



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

**HELD IN STANLEY
ON 18 DECEMBER 2009**

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HELD IN STANLEY ON FRIDAY 18 DECEMBER 2009**

THE SPEAKER OF THE HOUSE

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

MEMBERS (Ex-Officio)

The Honourable Chief Executive

(Dr Timothy Rupert Thorogood)

The Honourable Director Corporate Resources

(Mr Keith Padgett)

Elected

The Honourable Janet Lynda Cheek

(Elected Member for Stanley Constituency)

The Honourable Emma Jane Edwards

(Elected Member for Stanley Constituency)

The Honourable Roger Anthony Edwards

(Elected Member for Camp Constituency)

The Honourable Sharon Halford

(Elected Member for Camp Constituency)

The Honourable William Robert Luxton

(Elected Member for Camp Constituency)

The Honourable 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)

The Commander British Forces South Atlantic Islands

(Commodore Phillip Thicknesse RN)

CLERK: Claudette Prior MBE

PRAYERS: Reverend Richard Hines

APOLOGIES: The Honourable Glenn Ross
(Elected Member for Stanley Constituency)

CONTENTS

Prayers	6
Oath of Allegiance Deputy Speaker and Commander British Forces	6
Confirmation of the Record of Legislative Assembly Meeting held on 10 November 2009	6
Questions for Oral Answer	
Question Number 11/09 by the Honourable Gavin Short	6
<p>West Falkland is currently seeing very heavy use being made of their road infrastructure by large trucks which has resulted in at least one truck being bogged down whilst on a main road. Could the Honourable Sharon Halford please inform this house:-</p> <ol style="list-style-type: none">1. What measures, if any, are being taken to repair this type of damage;2. What restrictions, if any, apply to heavy vehicles driving on these roads during wet weather conditions; and3. What weight limit were these roads built to withstand?	
Question Number 12/09 by the Honourable Sharon Halford	7
<p>Could the Honourable Dick Sawle please inform this house how much longer Camp residents will have to wait before they can expect to receive SSVC TV reception, how many channels they can look forward to enjoying and what is the anticipated annual cost of this service to the public purse?</p>	
Question Number 13/09 by the Honourable Emma Edwards	10
<p>With the introduction of scheduled flights for FIGAS, could the Honourable Sharon Halford please advise the House if there has been any financial savings and would it now be time to go back to the FIGAS taxi service which appears still to suit the majority of users?</p>	
Question Number 14/09 by the Honourable Dick Sawle	14
<p>Would the Honourable Sharon Halford please indicate if this new Government will release land on a freehold basis and at attractive rates for development by the private sector in order for the private sector to be able to begin to increase and develop and thereby grow the economy.</p>	
Order of the Day: Bills	
Members' Remuneration Bill	15
The Retirement Pensions (Amendment) Bill 2009	19
The Falkland Islands Pension Scheme (Amendment) Bill 2009	20

Immigration (Amendment) (No2) Bill 2009	20
Maritime Security and Safety Bill 2009	21
MOTION FOR ADJOURNMENT	
The Honourable Roger Edwards	24
The Honourable Dick Sawle	26
The Honourable William Luxton	29
The Honourable Sharon Halford	32
The Honourable Emma Edwards	34
The Honourable Gavin Short	35
The Honourable Jan Cheek	38
Commander British Forces	39
Speaker of the House	39

**The Record of the meeting of Legislative Assembly
held on Friday 18 December 2009**

Prayers

Clerk of the Assembly

Swearing of Oaths, the Deputy Speaker and the Commander British Forces

Clerk of the Assembly

Confirmation of the record of the Legislative Assembly Meeting held on 10 November 2009.

Mr Speaker

Honourable Members, I have before me the record of the meeting of 10 November, would you please signify your agreement that I may sign these minutes as a true record.

Members agreed.

Clerk of the Assembly

Questions for Oral Answer

Question number 11 of 2009 by the Honourable Gavin Short.

The Honourable Gavin Short

Mr Speaker, West Falkland has currently seen very heavy use being made of the road infrastructure by large trucks, which has resulted in at least one truck being bogged down whilst on a main road. Could the Honourable Sharon Halford please inform this house:-

1. What measures, if any, are being taken to repair this type of damage,
2. What restrictions, if any, apply to heavy vehicles driving on these roads during wet weather conditions and
3. What weight limit were these roads built to withstand?

The Honourable Sharon Halford

Mr Speaker, the temporary repair to this particular damage was carried out very shortly after the damage incurred, by a contractor who had plant in the vicinity and who was able to move quickly, ensuring the road was safe and passable. More permanent repairs will be carried out by the Public Services Department in the next few days. That, incidentally, is the old Public Works Department. This work will require the removal of all soft material, refilling with firm material and re-shaping the road to suit.

As to road restrictions; during the summer months the load weights on HGVs is up to a maximum all up weight of 38 tonnes. Vehicles heavier than 38 tonnes have to apply for special exemptions through the appropriate channels. During the winter months these roads are restricted to 15 tonnes. If the roads are saturated during the summer months we can only rely on the common sense and decency of hauliers. However, this can be difficult because hauliers are usually working to deadlines. Additionally, given the unpredictability of the Falkland Islands' weather, road conditions may well be good from departure point but deteriorate as the journey progresses. The weight limits roads were built to withstand varies considerably across the Islands and has, in the past, been subject to considerable debate, particularly in the mid 1990s. The debates culminated with EXCO Paper No 134/1996, which made the following recommendations:

- MPA Road – 8.2 tonne axle limit this is the internationally accepted norm which most lorries are designed around
- Other East Falkland Roads – 5 tonne axle limit,
- West Camp Stages 1 & 2 – 2 tonne axle limit and
- West Camp Stage 3 – 1 tonne axle limit.

The paper also recommended that all future specifications should be based on a 5 tonne axle limit.

It should be noted that although the specification calls for a 5 tonne axle limit, the majority of roads, particularly those built over soft camp are considerably stronger, having had to be constructed so as to support the weight of the construction traffic.

The Honourable Gavin Short

Mr Speaker, I thank the Honourable Lady for her reply to that question. I have one supplementary here. Have any exemptions been applied for in respect of axle weights?

The Honourable Sharon Halford

The answer to that is yes. There have been quite a number this season applied for over the 38 tonne weight limit. Most times that FIG have to take their heavy machinery around, that is over 38 tonnes. Now, when they have to apply for a special exemption, Government has to go to the Chief Executive for this. When the private sector requests a special exemption they have to do so via the Director of Public Services. And, for the Ministry of Defence and all their sub-contractors, they have to ask the Commander British Forces here for that exemption. So, I couldn't actually tell you how many have been asked for but certainly quite a number have this season.

Clerk of the Assembly

Question number 12 of 2009 by the Honourable Sharon Halford

The Honourable Sharon Halford

Could the Honourable Dick Sawle please inform this House how much longer Camp residents will have to wait before they can expect to receive SSVC TV reception?

How many channels they can look forward to enjoying and; what is the anticipated annual cost of the service to the public purse?

The Honourable Dick Sawle

Mr Speaker, Honourable Members, I am delighted to be asked this question as it has enabled me to provide answers that I and many of those listening have been looking for, for some considerable time. The answer is a little lengthy but I have tried to make it as accurate as possible so that we are all clear as to what is happening, when it's happening and how much it's costing.

I am indebted in answering you to the help by Andrew Lee, Lynn Brownlee and also G&S Electrical as well as SSVC in recent weeks trying to tie this matter down once and for all and for clarifying matters to me.

Firstly the TV system will be received in Camp by satellite using a decoder and a card and in Stanley it will be broadcast as a digital signal to individual antennas.

The short answer to your question, how much longer? - between March and May 2010. I very much hope the difficulties sourcing the hardware are now resolved but if there are further delays then you have my abject apologies. But I can reassure you that any delays will be outside the control of SSVC, G&S Electrical or this Government. I do not envisage delays, though, and would like to make this quite clear.

I would briefly repeat here what's recently published in Penguin News and I quote:

“the Camp installation will be carried out by local contractor, G&S Electrical. The installation of properties located in and around Port Stephens on the West, gradually moving to properties in the north and on the out-lying Islands. G&S will be using two, two person crews working in parallel to make as much progress as practicably possible. Once completed on the west and islands, efforts will then transfer to the east, starting in the south and moving northwards to properties towards Elephant Beach and towards Port Harriet before arriving back to Stanley.

The overall plan for installation requires effective co-ordination and collaboration between SSVC, the United States' antenna supplier, the UK cable suppliers, G&S Electrical as well as support from “WSL” and possibly FIGAS. The TV project team is playing a key role in the making of all logistics and interdependencies work.”

The answer regarding channels is BFBS-1 and BFBS-2, a children's channel and possibly SKY News. There has been debate about SKY News and whether to provide it or not as it would compete with the KTV Service but I have been told that it would not result in additional charges to FIG.

In reading through past discussions on this issue, there have been thoughts on making a media charge for the provision of the service. However, no such discussions have taken place in the new Assembly so no decisions have been made yet. UK programmes will be time-slipped as before and infrastructure can cope with further channels in the future should they become available or affordable.

Turning to your question on cost, the total capital cost of the project is approximately £570,000. The higher figure quoted in Penguin News of £750,000 includes marginal costs which would have been incurred in any event by the FIG. This amount was approved and budgeted for by the last Assembly and, for this the Falklands will receive a modern digital TV service with British TV programmes together with professional engineering support and maintenance so that problems currently being experienced should not occur again in the future.

