



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

**HELD IN STANLEY
ON 22 OCTOBER 2010**

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HELD IN STANLEY ON FRIDAY 22 OCTOBER 2010**

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 Financial Secretary
(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 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)

CLERK: Claudette Prior MBE

PRAYERS: Reverend Richard Hines

APOLOGIES:

The Honourable Glenn Ross
(Elected Member for Stanley Constituency)

The Commander British Forces South Atlantic Islands
(Commodore Phillip Thicknesse RN)

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**The Record of the meeting of Legislative Assembly
held on Friday 22 October 2010**

Prayers

Clerk of the Assembly

Confirmation of the record of the Legislative Assembly Meeting held on Friday 30 July 2010.

Mr Speaker

Honourable Members, I have before me the record of the meeting of Friday 30 July 2010, May I sign these minutes as a true record.

Agreed.

Clerk of the Assembly

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

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

- Banking Regulations (Amendment) Order 2010
- United Kingdom Forces (Jurisdiction of Colonial Courts; Civilian Component) Order 2010
- Taxes and Duties (Defence Contractors' Employees Exemption) (No3) Order 2010
- Currency Notes Order 2010
- Complaints Commissioners (Form of Summons) Order 2010
- Complaints Commissioners (Maximum Fine) Order 2010
- Public Accounts Committee (Form of Summons and Warrant) Order 2010

And in accordance with the provisions of Section 57 of the Finance and Audit Ordinance:

The Falkland Islands Pensions Scheme Annual Report and Financial Statements for the year ended 31 December 2009

The Falkland Islands Government Retirement Pensions Equalisation Fund Financial Statements for the year end 31 December 2009

The Honourable Chief Executive

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

Clerk of the Assembly

Question number 13 of 2010 by the Honourable Dick Sawle

The Honourable Dick Sawle MLA

Would the Honourable Sharon Halford agree with me that the ever increasing MCA regulations are having a negative effect on the operation of the Concordia Bay to the outer islands; and I ask the Honourable Member to advise the House of what arrangements are currently in place to get plant and machinery to the outer islands, and if there are any plans to improve the accessibility for these items in both the short and longer term?

The Honourable Sharon Halford

Mr Speaker, I thank the Honourable Dick Sawle for this question as it is an area of great concern to the residents of the outer islands, many of whom must see progress as something that has gone backwards when it comes to their communications.

To answer the first part of the question, “are arrangements are currently in place to get plant and machinery to the outer Islands?” to date much work has been done by FIG by close collaboration with both island owners and Workboat Services Limited to assess and improve the ability to move plant and machinery as well as meet the operational needs of the islands.

Several island owners have already built or are in the process of building ramps. Unfortunately, despite this there are still some islands like Speedwell Island (where despite efforts to find a suitable beach for landing the Concordia Bay), access still remains a problem. Undertaking any work to improve access such as jetty repairs and the construction of sea ramps generally needs to have plant and equipment in situ to be able to undertake the work.

Under the MCA Regulations on safe carrying limits, sea trucks are not permitted to carry such heavy loads. The MCA are merely enforcing the weight restrictions set out by the manufacturers of the sea trucks.

Whilst the sea trucks can and do transport smaller payloads, I understand that these particular sea trucks are unable to carry lighter vehicles like land rovers. The only other option that currently exists for movement of such items is via the Military, with their tugs, barges or helicopters. These options do, of course, need collaboration with the Military on costs and availability.

To answer the second part of your question, a lot of effort is being made to find a long term or indeed a short term solution to these problems; as already mentioned in response to the first question, many island owners have worked very successfully in

collaboration with PWD and Workboat Services Ltd to find workable solutions for improving access by installing sea ramps and looking at using gabion baskets. This work is on-going and will continue into the future until a workable solution is found for all habitable islands.

Unless or until MLAs wish to consider the possibility of purchasing a sea truck with a heavier loading capacity than what we currently have, then our options are likely to remain as above.

The Honourable Dick Sawle

Mr Speaker I would like to thank the Honourable Sharon Halford for a very comprehensive answer to the question. Some communications including this type of communication do indeed seem to be going backwards; as I believe the type of operation we are talking about was entirely possible not that long ago before MCA Regulations made it too difficult. I would like to ask the Honourable Sharon Halford if she believes a simple solution is to allow Workboat Services to load somebody's own vessel instead of using sea trucks.

The Honourable Sharon Halford

I do believe I should not be giving an opinion on that and it would be something that would need to be discussed with Workboat Services and the contract they have with FIG.

The Honourable Dick Sawle

Mr Speaker, I would simply like to request that the Honourable Sharon Halford takes that forward accordingly.

The Honourable Sharon Halford

Mr Speaker, we can, I am sure, ask the Attorney General to look into this for us.

Mr Speaker

Are there any supplementary questions? There are no supplementaries.

Clerk of the Assembly

MOTION

Motion No 2 of 2010 by the Honourable Dick Sawle

That this House do adopt for the current and future regulation of its business, the revised Standing Rules and Orders – as laid before each Member at this sitting in accordance with the provisions of Article 6 of the Falkland Islands Constitution.

The Honourable Dick Sawle

Mr Speaker, honourable Members, the review of Standing Rules and Orders has taken place and has been discussed and gone through in detail with Members of this House so there are no surprises. The aim of the revisions has been firstly to remove duplications and anomalies within the old Standing Orders and reflect current practice, to make Standing Orders compliant with the new Constitution, given that we now have a Public Accounts Committee and also, of course, a Complaints Commissioner; to make the process of passing legislation through the Assembly clearer; to include the definition of the roles of the Speaker and the Deputy Speaker into the body of the Standing Orders; to specifically incorporate the Nolan Principles of Standards of Public Life into Standing Orders; and to ensure compliance with these by a Code of Conduct applicable to and positively accepted by all Members of Legislative Assembly; and finally to provide a procedure to enable alleged breaches of the code of conduct to be passed to the Principle Complaints Commissioner for investigation and report.

I must thank Mr Speaker and also the Attorney General's Chambers for their work in completing the revisions and also explaining them to Members. It is a lengthy document but one that further strengthens accountability of Assembly Members.

Mr Speaker, I propose therefore that this House adopts for the current and future regulation of its business the revised Standing Rules and Orders as laid before each Member as this sitting in accordance with the provisions of Article 46 of the Falkland Islands Constitution.

The Honourable Roger Edwards

I seconded the Motion.

Mr Speaker

Before we enter into further debate I would like to draw the attention of Honourable Members to a slight change to the printed version of Standing Orders, its clause 31 subparagraph 1 where the word "shall" should be "may." It has already been changed in the Orders that are in front of you.

Does any Member wish to speak to the Motion? There is no debate; does any Member wish to object to the Motion? There is no objection, the Motion is therefore carried and the new Standing Rules and Orders will be in operation as from now.

Clerk of the Assembly

Orders of the Day: Bills

The Supplementary Appropriation Bill (2010-2011) Bill 2010 this Bill is not required to be published in the Gazette; however, it does require a first reading

The Honourable Financial Secretary

Mr Speaker, I beg to move that the Bill be read a first time.

The Honourable Chief Executive

Mr Speaker, I second the Motion.

Mr Speaker

The Motion is that the Bill be read a first time, are there any objections, there are no objections the Bill will be read a first time.

Clerk of the Assembly

The Supplementary Appropriation Bill (2010-2011) Bill 2010

The Honourable Financial Secretary

Mr Speaker, Honourable Members, this Bill, if enacted, will provide the legal authority for the additional sum of £843,700 to be withdrawn from the Consolidated Fund to replenish the Contingencies Fund. This sum is represented by two contingencies warrants that were approved following Standing Finance Committees on 30th of July and 19th of August 2010. The bulk of the funding, in the sum of £780,140, relates to carry-overs of unspent funds from the 2009/10 financial year. These were set out in the Standing Finance Committee paper on the 19th of August.

The remainder relates to two additional items that were approved by the Standing Finance Committee on the 30th of July.

I beg to move the second reading of the Bill.

The Honourable Chief Executive

I second the Motion.

Mr Speaker

Does any Honourable Member wish to speak on the Bill? There is no debate, is there any objection to dealing with the Bill by the short procedure? No objection, does any Member wish to propose any amendments to the wording of the Bill? No amendments, I declare that the Bill will be read for a third time and do pass.

Clerk of the Assembly

The Supplementary Appropriation Bill (2010-2011) Bill 2010

The Statistics Bill 2010, this Bill requires a second reading.

The Honourable Chief Executive

Mr Speaker, thank-you. Mr Speaker, whilst the Statistics Bill 2010 is not a particularly large piece of legislation it is important that its scope and practical application are well defined and understood by Honourable Members.

Mr Speaker, by way of introduction, the Statistics Bill has been a long time in preparation and is key in supporting both public and private sector future strategic planning. The Bill has three overarching objectives:

- Firstly, it formalises in a single place a lot of statistical and data gathering work that currently already occurs within the Falkland Islands Government and also between the Government and the private sector. This includes the Census – traditionally performed every five years as well as the annual production of National Accounts, which measure gross domestic product alongside other globally comparable economic statistics.
- Secondly, Mr Speaker, the Bill articulates the scope and methods for, if required, collecting additional data from businesses and individuals for future policy formulation and for reporting to bodies such as the European Union and the International Labour Organisation.
- Thirdly, Mr Speaker, it offers legislative protection and recourse to private businesses and individuals that provide data to the service within the Falkland Islands Government if the stringent confidentiality provisions are ever breached.

Having a law in place that centralises and also defines the reach and scope of Government Data Gathering as well as putting in place sufficient confidentiality protection is essential for the smooth and proper running of the Government. It will help avoid duplication of data collection and enable provision of timely relevant and accurate information to inform Honourable Members' decision making.

In terms of background, Mr Speaker, the Policy Unit within the Secretariat currently collects and collates annual economic statistics to a degree possible under existing laws and guidelines.

This Bill will establish a Statistical service within the policy unit which shall operate under the guidelines detailed in the Bill.

Mr Speaker, I think it is important to emphasise that this service shall require no change in personnel or additional cost to the Government. It should, however, lead to a streamlined and more productive statistical service.

