



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

**HELD IN STANLEY  
ON 10 NOVEMBER 2009**

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HELD IN STANLEY ON TUESDAY 10 NOVEMBER 2009**

**THE SPEAKER OF THE HOUSE**

(Mr Keith Biles, JP, B.Sc., ACIB)

**MEMBERS (Ex-Officio)**

The Honourable Chief Executive

(Dr Timothy Rupert Thorogood)

The Honourable Director Corporate Resources

(Mr Keith Padgett)

Elected

The Honourable Janet Lynda Cheek

(Elected Member for Stanley Constituency)

The Honourable Emma Jane Edwards

(Elected Member for Stanley Constituency)

The Honourable Roger Anthony Edwards

(Elected Member for Camp Constituency)

The Honourable Sharon Halford

(Elected Member for Camp Constituency)

The Honourable William Robert Luxton

(Elected Member for Camp Constituency)

The Honourable Glenn Ross

(Elected Member for Stanley Constituency)

The Honourable Richard (Dick) Sawle

(Elected Member for Stanley Constituency)

The Honourable Gavin Phillip Short

(Elected Member for Stanley Constituency)

**PERSONS ENTITLED TO ATTEND**

The Attorney General

(David Francis William Pickup)

Chief of Staff, British Forces South Atlantic Islands  
(Group Captain Simon Hindmarsh RAF)

**CLERK:** Claudette Prior MBE

**PRAYERS:** Reverend Richard Hines

**APOLOGIES**

The Commander British Forces South Atlantic Islands  
(Air Commodore Gordon Moulds CBE, RAF)

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**The Record of the meeting of Legislative Assembly  
held on Tuesday 10 November 2009**

**Prayers**

**Clerk of the Assembly**

The Election of the Speaker and Deputy Speaker of the House.

**Attorney General**

Firstly I should welcome Honourable Members, those who are here in the Court and Assembly Chambers and those listening on the radio to the first meeting of the Assembly since the General Election. The Constitution provides that the first piece of business before the new Assembly is the election of the Speaker. As Honourable Members have not yet taken their Oaths of Allegiance and Office the Constitution provides that the Attorney General shall preside over the election of the Speaker. The Constitution also provides that the election of the Speaker is for the life of the Assembly, so does any Honourable Member wish to nominate any person to be Speaker of the Assembly.

**The Honourable Dick Sawle**

I would like to nominate Mr Keith Biles.

**The Honourable Sharon Halford**

I second the nomination.

**Attorney General**

Are there any further nominations? I accordingly declare Keith Biles, elected as Speaker of the Legislative Assembly and I would invite him to take the oaths of Allegiance and to preside over the remainder of this Assembly.

Mr Biles took the Oaths and the chair.

**Mr Speaker**

Honourable Members we move now to the election of the Deputy Speaker, does anyone wish to propose a name or names for me please.

**The Honourable Dick Sawle**

I propose Anton Livermore.

**The Honourable Sharon Halford**

I second the nomination.

**Mr Speaker**

Are there any other names? No, in that case I declare Mr Anthon Livermore Deputy Speaker of this Assembly.

**Clerk of the Assembly**

Mr Livermore is absent from the islands this week but has indicated to me his delight at being nominated and he could be sworn in, in December.

**Mr Speaker**

Honourable Members. On behalf of the Deputy Speaker and myself I thank you for your confidence in us in our reappointment and as before, I undertake to serve this House to the best of my ability and to honour its customs and usages. Honourable Members, I thank you.

**Clerk of the Assembly**

The Oath of Allegiance and Due Execution of Office for all Elected Members

The Attorney General administered the Oaths to all Elected Members.

**Clerk of the Assembly**

The Election of Elected Members to Executive Council

**Mr Speaker**

I appoint the Attorney General and the Honourable Director of Corporate Resources to be tellers for the purpose of this election.

In this respect I ask you to first vote for the Stanley Representative to Executive Council. Voting in the first round for a Stanley Representative is confirmed in the name The Honourable Dick Sawle.

Now, voting for a Camp Representative to Executive Council. Voting for a Camp Representative for Executive Council is confirmed in the name The Honourable Roger Edwards

.  
Voting for third election to Executive Council a representative from either Stanley or Camp. In respect of a representative from either Stanley Constituency or the Camp Constituency to serve on Executive Council the election is confirmed in the name of The Honourable Jan Cheek.

The overall result is therefore as follows:-

Representative from Stanley - The Honourable Dick Sawle

Representative from Camp - The Honourable Roger Edwards

Representative from either Stanley or Camp - The Honourable Jan Cheek

### **Clerk of the Assembly**

Confirmation of the record of the Legislative Council Meeting held on 18<sup>th</sup> September 2009.

