



**BUILDING BVI STRONGER, SMARTER, GREENER BETTER
THROUGH LEGISLATION
SPEECH FROM THE THRONE 2018**

**DELIVERED BY
HIS EXCELLENCY THE GOVERNOR MR. AUGUSTUS JASPERT
First Sitting of the Third Session of the Third House of Assembly
House of Assembly Chamber
Thursday, 1st March, 2018
10:00a.m.**

Madame Speaker, members of the House of Assembly, invited guests in the gallery, those listening via the airwaves and online, good morning.

The Speech from the Throne is a tradition in most Commonwealth countries and British Overseas Territories. Such a speech is critically important as it outlines the agenda the elected Government plans to pursue.

I count it an honour and privilege as Governor of these Virgin Islands on behalf of Her Majesty Queen Elizabeth the Second to deliver the Speech from the Throne, which outlines the legislative agenda of the Government of the Virgin Islands for the First Sitting of the Third Session of the Third House of Assembly.

I will refer to Her Majesty's Government as 'Our Government'.

Our Government is focused on introducing and amending different pieces of legislation under the theme: Build BVI Stronger, smarter, greener, better. This vision is born out of Our Government's long time commitment of **putting people first**. It chronicles the shared experiences of our people following the aftermath of Hurricanes Irma and Maria and their

collective hope in making this Territory more resilient and more sustainable, stronger than ever before.

The proposed Bill or proposed legislative amendments are placed into three categories: (1) Build BVI stronger and smarter; (2) Build BVI Greener; and (3) Build BVI Better.

In no particular order, I will first begin with those pieces of legislation designed to Build BVI Stronger and Smarter.

Madame Speaker, in building the BVI stronger and smarter, and recognising the extensive nature of the activities that must be carried out efficiently and effectively, our Government through legislation will seek to establish the ***Recovery and Development Agency*** to implement the initiatives identified by the approved plan in accordance with international best practice. Additionally, the funds will be placed in a trust and can only be disbursed to support the projects and initiatives under recovery and development, and in a transparent manner.

The effects of Hurricanes Irma and Maria no doubt have affected our infrastructure and public utilities system. We have now taken lessons from what has happened and our Government will seek to amend the ***Buildings Ordinance (Cap. 234)*** to strengthen our building codes. Our Government will place great emphasis on safety and quality development. This is important so that when we build or rebuild, we are doing so in line with regional and international standards.

As we build stronger and smarter, no more than ever, 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.

To enhance and strengthen the enforcement and effectiveness of the Physical Planning Act, 2004, ***Physical Planning Regulations*** will be introduced to ensure effective and standardised practices across the Territory.

Our Government welcomes the transformation of the Public Service to ensure that services are delivered to the public in an efficient and effective way. One strategy includes the establishment of a long term management structure for the Water and Sewerage Department, with a view of it becoming a statutory body. Legislation to bring this vision to realisation is essential for a customer-focused, service-driven Public Service.

Madame Speaker, our Government will introduce the ***Public Service Management Bill*** to properly establish the Public Service of the Virgin Islands. This Bill will provide the legal framework for the overall management, organisational structure and administration of the Public Service. The Public Service Management Bill will set the foundation for the revised Public Service

Code, which will replace General Orders, 1982, and will provide the terms and conditions for officers and employees employed in the Public Service.

Our Government will also introduce the ***Flexible Working Arrangements Bill*** supported by a policy, which will outline the criteria and process for undertaking a flexible working arrangement. The implementation of this policy will come at a time where officers and employees continue to maneuver through their personal hurricane recovery efforts.

Madame Speaker, there is unwavering commitment by our Government to introduce a ***Consumer Protection Bill*** during this Session to facilitate an attractive business climate with fair business practices. This Bill will establish the rights of both the consumer and the business, and it will encourage a free enterprise market economy.

During this Session, the ***Freedom of Information Bill*** will be introduced by our Government. The Bill will include the guidelines for how people can access public records and it will outline the exempted categories. This piece of legislation will allow for increased transparency and accountability of public affairs. The Bill includes recommendation for the establishment of a Freedom of Information Unit to provide the public with the appropriate administrative mechanism to make and receive requests.

