



**SPEECH FROM THE THRONE DELIVERED BY
HIS EXCELLENCY THE GOVERNOR MR. DAVID PEAREY
First Sitting of the Third Session of the First House of Assembly
House of Assembly Chamber
Tuesday, 24th November, 2009
10 am**

Mr. Speaker, Members of the House of Assembly, ladies and gentlemen, good morning.

Mr. Speaker, approximately one year ago, I stood in this Honourable House to present the first Speech from the Throne as prescribed by the new Constitution. The Constitutional basis for the speech was described at that time and I would not intend to repeat it fully here.

In brief, Mr. Speaker, the Speech from the Throne embodies the elected Government's legislative programme for the coming Session with the intention of improving the quality of life of all Virgin Islanders and securing the long-term health and stability of the Territory. It will also look back at some of the achievements of the previous Session.

As the first Speech from the Throne of this elected government, last year I announced an impressive, all encompassing legislative programme. I am therefore pleased to inform you that progress on those parts of the programme which have not yet passed into law is ongoing.

Mr. Speaker, the Government accepts, however, that in order to deliver fully this programme, ministries need to improve their performance on policy development and public consultation, and further effort is also needed to bring the legislative drafting cadre within the Attorney General's Chambers up to strength. The Government notes with appreciation that for the most part, Honourable Members gave their unanimous support to the legislation enacted since the last Speech from the Throne.

Some notable achievements from the Second Session cover the gamut of financial services, tourism, human rights, the judiciary and healthcare.

Mr. Speaker, this Territory remains committed to upholding the relevant Conventions on Human Rights across the board. As such I am pleased that this Honourable House in February, 2009 passed the Parole Act 2009. The Parole Act brings the Territory up to date with trends in Human Rights and new approaches in dealing with criminal offenders.

Since early March 2009, the Government has been in touch with the Chief Executive Officer of the United Kingdom Parole Board to make the necessary preparations for the implementation of the Act. These plans include the setting up of systems such as sentence planning, rehabilitation activities, and probation and parole officers, among others.

Mr. Speaker, during the Second Session, the House unanimously passed the Nurses and Midwives Act, 2009 which constitutes an updated framework for nursing in the Territory and brings us on par with advancements in standards and global changes in the field of nursing. A new Nursing and Midwives Council comprised of qualified and eminent citizens has been appointed.

It goes without saying Mr. Speaker, that as a prime tourism destination, the primary responsibility of every man, woman, boy and girl is to ensure that we keep this Territory litter-free, not only for our visitors, but for our health and well-being.

The passage of the Litter Abatement (Amendment) Act, 2009, in the last Session now gives us a broader definition for litter wardens, which also includes solid waste officers and members of the Police Auxiliary Force. Amendments were made to increase the penalties fixed in the legislation. Litter wardens are now being appointed.

An amendment to the Tourist Board Act now strengthens the participation of stakeholders in the industry as the membership was increased to include not less than nine and not more than 15 members.

Mr. Speaker, in July this Honourable House passed the National Commission for UNESCO Act, 2009 which sets up the framework for the functions, the composition of the Commission and the responsibilities of the Secretary General of the National Commission for UNESCO in the Virgin Islands. This Act will assist in the formalisation of the efforts and work of UNESCO in the Virgin Islands. The submission of names for the constitution of the National Commission will be submitted to Cabinet for approval before the end of 2009.

Mr. Speaker, in keeping with the Constitution of 2007, a five-member Police Service Commission was established and it is hoped that it will contribute to the development of the Royal Virgin Islands Police Force.

Mr. Speaker, I turn to one of our main economic drivers, the financial services sector. Since the House of Assembly was prorogued on 30th September, 2009 the Government has been in receipt of, and has welcomed, the Final Report of the Independent Review of British Offshore Financial Centres, otherwise known as the Foot Review.

Measures to ensure that the Territory continues to match the expected international standards, Mr. Speaker, have been passed in the form of the Financing and Money Services Act 2009, the Financial Services Commission (Amendment) Act, 2009 and the Proliferation Financing (Prohibition) Act, 2009.

Since coming to office, Mr. Speaker, this Government has signed fourteen of the current fifteen Tax Information Exchange Agreements, TIEAs, entered into by the Territory. All of them will be tabled in this Honourable House during this Session. The Territory's first TIEA was signed in 2002.