It is also important to note that whilst the Statistics Bill correctly ensures the statistical service is there to present true and relevant information requested by Honourable members, the bill ensures the service is protected from any political bias or conflicts of interest.

It also ensures that private information is protected by comprehensive confidentiality provisions.

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

The Honourable Financial Secretary

I second the Motion.

Mr Speaker

Does any Honourable Member wish to speak to the Bill?

The Honourable Dick Sawle

Mr Speaker, Honourable Members, I would like to crave your indulgence for a few moments before we launch ourselves into the smoke and fire. I would like to speak regarding this important piece of legislation which potentially effects everyone in our community and is of fundamental importance for the future development of our economy of which I wholeheartedly support in principle.

Wearing my Trade and Industry hat I have discussed this legislation with the Chamber of Commerce Council at their request. And whilst the points they raised with me are very much last minute, I would like to formally respond to some of the concerns expressed by them to me on Monday afternoon of this week and propose four amendments to this Bill.

In summary, the four points of detail that have been raised and concerning which I would like to propose amendments are as follows:

- Executive Council approval of a general area of surveys is already required by the Bill and I would propose an amendment which would have the effect of taking this one stage further and requiring Executive Council approval of the detail of the questions to be asked. I believe that this is an important point as it makes Executive Council bear responsibility for the detail of the questions asked and therefore allows for greater scrutiny by the public of the decision.
- The Bill as it stands requires 6 monthly surveys to be performed. The amendment that I propose is that biannual surveys would require Executive Council approval. I am proposing this for the same reasons already given above.
- In order to address what I consider to be legitimate concerns over possible loss of raw data and confidentiality, which are areas already covered under the Bill I propose an amendment that would include reckless acts as well as deliberate ones. This amendment addresses concerns that businesses have expressed over the possibility, albeit a very remote one I admit, of data being recklessly lost.
- I also propose an amendment that would introduce a power to make regulations concerning confidentiality and security. This means that powers

would exist to organise and protect data from, for example, hacking or otherwise unwarranted intrusion. Whilst data currently held, for example, at the Tax Office, is protected in various ways as a matter of good practice. I believe it is important that people who submit data know that we have the powers to enforce a variety of methods for their sensitive data to be protected.

Mr Speaker, I would therefore propose these amendments.

Mr Speaker

Does any other Member wish to speak to the Motion? The Motion is that the Bill will be read a second time, is there any objection to that Motion? No objection, the Bill will be read a second time.

Clerk of the Assembly

The Statistics Bill 2010.

Mr Speaker

The Assembly is now in Committee.

Clerk of the Assembly

Clauses 1 to 13.

The Honourable Chief Executive

I beg to move that clauses 1 to 13 stand part of the Bill.

Mr Speaker

The Motion is that clauses 1 to 13 stand part of the Bill, is there any objection? No objection, clauses 1 to 13 stand part of the Bill.

Clerk of the Assembly

Clause 14

The Honourable Dick Sawle

Mr Chairman I would propose that clause 14 be omitted and the following substituted:

“14. Business surveys

(1) It is a function of the Service to carry out business surveys.

(2) As far as possible, business surveys are to be carried out at 12 month intervals.

(3) The questions to be asked in a business survey are to be prescribed by the Governor by order.

(4) The Governor may prescribe by order —

(a) the method by which a business survey is to be carried out; and

(b) what an authorised officer may require a person to do for the purposes of a business survey.”

The Honourable Roger Edwards

Mr Chairman, I just have a query of my colleague, Dick Sawle and in that section 14 they also cover household surveys to be carried out at annual intervals. I don't think he mentioned that in his amendment. Is it being excluded all together?

The Honourable Dick Sawle

Mr Speaker, I believe that issue is covered under Clause 16 – the amendment of Clause 16.

The Honourable Roger Edwards

I thank him for that answer.

Mr Speaker

The Motion is that clause 14 is omitted and replaced with the wording as read by the Honourable Dick Sawle and as supplied to each Member. That new wording stands part of the Bill. Is there any objection? There is no objection, the new clause 14 stands part of the Bill.

Clerk of the Assembly

Clause 15

The Honourable Dick Sawle

Mr Chairman, I move that clause 15 be omitted and the following substituted —

“15. Additional business surveys

(1) The Governor may by order make it a function of the Service to carry out additional business surveys that are more limited in scope, both as to the number of businesses surveyed and the information sought.

(2) An order under subsection (1) may specify —

(a) the scope of additional business surveys;

(b) the intervals at which they are to be carried out;

- (c) the questions to be asked in an additional business survey; and
- (d) what an authorised officer may require a person to do for the purposes of an additional business survey.”

Mr Speaker

Does any Honourable Member wish to speak to the amendment? No. The Motion is that clause 15 is omitted and replaced with the wording as read by the Honourable Dick Sawle and as supplied to each Member and that new wording stand part of the Bill. Is there any objection? There is no objection, the new clause 15 stands part of the Bill.

Clerk of the Assembly

Clause 16

The Honourable Dick Sawle

Mr Chairman, I move that clause 16 be omitted and the following substituted —

“16. Household surveys

- (1) It is a function of the Service to carry out household surveys.
- (2) As far as possible, household surveys are to be carried out at 12 month intervals.
- (3) The questions to be asked in a household survey are to be prescribed by the Governor by order.
- (4) The Governor may prescribe by order —
 - (a) the method by which a household survey is to be carried out; and
 - (b) what an authorised officer may require a person to do for the purposes of a household survey.”

Mr Speaker

Does any Honourable Member wish to speak to the amendment? No. The Motion is that clause 16 is omitted and replaced with the wording as read by the Honourable Dick Sawle and as supplied to each Member and that new wording stand part of the Bill. Is there any objection? There is no objection, the new clause 16 stands part of the Bill.

Clerk of the Assembly

Clause 17

The Honourable Dick Sawle

Mr Chairman, I move that clause 17(2) (b) be amended by inserting “or recklessly” after “knowingly”.

Mr Speaker

Does any Honourable Member wish to speak to the amendment? No. The Motion is that clause 17 as amended and replaced with the wording as read by the Honourable Dick Sawle and as supplied to each Member and that new wording stand part of the Bill. Is there any objection? There is no objection, the new clause 17 stands part of the Bill.

Clerk of Assembly

Clause 18

Mr Speaker

There is no amendment to this, the Motion is that clause 18 stands part of the Bill, are there any objections? No objections, Clause 18 stand part of the Bill.

Clerk of Assembly

Clause 19

The Honourable Dick Sawle

Mr Chairman, I propose that clause 19 be amended as follows:

“19. Confidentiality and data security: power to make regulations

The Governor may make regulations in relation to:

(a) the confidentiality of information supplied to the Service; and

(b) the security of data held by it.”

The Attorney General

I think the Honourable Member has slightly misunderstood what is proposed. It is not that 19 should be replaced by that but that an additional clause should be added which will be 19 and the existing 19 will be re-numbered 20. It’s not a substitution, it’s an addition.

The Honourable Dick Sawle

Mr Chairman, Attorney General I apologise profusely. I got my cue sheet wrong. You are quite right. I meant to propose the following new clause being inserted after 18.

Mr Speaker

Does any Honourable Member wish to speak to the amendment? No, the Motion is therefore that a new clause be inserted after clause 18, new clause 19. The clause has to be read a second time, is there any objection? No objection, the clause is read a second time as detailed and the wording supplied to each Member.

The new clause 19 as read stand part of the Bill, are there any objections? No objections, so the new clause 19 stands part of the Bill.

The Honourable Dick Sawle

Mr Speaker, I would just like to also point out that the final amendments are the remaining clauses of the Bill be re-numbered accordingly and also the cross-references of the Bill be amended accordingly.

Mr Speaker

Does any Member have any objection to those amendments? No objection, so the remaining clauses of the Bill will be renumbered and cross referenced accordingly and the Bill be amended accordingly.

Clerk of the Assembly

Clause 20 to 33.

The Honourable Chief Executive

Mr Speaker I beg to move that clauses 20 to 33 stand part of the Bill.

Mr Speaker

The Motion is that clauses 20 to 33 stand part of the Bill. Does any Member wish to speak to the Motion? Is there any objection to the Motion? No, Clauses 20 to 33 stand part of the Bill.

Clerk of the Assembly

Schedules 1 and 2.

The Honourable Chief Executive

I beg to move that Schedules 1 and 2 stand part of the Bill.

Mr Speaker

The Motion is that Schedules 1 and 2 stand part of the Bill. Is there any objection? No objection, Schedules 1 and 2 stand part of the Bill.

The Assembly resumes.

The Honourable Chief Executive

Mr Speaker I beg to move that the Bill be read a third time and do pass.

Mr Speaker

The Motion is that the Bill is read a third time and passed, is there any objection to the Motion? No objection, the Bill will be read a third time and passed.

Clerk of the Assembly

The Statistics Bill 2010.

Smoking (Prohibition) Bill 2010, this Bill has been Gazetted; we therefore go to the second reading.

The Honourable Chief Executive

Thank you Mr Speaker. Mr Speaker, Honourable Members, this is an unusual Bill in that the policy proposals that it would implement have not been agreed by Executive Council as Government Policy but rather represent the considered views of officials as to how a prohibition on smoking tobacco and tobacco products might operate if Members approve the principle of a smoking ban by giving the Bill a second reading today.

I do not propose to explain the arguments for and against the implementation of a smoking ban, which I am sure will feature in remarks that will be made by Honourable Members. I shall simply explain the key features of the Bill.

The purposes of the Bill are to primarily protect public health by banning smoking in most enclosed public places and to impose a duty on those in charge of such places to prevent such smoking and for them to provide appropriate signs.

The Smoking ban would apply initially to enclosed public places, enclosed workplaces, public vehicles and relevant aircraft. The smoking ban would not apply at home or in sheltered accommodation but there would be exclusions from this exemption covering businesses carried out from home, communal areas, prisons and hospitals.

