

**LEGISLATIVE ASSEMBLY
OF THE
FALKLAND ISLANDS**



**RECORD OF THE
SELECT COMMITTEE ON THE PETITION
HELD ON THURSDAY 03 OCTOBER 2024
IN CHAMBER OF COMMERCE**

Select Committee on the Petition

Thursday 03 October 2024

Chamber of Commerce

Attendance:

Elected Members

The Honourable Roger Spink, Chair
The Honourable Leona Roberts, Vice Chair (Via videoconference)
The Honourable Teslyn Barkman
The Honourable Peter Biggs
The Honourable John Birmingham
The Honourable Jack Ford
The Honourable Mark Pollard (Via videoconference)
The Honourable Gavin Short

Officers

Mrs Davina Fiore, Head of Legal Services
Mr David Rogerson, Telecommunications Consultant and Technical Advisor to the Committee (Via videoconference)
Mrs Cherie Clifford, Clerk of the Legislative Assembly

Press & Public

Press – FITV and FIRS
Public – 16 (includes 1 by via videoconference)

**Select Committee on the Petition
03 October 2024**

The Honourable Roger Spink

Thank you very much everybody for coming this morning to the meeting of the Select Committee. I'll read out our draft proposed recommendations before going round all the Members of the Select Committee to get their comments.

Having carefully considered all of the evidence submitted to it, and taking into account both the electronic communications objectives and the regulatory principles in the Communications Ordinance 2017, the Select Committee makes the following recommendations to the Legislative Assembly:

1. That consideration should be given by the Falklands Island Government to the petitioners' request to reduce the current VSAT licence fee of £5,400 a year as set out in the Communications (Fees) Regulations 2019 to a provisional fee of £180 a year on or by 1st February 2025.
2. That the 2016 Falklands Islands Government policy principles which limit the circumstances in which VSAT licences are granted and require that the VSAT licence fee is set so as to discourage self-provision, should be reviewed as soon as reasonably practicable and in any event not later than April 2025.
3. The Committee recommends that as part of the policy review consideration be given as to whether there should be a differential licence fee for businesses and individuals.
4. That until such time as the 2016 policy principles have been reviewed, the remaining provisions of the policy principles remain unchanged. This means that that any applicant for a VSAT licence needs to demonstrate that the current exclusively licensed arrangements through Sure are not adequate.
5. That the Select Committee requests a written response be submitted to the Legislative Assembly by the Executive Council (the Governor in Council) within six months.
6. That any application made by Starlink to the Communications Regulator for regulatory approval will be dealt with in accordance with the Communications Ordinance and related policies, and the Committee requests the Communications Regulator to continue discussions with Starlink on this point.

Reasons for Recommendations:

The Committee considers that a provisional VSAT licence fee of £180 a year is a reasonable level and should cover the administrative costs of issuing the licences. Changing the VSAT licence fee will require amendment to the Communications (Fees) Regulations. The Committee requests that this be done as soon as possible but recognises that the process to change the regulations takes time.

The 2016 policy principles require that the VSAT licence fee should act as a disincentive to operate outside the exclusive licence arrangements set up in the public interest. The intention is that a provisional VSAT licence fee of £180 together with the cost of the necessary equipment and the Starlink subscription would still act as a disincentive for the majority of Sure users to self-provide broadband provision by utilising Starlink. By suggesting a provisional fee at this level, the Committee does not believe that self-provision

outside the exclusive licence regime will disadvantage the general public interest in utilising the exclusive licence.

The Committee notes that applicants for a VSAT licence still need to demonstrate that the exclusively licensed arrangements are not adequate in accordance with paragraph 20 of the 2016 policy principles. In practice this will greatly limit the number of VSAT licences that will be granted by the Communications Regulator, regardless of a reduction in the licence fee. The Committee therefore considers that a wider review of the 2016 policy principles should now be carried out as soon as practicable. This will require a public consultation as well as further potential amendments to the Communications (Fees) Regulations. The Committee requests that this be done as soon as reasonably practicable.

