

ST. HELENA
LEGISLATIVE COUNCIL

THE SPEAKER

Mrs Margaret Anne Catherine Hopkins MBE

EX-OFFICIO MEMBERS

The Honourable Chief Secretary	-	Mr Owen O'Sullivan
The Honourable Financial Secretary	-	Mr Colin Owen
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 Christine Scipio-O’Dean	-	“ “ “
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 Mervyn Yon	-	“ “ “

The Honourable Raymond Kenneth Williams	-	Overseas
The Honourable Bernice Alicia Olsson	-	Overseas

CLERK OF COUNCILS

Ms Gina Benjamin

PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Tuesday, 26th February 2013

The Council met at 2.00 pm
in the Court House, Jamestown

(The Speaker in the Chair)

ORDER OF THE DAY

1. FORMAL ENTRY OF THE PRESIDENT

2. PRAYERS

3. ADDRESS BY THE PRESIDENT

Good afternoon, Honourable Members. I don't intend giving an address this afternoon, I think the main thing is to get on with the business of the House, so we'll move straight to the next item of business.

4. MOTIONS

Motion 1. The Honourable Stedson Francis.

The Hon. Stedson Francis –

Madam Speaker, I beg to move that this House supports a request that adequate funding is made available from within the existing overall roads budget to ensure that recognised district roads on the island, including the road to Unity Cottage, are properly maintained.

The Speaker –

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

The Hon. Derek Thomas –

Madam Speaker, I beg to second.

The Speaker –

Thank you. The Honourable Stedson Francis?

The Hon. Stedson Francis –

Madam Speaker, first of all, I would like to thank the Honourable Derek Thomas for seconding this Motion. Honourable Members may be aware that I have in the past raised many issues in the House about roads, in particular district roads and roads policy. After much deliberating and to'ing and fro'ing, a new roads policy came into effect in November of 2011 and I only recently learned, three days ago, that this policy has now been replaced by an updated version that came into effect in September of 2012. Before then, the roads policy of 2004 made provision that district roads could be built on private property and the land on which it was built remained private property, but in 2006 when that policy was updated to make one change, that the community roads allocation be increased from £1,000 to £1,500, the line which stated, and I quote, "where built on private property, the land remains private property". That line was removed from the policy. Madam Speaker, it was pleasing to know that the new policy of 2011 had that line reinstated. Two roads that were not able to be included on the district roads list, or so it seemed, because of that omission in the 2006 policy, were the Unity Cottage and Prince's Lodge roads. Madam Speaker, these two roads meets the criteria for district roads and I would hope Members would support the Motion to have some money allocated to have some maintenance work carried out on these district roads, in particular, the Unity Cottage road, even if it's not a Rolls Royce job, but made sufficiently improved to be made more user friendly, bearing in mind we do have people living there who are less mobile than most of us and is it not the intention to do all that is possible to have people remain in their homes for as long as is practically possible? The policy says once a district road has been upgraded to a sealed surface it is adopted by Government and maintenance undertaken and this road has been upgraded to a sealed surface many years ago. Madam Speaker, if I could recap on the district road policies, first of all we had an acceptable roads policy from 2004, then in 2006 a vital line was removed from the policy, in 2011 we got a new policy and that line was reinstated, then an updated version in 2012, but what difference did that make, Madam Speaker, if the decision was made not to find a reasonable amount of money of funding for district roads? Previously we had funding and no policy, now we've got a policy and no funding. Madam Speaker, I understand that an amount of around £1.3m will be made available under the Roads Project for the next two years and an amount, £360,000 submitted for the new financial year, 2013/14 from the recurrent budget. Understandably, £1.3m will be used under the R1 Project, but isn't this really maintenance, in a big way maybe, which would reduce the amount of maintenance that is normally carried out with budget funding and could we not allocate an amount to transfer to the district roads? I understand that there is likely to be an underspend in the roads budget of £23,000 at the end of this financial year. In March of last year, the ten Financial Secretary did say during the budget debate, and I quote, "Should there be any savings from a recurrent budget then it may be possible later on in the year to allocate something to those community and district roads". The Honourable Chairman himself also said, Madam Speaker, and I quote, "As the Financial Secretary has said, should there be any surplus at the end of the day then that monies will be used for district roads". Madam Speaker, I would respectfully ask Honourable Members to give their support to this Motion. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. I put the question that this House supports a request that adequate funding is made available from within the existing overall roads budget to ensure that recognised district roads on the island, including the road to Unity Cottage, are properly maintained. The question is open for debate. The Honourable Derek Thomas.

The Hon. Derek Thomas –

Thank you, Madam Speaker. I rise in support of the Motion. We are all well aware that a lot of our district roads throughout the island are in poor state of repair and whereas funding is an issue, and will continue to be, through regular monitoring and inspections, priority should be given to those roads which need most urgent attention. November 2011, a new roads policy was introduced for district and community roads and I understand this policy was slightly amended in September 2012. For this policy to be effective, funding support is needed to support the policy objectives in providing a safe road network. The Motion asks that recognised district roads on the island, including the road to Unity Cottage, are properly maintained. This Council will be aware of the concerns of the road at Unity Cottage. This road serves eleven residents and is in a very bad state of repair and dangerous to road users. The road is only suitable for 4 x 4 type vehicles. The majority of the residents at Unity Cottage are elderly people and disabled children; they are not in a position to be able to maintain this road themselves. Amongst Government's priorities is to support the elderly and disabled, these people need support. Staff within the Public Health and Social Services are finding it difficult to get to these people's homes, they either have to walk or try to arrange for a 4 x 4 type vehicle. This should not be allowed to continue. I understand that it might be the case where the road at Unity Cottage travels through private property. The new roads policy sets out a provision to deal with this through the property owner where the road can then be properly classified as a district road. If this action has not been taken by the relevant Committee, Infrastructure and Utilities, then I will ask that it be given some urgent consideration with a view of identifying some funding within the roads maintenance budget to carry out urgent and immediate repairs in order to comply with their roads policy in making the road at Unity Cottage safe for use. In the event, Madam Speaker, that the roads budget doesn't allow for essential repairs, then I ask that careful consideration be given by the Government to identify any surplus monies within this current financial year to be able to carry out such immediate repairs to the road at Unity Cottage in order for the road to be made safe for the people there to use it. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak?
Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, I rise in support of the Motion. I would like to declare my interest as a member of the Physical and Environmental Department Committee. I previously made a visit, along with, what was at the time the I&U Committee, to visit the road at Unity Cottage to assess the situation. During that visit, the embankments of the road had deteriorated rapidly, that there were gutters on either side of the road, there is one piece of incline that is outside of the house of the gentleman by the name of Mr Vincent Isaac, which is very dangerous. I recall Bishop Salt on one of his morning rounds distributing communion to the residents there and he had in his car some elderly ladies, they slid off the road because of this steep incline. The road is in a very dangerous state. But going back to the original establishment of the road, this road was very much supported by Government; it was very much supported by the Disabled Society. At the end of this road we have a disabled family living there. Funding was provided by Government to have this road reinstated to a vehicular road. Later, the UNDP gave some money, some grants, to the island and this road was upgraded to a reasonable standard, but it is still very much in a dangerous state. We have, as I said earlier, that there are elderly people living there, there is also an elderly lady. If it's raining an ordinary car cannot get to if she needs to be evacuated to the hospital; it's a very

