or amendment.

THE COMPANIES AND PRIVATE PARTNERSHIP (AMENDMENT) ORDINANCE 1987

The Honourable the Chief Executive

Companies in the Falkland Islands are formed, controlled and administered in accordance with the Companies Act 1948 of the United Kingdom. This Act was applied to the Falkland Islands in 1950 by means of an amendment to the Companies and Private Partnership Ordinance which was enacted by this House in 1922. The 1948 Act has been administered in the Falkland Islands as it stood in 1950, although a number of amendments have been made to it by Parliament. Some of these amendments have been extensive and complex relating to such matters as insider trading and so forth.

Section 78 of the Interpretation and General Clauses Ordinance 1977, which was enacted some 27 years after the 1948 Act was applied appears, I am advised, to have applied those sophisticated amendments to the Falkland Islands. They have not in fact been adopted in practice here. The purpose of the Bill before this House is to make it clear that the 1948 Act, without its later amendments, only applies here. If there is need to adopt the developments in English Company law here it will be for this House to so decide when the time is opportune. I beg to move the first reading of the Bill.

The Bill was then read a first time. On the motion that it be read a second time the Honourable A T Blake spoke as follows:

The Honourable A T Blake

Your Excellency, I rise to support this Bill which is another attempt to bring us into the current world, as it were, but I wonder if the Attorney General could assure me, and other Honourable Members, that the introduction of this Bill in no way changes the status of companies and private partnerships for the purpose of company tax and income tax within the Islands?

The Attorney General

Yes, I can give you that assurance.

The Honourable A T Blake

Thank you. Your Excellency-I will support the Bill.

The Bill was then read a second time and passed through its remaining stages without further debate or amendment.

THE MERCHANT SHIPPING (REGISTRY) ORDINANCE 1987

The Honourable the Chief Executive

Your Excellency, we maintain a register of British ships in the Falkland Islands and we do this in accordance with the provisions of the Merchant Shipping Acts 1894 onwards, of the United Kingdom.

At present only six ships are contained in the register and they are the Forrest, Monsunen, Bransfield, John Biscoe, Ilen and the Weddell. In recent years pressure has been increasing for the Registrar, who is the Harbour Master, to register more ships. As the Merchant Shipping Acts stand he is obliged to register a ship if the owner is qualified and the other requirements of the law are satisfied. To be qualified an owner must be first a British Citizen, or a company registered in a British Dominion and having its principle place of business in a British Dominion. The advent of the fisheries regime has resulted in an increase in the pressure on the Harbour Master to register ships. Apart from this, countries throughout the world with shipping registers and, in particular, other Dependent Territories, are making it more difficult for non-resident owners to register. Honourable Members may have heard of ships registered elsewhere sinking and the political storm, if I may use that expression, that has often arisen as a result.

The Government has been extremely concerned that if it gave in to pressure from elsewhere it would be put in a position where it was operating a register with an increasing number of registrations taking place of ships which only meet the absolute minimum safety requirements and over which the Government has no real administrative control. In other words there is concern that we might be forced into operating a registry of convenience without wanting to have one.

Advice from Government officials in the United Kingdom has indicated that we might enact amending legislation to allow the Government to control registration of ships in the interests of the Falkland Islands.

The Bill before this House is based on the laws passed in other British Territories and is intended to provide the Falkland Islands Government with similar control to that exercised by an increasing number of other Commonwealth countries. If the Bill is passed it would allow the Governor to direct the Registrar to refuse to register a British ship unless the ship is totally owned by Falkland Islands residents, or the ship is totally owned by a company incorporated and resident in the Falkland Islands and which has as its principal place of business the Falkland Islands, or that the ship has a clear economic connection with the Falkland Islands.

The Bill also provides that the Governor has to be satisfied in all three cases that it is not detrimental to the Falkland Islands or to international Merchant Shipping interests to register, having regard to the safety, health and welfare of persons working on the ship.

The Bill also provides for taking ships off the register which do not comply with the requirements contained in the Bill and also allows for refusal to allow a ship to be transferred from another register to the Falkland Islands register.

Part four of the Merchant Shipping Act 1894 has a special part concerning fishing vessels and this part is only relevant to the United Kingdom and Section 5(2), therefore, provides for the repeal of this part. In this case the Secretary of State's approval is required for the Bill and I can confirm that that approval has been given. I beg to move the first reading of the Bill.

The Bill was then read a first time. On the motion that it be read a second time the following discussion ensued.

The Honourable D L Clifton

Your Excellency, I confess I know nothing about it at all but I wonder if we are not actually turning down a worthwhile business in passing this legislation. It seems to me that lots of other previously British Dependent Territories generate considerable revenue from operating shipping registers and I would hate the Falkland Islands to be in a position in future years whereby we were not in a position to provide a registry so that we could obtain vast quantities of revenue from our ship registration. Could the Attorney General give some clarification on that?

The Attorney General

Yes, I think the answer to that is quite simple, the Bill does not prevent us from registering British ships, it only enables us to refuse registration which is not quite the same thing. At the present time we are in the position where we are forced to register whether we want to register or not and, strangely enough, the other territories that have in fact brought this legislation in are the ones who are making the money, places like Anguilla, the Cayman Islands and places like that, so they have obviously found it necessary to do this also because of certain scandals about ships registered with them. Funnily enough we discussed this particular problem in London in December and within about two weeks a ship sank that was on a Dependent Territory's register and a terrific row developed because they

were just in the position where we are now where they could not refuse to register. It is not a question of stopping registration, it is a position of giving us the power to refuse registration and to control our registry.

The Honourable D L Clifton

I thank the Attorney General for his reply and I wholeheartedly support the Bill.

The Honourable J E Cheek

Your Excellency, when I first read this Bill, in my devious way I thought it may be some sophisticated way of getting rid of the Forrest! But listening to the Chief Executive's very illucid explanation it is obviously not so. I very much support the Bill and I would hate us to be in the position where we were trying to make money by lowering the standards of safety for ships and therefore allowing them to come here. Sir, I support the Bill.

The Honourable A T Blake

Your Excellency, I support the Bill. I was just wondering if it is a requirement of the Bill for locally-owned ships to be registered, over a certain weight level, and if there are ships that are required to be registered locally that the owners be informed. I wonder if the Attorney General could clarify that point.

The Attorney General

I have brought my Merchant Shipping Bill with me but I am not sure whether I can find it but, as far as I remember, you have to register if your ship is over a certain tonnage and I can not quite remember what the tonnage is. I am not sure if it is not 50 tons. I will look for it while we are proceeding and let you know. There definitely is a requirement under the Merchant Shipping Acts that if you are over a certain tonnage you must register.

The Honourable A T Blake

I thank the Attorney General for his reply and I will support the Bill.

The Honourable R M Lee

I would like to support this Bill and look forward to the day when the east/west ferry is part of that register!

The Honourable the Chief Executive

But will it be over 50 tons I ask myself!

The Honourable L G Blake OBE JP

It was not my intention to rise to speak in support of this Bill, Sir, but I do so wholeheartedly and would remind the Honourable Member, my fellow from Port Howard, that yesterday we identified two anchors which we are putting on East and West Falkland with a piece of rope between; the ferry is about to start operations -

you get your boat and you pull across!

The Attorney General

My rather illogical mind registered the number 'five' but it is not 50 tons it is 15 tons, so it is quite a low tonnage.

The Bill was then read a second time and passed through its remaining stages without further debate or amendment.

MOTION FOR ADJOURNMENT

The Honourable the Chief Executive

Your Excellency, I beg to move that this House stands adjourned sine die.

The President

The motion is that this House stands adjourned sine die. The traditional question at this stage is, "Does any Honourable Member wish to speak?", but I shall defer asking that question whilst I beg your indulgence in order to make a few remarks on what I believe is both a very happy and at the same time a very sad occasion for all of us. A very happy occasion because it is the first appearance since his victory in the by-election in the town of Stanley earlier this year of our newest Member, the Honourable Terry Betts, and I would extend on behalf of this House our warmest congratulations to our new Member.

We are always very glad to see new talent on this Council despite the fact that we regret seeing our older and more experienced Members move on. In coming here I know that Terry, still a young man if I may say so, brings with him a wealth of experience in the public service and I have little doubt that your contributions both in this open Council and in Committee will be of benefit to this community. I am sure of course that the gentleman sitting next to you is always relieved to move up from the junior seat to the second seat and the Honourable Eric Goss no doubt takes comfort even more than the rest of us from the fact of your victory. I do not, on the whole, welcome by-elections but I must say that those that have taken place during my time here have been most interesting and, if nothing else, though there are many facets of these, they do act from time to time as a barometer of public opinion. You have come to this Council with the hopes of many people resting on your shoulders.

I said it was also a sad occasion for all of us and there I refer, of course, to the rapidly approaching departure from his present post in the Falkland Islands of our good friend and colleague the Honourable the Chief Executive, Mr. David Taylor. I at any rate find it very difficult indeed to believe that virtually 10 years, I think 9 years and 11 months to be precise, have passed since the Right Honourable the Lord Shackleton first recommended to Her Majesty's Government of the day the appointment of a Chief Executive to bind together under the Governor of the day, whoever he might be, the direction and the management of both the traditional functions of the FIG and a new growth orientated development agency, which we now know as the Falkland Islands Development Corporation.

It took several years, a conflict and a full update by Lord Shackleton before His Lordship's original recommendations were implemented in full, and even now of course many of them have not been implemented at all. And even then it was not until December 1983 that Mr. David Taylor, specially recruited from the private business sector, but with extensive earlier experience in Colonial administration, was able to don the cunningly woven hairshirt of Chief Executiveship. It is true of course that Mr. Taylor assumed many of the functions of the traditional post of Chief Secretary.

It is no less true, however, that in his time here he has had to pioneer a new role in circumstances which would have daunted lesser men. It is often, I suppose, the lot of those in public service to be criticised and I think Honourable Members, who themselves are in public service, will appreciate that and certainly the Chief Executive has not been without his critics during his time here. Some, dare I say it, better informed and better motivated than others.

There are those within the Islands who, perhaps, not having met the man and, believe it or not, even with this small population there are perhaps many who have never had the opportunity of meeting the Chief Executive in person and are therefore not able to judge for themselves the man himself. That both saddens and perhaps rather disappoints me but I myself, for what that may be worth, I am able to judge his true worth to these Islands against my own personal background of, dare I say it, nearly 40 years of public service in a wide variety of situations and countries.

I can say with complete honesty that rarely, if ever, have I personally worked alongside anyone who has worked with such singular dedication to his task. The lights have often burned late in the Secretariat and in Sullivan House as Mr. Taylor has wrestled with the problems of administering these Islands and projecting their development at a time of unprecedented social and economic change and with all too few resources, especially of man power, at his disposal. His presentations to the Executive and Legislative Councils, often touching upon matters of great sensitivity and complexity, have reflected hours of patient research and have been couched more often than not in writing of enviable clarity. What I might describe as his parliamentary performances in this Chamber have been outstanding, often for their wit, always for their substance.

The Chief Executive may not have won every battle that he has fought against powerful external forces, who shall remain nameless for the purpose of today's adjournment debate, but I know that he has won great respect and has always been a strong, persuasive and honest advocate of what he has perceived to be in the best interests of these Islands. My one regret is perhaps that the demands on his time in Stanley have left him with so little time to relax amongst the natural attractions of that place that we here call the Camp.

David, if may at this stage lapse into a more informal mode of address, we know not where the future will take you from here but some Government or some organisation, public or private, is surely going to benefit from the application of your undoubted skills and energy, and dare I say it, enlivened by your often wicked sense of humour. I, as Governor, thank you especially for your wise council, unremitting toil and, above all, for your friendship, encouragement and loyalty to me. All of us here, I believe, on behalf of the people of the Falkland Islands wish to thank you for every moment that you have spent in our service and with that go our wishes for your good health, your happiness and well deserved success in the future.

At this stage I invite any other Honourable Member to speak, not only to the subject to which I myself have addressed but, as is customary in the Motion for Adjournment, anything goes.

The Honourable L G Blake OBE JP

Your Excellency, today is April Fools' day. May I first of all assure the public that we are sitting in Council and that the Bills we have passed are not a hoax and what we have said, I hope, will not be a hoax.

It is also five years, virtually, from our invasion date and therefore time to look back and look forward. In looking back we see, first of all, the expulsion of the occupying forces, the period of dirt and difficulty when only promises seemed to be on the horizon. A period of great sorrow when we lost the hospital and so many friends and then quite suddenly things began to happen. I think the first thing that happened, the real happening if you like, was the opening of Mount Pleasant Airport.

Suddenly those promises began to come to fruit and where are we today, five years on, because people do tend to believe that nothing happens in these Islands. We have a full strength air service with three aircraft replacing three Government aircraft which were wrecked. We have a functional Agricultural Department whose Head is a local who understands the industry and is constantly being called upon to advise this Government and this House. We have an Agricultural Advisory Service which is now, contrary to fond belief, giving advice. We have a Power Station fully functional; we do not need too many candles this winter and I hope we will not need too many next. We have a Water System which has yet to be completed, but it is going ahead, and we have more houses and better roads.

We have seen a lot of friends come and go from the Forces and we will hope to welcome many more friends, and I believe that it will always be important that we remember to welcome them as friends so that they understand why we are here and why they are here. It is no great joy to anybody to be picked up and taken away from their families for four months and, therefore, they have difficulties to overcome, but we can help them with those difficulties with our friendship and hospitality which we have given in the past and I am sure we will give in the future.

We have the beginnings of the Prynne Report, unfortunately not quite yet a ferry, but the beginnings of tracks. We have the Wool Mill, we have promise now and I think more than promise, a well outlined hope of an extremely efficient telecommunications service and, Sir, we have our fisheries protection zone and it is this which I believe can be, and will be, our salvation.

Providing we as a Government accept the fact that this money is not just to live high wide and handsome on, but it is to develop and build these Islands into the community and nation that we all look forward to. I think that income will then have been justified and our existence justified.

I would like to thank, in particular, the fisheries adviser who has now just left us and the team under the Chief Protection Officer, Mr Peter Derham, who set up and got going this organisation and I would also like to thank those States which have taken up licences and recognised that we are in the business to see a fair and proper fishing organisation/regime. We want the fish exploited; we do not want them devastated. We do not look for more than is reasonable for ourselves and we ask and we

accept that they will take what is their due and hopefully no more. If they want to take more then I will happily sit in this Chamber with another hat on and explain to them why they should not. But this regime is built on co-operation. Co-operation between us and the Fisheries Department, between the Fisheries Department and the Fishing Fleets, between this Government and the Companies and Organisations who have sent their fleets down here.

This year, which I think is really rather special, they are having a bumper season. I hope they will continue to have bumper seasons and that our husbandry of the fishing stocks will ensure that. We are going to have to spend money on conservation and research but I believe that that money will be well spent and it will ensure that these Islands are well rewarded for their efforts today and in the past.

We also see the beginnings of our own fisheries industry under the hat of Stanley Fisheries and I hope Members will not undervalue this organisation. We should all remember that the British Government's policy is for a multilateral control system and it is only through developing our own fisheries industry that we will see, or be guaranteed, a major share in that multilateral system should it come into effect. I do not wish to debate the likelihood of it coming in or not, but it is through Stanley Fisheries Companies, in co-operation with their fishery related projects, that we will really establish our industry, not just by issuing licences but by becoming part of the fisheries.

Finally, Sir, having got off my high horse, may I join you in thanking David Taylor. He has had a most enviable job in these Islands. He has been the whipping boy of Council, he has been the football of the public and he has been the bastion between us and ODA. We should all be grateful to him for taking these tasks so well. But he has also been the architect of development in these Islands. It was he that put together the beginnings of FIDC. It is he that has put together the original thinking that has gone into the Development Corporation Ordinance. It is he that over a period of weeks, or nay days, in Britain put together the licencing regime with the Attorney General and he takes with him when he leaves these Islands my personal thanks and, I am sure, the thanks of us all for his patience and tirelessness and my thanks also for his friendship. I beg to support the Motion.

The Honourable A T Blake

Your Excellency, I rise to support this Motion. It seems rather strange to me that we seem to have got as far as me even without somebody commenting about the rather grand furniture that we now have in this Chamber. I think it is far more fitting for the type of work that we do and that we should be comfortably seated in pleasant surroundings. I do notice of course that the seating arrangements have been so designed as to avoid Eric Goss having to stare at the clock and make subsequent comments although the grin on his face indicates that he most probably is going to say something about it!

I, Sir, would certainly join the Honourable Tim Blake and yourself in thanking David Taylor very much for everything that he has done for us. I always think, looking back, when new people come to the Falkland Islands we usually get together and say,

"well we will soon knock him into shape, get him thinking the right way", and it wasn't very long before I realised that we were in a different ball game with David and we weren't having the usual effect. For a while it got me a little bit worried, but then the power of his wisdom and good council, in actual fact, I think has done a tremendous amount to change the outlook of Council, and we do in fact look at things that come before us in a slightly different manner to what we did before he came to the Islands. He has been a wonderful balance of wisdom, humour and controlled rage which I am sure that most of us will look upon with fond memories of a very great and interesting time in Falkland Islands history. I feel privileged to have been associated with David during this very important period.

You may well remember that when he attended his first Legislative Council I somewhat staggered him by introducing the subject of the green bluebuzzer. I would never have thought that such a tiny insect could have been capable of such long range political bias because the other day I received a complaint from one of my constituents that a new member of the insect community has arrived in the Colony and he is known as the orange/green blue buzzer. It may well be fitting that we have such an animal here with our new Chief Executive coming from an area where orange and green are important colours!

I move on to welcome Terry Betts to Council. I for a long time thought he had a lot to offer and I had been disappointed that he had been unsuccessful in previous elections and by-elections. I am very glad to see him on the Council and I am sure that his association with the G.E.U. is going to serve Council very well and give us a slightly better look at Labour relations within Council. We do tend, or have tended to be from one side of the table as it were in those sort of areas and I am sure he is going to lend a very useful element to our discussions.

I would raise the subject again, this is probably becoming a little bit boring to certain Members of Council, that Camp Councillors are a fact of life within this Government and I do feel that they are not well treated at times in the supply of information about forthcoming meetings and also on the receipt of communications regarding the content of those meetings. We are making decisions basically on being handed the papers minutes before we have to consider certain items. I think this attitude will have to change. It may well become easier with the forthcoming communications improvements, but I think that in the interim period, until such times as this does take effect, that the administration has got to make a concerted effort to ensure that the Camp Councillors are well enough informed and in plenty of time so they can give due consideration to some of the very important decisions that we are making.

When I first joined Council in 1981 the total budget was only just over £2 million and I do believe the other day at Executive Council we were considering decisions which were in excess of that in the one meeting, and so I think that Councillors must be given every opportunity to consider the implications of some of those decisions in plenty of time.

I will refer, just quickly, to the attitude of some people towards the money that we are getting from fishing. They are large sums but people must understand that once our per capita

income goes beyond a certain level certain other elements of our economy will disappear, and of course I do refer to aid from overseas, and a certain amount, I should imagine quite a large amount, of this money is going to fill the gap that is going to be created. I want to make it quite clear that I am in no way in favour of hand-outs to the community. If we want to make sure that everybody benefits from our new found wealth then let us create a better place for the people to live in the Falkland Islands with better services, backed up with parallel investment which allows us in bad times to maintain the services that we create.

I would criticise people who have been very vociferous about our immigration policies. We are going to need people, it is becoming increasingly clear we are going to need people, to be able to utilise the money that we are getting to good effect, and this is going to require people to be brought into the Falkland Islands. We have to welcome them and house them and look after them properly otherwise this money is going to be, I rather fear, either wasted or probably invested to the extent that it will probably lose its relevant value. We have to welcome people here to help us to make this a much better place.

My last little speech is aimed at a particular unit within the armed Forces that are with us and, unfortunately, it is a sad occasion because they are not going to be with us for very much longer. I of course refer to the Army Air Corps. Most of us first met them either during the hostilities or very shortly after, and shortly after the hostilities finished in 1982 they became the backbone of communications within Camp. It is in Camp that these people are going to be very sadly missed. Once things settled down they became our air service. Anybody who wanted to be moved was moved about by the Army Air Corps, or perhaps by some of the other helicopter units that were in the Colony. Once we in actual fact re-established our air service, the Army Air Corps became the forefront of public relations within Camp. They were the people that we saw the most. They were the people who kept the cheerful contact that most of us have enjoyed with the military. I am afraid that their services and the relationship we have with them are going to be sorely missed. I wish them all well and thank them very much for everything that they have done for us in the past. Sir, I beg to support the Motion.

The Honourable C D Keenleyside

In rising to support this Motion I would first of all wish to offer, through the Commander, condolences to the families of the Chinook crew in that recent unfortunate accident close to Mount Pleasant. It seems all too often we have to stand here and offer our condolences for one reason or another to the military. I know the effect it must have on the families as I can imagine the effect on my family if daddy did not come home to-morrow. Certainly we have a very large debt, often not probably recognised I feel, that we owe to these people who are helping to defend our Islands, often far from their own families and in difficult circumstances.

On a brighter note I am pleased to see that the Education Department is at last starting to come into shape in terms of staff. This year we hope at last to approach something like a proper level, certainly for the first time since I have been on Council.

I was interested in Councillor Tony Blake's comments on ODA funds and I think in fact we must realise that some of the funds that we have been provided with are already coming to their end. I refer to primarily, for example, to sub-divisions. Any sub-divisions from now on will be from FIG funds and not from ODA funds and I think that is a fact that may not be appreciated.

I believe one of the answers to my oral questions underlines how short we are of people here to do our jobs. Thirty three posts outstanding in the Government establishment is quite an incredible figure and we know from being on Council how hard and difficult it is for various departments to sometimes come up with the seemingly, sometimes, easy requests that we make - which often in fact create quite a lot of work - and I really appreciate the efforts that are often made by the staff concerned to produce the goods.

I think there is a lack of news about our fishing patrols and our fishing department generally. I think that there is a certain feeling amongst the public that perhaps we are not getting value for money. I think the reason for this is quite simple that most people are not properly informed about what is actually going on, what the patrol vessels are up to. I myself did not know the facts that were mentioned earlier by Mr. Tim Blake about the three vessels that have been caught, for example. If things like that were made more public I think that it would certainly be of benefit to us in justifying the amounts of expenditure which we have to incur.

We shortly could be coming to a very interesting situation in this town when the roads leading to it and around it are better than the ones that are in it. Certainly if the Stanley Airport road is repaired to the standard we expect, if the MPA road was done, that would certainly be the case and I think it would be a rather sad reflection on our abilities to do something about our own town.

Turning to tax matters, it is an interesting figure, I believe, when you look at the transshipping fees for last year; just the transshipping fees. Those fees alone are more than the company tax and income tax put together. To me that just gives us a little idea of what the money from fishing really means and in that respect is our income tax such a great part of the economy anymore? I think that we could really start doing something about our income tax, especially as we are thinking of reviewing our company tax. If the company tax comes down I think that the income tax should come down too.

I paid a visit to the Power Department a couple of weeks ago and I found the visit quite disturbing: severe shortages of manpower and in fact almost an inability to keep up with the load that we are now experiencing. We have a very definite generator requirement now, not in a year's time, not in two year's time. If we do not want to be sitting in the dark again I think that we should really get on and do something about it now. I believe

there could have been some more notice taken for example when this station was set up (the extension) of the local views expressed by the staff at that time that the extension just wasn't big enough. I tend to support that view and I think more notice should be taken of local views in these matters and not just taking the advice of some expert who comes here for two days and decides that everybody here is talking through a hole in their hat.

Finally, I, too, wish to add my thanks for the hard work and endeavour put in by our Chief Executive, David Taylor. Personally I have always found him very fair and available even if I did not necessarily agree with what he said, and I do hope that as he commented a while ago that his stay in the Falklands has not turned him into a workaholic although if it has the next person to employ him is certainly going to benefit very considerably. I wish to support the Motion.

The Honourable J E Cheek

Your Excellency, I, too, would like to express my sympathy for the families of those who died in the Chinook crash.

Someone mentioned that today, the 1st of April, was April Fools' Day; it is also the birthday of the Royal Air Force - its 69th birthday and I would like to pass on our best wishes and our thanks for what they, and indeed all the Armed Forces, are doing in the Islands, and I hope that they have a successful year next year without any more of these horrific accidents.

I also, together with my colleague on the right, am pleased to see that this coming year we will have, I hope, for the first time in all the time I have been on Council, which I think is something like six years, a full number of teachers in the Education Department.

I particularly welcome the appointment of the new Chief Education Officer, Mrs. Murphy, who I see is here today. We were very lucky having a number of applicants for that post, most of them of a very high standard and I am sure there was considerable difficulty in making the selection, but I believe we have made the right decision with the choice that was made. So I look forward to a year, or several years, of continuing improvement of the Education Department. Just one point before I leave Education, I think there was one unfortunate incident at the beginning of this term, or rather following the Camp Sports, when some children who came to Stanley were refused entry into Stanley House Hostel on the Sunday evening. It was an unfortunate incident; I think there was some misunderstanding and I do not think it will happen again in the future.

We have had various talks about the MPA road, the Prynne Report and the roads that are going to be built. This, together with a number of other things, worries me considerably, not because of the capital costs of these projects, but because of the recurring costs. If we took note of the figures that were said this morning it works out for roads something like £4,000 per annum per kilometre and even with the Prynne Report in 10 years time we are going to have, including the MPA road, something like 250 kilometers. That is one million maintenance on that alone and, as the Chief Executive rightly said, possibly the Prynne Report is

too slow so if we have twice as much road as that it is going to cost us two million in maintenance. Whether we can afford it even with the extra money we are getting from fishing, I do not know.

I, too, would like to welcome Terry Betts to this Council. I am not sure if he stood, or tried to stand, more times than me or as many times, certainly at least as many times so I know what he went through in trying to get here. But I think Terry has a lot of valuable experience that will go down well in this Chamber and will be very useful to the community.

Finally, I, too, would like to express my thanks for the work that the Chief Executive has done. He has had an unenviable task. The Administration, FIDC and, probably one of the most difficult things, trying to interpret the wishes of the Islanders. He is supposed to have us to help him interpret that but I must admit that at times our input has probably not been as great as he would have wished. Certainly the number of hours he has worked have been amazing - I doubt if he really knows the true number of hours - and thinking back on all the subjects we were discussing yesterday, which was overtime, if we ever consider paying him for the overtime he has put in over the last two and a half years I doubt if there would be anything left out of our fishing revenue. Sir, I support the motion.

The Honourable D L Clifton

Your Excellency, in rising to support the motion I, too, would extend my warmest regards to the Chief Executive and wish him well wherever his life may take him. I have a particularly high regard for him, not only from being a Councillor, but also from being a junior Civil Servant. I think he has done wonders for the Civil Service, perhaps not as much as every individual would have wished but certainly a lot better than under original circumstances.

He is a man who I found seldom criticised in the community, no matter where, and I think that he has been of immense benefit to the community, to every individual. Not only has he had a very taxing three years in setting up the Development Corporation and lots of other enterprises; quite recently our fishing which, without his expertise - and that of the Attorney general who is soon to leave us too - I do not really know where we would have been.

We do now have, with the Honourable the Chief Executive's considerable divergence, a very broad and bright outlook to our future. I do not think anybody should lose sight of that future. Let us not look backwards anymore to what our budget may have been five years ago, six years ago, ten years ago, we have got the ability to get up and go so for heavens sake let us get up and go and make a future of it. Let us convince the rest of the world that we can, perhaps in time - not tomorrow, perhaps not within the next ten years, or twenty - that we do have the ability to create a nation here rather than a dependent colony.

I would also like to welcome our new member, Councillor Betts, to this Table. I only hope his aspirations are being realised a little more than his initial comments about this Council.

If I may I will add my thanks, through Admiral Layman, to Operation Flogger. It has done a lot to create the basis for part of our new-look future. It has cleaned up immense areas of the town and will enable us to proceed, rapidly I hope, with the Jersey Estate.

To look ahead, I believe we have passed an essential piece of legislation here this morning. Initially I did not quite understand it because I thought it was going to restrict the potential of the shipping registry here in the Falklands. I have had considerable criticism in the past that we are not, perhaps, doing enough to break into this new, possible potential for revenue. If there is a need to set up the marine resources to generate revenue from that source then I believe it is the time to strike and generate that revenue.

I would also like to mention, very briefly, the hydrocarbon and minerals legislation. I hope the time is not too far away when we can actually see this piece of legislation coming up to Legislative Council, together with the Ordinance relating to the availability of local stevedores to extend their remit and move out into Berkeley Sound to generate extra revenues: a little for themselves but also for the benefit of these Islands. If we are going to have a proper fishing industry then let us have a proper fishing industry and ensure that everybody has the ability to get out there and make a little extra cash. Sir, I support the motion.

The Honourable R M Lee

Your Excellency, Honourable Members, I would like to support this motion. I will try to keep it brief because by now I am sure that some people are starting to fight back the yawns. It is a long way around this new Table of ours.

I would like to welcome Mr. Betts to the Council and I look forward to working with him. I have worked on opposite sides of the table to him before and I found him an extremely interesting person to debate with and I am sure he will be a great help to us all.

As for Mr. Taylor, I think my claim to fame is that I am probably the biggest thorn in his side, but I must admit I enjoy working with him and I am very impressed at the amount of work he puts in. I think everyone in the Islands now realises that he is a very hard working person and we are going to miss him.

I would just like to comment on a few things now. The fishing revenue is something that we are all talking about and I have detected already, at our last few Standing Finance Committee Meeting, the demands for things from various Government departments. There is no doubt in my mind that they are on the increase. We are now approving special expenditure in excess of two to three hundred thousand pounds. This happens every month so I can detect a strong feeling from everyone that this money is available, let us get our hands on it as quickly as possible in case it all dries up, so I think that Council has to be very aware of this and it is not only from within our own Islands that there are people after this money. There may not be sharks in the sea in the Falklands but I think there are a few on the land at the moment and we have to be aware of this.

I would also like to comment on remarks made in a recent interview which Mr Taylor gave to a newspaper reporter when he said that he thought many Government officials were a little bit too accessible. I agree with this. I think there are not only sharks arriving in the Falklands but there are cranks as well and these people seem to be able to get right to the top within minutes and they waste an awful lot of our time. I think we have to be aware of that and perhaps even set up a "sharks and cranks department" to deal with them.

A comment that the Honourable John Cheek made about the roads system that we might be getting in the future. I do not think it is any secret that I am in favour of this. He does argue that the cost of maintaining a shingle road system is extremely high and I must agree with him but I do not think we should be put off by this. I do not think the volume of traffic on a road between Port Howard and Fox Bay, for instance, would be anything like the volume of traffic which you will get on the MPA road, so I do not really think that we should use the MPA road as an example. Going on, on the roads problem, I was amazed this morning to hear a long debate about whether or not the MPA road should be tar-sealed; I found it amazing that we are arguing about that when there is not even a yard of road on West Falklands yet. They have not even started building there, but here we are arguing the toss as to whether we should put traffic lights and tar-seal on the one bit of road that we have got on the East so I object to that most strongly. I think you are very lucky to have a road to argue about. We have not got one on the West yet.

Again talking about the income from fishing there is no doubt that many people think about it and it is a possibility that we are going to be a little bit more well-off than we were in previous years, so I would like people to think about the silent majority. There are an awful lot of things happen in Stanley and in the Falklands as a result of pressure brought about by a few people that go and camp in certain people's backyards and so on. But there is a silent majority out there, I feel, that are not complaining but they deserve a slice of the cake, and a good slice of it, and they would be a good investment. I would be much more in favour of seeking out this silent majority and investing money in them and ignoring the few people that are kicking up a fuss about trivial things.

I think we should think about reducing the taxes for locals. OSAS are still a problem here, it is something that no-one likes, and it is starting to look as though we may have to pay that ourselves from our own revenue and that is going to hurt even worse when it comes from local revenue; so I think one way we could help locals be a little bit better off is to reduce the tax for local people. I know this is not popular and quite a few people will not agree with my remarks but I am afraid that is how I think the majority of people feel.

I have to mention the air service. We heard discussion about that this morning. It still has not improved. We have three planes; nothing really worth reporting has happened about the situation. There is still a great potential for FIGAS to be better. I think the people that operate it, basically, are in favour of improvements so I feel that we must press on with that and I just have to remind people again that if you live on the West Falklands the only way to get to Stanley is by FIGAS. There

is no other way. That is why we are so sensitive about the air service and shipping because there is no other way. If you live on East Falklands and want to go to Stanley you can drive there, or you can fly there, but if you live on West Falklands you just cannot do that so I think that is why we are much more sensitive about these issues on West Falklands.

As I said I will keep it short because it is a long way around this Table so I would like to conclude by supporting the motion.

The Honourable E M Goss MBE

Your Excellency, Honourable Members, in rising to support the Motion for Adjournment I, too, would like to welcome Terry Betts to our Chambers as our new Councillor who won the Stanley by-election on the 20th January 1987.

It gives me a certain lift to know that I have gyrated from the bottom seat at our Table, but on the other hand I am now no longer nearest the Governor to consider myself his right hand man. I now understand better Lewis Carroll's character the Mad Hatter when he kept repeating "move up, move up"! One thing Terry will soon learn is that in his position everyone else seems to steal all the subjects. I struggled on but as he is more vociferous than I he should find filling in the last seat a lot easier than I did. I am surprised in fact that there have only been one or two very muffled mentions to Terry's comments about Councillors being dumb and stupid and just lets hope that this cap will not fit him now that he is in our Chambers:

I, too, wish the Chief Executive a fond farewell and thank him for all the sterling work that he has done in his time here in the Falklands and I wish him 'Bon Voyage', but I hope it is not the last we hear about him.

Going on now to some of the more topical subjects, in particular the MPA road. I was rather pleased to know that it was actually a cat that I put in among the pigeons this morning and it aired the subject so very well but I am sure it is not the last we are going to hear about that road and other roads in these Chambers.

I support and endorse the wise and kind things said by fellow Councillors. Now it would be wrong of me to disappoint Honourable Members and not mention the Chamber clock. It is now expected of me to make mention of this wonderful piece. The Clerk of Councils has declared it to be overwound and I have made arrangements for it to be sent back to the United Kingdom to be repaired free of charge by kind favour of the FIC.

Referring to a mention about aid from overseas, aired by Councillor Tony Blake, I do hope I heard this right and there was no 'S' on the end!

I fully agree with Councillor Keenleyside on reducing personal income tax and maybe this will happen next month at our budget session and I should think the Honourable Financial Secretary will have this on his cards. He is making a note of it now so that work can be done on it. It has been announced by the Chancellor in the U.K. that tax there would be reduced marginally, but I would like to mention now, before our Budget

Session comes along, one thing I held out against last year was increased duty on spirits and tobacco. That is not going to happen in U.K. this year so maybe can follow them.

Sir, this seat on the Table and the arrangement of the Table, as I said before, I considered my position up there as your right hand man and now Terry has that privilege. But there is an interloper, I see the Learned Attorney General has moved up a peg on the Table. I do admire this splendid furniture we now have here and I hope it serves us and the Colony very well. I support the Motion.

The Honourable T S Betts

Your Excellency, Honourable Members, in rising to support the Motion I would like to say what an honour and a privilege it is to be here today, despite it being the 1st April. I hope I am not the only fool in the Islands at the moment and I would like to thank those 201 people that put their 'X' in the right place on the ballot sheet.

It is fortunate in fact that we stand at this moment in time with quite a prosperous future with the revenue to be received from fisheries and, I believe, certainly for this year off-shore but in the future possibly a lot more onshore.

Three fine things I think have happened to the people of these Islands over the last five years. One was the throwing out of the Argentine Invasion Force; the second was the decision to build the MPA Airport and the third was the declaration of the Fisheries Protection Zone. Development has also taken off in that period of time through the Development Corporation. Although it gets many knocks I believe it has a lot to offer to the Islands.

We talk about immigration and the need for more people to come and live and work here. I think that really will only become practical if we get our house-building programme properly organised. One will go hand-in-glove with the other.

Lots of my colleagues commented on the possibility of ODA funds drying up. I do not think that necessarily needs to be so. Very much depends on how we prepare and put our case to people within ODA on what we believe are projects that may require development aid funds. Certainly I look forward to the day when these Islands become economically independent. That will be indeed a great day for these Islands and the people living within them.

Being in this House today I believe that I do not only stand representing the interests of the people in Stanley; I would like to feel that I am here representing all the people that live in the Falkland Islands, whether they be in Camp or in Stanley, and I would hope the people in Camp can look at me and see me as someone they can approach with any of their problems.

I certainly agree with the views of various Councillors who suggest that personal taxation wants to be reduced. I believe we have the revenue now to make that possible and I hope not too many of us become a little over pessimistic or conscious in deciding to put monies away for a rainy day, and we do in fact

make some definite policies on what shall happen with fisheries revenue and spend monies on needed infrastructure to make this a better place to live.

There are certainly two Departments within Government which I think never receive enough support and need it soon, those two being the Police Department and the Broadcasting Studio. I would dearly love to see Policemen walking around on the beat in uniform during the day, and I would like to have a Policeman on duty after midnight, and I think if these things are going to become possible we certainly do seriously have to look at the manning levels within the Police.

Broadcasting and the media in general is very important to the Islands and I think asking the present staff of the Studio to provide information, and the collection of it, is quite honestly a little ridiculous with the present equipment that they own and the staffing levels that they have.

I would like at this point to offer my sincere thanks to the Chief Executive, David Taylor. I have known David for most of the time that he has been here. I have worked with him on the Development Corporation and Executive Board. I found him a very interesting man to work with and on numerous occasions his advice has been in the 'expert' category.

I would go along with Councillor Clifton in providing something for the local stevedores within our fishing industry. I hope that we can implement some proper and working legislation that allows these people to earn more money and also generate more money for the Colony's revenue.

Somebody within the House today was obviously going to comment on my quote about Councillors being dumb and stupid. I believed at that time that Councillors were and I believe on that particular subject still were. I think that any journalist really should have the privilege to come down to the Islands and see how we live and how we tick but, having said that, I will represent the interests of my constituents and, at the moment, although I believe that these people should come to the Islands, I know that my constituents in general do not. So while that is the case I will not press the issue. I wish to support the Motion.

The Honourable the Financial Secretary

Your Excellency, I rise to support the Motion and in doing so I would like to comment first of all on a few matters which have been raised today.

The first point I would like to mention is the point raised by the Honourable Tony Blake on the question of the delivery of papers. On our side of the fence, in the Treasury, we have SFC papers to deliver and we do our best to get them out. My Chief Finance Officer, Derek Howatt, does his very best but it is difficult at times and, in particular, we were extremely late in getting the Standing Finance Committee Minutes completed this time. One particular event was the fact that Mr. Howatt went down with flu and then there is the question of staff in general. I do think we have to address ourselves to this. I believe that we can improve and the Financial Adviser to the Colony, Mr. Harry

Ritche, recommended recently that we should increase the Treasury staff. This has been supported by the auditors too. This will certainly be looked at shortly because I do believe that we should endeavour to become more efficient and improve the service generally. But having said that I do not know where the people will come from. This is one of the problems that I have. We need trained people. We lack trained people. It is all very well to say put out adverts and we may get some girl from school who has potential but it does not altogether help the service for a number of years. They have to be trained and we are short of people in the middle grades.

I am very concerned about the Civil Service generally because I do think that unless we get people in the middle grades we are going to have a greater difficulty and the papers may be even later.

Looking at the points raised on finance, first of all I would like to say how much I welcome the responsibility taken by Councillors with regard to the fishing revenue. It is very easy to dispense this very quickly but I do think we have to consider every item of expenditure put before us very carefully because it is not a bottomless pit. There is a limit to it and we do not know how long it is going to go on for, so I do welcome your concern on the control of finance.

I also take note of what you say with regard to taxation. Company tax is under consideration at the moment and I also have plans for presenting a package for taxation generally for the next Budget. This will first of all need to be presented to the Executive Council and then it will be remitted in a certain form decided by the Elected Members on Executive Council. so that is noted.

There is one good announcement I am able to make today and that is the fact that yesterday in Executive Council it was agreed that we should now reduce the price of electricity from 14.5 pence per unit to 13 pence per unit, largely on account of the reduced price of oil now being consumed in the generators in the Power Station.

The next point I would like to make is with regard to the military. I was very surprised to learn today that the Army Air Corps are leaving us. I have never had the opportunity of flying with them in the air but I have flown with a number of pilots on the ground!

Having said that there is something further I must say on the military side of things and that is with regard to all the various units that are protecting us. I think we tend to forget about them now, and in particular since they have gone to MPA, but there are the sailors that are travelling around in the ships protecting us - and they also now help us to keep an eye on the fishing zone - and I would not be standing here today if it was not for the Royal Army Medical Corps. I think that it is very encouraging that they shall soon be closer with us in the Stanley Hospital and I welcome this very much.

Finally, I must come to the point of saying farewell to our Chief Executive, Mr. David Taylor. To him I wish to extend the best wishes of the Civil Service in particular. Although he has been a hard boss, no doubt he has wanted efficiency and he has been understanding. But I do consider myself very privileged having worked so close to him and regarded him as a wonderful colleague and friend. I trust one day that he will come back to sample some of the developments that he has now laid down. Who knows one day Mr. Robin Lee may be able to give him a first class ticket on the West Falkland ferry!

The Commander British Forces

Your Excellency, in rising to support the motion I am very aware that much has changed in the military world since the previous meeting and things will change too before the Legislative Council meets again. I spoke then of the need to maintain and foster our military/civil relationships after the military move to Mount Pleasant. This sentiment was echoed by the Secretary of State for Defence, Mr George Younger, when he came here in January and he met Your Excellency and some of the Honourable Councillors here today.

The move has now taken place; it is nearly complete and we are occupying our own corner of the Camp. This has, of course, stretched those links which we all enjoyed with the people of Stanley, but I am happy to report that everyone is responding well to the new challenge that that imposes. So we will continue our close association with events in the Stanley and the Camp calendars. Examples are, of course, the major ceremonial occasions here: the Stanley Races, Camp Sports, other sporting occasions and horticultural shows and all the rest of it.

I am extremely grateful for the splendid hospitality extended to servicemen by many families in Stanley by inviting them to Sunday lunch and for the famous kelper welcome given to our people by many households throughout Camp. It is legendary, we do not take it for granted, we are very grateful. In turn we reciprocate where we can. We are working out details of plans to show more members of the civil community around the Mount Pleasant Complex and I am pleased to say that we have arranged for some Islanders to spend a day on board HMS Minerva on the 4th April. On the 11th April the Royal Engineers will, with your permission, celebrate their 200th birthday here and their long association with the Islands.

The potential importance of Mount Pleasant to the economic development of the Islands is obvious and has been referred to by several Honourable Members today. The crew change of the SEDCO offshore drilling programme ship was a great success. The Dornier is now happily based at MPA. You will be aware of the cross-fertilisation of effort between the fishing vessels patrolling the FICZ and our own military surveillance patrolling the FIPZ. Our co-operation has also extended to giving the assistance asked for by Government on behalf of the Race Sponsor to around the world yachtsman, John Hughes, who sailed into East Cove recently after an astonishing piece of seamanship in rounding Cape Horn and sailing 4,000 miles on a jury rig.

Also, as we move closer to the opening of that Joint Civilian/Military Hospital, the new Falklands Hospital, we are looking forward to further co-operation there and our joint operating and cost sharing agreements and we welcome that too just as the Financial Secretary does.

I said that things may change a bit before the next meeting of the Legislative Council. The change which I view with most trepidation is the imminent departure of the Chief Executive, the Honourable David Taylor. Without omitting to fight his corner in a proper way, and a very skillful way, and to represent the Government of the Falklands, he has been a most valuable ally, mentor and friend to me and the military, and I personally am most grateful for his efforts and we wish him Godspeed.

The defence of these Islands is not without cost and effort and it was good to see the warmth with which 25 Engineer Regiment was welcomed to the Islands for Operation Flogger and I am grateful for the appreciation that has been expressed this afternoon. It is very gratifying that their considerable efforts were appreciated and a civic reception given to them on their departure. They will of course be missed.

