

ST. HELENA
LEGISLATIVE COUNCIL

THE SPEAKER

Mrs Margaret Anne Catherine Hopkins MBE

EX-OFFICIO MEMBERS

The Honourable Acting Chief Secretary	-	Mrs Gillian Francis
The Honourable Financial Secretary	-	Mr Paul Blessington
The Honourable Attorney General	-	Mr Kenneth Baddon

ELECTED MEMBERS

The Honourable Rodney Garth Buckley	-	East Electoral Area
The Honourable John Gilbert Cranfield	-	“ “ “
The Honourable Cyril Keith Gunnell	-	“ “ “
The Honourable Brian William Isaac	-	“ “ “
The Honourable Bernice Alicia Olsson	-	“ “ “
The Honourable Stedson Graham Francis	-	West Electoral Area
The Honourable Anthony Arthur Green	-	“ “ “
The Honourable Earl Hilton Henry	-	“ “ “
The Honourable Derek Franklin Thomas	-	“ “ “
The Honourable Raymond Kenneth Williams	-	“ “ “
The Honourable Mervyn Yon	-	“ “ “

The Honourable Tara Thomas	-	Overseas
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CLERK OF COUNCILS

Miss Gina Benjamin

PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Friday, 6th July, 2012

The Council met at 10.00 am
in the Court House, Jamestown

(The Speaker in the Chair)

ORDER OF THE DAY

1. FORMAL ENTRY OF THE PRESIDENT

2. PRAYERS

The Right Reverend Bishop Richard Fenwick

3. ELECTION OF MEMBER OF PUBLIC ACCOUNTS COMMITTEE

The Speaker –

Honourable Members, we have one vacancy on the Public Accounts Committee, I therefore call for nominations to fill that vacancy. The Honourable Stedson Francis?

The Hon. Stedson Francis –

I'd like to propose The Honourable Earl Henry.

The Speaker –

Thank you, Honourable Member. Is there a seconder to the proposal, please?

The Hon. Bernice Olsson –

Madam Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. Honourable Earl Henry, are you agreeable to accept the nomination to sit on Public Accounts Committee?

The Hon. Earl Henry –

Yes, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Are there any other proposals for filling the vacancy on the Public Accounts Committee?

Question that the Honourable Earl Henry be duly elected to serve on the Public Accounts Committee, put and agreed to.

The Speaker –

Thank you. Next item, please?

4.

ADDRESS BY THE PRESIDENT

Honourable Members, senior Government officials and members of the public, good morning and welcome to this the first sitting of the thirteenth meeting of this Council. I should like to extend a special welcome to the Honourable Earl Henry who was elected at the by-election in the West Constituency, which was held last month, and is attending his first formal meeting of the Council. I should like to congratulate him on his election and wish him well as he undertakes the difficult and demanding role of Councillor. He has this morning just been elected to serve as a member of the Public Accounts Committee and I would remind all Honourable Members that this is a particularly important role to undertake as we only have the one formally constituted scrutiny body, scrutinising Government and making recommendations to ensure good governance, including value for money, is essential work and Honourable Members who are elected to the Public Accounts Committee shoulder a heavy responsibility when carrying out their work within that body.

I should now like to extend a welcome back to the Honourable Mervyn Yon who has recently returned from attending the CPA British Islands and Mediterranean Regional Conference which was held in Scotland. We look forward to receiving a report from the Honourable Member at the local CPA Branch Meeting next week and we also welcome back the Clerk who has been away to undertake a training course for Parliamentary Personnel, which started last month at a Canadian University and continues now she is back by distance learning. We wish her well with the course and look forward to hearing about it at our next CPA Branch Meeting.

Honourable Members, we met last in formal session in March for what we call the Budget Session. We now find ourselves a quarter of the way through the financial year with preparations for next year's budget already underway. This morning, we have two Bills to consider and there are thirteen Questions on the Order Paper. I would remind you, Honourable Members, that supplementary questions cannot introduce new subject material and they also need to be questions and not prefaced by a statement. We have four Motions and will end proceedings with the Adjournment Debate. Honourable Members, on the title of Sessional Paper 20/12 there is an error, which was only picked up last night by the Honourable Stedson Francis, so thank you Honourable Member for spotting it. The Sessional Paper 20/12 title should read The Government's Response to the Report from 13th January 2012. As a result, it would be inappropriate for the Councillor who serves on PAC to present the Paper and the Honourable Attorney General will present the Paper.

Honourable Members, please use your name boards to indicate to me when you wish to speak and please use your microphones when speaking. Our thanks are due to Mr Tony Leo who has installed the new sound equipment in here. We no longer need to get closer to the microphones to be heard, but you do still need to bring it down if you're speaking in

Committee. I trust that we will have a productive and informative meeting. Thank you. Clerk?

5. PAPERS

1. The Hon. Attorney General –

Madam Speaker, I beg to present Sessional Paper No. 20/2012, the correct title of which, as you mentioned, is The Government's Response to the Report to Legislative Council on the formal session of PAC held on 13th January 2012.

The Speaker –
Thank you.

Ordered to lie on the table.

2. The Hon. Rodney Buckley –

Madam Speaker, I beg to present Sessional Paper No. 28/2012, a Bill for an Ordinance, the St. Helena Development (Amendment) Ordinance, 2012.

Ordered to lie on the table.

3. The Hon. Derek Thomas –

Madam Speaker, I beg to present Sessional Paper 29/2012, a Bill for an Ordinance, the Criminal Justice Sentencing Ordinance, 2012.

The Speaker –
Thank you.

Ordered to lie on the table.

4. The Hon. Stedson Francis –

I beg to present Sessional Paper No. 30/2012, a report to Legislative Council on the formal session of Public Accounts Committee held on 27th April, 2012.

Ordered to lie on the table.

The Speaker –
Next item, please?

6. QUESTIONS

Question 1. The Hon. Cyril Gunnell to ask the Hon. Financial Secretary.

The Hon. Cyril Gunnell –

Thank you. How is the recently created Enterprise St Helena being funded?

The Speaker –

Thank you, Honourable Member. The Honourable Paul Blessington.

The Hon. Paul Blessington –

Madam Speaker, over recent months, public debate has shown a lack of understanding about how and why Enterprise St Helena is being funded. I therefore welcome this opportunity to set the record straight in a public forum. For convenience, I shall provide Honourable Members with a printed handout which provides them with detailed information to accompany this response.

To begin, it may be helpful to remind the public what the purpose of Enterprise St Helena is and how it has been created. Enterprise St Helena has been created to assist the private sector development of the economy in conjunction with the airport investment being made by DfID. The new organisation has been formed by amalgamating the currently existing SHDA, the St Helena Development Agency and the Tourism Development Project with additional resources being added to take on new responsibilities identified in the Sustainable Economic Development Plan. The new body has been named Enterprise St Helena and it is there to help private enterprise to flourish on the island.

Next, I would like to explain where the funding for Enterprise St Helena is coming from. The total funding for Enterprise St Helena in 2012/13 is £2,763,863. DfID is providing 76% of that and SHG 24%. Just under half of that £2.76m is existing funding from the old SHDA and Tourism Projects with just over half, in fact, 51%, representing new funding for additional activities. The new money is being provided to Enterprise St Helena in 2012/13 amounts to £1,410,000. £950,000 or two thirds of this comes from DfID and the remaining £460,000, or one third, is being funded by SHG.

Next, Madam Speaker, I would like to explain where the £460,000 of new money from SHG is going. The new money from SHG will be used to support the following new activities:- £112,000 on investor generation; £140,000 to develop commercial sites; £89,000 to provide additional support to businesses; £105,000 on skills training; and £14,000 on support to the fishing sector. The £460,000 of new money which SHG is contributing to Enterprise St Helena this year amounts to about 1.6% of SHG's recurrent budget.

Finally, I would like to address the question as to why SHG is providing financial support to Enterprise St Helena. Madam Speaker, Honourable Members will be aware that the top priority in the new Sustainable Development Plan is economic development. Unless St Helena successfully grows its private sector economy on the back of the opportunity provided by the airport there can be no long-term improvement to the living standards for current and future generations of Saints. There are many competing demands out there for scarce public funds but this Government has wisely agreed that some of those funds must go towards economic development if progress is to be achieved. An extra commitment of 1.6% of the budget is a relatively small price to pay in relation to the potential long-term return to the island. This is about investing now to ensure a brighter future, a future with better rewards and opportunities for those in employment and a future with more money to invest in essential services such as Education, Health and Social Welfare. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I thank the Honourable Member for that very detailed report and we look forward to seeing the written response later on. He's taken away all of my supplementary

questions, he will have gathered, but can I ask him, Madam Speaker, given the important role the Enterprise St Helena is expected to play in developing the economy of the island, will the Honourable Financial Secretary explain briefly how expenditure cuts by SHG Directorates relate directly to that vision?

The Speaker –
Honourable Paul Blessington?

The Hon. Paul Blessington –
Madam Speaker, I believe I probably addressed that issue in my response, but just to reiterate, there is 1.6% of our budget being directed towards Enterprise St Helena, that is new money that is on top of what was being put towards the old SHDA project and given the expected returns to the long-term benefit of the island's economy, I think any savings that have to be made to find that 1.6% elsewhere will be money well invested in the future of the island.

The Speaker –
The Honourable Tony Green?

The Hon. Anthony Green –
Madam Speaker, would it be true to say that in addition to the money allocated through the annual budget, it's also likely that real assets like land and properties could also be transferred to Enterprise St Helena to develop the economy?

The Speaker –
Honourable Paul Blessington?

The Hon. Paul Blessington –
Madam Speaker, that is quite correct, that there may be real assets that will be transferred where appropriate to help with the development of the economy. Clearly such transfers will come under the purview of this Council for approval, but, in principle, St Helena needs to make the most of whatever assets it has, land or investments, in order to try to ensure that future economic development does take place.

The Speaker –
Next question, please?

Question 2. The Hon. Mervyn Yon to ask the Chairman, Health and Social Welfare Committee.

The Hon. Mervyn Yon –
Madam Speaker, will the Honourable Chairman of the Health and Social Welfare Committee say what the funding level was for Health and Social Welfare in the 2009/10, 2010/11, 2011/12 and 2012/13 budget allocations to the Directorate?

The Speaker –
Thank you, Honourable Member. The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I thank the Honourable Member for his very important question. Madam Speaker, the funding level for the Health and Social Welfare Directorate budget allocation for the financial year 2009/10 was £3,143,983. Actual expenditure for the year was £3,330,094. The main reasons for over expenditure were as a result of overseas medical referral costs, essential drugs, increase in cost of provisions for the Hospital, Challenging Behavioural Unit, Barn View and also Family Centre costs as a result of it being utilised for a longer period than expected. For 2010/11, the funding level for 2010/11 was £3,449,423, approximately 8.8% increase actually. The actual expenditure was £4,320,423 for the financial year. £616,000 was St Helena's contribution to the Health Link 3 project and the rest of overspend primarily was made up of medical referrals overseas, laboratory materials and the cost of scientific analysis carried out abroad. The increase in budget estimate compared to the previous year represents an increase in electricity and water costs, overseas medical referrals, medical supplies and capital expenditure, digitizer and computer equipment. The funding level for 2011/12 was £6,336,033, approximately 45.55% increase. With regard to actual expenditure for the financial year, this is still to be finalised by the Finance Directorate. The increase in budget estimate compared to the previous year represents the addition of Social Benefits Management and Payments, overseas medical referrals, Pest Control materials, laboratory materials and capital expenditure, but note that the cost of overseas medical referrals for 2011/12 was over £800,000. The funding level for the current financial year, 2012/13, was £5,567,007. Madam Speaker, approximately 12.14% decrease. The reduction is as a result of Social Benefits payments transferred to Finance budget, but note that long-term TC budget has been added to replace the Health Link 3. Employee costs have reduced as a result of head count reduction and expenditure cuts were made in the equipment budget line, overseas medical referrals, medical supplies, transport, cleaning materials, utilities, protective clothing, uniforms and, Madam Speaker, food provisions. Thank you, Madam Speaker.

The Speaker –

Honourable Chairman, I would ask perhaps that that answer is provided in writing to Honourable Members, there were an awful lot of figures, if you could do so, perhaps? Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Madam Speaker and I thank the Honourable Chairperson for his very good report. Now, Madam Speaker, will the Chairman say what detrimental impact have these reductions in the budget during these financial years had on the internal and external day to day operations of the Directorate?

The Speaker –

Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I am unable to give, there's far too much detail to give any true account of the, sort of, bygone years, but all I really can talk about is 2012/13 if the Honourable Member would like me to do that. However, we would be glad to give the information that is required in writing.

The Speaker –

Honourable Mervyn Yon?

The Hon. Mervyn Yon –

I thank the Honourable Chairman, Madam Speaker. I will appreciate the information in writing and I would also like to have the information given for 2012/13 please.

The Speaker –

Thank you. Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Thank you, Madam Speaker. I think we should bear in mind that most if not all of the Directorates were required to make savings for increased revenue lines, but speaking on behalf of Health and Social Welfare Directorate, with only three months into the current financial year, it is too early to determine what extent the implemented cuts may have on the services provided by Health and Social Welfare Directorate. Honourable Members will, however, recall the Honourable Financial Secretary in his 2012 budget speech in March stating that the results of cutbacks can be examined later in the year to see if they are both justified and achievable and that it would be possible to find additional budget through a supplementary appropriation at the mid-year stage. Madam Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Madam Speaker, can the Honourable Member say to what extent supplementary appropriation at the mid-year stage can be guaranteed?

The Speaker –

Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, the only guarantee that can be given at this stage is that the application for supplementary appropriation will be considered.

The Speaker –

Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Madam Speaker.

The Speaker –

Thank you. Next question, please?

Question 3. The Honourable Raymond Williams to ask the Hon. Acting Chief Secretary.

The Hon. Raymond Williams –

Madam Speaker, will the Honourable Acting Chief Secretary tell this Council why is it that SHG does not produce what were known as the Staff List which showed positions held in SHG and remuneration for those positions?

The Speaker –

Thank you, Honourable Member. The Honourable Gillian Francis.

The Hon. Gillian Francis –

Madam Speaker, a decision not to produce staff lists showing positions within SHG along with remuneration for these positions was taken by a previous Governor on the grounds that the document was outmoded as it contained information that was personal to employment agreements with individual SHG staff. The view was taken at the time that it was more appropriate to have a document that showed organisation charts with a brief synopsis for each job role. A template was provided by the FCO and the new staff list was produced and made available for sale, as was the previous document. However, after several years, it was decided that the production of this document did not represent value for money, particularly since there had been no sales. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Raymond Williams?

The Hon. Raymond Williams –

Thank you, Madam Speaker. I just would like to thank the Honourable Member for the reply given. Thank you.

The Speaker –

Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Madam Speaker. Would the Honourable Acting Chief Secretary perhaps consider placing the names of the people and their positions within SHG and shown under each Directorate with their e-mail addresses and telephone numbers on the Government website?

The Speaker –

Honourable Gillian Francis?

The Hon. Gillian Francis –

I thank the Honourable Tony Green for that, Madam Speaker, I will certainly consider his request to place names and positions and contact details on the SHG website. Indeed, it would be quite helpful. Thank you, Madam Speaker.

The Speaker –

Next question, please?

Question 4. The Hon. Stedson Francis to ask the Hon. Chairman, Health and Social Welfare Committee.

The Hon. Stedson Francis –

Will the Honourable Chairman of the Health and Social Welfare Committee tell this House if the mitigation measures that have been put in place following the closure of the Sandy Bay Clinic are working satisfactorily?

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I thank the Honourable Member for his question. Since the closure of Sandy Bay Clinic on 31st May this year, a new public transport bus route has been operating on Monday mornings to allow residents of Sandy Bay to enable them to attend Half Tree Hollow Clinic. Use of the bus service has varied with as many as seven persons using it on one occasion and just one person on another occasion. For the month of June 2012, eleven seats were taken on the new Monday bus route to the Clinic; of those seven were IRB, BIP recipients. To date, Madam Speaker, fourteen residents have made appointment with the Doctor at Half Tree Hollow Clinic on Mondays and two people have been attended to by the Nurse only. So far, Madam Speaker, it would appear that the mitigation measures are working satisfactorily. Comments from Sandy Bay residents attending Half Tree Hollow Clinic have been generally positive.

The Speaker –

Thank you, Honourable Member. Honourable Stedson Francis?

The Hon. Stedson Francis –

Can I ask the Honourable Chairman, were the residents of Sandy Bay visited and communicated to by the Public Relations Officer explaining about these mitigation measures as advised?

The Speaker –

Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I understand that to be the case, although I have to say that I was not aware of it until the meeting at Sandy Bay, but since then I understand that some letters have been delivered to people in the Sandy Bay area.

The Speaker –

The Honourable Stedson Francis?

The Hon. Stedson Francis –

Will the Chairman say why was there no social impact study carried out?

The Speaker –

Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I am not aware that there wasn't a social impact study carried out.

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Can I ask the Honourable Member, Cyril Gunnell, whether the mitigating measures are being monitored closely by the Committee?

The Speaker –
Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Madam Speaker, I understand that to be the case, but as all Members will be aware after three months of the mitigation measures being in place, a proper, sort of, report will be made then.

The Speaker –
Next question, please?