The system will, if I may crave your indulgence and use the expression – be future-proof. The on-going annual costs will be around £160,000. I also note that you refer to the cost to the public purse. At present the funds both capital and recurring operational expenditure have been included in the budget. If there were to be a charge then the options as I see them are: the user pays principle i.e. the signal would have to be encrypted and then decoded by the user with a card that they would have to purchase, a media tax on all households, (I have no precise figures I can quote you but previous papers seem to suggest that this would equate to around £13.00 per month per household) or thirdly that it is simply free to view by all who have the right equipment. Whilst this is, in a sense, going off your question slightly, I suspect this needs to be aired and opinions sought as no decisions have yet been made.

Whilst we are all aware that times are hard and there are many calls on the public purse it seems to me that raising a tax on all households is simply unfair and unjustifiable as not everyone wishes to receive the service. This can't therefore be justified under any user pays principle for those obvious reasons. To encrypt the signal so that we work on a pay for viewing principle is more equitable but means that FIG as a public service provider would then be competing with either current or future local providers which also to my mind is not acceptable. FIG would, of course, also have to encrypt the signal in Stanley and sell decoders and cards. This would ensure the effect that only the user paid. But to set the system up in this way is not possible without spending more money on the infrastructure and, of course, incurring costs of collection and administration which in a small population may well end up not generating expected revenue. I have seen no figures or estimates on this so I cannot be more precise.

My personal view is the service should be available for all who wish to view it and for free. The Falklands need to keep in touch with the rest of the world and the freedom to receive news, ideas and entertainment is simply something which a government has a duty to provide. What the FIG will be providing is a national TV and radio network and the FIG has, in my view, an obligation, as I said, to provide this type of service to society.

There will be those who wish to take this argument further and raise the question of how we intend to bridge the deficit in the budget that this project and no doubt others will cause. I don't believe that you would want to go on this aspect at the moment but I do believe that this will be an important debate that we will have to have in the near future.

Finally, this is a project which has had difficulties but thanks to the efforts of many hard working individuals I am confident it is now close to success.

The Honourable Sharon Halford

Mr Speaker, I thank the Honourable Member for his reply and I did have a few supplementary questions but he very cleverly answered them earlier.

The Honourable Gavin Short

Mr Speaker, the Honourable Gentleman, made mention there of marginal costs which would have been incurred anyway, what exactly are those costs? I presume this is whether we have the system or not – is that correct?

The Honourable Dick Sawle

Mr Speaker, Honourable Members, no, by marginal costs I was referring to costs government incurs in any event in other words, labour costs, for example the costs of FIG personnel spent in terms of time on the project and efforts made. A marginal cost is a cost that is incurred in any event in the course of running a business or a government.

The Honourable Gavin Short

I thank the Honourable Member for his reply.

Clerk of the Assembly

Question number 13 of 2009 by the Honourable Emma Edwards

The Honourable Emma Edwards

With the introduction of scheduled flights at FIGAS, could the Honourable Sharon Halford please advise the House if there have been any financial savings and would it now be time to go back to the FIGAS Taxi Service which appears to still suit the majority of users?

The Honourable Sharon Halford

Mr Speaker, the short answer is yes. FIGAS has delivered a financial saving for the public purse and achieved a reduction in expenditure. But I suspect if I stop there I will get a lot of supplementary questions, so I will go on a bit more.

FIGAS does not operate a scheduled service as such. The introduction of planned departure times from Stanley came into being as part of a FIGAS Recovery Action Plan. Since the introduction of the Recovery Action Plan it has been quite a challenging period. FIGAS has experienced a reduction in passenger numbers and increased direct operating costs, particularly in respect of fuel and aircraft spares. However, in the 2008/9 financial year, FIGAS has achieved overall commercial revenues of £121,146. This combined with a reduction in expenditure has achieved a reduction in the cash deficit i.e. Earnings before depreciation and stock charges of just under £93,000. During this period the FIGAS operation required a total cash expenditure, that's again expenditure before depreciation and stock changes of

£1,816,175. In 2009 the total cash expenditure was £1,765,312. There has also been a saving in operating costs of £50,863.

With the new service there were 364 less hours flown in 2009 than in the previous year. The fewer hours are attributable to both a reduction in demand and improvements in efficiency generated by the air shuttle model. Had FIGAS still been operating in accordance with the air taxi operating model, it is estimated that the cash deficit (2008/9) would have been approximately £1,300,000. With the two tier operation the cash deficit has been reduced to £1,078,346 which had we been using the air taxi service by these figures, it would have cost us an additional £221,654.00.

To answer the second part of the question would it now be time to go back to the FIGAS Taxi service – which appears to suit the majority of users. I would suggest that prior to any effort to do this it is extremely important to consider and balance what is to be lost and what is to be gained. On the plus side first, this may be a more convenient option for some travellers and allow the aircraft to be used throughout extended periods during the day. It would also remove any priority conflicts between local community needs and those of tourists or other users.

On the minus side, as there will be no commercial generated revenue from the tourism industry and the public subsidy will be much greater. This is estimated to be in the region of half a million by 2013/14.

On balance, firstly there are a number of current opportunities that FIG believes might lead to increased commercial revenues and should these be successful will lead to greater efficiency. And secondly as it is believed that some adjustments to the local service can be made to solve some of the current inconveniences, it is very difficult to contemplate a return to the FIGAS air taxi service. However, it is, I believe, ultimately up to Honourable Members to review the operation of FIGAS in its current mode of operation and decide if this is, indeed, the way forward or would it be more cost-effective to return to the previous taxi system of operation.

At present FIGAS are being operated as requested by a previous policy decision of Executive Council.

The Honourable Emma Edwards

In rising to thank the Honourable Sharon Halford for her answer, I think it's quite ironic that they called it the FIGAS Recovery Action Plan. I now see FIGAS in need of a Recovery Action Plan more than ever just simply because of the numbers of people complaining about the current service. I thank her for the answers with regard to the savings – Thank you.

The Honourable Roger Edwards

Mr Speaker, I would like please to ask the Honourable Sharon Halford to give us the cash deficit and therefore the total subsidy required for the years 2008/9 and the projected cash deficit and subsidy required for the year 2009/10 because the answer given indicates there has been a saving. Perhaps we could actually look at the cash subsidy required to cover the deficits.

The Honourable Sharon Halford

I am not sure I have all the figures at my fingertips. You asked for the cash deficit for 2008/9

The Honourable Roger Edwards

And 09/10

The Honourable Sharon Halford

I don't have that at hand at the moment.

Mr Speaker

Can I suggest that if you don't have those figures to hand immediately that we submit this as a written question and then you will have time to do your investigations and the answer can then be circulated?

The Honourable Sharon Halford

Excellent idea Mr Speaker.

The Honourable Roger Edwards

Thank you for that and I will, indeed, put it forward. But it is my understanding at present that the 2008/9 cash subsidy required was indeed £1,078,000 but the predicted outcome of this year's is nearer to £1.4 Million. But I will put the question in writing.

The Honourable Sharon Halford

Supplementary Answer

The cash deficit for 2008/2009 (that is the deficit before any adjustments for depreciation and changes in stock levels) is £1.324M

This compares with previous cash deficits of £1.189M in 2007/08 and £1.237M in 2006/2007.

The total revenue for 2009/2010 has been adversely affected by a £150,000 reduction in revenue from Fisheries Surveillance operations, which will most likely result in an increase in the cash deficit for 2009/2010.

Current projections for 2009/2010 show an estimated cash deficit of around £1.365M for the full financial year.

The Honourable Gavin Short

Mr Speaker could I ask the Honourable Lady, is there actually any plan afoot to form a group to look at the workings of FIGAS and perhaps the way forward?

The Honourable Sharon Halford

Mr Speaker, yes there is indeed a group formed to look at this in the near future and they include those involved in transport and tourism and I believe they will be meeting in early January to start this process.

The Honourable Gavin Short

I thank the Honourable Lady for her reply. Would she not think it would be a rather good idea to involve representatives of the workforce in any group that is making decisions on FIGAS? I ask this question simply because I have visited FIGAS in the brief time I had the portfolio and found morale within FIGAS, within the workforce to be extremely low mainly caused by having to make the previous model work, which is having some rather nasty affects on the workforce there.

The Honourable Sharon Halford

Mr Speaker, I think morale is just generally low throughout the Civil Service but as to involving members from the Department in the discussions I do believe that is a managerial issue and should be mooted from that corner.

The Honourable Gavin Short

I thank the Honourable lady for her reply.

The Honourable Bill Luxton

Mr Speaker, I wonder if the Honourable Lady could ascertain if she doesn't know the answer what was the cost of converting the fisheries Islander to tourist format by putting in two extra windows and what has been the net revenue of the tourist flights since that was carried out?

The Honourable Sharon Halford

Mr Speaker I do not have those figures for that at the moment but, again, I can give that in a written reply.

The Honourable Sharon Halford

Supplementary Answer

Feedback from trials of the Scenic Flight service in 2009 identified that the addition of passenger windows in Row 3 would enhance the viewing experience for scenic flight customers.

During the winter of 2009, FIGAS purchased two Row 3 window kits from Britten Norman and installed these in FBO and FBN, the two aircraft assigned to scenic flight operations. The total cost of the installation including engineering support was £14,024 per aircraft.

