



**FALKLAND ISLANDS
GOVERNMENT**

www.falklands.gov.fk/assembly

Acknowledgements:

The Jane Cameron National Archives (Archivist—Tansy Bishop)

Gilbert House Administration

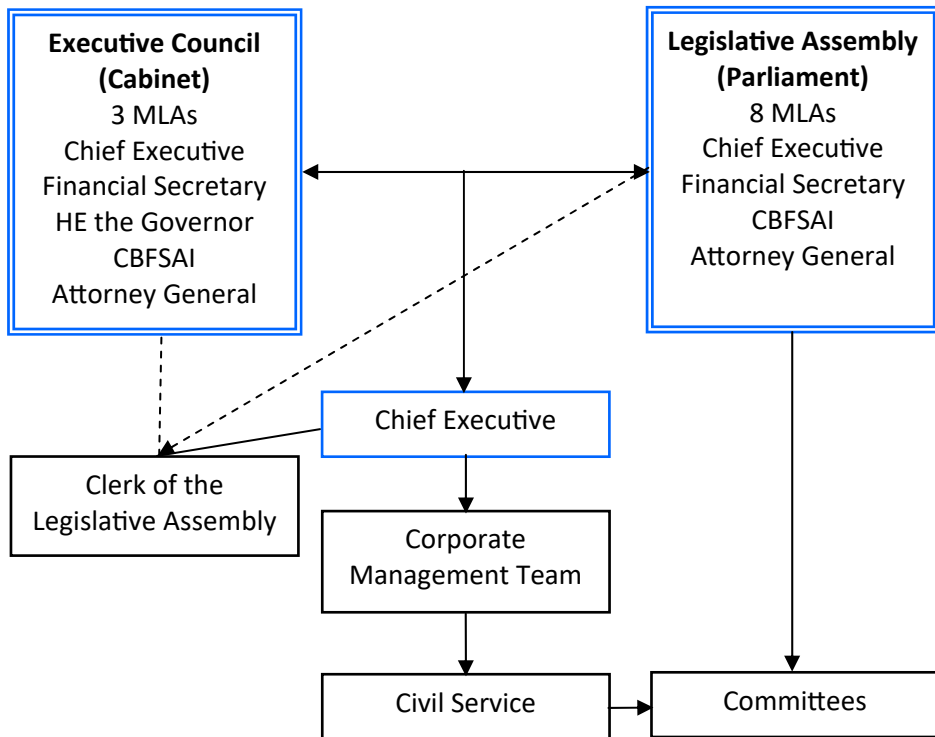
Kristy Buckland

Mr Speaker—Keith Biles

Images : FIG & the Falkland Islands Museum and National Trust



A brief introduction into the
**Legislature of the
Falkland Islands**



The Role of Executive Council



Each year the elected Members of the Legislative Assembly (MLAs) elect three of their number to the policy making body of the Government, Executive Council. Only the three elected MLAs are able to vote on Executive Council.

Executive Council is chaired by HE the Governor. Membership also includes the

same ex-officio members who sit on the Legislative Assembly and in addition the Attorney General and the Commander of British Forces South Atlantic Islands (CBFSAI) may attend and speak on any matter.

Executive Council normally meets monthly, but more often if required. It is responsible for the formulation of strategy and policy, and for high level management decisions.

The Committee System

Government committees fall under the Committees (Public Access) Ordinance 2012. Committees are chaired by an MLA and have set Terms of References. Statutory committees are legislated for within their Ordinances and advisory committees make recommendations to Executive Council on policy matters relating to them.