But the saddest note of the period was the loss of that Chinook and the people flying and maintaining it. The bereaved families were very appreciative of the sympathy expressed by you, Sir, and by all parts of the community as well as the gratifying civil attendance at the memorial service, and I am most grateful to Honourable Members who have expressed their sympathy today. This tragic event is a sombre reminder of the price that our young men pay for the defence of these Islands and for the free world in general. They pay it willingly, this is where the defence is needed and we are proud to be here doing the job for which we are paid. It would perhaps therefore be appropriate for me to end by assuring you of our committment to your defence. There are no limits to that committment by the men and women under my command if it is ever tested again.

I beg leave, your Excellency, to encourage Members to support the Motion.

The Honourable the Chief Executive

Your Excellency, as this is my last speech on the Motion for the Adjournment I intend to make it mainly a speech of thanks, rather than following the normal custom of replying to the debate in detail. I hope that Honourable Members will forgive me for that.

May I begin by adding my own welcome to the new Member for Stanley, the Honourable Terry Betts, and to say how much I share all your pleasure in his election to this House. He has already made a substantial contribution in the FIDC and I am sure he will contribute similarly here. May I also congratulate him on his quite excellent maiden speech.

I should like to go on by thanking you, Your Excellency, for once again presiding so effectively but unobtrusively over this meeting. We are glad to see you and Mrs Jewkes safely returned from your leave - I indeed am particularly glad, as it enables me to begin to do my packing - and we wish you a happy and

successful further tour. We appreciate your being willing to preside so soon after your return from leave when there is so much catching up to do.

Next I should like to thank Canon Gerry Murphy for reading the prayers. I am sure that everyone in this House would wish me to welcome him and his wife, Joy, to the Islands and wish them happiness, success and fulfilment. In the light of the Murphys' arrival and the impending arrival of Mr Cummings I wonder, Your Excellency, whether we should not act swiftly to quell rumours that responsibility for the Falkland Islands is about to be transferred from the FCO to the Northern Ireland Office and that the Rev. Ian Paisley will be standing for election to this House at the next available by-election! Perhaps the First Secretary, I see he is with us today, could be made available to fly around Camp immediately to give appropriate reassurances!

I would like to say how very good it is to see Peter King back in action and to thank him for his, as always, excellent administrative arrangements and the Registrar for her refreshments. We are particularly grateful to Peter for having organised the ordering of the splendid new furniture and I hope that there will be no criticism of our expenditure on it, for I am sure that that expenditure was long overdue. In Peter's absence, Andy Brownlee has borne a heavy burden; he has borne it, if I may say so, with unfailing cheerfulness, efficiency, and industry and I am very sad that he and Lynn are leaving the Islands, though it will be nice to have them with me on the flight on Good Friday.

That brings me to my own departure. You have said some very kind things about me today, far too kind I am sure, very much more than I deserve and I am extremely touched and grateful, far more than I am able to express.

When I first told Honourable Members a year ago that I proposed to leave at about this time some urged me to stay. I was very flattered and I was also very tempted. This is by far the most interesting job that I have ever done, and I have never for one moment regretted taking it but it has also been by far and away the most demanding and I believe it right and sensible that another should now take my place. In my view, Mr Brian Cummings' experience as a Northern Irish civil servant fits him well to succeed me: he comes already vastly experienced in the world of politics and in the world of civil/military relationships, both of which were entirely new to me when I first came to the Islands. He is an enthusiastic golfer - perhaps, Your Excellency, a greater asset under your predecessor's administration than under yours - and on his short visit last year he obviously liked the Islands and wanted the job.

I do have one personal regret about my time here and you, Your Excellency, touched on that, and that is that I have not got out and about more. I would like to have travelled more in the Camp and met more people in the Camp and in Stanley. I would like to have entertained more, painted more and gardened more efficiently, though I would draw the line about cutting peat!

As I depart, I would like to say a public thank you to Your Excellency for your support and guidance since you came in October, 1985. If I may presume to say what a Governor should do - and after the last two months I feel I have some experience of the job - it is above all to create the climate in which those in Government can work, to interfere as little as possible in day-to-day matters but always to be available, to listen, to advise and, if need be, to give direction taking into account all the interests involved. I could not have had a better boss, nor could I have been more hospitably entertained than by you and Mrs Jewkes.

I would also like to say a thank you to the Admiral. I have said that our Commanders British Forces invariably seem to be a case of 'cometh the hour, cometh the man', and no Acting Governor could have had a better Commander to work with than I have had in you, Sir. With the move to MPA we have all had to work just a little harder at the civil/military relationship with that rather tedious 30 miles of apparently unmaintainable road between us, but thanks particularly to you and Mrs Layman for unfailing welcoming hospitality, I believe that the relationship has never been better, and it was indeed particularly gratifying that on that sad day several weeks ago that the two communities were able to be together to remember those who had died so tragically in the Chinook disaster.

I am especially sad for my successor's sake that the learned Attorney-General, Michael Gaiger, leaves so soon after me. Michael Gaiger will be replaced by Mr David Lang. In case that should cause ripples of apprehension, it is spelt differently and he is no relation! Mr Lang, known apparently as "Slogger", has until recently been Attorney-General of the Turks and Caicos Islands. I owe Michael more than I can say and the Islands owe him more than they know. He has trod the difficult path between acting as guide, counsellor and friend to countless people in the community in need of legal and business advice, and acting as guide, counsellor and friend to Your Excellency and this House with remarkable skill, unfailing tact, unflagging industry and utter integrity.

I have been assisted in my time here by two Government Secretaries, Mr Bernard Pauncefort and Mr Derek Fernyhough, who I see here today, and who also expects to leave later in the year. Both have been highly supportive, but each in his entirely different style. Recently Derek Fernyhough's office has seemed more like a psychiatrist's consulting room or social worker's office than that of a senior administrator. I have been grateful for his unfailing good humour and patience with some amazingly trying people.

The Secretariat and, in particular, Rex Browning, have to cope with a wide variety of calls from the general public not all of them especially pleasant or welcome, and I think that they should be given more credit than they receive for coping with them so well. Perhaps the Secretariat could indeed be renamed the cranks and sharks department as suggested by the Honourable Member for Camp, Mr. Lee!

I have had the two best Personal Assistants I have ever had: Leif Maitland who survived an amazing three years with a serene calm and an unflinching capacity to read my writing, and Maria Strange who has survived an amazing three months, in a rather different style but with a similar capacity to cope with the illegible. To both I shall be eternally grateful.

I have not yet mentioned two other close colleagues. Whilst the rest of us come and go, two key figures will remain; as different from each other as it is possible for two people to be, but both critical to the immediate future of the Islands. The first is the Honourable the Financial Secretary, Harold Rowlands; the second is the General Manager of the Development Corporation, Simon Armstrong. I make no apology for juxtaposing them for, in a sense, they represent two views of the world both of which the Islands need as they begin to grasp the significance of the opportunities provided by the new fisheries zone. I could almost say that the Honourable the Financial Secretary has taught me all I need to know about not spending money and that the General Manager has taught me all I need to know about spending it. It is the job of the Financial Secretary to say "can we afford it"; that of the General Manager to persuade us that we can afford it if we are to develop. Both have been marvellous colleagues and friends to me. Simon Armstrong's performance in creating the FIDC so rapidly from scratch has always been a thing of wonder to me. He has been supported in turn by a young, enthusiastic, hard-working team who have achieved a remarkable amount in a short space of time.

Now let me say something about Honourable Members. I am grateful for all that we have achieved together.

I am grateful for the Honourable Member for Camp, Mr Tim Blake's integrity, wit and oratory and for always keeping me on my toes. Behind the bland first question there is as we saw this morning invariably the rapier like supplement.

I am grateful to the Honourable Member for Camp, Mr Tony Blake's robust concern for his constituents and his plain speaking. I have kept the brief on the blue buzzer in my papers ever since the first debate which we had all those years ago and, indeed, even today, I am quite prepared to make a statement on the subject should this House so require it.

I am grateful for the Honourable Member for Stanley, Mr Koenleyside's conscientiousness, persistence in discovering the truth and steadfastness in defending the unpalatable before what seems to have been a somewhat curmudgeonly audience several weeks ago.

I am grateful to the Honourable Member for Stanley the Honourable Mr. Cheek for thoughtfulness in Council, for much wise advice freely given, and for not having asked any questions about education at this meeting today.

I am grateful for the Honourable Member for Stanley, Mr Clifton's commitment and courage in doing what he thinks is right and above all for his appreciation of my jokes.

I am grateful to the Honourable Member for Camp, Mr Lee, for continually reminding us of the long-term needs of the people he represents. Thorn in my side he may be but at least when he asks questions all we have to do is dust down the old files!

I am grateful to the Honourable Member for Camp, Mr Goss, for the shrewdness and common sense which he has so obviously inherited from his distinguished father, whom I am delighted to see here today, and for persuading the FIC that time should not stand still!

I am grateful to the Honourable Member for Stanley, Mr Betts, for already beginning to give to Government, now, that realism which he has shown elsewhere.

Politics, as I have said before, is invariably a choice between the distasteful and the disastrous. Together we have had to make some very difficult choices; some not by any means popular ones too. In addition to my gratitude to individuals, I am grateful for the friendly forbearing spirit, for the tolerance and the good humour which has invariably characterised our meetings in Executive Council and in Standing Finance Committee and in this House. I shall always think of you as friends and I hope that we shall keep in touch.

Lastly, the Civil Service, often over-burdened and understaffed, by no means overpaid, having constantly to adapt to change, the Civil Service deserves my thanks and yours for the way in which they have maintained the impetus of Government during all the changes and chances of the last five years. We heard today that there are 33 effective vacancies out of a total Establishment of 233 and, as the Honourable Member for Stanley Mr. Keenleyside has pointed out, this gives an indication of the workload which some members of the Civil Service have to bear. I will not single out more individuals but I am grateful to each and every one in the Civil Service, especially, of course, the Heads of Department, not forgetting the Falkland Islands Government Office in London - and here I must mention Alastair Cameron - for the support and loyalty which I have invariably received from them all.

As I leave the Islands, I suppose, I am more conscious than anything of those things which, after a great deal of thought and hard work and discussion, still remain undone. I am thinking particularly of securing the future of fuel supplies, of telecommunications and of all the things which do indeed need to be done in the area of internal transport and communications. And yet, as they say, it is an ill wind which blows no one any good and, making a virtue of necessity, one good consequence of the delays which have occurred in all these areas has been that all can now be organised to take account of the most significant thing which has happened in my time in the Islands, the declaration of the Fishing Zone.

And it is that subject, or rather the effect of the fishing zone on life in the Islands, with which I would like briefly to conclude.

I spoke in this House rather under a year ago about the problem of the complexity which has overtaken our affairs. Stanley is often described as a village. People living in a village expect to know most of what is going on. That simply is not possible anymore. Life in the Falklands has become far more complex than it was.

With the declaration of the fishing zone, it has already become even more complex and to that must be added the sheer newness of the whole fisheries set-up, both the Government side with the two large patrol vessels and the one small one and the Dornier, and the commercial side with the joint ventures and numerous commercial activities springing up and numerous fresh faces in town from the fishing companies and the fleets. Then there is the financial side. What will all this increased Government revenue mean? Will it mean that we need no longer pay income tax? What will all this commercial money mean? Will it mean that our commercial life is suddenly controlled from outside by foreign companies?

Then there is the people side. Will it mean that the Islands are suddenly invaded by get-rich-quick merchants? Will it mean that there will be numerous expatriates on vast salaries paying no local tax and being allocated housing instead of housing for local people?

If the FIG and the FIDC adopt the correct policies it will mean none of these things. It is we who are ultimately in control, not the fishing companies. But it will take time for all this to evolve. It will require much thought, much discussion, for example, to balance the need to attract and retain foreign investment against the need to control it. It will need to be understood, for example, that some matters are matters of commercial confidence which cannot generally be known. It will not happen overnight and in the meantime there will be much rumour and much misunderstanding. It will continue to distract Elected Councillors and Officials from other urgent and pressing matters.

We have seen this in the last two months. We have seen the FIG criticised for not telling the people what it is doing and for being blase and arrogant and insensitive. I do not for one moment accept this but I would be blase and arrogant and insensitive if I did not take such criticism seriously.

I have consistently stressed the need for all of us in Government to communicate what we are doing to the public. I shall impress upon my successor my view that the Fishing Zone makes this a hundred times more important than ever it was before. Officials of all departments, not just the Fisheries Department, not just the Public Works Department, have a critical role to play in telling Honourable Members what is happening and, in particular, I agree, the Honourable Members who represent the Camp.

Honourable Members have in turn have a critical role to play in telling the public but not just in waiting to be told and passing it on but in finding out and asking questions, particularly whenever something new seems to be happening, something seems to be going wrong and rumour is rife. It is something for which we are all corporately responsible and it is a responsibility which we cannot avoid if this community is to be a real community, not

two communities, on the one hand the Government, on the other the governed sharing both in the burdens and the benefits of the future.

Your Excellency, I look forward to maintaining my interest in the Islands and my commitment to them. I hope I shall be back one day to do no work and simply enjoy myself and perhaps cross between the Islands on that ferry. In the meantime you all have my heartfelt gratitude and my heartfelt best wishes for all that you undertake.

The President

My warmest thanks to you all for your participation and contributions to this meeting of Legislative Council. The House stands adjourned.

QUESTIONS FOR WRITTEN ANSWER

QUESTION NUMBER 1/87 WAS WITHDRAWN PRIOR TO THE MEETING

QUESTION NUMBER 2/87 BY THE HONOURABLE J E CHEEK

Would the Financial Secretary say what income is expected from fishing licences this financial year and what the actual income is to date?

ANSWER BY THE HONOURABLE THE FINANCIAL SECRETARY

At 11th March 1987 a total of £9.7m fishing licence fees had been paid. It is estimated that the first season should produce a total of £12.5m revenue from licence fees on the basis that all applicants take up their licences. Licence fees for the second half of the season have yet to be determined. Costs of implementation of the FICZ are estimated at £4m.

QUESTION NUMBER 3/87 BY THE HONOURABLE J E CHEEK

Would the Chief Executive please give details of how many families have benefitted from the assisted immigrant scheme and how many of those families have been provided with Government housing? Could he also say how many Falkland Islanders have, since 1982, been provided with interest-free loans to pay for return passages to the Islands?

ANSWER BY THE HONOURABLE THE CHIEF EXECUTIVE

So far it has been agreed that two families should receive assistance. One family has already been reimbursed for their expenses: the other has yet to claim. The family that has received assistance has applied for a house in Stanley but the other has yet to apply.

Six Falkland Island families where the father or mother is a born Islander and seven individuals who are born Islanders have received interest-free passage loans to return to the Islands since 1982.

QUESTION NUMBER 4/87 BY THE HONOURABLE J E CHEEK

Would the Chief Executive indicate whether the administration has considered the possibility of screening all people who enter the Islands for the AIDS virus?

ANSWER BY THE HONOURABLE THE CHIEF EXECUTIVE

Under the Immigration Ordinance FIG has the authority to require all immigrants to the Islands to undergo a medical examination during which a routine screening for the AIDS virus could be done

in the future. Executive Council will shortly be asked to agree to this.

However, visitors to the Islands present a bigger problem.

Honourable Members may know that no attempt has been made, for example within the EEC, to restrict travel for the purpose of AIDS prevention nor to set up any compulsory screening programme. There are several very good reasons for this. The first, and paramount one, is that any screening programme that is not complete, ie total in its coverage, is virtually valueless and the practical difficulties of ensuring that no one escapes the screen are, in reality, insuperable. Other reasons include the serious economic impact of restricting or slowing down the movement of individuals, the massive cost of introducing and sustaining a screening programme and the physical inability of the existing laboratory facilities to cope with the resulting work-load.

Likewise it would be quite unrealistic to introduce a screening programme that covered every visitor to the Falkland Islands, including every serviceman, every contractor and every crew member of visiting ships. Neither our own Medical Services nor the British Military Hospital could realistically be given the resources which would be necessary for such a massive task.

However, proposals will shortly be put to Executive Council for there to be a publicity campaign, on the topic of AIDS similar to that in the UK beginning with the delivery of the pamphlet "Don't Die of Ignorance" to every householder in the Islands. The Chief Medical Officer proposes, in collaboration with the Commanding Officer of the British Military Hospital to follow this up with other measures directed at heightening public awareness of the disease, its modes of transmission and methods of prevention. The thorough education of the public in this crisis is the only practicable method of combatting or limiting the disease.

QUESTION NUMBER 5/87 BY THE HONOURABLE J E CHEEK

If Government deems the Hostel (BFFI) fit for any use, is it being considered as a replacement Police Station and Prison thus alleviating the lack of space in the current quarters?

ANSWER BY THE HONOURABLE THE CHIEF EXECUTIVE

There are doubtless a number of uses to which the former HQ BFFI building could be put, including that suggested by the Honourable Member. However, it may be thought that it would be preferable for a Police Station to be more centrally situated. It is to be hoped that lack of space in the Prison will not become too pressing a matter in future years.

CONFIRMED THIS 26th DAY OF MAY 1987.

A handwritten signature in black ink, appearing to read "C. J. [unclear]", written in a cursive style.

GOVERNOR



RECORD OF THE MEETING OF
THE LEGISLATIVE COUNCIL

held

26th and 30th May 1987.

RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD IN STANLEY ON TUESDAY 26TH MAY 1987

PRESIDENT

His Excellency the Governor, Mr. G. W. Jewkes CMG.

PRESENT: MEMBERS:

Ex-Officio

The Honourable the Chief Executive
(Mr. B. R. Cummings)

The Honourable the Financial Secretary
(Mr. H. T. Rowlands OBE)

Elected

The Honourable L. G. Blake OBE JP
(Elected Member for Camp Constituency)

The Honourable A. T. Blake
(Elected Member for Camp Constituency)

The Honourable C. D. Keenleyside
(Elected Member for Stanley Constituency)

The Honourable J. E. Cheek
(Elected Member for Stanley Constituency)

The Honourable D. L. Clifton
(Elected Member for Stanley Constituency)

The Honourable R. M. Lee
(Elected Member for Camp Constituency)

The Honourable E. M. Goss MBE
(Elected Member for Camp Constituency)

The Honourable T. S. Betts
(Elected Member for Stanley Constituency)

PERSONS ENTITLED TO ATTEND

The Commander British Forces
(Rear Admiral C. H. Layman DSO LVO)

Attorney General
(Mr. M. C. Ll Gaiger)

CLERK

Mr. P. T. KING

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PRAYERS

Prayers were said by the Reverend Canon J.G.M.W. Murphy LVO MA.

CONFIRMATION OF MINUTES

The Minutes of the Meeting of the Legislative Council held on Tuesday 12th May 1987 were confirmed without amendment.

PAPERS LAID ON THE TABLE BY THE HONOURABLE THE CHIEF EXECUTIVE

A Declaration by the Governor in Council for a schedule of fishing fees, dated 12th May 1987.

<u>ORDERS</u>	No 5/87	The Road Traffic Declaration and Designation (Mount Pleasant) Roads Order 1987
	No 6/87	The Co-operative Societies (Exemptions) Order 1987
	No 7/87	The Fisheries (Fishing) Regulations (Amendment) Order 1987
	No 8/87	The Fisheries (Conservation and Management) Ordinance (No 3) Commencement Order 1987

PROCLAMATION

	No 1/87	Sitting of Legislative Council 26th May 1987
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Falkland Islands Audited Accounts for the financial years ending 30th June 1985 and 30th June 1986

The Report and Accounts of the Falkland Islands Development Corporation for the year ended 31st December 1986

HIS EXCELLENCY'S ADDRESS TO LEGISLATIVE COUNCIL

Honourable Members:

We begin today what may come to be ranked as one of the most important budgetary sessions of Legislative Council in the history of this colony: a session which could initiate a long and, I hope, steady advance from the relatively frugal times of the past 154 years to an era of greater affluence: but not, I trust, a session when we shall see the traditional thrifty instincts so characteristic of Honourable Members and their predecessors cast prematurely aside.

I shall return later to the theme of the budget. Immediately, however, I would say how glad we all are to see in his place for the first time, in the onerous position of Chief Executive, the Honourable Brian Cummings. Mr. Cummings comes to us with a most impressive record from the Northern Ireland Civil Service. In the few weeks he has been here, he has already shown his mettle and fully justified his selection from a long list of candidates. He will bear the brunt of much of today's and future days' business in this House and elsewhere, and I am sure that you will join with me in wishing him well.

Sadly, this week marks the last appearance in his present capacity of our Learned Attorney General, Mr. Michael Gaiger. His departure is an event to which I personally have not been looking forward at all, despite our recruitment of so experienced a man as Mr. David Lang to take his place. Mr. Gaiger has won our admiration for his unstinting and highly professional work on behalf of the people of the Falkland Islands over more than four of their most turbulent - indeed, revolutionary - years: years which have been marked among other things for the further implementation of land transfer policy, for the establishment of the Falkland Islands Development Corporation and, latterly, for the explosion in recent months of activity relating to the establishment of the Falkland Islands fisheries regime.

The Learned Attorney General has brought not only his keen, practical lawyer's mind to bear on problems large and small, public and private, but also a wealth of administrative experience gained from more than 21 years of continuous overseas service in developing countries. He has also been a delightful colleague whose wise counsel I personally have often appreciated.

Our grateful thanks and best wishes accompany Mrs. Gaiger, Emma and the Attorney General as they leave these Islands shortly.

Finally, but certainly not least in this list of personal tributes, I would mention the Commander of the British Forces, Rear Admiral Layman, whose last session of Legco this must be - although, happily, the Admiral has a further two months or more to serve in the Islands with which, I believe, he and his wife Kate have fallen truly in love.

I shall not touch here on the personal responsibility of the Commander for the defence of these Islands, or indeed on defence questions although I may say, Admiral, that we certainly do not take for granted the presence of the British Forces here.

But in this civilian forum, I would thank you, Sir, for your keen personal interest in the welfare of the civilian community and also for finding the time in your extremely busy programme to participate regularly and constructively in meetings of both the Executive and Legislative Councils. We extend every good wish to Mrs. Layman and yourself for the remainder of your stay here and for whatever lies beyond.

If the past year has been one of great progress and promise for the Islands, it is also one in which we have all had to cope to a greater or lesser extent with the serious manpower and skill shortages that confront us. A population of 1,900 or so, as confirmed in last November's Census, is simply not large enough of itself to produce and sustain the services which we expect to have on tap in a modern, forward looking society. The theme of our shortage of people is, I fear, to be a recurring one as I progress through this address.

Nowhere have shortages of personnel hit harder than in several departments of the Civil Service, whose work I now review briefly. Before doing so, I take this opportunity of thanking and congratulating those in the public service who have coped so well in often trying and frustrating circumstances.

The Education Department is one which has gone through an especially difficult year although, happily, I am not aware of any evidence that the children's education has suffered as a result. This reflects particular credit on those staff members who have undertaken a great deal of extra work during serious staff shortages. Much of the problem in this department stems from our virtually complete dependence upon the recruitment of teachers from overseas.

I look forward keenly to the strengthening and broadening of our provision for education under the highly qualified and personable leadership of our recently appointed Chief Education Officer. But I have no illusions about the challenges confronting Mrs. Murphy and her assistants, faced as they are with such problems as accommodation shortages, the implementation of the new GSCE examinations and, in Camp, the implications of the break up of communities which stem from land transfer and sub-division, desirable though that policy is for economic and political reasons.

It is not accidental that I have placed the Education Department first in this review, but rather it allows me to place one item much higher on the public agenda than I believe it has been in recent years, namely, the need for a new Senior School. I commend this project to Honourable Members' attention as they consider shortly, I hope, our developmental priorities for the next few years.

One department which manifestly is about to acquire new accommodation is the Medical Department. Our magnificent new joint hospital will be opened for business when it is actually deemed to be ready for occupation by those who are professionally responsible for the care of patients. Until that day, high quality medical care will continue to be given in the civilian and British Military Hospitals. No one that I know of has any desire or motive for putting off the occupation of the new hospital for one day longer than is absolutely necessary.

Shortage of time allows me to mention just two out of many matters drawn to my attention by the Chief Medical Officer in an excellent report which he sent to me recently. First, increasing affluence tends to lead - indeed, is tending to lead - to a concomitant increase in social problems. This, together with the steadily rising population of senior citizens, create a need for the expansion of the social welfare service in the near future. Secondly, the new hospital will almost certainly present us with new staffing problems, not least within those groups such as domestic staff whose contribution to the welfare of patients is just as essential in its way as that of professional medical staff.

The Agricultural Department is small but most effective. Land transfer and subdivision, and the immediate after care of new owner-occupied farms, have absorbed much of the time of the Lands and Agricultural Officer. Difficulty has been experienced in recruiting a vet as a permanent replacement for Mr. Lampard. This again is part of the larger problem of recruiting overseas staff for service here, which is a function of our isolation as a community, competition from other countries for scarce resources and, not least, a cumbersome recruitment process over which the FIG has little control.

The Aviation Department is now able to pride itself upon having a full complement of locally recruited pilots. This is one department which has not suffered staff shortages. It is interesting to note that, in the year ending April 1987, FIGAS carried 8,062 passengers on its weekday services (equivalent to over four times the population of the Falklands) and a further 853 - mainly military personnel, on weekend charter flights.

Following the superbly comprehensive clean up of Stanley Airport and its environs by the Royal Engineers in Operation Flogger, the PSA have recently completed the refurbishment of the airport terminal building. Much remains to be done in the months ahead including the re-asphalting of the runway, the replacement and improvement of equipment including lighting, and long outstanding works in the hangar.

The Falkland Islands Police Force is, I know, below the ideal establishment recommended by the Chief Police Officer. This limits the scope of what the police can do, but a hard headed view has to be taken of what can actually be afforded in relation to the size of the community and its overall needs. I am most impressed by the professionalism displayed by both our regular and reserve forces. The crime detection rate, at 65%, was again high last year compared to international standards.

Considerable emphasis is placed by the Chief Police Officer on training, and rightly so. Every full-time officer is now fully trained, and several officers have performed recently with distinction in a variety of general and specialist courses in Britain. I am especially glad to note that the Department's skills have been broadened following the establishment of the Criminal Investigation Department.

The Falkland Islands Broadcasting Station, understaffed, underfinanced and inadequately housed though it may be, provides a most useful and essential community service. Nowhere in the world can a single channel provide for all tastes, as I say to

myself between seven and eight o' clock almost every morning! But the civilian community undoubtedly benefits in terms of quality of reception and range of programmes from the excellent and close cooperation between Patrick Watts and the Forces broadcasters. Long may this continue.

The Posts and Telecommunications Department has missed sadly during the past year, and continues to miss owing to ill-health, the genial and competent supervision of Mr. Bill Etheridge to whom we all send our best wishes. I can but congratulate those who have kept this vital service going in the face of inevitable staff shortages and, in the case of telecommunications, of equipment which, to say the least, has seen better days. I am glad to say that a report about our future telecommunications has just been received from consultants who visited the Islands a few weeks ago. This will undoubtedly form the basis for further discussions which I shall be asking the Chief Executive to pursue in London shortly. It is my intention that we should press on as quickly as possible with the modernisation and extension of our present internal system, but there is much to be done.

I have already referred to the Learned Attorney General in appropriately glowing terms. His department, the Justice Department, is another which has had to cope with both staff shortages and a heavily increasing workload. Yet they have borne stoically not only the weighty burden of legal work but have been responsible for the conduct of the Census and the modernisation of the printing department.

We welcome to our Islands our Attorney General-designate, Mr. David Lang, and Mrs. Lang. I am especially grateful to him for so readily undertaking the responsibilities of Acting Senior Magistrate following the sad and sudden death of Mr. Gerard Byrne. I would also express my gratitude to the lay justices who have done so much to help in the absence of a Senior Magistrate.

A department as large and important to the community as the Public Works Department deserves a whole speech to itself. Its achievements, on its own account or in association with others, tend to be overshadowed by criticisms from many directions, which have the effect of clouding and distorting the overall picture. Again, shortages of key staff lie at the root of many of the criticisms levelled at the Department. Some of these are simply not susceptible to early solution and are part of the knock-on effect of staff shortages elsewhere. It may even be that these shortages will increase rather than decrease in time as a result of developments in other directions. If I am proved right, some fundamental questions about the future role of PWD will have to be asked. Can the Department realistically undertake new works or should it concentrate entirely upon the provision of services and maintenance. These are important questions.

For the moment, however, let us accentuate the positive by noting some examples of the Department's contributions to the community's well-being - the preparation of the Eliza Crescent site, the profitable operation of the quarry to supply the hospital works and MPA road, support for the new water supply and treatment works and, not least, the generation of electricity to meet a 30% increase in demand over the previous year.

One small department whose work is vital but perhaps seriously under-appreciated in Stanley is the Falkland Islands Government Office in London, staffed by Alastair and Sukey Cameron and, of course, assisted on a part-time basis so well by Phil Summers. I have nothing but praise for the way in which they have coped during the past year with a vastly increased volume of work, much of which arises from the introduction of the fisheries regime. I share the view of Mr. Cameron that the stage has been reached when we must consider seriously the expansion of the London Office.

The Central Store has experienced both change and expansion during the past year and has coped well with changes in local fuel supply arrangements following the necessary withdrawal of military facilities in Stanley. I am able to say that despite a temporary snafu which I may say is not entirely the responsibility of the Central Store.

What I have to say about the Customs and Harbour and the new Fisheries Department will be subsumed within my remarks on the most dramatic and important development of the year, the declaration and subsequent organisation of the Falkland Islands Interim Conservation and Management Zone.

I do not think it is necessary for me to go over the history of events which is so well known to Honourable Members. Suffice to say that the success of the regime to date has exceeded my most optimistic (and earlier, unspoken) expectations.

That success rests largely upon foundations laid in a remarkably short time, and with no small effort, by a small group of people from widely differing backgrounds : Mr. Peter Derham on the operational side, Dr. Beddington and his Marine Resources Assessment Group on the scientific and commercial side, our own former Chief Executive, Attorney General and FIGO representative and, not least, Ministers and staff of the Foreign and Commonwealth Office without whose skilful and dedicated diplomatic efforts our long-held hopes would have come to naught.

We have come a very long way since 29 October 1986 and the outcome of the season to date will be reflected in the Financial Secretary's budget statement, which I shall not anticipate in detail although I know that you are already aware of some of the detail. Already, we are reviewing our operations since the implementation of the fisheries zone on 1 February with a view to learning from experience and applying what we have learned to our future licensing and management arrangements.

The advent of a controlled fishing industry is, of course, transforming several aspects of Falklands life and, if I am not mistaken, seems destined to continue doing so.

The Collector of Customs and Harbour Master tells me that revenues from harbour dues were never more buoyant. The transshipment fee arrangements introduced last year added significantly to our income as well as to the work of the Harbour Master and his staff.

I congratulate Honourable Members warmly on their good sense, courage and foresight in accepting the not-inexpensive proposals which I put to them last November for the hiring of the Dornier

aircraft and patrol vessels for surveillance purposes. I doubt whether there could be anyone present today who has not felt a touch of pride when he has seen evidence of the highly-professional and well-presented protection force so ably assembled and managed by Mr. Peter Derham.

I would wish the warm thanks of this House to be sent to the Ministry of Agriculture and Fisheries in London without whose generous assistance in the secondment to the FIG of experienced fisheries protection staff we could not have administered our zone in its first months.

And finally, some remarks on our approach to this year's budget, the details of which will shortly be revealed by the Financial Secretary to whom we pass our most grateful thanks for the tremendous amount of additional work which he and his Department have had to perform this year.

Last year, I recall speaking from this rostrum about the need to balance the books taking one year with another, and the need for Councillors to shape sensible priorities - a process which lay at the very heart of politics.

For the financial year 1986 - 87, ending of 30 June, there will be no difficulty about balancing the books, as you will shortly hear. But the advent of the fisheries zone presents Honourable Members with a new set of problems. I wrote personally to each one of you recently setting out my own view of some of the more important issues to be faced. I know that the expectations in the community are high and I know too that Councillors must be under pressure from their constituents to support the early loosening of the Government's purse strings. There is, I acknowledge, a widespread feeling that Falkland Islanders in general have not benefited in their own pockets from the expensive rehabilitation and development programmes of the past five years. Yet I feel that I must stress again the following for the benefit of the wider public who hear me:

We have just one season of our fisheries zone virtually behind us. It has been a profitable and a promising one. But no one can forecast reliably at this stage whether the next season and following seasons will produce anything like the same net revenues. I believe that a span of only 5 months' experience to date is too short to provide a basis for far reaching decisions which could commit the Falkland Islands Government to new high levels of recurring expenditure or to foregoing revenues from traditional sources such as income and company tax. The prospective level of recurrent expenditure must in any case increase significantly from 1987 - 88 onwards, not least because of the opening of the new and expensive-to-run hospital and the need to pay for the maintenance of the Stanley to Mount Pleasant Road;

the future level of development aid contributions by the British Government must in the nature of things be subject to review in the light of our new situation here;

likewise, the technical cooperation programme so vital to the material and social welfare and to the administration of this community must be regarded as vulnerable to

reappraisal. The value of that programme alone to the Islands (and its cost if the FIG had to meet the bill) is currently £1.6 million a year.

Decisions on the future pattern of financial commitments are for elected Councillors, not for appointed officials to take. But I would be failing in my duty as Governor and, indeed, as a friend of the Falkland Islands if I did not emphasise and re-emphasise the desirability of Honourable Members approaching this year's budget in a cautious frame of mind. You are the stewards of the interests of the people. It places on your shoulders this year new and demanding responsibilities. I am confident that you will give a lead to the entire community by looking upon the budget for 1987 - 88 as the foundation stone for a new level of future prosperity for the Falkland Islands.

I wish you all well and much courage as you approach your difficult and sensitive task.

MOTION OF THANKS TO HIS EXCELLENCY ON HIS ADDRESS TO COUNCIL

The Honourable L G Blake OBE JP

Your Excellency, Honourable Members. I would like to join you, Sir, in your greetings and farewells. One of the problems of the rotating Administration is that we have to say farewell to old friends but we can also greet new ones, and I would particularly like to greet our new Chief Executive who, in the short time he has been here, has put his own stamp on our procedures and I am sure that we will work well and happily together. I would also like to greet Mr Lang, our new Attorney General designate. That is always nice: the hard bit is the farewells. To our Attorney General, Michael Gaiger, I would like publicly to say farewell and thank you. He will probably be remembered in the Islands as one of the people most concerned with the setting up of the Interim Fisheries Conservation and Management Zone. But I think I shall probably remember him for an earlier act which was his assistance and guidance in forming and bringing to Council our new Constitution and also for a piece which we have not yet brought to Council but we will be delivering shortly, the Representation of the Peoples Act. I therefore, Michael, wish to say thank you especially.

We must also, although a bit early, say farewell to the Admiral. He, like his predecessors, has kept together the bond of co-operation and friendship between the people of these Islands and the Forces who are here to defend us. He is also, of course, Commander of the Forces and I would expect him to do that anyway, but keeping that bond together I believe is one of the most important functions of our Commander, and it will be an even more difficult function now that the communities are basically, or physically, separated, but it is hoped that during the coming years under future Commanders we can retain a contact which to all of us, and I hope to the Forces, has been valuable. I feel a bit sorry for them, I would hate to be away from my family for four months, but they come down, do a damned good job and, hopefully, some of them return but leaving us as their friends.

The other person, of course, we should say farewell to, although he will continue to be among us, is our ex Head Printer who for I don't know how many years, but many, many more than I could count, has managed and run our Printing Department, produced our papers, and our sweepstake tickets, and our wedding invitations among others. To him I would also like to say thank you.

Now, Sir, passing to your specific statements, I would like firstly to touch on the staff shortages which I am sure concerns not only the Administration but also Members of Council. There are too few youngsters within the Civil Service for it to be a happy situation and we are going to have to bend our minds very carefully and try and overcome this reluctance to join the Government service, because if we don't find a way around it we are going to have to import our Government servants and I think generally speaking that would be bad for the Islands. However, just on the contra side, I would hate anybody to feel that the shortage of staff could be an excuse for doing nothing. I would never lay that charge at the door of our Financial Secretary, because if you look at his budget and the hours which he puts in to prepare it, how he continues annually to carry this load I

don't know, but he is going to require added assistance and all our support.

You also mentioned, Sir, the Post Office and their problems. One problem that I think we should also try to address is the rather uncertain despatch of surface mail. It seems to come in fits and starts but unfortunately sometimes it doesn't seem to start at all. I do feel that we are going to have to look at the despatch mechanism in Britain to see if we can't streamline things a little.

Then I come of course to my hobby-horse: fisheries. As you said, we have seen the first really big half of our first season and I would like to join with you, Sir, in congratulating the Department's staff in getting it off the ground, getting the protection system functioning - not only functioning well but with co-operation and friendship and understanding on both sides: the fishermen and our protection units. The only thing I would question is, we seem to have got the protection right; have we got the research right? Are we correct in collecting information in the Falklands and sending it back to Britain? Should we not pursue a more localised research programme here and perhaps as a condition to our licences require fleets to supply scientific officers and let them join us in the protection of our stocks? I think this needs careful examination.

I was interested, Sir, in your reference to the assistance we have received from Ministers and staff of the Foreign and Commonwealth Office, without whose skilful and dedicated diplomatic efforts our long held hopes would have come to naught (spelt with an 'a' not with an 'o'). I would agree with that but how unfortunate it is that their efforts did not start a little bit earlier; but I'll say no more.

One or two other items I would like to pick up. You mentioned the Central Store; we have been purchasing vast quantities of equipment and stores from MPA. These are in the process of being transferred to our own nest-eggs. But I feel we must avoid being carried away with bargains. It's quite amazing how similar the situation is to sales time in Britain, when there were some splendid bargains to be had at the beginning of the sales but then the quality of the goods falls off but because it's marked 'sale' people are apt to buy regardless of whether they want it or whether they don't.

And then to balancing our books. I've sat in on a number of budgets and it always amazes me how our Financial Secretary manages to balance his books. Even in this year, when things have gone better than he expected last year at this stage, he has done the most fantastic balancing exercise, so that the credits don't too much exceed the debits. Sometimes he does it with the oil stocks replacement, he finds a way, and I do congratulate him on his efforts and on the way he can get his hand on the appropriate scale pan so that the other one does not go too far in any one direction.

One unit you didn't mention, Sir - I suppose it isn't really part of Government - is the Development Corporation, which is just about four years old. They've done I think a fantastic job in getting off the ground but with their virtues I regret once again not seeing before this Session a copy of their Report which

should be debated. When we passed the Development Corporation Bill it was agreed that their Report would be before Council before the Budget Session so it would be debated and if necessary register our congratulations or complaints. I hope that on their fifth anniversary we will be able to see this report in time to debate it in this House.

Sir, I beg to support the Motion.

The Honourable A T Blake

Your Excellency, I rise to support the Motion and I always think that this particular speech either has to equal yours in length or it has to be very short and as I'm keen to get on with the main business at hand, that being the budget, I shall try and keep it fairly short, so I shall save my welcoming comments and farewell comments to those people you mentioned until the Adjournment debate.

I look with some feeling on the statement, somewhat shortened, Sir, of yours, that says "could lead to an era of great affluence. I hope that the dependency or the meaning of this word 'could' depends on the humble fish and not on politicians and diplomats, and of course I do refer to the communications, however direct or indirect, which are taking place between Argentina and Great Britain at the moment on matters which directly affect the future political and economic interests of the Falkland Islands, for which they see no reason to inform us of the contents of such communications as yet. It does, I'm afraid, undermine the limited faith that some of us have developed in the Foreign Office and it is making the people unsettled and on their guard. They are probably activating the Falkland lobby, which we've heard quite a bit about on the radio lately, into looking after our affairs in the political and diplomatic areas.

I'll move on, Sir, to look at some of the areas where I agree with you and one or two areas where I disagree. The Departments which run smoothly, whether they are our concern or not, are usually ones which do not create large ripples and a lot of contention and I think into this I can only really fit two areas which don't cause us a lot of concern. One is the very able defence of the Colony which runs very efficiently, very smoothly and is playing a less disruptive role in our local lives; and some of us of course wish to retain very strong links with those people who very ably defend us. The other area of course which doesn't cause us much concern and which is obviously very, very efficiently run, is the fisheries protection business, which is admirable for its simplicity and efficiency of operation. I don't think we can thank those people enough who have been involved in a totally new field, in which I don't think hardly anybody sitting around this Table would be qualified to put forward an expert opinion, for helping us in this very, very important aspect of our new era.

Sir, you referred to the shortages of staff throughout the whole of your speech. It's a critical thing; it's nothing new; it's been before us before; and it's getting worse. I and Councillors have, as you know, acted as buffers at times between the public and the various administrative posts, and have received quite a

few complaints on a subject mentioned by the Honourable Tim Blake, about Posts and Telegraphs. But in trying to find out where the problems lay, I found that the administrative end of the Posts Department has nobody in post: of the total permanent and pensionable officers of that department there is not one in post, and I think it is a great credit to those people who are left to run the Post Office that in fact some of us are getting mail at all. This sort of situation we find right throughout the whole of the Administration. It is bringing undue and unwarranted pressure on those few people who are trying to maintain services, and I'm afraid that if we don't do something about it very quickly we are going to drive those dedicated people away from their posts and make the situation entirely worse. We've had this problem for a long time. It's always been a chicken and egg situation, where we haven't been able to bring in people because we haven't had the houses to do the jobs we want to do. We haven't been able to build the houses because we haven't had the houses to house the people who are going to build the houses - and it goes on ad infinitum. We have now the ability and the money to be able to solve that problem, to break the cycle; and the only way we can break that cycle, in my opinion, is to build houses to bring in the people to help us to develop the place. This must be the number one priority if we are going to get this Colony off the ground: bring in the people; before we can do that, we've got to build houses so that we can get them under cover. We also of course have to make sure that our own people are properly and adequately housed as well.

A lot of criticism, as you say, Sir, is sometimes levelled at the Public Works Department and we could write a book, or perhaps a volume of books I should think, on the problem. They've got a fairly big volume out in the corridor here which I notice is a series of photographs of unfinished projects, by and large. I think in actual fact that probably Council has been negligent in forcing too much on a relatively overstretched department. If we look back, and I think we should from time to time look back to see what we have done, I look back to the days when the PWD basically only maintained essential services in Stanley. Over a period of years this Department has been expanded in all directions and I think that probably Councillors have been a little bit negligent in allowing this to happen and I think that now is the time when we must really look at what the PWD is doing, what we want it to do, and how we are going to get the other projects that we require to be done done outside that area.

One little area that I would just like to touch on in conclusion is that as we move into this era of development and relative affluence I think we have to make sure that we do protect jobs which are held by Falkland Islanders, that we do give Falkland Islanders ample opportunity to take part in new projects and to take on new contracts that we are likely to be able to do. I do not want to see the situation developing where we have outside people coming in to take the big money jobs to leave the Falkland Islanders just to tidy up the mess and clean the streets. This must not be allowed to happen.

Sir, I beg to support the Motion.

The Honourable C D Keenleyside

Your Excellency, in rising to support this Motion I, too, like Councillor Blake before me, will leave my meetings and greetings to the winding up speeches.

Looking at the very start of your Address, I must I believe correct you, Sir, in one of your little statements here. You call Councillors "thrifty"; well, I would say that Council is not necessarily thrifty but perhaps practical and realistic under the often trying circumstances we have to deal with.

I agree that credit is certainly due to the Education Department for their hard work under often cramped conditions. The weakness lies, of course, in the lack of local teachers. I am pleased that two local teachers at least are being trained overseas at present and I also agree that we do need a new school.

In the Medical Department we are in a period of change which, with the able leadership of Dr Murphy, I anticipate being a change for the better. Our senior citizens are indeed in need of care and attention. Much help is already given by our hard working Social Worker, Mrs Etheridge. What we obviously need, in addition to our sheltered housing, is perhaps an old peoples' home.

The latest communications report received will not, I hope, like its predecessors, gather dust on the shelf. If used correctly it should give much needed impetus to our new system and form a basis for much needed action.