Net revenue from Scenic flight activity is expected to be approximately £700-800 per hour which means this cost would be recouped after approximately 35-40 hours of scenic flight activity.

Unfortunately there has been no revenue generated from this service so far this season.

Cost of installing Row 3 window Kit in FBN and FBO	
Row 3 kit x 2	£13,660.00
Shoulder Harness kit x 2	£2,948.00
BN Eng Support	£11,440.00
Total	£28,048.00
Cost per aircraft	£14,024.00

Clerk of the Assembly

Question number 14 of 2009 by the Honourable Dick Sawle

The Honourable Dick Sawle

Mr Speaker, Honourable members, I didn't realise the Honourable Sharon Halford was going to get so many questions so I apologise, but the good news is that you can just answer by saying yes and I will be delighted.

Would the Honourable Sharon Halford please indicate if this new government will release land on a freehold basis and at attractive rates for development by the private sector in order for the private sector to be able to increase and develop and thereby grow the economy.

The Honourable Sharon Halford

Mr Speaker, I am going to disappoint him. I am not simply going to answer by saying yes. I would like to ask him a question – is he referring to commercial development land or residential?

The Honourable Dick Sawle

Mr Speaker, commercially developed land, my apologies.

The Honourable Sharon Halford

Presumably this would refer to commercial development in the vicinity of Gordon Lines, Coastal Road, Boxer Bridge Road and the Gordon Lines Road.

In 1995 FIG decided to make such land available for commercial development on 99 year leases. Each lease is preceded by a building licence which requires the developer

to implement their initial development proposals such as erecting a warehouse within the first two years.

The building licence mechanism is used to stop land banking. In 1995 FIG set the rent at £4,000 per acre per annum but since 2005 the rent is revised annually in line with the annual Stanley retail price index and is now £4698 per acre per annum. Rents are reviewed every 5 years.

To date 10 local companies have entered into building licence arrangements with FIG, eight at Gordon Lines and two at West Hillside. Six developments have been completed, two developments are under construction, one company changed its plans and a further project is on hold pending a final decision on the location of the new port.

No decision has yet been taken by this new government on whether to alter the terms of which land is made available for commercial development.

The Honourable Dick Sawle

I would like to thank the Honourable Member for the response and rather than grilling supplementary questions, I think it is something that is worthy of debate over the course of the next few months.

Clerk of the Assembly

Orders of the Day: Bills

Members' Remuneration Bill 2009

The Bill has been published in the Gazette so therefore we go to the second reading.

The Honourable Chief Executive

Mr Speaker, this Bill results from work over the past 18 months of an Independent Panel on Members' remuneration. This Panel, lead initially by yourself until you were appointed Speaker of this Assembly, and then by Justin McPhee, was requested by Executive Council in July 2008 to undertake a comprehensive review on members' allowances.

Others who served on the Panel include Cheryl Roberts, Tony Blake and Lisa Johnston. I was asked to act as clerk. You, of course, Mr Speaker, stood down from the Panel once selected Speaker. Cheryl Roberts also stood down partly due to other commitments. The Panel also undertook the most comprehensive review that has been done for many years.

It did not consider itself bound by existing practices and it looked carefully at approaches in other states both at local and national levels. It also undertook extensive consultation with various interested parties including existing Elected Members, previous Members, and young people and also held a general public meeting to discuss issues and proposals.

It produced 10 recommendations covering not just the amounts that Members should claim in allowances and expenses and other things such as pension contributions and an overall updating and tidying up of administrative processes and checks and balances.

For various unavoidable reasons, including changes of membership, the Panel reported later than planned such recommendations that only could be considered by Executive Council in September this year. This point is important since it is the convention that Members' allowances are agreed by an outgoing Assembly in respect of a new one. In this case, the late consideration of the recommendations is met, although they were approved in the last Assembly, the legislation that gives effect to them has had to be considered by the new Assembly. If passed, the Bill will be back dated to the beginning of this new Assembly.

Nonetheless, Mr Speaker I would like to reinforce that as Clerk to the Panel and as head of the public service the provisions before the Assembly today fully reflects the wishes of the Independent Panel, having considered the public views other than in one respect, in respect of childcare allowances which Executive Council in the previous Assembly were not minded to accept.

This Bill therefore includes extensive provision for Members' annual and daily allowances, family expenses and overseas travel. It also strengthens administrative processes involved and the checks and balances and a system to prevent possible abuse.

The opportunity has also been taken to bring things up to date as recommended by the Panel, for example, the inclusion of arrangements for information technology.

Mr Speaker, two other Bills before the Assembly today, the Retirement Pensions Amendment Bill and Falkland Islands Pension Scheme Amendment Bill also deal with recommendations of the Panel in relation to membership of and contributions to the Retirement Pensions Scheme and the Falkland Islands Pension Scheme.

Mr Speaker, these Bill have been published in the Gazette with extensive explanation in their Object and Reasons section and have previously been considered and published by Executive Council. I do not consider it necessary or indeed helpful in detail of each clause, although my colleagues and I are of course happy to take questions in relation to these, but for the benefit of the public it may be helpful to highlight the main substantial effects of these Bills which are as follows:

In relation to the rates of allowance, the Bill provides that Members' annual allowances should be increased to £4250.75 and in the case of Members who are Members of Executive Council to £6239.05 and also that Members' daily allowance should be increased to £126. This Mr Speaker reflects a specific recommendation of the Independent Panel that there should be these significant uplifts in rates in order to make it viable for employees in particular to stand for election whilst not being so remunerative as not to attract candidates motivated only by a salary.

As an interim step an Order was made just before the end of the last Assembly to bring the increased rates into force, but this Bill also gives legal effect to an existing practice under which Members can only claim half days allowance where less than

four hours have been spent on Assembly duties or a full allowance where four hours or more are spent on Assembly duties. Mr Speaker, other aspects of this Bill are as I have said is to do with formalising current practices in relation to expenses, updating administration of checks and balances.

Finally, this Bill would do away with the old Elected Councillors' Allowances Ordinance tidying up existing legislation and signifying the change from the former Council to the new Assembly in its wording.

If I may just briefly refer to the other two Bills Mr Speaker as they are very much part of the pack. The Retirement Pensions (Amendment) Bill, this Mr Speaker gives effect to the recommendation of the Independent Panel that Elected Members should be able to participate in the Retirement Pension Scheme in the same way as for any other employee or self employed. These provisions allow for an employee and employers contribution to be made in respect of the allowances paid to Members where relevant, obviously this will not apply where an Elected Member is already entitled to a pension. In the case of Elected Members who are already Government employees there will be no net effect on the public sector budget because the contribution made for them out of the budget of the Office of the Legislative Assembly would have been made out of other FIG budgets anyway.

To take the Falkland Islands Pension Scheme (Amendment) Bill, this Mr Speaker allows Elected Members to participate in a Falkland Islands Pension Scheme that is the occupational pension scheme for public servants. This again reflects the recommendation of the Independent Panel. Members who participate in the scheme will be required to pay 5% of their allowances to the Scheme and the Government would contribute a further 10% as is the normal practice. These are the same rates that apply to incoming Government employees.

Mr Speaker, I think it is best for me to mention at this point that I will be seeking to move an amendment to the Members Remuneration Bill during the committee stage. This amendment largely results in the fact that when the Bill was drafted it was not seen that where an Elected Member is a Government employee that person may decide to take annual leave entitlement in order to undertake their duties as an Elected Member. This is something that is often done by public servants where they have taken secondary employment for example. Mr Speaker, once this oversight had been identified I felt that as Head of the Public Service that it would be quite wrong to discriminate against an Elected Member who is a public servant. The effect of the Bill as originally drafted would have prevented such a Member from taking annual leave and claiming their allowance as an Elected Member. This amendment therefore, will adjust paragraph 8 of part 3 of the schedule to allow Members who decide to take their annual leave and claim their allowance to do so. At the same time the amendment will clarify that where a Member is paid as a Director of a Company of which they are a Director as a result of being a Member then they will have a choice. They can either keep the payment they receive from the company but not claim a daily allowance or they can pay the amount they receive to the Office of the Legislative Assembly and claim the daily allowance instead.

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

The Honourable Director of Corporate Resources

I second the Motion.

Mr Speaker

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

Clerk of the Assembly

Members' Remuneration Bill 2009

Mr Speaker

The Assembly is now in committee.

Clerk of the Assembly

Clause 1 to 10

The Honourable Chief Executive

I beg to Move that Clauses 1 to 10 stand part of the Bill.

Mr Speaker

The Motion is that Clauses 1 to 10 stand part of the Bill. There are no objections, Clauses 1 to 10 stand part of the Bill.

Clerk of the Assembly

The Schedule, Parts 1 and 2, 4, 5 and 6.

The Honourable Chief Executive

Mr Speaker I beg to Move that the Schedule Parts 1 and 2, 4, 5 and 6 stand part of the Bill.

Mr Speaker

The Motion is that The Schedule, Parts 1 and 2, 4, 5 and 6 stand part of the Bill. Is there any objection? No objection the Schedule stands part of the Bill as stated by the Clerk.