Government Services	Standing Finance Stamp Advisory
Health & Social Services	Health & Medical Services Vulnerable Persons Project Board Safeguarding
Education	Safeguarding Education
Environment & Public Protection	Police Prerogative of Mercy Environmental
Development & Commercial Services	Planning & Building Lands Historic Buildings Housing
Public Works	Transport Advisory
Natural Resources	Mineral Resources Fisheries Agricultural Advisory

The Falkland Islands Government are shareholders within the following Boards and have a seat(s) on the board:

- ◇ Stanley Services Limited Board
- ◇ South American Atlantic Services Board

FIG provide funding and have a seat(s) on the following statutory corporations:

- ◇ Falkland Islands Tourist Board
- ◇ Falkland Islands Development Board
- ◇ Falkland Islands Landholdings Board

The Constitution

The Falkland Islands Constitution should always be an evolving document which sets out the system of Government, provides fundamental protections to the individual, and guarantees the separation of powers between Legislative, Executive and Judicial branches of Government.



In 1982 it was badly out of date. An immediate post war review introduced the following amendment in 1985:

- ◇ Removal of nominated members from Legislative Council
- ◇ Legislature elect 3 Members to Executive Council
- ◇ Ex-officio Members of ExCo become formally non-voting
- ◇ The elected members of the Legislative Council increased to eight; four for Camp and four for Stanley

Further amendments in 1997 provided for:

- ◇ The introduction of a Speaker to replace the Governor as presiding officer in the Legislature
- ◇ Legislative Council changed to three Camp members and five Stanley members.

Further amendments in 2008 followed and the key developments were:

- ◇ Placing the universal right to self-determination into the body of the Constitution, along with confirmation that the natural wealth of the Islands belongs to the Government and people of the Falkland Islands
- ◇ A full review of the fundamental rights and freedoms in accord with the European Convention on Human Rights, including introduction of the right to marry and the right to education
- ◇ Clarification of the routes to Falklands Status, and requiring a prior British qualification instead of Commonwealth
- ◇ Redefining the role of the Governor, requiring him to act upon the advice of Executive Council except in a very few well defined circumstances, and following due process
- ◇ Creation of the Public Accounts Committee
- ◇ Creation of the Role of Complaints Commissioner
- ◇ Improving the independence of the Government audit function.
- ◇ Renaming the legislative branch as the Legislative Assembly. Continuing to review and update the Constitution is an important part of an MLA's role. It requires a full understanding of democratic processes and the principles of good governance. It sets the tone and direction for primary legislation, and lays the foundations for internal self-government to the fullest extent possible.

The Role of the Legislative Assembly

Though an Overseas Territory of the United Kingdom, the Falkland Islands enjoys a large measure of internal self-government.

The Legislative Assembly is chaired by Mr Speaker and includes the 8 elected members, two ex-officio members; the Chief Executive and the Financial Secretary: The Attorney General and Commander British Forces South Atlantic Islands (CBFSAI) are also entitled to attend meetings.



The Legislative Assembly is empowered to pass legislation for the peace, order and good government of the Falkland Islands, subject to the approval of Her Majesty the Queen, acting through her Secretary of State for Foreign Affairs. Legislative Assembly meetings are held in public, usually once a month.

An election is held every 4 years to establish the elected members of the Legislative Assembly. There are two constituencies; 5 members represent Stanley and 3 represent Camp. All members are elected as independents as there are no political parties therefore there is no formal opposition.

Upon election each MLA takes responsibility for a particular portfolio and works closely with the relevant departments and government committees but does not have the role of a Minister; instead, questions of policy are considered by the Executive Council.



Legislative Meetings

The first meetings were held in Government House. In modern times the Legislative Assembly meet in the Court and Assembly Chambers in the Town Hall. The meetings are recorded and aired live by the local radio station, Falklands Radio. Meetings are also occasionally recorded and broadcasted by the local television channel FITV.

The Members sit in a horseshoe opening towards the public gallery. The public can attend but are not permitted to speak. The Speaker heads the table flanked by the Clerk of the Assembly and the CBFSAI. Mixed on both side are the ex officio members, and then the MLAs. The Chambers are adorned with the portraits of previous Governors and the Queen's portrait takes pride of place above the main dais.

The Portfolio System

MLAs are responsible for each portfolio and are assigned a deputy, please see pages 5 & 6 for a breakdown of individual portfolios.