dangerous situation at the moment for the people living there. I've been very much involved as a Councillor with the requests from the residents on this road; I've been very much involved as a member of the Disabled Society in having some support to this. I think we have now come to the conclusion, Madam Speaker, that we can no longer leave the road in the state as it is because it is unfit for people to travel on, it also makes people feel unvalued because we are spending monies under another project in upgrading all of our roads and these people are suffering. They are suffering because they do not have reasonable, decent access to their homes. There have been some negotiations with the landowner who has no problem with the road to remain private but for Government to upgrade it, but the Motion today asks for funding to be put aside to upgrade this road and I give my full support to the Mover and this Motion and I hope other Members will as well. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Thank you, Madam Speaker, one of those Motions that you can't help but support and I do give it my full support. Madam Speaker, the Honourable Member mentioned that people should remain in their own homes for as long as practically possible. This, of course, is part of Health and Social Welfare Directorate's strategy. He also mentioned the people are not as mobile as us, referring, of course, to the disabled people living at Unity Cottage. Madam Speaker, I am pleased to see that in our Aide Memoire, signed very recently, for 2013, there is a section on putting together a framework for better management of the disabled. If it pleases the Honourable Mover of this Motion, I will undertake to recommend to those concerned with putting the framework together that due consideration is given to recommendations for better access to disabled people. The Honourable Brian Isaac mentioned that staff from the Public Health is having difficulty getting to the area in question, and, of course, Madam Speaker, we have to try at least to do something about that. We can't have a situation where people cannot be given the medical attention that they so rightly deserve. Madam Speaker, I have no problems with this Motion, it does ask for some money to be spent, but we have to try and search to see where money does become available from so that this Motion can be given the support that it richly deserves. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Madam Speaker. Madam Speaker, I can accept the sentiments of this Motion, but I would just like to remind Honourable Members that district roads are by definition privately maintained and do not come under the Government's responsibility. With the roads policy, there is the capacity for funding to be made available to surface district roads and adopt them as Government roads. However, funding has not been made available in recent years. Also within the roads policy, there is the capacity for funding to be made available to support the maintenance of community and district roads. This funding was not available in 2012/13, but maybe available for 2013/14. However, it is limited to £2,500 per road and unfortunately this does not go very far on many district roads. The Honourable Member mentioned the roads to Unity Cottage and Prince's Lodge and I'd just say to the Honourable Member that part of the Prince's Lodge road that has been surfaced has been adopted by the Committee of the I&U and the I&U Roads Section will be moving in to do this as soon as possible. I am not aware of any surplus funding being made available at this time to

undertake any further roads, Madam Speaker. To provide additional funding for district roads at a level sufficient to adequately maintain them from the existing Roads Management budget will divert money from the island's main roads. This will leave insufficient funding to maintain the main roads. This is contrary to the fourth measure of the Roads Rehabilitation Project, which is to ensure one tenth of paved main road network surfaces treated each year, road network maintenance in good and fair condition and may affect EDF10 funding. The Honourable Member specifically mentioned the road to Unity Cottage. The road to Unity Cottage is nearly a mile long and is in a very poor structural condition. The most cost effective maintenance option is to carry out major structural repairs and improvements at an initial cost of about a quarter of a million pounds and a recurring annual maintenance cost of about six thousand pounds. This estimate includes all necessary work, including major structural stabilisation of the road, sub base and adjacent banks, parapet walls or fencing, storm water drainage system, laying road foundations and final resurfacing. The estimate also includes an estimate of seventy to one hundred thousand pounds for the construction of a new access road from the Pine Gate route which will be publicly accessible. A more detailed cost estimate and breakdown is not available without a survey and an outline design which has not been carried out. Whilst the Unity Cottage road is part of the Motion and under discussion, I would like Honourable Members to know that the Governor and SHG is aware of the problem and is looking at ways to address it. With regards to the Unity Cottage road, Madam Speaker, I was made to understand, if my memory serves me correctly, that that road was funded under the UNDP funding, it was not upgraded under the UNDP funding, it was funded to cut and to put where it's state that it is in now. The 2013/14 Roads Maintenance budget is expected to be in the region of £65,000, down from £515,000 in 2012/13. As Honourable Members will note, this one road could absorb the majority of the current annual money maintenance budget to be brought up to an acceptable condition. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak? The Honourable Rodney Buckley?

The Hon. Rodney Buckley –

Thank you, Madam Speaker. I am afraid I am not able to agree with my Honourable Friend, Cyril Gunnell when he says that it's easy to support this Motion. Madam Speaker, I have some difficulty with this Motion and it may well be the simple use of words or rearrangement of words that make it difficult for me. I really do sympathise with the request, but in the overall context, for me it asks to support making adequate funds available from the existing budget. Now, first off, the existing budget only have one month to run and the budget for next year is not yet approved. In addition to that, we have just heard the Chairman of Infrastructure and Utilities point out what the problems are with the roads budget, so I wouldn't be able to stand here this afternoon and support that actually, because for me it is an issue that needs to come from the Committee, but it is clear that the whole issue needs to be...a proper plan needs to be made, a repair plan and a maintenance plan and that's going to take some working out. I mean, to ask for large sums of money from the existing budget at near the end of the year, I don't think is quite practical and in any case if it is available I would be the first one to support it. If the Committee came to me as the Economy and Finance member of the Committee making a recommendation that funding is available I'll gladly support it, but I need that from the Committee. For me, this is a job for the Committee, I don't think I would be able to stand here and support that this afternoon, Madam Speaker, because I think that the whole issue requires a proper repair and

maintenance plan for the longer term. It is simply no good taking a few pounds and repairing the road now out of the money that's left over from the existing budget, because we would be here next year with the same thing, so Madam Speaker, I have some difficulty in supporting the Motion.

The Speaker –

Thank you, Honourable Member. Honourable Earl Henry?

The Hon. Earl Henry –

Thank you, Madam Speaker. I rise in support of the Motion, I understand the sentiments expressed by Councillor Buckley. I, too, have visited this road very recently and seen the state it is in, I have previously used it regularly some three years ago and seen how it has deteriorated further. I would also like to bring to everybody's attention that in the Land Disposal Policy and under the Planning policies, consideration has not been given to development there, they don't have roads, or it's not prac.....they don't have existing road and these two areas that is mentioned are established communities and I believe that we do owe it to these communities to provide an improved access for these members of the constituency. To pick up on Councillor Isaac's point, yes, we do go around and say it is SHG's intention to keep people in their own homes for as long as possible, but as a point also mentioned by Councillor Gunnell, that in order for that to happen they do need support from our SHG services and in most cases the health care and gone are the days when nurses will walk two or three miles to visit one patient. I know personally of a retired District Nurse who did just that, but that doesn't happen anymore and we need to improve the infrastructure so as that we as a responsible Government can provide a reasonable level of service and make it easy for those people who are tasked with delivering the service. Thank you, Madam Speaker.