Clerk of the Assembly

Part 3 of the Schedule – Daily Allowances

The Honourable Chief Executive

Mr Speaker, as I notified the House, I beg to Move that the amendment to this part of the Schedule mainly clause 8 of part 3, I did explain in some detail earlier but this related to the situation where a Government employee might want to take annual leave and also claim their allowance and also that it provided for the situation where a Member was paid as a Director of a Company and gave them a choice either to claim that and not an allowance or to claim an allowance and pass the money over to the Office of the Legislative Assembly. Mr Speaker the full wording of the amendment has been on the table in front of Elected Members and accordingly I move it as writ.

The Honourable Director of Corporate Resources

I second the Motion.

Mr Speaker

Honourable Members, the Motion is that the part 3 of the schedule paragraph 8 is amended in accordance with the papers that are in front of you. Are there any objections to that amendment? There are no objections, Part 3 paragraph 8 stands 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

Honourable Members, the Motion is that the Bill be read a third time and do pass. Are there any objections? There are no objections; the Bill will be read a third time and passed.

Clerk of the Assembly

Members' Remuneration Bill 2009

The Retirement Pensions (Amendment) Bill 2009. This Bill has also been gazetted so we go to a second reading.

The Honourable Chief Executive

Mr Speaker, I explained in some detail a few minutes ago in effect of this Bill in allowing Elected Members in respect of their allowances to have employees and employers contributions made. I move the second reading of the Bill.

The Honourable Director of Corporate Resources

I second the Bill.

Mr Speaker

Does anyone wish to speak to the Bill? There is no debate. Is there any objection to dealing with this by the short procedure? No objection. Does any Member wish to propose any amendments to the wording of the Bill? There are no amendments. I declare the Bill will be read a third time and do pass.

Clerk of the Assembly

The Retirement Pensions (Amendment) Bill 2009.

The Falkland Islands Pension Scheme (Amendment) Bill 2009. This Bill has been gazetted and we go to the second reading.

The Honourable Chief Executive

Mr Speaker, once again in moving this Bill to the second reading, I spoke about it in some detail a few minutes ago. I propose that the Bill be read a second time.

The Honourable Director of Corporate Resources

I second the Motion.

Mr Speaker

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

Clerk of the Assembly

The Falkland Islands Pension Scheme (Amendment) Bill 2009

Immigration (Amendment) (No 2) Bill 2009. This Bill has again been gazetted and we go to the second reading.

The Honourable Chief Executive

Mr Speaker, if I may formally move the second reading of the Bill, The Attorney General will explain the details.

The Attorney General

Mr Speaker, Honourable Members, the purpose of this Bill is to amend the Immigration Ordinance to give effect to section 22 (7) of the Constitution under which certain persons are given a right under the Constitution to apply for Falkland Islands Status and if that application is not granted are entitled subject to a provision which I will come to in a moment to be granted Permit Right to Remain in the Falkland Islands. Those persons fall into three categories: a British Overseas Territories Citizen who has been naturalised or registered whilst in the Falkland

Islands, a spouse, widow or widower of a person who has Falkland Islands Status, or a person under 18 who is the child, stepchild or adopted child of a person who has Falkland Islands Status. The effect of the Bill is that a person who falls into one of those categories whose application for status is not granted is to be granted a Permanent Residence Permit. I referred earlier to the proviso which is that the grant of the Permanent Right to Remain or Permanent Residence permit which this would cover if this Bill is passed can be refused if section 9 (2) of the Constitution applies. Under that section a refusal can be justified if that is reasonably required in the interest of public safety, public order, public morality or any other specified circumstances. It should not be thought that the granting of a permanent residence permit under the amendments made by the Bill is irrevocable. A new section 23(A) of the Immigration Ordinance which is inserted by section 7 of the Bill sets out the circumstances in which such a permit can be revoked and the procedure which must be followed. Mr Speaker, Honourable Members I hope that this explanation of the Bill is helpful and I would of course be happy to provide any further clarification that Honourable Members might like.

The Honourable Director of Corporate Resources

I second the Bill.

Mr Speaker

Does any Honourable Member wish to speak to the Bill? There is to be no debate. Is there any objection to dealing with this Bill by the short procedure? No objection. Does any Member wish to propose any amendments to the wording of the Bill? There are no amendments. I declare the Bill to be read a third time and passed.

Clerk of the Assembly

Immigration (Amendment) (No 2) Bill 2009

Maritime Security and Safety Bill 2009. This Bill has not been gazetted and is being presented under a Certificate of Urgency.

The Honourable Chief Executive

Mr Speaker, Honourable Members, I beg to move the first reading of the Bill and my Learned Colleague The Attorney General will give a detailed explanation.

The Attorney General

Mr Speaker, Honourable Members, in the course of preparing for the forthcoming oil exploration programme to be conducted by the rig Ocean Guardian, the Falkland Islands Government has reviewed the legislation that applies to the exploration and the associated activities. One defect that has been identified in the existing legislation concerns the precautions that can be taken to ensure the health and safety of persons who may be on FIPASS when the large support vessels for the rig are using FIPASS. Whilst existing legislation can be utilised to create restricted zones for security purposes it is not clear that there are adequate powers to create such zones for health and safety purposes. The essential purpose of this Bill is accordingly to extend

existing Aviation and Maritime Security Act of 1990 which applies in the Falkland Islands by virtue of a 2004 Ordinance to the protection of persons on health and safety grounds.

The Bill also makes some of the provisions more flexible which mean that matters can be better tailored to particular circumstances and be no more onerous than necessary. Under the changes made by the Bill, the Governor is able to designate a restricted zone over the whole or part of the harbour area which lasts either indefinitely or for a specified period. The designation can apply at all times or only at specified times. A person is not able to enter or remain in such a zone without permission. In addition power is given to designate routes which must be used by persons who have permission to enter or remain in a restricted zone.

The Bill also makes provision for the designation of restricted zones by a person authorised by the Governor or by the Harbour Master. Such a zone cannot be created for longer than 7 days and is therefore for use in cases of urgency or for short term purposes. If a zone is needed for a longer period the 7 day designation can be renewed for a further period of 7 days but beyond that the zone can only continue if the Governor makes a designation as I have previously described. I should mention that entering a restricted zone without permission or not using a designated route is made a criminal offence by the Bill.

Finally I should mention two matters, firstly clause 11 of the Bill imposes a duty to ensure permission to enter or remain in a restricted zone is given to persons who have a legitimate purpose for entering or remaining in the zone and the Bill sets out a description of such persons which includes employees of businesses within a zone and crew and passengers of other ships using the harbour. Secondly, the Bill is an enabling provision and detailed discussion with interested parties will take place before the restricted zones and routes are designated.

The Honourable Director of Corporate Resources

I second the Bill.

Mr Speaker

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

Clerk of the Assembly

Maritime Security and Safety Bill 2009

The Honourable Chief Executive

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

Mr Speaker

The Motion is that the Bill will be read a second time, does any Honourable Member wish to speak to this Motion? There is to be no debate. Does any Honourable Member have any objection to dealing with this by the short procedure?

The Honourable Dick Sawle

Sorry, Mr Speaker, I'm not always aware of the procedure in these matters but I just wanted to make one point on this Bill. I can understand and well appreciate the reasons for the Bill, but I would like to seek the Honourable Chief Executive's assurance that the management of FIPASS will be pragmatic, sensible and also that it won't be detrimental to the interest of the fishing fleets.

The Honourable Chief Executive

Mr Speaker, I am very pleased to provide that reassurance and understand where you are coming from. This Bill of course is an enabling measure which allows the management of FIPASS to put into place security measures possibly for only a limited period of time during the intense period of oil operations. We are very aware that there is a big job of work to do to ensure that existing operations not least fishing operations can continue effectively without hindrance on FIPASS while oil operations are ongoing.

I have mentioned already, I will be looking into that and will be coming back to Members informally shortly on the details of how that is to take place.

The Honourable Dick Sawle

Mr Speaker, thank you very much for the answer, the point I suppose that I would like to make is that in 1998 when we had a similar type of exploration for oil it became increasingly more difficult for the fishing fleet to operate on FIPASS due to problems with the booking system where berths were often hijacked by the oil rig supply vessels and fishing companies found it extremely difficult to work. I welcome your answer; I accept it and thank you very much.

The Honourable Gavin Short

Sorry, Mr Speaker, it was just a point of clarification. Should I be declaring an interest being an employee of a company that works within the security system?

Mr Speaker

We will accept that as a declaration of your interest. Thank you. Is there any other Member who wishes to speak to the Bill? Is there any objection to dealing with this Bill by the short procedure? There is no objection. Does any Member have any amendments to the wording of the Bill? No amendments, I declared the Bill will be read a third time and do pass.

Clerk of the Assembly

Maritime Security and Safety Bill 2009

The Motion for Adjournment

The Honourable Chief Executive

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

The Honourable Roger Edwards

Mr Speaker, Honourable Members, in rising to support the Motion for Adjournment I would like to mention a few things: firstly, Camp television. I sought early confirmation of what was happening with the television and on our very first Legislative Assembly on the 10th of November, I raised the subject and announced to the world that it was going to be in place by May and June, followed only a few days later by the fact that they couldn't get hold of the dishes and some of the other equipment.

But I am delighted by the Honourable Dick Sawle's answer this morning that actually brings that forward and we are all actually going to have it by May so although there was a moment's hiatus it all seems to be back on course and I am sure we will look forward to receiving those channels.

I do wonder, though, with the advent of a new digital system now being implemented by a private contractor throughout North Camp on East Falkland, how many people will still require the Government provided service but we will find that out in due course.