As a group they are also responsible for the Policy and Public Relations Portfolio which covers:

- ◇ Reputation Management
- ◇ UK Relationship
- ◇ Sovereignty
- ◇ International Meetings
- ◇ International Obligations
- ◇ Public Diplomacy
- ◇ Policy
- ◇ Public Relations and Media
- ◇ Communications Strategies (MLA Roberts and MLA Bragger)
- ◇ Brexit/European Union (MLA Barkman and MLA Edwards)



The Public Accounts Committee

The Public Accounts Committee is responsible for scrutinising, examining and reporting on all public accounts and audit reports that are required to be laid before the Legislative Assembly. The PAC report on their activities to the Legislative Assembly at least annually, but are not subject to the direction or control of any other person or authority.

Currently MLA Pollard and MLA Elsby sit as the two elected members to the PAC.

Clerk of the Legislative Assembly

The role of Clerk is a role that has existed for almost as long as the Council/Assembly itself. The first was a man by the name of J H Slaughter. He was soon replaced by Longdon, who had arrived in the Islands with Dr Hamlin in 1844. His detailed hand written minutes are impressive. The work of the Clerk over the years fills the archives, from minutes to preparing papers and managing the administration and making sure that processes are followed.



The Clerk of the Council until the early 90's were civil servants who were allocated the work. However as the work grew, it became more of a substantive post. In 2009, the post switched name alongside the change in the Constitution, so the Clerk of Councils became the Clerk of the Legislative Assembly. Since 1994, the role has been held by a female, prior to this the post was traditionally male.

From the very first meeting, the Clerks have kept records of the minutes from the Legislative meetings, Select Committees and Executive Council. They prepare the paperwork for the meetings as well as its archiving. They are also the 'care takers' of the Assembly, ensuring that Members have all the information they need. The records of the Legislative meetings are sent to the House of Lords in the UK for archiving.



The Legislative Office

The Assembly is based in what is now known as Gilbert House. Originally it was named Dockyard Cottage, but was later nicknamed by Austen Woodgate.

The building is one of the oldest in Stanley although its exact year of construction is not known. The building was originally one large room that was used for immigrants, but was then converted to a storeroom. In 1848 it was used as accommodation for the Government Pilot and then converted again as a school. It was renamed the Victoria Cottage Home for the sick and infirm, and then during World War One was the headquarters for the Falkland Island Volunteers. During World War Two it was the home of Austen Woodgate, the Colonial Engineer. He was a keen fan of Gilbert and Sullivan and, since there was already a Sullivan House in Stanley (now the Home of the Chief Executive), he renamed the cottage Gilbert House - a name that has stuck until this day.

It was in the early 1990's that Gilbert House became the Offices of the Legislative Council/Assembly. The building consists of a reception, offices for the Clerk and the Personal Assistant, three shared office spaces for MLAs, a casual meeting room and a formal meeting room.

The Speaker

The position of “Speaker of the House” (the presiding officer over the proceedings of the Legislative Assembly) was established by an amendment in 1997 to the original Constitution of 1985, although the first Speaker was not elected until 2002. Prior to this, the Legislative Council (now the Legislative Assembly) had been chaired by His Excellency the Governor. The role was repeated and more closely defined in the Constitution of 2008.

The dignity of the House was underlined with a change to the title from Legislative Council to Legislative Assembly, and was further emphasised with the establishment of the practice for the Speaker and the Clerk to be robed during sittings of the Assembly.

The Speaker and the Deputy Speaker are chosen from the community by election of the Legislative Assembly and are appointed for the term of an Assembly (four years). They may only be removed by a minimum of six Members voting on a substantive motion to that effect. The current Speaker, the third to hold the post, was originally elected in February 2009 and has been subsequently re-appointed.