### **Mr Speaker**

Honourable Members, I have before me the record of the meeting of 18<sup>th</sup> September, would you please signify your agreement that I may sign these minutes as a true record.

Members Agreed.

### **Clerk of the Assembly**

#### **Papers to be laid on the Table by the Honourable Chief Executive**

Copies of subsidiary legislation published in the Falkland Islands Gazette since the last sitting of Legislative Council and laid on the table pursuant to Section 34.1 of the Interpretation and General Clauses Ordinance 1977.

- Electoral (Disqualification for Election) Order 2009
- Immigration (Permanent Residence Permits) Regulations 2009
- Elected Councillors' Allowances (Amendment) Order 2009
- Museum & National Trust (Amendment of Schedule) Order 2009

#### **The Honourable Chief Executive**

Mr Speaker, Honourable Members, I lay on the Table the papers as listed by the Clerk.

### **Clerk of the Assembly**

The Motion for Adjournment.

#### **The Honourable Chief Executive**

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

#### **The Honourable Mrs Jan Cheek**

I give notice now that just because I am first in the alphabet I won't always be leaping up to speak first. A woman likes the last word.

I want to begin by thanking our Gilbert House staff and everyone else involved in the comprehensive induction programme that we have embarked on. I know we've a long way to go and a lot to learn. I look forward to working with all my colleagues to bring a fresh perspective. And we all understand the magnitude of the task ahead of us.

It's right that we acknowledge the hard work of the last Assembly Members in many areas. In particular I should mention the latest stage in our Constitutional developments, which led by Mike Summers, represents the culmination of the work of the last three Councils. While the Constitution is ever evolving to meet changed circumstances, I don't believe that a major review will be needed for some time.

I would also like to remember two other members of the last Assembly, who while not having the highest profile, did sterling work. During his 12 years, Richard Cockwell probably long-hauled several times around the planet, making hundreds of friends for the Islands with his modest charm and friendly affability. Even more importantly, he worked with the then Director of Fisheries and other officials and the industry on the new Fisheries Policy several years ago, probably the single most important economic development in the Islands since the creation of the Fishing Zones. I wish him a long and very happy retirement.

I would also like to mention someone I worked with – John Birmingham. He always worked hard. He never avoided the difficult and unpopular tasks – sometimes to his cost. Others weren't so keen to undertake them. I will miss working with him and hope to see him back one day because he has a good track record in by-elections – having beaten me in one many years ago.

On to one of the issues I raised in one of my Penguin News articles: I believe we need urgent clarification of whether the mine clearance about to commence includes environmental mitigation. Everyone knows that erosion is a real problem here and that the ground will take a very long time to recover from any kind of disturbance. A further concern that if it appears likely that cleared areas cannot be declared 100% safe, then they will have to be re-fenced and this raises an even more important question. Why do it at all? I understand perfectly the UK's obligation to clear their territories but I ask another question. What kind of world do we live in where Her Majesty's Government cannot say that while accepting their obligations to clear mines on their Sovereign Territory, they agree with many Falkland Islanders that the money would be better spent in countries where men, women and children are still being killed and maimed? I don't want these remarks to reflect in any way on the people on the ground here who are going to be doing a difficult and potentially dangerous job, and I pray for their safety while they do it.

I will have much more to say in December when we've had time to absorb all our roles. I support the Motion.

### **The Honourable Emma Edwards**

Mr Speaker and Honourable members, I'm going to keep this brief because I'm still trying to find my feet in this new job. And I also don't want to end up sounding as if I'm at the "Night at the Oscars" by standing here and saying thank you to everybody involved. But I would like to pass on a number of areas for thanks.

In particular, I would like to thank everybody who supported me on the run-up to the election and after the election. It's been quite a daunting prospect to suddenly discover that – there you were saying I'd like to stand for election and suddenly here you are. It certainly made my legs knock for a little bit. I'd also like to say thank-you and well done to the guys in the Town Hall. It was a very long count and I actually appreciate what they did that night. I think they worked long and they worked hard.

Well done for everybody in the Town Hall that evening. Another group I'd like to say very much a huge thank-you to is Gilbert House and everybody involved in the induction programme. It's been very interesting and very useful so far, so thank-you once again.

I've got some very interesting portfolios and I think I've got a very interesting four years ahead of me. I hope I live up to everybody's expectations and I am sure that people out there will soon tell me when I'm not. I've already been told that by a number of people. Thank you everybody and I look forward to serving with this Assembly and for the people of the Falkland Islands.

