



SPEECH FROM THE THRONE 2016
SECURING OUR FUTURE

DELIVERED BY HIS EXCELLENCY THE GOVERNOR MR. JOHN S. DUNCAN, OBE
AT THE FIRST SITTING OF THE SECOND SESSION
OF THE THIRD HOUSE OF ASSEMBLY
Thursday, 22 September 2016, 10:00 am

Madame Speaker, elected representatives of the House of Assembly, ladies and gentlemen, good morning.

It is an honour and a privilege as your Governor and as Her Majesty Queen Elizabeth the Second's representative in the Virgin Islands to deliver today's Speech from the Throne.

The Speech is a tradition in the Commonwealth countries and British Overseas Territories. It outlines the legislative agenda of the elected Government of the Territory during this First Sitting of the Second Session of the Third House of Assembly. It does not preclude the introduction of additional legislative measures.

Our Government is focused on introducing and amending different pieces of legislation under the theme: Securing Our Future: specific areas of interest include improving social services programmes; strengthening the educational sector; protecting borders, enhancing law, order, public safety; stimulating/fixing the economy; improving the standard of living; infrastructural development; and ensuring public sector reform.

Madame Speaker, in securing our future, the first duty of any Government is to afford protection to all its people by upholding the fundamental rights and freedoms that are enshrined in the Constitution. Special measures of protection are required to secure the civil, economic, social and cultural rights of the most vulnerable members of society.

Our Government is committed this session to continue working to develop progressive social policies and modern legislation to govern matters affecting children, families and disadvantaged groups. We have no greater responsibility than to safeguard and promote the welfare of our children.

During this Session, our Government will introduce various bills and other legislative instruments related to the care and protection of children, including justice for children who come into contact with the law.

A New Child Maintenance and Access Bill has been drafted to address the financial and other support services necessary to provide for the needs and upbringing of a child. The new law will allow the courts to order that funds for the maintenance of a child be taken directly from the earnings of a person, in accordance with the terms of a maintenance order. The law would also make provision for the Court to deal with the issue of access to a child when an application for maintenance is being heard, and vice versa.

Our Government will also seek to reform the law relating to children in need of care and protection by revising the Children and Young Persons Act, 2005 to incorporate relevant provisions of the Organisation of Eastern Caribbean States (OECS) Model Children (Care and Adoption) Bill.

The OECS Model Family Bill was created on the initiative of the Eastern Caribbean Supreme Court as part of its Family Law and Domestic Violence Project aimed at harmonizing laws governing families and children in the sub-region. The Children (Care and Adoption) Bill is one of four model Family Bills produced by the OECS, along with a Child Justice Bill, and model legislation on Status of Children and Domestic Violence, which have both been incorporated into BVI law with modifications.

As part of this process of reform, the existing Adoption of Children Act (CAP.265), which dates back to 1944, will be repealed. The proposed new legislation will bring about enhanced arrangements for the adoption process, and will provide for inter-country adoptions.

While the legislative environment for child protection in the Virgin Islands continues to grow from strength to strength, there are evident deficiencies in the criminal justice system related to children. In order to ensure that the children of the Virgin Islands are better served by the justice system, Child Justice Legislation will be introduced in this Honourable House to address matters relating to children who are in contact with the law. The law will serve to facilitate child-friendly justice by incorporating diversion of cases away from formal court procedures where appropriate, and will entrench the notion of restorative justice, among other features that promote prevention, early intervention, rehabilitation and reintegration.

It is important to note, that our legal framework will enshrine the ‘best interest of the child’ principle as the paramount consideration of the courts and the administration in all matters pertaining to children. The Eastern Caribbean Supreme Court, in coordination with the OECS Commission and United Nations Children Fund (UNICEF), has agreed to support our Government’s review of child-related legislation over the coming months.

The passage and effective implementation of these laws will serve to promote the wellbeing of children and families, and will bring the Territory into conformity with the United Nations Convention on the Rights of the Child and other international instruments.

Mme Speaker a shining example among Non Profit Organisations to this community is the British Virgin Islands Red Cross, an overseas branch of the British Red Cross Society, which recently celebrated 60 years of humanitarian work in the Virgin Islands. During this Session our Government will seek to introduce legislation to establish the BVI Red Cross as a separate legal entity pursuant to the 1997 Supplemental Royal Charter of British Red Cross Society. The proposed legislation would establish the BVI Red Cross as a corporate body with autonomous status, granting the local organisation recognition as a voluntary aid society auxiliary to the public authorities in the BVI, and would serve to protect the activities of the BVI Red Cross.