As we continue to Build BVI Stronger and Smarter, our Government remains committed to meeting the needs of the students at the collegiate level, and the wider community. A draft amendment of the ***H. Lavity Stoutt Community College Act*** will be presented to this Honourable House to ensure that the institution is able to maintain its accreditation status and keep pace with the changes necessary to prepare the workforce for the development of the Territory and higher education.

Madame Speaker, during the last session, our Government embarked on a journey to put legislation in place to ensure we are in line with 21st century realities. As we go forward in this session, regulations for ***Ecclesiastical Affairs*** will be introduced to allow for clear guidelines and a smoother, more efficient and transparent handling of religious affairs.

In building the BVI Stronger, our Government will seek to amend the ***Financing and Money Services Act*** to segregate and expand on the types of licence that may be issued, including a new class relating to Peer-to-Peer (P2P) FinTech business arrangement; accordingly the Fees Regime will be amended to reflect the new classes of licence which will range from Class A to Class F.

Our Government will seek to amend the ***Banks and Trust Companies Act*** to review the current subsidiaries regime by requiring all subsidiaries listed on the license of current licensees who are engaged in registered agent business to apply for and obtain separate licences and thus be removed from the schedule of the licences of current licensees. This will ensure greater efficiency in the supervision of licensed financial services business in the Territory.

Additionally, ***Anti-money Laundering Regulations and Anti-money Laundering and Terrorist Financing Code of Practice*** (including consolidation of the Code of Practice) will be reviewed and revised to incorporate the results of the benchmarking exercise undertaken by the Financial Services Commission following Cabinet approval of the 2017 National Risk Assessment Report to ensure “full” technical compliance with the FATF Recommendations.

Amendments will also be made to the ***Regulatory Code*** (including consolidation of the Code) to reform areas relating to general governance and provisions relating to banking, company management, insurance, financing and money services and security and investment business.

And, steps will be taken to develop a new ***Regulatory (Consumer Protection) Code*** to provide consumer protection rules relating to banking business, money services business and insurance business.

Our Government understands that urgent issues may arise during the course of the year and prioritising may become necessary and accordingly urgent legislative matters not included in the above list may be given preference as may be appropriate.

Furthermore, with the enactment of the ***Financial Services (Business Continuity) Act, 2017*** (otherwise known as “the financial services sunshine legislation”), our Government believes that it has provided reasonable accommodation to the Territory’s financial services players to transition out of and back into the Territory as we continue to recover from the effects of the two hurricanes we experienced in September 2017. It is our Government’s hope, therefore, that the financial services businesses that had taken advantage of and benefitted from the sunshine period will now be making preparations to return to the Territory no later than 31st March, 2018 to continue their business operations as required by the various financial services legislation.

Appropriate legislative measures will be required to establish a ***regulatory Sandbox regime***. This will include consideration of innovative measures for the development of financial services product legislation and providing relevant business models and efficient delivery systems. Where considered necessary, appropriate regulatory and supervision measures will also be developed (through amendments to the Financial Services Commission Act and relevant regulatory legislation) to ensure efficient and effective oversight in relation to any new product legislation and/or activities.

Madame Speaker, the ***Disaster Management Bill*** will be introduced to provide a comprehensive mechanism for disaster management in the Virgin Islands. This will include the rights and obligations of the Virgin Islands under the agreement to establish the Caribbean Disaster Management Agency. This Bill will also seek to repeal the current legal framework related to disaster management in the Virgin Islands. In addition, the Bill will provide a comprehensive framework that governs the management of disasters and it will give rise to various regulations, for example, shelter management, national systematic shut-down, warning systems.

Madame Speaker, I will now focus on those pieces of legislation our Government will either propose or amend in this upcoming session to Build BVI Better.

In no particular order of priority, our Government will introduce legislation that promotes social justice and human rights where we safeguard the welfare of our children; improve the prevention and management of sexual offenses, and enhance the regulatory framework for effective collaboration and partnership with the non-profit sector.