Mr. Speaker, the Government notes with satisfaction the efforts of all those who in the past year have been involved with the range of financial evaluations of the Territory and have contributed to the Territory's continued high reputation.

I now turn to the coming Session. First, in the financial services sector, Mr. Speaker, the Government intends to introduce a new Securities and Investment Bill, to address market abuse by making insider trading and market manipulation criminal offences. To enhance the existing Anti-Money Laundering Counter Terrorist Financing Regime, significant amendments will be introduced to the House concerning the following:

- Proceeds of Criminal Conduct (Amendment) Bill
- Drug Trafficking Offences (Amendment) Bill
- International Criminal Justice Cooperation (Amendment) Bill
- Financial Investigation Agency (Amendment) Bill
- Drugs-Prevention of Misuse (Amendment) Bill

Mr. Speaker, to protect the people of the Territory and also to strengthen the crime fighting capabilities of the Royal Virgin Islands Police Force and other law enforcement agencies, the Government will introduce a Justice Protection Bill and other measures.

In the sphere of governance, Mr. Speaker, amendments to the Register of Interests Act and the Elections Act will be brought forward.

In a continuing effort to modernise the Territory's justice system, Mr. Speaker, a new Jury Bill to replace that of 1914 had its first reading during the last Session. The Bill will be re-introduced for subsequent approval by this Honourable House in the coming year. Upon the finalisation of renewed consultations concerning the draft Legal Profession Bill, Government will introduce a Bill in this Honourable House.

Regarding the Territory's infrastructure Mr. Speaker, 2010 will see a comprehensive review of the Telecommunications Act 2006 to ensure that the Act fully reflects the international best practices as adapted to the needs and requirements of the Virgin Islands. Such amendments will also correct deficiencies of the Act.

Mr. Speaker, complementing the review will be draft Telecommunications Regulations addressing consumer protection and a license exempt framework. The consumer protection regulations will establish the basic rights of consumers of telecommunications services in relation to service providers, and enhance the level of consumer protection in the sector thereby ensuring that consumers are served by the providers. The licence exempt framework will provide residents with the legitimate right to use various commonly used radio devices while regulating and managing wireless interference challenges.

Mr. Speaker, several proposed initiatives which were not completed in the Second Session are currently in process and will be introduced in the Third Session of the House. The Government is therefore pleased to report on the status of such matters.

Mr. Speaker I am pleased to report that major progress has been made on the new Labour Code. In that regard, widespread consultations were held and the draft Labour Code has been circulated widely for public review. Shortly thereafter, Cabinet will be asked to review the findings and it will be subsequently laid before you in this Third Session.

I am also pleased to update this Honourable House that over the last Session, the Government undertook a comprehensive review of the existing Pensions Ordinance which, when presented to and approved by Cabinet, will introduce a new Pensions Bill in the coming year.

Mr. Speaker, in the area of health and social services, a draft policy paper is currently being finalised and a revised Public Assistance Act will be laid before you in this Session. The outcome will be an updated Act that is in line with current practices and which will realistically seek to address the needs of our people, while seeking to reduce the impact of existing and potential socio-economic conditions.

The Government remains committed, Mr. Speaker, to revising the governance arrangements for the health sector and to strengthening the BVI Health Services Authority Act. To that end, Mr. Speaker, research is ongoing on various models of governance, and the input of the BVI Health Services Authority is also being sought.

Mr. Speaker, an assessment of the Territory's mental health system was recently completed and a draft policy brief is being reviewed in consultation with the Pan American Health Organization (PAHO). Furthermore, public consultation is expected to commence early on the draft policy. Mr. Speaker, the outcome of this initiative will bring awareness to mental health promotion and prevention of mental illness, and the introduction of a new Mental Health Act in this Honourable House.

Mr. Speaker, a Chief of Drugs and Pharmaceutical Services has been appointed and work has already commenced with a view to introducing legislation which will keep pace with the rapid developments in pharmaceutical services to protect the population from counterfeit medicines, malpractice and health endangerment, and generally to regulate the pharmaceutical industry. A multi-sectoral Anti-counterfeit Medicines Workshop was held, which aimed to develop more stringent awareness of counterfeit medicines and their regulation in the Territory.

Mr. Speaker, legislation will be placed before you for the introduction of a National Health Insurance System to provide health insurance to the people of the Territory. The team from the University of the West Indies is expected to return to the Territory in January 2010 to commence implementation of the system.