The Committee notes the views of the petitioners on this matter in relation to affordability, efficacy of current service provision (particularly in camp) and the problems this can cause in relation to educational opportunities, social cohesion, economic prosperity and growth and development. The Committee particularly took account of electronic communication principles (a) to promote the public interest generally in relation to electronic communications; (b) to facilitate effective communication in the Falkland Islands and between the people of the Falkland Islands and the rest of the world; (e) to support the growth and development of the Falkland Islands' economy; and (s) to promote and support the use of up to date technologies in providing electronic telecommunication services, and the regulatory principles(a) that public policy in relation to electronic communications should aim to pursue the electronic communications objectives; and (b) that the needs of the people of the Falkland Islands are the paramount consideration in operating the licensing regimes under this Ordinance.

However, the Committee notes that it is not correct to claim that Government services are limited by the current provisions of the exclusive licence holder (Sure) as the Government is exempt from the provisions of the Communications Ordinance 2017.

The Committee also took into account the current operating position in the Falkland Islands and put particular emphasis on the need for residents in Camp in particular to have reliable broadband for safety reasons.

Request of Exclusive Licence Holder:

The Committee requests that the current exclusive licence holder engages with the Falkland Islands Government review of the 2016 policy and provides promptly to the Falklands Islands Government any information requested by the Government to inform the review. The Committee was disappointed that Sure did not engage with the Committee in providing the financial information requested by the Committee to them on a confidential basis.

That ends the draft proposals which can be found on the website. I'll now hand over to MLA Leona Roberts to make any questions or statements.

The Honourable Leona Roberts

Thank you. Chair, yes, our connection is not great, to be honest. It keeps cutting out. But hopefully, maybe if somebody will flap their hands at me, if something goes. Can I just for clarification first of all, so I do have a few points and questions and comments. Would you prefer them in one go or to get back to me at a later time on others?

The Honourable Roger Spink

I think if you just in one go.

The Honourable Leona Roberts

Okay, so I think I'd start by thanking everybody again for their work and the submissions we had from the public. I think it feels like we are making some progress, but I do still have some concerns. Obviously, MLA Pollard and I being in the UK for the Party Conferences, so I haven't been able to take part in all the discussions in Gilbert House, but I think some of my concerns were somewhat allayed by the conversation we had yesterday.

My first question, though, is on the provisional fee. I think it would be really helpful for me and the public to understand why the rationale behind the £180 fee and why this is seen as a disincentive, or why that disincentive is necessary. I think my concern around this, is if it is seen as being a disincentive, then the provisional arrangements, although progress, will specifically continue to disadvantage lower earners by the ... *(connection cuts off)*

The Honourable Teslyn Barkman

Should we take that question whilst we are waiting for the connection. No

The Honourable Leona Roberts

... and also on the provisional arrangements, the 1st February date. I would like to see that expedited. I know that changing regulations takes time, but I believe that that should be in, of the Assembly to move more quickly on and to bring it through EXCO sooner than the 1st February. I appreciate that's probably just what's seen as being a reasonable timeline, but I would like to see that expedited.

And my final point then, I guess, would be around the need to show that the current provision is inadequate. I've raised my concerns in an earlier Select Committee about this, because I think that one person's adequacy is another person's immense frustration, and I am not entirely clear on the framework that that

judgment is made within. Is there any ability to give any further guidance to the regulator workers making that judgment? Are they making that judgment on of what is considered adequate or inadequate? I think otherwise there is, that's an area that I still find of concern.

That's a lot so I'll leave it at that moment. Thank you.

Mrs Davina Fiore, Head of Legal Services

Thank you very much for those questions.

In terms of the provisional fee, the Select Committee are recommending a provisional fee because they feel that it's important some action is taken sooner rather than later. I appreciate it is still a little while until the 1st February, but you'll probably be aware that we do have certain processes that need to be followed in decision making, and if those processes aren't followed, we are open to legal challenge. So the Legislative Assembly makes legislation and holds the Executive Committee to account. The Executive Committee takes policy decisions, so a decision on the level of fee and the policies to apply are taken by the Executive Committee, but obviously those decisions have to be taken in accordance with the law of the Falkland islands. And the Communications Ordinance sets out the communications objectives and the regulatory objectives which the chair referred to in the decision making, so they have to be taken into account in all decision making. And we do have regulations that set the fee level. So to change the fee level, the process has to be gone through to change those regulations. Under our processes, a petition was rightly put in, and that's referred to the Legislative Assembly. So the Legislative Assembly then set up a Select Committee, and again, under our processes, the Select Committee has to report back and make recommendations to the Legislative Assembly. So these recommendations will go to the Legislative Assembly, but the Legislative Assembly isn't the decision maker on price and policy, so they have to refer them back to the Executive Council, and the Executive Council would then take a decision on that.