Question 5. The Hon. Cyril Gunnell to ask the Hon. Acting Chief Secretary.

The Speaker –
The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Madam Speaker, what is the progress to date on the public transport review?

The Speaker –
Thank you. The Honourable Gillian Francis?

The Hon. Gillian Francis –
Madam Speaker, it may be useful to give a brief background to the review and explain why it is being carried out. There are several different transport user systems on St Helena. These include a public transport system, home to duty transport systems for public and private sector workers, including shift workers, internal public and private sector transport systems and a school bus service. Transport is not currently coherently provided on the island. The review commenced in April 2012 and the purpose is to consider what improvements can be made to public transport on St Helena in terms of effectiveness, efficiency, reliability and accessibility of the island's passenger transport network. This will take account of the interaction between all transport and related services so that existing services can be consolidated and enhanced. The outcome will hopefully improve coverage, connections and service levels with a view to ensuring that capacity is matched to demand and provides value for money in line with SHG's untargeted subsidies strategy. As assessment of future requirements in line with the airport and associated developments will be made as it is anticipated that there will be an increase in tourism. The key outcome of the review will be recommendations on the most appropriate transport arrangements for meeting the island's needs now and in the immediate future. To date, the following progress has been made: a team from SHG, led by the Senior Transport Manager, met with transport providers in April to discuss how better transport could provide new business opportunities and to seek their views on improving transport provision. The public's views on the public transport system have been obtained at constituency meetings held in Jamestown, Ruperts, Longwood and Levelwood in April. Views were also obtained through a questionnaire issued in the Sentinel and via the home to duty transport providers. Other data, such as current transport usage, has also been collected. As a result of the consultation and information collecting processes, a first draft transport strategy has been produced and follow-up discussions have been held with public transport providers. The draft strategy is currently being finalised following which the draft will be presented to the Access and Transport Committee for consideration. Thank you, Madam Speaker.

The Speaker –
Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Madam Speaker, I thank the Honourable Acting Chief Secretary for that detailed report, I am hoping that she can make it available to us all in written form.

The Speaker –
Sorry, you want her answer made available to you or the draft?

The Hon. Cyril Gunnell –
Well, it's a long report, Madam Speaker, could she make it available to us in written form?

The Speaker –
Honourable Gillian Francis?

The Hon. Gillian Francis –
Yes, I will certainly make my reply to the question available to the Honourable Member.

The Speaker –
Thank you. Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Will the Honourable Acting Chief Secretary say to what extent the review team was happy with the consultation process carried out to obtain the required information supporting the review?

The Speaker –
I am not at all sure that the Chief Secretary should be giving an opinion, you're asking for an opinion to be expressed. If she's happy to comment, I will allow it in that case. The Honourable Gillian Francis?

The Hon. Gillian Francis –
No, in fact it would be difficult for me to comment on that question, Madam Speaker, because I would certainly have to consult with the review team.

The Speaker –
Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Once again, I'm not able to ask my supplementary questions. Never mind. Madam Speaker, given that the team said they would attend four of the constituency meetings, and the Honourable Acting Chief Secretary referred to four constituency meetings just now, carried out during April this year to seek suggestions as to how the bus service could be improved, making it more extensive and effective, what explanation can the team give for attending only one of the constituency meetings and that actually was in Longwood?

The Speaker –
Honourable Gillian Francis?

The Hon. Gillian Francis –

Madam Speaker, the advice I was given when preparing the answer to the question was that the team actually attended constituency meetings in Jamestown, Ruperts, Longwood and Levelwood.

The Speaker –

The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, could I raise then on a point of order? And that, of course, would obviously be if the team didn't go round to all of the community centres to seek the advice from the constituents, then this is why I asked the question how happy were they with the consultation process, you see, but, Madam Speaker, I can assure you that they attended only one constituency meeting and that actually was in Longwood.

The Speaker –

Thank you. Next question, please?

Question 6. The Hon. Derek Thomas to ask the Hon. Chairman, Health and Social Welfare Committee.

The Hon. Derek Thomas –

Thank you, Madam Speaker. Will the Honourable Chairman of Health and Social Welfare Committee say whether all Saints returning from the UK, Ascension and the Falklands qualify for the same rate of medical fees as Saints resident on St Helena?

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Thank you, Madam Speaker, a very important question and I thank the Honourable Derek Thomas for bringing it to the House. Madam Speaker, Saints working on the Falkland Islands and Ascension returning to St Helena, are eligible to pay the same rates for medical and dental treatment as resident Saints. St Helenians who have been ordinarily resident in the UK who return to the island for a holiday will be required to pay the rates applicable to visitors to the island for non-urgent medical and dental treatment. St Helenians who have been ordinarily resident in the UK and return to St Helena to live or for a holiday of longer than six months will be required to pay the rates applicable to visitors for non-urgent medical and dental treatment for the first six months after their return to the island, thereafter they will be required to pay the rates applicable to resident St Helenians. However, if a St Helenian enters into a contract of employment approved by the Director of Human Resources within six months of their return to the island, they will be eligible to pay the rates applicable to resident St Helenians. Madam Speaker, the Health and Social Welfare Directorate is following the Immigration (Control) Ordinance in this case.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker and I thank the Honourable Member for his explanation. Can I ask the Honourable Member how is it determined, Saints ordinarily resident in the UK, how is that determined?

The Speaker –

Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, if a St Helenian goes away from here to the UK for a holiday and we know him to be, or she, to be coming back, that person would still be resident in St Helena. If a person is living in the UK, is working in the UK, is paying Income Tax in the UK, has a house in the UK, for example, that person would be living in the UK, getting all of the UK benefits and so on, and would be classed as living in the UK as opposed to being resident in St Helena.

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Can I ask the Honourable Member, if a Saint working in the UK, is that any different than a Saint working on the Falklands and Ascension?

The Speaker –

Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, St Helenians working on Ascension Island and the Falkland Islands don't normally have the right of abode to live there, they are resident in St Helena.

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Is the Honourable Member aware that Saints on the Falklands can gain the right of abode on the Falklands?

The Speaker –

Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I am sure that is the case.

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Will the Honourable Member not agree that this is a form of discrimination, Saints working in the UK being treated differently to Saints working on Ascension and the Falklands?

The Speaker –

Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I would take advice from the Attorney General on that, I don't see it as discrimination at all. In any case, of course, one can positively discriminate and negatively discriminate.

The Speaker –

Does the Honourable Attorney General wish to comment, please?

The Hon. Ken Baddon –

Madam Speaker, I might have predicted that I would be called into this one. I think the point is that the criteria refer to ordinary residents and if it could be established that someone was in the Falklands or Ascension for long enough to be regarded as ordinarily resident there, then it may be that they should be treated in the same way as people who are ordinarily resident in the UK and returning here later, but I'm not familiar with the details of the current policy and if the Directorate requires some assistance with reviewing it I'd be very happy to assist.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Madam Speaker, I just thank the Attorney General for his input there, but I don't think I can take this question much further, only to say, on a point of information, I think the policy on Saints working on the Falklands and Ascension receiving the same rate of medical fees as Saints living on St Helena needs to be reviewed, the point I'm making that I think Honourable Members are well aware, the public is well aware, that there are Saints working in the UK who own their homes here, they have no intention of taking up residence in the UK, they're simply working in the UK, their principal home is here on St Helena, they're working in the UK, therefore, they're paying their taxation in the UK, so in a way they're contributing more to St Helena than Saints on Ascension and the Falklands, because we benefit from the money that's being paid in the UK by taxation.

The Hon. Ken Baddon –

Sorry, Madam Speaker, on a point of order, we're entering into a debate here, this is supposed to be question time.

The Speaker –

It's not really, you've expanded upon a point of information. I think, Honourable Member, the offer from the Honourable Attorney General to assist the Department, should a review of the situation be required, is perhaps, already I saw the Chairman nodding his head, something that will be taken forward and as Chairman of Home and International Committee, I would think that you would probably want to keep the finger on the pulse in terms of the Immigration policy on this issue as well. Thank you.

The Hon. Derek Thomas –

I'm grateful, Madam Speaker, if a review is carried out. I am the Chairman of Home and International, but the policy on medical fees is nothing to do with Home and International, but I'm grateful if the issue is reviewed. Thank you.

The Speaker –

I'd just like to allow the Honourable Acting Chief Secretary, Mrs Gillian Francis, to clarify one point from the question about our transport review. The Honourable Gillian Francis.

The Hon. Gillian Francis –

Yes, thank you, Madam Speaker. In response to the Honourable Cyril Gunnell's point about the team only attending one meeting, I can now confirm, yes, the team only attended one meeting at Longwood, but the public views were obtained via those Councillors who actually attended the other constituency meetings. Thank you, Madam Speaker.

The Speaker –

Thank you. The next question, please.

Question 7. The Hon. Stedson Francis to ask the Hon. Chairman, Health and Social Welfare Committee.

The Hon. Stedson Francis –

Will the Honourable Chairman of the Health and Social Welfare Committee tell this House what is the current situation as regards Tygerburg Hospital being used for medical referrals from St Helena?

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Thank you, Madam Speaker. Madam Speaker, the Service Level Agreement between Tygerburg Hospital and the Health and Social Welfare Directorate is still in place. To date, this financial year, there have only been a total of eleven patients requiring overseas referral. The nature of their medical conditions has required urgent treatment which could not be dealt with by Tygerburg Hospital at short notice. It is still intended to utilise facilities at Tygerburg Hospital on a trial basis, as explained to Honourable Members at the formal LegCo meeting held in February this year. Madam Speaker, as I said then, and repeat now, the Directorate aims to achieve reductions in expenditure through utilising alternative care providers without, and I emphasise, without, compromising the quality of care.

The Speaker –

Thank you, Honourable Member. Next question, please?

Question 8. The Honourable Derek Thomas to ask the Hon. Acting Chief Secretary.

The Hon. Derek Thomas –

Will the Honourable Acting Chief Secretary say if new criteria could be established for selecting candidates for honours to ensure that there is no disparity in seeking recognition for

persons who have given equally meritorious services to the Island, so that persons who gave such services in the past, may be suitably rewarded?

The Speaker –

The Honourable Gillian Francis?

The Hon. Gillian Francis -

Thank you, Madam Speaker. The Queen's New Year and Birthday Honours are awards issued on behalf of Her Majesty by the Foreign and Commonwealth Office. The criteria for these awards are set by the FCO so it would be difficult for me to say whether the criteria can be changed. St Helena, Ascension and Tristan da Cunha, along with other British Overseas Territories, are invited to submit nominations for these awards. Honours are awarded on merit for exceptional achievements or any service recently carried out over and above what normally is expected. Where possible, nominations should place emphasis on voluntary services. Age is not a factor in awarding honours and younger members of the community who have made an outstanding contribution or have given exceptional service should not be overlooked. A person nominating someone should ensure, as far as possible, that there is nothing in the candidate's past, example, a criminal conviction, which might make him or her unsuitable for an honour. Each Overseas Territory has a quota of awards based on population size. The three South Atlantic Islands, St Helena, Ascension and Tristan da Cunha, are grouped together and are able to receive up to five MBE's, five OBE's and one CBE in any one five-year period. An invitation to submit awards is received from the Honours Secretariat of the FCO in May and September each year inviting nominations. This invitation is advertised so that members of the public can nominate anyone they feel meet the criteria. All nominations are forwarded to the FCO.

The Certificate and Badge of Honour is also an FCO award, but it is available for Governors to award to public servants for loyal and valuable service worthy of recognition, or, in the case of other persons, for their loyal and meritorious conduct that has provided exceptional benefit to the people of St Helena. The Certificate and Badge of Honour dates back to 1957, but up until 2010 the award had not been made on a regular basis. Up to six awards can be made at any one time. Again, nominations for these awards are also sought from the public on an annual basis. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker, I thank the Honourable Acting Chief Secretary for her comprehensive explanation, but can I ask the Honourable Chief Secretary, in accordance with the FCO criteria, where is the six quota for St Helena for the Certificate and Badge of Honour to be found?

The Speaker –

Honourable Gillian Francis?

The Hon. Gillian Francis –

Can I just ask for clarification as to the question? You asked where can we find the number of awards that are or can be awarded in any one year?

The Hon. Derek Thomas –

Yes, that is correct, Madam Speaker, I said in accordance with the criteria where can the quota of six awards for the Certificate and Badge of Honour be found.

The Hon. Gillian Francis –

I think that information would be held on our, sort of, old files, because the award actually dates back to 1957, so when the instructions and criteria were first issued around then, that would have been one of the conditions applied.

The Speaker –

Thank you. Honourable Derek Thomas?

The Hon. Derek Thomas –

Yes, thank you, Madam Speaker, because you see I did ask for the criteria, the FCO criteria and I have the criteria here in front of me, but I was just wondering where could I find the six, the quota that the Governor is allowed to award, I don't see it in the criteria.

The Speaker –

No, Honourable Member, your question actually asked if they would look to establish new criteria. The Honourable Chief Secretary may wish to comment about the existing criteria, I don't see that she can.....

The Hon. Gillian Francis –

No, and as I said, Madam Speaker, the number of awards that can be made in any one year might not necessarily be included in the criteria, but it would no doubt have issued with an instruction that came with the criteria many, many years ago.

The Hon. Derek Thomas –

Yes, I thank the Honourable Chief Secretary. In that case, could I have sight of the quota that is allowed for St Helena?

The Speaker –

Honourable Chief Secretary?

The Hon. Gillian Francis –

I'll certainly research or try to research our files, Madam Speaker, to see if I can provide evidence of that quota.

The Speaker –

Thank you. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Will the Honourable Chief Secretary not agree that at present, in accordance with the criteria, this is an unfair system?

The Speaker –

Honourable Member, you're again, you're asking for an opinion and I very much doubt that the Honourable Chief Secretary will give an opinion and you also only asked about new criteria being established, you didn'tI'm not sure that you should be asking for an opinion.

The Hon. Derek Thomas –

What I'm asking about is the criteria that exists, Madam Speaker. There is a criteria that's been set by FCO.

The Speaker –

Yes.

The Hon. Derek Thomas –

Which is outside of the Government's hands.

The Speaker –

Yes.

The Hon. Derek Thomas –

And what I'm asking now whether the Honourable Chief Secretary not agree that this system at the moment is unfair because only persons who are put forward will be considered for an award, those persons who are not put forward and warrants the award in accordance with the criteria simply doesn't get an award.

The Speaker –

I'm somewhat confused by your question. I don't know if the Honourable Attorney General can assist in any way at all?

The Hon. Ken Baddon –

Madam Speaker, I hesitate to interfere, but you did, before the Honourable Member last spoke, mention that you thought he was asking for an opinion and, of course, Standing Orders forbid that.

The Speaker –

Next question, please?

Question 9. The Hon. Cyril Gunnell to ask the Hon. Financial Secretary.

The Hon. Cyril Gunnell –

Madam Speaker, for financial year 2011 to 2012, what was the recurrent budget for each of the Directorates and what savings in total throughout the year were made by each Directorate?

The Speaker –

Thank you, Honourable Member. The Honourable Paul Blessington?

The Hon. Paul Blessington –

Madam Speaker, I thank the Honourable Member for his question. To answer that question in full orally I would be quoting a lot of numbers, so I shall distribute to all Honourable Members a printed schedule which provides the detailed information the Honourable Member is asking for. However, for the benefit of the listening public, I shall attempt to summarise the main essence of the question. Firstly, in terms of the budgets that each, the recurrent budgets that each Directorate received for the financial year 2011/12, after the various supplementary appropriations that were passed during the financial year, the total

expenditure, authorised expenditure appropriated, came to £27,429,414. Of that total, the latest estimated spend, and I have to say it is estimated at the moment because we don't have as yet the final audited financial outturn for the year, we estimate that 99.3% of the appropriation has been spent, that is £27,236,675, which represents a saving of 0.7% of the budget or an amount of £192,000. On the revenue side, because the budget is both made up of expenditure and revenue, the appropriated revenue was £27,285,921 and our estimated revenue collection for the year came in at 99.7% of our estimated revenue at £27,219,819 which was a shortfall compared to the budget of some £66,000, so in summary, we made expenditure savings of £192,000 and we made an under collection of revenue of some £66,000 which meant that the overall outturn provisionally for the year was that we came in £126,000 above estimate. To try and give a little bit more breakdown for that, the expenditure savings were made in 18 of the 17 heads and there were some overspends in 9 of the 17 with the overall result, as I said, of an overall saving in expenditure of £192,000. The biggest areas where savings were made was in the Human Resources head with a saving of £103,000, mostly due to a underspend in the TC or Technical Cooperation budget; £141,000 underspend in the Finance Head, which was mainly due to underspend on provisions for redundancy payments and £86,000 in Health and Social Welfare, which was mainly due to benefits, BIP and IRB payments. Those were partially offset by some over-expenditure in pension payments, £58,000 and then shipping of £40,000. So there we have it in summary, we collected 99.7% of our estimated revenue and we spent 99.3% of our appropriated expenditure. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. It's an awful lot of figures; again, I take it you have that in writing for all Members? Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, just a point of order really, I did ask for that to be a written answer rather than an oral answer, but having said that, I didn't want to stop the Financial Secretary in his stride and he gave us some information which I know he will hand out to us as well. I'm not absolutely certain, you know, he's answered the question that I was looking for.....