The Reverend Richard Hines at a public meeting said that it would be good if we could all come out with something positive in our statements rather than condemning and criticising and so on which we have a tendency to do. I attended a board meeting of FIMCO wearing the hat of Standing Finance Committee. I must say I there saw an incredibly positive attitude. I am delighted to say that since that meeting we've heard that export meat prices have risen in excess of 20% so good luck to FIMCO.

I would also like to say that the farmers involved at that meeting and some of the others who couldn't make it on that particular day, their commitment and their positive attitude for this operation is quite incredible. So, Richard, we have had some positive input. I congratulate FIMCO on their attitude.

Roads: there was a question on roads which you heard the answer earlier. Sadly, under the last Assembly the Transport Advisory Committees seem to have gone into abeyance and many papers that would have referred to roads or transportation or the Ferry or FIGAS and so on were not put through this organisation and therefore all sorts of cock-ups occurred, for instance, on the rates for moving of animals, wool bales and all the rest of it, prices on the ferry, I think there's about nine EXCO papers between September and the present day.

This has been discussed again at the last EXCO and there will be mention of that in the last EXCO round-up, presumably next week on FIRS. But once again it is not the final solution and I am sure it will come back to haunt us all again in the New Year. But we really must get it right.

The other thing that came out which I was very surprised about was there had been a decision taken to upgrade the road to a 38 tonne standard from Stanley through Newhaven, Port Howard to Fox Bay so that the 38 tonne limit applies all the year round. And this was going to be done ignoring the areas of road that have actually been totally wrecked during the last winter or, indeed whenever we have a period of wet weather. We asked TAC that this be looked at and indeed may well require a re-negotiation of the present contract.

But I find that it is ridiculous to build a road to a 38 tonne standard and then come off the end of the road and instantly get bogged because the whole road is either so rutted or broken down so that everything comes to an immediate halt. So we still have a long way to go on the roads and I wait with some trepidation as to what that answer will be in the New Year.

There was a little bit of hiatus over a cruise ship being turned away by our Chief Medical Officer because of a virus onboard that ship. I personally think under the conditions there were then in place that our Chief Medical Officer took exactly the right course of action and I do not believe we are in a position to criticise him. I agree that the procedures and so on were lacking and the fact that once again bloody e-mails

Mr Speaker

Order please. Would you like to please stick to parliamentary language?

The Honourable Roger Edwards

I will Mr Speaker, thank you for your reminder.

Mr Speaker

Thank You

The Honourable Roger Edwards

E-mails were again probably were the cause of a lot of this failing because people tend to send off e-mails assuming they will be received instantly and people will react on them instantly. Well, of course many people are not going to be in the office to receive these e-mails and they won't be getting these e-mails until they return to work the next day. And then suddenly what could have been 12 or 14 hours notice becomes 30 minutes notice and you've got to make a quick decision. I am pleased to say there is a process now in place and I hope that in future negates the problems we had with that particular situation.

I hope Members noticed this morning that when we were talking to the amendment to the Falkland Islands Pensions scheme in the schedule in Section 13, we have said good-bye to the Financial Secretary We, this morning, ruled out today and forever,

maybe; the Financial Secretary. From here on in he is to be the Director of Corporate Resources. What a shame but there we are.

Finally, I would like to say welcome to Commodore Philip Thicknesse. I don't know if he had anything to do with the problems with the airbridge. He seems to have stepped off the aircraft and it was instantly made bankrupt. But thank you to the organisers away in the distance in their darkened cupboards that we do have Air Italia that has taken over and we should see ourselves no difference in the airbridge system. But welcome Commodore Thicknesse. I would like to take the opportunity to thank you and your troops, in a collective mode, that is, out at Mount Pleasant and wherever else they may be on the Islands for the security that you give us. We must never forget that we all stand here today, thanks to you and your colleagues and of course with them come their families and we like to see them, too, here in the Islands. And I would like to wish them all a very Happy Christmas and apologise for having them so far away from their homes and families at this time of year.

And I would like also to say Happy Christmas to everybody here. Thank you.

The Honourable Dick Sawle

Mr Speaker, Honourable Members, I would like to say a few words in closing what is the last Assembly of 2009 to reiterate a warm welcome to our new Commander British Forces, Commodore Philip Thicknesse and family. I hope the wind surfing goes well and I hope that your stay here is an enjoyable one in the Falklands and you can rely on our help and support whenever possible as we do also rely on yours.

Many people have asked me what our impressions are of the first few weeks as a Member of Legislative Assembly. And the answer is that it's been interesting, very interesting and busy. There has been a variety of distinct impressions of the task in hand but I have been surprised by the amount and variety of tasks that any member is asked to deal with. They range from a number of personal problems to matters of national and even international importance. On the personal level a plethora of problems that people had to cope with, difficulties with employment issues, complaints procedures, business conflicts with Government and general discontent on a variety of issues that don't require any great policy change or decision making.

The solutions, where solutions have been found, generally have been found by applying common sense and a sound knowledge of the Falklands and its people. I have been very honoured to have been put in a position by the electorate which means that I have been able to be of help and assistance in finding a few solutions. I don't pretend that all of these personal and very private problems have been solved yet or are even capable of solution. But what I have found is that the Civil Service is amenable to suggestion and very willing to provide innovative solutions where innovation is required.

As I said in my manifesto, where something is patently and obviously wrong it simply has to be put right. I can only hope that my, perhaps, naive approach is working. So far it seems to be working with most of these issues and long may it continue.

As the Ship of State moves along the water it will always be creaking and groaning as the timbers take the strain (if you will pardon a rather complicated sentence) but I feel

the optimism that every one of us feels in this Assembly and is always present. I feel certain that it will be long-lived.

Work has been going on in the background with a variety of what I would term national issues that are close to people's hearts. The problem of how to properly regulate Cable & Wireless as a monopoly is, of course high on everyone's agendas. I am very pleased to report the 2009 Doyle Report will be out for public comment in January. I look forward to comments from the public and would urge everyone to make comment. It is vital to get feedback on this issue as not only does it affect your pay packet but it's also of vital importance for the future development of the Falklands.

To put it very bluntly, without affordable, reliable, quality internet services the Falklands would suffer and not develop as it should, both in business terms and cultural terms. Young people also older people need and wish to be linked by the internet. Facebook, Twitter, Social Networking, e-mails, and the whole new world of surfing exists out there which love it or hate it, is an important part of modern life and is with us to stay. We owe it to our society to give everyone those tools to make it work and to join the modern world. In pure business terms virtually every sector of the EDS strategies that have been produced by the working groups relies on vast improvements in the internet service currently provided. I would call the necessity of the monopoly in the Falkland Islands into question but that's a personal view and I am also happy to accept that this view may not be shared by everyone and I am happy to be guided what you think.

I will not get tedious by going into the many areas of business the Assembly has been involved in since Guy Fawkes night because that would sound too much like an end of term report and my colleagues here will, no doubt, go over a lot of it and I also have a hearty disregard for pompous end of term reports.

As I said at the last Assembly meeting there are many important issues which we have on the agenda to tackle in the New Year. These range from FIMCO, housing, FIGAS, the Ferry Service, cargo subsidies and, of course, the supply of TV and radio to Camp and Stanley on which I have already spoken at some length, to mention a few. We also have pending a discussion and debate with the Chief Executive on the review of Government, on the new port facility; we are awaiting Royal Haskoning's report and their technical and business evaluation. Work on these items and many others is on-going and far from a simple task. You can rest assured that it is not stagnant.

There is here a huge opportunity for private investment and I hope to be able to stimulate and encourage that in the New Year. Alongside all of this goes the eminent need also to address longer term issues such as strategic financial planning for our future so that all can feel secure that proper and welcome steps are taken to ensure that our finances remain secure. Decreasing operating expenditure and continually holding down pay rises is difficult and quite naturally unpopular. Increasing revenue by raising fees for services or indeed fishing licences is equally unpopular. And when I say "unpopular" I am not referring to the perfectly natural knee-jerk reaction from those who have been asked to pay more for no discernable increase in value or expectation but also for the small nature of our economy and revenue base. For example, a 1% increase in personal taxation would only result in estimated revenues

to FIG of approximately £140,000 per annum, a drop in the ocean when approaching our economic problems in a holistic way.

Having said this, I wouldn't wish to paint too gloomy a picture our reserves are very healthy and have not been squandered. The cautious approach has always been adopted by previous Assemblies. However, interest rates are bound to increase in the not too distant future and it's also worth remembering that the UK is in a far worse recession than we are. They have a deficit budget running at £488m per day and the gold reserves were sold some time ago. However, pressure from a recession hit UK is bound to attract attention to this small but perceived as wealthy Overseas Territory so we can't afford to be complacent.

We have oil exploration planned to start in February 2010. This will bring in revenue and may well give us a brief respite but it would be a foolish person to believe that this would be sufficient to save the day. Make no mistake about it, if oil is discovered in commercial quantities, it will be many years before we can count on secure income and it would, of course, mean many changes in our community.

I would also like to mention how delighted I was to get an invitation to the Infant/Junior School Christmas production on Wednesday this week in the Town Hall. The eager and excited faces and the forgetting of lines at times and the incredible effort parents and of course the staff that prepared the children was really and truly heart-warming. The fact that they could not only sing along but also sign the songs was truly tremendous. The packed hall was testament to the applaud of parents to the staff. I thoroughly enjoyed it. It reminded me that whatever the business of the day, we are all here in this Assembly for the people and the community we represent. It's good and heart-warming to see such optimism sparkle.