So I'm sorry. I know that sounds like a really sort of long, complicated and pedantic explanation, but if we don't act in accordance with our own processes, we are open to challenge, and it would be particularly unhelpful if we tried to shortcut it to do something quickly. We were then challenged, because if we get a legal challenge, it then takes quite a long time to resolve that, and ends up taking longer than the wait would be until February. So that's the explanation of the process.

MLA Roberts specifically asked why the price would be seen as a disincentive and why that is necessary. Now we do have we being FIG (Falkland Islands Government), we have both a contract with SURE for sure to be the exclusive provider of our telecommunications service, and we have granted them an exclusive license. Now there are some exceptions to the exclusive license, and those are set out in the Communications Ordinance and in the policy, but it is clear from that that a decision was taken in the policy in 2016 that there should be in the public interest a disincentive for people to self provide broadband. It's not saying they absolutely can't, but a disincentive was put in place because it was thought to be in the greater public good for everyone used one provider, because that was thought would lead to better opportunities for capital investment, better levels of service. So that's why it's important at the moment that that

disincentive continues until the policy principles are reviewed. Now the Committee has quite rightly asked that we do that as soon as reasonably practicable and set a deadline for that. But where we have an outdated policy, and you'll probably be familiar with this from other policies, we do, again, need to go through a process, and part of that process is consulting and consulting, both with the public and with businesses, you know, the Chamber of Commerce, and in this case, any businesses that have particular interests in subject matter, which would be doing SURE and Starlink, the opportunity to respond. So the disincentive is necessary, because that's in the policy principles. That's not to say we absolutely can't look at changing those policy principles. I do have to stress we have an existing contract with SURE, an existing exclusive license with SURE. We need to act in accordance with those unless we agree otherwise with SURE. So obviously, that process of having those discussions, the process of having the public consultation, again, takes some time.

MLA Roberts also said she'd like to see the date of the 1st February, expedited, if possible. I mean, we've made note of that. What we do hope is that we'll be able to start discussions and start the review of the policy, but it does obviously need to be recommended back to the Legislative Assembly and then to EXCO, and then Executive Council would make a decision. And I think everyone is keen to try and get this resolved, but again, you know, there's no point trying to resolve it in a hurry and getting it wrong, or putting ourselves in a position where we have a legal challenge of decisions taken, which then just delays things even further.

And I think that the last question MLA Roberts asked was in relation to the need to show the current provision is inadequate, and whether there's an ability to give guidance to the regulator about this. I mean that need to show the current provision is inadequate is set out in the policy principles, and as part of the review of the policy principles, I'm sure that will be looked at and further guidance could be given in that policy. I hope I've answered all those questions. If I've missed anything, do let me know.

The Honourable Leona Roberts

Thank you, Davina. Now I appreciate that, and I do understand having been through processes of Policy development and review more than a few times in the last seven years, I'm aware of how, how that works and how long it can take. I do feel that, obviously, it needs to be done thoroughly and properly, and that's fine, but I think if there is the ability to move that this type of scales along, then that would be my preference. I do also understand the disincentive issue. In fact, it is in policy principles I am concerned, however, that all this continues to disadvantage lower earners, and when you put that hand in hand with having to make a very strong case to get a VSAT license, I think, I think it is going to be problematic for many members of the public who will have signed the petition and want in good faith to see this change, but I'll be quiet now and let somebody else crack on

The Honourable Roger Spink

The only thing I would add to Davina's comments was actually telecoms and hydrocarbons are the Government's priority, so it is held above other priorities at the present time, that is the government policy at present.

The Honourable Mark Pollard

Thank you Chair, just as MLA Roberts said I think that went fairly smoothly then, but I believe Leona cut out at some point during the point where she was talking. So please let me know same happens to me.