The Speaker –

Are you going to ask a question in that case, Honourable Member?

The Hon. Cyril Gunnell –

Right, Madam Speaker, I was on a point of order you see.

The Speaker –

I think you found beyond the point of order.

The Hon. Cyril Gunnell –

Thank you, Madam, I'll shut up, Madam Speaker, but, no, it doesn't make any sense for me actually to ask a question. I will consider the written information and see how it can be taken forward. Thank you, Madam Speaker.

The Speaker –

Thank you. Honourable Paul Blessington?

The Hon. Paul Blessington –

Madam Speaker, I believe the Honourable Member will find that his questions or question is fully explained by the printed handout that I'll be distributing to all Members. All that I was attempting to do verbally was to give an overview of the budget outturn for 2011/12 as simply as I could. If I'd tried to go through the written answer it would obviously have been a lot more tedious and a lot more complicated.

The Speaker –

Thank you. I think this moment is an opportune moment to suspend the sitting. We'll suspend the sitting until twenty past eleven. Please make sure your watch says the same as the clock. Thank you.

Council suspended.

Council resumed.

The Speaker –

Honourable Members, just before we resume business, it's my intention that we should break about 12 o'clock or shortly after 12 o'clock for your lunch break today. Thank you. Next question, please?

Question 10. The Hon. Raymond Williams to ask the Hon. Acting Chief Secretary.

The Hon. Raymond Williams –

Madam Speaker, will the Honourable Acting Chief Secretary tell this Council if anyone has been reprimanded in view of the foundering of the yacht and the payment by SHG to the owner of the yacht Qweeqweg?

The Speaker –

Thank you, Honourable Member. Honourable Gillian Francis.

The Hon. Gillian Francis –

Madam Speaker, SHG views the loss of the Qweeqweg with the utmost seriousness and is determined to try and ensure that lessons are learnt in order that as far as it is possible to do so the chances of a recurrence are avoided. I have been advised that three separate enquiries were instigated, the first to discover exactly what had caused the accident, the second on why the circumstances giving rise to the causes came about and the third was of a disciplinary nature to examine if any employee had breached terms of employment. The conclusion reached was that no disciplinary action could be justified against any member of the Public Service. However, a number of lessons were learnt from the enquiry and appropriate advice and instruction have been given to minimise the risk of a recurrence. In addition, the Harbours Ordinance will be reviewed and revised as appropriate. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Raymond Williams?

The Hon. Raymond Williams –

I have no further questions, Madam.

The Speaker –
Next question, please?

Question 11. The Hon. Stedson Francis to ask the Hon. Chairman of the Infrastructure and Utilities Committee.

The Hon. Stedson Francis –
Will the Honourable Chairman of The Infrastructure and Utilities Committee tell this House how have the six individual wind turbines been performing during the first six months of this current calendar year?

The Speaker –
Thank you, Honourable Member. The Honourable Mervyn Yon.

The Hon. Mervyn Yon –
Thank you, Madam Speaker and thank the Honourable Member for his question. I'd just like to say, Madam Speaker, that during the last six months the wind turbines have produced 463,000 kilowatt hours of electricity equating to 9.5% of the island's supply. This compares similarly with the same period last year where 9.3% was produced. Since the wind turbines were commissioned in August 2009, we have two full financial years of data which support their operations. Last financial year 12.15% of the island's electricity was generated by the wind turbines saving £280,000 of diesel fuel and the previous financial year it was just short of 12%. Individually the turbines perform differently on a day to day basis and this is influenced by a number of factors, including the topographical effect of the prevailing winds. Overall, the performance of the downhill turbines is better than the uphill ones and this is why the new turbines will be located downhill rather than uphill. Currently one of the wind turbines is out of service due to a failure of a leakage in the new cell that resulted in a polystyrene blade tip snapping and landing at the base of the tower. Spare parts are on order to return the turbine to service. Recently, two of the other turbines have suffered faults due to over.....picked up by a sensor to deter this, deterioration of a communication cable and wearing of brakes. Average over the three months, these faults have resulted in a loss of savings of £6,000 per month. This figure would be greater had the fault occurred during the winter months when the wind yields tend to be greater. This reinforces the need to ensure sufficient resources and spare parts exist on island to return faulty turbines in service with the minimum of delay.

The Speaker –
Thank you, Honourable Member. The Honourable Stedson Francis.

The Hon. Stedson Francis –
I don't believe my question was fully answered, Madam Speaker. I did ask how have the six individual turbines been performing and I don't think I got that answer. Maybe I could be furnished with that later.

The Speaker –
I think the Honourable Chairman just wants to respond on that point first, if he may. Thank you. Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Madam Speaker, I thank the Honourable Member. I fully understand, Madam Speaker, that the answer as individually was not given as was asked for. This, in fact, is a lengthy issue to answer, but I would be prepared to give the Member that information in detail in writing at a later date following this sitting, Madam Speaker, if he would be happy with that.

The Speaker –

Thank you for that. Honourable Stedson Francis, the Honourable Chairman is offering to give you that particular information in writing.

The Hon. Stedson Francis –

I'd just like to make a statement. What I really was looking for was the output per turbine for the six months.

The Speaker –

I understand that is what he's going to be able to provide you in writing, am I correct, Honourable Chairman?

The Hon. Mervyn Yon –

Yes, Madam Speaker.

The Hon. Stedson Francis –

It would be just six figures, that's all it would be. But my other question would be, will the Chairman confirm if it is proposed to install a further six Lagerway wind turbines on Deadwood Plain, the same as those currently installed, and if so, has consideration been given to the problems that is currently being encountered?

The Speaker –

You're slightly away from the original question, but I suspect the Honourable Chairman will be happy to answer. Honourable Mervyn Yon?

The Hon. Mervyn Yon –

I'll try and give the Honourable Member an answer, Madam Speaker. The Lagerway businesses was sold to Wind Turbine Solutions some years ago and since then we have received increased levels of services. The annual major services regime, supplemented by on island greasing and adjustments, has improved availability over the above legacy of attempting on island services. The level of breakdown is not unreasonable for plant of this type, particularly as it is being driven hard by the excellent wind resources Deadwood Plain offers and their maintenance and speedy returns to service ...to the key..... With additional turbines coming on as well as increased levels of sophistication within the new Power Station controls, we have already identified the need to increase skills in this area and in the not too distant future we will be recruiting a technician grade individual to support this area. The problem over the last few months have not been helped by the absence of some key personnel with the remaining staff being spread more thinly, but it is clear the financial returns offered by wind are well worth having the savings of diesel fuel amounting to £280,000 last year and even with the recurrent failure there is a huge difference between the service costing and savings. Some parts are in existence on the island for the repairs of the five turbines to keep them operational and these works are underway. New blades need to be supplied by the original equipment manufacturer, these are on order, but no firm RMS

bookings have been made yet and it is likely to be September before Wind Turbine No. 2 is operational again.

The Speaker –

Thank you, Honourable Member. Next question, please?

Question 12. The Hon. Raymond Williams to ask the Hon. Acting Chief Secretary.

The Hon. Raymond Williams –

Madam Speaker, will the Honourable Acting Chief Secretary tell this House who in SHG is responsible for Community Centres and what are their responsibilities?

The Speaker –

Thank you, Honourable Member. The Honourable Gillian Francis?

The Hon. Gillian Francis –

Madam Speaker, the Community Centres Ordinance makes provision for the appointment of a Registrar of Community Associations. In this regard, approval has been obtained for the Manager of the Customer Services Centre to be appointed Registrar. According to the Ordinance, the Registrar is responsible for issuing a Certificate of Registration on receipt of an acceptable Constitution from the Association; approving acquisition and disposal of land on behalf of the Association; receiving and registering an Association's audited accounts, reports and statements made at the AGM, minutes of the AGM and list of officers and committee members. The Registrar may also request reports of any aspect of the Association's affairs and may also require any of the officers and committee members to refrain from taking part in the affairs of the Association. The Registrar can also take over the management of the affairs and property of the Association if officers and committee members cannot be appointed or if the Association appears to be insolvent or financially unable to discharge its liabilities. In addition, the Registrar may, with the approval of the Council Committees, wind up the Association and use surplus assets for charitable purposes for the benefit of persons in the area of the Association as approved by the Council Committee with responsibility for the Community Centres Ordinance. Thank you, Madam Speaker.

The Speaker –

Honourable Raymond Williams.

The Hon. Raymond Williams –

Thank you, Madam Speaker. Will the Honourable Acting Chief Secretary tell me please, having proof that some Community Centres are still being used although being defunct in terms of an elected committee, who then pays the bills for the use of water and electricity?

The Speaker –

Honourable Gillian Francis?

The Hon. Gillian Francis –

Madam Speaker, I am unable at this point to answer that particular question, but I will look into it and provide the Honourable Member with a response.

The Speaker –

Honourable Raymond Williams

The Hon. Raymond Williams –

Thank you, Madam Speaker.

The Speaker –

Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, now that the responsibility of the Registrar has been given to the Manager of the Customer Care Centre, will it be necessary for any change in legislation?

The Speaker –

Thank you. Yes, Honourable Chief Secretary?

The Hon. Gillian Francis –

Madam Speaker, I don't believe there's any need for the Ordinance to be amended

The Speaker –

Honourable Attorney General wants to confirm that for us, perhaps?

The Hon. Ken Baddon –

Madam Speaker, I don't have the Ordinance with me, but my recollection of it is that it allows for a Registrar to be appointed. The Registrar is about to be appointed and there should be no need to amend the legislation.

The Speaker –

Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Thank you, Madam Speaker, I'm not certain if this question is in order, but I'm sure you will guide me, I wanted to ask, you know, there are two Community Centres that have been closed for quite a number of years now, especially the one in Half Tree Hollow, and I was wondering if I can be told when are they likely to open?

The Speaker –

Honourable Chief Secretary.

The Hon. Gillian Francis –

Madam Speaker, again, unfortunately I don't have the answer to that question. Now that a Registrar is being appointed, I will discuss the matter with the Registrar and report back to the Honourable Member in due course. Thank you.

The Speaker –

Honourable Attorney General?

The Hon. Ken Baddon –

If I could just add to that, Madam Speaker, the Ordinance does not impose upon the Government any obligation to ensure the Community Centres operate; it's a matter for the communities in which the Community Centres are built. The role of the Registrar is to fill

the gaps so that if the members of the community cannot elect officers to run the Association, there is, at least, someone who can take possession of the property and be responsible for it and it has an owner, because if it had no owner it would then become the property of the Crown, although a number of them are Crown property anyway.

The Speaker –

Next question, please?

Question 13. The Hon. Derek Thomas to ask the Hon. Chairman, Health and Social Welfare Committee.

The Hon. Derek Thomas –

Will the Honourable Chairman of Health and Social Welfare Committee consider providing large skip type bins in suitable locations since refuse collections in Half Tree Hollow, Longwood and other country areas have been reduced to one per week?

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Gunnell.

The Hon. Cyril Gunnell –

Thank you, Madam Speaker and thank you to the Honourable Member for his question. The short answer to the question would of course be yes, it would be considered, but I think he's looking for something a bit more robust than that. Solid waste management is being reviewed, Madam Speaker, a paper was presented to ExCo on 26th June 2012, sought approval on the proposed approach to the core management of solid waste and Honourable Members will know that a plan to implement this approach will be developed and final decisions around implementation options will need to be approved. However, improved provision of bins for all communities on the island will be an important component of the proposed implementation plan. Madam Speaker, for clarification, it is only the Half Tree Hollow and Longwood areas that have seen changes to the number of weekly refuse collections.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker, can the Honourable Member say when these bins are likely to be provided in these areas?

The Speaker –

Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I am not certain that there are sufficient bins on the island to be able to give to each community actually on the island, but what the Committee is proposing to do is to wait to see what comes out of the core management solid waste plan that I have referred to.

The Speaker –

Next item of business, please.

7.

MOTIONS***Motion 1. The Hon. Derek Thomas, Chairman, Home and International Committee***The Hon. Derek Thomas –

Madam Speaker, I beg to move that the Criminal Justice (Sentencing) Bill, 2012, be approved in principle and referred to a committee of the whole Council.

The Speaker –

Thank you, Honourable Member. Is there a seconder, please?

The Hon. Ken Baddon –

Madam Speaker, I beg to second.

The Speaker –

Thank you. Does the Honourable Derek Thomas wish to speak to the Motion?

The Hon. Derek Thomas –

Thank you, Madam Speaker. The reason that I'm presenting the Criminal Justice (Sentencing) Bill is to correct two technical problems which have been recently discovered in our criminal law. One, because of the way some of the laws are written, cases which ought to be dealt with in the Magistrates Court have to be sent to the Supreme Court. Members will be well aware that this causes delay and expense. The other issue is the Drugs Prevention of Misuse Ordinance which provides for an offence for allowing for the use of property for cultivation of Cannabis plants but does not provide for a penalty. Madam Speaker, the Attorney General will explain in more detail in Committee stage the details of the Criminal Justice (Sentencing) Bill. Thank you.

The Speaker –

Thank you, Honourable Member. I put the question that the Criminal Justice (Sentencing) Bill, 2012, be approved in principle and referred to a committee of the whole Council. The question is open for debate. Honourable Stedson Francis?

The Hon. Stedson Francis –

Madam Speaker, I rise in support of this Motion. It amends all existing Ordinances and adopted English laws that apply to St Helena so as to remove various anomalies concerning penalties on conviction for offences and to prescribe certain penalties under the Drugs Ordinance, 2003. Here, unlike England, all offences, apart from those with the maximum sentences exceeding fourteen years are technically capable of being tried in the Magistrates Court or the Supreme Court and it has long been the law here that the Magistrates Court can pass a sentence of up to eighteen months imprisonment whereas the normal limit in England is six months. With the Chief Magistrate now on island, the Magistrates Court will then be able to impose up to five years imprisonment and the anomalies arising from the drafting practices will get worse. This amendment now proposes to remove such anomalies. This is a technical Bill, Madam Speaker, and I am advised that it means that the Magistrates Court would not be able to impose more than five years with the Magistrate sitting, and eighteen months if the Court comprises only Lay Justices, but it will no longer be necessary to engage the Supreme Court where the appropriate sentence is more than six months but less than the

Magistrates Court limits. The other anomaly is where the Drugs Ordinance creates an offence of allowing premises to be used for cultivation of Cannabis but imposes no penalty. This omission is now corrected in Clause 3, "Cultivation of Cannabis plant or allowing the use of property for cultivation, summary offence two years and £10,000 and on indictment fourteen years and a fine. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Does any other Honourable Member wish to speak to this Motion, please? Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Madam Speaker, I welcome the Bill because it comes at a time when some of us are going to reinvigorate discussion about abuse on alcohol and drugs and I think it is timely to have this legislation which will reinforce, I think, action that was intended to be taken at least ten years ago, was revisited two years ago and I think we're actually going to soon try and take that further forward, so I welcome and will support the Bill.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the Bill, the Motion? In which case, I'll invite the Honourable Mover to wind up the debate.

The Hon. Derek Thomas –

Thank you, Madam Speaker. Only to thank the two members who spoke for supporting the Bill.

The Speaker –

Thank you.

Question that the Bill be approved in principle and referred to a committee of the whole Council, put and agreed to.

The Hon. Ken Baddon –

Madam Speaker, I beg to move that this Council do resolve itself into a Committee to consider the detailed provisions of the Bill.

The Speaker –

Thank you. Is there a seconder, please?

The Hon. Derek Thomas –

Yes, I'll second it, Madam.

Question that the Council resolves itself into Committee to consider the detailed provisions of the Bill, put and agreed to.

Council in Committee.

The Speaker –

I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill. Does any Honourable Member wish to speak?

The Hon. Ken Baddon –

Madam Speaker, it is usual for me at this stage to give just a few words about what the clauses are about, there is nothing much to say about these, they're the normal clauses which contain the enactment and gives the Bill its name.

The Speaker –

Thank you.

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Speaker –

I put the question that Clauses 2 and 3 do stand part of the Bill. Honourable Ken Baddon?