It would be possible, though, for the proprietor of a hotel, a bed and breakfast, self-catering accommodation or other tourist accommodation to designate specific bedrooms in which smoking was permitted. However, this would be subject to a number of conditions. It would also be possible for private clubs and associations to qualify for an exemption from a smoking ban in their premises. However, this would also be subject to a number of conditions including a requirement that there are no paid employees and that two thirds of the Members agree to back smoking on the premises. There would be an exemption from the smoking ban in warehouses, garages and shearing sheds but only above a minimum size and only when no more than three employees are working there.

The ban would be enforced by the Police and fixed penalties could be issued or prosecution could be brought against alleged offenders. Smoking in breach of the smoking ban would be an offence. The failure in the duty of those in charge of places, vehicles and aircraft or with responsibility for them also would attract a fine. The Legislation gives Police Officers the power in certain circumstances to enter places, vehicles and aircraft by means of reasonable force if need be and gives them the power under certain circumstances to search places, vehicles and aircraft and to collect evidence and to require facilities, assistance and information to be provided.

Hindering or obstructing a Police Officer or failing to provide facility, assistance or information would be an offence. And providing false or misleading information would also be an offence.

Failure of individuals to give the Police their names and addresses, produce identification or providing a false name or address would be an offense. Noting that Public Houses may be areas where the smoking ban may be more difficult to regulate the licensing ordinance would be amended to reflect that if there are repeated breaches of the smoking ban it would give the Licensing Justices the opportunity to consider whether or not the applicant is an appropriate person to have a licence.

There is a more stringent duty on licensees in relation to the premises covered by their licences. Failure to comply with this duty would be an offence.

The legislation imposes requirements for signs or notices to be displayed and regulations provided for offences with fines and imposes a ban on unauthorised interference with signs and notices.

In summary, Mr Speaker, I have not explained any arguments for and against the ban itself, which is for Members to discuss, I am sure they are just about to. I have, however, I hope highlighted the key elements of the Bill, its main purposes and enforced the point that it obviously is designed to protect public health by banning smoking in most enclosed public places, if Members should be agreeable to going down that route.

Thank you Mr Speaker. I move the second reading of the Bill.

The Honourable Financial Secretary

I second the Motion.

Mr Speaker

Honourable Members, does any Member wish to speak to the Bill?

The Honourable Emma Edwards

Mr Speaker, Honourable members, although I actually support the idea and the motion of a smoking ban, I am a little bit concerned about the idea of criminalising somebody who has an addiction. I haven't found anywhere in the legislation where

we actually are offering people who are smokers medical help and assistance perhaps to try and stop smoking. I don't know if that is something which, perhaps, should be included in this particular Bill or not.

The Honourable Dick Sawle

Mr Speaker, I apologise for speaking so much today but before I begin I think it's right and proper for me to declare no personal interest whatsoever in this Bill and I very rarely frequent any of the places that this Bill might affect. It would make absolutely no difference to my personal or social life whatsoever.

Mr Speaker, all of those who have any interest in this legislation that is on today, it is very important to understand exactly what this Bill does not seek to do as well as what it does seek to do.

Many people when talking about it around town called it the "anti-smoking bill." This Bill does not outlaw smoking. It is not a Bill which seeks to prohibit smoking completely. If it did then it might have gained my support as there is no doubt whatsoever that smoking is hazardous to health.

Having said that, we do need to maintain a sense of perspective in our deliberations today. The abuse of alcohol is a far more socially dangerous habit and in this very room when court is in session bears witness to the far greater dangers posed to individuals and also those around them from alcohol than from smoking. Yet in this same chamber we licence the sale of alcohol. I think we need to consider that point carefully.

This Bill, Mr Speaker, simply seeks to prohibit smoking in enclosed public places, enclosed workplaces, public vehicles and aircraft. There is also a provision to extend these powers at a later date to additional places and vehicles. People in charge of these places, as we heard from the Honourable Chief Executive would have a duty to ensure compliance. In other words, they would be held accountable also if the law was broken, not just if someone was caught with a crafty fag but also if their signage didn't comply or if someone interfered with it. I will get back to that later.

The Bill started life off over four years ago in 2006 with the establishment of a working group which took a year to deliver its first report. A lot of good work was done and much was achieved to persuade people not to smoke around others in public places.

This Bill, as I said earlier, seeks to ban smoking in enclosed public places, enclosed work places, public vehicles and aircraft. When did you last see anyone smoking in a publicly owned building, a public vehicle or an aircraft? Smoking in all FIG public buildings and offices has been banned; smoking in private company offices has also with perhaps only one exception I can think of been banned voluntarily.

Some bars decided they would also go smoke free – some with far more success than others and, as I have been told by the owners of the Trough, the smoking ban up there needs no policing, has resulted in a good, clean atmosphere and smokers are perfectly happy to go outside for the occasional puff. I am told that the music has also improved

with cleaner lungs pumping out the Twelve-bar Blues. This is real success changing people's habits without the need to apply the sledge hammer of legislation.

If we approve this law then we may wish to congratulate ourselves on following the examples of other countries. But would it not be a better example to other countries to show that we are capable of achieving the same end by voluntary means? I would maintain that with exception of a few bars we have already achieved this and believe that we can congratulate ourselves for doing so.

If we approve this legislation we will effectively stop smoking in very few establishments, maybe half a dozen or so. Please remember, Honourable members, that there are exemptions to this prohibition and I will list a few of them.

- Some hotel rooms
- Other tourist accommodation
- Private clubs and associations
- Warehouses
- Garages
- Shearing sheds
- Homes

There's not much left to legislate for.

I believe that in our small country all of us could count on the fingers of perhaps two hands the actual establishments that this would affect. It is therefore taking a sledge hammer to crack a nut.

If this Bill is approved then publicans will, for example, have to consider the construction of shelters for smokers outside. I doubt that this has been properly considered and, in practice, could be hard to achieve.

I doubt also that people are aware of the penalties of breaking the law and here are a few of them:

- There are strict rules on signage
- The Police will be given powers of entry,
- Powers of search
- Powers to require identification of people.

I do not believe that our Police force wish to go to these extremes and there is evidence they are unhappy to enforce this legislation. We are, I believe, all in favour of community style policing rather than use heavy boots and truncheons. And this legislation has the potential to cause a great deal of unwelcome friction.

There are fixed penalties for offenders or for those who fail to do their duty to prevent others from smoking.

- £50 to £75 for smoking

- £200 to £300 for failing to comply with the duty to prevent others from smoking
- More than this if you are a licensee, in which case you are looking at a fixed penalty of £500 to £750
- Other than fixed penalties a person could be fined up to £3,000 for failing to provide information.
- Even a straight-forward bit of graffiti on a sign you might not agree with could cost you up to £1500 in a pub or £800 on the street.

Is this the sort of Government controlled society we want here? Do we want heavy-handed warning signs splashed around our town? Would it not be simpler and better for the few publicans this would affect to volunteer to have a sign inviting people who wish to smoke to nip outside for a quick fag?

Honourable Members, I mention this because the law is a very serious tool and should never be treated lightly. We are tasked today with considering whether or not we as an Assembly wish to impose the social controls and consequent penalties for non-compliance on our community.

I believe that it is far better to have voluntary co-operation on social issues such as these. Keep up the good work on educating people over the dangers and risk to the health of smoking and maybe publicans will decide that their business might increase if they offered a healthier establishment in which people could enjoy themselves.

What will be the effect on businesses and social life if this legislation is approved? Will more people pop down to the pub for a beer and a chat or will these social centres simply decline in popularity as they have done, for example, in the UK. Will those who support this legislation now go out more frequently and fill the pubs? I really don't know but there is a real risk, I believe, that we will be prejudicing the few places in this country where people can get together for a chat.

We don't have many facilities for the community to gather and, at present, there is at least a choice between smoking and non-smoking.

Much has been made of the point that members should reflect the views of the majority in our community. It is a fact that many people have spoken to me and also written to me about this Bill, asking me to support it. But it is also the case that I have received probably just as many representations asking me not to support it. I haven't done a count of numbers but we are here to represent all aspects of the Falklands' Community and that necessitates the taking into account the views of people who may be in the minority.

Those who oppose this legislation are not the most vociferous. But that should not mean either that the loudest voice has the greatest effect. That would be simply wrong.

People who know me and who voted for me on the election almost a year ago know that I follow my principles and sometimes they go against the flow. It would be rare indeed if my principles were shared by everyone on all issues. I do listen and I do respect and make judgment on the validity of the views of everyone. But whether they are a minority or a majority the law, Mr Speaker, is a blunt instrument and demands

respect. We should all consider any proposed legislation, especially what I would term, social control, with the greatest of caution as laws are the cornerstone of our society.

Mr Speaker, Honourable Members, I hope I have made my position clear and I would like to think my arguments are valid and that they are also respected in what is obviously an issue which is close to many people's hearts.

I will NOT be supporting the Motion, Mr Speaker.

The Honourable Gavin Short

Mr Speaker, in rising to speak to this Bill, I wish I could express myself as eloquently as the Honourable Mr Sawle before me but alas it is not my way so I will just rush in and brutalise my way through it.

I am a firm believer in wherever possible letting people make their own choices. In my humble opinion the world has gone more than a little mad with 'you can't do this or you can't do that' attitude, which I am not inclined to follow. Things in the Falklands have a way of finding their own level and that is why I am not minded to support this bill. I believe it is up to the landlord or garage owner or whoever to say whether they want people to smoke within their premises. It is already happening here in town and I believe the Camp also. Some premises are non-smoking which smokers seem to respect and some are not, which non-smokers seem to enter. Like the Honourable Mr Sawle, I, too, wonder if people have thought through the full implications of going ahead with this ban. I certainly see it as loony that somebody could be criminalised for lighting up where they shouldn't.

I think people may have got a little confused that this Bill is not really an all-out assault on smoking and trying to stop it to improve the health of the nation but as it stands it applies only to enclosed places with the happy acceptance that it can't be policed outside Stanley – hence the great swathe of exceptions.

So I will be quite happy to puff away to my heart's content outside and probably fumigate a few passers-by whilst apparently doing myself untold harm.