I think just on that, on that point about the license fee, I think that's why we do need to get the policy work done rather than later, as soon as we can. I too would thank everybody for all of the engagement we've had and then as well as the civil servants for the work that they put in as well (*lost connection*)

But you know, multiple submissions arguing that £5400 was prohibitively high. I think for me, I'm broadly happy with the recommendations, I think with the issues we have. I think Brian Jamieson summed it up pretty well as an unjustifiable barrier to affordable Internet. And, on the domestic tariffs, I think Bruce Wilks said it pretty well saying that Starlink domestic packages are necessary to prevent reliance on a more expensive global roaming option.

I think there are points of contention, SURE's submission warned against doing this. I think it's a shame that that more information wasn't, wasn't forthcoming from them. And I think that sort of alluded to, or actually, one quite bluntly put in the in the last point of the note that you read out Roger.

My thoughts again that I'm broadly in agreement on point three in the recommendations. I personally wouldn't differentiate between residential and business. I think there's an awful lot of variety in terms of in terms of wealth, for residential users. I think there's an awful lot of scope from small businesses to absolutely massive businesses. I think the administrative burden of trying to do something around that. So I'm not sure when it comes to the end of this session, Roger, whether you want us to vote on each point. Whether we're just agreeing it as a whole, or how we sort of narrow that down, but if it stays in it's not the end of the world to me. But I personally wouldn't be in favor of doing too much work on that option.

The Honourable Roger Spink

I think on that Mark, it's just a question of leaving it in there to give the flexibility in the review to be able to decide. I think there are quite a few people who feel the same as you as well. But I think it gives the option of looking at that. That's all.

The Honourable Mark Pollard

That's fine. I don't have too many issues with leaving it in and looking at it, but just nailing my colours to the mast fairly early that I probably won't be very supportive of it. And on number six, I think we need to, we need to probably speak to LEO or VSAT operators generally, and not to refer to a specific company or product. I think Neville Clifton who pulled that out in his submission and sort of warned against that. Apologies for not mentioning that earlier, but that's, something that looking at, we need to be careful of just going down the route of one provider and saying that, I don't think we've been approached by any others. But that doesn't mean that we won't be.

The Honourable Roger Spink

The reason that that is mentioned in there is that is because that is what the petition was about, so that's why they're mentioned in there. It doesn't preclude the Regulator speaking to other LEO providers, but we are to consider that the requests of the petition, which was specifically started.

The Honourable Mark Pollard

A lot of the feedback we got, and through the process, I think we'd be mad just to narrow it down as a Select Committee just one single product or provider. I think this is where we've been, and this is our one of our problems, is it not so? So, I mean, if we signal that we are happy to do our others approach, in a similar vein to Starlink, then I think that is beneficial, rather than just referring directly to Starlink. But, you know, fine if that's not agreed. And I think just lastly, on the consultation, personally, I feel we've had incredibly long consultation in the form of the Select Committee. I understand that not all agree with me and that this is slightly different subject matter that the consultation will be on looking at the wider sort of policy implications, and, if I'm in a minority on that, that's absolutely fine, I think we're going out and how big the consultation is, I think probably should be steered by the amount of discussion we've already had around the subject through the Select Committee. So other than that, I'm in support of the of the recommendations, with the caveats that I've put in, that's absolutely fine. I'm content to move forward with the wording as it is.

The Honourable Jack Ford

I am generally in support of all of the recommendations, I think probably going through them. The first recommendation to reduce, to consider reducing the fee to a provisional fee of £180 a year, I think, based on the evidence of the petition itself, with over 2400 signatures, all of the people that have written in, and all of the oral evidence given showing the impacts on the failures of the current provider and the impact that then has on people's family lives, their ability to communicate with others, impacts on growth and development, with several submissions including the Chamber and other businesses, concerns for safety, particularly in camp, we had a couple of submissions that touched on, touched on that point where issues with all of their services provided by SURE caused significant concerns during a period of medical treatment by a family member, and then also the quite significant changes in the situation since the policy was put in place. So I think that supports the call to ask for provisional fee of £180. And that is reasonable, especially given when that policy in 2016 was set, where it stated as a reasonable starting point, the VSAT license fee of £5400 was based on the total annual cost of the highest available package, which, at the time, had a monthly quota of 70 gigabytes. There has been significant change in the situation since then. And based on the evidence submitted to this to this Committee, I think shows that there is a need to change.