The role of the Speaker, although primarily to preside over meetings of the Legislative Assembly, has evolved since its inception with the present incumbent now having a greater input into the management of the business of the House than previously. As with historical precedent in Westminster, the Speaker is politically neutral, and is proscribed from making any public statements of opinion which may reflect upon policies or actions of the Government or Members of the

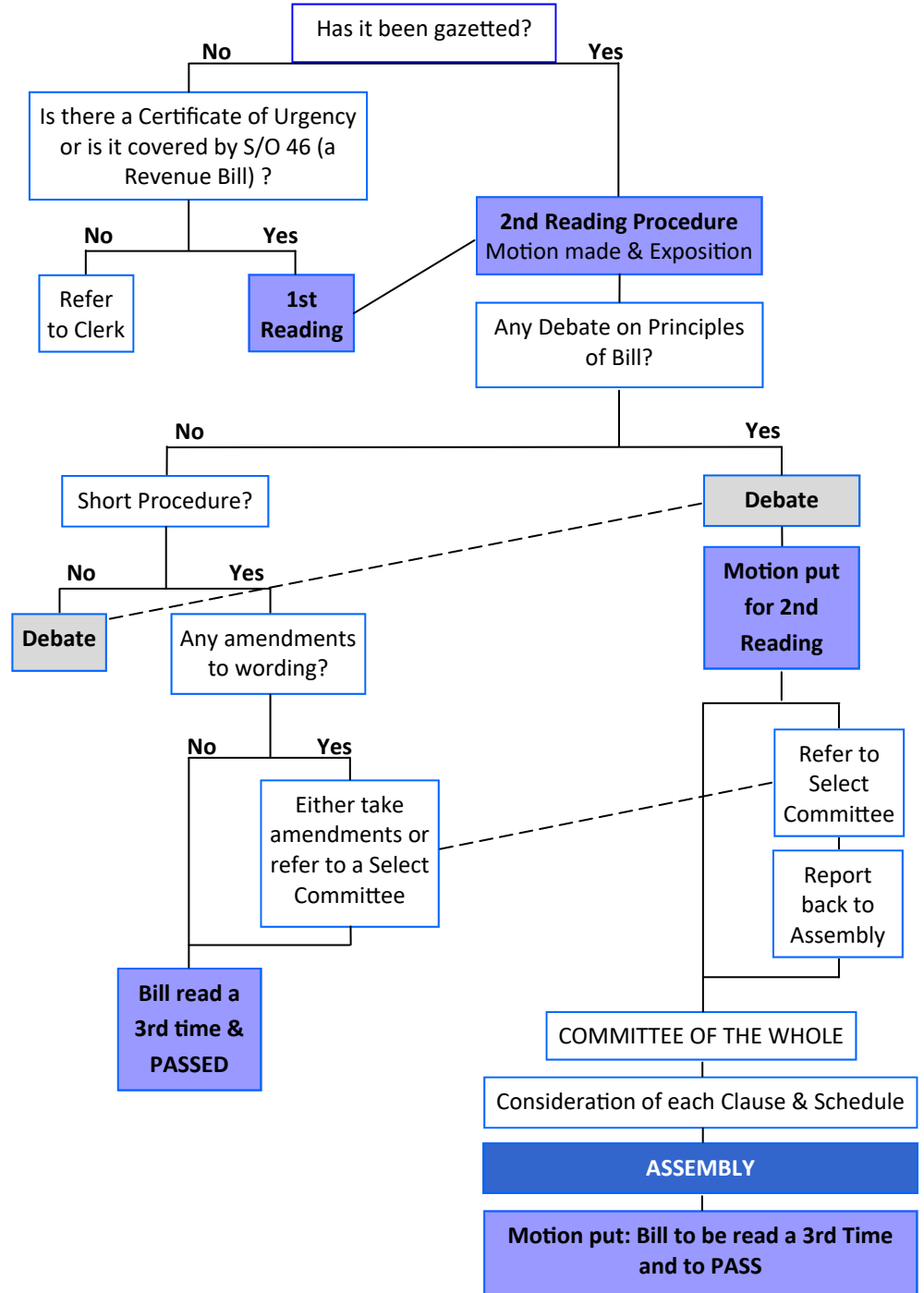
Assembly, and must remain impartial in conducting the business of the House.

