



**SPEECH FROM THE THRONE DELIVERED BY
HIS EXCELLENCY THE GOVERNOR MR. DAVID PEAREY
First Sitting of the Second Session of the First House of Assembly
House of Assembly Building
Thursday, 13th November, 2008**

**Mr. Speaker and Members of the House of Assembly
Good morning**

Mr. Speaker, perhaps I may preface the speech with a few remarks intended to clarify this important occasion, and my part in it, not least because there has not been a speech from the throne for a number of years. Those within this Chamber will be familiar with the background. But members of the public listening may not be and may benefit from a brief explanation.

The Speech from the Throne is, by tradition in the Virgin Islands, the vehicle used by the elected Government to set out its legislative programme. The Governor is invited by the House to read the speech, prepared by the Government, on behalf of Her Majesty the Queen in whom the executive authority of the Territory is vested and who is also part of the legislature.

In reading the speech on behalf of Her Majesty, the Governor has sometimes in the past referred throughout to "My Government". In the text that follows I refer instead to "The Government" as a way of avoiding any confusion. But the meaning is the same. The references to "The Government" are to Her Majesty's Government in the Virgin Islands, that is to say the elected Government.

Mr. Speaker, I am privileged to stand in this Chamber which, though small in size, is rich in the history of its people. Lining the walls of this hallowed hall are the portraits of distinguished men and women—Virgin Islanders who fought for the restoration of the Legislative Council, Virgin Islanders who debated and passed legislation for the advancement of our people and Virgin Islanders who shaped the face of this Territory.

It is therefore my humble duty as Her Majesty The Queen's Representative to present this year's Speech from the Throne which embodies the Government's legislative programme for this session. It is a programme intended to improve the quality of life for all Virgin Islanders of this Territory.

The Speech will outline the intended legislation and amendments to existing legislation to be introduced and passed during the second session of this Honourable House. Mr. Speaker, the specific details of the Government's overall programme will be presented in the annual Budget Address to be delivered by the Honourable Minister of Finance at a later date.

Economic pillars

Mr. Speaker, today we convene the First Sitting of the Second Session of the First House of Assembly at a time when there are continued growing fears about the instability of the global economy and the possible depth of its impact on our local economy.

Notwithstanding, the Government re-affirms its commitment to remain vigilant, and make good on its promises to the people of this Territory by implementing relief measures to cushion the effects of the financial crisis emanating from the instability of the global economy.

Mr. Speaker, in the coming months the Government will bring to this Honourable House the necessary legislation or supporting amendments to ensure that the BVI remains buoyant amid the current economic crisis.

Legislation will be brought to ensure compliance and conformity with the Virgin Islands Constitution Order 2007.

The Estimates of Revenue and Expenditure for 2009 will be laid before you. The Government will study the Pensions Ordinance with a view to introducing a new Pensions Bill.

The Government will introduce the Financing and Money Services Act to establish a regime for the licensing and supervision of money services business carried on within the Virgin Islands. This Bill, when enacted, will also provide the legal framework to bring the Territory into full compliance with recommendations of the Financial Action Task Force.

Mr. Speaker, the Government will also seek to strengthen the economy by further amending the Banks and Trust Companies Act, 1990 to ensure the full embodiment of the revised Basel Core Principles on prudential banking supervision.

The Government will also bring to this House a new Bill on securities and investment business to replace the Mutual Funds Act, 1996 and introduce a new securities regime.

A Bill dealing with dormant accounts will also be introduced in this Honourable House during this session. The Bill will provide for accounts at commercial banks which remain dormant after a number of years, to be reported to the Financial Secretary and eventually turned over to the Crown. Of course, there will be checks and balances in the legislation itself.

The Customs Duties Act that was passed in 1974 and the Customs Management Act are now due for a revision and this will be done early in this session.

Mr. Speaker, a Bill will be introduced to amend the Tourist Board Act to increase its members from not less than seven and not more than 11 members, to not less than 9 and not more than 15 members so that the membership can include more stakeholders than at present.

Legislation to regulate cruise tourism will be discussed with all stakeholders to ensure that the most appropriate balance is created among all of this Territory's sectors.

Mr. Speaker, as the Government seeks to enact legislation to strengthen the twin-pillars of our economy, we also recognise that the cleanliness of our islands is important for the health and well-being of our Territory and critical to sustaining a solid tourism product.

In that regard, the Government will amend the Litter (Abatement) Act, 1987 to broaden the definition of a litter warden to include Solid Waste Officers and members of the Auxiliary Force. In addition, the amendment will increase the penalties fixed in the legislation.