It's also a little sad to see our good friend "The Beak" does not always share this degree of optimism and sparkle with regards to our small community. Criticism is a natural and laudable and necessary part of our society and comes with this job and I readily accept it. I was actually rather chuffed to see that I had obtained from our 'The Beak' the quote of the week as having said "I have no problem in discussing this at any time but not just at the moment." I have to say it made me chuckle. However, I was not impressed with "The Beak's" treatment of one sector of the press in particular, which I thought went beyond the realms of constructive merriment. A simple plea to "The Beak" – keep it constructive, not destructive. Let's not return to the days of bitter and twisted comment which serves little purpose and simply polarises opinion to little positive effect. Think of those keen and eager faces at the Infant/Junior School show the other night and remember that we are a community with diverse backgrounds and interests and one that deserves to succeed and which hopes to do well. Don't be tempted to obstruct that enthusiasm and go for the cheap jibe. By all means, keep the comments flowing but be fair and honourable in your dealings with others. I am sure I can expect some stick from these comments and I welcome it. Please don't deter me or anyone else from returning to view your pages.

Mr Speaker, Honourable members, ladies and gentlemen, May I end by wishing you all a very merry happy and exciting Christmas with family and friends and may we also wish for a very prosperous and as always in the case of the Falklands, an interesting New Year. I am sure it would be exactly that.

The Honourable William Luxton

Mr Speaker, I would also like to extend a warm welcome to Commodore Thicknesse. I look forward to working with him for some time to come. I hope he will also be able to make some visits to Camp and see what the rest of the Islands are about.

Now that this new Assembly has had five weeks or so to get its collective head around the affairs of Government and address some of the problems. It's apparent that there are lots of these to solve when you get beyond the superficial look and into detail.

A case in point is the prospect of some kind of assistance to West Farmers with the freight on livestock to the Abattoir and wool on the ferry. It sounds a simple concept but whatever is done can often disadvantage some or be impractical to apply. What is much simpler is to reverse the decision not to allow consolidated freight service to Fox Bay when the Concordia Bay is going there anyway to deliver fuel. Workboat Services is happy to do it, the customers want it and for goodness sake, let's get it working as soon as possible.

We have all had to assimilate a large amount of information and, of course, there are so many things we would like to do but we are brutally aware that there is simply not enough money to do them all.

Having said that, I feel that if we are straight forward and honest with those who put us here, then they will accept you can't get a quart out of a pint pot. Some things that have been done sit uncomfortably with a lot of people, including me. Mean and relatively small savings of the Christmas bonus, which I am glad we were able to reverse, the means testing of child allowance, the withdrawal of assistance with OAP contributions to the very low paid, added to that the cancellation of the holiday credit scheme, which all hit the lower paid the hardest. These actions don't look good when set against the installation of a new layer of super-heads who are picking out well over half a million pounds between them.

I am convinced the administration is grossly top-heavy and I stick to the theme of my election manifesto, if you want to prune an over-grown tree you stop with the over-grown tops not by hacking away at the roots.

As a Camp Member there are a number of things I would like to see get urgent attention, although the next thing I will mention concerns everyone, it's the decline in the last word in (Falkland Islands Government Air Service) FIGAS, the service, as another Honourable Member said. The present system of operation is having a disastrous affect on the tourism industry and I have to say that many times the schedule leaves me very puzzled. Why on earth are all the staff on duty at the airport and FIGAS at 0700hrs when the flights don't depart until 1030hrs? It just seems crackers. Anyway, we have set up a small group to address the whole problem and I hope we can achieve some change and improvement.

I have already mentioned the matter of freight on sheep and wool from the West. We hope we can reach an interim solution even if it's not perfect. But this is part of what is my main interest, the Rural Development Strategy.

In the next few years I think the whole future of the Camp community is at stake. The change from wool only to a wool/meat economy will only succeed if farmers have complete certainty of an outlet. No one can afford to make a change like this if it's possible that the rug will be pulled from under him at any moment. Therefore I think one of our main priorities is to make a total commitment to the Abattoir and absolutely guarantee to keep it going for at least 10 years so that farmers can plan accordingly.

Tied in with this is the future of one of the main FIMCO suppliers, Falkland Landholdings. I have had the pleasure of visiting some of the farms and their hard-working people with my Honourable friend who cannot be here today, who has the Agriculture portfolio. I am sure he will agree that there is a lot of uncertainty as to the future amongst the staff there. They said that Government policy is to encourage more people to live and work in Camp. Well giving young people with young families the idea that schools may close or that their older children's accommodation in Stanley may be closed and their jobs may be on the line is not the way to get families already there to feel secure. Falkland Landholdings with Government must urgently settle on a firm future plan which will give security to their employees and provide them with a decent standard of living.

Elsewhere, I won't labour the subject as the Honourable Roger Edwards has addressed it, our roads are collapsing. Many parts are excellent but some will be destroyed by another winter if action isn't taken. As an example, on Port Stephens roads there are good stretches with quarries providing good material. This should be used to cap the bad bits before it's too late. If the policy to cap 10km of road from Port Howard each year is continued, in many cases, there won't be anything to cap by the time they get there.

Other communications: I have from time to time been somewhat critical of Cable & Wireless. I am really delighted that the Honourable Dick Sawle is now here at this table with a huge vote of confidence from the people to lead the battle against this complacent monopoly. I will support him whole-heartedly. We simply have to let the Falklands catch up with the rest of the world and not be held back by a slow and hideously expensive internet connection. We are paying 10 times or more what the equivalent service would cost in Europe and much of the rest of the world. Both The Honourable Dick Sawle and I know that there are other and better alternatives. There have been some improvements. Broadband is sort of available in Camp now. However, this is administered in a very inflexible manner sometimes, particularly for those who may need several connections on small islands, for instance. They could at least be permitted to use one package from several phones. There are reliability problems with Wi-Max that Cable & Wireless acknowledge and let's hope that these are soon corrected.

Anyway, as the Honourable Dick Sawle said, we now have the Doyle Report to hand. We shall have to study it very carefully and I hope it will be available to the public soon. Let's hope it leads to some improvements.

I want to stress that while I am very critical of the Company, I have nothing but praise for the people on the ground that are invariably helpful and try to solve frequent problems. It's a pity they have to take some abuse from furious customers rather than those who deserve it.

Regarding Camp TV, it's a pity the information in last week's Penguin News and the information given by the Honourable Dick Sawle were not released sooner before this huge head of fury and steam had built up. It seems that sometimes BFBS and the Administration just regard people living in Camp as not worthy of keeping informed. Anyway, let's hope the time for completion the project now being talked about is not another figment of someone's imagination.

Another thing I hope we can address very soon is the ridiculous anomalies that have cropped up regarding Falkland Islands born people and their entitlement to status and the ownership of property. There are some truly strange stories on the way Falkland Islanders have been treated and this has to be rectified as soon as possible. I profess to not having a real understanding as to why this is happening but it seems to me that there is some pretty careless drafting of the new Constitution and other Ordinances.

The Agricultural Department: I am keeping an open mind here, having seen some quite impressive work. The trouble is they are not proactive enough in getting out to all farmers so there tends to be a lot of attention given to the favoured few who are very receptive. There are big problems with falling sheep numbers and poor lambing on many farms and there is an urgent need for the department to help find out what these reasons are. This is essential if the numbers needed for the Abattoir to be achieved.

I have also been critical of FIDC in the past and being landed with it as my portfolio has been a bit of an eye-opener in some ways. I had no idea of just how many things FIDC had got its fingers in. And some of them have a lot of potential.

Also, in the absence of a proper bank, I mean one that will actually lend money or pay a decent rate of interest; FIDC has enabled many people to acquire their own farms and businesses.

I still think the whole business of the dairy was a total disgrace and I am glad the Public Accounts committee will look at this as one of its first enquiries. Someone should be held to account. I also hope the business of the Garden Centre will rapidly be brought to a satisfactory conclusion for both sides. The owners have been treated in the most appalling manner by the previous government and administration. As far as I can see the blame lies there and not with FIDC. Tim and Jan are some of the hardest working people in these Islands and they do not deserve to be treated like this. I want to see that the matter is resolved real soon.

Regarding our unfriendly neighbours across the water well, I think we need to take every opportunity to hammer home our message at every international forum we can. There is little prospect of there doing anything that would ease the dispute. On the contrary, we must be prepared for any eventuality.

Finally, I have a couple of questions being raised in the last 24 hours. Many of the papers going to EXCO are available to the public beforehand. It seems that the minute recording the decision is not so easy to come by. There is a radio round up afterwards but I wonder if it would be possible for the decision to be available in printed form very soon after the meeting.

Finally, I was asked what contingency plans were in place in the event that a serious problem with Concordia Bay would put her out of action for a long period. This was, of course, triggered by recent events at Mare Harbour where Tamar narrowly escaped very serious damage. I have to say that I did not know of any, if there are none, I think we should address this early in the New Year as a matter of urgency. The West and outer Islands could be in very serious trouble in such an event.

Mr Speaker, the last five weeks were pretty hard work for Members, especially those with full time jobs but I have enjoyed working with my colleagues in a pleasant and cheerful atmosphere. I look forward to continuing this in 2010 and I would like to take this opportunity to wish everybody a very happy Christmas and, with the exciting prospect of an oil rig soon arriving on the horizon, maybe the New Year will give us a glimpse of prosperity.