The Hon. Ken Baddon –

Madam Speaker, the Clause 2 is a particularly technical one which is very difficult to explain in a few words. Honourable Members have had the benefit of detailed briefings with written examples and I'm sure that they are familiar with it. For the benefit of the listening public, I should perhaps say that this does not increase the penalty for any offence; if the maximum penalty under the law now is six months it will still be six months, if the maximum penalty under the law now is ten year, it will still be ten years. The problem with the present law is that developments in our own legal system, coupled with the fact that we use some English laws which have some different rules anyway, are creating anomalies. We have a Magistrates Court Ordinance which was revised as recently as last December concerning that the maximum powers of the Magistrates Court when Lay Justices are sitting is eighteen months imprisonment, which it has been for some considerable time, but it's also providing for the appointment of a Chief Magistrate, a legally qualified Magistrate and when the Chief Magistrate is sitting, the Magistrates Court powers are increased up to five years. The difficulties that we have is a number of the older Ordinances, and, indeed, some recent ones, come to that, specify different penalties according to which Court the case is dealt with in. It might say, for example, that the offender is liable in the Magistrates Court to six months or in the Supreme Court to three years. Our Magistrates Court is supposed to be able to give three years, according to the Magistrates Court Ordinance, but because of the wording of the particular Ordinance, we would have to put a case that deserved, let us say, two years, into Supreme Court. That's a waste of time, it keeps the offender hanging around, waiting to be dealt with, it costs money and it's also really something of an anomaly and it makes the system look really a little bit silly, so we're simply trying to put that right and say that the maximum penalty using the example I just gave with a maximum of six months in the Magistrates Court and three years in the Supreme Court, the maximum is still three years, but we go to the Magistrates Court because it's within the powers of the Magistrates Court, rather than having to go to the Supreme Court. So that's that one. The second one, fortunately, is rather more straightforward. Clause 3 deals with a gap in the Drugs (Prevention of Misuse) Ordinance. We've discovered whilst dealing with a specific case a few months ago that that Ordinance says that it is an offence to allow your property to be used for cultivating Cannabis, but then it does not say what the sentence is. It's been like that for years and no-one noticed until we came across a specific case. The effect of Clause 3 of

this Bill is to say that the penalty will be the same for allowing your property to be used for cultivation as it is if you cultivate the stuff yourself and it will be fourteen years and an unlimited fine, but, of course, going back to what we've been saying about Clause 2, in the Magistrates Court it will be limited to five years or eighteen months if the Lay Magistrates are sitting on their own, so it is all really rather technical, but I hope I've given at least a flavour of what it means for the benefit of the listening public.

The Speaker –

Thank you. Any comments or questions, Honourable Members?

Clauses 2 and 3.

Question put and agreed to.

Council resumed.

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Madam Speaker, I beg to report that the Criminal Justice (Sentencing) Bill, 2012, passed the Committee with no amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

Thank you, Honourable Member. Is there a seconder, please?

The Hon. Ken Baddon –

Madam Speaker, I beg to second.

The Speaker –

Thank you. Honourable Derek Thomas, do you wish to speak to the Motion?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Just to say that this Bill will prove to be of benefit to the island.

The Speaker –

Thank you. I put the question that this Council approves the Criminal Justice (Sentencing) Bill, 2012 and recommends to the Governor that it should be enacted. Does any Honourable Member wish to speak? Honourable Ken Baddon?

The Hon. Ken Baddon –

Madam Speaker, I meant to say during Stage 1, but forgot. Just as a matter of courtesy to the House I think I should record that the Chief Magistrate arrived on the island last week, has been sworn in and, in fact, sat for the first time in the Magistrates Court yesterday. I welcome him in Court; I take the opportunity to express the welcome of this House, which I'm sure the House would support me in that. The Bill to enable his appointment was enthusiastically supported in this House at the end of last year so I'm sure I do speak for the whole House when I take the opportunity to welcome him.

The Speaker –

Thank you. We actually have the Chief Magistrate with us this morning sitting in the area of the public, so he's no doubt interested to listen to the debate and to know that this Bill is being passed, hopefully passed. Thank you. Does the Honourable Mover wish to respond to that comment?

The Hon. Derek Thomas –

No, Madam Speaker, thank you,.

Question that Council approves the Bill and recommends to the Governor that it should be enacted, put and agreed to.

The Speaker –

Next item of business, please?

Motion 2. The Honourable Rodney Buckley.

The Hon. Rodney Buckley –

Madam Speaker, I beg to move that the St Helena Development Agency (Amendment) Bill, 2012, be approved in principle and referred to a Committee of the whole Council.

The Speaker –

Thank you, Honourable Member. Is there a seconder to the Motion, please?

The Hon. Stedson Francis –

Madam Speaker, I beg to second.

The Speaker –

Thank you. Honourable Mover wishes to speak to the Motion?

The Hon. Rodney Buckley –

Thank you, Madam Speaker. Madam Speaker, this Bill before the House today is to amend the St Helena Development Ordinance, Cap 66, to establish a new body corporate which will incorporate both the existing St Helena Development Agency and the St Helena Tourism activities. The name SHDA, or St Helena Development Agency, will disappear and this new organisation will be named Enterprise St Helena. The purpose of Enterprise St Helena is to implement Goal Number One of the island's Sustainable Development Plan, which is Economic Development. The Sustainable Development Plan provides a medium term vision for the island, that is the next ten years, and focuses heavily on stimulating economic and social development over the next three years. The need to rebalance the island's institutionalised economy to an enterprise economy requires a robust organisation, operating as far as is possible as a private sector organisation to deliver the goods, bearing in mind that it is taxpayers' money it will be using. The St Helena Development Agency, under their current status, is not in a position to take on that role. It is widely recognised and accepted that the private sector needs to grow hugely if the island is to move forward to a more independent economy.....

.....This new organisation will basically operate under the same statutory conditions as St Helena Development Agency with a few amendments, together with a Framework

Agreement between the organisation and the St Helena Government which keeps operations in line with the island's Sustainable Economic Development Plan and the island's National Development Policies. Madam Speaker, this Council endorsed both the Economic Development Plan and the Sustainable Economic Development Plan which sets out in great detail the rationale for establishing this organisation. We have commenced embarkation on building a new economy; we now need frameworks to provide for high level leadership to ensure that we remain firmly on track. We also need partnerships that can provide expertise to ensure that future policies provide for continuity not only in economic development, but also for the protection and conservation of the island's culture, built heritage, natural environment and eco systems. Honourable Members, this small amendment to this Ordinance is the framework to provide for a large step in promoting private sector development whilst putting the operation on a legal footing to allow them to carry out their functions without undue interference to provide value for money. I trust Honourable Members will find no difficulty in giving their endorsement to this amendment, supporting the fine work achieved and their contribution in establishing both these national plans. Madam Speaker.

The Speaker –

Thank you. I put the question that the St Helena Development Agency (Amendment) Bill, 2012 be approved in principle and referred to a Committee of the whole Council. The question is open for debate. The Honourable Stedson Francis?

The Hon. Stedson Francis –

Madam Speaker, Honourable Members, I give my full support to this Bill. The main purpose of this Bill is to amend the St Helena Development Agency Ordinance Cap 166 to make provisions for the establishment of a new body corporate to be renamed Enterprise St Helena. This new economic development organisation, Enterprise St Helena, will incorporate the existing SHDA and St Helena Tourism and its creation is to support economic growth on the back of air access. One of the important features of this Bill is that it makes provision for the transfer of assets and liabilities of the SHDA to Enterprise St Helena. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Does any other Honourable Member wish to speak? Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Madam Speaker. The creation of Enterprise St Helena is seen as the vehicle to facilitate development in St Helena so I support this Bill, which actually establishes, as we heard, Enterprise St Helena, which brings together SHDA and the Tourism. The Honourable Mover mentioned a small amendment, but I would also suggest it would have a large impact. I would imagine that the key to success of Enterprise St Helena will depend on the cooperation and the development of the private sector as well as attracting investors. If this Bill is approved today, I know that the public would be very interested to know exactly how will the Tourism Department operate within Enterprise St Helena and will also be interested to have answers like what will be happening to the Tourism Strategy. Enterprise St Helena is coming at a cost to other services, in the short term only, we hope, but we must make sure that we monitor how well it performs and a key measurement of the performance will be our economic growth.

The Speaker –

Thank you. Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, I rise in support of the Bill. I don't want to repeat what has been said by my Honourable Friends, but this Bill will support the framework for ESH, it's something that the island needs, the economy is going to grow and I give my full support to it, but I'm still concerned the role of the Tourism Committee which sits under the umbrella of ESH and what would be the future of that role as ESH develops and the island grows. Thank you, Madam Speaker.

The Speaker –

Any other Honourable Member wishes to speak? Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker, I rise in full support of this Bill, it allows for Enterprise St Helena to take the private sector forward in terms of growing the economy in support of our Number One Strategic Priority, it supports the framework of the Enterprise St Helena and where I give this full support members will be aware that the framework has not been finally endorsed by Executive Council and I would recommend that the Ordinance be enacted once the framework is fully endorsed by Executive Council. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? In which case, I'll invite the Honourable Mover to wind up the debate.

The Hon. Rodney Buckley –

Thank you, Madam Speaker and thank the speakers for their contribution and their support. A few comments I can comment on. The Honourable Tony Green mentioned the vehicle, a very good description, the vehicle, and I did, indeed, say a small endorsement to this Ordinance, but I also said a very large step in promoting private sector development, so, yes, I take onboard your comments there. Mentioned twice, the tourism details, the Tourism details will become more clearer once the organisation is up and running a bit better and details will be out in the public and I'm sure that those details will become much clearer as the organisation get up and running. With respect to the Tourism Committee, my understanding is that there will still be a Tourism Committee and they will need political oversight for tourism operations. Enterprise St Helena is not the body to provide island tourism policies, that's for this House to endorse and there will still need to be political oversight from this Council on Tourism policies. My understanding is that the Tourism operation going over to Enterprise St Helena is that Enterprise St Helena will do all the day to day operational aspects relating to tourists and that includes tidying the island up and tidying up a tired looking Jamestown, promoting St Helena in tourism activities overseas and trying to build up the tourism target for the opening of the airport, so the Tourism Committee will continue, or some committee, if not the Tourism Committee, some other committee will have political oversight on tourism activities in relation to setting the policy. The current policy is, of course, low volume high value tourists, so that we need to make sure that it continues. The details of performance, mentioned by Councillor Green, again, the Framework Agreement, which has been amended and tossed around in the last week, has made tremendous steps towards setting out arrangements to make sure that the details of performance are coming through to the Council and there is recommendations in the framework for Executive Council

to endorse their corporate planning over a three-year period. Councillor Thomas mentioned the framework endorsement. The framework has been amended in almost to every requirement of this Council in the last couple of days and that is now out to members to have a look at over the weekend and maybe we can move that forward, so Honourable Members, I think that we are on the way to commencing economic development and this, like Councillor Isaac referred to, is the framework to get things started. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member.

Question that the Bill be approved in principle and referred to a Committee of the whole Council, put and agreed to.

The Hon. Rodney Buckley –

Madam Speaker, I beg to move that this Council do resolve itself into a Committee to consider the detailed provisions of the Bill.

The Speaker –

Thank you. Is there a seconder, please?

The Hon. Stedson Francis –

Madam Speaker, I beg to second.

The Speaker –

Thank you.

Question that the Council resolves itself into a Committee, put and agreed to.

Council in Committee.

The Speaker –

I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill. Any Honourable Member wish to speak? Honourable Ken Baddon?

The Hon. Ken Baddon –

Madam Speaker, these are the usual introductory clauses. It will be noted that there is no commencement date which means that the Ordinance will come into force on the date that it is gazetted. Just picking up the point that the Honourable Derek Thomas made in Stage 1, I understand that the Framework Agreement is likely to go back to Executive Council in the near future and we can take steps to coordinate the approval of the Framework Agreement with the publication of the Gazette.

The Hon. Derek Thomas –

Thank you, Madam Speaker, thank you, Attorney General.

The Speaker –

Honourable Tony Green?

The Hon. Anthony Green –

Madam Speaker, just on a small point, I'm just wondering whether the heading above 1. Citation and Interpretation, whether the last two words "and interpretation" are superfluous for that heading?

The Hon. Ken Baddon –
Sorry, could you repeat that?

The Hon. Anthony Green –
I said above 1, the heading as currently shown as "Citation and Interpretation", I'm wondering whether the words "and interpretation" are superfluous for that heading?

The Hon. Ken Baddon –
No, because subclause 2 defines the expression "the principal Ordinance", so there is a definition which is the interpretation within that section.

The Hon. Anthony Green –
Okay, thank you.

The Speaker –
Any other questions or comments on the Title, Enacting Clause and Clause 1?

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Speaker –
I think we'll group the clauses, so I'm going to put the question that Clauses 2, 3, 4, 5 and 6 do stand part of the Bill arbitrarily to splitting them in half. The Honourable Ken Baddon?

The Hon. Ken Baddon –
Madam Speaker, these provisions are quite technically complicated, but the Honourable Members, I think, all had at some stage in the past a document which contains the present law marked up with all the changes. Clause 2 makes the basic changes from St Helena Development Agency to Enterprise St Helena and right through the Ordinance it changes the words "the Agency" to "Enterprise St Helena". The section headed "Interpretation 3", is headed Interpretation because the section which it is amending is headed "Interpretation". That may have caused some confusion with Clause 1 of the Bill and there what it does is to repeal some definitions that have become obsolete. The new structure of the body will be slicker, less cumbersome than the old one and we will therefore no longer need the definitions of Agency, Deputy Chairman and Managing Director, and then the definition of Director is also amended just to reflect the fact that those changes have been made. Then we have section 3 which in the present Ordinance says "establishment of St Helena Development Agency". That is changed to say "establishment of Enterprise St Helena" and then the substance of the section is changed so that it says that there shall be a Enterprise St Helena rather than there shall be an SHDA. Section 4 of the principal Ordinance, which is amended by Clause 5 of the Bill, just tidies up the business of the number of Directors. The present arrangements are very clumsy; a Chairman, a Deputy Chairman, a Managing Director, two Directors representing private enterprise and up to three other Directors, it's all very clumsy and really takes away some flexibility that ought to be there, so the new wording is that "the Board shall comprise a Chairman and up to nine other Directors". They are appointed by the

Governor as they are at the moment for a term not exceeding three years, again, as at the moment, and two sections which are to do with notice in the Gazette, just again a bit tidied up to remove those. And in Clause 6 which amends section 5 of the principal Ordinance, this is really quite important because the present SHDA is told in Section 5 of the Ordinance that its function is to promote and facilitate commercial development in St Helena. Commercial is quite a narrow expression compared to economic and therefore the new wording will be “It is the function of Enterprise St Helena to promote and facilitate economic development in St Helena, including, without prejudice to the generality, the development of tourism”. I have nothing else to say.

The Speaker –
Honourable Tony Green?

The Hon. Tony Green –
Madam Speaker, I’ve got two comments. The first one is on Clause 3 and I’m wondering, because one has to cross check against the old Ordinance, whether or not there should be an additional amendment, because under the old Ordinance Board of Directors heading was number four. In the new Ordinance it’s number five, but there’s no amendment to actually refer to the Board of Directors referring to Section 5, because if you leave in what’s in the old Ordinance it refers to Section 4.

The Hon. Ken Baddon –
I’m afraid I don’t understand that.

The Speaker –
Do you want to try and just make it a little bit clearer? Have both of you got copies of the existing Ordinance as well as the amendment?

The Hon. Anthony Green –
Madam Speaker, I have one with the track changes.

The Hon. Rodney Buckley –
Would the Honourable Tony Green like to go through that again please, Madam Speaker, so that we can pick it up from the old Ordinance?

The Hon. Anthony Green –
Of course, Madam Speaker, I may not be right, but I’d like to clarify this, but under the track change ordinance that we were given, it shows that the SHDA Ordinance, which will become the Enterprise St Helena Ordinance, the heading or section “Board of Directors” is number four. If you look at the new Ordinance, the “Board of Directors” is Clause 5, which will become section 5, but there’s no.....

The Hon. Ken Baddon –
But it amends section 4 of the existing law, so Clause 5 in the Bill is headed “Board of Directors”, because it makes amendments which are to do with the Board of Directors.

The Hon. John Cranfield –
It says section 4 is amended.

The Hon. Anthony Green –

Yes, I know what I'm talking about, I'm just trying to find it, but I think it's probably, if it is anything, a typographical error and maybe I could get with the Attorney General, because I certainly know what I want to say, but I'm not sure if I can find on the notes that I had, but all I'm saying is that because there's been a change in the sections, the references need to be changed and there's no amendment to change the reference to Board of Directors in the interpretation to be the Board that is in section 5.

The Hon. Ken Baddon –

We've got to remember that once the Bill has been passed, all of its numbers will disappear, because the amendments which it contains will be incorporated into the old law. So the fact that the numbers don't match up in the Bill, with the Ordinance, doesn't matter. The only way we could make them match up exactly would be to have a section that didn't have a number or to have two section three's, which is a way around it, in order to make them all stack up, but all of the section numbers in what is now the Bill will become entirely academic within two or three days of it being passed, because the amendments will be incorporated into the current law and we will then be using the same section numbers that exist at the moment.

The Hon. Rodney Buckley –

Would it not clarify, I mean, it says section 5 in the new law, it starts off, Section 4 is amended, referring to the old

The Hon. Anthony Green –

Sorry, if I may try? I'm not sure if I've got the most up to date information, but the information that I was passed actually gives me track changes on Chapter 166 and under Interpretation it says "Board" means the Board of Directors referred to in section 4. That hasn't been amended.....

The Hon. Ken Baddon –

It doesn't need to be, because it will still be section 4.

The Hon. Anthony Green –

No, but if you look under the new Ordinance, the Board of Directors is Section 5.

The Hon. Ken Baddon –

Sorry, sorry. Section 5 of the Bill amends Section 4 of the Ordinance. It will still be Section 4, it will still be Section 4, we're not changing it.

The Hon. Anthony Green –

Madam Speaker, I will not continue.

The Hon. Ken Baddon –

But the Honourable Member's intervention, Madam Speaker, has brought to my attention a minor amendment which we ought to make in the interest of complete clarity. In Clause 5,.....it says Section 4 is amended, it needs to say "Section 4 of the principal Ordinance" and I beg to move the insertion of those words, so someone will second it.