Crime

At a time when the Territory is grappling with an increase in violent crime, the Government gives its assurance that it will enact legislation to protect the people of this Territory and also strengthen the crime-fighting capabilities of the Royal Virgin Islands Police Force and other law enforcement agencies and departments.

The Police Act was last revised in 1986 and is currently under review. Given the current climate in the Territory, the Government intends to make a number of amendments which are necessary to facilitate modern policing practices and a resulting improvement in the overall administration of the Police Force.

The amendments to the Police Act will include strengthening the complaints and discipline process; bringing the forensic and evidence process in line with international best practice; enhancing the Auxiliary Police Force legislation to improve their effectiveness and efficiency; and requiring the Force to produce annual and strategic plans.

In keeping with the provisions of the Constitution of 2007, a Police Service Commission will soon be established and it is hoped that this Commission will help to maintain stability within the Royal Virgin Islands Police Force.

Judiciary

Mr. Speaker, in the coming year the Government will place before you legislation aimed at strengthening the Territory's criminal justice system and the delivery of justice. A new Jury Act will replace that of 1914 to modernise the Territory's jury system.

The Government will also consider a Parole of Prisoners Act to highlight trends in human rights and to bring up to date our approach to criminal offenders. In an effort to increase the willingness of witnesses to testify in criminal cases, a Justice Protection Act will be laid before you as part of arrangements with other Overseas Territories and the United Kingdom.

The Legal Profession Act that will make provisions for the fusion of the branches of the legal profession, legal education and discipline of legal practitioners will also be placed before you along with a Bill, the Human Rights Commission Act, which will be introduced in accordance with the 2007 Virgin Islands Constitution.

The draft Act is before the Cabinet, and following approval, the Government will embark on a Territory-wide consultation for input and feedback from the community before finalisation of the legislation.

Health and social services

Mr. Speaker, the less fortunate in our Territory remain a great concern and therefore the Government is reviewing the Public Assistance Ordinance to bring it in line with current practices and to produce legislation that realistically addresses the needs of our people, while seeking to reduce the impact of existing and potential socio-economic conditions.

The Government is committed to being responsive to the many health needs and challenges. It is currently reviewing pertinent legislation to ensure that it reflects international best practice. The management of the Territory's health and social services systems to reduce potential risks is also under review.

Mr. Speaker, a package of social legislation including legislation on children, domestic violence and disability will be placed before you. The BVI Health Services Authority Act is also under review to clarify and strengthen the governance arrangements for the health sector.

The Government will place before you an amendment to the Mental Health Ordinance of 1985. This amendment will bring awareness to mental health promotion and prevention of mental illness.

The Nurses, Midwives and Assistant Nurses Registration Ordinance of 1976 will be amended to parallel the significant advancements in standards and global changes in the field of nursing.

The Government intends in this session to introduce legislation keeping pace with the rapid developments in pharmacy services to protect the population from counterfeit medicines, malpractice and endangering health.

Once enacted, Mr. Speaker, the Pharmaceuticals Services and Regulatory Act will authorise designated officers to inspect pharmacies, and the efficacy of products sold to the public. The establishment of a register of qualified pharmacists, legitimate businesses, standards for the safe importation and handling of the narcotic and psychotropic substances will be included in this draft legislation which will help to strengthen the Government's health agenda.

Legislation will be also brought before you to implement in the Territory the provisions of the Health International Regulations, 2005.

Mr. Speaker, discussions are ongoing with a team from the University of the West Indies regarding the introduction of a National Health Insurance Scheme and it is hoped that these discussions will culminate in a law to provide health insurance to the people of the Territory.

The Government will introduce a Bill for a Water and Sewerage Act to institute guidelines for a new modern comprehensive legal framework to help with the development, management and legislation of water and sewerage in the Virgin Islands.

Mr. Speaker, the Government is greatly concerned about the threat to human health associated with poor drinking-water quality—bottled, piped or cistern water. In an effort to reduce any potential risk, the Government will introduce legislation governing drinking water standards to minimise any health risks to the population.

Education and youth

The Government will revise and strengthen the Education Act, 2004. The Government will also review the Student Code of Conduct, Rules, 2006 to ensure that there are no conflicts between the Act and the Regulations. The review will also incorporate draft legislation to govern early childhood education in the Territory, as well to provide for the use of technology in education.

Mr. Speaker, the Government is anxious to fulfill its obligation as a member of the United Nations Educational, Scientific, and Cultural Organisation (UNESCO) and will therefore introduce The Virgin Islands National Commission for UNESCO Act which will outline the functions, the composition of the Commission and the responsibilities of the Secretary General.