The Speaker –

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

The Hon. Anthony Green –

Thank you, Madam Speaker. I think that it is very difficult not to support the sentiments of the Motion by my Honourable Colleague, but in reality it is difficult to actually be able to allocate funds that don't really exist to the extent that it's been requested here. I think I hasten to add that the Unity Cottage road, that I, and I think everybody else, sympathise with that situation, but the magnitude of costs that have been spoken about are so vast that I think it has to be dealt with in a special way, so while I fully understand and support that, I think it's absolutely difficult using the current situation with regard to both the period left in this financial year, as my Honourable Colleague, Mr Buckley, mentioned, and also for the, what has been allocated under a strict budget for next year, to actually be able to make adequate funding available, because I think what is unknown to me is what is adequate funding and I think in all our minds that that may be difficult, so I have difficulty being able to support the Motion as it stands, but I want to reiterate that my sentiments are exactly with the people, particularly in the Unity Cottage road area and I think that we must pursue as we're doing recently of looking if there are special ways of doing it, because that is a job of great magnitude. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? The Honourable John Cranfield?

The Hon. John Cranfield –

Thank you, Madam, I rise in support of the sentiments of the Motion. As a member of the Infrastructure and Utilities Committee, we have been discussing this very issue for time and time again, Madam Speaker, on the Unity Cottage road, but if funds can be made available, Madam Speaker, then I will certainly give it my full support, but it is difficult, there are no funds available for district roads and no funds available for community roads in this current year and I suspect there won't be any for the subsequent year as well, Madam Speaker, but I will give it my full support if we can find funding to maintain the Unity Cottage road. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? The Honourable Financial Secretary, the Honourable Colin Owen.

The Hon. Colin Owen –

Thank you, Madam Speaker. It's just to reiterate some comments that were made by Councillor Buckley that the Motion actually says funding is available from the existing overall roads budget, which only has a month left to go and you might recall yesterday we talked about the supplementary approval, which took into account some surpluses that we did have on various other budget heads to fund over expenditure on some other budget heads, so the main of the, we'd need to look at what exactly surplus is left on any budget that was there for the year end, but I wouldn't be able to give you an exact figure at this present time, but do bear in mind supplementary approval yesterday aimed to have a balanced budget at the year end.

The Speaker –

Other Honourable Member wishes to speak? You've already spoken, Sir.

The Hon. Derek Thomas –

I just wanted to rise on a point of information.

The Speaker –

You can rise on a point of information if you wish.

The Hon. Derek Thomas –

I don't know if it is appropriate, but you will direct me accordingly, Madam Speaker, but being a seconder to the Motion, I was wondering if you would allow time to consult with the Mover of the Motion to see if he wished to move an amendment to the Motion. Thank you, Madam Speaker.

The Hon. Brian Isaac –

Madam Speaker, I would support that if it's possible.

The Hon. Ken Baddon –

Madam Speaker, I see you're looking at me. It seems to me there are two options: one is that someone can move the adjournment of the debate; the other is that having had the suggestion

put into your mind, you might decide that it will be convenient for the convenience of members to suspend the sitting.

The Speaker –

I will suspend the sitting for five minutes to allow members to just consult with each other about the suggestion there might be an amendment. The meeting is suspended for five minutes.

Council suspended.

Council resumed.

Resumed debate – Motion 1 – The Honourable Stedson Francis.

The Honourable Stedson Francis –

Madam Speaker, I would like to move an amendment to the Motion, please?

The Speaker –

Thank you.

The Hon. Stedson Francis –

I would like to delete the word “adequate” and also delete “from within the existing overall roads budget”.

The Speaker –

Can I just read the wording that the Motion, the amended Motion would then be – “That this House supports a request that funding is made available to ensure that recognised district roads on the island, including the road to Unity Cottage, are properly maintained.

The Hon. Stedson Francis –

Thank you, Madam Speaker.

The Speaker –

Thank you. Is there a seconder to the amendment, please?

The Hon. Derek Thomas –

Yes, Madam Speaker, I beg to second.

The Speaker –

Thank you. Honourable Attorney General.

The Hon. Ken Baddon –

Madam Speaker, I’m sorry to be a nuisance, but I feel obliged to raise a point of order. I didn’t raise this issue previously because it said from the existing roads budget. As it is now written, it seems to me to call for the disbursement of additional funds from public resources. Such a Motion can only be moved with the consent of the Governor.

The Speaker –

Technically, if I dare to argue with the Attorney General, I will be brave enough to argue with you, my lack of.....it's supporting a request for funding, it isn't asking for the funding. It's supporting a request. On a technicality such as that.....

The Hon. Ken Baddon –

If you so rule, Madam Speaker, then so be it. I would not pick a big argument with you over it.

The Speaker –

Thank you, in which case, the amended Motion is open for debate. Honourable John Cranfield?

The Hon. John Cranfield –

Thank you, Madam Speaker, I rise in support of the amended Motion.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, I rise in support of the amended Motion. During the debate, quite large sums of money were mentioned to upgrade the road to a standard that would apply with the policy for upgrading district roads. I have spoken with residents in person and they are happy if Government could assist to make the road safe. They understand the problems with funding, but they're asking if the road could be made safer, because at the moment it is in a very unsafe state. I know drainage was talked about, walls and maintenance and everything else. Sure, I would welcome that, but at this stage, the request is to make the road safer and to fill in the gullies alongside the embankments and the potholes and that, just to make it safe, so that they have reasonable access to get in and out during wet and dry seasons and in cases of emergency. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak to the amended Motion? Honourable Earl Henry?

The Hon. Earl Henry –

Thank you, Madam Speaker, all I do is rise in support of the amended Motion. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Yes, Madam Speaker, I rise in full support of the amended Motion.

The Speaker –

Honourable Member. Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I, too, will support the amended Motion and I don't think there is anything else for me to say. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the amended Motion? Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Madam Speaker. I now rise in support of the Motion, Madam Speaker, since it does not reflect asking the Roads Maintenance budget to supply monies, it is asking that monies be made available, and, yes, I can support the Motion.

The Speaker –

If I might just comment on a technicality, the Motion, I've approved the Motion, the amendment to the Motion because it isn't asking directly to find funding; it is supporting a request for funding. The Honourable Attorney General would disagree with me about my ruling, but I will stick to my ruling because I think I'm right. Is there any other Honourable Member who wishes to speak to the amendment? The Honourable Tony Green.

The Hon. Anthony Green –

Yes, Madam Speaker, I don't think this is as clear cut in my mind as I would like, but certainly I think the sentiments and the change in the amended Motion I will support it. I am a little bit concerned about properly maintained because that is argument to be debated, but in terms of, how you very correctly put it, that this supports a request, then I would be happy to support the Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak at this point? the Honourable Rodney Buckley.

The Hon. Rodney Buckley –

Thank you, Madam Speaker, I, too, will change my mind and support the Motion. I, too, like my Honourable Finance man, the word "properly" is a little bit, perhaps, out of place, but I will agree to support the request.