A very important Bill therefore is the ***Children (Care and Adoption) Bill***, which will be introduced to revise and consolidate legislation that provides for the care and protection of children, in line with regional and international standards. The Bill will seek to ensure that in all actions and decisions concerning a child, the safety, welfare and well-being of the child shall be of paramount consideration, and the same principle is applied where a child has been removed from his or her parents. Enactment of the proposed legislation will result in greater supervision of adoption procedures and for the protection of the welfare of the child in such proceedings.

Madame Speaker, the ***Sexual Offences Bill*** will be proposed to comprehensively address the prosecution and management of all sexual offences matters in the Territory. It would serve as a consolidated, stand-alone piece of legislation regarding sexual offences that would replace the few scattered Criminal Code provisions that are presently in existence in the Virgin Islands. Its underlying goal is to protect persons from non-consensual sexual activity, while ensuring gender neutrality and gender equity. The Sexual Offences Bill will seek to ensure international best practice is maintained with appropriate provisions for prevention, investigation, and adjudication of sexual offenses matters.

Madame Speaker, our Government will consider all legislation geared to strengthen the Judiciary of this Territory. The foundation of any functional society is a robust Judicial System and we will support legislation in this regard.

Madame Speaker, further to its commitment and belief that the human rights of its citizens are of outmost importance, our Government will therefore put in place all of the necessary components to ensure the full implementation of the ***Human Rights Commission Act***.

Our Government will also introduce ***Witness Anonymity Legislation***, a Bill to ensure the protection of witnesses and the preservation of their rights by the provision for a court to make a witness anonymity order to protect the safety of the witness, prevent damage to property, and prevent real harm to the public interest. This would be an invaluable tool in assisting with combating serious crime and at the same it would also help to re-establish public confidence in the criminal justice system.

Madame Speaker, our Government believes that it is important to build a climate based on rehabilitation rather than on punitive action. As a result of this interest, our Government also holds that it is critical that as persons are incarcerated work diligently moves forward with

ensuring that the individuals get the help to lead meaningful and productive lives. The Prison must ensure that inmates develop skills and are able to become functional on return to the community. This will no doubt reduce recidivism. With this as a primary focus, **the Prison Act (1956) and Prison Rules (1999)** will be updated with present day realities, thus ensuring the efficiency in the management and leadership of the institution. This amendment will bring the BVI in line with international conventions.

Our Government will review the **Jury Act Cap 36** to examine the powers of a Judge as it relates to jury trials. Madame Speaker, the review will explore the question as to whether some trials can be heard by a Judge without a Jury to allow the expediency of Justice in the Territory. The review will also be conducted to streamline and enhance the selection of jurors and to establish a jury register for the Territory.

Madame Speaker security of this Territory is of great importance to our Government. Our Government will therefore, review the legislation for law enforcement relating to **policing powers and procedures**. Madam Speaker, the review will also look at police powers in relation to arrest, search and detention.

In order to ensure the Territory has the right set of good governance standards, our Government will also review the **Register of Interests Act**, the **Complaints Commission Act** and all other legislation regarding upholding integrity in public office. This approach is important if the public service is to be transformed with good governance as its foundation.

Madame Speaker, our Government will lead by example and put in place a **Code of Conduct** which will govern the operations of Ministers of Government. The Code will identify a set of standards that Ministers are expected to follow in the context of protecting the integrity of their public office.

On this journey to build the BVI Better, our Government will seek to amend **the Non-Profit Organisations Act, 2012 (No. 10 of 2012)** to reduce undue restrictions on Non-Profit Organisations (NPO's) operating in the Territory and to facilitate their legitimate and essential work. The amendments will take account of revised recommendations issued by the Financial Action Task Force (FATF) in 2017 which further clarify the subset of NPOs which should be made subject to supervision and monitoring. The proposed amendments will engender a more targeted and risk-based approach to the regulation of NPOs, thereby reducing the burden of compliance presently placed on those community groups that are not considered to be at high risk for abuse by terrorist organizations. This new approach takes into account the differing types of NPOs that operate in the Territory, the environment in which they operate, and the level of risk to which they are exposed.

In continuing with non-profit organisations, our Government will seek to introduce a Bill to establish the BVI Branch of the **British Red Cross Society** as a separate legal entity and corporate body with autonomous status, granting the organisation recognition as a voluntary aid society

auxiliary to the public authorities in the BVI. Once established, this entity will serve to protect the activities of the BVI Red Cross.