On the Public Works Department, I would hope that next year will see the Department doing the work recommended as priority and not just those jobs which actually show a profit.

The often forgotten Central Store provides the back-up to almost every job we undertake. The new Supplies Officer, Mr Stephenson, is showing us efficiency, often under very trying circumstances.

The workload of the Customs Department has also greatly increased but the Collector of Customs and Harbour Master assures me of his Department's ability to cope.

No Councillor here, I believe, would commit us knowingly to untenable future expenditure. I believe we have always shown ourselves to be capable of sensible decisions. I believe, however, in prosperity for all and not just a chosen few.

Sir, I beg to support the Motion.

The Honourable J E Cheek

Your Excellency, Honourable Members. In rising to support this Motion I too would echo your sentiments and those of my fellow Councillors in welcoming both our new Chief Executive and the Attorney General designate.

I would also warmly endorse your words of appreciation to the Learned Attorney General as he approaches his departure date,

both from this Council and from the Colony and, in addition to the Honourable Member for West Falklands, Mr Blake, I would also publicly acknowledge the debt that the Islands have for the work and advice that he put in during the preparation of our current Constitution. One could approach Michael with a problem knowing that instead of listing the reasons why that problem could not be solved he would immediately work towards a positive solution. I find that a refreshing attitude that many of us could well emulate.

Regarding Education, the shortage of teachers, as you say, may not have caused the children's education to have suffered; but how much more advanced would that education have been but for those teacher shortages. I know we rely on overseas teachers, but I think probably our main problem is the recruitment system - if you can call it a system. I hope your recommendations for a new Senior School are accepted and acted on as soon as possible by fellow Councillors. Our students have suffered too long from the effects of the shortage of space and the almost total lack of science facilities. At best the proposed Senior School extension could only have been a stop-gap measure and would certainly not have been sufficient to cover our needs if the school-leaving age is raised to 16, which I believe it must be if our school children are not to be disadvantaged.

Regarding the Posts and Telecommunications Department, I also agree with one of my fellow Councillors whose name escapes me, who says we need to look into the method of delivery of parcels. I know a lot of people feel that we had a better service receiving parcels by the "AES" even though she only sailed once every three months, rather than by the MOD chartered ships, which I think sail once every three weeks.

Again welcoming the new Telecommunications report (I say welcoming but I haven't actually seen it, but at least I welcome the fact that one's arrived) I too hope that something will be done about it and that it doesn't generate another report in two and a half years' time.

Regarding the fisheries, I think we can all of us congratulate those experts who have set it up. But I find it rather amusing that our own local expert advice, which was that the Dornier should be stationed at Stanley Airport, is now being repeated back to us word for word by those who said that Mount Pleasant was the ideal site.

I too, Sir, noted the word 'thrifty' and I too would underline it as I saw my colleague had done earlier. I would use the word 'prudent'. I fully expect a reduction in future aid and technical co-operation providing we continue our net gains from fisheries as we do this year, or even possibly some reduction, although I would not expect a reduction in that money already promised, and in this I refer of course to the £31m. I am sure that all of us, not only in this Council but in the Islands, would be much happier if we were self-sufficient and didn't have to rely on aid: none of us like to rely on charity, although unfortunately of course we will have to rely on that for our defence.

And finally, Sir, with the word of defence I would like to thank the present Commander of the British Forces for all the work he's

done. We've had I think it's five Commanders of the British Forces now, all of them in their own way excellent men; I think all of them succumbing to the attractions of the Islands. We will sadly miss him.

Sir, I support the Motion.

The Honourable D L Clifton

Your Excellency, Honourable Members. Up until quite recently on Falklands radio there was a radio programme called 'Anything Goes' and when you summed up the Motion for the Adjournment in this House last session, Sir, you said 'anything goes' for the Motion for Adjournment. I think the same could be said for this address: anything goes. There are a number of topics one could talk on almost all day, but that's not the purpose of this meeting. I think we need to progress quite rapidly to the budget session, that is what everybody is looking forward to, but there are some fundamental questions to be asked, I believe, before we go into the budget session.

You yourself, Sir, have underlined some of those here: the short staffed civil service; the Education Department - where is the new school? The hospital - to that point I would simply ask what are we going to do about the old age pensioners who cannot be accommodated in the sheltered accommodation?

Then we have the fisheries, the fast revenues that we have already and what we can expect next year. The whole point of what I am trying to say is: just where are we going? I don't think we have sat down and thought sufficiently about where the light is leading us at the end of the tunnel. Are we looking to a future of just twelve months at the end of this budget? Are we looking to a future two years, three years, four years or five years away? I believe the time is possibly right now for another group of individuals to come and assess our economic development. We have progressed economically very quickly in the last five years and I think in some cases all too quickly. We don't really know what the end product is going to be of the land reform, the subdivision. We have a shortage of employment within the Islands. How many people do we need for next year, the year after? The civil service is short-staffed. I am afraid that I have adopted the position, being an employee of the system, that we simply need those people now. We need immigrants now to stop the civil service falling apart any longer. No longer can we go on putting a thumb in this wall and taking it out to put it in a hole in another wall.

But the purpose of future development, of economic stability, has to still center itself around the chicken and egg situation. Which comes first, the chicken or the egg? Councillor Tony Blake has already pointed this out. I think we simply now, at this stage, have to grasp either one or the other and if we don't grasp one or the other then we put them both in the pot and take out the end product. The end product as I see it is housing. We simply cannot go forward without housing. That has to be the initial priority of this Council. We have to provide housing for the immigrants we so desperately need.

Sir, a number of charges have been raised against the Post Office around this Table. If I may briefly put on another hat, I would simply acknowledge the complaints that Councillors have put up regarding the mail service. Only yesterday I prepared a report for the General Post Office in London assessing the situation as the Post Office saw it with the mail despatch which was received last week. I am only sorry that I am not in a position to be able to pass the reply to Councillors today but I can assure them that there will be a reply in their hands before their return to their constituencies. Sir, I support the Motion.

The Honourable R M Lee

Your Excellency, Honourable Members. In rising to support the Motion I would like to welcome Mr Cummings to our fold. He's already pleased many of us in Camp by actually coming out to visit us very soon after being appointed and we hope that regular visits to Camp by Mr Cummings will be a feature of his style.

On the subject of Camp visits, a few weeks ago people on West Falklands were very pleased to see yourself and Mrs Jewkes visiting us. I think we feel very cut off in the Camp from the very fast moving wheels of Government - so much seems to happen and we don't really keep up with it and a visit from yourself, Sir, or from any head of department or senior official is most welcome. It does us a power of good and it makes us feel that we are a part of the system.

As for Mr Gaiger, we all know how hard he's worked over the years and just recently we at Port Howard were lucky enough to have him come and give us some advice and I think everyone there appreciated just how helpful he is and I am sure we are all going to miss him when he goes; he'll be a hard man to replace.

One of the other regular visitors to Port Howard, of course, is the Commander British Forces, although we don't see him so much now that the fishing season's closed! However, he's been most welcome and everyone has enjoyed meeting him and getting to know him. It's going to be a sad day when we can no longer expect him to drop in for an hour's fishing or a cup of tea.

Still on the military, I think this is the last flying week of the Army Air Corps and, again, they have been very good ambassadors, creating a great liaison between military and civilian. I really think they are going to leave a hole which will be almost impossible to fill; we're going to miss them greatly.

Turning now to your speech, Sir, on your comments on education, I would like to endorse the remarks of all the other Councillors that have suggested, and yours too, that we should build a new Senior School. I think this is very important and we should consider it very high on the priority list of development. If the children of the Falklands are going to manage this place in the future they need a good education. We need every child educated to its maximum and without a good school I don't think this is possible. So I would say that the new school should be very high on the priority list - so high in fact it's just below an East-West ferry and weekend flying !

Turning to the budget, I find the figures involved almost horrifying; certainly very scaring. I wonder really whether a part-time politician has time to digest them and pass proper comment. I see that practically every department is asking for more money: some are asking for 20% more, some for almost 100% more and it's very obvious that they think we are now rich and let's see what we can get. Now I'm quite sure that many departments are trying to do things that lack of funds have stopped them doing for many years but I think we have to be aware and, as you say, take a hard-headed view at the demands on our budget, because no one knows what the revenue will be next year and if we promise things this year that we can't afford to pay for next year we are going to be in real trouble.

You talk about the shortage of labour: now I agree that we are short of labour, but I also question the fact that are we getting value for money? I've looked through some of the wage bills the other night for the various departments and the only way I can really check these out is to relate them to something that I know about. Now I know that I help to manage a large sheep farm, it's 200,000 acres, and we manage a small hotel. Now our wage bill to do that is about £100,000. PWD's wage bill is £650,000 in round figures, so my calculation is that we could run six 200,000-acre sheep farms and six hotels for the cost of running PWD, in very round figures. We've got the Dornier aircraft; we could run two sheep farms and two hotels for the price of running the Dornier. We could run one sheep farm for the price of running FIGAS - and so it goes on. And I find these figures don't compare very well and it makes me very suspicious that someone's not giving value for money or someone is being grossly overpaid. No doubt this week we'll thrash all this out and some light will be thrown on it, but I must say this is how I approach the budget and I am a very suspicious person, but I do feel that we need value for money. We need people, but we need hard working people that don't want to make a fortune.

If there are going to be any handouts at all, and I doubt whether there is this year, but I think we should not forget the old people. But for them we wouldn't be here today; we wouldn't have a Falklands or a fisheries zone, and I think we should remember that they probably lived and worked through much harder times than we've ever seen or are likely to see. So if we're going to give any money away I think we should consider the old folk, increase the pensions and so on.

The other thing I think we are sadly lacking and it was touched upon by one of my colleagues is a long-term plan. I feel that at this stage in our history we should be sitting down and developing a long-term plan for the Falklands: not just two years or three, but twenty years. We should decide what our population is going to be in twenty years' time. What do we want it to be? Because we are very few in number and if our population increases to 20,000 we're most certainly going to be the minority, there mightn't even be any true bred Falkland Islanders on Council; it's possible that in ten years' time immigrants could be controlling Council. We have to think about this; I really feel we need a long term plan.

I won't go on any more because there are still people to speak after me. I wish to support the Motion.

The Honourable E M Goss MBE

Sir, in rising to speak to the Motion of Thanks to the opening Address of this budget Session of Council, I too would like to welcome the Honourable the new Chief Executive, Brian Cummings, to our Table and look forward to experiencing his style of administration. My thanks too must be extended to the Learned Attorney General for all the dedicated hard work he has given to us over the past three years and I wish him and his family well in the future.

Rear Admiral Layman: his avid interest at our Table here will be missed. I join other Councillors in expecting that his replacement will be equal to all the predecessors we've had in this post and I wish him well in his travels, but I believe he will be with us for another couple of months yet anyway.

Money is required in all quarters I see, and I take your warnings with interest. I'm tight-fisted so I support all your concern and, Sir, the caution to us all to guard what little cash we have. I know the biggest portion of this budget revenue has come from the new interim fisheries zone. It has been mentioned at our Table before that we must guard very carefully our fishing stocks but what we have to guard against this next week is not the fish but the sharks that are amongst us that might rip out the bottom of our purse. So I'm sure I will be looking at the budget very carefully and trying to control it the best way I can and I warn all departments to keep their greedy eyes and hands off the purse at the moment. Let us all get our wits collected together so that we can sort out our future and spend the money as wisely as possible.

One thing that always interests me in coming into this room since having the new furniture of course is the re-arrangement of the Table. I couldn't find my seat this morning, but at least it stops us dropping into a groove and I've got to look at the room from a different angle. From my new position I can now better eyeball our Financial Secretary. The word that was escaping the Honourable Member for the North of the West Falkland in his appreciation of the Honourable Financial Secretary's work I think was 'juggling', but it's very clever juggling and I'm glad he does it.

I support also a lot of the wise comments made by other Councillors and being a careful sort of chap with other people's cash, in talking about a new school, which I think is a wonderful idea, perhaps we can find cheaper ways of doing it. We've been wondering where we are going to get a piece of land to make an extension to the present school from; here today we are in the Council Chamber of the Town Hall. Maybe we could give this to the Education Department as a school, the whole Town Hall, and take over for Post Office and other Government departments the present school, and we have a little bit of land here in front where extensions can be made. Very handy to the Gymnasium, so perhaps we should look a little closer to home and not get up in the clouds with big palaces for schools and spend lots of money that we haven't yet got. I think we've got to be very careful with what we do with this budget. I'm sure it's got too many pages in it and we have to take a lot out and over this next week I hope we can reduce this into a sensible proportion and use the spare cash to put into our reserves. Sir, I support the Motion.

The Honourable T S Betts

Your Excellency, Honourable Members, in rising to support this Motion I think I'm going to leave my two welcomes and my two farewells to the winding-up session.

I believe that our real problem for the Islands' future you touched on, and that is, is 1900 people enough? Surely it isn't, and it's there that we should be getting to grips with the crux of our problem. We have to get people; we have to house them; so there is the number one priority: housing first, fill them, get them jobs and then we will proceed to a much better future. There are obvious shortages, in the Education Department, the Medical Department, the Falkland Islands Police Force, Broadcasting, Posts and Tels, PWD - you mention it; it goes on and on and on.

I would also like to record in this House something which is probably not orthodox, but I doubted the wisdom of the appointments board when they appointed the now Chief Education Officer. But I am in no doubt now that that was an excellent choice. Working on the Education Committee with her as I now do I applaud the committee that appointed her.

Yes, we do need a new school. We also definitely need to be doing something about that appalling playground at the Senior School, and I wonder where Government would be if some child was seriously injured as a result of falling in that area.

Fishing has obviously has been the beacon of light in the last five months. It has us all in a whirl and we don't really know how much money it may generate in future years.

I, too, would rather like to know what the Argentine and the British delegations, whichever you want to call them at the present moment, are talking about and I too wonder what kind of cricket the Foreign Office is playing.

But I am going to go back to what I believe is the one issue that stands before us, which we all must grasp and make firm policy on: that's more people, and housing. Without it, would the last person out of this House turn the lights off.

I support the Motion.

The Honourable The Financial Secretary

Your Excellency, in rising to support the Motion of Thanks I would first like to welcome our new Chief Executive, Mr Cummings. I have already had quite a number of weeks with him and I must say that if this is the Northern Ireland style, I sure like it.

I also welcome Mr David Lang, who I am sure I will be bothering a great deal after Mr Gaiger has left the Colony. I look forward to working with him. It is with great regret that the Colony is losing the services of Mr Gaiger. I recall when he first came to the Islands he walked into my office and told me: "Well, there are going to be some changes made. You now have an Attorney General with you and the first thing you have to change is the

name of the Department to Justice". I thought this rather strange and having now worked with the Attorney General for the last four years I know why. During this period the old Legal Department has been Justice and justice has been done to the people of the Falkland Islands. The enormous amount that I've learnt from Mr Gaiger is probably more than from anybody else during my service in the civil service. I thank him very much and join in wishing him and Mrs Gaiger and family all the very best in the future and hope that somehow we'll be able to retain his services in one way or another.

To Admiral Layman, I feel rather strange on looking across the Table and thinking that he will not be present at the next Council meeting, because it seems that he has been part of the place for so long. It must be his long association with the Falkland Islands. My grandfather came here in 1860 and I read an account of the Captain of HMS Dwarf and Admiral Layman and Mrs Layman's family seem to have been around here almost as long as I've been! But I'm delighted with the way in which the association of military and civilians has been covered during the period that he has been with us and I certainly look forward to a long association with them in the future.

I associate my thanks with the remarks made in respect of Mr Joe King, who has been in the civil service for over fifty odd years, I think it's probably a record, I know for the last 39 years he's been supplying the Treasury with much of their material and he will be missed. I look forward to the modernisation of the Printing Office and I certainly welcome Mr Pettersson to the post.

But I must convey my greatest thanks probably of all to someone who's going to be with us for the future and that is Mr Peter Derham who supplies me with more millions and I can certainly do with more millions yet to come, and I can dispose of them quite easily! I thank him also for his assistance in suggesting various ways that we can make more money and one or two more million may lie around in the direction that he's pointing; this will be investigated shortly.

Finally, having said so much about millions of pounds, I would like to thank you, Sir, for the caution that you have mentioned this morning in your Address. I think it is extremely important to express caution: I will be referring to this in my Budget presentation later during the course of this meeting.

I support the Motion of Thanks.

The Commander British Forces

Your Excellency, Honourable Members. I feel I must just thank Your Excellency for the extremely kind remarks in your Address and to Honourable Members too for their kindness. It's been the greatest possible pleasure for my wife and for me to be here and we have indeed both fallen in love with these beautiful islands and the welcome and the friendliness shown to us everywhere has been something we'll never forget. It is my privilege to command the Servicemen and the Servicewomen devoted here to your defence and we are proud, with our predecessors over the past few years,

to have kept the peace on land and in the protection zone which has enabled prosperity to develop. We'll do everything in our power to enable that to continue and I know that my successor, General Carlier, will do the same. Sir, I beg leave to support the Motion.

The Hon The Chief Executive

Your Excellency, I rise to support the Motion.

First I would like to thank you personally for your very kind remarks and for the welcome which you have given to myself and to my wife, and also I would like to say to all Councillors that they have made me feel very welcome. I am looking forward enormously to the challenge: it is a big one but I hope I can contribute something to it. As you all know I have been a civil servant for some twenty years plus and I would like to say, especially to the Councillors, that I am here to serve: I am here to serve you as Councillors, the community, and the Islands and I do hope you will come and knock my door, more often than not perhaps I may knock yours, whether it be in Stanley or, indeed, in Camp.

In the remarks made by Councillors, and you yourself, Sir, made reference to it, the civil service itself has featured very lightly. In the few short weeks I've been here I've already begun to get a feel for and to see the problems and issues. I hope that my experience in the recent past will enable me to tackle those problems, hopefully with some imagination and also, unlike most civil servants, in a flexible way. It will certainly be my aim, Sir, to provide in the Falkland Islands a public administration which has the highest standards of service and integrity.

One aspect of the civil service I would like just to mention and that's the question of communications, and I think this is an area which we can do something about and I hope I will bring forward specific proposals shortly which will enable the community to be better informed as to what the public service and the government is doing on their behalf.

Turning, Sir, to the major issues which you yourself highlighted and indeed other Councillors raised specifically. I think basically everyone is saying: "the future: how do we get it right?" I was delighted, as an economist and civil servant, to hear such expressions rolling off the tongues of Councillors such as 'long term', 'value for money' - sweet music to my ears, and I know it will be to the Financial Secretary too. I think it would be inappropriate however to discuss these matters at this particular time and clearly we will be having a lengthy and detailed session in Select Committee later this week and indeed in the wider legislative forum. I have already of course taken account of some of the priorities which have been mentioned by Members: housing, education, public works.

I would, and it's unfortunate I suppose in my first occasion of speaking, to have to apologise but I think I should apologise to the Legislative Council for the lack of a Report being tabled from the Falkland Islands Development Corporation. I think there has been a serious error there but I should advise Members that

the Report will be tabled, and the Accounts, before the conclusion of Legislative Council.

I would only like to say two other things, Sir. Firstly in relation to the Hospital, which you mentioned. The hospital was formally taken over on the 20th of May. There are still a considerable number of problems to be resolved but it is anticipated that after a period of around nine weeks - and a difficult period it will be because we will be trying to get the new hospital right but at the same time maintain the patient care which is already existing in the two hospitals. The date of the opening obviously cannot yet be decided but I know everyone will look forward eagerly to that day. But in fact it is planned to hold an open day on the 4th of July so that all the people in the community will be able to visit the hospital.

Lastly, Sir, I would just like to pay my personal thanks to the Attorney General for his incredibly kind welcome, and to his wife Joyce, and for all his professional help - and there's been a lot of it in six weeks - I know he will want to respond later, I think during the Adjournment debate, but I would like to place on the record at this time my thanks to him. I support the motion.

The President then thanked Honourable Members for their contributions to the Motion of Thanks and the House adjourned for lunch.

QUESTIONS FOR ORAL ANSWER

Question Number 18/87 by the Honourable C. D. Keenleyside

Can the Chief Executive indicate if an early attempt will be made to improve the control of Stanley traffic? For example by the introduction of one way systems, improved traffic signs and provision of off-road car parking?

The Honourable the Chief Executive

Traffic signs have been ordered and it is planned to implement a traffic system in Stanley during the next financial year. The proposed traffic plan will be submitted shortly for consideration by Councillors. Given the shortage of available land in the town centre it is unlikely that off-street parking will be provided in the near future.

The Honourable C. D. Keenleyside

Would the Chief Executive agree that in certain areas of town there is in fact flaunting of the present rules regarding parking close to corners and perhaps a little bit more could be done in respect of this?

The Honourable the Chief Executive

Yes, Sir, I would accept that.

The Honourable D. L. Clifton

Your Excellency, I wonder if the Chief Executive would take into account the requirement of Executive Council to review the requirement to turn Racecourse Road into its pre-BFFI state when it was a one-way system? The idea was to revert to that situation following the withdrawal of the military from HQ BFFI.

The Honourable the Chief Executive

As I indicated earlier, Your Excellency, Councillors will have an opportunity to comment on the actual proposed plan.

The Honourable J. E. Cheek

Your Excellency, would the Chief Executive say whether the plan includes rules or laws - I am not sure how you would name it - covering how traffic should act at a corner? I understand that apart from two roads which I believe have right of way at the rest of them you should give way to the right. I was rudely shocked a couple of evenings ago when a Police vehicle approaching from my left did not in fact give way to me. Whether he was right or wrong I think is immaterial. What we have to do is to have rules that everyone knows about and does this plan include that?

The Honourable the Chief Executive

Your Excellency, I think the present arrangements are somewhat of an unwritten nature and the actual plan would include the requirement of additional regulations brought into effect and

that would be published in due course so everyone will know the rules that apply.

Question Number 19/87 by the Honourable C. D. Keenleyside

Is any attempt to be made to utilize m.v. Forrest in trading links with Chile for purchase of timber, fruit, grain etc?

The Honourable the Chief Executive

Your Excellency, discussions are under way between Coastal Shipping Ltd and the Falkland Islands Government concerning the operation of MV Forrest. Maximisation of revenue earning potential would be an important objective but particular trading operations would clearly be a matter for commercial judgement by the management of the Company.

The Honourable C. D. Keenleyside

I wonder if the Chief Executive would accept that it suits the Falkland Islands Company fine the longer that MV Forrest sits at the end of the Government jetty and they take up all the trade and MV Forrest does nothing. Maybe he would like to take this into account when he is actually doing the deliberations?

The Honourable the Chief Executive

I note the comments, Your Excellency, that the Honourable Member has made but I think the negotiations between Coastal Shipping and the Government are currently in a state of abeyance because certain financial aspects do have to be resolved and not simply for the motive, perhaps, that the Honourable Member has put.

The Honourable C. D. Keenleyside

Is it not true that in fact approaches have been made regarding MV Forrest from within the public sector with a view to using the ship for links to Chile?

The Honourable the Chief Executive

I am not aware of such proposals, Your Excellency.

Question Number 20/87 by the Honourable C. D. Keeleyside

Can the Chief Executive tell us when the modest programme of repair to Stanley roads agreed with Public Works at the beginning of the financial year will be implemented?

The Honourable the Chief Executive

The Director of Public Works intends to undertake road works in Stanley in Dairy Paddock Road, Drury Street to Pioneer Row, and Brisbane Road, during this winter. The work will commence on completion of phase one of the fire station project.

The Honourable A. T. Blake

Could the Chief Executive please explain then why the PWD are actually working on Ross Road West at the moment?

The Honourable the Chief Executive

I think the answer to that one is that there is an ongoing programme but the specific programme which was put before Councillors at that time referred to those particular schemes and they were programmed and I have seen the timing on that.

The Honourable C. D. Keenleyside

Would the Chief Executive accept that with the present weather conditions that works on the Estancia Track are somewhat at a standstill and perhaps the gang employed there would be better employed working on Stanley roads?

The Honourable the Chief Executive

Your Excellency, in relation to the Estancia Track there was a discussion by Councillors at Standing Finance Committee asking for operations to be reviewed and those will be discussed in the Budget Session with the Director of Public Works.

Question Number 21/87 by the Honourable J. E. Cheek

Would the Financial Secretary confirm that all companies and their employees operating in the Falklands are subject to and are paying Income Tax, MSL and OAP contributions, apart from those specifically excluded by this House?

The Honourable the Financial Secretary

Your Excellency, the present position is that one organisation has requested exemption from taxes and duties etc under the Special Exemptions legislation. This application is under consideration for referring to this House in the near future. All individuals and companies other than those involved in fishing activities who are subject to Falkland Islands taxes, medical services levy and old age pensions contributions have been, or are being, assessed now. All will be required to pay the amounts due.

We are now examining the question of the liabilities of persons and companies who are engaged in fishing activities here. The position seems to be complex and is likely to take up a considerable amount of administrative time and effort. The matter is under review.

Question Number 22/87 by the Honourable J. E. Cheek

Considering the various statements made by British Government Ministers and Officials and by British representatives at the UN regarding the dual status of MPA as a RAF and civilian airport, when may we expect the airport facilities to be advised to ICAO for publication?

The Honourable the Chief Executive

Your Excellency, I regret I cannot give an exact date when the International Civil Aviation Organisation will have published details of MPA. Details of MPA are, however, published in a number of documents available to the general public, including an RAF planning document (Sections 1 and 2); en route supplement for Africa and Asia; Terminal Approach Procedures Mount Pleasant and the United States Department of Defence Document on flight information publication supplement Caribbean and South America. I should also add that the present use of MPA by civilian aircraft is not affected by the status of the ICAO publication.

The Honourable J. E. Cheek

From the reply can I assume then that the information factors have been advised to ICAO and it is a matter for them to publish it?

The Honourable the Chief Executive

No, Sir.

The Honourable J. E. Cheek

Thank you.

Question Number 23/87 by the Honourable J. E. Cheek

Would the Chief Executive indicate if and when legislation or Orders-in-Council are to be introduced to control the various radio stations recently set up in Stanley? Of particular concern are regulations to control interference to private video and audio systems and to radio receivers, and to existing registered communication systems.

The Honourable the Chief Executive

Your Excellency, the Honourable Member for Stanley is probably much better informed than I am on this subject but I will give the Government's response.

The Government is aware of and accepts that interference is occurring in the manner suggested and accepts that additional legislative powers are required. In advance of the availability of further controls administrative measures are being taken by the Posts and Telecommunications and Fisheries Departments in an attempt to improve the position. The establishment of a VHF radio/telephone service would help. I regret I cannot give the Honourable member a time-scale for the production of the necessary legislation as the proposed Bill is likely to be complex and will require detailed consultation.

The Honourable J. E. Cheek

I thank the Honourable the Chief Executive for his reply. Would he agree that there is a certain degree of urgency in this matter? Apart from the interference to the wider public I believe it is a matter of concern that communication systems could easily

be disrupted and it could well be that these communication systems could involve, for example, life at sea and matters such as that.

The Honourable the Chief Executive

Your Excellency, I accept the point made by the Honourable Member and I certainly will be impressing upon the new Attorney General the urgency of this legislation. But I would like to stress it is a complex one and will take a little time.

The Honourable J. E. Cheek

Your Excellency, I accept that thank you.

Question Number 24/87 by the Honourable D. L. Clifton

With the apparent reduction in the numbers of servicemen and women in the Falkland Islands, will the Ministry of Defence continue with its policy of buying supplies locally, where such supplies are available on a regular basis, e.g. the Stanley Butchery and the future Hydroponic Garden?

The Commander British Forces

Your Excellency, British Forces in the Falkland Islands do make use of locally available resources that they require, particularly foodstuffs, subject to them being of the right quality, at a competitive price, and with reliability of supply. Regarding mutton, Mr Butler, of the Stanley Butchery, was told in November 1986 that there was no longer a requirement for the meat and his contract with the MOD would not be renewed after final deliveries this month in May. As far as the Hydroponic Garden is concerned we will be very interested in discussing the supply of salads, again, of course, subject to the normal caveats of quality, price and reliability of supply.

The Honourable D. L. Clifton

I thank the Commander British Forces for his reply.

The Honourable R. M. Lee

Is there any particular reason why Mr Butler's meat supply was no longer required? Was it the quality or was there a particular reason for that?

The Commander British Forces

Your Excellency, the Ministry of Defence was actually consulted over the military need for mutton and that no longer a requirement could be substantiated once the concentration of forces at Mount Pleasant was complete. As Honourable Councillors will no doubt be aware the actual details of the contract, which has caused us some difficulties, are commercial in confidence between the two parties, as with all contractual affairs between MOD and with everybody else as a matter of fact, so I think it would be improper for me to comment any further on this particular contract. If that is an unpalatable reply I am sorry

but it is the one I have to give.

The Honourable R. M. Lee

I thank you for the reply but I find it a little bit concerning when a farmer can be just told "no thank you" without a particular reason. No doubt Mr Butler has been informed of the particular reason why his mutton is no longer required?

The Commander British Forces

Your Excellency, he was in fact given six months notice of the termination of this contract which is quite a long time for any contract I would suggest. The actual details that he was given when the contract was terminated I am not immediately familiar with but I will have a look at that and see if anything more needs to be said to make the situation clearer to all parties.

The Honourable R. M. Lee

Thank you for the reply.

Question Number 25/87 by the Honourable T. S. Betts

I was assured in this House on 1 April 1987, by the then Chief Executive, that the M.P.A. Road would not be taken over unless the condition satisfied a Board of Survey. Who made up the Board of Survey and how did they justify accepting it on F.I.G.'s behalf?

The Honourable the Chief Executive .

Your Excellency, the Honourable Member for Stanley is quite correct in his understanding that the MPA Road was not to be taken over by Government until a Board of Survey was satisfied as to its condition. The Board of Survey which examined the Road on 24th April 1987, preliminary to handover, was made up of the Director of Public Works, the Roads Superintendent and a representative from the PSA. This professional Board made a full report to Government on the condition of the Road and it was on the basis of that report that Government accepted that it should be handed over on 30th April 1987.

The Honourable T. S. Betts

Your Excellency, can we not agree that the present condition/surface of that Road is no better now than it was when I was given an assurance that it would not be accepted in that condition on 1st April?

The Honourable the Chief Executive

I think, Your Excellency, that the Honourable Member is making a slightly different point. The agreement which was reached between FIG and the MOD was that the Road would be taken over, subject to a survey. That has been done and we are aware of the condition of the Road at the point of handover.

Question Number 26/87 by the Honourable T. S. Betts

With the obvious increase in shipping around Port William and Berkeley Sound in recent years what plans, if any, are in hand to have Cape Pembroke Lighthouse, the Narrows Point, Blanco Bay, and Mengeary Point lights, and the Stanley Harbour Leading Lights in working order?

The Honourable the Chief Executive

Your Excellency, the Director of Fisheries, in consultation with the Harbour Master, has undertaken a study of the problems caused by the increase of shipping in Port William and Berkeley Sound during the fishing season. Consultations have been taking place with major port users and proposals have not yet been finalised. The Stanley Harbour Leading Lights and the lights at the Narrows Points have, however, already been restored. Reinstatement or improvement of the lights at Blanco Bay and Mengeary Point is also planned. As the Honourable Member is probably aware the Cape Pembroke Lighthouse has been extensively vandalised but a light will be provided at this location. It is hoped to have all the proposals implemented before the commencement of the next fishing season.

The Honourable T. S. Betts

I thank the Honourable the Chief Executive for his reply. All I will say is that these lights were sighted in their original positions in the interests of mariners in general and so I think there is an urgency to have them all working as quickly as possible.

The Honourable A. T. Blake

Your Excellency, I wonder if the Chief Executive could indicate to me whether Trinity House has been informed of the increased traffic involved in Falkland Islands waters. Trinity House did in actual fact decide that it was no longer in their interest, due to the lack of shipping in this area, to maintain the lighthouse at Cape Pembroke. I think that situation has drastically changed since that decision was made. Have they been informed?

The Honourable the Chief Executive

Your Excellency, Trinity House have not been officially informed of the change in condition and numbers and volume of traffic in the Falkland Islands, but I suspect they are very much aware of it. However, their expertise will obviously be taken into account when the proposals are being finalised.

Question Number 27/87 by the Honourable T. S. Betts

Has the contract for the supplying and distribution of fuels within the Islands been awarded? If so to whom and does it reflect the most favourable retail price to the consumer?

The Honourable the Chief Executive

Your Excellency, the successful tenderer for the supply and

distribution of fuels in the Falkland Islands is the consortium of Hogg Robinson (Transport) Ltd and S. and J. D. Robinson Group. The proposed terms of the contract are presently being discussed between the Falkland Islands Government and the consortium. A new joint venture company 'Stanley Services Ltd' will be established in the Falkland Islands. The Government's aim in the negotiations is to provide a long-term fuel supply at the most favourable prices, and also to maximise the economic benefits to the Islands from the provision of bunkering.

The Honourable T. S. Betts

Your Excellency, I thank the Honourable the Chief Executive for his reply.

The Honourable L. G. Blake OBE JP

Can the Chief Executive give any indication as to when the favoured contractor is likely to be taking over the supplies?

The Honourable the Chief Executive

Your Excellency, the exact timing of implementation of the new arrangements by the consortium will be the subject of discussions in London on the 12th June 1987. Thereafter the proposals will be submitted to Executive Council for final consideration. I would certainly expect it to be in the autumn but the date is subject to negotiation. I should say that interim fuel arrangements have been made and there will be no lapse in the fuel supplies to the Islands.

The Honourable L. G. Blake OBE JP

Could the Chief Executive perhaps clarify the term "the autumn"? Is that our autumn or the British autumn?

The Honourable the Chief Executive

Your Excellency, the first gaff! Definitely the spring in the Falkland Islands; the autumn as far as Hogg Robinson and the consortium are concerned.

The Honourable A. T. Blake

Your Excellency, I did at the last meeting of this House ask for and receive an assurance that the supply of essential fuels to the community would be maintained and I notice at the moment we do have a slight problem with petrol. Could the Chief Executive please indicate that the reason for this failure in the supply of petrol is totally beyond the control of the Falkland Islands Government?

The Honourable the Chief Executive

Your Excellency, I understand there occurred very much a temporary hiccup in the system last week but I gather it has been remedied and certainly contingency arrangements are on hand to prevent any further recurrence.

The Honourable A. T. Blake

I thank the Chief Executive for his reply.

MOTIONS

Motion by the Honourable the Chief Executive for the reconstitution of the Education Committee.

Be it resolved in accordance with Standing Order 40(a) that the Education Committee be reconstituted and that the Members shall be:

The Honourable J. E. Cheek (Chairman);
The Honourable C. D. Keenleyside;
The Honourable R. M. Lee;
The Honourable E. M. Goss MBE;
The Honourable T. S. Betts; and

that the quorum for meetings of the Committee shall be three.

The Honourable The Chief Executive

Your Excellency, the Education Committee was last formally constituted by a motion in this House in December 1985. At that time the membership included The Honourable T. J. D. Miller and The Honourable Mrs. Norma Edwards both of whom have since resigned from Legislative Council. This motion therefore proposes the formal reconstitution of the Education Committee in accordance with Standing Order 40 (a) with the Honourable E. M. Goss MBE and The Honourable T. S. Betts replacing those named above who have recently resigned. It also provides that the quorum for meetings of the Education Committee be three. I beg to move.

The President

Thank you. This being a motion produced by the Executive of course there is no requirement for a seconder but I wonder if any Honourable Member wishes to speak to the motion? The Honourable Member for Camp, The Honourable A. T. Blake.

The Honourable A. T. Blake

Your Excellency I wonder if the Chief Executive could indicate to me whether within that quorum, as I remember it, one should really be a Member of Camp; whether he would approve an amendment to that effect.

The Honourable The Chief Executive

Your Excellency, we would accept that provided the work of the Committee is not held up.

The Honourable A. T. Blake

I will accept that and support the motion.

The President

Any other points on the motion. I take it that there is no opposition to the motion as presented? In that case we shall adopt it.

Motion by The Honourable L. G. Blake OBE JP

The existence of derelict plots of land in the centre of Stanley is unsightly and increases the cost of development by extending services. This House therefore calls upon owners of such land to make it available for development, notifying Government of their willingness to sell and at what price per acre. Should this fail then owners accept that occupation of such land could be costly to maintain.

The Honourable L. G. Blake OBE JP

Your Excellency, Honourable Members, I return once again to the problem of unused land in the centre of the town. The work done by Operation Flogger in cleaning up the town has done a tremendous amount to improve the appearance, but something they could not do was to remove the eye-sores which occur throughout the town in untidy, rubbish strewn and sometimes dangerously fenced pieces of property.

We are not short of land in these Islands and it is not for that reason that I introduce this motion, but we are short of good sites within the town and the continued spread of our dwellings and future industry can only add to the costs of such implementation and the inconvenience to the other inhabitants of the town. How much easier it would be if instead of walking from close to the old Beaver Hangar to go shopping they could come from one of the central roads in town, and there are building plots and areas of land throughout the town which are totally unused. Many of these plots have been acquired in the past at nominal prices and they are being held today really for one reason, for capital gain. The problem is at what point will the market price reach that which is hoped for by the individual? And therefore they sit on these bits of land and increase our costs. They spoil our countryside and they're a pest to the residents, and this is why I call upon those owners of land to decide (a) what they want to do with them and (b) if they do not actually want to develop it what price they will sell it at and to let us know so that we can then draw up a sensible user programme.

If all these exhortations fail then we are going to have to devise some way of encouraging owners to part with this land because I do not want in my dotage to look out upon an unkempt field in the middle of this town purely and simply because an individual or an organisation has decided it just does not want to sell it, it may want it one day. We cannot afford these luxuries in this town or at any other point. Sir, I beg to move.

The motion was seconded by the Honourable A T Blake.

The Honourable A. T. Blake

Your Excellency, I rise to support this motion. I have for a long time been concerned about empty plots of land in Stanley and although I agree with the reasons put forward by the mover of the motion, The Honourable Tim Blake, I also have other reasons for supporting it. I have always been concerned, and it may sound a bit strange coming from somebody who lives in the Camp, about the level of rates in Stanley, and the rating basically is set to

maintain the services of the town and for every bare plot of land there is in Stanley we have to maintain a section of the services, the power lines, the water lines and the sewer lines. Those people that own those plots of land pay nothing towards the maintenance of those services. Therefore those empty sections of land, which have the services which go past them, are being maintained by the remainder of the community in Stanley which I feel puts an unfair burden on the rate-payer and it most definitely puts an unfair burden on the pensioners who, hopefully, in the future may have a slightly better livelihood from Government. But at the moment they will certainly, at times, find themselves in difficulty and it will be a fact of life, I think, in Stanley for a long time that a large proportion of its residents will be pensioners, and I think by accepting the fact that these people are paying rates on unoccupied land, or bearing the burden of the rates of those unoccupied lands, is unacceptable. I therefore, Sir, support this motion.

The Honourable J. E. Cheek

Your Excellency, in rising to support this motion there is only one thing I would like to add, agreeing with almost everything that the two previous Honourable Members have said, I would have liked to have seen it include derelict plots of land with or without unused houses. There are a number of plots of land which have houses on them. In some cases those houses have not been used at all. I do not think I am exaggerating when I say in some cases 'decades' with no maintenance and to me this is as much a waste of space and housing assets as anything, but that apart, Sir, I would like to support the motion.

The Honourable D. L. Clifton

If I may, Your Excellency, just rise briefly to support the motion as it has been presented with the inclusion of the clause that relates to the land containing dwelling houses. There are quite a number of dwelling houses on plots of land that are in a derelict state and we must really attempt and perhaps even force the owners of those properties to release them on to the market to help alleviate the housing shortage.

The Honourable The Chief Executive

Your Excellency, I am grateful for the views which the Honourable Members have put forward. This is not a new issue. When I had a look through the files I saw it had been debated in this Chamber, and indeed elsewhere, on numerous other occasions in the past. I think really there are two distinct aspects to The Honourable Member's motion. One is actually the environmental question and the detrimental effect that it quite clearly has in Stanley, and the other one then relates to the actual availability of land.

I entirely share the views of all Honourable Members in relation to the environmental question and I do think that it is one that Government could in the period ahead begin to tackle. Government itself is a very large owner and holder of property and clearly we could do things there. It may not be necessary for legislation to be brought in to necessarily rectify this situation, but I

think it is worth recording in the context of the debate that Executive Council did actually, within the last nine months, consider that properties which were not developed should be rated, but there was no clear consensus on it and it was certainly interesting that when a paper was circulated in a much wider audience, there was virtually no response from the community. I think it is a very serious matter when you take away an individuals freedom of choice as to when or if he should develop his land. What I think is totally unacceptable to Government is that he should have his land in a state which is detrimental, certainly to his neighbours and to the community at large, so I think there are issues there. But perhaps we could tackle them without necessarily reverting to legislation. I certainly would be prepared to consider the matter further.

The Honourable L. G. Blake OBE JP

Your Excellency, during the debate there seemed to be a suggestion that the motion might be amended. I am not sure whether it is in order for the mover to suggest amendments, so perhaps if it is not I can suggest an amendment for one of the other members to introduce; that is at the end of the first line "the existence of derelict plots of land in the centre of Stanley", we might add "whether they have unused dwellings on or are totally vacant". Whether it has, I am not quite sure of my english here, rather thrown things, but I would suggest that that might be added. Whether I should continue, Sir, to wind up or whether I should sit down for the time being - I think perhaps I should sit down pro tem.

The President

I think Honourable Members would agree its a little difficult to deal with an amendment that was not in effect forwarded and I sympathise with the plight of the mover on this occasion. But I think that we could approach this in two particular ways. I think that the spirit of the motion as first introduced is quite unambiguous. The motion may or may not be improved by the addition of an amendment but if one of the Honourable Members who did indicate that he would propose the extension of the motion then of course we should be happy to consider a particular form of words. Otherwise we could proceed to look at the motion in the spirit, in the wording in which it was originally introduced and adopt it or not as may be the case. I see the Honourable Members for Stanley in front of me working with pens and I think I am going to just call a momentary adjournment to see if a form of revised wording can perhaps be worked out.

The Honourable J. E. Cheek

To try and over come the problem may I make a formal suggestion that we add after the word "land" the words "containing structures or not" if that would be acceptable to Members.

The President

This is in the second paragraph?

The Honourable J. Cheek

No, the first. "The existence of derelict plots of land containing structures or not in the centre of Stanley etc". Not very elegant but I think it conveys what we want.

The President

"Whether or not containing structures". I will ask the Clerk of Councils just to read the motion as amended, and then if it be the movers wish we put this to the Council as a whole.

Clerk of Councils

"The existence of derelict plots of land, whether or not containing structures, in the centre of Stanley is unsightly and increases the cost of development by extending services.

This House therefore calls upon the owners of such land to make it available for development, notifying Government of a willingness to sell and at what price per acre.

Should this fail then owners accept that occupation of such land could be costly to maintain".

The Honourable L. G. Blake OBE JP

Your Excellency, in winding up I would like to perhaps clarify the motion, particularly for the Chief Executive.

I have not suggested in this motion mandatory sanctions. I have in the first instance called upon owners of land to make it available and to let us know the price, and this was really the prime object. But I do ask those persons to do something about their land. Sir, I beg to move.

The President

Are there any dissenting voices against the motion as amended? May we accept then that the motion be adopted? Does anyone want to push it as far as a vote? The motion is therefore adopted. Thank you.

Motion by the Honourable D. L. Clifton.

That this House wishes to draw the attention of the Administration to the petitions received from self employed residents of these Islands in respect of lack of opportunity to be employed as regular stevedores in the Fishing Industry with particular regard to the transhipping arrangements and urges that the Legislation currently in force be revised to: take into account this lack of opportunity; extend the port localities to those currently used and to bring such revised legislation back to this House for passing before the commencement of the 1988 squid fishing season.

The President

The Honourable Member for Stanley please.