The Speaker –

Thank you, Honourable Member. The Honourable Christine Scipio-O'Dean?

The Hon. Christine Scipio-O'Dean –

Thank you, Madam Speaker, I also support the amended Motion. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? In which case I call upon the Mover of the amended Motion to respond to the debate.

The Hon. Stedson Francis –

No, just to thank my fellow colleagues for their support in the amended Motion. Thank you, Madam Speaker.

The Speaker –

Thank you.

Question on amended Motion put and agreed to.

The original Motion falls away.

The Speaker –

Next item of business, please?

Motion 2. The Honourable Derek Thomas.

The Hon. Derek Thomas –

Thank you, Madam Speaker. Motion that Government is asked to consider that those persons currently in receipt of the local pension and whose personal income is less than £250 per month, are given free medical prescriptions so as to ease the financial burden that is placed on them and make their situation comparable with those persons who are in receipt of a Basic Island Pension.

The Speaker –

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

The Hon. Mervyn Yon –

Madam Speaker, I beg to second.

The Speaker –

Thank you, Honourable Mervyn Yon. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Madam Speaker, I will declare my interest and can I move an amendment to the Motion to change £250 per month to £300 per month?

The Speaker –

Is there a seconder to the proposed amendment, please?

The Hon. Mervyn Yon –

I beg to second, Madam Speaker.

The Speaker –

Thank you. In which case, the amended Motion is the Motion that is on the floor. The Mover of the amendment, do you wish now to speak to the Motion?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Madam Speaker, I first of all thank the Honourable Mervyn Yon for seconding my Motion. Madam Speaker, those persons who are in receipt of the Basic Island Pension of £49.07 per week currently receive free medical prescriptions yet there are other persons who receive a local pension, whether it be a Government pension or a local, private sector pension and their pension in the month is just a few pounds above what a person would get who's on a Basic Island Pension, they are expected to pay for their medical prescriptions and depending on the amount of medical prescriptions they receive, they then become financially worse off than the person who's on the Basic Island Pension. Madam Speaker, this should never be the case. I have been made to understand from the organisation of Social Services that there are some exceptions to the rules. If a person is aged sixty-five

and has worked for more than thirty years and their local, Government pension or private pension is less than £300 per month then they could receive Basic Island Pension support, which would then entitle them to receive free medical prescriptions. However, if a person who's aged sixty to sixty-five years of age and worked thirty years or more and their pension is less than £300 per month, they would not receive Basic Island Pension support and therefore would not be entitled to free medical prescriptions. Surely this is not right, people should not be penalised because of their age. I have been further told that when we look at personal income there will be a difference depending on the household – a single person with a pension of less than £300 per month would not qualify for support and would therefore have to pay for their medical prescriptions, but if the household was awarded the Income Related Benefit through a claim made by another member of the household who is unemployed then the person could claim for free medical prescriptions. It is quite clear that the system treats groups of people differently and the organisation themselves has confirmed that a number of people who are in receipt of a local pension of less than £300 per month and having to pay for their medical prescriptions, they could become worse off than those persons who are in receipt of the Basic Island Pension. Madam Speaker, the system needs reviewing and I'm asking Honourable Members for their support to the Motion in order for the Government to examine their policies and the systems that are in place to ensure that those persons who are in receipt of a local pension, either Government or private, and whose personal income was less than £300 per month, are given free medical prescriptions so as to ease the financial burden that is placed on them and make the situation comparable with those who are in receipt of the Basic Island Pension. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. I put the question that Government is asked to consider that those persons currently in receipt of a local pension and whose personal income is less than £300 per month, are given free medical prescriptions so as to ease the financial burden that is placed on them and make their situation comparable with those persons who are in receipt of a Basic Island Pension. I would remind Honourable Members this is an amended Motion and you are speaking to the amended Motion, not the original Motion. The question is open to debate. The Honourable Stedson Francis.

The Hon. Stedson Francis –

Madam Speaker, first of all, I would like to declare my interest and would like to thank the Honourable Derek Thomas for bringing this Motion to the House today. Madam Speaker, I fully support this Motion, it's fair to say that there are pensioners who are in receipt of a pension just above that of the Basic Island Pension and who have, in some cases, been a pensioner for many years and at the time when wages were low, received only a modest amount, which is why it is classed as a low income earner, with income only just hovering above that of the Basic Island Pension. Madam Speaker, the Honourable Mover has certainly done his research and it would seem that depending on age some people are treated different to others. I, too, Madam Speaker, would ask that policies are put in place to ensure that those persons who are in receipt of a local pension and receiving medical prescriptions are made comparable to the Basic Island Pensioners and receive free medical prescriptions also. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Thank you, Madam Speaker. We have to first of all bear in mind that Basic Island Pension is an entitlement and it is not, repeat, is not, a benefit. One is entitled to the pension because they have worked for it and is awarded by the amount that is given.

Madam Speaker, I do have to declare an interest.

Madam Speaker, the Health and Social Welfare Committee recognises that there is some unfairness in the payment for prescriptions at the Hospital. Following a review, a proposal to change the way revenue for prescriptions is collected, which, if approved, would more than satisfy the intent of this Motion. The proposal has been put forward to the Finance and Economy people and we await the outcome of that, but if approval is given then every person on the island will not be paying for their prescriptions, the revenue would be collected from general taxation. That is what we have put forward and we look forward to that being approved, Madam Speaker.

However, and in the meantime, the Motion on the floor asks that consideration be given to those persons with a local pension and whose personal income is less than £300 a month is given free prescriptions to make them comparable with Basic Island Pensioners. I have great sympathy with this Motion and I was going to say it appeared to not go far enough until, of course, the amendment was made to bring it to £300. First of all, Madam Speaker, if someone was receiving a pension of £250 and is aged sixty-five they could qualify for a Basic Island Pension if they have worked for thirty years in the St Helena labour market and will get free prescriptions, so what the Motion was asking for is already happening. However, when you look at personal income and current rules, there will be a difference depending on the household. A single person with £250 would not qualify for the IRB and therefore would have to pay for prescriptions. If the household is awarded the IRB through a claim made by another member of the household, as the Honourable Mover said, who is unemployed, then that person could claim free prescriptions because he is in a poor household. Another group of people, Madam Speaker, aged between sixty and sixty-five, who do not qualify for BIP or IRB and only receiving £250 a month, SHG pension, a personal income of £250, would not get free prescriptions. This group, in my view, should be considered for free prescriptions. Also, those who only have twenty-five or twenty years accumulated against a BIP claim and getting £250 a month will not get Basic Island Pension. This group would find it a struggle to pay for prescriptions as their weekly income would be only £57.69 a week and yet there could be a situation where people receiving the BIP and also SHG pension of the same amount and quite possibly earning more, because people on BIP can work if they are able to, and we want to encourage people to earn as much money as they possibly can, Madam Speaker, would still be getting free prescriptions because of the BIP rules. This could seem unfair because you have two groups of people receiving the same amount of weekly income; one group receives free prescriptions because they are on BIP, but the other group not receiving free prescriptions because they are not in receipt of the BIP. I have taken advice from the Claims Manager/Fraud Investigator, Madam Speaker, who has informed me that if the amount specified in the Motion were to be raised to, say, £300, which has already been done now, the people I just referred to would qualify for free prescriptions, but you have to draw the line somewhere, obviously. It may be better to use a percentage above IRB level, as we have in our present medical fees policy, although ten percent won't capture many individuals because a person who is receiving a full BIP and a disability allowance of £9.45 comes out above the ten percent bracket of IRB and therefore would not qualify for free medical, as is the case now. Sounds complicated? Yes it is. Madam Speaker, for the reasons I have given, I would have urged the Honourable Mover of this Motion to propose an amendment to the original so that the amount £250 per month is replaced by £300 a month, I was aware that I could have proposed an amendment myself and the amended Motion would remain with the Mover, but I felt that the Honourable Mover