Mr. Speaker, the Government is fully aware of the exposure of our ports to health threats and has already taken steps to lessen such impact and will bring before the House legislation to support the implementation of the International Health Regulations (IHR), 2005.

In this Third Session, amendments to the Infectious Diseases Notification Act (Cap. 180) will be brought to the House. The revised Act will facilitate action in responding to public health risks and emergencies such as communicable disease epidemics, and will update the list of notifiable diseases.

Turning to the economy, Mr. Speaker, the Government, is committed to providing a supportive environment for our small businesses and continues to seek ways to strengthen our economy. With the recent approval by Cabinet of a National Trade Policy for the Virgin Islands, Mr. Speaker the Government will procure the services of a consultant to work in conjunction with the Attorney General's Chambers on new related legislation. In that regard, the Government intends to bring legislation on fair competition, foreign direct investments, franchising, anti-dumping and consumer protection to this Honourable House in the coming year.

Mr. Speaker, the Estimates of Revenue and Expenditure for 2010 will be laid before you. In the coming year the Government will also bring legislation in support of a Deposit Insurance System. This Bill will provide stability within the banking system, in the event of bank failure, whereby individual deposits would be protected, up to a set coverage limit.

Mr. Speaker, a draft policy for dormant accounts has been approved. A draft Abandoned Properties and Dormant Accounts Bill will be introduced soon in this Honourable House.

In 2008, Mr. Speaker, the Government undertook a review of the payroll tax regime in the Virgin Islands, and appointed a committee for that purpose. The report is before the Government inclusive of a number of recommendations in an attempt to improve the tax regime and the administration thereof. In the coming year, the Government will place before you the Committee's Report and the proposed amendments to the Payroll Tax Act 2006.

Mr. Speaker, looking at measures to strengthen the social services sector, an internal consultation process has been completed and recommendations will be submitted toward a social legislation package on the protection of children and domestic violence. The Government intends to present legislation on Children (Care and Adoption), Child Justice, Status of Children, and Domestic Violence.

The Government has hired a Disability Policy Advisor to assist with the development of policies and legislation. A draft disability policy and legislative brief are expected to be completed soon. Public consultations will commence thereafter with an aim to introduce legislation on disabilities and provisions for the disabled.

The Government remains committed to increasing the standard of healthcare for all Virgin Islanders and visitors to the Territory Mr. Speaker. Therefore in this Session the Government will review the Private Hospital Ordinance (Cap.193) to bring it in line with modern practices and relevant international standards.

Mr. Speaker, during this Session the Government will bring legislation to amend the Cemeteries Act (Cap. 177) with a view to introducing measures to improve the management and upkeep of public and private burial grounds in the Territory. The amendments will seek to, among other things, address existing concerns regarding allocation of spaces in burial grounds and provide for additional control measures for specific types of burials.

In terms of education, Mr. Speaker, the Government remains committed to revising and strengthening the Education Act, 2004 and the 2006 Student Code of Conduct. It is hoped that once reviewed and submitted, aspects of the Education Act which are currently not in synchronisation with local and international needs of the education system will be upgraded and introduced in order to make the education system dynamic, modern and relevant.

Mr. Speaker, the Student Code of Conduct sought to provide guidelines for the appropriate behaviour of students and associated sanctions. The review of this legislation seeks to ensure that there are no conflicts between the Act and the Education Regulations.

The review will also incorporate draft legislation to govern early childhood education in the Territory, as well as to provide for the use of technology in education and legislation to govern and regulate the counseling profession, among others, so that counsellors can finally be given the recognition the profession deserves.

Mr. Speaker, discussions are underway to introduce a youth and a sports policy for the Virgin Islands. The intent of this sports policy is to provide a framework which will guide and govern the principles and practices of sports throughout the Territory. It will seek to establish the standards of what should be best practices in the provision of services, facilities, professional management and development of sports and the nurturing and development of the athletic abilities and talents of all residents of the Virgin Islands.

Mr. Speaker, in line with Government's focus on youth and sports, the Government is committed to the development of the recreation grounds and parks throughout the Territory and the completion of the boundaries of land in Virgin Gorda and Brewer's Bay, Tortola will be finalised during this Session so that the people in those areas can have the use of the recreation grounds.