Madame Speaker in securing our future, our Government is committed to the all citizens, from early years to adulthood, as our Government believes that our citizens must be able to reach their full potential, to be successful in life, at work and in the community.

That is why our Government will continue on our journey towards excellence in the education sector. Our Government recognises the importance of monitoring and applying standards for Early Childhood Education as our Government embarks on ensuring that strong foundations are built.

Our Government is pleased the Higher Education Licensing Act, 2016 was passed and the Education Act, 2004 was amended along with the relevant regulations (General and Early Childhood Education) for its implementation.

Furthermore, in order to align the realities of today’s Higher Education landscape and the education system in general, the draft amendment of the H. Lavity Stoutt Community College Act will be presented to this Honourable House during this session.

Additionally, our Government looks forward to realising the goal of licensing and monitoring tertiary institutions that wish to open their doors in this Territory as offshore institutions, as such institutions can bring much economic benefit.

Our Government will also seek to amend the Scholarship Trust Fund Board Act and Regulations (CAP.116) to ensure that it is aligned with current day practices.

The Library Act (CAP.117) is being amended to modernise the operational procedures of the services of the Virgin Islands Public Library.

Our Government has embarked on a journey to put policies and legislation in place to build a stronger Territory and ensure we are in line with 21st century realities. As we go forward in this session, our Government will meet with the Christian Council and seek to establish regulations for Ecclesiastical Affairs.

Mme Speaker, securing our borders and keeping the BVI safe and as crime free as possible are crucial to securing our future. This means providing all of our frontline officers with the appropriate legislative tools to maintain law and order in this Territory.

The Royal Virgin Islands Police Force has embarked on an active road safety campaign to educate the public and enforce the traffic laws of the Territory. The Vehicle and Road Traffic (Traffic Signs) (Amendment) Regulations, 2011 will be upgraded to address parking in Road Town. The proposed amendment also includes an increase in traffic fines. Furthermore, regulations will be amended to bring in line all of the traffic signs on display, or not displayed.

Our Government will seek to upgrade the Police Act (CAP.165) to strengthen the Force's capability.

Our Government are also pleased that a revised Prison Ordinance (CAP.166) and Rules (25 of 1999) have been completed. These amendments will ensure that we are in keeping with more modern prison management practices and a stronger rehabilitation programme.

In terms of border protection and following thoughtful deliberation of the issues surrounding the current state of immigration in the Territory, our Government will propose amendments to the Immigration and Passport Act (CAP.130) to include a section titled "Applications for Asylum" which will address the process for asylum requests in the Virgin Islands.

Our Government will also seek to amend the Immigration and Passport Regulations, 2014 to revise existing immigration fees and the introduction of new fees and fines.

Mme Speaker, our Government believes that fixing and stimulating a strong economy means diversifying the business sector; promoting business development, and aligning legislation with current trends.

Essential to this objective is the introduction of a BVI Investment Bill as an immediate priority to facilitate and drive domestic and foreign investment in the Territory.

Driving investment also includes the Film Incentive Bill that will allow us to be competitive as a location for film production, while offering incentives to the local community.

Progress has been made on the proposed amendments to the Marriage Ordinance (CAP.272). The amendment will bring the legislation in line with modern laws and for the overall improvement and efficiency in the registration, celebration of marriages in the Territory. The amendment will also provide the registrar or the Marriage Officer to conduct marriage on board a ship within the territorial waters. This change will facilitate the diversification of the tourism product by further promoting the Territory as a wedding destination.

In creating a favourable tourism environment and maintaining high standards across the industry, our Government has as its priority to amend the Trade Ordinance so that it sets consistent and appropriate standards for properties that offer tourism accommodations.

The Virgin Islands are renowned for our rich maritime heritage. Our Government will continue to capitalise on this strength by improving the efficiency of the maritime laws, registration capabilities, and operational procedures of Virgin Islands Shipping Registry. During this session the Merchant Shipping Act 2001 will be amended to provide the registrar with the appropriate legislative tools to entice ship owners to register their commercial and recreational vessels in this destination of choice—the Virgin Islands.