could derive some satisfaction from proposing the amendment himself. I think the amendment is important. A £300 cutoff would help more people, more vulnerable people, than if the cutoff were to be £250. I have no difficulty with the amended Motion as it currently stands and give my full support. If the amended Motion is approved, I will ensure it is taken to next steps for further consideration. Madam Speaker, thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? The Honourable Brian Isaac.

The Hon. Brian Isaac –

Madam Speaker, I rise in support of the amended Motion. I declare my interest as a member of the Health and Social Welfare Committee and I share the same sentiments as the Chairman, Cyril Gunnell, just shared with members around the room today. Madam Speaker, I would also, whilst making my exposition, bear in mind that we just recently had on island a Consultant from York University, Mr Roy Sainsbury, who has looked at this area as well and has made some recommendations which I hope to see sometime in a report. That will need consideration as well. I also am aware, from the Committee point of view, that a request was put through for free medicals to be picked up by taxation; that's still on the books at the moment, but back to the Motion on the floor today, the amended Motion, I give my support, I know that if it is passed today, the Health Committee, the Economy and Finance Committee and also the Honourable Financial Secretary will have to sit together and see where this money can be found from and that's not easy because if we take it from one pot we'll have to put it back from another pot, but on that note, Madam Speaker, I give my full support and bear in mind that there are other works going on to address this issue. Thank you, Madam Speaker.

The Speaker –

Honourable Member. The Honourable Attorney General is going to rise on a point of order.

The Hon. Ken Baddon –

Madam Speaker, it is not a point of order this time. I just wonder whether procedurally there is any need for further debate. The Chairman of the relevant committee has indicated that he supports the Motion and will ensure that his committee takes the matter forward. At least one other member of the committee has also indicated support. I wonder whether, if the House consents, the question might simply now be put without further debate?

The Speaker –

Honourable Tony Green?

The Hon. Anthony Green –

Madam Speaker, I just then rise on a point of information, perhaps, because I would have addressed it and said that I support the sentiments for two particular reasons, but if we are going to follow the path that the Honourable Attorney General said, all I would like to point out is that, because we've already fixed budget, subject to our LegCo meeting, any change with regard to finding the funding for that, would have to come from within the Public Health budget.

The Speaker –

I'm not quite clear what the Attorney General would like me now to do. At the moment, the amended Motion is on the floor for debate. You're suggesting that as a commitment has been given by the Chairman of the Health and Social Welfare Committee perhaps further debate is not needed?

The Hon. Ken Baddon –

Well, Madam Speaker, it's not especially provided for in our Standing Orders, but there is a general principle of debate in many other places that when it becomes clear that a Motion is going to be approved and, in particular, that the person responsible for the subject matter does not oppose it, the question is put without further debate, but, of course, if any Honourable Member wishes to persuade that they should be heard further, then it is a matter for you.

The Speaker –

Does any other Honourable Member wish to speak to the amendment? The Honourable Mervyn Yon.

The Hon. Mervyn Yon –

Thank you, Madam Speaker. This is going to be short, Madam Speaker. Madam Speaker, first of all I must declare my interest. Secondly, Madam Speaker, I applaud the Honourable Member for bringing this Motion to the House, I believe it is long overdue we talked about our vulnerable people. Following on from the Mover's exposition, are we discriminating those people who are in receipt of a local pension? Madam Speaker, I support this important Motion and I trust that Honourable Members will do likewise. Thank you.

The Speaker –

Thank you, Honourable Member.

The Hon. Rodney Buckley –

Madam Speaker, I support the amendment.

The Speaker –

Thank you, Honourable Member. The Honourable Tony Green, you have actually spoken now?

The Hon. Anthony Green –

Yes, I was just seeking clarification on that, Madam Speaker, because I was actually giving a point of information in response to the Attorney General, but I didn't have an opportunity to say what I would say, but if I'm not allowed to say, I'm quite happy.....

The Speaker –

No, no, no, no, I'm sorry, if you wish to rise to speak to the amendment, I will allow you to do so.

The Hon. Anthony Green –

Thank you very much, Madam Speaker, and I'll be very brief and first of all declare my interest. I would say I support it for two reasons. The first reason is that we've been asked to consider; the second reason is that I really support what's being asked for, because many of those who are affected are those very same people who have made St Helena the place it is today, so I'm very sympathetic to that. I'm just wondering, maybe the Attorney General would see it as a pedantic point, but where we have said less than £300, you know, that could

mean that only those from £299 would get it, would not it be best to say £300 or less? That's just a small point, but just to reiterate a point I made earlier that really regarding funding and the budget, anything that would be adopted in future the funds would have to come from within the existing Health and Social Welfare budget.

The Speaker –

Thank you, Honourable Member. Would the Honourable Attorney General want to comment on the wording of less than £300 implying that it has to be.....

The Hon. Ken Baddon –

This, Madam Speaker, of course, the problem, whenever you have an arbitrary limit in any Motion, that £299.99 is less than £300, £300 is not less than £300.

The Speaker –

Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, if I make a point of clarification. I think £300 is fine. With regard to my Honourable Friend, Honourable Tony Green who sits on my Committee, he, as well as I will have the job of trying to find the money from wherever we can find it from. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Does the Honourable Mover wish to respond to the debate on the amendment?

The Hon. Derek Thomas –

Thank you, Madam Speaker. I'd just like to thank my fellow Councillors for their support to the Motion. Councillor Francis, he gave full support; Councillor Gunnell gave his full support, but he mentioned that a Basic Island Pension is an entitlement, people work towards that, perhaps the same could be said to those persons who receive a Government pension and a private pension, they have done exactly the same thing. Just to wind up, Madam Speaker, I'd just like to thank the Members for their full support and hope that this Motion can now be progressed. Thank you.

The Speaker –

Thank you, Honourable Member.

Question on amended Motion, put and agreed to.

The amended Motion is carried; the original Motion falls away.

The Speaker –

Honourable Members, I think we will perhaps take a ten minute tea break. I suspend the sitting until a quarter past three.

Council suspended.

Council resumed.

The Speaker –

Next item of business, please?

Motion 3. The Honourable Cyril Gunnell.