The Speaker –

Is there a seconder, please, to the amendment, to add the words "of the principal Ordinance" after the words "In Section 4".

The Hon. Anthony Green –

It may be appropriate, Madam Speaker, if I second it.

The Speaker –

Thank you. I put the question that Clause 5 will now read “Section 4 of the principal Ordinance”. I put the question that that amendment is passed by you. Does any Honourable Member wish to speak?

Question on amendment to Clause 5, put and agreed to.

The Speaker –

Any other questions on Clauses 2, 3, 4, 5 and 6? The Honourable Tony Green?

The Hon. Anthony Green –

Madam Speaker, may I cautiously venture into another? If we go to Clause 5 of the Bill before us I’m just wondering, which I’ve only realised very late, that 5 (d) deletes subsections (2) and (3). What I’d like to draw attention to is the deletion of subsection (3) of the old Ordinance and subsection (3) of the old Ordinance actually said “before appointing a Managing Director the Governor must seek the views of other Directors on the person proposed to be appointed and must take those views into account”. Now, by deleting subsection (3) it removes the necessity, in my opinion, for the Governor to consult. It’s just a point that I wish to raise because I wasn’t aware when I first looked through that the Governor now by these amendments can appoint without consultation. I’m pretty sure he might not, but the provision is there.

The Speaker –

.....Managing Director, Honourable Member, because there’s not going to be a Managing Director.

The Hon. Ken Baddon –

We’re abolishing the office of Managing Director.

The Speaker –

There’s no Managing Director anymore.

The Hon. Anthony Green –

Madam Speaker, you at least see I tried.

The Speaker –

I do understand what you were going.....On another issue, Honourable Member, you did raise the issue of if there were any typographical errors then they needed to be sorted out and I think that Honourable Members would be happy for that to be done should any typographical error be found.

Clauses 2, 3, 4, 5 and 6 (Clause 5 as amended).

Question put and agreed to.

The Speaker –

I put the question that Clauses 7, 8, 9 10, 11 and 12 do stand part of the Bill. Honourable Ken Baddon?

The Hon. Ken Baddon –

Madam Speaker, Clause 7 amends Section 6 in the Bill by inserting the words “or desirable”. The point here is that the.....Section 6 in the Bill is about the powers of Enterprise St Helena. Currently subsection 2 (a) says that they can do anything it considers necessary to promote “commercial” already changed that to “economic” development, it’s thought to be appropriate to say “necessary or desirable”. There are really lots of things which are desirable, but can’t be said to be necessary, so that’s one change and then, as I’ve mentioned previously, we are changing “commercial” to “economic”. So those are the changes made in Clause 6, sorry, Section 6. Clause 8 then moves us on to Section 11 of the present law and what we do here is we change “Governor” to “Governor in Council” so that the Governor has to consult ExCo and, again, we substitute “economic” for “commercial”. Clause 9 deals with Section 12 of the Ordinance. The change here is to delete the reference to the Deputy Chairman, because we’ve actually abolished that post, it doesn’t exist any longer. Clause 10 amends Section 16 which is concerned with, well at the moment it’s headed “The Managing Director”. The heading is changed to “Chief Executive Officer” and the Clause 10 (b) in the Bill changes the words “Managing Director” to the words “Chief Executive for Economic Development”, the intention being that CEED, if I may abbreviate it, shall be the Chief Executive Officer of ESH. Clause 11 repeals Section 18. Section 18 says “the Trade Licensing Ordinance does not apply to the Agency”, but the Trade Licensing Ordinance no longer exists, so we don’t need Section 18 and Clause 12 is the one that was mentioned by one of the Honourable Members who spoke in Stage 1 as an important provision, it transfers the assets and liabilities of the current SHDA to ESH with effect from the date that the Ordinance is gazetted.

The Speaker –

Thank you. Any questions or comments, Honourable Members? Are you sure, Honourable Tony Green?

Clauses 7, 8, 9, 10, 11 and 12.

Question put and agreed to.

Council resumed.

The Speaker –

Honourable Rodney Buckley?

The Hon. Rodney Buckley –

Thank you, Madam Speaker. I beg to report that the St Helena Development Agency (Amendment) Bill, 2012, passed the Committee with one amendment and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

Thank you, Honourable Member. Is there a seconder, please?

The Hon. Stedson Francis –

Madam Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. Does the Honourable Mover wish to speak to the Motion?

The Hon. Rodney Buckley –

I have nothing to really wind up on, Madam Speaker, except to thank the Honourable Members for their contribution, their efforts in taking the island forward in private sector development.

The Speaker –

Thank you. I put the question that this Council approves the St Helena Development Agency (Amendment) Bill, 2012 and recommends to the Governor that it should be enacted. Does any Honourable Member wish to speak? In that case if I invite the Mover to respond, there's a non-existent debate, I don't think he will respond.

Question that Council approves the Bill and recommends to the Governor that it should be enacted, put and agreed to.

The Speaker –

Thank you, Honourable Members. I will suspend the sitting now and I think the easiest thing to do is to resume at half past one. Thank you.

Council suspended.

Council resumed.

The Speaker –

Next item of business, please.

Motion 3. The Honourable Acting Chief Secretary.

The Hon. Gillian Francis –

Madam Speaker, I beg to move that in accordance with the Constitution of St Helena, at section 110(9), under which the terms and conditions of employment or engagement including the remuneration of the Chief Auditor shall be set from time to time by a resolution of the Legislative Council, the Legislative Council resolves that the Chief Auditor's salary shall be at such rate as offered to and agreed by the Chief Auditor at the commencement of his employment as such. In accordance with section 110(10) of the Constitution, the agreed salary will not be diminished during the continuation of the Chief Auditor's employment. Other terms and conditions of service will be in accordance with the terms and conditions applied to those Officers employed by the St Helena Government under the Technical Cooperation Agreement between the Governor and the UK Department for International Development. I beg to move.

The Speaker –

Thank you, Honourable Member. Is there a seconder to the Motion, please?

The Hon. Ken Baddon –

Madam Speaker, I beg to second.

The Speaker –

Thank you. Honourable Mover?

The Hon. Gillian Francis –

Madam Speaker, Section 110 (9) states that the terms and conditions of employment or engagement including the remuneration of the Chief Auditor shall be set from time to time by resolution of the Legislative Council. This Motion is therefore asking Legislative Council to resolve that the Chief Auditor's salary should be set at such a rate that is acceptable to both SHG and the Chief Auditor before he or she is appointed. It is difficult to state a specific rate as a certain amount of flexibility is needed because salary is often a point for negotiation if we are to attract someone with the required qualifications and experience to undertake the role of Chief Auditor. However, salary is likely to range from fifty to sixty thousand pounds per annum. Similarly, the terms and conditions for officers engaged under the Technical Cooperation Agreement will change from time to time potentially frequently, so, again, it would not be prudent to state the details. To do so would require a resolution every time the terms and conditions are amended. The desired resolution therefore seeks to overcome the risk of contravening the Constitution. Thank you, Madam Speaker.

The Speaker –

Thank you. I put the question that in accordance with the Constitution of St Helena, at section 110(9), under which the terms and conditions of employment or engagement including the remuneration of the Chief Auditor shall be set from time to time by a resolution of the Legislative Council, the Legislative Council resolves that the Chief Auditor's salary shall be at such rate as offered to and agreed by the Chief Auditor at the commencement of his employment as such. In accordance with section 110(10) of the Constitution, the agreed salary will not be diminished during the continuation of the Chief Auditor's employment. Other terms and conditions of service will be in accordance with the terms and conditions applied to those Officers employed by the St Helena Government under the Technical Cooperation Agreement between the Governor and the UK Department for International Development. The question is open for debate; does any Honourable Member wish to speak, please? Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, I rise in support of the Motion. The Motion very much speaks out in detail of what is required and it is covered within the Constitution, it hasn't been practiced in the past, but I'm so pleased that it has been picked up and hopefully will be the practice in the future. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Tony Green?

The Hon. Anthony Green –

Thank you. Madam Speaker, the issue itself is not contentious, but there are a few points that I'm not quite clear on, I venture so say again. I wasn't aware when I was preparing for this meeting that the salary range was between fifty and sixty thousand, but the first question that came to mind prior to that information being made known was that if the Constitution requires that the terms, conditions and remuneration of the Chief Auditor is set by a Council resolution, then I was wondering why is Council being asked to approve that the terms, conditions and remuneration are set by agreement between the Chief Auditor and the

employer, which presumably is the SHG Administration. I would add that I have no interest in what the actual terms, conditions and remuneration will be, but I'm wondering then what really is the intended purpose of Section 110 (9) in the Constitution which we heard the Honourable Chief Secretary mention before and why I raise these questions is because for comparison purposes, the rates of income tax from 1st April 2009 will also require to be set by resolution, but there the specific details came before the House as a resolution, so we knew exactly what we were agreeing to. As I indicated earlier, Madam Speaker, it's not the actual terms, conditions and remuneration that interest me, I'm just trying to fathom out why our Constitution says that, and I quote, "The terms and conditions of employment or engagement including remuneration of the Chief Auditor, shall be set from time to time by a resolution of the Legislative Council" yet here today we are being asked to approve a resolution for those details to be agreed elsewhere. I trust that there will be some clarity on these points. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak?
Honourable Ken Baddon?

The Hon. Ken Baddon –

I was going to leave it until I was sure that everyone else had finished, Madam Speaker, but no one else jumped up so I wanted to get to my feet before you called upon the Mover to respond. Just picking up the points raised by the Honourable Tony Green, the provisions of subsections (9) and (10) of Section 110 of the Constitution are a little odd in that they don't mirror any of the other provisions. The Judicial salaries, for example, are set by the Governor acting in his discretion. The Attorney General's salary is set by the Governor acting in his discretion. This one for the Chief Auditor is out on its own and I cannot help but think with hindsight that when we agreed to it we may have overlooked the fact that at that time and for the foreseeable future the terms and conditions will depend very much on international market forces and on how much DfID is prepared to provide in terms of the TC funding for the post, so subsection (9) gives us a bit of a problem. The wording which has been produced attempts to comply with subsection (9) whilst not tying anyone's hands in terms of the recruitment exercise and the available funding. We cannot get away from the fact that in terms of the benefits which accompany the post, such as passages, leave and all of those things, can be changed by DfID as part of the TC packaging and we don't want to be bothering this House with a new resolution every time DfID move a goalpost. I mean no disrespect to DfID by using that expression; it must be taken the wrong way. There is also the issue, in terms of international recruitment, that during the recruitment exercise it may be found that it's necessary to offer a little more in order to get the right candidate than the figure which was originally had in mind. If this Council says, for example, £55,000, we are stuck with it unless we come back to this Council to change it. So the attempt in the Motion is to comply with the spirit of subsection (9) in that this Council has said what will happen, whilst retaining the flexibility which is actually needed in the pragmatic real world of international recruitment. To this, and, indeed, to other posts, with other posts, don't have to go through this process. The really important thing, in my view, about section 110 is not subsection (9), it is subsection (10) which says that the Chief Auditor's remuneration cannot be reduced during continuance in office. That is a very important provision to protect the impartiality of the office. That one does match the ones that applies to my post and the ones that applies to judicial posts and it complements the provisions which limit the ability of the Governor to remove from office a Chief Auditor, a Judge or an Attorney General. So all of this fits a pattern to do with protecting impartiality. There is, in accordance with this

resolution, the Governor agrees with the successful candidate in the recruitment that the salary will be £52,000, £54,000, £60,000 or £70,000 if £70,000 has to be paid to get the right candidate, then so be it. The point is, once it's been fixed it cannot be reduced because the Governor doesn't like something the Chief Auditor has done or written. I am comfortable in my own mind that this resolution, as proposed, does comply with subsection (9). If we were recruiting in a local market where we had a better feel for theconditions, it might be possible to be more prescriptive, but we have to reduce internationally, the international market is volatile and that, coupled with the DfID factor in terms of terms and conditions for TC officers, make it really quite dangerous for this Council to be asked and if asked to do something more prescriptive.

The Speaker –

Thank you, Honourable Member. Honourable Stedson Francis?

The Hon. Stedson Francis –

Thank you, Madam Speaker. I fully support this Motion as written. I'm just curious to know why it's only been brought to the House at this time, as far as I'm aware, bearing in mind that the Constitution was enacted, if you like, in 2009?

The Speaker –

Any other Honourable Member wishes to speak? The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

I rise just to say I support the Motion, Madam Speaker.

The Speaker –

Thank you. In which case, I'll invite the Honourable Gillian Francis to respond to the debate.

The Hon. Gillian Francis –

Thank you, Madam Speaker. I would like to thank the Members who have supported the Motion and the Honourable Attorney General for providing an explanation to the query raised by the Honourable Tony Green. The Honourable Stedson Francis raised the question as to why this Motion is only being brought to the House today. I can only say, Madam Speaker, that it was an oversight on the part of our office. Thank you.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Next item, please?

Motion 4. The Honourable Cyril Gunnell.

The Hon. Cyril Gunnell –

Thank you. Madam Speaker, I beg to move that this Council accepts that the Social Benefits levels in St Helena currently are too low.

The Speaker –

Thank you. Is there a seconder, please?

The Hon. John Cranfield –

Yes, Madam Speaker, I second the Motion.

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, Honourable Members will not find it strange that I have brought this Motion before this House because at every given opportunity I try to highlight the fact that the benefit levels are too low. Over the next ten minutes or so I will explain the rationale behind the Motion. Of course I am aware that a Consultant will be coming out to the island to have a look at the reformed benefits system that started at 1st April last year. It was always envisaged that a review would be carried out after one year to see if the new system is working to the best effect and achieving intended objectives. I hope a Social Welfare Review Consultant is procured soon. But, Madam Speaker, this Motion is not about how well the benefits system is or is not working. The thrust is about the level of benefits that poor and vulnerable people are expected to live on. By definition, only people living in poor households receive the income related benefit. I say the benefit levels are too low, Madam Speaker, with some authority, because over a period of several weeks I tried to get by on an amount equivalent to an IRB for a single person. I set aside £45.34 for each week for basic living. I have my own house so did not need to put aside anything for rent, in any case, assistance is given with this expense. My budget of £45.34 was mainly for sustenance, the means of maintaining health or life, therefore, food and drink, and, of course, it is also necessary to purchase toiletries and cleaning materials if one wants to maintain good hygiene standards and keep one's house clean and I had to not forget that something was to be put aside for water and electricity and fuel for cooking. I found that I was able to manage on my budget for the first week or two, but thereafter I did not have sufficient money to pay for basic commodities that I needed and nothing had been put aside for electricity and water. Because my budget was not enough in amount or extent, I found everything to be too expensive, especially food items and considered that if I were a diabetic it would be even more difficult to cope on my budget, so I can understand why diabetics on social benefits complain about not being able to afford the right foods. During my period of trying to get by on £45.34 a week, out of curiosity and wanting to understand, I asked various people existing on benefits how they managed, and, Honourable Members, I have to tell you that some of their explanations was very hard to deal with, but perhaps you are already aware of their plights from your own discussions. People I have known since I was a boy, proud people, hardworking people, people who through no fault of their own were not in any position

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quite simply, Madam Speaker, they have been left behind in the dark and only a significant increase in their benefits will help them to see daylight. Everyone knows that food prices are high in St Helena, yet benefit levels are low. My belief is that benefit levels have been kept low over the years because of the perception that a differential has to be maintained between benefits and low wages. Therefore, low wages have kept benefits from rising, but this has directly contributed unfairly to making poor people more vulnerable. I preferred not to rely on statistics, Madam Speaker, I preferred instead to do it the hard way, actually tried to live on £45.34. Although there are other experiences I can relate to, I would like to tell you of an observation I made recently that sickened me. In a Jamestown shop recently, I couldn't help but notice someone I knew to be on benefits trying

to find sufficient money in their purse to pay for an item taken off the shelf. Two like items were side by side and mistakenly the wrong brand was taken. It was only at the till that this was realised. Even though the price difference was not really that much, the item couldn't be afforded. I will never forget the shopper's humiliation and shame having to put the item back on the shelf. Madam Speaker, anyone who has lived in the UK will know that when it comes to trying to make their money go a bit further, there is every opportunity to do so. In the UK, there are cheaper food items and a wide range of other cheap items available in different shops, so one can shop around and take advantage of the bargains, thus making their money go further if they choose to. But in St Helena, whether you are on low wages or IRB of £45.34 a week, or you have a salary of £16,000 or £18,000 or more a year, the prices in the shops are the same to everybody. The current low IRB levels do more than just leave people behind, it also impacts on economy growth. Consider, for example, that the Honourable Financial Secretary would like to see Customs duties on imports to be a straight 15% across the board instead of the current 20% on some items and some items at 5%, including basic foodstuffs. I will agree with the Honourable Gentleman that 15% across the board will most certainly enable growth more quickly, however, as long as there are people having to try to make do on low benefits and there is no robust price control mechanism to ensure cheaper goods in the shops can be available to lower paid people, it is very unlikely that there will be a move away from 5% on basic items at Customs any time soon. Consider also the fact that low paid and even lower paid benefit levels are one of the main reasons why there are so many untargeted subsidies in St Helena and eliminating these makes that task a lot more difficult than if there were to be a significant increase in benefit levels. Honourable Members, having insufficient money to maintain even a basic existence impacts on people's health status, it impacts on their nutritional status, it causes them stress, it humiliates them, it isolates and marginalises them and potentially can make them social outcasts. Madam Speaker, I commend this Motion to Honourable Members, hoping they can agree with the Motion that social benefits levels in St Helena are currently too low. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. I put the question that this Council accepts that the social benefits levels in St Helena currently are too low. The question is open for debate. Honourable John Cranfield?