I support the Motion for Adjournment.

### **The Honourable Roger Edwards**

Mr Speaker, Honourable members, firstly I would like to thank all those who put their faith in me to represent them on the Legislative Assembly and turned out to vote on the 5 November and congratulations also to all my fellow Members.

We must ensure at the end of this particular Assembly that the next election is not quite the shambles that we had in this one, with letters going out with the wrong dates on them, mix up over election expenses, no mobile polling stations and, to cap it all, Hill Cove and Port Howard only finding out about three days prior that they were to vote on Tuesday 3 November and not on Thursday the 5 November. Despite this we had a historically high turn-out and we must congratulate every single one of all those voters for their gallant efforts in turning out to vote. Thank you.

Congratulations to you Mr Speaker on your re-election to the post and I trust all goes well for you in the next four years.

To end, I'll just mention television. In our many, many briefings we have heard that all the bits and pieces should be here by February, just one year late, and should be up and running, we trust by about May or June at the latest. We have much work ahead of us to ensure improvement in all other forms of communications around the Islands. This is going to take a considerable period of time and a considerable amount of work by ourselves and the administration to ensure this is put into place.

Mr Speaker, I support the Motion.

### **The Honourable Sharon Halford**

Mr Speaker, Honourable Members, firstly I'd like to thank everybody that actually made the effort to put me here today. I know from a number of them it wasn't just a matter of filling in a postal vote – they had to make several hours' journey to do so. As to the election itself, I hope next time around that the election process is clearer. I found it rather messy this time around. I was quite surprised taking my nomination form in that it couldn't be checked there and then. And there were various other matters which have already been touched upon.

To date we have had a very brief and partial overview of the FIG functions and it's probably been an awful lot to take on. But one thing that jumps out is there is a clear need for us to make savings in many areas.

I mentioned in the run-up to the election that I wasn't happy with the means testing and I don't think from what I've seen so far that this exercise is born much fruit. It's caused an awful lot of antagonism around the Islands and for very little savings. My particular beef with this has been pensions, which of course, whatever we do, the people this Christmas, will still have to apply, it's rather sad to think there are people out there who could apply for their pensions but it's against their principles to do so because they think it's absolutely insulting to have to ask for them.

Another thing I mentioned in the run-up to the election is the review of the "Land Non Residence Ordinance" it comes under that anyway, the fact of Falkland Islanders not being able to purchase property here when they are not resident. That is something that is in the pipeline, I'm pleased to say, so we will have to look very carefully at that as the process goes through.

I've got the Health and Medical portfolio, which my husband said was actually a minefield after talking about that earlier. But I am actually looking forward to meeting all the people in that sector and to get to grips with it. My second portfolio, that I am second on it is the number crunching sector, the Treasury and Taxation, so they will be interesting to get to grips with.

The Tourism Season is about upon us again and I think it would be interesting this year if we could actually ask tour operators and providers to give us a detailed count at the end of the season of how many of our neighbours have actually come to visit and have gone to the Argentine Cemetery. It doesn't seem to be made public to the outside world that we have a lot of these people coming throughout the season. I respect that they come this way. They come without the glare of television and press; they do so quietly and in a dignified way. And it would be interesting to see how many of them do actually come.

Finally, I look forward to working with all the Members around this table and I am sure we have a lot of pretty difficult decisions over the next four years. I support the Motion.

### **The Honourable William Luxton**

Mr Speaker, I'll keep it fairly short. I, too, would just like to thank the electorate – the Camp electorate for such an amazing turn-out in very difficult circumstances and returning me to this House with my colleagues. It was quite a surprise to me.

I don't have much else to say except being very disappointed to learn that the television system to the Camp is going to be 12 months later than we expected it and let's hope they can keep to that schedule.

Dr Doyle has just published his report on Communications. We've had so much paperwork thrown at us that there hasn't really been time to digest that yet. But I look forward very much to getting my teeth into that one.

Mr Speaker, I support the Motion.

### **The Honourable Glenn Ross**

Mr Speaker, Honourable members, It is perhaps too early in the lifetime of this Assembly to say much about anything as we are only part way through the induction process. I am, though, really pleased that the review of Government is in itself to be reviewed by Members. It should be generally understood that anyone who has arrived here as part of the restructure of Government has applied for the job in good faith and needs to be made as welcome as any other arrival to our Islands.

I would like to thank Heads of Department who have given us briefings to date. A few have even managed to speak to us in plain English. There are many topics that will require a much more comprehensive discussion in the near future.