I must admit, though, that I have thought long and hard about employees who work in such places that allow smoking. However, at the end of the day I believe that it will, once again, be down to the choice of the potential employee, whether he or she accepts work in an establishment that allows its clients to partake in the dreaded weed. Most, if not all employees are well enough educated and principled enough to make an informed choice as to whether they would accept employment in a smoking establishment. Just like an employee, if a non-smoker wants to enter an establishment that allows smoking, they, too, are making an informed choice.

When musing over the health risks and all, I suddenly realised that some establishments that one can encounter play music at volumes that would if the noise were accounted in the workplace, have the health and safety boys demanding that hearing protection be worn. Yes, smoking is known to have long-term effects but so is exposure to high noise levels. Now I would hazard a guess that employees who

continue to work in such conditions or clientele who pass a lot of time in such places could well expect to suffer some form of audio impairment later in life. Now, am I suggesting that we ban loud music in Pubs? No I am not nor would I; it's a choice that you make when you enter premises that plays its gramophone at full pelt. It's not my scene so I exercise my choice not to go near and don't want them to turn down the volume just to suit me.

Sir, I fully endorse what the Honourable Mr Sawle has said before me – much more eloquently and I, too, will not be supporting this Bill.

The Honourable Jan Cheek

Mr Speaker, Honourable Members, I support this Bill because it finally gives a choice to those of us who would like to go out and socialise on occasion, people's birthday parties and things, but cannot because we are allergic to the smoke generated in those premises. I support it on the basic principle of people's freedom to breathe clean air. I am not going to dwell on all the obvious dangers of passive smoking, the assorted cancers, heart and circulatory problems, emphysema, and other respiratory problems. Anyone with half a brain is already aware of them.

Instead, I have researched some of the more insidious effects on innocent bystanders forced to breathe second-hand smoke. Pregnant women exposed to smoke are at greater risk of premature birth and still births. Their infants have a higher risk of being under-sized, under developed physically and mentally. A strong link has been identified between exposure before birth to the poisons from tobacco smoke, and this includes passive smoking, and a series of learning difficulties. Are those who oppose the ban saying that pregnant women shouldn't be free to socialise? What about those who don't know they are pregnant until 3, 4, and in some cases even 5 months?

I have listened to many members of the public who have expressed opinions. With only a handful of exceptions, I have to say that views could be summarised to 'just get on with it.' The rest of the world or very much of it appears to have done this with great success and with significant health benefits. Surveys done in the States show that within two years of a smoking ban in one State, there was improved health in bar workers. In Scotland after the ban there was a recorded reduction in heart attacks. You may not choose to take any note of that but that, to me, seems very clear evidence.

I am not voting to ban smoking. Those who wish to poison themselves remain free to do so. But I believe the rest of us should be free to breathe unpolluted air, as should those who work in pubs, clubs and other public venues. The argument that employees have a choice of where they work, I don't think stands up. People who work long, unsocial hours behind bars often need that work to make ends meet, to pay their mortgage or whatever.

That was one of a series of what we might describe as red herrings. Throwing in Alcohol abuse, yes, alcohol abuse is harmful and has all sorts of repercussions in society. But moderate drinking actually seems to have health benefits, and there is growing evidence in support of this.

Most citizens are law-abiding. I don't believe we will have to use the sledge hammer of that law very often. In fact I will be surprised if we have to use it at all. Most

citizens accept the law. I must say I am somewhat surprised to hear the Police would not be happy enforcing the law if it is passed.

In my travels I have hardly ever found a hotel room where you are allowed to smoke. I will be very surprised if hotels here wish to have their rooms smelling of stale smoke and have to redecorate them every couple of years because of the staining on walls and ceilings.

On the Honourable Gavin Short's comment on loud music, perhaps we should be requiring them to issue ear defenders. That said I do support this Bill because I do think it gives more choice to many people who currently dislike socialising in pubs and clubs because they are forced to breathe other people's smoke.

I support the Bill.

The Honourable Roger Edwards

Mr Speaker, Honourable Members, I find this an odd Bill as such although I support it. It's been talked about and has been going on for a long time. As you heard, its four years in the making and I do believe that the vast majority of people support it. Those who are against it are very vociferous and will continue to be. The argument about public health, second hand smoke in a smoky atmosphere, all the rest of it, I would take it much further and actually ban tobacco products altogether. However, I don't think we have enough airbridges to take all those disgruntled smokers northbound.

I hear that perhaps drinking is a bigger problem but of course we do, and are fairly unique, in having the Black List, which indeed has saved many people's lives, and it does work. Whether this Bill will work in the same way to improve health or not, I don't know. Perhaps we will have to have the police go around and start measuring buildings, or would that be part of the Planning application to designate your building below 450 cubic metres or in excess of 450 cubic metres.

I do have one query on this Bill and perhaps in due course before we make final pass on this Bill is the somewhat strange business where you are not allowed to smoke in an area of your home where a business can be carried out. And yet a hotel, which is obviously a business throughout, can actually designate, if it wanted to, from what I read here, designate all its rooms or bedrooms to be smoking places. So, on one hand, you can't smoke in your house if you declare a part of it as being a business and yet in a business you can designate the rooms as being 'smoking' so perhaps in due course the Attorney General could explain this anomaly to us all.

But in General I do support this Bill. It has been going on for a long time. I do believe, if passed, there will be an outcry but like parking along the front road and so on it will be short-lived and everyone will just get on and accept the ban and that will be an end of it.

Mr Speaker, Thank you.

The Honourable Sharon Halford

Mr Speaker, Honourable members, as to whether the outcry will be short-lived, it's probably not a good thing to align it with parking on the front road as far as I am concerned because I still outcry about the fact that I can't park there through the day but when everyone finishes working, I can.

Anyway, the Honourable Emma Edwards wondered about whether or not there should be provision for medical assistance. There is already medical assistance available at the Hospital for anybody who wishes to give up smoking. And I am sure they would love to see their queues increased in this area.

I actually think it is a bit of a sledge hammer to crack a walnut in some areas and it's not going to stop smoking, it's not designed to do that. But if it's passed, it will make social establishments more user-friendly for one and all. Already many smokers smoke outside their own homes as well as I am given to understand outside some pubs. So some people are already getting around to that way of thinking. I have also been told that if the smoking ban in public places is passed then you would see more people travelling in from MPA because they are already used to no smoking. So that will be interesting to see.

I suppose really, I should have declared an interest because I don't smoke. Quite frankly this Bill doesn't bother me one way or the other. I don't frequent the pubs but I have listened to the people that have contacted me and I have been quite surprised at how many of those contacting me have actually been smokers who really want to see this pass. And, the reason they want to see it pass is they don't think that youngsters going to pubs should think that whilst having a drink, it's necessary to have a smoke. They don't want them to follow the bad habits that they've started and now can't seemingly give up.

What I've always quite liked when I have been watching the telly from time to time is the TV ad which I am sure some of you must have seen about the aliens. It describes the earthlings who smoke as stinky people. The Rainbows were describing the smoke from the guns on Victory Green in the same manner the day the new Governor was sworn in. But I wonder how we could stop the smoking in public places from these guns. – I suggest not. But it is a fact that people who smoke do smell of very stale horrible smell and that's fine. We have it in Gilbert House. We have people go outside and smoke and they come in and you certainly know they haven't been for a cup of tea when they come back in. But that is their choice. But it is said that there is already no smoking in Government Buildings. There may not be, but in some Government buildings you have to fight through the smoke to get in because people are outside the door. Perhaps we should have a slightly wider range, and they have to be further away from the door. Actually the hospital is one of these places where you often have to fight through the smoke to get in, which is not a good example.

The other thing I don't understand with the current system we have is that if you go to a restaurant and have a meal you don't expect somebody to be partaking of a weed next to you but yet in pubs they serve meals in really smoky atmospheres – strange. Talking to a pub owner (and there are probably others as well), who actually went to the expense of getting extractor fans for their pubs. I'm told that since the ban in the

UK, they can no longer get the filters for these extractor fans so they are now defunct. So it goes to show that where you could get things to help extract smoke they can no longer do that.

I wonder if some people realise just how much legislation there is in this – especially the ones who have asked for the Bill to go ahead. As I said, it is a sledge hammer being used to crack a walnut.

As I have said, overall it doesn't bother me but I have to take on board all the people who have contacted me and because of that I support the Bill.

The Honourable William Luxton

Mr Speaker, Honourable Members, this is a matter about which I deeply do not care. As a reformed smoker it doesn't bother me. I don't particularly like being in a smoky atmosphere but that's my choice.

I think the Bill is a sledge hammer being used to crack a very small nut and some of the provisions in it I really don't like. I have an instinctive dislike of 'nanny state' legislation anyway and this is definitely a case of that. On the other hand I certainly wouldn't support the Bill but I am reluctant to vote it down in view of the opinions of an awful lot of people. So I think I shall probably abstain because I don't have a strong view one way or the other.

Mr Speaker

Does any other Honourable Member wish to speak? The Motion is that the Bill be read a second time, but since this subject is one that is both emotive and of great public interest, I suggest we go to a formal division.

Clerk of the Assembly

The Smoking (Prohibition) Bill 2010

Mr Speaker

Honourable Members how do you vote?

Clerk of Assembly

The Honourable Jan Cheek – “For the Bill”

The Honourable Roger Edwards – “For the Bill”

The Honourable Dick Sawle – “Against the Bill”

The Honourable Emma Edwards – “For the Bill”

The Honourable Sharon Halford – “For the Bill”

The Honourable William Luxton – “I decline to vote either way”

The Honourable Gavin Short – “Against the Bill.”

Mr Speaker

There are four Members voting for the second reading, two Members against and one abstention.

The Bill will be read a second time.

Clerk of the Assembly

The Smoking (Prohibition) Bill 2010

Mr Speaker

The Assembly is now in Committee.

Clerk of the Assembly

Clauses 1 to 44.

The Honourable Chief Executive

I beg to move that Clauses 1 to 44 stand part of the Bill.

Mr Speaker

The Motion is that clauses 1 to 44 stand part of the Bill. Is there any comments on this?

The Honourable Roger Edwards

Mr Chairman would this be a suitable time for the Attorney General to explain some of these anomalies that I pointed out earlier.