The Hon. John Cranfield –

Thank you, Madam Speaker. The Mover of this Motion is absolutely right in saying that the social benefits on St Helena are currently too low. This might be the first time that the subject has been formally brought up in this House, but it has certainly been extensively debated in other forums. There are serious cases of hardship on the island among the poor and the vulnerable. The cost of living on the island has escalated dramatically over the past couple of months leaving the poor and the vulnerable in a worst position than they were a year ago. We, as Councillors, who represent the people of this island, are duty bound to pursue every avenue with a view to bringing this matter to a satisfactory conclusion. Madam Speaker, this Motion seeks to do just that, but undoubtedly it will require the full support of this Council, so I call on each and every Member to give their full support to this Motion. Thank you, Madam Speaker, I support the Motion.

The Speaker –

Thank you, Honourable Member. Does any other Honourable Member wish to speak? The Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, I rise in support of the Motion. I will be touching on this very same issue during my adjournment debate, which will be shortly, but I just say that I will give my full support to this Motion.

The Speaker –

Thank you, Honourable Member. The Honourable Stedson Francis?

The Hon. Stedson Francis –

Madam Speaker, how can I not support this Motion that this Council accepts that the Social Benefits level in St Helena currently are too low? In his capacity as Chairman of Social Welfare Committee, I would hope that he and his Committees will be looking at ways to somehow increasing the social benefits level. Thank you, Madam Speaker.

The Speaker –

Honourable Raymond Williams?

The Hon. Raymond Williams –

Madam Speaker, I rise in support of the Motion.

The Speaker –

Thank you, Honourable Member. The Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Madam Speaker. Madam Speaker, first I must congratulate my Honourable Friend for bringing this Motion to the House. I think it is well overdue. Secondly, Madam Speaker, I support this Motion and I feel that apart from saying that it is currently too low let's try and come to some conclusion as to what we're going to do to rectify that problem. I think apart from saying it is too low we need to come to some solution and try and rectify the problem so as we can help those vulnerable people out there that is desperately in need of our support. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Bernice Olsson?

The Hon. Bernice Olsson –

Thank you, Madam Speaker. I strongly support this Motion and I would like to thank the Honourable Member for bringing it to this House today. Madam Speaker, currently DFID is putting in a lot of money into St Helena through the airport project through grant-in-aid and through projects. Unfortunately, the distribution of the funds available has been done towards the young, the strong and the able. In St Helena, like everywhere else, not everybody is young, strong and able enough to benefit from the additional money that's coming into the island. Still, they have to buy their food at the same shops, mostly pay by the levies and charges like everybody else. Over the last couple of years, the inflation has been tremendous and we all know that goods costs in the shop, compared with what it was just a few years ago, has absolutely rocketed. We are receiving directives saying that the St Helena Government has, to a greater extent, covered its costs, which it seems happy to do through increasing charges thereby adding the costs for both the rich and the poor. The ones benefiting from the money arriving for development are getting better off, but the ones who

are not are almost left starving. Nobody on this island can cook a proper meal every day with between £30 and £50 per week in their pocket. Adding a few pennies to the weekly alimonies is neither here nor there. St Helena is facing new times, but the way to face the future is as a united island where the welcoming smiles and pride continue to be a trademark for St Helena. Many of the recent policies will lead to a broken up society with great rifts between the rich and the poor where the poor has no chance to make ends meet, but all the costs are designed for the better of in the society. Madam Speaker, historically St Helena has been a place where community spirit and solidarity played an important role in the day to day life. We are now more or less instructed that this stop. These new policies might help to get better balances enforced, but in the short term can be very expensive. We all remember the demonstration and the petition last year which did not go unnoticed here or in London. Involved were many people who actually benefit from the policy, but they were concerned about the less fortunate and to maintain the community spirit and take St Helena forward on its own merits and strengths. If some experts are telling me that the benefit levels in St Helena are reasonable or even close to reasonable, to be able to live from them is simply not true. Madam Speaker, there is an area which we urgently need to look into before it's too late and we have lost our most important asset, the close-knit community. Thank you very much, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Rodney Buckley?

The Hon. Rodney Buckley –

Thank you, Madam Speaker. I have to say that my Honourable Friend, the Mover, summed up the current situation extremely well. I think he has brought together a lot of the information that people need to now about. I actually agree with my fellow Councillor, John Cranfield, that this is a Council responsibility and it is our responsibility to see and work together to see what we can do about it, we need to look at all angles. We all know that the financial constraints in this day and age is quite something, but that does not mean to say that we can't look at various angles and try and rectify our situation locally. As a Council, we also need to look at the longer term. We need to look further down the road that the commitment to keep society going and social benefits further down the road must not fall on the taxpayer. This Government have pension commitments and IRB commitments not only for the island Basic Pension, but also for their Civil Service, which runs into millions. I think, off the top of my head, I haven't got the figure, but I think it's something around eight or nine million pounds commitment that this Government is going to have to find from the taxpayer for years to come. As this Council, what we need to do is to look at an island-wide pension scheme to try and rectify this for the future, failing which politicians coming behind us for year after year are going to be faced with the same problems. There is a limit to how much we can pay in social benefits, but I have to agree that the current situation is not acceptable. The problem is, of course, having accurate data, which the island also needs to sort out in statistics. I take the point from my Honourable Friend, the Mover, that he don't rely on statistics, but actual fact, when we are dealing with a population we do need some statistics to work from. But for me, my Honourable Friends, we don't only need to look at the short term, we need to look at the long term for those that come behind us in island-wide pension scheme, minimum wages and the likes, so Madam Speaker, I do take my hat off to the Honourable Mover for summing it up very well.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Madam Speaker, I rise in support of the Motion. It is quite clear that the income related benefits are far too low, far too low for people to be able to live a reasonable lifestyle. Madam Speaker, when we look at the IRB, which is far too low, we then have to look at as well, Basic Island Pension, low Government pensioners and low wage earners. There are many people out there struggling, so all of this will have to be looked at as well. The Honourable Member, Cyril Gunnell, said that the Motion is, that the income related benefit is far too low and not the detail as to how the system is working, but I have to say, and I will raise this concern, is that in the sitting of March in Legislative Council we as a Council agreed that it should be a 4.7 increase to Basic Island pensioners and those on Income Related Benefits. Most of us around this table agreed and stood up and said this in this House, including the Administration, and that is to take account of increases and inflation, but we all know that this did not happen in all cases. There are cases out there where people, in actual fact, did not receive an increase at all. There's some persons on Income Related Benefit that had their benefit reduced because they're living with a person who's on the Basic Island Pension and that person had the increase, so in actual fact, the household saw no increase and as the Honourable Cyril Gunnell said, he found it difficult to live on the £45.00, so in this case, those people will be getting less, so how can they live? So I would ask the Honourable Cyril Gunnell that if his Committee would look at this issue with some urgency because from my understanding that was the political intention, that persons should receive 4.7 increase to take account of inflation. Those on Income Related Benefits, there are people who have money in the Bank, but not everybody has money in the Bank and those people who don't have money in the Bank will find it very difficult, will find it a struggle to survive, so I fully support the Motion in that the benefits, as set, are far too low. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Madam Speaker. I can easily agree with my colleague, the Honourable Cyril Gunnell, who is the Chairman of our Health and Social Welfare Committee, that the Social Benefit levels are too low, but finding a solution might be a little more difficult, but let's hope that approval of this Motion will kick-start some action. Presumably, island pay levels would need to be taken into account and there would also be a need for some up-to-date data, and I agree with my colleague, the Honourable Rodney Buckley, that while very graphic, we can't just depend on someone's personal experience, so I'm thinking that I have no problem with agreeing the Motion, but finding a way forward may take time and will take money. I support the Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak? The Honourable Earl Henry?

The Hon. Earl Henry –

Madam Speaker, I rise in support of this Motion, purely and simply because even in the very short time that I have been elected to this office I have had concerns expressed about the current system and therefore can only support the Motion to say and expect to see a review of it as it stands. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Paul Blessington?

The Hon. Paul Blessington –

Madam Speaker, I agree with the sentiments that have been expressed by the Honourable Cyril Gunnell and by the other Honourable Members in this House, but I think, as everybody here will be aware, changing one thing and concentrating on that alone can have all sorts of other unintended consequences and so passing a Motion that says that benefit levels are too low with the implication that we must change those and put them up has got all sorts of other knock-on consequences and so it isn't just a simple decision the way you think it might be. The Honourable Cyril Gunnell referred to the fact that there is a linkage between benefit levels and wages. If you put up benefit levels, even if they're much too low at the moment, and I don't disagree that they are too low, you put them up too much, then, instead of making the life of people on benefits easier, what you actually do is you encourage people who are working for low incomes to give up work and to go on to benefits, because the differential between going out to work five days a week or staying at home and collecting a benefit becomes too small. That clearly is not the result that anybody in this House would want to achieve because by doing that you are taking people out of productive work, you're making them benefit dependent and the rest of the working population then has to dig deeper into their pockets to find the wherewithal to support your beneficiaries, or you have to cut back on other areas of public expenditure. So it is not just a simple solution that we're looking for, it is actually quite a complicated thing. What really has to happen is that we have to increase wages on this island. If we can start increasing wages and introduce a minimum wage that is higher than the current low wages that are out there then you can afford to bring social benefits up in line without encouraging people not to work, so there's a whole chain of events that needs to happen rather than just focusing on one thing. The Honourable Cyril Gunnell also made reference to the flat rate duties, which he said that I have been encouraging this House to introduce and I still would encourage this House to look at that. At the moment, we have two main rates of duty, 20% on most things, which I believe is much too high, and 5% on a number of basic items. The move to a 15% composite rate would benefit everybody, it would bring the overall cost of living down and for those people who are at the lowest end of the scale, those on benefits and those on low incomes, it would obviously have to go with a compensation package that would increase benefits to those people in line with the increase that that would incur, which social impact assessments suggest it would have about a 3% impact on somebody living on £45.00 a week. So these things all need to be brought together in a coherent package. If they're done piecemeal then you'll end up with a mess. It needs to be done in a coherent and well thought out way, not just one-off adjustments. The other area that I'd like to remind Honourable Members must be taken into account when you're looking at benefits is the question of untargeted subsidies. At the moment, we throw lots of public money away in subsidising things that people, many people, including many of those around this table, are well able to afford themselves. If we can phase out those untargeted subsidies so that those who can afford to pay do pay and we can look at targeted subsidies or benefits for those who can't afford the necessities, then with the same amount of public spending we can make those who are the poorest off in society better off, whilst ensuring that those who do have the wherewithal to pay their way do so. So, in conclusion, Madam Speaker, it is not just a simple question of changing one item, there are many aspects to this problem that need to be considered as a whole and that is what I hope this House will proceed to do. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? In which case I invite the Honourable Mover to respond to the debate, the Honourable Cyril Gunnell.

The Hon. Cyril Gunnell –

Thank you, Madam Speaker, and I thank the Honourable Members for their support. I won't thank each and every one of them individually, but there are a couple of things that some people did mention which I would like to look at. The Honourable Stedson Francis mentioned that Health and Social Welfare should seek to increase. Well, you know, Health and Social Welfare is not the people really who set the benefits levels. That is done elsewhere, but most certainly Health and Social Welfare members will agree that the benefit levels are too low. The Honourable Mervyn Yon talked about a solution to rectify the problem and, of course, in October, at 1st April first of all, you know there was the slight increase to people, two pounds something I think it was and in October it is meant to be another increase, probably about the same amount. But add, you know, £2.50 or whatever it is on to what people get now is not really going to be sufficient, so people will have the opportunity of considering all of that in September/October. Councillor Olsson talked about the distribution not being fair and it going towards the, sort of, younger people and the strong people and the able people and not to the people who really need it and when you think about it the people who really need it are the people who put the foundation in place for the younger people and the able people and the strong people of today, I think that's where she was, sort of, coming from. Councillor Buckley said it was summed up extremely well, sorry, the Honourable Rodney Buckley, I do beg your pardon, Sir. Our responsibility he says. Yes, it is, but we have to look at the longer term, look at an island-wide based pension scheme and no-one will know better than myself how important that is to the island and I was the person who instigated the thing in the first place anyway and I do give a whole load of credit to the Honourable Paul Blessington. Even before he leaves us he's trying to put in place the means so that the system can be set up, you know, I thank you for that once again. And, you know, it's all very well thinking about statistics and we do have those in place, but like the late Governor Alan Hoole said, you can use statistics to prove anything, whatever it is you want to prove you can use statistics to prove it. Let's find the statistics to prove that the benefit levels are too low. The Honourable Derek Thomas, good support from you, Sir. You mentioned the Basic Island Pension and other low wage earners, but the reason why I haven't mentioned Basic Island Pension is because that might be low, but for the Basic Island Pension to actually work there has to be a margin between Income Related Benefits and Basic Island Pension rate, so if the IRB level went up, so would the Basic Island Pension, but people on low wages, that is a serious concern and that is something that should be addressed also. You know, there are people whose low wages are only a little bit over the top of IRB rates and Basic Island Pension rates anyway, just a little bit over the top, that's all it is, but yet these people, for example, because they are a little bit over the top, a pound or so maybe, they can't get, for example, free prescriptions, they've got to pay for those and so on. Some people pay £16.00 a month for prescriptions. The Honourable Tony Green said that the island pay levels should be looked into as well and, yes, of course. But when it comes to levels of pay, because maybe we can't afford to pay people huge wages and depending on what the minimum wage is, the minimum wage, Madam Speaker, should not keep benefit levels down. We have to look at raising the wages, the minimum wage should be big enough so that it doesn't keep the IRB levels down, that is very important and the Honourable Paul Blessington agreed with the sentiments, all kinds of knock-on consequences he says. Well, surely that is right. If he tinkered around with the IRB system, you know, you would actually put things out of order, because if you change one bit something's going to impact elsewhere

and so when the Consultant comes out to have a look at the whole thing, well that can be reviewed then. It doesn't excuse the fact though that the rate is too low and this is what I'm talking about. Regardless of what else you do, £45.00 a week is not sufficient for a person to live on, so regardless of what else you do, it doesn't excuse the fact that the rate of benefit is too low anyway and it all needs to be done in a coherent way, yes, of course. And, of course, there are too many untargeted subsidies and the aim really is to eliminate the untargeted subsidies so that subsidies can be targeted to those who, you know, really need it and other people, of course, would have to pay more, but you know it is difficult to.... I know we're talking about a big job, if you like, you know, we talked about a salary this morning of fifty to sixty thousand pounds just now, only, sort of, fifteen minutes ago and here's me coming along and trying to say I couldn't get by on £45.00 and that's the situation in St Helena, but we as a Council, I'm glad you have all supported that. Now, when it goes to Executive Council, and it will go, if it is supported here, it will go to Executive Council for them to consider it and I trust it doesn't stay there, I hope it passes on and that something is actually done to see how the rate can be increased. Most certainly, when it comes to September/October, I will certainly be making a huge issue of it if the rate is only increased by a couple of pounds. Madam Speaker, thank you very much.

The Speaker –

Thank you, Honourable Member.

Question on Motion put and agreed to.

The Motion is carried.

The Speaker –

Next item of business.

8.

ADJOURNMENT DEBATE

The Speaker –

Thank you. The Honourable Gillian Francis?

The Hon. Gillian Francis –

Madam Speaker, I beg to move that the Council do now adjourn sine die.

The Speaker –

Thank you. Is there a seconder?

The Hon. Ken Baddon –

Madam Speaker, I beg to second.

The Speaker –

Thank you. The Honourable Mover has indicated that she doesn't wish to speak at this stage and it is customary, Honourable Members, to limit your contributions to this debate to a maximum of ten minutes and I will be keeping an eye on that, so I'll put the question that Council do now adjourn sine die and invite Honourable Members to speak. The Honourable Ken Baddon?

The Hon. Ken Baddon –

Madam Speaker, it's a point of information at this stage just so that members know what we're talking about. Officials are thinking in terms of the next LegCo being early in September, but depending upon how long it takes to process various pieces of draft legislation.

The Speaker –

Thank you for that clarification. Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, I support the adjournment debate sine die and in doing so and with your permission I would like to continue. Madam Speaker, I would just like to say this could be the Financial Secretary's last formal session in this House, depending on just what the Attorney General said it might be in September, but I would like to say shortly after the Financial Secretary arrived and having to attend his first formal session he was not sure what to expect, he did very well and I would like to say it has been a pleasure working with him and I know that his community commitment as well has been received by the youth of this island and I would like to take this opportunity to wish the Financial Secretary well as he prepares himself for his next assignment. I also look forward to the appointment of the new, substantive Financial Secretary and working along with him.