The Honourable D. L. Clifton

Your Excellency, Honourable Members, it is almost a year ago to the very day, in fact we were in Select Committee, when Members of this House were circulated a petition from nine signatories - to refresh Members' memories I produce these papers here at this Table - but I presume like many other pieces of paper that it fell before us that particular day and was simply filed and forgotten. But the signatories of that original petition have since been active and the petition has been recirculated and, unfortunately, it was recirculated at a time before we had the real foresight to consider the commercial activities which would undoubtedly follow as a result of the introduction of the Falkland Islands Interim Conservation and Management Zone.

The introduction of that zone caused much pleasure in this House. It has caused our Budget, as the Financial Secretary will shortly reveal, to become the record of all time. The FICZ also created commercial and financial dealings as never before, and I reiterate this, never before has such a magnitude been seen or heard within these shores and it has caused many nationalities of the world to focus their commercial dealings here within these shores. And some of those commercial dealings have been beneficial to the Islands and some, I believe, not so, as I am sure that the question by the Honourable Member for Stanley, Councillor Cheek, attempted to bring into the open earlier on in this session. Certainly in fact it was almost impossible to consider the repercussions of the eventual introduction of the FICZ in regard to commercial operations.

I draw attention to the particular picture as I see it now because I believe that there is a necessity to ensure that local residents, i.e. people who make and have their home here, are permitted the opportunity to enjoy some of the financial benefits that are currently available from the introduction of the FICZ, so that they can quite fairly and actively compete with the labour forces which are, unfortunately, brought in at a very subsidised rate from other countries to compete for their particular slice of the cake, and those nationalities do not pay tax or duties in these Islands.

Honourable Members will, I am sure, recall some of the fine statistics that this particular petition produced twelve months ago and those statistics were based on two fishing seasons, with increased productivity levels at the end of that second season based on recommendations that those nine signatories made to their respective employers. This season some of those nine signatories have been employed in the stevedoring process, but they have been supplemented by additional individuals, totalling somewhere in the region of thirty this year, and have enjoyed stevedoring for from twenty to fifty days of employment. I am sure Members have no doubt that that sort of work really sorts out the men from the boys and it therefore appeals to a particular sort of person. I doubt whether any individual around this Table would be prepared to devote the time and indeed the energy to work for the remuneration that those individuals receive.

Let us not cloud the question of the motion by saying "we have an employment problem: therefore we cannot afford to let other members of our community drift off to find other employment". The majority of those individuals who offer themselves for employment in the stevedoring process are self employed, some of them are contract shearers and by virtue of their profession they have to seek alternative employment at the end of the shearing season which, coincidentally, is about the same time that the fishing season gets under way. Those individuals have been refused the opportunity to work within the Public Works Department, but that in itself is not the question. They offer themselves for stevedore employment because they know that they're a competent and reliable work force and they can compete easily and quite readily with the foreign stevedores. The statistics in their petition proves that admirably.

So what is the purpose of the motion? I guess that is the initial question that everybody will be mulling over in their minds. The competent little work force of nine signatories, this year thirty individuals, has work offered to it on a come-day go-day basis because it is being seriously undercut by foreign stevedores who, although earning bread within these waters, pay no taxes or duties. There is now a golden opportunity for Islanders, irrespective of our employment problem, to go out and earn good clean money like never before. Lucrative contracts in these Islands even in my few short working years have dissuaded and latterly have positively refused to consider the employment of local residents. The situation must not and clearly can not be allowed to continue. Better profitability for the resident means also increased profitability for the Financial Secretary and all those other areas where increased spending by the individual is preferable.

The motion that I have put forward, and I would agree that perhaps it is not exactly the wording that it should be, draws attention to the lack of legislation in force at this present moment. That legislation comes under Cap. 30 of the Harbour Regulations. To be more specific perhaps the Harbour Regulations in toto are inadequately out of date, even in an area where interest must be focused in view of the large number of fishing vessels and other vessels that regularly visit these shores. Even to the point perhaps where the Director of Public Works should be ensuring that he has the written permission of the Harbour Master to take sand, gravel or stone from the foreshore, and that for every ton of material so taken he should pay him one shilling. I beg Honourable Members to involve themselves in a little adjusting when the Budget proposals come forward from the Financial Secretary.

The Learned Attorney General is likely to advise that the Harbour Regulations should not cater for the employment of Stevedores. I am in no position to argue for or against that particular case. I am simply asking that the interests of the Stevedores be taken into consideration. There is also a need within the areas of the locality under the present legislation to include recognised Falkland Islands ports of entry; I am not here suggesting every Falkland Island port of entry, indeed we may have problems with a Bill that is likely to come before us in respect of Naval Ports, but clearly local Stevedores should be allowed the opportunity to work on a vessel if that vessel, or if the owners or the agents of that vessel, have a requirement to employ local stevedores.

The individuals of the petition, the stevedores, are simply requesting a stake in the market which is currently available. There is no requirement to state rates in the legislation, the work force that is providing the stevedoring already has close affiliation with the General Employees Union and is quite capable of negotiating its own rates of remuneration.

Your Excellency, I beg Honourable Members to support this motion simply to safeguard the interests of fellow citizens and thus ensure that those citizens can, in a small, way enjoy better profitability from the FICZ without watching the potential slice of their cake disappearing into the pockets of the many foreign nationals who pay no duties or taxes towards their long-term welfare.

Sir, I beg to move the motion.

The President

Have we a seconder for this motion? The Honourable Member for Stanley, Mr. Betts.

The Honourable T. S. Betts

Your Excellency, Honourable Members, in rising to support this motion I think the mover has covered the motion so admirably there is not a lot for me to say except that whenever a member of this House plans to move a motion to improve the standard of living for people that live, work and pay taxes within these Islands, then I have to rise and support it. I beg to second the motion.

The President

Are there others who wish to speak for the motion please? The Honourable Member for Camp, Mr. A. T. Blake.

The Honourable A. T. Blake

Your Excellency, in rising to support the motion, it falls in line with what I was saying during the Motion of Thanks to your speech, Sir. I think we have to grasp and make sure that every opportunity is offered to local residents who have the expertise and are willing to work to make as much money as they possibly can out of the changing situation that we have. I am somewhat amazed that our joint-venture enterprises, embarked upon by the F.I.D.C. on our behalf, have not included clauses which require those people to seek employees from within the community of the Falklands first. We do it with our own positions within Government. All positions are advertised locally first and so in line with my feelings and thinking on protecting local jobs and giving people every opportunity, in fact even going to the extent of training people for specific jobs which occur, or are going to occur, I have to support the motion.

The President

Are there others who wish to speak to the motion? The Honourable Eric Goss.

The Honourable E. Goss MBE

I am a little bit afraid of bringing in such legislation as to get control of stevedoring. We have seen these sorts of things happen in other ports in the world where high prices, because of no competition, have driven ships away from those ports, and what I fear here is if we have control over the moving of frozen fish blocks around on ships, and it is not our slice of cake, those companies have paid high prices for licences for the right to fish, and obviously tranship their fish, and I do not think really we should be calling it our slice of the cake. We have already been paid for our piece of cake and I think the best way to encourage the fishing to carry on is to have competition and by no means can I support a closed shop in stevedoring.

The Honourable R. M. Lee

Your Excellency, I am afraid I am slightly confused. I have listened to every one speak and perhaps I am wrong but are we suggesting that it is now against the law for local people to be employed. I would suggest there be a law which says only local people should be stevedores.

The President

I would ask the Chief Executive to cover the point when it comes to his remarks here. The Honourable Member for Stanley, Mr. John Cheek.

The Honourable J. E. Cheek

Your Excellency, I too would like to rise to, in general, support the motion. I can see though that there are going to be difficulties. I believe that Falkland Islanders should have an equal opportunity to do this form of work. I believe that at the moment that opportunity is not equal as has been pointed out. Foreign nationals who are coming here to do the work for a start off are probably prepared to accept lower wages, their cost of living may well be low in their own home countries but, as also has been pointed out, they are not paying tax. That for a start off puts our own people at a disadvantage. As I say, I can see difficulties because I do not believe that we Falkland Islanders could provide enough stevedores to fill all the positions to provide all the transferring of cargo that may be necessary, and how we can legislate so that our people can be given a fair, or the first opportunity, I do not know. Maybe if it comes to that then the Attorney General, whether it is the current one or in a few weeks time our new one, presumably they can advise us, but with those comments, Sir, I, in general, support this motion.

The President

Are there others who wish to speak on this motion? The Honourable Member for Stanley, Mr. Charles Keenleyside.

The Honourable C. D. Keenleyside

Yes, Sir, having talked to some of these chaps about this, and also talked to the Attorney General, I think that they do not wish to have carte blanche in any way for what happens in

Berkeley Sound. They are merely asking for what they consider to be a fair deal, and their labour agreed subject to availability. What I can appreciate is their problem is that one day they're given work to start unloading a ship and next morning they turn up for work and there is nothing there, somebody else has done it in the meantime and I think that is what we are really trying to sort out and the reasons for this motion. I beg to support the motion.

The President

The Honourable the Chief Executive please.

The Honourable The Chief Executive

Your Excellency, I certainly did not expect in my first session of the Legislative Council to be responding to a debate which probably touches one of the greatest controversies of the Post War Industrial Nations in relation to the control of labour in docks; if the Admiral will excuse my pun, we are certainly into a minefield here! It is an extremely complex area involving not only the law in relation to the Falkland Islands, which the Attorney General is in a position to advise on, but it also extends indeed into International Law and International Conventions. It extends into the whole question of labour relations and pay rates which are quite clearly of crucial significance in this debate - the motion does not actually mention the subject of pay but clearly that is a very important element as far as the shipping companies are concerned. What rate would they have to pay to have these chaps do the job? The tax question, one which all Honourable Members expressed concern about, and indeed we did give a commitment earlier today, through the Financial Secretary, that in fact we would be looking in the tax review at the question of the implications of the fishing fleets in this particular area. But again this is a very very difficult subject. I think there is a world of difference between persuasion, if I can put it that way, and compulsion.

From the papers I have read in the past the Government has always been committed, and rightly so in my view, that the Falkland Islanders should have rights of job opportunities. To move from that statement into an element of compulsion in the fishing area will be extremely difficult. I think I can say that the Development Corporation, through its joint-venture companies, has made efforts during the past season to encourage those companies to make use of everything that's available in the Falkland Islands, from manpower resources right through to materials, and certainly I would hope that those efforts would continue because it is important that in fact the Islands benefit to the maximum from fisheries. In any discussions I am involved in I will certainly be taking the opportunity to ensure that those companies, whether they be shipping companies, fishing companies or indeed other commercial organisations, endeavour to use local labour where possible and indeed also local contractors. But I would come back to the fundamental point that it would be extremely difficult, and I would urge caution on Councillors to consider making a law which introduces this element of compulsion in the situation, one which ultimately we may not be able to enforce.

The President

I am not asking you to wind up at this particular point in view of the little debate that we had previously but it seems to me that there are two approaches to the motion at the present time. One to let it stand, or two to amend it somewhat to meet, perhaps, or to make it more open and less binding if you like upon the Government whilst recongising the situation as described by the Chief Executive. The option is open to you, of course, if you wish to proceed with the motion as is. I from the Chair am entirely content with that. If you wish to propose an amendment or to have an amendment considered I suggest that we might adjourn very briefly, it is tea time in any case, and consider some form of wording which I think would meet again the spirit of what you are concerned about whilst leaving the Government's hands free at this stage to try to find a solution that would both meet the problem that exists and which would be acceptable to Honourable Members. I put the options to you.

The Honourable D. L. Clifton

Thank you, Your Excellency, perhaps it may be worth while to break for tea. I would simply say in defence that there are really only two words that are required in the Regulation that is currently in force, to actively allow these stevedores to go and work at the moment and they are "Port William". Either that or we encourage the fishing fleets to transfer their catches in Port Stanley. The Legislation is already there. I am not out to upset the Governmental machine. All I want to ensure is that there is an opportunity to be employed. At the moment that opportunity is not available because the words "Port William" and/or "Berkley Sound" are missing from that Legislation, or we ask the fishing fleets, we ask the vessels, to transfer their catches, irrespective of what the material is, in Stanley Harbour. Perhaps I could beg leave for some tea to discuss with my seconder.

Council then adjourned. On the resumption of business the Honourable D L Clifton spoke as follows.

The Honourable D. L. Clifton

Sir, after consultation with my colleagues, supporters and indeed the Learned Attorney General and the Chief Executive who was, I think, hoping that a revision of the current Legislation would be proposed, I do not see that anybody would stevedore at the rate of 2 shillings a ton! In any case the conclusion seems to be that the motion would now read -

"That this House wishes to draw the attention of the Administration to the petitions received from self employed residents of these Islands in respect of the lack of opportunity to be employed as regular stevedores in the fishing industry with particular regard to the transshipping arrangements and urges that Legislation be considered to take into account this lack of opportunity; extend the port localities to those currently used and to bring such legislation to this House for passing before the commencement of the 1988 fishing season".

Clerk of Councils

Do you still want the word "squid" in there?

The Honourable D. L. Clifton

Sorry, still leave the word "squid" in there.

The President

It is important that the Clerk gets it right.

The Attorney General

Just a point I should mention, there are two fishing seasons a year so I suggest the first fishing season.

The Honourable D. L. Clifton

Yes, the first fishing season.

The President

Now, have we a seconder of the revised motion please? We have. (The Honourable T S Betts) Is everyone clear about what is being proposed or would you like it read out once again. I will ask the Clerk to read out what he has got.

Clerk of Councils

"That this House wishes to draw the attention of the Administration to the petition received from self employed residents of these Islands in respect of the lack of opportunity to be employed as regular stevedores in the fishing industry; with particular regard to the transshipping arrangements and urges that Legislation be considered to take into account this lack of opportunity; extend the port localities to those currently used and to bring such legislation to this House for passing before the commencement of the first fishing season of 1988".

The President

Right. Is anyone opposed to the adoption of the amended motion? May I take it, therefore, that there is unanimous support or are there any abstentions? Let me I think in this particular instance have a vote taken.

Clerk of Councils

Can we do it by a show of hands?

His Excellency The Governor

For the motion by a show of hands: eight. A unanimous vote in favour. We need go no further. The motion as amended is adopted. Thank you.

ORDERS OF THE DAY - BILLS

A Certificate of Urgency was laid on the Table by the Honourable the Chief Executive in respect of the fifteen Bills considered at this meeting of Council.

THE APPROPRIATION (1987/88) BILL 1987

The Honourable the Financial Secretary

Your Excellency, this is the 17th Budget that I have presented to this House; it is the largest. The Appropriation Bill which totals over £28m is undoubtedly a record. My first Budget in 1968 was £571,000, which included Development Aid. I am pleased that the Estimates have been produced in plenty of time to allow the various stages of the Appropriation procedures to be carried out before the new financial year commences on the 1st July.

I now review the Estimates for 1986/87. It was forecast that there would be a tiny £2,900 surplus of revenue over expenditure for the current financial year. The revised Estimates indicate that there will now be a surplus of £8.2m. This makes the 1986/87 Estimates of approved expenditure look ridiculous. Revenue accruing to this Government from the issue of fishing licences is responsible for this most admired disorder. Revenue was forecast at £7.3m: it is now revised at £21.1m.

The approved estimate of expenditure for 1986/87 was £7.3m: it is now forecast to reach £12.9m. The revised estimate includes £2.7m for the setting up and policing of the conservation zone to the 30th June 1987 and a £3m increase in the transfer to the Development Fund. This latter transfer was mainly required to finance a heavier demand for farm and housing loans and for the purchase of farms which came onto the market during the financial year.

Budget Estimates for 1987/88. The Estimates of Ordinary Expenditure for 1987/88 totalled £22.5m. Revenue is forecast at £22.7m. It is estimated that there will be a surplus of just over £200,000. It is proposed to transfer £4m to the Development Fund and £1m to the Old Age Pensions Equalisation Fund. The Fisheries Budget of £8.8m appears under a new expenditure head, Accounts Code 320. The £8.8m includes a proposal for the outright purchase of the Dornier aircraft next January for £3.8m.

Excluding the Fisheries Budget and the large transfer to the two funds the estimated expenditure is 27% over the original operating expenditure for 1986/87. Personal emoluments include provision for increasing Civil Service salaries by two steps in the key scale to take into account the rise of 5.2% in the index of retail prices for 1986. Personal emoluments also include provision for 36 new posts. The increase in the number of posts is concerning because of long-term commitment against public funds. However, the growth of the Civil Service is probably to a certain extent inevitable with the present pace of development in the Territory.

The inclusion in the Expenditure Estimate of the full running costs of the new joint hospital has increased the Medical head of expenditure by 110%. This large increase is partially offset by the increase under the Medical revenue estimates where a revenue

item is included for the recovery of the share of expenses to be borne by the Ministry of Defence under the Cost Sharing Agreement.

Honourable Members will have noted that the Education Department expenditure estimates are over 40% higher than in 1986/87. There are a number of new proposals embodied in the Education Estimates, but the main reason for the increase is the need to provide funds to fill all vacancies because of the recent success in recruiting teachers.

The Military Estimates provide for the recruitment of a Permanent Staff Instructor on secondment from the Ministry of Defence for training the Falkland Islands Defence Force.

It is proposed to increase the non-taxable family allowances with effect from 1st January 1988, as follows -

Monthly allowance for a child from £20 to £25, and the monthly allowance for a single parent from £15 to £20.

Provision is also made for a one-time major contribution of 1m pounds to the Old Age Pensions Equalisation Fund. This proposal was made in Executive Council to afford a one-off substantial increase in Old Age Pensions from the income on the investment of the million pounds. It was also proposed that the pension for a married couple should not fall below £50 per week. It is therefore proposed to increase the weekly pension for a married couple from £36 to £50, which is an increase of 38.88%. It is proposed that the single pension rate be increased from £24 to £33. The Government Actuary has been asked for his comments and advice on this proposal and it is probable there may have to be some increase in contributions. It is proposed to increase non-contributory pensions for a married couple from £31 to £43 and for a single pensioner from £22.50 to £31.

Development Expenditure from local funds is budgeted at £4m. Of the £4m it is forecast that £1m will be required for loans: £500,000 for farm loans and £500,000 for housing loans. For the continuation of the present land transfer policy £500,000 is allocated for purchasing farms.

The growing demand for electricity is likely to require the purchase and installation of another generator in the Stanley Power Station at a cost of £700,000.

Provision is made for port development. The Director of Fisheries has advised Government that navigational beacons and lights are required to assist the fishing vessels using Berkeley Sound and Port William. £100,000 is provided for this purpose and a further £50,000 is provided for other port facilities in Stanley.

The sum of £50,000 is provided for the replacement of lighting at Stanley Airport. It is considered desirable to extend the Stanley electricity supply to the new Public Works Centre at Megabid, and to the Stanley Airport. There is an allocation of £52,000 for this project.

Provision is made for improvements to be made to the Stanley Airport terminal and to the F.I.G.A.S. hangar. £90,000 is estimated for Post Office improvements which will include a new

Philatelic Bureau counter. £530,000 is included for the purchase of heavy plant for major works. Besides funds for the continuation of the water supply pipe at Fox Bay Village funds are earmarked for two other projects at the Village. £100,000 for the renovation of the jetty and £74,000 for the recreation building.

Provision of £40,000 provides for the conversion of the temporary Brewster Hospital into living accommodation. £30,000 is provided for the conversion of Britannia House to a Museum. It is considered that the present rubbish tip should be closed and a new one opened at Eliza Cove, or elsewhere. £20,000 is requested.

Some provision is also made for landscaping in Stanley. Funds are also provided for the continuation of the Camp link roads. Honourable Members will note that development plan in summary form showing tentative projections of capital expenditure: £5.4m for 1988/89 and £4.8m for 1989/90.

Your Excellency, I have taken time to highlight some of the main items of expenditure in the 1987/88 Budget, more particularly the development programme. I have done so to illustrate the real impact of the call upon local funds for financing development projects in the future.

I turn now to the question of revenue. Our financial adviser, Mr. Harry Ritchie, wrote to me proposing the abolition of Estate Duty. In his letter he writes - "One of the Elected Councillors raised with me the level of death duties contending that it is too high. I think that I have previously told you that I regard death duties as a very unfair method of taxation and I think they should be abolished here. I remain of this opinion and would recommend that you should completely abolish them. Mr. Ritchie goes on to say - "the estimate of receipts for this year is only £10,000 and on average over the last four years you have probably not received more than £20,000 per annum".

It is a fact that Estate Duty has not been a major component of our revenue. It does appear to be fair taking into account Falkland Islands Estate Duty cannot be levied on our absentee landlords. It is proposed to abolish Estate Duty with effect from today. This year I believe is the first time for a very long time that there are no proposals to increase import duties on alcohol and tobacco. There is at present insufficient information to assess the level of licence fees for fishing for next year and it is considered appropriate that fishing licence fees, transshipment fees and harbour dues be considered later in the year.

The latest computation of the cost of supplying electrical energy indicates that the present tariff of 13p per unit is equivalent to the cost of production. A further computation will be made later in the year.

It is proposed that the charter rates for the F.I.G.A.S. Islanders be increased as follows -

Monday to Friday charters £300 - £320 per hour and on the weekends from £350 to £370 per hour.

It is proposed to increase Government house rents by approximately 10%. It is proposed to increase R/T rental from £120 to £150 per annum and it is proposed to abolish the charges for R/T conversation. This proposal will reduce a considerable amount of paper work.

The Chief Education Officer is examining the Hostel costs and will be making a recommendation regarding any adjustment in the school hostel fees during the course of the year.

Charges for minor services provided by Government will be kept under review throughout the year. Honourable Members will note under the Development Revenue Accounts Code 951-114 the sum of £380,000. This windfall comes to us under the Stabilization of Export Earnings Scheme, from the EEC. This sum has been credited to the Development Fund and, if approved, will be committed to furthering the policy objectives of the Falkland Islands Government Land Transfer Scheme.

It is proposed that there should be a reform of both income and company tax. The next tax year commences on the 1st January 1988 and the necessary consideration to legislation must be given before that date. Principally because of the fishing regime it is necessary to consider a number of provisions of our tax legislation, and Councillors have already agreed in principle to a proposed study by Tax Specialists. I strongly consider the opportunity should not be lost to include the tax reforms in the specialists terms of reference. I envisage that such a study would result in producing a number of options to Councillors for consideration, and then the necessary legislation prepared for consideration at the meeting to be held towards the end of the year.

The Financial position of the Territory at the end of June 1987 is forecast as follows -

Consolidated Fund - £11.3m
Development Fund - £2.1m

This is a satisfactory reserve balance but it is extremely important to note the rising level of both recurrent and capital expenditure. Expenditure is likely to increase considerably in the near future. For example, we shall need to open a replacement fund for the Dornier aircraft in 1988/89 and commence contributing a substantial annual contribution towards replacement of the aircraft. During the course of this year it is proposed to plan for a period of five years development and I can foresee some fairly large items of expenditure ahead. Although we have made an allocation for training this year I do believe we are not placing enough stress on training and I expect the training vote to rise sharply in the future.

It is abundantly clear that we will not qualify for the same amount of aid which the British Government has so generously provided over the last five years. We shall now need to plan very carefully for the future. The proposal to keep increases in fiscal measures to a minimum this year must be regarded as a one-off exercise. By not increasing charges for goods and services greater subsidies are required from the tax payer. I now feel certain that the public is well aware that there is no guarantee of the present level of fishing revenue being maintained and we

shall have to face financing increasing recurrent and capital budgets.

It gives me great pride in financing more of our development expenditure from local sources and I thank the British Government for having declared the zone around us. Finally, let me thank Honourable Members, past and present, for having had to accept many unpalatable fiscal measures over the very difficult years which it was my duty to put before Councillors to ensure the Falkland Islands did not have to live off others in the form of Grant-in-Aid. You deserve great credit for maintaining the autonomy of the the people of the Falkland Islands. I cannot assure you that there will not be more unpalatable measures taken in the years to come: almost certainly that will be the case. We now have a sound financial base to work on. I am positive that we shall manage it wisely for the well being of the people of the Falkland Islands. I commend the Bill to Council. I beg to move the first reading of the Bill.

The Bill was then read a first time and on the motion that it be read a second time the following Honourable Members spoke to the motion.

The Honourable L. G. Blake GBE JP

Your Excellency, in rising to generally support the motion may I once again congratulate the Financial Secretary on his tight-rope walk. In some ways it's rather like a dairy maid who, at the end of each day, goes along and skims the cream off in case the cat gets it, but I believe that he is right in his cautious approach. I hope that in my days remaining I shall witness a Budget Session when he does not necessarily promise that things might even be worse next year, or that things might not be any better next year, but that we will have such a stable and prosperous economic future that he will be able to rise and say: "Gentlemen, I have no Budget for this year, we cannot spend it all".

I am particularly pleased, Sir, above all things, with the inclusion in the Budget of the one-off contribution to the Old Age Pensions Fund. I will debate with the Financial Secretary the need to increase contributions at the appropriate time but I believe that we have made one expenditure move, or we are suggesting one expenditure move, which I am sure will be supported by Council and I am sure will put the benefits where the benefits today are absolutely most needed.

I was pleased to hear of the need to Budget for a full salary scale in the Education Department and I will look with interest at the other Estimates to see if we Budgeted for a full scale in all the other Departments and for a lot of work which we know we cannot do. I am pleased also to hear the Financial Secretary saying that it is his belief that we will need more training in the future to train our residents and our pupils to go and carry out the major tasks that confront us. I believe that there is a responsibility to parents added to this to see that their children make the most of their abilities. Sir, I beg to support the motion.

The Honourable A. T. Blake

I rise to congratulate the Financial Secretary on another

challenging Budget. It is rather nice to see him come into a Budget with a Cheshire grin on his face! It is, I am sure, after all the many years where he has struggled to produce a balance, and it has been terribly hard - I can tell you from my own experience - to produce these balances from time to time, and I think it is rather fitting that Harold should be here when we in actual fact go into a slightly different phase of Budgeting, and I am sure it is pleasing. I do not wish to comment at the moment on any particular part of the Budget. I am sure that even though we are in a different phase the discussions we have are going to be just as challenging as they have been in the past, perhaps even more so under the circumstances, and I will just thank him for all his devotion to work. It was reported to me that his lights were still burning last night at two o'clock in the morning: he's either working very hard or he has left his lights on in which case we will attend to that in his electricity bill for the Secretariat!

The Honourable C. D. Keenleyside

Your Excellency, in rising also to support this, it is already apparent that we are having to pay our own way more and more in our Budgets now, and in fact I agree with Harold very much that that is something we want to do. I refer to the funding of the farm purchases and also to our greatly increased housing loans provision which, of course, allows for much more building to go on.

The Medical Department is interesting, I have looked at that one there quite closely, and I see in fact that although we have this nice new hospital and so on, the actual drain if you like on resources is only increased by 20% which I think is quite creditable to the negotiating skills of those who, shall we say, took on the Military to get as much as they could out of them to help run the hospital.

Our overall income has increased by 300% and that is no mean figure. But I see that the average increase on expenditure proposed by departments in fact works out at somewhere between 20 and 30% in most cases - in most cases. Now I think that is quite laudable considering the way that some might have wished to have increased their demands on Government considerably. In fact it is also interesting to note that the Legislature Estimate is down by 20% so perhaps we should congratulate ourselves on in fact being cheaper this year than we were last year. How Harold managed that one I am not quite sure.

I am delighted to support the increases in child allowances and in the single parent allowances and, in particular, I endorse the Honourable Member, Mr. Tim Blake's idea of putting one million pounds towards Old Age Pensions. I think that is a tremendous idea. I wish to be associated with the £50 minimum for married, old age pensions. I think this is the least we can do. We have wanted to increase this before quite dramatically and at last we have had the chance to do it without putting any excessive burden on ourselves in the future. I see with the abolition of the Estate Duty that in fact the cost of dying is of course a lot cheaper now than the cost of living by the look of it! I am also delighted to see that we have a new generator in the provision for the Power House and I am sure in fact that

we will not be in the dark next winter. Sir, I beg to support the Bill.

The Honourable J. E. Cheek

Your Excellency, Honourable Members, I too would like to congratulate the Financial Secretary for this Budget and in fact for the three previous speakers, all being Members of Executive Council, who must have been over this Budget with Harold Rowlands. In fact I wonder how the Honourable Member for West Falklands, Mr. Blake, is managing over the last few years with the escalation - we starting talking of financial figures in K's and this year I see we move into M's so we are going to have to re-educate him once again!

I had one or two points. I always think it would be better if we spoke later after we have been in Select Committee but that unfortunately is not so, so any points we have to make in public we have to make now. I notice that F.I.G.A.S. still has a subsidy of 57% so it means that non-residents are still being flown around being subsidised by the tax payer. It is something that I would like to see us move away from but possibly I am in the minority in thinking that way.

I think every year I have objected the Old Age Pension Fund being supported from general revenue. This year I feel I can no longer object. I am very pleased to see the pensions increased that way. I have always advocated pensions increasing, but increasing due to increases of money put into the pension from those who support it, that is the employer and employee. But I feel that we cannot rely entirely on revenue from interest from this £1m, plus what is already there, but we must keep up rates of input into that fund, we must not slip there.

I suppose that the main thing that worries me about the Budget is the increasing recurrent cost, its going up and up and up, and I believe we should do everything in our power possible to reduce that recurrent cost. Alright, the capital costs are high as well but generally they are once-off, or they repeat themselves every five, ten, fifteen years or whatever. If we could reduce the recurrent costs, and I can see ways of doing it: for example Stanley Hostel - the heating is electrical, an enormous cost of heating that building. Admittedly a mistake was made when it was put up, but I think that in the aftermath of the war when it was put up in such a hurry that mistake is understandable. But I believe that we should in that case, and in quite a few other cases, change to oil heating for a saving of probably 40 to 45%, even though the capital cost may be fairly high to do it.

I probably said enough on Education this morning, but there is one thing I must mention. I notice that in the notes that we got from the Financial Secretary he is proposing we do not do the Stanley School play ground. I would violently disagree with that. I think stone runs in the Falklands have their interesting points but please not for our children to play on. How there has not been a serious accident - there have been some accidents but there has been no facial disfigurement which could so easily happen with all that that entails.

I am pleased to see that there is going to be a review of the

tax. Certainly of all the things that my constituents talk about probably one of the highest things is "when is the tax coming down?". So I look forward very much to seeing that review and hope that we have it well in advance of the next session of this Council.

I am rather surprised to see that there is no increases in duties on alcohol and tobacco. I could perfectly understand why the Chancellor in U.K. did it, he was presumably angling for votes, but in the case of our Financial Secretary he does not have that worry, but I suppose we can not complain. One last thing, thanks, not from me, but if they're very very lucky, for my children for when I finally go, they have no Estate Duty to worry about. Thank you, I support the Bill in general.

The Honourable D. L. Clifton

Your Excellency, I find it somewhat easier this year to sit on the other side of the Table and knock the other side and throw rocks at it or whatever. I would initially like to congratulate the Honourable the Financial Secretary for presenting the Estimates in this form. I know he has put in far too many long hours, last night being no exception. It is not unfamiliar at this particular time of year to see him there in his office, or certainly to see the lights on in his office, at three, four o'clock in the morning and I think this time in the state of play that we really should be looking to providing more support for that particular Department. I am pleased to see that he has an allocation for a new post there as Executive Officer.

There are some items here that the Financial Secretary has not illustrated in his Budget proposals and having studied the draft Estimates all weekend, and again last evening for something like seven hours, I believe that one or two items should be brought out into the open.

Some Councillors this morning focused their attention on the lack of housing. Well, in this House on 1st April the then Chief Executive stated that there were thirty three vacancies within the Civil Service. There are now, I think, in the region of 36 or 38 vacancies and there is the provision for the creation of thirty six new posts within the Civil Service this financial year. Admittedly some of those posts are already taken in relation to the Fisheries Department, but I wonder where we are going to get 69 people from. And if we do find those 69 people where are we going to put them? I think this Council has to sit down at some stage of these early deliberations of the Budget and seriously consider what comes first, the chicken or the egg. In either case it has to be housing. I believe that that is the number one priority requirement of this House in the next few days. Housing, also as I mentioned this morning, leads itself on to accommodation for the old age pensioner.

Admittedly everything looks nice and rosy for the individual here, the old age pensioner, there is a nice little pay-off of £50 per week for a married couple, but what are the other opportunities for the old age pensioner when he or she becomes too sick to look after themselves. They cannot move into the hospital, and my understanding is from the Chief Medical Officer

that, with all due respects to the Commander, the Military have said that they will not entertain patients, as we have known in the past, in the new hospital complex. Frankly I find that quite appalling and I would urge other Councillors to address themselves to this situation later in the week. We have to provide a home for those patients that have normally been housed in hospital, who cannot look after themselves, in the form Sheltered Accommodation. I am sure Dr. Murphy will amplify this point to us all in Select Committee.

There are a number of items in the draft Estimates...over the weekend I sat down and I was able to save a million pounds. Last evening I reached a figure of possibly four million pounds, but where does that really leave us? There are fundamental questions to be asked of the Public Works Department. Again I think that is something we have to address ourselves to. What do we really want from that department and what can it provide? My particular feeling is that we say the requirements for the electorate are for electricity, water and roads. Let us look at everything else at a later stage. We have insufficient resources to cover the many areas that require Public Works attention. We simply must be in a position to contract out.

I am quite pleased that there is a tax reform being asked for. I would have much preferred the Financial Secretary in his Budget address today to have stood up and said, "the tax is coming down to a level"; no specified level, it would not be withdrawn altogether, but it would be coming down to a level so the individual, the man on the street, the employee, could sit at home and work out what his savings are going to be. Today, when individuals can earn quite handsome remunerations, there is a tendency when meeting the maximum ceiling not to go out and work any more. For every pound that they earn they must pay the tax man fifty pence and the feeling is amongst these individuals that they would much rather stay at home than go out to work. There is no incentive so I do really look forward and I urge that the proposals to reform the tax system are considered and approved in this House before the end of the year. Sir, I beg to support the motion.

The Honourable R. M. Lee

Sir, I rise to support the motion and basically have very little to say in fact, apart from that it goes without saying that I am opposed to the increase in F.I.G.A.S. charges. I think tax reduction is something we all should have. It is very difficult to pass on the wealth that we are earning from the extra fishing revenue to the man in street, as Lewis says. I really do think that everyone in the Falklands should benefit and the best way of doing that is to reduce tax in my opinion.

I, no doubt, will debate for days this piece of paper, so there is little point in me going into great details. The only thing that does really shock me is the cost of the Dornier aircraft: three million eight hundred pounds seems a huge amount of money for a small aircraft.

There is nothing else I have to say apart from the most delightful page in the whole document is page 105, column 5,

where away in tiny print it says in 1988/89 £600,000 will be spent on the purchase of a ferry. I realise that that is not confirmed but it looks jolly good to me. Whenever I put the Estimates down that page seems to fall open!

The Honourable E. M. Goss MBE

Sir, I too congratulate the Financial Secretary in presenting the outline of the proposed Budget and join my fellow Councillors in expressing their thanks for all the hard work he has done in its preparation.

The words were filled with good news, easy to receive, no doubt things that will please a whole lot of our community in the increase in the old age pensions. I am feeling a little bit satisfied too that I could look across the Table at him and catch his eye when he said there would be no increase in duties on cigarettes, tobacco and spirits. I am sure that must please a lot of other people as well.

I am not so sure if I am hard of hearing or if I missed the point completely but when he was talking about the revision of tax I never really got it clear whether the trend would be upward or downwards! I know other Councillors did seem to grasp that it was downwards so I hope everybody can hear that and take note that that is the trend. So I hope that that is right.

So, really with a lot of work in front of us I am not going to now dwell on the various points that were raised and I look forward to looking into the draft Estimates over the next few days. Thank you.

The Honourable T. S. Betts

Your Excellency, Honourable Members, in rising to support the motion I would like to, I do not think I will congratulate the Financial Secretary just at this point, I will wait until we have finished debating the Budget, but I would congratulate three of my colleagues that sit in Executive Council and at least pushed him back against the wall once already, so thank you.

Obviously I am delighted that there are increases for our old age pensioners. I think we all advocate that and it is a pity that it is only £50 per week in fact. I am delighted to hear that there is the idea of putting four million pounds into the Development Fund: a very sound idea and maybe this is the money that we use to buy those desperately needed homes. I was also pleased to hear of the proposed increase in salaries for Civil Servants. Maybe we can find some to work for us.

I was elated of course when I heard of the idea of £20,000 for a new rubbish tip. Training: very important and I would agree with a colleague of mine who suggested that perhaps we need to look at the structure of the Public Works Department and what works that Department actually performs, and I think his ideas perhaps on a more Town Council-type of thing may be more appropriate. Like looking after the services like electricity, water and roads, and

that we do offer the other jobs out to contract so that in fact they do get carried out. That really is all I have to say and I would like to support the motion.

The Honourable Chief Executive

At this point, Your Excellency, I think I will carefully reserve my position on the Budget. It is quite clearly a fundamentally different one from ones Councillors are used to dealing with and I will welcome the opportunity of debating with them in Select Committee the various details of it.

I think, probably, I should just make a comment on one point and that related to the question of geriatric beds and the Hospital. Obviously at any time in a hospital the demand for beds relates to the types of illness the patients have and some needs are more pressing. We certainly hope that there will be an availability of beds for geriatrics and that is the stated position currently. But the view of the military was not an uncaring one in terms of our old people but simply the financial consequences of caring for the old people of the Falklands which was not seen as a medical cost properly perhaps to be shared, but I think that is a slightly different aspect. So I look forward, Your Excellency, to this Select Committee.

The Bill was then read a second time and was referred for detailed consideration by a Select Committee of the House, sitting in another place.

REPORT ON THE PROCEEDINGS OF THE SELECT COMMITTEE ON THE
APPROPRIATION (1987/88) BILL 1987

The President

I invite the Honourable the Financial Secretary to report now on the proceedings of the Select Committee on the Appropriation Bill.

The Honourable the Financial Secretary

Your Excellency, the Select Committee have now reviewed the Estimates of the Falkland Islands for 1987/88. The small revenue adjustments proposed in the context of the Budget were accepted with the exception of the increase of ten percent in house rents. It was agreed that house rents should be increased by approximately six percent largely to take into account inflation.

The Committee discussed at length the question of whether the Dornier aircraft should be purchased outright. It was agreed to make provision for the purchase of the aircraft but that such provision be reserved pending further consideration by Honourable Members.

The Committee proposed provision to be made to contribute £5000 from public funds for a contribution to the United Kingdom Falkland Islands Committee. Such provision is now included in the estimates.

The expenditure adjustments agreed in Select Committee resulted in Ordinary Expenditure being cut from £22.5m to £21.9m. The surplus of revenue over expenditure is now forecast at £806,530.

Some major adjustments were made to the proposed local development expenditure estimates resulting in an increase of approximately £2m above the original proposals.

The Committee considered that housing should take a greater priority in the Development Plan and allocated £1m for disbursement in 1987/88, and £2m for the following two years.

Honourable Members unanimously agreed that the Development Plan should provide funds for a new senior school complex and £5m has been taken into account in the projection of Development Estimates over the next three years.

The committee allocated £250,000 as a contribution towards the construction and maintenance of a swimming pool.

The sum of £25,000 was allocated to resurface the senior school playground.

The allocation requested by the Public Works Department for £530,000 for heavy plant for major works was reduced to £400,000.

Funds were earmarked for the construction of Stanley Roads: £1m was proposed to be spent over the two year period 1988 to 1990.

The Committee considered that the proposed allocation of £100,000 for Fox Bay Jetty was excessive and this was reduced to £50,000.

The Committee agreed to bring forward finance for modification of the Islander Hangar which it was agreed should receive a greater priority.

Provision in 1988/89 is made for a ferry and this was increased from £600,000 to £1m.

Details of the adjustments made to the 1987/88 draft estimates will be circulated to Honourable Members as soon as possible.

The reserve balances of the Colony's finances at 30th June 1988 are now forecast as follows:

Consolidated Fund	£12.1m
Development fund	£1.6m

I take the opportunity to express my thanks to Heads of Departments and their staff for the preparation of the 1987/88 Estimates. I also take the opportunity to thank my excellent team of workers in the Treasury for their hard work and support in preparing the Budget; in particular to Derek Howatt and Kathleen Clarke. This year the estimates were very efficiently typed by Miss Rosemarie Allan on her word processor.

During the Committee Stage Clause 1 of the Bill was adopted without amendment and the Schedule was adopted with the following amendments:

100 Aviation - substitute £644,500 for £640,510;
200 Medical - substitute £982,330 for £964,060;
250 Education and Training - substitute £789,540 for £779,000;
300 Customs and Harbour - substitute £158,950 for £164,110;
320 Fisheries - substitute £8,349,110 for £8,882,460;
350 Public Works - substitute £3,648,660 for £3,730,080;
390 Fox Bay Village - substitute £50,010 for £49,010;
400 Agriculture - substitute £88,170 for £81,860;
500 Military - substitute £98,130 for £105,300;
550 Police Fire and Rescue Service - substitute £298,290 for
£298,960;
600 Secretariat, Treasury and Central Store - substitute £625,810
for £627,310;
800 Legislature - substitute £29,980 for £28,880;
Substitute the total of £17,968,150 for £18,556,210;

Total Ordinary Expenditure - substitute £21,968,150 for £22,556,210;

951 Development Expenditure to be met from Local Funds - substitute £5,915,310 for £3,977,810;

TOTAL EXPENDITURE - substitute £29,428,460 for £28,079,020.

Clause 2 was adopted with the following amendments:
Delete the words and figures £28,079,020 and insert £29,428,460.

The Bill was then read a third time and passed.

THE OLD AGE PENSIONS (AMENDMENT) ORDINANCE 1987

The Honourable the Financial Secretary

Your Excellency, this Bill before us is very simple and in fact it purely implements the proposals made in the Budget for the increase in Old Age Pensions for a married man, or a married couple, from £36 to £50, and for single pensioners from £24 to £33.

Honourable Members will recall that there is provision in the Budget for a transfer of £1m from the revenues of this Colony to the Old Age Pensions Equalization Fund. The Government Actuary has been consulted on this matter and he has suggested that contributions should be increased. This matter cannot be considered at this stage, we must await a full actuarial report for further consideration in Executive Council and I would purely like to remind Honourable Members that contributors may be asked to contribute a little more after the actuarial exercise has been completed.

The Bill as presented requires a minor amendment and I will propose this at the Committee Stage. I beg to move that the Bill be read a first time.

The Bill was then read a first time and on the motion that it be read a second time the Honourable L G Blake spoke as follows:

The Honourable L G Blake OBE JP

Your Excellency, Honourable Members, I have debated amendments to the Old Age Pensions Ordinance 1952 many times, but I don't think that I have risen with more pleasure than I do today when, hopefully, we have been able to make the pensions a more realistic figure with regard to the costs of existence.

I reserve my position with regard to any increases in contributions and will debate with the Financial Secretary and through him the Actuary the necessity for such increases at that time. I beg to support the motion.

The Bill was then read a second time. During the Committee Stage Clause 1 was adopted without debate but the Honourable the Financial Secretary moved... "That Clause 2 be amended by the deletion of all the wording, including from the small 'a' to and including the small 'b'". He added that this was an error in the Bill as printed.

The Attorney General

When the Bill was prepared for this sitting inadvertently the first paragraph was left in and this paragraph refers to contributions paid by people who go overseas - voluntary contributions - and as Members know there has been no decision to increase anybody's contributions at the present time.

Clause 2 was then adopted without further debate and the Bill was read a third time and passed.

THE NON-CONTRIBUTORY OLD AGE PENSIONS (AMENDMENT) ORDINANCE 1987

The Honourable the Financial Secretary

Your Excellency, we have at present on the Treasury books fourteen single pensioners and two married couples who have, for one reason or another, been excluded from the contributory old age pensions scheme, and it is felt that a similar increase be passed on to the non-contributory pensioners as has just been approved under the contributory scheme. The proposal is that married couples should receive £43.00 instead of £31.00, and that the pensions for single pensioners and widows be increased from £22.50 to £31.00. The amount of money to cover the cost of this comes from the public purse. I beg to move that the Bill be read a first time.