The Hon. Cyril Gunnell –

Thank you. Madam Speaker, I beg to move that this Council believes that the Government should establish a regular programme of maintenance for key tourist attractions, including the Run, which is an important element of Jamestown's heritage for both local people and visitors.

The Speaker –

Thank you, Honourable Member. Is there a second to this Motion, please?

The Hon. Brian Isaac –

Madam Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Thank you, Madam Speaker. I'm asking Honourable Members to agree that the Run should be well maintained so that it does not become something we used to have. Honourable Members will, I hope, agree with me, that not sufficient attention is paid to regular maintenance to key tourist attractions on St Helena. Indeed, I have listened with great interest to concerns raised by some Honourable Members and also members of the public about the general lack of maintenance to the many tourist attractions and heritage sites that we should be proud of. I will not elaborate here in any great detail about where all of these sites are and what can be done to improve any of them for the benefit of both local people and visitors alike, but suffice it to say, Honourable Members will be aware of such tourist attractions and they will live in close proximity to some of them. I should, however, Madam Speaker, like to focus attention at this time on the Run in Jamestown. Not only is it a tourist attraction, but also an important element of Jamestown heritage. Not to say that others are any less important, but it is appropriate to talk about maintenance of the Run and responsibility for protecting this heritage site as currently many people are expressing concerns about its upkeep. Indeed, they are tasking SHG through their Councillors to put in place a regular programme of maintenance to beautify this attraction, make it safe for walkers and, very importantly, protect the stonework of the culvert from disintegrating. Many people still do walk the Run and others would also if it were safe. Indeed, there is a Waterfall Walk via the Run, but I understand the walk doesn't take place currently because of safety reasons. You may say that this issue could have been dealt with by involving various SHG Directorates and normally I would agree with you, but Honourable Members, I have already tried, unsuccessfully, for three years, to get a Directorate to establish a regular programme of maintenance. Honourable Members will know that I have spoken about the Run previously in this Honourable House. On occasion, contracts have been awarded to clear away growth from within the Run, along the side of the Run and the upper slopes. After a few months, however, the growth returns and the unsuspecting would never know that cleaning had taken place at all. Former Chief Secretary, Andrew Wells, arranged with I&U to release a labourer to do the cleaning on a daily basis. This arrangement worked well for a while, but it fell

through when budget for this work was given up as a saving. So what routine maintenance arrangements, you may ask, are in place for the Run? From the research I have undertaken, I can confirm that there is no routine maintenance at all. The only task Environmental Health Section has is to litter pick the immediate walkway alongside the Run and where safe to do so litter pick the Run course. They have at times extended their basic task to help out where and when could by removing household waste, namely fish, branches etc that found its way into the Run. They have also, on occasion, removed cut branches and vegetation from the mouth of the Run to allow water to escape to the sea. The only other task a member of staff has is to flush gathered water from New Bridge Pond at 6.30 am every day. In the very dry season, there is no water to let out. It is noted that the Environmental Health Section does not have responsibility for unblocking the pools of water trapped behind the build-up of rocks, vegetation and domestic waste and other matter that finds its way into the Run. Currently the Roads Section has responsibility for the Walkways along the Run and by default, the structure of the culvert. There is a budget of £8,000, but this work can only be carried out between other road works as a filler. Some clearing away of vegetation and shrubs was carried out by a team of men some months ago in 2012 and there were admiring glances, but regrowth occurred very quickly and the whole area looked as if it had never been touched. Several weeks ago, a team from Roads recommenced work on the Run and will continue all the way to the waterfront, but once again, regrowth of Sedge and an assortment of other weeds growing in the structure are occurring quickly. No attempt is made to poison the roots. The Acting Transport Infrastructure Manager told me recently that once the weeds are cleared away they may carry out some repointing and masonry repairs to assist waterproofing and prevent or reduce regrowth. I am advised that only stone and lime should be used in repairs to the fabric of the historic Run and not concrete cement mortar. But the primary objective in maintaining the Run is to clear the area where people walk first and return to the less trafficked sections at a later date. Basically, the Roads Section will carry out maintenance to protect the integrity of the structure of the culvert and the ability to use the walkway, but they are not going to carry out any routine cleaning work as their priorities have to remain with the road network. But if the Run is now to be considered a road, does it not follow that the road should be made safe to walk? Like the Environmental Health Section, the Roads Section does not have responsibility for unblocking the Run. Currently there are several blockages in the Run which need to be unblocked very quickly by whichever Directorate responsibility falls to if a health hazard is to be prevented. I had a look this morning and the largest of the pools is starting to smell. Given the problems that can occur and have already occurred when the Run becomes blocked with stones, branches and other matter, can it be possible that no Directorate has responsibility for unblocking the blockages? I thought that for all intents and purposes that the Run is a drain and therefore one would expect guidance about blockages in the Drainage Ordinance, but the Drainage Ordinance doesn't help and in any case the Drainage Ordinance is to be repealed. If the Run is to be considered to be a watercourse should there not be in place routine maintenance to ensure the watercourse is kept clear? The only law that there is for the Run apparently, I understand, and I thank the Honourable Attorney General for highlighting this to me, is Highways Cap 102, 1885 and in Clause 14 it reads, Madam Speaker, if I'm allowed to read from the law book, it reads as follows: "Weeds and bushes on the banks of the Run. All persons occupying land situated upon the banks of the stream known as the Run between the places known respectively as The Big Waterfall and the Upper Bridge shall twice in every year, namely in the month of July and December respectively, cut down or otherwise destroy and clear away all weeds and bushes growing upon the land in their occupation upon the banks of the Run within a distance of thirty feet on either side from the banks and in case such weeds or bushes are not destroyed and cleared away within the said months it shall be

lawful for the Council Committee to give to the occupier of the land in which such weeds or bushes may be seven days notice in writing to destroy and clear away the same.” Madam Speaker, the law is in need of some amendment I think.

Coming to a close, Madam Speaker and Honourable Members, I hasten to add that the Roads Section who currently has responsibility for partial maintenance of the Run areas, can only do what is practical, given that their priority is the road network. No criticism therefore in that direction is expressed or implied, but it is quite wrong, in my opinion, that the Run can only be dealt with when men can be spared from work on the roads. The Run, which is a tourist attraction and an important element of Jamestown heritage, should have a regular maintenance programme. There are trip hazards that should be made safe, vegetation and shrubs that should be kept under control, lighting should be installed I think and very importantly the structure of the culvert should be protected from crumbling. With regard to the latter, I understand there is expertise and appropriate materials on the island to ensure the culvert is strengthened to carry on the purpose for which it was designed for a great many years to come, but someone has to make it happen. However, if the half-hearted attention that the Run has been receiving continues, then the Run will eventually be something we used to have. There should, in my opinion, be cross-sector brainstorming to determine the best method for managing the Run and an established programme of maintenance implemented. I would imagine Environmental Management playing a leading role in the discussions. What I wonder is what is the environmental risks of there not being in place a well thought out programme for maintaining the Run so that it is kept in good order. Madam Speaker, as implied at the beginning of my exposition, there are other tourist attractions that are worthy of attention, which Honourable Members may wish to highlight when responding. Honourable Members, I now commend this Motion to you and trust you can give it your full support that the Government should establish a regular programme of maintenance for key tourist attractions including the Run which is an important element of Jamestown’s heritage for both local people and visitors. Madam Speaker, thank you.