The Attorney General

I think the anomaly which the Honourable Member referred to was the difference between the treatment of Hotels on the one hand and the treatment of the home of an individual on the other.

If you look at the position of hotels that is dealt with by Clause 10 and that allows a hotel to designate which rooms within the hotel should be smoking and which non-smoking by way of signage as required by subsection 2(b) and so long as the other conditions referred to in the section are complied with.

The position in relation to the home is slightly different. For homes we have to look at section 9 of the Bill and you will see that the basic rule is that the smoking ban does not apply at all to a person's home, even if that person is visited by someone who is actually working there. So that if a home help or whatever is coming into the house that doesn't make it a non-smoking environment.

However, sub section 2 goes on to say that if the person is doing something else within their own home, such as operating a business and in the course of the business a person (either someone else is employed or customers are received then), for that purpose, that part of a person's home does become a non-smoking environment. So it's very much looking at a limited restriction to the normal position that the Smoking Bill does not bite so as to prohibit smoking in a person's home. If they use it for a business and people visit there then it is non-smoking.

That's the distinction between the two and it comes down to the question of someone in a hotel having a choice about whether they sleep in a smoking or a non-smoking room, going to a different hotel if they are all smoking rooms. But where a business is actually being conducted in a home that either an employer is working there or in a part of that home, or customers are actually being received there then they have no choice about whether they go there. So it's protecting them against the inevitable consequence of actually having to visit the business, even though that business is being conducted at the home of the individual concerned.

I hope that's some help.

The Honourable Roger Edwards

Mr Speaker, sadly, no. It confuses me even greater. It clearly states in clause 9.2(b) that when your house is being run as a business, which every hotel is a business by definition that receives visitors; they are the customers of that hotel. Just like you don't have to go to that hotel or stay in that bedroom, you don't have to visit that business in the house. I do not see that there is a difference, I am sorry but I am afraid the Attorney General and I must continue our discussions in another place I am sure. But I am totally confused between the two where, as I stated previously, a hotel can designate all its rooms smoking and yet in a house, if you declare one room to be a business you are not allowed to smoke in there and that's your own house, so I am confused.

Mr Speaker

The Motion is still that clauses 1 to 44 stand part of the Bill.

The Honourable Chief Executive

Mr Speaker, I must apologise. The reason I am conferring with the Attorney General is that the Attorney General is asking me whether it might be appropriate – it's a view that Members have to take I think – for the House to go into Select Committee to hold detailed discussions on some of these points. I think he is more than happy to have and might lead to potentially some amendments of certain clauses of the Bill. That's why we are conferring. I think that's a question that should be put to the House, really.

Mr Speaker

Does any Member wish to propose that the Bill is referred to the Select Committee?

The Honourable Dick Sawle

Mr Speaker, can I just ask about procedure if it is returned to Select Committee does that mean that we are necessarily delaying action on this Bill?

Mr Speaker

This will depend on that Select Committee. The Select Committee can meet straight away. They will recess the Assembly if it does meet, if you wish if you feel that that can be sorted out today or the Select Committee can meet later in the week.

The Honourable Dick Sawle

The only point I am wishing to make is that I think it is a view of a lot of people and one which I would agree with that this should simply be dealt with today either yea or nay, I am happy whichever way it goes but I would not wish to delay proceedings further.

The Attorney General

Perhaps I could just explain my position, Mr Speaker, Honourable Members, it does seem to me that a number of Members, even though those voting in favour of the second reading, have raised issues about the sledge hammers to crack a nut aspects of this Bill. It does seem to me to be reasonable now that the principle of the Bill has been passed to give Honourable Members an opportunity of considering each of the clauses of the Bill in more detail and over more time so that we can hopefully reach a consensus as to what the right way forward is in relation to shearing sheds or whatever position they may actually be. And it does seem to me that if we do that we will actually end up with better legislation as a result rather than forcing through now something that people clearly have misgivings about.

The Honourable Emma Edwards

I move to propose that this Bill be moved to a Select Committee?

Mr Speaker

Indeed. And I suggest that that Committee consists of all Members of the House plus the Attorney General. Are there any objections to that? The motion will be seconded and the Select Committee will report back to the House at the next meeting of the Assembly, which is next month.

Would that be acceptable?

The Honourable Emma Edwards

No

The Honourable Sharon Halford

No

The Honourable Jan Cheek

I think we really need to get on with it.

Mr Speaker

So you want a Select Committee today?

The Honourable Emma Edwards

If possible

The Honourable Jan Cheek

We can move straight in to Select Committee, can we?

Mr Speaker

You can if you wish. Do you wish to make the Select Committee public?

The Honourable Emma Edwards

Yes.

Mr Speaker

It's your choice so you can make your Motion do that. So if I read this correctly you are proposing that the House now, in fact, recesses and goes into a Select Committee to consider the detail of this Bill? Is that my reading of the situation? Do I have a seconder for that Motion?

The Honourable Dick Sawle

Just to be clear from my point of view I hardly can agree to that as I am against the Bill in principle. Just for the record, no but obviously I am happy to take part in that Select Committee.

Mr Speaker

If there is no seconder therefore that Motion doesn't pass and fails.

The Honourable Roger Edwards

Mr Speaker, do we not actually have a small problem whereby we actually have committed ourselves one way or another for or against this Bill with one abstention? And so going into a Select Committee now, it would be talking to a Bill that we have

already approved or not approved. That ought to be the case, or do we go to the second reading of that Bill at least?

Mr Speaker

You have gone through a second reading. It can now be referred according to the Standing Orders. You find that it now can be referred to a Select Committee even though we have not considered the detail of the Bill. It's not the principle of the Bill, it's the detail. Now the choice is yours; to whether you hold your Select Committee now or defer it to some future date for the Select Committee to report back to the House.

The Attorney General

Mr Speaker, Honourable members, the difficulty or the danger with proceeding with taking the Committee stage too quickly is that if we agree that changes to the Bill are required, drafting is on the hoof and is never a sensible way of proceeding and could well end up in more of a mess than we are trying to prevent by suggesting this. I would urge Members if they want to look at the detail of the Bill, that we give ourselves sufficient time to do it properly. In response to the Honourable Member, Dick Sawle, merely because he has voted against the principle of the Bill does not stop him from taking a full part in the Committee stage to try and make sure that the Bill actually meets what he believes would be an appropriate balance between the interests of individuals on both sides of the argument but on the basis that the principle of the Bill is now established.

The Honourable Jan Cheek

On a Point of Order, I don't believe there's been a seconder for that proposal. It hasn't happened.

Mr Speaker

There hasn't yet. The Motion is that the Bill is referred to a Select Committee at the moment to meet today and it does require a seconder. Does any Member wish to Second it?

The Honourable Roger Edwards

I will second that, much as I would love to get this Bill through, past and cleared today, there are obviously parts of this Bill which we all believe and expressed our view that we are using a sledge hammer to crack a nut. There are all sorts of oddities, whether bedrooms have ceilings or not that need to be discussed and much as it against my wish I will second this so that we can take it to a Select Committee and perhaps bring it back at the November meeting of this Assembly.

Mr Speaker

Just to clarify, the Motion is that the Bill is now referred to a Select Committee, which I suggest is comprised of all Members of the House and the Attorney General. The

meeting is to be held in the near future and to report back at the next Assembly. Is that in accordance with your wishes?

The Honourable Roger Edwards

Yes.

Mr Speaker

Is there any Member that wishes to vote against that Motion? If there is not then the Motion is passed and the Bill moves to a Select Committee of the House and the Assembly resumes.

The Honourable Sharon Halford

Mr Speaker, while I said it was a sledge hammer to crack a walnut I think most legislation is across the board on any subject. I would actually like to have seen it dealt with today so I do object to it.

Mr Speaker

Thank you. Your objection is noted.

The Honourable Jan Cheek

I would likewise like to see it done today.

Mr Speaker

Your objection is noted. We have two against can we have a vote?

A vote took place there were two for the Motion and five against. The Motion falls.

The Assembly is in Committee

The last Motion was that Clauses 1 to 44 stand part of the Bill. Does any Member wish to speak?

The Honourable Roger Edwards

Mr Chairman, I, again am at a loss to know exactly where we are because as I stated earlier when I seconded the motion that we went into Select Committee. I am unhappy with some of the sledge hammers contained within this Bill. I would therefore propose various amendments but I cannot on the hoof prepare and propose those Amendments to you that I would like to propose that Clauses 1 – 44 do not stand part of the Bill without due amendment.

Mr Speaker

I think one solution to the problem may be given that the time is now approaching 1200hrs that the Assembly recesses for a short while to enable you to consult with the Attorney General to determine what the wording of the amendments are to avoid any undue conflicts within the Bill itself. Is that an acceptable solution?

The Honourable Roger Edwards

Yes.

The Honourable William Luxton

Mr Speaker, on a point of order, I do feel the Attorney General has a point in that we not try and rush through amendments now as we are likely to finish – it is a bit of a mess already. I think we should pass it now or delay it until the next meeting rather than try and rush through the amendments on the hoof.

Mr Speaker

One option was to defer it to a Select Committee and bring it back at the next Assembly, which you voted against. The solution, Honourable Members, is in your hands. I can't dictate. As I say, we can recess for a while and that can be as long or as short as you wish to allow that consultation to take place with the Attorney General re-drafting what you are not happy with. Then the Assembly and the Committee of the Whole can reconvene at whatever time you wish.

The Honourable Roger Edwards

Mr Chairman, following on from the Honourable William Luxton's comments, and the Attorney General's previous comments, we don't have time to properly word and draft the amendments that we would like to see for this Bill. It therefore falls to surely whether or not we can pass this Bill today or whether we have to defer it until the next Legislative Assembly.

Mr Speaker

Again, the choice is yours.

The Honourable Jan Cheek

I just wish with respect to point out that this Bill was published ages ago, as with the Statistics Bill. If there were amendments to be made, people could have discussed them and sorted out their objections before this. Unless the amendments are significant in substance, I can't imagine that they couldn't be dealt with within a couple of hours if necessary.