Mr. Speaker, there is urgent need for a proper legal framework to implement a youth and sports policy. During the coming year legislation will be considered on this.

Environment

The Government firmly believes that the environment must be managed to preserve and protect the natural inheritance of the Virgin Islands. That is why in order to better manage our natural resources, an overarching Environmental Bill geared towards the establishment and organisation of an Environmental Management Trust, will be introduced during this second session.

Mr. Speaker, the Government is committed to establishing safety standards to prevent potential risks to property and life and as such will bring to this House, amendments to the Petroleum Ordinance. The amendments will bring it inline with international standards, recommended practices and guidelines regarding the bulk storage and handling of petroleum products.

Mr. Speaker, energy alternatives are high on the Government's agenda and in that regard, sustainable energy legislation will be laid before you to ensure that other means such as renewable energy are introduced to enhance a green environment in the Territory.

Agriculture and fisheries

Mr. Speaker, the Government is committed to protecting the agricultural sector and in that regard will introduce a Pesticides Bill prohibiting the importation of unregistered dangerous chemicals and toxics.

In the interim, the House will be asked to adopt the Harmonization of Pesticides Registration in the Caribbean Bill. This legislation will establish the relevant mechanism for providing facilities and certifying the import and export of pesticides and toxic chemicals.

Mr. Speaker, the Government will also revise the Plant Quarantine Act to bring it in line with global standards outlined in the International Plant Protection Convention.

The Government recognises the need to sustain the Territory's fishing industry by implementing measures to further control the import and export of fish and sea products. The Fisheries Act 1997 will be amended to address and to ensure that the recent occurrences with visitors from our neighbouring islands would no longer arise.

Immigration and labour

During the coming year, the Government will seek to strengthen the Territory's immigration legislation. Amendments will be made in the coming months to institute greater control measures with respect to migrant workers, as well as to regularise qualified long-term residents.

Mr. Speaker, the Government will also seek to institute stiffer penalties for persons who violate the provisions of the Immigration and Passport Ordinance and address recent threats to the Territory's security, especially human trafficking. The Government will therefore seek to introduce measures to combat human trafficking and strengthen the Government's enforcement capacity.

Mr. Speaker, to ensure, among other things, fair and equitable working conditions for employees, modern and effective labour standards and to assess the current and future workforce population, the Government will introduce a new Labour Code.

Infrastructure

Mr. Speaker, during the second session of the House, the Government will introduce new legislation and amend some existing legislation to develop and strengthen critical infrastructure systems to ensure safety, maintenance and access for the people of this Territory that will be a buttress for our twin economic pillars.

Mr. Speaker, in the coming months a number of amendments will be made to the British Virgin Islands Electricity Corporation Ordinance and its attending regulations. These amendments will, among other things, ensure that current safety standards are in keeping with international standards and practices.

During the second session of this House, the Government will also amend the Electricity Tariffs, Rates and Charges to address the present charging structure used in billing consumers and the method used in assessing the fuel surcharge.

Mr. Speaker, over the years, the Government has advanced technologically by introducing the Global Positioning Systems (GPS) and Geographical Information Systems (GIS) therefore making sections of the Land Surveyor's Ordinance obsolete. The Government will therefore amend this Ordinance to reflect current practices in surveying while simultaneously revising the schedule of fees for professional surveying services to bring them in line with international standards.

A Bill to amend the provisions of the Non-belonger Land Holding Act that allows a bank to sell foreclosed property to a person or entity without requiring that person or entity to have a non-belonger land holding license will be brought before you.

Mr. Speaker the Telecommunications Act will be amended to allow for the development of a modern telecommunications infrastructure that encourages personal communications, with respect to e-commerce and e-business resulting in the standardisation of the way BVI businesses transact electronic business online.

Transportation

Mr. Speaker, it is the Government's intention to amend the Road Traffic Act to create a Traffic Warden Unit with an appropriate number of traffic wardens. Overall, this new legislation will facilitate enforcement of the law by creating a dedicated unit and giving Traffic Wardens the power to arrest in the performance of their duties.

Mr. Speaker, two new pieces of aviation related legislation will be introduced in the coming year—the Aircraft Registration and Charging Scheme Act, and the Mortgaging of Aircraft and Aircraft Engines Act. Together this legislation is intended to facilitate the ongoing re-establishment of the regulatory arm of aviation business in the Virgin Islands, commonly known as civil aviation. This legislation will also enhance our revenue earning capacity.