Also, on Davina's points about the fact we are still in an exclusive license, with a bit of contract with that provider, I think it's appropriate that that fee is a provisional fee until we have that full review of the policy, which includes the consultation with all involved. And again, I think touching on the point made at the end of the draft report that requesting that the exclusive licence holder engage with that process. I think we very much encourage them to do that. And I think that's very important.

Possibly on the on the points raised in recommendation four about the policy principles, well, the points raised in the report itself, and whether or not they still relevant, and the situation that we're facing at the moment, and the services provided by SURE not necessarily meeting those principles and so I think that further supports all of the evidence submitted by members of the public and all those that signed petitions.

I generally, I would probably echo comments raised by others about whether or not we wanted to look at a differential fee, but that would be picked up as part of the policy review and the consultation. But I think that's something to be probably to be worked out later, when we review all of the evidence, but I'm generally in support of all recommendations.

The Honourable Gavin Short

I am disappointed that Sure chose not to share financial data with the Committee. This would have allowed us to gauge what the financial impact might be of self-provision and allow financial modelling to be undertaken.

The lack of this data and the seeming reluctance to provide it means that I have to draw my own conclusions as to why this might be and to whether this reluctance means that self-provisioning might not be as cataclysmic as seemed to be implied at times. An implication that was not backed by any hard evidence. It is my belief that the present provider (Sure) for reasons which to me were not made clear, were either not able or perhaps willing to move with the times and be able to provide what their customers have been wanting and complaining about for some time – cheaper, quicker and more reliable internet. I believe this was something that was actually described in their agreement with us.

From the evidence presented to this committee, I was unable to draw a conclusion, that Sure, mindful of Starlink and other LEO operators who were appearing, initially made any meaningful attempt to try and match what was coming over the horizon and indeed now is a reality, or to make meaningful attempts to become a re-seller or provider. Therefore, I must draw my own conclusions and that is that they did not.

I also noted that attempts to provide some form of LEO coverage via One Web has still not happened and am also mindful of the company saying in a meeting that normal users would not see much if any effect from the proposed One Web service. I also not that the agreed date for One Web to be operational has now passed.

Sures belief that they have complete exclusivity has been stated by them many times during the presentation of their evidence to the Committee and in the subsequent questioning. I do wonder whether their belief in their exclusivity meant that they had decided that they could move at the pace of their choosing in a world that was moving quickly, a decision that may have been driven by the technology that they were determined to use but also perhaps driven by an overwhelming desire to protect their profit margins until the end of their present contract.

Whilst the decisions made when the last agreement was signed up to, was of its time and very much underlined by the technology that was available at the time and the forecast of what might become available. It has been proved by recent events to be not fit for purpose. The decision at the time was for exclusivity and universal provision. Technology has moved at such a speed that a different and more innovative solution must now be found. One such solution is passing over the Falklands with great regularity.

I have listened to evidence from our youth, from a person who is using Starlink experimentally and have read through the written submissions to this committee carefully, and was strongly impressed by the reasoning stated in submissions from our rural sector. Some do go for prolonged periods of time without reliable communications, although in fairness to the present telecoms provider, not all of the fault can be laid at their door. Nevertheless, if there was a case for a backup system in the interests of safety and business continuity, this would be it.

In business, in health and across nearly every sector, the requirement for speedy internet at a reasonable price is a must. Even in the home, more and more items rely on the internet and people should be able to enjoy streaming movies and TV as well as being able to game online without the headache of latency issues and buffering and also the friction that can be witnessed in Falklands households caused by too much of your internet package being used in one day or the worries that you will run out before the end of the month. To use a fairly modern expression – that situation is so yesterday – and so it should be for the people of the Falkland Islands.

Having listened to and read the evidence provided and taking into account where telecoms have got to at this moment, I find in favour of point one in the petition to this House – that the licence fee should be reduced to a maximum of £180.

I note that the remainder of the requirements e.g. to apply to the Regulator, making a case that the present telecoms provider cannot provide, at a reasonable price, the service that they require, will remain as is.