The Bill was then read a first time and passed through its remaining stages without debate or amendment.

THE FAMILY ALLOWANCES (AMENDMENT) ORDINANCE 1987

The Honourable the Financial Secretary

Your Excellency, again this is a very simple Bill and it arises from the budget. The Bill purely proposes to increase the family allowance for a child from £20.00 to £25.00 per month, and for a single parent from £15.00 to £20.00 per month. I beg to move the first reading of the Bill.

The Bill was then read a first time and passed through its remaining stages without debate or amendment.

THE ESTATE DUTY (REPEAL) ORDINANCE 1987

The Honourable the Financial Secretary

Your Excellency, in the budgetary proposals a suggestion was made by our Fiscal Adviser, Mr Harry Ritchie, that death duties in the Falkland Islands should be abolished. It is considered that the present Ordinance for Estate Duty is unfair in the way that it does not cover the whole wealth of this Colony and it is to the majority of people who have looked at the Bill the right step forward that we should abolish Estate Duty in the Falkland Islands. I would just like to mention that the amount of money we have collected over the last few years has been very small; in some years it has been as low as about £1000. It is considered that death duties be now abolished. I beg to move the first reading of the Bill.

The Bill was then read a first time and passed through its remaining stages without debate or amendment.

THE BANKING ORDINANCE 1987

The Honourable the Financial Secretary

Your Excellency, I recall having introduced in this House in 1972 a Banking Ordinance for the first time. Since that time the Colony has developed and it is considered that the provisions of our present Ordinance are completely outdated. There is little consequence at the moment but it is considered that we should prepare for the future and amend our Ordinance on an up to date model. The Attorney General has been in discussion with Mr Harry Ritchie, the Bank of England, the Foreign and Commonwealth Office and the best advice is now contained in this final model prepared by the Attorney General for consideration at this meeting.

The Bill provides for Banking onshore. It would not be possible to operate offshore banking under its provisions. If a policy decision were made to encourage persons to use the Falkland Islands as an offshore finance centre new legislation would be required. This is something, however, that would require considerable forward planning. The Bill is simple as Banking laws go and points to note are:

Section 3 provides for all banks to be licenced; the penalty for carrying on banking without a licence is £250.00 per day;

Section 4 which provides for applications for a licence allows existing banks to carry on for six months without a licence but obliges them to apply for a new licence within four months of the Ordinance coming into force;

Under Section 15 the Governor-in-Council may grant a banking licence subject to such conditions as he thinks proper;

Under Section 5 a licence may be revoked in certain circumstances;

Sections 6 and 7 provide for safeguards against banking companies reconstructing without consent and thus possibly avoiding or getting around provisions in the Ordinance;

Section 8 provides for a minimum issued capital required by financial institutions and banks in order to avoid under-capitalised companies carrying on in the banking business;

Section 9 provides for financial institutions to maintain adequate reserve funds;

Section 10 restricts the payment of dividends and remission of profits until certain expenditure has been met;

Section 11 restricts the employment of persons connected with certain offences from management of a financial institution; and Section 12 restricts the use of the title "bank".

Section 13 restricts the granting of loans by financial institutions to certain persons, or the granting of certain amounts of loans;

Section 14 restricts certain commercial activities by bankers and the holding of certain investments and interests in real

property;

Section 16 makes provision in some detail for the minimum liquid assets that banks and financial institutions must hold;

Section 17 provides for control of the opening of branches of financial institutions;

Section 18, again in some detail, provides for the written returns that financial institutions must make to the Financial Secretary;

Section 19 provides for the annual publication of balance sheets by financial institutions;

Sections 20 and 21 provide for powers of examination of the books and other documents of financial institutions; and Section 22 provides for the action that the Governor in Council may take to rectify matters if an examination reveals mismanagement of a financial institution.

Section 23 provides for the appointment of auditors by financial institutions and Section 24 for winding up;

Section 25 provides for fees payable by licenced financial institutions;

Section 26 for terms of imprisonment that may be served in default of payment of the fines; and finally, Section 27 provides for the making of Regulations.

It is considered that the law will provide a good administrative regime for banking; it will give adequate protection to the general public. I beg to move that the Bill be read a first time.

The Bill was then read a first time and on the motion that it be read a second time the following debate ensued:

The Honourable L G Blake OBE JP

Your Excellency, although I approved this Bill for presentation to Council in the Executive, on further examination one notes the size of some of the fines for defraud and default, and the maximum fine of £2000 for a fraudulent banker seems rather small beer. I would just ask that perhaps the Financial Secretary could give thought to some of these fines and perhaps suggest amendments during the Committee Stage.

The Honourable E M Goss MBE

Your Excellency, I wish to support the Bill in essence but support what Councillor Blake has said about the fines, and I thought in fact that although we had discussed these fines we had not examined them in detail and we have obviously failed to return to that subject, so I would ask for that to be done before they are brought back onto the Table and passed.

The Honourable the Financial Secretary

Your Excellency, we have the expert on legal matters with us and I think that we could consult him in the Committee Stage of the

House on the proposal that the Honourable Mr Blake has made.

The Bill was then read a second time. At the Committee Stage the following Honourable Members spoke:

The Honourable L G Blake OBE JP

Your Excellency, there are two series of fines: daily fines of £250 and maximum fines of £2000. It is my contention that where in the Ordinance the figures "£250" occur they should read "£2,500" and where the figures "£2000" occur they should have two naughts added to be "£200,000", but I will accept guidance on the actual levels of the fines.

The Honourable A T Blake

Your Excellency, I agree with the Honourable Member for Camp, Mr Tim Blake. I think that the present fines that are in there are almost licence to operate when you consider the vast sums of money that could be involved. I would also point out of course that we would have to amend Section 26 on page 28 to cover the appropriate figures. Could this proposal please be included.

Committee then adjourned to consider in detail with the Attorney General the implications of the proposed amendments. On resumption of business the Honourable the Financial Secretary spoke as follows:

The Honourable the Financial Secretary

Your Excellency, the following amendments are proposed: throughout the Bill where the fine is given as £250 substitute £2,500; and throughout the Bill where the fine is given as £2,000 substitute £100,000. I will read the Section numbers where £2,500 should be substituted for £250: Sections 3(2), 7(3), 12(3), 15, 18(5), 19(2), 21(2)-line 5, 22(a)-line 9 and the last line.

The amendment to £100,000 will occur in the following Sections: Sections 11(2), 21(2)-last line, and 23(2).

It is proposed that in Section 26 the following amendments be made: where £500 occurs substitute £5000; and where £1000 occurs substitute £10,000.

The Bill was then passed without further debate.

THE CURRENCY ORDINANCE 1987

The Honourable the Financial Secretary

Your Excellency, at present banknotes are issued in accordance with the Currency Notes Ordinance which was enacted in 1930 and is now outdated. Coins are issued under the Queen's prerogative powers. For some time there has been seen to be a need for a new law that not only updates the provisions for the issue of banknotes but also provides for the issue of coins. The Bill before the House does both these things.

The Bill is based on a draft proposed by the Bank of England. It has been revised by the Attorney General incorporating changes resulting from his advice and the advice of Mr Harry Ritchie, our Financial Adviser.

Specific points that Honourable Councillors may wish to note are:

Section 3 provides for the unit of currency to be the Falkland Islands pound which, under Section 4, has parity with sterling;

Section 5 provides for not less than two nor more than three Commissioners of Currency, one of whom is the Financial Secretary;

Section 6 gives the Commissioners the sole right to issue currency notes and coins and provides for a fine of £10,000 or imprisonment for seven years for persons who contravene this Section. The Commissioners arrange for the printing of notes and the minting of coins but the denominations and designs are prescribed by order of the Governor-in-Council, approved by the Secretary of State;

Under Section 7 all earlier issues of notes and coins are validated;

Sections 8 and 9 provide for financial transactions to be in Falkland Islands currency, and for what amounts of coins and currency shall be legal tender;

Section 10 provides for the calling in of currency;

Section 12 provides for the mechanics of conversion of Falkland Islands pounds into sterling and vice versa;

Sections 13 and 14 provide for the establishment of the Currency Fund for backing issued currency, and for the management of the Fund;

Section 15 restricts the powers of the Commissioners and Section 16 provides for a reserve of the Currency Fund to which certain surplus funds are transferred;

Sections 17 and 18 deal with calculation and disposal of the surplus of the Currency fund;

Section 19 deals with valuations of the assets of the Currency Fund and Section 20 provides for the Government to transfer sterling to the Fund if the value of its assets falls below the value of its total liabilities;

Section 21 imposes a duty on the Commissioners to submit an annual report to the Governor and the Secretary of State half-yearly statements of assets and liabilities, and also to submit the Principal Auditor's Certificate;

Section 22 empowers the Governor-in-Council to make Regulations for the approval of the Secretary of State for carrying the Ordinance into effect;

Section 23 exempts the Currency Fund from income tax;

Under Rule 5 of Annex A to the Constitution the Governor may not, without previously having obtained instructions from the Secretary of State, assent to a Currency Bill. The Foreign and Commonwealth Office has been consulted and has approved this legislation.

I commend this legislation to Council: it is important now that we have Falkland Islands coins. They were issued in 1974; they were all backed with the exception of the numismatic coins and this Bill includes those coins as well.

I would like to thank the Attorney General for his notes and beg to move the first reading of the Bill.

The Bill was then read a first time and passed through its remaining stages without debate or amendment.

THE IMMIGRATION ORDINANCE 1987

The Honourable the Chief Executive

Your Excellency, the existing Immigration Ordinance is not satisfactory and the Bill before the House is intended to replace that Ordinance.

This Bill has been prepared over a period of three years. Considerable consultation with persons and bodies both in the Falkland Islands and the United Kingdom has taken place during the drafting. The Bill is not a particularly simple one despite the efforts of the Attorney General to make it so. There is no doubt that it will give the Falkland Islands Government greater control over immigrants than it currently has. The Bill also covers matters which are completely ignored by the present legislation, for example in relation to tourists.

I would draw the attention of Honourable Members to some points in the Bill:

Section 2(1) provides that the law applies to all persons. However, Section 2(2) applies the law to Falkland Islanders only in respect of completing entry and exit forms (Section 5(1)(e)), appearing before an Immigration Officer on entry (Section 15(2)) and certain offences (Section 24).

Part 3 of the Ordinance provides for the appointment of a Principal Immigration Officer and other immigration officers.

Section 4(3) is an important new provision. It makes it clear that the Governor-in-Council may give directions to the Principal Immigration Officer about the exercise of his functions.

Section 5 clearly indicates the powers of the Principal Immigration Officer which includes power to search, question persons, require persons to complete forms, require persons to undergo medical examinations, require a deposit or bond in respect of a person granted a permit and to forfeit such deposit or bond.

Section 5(2) also empowers an immigration or police officer to arrest a person suspected of an offence against the Ordinance or who is suspected of being unlawfully in the Falkland Islands. This power is not in the present law.

Part 4 of the Ordinance provides for visas and permits. Sections 6 and 7 deal with visas. These are not provided for in the present law. When these sections are brought into force all persons whatever their nationality will require visas unless exempted. It is likely that the exemptions when made by the Governor-in-Council will coincide with British exemptions. A visa must not be confused with a permit. A visa is formal recognition of the passport of a foreign national.

Section 10 provides for persons to apply for residence permits. applications must be made from outside unless a person is specifically exempted.

Section 11 provides for the issue of residence permits with or without conditions. Subsection (3) allows for cancellation if the holder of the permit made a false declaration or the holder is convicted of an offence carrying a liability to imprisonment.

Section 12 provides for the issue of visitors permits for period not exceeding in aggregate four months. These permits may be cancelled.

Section 13 provides for exemptions from the requirement to have a permit to enter. These exemptions include persons specifically exempted by the Governor, Government employees, Servicemen, Diplomats, visitors arriving and leaving on the same ship or aircraft, groups of persons exempted by the Governor-in-Council, and seamen exempted by the Principal Immigration Officer - this provision complies with an International Labour Organisation convention.

Section 14 makes a persons presence in the Islands unlawful if his permit or exemption was obtained dishonestly.

Section 15 lays duties on masters of ships and captains of aircraft concerning their passengers in order to ensure compliance with the Ordinance. For example a master or captain must not permit any person to disembark until authorised by the Principal Immigration Officer and must inform the Principal Immigration Officer if he knows that he has a prohibited immigrant on board and must prevent that person disembarking.

Section 16 defines prohibited immigrants and these include: persons without permits, persons unable to show that they have the means to support themselves, persons with infectious or contagious diseases or suffering from mental disorders, persons sentenced to imprisonment of six months or more unless exempted from that provision, persons declared undesirable immigrants, and persons belonging to a prohibited class or group.

Section 17 makes it unlawful for a person to remain in the Falkland Islands after the expiration or cancellation of a permit.

Section 18 makes provision for a person whose exemption expires to apply within three months for a permit.

Section 19 provides for the Governor to have power to deport. It also provides for persons, if necessary, to be kept in prison.

Section 20 provides for the master, owner or agent of a ship or aircraft to pay the expenses incurred by the Government in respect of a prohibited immigrant.

Section 22 provides indemnity from proceedings for officers who carry out their duties under the Ordinance in good faith.

Section 23 provides for appeals to the Governor in Council against decisions of the Principal Immigration Officer.

Section 24 provides for a wide range of offences against the Ordinance.

Section 25 provides for the making of Regulations.

Section 26 provides transitional arrangements for persons in the Falkland Islands when the law comes into force.

Section 27, apart from repealing the existing Ordinance, also repeals Part 1 of the Aliens Ordinance. The provisions in that part are covered by the Bill which applies equally to aliens, Commonwealth and European Community citizens.

This Bill will be a great improvement on the existing law. I beg to move the first reading of the Bill.

The Bill was then read a first time and passed through its remaining stages without debate or amendment.

THE MISUSE OF DRUGS ORDINANCE 1987

The Honourable the Chief Executive

Your Excellency, dangerous drugs are dealt with under the Dangerous Drugs Ordinance, which was enacted in 1949, and the law is not satisfactory. It does not make it an offence to be in possession of a dangerous drug without a permit; it does not deal with premises in which dangerous drugs are wrongfully used; and it does not deal with equipment used for drug abuse.

Honourable Members will recall that there have been a number of prosecutions for the wrongful importation of dangerous drugs. Honourable Members will also perhaps note that there is considerable public concern about the increase in the distribution and sale of dangerous drugs in the United Kingdom. It is difficult to say whether there has been an increase in the use of drugs in the Falkland Islands. However, it is clearly sensible to make control of drugs more efficient in order to minimise the likelihood of any abuse.

The Bill before this House is intended to give the Government more effective control over the handling of dangerous drugs in order to minimise abuse. The draft is based on the Misuse of Drugs Act 1971 of the United Kingdom and it has been considered by the Police there to be effective and relatively easy to operate under.

Specific points to note are:

Section 3 makes the import or export of controlled drugs illegal without a licence or an exemption granted under Section 7(2). Controlled drugs are those set out in the Schedule. They are put into categories 'A', 'B' and 'C' in descending order of nastiness.

It will be seen from the Sections that follow that the penalties vary for offences in relation to the drugs involved. Section 4 forbids the production and supply of controlled drugs without a licence.

Section 5 forbids the possession without a licence of controlled drugs. The possession with intent to supply to another carries a higher penalty than mere possession.

Sections 5(3) and (4) provides defences for those persons who have possession of drugs they have confiscated to prevent an offence being committed.

Section 6 restricts the growing of cannabis plants.

Section 7 empowers the Government by Order in Council to exempt any persons from Sections 4, 5 and 6 and to exclude certain controlled drugs from Sections 3 and 5.

Section 7 also allows for licences to be issued by the Governor or Chief Medical Officer and for exemptions to be granted to doctors and veterinary practitioners. It should be noted that it will be possible under Section 7 to provide for supplies of drugs to be held by designated persons in Camp for supply under a doctors prescription.

Section 8 forbids the allowing of the use of premises for commission of offences under the Ordinance.

Section 9 creates offences related to the smoking of opium.

Section 10 creates an offence relating to the supply or sale of articles which may be used, or adapted for use, in the unlawful administration of a controlled drug.

Section 11 sets out some Regulation-making powers of the Governor in Council in some detail. Many deal with the practical aspects of drugs control, including documentation, records, packaging and regulation of prescriptions.

Section 12 empowers the Chief Medical Officer to give directions as to prosecutions to be taken for the safe custody of dangerous drugs.

Section 13 empowers the Chief Medical Officer to give directions concerning practitioners or pharmacists convicted of offences. For example forbidding such persons to possess drugs.

Again, under Section 14, the Governor may give directions concerning doctors convicted of offences.

Section 15 empowers the Governor in Council to require a doctor or pharmacist to reveal information in cases where there is considered to be a social problem relating to the abuse of drugs.

Sections 16, 17, 18 and 19 create varieties of offences related to dangerous drugs.

Section 20 provides further Regulation-making powers.

Sections 21 and 22 provide for police powers of search and arrest.

Section 23 empowers the Senior Magistrate and JP's to try offences under the Ordinance but refer convicted persons to the Supreme Court for sentencing.

Section 24 provides for forfeiture and destruction of things used in relation to an offence.

Section 25 makes certain provisions regarding evidence.

Section 26 makes provision for the service of documents, and Section 27 makes provision about the form of licences.

The Schedule which lists controlled drugs is the same as that used in the United Kingdom. I hope Honourable Members will agree that this is a timely and much needed piece of legislation. I beg to move the first reading of the Bill.

The Bill was then read a first and second time. During the Committee Stage the Honourable A T Blake pointed out that some of the "£" signs relating to fines had been omitted from the Bill and the Attorney General gave an assurance that they would be put in before the Ordinance was printed. The Bill was then read a third time and passed.

THE MENTAL HEALTH ORDINANCE 1987

The Honourable the Chief Executive

Your Excellency, the law relating to people who are mentally sick is the Mental Treatment Ordinance which was enacted in 1949. We do from time to time have recourse to the provisions of this Ordinance and, indeed, the Magistrates have dealt with the removal of someone from the Mount Pleasant Airport site who was suffering from schizophrenia. The Ordinance is somewhat clumsy to operate and in particular does not deal with persons with behavioural disorders who we need to send overseas for treatment.

The Bill before this House is intended to update the law so that we can deal effectively with people of unsound mind and those so eccentric that they could be a danger both to themselves and to the general public.

Points which Honourable Members may wish to note are:

The definition of "mentally disordered" in Section 2 is wide enough to cover most forms of mental sickness;

Section 4 gives power to a Court to inquire in private into the mental state of a person if information on oath has been received by the Court. Section 5 gives the Court power in certain circumstances to order any police officer to bring a person about whom an inquiry is made before the Court. Under Section 6 the police may for public safety or in the interests of the welfare of the person place that person under care in an approved place before laying an information on oath under Section 4. Under Section 4(2) the person in charge of the approved place is under a duty to restrain and treat the person the person cannot be kept in the approved place for more than three days under this particular provision. An approved place for the purposes of the Ordinance is a place designated as such by the Governor-in-Council under Section 23.

The Court is empowered under Section 7 to adjourn for an inquiry, for a medical examination, for not more than eight days and may make orders for custody and treatment during the adjournment.

Under Section 8 the Court is bound while holding an inquiry to have the person who is subject to the inquiry examined by two medical practitioners. They are under a duty to sign a certificate if they consider the facts so warrant that the person examined is mentally disordered.

Under Section 9 the Court must release the person if it is not satisfied that the person is mentally disordered. If a person is found to be mentally disordered the Court may after consulting the Chief Medical Officer make a removal order or a reception order.

A removal order is made if there are no suitable facilities for care and treatment in the Falkland Islands and if the Court is satisfied that the patient can be removed safely overseas and that adequate arrangements have been made for his reception.

Under Section 14 when a removal order is made a transcript of the proceedings is sent to the Secretary of State.

Under Section 15 reception orders are made if there are suitable facilities in an approved place in the Falkland Islands and the person is a proper person to be sent to the approved place.

Under Section 16 the person to whom a reception order is addressed is required to care for the person named in the order and empowered to give him the necessary treatment.

Under Section 7 a reception order lasts for one year but may be renewed from year to year by the Court. A person can be fined up to £500 for detaining a patient after an order has expired.

Sections 18 and 19 empower the Chief Medical Officer to provide through the Court for either an absolute discharge of a patient or a discharge into the care of relatives with or without a bond.

Under Section 20 the Chief Medical Officer may also release a patient for a trial period. Provision is also made for the return of the patient to hospital if the trial is unsuccessful.

Section 22 provides for persons who are confined in an approved place against their will to be brought before the Court which may then release such person if that person is found not to be suffering from a mental illness.

Section 25 provides for the appointment of visitors who are responsible for ensuring that approved places are properly administered and that patients are properly treated.

Sections 26 and 27 give the Court power to make orders for raising the costs of removing or maintaining patients from the resources of a patient or his family.

Sections 28 to 36 inclusive provide for a number of offences in relation to patients.

Section 37 provides an indemnity to persons acting in good faith under the Ordinance and subjects prosecutions under the Ordinance to the consent of the Attorney General.

Section 38 gives the usual Regulation-making powers to the Governor in Council.

It is considered that the Bill provides enough powers to the Courts and to the administration to deal with persons with mental disorders whilst at the same time providing adequate safeguards to ensure that constitutional rights are not infringed.

I beg to move the first reading of the Bill.

The Bill was then read a first time and on the motion that it be read a second time the following discussion took place:

The Honourable L G Blake OBE JP

Your Excellency, I do not wish to prolong the debate or belabour the Ordinance but I am still a little worried that this Ordinance appears to be rather draconian and I would like the Chief Executive, if he will in his summing up, to assure me that the powers under Section 22(1) - which deals with the person confined

against his will - does give adequate facility throughout the Ordinance for appeals against a removal order or a detention order in the first instance. There doesn't seem to be very much provision for either the patient or his family to appeal against such orders.

The Honourable the Chief Executive

Your Excellency, in general I think the Bill has sufficient safeguards and of course we are dealing by and large here with the medical profession and the judiciary, both of course take a responsible attitude in relation to matters of this kind. I think it is worth pointing out to the Honourable Member that 22(1) does say "any Magistrate or Justice upon information on oath of any informant to the effect that any person..", and so forth.

The Bill was then read a second time and passed through its remaining stages without further debate or amendment.

THE NAVAL PORTS ORDINANCE 1987

The Honourable the Chief Executive

Your Excellency, Honourable Members will probably be familiar with the office of Queen's Harbour Master. This is a Naval office and successive SNOFI'S and sometimes Deputy SNOFI'S have assumed the title when administering shipping in Port Stanley and later East Cove and Mare Harbour.

The office is in fact statutory in origin. In the United Kingdom Her Majesty the Queen appoints a naval officer to the office of Queen's Harbour Master for the administration of each Naval Dockyard. The Naval Dockyard at Plymouth, called Devonport, perhaps is one of the better known Dockyards.

Discussions have gone on since 1983 between the Falkland Islands Government, HQ BFFI, the Foreign and Commonwealth Office and the Ministry of Defence concerning the bringing in of legislation for the establishment of a Naval Dockyard in the Falkland Islands.

The purpose of the Bill now before this House is to enable the Governor in Council to declare a Naval base which would be under the control of the Queen's Harbour Master. The intention is to ensure that such a base is operated primarily as an integral part of the defence system while at the same time affording assistance to non military shipping so long as this does not detract from the primary role of the base. I am of course referring to the port consisting of East Cove and Mare Harbour.

Honourable Members will note that unlike the British Act, which has been used as a model for the Bill (the Naval Dockyards Act 1864), this Bill if it is passed will be entitled the Naval Ports Ordinance. This, it is considered, gives a better impression of what it does and is not so archaic sounding as is the title of the old English law.

Particular points that Honourable Members may wish to note are:

Section 3 enables the Governor in Council to declare a Naval

Port.

Under Section 4 the Governor, on the advice of the Commander British Forces, appoints a Queen's Harbour Master for a Naval Port.

Section 5 sets out the powers of the Queen's Harbour Master. These are very much of a practical nature dealing as they do with matters like berthing and mooring of vessels. The powers under paragraph (c) to search vessels for arms, ammunition and drugs are to be noted. Again the powers concerning vessels and other things which are an obstruction or a danger to navigation are clearly necessary.

Section 9 provides for a maximum fine of £1000 for contravening the Ordinance.

Section 10 enables the Governor in Council to make Regulations for carrying out the provisions of the Ordinance. It is envisaged that fairly detailed Regulations will have to be prepared with the advice of the Ministry of Defence.

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

The Bill was then read a first time and on the motion that it be read a second time the Honourable A T Blake spoke as follows:

The Honourable A T Blake

Your Excellency, some people have expressed concern to me about the fact that we did have considerable opposition to a similar Bill in the not too distant past. I think the explanation given by the Chief Executive explains it all very well: there is nothing sinister about the re-introduction of this Bill and, as he gave Devonport as an example, I would also point out that Portsmouth is also a port which is controlled by a Queen's Harbour Master and which in actual fact has far more civilian movements than Naval. In the ultimate interests of the defence of this Colony the Bill is essential.

The Attorney General

If I can give one point of information, I think the opposition to the original introduction of the Bill was because there were fears that the Queen's Harbour Master would over-ride our Harbour Master and I can assure Honourable Members that that is not the intention.

The Bill was then read a second time and passed through its remaining stages without further debate or amendment.

THE BUILDINGS OF ARCHITECTURAL AND HISTORIC INTEREST ORDINANCE
1987

The Honourable the Chief Executive

Your Excellency, there are a number of buildings in the Falkland Islands, some quite modest, that may however be considered to be of either architectural or historic interest. As the law now stands the owners of such buildings may alter them so as to completely change their character or demolish them without the Government having power to restrain them. The purpose of the Bill before this House is to give some control over buildings which have been declared by the Governor in Council under Section 6 of the Bill to be of special architectural or historic interest.

It will be noted that Section 3 provides for the establishment of a committee called the Historic Buildings Committee. The Committee will advise on designation of buildings (Section 6(2)(b)).

Under Section 7 the Committee may also subject to the powers of the Governor in Council control works on designated buildings.

Under Section 11 the Committee may serve a designated building enforcement notice requiring that a building - where works have been carried out in contravention of the Bill - to be put back to its former state.

Under Section 12 a person may appeal to the Governor in Council against such a notice.

Under Section 15 the Governor may require the Committee to serve a designated building enforcement notice.

Section 16 provides for the carrying out of urgent works on a designated building.

Honourable Members I am sure will be pleased to note that the expression "building" is very widely defined in Section 2 and structures like corrals may be designated under this Bill.

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

The Bill was then read a first time and on the motion that it be read a second time the following Honourable Members spoke to the Bill:

The Honourable D L Clifton

Your Excellency, I welcome this Bill: my only regret is that it has taken somewhat longer than was originally anticipated. I believe that it was considered by the Executive some 15-18 months ago. The recently formed Museum Committee also welcome this Bill and I would commend to Your Excellency the somewhat urgent need to do something to protect what remains of Cape Pembroke Lighthouse. I support the Bill.

The Honourable C D Keenleyside

Your Excellency, I support what Councillor Clifton has said and I

would also like to point out that the Falkland Islands Trust have taken a considerable interest in the formation of this, and in the make up of the Committee I wonder if the Museum Committee and the Falkland Islands Trust could be considered when the Committee is finally constituted.

The Honourable L G Blake OBE JP

Your Excellency, in rising to welcome this Bill my one regret is that it doesn't enable us to control or protect rare species and areas of flora and fauna. We have already lost the Warrah and one or two other not unique animals but animals of historic interest, and I hope that we can find a way of extending their protection.

The Attorney General

The only comment I would make on Members' remarks is that the protection of flora and fauna is much better done under another Bill and we are considering new legislation. The only problem with that type of legislation is that it takes a tremendous amount of time because of all the consultations we have to make, but we have started.

The Honourable the Chief Executive

Your Excellency, the Government is happy to take into account the views put forward in relation to Cape Pembroke Lighthouse and also the question of the membership of the Committee.

The Bill was then read a second time and passed through its remaining stages without further debate or amendment.

THE INTERPRETATION AND GENERAL CLAUSES (AMENDMENT) ORDINANCE 1987

The Honourable the Chief Executive

Your Excellency, this is a very simple and straight-forward little Bill and I'm sure Honourable Members will have no difficulty following my remarks, let alone those who are listening to this debate.

The Interpretation and General Law Ordinance 1900 provided that the Common Law, the doctrines of Equity and the Statutes of General Application in force in England on the 22nd of May 1900 should apply in the Falkland Islands. A similar but not identical provision was contained in the Interpretation and General Law Ordinance 1949. The provision was omitted from the Interpretation and General Clauses Ordinance 1977. It would seem that this was an error as in 1978 the provision was put back into the law. In 1981 this House passed an Ordinance that deleted reference to the Common Law from the provision. There was subsequent correspondence between the Government and the Foreign and Commonwealth Office about this but it is not clear as to why the deletion was made and indeed the Secretary of State has not to this day issued a certificate of non-disallowance in respect of the 1981 Ordinance. The Common Law of England is the foundation on which our legal system is based and there is no doubt that the Common Law must be applied in the Falkland Islands. Indeed, since the 1981 amendment the Common Law has in

fact been applied in the Falkland Islands despite the 1981 change.

The Bill before this House, which has retrospective effect, provides for the replacement of the 1978 provision in a better form and with the inclusion of the Common Law. I beg to move that the Bill be read a first time.

The Bill was then read a first time. On the motion that the Bill be read a second time the Honourable A T Blake spoke as follows:

The Honourable A T Blake

Your Excellency, in general I support this Bill but I, like, probably, other Members of the community am a little bit confused; I don't understand some of the implications. I wonder if it would be possible for the Attorney General to give us an example of the Statutes of General Application, the Common Law and the Doctrines and Rules of Equity please?

The Attorney General

Far be it from me to keep Honourable Members for too long a time - I'm not quite sure where to start but if we can start with the Common Law: the Common Law is, if you like, the judge-made law. You are always hearing us talking about precedents and what was held before and whether or not we should follow those precedents. When the British colonised places or moved to other places they took the Common Law with them. Apparently, even if they were Scottish they took the English Common Law with them. But anyway that's what they do and even if we hadn't had the original law in 1900 I still think the Common Law would have applied. So the Common Law is the judge-made law.

The Doctrines and Rules of Equity are actually doctrines and rules made by certain, or let's say the Lord Chancellor, the old Lord Chancellor who was a cleric in the old days - we've all heard of Cardinal Wolessley - and he in order to soften maybe the stringency of the Common Law, because in the old days the judges tended to be terribly strict and say no when possibly they should have said yes, the Lord Chancellor would step in and soften the blow and say: "well, in Equity you get it; in Equity you do get your father's estate", or something like that and that's what equity is. I know it is a very general explanation.

The Statutes of General Application - lawyers have been arguing for at least 50 years about what they are. But let's say there was an argument as to whether the Naval Dockyards Ordinance was a Statute of General Application. I argued that it wasn't; certain people in UK argued that it was. But they are usually statutes which apply generally like, say, a Wills Act. A Wills Act applies to the population in general so that's a Statute of General Application. You can now see why I've been so keen to bring Falkland Islands Ordinances onto the Statute book in order that we do know what our law is, but in the meantime we must apply general Statutes of the UK to bolster our statute book and we must, unless we want to change to the Roman system of law, apply our Common Law.

The Bill was then read a second time and passed through its remaining stages without debate or amendment.

THE OIL IN TERRITORIAL WATERS (AMENDMENT) ORDINAUCE 1987

The Honourable the Chief Executive

Your Excellency, since the opening of the new fisheries regime there has been a considerable increase in the amount of shipping coming into Falkland Islands territorial waters. Indeed, on a number of occasions recently oil has been seen present in the sea in Port Stanley and other nearby waters.

The Oil in territorial Waters Ordinance 1960, although not an ideal piece of legislation does provide for penalties to be imposed on owners and masters of vessels who allow oil to escape into harbours or the territorial waters, and who fail to report discharges of oil into waters or harbours.

The Ordinance, however, only provides a penalty of £500 for allowing a discharge of oil, and a penalty of £200 for not reporting a discharge.

The Bill before this House increases the maximum fines to £100,000 and £10,000 respectively and provides for Magistrates and Justices to have extended jurisdiction to hear prosecutions under this Ordinance and to impose fines. I beg to move that the Bill be read a first time.

The Bill was then read a first and second time. During the Committee Stage Clause 1 was adopted without debate but Clause 2 was amended, as follows:

The Attorney General

If I may move that 2(b) be amended by inserting "(2)" after Section 5, so that it reads "Section 5(2)", and substituting for the "£10,000 for £100" "ten thousand for two hundred" in words. To clarify that I will read it as it stands amended:

"in Section 5(2) by the substitution of "ten thousand" for "two hundred".

The President

I was simply asking, Honourable Members, for some clarification as to whether the passage in 2(a) which appears in figures should not also be substituted, but apparently in the original law there was an inconsistency between subsections 2(a) and 2(b): in 2(a) figures had been used; in 2(b) it had been written out in full.

The Honourable J E Cheek

Your Excellency, just on a point of clarification does the word "pounds" appear anywhere there?

The Attorney General

It appears in the law but we are only substituting the words "ten thousand", then it says "pounds".

Clause 2 was then adopted and the Bill was then read a third time and passed.

THE PETROLEUM PRODUCTS (AMENDMENT) ORDINANCE 1987

The Honourable the Chief Executive

Your Excellency, Honourable Members are aware that Government is concerned with the arrangements for ensuring a non-interrupted supply of fuel to the Islands. During the course of consideration of this matter it became clear that the Petroleum Products Ordinance 1973 required to be replaced by a more substantial Ordinance.

Shortage of time has dictated that we must amend the existing Ordinance while a fuller and more adequate Ordinance is prepared for consideration by Councillors.

The Bill before this House is therefore an attempt to fill the gap. The Bill amends Section 2 to clarify the definition of Petroleum. It then amends Section 3 to make it clear that the import and supply of fuels applies in the territorial waters of the Islands as well as in the Islands. It amends Section 4 to make it necessary for a person who wishes to import, store and supply fuels to have a licence in writing. The amendment also allows for exclusive licences to be given. The same Section is also amended to provide for fees to be payable for licences, but exemptions from and remissions or reductions of fees may be granted.

An addition to the Regulation making powers in Section 5 is proposed in a new paragraph (d) which covers carriage of petroleum products in vessels in territorial waters and the places in which bunkering shall take place.

A subsection to Section 6 increases the fines for contravention of the Ordinance from £200 to £20,000; provides for forfeiture of petroleum products relating to offences and allows for the Senior Magistrate and Justices of the Peace to hear prosecutions under the Ordinance.

It is appreciated that this Bill is somewhat of a patchwork measure. It is hoped that Honourable Members will consider that it gives the Government an important breathing space while more comprehensive legislation is prepared. I beg to move that the Bill be read a first time.

The Bill was then read a first time and on the motion that it be read a second time the Honourable L G Blake OBE JP spoke as follows:

The Honourable L G Blake OBE JP

Your Excellency, in rising to support the passage of this Bill I would like to give notice that I would like to introduce an amendment to the Bill adding one further subsection which will amend the original Ordinance, but I do welcome our new ability under this to control transshipment of fuel in our territorial waters.

The Bill was then read a second time. At the Committee Stage Clause 1 was adopted but Clause 2 was amended as follows:

The Honourable L G Blake OBE JP

Your Excellency, I believe I am correct in asking that Clause 2 be amended to contain a Clause 6, which amends the original Ordinance in Section 7(b) - I shall read Section 7(b) of the original Ordinance:

"the Ordinance shall not apply to petroleum products kept for private use so long as the amount does not exceed four imperial gallons";

and I move that we add to this the words "and petroleum products kept for agricultural and commercial use other than for resale in such amounts as may be declared by the Governor in Council".

The President then asked the Clerk to read out the amendment which was seconded by the Honourable A T Blake.

Clerk of Councils

Section (f) - In Section 7(b) by the addition after the words "four imperial gallons" of the words "and to petroleum products kept for agricultural and commercial use other than for sale in such amounts as may be declared by the Governor in Council".

Clause 2 was then adopted as amended and the Bill was read a third time and passed.

MOTION FOR ADJOURNMENT

The Honourable The Chief Executive

Your Excellency, I beg to move that this House stands adjourned sine die.

The President

The Motion is that this House stands adjourned sine die. Does any Honourable Member wish to speak?

The Honourable L G Blake OBE JP

Your Excellency, Honourable Members. We had at the beginning of this afternoon's session tabled a preliminary Report of the Development Corporation. I would like to give notice, Sir, of a Motion to debate that Report at the next meeting of the Legislature. The original Development Corporation Ordinance was designed so that this Report could be debated and should be debated to give Councillors some degree of control over the Corporation and I feel it's a pity that we have not actually got round to ever getting it right. And I would before I move on like to draw Councils attention to what I believe is a policy matter which has been amended in the new Report, or the draft Report, and that is the change in the agricultural support from a scheduled scaled support system to support for small farms only. It could be argued, with the dissolution of large farms, that support should be given not to small ones but to keep a few of the large ones going and I feel that perhaps the Corporation in this instance has been rather hasty in its action. But I will come back to that at our next meeting.

I would like particularly in this adjournment to record my thanks and admiration for the work carried out during the last four or five days by the Financial Secretary and his Deputy, Derek Howatt. If I say that we finished examining the Draft Estimates at 11 o'clock this morning and the Financial Secretary was able to report back to Council just three hours later it will demonstrate, I believe, the amount of work he has had to do, and not only that, the number of hours he has had to sacrifice during the last four days at the end of our deliberations - when I know I have been tired, he must have been dead beat also - but yet he's gone back to his office with Derek and they've set to once more. And I do believe that everybody should realise just how much work that does entail.

The other thing, Sir, I would like to pick up, because I feel it is another major step forward, is the assistance we have decided to give at the request of the Chairman of the Swimming Pool Fund, the Honourable Member for Stanley, Councillor Clifton, for the maintenance and running of the new pool. At last we can say we are going to have a new pool: not that we hope to have a new pool some time. And I congratulate he and his Committee for the work that they have done.

Sir, I beg to support the Motion.

The Honourable A T Blake

Your Excellency, Honourable Members, in rising to support the Motion I have a number of points to make. I have been reminded on a number of occasions and have experienced myself a certain lacking in office procedures and management which exist in FIDC, and I hope the new Chief Executive will be able to address this problem, which is causing concern to a number of my constituents, particularly in Camp, and we may be able to attend to this matter. I think we are not very far away from a general reappraisal of FIDC and the important part that it plays within the Colony, particularly with the changing financial emphasis on its funds.

I am not quite sure whether or not to apologise to Honourable Members for asking for explanations to laws when it's getting near to dark, but I do believe that, regardless of the time, if I don't understand laws and I don't think my constituents understand laws, we should try and get some clarification on these rather vague laws which we do from time to time pass. I think people are somewhat suspicious of the fact that we seem to pass laws which they don't know anything about and they doubt whether we know anything about and I can confirm that that is the case at this particular time.

The Budget: I think I've enjoyed this particular Budget session. I was certainly looking towards it with fear and trepidation, particularly at the numbers, and I think it was one of the most enjoyable Budget sessions that I've experienced. The sense of humour was never far below the surface and I am sure that the Chief Executive found it somewhat refreshing at times to see how we act on this. But even with the sense of humour fairly near the surface I can assure my constituents that the responsibility with which we take these duties was in no way diminished. We must continue to watch or in fact control the breadth with which the PWD works; I think we've come up with a rather improved situation during our deliberations and I think we should charge Councillors with the duty of making sure that the services we require under our recommendations are carried out.

I'll just move into a series of basic welcomes and farewells: I welcome, and I feel I am somewhat better able to comment on the activities and personality of our new Chief Executive, and if the last few sessions we've had together are any indication I think we are in for an exciting and invigorating time; it's certainly not going to be without its areas of humour and I look forward to a very good association there.

I welcome also of course our Attorney General designate to the Islands, and although I think we all realise he has a tremendous job to do I hope we are in a position to be able to help him and make his stay worthwhile and enjoyable.

I have already said goodbye - I suppose I shouldn't say goodbye, but farewell - to the Army Air Corps in a previous speech. I didn't realise in actual fact that they would still be here. But we have enjoyed their company and the association with them and I wish them all well wherever they may go.

We say farewell from the Administration to Joe King, our Printer, who has served both the Government and the private sector for many, many years, and I think perhaps it's one of those little

jobs that has been tucked away and people haven't appreciated how much in actual fact he's done for us. If the new machinery or the cost of the new machinery is any indication of what he performed in the past we owe him a great deal.

To Rear Admiral Layman, who will be leaving us shortly, I'm a little bit lost for words, I think we've become firm friends during the period, he certainly has become an enemy of certain finned fellows in the river that passes my house and they've looked upon him with fear and trepidation. It's been a wonderful association both with the Admiral and with his family. I've enjoyed it very much and rather than say goodbye to them I think I'll just wish him tight lines!

I move on to the Attorney General, who is leaving us; he's done a tremendous amount of work - I don't think I know the extent of how long and hard he's worked, a tremendous input has gone in here. I always enjoy people with a sense of humour: I think I have one which is never very far below the surface and I was struck by the devotion which Michael Gaiger had to the Falkland Islands from the very, very first meeting that I attended. He acted in a way as though he had been a Falkland Islander all his life, and the way in which he carried out his duties in the interests of the Falkland Islands has to be admired. I shall miss his attendance at meetings; I shall most certainly miss the banter that he and I have continued almost from the first day and I thank him very much indeed.

I would just sum up with a recommendation to Councillors that we should perhaps be looking at our Constitution. There are, I think, some errors in it and there probably are some changes in it and perhaps a little bit of Constitutional reform discussion amongst us would not go amiss.

My final dig, as it were, must be at the Administration for not acting more speedily on the FIGAS Report. I know this Report didn't cost a lot of money; I know it wasn't in a glossy cover, but there are some very important factors in there. I feel that if one of the major recommendations in that Report had been put into action FIGAS may well be in the position where it could tender for the fisheries patrol and raise income which would have helped to subsidise a fairly heavily subsidised operation. So, with that, Sir, I support the Motion.

The Honourable C D Keenleyside

Your Excellency, in rising to support this Motion I too believe I've made a friend of the Commander British Forces and I can say that whenever one has asked him to produce the goods he always seems to have done so. He's certainly been most informative and helpful in all the dealings that I've had with him and I certainly wish him all the best in the future.

Our Attorney General: I can't really find the words to say what he's actually done for us. I think he's brought our law revision into a whole new world as far as the Falklands is concerned and I think that all our wishes should go with him and I sincerely hope that when he leaves these shores that our association with him is not in fact severed but perhaps strengthened by use of him when

he is in UK, if I can put it that way.

I would like to welcome our new Attorney General and I hope that we can work up as good a working relationship with him as we did with our old Attorney General.

I would also like to welcome Mr Brian Cummings who, as Councillor Tony Blake has said, has provided us with real direction I believe in our meetings and certainly a sense of humour and a real feeling of participation.

The decision to increase the house rents I know is a contentious one that was not taken lightly, but I think it reflects the cost of living and I believe was the best that could be negotiated. I think it leads us to the point that we really need to sell off even more of our Government houses. It's obvious from the petitions we receive from people who live in Government houses that we are effectively providing inadequate services - not due to an unwillingness to improve things but simply an inability to cope with the workload.

I have noticed there's been an increase in the number of dogs in town, and I think there's going to be quite a few more. One thing that has been brought to my notice by a number of people is not so much the dogs but the mess they leave behind, and in particular in, for example, the children's playing field. I would like personally to put forward a suggestion that we actually ban dogs from the children's playing field. There are other areas where dogs can go, and I don't believe that the children's playing field is one of them. It's interesting to note that during the conflict, when the Argentines wished to use the children's playing field for exercising their dogs there was an enormous furore about it and we succeeded in stopping them from doing so, and I think that in fact we could do that again.

Harold has done a magnificent job this Budget; in fact I think we push him a little too hard at times. We expect him to come up with the goods and it's not always very fair, I believe. Sometimes he is expected to produce some fairly complicated figures at short notice and I think sometimes we may be expecting a bit much.