Mr Speaker I look forward to working with my colleagues on the Assembly and to visiting my portfolio departments. There are many and all are equally important and I will try to see everyone soon.

Finally Mr Speaker, I would like to thank everyone who voted at the General Election and especially those who put their trust in me. I thank, too, the people who have supported my nomination and the many that have sent in good luck messages.

Mr Speaker, I support the Motion.

### **The Honourable Dick Sawle**

Mr Speaker, Honourable members, I am absolutely delighted, humbled, and honoured to stand here today. I know that this will be a full time job and I know that representing you in the Falklands will never be easy. I reckon over the next four years there will be many difficulties and complications but I believe that with a vision of a fair, vigorous and prosperous society for all we can and will make it happen.

I reaffirm the promise I made to be a point of contact for all of you out there and I hope that you will treat me as such. Do get in touch with me with your views. It doesn't matter to me whether or not you have the right to vote, whether or not you voted for me, whether or not you come from a minority or majority. Our community is the sum of many communities. Sometimes we move forward in harmony and at other times there is friction, but we are united in that we are all here in the Falkland Islands which is our home. We must live and work together for the good of us all. It takes all of us, the Civil Service, the private sector and the government to pull together.

Many people approached me in the run-up to the election telling me their problems over immigration, PRP status, Falkland Islands Status or simply trying to obtain the right to vote and be fairly represented. The current system is complicated but the last Assembly did much good work on this and the fruits of that labour will soon appear. I hope that this will simplify procedures and would expect you to tell me if it has not and if not why not and what can be done to help and assist. Those who should be represented ought to be represented and given the right to reside and vote. The figures quoted by Penguin News indicate that only half of the population have the right to vote, so half are unrepresented. In a modern, democratic society this should either be justified or put right.

The framework that governs our two main monopolies has to be a priority of this Assembly. Any business that is given a monopoly has been given a massive privilege

and must be carefully and critically scrutinised. In the unlikely event that a monopoly is found to be in our best interest then the government must ensure that people are receiving best value for money.

In the case of Cable & Wireless I remain profoundly sceptical that this is the case. I believe there are other far better long-term solutions and I discussed the ideas with many of you. Indeed, those beliefs are one of my main reasons for standing in these elections. Members are unanimous in my taking this forward as one of my portfolio responsibilities. Our present system denies us the freedom of choice, which is enshrined in our Constitution as to how we communicate with each other and the outside world. We should be taking advantage of the best and latest technology that the modern world has to offer, technology which we, as a group of isolated islands are ideally suited to derive a huge advantage, technology denied to us at present, which will enable us to compete up there at the forefront of the modern world. This must be changed. We now have the long awaited Doyle Report and as soon as possible we must crack on with the task in hand.

Another important issue for me is that Members of the Assembly must be approachable and available. Open Government does not simply mean that the doors of every meeting are open. Having TV and radio present at all discussions and debates may, in fact, hinder rather than assist with frank exchanges and could result in stage managed meetings.

Many of you have criticised the last Assembly for being remote and unconnected to public opinion. I believe the result has been a resounding shout for change, big change. As your Elected Members we must all take heed. I will heed what you say and I will take your concerns and views seriously.

There are some administrative issues that need to be dealt with as soon as possible, along which much of the work has already been done and done very well by the last Assembly. We urgently need the Public Accounts Committee to be up and running. The system was only put in place in September but this is an important step forward in accountability. As we don't have a formal opposition party it's important that there should be an independent check on Government spending, albeit with the benefit of hindsight. No member should feel prickly over criticism. There is bound to be criticism at times both from us and against us and that is important in a democracy.

I will maintain contact with a variety of groups, for example, the Chamber of Commerce. They and many other interest groups have important roles to play and their views are vital. I will be exploring other more informal mechanisms by which important feedback on spending decisions and Government performance can be obtained. However, the business of Government does also rely heavily on you, the public, to be involved and engaged. We should also install the Complaints Commissioner envisaged by the 2008 Constitution as soon as possible. It is not yet clear how precisely this will work and I hope that this position will have teeth. People should have access to a simple, affordable, independent yet professional means of solving informally the many issues and conflicts that arise. Courts should always be a last resort. And, surely in a small community such as ours mediation is preferable to litigation.

I look forward to being involved in the various portfolio responsibilities I have gathered, such as Economic Policy, Legislation, Monopolies, IT, and Trade and Industry, which incorporates the new port development.

There are no longer three executive portfolios which are prerequisites of being elected to Executive Council. Each of us has tried to place themselves where they feel they will be most effective. And, I believe that this is correct.