On point two, that the Falklands authorities approve Starlink Domestic Tariffs also calling on the Communications Regulator to grant regulatory approval for Starlink to offer domestic tariffs in the Falkland Islands, I say this:

I have listened carefully to the evidence given by the Regulator and am content that at no time (that can be evidenced) has the Regulator or the Falkland Islands authorities stated to Starlink that they cannot apply for permission to operate and that Starlink has not, up to this moment applied for any permissions.

Whilst having great sympathies with point two in the petition and indeed it has my support, and even though I am aware that there are ongoing communications between Falklands authorities and Starlink, the ball is very much in the court of Starlink and I would urge them to make that application as speedily as they can.

To summarise, I find myself in support of the recommendations of this committee and look forward to them passing through the Assembly and Exco and look forward with much eagerness to a new chapter being opened in the world of telecoms here in the Falklands. Chair, the future has arrived.

The Honourable Teslyn Barkman

Thank you, just addressing the second part of the Petition, it is also worth noting that it's also worth noting that through work of the Select Committee, we were able to make contact with Starlink and understand that they held some misinformation about the interpretation of Falkland Islands law, which we've been able to set straight. So hopefully that will encourage them to engage more on that aspect that MLA Short just pointed to.

I will say, from my perspective, there's been nothing in the evidence submitted to this Committee in the open or closed sessions that can demonstrate that the level of the fee for the VSAT is required to be at £5400. The policy and in the annex in the 2016 EXCO paper presenting the Telecoms Bill to Executive Council notes a fee level should be set to a discouraging level, and this Committee has heard evidence that the Starlink charges are increasing. The cost of equipment is not cheap, and that must be taken into account when considering what a discouraging level of Government fee can be considered to be. And so, until the policy changes, as outlined by Davina, I agree that £180 is discouraging, which by comparison, £5400 is prohibitive.

It's also noted by the Select Committee that the policy is in need of revision based on the evidence that's been provided as the evidence requested was specifically for the views on the fee. In line with the terms of the petition, it will require further consultation if EXCO agree to this recommendation, it will also allow for the provision the recommended fee to be reviewed. I support a lowering of VSAT fee as soon as practical in the meantime, as a result of the compelling evidence submitted to the Select Committee. We have heard that the requirements of camp and businesses for resilient and reliable communications is lacking. This presents danger to the community, whether it is to ensure that there is a way to contact emergency services when phone and mobile services are down, or to the viability of their livelihoods in accessing education, social connection and business opportunities and normal operations. And this was submitted in the evidence of Brian Jamieson and people like Fraser McKay and Sian Ferguson in their written evidence as well.

Businesses or residents in camp, can expect delays in maintenance of three to four days, typically with a failure in connectivity. But this is also been heard to be longer in many cases. Options for safety and resilience to connection are needed to improve this. And we've also heard, and this has been confirmed by evidence of Roma of SURE and by Brian Jameson as well. Brian explained that the average maintenance of self provided services is currently comparable to SURE, but could be shortened with stop ordered in advance, and this highlights opportunity for improved resilience in Camp and in businesses and education as well as those social needs in Camp.

I'm also concerned that it's been such a long time since the exclusive license has been granted, that SURE have not been able to overcome all of the connection and maintenance issues in Camp. I also appreciate that in their evidence submitted by the Regulator and by SURE that improvements have been made, but the indication is that, that we have the impression of the Select Committee is that the universal service element is a considerable challenge for them to be able to deliver to and, without improved options to self-provide, consumers are currently disadvantaged and endangered.

Our Youth Parliament representatives gave also some incredibly compelling evidence on how connection speeds and reliability are affecting our young people, their families and their opportunities, or to avoid failures in connectivity, it's also costing businesses opportunities in the Falklands economy, as Falkland Islands Government are excluded, as noted by the Chair, I hope that we can also continue to investigate opportunities to better support our constitutionally mandated requirement to deliver primary education and to deliver that to an adequate level. We've also got policy commitments to deliver appropriate secondary support education, and we certainly can't have the case of some of those evidences from our young people

to be the normal. We've also heard how the current congestion on Wi Fi services with household use and peak times is limiting how users can enjoy their time on internet services, the expectation to have a service that is at a consistent level of what the consumer has paid for is not being met.