During this year it will probably be that drivers who drink will have a nasty shock coming, because in our allocation of funds to the Police Department we included some £5,000 for new machinery for testing whether or not in the eyes of the law somebody is drunk. And I look forward to us producing some legislation shortly to back this up and actually do something about it, instead of having the problem where someone comes to Court hardly on their feet and yet walks away as though they had never done anything wrong at all. I think that's completely wrong and I think we should change it.

Something that hasn't cropped up yet but undoubtedly will do is the Stanley Rates. If what happened when we had a new Power Station is anything to go by, what happens when we have a new water works will be equally horrendous - in other words the replacement allowance and charges thereby will increase dramatically. Now, I hope that just because we have a new service, which actually isn't giving us anything more, in fact probably less than the old one did, that our rates are not going

to climb through the roof As far as I am concerned, they are not going to.

I must say that seeing the provision of a vehicle for our Social Worker I think was a great move. It will really help her to get around and do the job.

The last thing I'd comment on is the new Senior School: I think that in voting funds in the future for a new senior school we've made a very forward-looking move and I think it's one that we'll all be happy to support. Sir, I beg to support the Motion.

The Honourable J E. Cheek

Your Excellency, Honourable Members. In rising to support this Motion I will try to be reasonably brief. I welcome the laying on the Table of the FIDC Report but I would request that in future when we get the Order Paper for this meeting, the Budget session, that notice is given in that Order Paper that the Report will be laid on the Table, thus allowing us time to table a Motion to debate that Report.

I think I've got two matters that concern me. One, as I mentioned briefly at the beginning, is the escalating recurrent costs and the need for us to try and keep those as limited as possible. At the same time, and I know I'm probably in a minority here, I believe that we should keep our fees, charges, whatever, at least in line with inflation. We've done this with rents this year, we've yet to decide whether we will with rates, we certainly haven't done it with FIGAS. My own feeling, looking to the future, what we've done this year is now past, looking to the future I seriously question whether we can not increase those; whether we can rely on the money that we're getting from fishing. Certainly if we'd got no money from fishing this year I do not believe that those figures would have done anything but increase, at least in line with inflation, and probably considerably more. I think it's a false policy.

Lastly, Sir, something that hasn't been mentioned today. I hope it's not because we are complacent, but there has been no mention of our political future, our problem vis-a-vis Argentina and their claim, their false claim, or whatever you like to call it, on these Islands; and I hope we do not become complacent because that claim will not go away and we will have to continue doing everything we can do to combat it. I don't think we can change the Argentines' minds, but what we will have to continue to do is to persuade the British people that it is worthwhile for them to continue with our protection. I hope in the future that it will not be necessary for them to continue providing money for anything but our protection. I believe generally if the fishing revenues continue then we should be able to look after ourselves financially apart from the matter of defence. In that context of complacency, possibly we were not, because I was very pleased to see that this year the United Kingdom Falkland Islands Committee, who have done so much for us in the past, in fact more than I think people in these Islands, and possibly in this Council, know of, that we have provided £5,000 for them this year and if they will provide us in the future with details of their finances probably more money in the future.

Sir, with just a plea that we don't become complacent about our political future, I support the Motion.

The Honourable D L Clifton

Your Excellency, I plan not to say very much; I've been accused of saying too much at the public session here on Tuesday!

I would simply like to say a very fond farewell to the Admiral and Mrs Layman, both of whom I got to know under very trying personal circumstances last year shortly after their arrival; I would like to wish them both fair weather and good sailing.

And to our Learned Attorney General, Michael Gaiger, he's been not only been a friend and ally to the Members of this House but he's been a friend and ally to many members of our community and to both he and Mrs Gaiger, farewell.

I look forward to working together with the Attorney General designate, Mr David Lang, and I also look forward to extending and furthering the working relationship I have already established with our new Chief Executive, Mr Brian Cummings.

In relation to the presentations put forward by various Heads of Department in Select Committee, I was very pleased to see the highly qualified professional expertise we have in the form of Dr Murphy as Chief Medical Officer, and his wife, Mrs Murphy, in the Education Department, and also to Mr Peter Derham. In respect of Mr Derham, I think that these Islands owe him much more than we can say.

I would also take this opportunity of thanking Members publicly for their financial support in enabling the Swimming Pool Committee to proceed with its proposals. Perhaps looking forward to the future it could become the trial grounds for the West Falkland ferry! Sir, I support the Motion.

The Honourable R M Lee

Your Excellency, in rising to support this Motion, I chose to say my hello's and goodbyes the other day, but I would just like to say that I agree with everything that has been said so far and no doubt I will agree with everything that is said after I've sat down.

Many other Councillors have mentioned the Development Corporation. I think we should just - I know there are problems there and we get frustrated with the work they do - but before we go off half-cocked in our criticism of them I suggest that everybody takes a good look at what they do and the amount of work they do. I think you'll find that most of the problems are due to people trying to do too much. I would hate to think what would happen if they were to work to rule.

On the Budget there are a number of things that I'm really

excited about. I don't think we've thrown our money away this year, in fact the final sum looks a little bit false, because it says we've committed £29m when in actual fact we have not decided to buy the Dornier yet and there are a number of large items that have a circle around them pending a decision later on. So in actual fact our Ordinary Expenditure we've pruned down a little and we've achieved something there.

I'm very excited that we've put money aside for a new school: I think that really is a step in the right direction. The education of our young children is really very important and it is a very good investment.

The swimming pool we all talked about - I just want to make one point clear here, because I'm still horrified at some of the figures, some of the costs. We gave £250,000 towards it. There have been figures bantered around of up to £800,000 as being the final cost and I'm afraid I still find that a fantastic sum of money for a swimming pool. No doubt it won't cost that much, but even the very thought of it possibly costing £800,000 is rather horrifying.

I'm excited about prospects for the upgrading of the FIGAS hangar because I think that the knock-on effect will be that we might possibly see weekend flying before the year is out and that's exciting for me - it doesn't excite the Honourable John Cheek very much but that's beside the point!

I am also pleased that we increased the amount of money that was set aside for possibly buying a ferry and that goes without saying. So all in all I think this has been a good budget. Harold has done an excellent job, as usual, and Derek; and Mr Cummings I think is an excellent Chairman and steered us through the whole process of £29m extremely well.

I don't really think there is anything else that I can say and time is running out so I wish to support the Motion.

The Honourable E M Goss MBE

Your Excellency, Honourable Members. In rising to support the Motion for Adjournment I would like to say a few words of warning. Perhaps in saying this I'm not so excited as Mr Lee. With the new improved revenue from the fisheries we must adjust ourselves to handling this new income and don't let us be carried away by balancing this larger budget now we have some more cash coming in. We must exercise caution in controlling the issue of fishing licences and we must make sure a proper record is made of catches and study at the same time fishing stocks. We must ensure we safeguard and protect our fishing resources. We must not be greedy or let others be greedy in all or any aspects of this operation. More importantly, we must learn to resist beggars - and I warn that they come in all forms from all walks of life - from among us and from overseas. Let us be careful and also fair; get our own house in order first and when we have everything we want then we can slacken up a bit and perhaps be generous in quarters where it's needed.

On Friday I was very pleased to be taken around by the Public

Works Department to see some of the works that they have been doing, and in my progress along the MPA road I found that now that we've stopped putting on the bigger aggregate which acted as marbles, the surface seems to be better - in actual fact I thought it seemed so good it's almost lending itself now to a tar and chip application and I'm sure those words will please a lot of people. Still on roads, our Friday visit took us to the Estancia Road and I learnt in my travels along that road about its history - the mistakes of the past - and I was a bit surprised at the direction it's now taking. If it continues for another half mile more I am sure it will meet up with the road, the hard standing, of the old Two Sisters road - and we can come back to Stanley very quickly. I often wonder, and I'm still puzzled, why we went the direction we're going in or we're bogged down in, at the moment; but I did find it very interesting and learnt a lot about the road and, hopefully, we can still find some cash - by perhaps not charging some of the expenses against the road which we already have, like big rocks and things which are laying about the quarry.

With the taking over of Megabid to store the heavy plant, many of them out of action but a help for the spare parts, and also in that area I see a lot of light goods, I think there now exists as a matter of urgency for PWD to employ a full-time storekeeper in that location, otherwise I am sure those stores are not all going to be there when we want them.

On emotive subjects like the increase of house rents, I won't dwell on that here because I feel pretty sure that this is going to be aired over the broadcast system, probably on Monday, and that should put a lot of peoples minds to rest.

Having said my hellos and cheerios on Tuesday I have no more to say. Sir, I support the Motion.

The Honourable T S Betts

Your Excellency, Honourable Members. In rising to support the Motion I would first of all say two farewells: firstly to the Attorney General, Michael Gaiger - I've enjoyed his expertise and his friendship immensely over the few years that I've known him; and also farewell to Rear Admiral Layman and his wife. I've not spent a lot of time in the company of the Admiral but whenever I have he's been warm and friendly. Thank you very much.

I welcome the Chief Executive, Brian Cummings, and already I've got to appreciate Brian and the way in which he executes his work. He will indeed be an asset to these Islands in the coming years. I also welcome David Lang; I have not had much association with Mr Lang either, but I do know that I managed to deliver his fuel in time to get his house flashed up.

I would like to thank Harold and Derek for their magnificent efforts, certainly over the last few weeks, and also to the Clerk of Councils for his efforts too.

I would like to talk a little bit about the Budget. The general

public usually regard the Budget as a load of rubbish unless taxation is abolished and we line everybody's pockets with gold. I believe that this budget in fact has unlocked the door to progress. The meat of the budget simply is that old age pensions were improved, for contributory and non-contributory, without increasing the contributions.

Family allowances have been increased; duties on tobacco and alcohol have not been increased for the first time in years; death duties abolished, and although taxation was not decreased - or in fact increased - I am pleased to learn that there is going to be a general revision of the taxation system, both personal and company. The budget has provided money for housing, which I regard as the number one priority. We have provided money for a senior school and, along with housing, education and training this is also a major priority.

We have donated money to the Swimming Pool Committee, and I share the view of the Honourable L G Blake that it will indeed be a grand day when the swimming pool is actually on site. We have monies and, I believe, every intention to carry out the works of re-surfacing the Senior School playground and about time, too. I am pleased that we are going to be continuing with the Estancia Track, despite the problems that those workers have incurred. I am pleased that we have provided money for Stanley roads and in fact have every intention of carrying out some work on them. I believe we could go ahead immediately with John Street, for example.

We have made provision for the recruitment of 24 further established staff, two of which are to be police officers, so I sincerely hope as a result of that we will have police cover for 24 hours of the day. House rents have been increased, by 6%, and I am certain that they will be increased annually at least to the inflation rate; but, that being the case, I believe that the Government will give every encouragement to people renting homes the opportunity to buy them on very favourable terms.

I am delighted that we have donated £5,000 to the United Kingdom Falkland Islands Committee. It is an association that certainly does look after our interests and I would also agree with Councillor Cheek that we must not get complacent about our political status, and that we need to be reminding people in the UK as much, if not more, than the people in the Argentine, of the reasons why we wish to remain British. Sir, I beg to support the Motion.

The Honourable the Financial Secretary

Your Excellency, I wish to thank Honourable Members for the kind words they have passed on to myself and my staff. I can tell them I thoroughly enjoy the work, it gives me terrific job satisfaction to serve them and to serve the people of the Falkland Islands in the development of this part of the world.

I feel as though I am only about 18 years old but I'm afraid I'm a few years older than that and I don't think it will be too many more Budgets that I will have the privilege of enjoying, but I certainly will be in the Falkland Islands helping to develop

the place. However, I certainly look forward to my next budget with enthusiasm and I believe that we are now on the right platform for moving ahead. I beg to support the Motion.

The Commander British Forces

Your Excellency, Honourable Councillors. This is my last Legislative Council meeting, after one of the fullest and most rewarding periods of my thirty years in the Service. On a personal front I am truly grateful to you, Sir, and to Honourable Members, for your kind words. Having paid a brief but busy visit to the Islands in 1982 I've at least managed to get ashore this time, and my abiding memory will be of a people who have shown me and my wife friendship, generous hospitality, and a welcome which we'll sadly miss. I thank you all.

I would also like to thank the Learned Attorney General for all the help he's given to successive Commanders over the years, and their staff. He's been a good friend and counsellor to us and I'm particularly pleased that he was able to find time recently from a very busy schedule to come to Mount Pleasant and talk to us on the Falkland Islands Constitution: that was most helpful. We are going to miss his wisdom and advice and I wish you, Sir, all the best of good fortune for the future.

As the Commander of a joint force of sailors and soldiers and airmen and civilian elements, I have seen remarkable changes during my time here, which, had they occurred elsewhere in the world, would probably have taken ten years and not a mere ten months. There have been many milestones. Perhaps the most important is the setting up of your Falkland Islands Interim Conservation and Management Zone, and it's been very evident from this special budgetary session that the fisheries regime has been of far reaching significance to you all; and I'm proud that the British Forces have been able to play a modest part in that success story. After listening to your wise counsel, Sir, and to the eloquence and the deep commitment and the common sense of Honourable Councillors, I know that this new income will be used sensibly for the common good and give a solid base for the future well-being of these Islands.

I won't dwell on the defence role here, as you all know why we are here, what we've done and what we are prepared to do again in your defence, should the need arise; but we all hope that won't be necessary. But may I mention some of the signposts which point towards the future: for example, the restoration of Stanley Airport and the tremendous efforts of 25 Engineer Regiment in cleaning up there and around Stanley. Also the first commercial use of Mount Pleasant Airport two months ago and that could be of great significance; and I would hope its civil use will be developed further so that it may become a truly international gateway.

We've also passed to your stewardship the 35 miles of the Stanley to Mount Pleasant road which, some people might say, now separate the bulk of our two communities. I prefer to say they join us, those 35 miles, because the bonds forged during the '82 conflict have been strengthened since then and they will be preserved for the future. So we'd like you to look upon us as a good

neighbour: we've moved down the road a bit but we remain a staunch friend and we are ready and willing to help whenever we can. Naturally with the main concentration of forces at Mount Pleasant, we are less visible than before in Stanley. But be assured we are here: settlement patrols will continue in Camp, adventurous training will too, and our men and women are very much encouraged to get out and about and to enjoy the legendary Kelper welcome.

Our search and rescue helicopters are often called out and a glance at the passenger list will show just how international that service has become. And this of course has helped to make the waters around these Islands a safer place for all people to come and fish in. We were also able to save a life recently, by flying baby Simon Reid to Montevideo and I am delighted he is well and will soon be re-united with his parents. This is care for an individual, and we will all soon see the fulfilment of a joint venture which will provide care for the whole community, and that of course is the new King Edward Memorial Hospital, which will be staffed, operated and financed jointly by your Government and the Ministry of Defence. I am confident that the hospital will provide a highly professional service to both our communities, civil and military, young and old.

I would also like to mention South Georgia, how pleased we are, still, to give passage to Government officials and others. Although very isolated there, our troops are in good heart, they are doing a very worthwhile job, and they know it. Successive Detachment Commanders, on their return to the U.K., dine out for months on their non-military experiences as your representative Magistrate, Deputy Postmaster, Customs, Immigration Officer and Queen's Harbour Master.

Your Excellency, with the success of your fisheries regime, you are living in exciting times. One of my regrets on leaving is that I won't see the benefits your policies will undoubtedly bring to these Islands. If a stronger economy brings with it the desire and the means for greater self-sufficiency, then that's only natural; and in this context I was delighted to hear that funds have been set aside for your own Permanent Staff Instructor for the FIDF, which will give their training additional continuity and potential in the valuable military task which they undertake. Our complete commitment to your defence remains and we'll continue to provide, we all hope, the peaceful environment within which sheep may safely graze and squid may freely spawn.

I mentioned the famous Kelper hospitality but this was no surprise to me when I arrived because I have just received a letter from an ex-Leading Stoker who was here with my Father in 1939. I have it here, and he writes as follows: "While in the Falkland Islands we were given shore leave all night. Some of the boys, including myself, stayed the night with Mrs Halliday. She said 'be a good boy and get the peat and I will let you see the stuffing of the goose'. I little knew that Mr Halliday killed two geese and put a bottle of whisky inside each goose and stitched them up. Well, we went back on board with the geese over our shoulder but, oh dear, when we got to sea, you can bet the boys were merry...So that is a secret unfolded after all these years; I don't drink now...!" Well, in my opinion, that little story tells you a lot about Kelpers: their resourcefulness, their ingenuity, perhaps their fine spirit of

independence in the face of rules and regulations, their ability to make use of things that come to hand. But above all, their great generosity to the Servicemen here, far from home, and indeed to anyone who is on their side. Well, we are all on your side and, Your Excellency, it has been a great honour for me to serve you as the Commander British Forces here.

Honourable Members, it's been a great privilege, and a pleasure, to sit alongside you and to listen to the skilled and the forthright and the perceptive debate in furthering the course of this government in the interests of the community. I hope to be back some day, but for now it's with sadness that for the last time I beg leave to encourage voting Members to support the Motion.

The Honourable the Chief Executive

Your Excellency, I rise to support the Motion. I feel rather like the last drop in a bottle of champagne which has been opened for quite some time; I hope I'll not be totally flat and I'll certainly be as brief as I can.

I would first of all like to thank all the Honourable Members for the very kind remarks they made today and indeed earlier in this session of Legco. I actually would like to pay tribute to them: I've seen them really for the very first time at work in Legco and in a rather more intimate atmosphere in Select Committee. I would like to say to them that I think they are professional. They were robust when they needed to be and certain members of the Departments can testify to that, but at all times and never very far away, as the Honourable Member for Camp, Mr Tony Blake said, there was a touch of humour, and that was welcome.

I certainly felt at one with them and identifying a common purpose, a desire to get the job done and to get it done as efficiently as we possibly can. I think Government and Councillors can quite clearly create the environment, but what ultimately happens is really for the Islanders themselves.

I would like to assure Honourable Members that officials in the various Departments will be implementing your decisions, in particular in relation to those real cuts which you have made in the budget, and I can assure you that those cuts will be real, unlike some of the chocolate biscuits that were circulating this week!

I would also like to pay tribute to Harold and to his staff for a really splendid job this week. Harold may not be as sophisticated as some of the people I've met in London but I can assure him he's a lot more practical and, indeed, mindful of the remarks made by some of the Honourable Members earlier this week about the importance of training. I think I will suggest to Your Excellency that for perhaps a two month period we should arrange a swap with Treasury and we should take the Permanent Under Secretary from Treasury here and Harold can go to London: I'm sure he would make an excellent job of it.

It has been proposed that a Motion should be put down and debated

at the next Legco on FIDC and I think that will be an important debate. There certainly is an accountability clearly of FIDC to their Board; I will endeavour to ensure in my role that FIDC will be responsive, not only to the policies but also to the views of Councillors and Government.

The Honourable Member for Camp, Mr Goss, mentioned the Estancia Track. I, like he, can claim no credit for it at all but, when he was wondering how the route was chosen perhaps I should suggest that he has a word some time with his father, who might be able to shed some light on the matter.

I would like to finish, Sir, on a fairly serious note and make a statement about the Hospital and the concern that currently still exists in the community about what is going to happen in the near future. I think the concern does arise from a genuine fear about the future, and I don't think there is any necessity for fear at all. There have been over many months now the most detailed consultations with the military and our Chief Medical Officer and all those at BMH who have been working together very closely and their aim, above all else, is to make arrangements that first and foremost they have the care of the patients at heart.

The move to the new hospital is an extremely complex one and it will take place in a number of phases, but the important point I think I can bring out now is to tell Councillors in fact what will precisely happen. Very soon now, the sick patients who are currently in the Brewster hospital will transfer to the BMH for a period of a few weeks. At the same time, a small number of long-term patients will move into sheltered accommodation, where they will receive appropriate nursing care. I think it is worth saying there that in fact the suggestion of the sheltered accommodation and using it was put forward by our Medical Department and the aim was to minimise the disturbance to the patients.

When the new hospital is ready for occupation all patients, including those who will then be in the sheltered housing, will move in in a phased operation. I refute categorically that anyone in military circles has suggested that Army nursing staff should not look after any category of patient who is currently in the care of either BMH or ourselves. The problems of moving the patients from those hospitals, the temporary hospitals, has been an extremely complex and difficult one and I would like to state publicly on the record in Legco that the Chief Medical Officer has had, and continues to have, the fullest co-operation from everyone on the military side and on behalf of the Government I would like to express our thanks to the OC BMH, the Matron, and all the other staff. I hope this will clarify the situation.

The President

And a rare intervention and the last, I am sorry to say, from the Learned Attorney General.

The Attorney General

I am not sure whether I am supporting the Motion or making sure that the Motion goes through so that I can leave next Saturday!

But I've put down a few random thoughts on a piece of paper - I promise not to breach Standing Orders and read them out.

I came here four months after the war ended and four months seems a long time but, Honourable Members will know, the place was in chaos. We had something like 3,000 servicemen in Stanley and we hadn't provided for their accommodation; neither had we provided office space, workshops, or the like. So we were all on top of each other - indeed the Gurkhas were so much on top of us that they sometimes fell through the ceiling in the Secretariat and once just missed the Chief Secretary's secretary (I am glad to say there was no injury to anyone, not even to the Gurkha) - I am also glad to say that PWD were there very quickly and repaired the ceiling.

The battle fields were still battle fields, without the troops of course, except for the Argentines lying dead, under cairns I may say. What I think upset me a lot then was Christmas: there was an air of despondency. It's the summer here, as we all know, and people were not painting their houses, and I notice they didn't put decorations up, or a lot of them didn't. There was quite clearly an air of despondency and you could imagine why: the war had ended, what was to come? And I think, Your Excellency, you were right when you said the years were turbulent; but they were also revolutionary. I think we've gone through a period of revolution - it's been incredible - from that despondency, I wouldn't say to euphoria, but I think there is a definite confidence in the future. One of the things that has surprised me in the last few days is I remember the last General Election when I was here and people were speaking about it the whole the time. What's happening? Will they get in? We all know who they were talking about and maybe people are thinking that way now but there isn't quite the same looking over the shoulder; it's a question of looking forward, and I hope I've had something to do with that.

Another thing that happened at Christmas was my first visit to Tumbledown. It was sad. I walked across the battle field, as I said I saw one or two cairns with little crosses on them, but I think it was a fantastic experience to go up there and look across to Stanley. It is also a fantastic experience to stand there and wonder how these British troops managed to get people out of what looked to me as a mere layman; as impregnable positions. It's quite incredible when you stand up there.

If I may I will just mention a few things that stay in my mind; they may not necessarily be marked as signposts, milestones. I think the first thing that I remember, just off the top of my head, is the visit of Margaret Thatcher just before the 150th Anniversary. I think the despondency started to dissipate then, it was an incredible time, there was a great feeling of euphoria; and then we went on to the 150th. The races had been moved to February from December, the first time I'd seen them, people said they'd never have the races there; as we will remember the racecourse was used for burial of ammunition and that all had to be dug up but, as the Admiral has so aptly said, the Falkland Islanders are nothing but practical and we had the races.

Then I remember the incredible amount of traffic, the lorries, the mud, the ice. And then, moving forward a little bit, the moving of all those Argentine dead and the beginning of the clear

up of the battle fields. I have nothing but admiration for those soldiers who did that. Then moving on, the Hospital fire. I worked it out - I am sure my arithmetic was wrong - but we lost eight people and I worked it out to be something like the equivalent of losing 300,000 people in one fire in the U.K. One felt guilty, one could not understand why one could not have helped to stop it.

The opening of the new Airport: we were moving forward again. I didn't quite see it as the sealing of the future, but I began to see the future being sealed when the new Constitution came. And if I can just raise a slight note of warning, Councillor Blake suggested there may have to be Constitutional changes. There are one or two that I feel need making, some of them are quite clear mistakes, we left one or two things out which we meant to put in; but Constitutions are things you approach with great trepidation: you don't change them too often, otherwise people start saying you are unstable.

The next event was the departure of the then Governor who of course had been Civil Commissioner and again became the Governor a few days before he left, and the arrival of you, Your Excellency, and your wife. Then jumping ahead quite a long way, the new hospital. All right, it hasn't opened but it seems to be a great landmark to me.

Then, moving forward to the work that we've done, I looked through my Executive Council papers and I saw my first Exco was in December '82 and we had 14 papers; the next Exco we had nine; the next one we had six; it's an indication of how things have gone forward - or maybe not, I don't know - and how much work has arisen. I don't think we'd believe it if we saw an Exco agenda with six items on it now, it's more like three, four or five times that - and that is an indication of how hard the Councillors are working. As a matter of interest, I'd like to mention some of the matters, it's not confidential because they happened: there was a paper suggesting there should be a wool processing project; there was a paper for the purchase of Packe's farms. I think we've gone a little forward since then. Then, in '83, we discussed the Queen's Harbour Master: in '87 we managed to do something about it!

In '83 - as you all know I'm rather fond of sports cars - I think in '83 we moved into first gear: things started moving. In '84 we moved into second gear when we started the inshore fisheries and in '85 we had transshipment; in '86 of course we all know we started the Fisheries Zone. So these things haven't happened suddenly, although we'd like to think they have. There's been some logical progression. And what have I done? I'm not too sure but one or two things that I wouldn't say I'm proud of but I think I've managed. First of all, I think I've managed to establish the office of Attorney General and the things that have been said round the Table - I'd like to think when people say 'we're sad to see you go' that they're not really saying that. What they are saying, I hope, is 'I'm glad the office of Attorney General was established, we find it quite useful; we didn't think much of it when you first came..!'

I think I had something to do with the Constitution. Another thing that I did and is not mentioned a lot, I established the office of Crown Solicitor; and there's not an awful lot of

countries where if you are accused of a crime you can automatically get assistance in Court; and not even have to prove what your means are. In UK you have to prove your means very often, and I think it's a credit to Councillors that they supported me in that and didn't remember the next budget that they said it was a temporary measure for one year!

Then there's the fisheries, and I think I did have a little bit to do with that and I'm proud that I brought the JPs back into service: I have a great respect for those people, they have served us so well and I am a great believer in ordinary people being involved in the administration of justice.

People: I've worked with a lot of people since I've been here. I've just jotted down five Commanders British Forces - in fact the first one was called Military Commissioner at least when he sat here, and the second one was called Military Commissioner, and then I think the third one was! Numerous Command Secretaries, a Civil Commissioner, a Governor and you, Your Excellency. Five Senior Magistrates I've had serving under me and of course numerous JPs and I would like to thank them publicly for their work and also to thank the Chief Police Officer, the Crown Solicitor and all those other people who supported me in my particular role.

Councillors: I noted at other times Councillors round the Table have been thanked and of course I thank you all very sincerely for the support you've given me and the trust you gave, particularly today when you didn't question a lot of these Bills. But I'd like to thank people I've worked with before, like Bill Luxton, Terry Peck, and even Rex Browning sat as a Councillor; of course Bill Goss, Ron Binnie, Derek Howatt has sat as a Councillor when a certain gentleman broke his leg; Norma Edwards - and turning to Norma Edwards, I think Councillors and everybody here owe her a great debt for the enthusiasm with which she supported the idea of a fishery. I have a Motion here I've found here among my papers, it's by the Honourable L G Blake, and he was "requesting Her Majesty's Government at the earliest time to implement (with an 'i') a fisheries protection zone of 200 miles, or such lesser distance", and then he goes on "and also to provide revenue which will guarantee a balanced budget in the future and provide funds for the further development of these Islands". I think you had great foresight.

Then, turning to the future, I would just repeat that I'd like to see people here not looking over their shoulder but looking to the future and thinking how they can go forward in an independent way. I'm not talking about the political matter of independence, I'm just talking about a feeling of independence and doing your own thing, consolidating all the work that has been done. There's an awful lot of work that's been rushed, and we are coming into a period I think of steady state. I do believe you are also moving into an era, may I go back to myself again, or my own work, of new legislation, law reform, and law revision. I don't think you could do better than have somebody like David Lang to help you with this. I've known David Lang on and off for seven years; we've met in the Pacific and now we've met here, and I would commend David Lang to you.

One thing that I know David will be worried about, and I have been particularly worried about, and I do hope it will be put

right now that we have the new machinery coming in, is that Bills should be published. Members of the community must know what Bills are going before the Legislature, and in a way we are in effect abusing our Standing Orders by putting in Certificates of Urgency for Bills that are not really urgent and we are putting them in because they haven't been published. I do hope that the system of printing will be so geared that you can have Bills published.

What am I going to miss? One of the biggest things I am going to miss is walking to work in the morning, seeing the Jhelum, the night heron, the loggers, the petrels - they've not knocked me off the wall yet but they've tried - the geese, the Kelp geese, the Upland geese. And the sunrises; yes, I've walked along when the sun's been rising, and I've walked home sometimes when the sun's been setting, and they are beautiful. And of course, finally, I will miss the people. I would like to thank you all including the Commander and all the people round this Table, and all the people in the Falkland Islands who made our stay so happy - and I know my wife joins me in this - and I would also of course would like to thank my wife for supporting me. Thank you.

The President

Thank you very much. On that note, the House stands adjourned accordingly.

CONFIRMED THIS 25TH DAY OF NOVEMBER 1987.

A handwritten signature in black ink, appearing to be 'C. J. ...', written in a cursive style.

GOVERNOR



RECORD OF THE MEETING OF
THE LEGISLATIVE COUNCIL

held

7th October 1987.

RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL

HELD IN STANLEY ON WEDNESDAY, 7TH OCTOBER 1987

PRESIDENT

His Excellency the Governor, Mr G W Jewkes CMG

PRESENT: MEMBERS

Ex-Officio

The Honourable the Chief Executive
(Mr B R Cummings)

The Honourable the Financial Secretary
(Mr H T Rowlands OBE)

Elected

The Honourable A T Blake
(Elected Member for Camp Constituency)

The Honourable L G Blake OBE JP
(Elected Member for Camp Constituency)

The Honourable C D Keenleyside
(Elected Member for Stanley Constituency)

The Honourable J E Cheek
(Elected member for Stanley Constituency)

The Honourable D L Clifton
(Elected Member for Stanley Constituency)

The Honourable R M Lee
(Elected Member for Camp Constituency)

The Honourable E M Goss MBE
(Elected Member for Camp Constituency)

The Honourable T S Betts
(Elected Member for Stanley Constituency)

PERSONS ENTITLED TO ATTEND

The Commander British Forces
(Major General A N Carlier OBE)

The Attorney General
(Mr D G Lang)

CLERK: Mr P T King

The President

Today's meeting is solely for the purpose of electing three new Councillors to serve on Executive Council as the terms of office of the Honourable A T Blake, the Honourable L G Blake and the Honourable C D Keenleyside have now expired.

I would like to begin by publicly voicing my warmest thanks to those who have served for the past 12 months. I did this in the Conference Room in Government House a few minutes ago, but I don't think the general public perhaps always realise the sheer amount of work that Councillors as a whole give to their tasks, and Executive Councillors in particular. The weight of work in relation to each meeting that we hold is truly formidable and I am told by the Clerk of Councils, who should know these things, that the meeting that concluded rather less than one hour ago was a record: we dealt with 43 separate papers over some nine and a half hours of deliberation. But as I said earlier I am deeply grateful to the elected members of Executive Council who give freely of their time to participate in this activity, and a special thanks to those who retire from office.

We now come to the election of members who will take their places from now until this time next year and I appoint the learned Attorney General and the Honourable the Financial Secretary to be the tellers for the purpose of this election. My understanding is that the ballot papers have already been distributed to each Elected Member placed at the Table. So the voting will now take place first of all for a Stanley Representative.

(Voting took place)

The President

There are eight Councillors present here today. The Honourable T

S Betts received 3 votes; the Honourable J E Cheek received 5 votes. I therefore declare the Honourable John Cheek to have been elected to serve on Executive Council representing Stanley and extend my congratulations to him.

We proceed now to the election of a Camp representative.

(Voting took place)

The President

For the Camp Consititency the Honourable L G Blake received one vote; the Honourable A T Blake received 5 votes; the Honourable R M Lee received one vote and the Honourable E M Goss received one vote. I declare the Honourable A T Blake to be elected for the purpose of representing the Camp Constituency in Executive Council. My congratulations to you.

I now call upon Councillors to vote for a representative either of Stanley or the Camp.

(Voting took place)

The President

For either Stanley or the Camp the Honourable T S Betts received 6 votes and the Honourable R M Lee received 2 votes. I declare the Honourable T S Betts to have been duly elected to represent Stanley and tender my congratulations to you.

And now may I just sum up by reading the final results:

For the town the Honourable John Cheek was elected with 5 votes;

For the Camp the Honourable A T Blake was elected with 5

votes; and

For the Camp or Stanley the Honourable T S Betts was elected
with 6 votes.

Council then adjourned.

CONFIRMED THIS 12TH DAY OF DECEMBER 1988.

A handwritten signature in black ink, appearing to read "Will F. Smith". The signature is written in a cursive style with a large loop at the end.

GVERNOR



RECORD OF THE MEETING OF
THE LEGISLATIVE COUNCIL

held

25th November 1987.

RECORD OF THE MEETING OF THE LEGISLATIVE COUNCIL
HELD IN STANLEY ON WEDNESDAY, 25TH NOVEMBER 1987

PRESIDENT

His Excellency the Governor, Mr G W Jewkes CMG

PRESENT: MEMBERS

Ex-Officio

The Honourable the Chief Executive
(Mr B R Cummings)

The Honourable the Financial Secretary
(Mr H T Rowlands OBE)

Elected

The Honourable T S Betts
(Elected Member for Stanley Constituency)

The Honourable J E Cheek
(Elected member for Stanley Constituency)

The Honourable L G Blake OBE JP
(Elected Member for Camp Constituency)

The Honourable C D Keenleyside
(Elected Member for Stanley Constituency)

The Honourable E M Goss MBE
(Elected Member for Camp Constituency)

PERSONS ENTITLED TO ATTEND

The Commander British Forces
(Major General A N Carlier OBE)

The Attorney General
(Mr D G Lang)

CLERK: Mr P T King

APOLOGIES WERE RECEIVED FROM: The Honourable A T Blake
The Honourable R M Lee

A vacancy on the Council existed owing to the resignation on 9.10.87 of Mr D L Clifton who had been appointed Falkland Islands Government Representative, in London.

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PRAYERS

Prayers were said by the Reverend Canon J.G.M.W. Murphy LVO MA

CONFIRMATION OF MINUTES

The Minutes of the Meeting of the Legislative Council held on 26 and 30 May were confirmed without amendment.

PAPERS LAID ON THE TABLE BY THE HONOURABLE THE CHIEF EXECUTIVE

ORDERS

No 9 of 1987 The Petroleum Products (Amendment) Ordinance 1987 (Commencement) Order 1987

No 10 of 1987 The Naval Ports Ordinance 1987 (Commencement) Order 1987

No 11 of 1987 The Currency Ordinance 1987 (Commencement) Order 1987

No 21 of 1987 The Fishing Licences (Applications & Fees) Regulations Order 1987

No 22 of 1987 The Fishing Licences (Applications & Fees) Regulations (Amendment) Order 1987

PROCLAMATION

No 2 of 1987 By Election, Monday 30th November 1987

QUESTIONS FOR ORAL ANSWER

QUESTION NUMBER 28/87 BY THE HONOURABLE C. D. KEENLEYSIDE

Can the Chief Executive confirm that those roads having sound concrete surfaces will be fully restored after being excavated during the present water distribution replacement works?

The Honourable the Chief Executive

Yes, Sir. When concrete roads have been cut through it is standard engineering practice to allow the trenches to settle before making good the final surface. Restoration to original standard is part of the present contractual conditions applied to the Crown Agents who are undertaking the water distribution contract. Until the final resurfacing is undertaken, trenches will be kept topped up to allow a reasonable running surface.

The Honourable C D Keenleyside

Sir, do we have any kind of time scale from when the works are done to when they are actually going to be resurfaced.

The Honourable the Chief Executive

If I could defer the answer to that particular supplementary question as I will be answering in a more general way in a later question.

QUESTION NUMBER 29/87 BY THE HONOURABLE C D KEENLEYSIDE

What arrangements have been made to deal with the possible overcrowding in Stanley Hospital during the coming fishing season, in particular with regard to elderly peoples' residential accommodation?

The Honourable the Chief Executive

The Chief Medical Officer has a number of options open to him should the demand for beds increase dramatically during the fishing season. There are currently four elderly residents in the hospital leaving 24 beds for other purposes.

The BMH and the Brewster Hospital coped in 1987 with the medical demands made by the fishing fleets and I believe we are in a better position to cope again in 1988. Depending on the nature of the emergency however, some staff pressures could definitely arise.

The Honourable C D Keenleyside

Leading on from that I believe the idea is to put the old people who are at present resident in the hospital into an old people's home. Has any thing further happened on that please ?

The Honourable the Chief Executive

Executive Council at its meeting yesterday gave consideration to this subject but a final decision has not been taken and has been deferred for further analysis later in the year.

QUESTION NUMBER 30/87 BY THE HONOURABLE C D KEENLEYSIDE

Has a comprehensive programme of town road repairs been worked out and when is it likely to commence?

The Honourable the Chief Executive

With Honourable Member's permission I would like to take Questions 30 and 33 together, if this is possible.

(The Honourable C D Keenleyside agreed to this proposal).

QUESTION NUMBER 33/87 BY THE HONOURABLE J. E. CHEEK

Will the Chief Executive please confirm that the Stanley Airport Road will be resurfaced to the same standards and condition existing prior to the Falklands War?

The Honourable the Chief Executive

I will deal firstly with the Stanley Airport Road then move on to the more general question posed by the Honourable Member for Stanley.

When constructed, prior to the conflict, the Stanley Airport Road was surfaced with a spray and chipping dressing. This surface failed and was subsequently replaced with a similar surface of spray and chippings. This too has failed.

Discussions with the Ministry of Defence have been going on for some considerable time but no agreement has yet been reached as to the nature of the final surface. Honourable Members will be aware that a major resurfacing programme is required in Stanley and this will be undertaken as soon as all the major public utility services have been reinstated. I would also like to say that it would be anticipated that a single large contract for road surfacing will give substantial economies of scale.

The Honourable J. E. Cheek

Your Excellency, the reply there said that the first spraying and chipping had failed. That is true, but it had not failed until after the Falklands war, i.e. from when it was laid in 1976 until 14 June 1982 it was still in excellent state of repair. My question is will the surface that will be laid some time in the future at least be up to the standard of that original road so that we can expect at least six years of use of the type that we can now expect and we received before the war. I hardly expect it to stand up to, or need to stand up to, the rate of use that it received in 1982/3.

The Honourable the Chief Executive

The Ministry of Defence are well aware of their obligations in relation to the reinstatement of this road, but I can not at this stage give the Honourable Member precise information on exactly what the final surface will be. But it will be a matter that the Government will of course be keeping a very close attention to, to ensure that the road surface is adequate.

The Honourable C. D. Keenleyside

In the previous question you referred me to this question about the restoration of the roads after the water distribution works. Surely the water distribution works itself is a particular project and the reinstatement of the roads should surely come out of that project rather than have to be funded by FIG at a later date. Would you like to comment on that Sir ?

The Honourable the Chief Executive

The cost of reinstating the roads to their original condition as part of the water distribution scheme is included in that contract, but I was referring to a much wider programme of road resurfacing and that programme is the one I am suggesting we should do in a single contract which would then attract the economies of scale that I was referring to.

The Honourable L. G. Blake OBE JP

The Chief Executive has informed us that the Ministry of Defence is fully aware of its obligations with regard to the Stanley Airport Road. Can he tell us whether we have any guarantee that they will meet those obligations. They were fully aware of their obligations with regard to the Airport building and they have not met those yet so have we any hope of them meeting their obligations on the Stanley Airport Road ?

The Honourable the Chief Executive

I think I can give the Honourable Member the assurance he is seeking.

QUESTION NUMBER 31/87 BY THE HONOURABLE E M GOSS MBE

Can the administration tell us when work to repair or resurface the tar-sealed stretches of the Mount Pleasant Road will begin?

The Honourable the Chief Executive

The Public Works Department has insufficient labour to be able to tackle this work itself at present.

A contract will shortly be let to make good the road surface and I would be fairly confident that work will commence certainly before the end of December.

The Honourable E. M. Goss MBE

I am very pleased to hear that because it is important that those tar stretches are repaired in the dry summer months before winter is on us again and we have lost the conditions in which to carry out the work.

QUESTION NUMBER 32/87 BY THE HONOURABLE E M GOSS MBE

Will the Chief Executive explain the present position of the proposed new telephone communication system?

The Honourable The Chief Executive

A Memorandum of Understanding was signed earlier this month between the Falkland Islands Government and Cable and Wireless and the company will be producing a detailed and fully costed development plan which will be submitted to Executive Council for approval.

Cable and Wireless have already commenced work on the preparation of this document and a number of representatives from the company are in the Islands at present carrying out a detailed technical assessment. The proposals for Camp, in particular, will require considerable discussion and Councillors and others will be fully involved.

Everyone in the project is aware of the urgency of improving the telecommunications system and provided that the plan when finally submitted is what Executive Council wishes it would be hoped that the Stanley system may be in operation early in 1989.

The Honourable E. M. Goss MBE

I thank the Chief Executive for his reply and I am very glad that things are moving in the right direction. Thank you.

QUESTION NUMBER 34/87 BY THE HONOURABLE J E CHEEK

Regarding the dredging survey of Stanley Harbour, will the Financial Secretary please confirm that this project was not initiated by FIG and will therefore not be funded by FIG?

The Honourable the Financial Secretary

Sir, it is confirmed that the Falkland Islands Government is not responsible for the settlement of the costs of the dredging survey of Stanley Harbour.

QUESTION NUMBER 35/87 BY THE HONOURABLE J E CHEEK

With the introduction of a different auditing procedure following on from our new Constitution, will the Financial Secretary comment on his satisfaction, or otherwise, of the auditing of FIG, FIDC and Stanley Fisheries and any other public monies? Will

he further confirm that he is satisfied with both accountability and correct authorisation of the spending of public funds?

The Honourable The Financial Secretary

Your Excellency, the auditing procedure under the Falkland Islands Constitution Order 1985 is similar to that before the new Constitution came into operation on the 18th April 1985. The public accounts of the Falkland Islands are audited and reported on by the principal auditor. The present principal auditor, Mr Peter Campbell, is a practicing chartered accountant and partner in a firm of accountants Pannell Kerr Forster. Mr Campbell is qualified to hold the post of principal auditor. The last audit report laid before the Legislative Council was in respect of the accounts for the 1985/86 financial year. The audit of the 1986/87 financial year is now in progress and should be completed early in 1988. The report will be laid before Legislative Council at the budget meeting due to be held in May 1988. I regard what can be described as a balance sheet audit of the Falkland Islands Government accounts which has been carried out for more than twenty years to be adequate. Ideally I would prefer the audit to be backed up by more internal auditing. I have not recommended such a step because in the past and at present, I do not believe it would have been cost effective. However I recommend that this matter be kept under review.

The Falkland Islands Development Corporation accounts are audited annually by Pannell Kerr Forster who are independent and properly qualified auditors and have been approved by the Financial Secretary and appointed by the Corporation in accordance with the provisions of the Falkland Islands Development Corporation Ordinance. I am not required to report on the adequacy of the audit of the accounts of the Falkland Islands Development Corporation nor Stanley Fisheries Limited. My Honourable friend should note that Stanley Fisheries Limited was formed in 1987 and the accounts are not due to be audited until the financial year ends. I am at present satisfied with the accountability and correct authorisation of Falkland Island Government funds. I am not required to account for or authorise payments made by the Falkland Islands Development Corporation or Stanley Fisheries Limited.

QUESTION NUMBER 36/87 BY THE HONOURABLE T S BETTS

Could the Chief Executive tell the House how many applications were received for fishing licences for the 1988 season? Were licence applications received and accepted after the official date of 23rd October and can the Islands expect to receive an increase in revenue from this source compared with last year?