Lastly under this section of making things better, efforts will be made to modernise the **Liquor Licence Act (CAP. 106)** in consideration of the changes in the industry. The Bill will provide for:

- the establishment of a Licensing Board which is comprised of five members, who will receive and decide on applications for liquor licences or renewal of liquor licences;
- an increase in the number of licensing days which will provide more flexibility for customers and will eliminate the need for temporary liquor licences to be issued by the Governor; and
- extension of the licence period from six months to one year from the date of issue.

Madame Speaker, I will now share those pieces of proposed legislation that our Government will seek to introduce or amend as we as a community Build BVI Greener.

Careful management and protection of our environment is important if we are to preserve it for the enjoyment of present and future generations.

It is for these reasons; priority consideration will continue to be given to the introduction of an ***Environmental Management, Biodiversity Conservation and Climate Change Adaptation Bill in building BVI Greener***. This Bill addresses a myriad of concerns that could impact the environment including dumping of waste at sea, as well as speaking directly to the issue of derelicts and removal of same from the Territory. The need for this piece of legislation is even now more critical as we build resiliency into this critical sector of our tourism industry.

Madame Speaker, another matter requiring the attention of this Honourable House is the amendment to the ***Virgin Islands Fisheries Act 1997*** as well as the Regulations. The objective is to strengthen the operational function of the fisheries and to ensure that the BVI Fishing Complex has oversight of our Exclusive Fisheries Zone.

In term of effecting better administration of the Territory's land, the ***Registered Land Ordinance 1970, revised 1991, and Land Surveyors Act 1970 amended in 2005, and Land Surveyors Regulations 2004*** will be revised to address the issue of persons being able to acquire land via prescription.

Additionally, to ensure greater efficiency, plans are afoot to ***merge the Departments of Land Registry and Survey to create one Department under the heading, Land and Survey Department***. These two goals will require amendments to the various pieces of legislations governing both. This merge is essential in the transformation of the Public Service as a one stop service provider.

Madame Speaker, our Government is committed to educational development and will continue its SMART school initiative. Our Government is mindful that in today's technological age, the education system is evolving and the Territory's school keeps pace with the rest of the world. That is why there will be a focus on the amending the **Education Act (2004)** to bring this legislation in line with the technological learning preferences and expectations of students in this and future era.

Additionally, **the Education Act (2004)** will be amended to outline the relationship between the Ministry of Education and the Private Schools. Our Government believes that it is important to forge a closer monitoring relationship with the private schools. One example is data collection from private schools to better analyse and report on the status of education in the Territory as a whole.

Madame Speaker, in further making the BVI greener, our Government is committed to improving the delivery of services to and collaboration with the public in all its sectors.

Additionally, there is great commitment to the continuity of Government business in times of disaster and crisis. Accordingly, our Government will introduce a suite of legislation to support the growth of e-Commerce and e-Government

One such legislation is **Data Protection Bill** which seeks to promote the protection of personal data processed by public and private bodies. The objective is to ensure that a high level of trust and confidence is established between businesses and their customers, and that customers' information is kept secure, private and not put to any unauthorised use.

We will also review the existing legislative regime and where necessary introduce new legislation or amendments to ensure that the Territory, appropriately meets international best practice for laws relating to the use and development of technology in everyday life.

Madame Speaker, as we continue to focus on the use of technology, the **Labour Code 2010** will be amended to facilitate the processing of work permits electronically. The objective is to enhance the efficiency and transparency of work permits processing and contribute to a more business friendly investment climate. The Bill will also address a number of critical areas such as how redundancies and layoffs are managed following disasters/events.

Overall, technology is essential to all sectors of our economy, and that is why our Government will continue to impress upon telecommunications providers the importance of improving the overall efficiency of their services and infrastructure so that it is in line with the modernisation of laws. This is important if we are building the BVI Greener.

Madame Speaker, in conclusion, our Government recognises that it is important to bring legislation in line with our current and 21st century realities.

The proposed Bills and legislative amendments for this upcoming Session of this Honourable House in different ways will help to build BVI stronger, smarter, greener and better.

Madame Speaker, Ladies and Gentleman, I thank you for your attention.