Our Government is determined to ensure that the Virgin Islands becomes a destination of choice and a one stop shop for commerce. A Merchant Shipping (Small Ship Registration and Certification) Bill will be introduced to facilitate pleasure boat inspections and issuance of a coastal craft licence. Another added-value is that it will improve safety of the people and the vessel by inspections.

Additionally, our Government will seek to amend the Merchant Shipping (Fees and Charges) Regulation 2008 so that the costs for services remain competitive, locally and globally.

Also, our Government will introduce a Limited Partnership Bill. The Bill will offer modern, bespoke legislation for the formation and operation of limited partnerships. The proposed bill will be designed with the requirements of private equity and venture capital in mind in order to attract more of these vehicles to the Virgin Islands. It will include features used globally for limited partnerships, as well as more innovative features, including concepts and ideas taken from the BVI Business Companies Act. Limited Partnerships will have the option of having legal personality, and the list of “safe harbour” activities for limited partners will be expanded. There will be the ability for secured creditors to have priority over the assets of a limited partnership which has legal personality.

Modernising legislation is important to stimulating the economy. Earlier this year, Cabinet approved the Admiralty/Bankruptcy Proceedings (Fees) Order, 2016; Civil Proceedings (Fees) Order, 2016; Court of Appeal (Fees in Civil and Criminal Proceedings) Order, 2016; Family Proceedings (Fees) Order. These fees form part of the Courts of Justice Fees (Amendment) Bill to allow for the filing of documents in the High Court under the Courts of Justice Fees Act Cap. 202. These pieces of legislation will align fees with the current day business practices and charges of industry stakeholders, and it will introduce new fees for services currently offered and not charged for.

Our Government will seek to amend the Supreme Court (Non Contentious) Probate Rules (CAP.60), making the fees reflective of the service delivered in today's environment.

Mme Speaker, another matter requiring the attention of this Honourable House is a modification of the Non-Profit Organisations Act, 2012 to take account of revised recommendations issued by the Financial Action Task Force (FATF) in June of this year. The FATF standard on non-profit organisations (NPOs) was revised to clarify the subset of NPOs which should be made subject to supervision and monitoring. Our Government will seek to amend local legislation to engender a more targeted and risk-based approach to the regulation of NPOs, which would reduce the burden of compliance presently placed on those community groups that are not at high risk for abuse by terrorist organisations. This new approach takes into account the differing types of NPOs that exist, the environment in which they operate, and the level of risk to which they are exposed. Our Government welcomes these developments and continues to value the vital role NPOs play in our society.

Fifthly, in securing our Territory's future, our Government is committed to improving the standard of living for all.

Crucial in this direction is timely and accurate data collection to measure and explain various aspects of our economy. Our Government is eager to amend the Statistics Act 2005 to ensure stakeholders' commitment to providing timely and accurate data. This also means modernising the operations of the Central Statistics Office so that there is more flexibility in accessing timely and accurate statistical products and services to further assist with economic and social planning.

Still along the lines of data collection, there is a need to improve the registration of births and deaths in the Territory. Our Government will seek to amend the Registration of Births and Deaths Bill to provide inter alia, for the registration of stillbirths in the Territory, and for the issuance of an interim birth certificate by a medical examiner or a physician at the Peebles Hospital.

Our Government sees the need to amend and modernise the Coroner's Act (CAP.15) to ensure that it is aligned with modern medical practices and efficiency in the confirmation of deaths.

Another important aspect in improving our standard of living is the careful management and protection of our environment. Our Government believes that the environment is the second most important asset coming only after our people, which must be preserved for the enjoyment of present and future generations.

That is why priority consideration will be given to introduce the Merchant Shipping (Ballast Water Management) Bill to prevent the spread of harmful aquatic organisms from one region to another. Invasive aquatic species are presenting a major threat to our marine ecosystems. The ballast water used on ships has been identified as a major pathway for introducing species to new environments. This proposed Bill will establish standards and procedures for the management and control of ships' ballast water and sediments.

Priority consideration will be given to the introduction of an Environmental Management, Biodiversity Conservation and Climate Change Adaptation Bill. This Bill will address the need for comprehensive legislation which will ensure the sustainable use and conservation of our natural resources, whilst arresting environmental degradation. The bill also aims to assist the Territory in adapting to the impacts of Climate Change and will provide a framework for the protection of our natural environment for future generations.