The Speaker –

Thank you, Honourable Member. I put the question that this Council believes that the Government should establish a regular programme of maintenance for key tourist attractions including the Run which is an important element of Jamestown’s heritage for both local people and visitors. The question is open for debate. Any Honourable Member wish to speak? Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, I thank my Honourable Friend for bringing this very important Motion to the House. I, like him, have been challenged by the public in what can be done in having the Run more safe, a walk place, a tourist attraction and this is not the first time that this topic has been raised in this House, it’s been raised on a number of occasions and it has been supported, but nothing has happened. Madam Speaker, if a poll was taken or interview was taken from the people of Upper Jamestown how many uses the Run, reason for using the Run, I think some of the exclamations would be ‘people use the Run because the pavements in Jamestown and the gutters are very uneven, with the amount of traffic moving through Jamestown, it is very uncomfortable carrying a bag of shopping and walking up Market Street to their homes, many people prefer to use the Run, it’s in a beautiful area, it’s cool and it’s safe as long as it’s been made safe. Madam Speaker, I feel that the public will welcome this Motion and I feel sure that Honourable Members have been requested by the public to have some support given to the Run. The Motion also speaks of the tourist attractions around the island, there are many tourist attractions and I know that money is not available in certain

forms to be able to maintain some of these attractions, some of these attractions have now turned into piles of stone and if we want tourists to come to the island to visit these attractions, no one wants to go and visit a pile of stone. I know that funding from DFID is not available, but DFID will support a training programme in renovating these valuable sites that we have. Many of these sites are part of our culture, the Run is part of our culture and on that note, Madam Speaker, I give my full support to the Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? The Honourable Rodney Buckley?

The Hon. Rodney Buckley –

Thank you, Madam Speaker. I rise in support of the Motion, Madam Speaker, because I, too, believe that the Government should establish a regular programme of maintenance, not only for the Run, but for all Crown Estate properties. I will support the Motion.

The Speaker –

Thank you, Honourable Member. The Honourable Christine Scipio O’Dean.

The Hon. Christine Scipio-O’Dean –

Thank you, Madam Speaker. I also fully support this Motion for a regular maintenance programme to be established for key tourist areas on the island. I’d like to say that if a programme is established, I’d also like this programme to be implemented and to be monitored carefully. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Madam Speaker. Madam Speaker, I thank the Honourable Member for bringing this Motion to the House, but it is not clear what are the key tourist attractions that the Honourable Member is referring to in his Motion. Whilst in principle I am sure that there is full support for the need for regular maintenance programmes to be established in relation to the island’s infrastructure there is clearly a fine line to be drawn between what can be considered as basic infrastructure requiring regular maintenance and what can be considered as a key tourist attraction otherwise it could be argued that most everything with a historical link in St Helena will fall into the latter. I note, Madam Speaker, that although mention in the Motion is made to key tourist attractions the emphasis is mainly placed on the Run. The Run, while of historical interest, is very much considered as a basic island infrastructure that is in need of regular maintenance which surely must be the responsibility of one of the SHG Directorates. However, I am pleased to say that it has become part of the responsibility of the Roads Section within the Infrastructure and Utilities since April 2012. I also believe, Madam Speaker, that the cleaning of the interior of the culvert is very unsatisfactory due to the type of litter that has to be taken from the Run, it is a very unpleasant job, Madam Speaker, members of the Road Section had to be inoculated as a safety measure before they could start working on the Run. However, Madam Speaker, the Roads Section since taking responsibility has carried out significant work by starting to address the lack of maintenance that has built up over previous years. However, as it does not form part of the Road Section’s core purposes, it is a lower priority for attention. Once the backlog has been addressed, it is proposed to let a contract to the private sector for regular routine maintenance as the

Honourable Member suggests. It is expected that this contract will be let in 2013, but until such time the Roads Section will continue to address the problems. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas.

The Hon. Derek Thomas –

Thank you, Madam Speaker. I rise in full support of the Motion, a programme for regular maintenance for key tourist attraction sites has been something I've asked about for over a year, in actual fact an undertaking in formal Legislative Council that a proper programme identifying key tourist attraction sites would be established with allocated responsibilities; unfortunately this has never happened as yet. The Run is part of our heritage and is regularly used by local people as well as tourists and in view of that, Madam Speaker, the pathways should be kept in safe condition and the Run properly maintained from blockages and general growth. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the Motion, please? The Honourable Stedson Francis.

The Hon. Stedson Francis –

Madam Speaker, I agree that a regular maintenance schedule for key tourist attractions should be implemented, including that of the Run. If tourism is to be our main economic driver then tourist attractions should be given some priority. Madam Speaker, I raised the issue in this House on more than one occasion about the vantage point for tourism at the Guns at Ladder Hill. The explosives are still stored there and the gates are still locked, so I hope the Honourable Member, if this Motion is supported today, will have better success in ensuring that work on these attractions will be carried out. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the Motion? The Honourable Earl Henry.

The Hon. Earl Henry –

Thank you, Madam Speaker, I rise in support of this Motion and because it has come up within our Tourism Committee on a number of times, even just in the recent time I've been in Council. Thank you very much.

The Speaker –

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

The Hon. Anthony Green –

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

The Speaker –

Thank you. In which case, I now call upon the Honourable Mover to respond to the debate.

The Hon. Cyril Gunnell –

Thank you, Madam Speaker and thank you for the overwhelming support from those Honourable Members that have spoken. A note has been handed to me that volunteers cleared the Run on Sunday, that is correct, but the Run should be the responsibility of the Government and Directorate. The structure of the Run, nobody actually maintains that, although I understand that Infrastructure and Utilities will be repointing at some time, but as I have already said it has been pointed out to me that we shouldn't use cement and concrete and that sort of thing in the Run, it is historic and lime should be used. The Honourable Brian Isaac said the use of the Run is convenient to a lot of people, they prefer to use the Run rather than the street and I know that to be the case. Some tourist attractions, he said, have already turned to piles of stone. Councillor Buckley agreed that there should be a regular programme of maintenance for all of the tourist attractions. Councillor Scipio, thank you, the Run should be monitored once a regular maintenance programme has been set in place; of course it has to be. Councillor Yon is not certain of what the key tourist attractions are, I would have thought that was known to most of us, but the Run, he said, should be the responsibility of some Directorate and he mentioned that it is very unpleasant cleaning out all of the stuff that does get into the Run by some reason or other and piles up, even the water, it is an unpleasant task. But he also mentioned that there is a contract later on, by I&U, to have some work done on the Run, and I think he might have been referring to the culvert there and Councillor Thomas said the pathway should be kept in a safe condition. Councillor Francis mentioned that the Ladder Hill area where the Guns are, that is an area where he has tried to have some maintenance carried out and he hopes that this Motion will hopefully address that area as well and Councillor Henry mentioned, as I am certain he is right, because I am on the Tourist Committee with him and the Run has been mentioned many times. Madam Speaker, from that all I can say is thank you once again to all of those that have spoken and those that haven't I am pretty certain you would agree with the sentiments anyway. Madam Speaker, thank you very much.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –
Next item, please?