The recent failure of the OneWeb launched by SURE has also been a breach of contract to meet consumer needs, and indeed, what consumers are paying for, the recent expanded packages are appreciated, but do not overcome concerns that public have, that their current fee level for self-provision has created a monopoly position, and it's not upholding their consumer needs. Sure, I've also confirmed this to the Select Committee that they do not wish to hold a monopoly position, and I hope that they take this opportunity to engage fully with the Members of the Legislative Assembly, to gain trust and to gain the trust from their consumers as a result. Concerns were raised by some in the written evidence that the security of VSAT systems must be properly understood from the evidence received. I can confirm this isn't known to be a risk that will obviously be something that we can continue to review as part of FIG work.

Through the Select Committee on the petition, Members were provided evidence that sits outside of the scope of the petition's requests, such as the evidence on universal service ensures breach and failure to deliver one web etc. Missing from the evidence was financial information to analyze on the claimed impact that a fee change would have on the exclusive license holder. As a result, I also endorsed that the Select Committee makes the recommendation for E XCO to consider a much broader policy review. This is essential in 2016 I'm told it was around £425 for a 70 gigabyte package, and this highlights that there has been development since then, but policy that is based on this size of data package or the technology vision in 2016 is not fit for purpose. And this was a comment we heard time and again in evidence from people such as Stephen Luxton, Alex Olmedo and the Chamber of Commerce themselves, to name them, a few of the many who noted the policy is outdated.

The needs of residents and businesses of the Falkland Islands must come first and the lead. Legislation has to be interpreted in a way that supports the people that was the purpose, and the economic development of the Falklands can't suffer as a result. This allows for a revision of the provisionally £ 180 fee, as also outlined, and a further opportunity for SURE to engage as also outlined, with the full information so that FIG can ensure delivery of the contracted services of the exclusive license, because we want them to remain in the community. But it has to be on reasonable terms.

The evidence is so strong that consumers are at risk and that the Government must intervene to reduce the fee in the meantime, while due process on policy review is undertaken, and as mentioned, given that the cost of self-provision are not just in the fee charged, the provisional £180 is compliant with the 2016 policy.

Chairman, we cannot have a circumstance where a Falkland Islander is left behind because This government has priced them out of the affording communications that support their needs, their safety, their economy, or for a child having limited educational opportunities that will provide for their and our future.

Lastly, I just like to say consumers are at the heart of this decision today. It isn't the end, but it's certainly a very meaningful start, and I'd like to thank everyone, the witnesses, the civil servants, the Regulator, the

petitioners, for engaging in the select committee to ensure that we can have better connectivity. So thank you.

The Honourable Roger Spink

Thank you very much. I've just been asked to reiterate that the communications today are being provided via a Starlink, a licensed Starlink connection.

The Honourable John Birmingham

Thank you Chair for that. May I start by saying thank you very much also to all of those who engaged in this process of petitioners and others who I've met. I'm not going to make a speech, but I would make a couple of comments for me. One of the most important sections of what's being read out today is the very last paragraph where it asks the exclusive license holder, and I'm not going to read it all out, but it basically says it's time to engage with the Falkland Islands Government completely, and if that means information that can only be spoken and shown confidentially, well, I think that shouldn't be a blockage. The consultations can be frustrating, I understand that, but there is a process. There's another consultation going to take place, and that's about fish farming. That is very frustrating for many people, but we have to follow through with the proper processes and make sure that whatever the outcome is, it is unchallengeable in the Court of law. We all want to see progress on telecoms in the Islands. Of course, we do, the legal system seems to lag behind technology, but we most definitely as a group here, and I think the people at the Islands want to see progress. Mr. Chair, I support this committee's recommendation.

The Honourable Peter Biggs

Thank you Chair, I'd like to start off by thanking everybody that's been involved in the in this process. I think it's been just and fair, I am generally pleased with the where we are now with it. There is a frustrating process that we've discussed that we must make sure that what we do cannot be undone by some sort of negligence along the way.