Mr Speaker, I support the Motion.

The Honourable Sharon Halford

Mr Speaker, Honourable members, in rising to support the Motion I would just like to pick up on one point the Honourable Bill Luxton mentioned and that was the issue of Falkland Islands status holders not being able to own property here. That is a matter that came up at the last Lands Committee and we are progressing that matter because it sits very uncomfortably with us also.

Since we were last in this Chamber we have been introduced to many people, shown around departments, had many briefings and been inundated with papers to read. I feel sure we must have each received a tree by now. No doubt much work has gone into what we have received to date and those involved should be commended for their efforts in helping to get up to speed.

Last night some of us were entertained by children from the Infant/Junior School and they did themselves proud, ending up with a superb rendition of the '12 Days of Christmas' in Falklands' style. Well done to you all.

But what has had the greatest impression on me in the FIG wheel is the work undertaken by the LSAs - the Learning Support Assistants in the school. The work they undertake appears to me to be invaluable in assisting the children and teachers alike and I take my hat off to them.

On the other hand, what has not impressed me or impressed me the least is the amount of time it takes to access the FIG computer network from my FIG computer. And I have to confess I spat my dummy out this morning. When in Stanley I try to maximise the use of my time away from home and get as much work done as possible. Yesterday I went to the Assembly Office very early and it took one of the office computers about half an hour to wake up and give me access to the system, which was then incredibly slow. This morning I repeated the process and decided to use two computers – my laptop and one of the office ones. I switched them both on and started the connection process. My laptop was so incredibly slow but did eventually get there but then denied me access to the system. On the other hand, the office computer totally froze and had to be switched off. Just to let those of you know, who may have been trying to make contact with me, that I will be online once I go home. But to date,

I have to say, Cable & Wireless have not let me down in this regard. I know I am not exactly computer literate but even I wake up more quickly in the mornings than the FIG computer network. What concerns me is just how much time is lost within FIG due to this problem. Weren't computers meant to speed up things and reduce manpower? Perhaps we should send a note to Father Christmas.

Yesterday I popped into the hospital to collect something from the dispensary and about half an hour later I emerged from the building. Why there was such a long queue and why did I and others have to wait so long? The answer is simple. Too many people were fronting up at the dispensary asking for repeat prescriptions at the last minute. I live in Camp and a couple of working days before coming into Stanley I pick up the telephone, ring the dispensary and ask for a repeat prescription. This is very easy to do and means that when I go along to collect the prescription it is there ready and waiting for me. I would urge other members of the public to have a bit of consideration for the over-worked staff in this little department and try phoning in their repeat prescriptions in advance, too. After all, it doesn't take long to pick up a phone and make a call. If everyone was to do this it will save people to wait so long and would also make for a better service with happier members of the public and less stressed pharmacists. Alternatively, of course, another way of shortening the waiting time would be for the dispensary to start charging a fee for last minute requests.

Whilst driving into Stanley earlier this week and looking at the amount of road-kill at or near the side of the road, I wondered if drivers would be driving in the same manner if it were people along the side of the road rather than sheep. I have been sickened on occasion this season of some of the sights I have seen while on the road though I am definitely not very squeamish. But the sheer number of sheep that have been killed in this manner is a disgrace. Amongst these are several pairs of ewes and lambs, chucked in the ditch or on the verge. It is just over 70 miles from San Carlos to Stanley and as there are now over 1,000 miles of roads and tracks around the Islands and I am only seeing the tip of the iceberg so to speak. I admit that it is not always possible to avoid a sheep when it pops out of nowhere but I would urge all who drive along our roads to be vigilant as virtually wherever you go you will be driving through a sheep farm and many farmers are having a hard enough time this season without losing stock unnecessarily.

I was invited along to a meeting of the Cancer Support group last month and was impressed with the amount of work they do and the help and support they offer to those with this illness. All of their work is undertaken on a voluntary basis and treated in confidence. One of the things they try to do is help keep people in touch with their families while they have to go overseas for treatment. When you discover the sheer ground-swell of support this group receive from the Falklands community as a whole both from individuals and organisations, it is very touching. At the moment most people will probably be aware the 'Swim for Life' that is going on in the Leisure Centre swimming pool and also the swimming pool at Mount Pleasant both in support of the breast screening programme and Cancer support in general. They need as many people as possible to help them with this swim or if they are like me and can only swim like a stone, and then I am sure a donation would be greatly appreciated.

Finally, I, too, would like to welcome Commodore Thicknesse to the Falklands and hope that during his stay he and his family will find the time to enjoy the Islands and what they have to offer. As Christmas is almost upon us, I know there will be many

service personnel here and in other places around the world who would sooner be home at this time of year. But please do accept that we appreciate your commitment and presence here. And we hope all of you and everyone else in the Islands has a good Christmas.

I support the Motion.

The Honourable Emma Edwards

Mr Speaker, Honourable Members, I welcome Commodore Thicknesse to the Falklands and I hope you have a wonderful time whilst you are down here.

I was going to continue on the positive side of things. The other day we had an Environmental Planning Committee meeting and during that meeting we were discussing rat eradication. It's not really something that a lot of people like to talk about. But rats sadly are an invasive species in these Islands and the rat eradication programme has been going from strength to strength and they are starting to tackle larger and larger islands, in the coming year they will be tackling the first passage island, which considering they started off on very, very small tussock islands and have now developed skills to tackle larger islands is a wonderful thing to see.

The other thing which I would mention about this is that quite often the funding for these types of projects are sourced from outside of the Islands and it's actually revenue being generated from outside of the Islands and spent here within the Islands. I believe this is something which we can grow and improve in future years. I know there is a small working group looking at this at the moment.

The work on rat eradication I would like to say really is very much down to Sally Poncet and her dedicated team of rat eradicators. They really should really be congratulated on all that they have done.

I wish we could have a similar tack on things such as the earwig, I've heard rumours now of the biting spider which was firstly discovered somewhere around the power station and I have also had reports of the St Helenian Scorpion hiding out in somebody else's home. So, we've got the rats, I believe mice are on the cards, maybe earwigs, biting spiders and scorpions could be next.

On a similar theme I would also like to congratulate the demining crew who are down at Surf Bay and Sapper Hill. FIG has been closely monitoring the progress of the work and they are very happy to have de-miners actually undertaking the demining of these particular bits of land. It may look harsh but everybody is reassuring us that it is going to recover and it will go back to how it was. Particular attention is being paid to rare, native plants and these being well looked after.

One of the questions I was asked was "are they going to be closing the MPA Road?" I have been reassured that it won't be for long periods of time. When a vehicle arrives it will be asked to stop. It will then have to wait a few moments whilst they blow whistles and everybody can stand back from their work and the vehicle will be able to move on. The only time that there will be any delays, should mines be found and detonation is going to be required at the end of the day, then there will be a bit of a wait and I don't think anybody would want to drive through a blast.

I am very, very pleased that the pensioners are getting their Christmas bonus. And I certainly hope that in the New Year we can give a little more reassurance to our families with children and we can find a way to stop the means testing, which is currently being forced upon them. There will be a meeting in the New Year. It is something this Assembly is taking seriously and we will be driving it forward.

FIGAS: It is a problem, FIGAS. We have a lot of unhappy people out there and there's a great, great sadness that FIGAS with such a long, long period of time with such a wonderful service to people in the Islands, things like medical, people aren't being picked up, the hospital is being asked to charter FIGAS to go and pick up casualties from the Camp. All of these sort of things are causing a lot of problems needs to be stopped. Customer satisfaction with FIGAS is also on a decrease. We have to ask ourselves whether the savings which we are getting really do actually outweigh what the service is there to provide.

I am very pleased to say that the Public Accounts Committee has been established and I am looking forward to the first of those meetings to find out how we are going to be working, which will be this afternoon and I certainly hope that the public will come along and listen to what is going to be said in those meetings. I think it's very, very important that everybody understands the process and what is being discussed.

And finally, I'd like to say well done to everybody in the Infant/Junior School for "Mary's Knitting." It really was a spectacular show. I loved the 12 Days of Christmas at the end and the children's ability to sing and sign at the same time was absolutely fantastic. That was down to a lot of hard work by all the staff and the students there. I would also like to mention and pass on my best of luck to everybody in FICS this afternoon who are doing "FICS Factor and the Oscars." And I also know a lot of hard work has gone into this.

So finally I'd like to wish everybody in the Islands and around about a Merry Christmas and Happy New Year.

I support the Motion.

The Honourable Gavin Short

Mr Speaker, Honourable Members, in rising to support the Motion, a few notes I dashed off about 0600 hrs this morning seem woefully inadequate compared to some I have heard before. I have no intention to speak on rats but I probably would enjoy a good rat chase if I could.

It is my intention if time permits and it's looking a bit dodgy now as in January I wanted to get out and about with the departments with whom I hold a portfolio and spend time with the people at the coal face. I certainly want to go through every department that I have an interest in and meet with the people and spend time with them. Only by doing that I feel I can get a real understanding of what's going on in those departments, though I certainly do look forward to getting out and about when I can.

Also starting in January we will begin to see the round of meetings that will see us starting to look ahead to say what our priorities are and where we want to go as a government. It's not going to be easy but as long as we take decisions with the welfare of our people and our Islands always firmly in our minds, I feel that we will do well. And, as an Honourable Member said before me, as long as we are straight with people I think they will understand.