Practice and procedures of the Assembly are determined by the Standing Rules and Orders of the House which are based to a large extent on the practices of the House of Commons in Westminster, suitably adapted for our local requirements. If our own Standing Orders are silent upon any topic then reference must be made to Erskine May (Parliamentary Practice) for guidance, and its rulings followed, if practicable, although it is possible to draw on the procedures of legislatures in other Overseas Territories, the Crown Dependencies and other countries in the Commonwealth. The Speaker has been closely involved in the on-going revision of Standing Orders to ensure that the conduct of business in the House is efficient, and reflects the requirements of the Members.

Apart from the regular business of the Assembly, the Speaker is an arbiter over complaints registered against Members of the Assembly both for procedural issues, conflicts of interest, and divergence from the standards required in the Code of Conduct for Members.

The Speaker is the President of the local branch of the Commonwealth Parliamentary Association, and is eligible to attend the biennial Commonwealth Speakers and Presiding Officers Conference.

The Process of Passing Bills



MLAs and the Portfolio System

Natural Resources

- Fisheries
- Maritime and Harbours
- Agriculture
- Mineral Resources
- Hydrocarbons
- Falkland Islands Landholdings (FLH) (MLA Ian Hansen)



MLA Teslyn Barkman



MLA Stacy Bragger

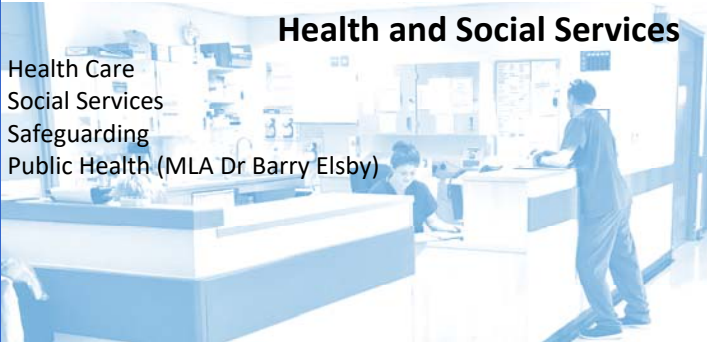
Education and Community

- Schools
- Youth Development and Studying Abroad
- Further and Higher Education
- Nurseries
- Sports and Leisure Services and Facilities
- Arts and Culture including the Museum and Library
- Archives
- Trades and Training



Health and Social Services

- Health Care
- Social Services
- Safeguarding
- Public Health (MLA Dr Barry Elsby)



MLA Ian Hansen



MLA Roger Edwards

Public Works

- Design and Contracts
- Materials
- Plant & Vehicle
- Power & Electrical
- Property and Municipal
- Water
- Highways
- Fox Bay



Development and Commercial Services

- Contracted/Privatised Services
- FIG Commercial Services
- FIG Procurement
- Planning & Lands
- Housing
- Programme, project and contract performance management
- Transportation Infrastructure (air links, etc.)
- National Infrastructure Programme
- Courts



MLA Dr Barry Elsby



MLA Mark Pollard

Trade & Industry

- Economic Development
- Tourism
- Rural Development (Deputy: MLA Teslyn Barkman)
- Science and Technology
- Subvention Bodies
- Employment, Training and Immigration:**
 - Labour Force Development and lifelong learning
 - Immigration Policy
 - Workplace Legislation and Human Rights



Government Services

- Treasury: Budget, Finance, Taxation, Pensions, Fiscal Policy
- Government IT
- Human Resources and Public Service Improvements
- Audit
- Legislature
- National Statistics, Economic Reporting
- Falkland Islands Government Office (London)
- Legal and Regulatory:** Legislative Agenda, Registry Services, Regulatory Affairs Including Monopolies, Constitution, Contracts and Legal Services



MLA Roger Spink



MLA Leona Roberts

Environment and Public Protection

- Emergency Planning
- Police and Prison
- Fire and Rescue
- Customs and Immigration
- Falkland Islands Defence Force
- Ministry of Defence (MoD) Relationships
- Environment Policy, Legislation and Monitoring
- Alternative Energy
- Waste Management