Amendments will be made to the Statutory Rates, Fees and Charges Act with respect to aviation services and regulations to address the modernisation of the respective charging schemes, among other areas.

Mr. Speaker, new legislation on Aerodromes will be introduced to provide the legal framework for enforcing safety at all commercial/government airports, heliports, and waterdromes in the Territory.

To further strengthen the Territory's transportation sector, Mr. Speaker amendments to British Virgin Islands Ports Authority Act, 1990 will be placed before you to bring the legislation up-to-date to reflect developments in the Territory, the revision of fines and the enforcement powers of the Ports Authority.

Public service reform/good governance

Mr. Speaker, accountability is one tenet of good governance and in the coming year, the Government will strengthen its internal systems by introducing an Internal Audit Bill to provide departmental management with objective assessment about the design and operation of its management practises. This Bill will also establish control systems and information in keeping with modern comptrollership principles.

Mr. Speaker, the Government will further amend the Virgin Islands Festival and Fairs Committee Act, 2005 to bring the annual music festival under its operations and administration, and to provide for a management and procurement board.

The Register of Interests Act will be amended so that senior Government officials will also have to make a declaration of their interests.

Mr. Speaker, the Government's change agenda embodies the need for strong, relevant legislation that creates a culture of responsiveness to the needs of public servants and institutes the proper management of human resources administration through good governance. In that regard, the Government will introduce a Bill entitled the Public Service Act. The Public Service Act represents Government's belief in good governance and provides a Public Sector which advocates proactive policies and practices.

Mr. Speaker, service delivery is one of the four areas of the Government's public service reform programme. The Government will therefore introduce legislation to ensure that professional services are indeed delivered to the public we serve.

In the coming year, the Government will introduce e-government legislation that will be customer focused to offer more convenience, more information access and more services. E-government legislation will help to strengthen and improve the overall performance of the public service and help the Government achieve its public sector reform objective of service delivery.

Mr. Speaker, the Constitution describes the people of this Territory as a people for whom the ownership of the land engenders a strong sense of belonging to and kinship of these islands. The Government therefore recognises the need for effective and efficient land transaction legislation.

The Government will therefore seek to modernise the existing Land Registry system and Land Registration Ordinance. This modernisation process will be in keeping with best business practices worldwide that will help the government to properly monitor the administration of lands within the Territory. The amendments will enhance Government's delivery of an efficient, effective, professional service by providing readily accessible up-to date information in a confidential manner.

Information is a corporate asset and the records of the Virgin Islands Government are important sources of administrative, fiscal, legal, evidential, historical and cultural information. The Government will bring to this House comprehensive legislation to embrace all Virgin Islands records. The Virgin Islands Archives and Records Management Bill will help to define a record, establish the Archives and Records Management institution, define its functions and state its powers which will ultimately portray who we are as a people and a Territory.

Culture

Mr. Speaker, the preamble of the Constitution aptly states that “the people of the Territory of the Virgin Islands have over centuries evolved with a distinct cultural identity which is the essence of a Virgin Islander.” With that in mind, Mr. Speaker, in the coming year, the Government will place before you legislation on culture.

This Bill 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 by those who have come to live among us.

Conclusion

Mr. Speaker, I have just presented the legislative programme which the Government intends to undertake in the coming year. At this juncture, I would like to thank the many public servants for their contributions to this Speech and whose job it will be to, while keeping the guiding principles of good governance before them, now advance the Government’s legislative programme to an implementation programme so that all Virgin Islanders can benefit from improvements in government services, health, education, the environment, the legal system and infrastructural development.

Mr. Speaker I close on a historical note. Two days ago on 11th November was the birth date of a distinguished Virgin Islander the late Howard Reynold Penn, who like you, Mr. Speaker, presided over sessions of this House and was also an elected member of this House.

Mr. Speaker, while it was a different era, Honourable Members today are the beneficiaries of the political activism of H.R. Penn, Theodolph Faulkner, I. G. Fonseca, and Carlton deCastro who in 1949 pressed for constitutional change resulting in the re-introduction of the elected system of Government.

Today we pay tribute to their conviction and courage, we pay tribute to their fearless leadership and we pay tribute to their indomitable spirits that changed the course of Virgin Islands history and laid the foundation for this Territory’s constitutional and political advancements over the years.

Mr. Speaker, as the Government presses ahead with its legislative programme, the people of this Territory are being reminded to pray for the Government. Pray for godly counsel and that they will have the wisdom to know and do what is right for all Virgin Islanders. I pray God's protective Hand upon this second session, upon its Members and upon the people of this Territory.

Mr. Speaker thank you for listening.