Mr Speaker

Attorney General, are you happy with that? We go to recess and you re-draft on the hoof?

The Attorney General

The difficulty with that, Mr Speaker, is that of course until we get into a Committee discussion we do not know the extent of the views which each Member may have about the particular sledge hammer in question which they want to change. I am afraid I am not able to give any commitments that if the amendments required are extensive that we can meet the timetable that's just been mentioned. I think if we are just dealing with the issue that the Honourable Member has raised in relation to hotels and bedrooms in houses, that's one issue. But it's quite apparent from what other Honourable Members have said that they have many more concerns about many of the provisions of the Bill in relation to probably exemptions and the enforcement requirements of the Bill that are necessary to put this smoking ban into place and that does require a careful look at the balance in the Bill.

The Honourable William Luxton

Mr Speaker, was there not a clear majority opposing referring the matter to the Select Committee?

Mr Speaker

There was, Yes.

The Honourable William Luxton

So my feeling is that that should stand but if it is decided to go to a Select Committee then we should have more time rather than trying to do it on the hoof this afternoon.

Mr Speaker

I have given you a solution. Perhaps in order to clear the deadlock, if we recess, go to a Select Committee and sort it out within the next half an hour and then report back to the Assembly and then in need either sort out and carry on with the process reconvene a Select Committee at a later date and report back. So that it will give at least a short time for the Attorney General to advise you and for you to consider what changes you want to make to the detail of the Bill in order to address the problems that you have with it. Is that reasonable?

The Honourable Emma Edwards

Mr Chairman, my personal feelings are that we probably don't need that long. It's just a matter of a few clarifications rather than major amendments. As the Honourable Jan Cheek has pointed out, the Bill has been around for a long time and it's just a few minor things, I think, which need to be ironed out.

The Honourable Dick Sawle

Mr Chairman, if I may, I don't entirely agree with that point of view because if I was to take part in the Committee process there are actually many issues I would wish to raise. To be quite honest I see the way forward to deal with this properly would be for a Select Committee to report back to November, if that's what Members wish or pass it today. I can't see any other option.

The Honourable William Luxton

You do have a clear vote there against sending it to a select Committee

Mr Speaker

We have been down that course, yes, indeed.

The Honourable William Luxton

How do you overturn that vote?

Mr Speaker

It can be put again. It's your choice.

The Attorney General

Mr Speaker, I think there are two ways out of it. One is it can be put again. Secondly the question even though it doesn't go to a Select Committee, it remains in the Committee of the Whole. That Committee of the Whole can be adjourned until the next meeting, which there has been no vote on so far and it's an avenue which is still open to Honourable Members if they wish to pursue that.

Mr Speaker

So, on that advice, Honourable members, if someone would wish to propose the Committee of the Whole is deferred.

The Honourable Dick Sawle

Mr Speaker, I would like to propose a Committee of the Whole and report back in November.

The Honourable Roger Edwards

I would second that.

Mr Speaker

So just to be clear, the Bill at the moment is in a Committee of the Whole. The Committee will be adjourned, if you like, to meet at some future time.

The Honourable Jan Cheek

I oppose it for the reasons I already outlined.

The Honourable Sharon Halford

I remain with the same opinion as previously.

Mr Speaker

Two against and five for, the Motion carried and the Committee of the Whole will adjourn now and the Bill will be considered further and reported back at the next Assembly.

The Committee of the Whole will revert back now to Assembly for further consideration of the rest of the order paper.

The Honourable Sharon Halford

Can we just have clarification that this means that the Bill has actually been passed; it's just the detail that has to be looked at?

Mr Speaker

The second reading has happened The Bill is now well underway but it is the detail the consideration now has to do with the detail not the principles of the Bill. The principles of the Bill have been passed. That's what the second reading has done. It's the detail now of the wording basically and to seek clarification of that. Is that OK?

The Attorney General

We will plainly use the month that we now have between now and the November meeting to indeed liaise with Honourable Members and to see if we can get a consensus on what the Bill should be moving forward. So we are not going to wait for a month and be in exactly the same position as we are now. We will be working with Honourable Members and hopefully we will get to discuss the points that Honourable Members wish to make.

Mr Speaker

So for the next Assembly the Committee of the Whole will reconvene for that and the consideration of this Bill will continue in detail.

The Assembly resumes now.

Clerk of the Assembly

The Public Accounts Committee (Amendment) (No 2) Bill 2010.

The Honourable Chief Executive

Mr Speaker, thank you, I hope this one proves to be a little more straight forward. Mr Speaker, Honourable Members this Bill seeks to amend the Public Accounts Committee Ordinance and is in substantially the same terms as the second part of the Public Accounts Amendment Bill which was rejected by the Assembly in February of this year. Members will recall that the purpose of that part was to clarify the extent to which meetings of the Public Accounts Committee should be open to the public. The Ordinance provides that all meetings of the Committee should ordinarily be held in public. It was proposed that this position should be amended so that only hearings in which evidence was to be taken would ordinarily be held in public. That would have enabled preparatory and administrative meetings to have been held in private. Members rejected that proposal on a division, however the Chairman of the Public Accounts Committee have asked Members of the Legislative Assembly to reconsider their decision. This Bill accordingly enables that reconsideration, the Bill also corrects two minor cross-referencing errors in the Ordinance.

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

The Honourable Financial Secretary

I second the Motion.

Mr Speaker

Does any Honourable Member wish to speak to the Motion?

The Honourable Jan Cheek

Mr Speaker, Honourable Members I feel that I owe the public an explanation on changing my view. It has become apparent to me that the Committee cannot operate as intended unless they can have these administrative meetings in private. I will support this amendment.

The Honourable Roger Edwards

Mr Speaker, I was the proposer of this amendment when this Bill came through the House, I too feel that perhaps it was a little "on the hoof" and I listen to the Chairman's request and I too am now convinced that the amendment we made at that time was the incorrect amendment.

Mr Speaker

Any other Member wishes to speak to the Bill? No. The Motion is that the Bill be read a second time. Are there any objections? No objections, the Bill will be read a second time.

Clerk of the Assembly

The Public Accounts Committee (Amendment) (No 2) Bill 2010.

Mr Speaker

The Assembly is in Committee.

Clerk of the Assembly

Clauses 1 to 7.

The Honourable Chief Executive

Mr Speaker, I beg to move that Clauses 1 to 7 stand part of the Bill.

Mr Speaker

The Motion is that Clauses 1 to 7 stand part of the Bill. Are there any objections to the Motion? There are no objections, Clauses 1 to 7 stand part of the Bill.

Mr Speaker

The Assembly resumes.

The Honourable Chief Executive

I beg to move that the Bill be read a third time and do pass.

Mr Speaker

The Motion is that the Bill be read a third time and do pass. Is there any objection to the Motion? No objection, the Bill will be read a third time and passed.

Clerk of the Assembly

The Public Accounts Committee (Amendment) (No 2) Bill 2010.

The Motion for Adjournment

The Honourable Chief Executive

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

Mr Speaker

Honourable Members the Motion is that the House stands adjourned *sine die*. Does any Honourable Member wish to speak to the Motion?

The Honourable Dick Sawle

Mr Speaker, firstly I would like to change the subject completely if I may to brighter matters and I would like to welcome our new Governor, Nigel Haywood and his wife, Louise to the Falkland Islands and I would like to say to them that we are an

interesting lot and we have a very lively but small community here in the Falklands, which I am sure they will enjoy being amongst.

But turning to other matters, there is a huge amount of press interest in the Falklands at the moment. We would be foolish if we were to ignore it completely. Let's remember that compared to the stories of most other countries around the world, ours is a story of success. We have reserves that would be the envy of most small states and, given careful thought, management and planning we can do a lot more.

It's not surprising, then, that there is a degree of envy shown towards us by some including those who are not so small but in fact a lot larger than us. The Economic Development Strategy is something I often refer to here in this House but I do so because it's an important document that is now at a stage where action plans to put its policies and ideas into place have been produced. I do hope it hasn't suffered from project fatigue as, after all the talk, discussion, consultation and paperwork there now comes the chance to seize some opportunities and grow and develop the prosperous yet currently fragile base that is our economic future. But our success brings and our future prospects bring with them many changes and challenges.

One of them is in responding to constant political shenanigans of our neighbours. It is important to bear in mind some very fundamental political points in this war of words. We are an overseas territory. I am often asked what this actually means and if we are a state in our own right. Well, I was delighted to be able to debate and discuss this topic in the recent CPA conference in Kenya with delegates from other countries and I would like to share with you some of the points I made at that time. What is clear is that we are most certainly not a subjugated group of people maintained in some far-flung colony. This is well evidenced by the lively debates that take place in this House and also in Public Meetings.

The modern concept of a state is perhaps best summarised in Article 1 of the Montevideo Convention the Rights and Duties of States 1933 which states that the notion of a state has four essential components:

- A permanent population,
- A defined territory,
- A system of government,
- Capacity to enter into relations with other states

We have a permanent population; we have a defined territory; we have our own system of government, which is based on the Westminster model of democracy. But in matters of defence and international affairs we happily rely on the UK. Having said that, we are consulted on international affairs that directly affect us and it would be unusual for this not to happen, given that the UK system of government is democratic, enlightened and modern. We are, therefore, as close to being a state as possible whilst wishing wholeheartedly to remain British.

Another key issue - as mentioned by the Governor in his address last Saturday - is the UN Charter. These fundamental principles apply very much to us and we should not forget them in the heat of press comment. As the Governor said, the UN Charter Chapter 1 Article 1 subsection (2) states, "The purposes of the United Nations are: to

develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.”

UN Resolution 15(14) gives more detail and states, “All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

Furthermore and perhaps more interestingly, as recently as October 2008 following intense debate the UN 4th Committee rejected the claim that a dispute over sovereignty affected self-determination; affirming self-determination to be a fundamental human right. This point was well made at the CPA and also that the two principles of democracy and self-determination can never be the subject of negotiation as this would simply negate the basic principles themselves.