The One of the interesting things now is the process that we're going into in the course of that I would like us to try and ensure that we don't accidentally throw away the right of self-provision by pushing the whole process towards some future exclusive control, and that we also don't forget about those people in our community that I'm sure they're taking an interest in this. I'm sure most of them will support the process, but some of them just want to pop along with what they've got. We shouldn't forget about them in this process, either. We have to look after all aspects of the community while we were doing this.

I had some other notes prepared, but I'm not going to repeat what other people have said so again, I thank everybody for their contribution and thank you chair.

The Honourable Roger Spink

Thanks. I support the recommendations as written. I think it was particularly disappointing that SURE failed to provide any financial information to the Committee to support their case, and there was also no customer service information supplied to the Committee when requested. You know, citizens want change. The present system is obsolete. The genie is out the bottle, I think, and FIG is using Starlink lawfully.

I think we're told that by SURE, with its present technological systems, it cannot compete with Starlink, this is despite significant investment from the Falklands taxpayer, some of which SURE has failed to deliver. I think from the statements made to the Select Committee, it appears that, SURE, despite a monopoly position and the subsidy, is unable or willing to compete with Starlink. And I think that's very regrettable.

The Regulator stated that in SURE's letter to the Committee that one of the things they suggested is that there may be an ability to share more information with the Government if the Government is then going to propose to negotiate or discuss some of the issues arising out of this, and it may be that some of that is, information that is considered at a different stage. Well, I think that is vitally important if they really wish to work with the people of the Falklands.

In 2015 the Chamber of Commerce, and it's pretty poignant that we're sitting in the Chamber of Commerce today. They stated that the license be exclusive only to resale of telecommunication service, thereby allowing businesses and individuals to self-supply but not sell services, this will allow choice and testing of technology, and should import, in part, an element of competition in that the license holder should be able to install provide the service cheaper than any business or Individual. If a business needs a robust, reliable, balanced and economical telecommunication system, and cannot get that through the existing exclusive license holder, why should their economic development be constrained by the deficiencies of the available license system? There can be no denying that the handful of VSAT installations (now this is back in 2015) in the Falklands, outside the control of Cable and Wireless (now SURE SA) was the catalyst for investment and progress by the license holder for the rest of the Falklands, and I hope that they see this as a catalyst for change within the company. I think that is vitally important.

I think we now need to just move on to actually adopting the draft recommendations. And I think there was a proposal from Mark Pollard that I think Davina is just changing the sentence in point number six, I think it was.

Mr Davina Fiore, Head of Legal Services

Yes, that's right. MLA Pollard suggested that point six be extended to include other providers. I mean, as originally drafted, it was specifically drafted just in response to the petition, which obviously referred to Starlink. But there's no problem with this amending it so it reads that:

“6. any application made by Starlink or any other provider to the Communications Regulator for regulatory approval will be dealt with in accordance with communications Ordinance.”

The Honourable Roger Spink

Is everybody happy? Yes, that's I'm getting the thumbs up.

The Honourable Teslyn Barkman

As long as that's compliant with the Select Committee.

The Honourable Roger Spink

Yeah, okay, I think so we will then I think everybody is in favour.

The Honourable Leona Roberts

Yeah, my apologies. I am just handing very quickly before we go to the vote or however it's going to be handled. I hadn't appreciated that it was going to be a round of speeches, so I have nothing prepared in my first comments. I just kept it with comments and questions. So, I would just like to say, Yes, I will be supporting recommendations. Recognize there is a lot of work to do, but I hope that it can be done at speed, understanding the need to be thorough and to follow the process, but we need to reassure people that this is not just the can be kicked down the road. And I would very much urge to SURE to engage, to see this as an opportunity to engage fully in this next stage. I think their involvement is going to be important in getting through this next piece as far as possible.

I would finally thank again, all the contributors, and in particular the Youth Parliament, who I'M delighted and I'm not at all surprised that their contribution was so powerful and so well received.

And my final point is I heard the Chair mentioned there that this is, this is being run through Starlink. What is disappointing is that it has cut out probably six, eight times, if not more, through this sitting of the committee. So yeah, it's slightly ironic, but thank you.

The Honourable Roger Spink

Thank you very much. Okay, so we adopt the recommendations as amended, and that concludes today. Thank you very much everybody for who's taken part and everybody for turning up this morning. Thank you very much indeed. Thank you.

The meeting is closed.