Thus far, a consultant has provided a draft proposal of a sports policy, Mr. Speaker. The next step in this process is to discuss the draft proposal before the draft document is presented to the general public for review and input. Mr. Speaker, legislation will now be drafted for enforcement and monitoring of this vital area.

Mr. Speaker, the Government remains highly committed to ensuring that the culture of the Virgin Islands is recognised and preserved. Over the past 14 years numerous attempts have been made to bring to fruition a Culture Policy for the Territory. To this end, the Government, Mr. Speaker, in partnership with UNESCO has doubled its efforts to ensure that a culture policy for the Virgin Islands is formulated.

The objective of this policy is to introduce legislation that will include guidelines which will govern the Territory's cultural elements to ensure that the Virgin Islands' cultural heritage is preserved, shared and experienced by every Virgin Islander, and visitor and by those who have come to live among us.

Mr. Speaker, the Government's commitment to this initiative will be achieved once the policy is formulated and implemented. The end result will guarantee the identification and preservation of aspects of our culture such as language, music, history, art, drama, literature, food, architecture, among many others. It is anticipated that this will go a long way to instill cultural awareness and consequently a pride in who we are as a people.

Mr. Speaker, in addition to the cultural policy, the Government is desirous of amending the Virgin Islands Festivals and Fairs Act 2005 to include the Festival Management Board and the Procurement Unit. In 2008, the Government saw the need to introduce these two entities as a means of bringing accountability, transparency and value for money for the Territory. The Government is in the process of formulating the amendment and, following Cabinet's approval, it will be laid before you.

Mr. Speaker, the Government has moved towards the creation of a framework for the establishment of medical schools. This legislation will be forthcoming. The Government has approved the conduct of a feasibility study on drag racing and a way forward will be determined following the outcome of the study. Depending upon the outcome of this study, draft legislation may be brought forward.

Mr. Speaker, moving to the subject of immigration, there is a dire need for the general amendment to both the Immigration Ordinance and Regulations to ensure that laws are current. In so doing the following important areas should be addressed. The Government will bring to this Honourable House an amendment to increase the general penalty in section 53 of the Immigration Ordinance from \$1000. The Government will also establish new fees for the grant of Certificates of Residence, Belonger Status, and the issue and renewal of Entry Permits.

Furthermore, Mr. Speaker, the Government will introduce legislation to penalise the agents or owners of vessels (any description of boats or aircraft) when they knowingly transport persons to the Virgin Islands who do not meet the basic entry requirements.

Mr. Speaker, the Government will also include legislation to recover all expenses incurred in respect to persons refused entry in the Virgin Islands from the agents or owners of the vessel on which they arrived in the Territory. Additionally, recommendations for legislation in keeping with Human Rights and other International Regulations will be forwarded to facilitate proper operation of the Immigration Detention Centre.

It is also expected, Mr. Speaker, that legal measures will be implemented to address the process relative to asylum seekers. The Government expects that a comprehensive Immigration policy consistent with the Immigration and Passport Ordinance will be implemented to ensure fairness and transparency in dealing with the various subjects and processes.

Looking at environmental management in the coming year Mr. Speaker, the Physical Planning Act, 2004 will be the focus of a review. In particular, substantial Regulations are intended to add to and support the general aims of the Physical Planning Act, 2004. In view of the international focus on climate change and the environment, it is timely that the Government has already prepared draft legislation following a review of the existing environmental laws and the Government will introduce a Bill on Environmental Management.

An amendment to the Fisheries Act 1997 will also be introduced in this Honourable House.

Mr. Speaker, looking at safety at sea, I am pleased to report the comparatively low number of marine accidents in the last year. Nonetheless, the Government will continue its mission to engage local recreational boaters more directly with education, information and advice conducive to their own safety and that of others sharing the joys of safe use of our marine areas.

Mr. Speaker, important safety provisions in our laws relating to the accountability of owners/operators of passenger vessels for the number, identity and description of passengers commuting between ports and harbours within the Territory are being reviewed with a view to implementation and enforcement in the same way that information on Inter-Virgin Island ferry passengers is recorded and accounted for.

That Mr. Speaker concludes my presentation of the Government's legislative programme. Mr. Speaker, I pray God's protective Hand upon this Third Session, upon its Members and upon the people of this Territory.

Mr. Speaker thank you for listening.