I would suggest that we should bear in mind these key issues when it comes to countering some of the nonsense and absurdities that have floated across the water in recent weeks. There is danger that an untruth, if repeated frequently enough, will become fact. Those of you who may have read “The Hunting of the Snark” by Lewis Carroll might remember The Bellman’s Rule of Three. The Bellman has a habit of repeating nonsense three times and once it has been repeated three times it simply becomes truth. As he puts it, “What I tell you three times is true.” Unfortunately, we seem to be inundated with constant untruths which, repeated often enough and left unchallenged may, like the Bellman’s nonsense, become viewed by the world at large as being true.

I believe therefore that we have an obligation to maintain the measured and responsible approach towards this type of threat, which will, no doubt, cause us all a great many more challenges.

Mr Speaker, Honourable Members, I believe that our future is bright. I believe that we will face many challenges yet and that these challenges will require patience and skill to deal with them. We do have what it takes and we will succeed. But harking back for the moment to The Hunting of the Snark, I doubt very much if our particular Snark will simply, softly and suddenly vanish away.

Thank you.

The Honourable Roger Edwards

Mr Speaker, Honourable Members, I, too, welcome Governor Nigel Haywood and his wife, Louise to the Falklands and wish him an enjoyable and productive time while he’s here.

I thank my colleague for reminding us all of our right to self-determination and the wishes of the sovereignty of the people in the Falkland Islands. I hope, today, the absence of Commander British Forces on operational duties doesn’t give rise to the next subject I wish to speak on.

I followed what happened at the Party Conferences of the three major parties, strategic defence reviews and I followed also the debates and the defence cuts that

were recently imposed by the British Government. We, of course, rely on the British Government for our defence, but I was delighted to note that there were several mentions of the deterrent that is in place in the South Atlantic and that it would be maintained as a deterrent to any possible future military aggression by our neighbours. Away from that I would like to mention that at last we have a freight consolidation service going to Fox Bay as well as to the outer Islands. I think this is a big step forward. It was well supported by all members of the Assembly and I welcome it into being.

I also mention at the same time that we finally approved, yet again, and we have continued into the future with an annual subsidy for animals being transported to the abattoir. That, too, is very welcome and a boost to the farmers.

However, costs are rising across the board. We heard this morning in Standing Finance Committee the annual inflation rate is something in the order of 4%. This is still being done on the old shopping basket and we are still some way away from getting the new shopping basket but nevertheless it does show that our costs here are rising far greater than our incomes.

Costs are rising also because of regulation again, my Honourable Colleague, Dick Sawle mentioned earlier on in his question about the difficulties imposed by MCA Regulation. Well, FIGAS costs are increasing because of the Air Support Safety International regulation. We are now being asked to pay for that regulation. The regulations already imposed by them are costing us several hundreds of thousands of pounds in having to install autopilots into the Islander, which has happily operated single pilot for some 40 years but now we have to spend some hundreds of thousands of pounds in fitting autopilots because they are operated as single pilot. We have to pay those people, it would appear, to impose those regulations upon us and I do hope that the Honourable Dick Sawle, when he goes away shortly, for the meeting of the Overseas Territories Consultative Council can argue against those costs being incurred by us here because I wonder, are we now going to be costed, charged for the MCA Regulations that puts onerous restrictions on us?

I read a report yesterday that two thirds of the legislation in the UK is now imposed by the EU. Only one third comes from Westminster itself. Are we going to find that regulation is imposed upon us to such a degree that we cannot operate. I leave you with that thought.

Mr Speaker, I support the Motion.

The Honourable Jan Cheek

Mr Speaker, Honourable Members, I was deferring to the Honourable Sharon Halford but she obviously prefers me to speak first.

I wanted first to mention a couple of the smaller departments in Government which do quite extraordinary work. The first one, Mineral Resources Department, a tiny staff but an exceptional skilled group of people. They are managing the increasingly prominent and complex oil exploration round. I followed this process from its earliest days in the mid-1990s when we first started looking at on what basis we could issue

licences and the rules were devised after taking advice from many quarters. It's politically sensitive for obvious reasons and we have to be seen to be getting it right environmentally, not just because of recent, well publicised disasters elsewhere but because it is the right thing to do. I would like to commend the work of that department in ensuring that this increasingly complex business runs so smoothly.

The other department with which I have had recent contact is FIGO. It's easy to forget that they are a long way off. Until you spend a bit of time in that office, you can have little inkling of the multitude of tasks carried out by a small group of very dedicated individuals. They are the face of the Falklands in London and elsewhere. They keep track of numerous medical patients, helping out in many ways, some way beyond the normal call of duty. They make the air-bridge booking system work and that's quite a challenge in itself. Few people are unable to fly when they want to. Unfailingly helpful and efficient, they are a great team at the moment and deserve every bit of our support. I have twice now mentioned informally to other Members and at least one official the fact that we should, as routine, be bringing back to the Islands Falkland Islanders who are working in FIGO, whether it be every two or three years, one to refresh their knowledge and bring them up to date with all the things that are happening here that aren't always easy to find out about from there and secondly to just give them a thank-you for what they do for us over there.

Like my colleague, Roger Edwards, I have been reassured by all the recent statements on defence and the fact that the strategic defence review does not result in any lessening of the deterrent here in the Islands.

I wonder how long it will take our neighbours to realise that the posturing that's going on at the moment. The suggestion that a routine exercise has suddenly become a threat to the mainland in effect is harmful to their own interests. In 2010, nations should be co-operating in sustainable environmental issues for the greater good, not attempting to annex small neighbours.

Like most Islanders, I am weary of the lies that my colleague, the Honourable Dick Sawle has mentioned. They are used in an attempt to add substance to a case which is actually non-existent. Apart from the obviously flawed historic and geographic fantasies they put forward, I'd argue that our country, peacefully settled for 170 years by a mix of people who arrived here in all kinds of different ways, whether it was seeking adventure, whether they were shipwrecked, whether they were simply wanting a better life for their families. That must strike a chord in any objective observer. It's the same way that most of the Americas were settled. The only difference being and I make much of this whenever I get the opportunity we didn't overwhelm or subjugate an indigenous population there was none.

Our message is simple and clear. We are the only people with a right to claim the country. We made it what it is. And the population have freely chosen their association with Britain as an Overseas Territory.

I thank the British Government for their continuing support for us in that. Apart from the British Government I got the strong impression at the party conferences that we attended that that support is pretty universal.

Finally, I would like to add my welcome to the new Governor and his wife to the Falklands. I hope their time here is very happy.

I support the Motion.

The Honourable Bill Luxton

Mr Speaker, Honourable members, I would like to join my colleagues in welcoming our new Governor Haywood and his wife, Louise to the Islands. I hope they have a long and happy time here. I gather he's a keen fisherman so I hope to see him on the Chartres River at some stage.

It's really good to be home again for a long break. There is wonderful weather at the moment and it was wonderful when we got back but there was a nasty spell in the middle, which is why one of our colleagues is not here because he's out propping up the power lines and doing repairs at Fox Bay. There was some pretty horrendous damage around the Camp. And I would like to extend my sympathy to those people who really lost a great deal, poly tunnels blowing away and gardens destroyed and a great deal of work and expenditure was gone in one gale. It really was horrendous.

It was good to be home. How do I know we are back in Camp, no phones, no internet, and no radio? Nothing changes. The Camp telephone system is still shambolic so I look forward to talking to my Honourable Colleague, Mr Sawle to see what we can achieve, if anything. I think there is a proposed Telecommunications Ordinance which was going to be a first step. I do hope we can eventually do something but we've been here a year now and so far it's supposedly some improvement but it's not visible in Camp.

I would also like to congratulate MLA Sawle on his performance in Kenya at the CPA. I think he did very well there. I agree that we have to do our best to counteract the rabid, hysterical nonsense that's coming out of Argentina at the moment and try to correct some of the untruths.

Just a couple of other small points: I am also pleased to see the consolidated service to Fox Bay for the Concordia Bay. That, again, was something we tried to set in motion almost a year ago. It took a long time. There were lots of objections along the way but we got our way in the end and I gather it's working very well. A lot of people are pleased to see it.

I would like to add my support to the Honourable Jan Cheek for what she said about the FIGO staff. I too was talking to them in the course of booking my flight home. They are always unfailingly helpful. They work very hard and I think it would be a splendid idea if we could bring the Falkland Islanders there back home to refresh and keep current so they don't lose contact with the place completely.

Mr Speaker, I support the Motion.

The Honourable Emma Edwards

Mr Speaker, Honourable members, I actually had a long closing speech on the smoking ban and how we are all going to be happy to support it etc, etc. However, it hasn't quite gone through today and I would be much happier to know that when it does go through we are all in agreement with what has gone through in the legislation rather than forever seeing little amendments going back, here, there and everywhere. I just feel that we need to get things right and, if it takes a little bit of extra time then so be it.

I would like to nudge my Honourable Colleague to the right, who sits on the Transport Committee. Here we go again. It's all about the Gypsy Cove Road and the road to Murrell. To call them roads, I still think is a little bit misleading. I would refer to them all as tracks. They are definitely in need of some TLC. Both of these roads are very important routes for our tourism industry. I am not sure, given their current state of repair that our visitors to the Islands will actually be leaving with the impression that we would like them to leave with. So please urge the Transport Committee, please try to find some funds and perhaps even a bit of time for our road gangs to at least grade them, improve them and make them, rather than tracks, into roads. That would be great.

I am also pleased to see that the toilets are back at Gypsy Cove, much to the Honourable Gavin Short's dismay. However, please understand that the Tourism Committee are not particularly happy with these toilets. They are not really suitable for the type of work that they do. However, they do get terribly smelly on days when they are very heavily used. Although this is going to be a stop-gap measure for this current season, it is something which we are going to have to seriously look at and improve for the future years. Not only that, unless the road is actually fixed to Gypsy Cove we could find our toilets being shaken to bits as they have to be carted away of an evening to be emptied. So we do need to have a more permanent and a less smelly solution down there at Gypsy Cove.