The Honourable the Chief Executive

Over five hundred applications were received for the major all species licences. Fin fish applications are still being received and the final total of all applications may exceed six hundred. With regard to the second part of the Honourable Members question, a certain number of late applications were received and processed. Notification that these applications would be marginally late was conveyed to FIGO prior to the 23rd October.

The Director of Fisheries, under the Fishing Licences (Application and Fees) Regulations Order 1987, paragraph 6 (3), accepted those agreed late applications. Enquiries to obtain licences were received after 23 October. These have been referred for follow-up in the 1989 application procedure. In addition to the applications which I referred to earlier, a number of very late applications and remittances were returned to applicants with suitable covering instructions. At this stage, given the overall reduction in the major species fishing licences, it is difficult to predict with accuracy the likely income from licensing. I will however be very disappointed if the out-turn figure is not close to the 1987 level.

QUESTION NUMBER 37/87 BY THE HONOURABLE T S BETTS

Would the Chief Executive confirm that the visit to Japan, Taiwan and Korea earlier this year was made on behalf of Stanley Fisheries Limited and not the Falkland Islands Government? If so, was it made absolutely clear to those fishing companies with whom they spoke, not only in the Far East but to all other fishing companies in various other countries?

The Honourable The Chief Executive

Yes Sir, the visit to the Far East was taken on behalf of Stanley Fisheries. The expenditure incurred was approved in advance by the Board. The Falkland Islands Government has incurred no cost arising out of this particular trip. A confidential report of the Far East visit has been made available to the Falkland Islands Government as well as to the Board of Stanley Fisheries, and that document shows clearly that all meetings with the fishing companies were conducted on behalf of Stanley Fisheries. As Chief Executive of the Falkland Islands Government I took the opportunity to have separate discussions on fisheries matters with representatives of the British Embassys in Tokyo and in Seoul.

QUESTION NUMBER 38/87 BY THE HONOURABLE T S BETTS

Is there any intention to extend the territorial waters of the Falkland Islands from 3 to 12 miles in the future?

The Honourable the Chief Executive

This is a matter for Her Majesty's Government. Honourable Members will probably know that the territorial sea of the United Kingdom was extended earlier this year from three nautical miles from the baseline to twelve nautical miles from the baseline. The legislation affecting this change does not apply to the Falkland Islands. If the territorial sea of the Falkland Islands is to be extended, separate legislation will be required in the United Kingdom. United Kingdom Ministers stated during the recent passage of the Act through Parliament that Her Majesty's Government were giving consideration to the extension of the territorial sea and dependent territories from three nautical miles to twelve nautical miles from the relevant baseline.

The Honourable T S Betts

Your Excellency, I trust that we can accelerate some sort of pressure on Her Majesty's Government to take this matter in hand.

The Honourable The Chief Executive

I note the Honourable Members request.

QUESTION NUMBER 39/87 BY THE HONOURABLE L G BLAKE OBE JP

Would the Chief Executive tell Council how much of Captain Foster's circular on Camp airstrips is to be put into operation and what the source is of his recommendations?

The Honourable The Chief Executive

The criteria for licensed aerodromes has its origins in the International Standards and Recommended Practices, Aerodromes, Annex 14 to the Convention on International Aviation. Under the United Kingdom's international obligations to the convention the criteria is adopted and reproduced by the Civil Aviation Authority in their publication CAP 168. This publication provides a reference to all holders of an aerodrome license so they may ensure compliance with the authorities requirements as they relate to the operational management of aerodromes and the planning of aerodrome developments. This circular which was issued to the operators of camp airstrips is only one of many documents which have been produced for consideration by Government. Executive Council, at its meeting yesterday, give further consideration to this extremely complex matter and has not yet taken its final policy decision. It is however the aim of Government, and indeed it has already gone quite a considerable way in this direction, to have as many aerodromes operating lawfully and as quickly as possible.

The Honourable L G Blake OBE JP

Your Excellency, I am interested in the Honourable The Chief Executive's reply. With regard to markers of camp strips we were referred to CAP 68 and I haven't been able to find CAP 68. I am interested to note in the Report by Captain Cooper of the Civil Aviation Authority Accidents and Investigation Branch on the 1980 accident at Hill Cove, that he refers to the regulation of 'strips being governed by Article 20 (4), by Article 66 and by Section 8 Schedule 14. No mention of CAP 68? Further in the recommendations we are told that we shall use mole drainage. I would ask Government under those circumstances to check with ARC with regard to the effectiveness of mole drainage in peat. And finally, we are told that the grazing of our sheep is causing considerable damage. Captain Cooper in his report complains not about the shortness of the grass on that strip but about the length of the grass on that strip and I will ask the Chief Executive if when formulating his final policy for presentation to Councillors he checks previous reports.

The Honourable The Chief Executive

The Honourable Member has obviously done a considerable amount of

research on this topic and I certainly will ensure that previous reports, relevant to strips in the Islands, are taken into account. I would, however, be surprised if Captain Foster hadn't already seen those documents. One final point, the document which I referred to in my answer was CAP 168. I suspect it is simply a typing error and it should be 168 and not 68.

The Honourable J E Cheek

In the Chief Executive's primary reply to this question he said that he hoped that as many aerodromes as possible would be operating lawfully. Are we to assume from that that currently there are number of aerodromes operating unlawfully?

The Honourable The Chief Executive

I think the situation is quite clear that we have had aerodromes operating unlawfully.

The Honourable J E Cheek

Your Excellency, my question was not to what we had operating. My question was to what we are operating now.

The Honourable The Chief Executive

I appreciate the Honourable Member's question is a slightly different one to the answer that I just gave. I think that we have a fluent situation in relation to the operation of airstrips and what I can say is that all the airstrips that are being flown into at the moment are being flown into on conditions which satisfy Captain Foster and those responsible for civil aviation matters in the Islands.

QUESTION NUMBER 40/87 BY THE HONOURABLE L G BLAKE OBE JP

Will the Chief Executive tell Council how many fishing licences for the 1988 season have been issued, and to whom?

The Honourable The Chief Executive

Licences for the 1988 fishing season will not be issued for some time yet. Approximately 180 licence offers have been made for the major all species licences. Fin fish applications are still be processed. I regret I cannot reveal the names of the persons or companies who have been offered licences as this information is commercially confidential.

The Honourable L G Blake OBE JP

Your Excellency, I thank the Chief Executive for his reply but find it exceptionally unsatisfactory. This Government should be in control of the fishing and therefore should know who they are going to licence. To be told it is in commercial confidence and I, as a Member with particular responsibility for fishing, should be told that I cannot be informed who is going to receive licences I find totally unsatisfactory.

The Honourable The Chief Executive

The Government, that is the Members of Executive Council, with the exception of the Honourable Member for Stanley, Councillor Cheek, are aware of who the offers have been made to. I am fully prepared to brief the Honourable Member for Camp, Mr Blake, on a confidential basis on the licencing allocation.

The Honourable J E Cheek

Your Excellency, Honourable Members. The Chief Executive says he is not prepared to release that information at the moment. I am personally for open Government. Will he confirm that when offers are finalised/accepted, whatever word he might like to use, will he confirm that at that stage that full details of licences will then be released?

The Honourable The Chief Executive

Considerable further information will be given on the licences which are finally accepted but I cannot agree to give all the information I think that the Honourable Member is requesting.

The Honourable J E Cheek

One last supplementary, and I hope he will consider this supplementary to this question. Regarding those people who have not received licences can I ask, and I am particularly interested obviously for those who live in my constituency, that those who are unsuccessful be advised of the reasons for their lack of success.

The Honourable The Chief Executive

The standard format of refusal does not spell out in detail the particular reasons why an applicant has been refused a licence.

The Honourable L G Blake OBE JP

Can the Chief Executive explain to Council why licences having been issued and accepted that that list should be kept confidential. I find it unsatisfactory and I am sure other Members of Council would find it unsatisfactory also.

The Honourable The Chief Executive

The fishing business is an extremely commercial one and information is constantly being sought from competitors as to the state and the number of licences that have been issued. I believe that it is proper that in fact confidential information relating to commercial matters is retained between the parties and is not made public. Obviously Councillors feel very strongly in this matter and I certainly will be prepared to have a look at it but the present situation, is on the offers, I think it would be entirely inappropriate at this stage, but we can of course look at it again when it gets to the final allocation.

The Honourable L G Blake OBE JP

I accept the Chief Executive's reply, and I am grateful for it. I still fail to understand why with the licences having been

issued it should affect commercially the competition within the industry. I therefore do press him to make that information available and as complete as possible for Councillors at an early date.

The Honourable The Chief Executive

I haven't really anything to add to the Honourable Member's final remarks except to say that I will review the situation.

QUESTION NUMBER 41/87 BY THE HONOURABLE L G BLAKE OBE JP

Is it Government policy to ban the taking of commissions for the procurement of licences in the coming fishing season?

The Honourable The Chief Executive

Yes Sir, Executive Council has taken a firm stance against the payment of commissions for the procurement of fishing licences. The widest possible publicity has been given to this aspect of the Falkland Islands Government's policy.

The Honourable L G Blake OBE JP

Your Excellency, in thanking the Chief Executive for his reply I ask him if I am not correct in understanding in all the interviews that have been conducted this fact has not been published as widely as possible, but has been hedged around with regard to the concern of Government in this aspect rather than that they had forbidden it. I hope that eventually we will get a statement saying that they had forbidden it.

The Honourable The Chief Executive

I hope that by airing this subject today in Legislative Council further publicity will be given to the Government's policy which is absolutely firm. I can advise the Honourable Member that through the joint venture companies specific notification was given to them as to what the Government's policy in this matter was and I would wish to emphasize that again. The policy is that the payment of commissions for the procurement of fishing licences is not acceptable to the Falkland Islands Government.

MOTIONS

A Certificate of Urgency was laid on the Table in respect of the following Motion.

Motion by the Honourable the Financial Secretary

Be it resolved in accordance with Section 2 of the Taxes and Duties (Special Exemptions) Ordinance 1983:

that, in relation to Resolutions 10 of 1985 and 1 of 1986 their effect be extended so as to expire on the 31st day of December 1988;

that in relation to Resolution 12 of 1985 its effect be extended to the expiration of Fairclough/Millers maintenance obligations under their contract for construction of the hospital; and

that this Resolution may be cited as the Taxes and Duties (Special Exemptions) Resolution 1987.

The Honourable the Financial Secretary

Your Excellency, before introducing this Resolution I would like to propose that we adjourn for a few minutes to refer the matter to the Attorney General at the request of the Honourable J. E. Cheek.

Council then adjourned. On resumption of business the Honourable the Financial Secretary spoke as follows:

Your Excellency, the points raised by the Honourable Member for Stanley, Mr J. E. Cheek, have been resolved by the Attorney General and the Resolution is as Tabled. The proposal is that we should extend the special exemptions granted to the various contractors supporting the military service here on the Islands to exempt them from Income Tax, Old Age Pensions Contributions, Medical Services Levy and Harbour Dues.

The Resolution also contains a proposal to exempt the Naafi and their employees from the same measures but it also includes Customs Duties. In the case of Resolution 12 of 1985 the extension of that is for Fairclough/Millers maintenance obligations under their present contract for the construction of the hospital. They certainly have some obligations still to undertake and this will extend the period until the 31st day of December 1988 when they will be free from the various levies. I beg to move that the Resolutions be adopted.

The Honourable J. E. Cheek

Your Excellency, Honourable Members. I am rising really to satisfy the curiosity of the slight hiatus a few minutes ago. I was concerned initially because when Resolution No. 10 was introduced it also waived Customs Duties for all contractors at Mount Pleasant. I have always objected to that and am now happy to see that no contractors at Mount Pleasant will receive duty free goods. This, of course, does not apply to the military there and I have had no objections to that so hope that it will continue as in fact it does.

The Motion was then adopted without further debate.

ORDERS OF THE DAY - BILLS

THE ESTATE DUTY (REPEAL) (AMENDMENT) ORDINANCE 1987

The Honourable the Financial Secretary

Your Excellency, Honourable Members, when I introduced the Estate Duty (Repeal) Ordinance 1987 I proposed that it should be introduced with effect from the day of its introduction, the 26th May 1987. However, somehow, the 26th June appeared in the Ordinance. It is now necessary to correct that by changing the wording from the 26th June 1987 to the 26th May 1987. I beg to move that the Bill be read a first time.

The Bill was then read a first time and passed through its remaining stages without debate or amendment.

THE OLD AGE PENSIONS (AMENDMENT) ORDINANCE 1987

The Honourable the Financial Secretary

Your Excellency, Honourable Members, during the operation of the Old Age Pensions scheme there have been times when we have found the Ordinance inadequate in dealing with some cases. Recently we had a case of hardship whereby the husband and wife separated and through the provisions of the Ordinance the wife was unable to receive a pension. This matter was considered in Executive Council and it was considered as a very strong case for amending the Ordinance. The Attorney General has now prepared an Ordinance whereby any case where it is felt there is justification for a person who, through the various provisions of the Ordinance, is unable to become entitled to a pension may now be awarded a pension at the discretion of the Governor in Executive Council. I beg to move the first reading of the Bill.

The Bill was then read a first time and on the second reading the following Honourable Members spoke:

The Honourable C D Keenleyside

Sir, in Section 26 (b) I am interested to find out whether where it says "person" that this will in fact include persons as in married persons. In other words perhaps a wife who may be given the entitlement to receive a pension as a married person who has contributed, is that the case or is this just a person singular?

The Honourable the Financial Secretary

I am advised by the Attorney General that under the Interpretation and General Clauses Ordinance it does mean both.

The Honourable L G Blake OBE JP

Your Excellency, in rising to support this motion I understand that one does not normally read Bills for the first or the second time, but may I perhaps be granted the leave of reading part of Section 2 - Section 26(1) of the Ordinance where "the Governor is advised by Executive Council that it considers that it would be

desireable so to do having regard to the facts of a particular case and the personal circumstances of the person concerned he may be writing authorise the payment of pensions to a person." Can the Financial Secretary explain to me the meaning of "he may be writing authorise"?

The Honourable the Financial Secretary

Well, I cannot explain the actual wording there, but as a matter of fact I do have a note of it in which the Attorney General has mentioned that I should introduce an amendment during the Committee Stage.

The Honourable T S Betts

Sir, I just rise to support the Bill and I am pleased that we are now able to accommodate these areas of possible hardship.

During the Committee Stage the Financial Secretary introduced the following amendment which was adopted without debate:

"in line 5 - substitute "by" for the word "be"."

The Bill was then passed.

THE PENSIONS (AMENDMENT) ORDINANCE 1987

The Honourable the Financial Secretary

Your Excellency, some ten years ago a provision was introduced into the Falkland Islands Government Service for a widows and orphans pension scheme. This only applied to officers who were in the Service on the 1st July 1977. Representations have been made from time to time to extend it to persons who retired prior to that period and to widows and orphans. However, it was considered at that time that the Colony could not afford such a step but since our fishing revenues have emerged I cannot use the same argument in respect of such a relatively small amount. The proposal, therefore, is made in this Bill to extend the pensions, with effect from 1st July 1987, to those widows and orphans who are still living and they will immediately receive it with effect from 1st July 1987. It will also apply to officers who are at present pensioners of the Civil Service and who are succeeded on their death by their wives. Their wives will then be eligible for a pension. I beg to move that the Bill be read a first time.

The Bill was then read a first time. On the second reading the following Honourable Members spoke:

The Honourable C D Keenleyside

Your Excellency, I am particularly pleased that this Bill has come forward having been the one who prodded the Financial Secretary recently to bring it back again. I think it will actually correct an anomaly which has existed in our pensions system since the previous Ordinance was passed in 1977. I wish to support the Motion.

The Honourable J E Cheek

Your Excellency, Honourable Members, I too rise to support the Bill but I would like to add one thing. Although this corrects one anomaly I believe there is a second anomaly. That is this only covers widows and under our present Constitution, I believe, sex discrimination is not allowed. Therefore, I believe, in the future it should be extended to cover widowers of female Civil Servants.

The Honourable the Financial Secretary

Your Excellency, in this modern age where equality is essential I will certainly make a note of the point for further consideration at an early date.

The Bill was then passed without further debate or amendment.

THE SWIMMING POOL (TRUST FUND) ORDINANCE 1987

The Honourable the Chief Executive

Your Excellency, this is quite a short Bill and indeed it is quite a technical little Bill but, nevertheless, it is a Bill which I think, if passed, will result in great pleasure for many years for everyone in the Islands. The Bill enables the funds which were collected in the United Kingdom, and have been there for some time gaining interest, to be transferred to Stanley and to be mixed with Government money to allow the construction of a new swimming pool in Stanley. As I say, it is an important Bill; it is technical; the use of charitable funds is an extremely complex one in law and I hope Honourable Members don't throw any fast questions at me otherwise I may have to call on the Attorney General for his advice. It is an important one and I hope Honourable Members will be prepared to support it. I beg to move the first reading of the Bill.

The Bill was then read a first time. On the second reading Honourable Members spoke as follows:

The Honourable L G Blake OBE JP

Your Excellency, Honourable Members, in rising to support this motion I would just like some confirmation by the Chief Executive that the monies in this Trust Fund which will form part of the Consolidated Fund under the new Constitution can in fact be kept separate. At an earlier meeting of Council I suggested that revenues from fishing should be kept separate and I was told that no monies in the Consolidated Fund can be kept separate from the general fund. So, I would like it confirmed that these monies, not only the from the charitable collections in Britain but also the amount held within the Islands that has been collected locally, can be held separate so that our very generous Financial Secretary cannot get his claws on them and use them for beer and fags for the office or something!

The Honourable J E Cheek

Your Excellency, Honourable Members, I too take particular

pleasure in supporting this Bill as I was one of the co-founders of the Falkland Islands Appeal and I am still a Trustee. One or two points on which I would like clarification:

5(1)(d) - it says "the operating expenses can be covered from the funds here set up", although I do see later on it says that "no public officer may be remunerated", presumably if someone looking after it is not considered a public officer. But, that is then, I believe, contradicted where it says that "after six years any remaining funds must be either paid back to the donors or if they so wish put into charity". My question is, after those six years what funds are used to maintain and run the swimming pool?

The Honourable the Chief Executive

Your Excellency, with the agreement of Honourable Members I would ask the Attorney General to respond to those technical questions in the Committee Stage.

The Attorney General

Your Excellency, Honourable Members, I will try to remember the questions. The first question was raised by the Honourable L G Blake regarding the mixture of monies in the Consolidated Fund. The answer to that is that all Government monies must be paid into the Consolidated Fund. That is provided for by the Constitution. The technical provisions of this Bill seek to get around that difficulty by providing that although they are paid into the Consolidated Fund they are accounted for within the Consolidated Fund separately as a separate fund within it. That is in accordance with the Constitution and the reason they are accounted for separately is so that persons can see when the Consolidated Fund is audited that the monies they have given have been expended for the purposes for which they were given. That is the reason for some of the technical provisions in the Bill.

The reason that the Bill provides for a time limit for the expenditure is simply this: those who are willing to give money to Government are anxious to see that the money is expended on the purpose for which it is given within a reasonable period of time. It does give the assurance to those concerned that either the money is going to be spent on getting that swimming pool into operation within six years, and six years has a particular legal significance to lawyers because it is a normal period of limitation, or it is not spent and they get their money back, and that is the reason for the provision. It was also reasonable that if the swimming pool were constructed within the six years that any surplus over the construction costs could be spent within those six years on operating costs.

The Bill makes no provision as to what is to happen to the operating costs after the expiration of the six years because that is a matter with which the Bill cannot properly deal to the extent that any charges made for the operation of the swimming pool did not meet operating costs then the Government would have to consider how those operating costs were to be met. Now, it will be a matter for the Government of the day, but one possibility open to them is that the Government itself could bear the deficiency. As I say, that is not a matter which the Bill can possibly deal with at this stage.

The Honourable the Chief Executive

Your Excellency, just from a practical viewpoint I think it is worth saying to Honourable Members that the overall cost of the pool will be considerably in excess of all the money that is available in the various appeal funds and, in practice, there is no likelihood of it even requiring a six year period as the Attorney General was talking about. It will all be used up very quickly as construction proceeds.

The Bill then passed through its remaining stages without further debate or amendment.

THE IMMIGRATION (AMENDMENT) ORDINANCE 1987

In the course of drawing up the Regulations arising out of the Immigration Ordinance 1987, it has become apparent that there are a number of matters in respect of which the Ordinance is not altogether satisfactory. I would just refer briefly to the main ones. There are provisions affecting Falkland Islanders, the position in relation to seamen who are visiting the Islands and their visa requirements, the situation affecting Forces personell, there is also an important change in relation to appeals and, also, we have had to make a suggested change in a definition. Those are the only points I would like to draw to Honourable Members' attention at this stage and I beg to move the first reading of the Bill.

The Bill was then read a first time and passed through all its stages without debate or amendment.

THE FISHERIES (CONSERVATION AND MANAGEMENT) (AMENDMENT) ORDINANCE 1987

The Honourable the Chief Executive

Your Excellency, shortly before the Fisheries (Conservation and Management) Bill was placed before Legislative Council the Foreign and Commonwealth Office came forward with a suggestion which effects the transshipping provisions. This request from the Foreign Office was made because of a decision of an international tribunal which effectively limited some of the controls previously exercised by states over fish caught outside of their territorial seas. Owing to the haste with which the Ordinance was brought forward Section 7, in fact, was rather more limiting in our powers than was necessary and so it is now proposed that we amend this particular section. I beg to move the first reading of the Bill.

The Bill was then read a first time. On the second reading the following comment was made:

The Honourable E M Goss MBE

Your Excellency, I would like to point out an error under Section 3(a)(a), another fishing boat "whether or no that fishing boat is licenced under Section 4."

The President

Thank you. We will amend that at the Committee Stage.

The Bill was then read a second time. At the Committee Stage the error pointed out by the Honourable E M Goss MBE was corrected. Additionally, the Honourable L G Blake OBE JP drew attention to a further error in that Section 3 of the Bill was to amend Section 2 and not Section 3 of the principal Ordinance as stated.

The Bill then passed its remaining stages without debate or amendment.

THE AGENCY (ADOPTED LAWS) ORDINANCE 1987

The Honourable the Chief Executive

Your Excellency, I will be very brief in introducing this Bill. It is described by the Attorney General as a modest piece of law reform and I would not dissent from that assessment. It is a very short Bill and three English Acts are adopted by it. I would simply move the first reading of the Bill.

The Bill was read a first time and was passed without debate.

THE ROAD TRAFFIC (AMENDMENT) ORDINANCE 1987

The Honourable the Chief Executive

Your Excellency, this is an important Bill and whilst Honourable Members will have available to them an explanatory memorandum which does of course considerably explain the provisions I would propose in this instance to actually go through the provisions, almost clause by clause, so that the population at large are in a position to hear verbally some of the major changes in the law which will come about if the Bill is passed, so I hope Honourable Members will bear with me while I labour through the clauses.

The Bill does seek to make a number of very important amendments to the Road Traffic Ordinance.

Clause 1 relates to the coming into operation on such date as the Governor may by notice in the Gazette appoint.

But moving on to the heart of the Bill, starting in **Clause 3**. This Clause creates an entirely new offence of causing death by reckless driving by inserting a new Section 8 in the existing Ordinance. Under the present law a person who, by use of a motor vehicle, causes the death of another commits the offence of manslaughter if, and only if, a person is killed by reason of his gross and obvious negligence which was such that serious injury to another person was a highly likely consequence of his action or omission, culpable conduct on his part falling short of such standards would not amount to manslaughter. The new Section 8 would render a person who causes the death of another by highly culpable conduct connected with the driving of the motor vehicle falling short of manslaughter guilty of causing death by reckless

driving. What reckless driving is would be determined by the new Section 9(A). Moving on, the distinction between causing death by reckless driving and manslaughter by driving are spelt out in the new Section 9(B) and attract different penalties. A person convicted of manslaughter by motor vehicle may be imprisoned for up to life (common law) and may be disqualified from driving for any period but must be disqualified from driving for seven years in the new Section 9. A person convicted of causing death by reckless driving may be imprisoned for up to seven years and must be disqualified from driving for at least five years. These are very substantial penalties.

If a person has been convicted of either of the offences and is then again convicted of either of them he must be disqualified for driving for his lifetime. Causing death by driving is, of course, the most serious offence a motorist can commit, although then, of course, murder by motor vehicle, or deliberately using a motor vehicle to kill another. There are two new offences here: causing serious injury to another person by driving a motor vehicle recklessly, and recklessly driving a motor vehicle. The equivalent English legislation abolished dangerous driving because of the imprecision of the term and the difficulty of distinguishing between dangerous driving and driving without due care and attention. The new Section 9(B) would make it clear what reckless driving is.

Serious injury is to be defined by a new definition in Section 2 of the existing Ordinance.

Section 9(C) provides two offences: one of driving without due care and attention, and two of driving a motor vehicle on a road without reasonable consideration for other persons using that road. These are not new offences but they are now split into two separate provisions because the Bill provides for a Court trying a person for a more serious offence to go down the scale and convict the person of the most serious offence in the scale he has committed, even though he is not charged with it if he is acquitted of the serious offence with which he was charged. The scale, I think, is important and I will just read it out:

"It is manslaughter causing death by reckless driving, causing serious injury by reckless driving, reckless driving and driving without due care and attention". Inconsiderate driving is not part of the scale.

I would like to move on to Section 9(D) dealing with the offences of driving while unfit to drive through drink or drugs and being in charge of a motor vehicle while so unfit. The statutory test is changed. Under the present law it is of being incapable of driving; under the new Section 9(D) it is impaired driving ability through drink or drugs. This change came into effect in English law some years ago. Putting it in laymans terms under the existing law a person has to be drunk to be convicted of the existing, analogous offences, but under the proposed law it will be sufficient to prove that his driving ability has been significantly affected. That means he does not have to be drunk but merely detrimentally affected by drink. This is quite an important distinction as many motorists in England have since found out.

It should also be noted that drugs does not mean a drug the

possession of which is unlawful. A person, in practice, is unlikely to be prosecuted under Section 9(D) but Section 9(D) prosecutions will need to be brought where drugs, not drink, are the cause of the impairment of driving ability, and in those cases where a person reasonably refuses, or fails to supply a specimen of breath, for example there would be medical reasons - asthma sufferers, or persons with other severe breathing ailments, or indeed when the apparatus for analysis is not available.

Section 9(F) brings an interesting new concept into the Falkland Islands, the breath alcohol content offences, and it would be an offence to drive, or attempt to drive, or be in charge of a motor vehicle on a road or other public place, with a breath alcohol content above the prescribed limit. The prescribed limit will of course be fixed by Regulation as Honourable Members will note. I think I would just like to deal in some detail with this rather new and novel concept. It is important to note that the Bill provides only for breath analysis and not for the alternatives which exist elsewhere of blood or urine analysis. The reason is that the analysis of alcohol in blood or urine is normally undertaken by specialist techniques and the accused has, in fairness, to be given a parallel sample for analysis by his own expert if he wishes. Even if the Government had the specialist techniques available the accused would be disadvantaged because a private analysis would not be available in the Falkland Islands, and private analysis in the United Kingdom would obviously not be a satisfactory substitute for the reasons, if no other, that chain of custody of the sample would be extremely difficult to prove and it would be very expensive indeed. The practicalities of it would also come into play here to call such a private analyst as a witness. In any case blood analysis and urine analysis are in practice only used now in the United Kingdom when a suitable breath analysis machine cannot be used.

It should be noted that for practical purposes it is commonly accepted that 35 micrograms of alcohol in 100 ml of breath equals 80 mg of alcohol in 100 ml of blood which equals 107 mg of alcohol in 100 ml of urine. I hope that Honourable Members have all followed that very carefully. These alcohol levels do not impart drunkenness. The important point is that a person will, generally, have a breath alcohol content exceeding the limit permissible when he has consumed much less alcohol than would render him intoxicated. It is not possible to specify the maximum amount of alcohol a person may consume before exceeding the limit.

It should also be noted that a person who has drunk a considerable amount of alcohol the previous evening may still be "over the limit" the next morning and, indeed, for much of the following day. And I should say that medical evidence is that the absence of a hangover is not a reliable indicator as to this fact.

The new sections provide extended powers of arrest beyond those which may be regarded as usual. They are in the equivalent English legislation and experience there has proved them to be very essential. For example, and I certainly have some knowledge of some of these types of incidents from a period working with the Police Force in the UK, persons having drunk too much have left the scene of accidents and run home and locked their doors.

And, indeed, if I could at this point just relate a little story to Honourable Members. There was a recent case in England where a motorist was involved in a minor accident and the Police arrived at the scene. He was quite obviously very much under the weather and just as the Police were about to arrest him a fairly major accident occurred on the other carriage-way. The motorist hung about for some time but the Police were too busy sorting out the accident so he then left the scene, went to his own home and was awakened the following morning by a Police Officer knocking on his door. He got up, answered the door and was asked if, in fact, he had been out the previous evening. He said "yes, but my car is in the garage". The Police asked if they could see his motor vehicle. They opened the garage door and the vehicle in the garage was the Police car, not his own!

The breath test under the new Section 9H and the breath analysis under the new Section 9I should not be confused. Section 9H deals with the preliminary test to be administered to ascertain whether a person should be arrested and taken to the Police Station for a more accurate analysis of his breath to be undertaken. The Section 9H test will be a test which, whatever equipment is used, will not be of sufficient evidential accuracy. It may be expected to show fairly accurately whether a person is over the limit, but it will not show by how much he is over the limit, which is important at least in relation to any penalty which may be imposed.

The Section 9I analysis will be very accurate indeed. The machine used is self-checking. It will have a test sample inbuilt for testing of accuracy and calibration and, properly operated, it cannot give rise to an unfair conviction. When a person gives a sample of breath the machine will analyse it and produce a printed read-out in duplicate, timed and dated, once copy of which will be handed over to the person giving the sample. Two samples will be taken and the **higher** read-out will be disregarded for prosecution purposes. The machine to be used has, in fact, been used by many Police Forces in the United Kingdom and one important provision here is that the mouthpiece is used once only.

The new Section 9I provides for breath analysis to be undertaken at a Police Station. This is distinct from a preliminary breath test under Section 9G, which may be undertaken anywhere. Section 9J provides that a preliminary breath test cannot without a responsible doctor's consent be undertaken in respect of a patient at a hospital.

Section 9K provides for a penalty of twelve months imprisonment in respect of a drink/drive offence and a fine of £1000.

Section 9L would deal with matters of evidence in breathalysers cases, and I will move on through the remaining Sections to highlight Clause 4 and the First Schedule which do make some minor amendments to a number of provisions and, finally, Section 17A which deals with restrictions on prosecutions, and 17B dealing with the jurisdiction of the Courts. Your Excellency, I beg to move the first reading of the Bill.

The Bill was then read a first time. On the second reading the following discussion ensued:

The Honourable T S Betts

Your Excellency, Honourable Members, the principle of the Bill I support entirely, but I am a little concerned that in fact, and unless I have missed any points that the Chief Executive may have made just a moment ago, convictions can be made on breath analysis only and not on blood or urine analyses. I believe that this could be detrimental to any possible convicted person and perhaps the Chief Executive or the Attorney General would care to explain this.

The Honourable J E Cheek

Your Excellency, Honourable Members, I too would like to support the Bill but I have two points. Firstly, I too must express concern over the accuracy of the breathalisher mentioned in 9I. I fully understand that we do not have the facilities for blood or urine tests here and, as for the comments that this is very accurate etc etc and does not go wrong, having worked in electronics - and I believe this to be to a large extent an electronic machine - I know that no matter what you pay, or how well you look after it, at some stage it will go wrong, usually when you least want it to. I do not know the cost of these machines but I wonder about the possibility of using two or even having three machines on hand so that at any one time two machines can be used, and if they widely differ then you use the third one. I suggest two for use and one that may be sent away for repair if that is necessary. Its a standard practice where you are never sure of the result of whatever the instrument is that you are using, to have two or three so you can check one against the other. I put that forward as a suggestion because I do have reservations.

The other thing is, I am particularly pleased to see that this Bill states that there are no special reasons why someone who is convicted for whatever reason should not have his licence withdrawn. It has concerned me over the last couple of years that I've noticed convictions where someone has had a licence withdrawn and then he has appealed at the same time as sentenced and he has been allowed to keep his licence because he needs it for work. I think if a person breaks a law and is dangerous, whether he needs it for work or not, the sentence should be upheld, he should have thought of that in the first place. I am pleased to see that that is no longer possible. So I support the Bill.

The Honourable L G Blake OBE JP

Your Excellency, in rising to support the Bill I am concerned about this lack of facility for blood testing and I would like the Chief Executive to confirm that we do not have the facility to test blood here. This Ordinance does not just deal with alcohol and if we cannot test blood here how do we check for drugs as well?

The Honourable C D Keenleyside

Sir, I would like to support this Bill also, and I think the Honourable Member for Stanley, the Honourable John Cheek's idea regarding the possibility of using more than one machine is a very good one. There is one small point I am interested in from a

drugs point of view. If a person has been prescribed drugs by a doctor and doesn't know that the drugs he is taking will impair his ability to drive I will be very interested to know what the law does in a case like that.

The Honourable E M Goss MBE

Your Excellency, I would like to rise to support the Bill too. It is very important to us all that we keep our roads safe and we eliminate all chances of drunken driving. But I hope this Bill is not the end of the story as far as our roads are concerned and that we still work towards making our roads safe by proper maintenance, road signs etc. I support the Motion.

The Honourable the Chief Executive

Your Excellency, I will deal with one point only and ask the Attorney General, if Honourable Members are agreeable, to deal with the more technical ones.

In relation to the proposal put forward by the Honourable Member for Stanley, Councillor Cheek, about using more than one machine, that certainly is a possibility and we will definitely look at it. The only point I would make, of course, is that these machines are quite expensive and I don't know what the Financial Secretary will think about that, but it is definitely something we can look at. I will therefore ask the Attorney General to respond on the more technical aspects.

The Attorney General

Your Excellency, Honourable Members, the reason that the Bill provides for breath analysis only is not because blood analysis would not be possible at the hospital or that urine analysis would not be possible at the hospital. Clearly we have a laboratory technician and I can say from previous experience that the more a laboratory technician analyses such specimens the more accurate his analyses become. But the real reason is this: that although the Government has those facilities the defence does not and the problems would be for the defendant to obtain a check analysis of a sample in such a way that it would be evidentially acceptable in Court. There are very great problems with that and for that reason, and that reason alone, the Bill does not provide for the alternatives of blood or urine analysis.

In relation to the accuracy of the machine some Honourable Members, I know, have taken the opportunity to go and have a look at the machine which is at present in the Police Station across the road, and at present it is not working, and it is not working for this reason: in-built in the machine is a check analysis specimen. Before the machine will take a sample of anybody's breath for the purpose of determining what the alcohol content of that breath is the machine checks its own in-built sample. The machine is programmed to know what that in-built sample should come out at. If when it runs that check the right result is not obtained the machine locks off. It will not make an analysis of any suspect's breath. That is an important safeguard and it is one which may not, and I do not know, be a safeguard which exists in relation to machines which are in operation in the United Kingdom. We have bought, if you like, an improved version of a breath sample machine. It would be possible, if Honourable

Members are of this wish, for the regulations to be made to provide that two machines should be used and that a sample should be taken from each machine. There would also have, unfortunately, if that were the case, to be amendments to the Bill because the suspect would then have to provide four samples of breath and not two. And the reason for two samples of breath in a machine is this: If a person is arrested shortly after he has been drinking then there will be a residue of alcohol in his mouth. For example, if I drank merely a glass of sherry now, although a glass of sherry would not put up my blood alcohol by very much, there would be residual alcohol in my mouth and I would get a technically false reading showing a high breath alcohol content. The machine will not take the second sample for a given period of time, and that also is built into the machine. When I give the second sample the machine will take a correct reading because the alcohol which was in my mouth, having just drunk the hypothetical glass of sherry, would have evaporated.

There are also other provisions in the Bill which do protect the defendant, and of course he becomes a defendant if he is charged with an offence. He has a right to require the Police Officer who took the test to come to give evidence in Court and the Court would then have to be satisfied that the machine was properly operated. Now, of course, the Court cannot investigate as to whether at the particular instant in time the machine was correctly calibrated. It cannot. But, Honourable Members, the situation is this, the machine is so constructed and designed that it will not operate unless it is correctly calibrated. You would have to have two things going wrong, one, the sample in the check sample would have had to have been interfered with because that is so constructed and so filled that if the machine runs the check it will do an automatic calibration reading, and if it doesn't come out right then the machine locks off, and the calibration of the machine would have to be wrong. There would have to be two things going wrong - the sample being wrong and the machine itself being wrong. Now those of you who are mathematicians will realise that the possibility of both the machine and the sample being exactly wrong by the same amount is pretty remote, and it would have to be by a deliberate rigging of the machine which would require some considerable technical electronic knowledge. Now, quite apart from the fact that that would be required for the machine to be rigged I think Honourable Members will see that the likelihood of any Police Officer here so rigging the machine would itself be remote, and I think highly unlikely. I deal with these points because I think Honourable members' concern as to the fairness of the test are ones which should be addressed. I would invite Honourable Members to view the machine. I am certainly prepared if at the end of the day Honourable Members think that it will be safer to have two machines operating to consider the amendments to the Bill which would be necessary if that were to be done. If I may say so I think that the fears may prove to be ungrounded but of course these matters are matters properly within the sphere of Legislative Council and if, after the operation of the machine here, there were to be a fear that this would be the case the matter can always be brought back to Legislative Council for any necessary amendments to be put in at that stage.

One of the reasons for the Bill, as far as the breath test is concerned, as Honourable Members will realise, is that the only way evidence of drunken or impaired driving can be taken without

a machine here is by the involvement of the doctors at the hospital. Now when you take a blood test or a urine test that would still apply. The doctors at the hospital are the only doctors available to treat people on the Islands for medical illness and they take the point, and I've discussed it with them, quite strongly that the fact that a doctor may have certified that a certain person who is his patient is drunk may impair the doctor/patient relationship and destroy the sort of confidence which should exist. Now the difficulty about that is that the patient will then not go to the doctor when he should do for something else because he gets it in his mind that he doesn't like the doctor and doesn't trust him because he certified him as drunk. Now that is a very real problem and is really one of the main reasons it has been felt desirable to introduce a breath test provision here, because it does not involve a doctor at the hospital. Honourable Members I thought that I should explain this background to you, and not only to you but so that members of the public are aware of the safeguards and for the reasons for introducing these sorts of provisions.

The Honourable T S Betts

Your Excellency, I hope the House will bear with me for a moment but this forum gives an opportunity for the general public to be informed through local radio, so could I just ask that the Attorney General reiterates that the reason for excluding blood and urine tests in the Bill is because it would be advantageous to the prosecution and a disadvantage to the defendant.

The Attorney General

That would be the case. there would be no reasonable way the ordinary defendant could get an independent analysis.

The Honourable J E Cheek

Your Excellency, that wasn't the main reason why I saw that it was excluded because precisely the same reasoning can be given to the use of the breathalizer. There was not an independent breathalizer for the defendant, although I do accept the last reason that the Attorney General gave which was that it could possibly impair the doctor/patient relationship.

The Attorney General

Your Excellency, if I can just address the point that the Honourable Member made, which is a perfectly good one. Experience has shown that the chance of human error in analysis of blood and urine samples is much much greater than the chance of error by a machine which is not subject to human foibles. That is in fact the case.

The Bill then passed through its remaining stages without debate or amendment

THE TAXES AND DUTIES (SPECIAL EXEMPTIONS) ORDINANCE 1987

The Honourable the Financial Secretary

This Bill, as its long title makes clear, is intended to repeal and replace the Taxes and Duties (Special Exemptions) Ordinance 1983 and Section 8A of the Income Tax Ordinance (Cap 32). As a result all tax and duty etc exemptions would be dealt with under one Ordinance. Under the present law application may be made by a person ordinarily resident for a pioneer enterprise tax exemption under Section 8(a) of the Income Tax Ordinance. Such an exemption can only be granted in the first instance for a period of five years and only relates to Income Tax. It can only be granted in respect of a pioneer enterprise. Under the 1983 Ordinance a person who is not ordinarily resident can apply for and be granted an exemption from any tax, duty or levy, including, for example, Old Age Pensions Contributions and Medical Services Levy. Such an exemption can be granted for any period.

There is no express power to grant differing periods of exemption for different taxes, duties or levies, and although conditions may be imposed in any exemption there is no express provision conferring sanctions if they are breached. The Bill before Council would put the person who is ordinarily resident and the person who is not on the same footing under the law. Thus it would enable the person who is ordinarily resident here to apply for tax exemptions which he cannot at present apply for. Whether they would be granted will be a matter for policy to decide. However, the maximum period of exemption which may be granted would be fifteen years. An exemption could be granted for less than fifteen years, and this again would be a matter for policy decision.

Further express provision is made for periods of exemption to differ from tax to tax. Again the Bill provides for each application to be dealt with on its merits. The Bill seeks to give the maximum possible flexibility in dealing with applications for exemptions. The Bill makes specific provision for conditions to be attached to exemptions and states that if they are not complied with the exemptions may be lost. This is believed to be a sufficient sanction. Clause 4 contains quite detailed provisions as to what an applicant must set out in an application for an exemption. As much as anything else this seeks to make clear what the Falkland Islands will wish to know in considering applications. There is power to seek additional information.

A change is proposed in the method of dealing with applications. The Bill proposes that they be made to the Financial Secretary who will consider them and forward them to Standing Finance Committee. The Committee will make a recommendation to the Governor. It is contemplated that the Governor will ordinarily act on that recommendation. The granting of applications will ordinarily be a purely financial matter and there will be no other important considerations. However, in the exceptional case there may be, for example, defence or external relations considerations. For that reason the Governor, after consulting the Executive Council, is to be given power to refer the matter back or vary from the Standing Finance Committee's decision. Nonetheless, Legislative Council is specifically given power to annul, vary or modify any order made. These changes, because

Standing Finance Committee meets more frequently than Legislative Council, will enable applications to be dealt with more speedily, without sacrificing and, indeed, increasing elected representatives' involvement in the decision. I beg to move that the Bill be read a first time.

The Bill was then read a first time and passed through its remaining stages without debate or amendment.

THE INCOME TAX (AMENDMENT) ORDINANCE 1987

A Certificate of Urgency was laid on the Table in respect of this Bill

The Honourable the Financial Secretary

Your Excellency, this Bill proposes substantial decreases in taxation. The nett cost of the reduction in taxation is £0.25m. It is proposed to increase the following allowances:

Personal deduction from £2,100 to £2,500;
Allowance for wife from £1,200 to £1,500;
Wife's earned income allowance from £2,100 to £2,500;
Female relative in charge of children from £650 to £800;
Maintenance of infirm relative from £650 to £800; and
The amount applicable to old age relief to be increased from £3,900 to £5,000.

The Bill also introduces measures to allow the first ten percent of earned income to be free of tax.

The following new tax scale is proposed:

On the first £10,000 of chargeable income - 25%
On the next £5,000 of chargeable income - 30%
On the next £10,000 of chargeable income - 40%
and the remainder of chargeable income - 50%.

To give the public some idea of what this really means I would like to quote the tax on specimen incomes. For instance, let us take a look at a married man on £4,000. At present he pays £150 tax. On the proposed scales he will pay no tax at all.

The single person on £4,000 is at present paying £490. On the proposed scales it will be reduced to £275.

A married man on £5,000 is at present paying £435. Under the proposed rates he will pay £125.

A single person on the same income at present is paying £795 and this will be reduced to £500.

Let's look at the £6,000 level. At the moment the married man is paying £735. His tax bill will be reduced to £350 under the proposed system.

The single person on £6,000 is presently paying £1,095. The Bill in that case will be reduced to £725.

Further up the scale, let's take a look at a £7,500 income. A married man at present pays £1,185 on that. His tax bill will be reduced to £688. And the single person's bill will be reduced from £1,545 to £1,063 at the same level of income.

An income of £10,000 for a married man attracts tax at £1,935. Under the proposed scale the tax bill will be reduced to £1,250. The single taxpayer pays at present £2,335 at that level and at the proposed rates will pay £1,625.