Madam Speaker, in the best interests of this House and the listening public, I would like to share with Honourable Members and members of the public why I did not ask any questions at this sitting of formal Legislative Council meeting. The reason being, I'm a member of the Executive Council and when sitting at Executive Council Councillors advise the Governor on strategic policy, national political strategy and relative Government business where I have the opportunity to ask any questions in the best interests of the electorate of St Helena. At this formal meeting of the Legislative Council, my role as an Executive member falls away and I sit as a member of the Legislative Council and may ask any questions of Government. I feel, as an Executive member, you are a member of Government and questioning Government policy portrays a weak political system with no collective responsibility. I do respect the office I hold and I take my responsibilities very seriously, but to stand in this Honourable House today and ask any questions of Government and tomorrow sit as Government, I feel that democracy has failed to deliver. St Helena has seen many changes over the years through Constitutional reforms, but I feel the current procedure needs to be reviewed, giving greater political responsibility to the democratic process. Yes, I do have questions which need to be asked in respect of Government policy and questions raised by the public with concerns to how we are preparing to take the island forward now that the construction of an airport has started, which we hope will bring economic growth, but we must ensure that as the island develops we need to be open and transparent with change, giving the public a clear understanding of why such changes is needed to be implemented. We must not be dictatorial with the change, but be open and consult wherever possible on why, how and when. The British Government has invested millions of pounds into the building of an airport for St Helena where there is huge uncertainty in the global economy. The Sustainable Development Plan sets the vision for the island and over the next ten years envisages that St Helena would be able to finance its own budget without the need for overseas aid. Yes, I would love St Helena not to be dependent on aid from Britain, but have a strong economy that supports people, but when I step back and look at where we are now and where we hope to be in the next ten years I have great concern of how we are managing change for the future development of the island. DFID has been very supportive in the development of the island's infrastructure and tourist-related projects and has invested millions of pounds, but the big

question remains, are we getting value for money from all of the financial investment. The opening of the airport is some forty months away and again I will ask will we be ready as recommended in the Sustainable Development Plan? Thirty thousand visitors per annum averaging five hundred to nine hundred visitors per week to support the growth in the economy, to make St Helena financially self sustaining. The scale of change for St Helena is massive, the impact will be something St Helena has never experienced before. I have lived most of my life on the island and have experienced how difficult it is getting things done despite the expert advice provided by the Consultants. I have concerns on how some of the infrastructure development projects have been implemented. A few that comes to mind are the Solid Waste Management Project where most of the funding to date has been spent on consultancies. The Roads Project and the purchase of the Asphalt Plant has raised many concerns from the public knowing that the current methods used was not approved for the project, which was recommended hot roll asphalt which would produce a higher quality of road and longer lasting. The Main Street project has been delayed in respect of procurement issues portraying a lack of communication between stakeholders. The Bailey Bridge project, which was a failure, resulted in the loss of thousands of pounds and impacted on the budget. The newly-imported bridge for the new Customs building, which I've been told is not fit for purpose, will be disposed, again, resulting in the loss of funding. The delay in the opening of the new radio station has raised public attention. The new island bus service which we were told would be in operation before the closure of the Sandy Bay Clinic is still in the planning stage. Those are just a few that come to mind but the big concerns are when projects fail the island suffers and the British taxpayers money goes down the drain. I do have concerns when I'm told how some of the projects will be implemented or when wrong equipment has been purchased. The big question that comes to mind, does the professional advice given meet the standard the island needs? We, as Councillors, cannot get directly involved with project development, but depends on the professional advice provided. The DAPM team that visited this year were also very concerned on the delays with the spending of infrastructure development funding, but might not be supportive on their next visit if we do not improve our standards. The Insurance claim of over two hundred thousand pounds from the Consolidated Fund for the loss of the yacht which broke its moorings has seemed to be gone unnoticed and no-one appeared to be responsible. Only yesterday I attended two meetings where Directors were asked to find savings to the sum of over five hundred thousand pounds for the next financial year. Again, this will impact not only on the service provided by Government but also on low income families. Madam Speaker, these are serious concerns that need to be addressed and if we are implementing high level reforms on one hand and losing public funding on the other hand we, the politicians, could be faced with serious consequences. Recently, concerns were addressed by parents in respect of delivery of education to our students. An economy without a strong education system will not take the island forward. It has been said that no education system can be better than the quality of its teachers and most successful countries are those where teaching has the highest status as a profession. Our medical staff continue to deliver a high standard of health service, but like all other Directorates, has suffered major budget cuts which have had serious impact on frontline services. Over the years, major financial investment has been made into agricultural development, but today we still cannot buy an onion on the island and still depend on imports of such commodities from South Africa, but as a Government we must ensure that the right policies are implemented and Directorates are delivering to a higher standard and adequate scrutiny is undertaken by Committees in a constructive and positive manner which will ensure that a high standard of service deliveries are carried out clearly showing value for money. I've been asked many times now that we're marketing St Helena as a high value low volume tourist destination what are we doing in respect of our heritage sites, including High

Knoll Fort which has become unsafe to visit and in some cases has deteriorated into a pile of rubble. Many of our Postbox Walks are becoming unsafe and if we're unable to provide a standard for high value tourists the word will spread fast in the tourism community that we are not living up to our standards we proclaim which will become critical for the island's tourism development.

Concluding, Madam Speaker, I would like to say that many of our low income families, especially those more senior citizens, are experiencing much hardship in being able to cope with the high cost of living that the island is faced with. I spoke to an elderly lady only this week who lives alone and is in receipt of a Basic Island Pension. She told me after deductions of her rent, electricity and water she is left with £22.00 a week to live on. She told me has a Weetabix in the morning for breakfast, two slices of bread and jam for lunch and half of her evening meal is kept for the following evening. She said she also cannot afford fresh fish, but buys small tins of imported fish or sardines. Vegetable is mainly potatoes. She is also a diabetic and suffers from high blood pressure. In her words, she said "I have lived through the Second World War and times were hard but good, but the poor on this island today will see harder times to come as more people come to the island and the rich will get richer and the poor will get poorer". How true the lady could be, but we must learn from other small territories where this has happened and not to repeat the same mistakes. I do fear for the low income families who have to compete with the high cost of living and additional increases in fees and charges. I support the development of an airport, but there are big risk factors if what is planned for the island is not delivered. Madam Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. The Honourable Stedson Francis?

The Hon. Stedson Francis –

Madam Speaker, Honourable Members, in rising to support the Motion for the adjournment, I would just like to start off by welcoming Councillor Earl Henry to Legislative Council and look forward to working him and also a welcome to Chief Magistrate, Mr John MacRitchie and if it is the case that the Honourable Financial Secretary will not be here for our next formal session, I would like to wish him well and thank him for his time he's been in post as Financial Secretary and also for his time in serving our community, both with the youth organisations and his radio input.

Madam Speaker, seeing that the St Helena Development Agency(Amendment) Bill was passed in this House today and that it made provision for the establishment of the new organisation Enterprise St Helena, which incorporates St Helena Tourism as well, which my understanding is that organisation we are told will be at arms length to Government and yet we still have a Tourism Committee and I ask myself how can we have a Tourism Committee having political oversight with policies and might warrant a budget and still be at arms length from Government?

Finally, Madam Speaker, I would just like to commend Basil Read and all those working on the Airport Contract, who, so far as I can see from our recent visit, is doing some sterling work, including our Saints who are to be commended on rising to the challenges. And also make mention of two Saints, namely Gareth Drabble and Ayla Phillips having achieved two Honours Degree in the United Kingdom. Madam Speaker, I support the adjournment.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? Tony Green?

The Hon. Anthony Green –

Thank you, Madam Speaker, I support the adjournment. I'd like to start with saying that it's good to see a full complement of West Councillors and so I too welcome the Honourable Earl Henry, particularly to our little sub group. Also, I would like to say that with the Airport Project now underway it's also very good to see and feel a new energy that actually exist in St. Helena. This is a buzz that I feel personally I didn't see this time last year. It's an exciting time yet difficult time for Councillors as we have to make some difficult decisions that are unpleasant in the short term in an effort to get a more prosperous long term. The difficult part is creating the right balance; careful not to put all our eggs in one basket, deplete essential services and drive away the very people that would ensure prosperity. Have started right, at this point I believe, but I also feel that we must be very vigilant.

I would also like to suggest, when time permits, that Councillors discuss matters relating to freedom of information. This issue was raised in the media recently and provided a timely reminder. As we heard from the Secretary of State for International Development, Andrew Mitchell, openness and transparency is high on his agenda so maybe it's time for us to revisit that subject.

Recently, the British Government released a new White Paper on the Overseas Territories. In the heading, it included Security, Success and Sustainability. If we are to be successful and to improve.....

.....power of our elected Government to be enhanced. This has been ongoing in other territories for many years so we have a lot to learn from how they have progressed. And finally, if it is the Honourable Paul Blessington's final meeting, I too wish to thank him for his participation and his support to Council. Thank you, Madam Speaker, I support the adjournment.

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Thank you, Madam Speaker, I support the adjournment debate. I've had quite a lot to say today, people asking me questions and I'm asking questions, so my adjournment debate will obviously be quite short. Madam Speaker, I'm pleased to see that SHG has decided to publish the SHG accounts on the SHG website and I would propose that even more material is put on to the website, or at least published, so that we can better go towards, you know, transparency. But, Madam Speaker, you've heard me say before that not everybody has a computer, not everybody these days even has a television because things are so expensive when they hand their decoders in and so on, so not everybody has access to the internet and so, although it is good to be publishing material on the SHG website, we need to also find a way to publish material on the island through the newspapers if that is the way to do it. I'm pleased to see, Madam Speaker, that unemployment on the island is actually at an all time low at the moment, I think the only people who are not working are those who prefer not to work. This obviously is because of the airport development now ongoing and at a site visit recently it was so good to see many young people all doing very good work, so good to see. Madam Speaker, I am disillusioned as to why resolutions made and undertakings given in this House in LegCo that commenced on 22nd March have not yet found their way to ExCo. That's a long time ago, Madam Speaker, and so I would like to think that perhaps what I've just said would jog somebody's memory and to actually make that happen, because certain things were agreed and undertakings were given in that particular meeting that I certainly would like to progress. The next LegCo, according to the Honourable Attorney General, is in

September. I think by that time the Honourable Paul Blessington may have left us and I too would wish him well in whatever it is he takes up in the future and once again, to reiterate what I said this morning and what I have done on several other occasions, many thanks for all the work that has been done on trying to bring in the island-wide pension scheme, hopefully it will be in place in the not too distant future.

This morning, Madam Speaker, I was very, well, flustered, I think is probably the word to use, about the public transport review and, you know, the review team was supposed to round to four community centres and they didn't, they only went round to one and the main reason for them going out was to try to get information from the public as to how a better public transport system could be put in place and I heard that afterwards it was confirmed they only went to one, but they did receive feedback. That feedback, Madam Speaker, was given by the Councillors at the various constituency meetings, most certainly on the East side of the island, I provided that information, but, you know, they weren't out there to speak to the public and they may have heard things different to what it was that I put forward, so I'm very, very sad, Madam Speaker, that something that was supposed to have happened, it didn't actually happen and it's so important to get a new transport system sorted out, some Directorates, Madam Speaker, are waiting for this to happen, they're spending money that they don't actually have on home to duty transport, that cost hopefully will go away once there is a robust transport system in place that those people can actually use, so once again, you know, it is something against development it would seem, because certainly with a good system in place, it would aid development.

Honourable Brian Isaac earlier on spoke about him having to go to two meetings yesterday to look at some savings and he mentioned £500,000. Well, that can only indicate to me that the other meeting he went to was £150,000, because certainly at Public Health we have to find savings or raise revenues to the tune of £350,000. Somebody mentioned to me yesterday when I was on a site visit that the Health has the biggest budget, I think they were trying to be silly really, without knowing that if we got the biggest budget, ten percent of the biggest budget means ten percent bigger when it comes to having to make savings and that kind of thing, so that is what we have to look forward to, Madam Speaker, within the next year or so. Madam Speaker, in our system of Government we have a Committee system of Government, we don't have really an opposition and I feel that we do need to have an opposition so thank heavens for the newspapers who at least try to oppose some views and things. In our, sort of, collegiate system, there is no real opposition and so we come to this House and we raise points and things here, but as my Friend, Councillor Isaac pointed out earlier on, him being a member of ExCo, he's not meant to be here asking questions and so it's left to the rest, but, you know, we need to get a better system in place so that we can be more accountable to the people.

Madam Speaker, I think I have run out of things I needed to say, so thank you very, very much.

The Speaker –

Thank you, Honourable Member. The Honourable Rodney Buckley?

The Hon. Rodney Buckley –

Thank you, Madam Speaker, for allowing this adjournment debate. My presentation would fit extremely well with that of Councillor Isaac and touch on a number of areas that Councillor Gunnell has just mentioned.

Madam Speaker and Honourable Members will know that the core value of parliamentarians is to ensure that Governments deliver on their promises to the people. Politicians are elected by the people and their day to day work they are watchdogs to hold Governments to account.

Politicians have the opportunity to create enabling framework and monitoring progress towards achieving targets. We also know that we are the key partners in national planning processes and play a vital role in the budget process, directing spending and monitoring and evaluating that spend. Honourable Members, there is plenty of evidence to show that our Government have not delivered in many areas over the last ten to fifteen years, but let us not fix all the blame on those that have gone before us, because there is plenty of evidence to show, in spite of the progressive achievements of this Government in delivering reforms under the MOU to meet the airport project commitments, there is also plenty of evidence to show that this Government have failed to deliver in many areas in the last two and a half years of this election term. I draw particular attention to Aide Memoires 2010, 2011, 2012, Education Reports 2011, Health Reports 2011 and Infrastructure Review Report 2012. I also draw attention to the non delivery of curbing under age drinking and smoking and litter reduction. It is the political government of the day that holds the key to ensuring that the administrative government delivers, but St Helena's political clout is not there. Education, Health and Infrastructure are the backbone to economic growth and a better standard of living for our people. The Education Support Programme, ESP 1 and ESP 2 for the last eight years provided extra funding to supplement the recurrent budget to move Education to a higher level. The end results, to say the least, are poor. The 2008 Health Related Infrastructure Development Project, which catered for the refurbishment of the Hospital, has made little headway. It failed its delivery date and fortunately for St Helena DfID agreed an extension. The Health Strategy Project finished in March this year, now the Hospital, Laboratory and Sheltered Accommodation components have been moved to the Infrastructure Plan for action this year. Infrastructure. The report for the island's 20-year Infrastructure Plan was issued in March 2007, identifying and prioritising key development projects with associated budget level costings which led to the final Infrastructure Plan 2008. Money is running out and little achieved. I quote, Madam Speaker, from the 2011 DAPM Aide Memoire..."The situation with the existing development programme was unsatisfactory. This is characterised by a number of categories of capital expenditure being considered in isolation from each other and inadequate attention being given to project costing and serious problems of executive delivery." Moving on one year, I quote from the DAPM 2012 Aide Memoire..."DfID and SHG share deep concerns over infrastructure programme capacity and ownership in this large and challenging sector. 2011 DAPM made no allocation to the Infrastructure Plan and asked SHG to take a hard look at the multiple capital demand against their capacity to deliver and prioritise. DAPM regarded progress as limited and insufficient. Further, underperformance will make it impossible for future DAPM's to argue credibly for future funding." Putting the DAPM's kind words in layman's terms, the purse strings in London are simply saying, enough is enough, St Helena get no more development aid funding as long as the island is not delivering. My question to this Honourable House today is what do you believe is the root cause of this problem and what is to be done about it, both now and in the longer term? After two and a half years on Council, I can now report to the electorate and rigorously defend my conclusion that the root of the problem lies within the island's political structure and its management distribution. The 2009 Constitutional changes were designed to move politics out of the more than a decade of serious status quo rut, in particular to get rid of the 'them and us' perceived attitude that existed at the time and to encourage more electorate participation. Getting shot of the status quo rut, rightly so, getting rid of the opposition within Government, wrong. The new broom swept clean to start with, but it was a soft-structured broom, marketed on the back of Constitutional Human Rights. It is clear it has left island politics floundering with no political leadership or opposition, but free for all, including an invitation to the Administration for territorial power. I believe this floundering is caused by two fundamental provisions in the present Constitution. The first is that the

Legislative Council elect all members to serve on both the Executive Council and Council Committees resulting in a non cohesive Government with no political leadership. The second is mid-term election Executive Council elections, both provisions provide for total destruction of leadership continuity both in politics and administration. The people's petition and protest march last year, the student allowances episode, MOU reform issues, Land Development Control issues and now the Sandy Bay Clinic issue demonstrate very clearly that the root cause of the unrest was caused by a non coherent Government. The only opposition the Government had and still have is the media and thank God for that, which put a cap on dictatorship. I agree with a recent statement that was made "A good government needs a good opposition". Honourable Colleagues, I have no doubt that our island urgently needs a new political mandate. The Coalition Government's White Paper makes interesting reading. The UK Government is saying that they are continuing to work with a view to equipping each territory with a modern Constitution, for Constitutions to continue to evolve and to require adjustment in the light of circumstances, but that the fundamental structure they believe is the right one and that the time is not right for any change. What I believe is that the words "fundamental change" for our Constitution means moving to the next step which is a ministerial system. At this time, I am in agreement with Ministers, that the time is not right for St Helena to move to a ministerial structure. Madam Speaker and Honourable Members of the previous Government here today will be aware that the Labour Government's Constitutional team in 2009 agreed for this Constitution to be a living document, lending itself to sensible approaches with sensible amendments to be made to suit changing circumstances. This fits well with what the Coalition Government is saying in today's White Paper and I quote...For Constitutions to continue to evolve and to require adjustments in the light of circumstances." Whilst in London attending the Overseas Territories in November, the Minister for Overseas Territories, Henry Bellingham, advised me to route any proposals for Constitutional adjustment through Governor Capes and together they would deal with it. I therefore invite Honourable Members to join me to officially advise Ministers in London, through Governor Capes, that if economic development is to be sustainable on the back of airport development adjustments are strongly recommended to Sections 36 and 56 of our Constitution. It is my opinion that the nomination of a Chief Councillor who selects four other members to form an Executive Council and be the Chairs of five Council Committees, together with the removal of mid-term elections of Executive Council, plus calling early General Elections next year take place around May or June is the way forward and it will be crucial to the island's future governance. Such a move will also provide the essential elements in preparation for the next move to a ministerial government further down the road. It will be absolutely essential for the governance during the next election term to ensure that inflation through pricing mechanisms, continuation of reforms already undertaken and those that must follow, along with economic growth to be kept under proper control and properly balanced against island culture and island circumstances. Again, it is my opinion, that if a revised political mandate is not forthcoming then the risk of the island and its people being totally destroyed through fast moving economic development will be sitting in the extremely high risk category. The next Council will need the tools to guard against this. The only tools available are a Constitutional political leadership who commands majority support and who would therefore have sufficient coherence to agree on its policies and the handling of their budget. Constitutional adjustment and early general elections are therefore necessary to enable the next Council to set their budget for the financial year 2014/2015. The budget for that financial year must be aligned with economic activity and airport opening, that needs to be done between August and the end of November next year. If there are no early elections, this Council will between August and November next year be either on expiry dates or re-election campaigns. The last thing to

think about will be the next budget. Therefore, the end result is likely to be an official's budget for 2014/2015 and to go with this the three Government legislative positions; Governor, Chief Secretary and Financial Secretary, may very well be new boys on the block.