Looking further at the environment, our Government will seek to adopt the Nairobi Convention on Wreck Removal to provide a sound legal basis for BVI to locate, mark, remove, or have removed, wrecks that pose a hazard to navigation and the marine and coastal environment. This convention proposes that ship owners will be held financially liable to take out insurance or provide other financial security to cover the costs of wreck removal.

Efforts will continue to review the proposed amendments to the Disaster Management Bill which seeks to reduce the loss of life and property damages that are attributed to disasters. The objective, therefore, is to repeal the Disaster Management Act 2003 and create a relevant legislative framework that incorporates all elements of society.

Still focusing on the different ways our Government will seek to improve our standard of living through legislation, it expects to amend the Second Schedule to the Elections Act, 1994 by replacing Form 9A which sets out the voter registration card. The voter registration card will include additional information such as the height and address of the voter and the date of issue and expiry of the card.

Various components of the Liquor Licence Act (CAP.106) will be modernised in consideration of the changes in the industry so that legislation is aligned with modern day practices.

The Land Surveyor's Act (CAP.215) and the Land Survey Regulations will be amended to set in place standard procedures to improve the effective and efficient management of the industry.

These amendments include the additional updated regulatory framework, reporting standards and codes of conduct and ethics that will regulate and manage the Land Survey Profession.

Mme Speaker In securing our future, our Government understands that economic development and sound infrastructure are inextricably linked.

That is why our Government will seek to pass the British Virgin Islands Electricity Corporation (Renewable Energy) Regulations, 2016 in this session. Such groundbreaking regulation will order the construction, erection, repair or alteration of renewable energy generating facilities. It will also establish the associated rates chargeable for the purchase of electricity from renewable sources. This will aid in the achievement of our Government's goal of reducing our dependence on fossil fuels for energy production by 30 percent by the year 2023.

An active construction industry is important to us. That is why our Government will seek to introduce the Architects and Engineers Registration Bill to ensure that all practicing architects and professional engineers provide services to private and public sectors at an acceptable industry standard, which in turn would ensure the optimum health and safety of building occupants.

During this First Session, our Government will seek to amend the Wickhams Cay Development Authority Act (CAP. 281) so that it is aligned with the functions of the Office of the City Manager.

Amending the Water Supply Act (CAP.153) is also a priority of our Government to align it with the modern water treatment facilities now being employed and the expansion of the water network throughout the Territory.

Mme Speaker the seventh objective in securing the future of the Territory is public sector reform where legislation is important to enhancing the quality of services provided internally across agencies and to the public.

Efforts will be made to introduce the Public Service Management Bill which will provide for the effective and efficient management of the public service. The Bill will address principles to guide public service management, public service employment and the work performance and personal conduct of public officers.

Our Government will seek to update the Archives and Records Management Act, 2010 to establish the Archives and Records Management Department as the central Government authority on the management of records and archives within the Territory. This legislation will delineate the role of the Archives in providing guidance for records keeping and records access according to international standards. As such, this legislation will support e-Government and the

increased use of electronic records for conducting business between the Government and the private sector.

The Freedom of Information Bill is being reviewed to ensure its mandates can be successfully carried out in light of imminent legislation to be passed for e-Government and Data Protection. Based on the experiences of other Overseas Territories, it is well known that Freedom of Information can require significantly increased resources to satisfy information requests; especially when coming from the press. Because of this, it is important to ensure that the necessary systems are in place to respond to such requests efficiently without compromising Government's responsibility to protect personal data under the law.

The Data Protection Bill will be introduced to provide the legal framework to ensure that all sensitive personal data of persons in the Territory is protected. The legislation will also give individuals the right to know what information is held about them and provide the regulation for how personal information is handled. The proposed legislation applies to all processing of data in the Territory.

In making public service more efficient, our Government will seek to amend the Labour Code 2010 to allow for electronic processing and other measures that will enhance the efficiency and transparency of work permit processing and contribute to a more business friendly investment climate.

Madame Speaker, in conclusion our Government has a determined legislative agenda that is focused, in many ways, on strengthening different sectors of the economy. With a commitment to securing our future, our Government is looking forward to bringing each new proposed Bill or proposed legislative amendment to this Honourable House with the ultimate intention of building a better Virgin Islands.

Madame Speaker Ladies and Gentleman I thank you for your attention