That gives some samples of the proposals. They are substantial. I have asked for the Financial Adviser's comments on the taxation proposals. His view on it was that we were moving too far, too fast. This I do not support him on. I do support the firm of consultants, Pannell Kerr Forster, on their recommendations because I do believe the Colony can afford this measure of taxation at this stage.

There is one amendment I wish to make to Section 6 of the Bill when it comes to the Committee Stage. It is purely inserting a figure. I beg to move that the Bill be read a first time.

The Bill was then read a first time. On the motion that the Bill be read a second time the following Honourable Members spoke:

The Honourable L G Blake OBE JP

Your Excellency, Honourable Members, far be it from me to rise and oppose this Bill. I support it, but I would like, if the Financial Secretary could find time in his summing up, to perhaps clarify the position relating to earned income relief and personal allowances. I am unsure quite when the earned income relief will operate; whether it operates on the gross earned income, on the taxable income after deductions or quite where it comes in, and whether this will be in addition to the personal allowance, or if it is greater than the personal allowance it will replace it. Perhaps he could clarify the relationship between those two items. I am quite certain it would be a great help to all.

The Honourable J E Cheek

Your Excellency, Honourable Members, I rise to support this Bill and I think no one can do otherwise. For those people who are visitors to these Islands I think it would be interesting to point out that our levels of taxation over the last few years have been extremely high. I have read in UK papers that we pay very low income tax. I suspect the people who actually wrote those comments had no idea and were guessing - in fact our levels have been considerably higher than those in UK over the last few years. I am pleased to see reductions of 25-50%, or more.

As I started to say earlier on, just one thing that worries me a little bit, and if the administration could see fit to introduce an amendment, unearned income does not attract any relief under the present Bill. I would argue, Sir, that for those people who are not excessively wealthy, they have put by the odd pound each week or month, after their expenses, and have managed to save a modest amount of money by the time they retire. That usually goes in the bank, or wherever, and the interest from that helps

supplement their pension or old age pension. I think it is unkind of us not to give them any relief on that. Possibly if they had known that this sort of thing was going to happen, if they had had advisers, people in the Islands who could advise them where to put their money, they might have put it in their own pension scheme and that would have attracted allowances. So I would ask that the administration consider giving some relief, up to a certain amount. I am not interested in giving relief to those who are extremely rich but to those of reasonable means who have managed to save some money. I support the Bill, Sir.

The Honourable T S Betts

Your Excellency, Honourable Members, I too rise to support the Bill, although there may not be any substantial increases in personal allowances clearly there is substantial improvement in the bands - certainly the first one of £10,000 which is charged at 25%. And also the very important aspect of the ten percent earned income relief which I understand is deducted from gross earnings.

I often hear the remark from my constituents that we receive no benefits from the monies that we have accrued from fishing. I hope this is a clear indication that my constituents do, and will.

The Honourable C D Keenleyside

Sir, it is nice to rise and support a Bill where we see that some of the comments we have been passing on to the administration, mainly the Financial Secretary, occasionally bear some fruit and this appears to be one of those occasions. I must say that, looking at the kind of improvements one can see in ones means after the Bill has, hopefully, gone through, I think in particular in the old age section, which Councillor Cheek was talking about, unearned income, the old age relief has, of course, gone up from £3,900 to £5,000 which is quite a considerable increase and should help a lot in that area. I beg to support the motion, Sir.

The Honourable E M Goss MBE

Sir, I have nothing really to say about the Bill. I just rise to welcome it and support it.

The Honourable the Financial Secretary

Your Excellency, the point made by the Honourable L G Blake...I can assure him that it is on the first ten percent of gross earned income. That is the relief of ten percent.

On the point raised by the Honourable John Cheek, the position there is that we can make some modification after due consideration of this. This is a point which was raised by Mr Ritchie as well and he wrote to me recently and he suggested that the introduction of earned income relief was wrong. "To me this is exactly the same", he writes, "as the UK's old unearned income surcharge and will hit hardest the elderly and retired persons. I believe it is unfair to tax savings more heavily than earned income. In most cases the savings will have been made out of earned income". He goes on to state that he would like his advice

recorded against the proposal. This has been discussed further with the Attorney General and he has a proposal for consideration which will go before the Executive Council and be considered at the budget meeting of Council to be held in May, and he has advised me that there is a way in which he can backdate this special clause if Executive Council agree to it.

The President

I hope that such a proposal would meet with the approval of Honourable Members, especially the Honourable Member for Stanley. I think it is probably right that we look at this in slower time although I am quite confident, from the tone of the Financial Secretary's remarks, that the desired result can be attained if Honourable Members so wish in due course. Accordingly, are there any further comments on this second reading? Then the motion is, of course, that the Bill be read a second time.

The Bill was then read a second time. In the Committee Stage the following amendment was proposed:

The Financial Secretary

I beg to move that Clauses 1-7 stand part of the Bill with the following amendment:

By adding the following words and figures after £1,700 in Section 6(d): "and deletion of the symbol and figures "£650" and by the substitution in their place of the symbol and figures "£800".

The amendment was adopted and the Bill then passed through its remaining stages without further debate or amendment.

THE INCOME TAX (AMENDMENT) (NO 2) ORDINANCE 1987

A Certificate of Urgency was laid on the Table in respect of this Bill.

The Honourable the Financial Secretary

Your Excellency, this Bill proposes the introduction of a system of payment on account of income tax by deduction through employers. The Bill is to have effect on income accrued after the 31st December 1987.

Under the proposed system employers will be required to deduct from their employees wages a payment on account of tax. The employer will then be required to pay the amount deducted to the Government Treasury whereupon the payment will be used as a credit against the tax liability of the individual from whom the deduction was made.

The Bill contains safeguards to ensure that the amount of payment on account of tax will be less in total, rather than more, than the actual tax liability of the individual concerned. In the event that an overpayment occurs the taxpayer will be credited with the amount of any such overpayment. Alternatively the taxpayer will be billed for the balance of the tax remaining and

due for payment. Non-residents will be required to pay the deduction on account of tax as will residents, but in the case of non-residents the deduction will be 15% of the gross emoluments. The amount of the deductions to be made on account of tax will be prescribed by Regulations. Initially it is intended that all residents should have deducted an amount equivalent to the amount of tax that they would pay if they were receiving a married persons allowances. This is a very crude system of pay-as-you-earn. It is the simplest that can be devised at this stage and I have to pay tribute to my colleague and friend the learned Attorney General for having spent so long at preparing this legislation, which has not been easy. It has caused long hours of work and I must confess that he has had very little time for leisure. I propose that the Bill be read a first time and that the Attorney General be invited to answer any detailed questions at the Committee Stage.

The Bill was then read a first time. On the motion that it be read a second time the Honourable L G Blake OBE JP spoke as follows:

The Honourable L G Blake OBE JP

Your Excellency, Honourable Members, in rising to support the Bill I have one query and that is with regard to the level at which the 15% deduction will come in. In the explanatory memorandum and as stated by the Financial Secretary it is suggested that anybody whos annual earned income is not expected to exceed £4,400 will not be subject to such a deduction. Now, the majority of taxpayers are either monthly or weekly paid and it is going to be an exercise for employers to decide whether they are likely to exceed the £4,400 per annum with bonuses et al, or whether they are not. I would suggest therefore that where monthly salaries are paid a monthly figure should be set in the Regulations, and where weekly wages are paid a weekly figure be set in the Regulations, and the excess over and above that would be recouped later.

The Attorney General

It is a point of principle, Your Excellency, and I will deal with it if I may. Happily, Your Excellency, as you know, and as some Honourable Members will know, some attention has been paid by Executive Council to this very point. What is proposed is that the Regulations will be very simple indeed. Employers will not have to have regard to any money that they have paid to the employee in any previous pay period in the year. They will merely have to look at what they are paying the employee in the particular pay period. This is for simplicity because Executive Council has seen that their would otherwise be difficulties for employers. There will in fact likely be two tables, and two tables only, to which employers will have to refer. There will be one for weekly paid employees, that's the first table, and the second table will be for monthly paid employees. Employers will merely have to read from the table the amount they are paying in that week to an employee, and that will be in one column, and in the other column will be the amount of deduction they have to make. So, it is a very simple system indeed. The deductions will in fact result that if somebody is earning in a particular week less than he would on a yearly basis amount to £4,400 there will be no deduction. That way I hope we will find to be the most

simple way it can work in practice and cause employers very little difficulty indeed.

The Honourable C D Keenleyside

Your Excellency, what happens in the case of the payment of pensions? Is there a deduction there?

The Attorney General

There will be deductions for pensions, Your Excellency, and Honourable Members, only if pension payments exceeded the threshold of £4,400 a year and if they did so they would be treated in exactly the same way as if they had been wages paid in that week.

The Bill was then read a second time and passed through its remaining stages without further debate or amendment.

THE INCOME TAX (AMENDMENT) (NO 3) ORDINANCE 1987

A Certificate of Urgency was laid on the Table in respect of this Bill.

The Honourable the Financial Secretary

Your Excellency, this is another Bill which arises from the first stage of the tax study completed for us by Pannell Kerr Forster. This, in particular, relates to companies taxation and initial capital allowances.

Under the company rates of taxation they write:

"We recommend that company tax should be charged at two different rates depending on whether profits are distributed either as branch profits or dividends, or whether they are retained within the branch or company. We would suggest that the rates for undistributed profits should be 35% - this is currently the rate in the United Kingdom for larger companies - and that the rate for distributed profits should be 45%. By this method an effective 15% withholding tax on the nett distributable profits is being levied, but it avoids the introduction of a withholding tax on dividends which is currently precluded by the UK double tax treaty. We do not recommend retention of the existing differential between small and large companies as a sole criterion in future for differing rates will be whether profits are distributed or retained. The fiscal encouragement to retain profits within companies or their Falkland Islands branches in the future will, together with enhanced initial allowances, promote investment in the Islands as opposed to repatriation of profits outside the Islands."

The Bill before Council today proposes to do this. It changes the basic rates and conditions relating to the payment of taxes in respect of companies, and to amend the allowances given in relation to capital expenditure incurred after the 31st December 1986. The basic rates of company tax being 52%, chargeable on income over £60,000, and 42% on chargeable income under £60,000

are repealed. The proposed rates of tax are on chargeable income which is not transferred to reserves 45%; on chargeable income which is transferred to reserves 35%. If income is subsequently transferred from reserves and distributed then it suffers a 10% tax.

The capital allowances to which we extend the 100% initial allowances are for motor vehicles, ships and aircraft. This should encourage more investment around the Falkland Islands. I beg to move that the Bill be read a first time.

The Bill was then read a first time. During consideration of the Schedule to the Bill the Financial Secretary proposed the following amendment:

that the word "additionally" be inserted between "shall" and "be" in Section 3 of the Schedule, sub-paragraph (iii);

and that the date "31st December 1987" be altered to read "31st December 1986" in the marginal note under Clause 5, sub-clause (iii)(a).

The amendments were adopted and the Bill was passed without further debate or amendment.

THE FISHING VESSELS (SAFETY PROVISIONS) ORDINANCE 1987

A Certificate of Urgency was laid on the Table in respect of this Bill.

The Honourable the Chief Executive

Your Excellency, I apologise to Honourable Members for the short notice in relation to this particular provision. I hope they will view it sympathetically and I will explain, or try to explain, perhaps with some assistance from the Attorney General at a later stage, the reasons for it.

This Bill will extend the provisions of the United Kingdom Fishing Vessels (Safety Provisions) Act of 1970, and the Rules made under it, to the Falkland Islands. The effect of it will be, on the assumption that it is passed, to give us power to control and regulate vessels which may wish to be registered in the Falkland Islands.

In practice there are a number of fishing vessels which have applied for licences and hope to be fishing in our waters in 1988 and which are part-owned by Falkland Islands Companies who are certainly considering applying for registration in the Islands. Without this Bill we could not accede to such a request. If the Bill is passed it will permit, and I think this is an important provision, United Kingdom shipping safety standards to be applied to vessels, any vessels, which were registered in the Falkland Islands.

Currently we do not have the ability to operate a shipping register for major vessels in the Islands and it is for that reason that the power is contained there in Section 5 which would permit the Department of Transport in the United Kingdom to

undertake the work of survey etc on our behalf. I think it is very important that we maintain the highest safety standards in relation to any vessels that we would register in the Islands, and I think it is entirely proper that at this stage we would adopt United Kingdom standards.

As I say, passing this Bill will give us the ability to control shipping in a proper manner and allow us to maintain a Falkland Islands Register, but I would stress that the Government has not yet considered its policy on whether or not to operate such a register and certainly has not considered, formally, any request for registration of fishing vessels in the Falkland Islands. But I feel it is very important that we should take the power now and accordingly, therefore, I beg to move the first reading of the Bill.

The Bill was then read a first time. On the second reading the following Honourable Members spoke:

The Honourable L G Blake OBE JP

Your Excellency, Honourable Members, while rising to support this Bill I am disappointed that it does not give us control over the reefers which tranship in our harbours. I have raised before the fact that these boats are liable to overloading and we have no way of controlling it. However, be that as it may, at least we are beginning to take some control. I would just ask if one of the officials could clarify that where we employ the Department of Trade to ensure that vessels registered here meet the appropriate standards the charges for such examination are for the boat owners and not for the Falkland Islands Government.

The Honourable C D Keenleyside

Your Excellency, in rising to support this Bill I would like to endorse Councillor Blake's point on the reefers. It has certainly been a point of concern locally that these vessels are leaving our waters heavily overloaded and we are effectively doing nothing about it and if this Bill does nothing towards that then perhaps we could in the future produce something that does do something about it. I support the motion.

The Honourable J E Cheek

Your Excellency, Honourable Members, I too wish to support the Bill. In fact I am rather suprised by the comments made by my two colleagues, I would have thought that there are certain safety parameters of ships which can be controlled by any administration. Certainly when I was a Merchant Navy officer in the radio side of it, even when you went into a foreign port they had the authority to ensure that there were certain basic safety requirements that you had to comply with even though you were a different nationality to that country. But the Bill itself, I was comforted by the comments that we don't have to accept ships on our shipping register - I thought that was the purpose of the amendments we made to the Ordinance pertaining to shipping registers earlier this year, or late last year, and I would be unhappy if we were forced to take ships on our Register if we do not have the facilities to maintain the register or to ensure that the ships comply with the regulations. That, of course, applies to these regulations as well. It is quite proper, I

believe, that we should have them but I think we would have the greatest difficulty in maintaining those.

The Honourable the Chief Executive

Your Excellency, I will ask the Attorney General to speak on this aspect as well, on the control of reefers, which of course Honourable Members have observed is not directly the purpose of the Bill currently before us. But from the policy viewpoint I think I have to say that Fisheries Department have advised that during the 1987 season there was overloading of vessels and it is something that they have submitted to me should be tackled vigorously by the Government in the 1988 season. I think it is very important that the Falkland Islands be seen to be managing every aspect of the fishery in a proper manner and I think vessels leaving here overloaded would give us major problems and we should tackle it. I will ask the Attorney General to speak on the law, but the point raised by the Honourable Member for Camp, Councillor Blake, I can confirm that the charges of course would not be falling to the Falkland Islands Government, they will be falling to the shipowner.

The Attorney General

Your Excellency, Honourable Members, if I can deal with the question of overloading of reefers, the reason why this Bill can do absolutely nothing in relation to that is because those reefers would not be on the Falkland Islands register. Of course, if they were on the Falkland Islands register then we would be the shipping administration responsible for the control of such matters and which are matters dealt with by international convention. That is not an end of the matter, however, in relation to reefers because, as some Honourable Members will know, Executive Council yesterday approved a consolidation and amendment of the existing fishing regulations. In relation to transshipment licences a required condition of a transshipment licence is that the vessel concerned must not leave the Falkland waters overloaded in contravention of international conventions, and Honourable Members may think that that is a satisfactory provision to be contained. It would mean of course that in the case of a breach of such a provision the only sanction we would have would be that in future a transshipment licence may not be granted in respect of that vessel, but at least we have taken, as far as that is concerned, the limited steps in our law that I think we can take.

As far as this Bill is concerned it is of course the case that this House earlier this year passed legislation which I am happy to say is about to come into force having been approved in the United Kingdom by Order in Council, which was what was technically necessary under the Merchant Shipping Act 1894. But this Bill should be seen as supplementing the provisions of that earlier piece of legislation which this House passed. For this reason, while it is the case under the earlier piece of legislation that no vessel can be registered on the Falkland Islands register without permission to be so registered - and the Governor on the advice of the Executive Council has power to give directions covering these sorts of cases - these safety provisions are not provisions which only have to be met at the time of entry upon the register but are continuing obligations. They cover a whole welter of detail: the sort of liferafts,

safety vests, combing around the hatches of the vessels, fire precautions and all other matters which have to be met as a continuing obligation, not just at the time of registering upon the register. Moreover, it is I would think useful for the legislation to provide safety measures because we would otherwise be in a situation where if a vessel had a strong connection with the Falkland Islands we might not be able to say under existing regulations, if it was owned by the Falkland Islands Company, well you must comply with all necessary safety provisions without being able to specify what those are. Of course we don't have the expertise here to check all the safety requirements and this is why the Bill provides that the Department of Transport in the UK may be appointed to do the necessary inspections. The cost of the inspections is payable as statutory fees by the shipowner, or the applicant for inspection. They will be paid into the Consolidated Fund here, as they would have to be, they cannot be received into the Consolidated Fund in the United Kingdom, and then I imagine that under the arrangements we would have to pay over those fees which have been paid by the applicant to the Department of Transport, and of course they would be the same fees as those payable on application in the United Kingdom. It is also envisaged that the inspections would actually take place in the United Kingdom and we do know that two vessels have been inspected by the Department of Transport in the UK with a view to their coming on the Falklands register. They have not yet come on the Falklands register and no application has yet been made for them to come on the Falklands register, but we do know that they have been inspected by the Department of Transport, and we do know that if they make application to come on the Falklands register they will comply with all United Kingdom legislation which will now become applicable in the Falkland Islands if this Honourable House should see fit to pass this Bill.

The Bill was then read a second time and passed without further debate or amendment.

MOTION FOR ADJOURNMENT

The Honourable J E Cheek

Your Excellency, Honourable Members. In rising to support the Motion I would like to comment on a number of points. With the passing of an introductory speech from you, Sir, we have lost some time in which we can comment on various subjects. Let's hope the motions at the end will not be too long.

Earlier this morning, Sir, we were talking about what I would class as open Government in relation to one of the questions that was specifically on details of fishing licences. I think we covered that and hopefully our views on that one matter are now known. I would hope that our views on open Government on all matters are equally well known. I agree wherever possible information should be made available to the public and I would hope that would be so.

Arising out of that I am still concerned that Bills are not published in the Gazette in advance of these meetings. We have had some very important Bills here today which the public have had no chance of seeing and commenting on to their representatives. There may well be reasons why that is so, but I think we have to overcome those reasons and, if necessary, postponing when those Bills come into force or appear before this Council until the public can comment. I believe that it is extremely important; whatever the hold-ups are I hope we can overcome them in the future.

Sir, I, together with my colleague the Member for Stanley, the Honourable Mr Betts, recently returned from our annual pilgrimage to the United Nations. We have not had a chance to report to this Council but, briefly, it went much as it has done in the past, although we not only stopped - I'm not sure that we did it - but the erosion of votes towards the Argentinians seems to have stopped and, if anything, has moved slightly towards the British side. But I think what is more important is that we as Councillors continue to go to the United Nations.

I am pleased that we, after the British stopped going to the Committee of 24, insisted that there would still be Falkland Islands representation at that Committee because I have a feeling that, if possible, both Britain and Argentina will seek if they can, at some time in the future, maybe next year, maybe the year after, that the Falklands are not debated at the General Assembly. That means that our only chance of appearing at the United Nations is when we appear at the Committee of 24. I am pleased we carried on with it as I have just said, and I hope we continue in the future.

Returning from, and going to, the United Nations we had considerable use of the Falkland Islands Government Office in London. If I may comment, Sir, firstly to thank that Office for the amount of assistance they give to us and, secondly, to register here the enormous amount of work the people in that Office are undertaking, and undertook in the past. Mr Alastair Cameron, I think, deserves an enormous vote of thanks from this Council and from the people in the Falklands for the way he has portrayed the Falklands and helped them in London.

That work is being continued by Mr Clifton, ably assisted by Miss Sukey Cameron, but there is far too much work for the number of people there. I would estimate that over this past, admittedly very busy period, Mr Clifton has probably worked a minimum of 70-75 hours a week - probably considerably more. I believe in the time he has been there he has managed to have 6 hours off on one Sunday. Apart from that he has worked every day since he has been there. In conjunction with, I believe, the necessity for extra staff they also need extra space to house them.

One of the most important things facing us in the future, Sir, is the withdrawal of finance from ODA. There are two important points there: one, ODA are obviously no longer going to finance OSAS. It may not be happening this year but it will certainly happen within a year or two; and the other thing which touches very much on my interests is that the training vote will also vanish. I think we have to think seriously about how we are going to (a) fund training; and (b) continue with some form of supplementation for those people we recruit from overseas. I know that we cannot and will not be able to recruit people on our local salaries. Whether we will be able to increase our local salaries to the level required by those people recruited from overseas is a different matter.

I am happy to see the third aircraft has arrived for FIGAS. I do not think our problems are over by any means. It will be interesting to see how much money we are going to have to spend on aerodrome improvements to upgrade them so that they... "comply with the law" I think was the comment made this morning. But in all the various things that have been said and done about FIGAS I would say just one thing: if all these improvements that are taking place mean the safety record of FIGAS remains no worse than it has been for the last 29 years I for one will be completely satisfied. In the past 29 years we have not had one accident, not one scratched passenger. Lets hope that can continue under the improved conditions for the next 29 years.

Possibly there are other points, but I think just one minor point, Sir, to finish with. I have had a number of complaints from residents in Stanley of the fouling of foot paths by dogs. Certainly of the fouling of public greens: Victory Green and the childrens' play ground. The number of dogs that are now in Stanley has increased quite dramatically over the last few years. I am a great one for pets although I am neither a cat owner nor dog owner myself, and I believe that anyone should be able to have such pets. But I believe that most people have sufficient area around their own houses for their dogs to foul and, please, think of other people, particularly the children, when they take those dogs down to public areas.

Sir, I support the Motion.

The Honourable T S Betts

Your Excellency, Honourable Members. In rising to support the Motion for Adjournment I find it a little surprising to be second to speak in this House in such a short time. I must say that I felt it both a privilege and an honour to represent these Islands at the United Nations and I thank fellow Councillors for allowing

me that responsibility.

I think what I would like to do is touch on my portfolio of PWD which frequently receives a barrage of criticism. I think the administrative staff of the Public Works Department and certainly myself as a Councillor are more than happy to listen to fair and just criticism. But I would like this House and the general public to note that the Public Works Department is often perhaps given too many tasks to fulfil. With the amount of men at their disposal and the jobs which they are asked to fulfil it is sometimes a little ridiculous. We are carrying out works on the Estancia Track, we try to maintain the Mount Pleasant Airport road, we then support works to the hospital, we have built a fire station and a camp education office. We supply and maintain services such as electricity, water and sewerage, and then around the town transporting materials from Mount Pleasant, and transportation of mail from Mount Pleasant to the Post Office. We also have to clean the streets and act as morticians. So those people who say and believe that the Public Works Department is doing nothing I am afraid are far from the truth. However, as I have said earlier, fair criticism is acceptable and I know of one individual who has had to suffer the indignity, if you wish, of having her property flooded out for more than a year. I believe that is totally unacceptable and something I will speak to the new Director of Public Works about. I welcome him to the Islands and, as I know he is a Tottenham Hotspur fan, I am sure he has a lot to offer! I would also like to thank Manfred Keenleyside for his involvement in administering and uprighting the Department as Acting DPW. I believe he did a splendid job and I hope the Administration in the future will lend support to Manfred in some form or other to perhaps increase his involvement within the Department.

I would like to support what Councillor Cheek has had to say about our staff in the Falkland Islands Government Office, in London, and I hope that no-one in this House, nor in the community of these Islands, takes for granted what those personnel do for these Islands. Certainly at the present time they are working, I believe, more hours than can reasonably be expected of them.

There are two very important local issues. One is taking place and one is about to take place. The one that is about to take place is the By-election on the 30th of this month. I am pleased that we have at least three candidates in the race and I trust that as many people as possible who are on the Electoral Roll will make every effort to attend and cast their vote. We have here this afternoon three empty seats, two because of personal pressures, perhaps, but let's hope that at our next Legislative Council meeting that all eight seats are filled. I am not a betting man and I will not try and guess who will fill that eighth seat.

Another local issue that has just begun but equally important are the annual negotiations between employers and employees. Again I cannot be seen to be taking one side or the other but I wish both employers, representatives of employers, and representatives of the trade union good luck and I trust that in the interests of the Islands community they will reach a sensible agreement.

Your Excellency, I wish to support the Motion for Adjournment.

The Honourable L G Blake OBE JP

Your Excellency, Honourable Members. In rising to support the Motion may I firstly congratulate my two colleagues on my left who so ably put our case to the United Nations and represented these Islands at that forum. It sounds a straight forward job to nip off to New York, yap for an hour and zip back again but I do not think that people realise the actual mental effort which such a journey requires. I congratulate them on their work and thank them for it. And may I also join them in recognising the sheer effort and workload that the FIGO Office undertakes and deals with. This has been going on almost since the office began. I believe we have allowed for more funds to extend it and I hope that we can extend it to (a) relieve that load and (b) perhaps widen and extend its efforts. I think they do a very good job but they only do as much as they physically can, and there is still more that we could be doing in that area.

And whilst handing out laurels I have two other pairs in my brief case which I can think of. I would like to congratulate, I think his name is Captain Scott, who brought our new Islander. I am sure we were all pleased to see the aircraft here and if I am right in his name - I believe he was correctly named - I congratulate him on his adventure.

I would also like to hand out one other set of laurels and that is through my colleague on my left and to the Public Works Department. It isn't often that one hands out laurels to the Public Works Department but I would like to do so today because I think probably for the past three years I have been complaining about the heap - and I don't mean the mortician section of their department - about the heap at the junction of the bypass road and Davis Street of dead and redundant vehicles. I was delighted on coming into Stanley this time to find that finally that heap has gone. I treat it lightly but I really believe that has done more to clean up Stanley in the last twelve months than almost anything else because that was a ghastly eyesore and I am delighted that it is gone.

Next, Sir, a plea. We have just had in the Islands a group of Members of the British Parliament. What a pity it was that they didn't come a week later whilst Council was in session when they could have seen more of them. Perhaps when they are actually planning visits, I know this was an officially military visit, a little thought could be injected into the date of visits so perhaps we can get together and then discuss our mutual problems.

Finally, Sir, I would like to say one or two things on my hobby-horse - fishing. We have seen the completion of our first season and we are now about to enter our second. The first season appears to have been very successful and the actual management of the zone seems to have gone very well. But what we are seeing by innuendo in the street outside, and world wide to a certain extent, are the pressures and suspicions which such a valuable industry does engender. I am not pointing fingers at an individual or group. I hesitated in fact to actually speak on this subject today but I feel it is essential to speak early rather than to speak later. The apparent connections between the interested parties in the fishery on the one hand - the fishing boat owners and what have you - and those connected with the fishery are beginning to look to the public a little bit murky,

and I don't just mean in these islands. And I believe we have to be exceptionally careful in our behaviour towards the companies, and we have to require those outside these Islands to be equally careful in their dealings with representatives of such a major commercial interest. There is too much money at stake for us not to be aware of this problem and I believe we should be aware of it now rather than in five years time when we have a Falklands-Gate scandal. Sir, I beg to support the Motion.

The Honourable C D Keenleyside

Your Excellency, Honourable Members. In rising to support this Motion I would like to take this opportunity to welcome General Carlier to our Chambers. His predecessors have given us much advice and assistance and I am sure we will receive the same from him.

The Honourable Terry Betts I believe was right in looking at his Portfolio. I have several portfolios, one of which in fact is the Printing Department, and I believe that the particularly fine documents we have seen before us today - the new setting out of the Bills and Ordinances - show the results of a little bit of investment in our various departments. Certainly I believe the investment in the Printing Department is going to pay us handsomely.

Another one is the hospital. I asked a question earlier today about the amount of space that is going to be available. I think it is a very important point because we gave a very good service to the fishing fleets last year and I hope we are going to give a very good one again this year, but not at the expense of the local residents. The last thing I would want to see is a hospital full of sick and wounded fishermen and little space for our own people to actually have something done for them.

This brings me to the point of the old peoples' home which has been a matter for discussion. Something really needs to be done about that. We have the funds, surely we can do something about it. If there is not a suitable building we can convert maybe we should really think of providing one. We are thinking about providing buildings for other necessary services and I cannot think of a more necessary one myself.

I sincerely hope from the Chief Executive's answer this morning on roads that we are really going to see some improvements soon. Anyone who walks up and down John Street, as I have to do, in some of the high winds we have had recently and receives the effect of a sand blasting that one gets is going to clap their hands when they finally get the road fixed. I am sure there are many other roads in town that are in a similar condition.

I agree with Councillor Blake that there is certainly some discontent over our fishing and certainly highlighted by the resignation of the FIDC General Manager. There is a large amount of rumours circulating in town as to why that happened. Some kind of more perhaps explicit statement probably wouldn't go amiss. Stanley Fisheries I understood when it was set up was Government's agent, if you like, in the fisheries. Now, as a member of Government I feel that it is a little bit of a closed

shop. I know that we have Council Members on Stanley Fisheries but at the same time if it is an arm of Government then why doesn't the Legislature have access for example to audit Stanley Fisheries? Or more participation if you like in what is going on in Stanley Fisheries?

Another aspect of staff, if you like, within Government is the availability of the Chief Executive. I know he cannot be in two places at once but this is some thing that I brought up before and I'll bring it up again. If the Chief Executive has to spend so much time overseas dealing with Government problems perhaps it is time we had some sort of staff restructuring so that we had someone else who could act in his place instead of having to try and do two jobs, like Mr Redston has to try and do. He came straight in to a job and was whammed with all the extra responsibilities straight on his shoulders. And I think it said a lot for him that he managed to cope and actually produce the goods. It is certainly something that should not have had to happen. I do hope that we are going to do something about that.

On Councillor Cheek's point on ODA funding, he is quite right of course about the OSAS aspect of things. We are going to come to a very interesting time before too much longer when we have to decide whether we are going to pay any kind of supplement or whether we are going to increase our wages so that they become attractive to people from outside. It is going to be a very mute point when it comes to it but I think it is something we should face sooner rather than later. I think that I have just about run out of things to say but I think I will end on a happy note in saying that I'll be pleased myself to pay at least a third less tax next year! Sir, I beg to second the Motion.

The Honourable E M Goss

Your Excellency, Honourable Members, In rising to support the Motion for Adjournment I would like to make a few comments. I support the Honourable Councillor Cheek's request for an early publication of Bills well in advance of these meetings. I received my copies of this Councils work on Monday morning; leaving the farm I have a very busy long day in front of me so Monday evening doesn't see any time for me to deal with the papers. On Tuesday I continue with my final departure arrangements and then travel overland to Stanley and then burn the midnight oil to try and catch up on some of the work we have to look at. And that's not to mention Standing Finance Committee papers, they are still in their envelope waiting for me to do some homework this evening. I think if we could push out Bills as and when they come from the printer's hands it would help and the tail end can be caught up, like one landed on the Table this morning, the fisheries one, at a later date, but it would give a bit more time for doing my preparation. It is a bit hard when you are looking at a Bill that is placed on the Table for the first time whilst we debate it. You haven't got much time to give it good scrutiny and make careful sensible comment on that paper.

I also have to support the Honourable Councillor Cheek's idea of introducing the "poopie scooper" to Stanley playing fields and foot paths. To have the smell of your dog follow you into the

shop or the office is not very nice. So the sooner our learned Attorney General can find time to introduce another Bill to our Table to bring that law in, the better, and he'll have my support on that.

Recently over the air there has been a lot of reference from MP's to the 2000 islanders as the tail that is wagging the dog of the 54 million in Britain. These speakers, well they give opinions, they are a minority, hopefully they speak for a minority, but I regard them if they are going to associate us with the back end of the dog as the thorn in the dogs pad, and sometimes that will cause the dogs tongue to move and make silly noises. Sometimes we have to then put that right and take him along to the vet to have the thorn removed and, hopefully, if these noises are heard by the surgeon who comes along to remove those thorns he doesn't chop off the tail for good measure as he regards them as annoying appendages.

And finally I must welcome the two new faces to this Chamber: our learned Attorney General, David Lang, who I don't believe was sitting in that seat when we last met in May, and neither was our new Commander British Forces. I welcome them both to our Table and I am sure they'll give us all the support we had from their predecessors.

Now, I can't miss the opportunity to bring your focus to the east wall - you all raise your eyes and appreciate that the Courtroom clock ticks away by the kind courtesy of the Falkland Islands Company, and time is marked more clearly to us now. Sir I support the Motion.

The Honourable H T Rowlands OBE

Your Excellency, there is very little commenting for me to do as the finances were only touched on in a very small way. There are two points that I would like to make though. The point raised by the Honourable Member for Stanley, The Honourable John Cheek on the question of the training vote which is within the £31M ODA funds. It is a fact that the funds will run out and we will be required to ensure that there are sufficient training funds from our own Falkland Islands Government votes. This certainly will be taken into account in future budgets. I agree that it's highly important we should continue the training programme we have at present and try and increase it if at all possible.

The second point on the early publication of Bills and the reference to SFC papers. Well, I just don't know what improvements can be made on that line. The question of the work load of elected members does concern me. The fact is that we now have to get them in from Camp so many times. Yesterday we had an Executive Council meeting at which we cleared the Bills for Income Tax. I agree it would have been nice to have had a lull between the two Councils for many reasons but it would have meant bringing Camp Members in again later, and I notice that two Camp Members were unable to attend because of other pressures. It is a very difficult area but I cannot see how the Secretary of the Standing Finance Committee and the Clerk of this Council can improve the amount of work they are doing. Thats all the comments I have, Sir.

The Honourable the Chief Executive

Your Excellency, Honourable Members. There have been a number of major points made this afternoon during discussion on the Motion for Adjournment and I think I should try and deal with the more important ones. First I would like to thank Honourable Members on behalf of everyone in the public service for the thanks and the praise that Honourable Members have extended this afternoon. In particular I would like to mention Charles Carter, our new Director of Works who has recently arrived and is beginning already I think to stamp his presence on the Public Works Department. I certainly must totally endorse the remarks that were made about Manfred Keenleyside during his lengthy period as Acting Head of that Department and I think I can say in this forum that I have suggested to the Director of Public Works that some tangible recognition should be given to Manfred, and I hope that when that proposal comes forward that it will be sympathetically treated by Councillors and Standing Finance Committee, and I am sure it will.

I would also like to thank Colin Redston who, in the very short time that he has been here, has done a tremendous job for us and Councillor Keenleyside was quite right when he said he was thrown in at the deep end at very little notice - indeed it was just about one week before he was Acting Chief Executive.

Lastly in terms of thanks, also supporting Councillors, in relation to our London Representative I have actually gone on record to the Governor in relation to the fishing allocation. Lewis Clifton has done the most incredible job and that is not to take away what Alastair did last year when he also did tremendous work. I know the hours Lewis was working because I had no difficulty at all in getting him in the Office at 10.30 at night during the past few weeks and I also fully accept that it is necessary for the staffing levels in FIGO to be strengthened, and combined with that we have got to find them better and larger offices. In fact there is an active search going on to try and find suitable premises and I hope we will have success on both those fronts quite soon.

The Honourable Member for Stanley Councillor Cheek raised an interesting point about open Government and I must say I endorse that. I had proposed to Departmental Heads some months ago that we should as a Government actually have a positive information policy rather than a reactive one and we in fact, I hope, shortly will be appointing someone part of whose responsibility will be to disseminate Government information to the public and I know that will be welcomed by everyone.

I would like to leave the fishing question to the end as it is probably the one I would have most to say on. Touching on the question of wage negotiations, I do not think it would be proper for me at this stage to make any comment other than to say that I hope we will see realism from both sides, and I am sure I can say from the Government side we will be showing that.

Councillor Keenleyside again referred to the hospital and the problem of elderly residents and I would confirm to him once again that we will not be neglecting our elderly residents, irrespective of what demands are made on our resources through any fishing activity.

The Financial Secretary has already touched on the question of publication of Bills and I do know the Attorney General, like his predecessor, is very keen that maximum consideration should be given to Bills, both by Honourable Members and of course by the public. It was rather unfortunate that the timing with some of these Bills today that we had to rather give Councillors short notice and I hope we will be able to do better in the future.

I think I will miss over the question of dogs. It is obviously a very controversial subject, but I can say that in my own home town in Northern Ireland they have recently introduced the famous "pooie scooper" regulations. I have to say, however, that I have not noticed any difference in the level of material deposited. However, I think it is an important issue and one we should ask the public to try and help with. I think enforcement is all very well but actually its an education process and I think people themselves can solve that one.

Funding and the Overseas Development Administration. The Honourable Member for Stanley, Councillor Cheek, raised this and a number of other Members did as well. There is no doubt at all that the situation in relation to the funding of the Government and the finances of the whole Islands are changing. They have changed in fact and they have changed very very quickly. Essentially now we are down to the remnants really of the aid that was promised to the Islands following the Conflict and, whilst we will not see any immediate effect as far as the current year is concerned, there is a gradual phasing out of money and it will have the most dramatic impact on FIG's funding of its key manpower posts. I certainly have taken careful note of the comments expressed by Councillor Cheek about local salaries and the ability to attract people to the Islands.

I would now like to turn to the question of the pressures on staff. The Administration in the Islands: I think I am not aware of anyone in it who does not do more than one job and indeed I do not think it is simply true of the public sector. I think Honourable Members around this Table invariably have a number of hats and have to carry out those respective and differing roles as best they can. Looking at my own staff, the two people immediately to my left and my right, to say they have only two jobs would be an understatement. The Attorney General I think has about six jobs at least and, quite frankly, I do not believe that the Legal Department can continue on the present basis any longer. Indeed it will be a matter for consideration in Standing Finance Committee tomorrow of the question of strengthening of the Legal Department. Harold Rowlands too as Financial Secretary has an absolute clutter of jobs and it is not just simply a question of a heavy time during the Budget Session in May. Harold is busy all the time and whilst he is coming to the close of his career the pressures that he has been under for the last couple of years, particularly, although throughout his service career, I think will be emphasised on whoever succeeds him. It really will be an extremely difficult and onerous job as we move from a really quite tiny economy into a very major one with major tax problems and developments that I am sure we have not begun yet to address our minds to.

That question of the weight on peoples shoulders is equally applicable to myself and I think it is probably only now that most people in the Islands are beginning to realise that whilst

you have a Chief Executive you also have a Director of Fisheries and you also have a company called Stanley Fisheries, and I have a key role in all of those.

The Honourable Member for Camp, Councillor Blake, I felt made a number of very important points and they are best illustrated, I think, in connection with the fishing activity. I would firstly like just to say a word about the allocation procedure itself because here the conflict of interest and the conflict of the roles that had to be carried out by myself was seen at its best, if you like, or worst, as the case might be. I, quite obviously, as Director of Fisheries and Chief Executive, had a very key role in the formulation of advice to Executive Council on fishing licence allocation. That advice had to be based on the policies which Executive Council had decided some time ago but that policy had to be translated into firm proposals in the numbers game. Whilst that task was a difficult one in itself it would have been made even more difficult for me if I faithfully carried out my function as the Chairman of Stanley Fisheries, because under the joint venture agreements which Stanley Fisheries has entered into, Stanley Fisheries was obliged to support licence applications.

Now that is where the dilemma arose. How could I as Chairman of Stanley Fisheries make recommendations to myself? So, following discussion with His Excellency the Governor, and it was his recommendation, because I did not see how I was going to get out of those, which may well be legal obligations in Stanley Fisheries, we split the procedure and we had a team which consisted of Michael Gaiger and Shane Wolsey and, I have to say, part time assisted also by Councillor Betts at an earlier stage, actually met and discussed with all our joint venture partners their proposals both in relation to licence applications and to their proposals for investment in the Islands. I took no part in any of those discussions.

Following the conclusion of those very lengthy and many varied meetings, Stanley Fisheries, through Shane Wolsey, submitted to me as Director of Fisheries recommendations in respect of all the joint ventures. I did not speak to them on their recommendations or in fact try and influence them in any way. I simply accepted them as they were and I then attempted to assess their recommendations against the overall fishing policies that Executive Council had laid down. A very difficult task and it is for others to judge how successful we have been in carrying out that task, but it is certainly clear to me that I cannot continue in a very active day to day role in the commercial side of Stanley Fisheries and, at the same time, be an objective Chief Executive implementing Government policy, and yet the dilemma, I am sure Honourable Members will see. They, or you rather, a few minutes ago a number of Honourable Members were asking for greater control of Stanley Fisheries and Stanley Fisheries is a wholly-owned subsidiary of FIDC, and FIDC is of course Falkland Islands Government, and so the link is clear.

Last year the revenue into Stanley Fisheries was roughly 50% of what the Government received in licence fees. That percentage will undoubtedly change in 1988 and the revenue into Stanley Fisheries will significantly increase. It could well be over £10m. I do not see how Government through myself as Chief Executive can opt out of a role in what happens to that money and

currently Government is considering what form and shape Stanley Fisheries, and indeed the Board of Stanley Fisheries will obviously have a key role to play in this, what form of structure and organisation Stanley Fisheries should be and have, and how we make it accountable to Government. What do we do about these large sums of money which will be flowing in? How do we best channel the investment and ensure it is directed to the best needs and requirements of the Islands. Absolutely major problems and I for one do not see any easy answer to them. Currently we have an impossible situation, I think, and one we have got to tackle.

We are, hopefully, going to get some assistance into the Secretariat, subject again to Honourable Members tomorrow in Standing Finance Committee giving an endorsement, but there is a proposal to have another senior post in the Secretariat which, if approved, would certainly lessen one considerable area of burden from myself and I think improve the overall administration. Creation of the post, of course, is one thing. Getting the right person into it is another and of course we will have to try and ensure that that happens. But I thought it important really that I should mention some of these major issues which obviously have been bothering people in the Islands and certainly have been exercising the minds of the Governor and myself.

This will surprise Honourable Members I am sure, but I was recently looking at my job description which in fact applies to the job I only took up on, I think it was, the 8th April, through some oversight quite obviously and ofcourse I was not aware totally of what the job was, fishing is not mentioned at all. It is not currently part of my job description. However I have accepted the role and I have been doing my best to carry it out. Major problems then for us. I think we are going to have to build up strength in our whole administration, not just in Stanley Fisheries which is a critical area, but I think right across the board. I think we owe it to the people that you represent out there to give them a good Administration and to ensure the investment that is now coming into the islands through fishing, all the decisions are taken properly and with care, and I think given the current size and strength and calibre indeed of the organisation I think we may be in a danger of falling short of those standards. I hope it will be possible to change that. Thank you very much, I support the Motion.

QUESTIONS FOR WRITTEN ANSWER

QUESTION NUMBER 6/87 BY THE HONOURABLE J E CHEEK

Will the Chief Executive please give details, including the date, of the movement of the rubbish tip from Moody Brook to Eliza Cove?

ANSWER BY THE HONOURABLE THE CHIEF EXECUTIVE

The proposed resiting of the rubbish tip to Eliza Cove has been firmly advised against by the military due to the existence of minefields and other EOD. The scheme has therefore been abandoned.

The Chief Environmental Health Inspector of the Department of the Environment, Northern Ireland, has recently inspected the existing tip and discussed refuse disposal in general in preparation for him to produce a report which is expected to contain advice and possibly recommendations concerning disposal of rubbish.

When this report is received proposals for future action will be made.

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CONFIRMED THIS 23RD DAY OF MAY 1988:

CONFIRMED THIS 23RD DAY OF MAY 1988:

CONFIRMED THIS 23RD DAY OF MAY 1988:

CONFIRMED THIS 23RD DAY OF MAY 1988:



GOVERNOR