I am actually quite impressed after all these weeks, how much alike we are still thinking on all matters. And I think that also bodes well and I have not seen any signs of division or in fighting. I am sure there will be blood up the wall at times as we go through. Certainly when it comes to the Abattoir I will probably be taking a different stance to most people around this table, but let the fun commence in January.

I have been rather taken aback at times by the sheer volume and at times complexity of what is being thrown at us. I wonder, though, whether it is complex simply because it's allowed to become this way or indeed perhaps it was designed that way. Things are often as complex or as simple as you want them to be and disturbingly I am starting to see evidence of the madness that has inflicted a lot of the world starting to appear down here. I think that unless this Assembly is strong and resolute in combating this we may see, as appears to be happening in other parts of the world, bureaucracy and political correctness gone mad, almost strangling the ability of society to function sanely and rationally.

FIGAS: In the brief time that I held the portfolio that covered FIGAS I did manage to get a visit in and I spoke with those that were on the coal face. I may not be an economist or one of those well-educated people that we have working for us but I do know a steaming pile of unhappiness when I am faced with one. FIGAS is clearly not working. More tragic for me is the state of morale of the people who are working there. It's in tatters. Any employer has a duty of care towards employees and we certainly need to start exercising it with FIGAS. I am told that there was a few staff that came very close to walking out recently. I would not blame them if they did. A lot of staff like a number of departments that I have also been to, they are not just there because it's a job. They actually like being there, they like what they do. However, this well of good will and commitment will not last forever and it's incumbent upon us to try and turn things around before the goodwill and some very committed and skilled people start drifting off. It is my hope that the group that has been formed to look after FIGAS – and I make a plea to the Honourable lady (the Honourable Sharon Halford) to my left, will also include representatives from FIGAS, for example, a rep from the office, the engineering section or perhaps a pilot. These people must be chosen freely by those who work within FIGAS. Why do I ask this happens? It's simple. They are the poor devils who will have to implement whatever is decided. They will know what affect a certain decision may have and in the reality of today's daily operations and it is only sensible that they are part of the review process.

For too long now the workforce and not just within FIG have been kept out of decision making so let us be bold and do things differently this time. There is also evidence from some departments within FIG that this has indeed happened. They involve their workforce. This is what we want to do; do you reckon it will work? In fact, the workforce has been told to come back with some very good and positive feedback. And has lead to changes in the way things were done and changes that were to the better.

There are a lot of people out there who do things within FIG on a daily basis with no thanks for their endeavours. The Police are one. I would publically like to take this opportunity to thank them for the work they do. For example, every parade day they are out there making sure that things run smoothly and that we can enjoy the spectacle of the parade in safety. I thank you all. Your efforts do get noticed and are appreciated.

The new Head Bobby is soon to arrive on the shores. I certainly look forward to meeting with him at the earliest possible moment. I have a deep fondness for the departments that he will have control of so I shall be watching every move with more than a little bit of interest.

In a week where sport has featured high on the agenda for all the wrong reasons, it is heartening to hear that this Sunday we will see a sporting event taking place which I rather think will get the interest of many here in the community for all the right reasons. I am lead to believe that this Sunday will see a full blown international football match being played between the Falklands and Zimbabwe. I wish both sides well and I hope that this may be the first of many matches.

Sir, if all the invites to various events I have had over the last few weeks, I think the one that has given me a lot of pleasure was a visit to ACORNS on the 8th of December. It was wonderful to meet with and talk to the people. These people, of course, through whose endeavours, hard work and they worked in some pretty awful conditions and terms, through their hard work and what they put up with, they have given us a country in good shape to look after and pass on to our children. I do say thank-you to those people for what they have done for us and for our future.

I would also like to join my colleagues in welcoming the new Commander British Forces to the Islands. Sir, I know you arrive here in a time when not just our budget is under attack and times are, to put it bluntly getting a little difficult. However, I do look forward very much to working with you. And just going by my first impressions, I feel that you are a person that I can do business with.

As we move inexorably close to the season of good will to most men and ladies I do think this is an opportune time to associate myself fully with the sentiments of the Honourable Mr Edwards and of others who have spoken before me. The personnel of Her Majesty's Armed forces are welcome here. It is thanks to their vigilance and endeavours that we can enjoy a safe Christmas in the style and under the Government of our choosing. It is appreciated. I would also like to extend seasons greetings to all in the Armed Services but also all those many and varied civilian organisations that support the Military, for example, VTC and the Sodexho lads and lasses. I sincerely hope that you all have a merry Christmas and obviously a peaceful New Year. I would also like to extend season's greetings to all in the Islands and ask, perhaps that we take a moment to think of those who will be working on Christmas Day. There are a lot keeping the Islands safe and the essential services manned plus also those in the private sector, for example, those in fishing agencies and companies whose functions go on every day of the year.

Sir I wish to thank you and I support the Motion.

The Honourable Jan Cheek

Mr Speaker, Honourable Members, I'd like to start on a serious note. That is saying that my thoughts and prayers and the thoughts of other Assembly Members are with our Government Archivist, Jane Cameron and her family as Jane fights to recover from a very, very serious road accident.

Moving on, of course, speaking last what I am going to say has been covered in one way or another but following on from a theme of Gavin's about the older people in our community being those who through the most difficult of times made this community what it is. And, Penguin News has been featuring family connections in the Assembly. The Honourable Gavin Short at the last meeting alluded to the fact that he was not born a Biggs. Of course, he is descended from the first Biggs born in the Falkland Islands in 1843, probably just after the settlement moved from Port Louis into Stanley. That was Edward Falkland Biggs.

I wonder if Edward's parents, James and Margaret, who arrived in 1842 with the first Governor, Lt Moody's party of sappers and miners, I just wonder what they would have thought if they were told that the Legislative Assembly 167 years later would have three of their descendents as Members. Unfortunately the third one is absent today.

Is there a point to what I am saying - probably that we are an opinionated lot and not afraid to stick our heads above the parapet. In the last month I have been asked by a number of people what my impressions in being back on the Assembly after a four gap have been.

I had the opportunity to update myself on a great many things that were works in progress just over four years ago. And it was profoundly disappointing to find a number of areas where things appear to have gone backwards. It seems that we are importing, and this is not down to any one or any three or any six individuals, several dozen probably, we are importing so much bureaucracy that we are in danger of losing sight of the more important principles. I understand the need for good practice in all areas like education, medical services and others but feel there's a danger we could become a nation of box tickers, so bogged down in process that we lose sight of the real goal. I don't blame the individuals. It's partly down to the fact that we are recruiting them from large, unwieldy organisations that do need very complex systems to function at all. Here, while there is a place for systems, they need to be tailored to fit the smaller scale and a smaller budget. There has to be a role for common sense for people to speak face to face and solve a problem quickly rather than exchanging endless trivial e-mails. We've already seen problems that appear to have dragged on for months as my Honourable Colleague, Dick Sawle on my right said. And they can be solved by one or two short meetings face to face.

Let's not bankrupt ourselves importing the extremes of regulation and political correctness, which make many of my friends in the UK despair of their own country. Let's retain discretion for the application of common sense and intelligent use of all the great assets we enjoy.

We are committed to another extremely busy month in January with many policy reviews and strategies to update including, I guess I mentioned, budget, housing, land

sales, means testing. And last, we believe, again as others have said that means testing is having an unwanted adverse effect on families and the elderly. I hope we can come up with fairer and more workable alternatives.

The rural economy has been mentioned and although I claim no expertise in this area, I have to say that the Abattoir is not the only answer we are looking for. There are farmers who are concentrating, some are still concentrating on producing fine wool and there are many other business opportunities that are starting to present themselves in the tourism field for some. Let's encourage all those as well as concentrating on the question of the Abattoir.

At this time of year we also do well to think, as others have said, about the civil servants who will be on call over the holiday period and thank them for their work. I also want to recognise the FIDF and Fire Brigade, where most members are volunteers. I admire the dedication that they give week after week and year after year. There is also a core of people in the community and others have touched on this, who run all the youth and voluntary organisations and charities. Their efforts, mostly unpaid and often unthanked make the Falklands a better place and we owe them all a huge amount of gratitude.

Finally, it's my very pleasant duty to welcome Commodore Thicknesse and to present him, before I actually say that I support the Motion, with the Assembly tie which we give to all Members and to say thank you and all the men and women who work with you for what they do for us.

And I do support the Motion.

Commander British Forces South Atlantic Islands

Mr Speaker, Honourable Members, first of all, can I thank you all very much for your kind words of welcome to me and my family and your great words of thanks and support to the fantastic team that I now have the great privilege of working with and commanding at Mount Pleasant and elsewhere. I will ensure that those words get back to them all.

It's the most enormous privilege to return to these Islands for the third time, having served first in HMS Fearless during the war and subsequently on the ship we all fondly remember as "The Black Pig," after that in these waters and then to return again in '96 to command Leeds Castle where I really got to know and love the Islands.

And so to come back here is the absolutely perfect culmination of my naval career to date. And I look forward immensely to working together and getting to know you all and to learn more about the Islands and to ensure that my family also see as much of this wonderful place as they can.

So thank you all and from me a Happy Christmas to you and all your families.

Mr Speaker

Honourable Members, the Deputy Speaker and I wish you all a Happy Christmas and hopefully a peaceful and prosperous New Year.

The House Stands adjourned accordingly.