Relationships with Argentina are probably as low as they can get. We have to be vigilant. It was last November that I was on top of Tumbledown with Martin Sankie. Martin lost a leg in action at Port Harriet and crawled 2km to get to an extraction point. It was moving to stand there and hear him speak, slowly letting out the ghosts that haunt so many. We can never forget their sacrifice and suffering or the suffering of their families. I feel very privileged to stand here today and will make sure that Martin and the many, many others are not let down. We must protect the freedoms they died and suffered for as they are the most valuable thing that we have.

This election has thrown up your concerns about many other issues that are causing dissatisfaction which need to be discussed and resolved. These next four years will be busy and interesting and as we start this new phase in the life of our Islands I thank the last Assembly for the work it has done, I thank all my fellow candidates and the officers concerned for a fair and well-conducted election process. And I thank you all for the opportunity you have given me to serve you. I am honoured and proud of the trust you placed in me and I, for my part, will do my utmost to ensure that our Islands continue to develop and prosper in a fair, democratic and vibrant society.

I support the Motion.

### **The Honourable Gavin Short**

Mr Speaker, Honourable Members, what do you say after that? I sometimes wish I was actually born a Biggs and not Short. I probably would get first say. However, I will box on.

I stand before you today actually humbled and a bit scared, I must admit. I feel humbled that so many people out there should put their faith in me. It actually did come as quite a shock that night, I must admit. I was actually more incoherent than I normally am. But I am also scared that I may not be able to live up to the faith that people have put in me but I promise, I really do promise that I will do my best for you and my country.

Sir, I wish to thank those who did vote for me. I also want to say a big thank-you to the election team as my Honourable Colleagues have said especially those who went out with mobile ballot boxes, but especially the counting team in the Town Hall. I thought they did a good job and I'd rather that they took their time and took as long as it needed to get that right and they did and I am very grateful to them.

Perhaps if I could have just a couple of seconds to speak to the electorate out there - I am probably not going to put this as well as my colleague did to my left but basically if you think that your job is now done because you cast your vote, to quote a very famous country song you hear on the radio – “wrong.” Your job, like ours, is just beginning. I am going to plead with you now, don't leave us alone. Keep talking to us.

We need you to keep feeding in. We have to know, what's happening out there, what you are happy about, what you are not happy about. That also goes to basically everyone out there. I don't care whether you are below the voting age or whether you are 105. Your views count. We need to know.

The last few days have actually been almost madness with information coming from all angles. But I think we are just about through it now and I am looking forward to the next week or so when we can actually start getting down to the nitty-gritty of running the country.

One thing I would like to pick up on though is the use of English. I was under the impression that English was the mother-tongue of the Falkland Islands. And the briefings we've had – I have noticed that the older hands do speak to us in English. However, the new boys that are coming in speak some language that, I'm afraid I do not understand and it goes over my head.

I would plead with the Chief Executive to put an edict around to everyone to speak to us in good, old, plain, old fashioned English. It's important that I understand it, it's important that the public understands what's being said. As I say, at this stage I am going to ask nicely. If I have to ask again, you might find that I am quite a cantankerous old goat at times.

I will get around to all the portfolios that I have. I notice I have actually taken on quite a few. It's probably wrong to pick out one but the FIDF is something I am absolutely thrilled to have the portfolio for. It's a fine organisation and I am certainly proud to be an ex-member of that wonderful regiment.

Fisheries I know I have a huge pair of boots to fill. I would like to publically thank the last incumbent who had that portfolio for so many years. He did a wonderful job with it and I pray that I can measure up to the void that he has left.

Finally, Sir, before sitting down, I would like to thank whoever it is that is looking after minority groups here in the Falklands by putting that rather splendid ash tray in front of Mr Sawle and myself down here in "smokers' corner."

Mr Speaker, I wish to support the Motion.

### **The Honourable Chief Executive**

Mr Speaker, If I may could I just extend a formal but also a very warm welcome to all new Members of the Assembly on behalf of the Civil Service? You have an excellent, hard-working Civil Service with very high standards and we will work tirelessly to support you over the next four years.

I have, of course, noted some of the remarks that have been made during the speeches just now. I am grateful to new Members for thanking the election staff for their very hard work. That will be appreciated. I note, of course, comments that have just been made about the use of language. That's heard. That will be acted on; I will assure you so thank you for that feed-back as well.

We are all looking forward very much to working with you over the next few years and meeting the challenges and the opportunities that lay ahead.

Thank you.

**Mr Speaker**

Honourable Members, the House stands adjourned accordingly.