Whilst we are on the sort of subject of environment, I received a very interesting e-mail from a member of the community the other day expressing their concern over a proposed shooting party of ducks or mass slaughter of ducks. Currently we've got a duck shooting season and its fine. I don't actually have a problem with people going out and blasting away at the poor little innocent Teal Ducks. I personally don't like eating them. I find it's a mouthful of lead half the time. But I do have a problem when ducks are being shot just for sheer pleasure of being shot. And currently we don't really have any legislation in place that actually puts a quota on the number of ducks which are shot. I'm not saying it should be an outright ban. I don't believe that because I do know that people like shooting ducks and like eating ducks. But I am a little bit concerned at the back of my mind that something like this could actually start to hurt and damage some of our duck populations in certain ponds and areas. I would be very interested to hear from members of the public what they have to say on this particular subject.

I, too, would also like to welcome our new Governor Haywood to the Islands and his wife, Louise. And I would like to wish them a very enjoyable time in the Falklands and I hope they catch lots of trout and lots of other fish as well. And if the weather

continues in such good style as they brought with them on the Saturday they arrived I also wish them a very good summer and a very good 3 years here.

Honourable Members, I support the Motion.

The Honourable Sharon Halford

Mr Speaker, Honourable Members, I too would like to welcome His Excellency and his wife to the islands, hopefully we will be able to work well together for the continued betterment of the Islands. The Honourable Emma on my left has just mentioned roads, as chair of the Transport Advisory Committee I don't think it is for me to comment on what will or what will not happen to these roads in this session. But I will admit that when I use to take the tourist to Gypsy Cove, they certainly got an experience as you had to drive across a moonscape as you did not have the track and having heard so much about the track I took my mother down there yesterday. I was a little worried doing so because she's aged and because of the road being so bad, I thought she might have received a bit of a rough time, but I discovered that there are no more holes in that road than there are driving out to where I live. I couldn't actually see that it was that bad but obviously for the tourists it must be.

I think it is fair to say that during the recent amazing rescue of the Chilean miners many of us and others worldwide was glued to our TVs and of course grateful to have this facility. For isolated communities it goes to show how important communications are to enable us to keep pace with what is going on in the outside world. Having to spend more time in Stanley this week than I would normally choose to do, I have taken the opportunity of driving around looking at a few things. One thing that jumped out at me probably because of the tedious wind we have been enduring this week are all the overgrown trees in people's yards that are dancing with the overhead power lines. Trees may be lovely little attractive things when first planted but as much as I like to see them I do think that they should be properly maintained to keep them within properties and away from services, perhaps some thing for the agendas of some spring gardeners out there.

Talking of gardening, I am indeed pleased that the growing season is once more upon us as whilst out shopping yesterday I nearly burnt my fingers when I picked up two carrots in a bag on the shelf to then discover that they cost nearly two pounds and one of them was in poor condition, needless to say the bag went back on the shelf, gardening is evermore appealing.

It was also brought to our attention this week that some of the youth groups here in the islands are struggling to find people to run them. I'm sure that that the youngsters who attend the organisations are grateful for the organised entertainment and learning which many mums and dads would like to see continued. A plea then to mums and dads to consider giving some of your time to help not only your own children but others too.

Recently a clue in a cross word puzzle made me think of our neighbours across the water, now why was that. The clue asked what bird laid its eggs in the nest of others, of course the answer is the Cuckoo, too lazy to get on and do for itself but likes to make use of what others have. No doubt my thoughts were driven in this direction

because of all the tweeting and twittering that has been emanating from both the President and the Foreign Minister of Argentina of late. However, I would like to send a personal thank you to both the President and the Foreign Minister of Argentina for their incredible promotion of the Falklands case and the need for our continued defence from a belligerent neighbour, who did the background work for the people undertaking the recent defence review in the UK. You left them in no doubt of our need. I would also like to thank the UK Government for its continued support.

Finally, there was a suggestion in the September Environmental minutes that maybe FIG Officers or appointed nominees should have the same rights to go upon land to monitor seabirds populations as currently applies to FIG appointed geologists. This has caused concern for many of the landowners out there and rest assured that should this suggestion be taken further, and then I for one would not be supporting it.

Mr Speaker, I support the Motion.

The Honourable Gavin Short

Mr Speaker, in rising to support the Motion for Adjournment, I would just like to start off by joining my colleagues in welcoming our new Governor Mr Haywood and his wife to our Islands. He has arrived at the time when the old Chinese curse of “may you live in interesting time” really is upon us. His tenure as Governor here really will be an interesting time. The many things that he will find are that as well as being placid people, welcoming people, there is another side to us. To tell an Islander what they will or won’t do without giving some really compelling reason will cause there to be displayed stubbornness, that has to be experienced to be believed.

The same stubbornness and refusal to cave in also comes to the fore as our bullying neighbours across the water carry out their campaign to economically straggle us, the more they try, the more they desperately thrash around using every excuse and non descript forum open to them, the more we dig our heels in, how little they know us.

In trying to make headway with our Immigration review, the Honourable Dick Sawle and I are having to show the same pig headiness, even something as simple as the status stamp in a passport would try the patience of a saint. I hasten to add that whilst I cannot speak for the Honourable Dick Sawle, a saint, I definitely am not. I know the last Council grappled with this problem until the day they left office and we are doing the same now. The fault, if we were to apportion fault, does not lie as far as I can tell with the Immigration Office but with our lawyers, every time Robert King and Wendy Reeves at the Immigration department think they have the beast tamed and send their draft to the legal eagles, it immediately meets with the “aah yes, buts” and a whole new raft of questions are unleashed; the side effects of legislation! I know the lawyers are only doing their job. The questionnaire and stamp is going to happen even if it takes a whole new piece of legislation, that stamp is going in the passports and the application for it will be by a simple tick box type paper as is possible to make and will apart from any that are dubious and might require further research will be instant. The more obstacles that are thrown in our way, the more determined that we are that we will prevail. It is going to happen.

Although I must thank our officers for heeding my plea to speak to us in English, which they have done over the last year, I do notice the new expression that makes my toes curl every time I hear it, “it ticks all the boxes” we will have to find something in normal English that replaces this expression please.

I was a tad saddened the other week to read in the editorial of the Penguin News, a paper that I don't have anything but praise for, something that seemed to be a little misleading, it concerned the incident with the Argentine warship and the trawler. The editorial spoke of the fishing vessel being detained. To my mind it was not detained, the warship stayed on its side of the fence whilst the fishing vessel stayed on ours, inside our waters. The expression “detained” for me at least conjures up something in my mind that implies hands on or physical approach, the vessel being forcibly stopped, this didn't as far as I know happen. A more fitting word would have been “hazed” or “bullied” or “intimidated” I certainly don't wish to play down this incident, it must have been more than just unsettling for the crew of the fishing vessel to have something rather large and potentially aggressive bellowing at you over the radio. Whilst it is quite normal for patrol vessels, aircrafts or even naval units to hail other vessels to ask who they are, the Argentine vessel clearly overstepped the mark when they starting going on about the fishing vessel trawling illegally. As I said they stayed on their side of the fence at all times, it could be said that this incident was bullying by chance.

We had a rather useful meeting with the military about a week ago and it was good to finally be able to put names to faces and for us to let them know what makes us tick; likewise they took the opportunity to let us see the world from their perspective. For too long now there has been very limited contact between ourselves and the military and I hope that these regular meetings will help cement good relations.

As only could happen in the Falklands I find myself either through pure accident or design on someone's part becoming more and more involved with FIMCO and the Abattoir. As I said in this House last time I am still highly sceptical about the ten year plan, however, as happens in a democracy I was outvoted and rather than spend three years sitting on the sidelines sniping I am more than happy to join in and do everything I can to prove myself wrong.

The more I see and the more I talk to people I can see the real commitment that is starting to be shown across the Camp the more I have the gut feeling that they may not, disasters and world events permitting, be too far off the mark. I would still be happier if I could see a wholly islander team driving it along out there, however I am hopeful that some real efforts can be made in this direction in the very near future, especially now that the FIG are fully committed behind the Abattoir project.

The Abattoir though, is not the only area that there seems to be a lack of bringing on islanders to fill jobs, indeed the Abattoir is probably ahead of the few quangos that we have in that respect. I would be overjoyed if my colleagues could give some thought to making the annual handout to some of these organisations dependent on there being tangible proof that they are starting to target and train Islanders to take over.

I am deliriously happy that at long last FIG itself is starting to take teetering steps towards the plan of “islanderisation” of posts where they can. I urge everyone

involved to give it all they have got, keep it simple, sensible and practicable. We have a wonderful pool of people here in the Islands and indeed there are Islanders currently outside who may be interested in coming back if they could see at long last they could get a real shot at the top jobs. I really look forward to seeing this project come to fruition and results being seen before we all shuffle into possible retirement from politics in three years time.

Finally if I could pop back to the Statistics Bill, although I through my silence supported the Bill being soothed by the explanation given by the Chief Executive, I am reminded very strongly of that wonderful book “The Hitchhiker’s Guide to the Galaxy” in which we find the spaceship full of people who say they were one of three ships escaping from a doomed planet. The A ship carried the great leaders, scientist and thinkers, the C ship carried the workers, those who actually made things, theirs: the B ship, consisted of middle managers, hairdressers, telephone sanitizers and the like. Eventually it becomes clear that the planet was not in fact doomed but they were the victims of ploy to rid their world of a useless third of the population. Why do I raise this seemingly frivolous point, its because I fear that in a very short time we may be able to add statisticians to the list of people that were shot off in a spaceship. The Statistics Bill for me encapsulates another example of the malaise and lunacy that is gripping the rest of the world that is starting to find its way into our life in the Falklands. There is an almost unhealthy addiction sweeping not just our Government but also parts of the private sector with this zeal for measuring everything for metrics, for statistics. Are statistics useful, I guess they are in sensible amounts, but an addiction to them however is not. I fear that this Bill could unleash something of an almost religious fervour for their collection and I have a real worry that we will see increasingly more people either tied up producing these things or interpreting them and less and less people doing or producing anything worthwhile. I hope I am wrong, in cases like this I am always overjoyed to be proved so.

Sir, I support the Motion for Adjournment.

Mr Speaker

Honourable Members the House stands adjourned accordingly.