The Speaker –

Honourable Member, just to remind you the ten minutes, please, you are.....

The Hon. Rodney Buckley –

I will just round off now, Madam Speaker, thank you very much. I don't have to tell you, Honourable Members, that what this means for this community in these times of financial restrictions. No early elections next year the next council will only be able to set their own budgets in 2014 for the financial years 2015/2016, no returns will be seen from that budget until 2016/2017 by which time it will be end of another election term.

I think, Madam Speaker, I'd better move forward a bit if you will allow me to return to the immediate problem of poor delivery of infrastructure and the possibility of losing future development aid for this island. This is now a national concern and therefore requires to be dealt with at the highest level. I consider it the collective duty of this Council to see to it that action is taken to rectify this situation by removing the barriers by whatever means it takes.

There is one more issue I have to conclude with, Madam Speaker, jumping down the page a bit, and that is the electorate will also need proper tools to work with. That must be a one constituency general election. It is high time that the Home and International Committee get on with this proposal. Thank you, Madam Speaker, my pressure valve now released.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker, I rise in support of the adjournment debate and before I forget, since the Honourable Member Buckley has raised the issue about the Home and International Committee getting on with the recommendation of one constituency, I can inform the Honourable Member that plans have started and the consultation process will be undertaken within the next few weeks.

Turning to the issue of my adjournment debate, Madam Speaker, today we have seen two essential Bills being passed in this House, the Criminal Justice Sentencing Bill and the provision for Enterprise St Helena. Provision for Enterprise St Helena, Madam Speaker, is to allow the organisation to grow the economy through private sector development. Only two days ago, we were reminded that forty months before the opening of the airport. During this time, we will experience many changes with possible reductions in grant-in-aid funding. We must remember that the airport is for the benefit of Saints who can eventually enjoy greater prosperity and improved standards of living. A Motion was supported today, Madam Speaker, that the Council accept that the Social Benefits levels in St Helena are currently too low; this is most certainly the case. I believe, Madam Speaker, as a Government, we must first start to rectify, which, in my view, currently exists. In March sitting of Legislative Council, the majority of us stood up and recognised the hardship increases in the cost of living would bring on low income households, Basic Island Pensioners and those on Income Related Benefits and in recognition for this, we approved 4.7% increase for those on Basic Island Pension and Income Related Benefits, to be effective from 1st April. Unfortunately, we are all aware this did not happen in all cases, the 4.7% increase to take account of inflation. Current rules and differences with interpretations prevented this from happening. The reality is, Madam Speaker, by persons not receiving the increase, they have had to rely

on other persons who live in the household to provide for them. This has caused, in many cases, social unrest. I am aware that there are cases where persons have had to leave their family home or seek offshore employment. Not everybody has money in the Bank and therefore it is very difficult for persons to live on £30, £40 a week. I hope, as a Government, we can all recognise this serious issue, which has to be properly managed and taken into account. In bringing about changes, Madam Speaker, it is important for us, as a Government, to have the balance correct and the entire nation must be taken along with us in managing these changes. With limited, scarce, financial resources we must look very carefully in September/October when we agree on further increases to ensure that the poor and vulnerable are properly taken care of and not left behind to struggle to make ends meet. There's also concern with our elderly citizens who are in receipt of a Basic Island Pension of £47.00 a week. In the event they are admitted into hospital, they are expected to pay the hospital bill for medical care. One elderly person has received a hospital bill of £84.00. She's extremely worried as to how she can settle this bill. This issue needs to be addressed with a view of trying to bring those persons on Basic Island Pension in line with those on Income Related Benefits when it comes to medical care. Madam Speaker, in growing our economy, we must ensure that we protect the poor and vulnerable and most certainly consider our youth. With limited resources, we must try and address our highest priority needs to ensure that our current generation of young people have the best possible opportunity to develop in later life and when we sit to make these priorities maybe we should consider targeting families with children under five years where international research shows that it is critically important for the long-term development of our children to keep out of relative poverty in their early, formative years and perhaps an allowance could be given to families with children under five years of age. Obviously this would need to be means tested. Madam Speaker, there is also a concern with our young persons at Prince Andrew School and I talk about those children who are placed on work experience schemes in various work places for up to three days a week. They are now expected to work without any form of remuneration and what it has been described to me as cheap labour. Madam Speaker, this has resulted in young persons withdrawing from the scheme. Work experience we all know offers skills and training, but if the scheme is to be successful and get the best potential from our young people there needs to be incentives in the form of payment to encourage our young people. This matter needs to be investigated with a view of some form of payment being paid to our young people to encourage them to engage in essential skills and training which is relevant to the development needs of our island. Further to this, proper consideration should be given for the introduction of an established apprenticeship scheme, properly designed to meet our requirements for future development. Our older generation of skills will soon die out; we need to establish new blood in having our young people properly trained. This will require urgent attention and I hope that it will be given some priority. Madam Speaker, I did put a question today of the concerns, and I'll put it across now in my adjournment debate, there is concerns, general concerns from the public that certain local persons who have given loyal and long dedicated service to the community are not given recognition for their working service to the island and I hope that I will be able to work with the Acting Chief Secretary to see if the current procedures can be improved so these people can be properly rewarded. And finally, Madam Speaker, I would like to take the opportunity to thank the Financial Secretary for his excellent high level of commitment and support to this Legislative Council and wish him and his family the very best of luck for the future. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Madam Speaker. Madam Speaker, I rise in support of the adjournment debate and with your permission I would like to voice the following. Madam Speaker, Honourable Members, I would begin by saying how embarrassing and disappointing it is when a person goes to the Dispensary for his or her prescription only to be told that the fees have increased from £1.75 to £2.00 resulting in the person having to go all the way back home to get the additional money. Luckily the person lives in Jamestown. Just imagine if that person lives somewhere like Sandy Bay or Blue Hill. Maybe, Madam Speaker, this was made known to the public, but perhaps only through the paper. Wouldn't it have been better if this kind of information was put via the radio and a notice placed on the prescription bus?

Madam Speaker, many will know now that the road from Lemon Tree Gut through to Sandy Bay junction and on to Luffkins junction via Sandy Bay Ridges has been upgraded from the Infrastructure Roads Maintenance funding. Some of the works carried out are as follows: widen and level where possible, put in bigger and additional underland drains where necessary to collect storm water and seal with chip and spray. Although this format may not be the ideal solution at this time, I can assure Members that there is a great improvement on this stretch of road. Some further remedial work will need to be carried out, but due to the inclement weather this is not possible at the moment. Some members will also have heard that the road from Gordon's Post to the Dungeon has now closed to follow some improvement works to be carried out. This road should be completed by late August or early September depending on weather. Also under the Infrastructure programme saw the laying of a larger water line from Hutts Gate Treatment Plant along the Tomb Road to Alarm Forest bus shelter. This is completed and commissioned. I believe also that several boreholes have been drilled by the Water Division in various areas with most being successful in the drilling. Madam Speaker, it was most unfortunate that we had to witness several power outages over the last week or so. These outages was beyond the control of the Energy Division and those working in the Power House as it was discovered that there was a problem with the No. 5 Generator and the fault could not be detected at the time. However, now that the Generator is back in operation and power is back to normal I trust that the problem has been solved.

Madam Speaker, somehow this will not go away, but I would just like to express my disappointment about the way in which the closure of the Sandy Bay Clinic was carried out and I feel that the Administration were out of order when they directed the Health Directorate to close the Clinic without consulting the Committee first. It would appear that there may not be a need for Councillors and Committee if others are to make decisions on policy issues. Another contentious issue, Madam Speaker, was to put the land at Bluemans Field that was in the Intermediate Zone back into the Green Heartland. This land had already been bought by private owners and therefore there should have been some dialogue first before anything was carried out, but it wasn't and for that reason that was given for this to be carried out and changed in my opinion did not justify.

Madam Speaker, I would also like to end by saying that whenever members of Council go overseas to attend Conferences it is not for a ride in the park or for a holiday. Most times the hours that is put in with meetings is longer than what we do here in St Helena and what I can say is that these Conferences broadens our knowledge and depending on the topics and gives one new ideas of how other countries operate.

In closing, Madam Speaker, I would like to thank the Honourable Paul Blessington for his support to St Helena during the time he served as our Financial Secretary and I wish him a safe journey home and good luck for the future. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Earl Henry?

The Hon. Earl Henry –

Madam Speaker, I rise in support of the adjournment debate to say thank you to the electorate of the West Constituency for the support and confidence they have shown in electing me to represent them on this Council. Also, Madam Speaker, I must say thank you to yourself, His Excellency Governor Capes, elected members, officials and staff at the Castle for the compliments and support I've been given at the start of this new and challenging role. I will hasten to add my feet is nowhere under the table yet. It has been a busy three-week period with lots of reading and little bedtime, a steep learning curve has just began, but I look forward to working with the electorate, elected members and officials over the coming months and appeal to the electorate for their continued support in striving to bring power to the people. I also strongly support Councillor Buckley's sentiments about a contributory pension scheme. I have memory of this being discussed in this House by the late Councillor Kenneth Thomas representing the St Paul's West constituency. My words will give an indication of how long ago this has been. Madam Speaker, thank you very much.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak to the adjournment debate? Honourable John Cranfield?

The Hon. John Cranfield –

Thank you, Madam Speaker, I rise in support of the adjournment debate and like my colleagues I take this opportunity to wish the Financial Secretary every success in his future endeavours. I am sure his tenure of office on the island as Financial Secretary has been a challenging one and I commend him for doing an excellent job in difficult circumstances. Thank you, Madam Speaker, I support the adjournment.

The Speaker –

Thank you, Honourable Member. The Honourable Bernice Olsson?

The Hon. Bernice Olsson –

Thank you, Madam Speaker. I have to say the debate sitting listening to the debate today, very good, you leave me little to say, but I support one and all of what was said round this table, round this House today. I'm not trying to take the Honourable Acting Chief Secretary's job away from her, but I would just like to contradict the Honourable Mervyn Yon, the prices of the prescriptions did go out on air, I just thought I would let the Honourable Member know.

My next complaint is, Madam Speaker, the Castle. I think it's about time somebody got their finger out and get something done. This Castle, our heritage, has been like this for eighteen months and I think I've said in the House before, no way will I be going down that Council Chambers anything falling on my head. If I going to die I'd rather die, you know, standing up, but please, please, will somebody give some kind of commitment to this House, because it is a disgrace. I'm embarrassed to be a St Helenian when I walk round that Terrace, nobody seems to take any interest and I suppose I'm gonna be told it's all about money. Our heritage, that is our Castle, a lot of tourist people go there to look round, how do you think, they must think that, you know, we just don't care. There's cracks coming in that place. I mean, even the Governor's Office could go one day, we don't know, because all we're hearing is that they're gonna stick a big rod through, but, I mean, you know, if somebody enlightens me what's going on, but I do ask the Acting Chief Secretary to will you please give us some kind of a commitment in this House when something will be done. It's just like

the Ball in the Castle Gardens. The black ball fell off, good job nobody was walking through it, where is it now? They've stuck it behind the tree, so come on, please get your finger out and start making this place liveable for us. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member still wishes to speak? In which case, I will suspend the sitting until twenty-five past three in order to allow the Honourable Acting Chief Secretary time to gather her thoughts and respond to the debate. Thank you.

Council suspended.

Council resumed.

ADJOURNMENT DEBATE

Resumed debate.

The Speaker –

Thank you. The Honourable Gillian Francis.

The Hon. Gillian Francis –

Thank you, Madam Speaker. Honourable Members have raised some interesting and valid points in the adjournment debate this afternoon and I will endeavour to comment on some of the points that have been raised.

I think two Honourable Members commented on the current framework for the political and democratic processes. Honourable Rodney Buckley made some thought provoking and interesting remarks which I'm sure will be discussed in future forums in the context of the existing Constitution and in context of the recently published White Paper. Comments were also passed about the Infrastructure Programme. In particular, mention was made of the Customs Bridge and I think it was Councillor Brian Isaac who said that he understood that the Customs Bridge, the Bridge that runs from the new terminal building I believe to the wharf, it was mentioned that it is not fit for purpose. I would like to set the record straight, I have been advised that the footbridge can be made fit for purpose; however, legal proceedings are likely to be instituted against the supplier so it is not appropriate to comment any further at this point. On the Infrastructure Programme as a whole, Madam Speaker, concerns have been raised about the lack of progress in implementing the programme and Honourable Members will know that this matter has come to the Executive Council who will be reviewing and monitoring progress in the future to ensure that there is no undue slippage. Comments were also raised about investment in certain areas and whether value for money has been achieved. I would like to remind Members that we do have the St Helena Audit Service whose role it is to carry out Value for Money studies as and when the need arises. The Honourable Stedson Francis talked about scholarships and he paid tribute to Miss Ayla Phillips and Mr Gareth Drabble for their remarkable achievement in achieving their Honours Degree in the UK. I, too, would like to add to what the Honourable Stedson Francis has said, but also to point out that there was a third scholar, Miss Kimberley Roberts, who also achieved an Honours Degree.

The Airport Project was mentioned. Yes, it is an exciting time for St Helena and it was the Honourable Tony Green who said that it could also be seen as an unpleasant time in the short

term. Madam Speaker, I believe that Councillors and officials need to work together to ensure that the Airport Project and the related developments do benefit everybody on St Helena.

The Honourable Cyril Gunnell touched on communications and he said that he was pleased that the St Helena Government Accounts are now posted on the Government website. I understand from my colleague, the Honourable Financial Secretary, that monthly Press Releases will continue to be issued about the SHG accounts. Communications is high on the Secretariats agenda and we will ensure that we will do our utmost to ensure that information is disseminated in the best possible and effective way. I understand that not everybody will have a computer to access the website so we do need to look at alternative ways of making available information so that everybody can have sight of it.

There was mention about the public transport review. I would like to point out that the draft is still to be finalised and I will certainly discuss with colleagues as to the method that was adopted to collect the data.

Councillor Derek Thomas said that he wanted to discuss with me the issue that was raised this morning about recognition for persons who have given loyal service to St Helena and I would welcome the opportunity to discuss that further with Councillor Derek Thomas.

The issue of the Sandy Bay Clinic also was mentioned. I can say that lessons have been learnt regarding the process that was taken to determine the closing of the Clinic, but

.....value for money. It closed on 31st May and mitigation arrangements have been put in place for those residents of Sandy Bay who used to attend the Clinic.

And finally, Madam Speaker, the Honourable Bernice Olsson mentioned the Castle, the cracks in the Castle. I can't, hand on heart, at this point say what is happening in terms of rectifying the problem, I will, however, request a situation report and let the Honourable Member know what action is going to take place.

Sorry, Madam Speaker, finally, I, too, would like to add to the sentiments that have been expressed by Honourable Members about the Honourable Financial Secretary's input into life in the Public Service, into the Finance Department, we should pay tribute to the work he has done and I personally would like to thank him for the support he has given during his term in office.

The Speaker –

Thank you, Honourable Member.

Question that the Council do adjourn sine die, put and agreed to.

The Speaker –

Thank you, Honourable Members, for your attendance.

Council adjourned sine die.