Motion 4. The Honourable Rodney Buckley

Madam Speaker, I beg to move that this Council notes the proposals contained in the Discussion Paper entitled ***Improving Democracy and Accountability***, and the views expressed during recent public consultation, and requests Her Majesty's Government to implement the changes set out in that document. Madam Speaker, I beg to move.

The Speaker –
Thank you. Is there a seconder to the Motion, please?

The Hon. Cyril Gunnell –
I beg to second, Madam Speaker.

The Speaker –
Thank you, Honourable Member. Honourable Mover?

The Hon. Rodney Buckley –

Thank you, Madam Speaker. Honourable Members, during my election campaign, just over three years ago, my manifesto gave an undertaking to do whatever I can to change the way politics are currently being done on the island. I firmly believe that that undertaking is what brought me votes to my seat on this Council, because the people have been asking for substantial political change for the governance of our island since the 1988 Constitution, meaningful change, not just changing the fringes of the Constitution and just in case anybody is a bit slow calculating, that is two and a half decades ago and here we are today, nearing the end of six election changes of government with the same old story, not able to unite the community and not able to find our own solutions and decide our own problems.

Honourable Members, as this debate continues the democratic process I have no doubt that it will bring out many, many rare possibilities that if we don't take the opportunities to move to the next political step, which, in my view, clearly must be the introduction of a Chief Councillor system, the middle and low income families of our island will end up being the peasants serving the rich who will enjoy flexing their muscles and watching the peasants at work cleaning the toilets and digging the gardens. The proposed 2005 constitutional change for a ministerial system failed. The real reason for its failure will always be debatable, but one plausible scenario is that it was a great step, a giant step for the island, instead of two small steps. Members have been given notice that there is the possibility of an amendment to this Motion being moved during debate to exclude the office of Chief Secretary, ah, Chief Councillor, my apologies to the Chief Secretary. It was the wish of the people for constitutional change in 2005 and the wish of the people by majority vote that the island was not ready for a ministerial form of government. Government respected the people's wishes and found a way of amending the existing Constitution, but this caused a stalemate with the then elected members and the only thing that came out of that stalemate was the considerable added loss of credibility, not only to the Council itself, which cost the loss of a number of seats to this current Council, but also to the whole political arena. Now, once again, there is indications that the baby will be thrown out with the bath water and water thrown in the faces of the people by their elected representatives. I consider it the job of this Council to provide the platform for elected members in the forthcoming election to reconnect with the people for better government and better governance. It is beyond all reasonable doubts that this Council lost its effective, credible connection with the people. If this opportunity to provide political leadership, which will truly represent the people by majority support of the Legislative Council, is not taken to restore credibility to the political arena, then there cannot be any renewed political will. Credibility at the forthcoming General Election will be brought into question and the people can expect more doom and gloom added to the present restlessness in the community simply through the lack of political leadership providing openness and transparency in all Council dealings.

Madam Speaker, Honourable Members, I now turn to what I believe is the root of concerns for this Motion which is the role and power of the Chief Councillor. First and foremost, Executive Council will be collectively responsible for any advice given to the Governor. The strength of the Chief Councillor's powers lies in commanding political will, political power and maintaining the majority of support of the elected members, therefore speaking as one strong voice of the Legislative Council and advising the Governor and executing legislative bills and all policy decisions. If the Governor do not accept the advice of the Chief Councillor, which has the majority support of the Legislative Council, the Chief Councillor or any other member of Executive Council have the right within thirty days to submit to the Secretary of State his or her comments in writing on the Governor's reasons for not acting in accordance with the advice of Executive Council. For the benefit of listeners, Madam Speaker, and to make clear to them the role of the Chief Councillor, I will give a brief

overview. It is very clear to me that under the existing Constitution and under the proposed amendment to this existing Constitution, the role of the Chief Councillor and all other elected members is purely political and strategic. Elected members is the mechanism to monitor and scrutinise the strategic plans and policies of Government, ensuring that policies are being strictly followed and progress is on target towards achieving the benchmark outputs that is set in both the Departments strategic and budgeted plans. It is also the Councillor's job to ensure that investments, which include the budget, are effectively and efficiently utilised and provide value for money for the taxpayer's dollars. The Chief Secretary is ultimately and directly responsible for the day to day delivery of the Public Service. The Chief Councillor's authority and power is therefore political and nothing more, and rightly so, in my view. There can be no half measures between Chief Councillor's powers and the powers of a ministerial system. Only a full blown ministerial system can have the ultimate responsibility and accountability for the operational and strategic direction of Government. Neither the Chief Councillor nor any member of Executive Council can become a dictator because they must have the majority support of the Legislative Council in all their dealings. The Chief Councillor must be elected by the Legislative Council because that will be his or her mandate. That mandate must include the Chief Councillor selecting the team to form an Executive Council to enable him or her to speak with one, strong, authoritative voice, backed by the majority voice of the Legislative Council and in dialogue with all stakeholders, including the public. The Chief Councillor is responsible to the Legislative Council and because that mandate is issued by the Council his or her ultimate political weapon will be the right to remove an ExCo member who is not performing. Remember, Honourable Members, a sacked ExCo member can only be sidelined to the backbenches and a sacked former colleague is very likely to be a formidable and bitter enemy as a backbencher and would be itching to find evidence-based loopholes to move a Motion of *No Confidence* in the Chief Councillor, or, indeed a vote of no confidence against ExCo as a whole.

Madam Speaker, I will conclude this part of my exposition by reflecting on my three years experience on Council and some of the main points where the island would have been much less, and to use my Honourable Friend's famous phrase *frustrated and in a doom and gloom place* had there been a Chief Councillor in position:

The closure of Sandy Bay Clinic would have been handled much differently and, in fact, might not have closed because at that point it did not have the majority support of the Legislative Council and the Chief Councillor could not, would not have proceeded without that support.

Resignation of the Education Committee. Executive Council overturned the decision of the Education Committee with the Chairman of Education serving on Executive Council, hence the five member resignation. Under the Chief Councillor, the Chairman serving on Executive Council would have had to have collective responsibility and therefore either toes the line with the Council's majority or step down from Executive Council. With five of the Education members stepping down, the Chief Councillor would have been in a hard pushed place to secure a majority and student allowances might still be in place.

The Land Development Control Plan. Again, Council majority support for procedures was not in evidence.

Tax Reform and Protest March. No political leadership, no collective responsibility, no displayed evidence by elected members for majority support although committed to the MOU tax reform, hence the model approach of members doing their own thing, enabling the protest march to go ahead. Under a Chief Councillor situation it would have been a coherent approach through political leadership and a very good chance avoiding unnecessary stress and frustration to the population.

Executive Council and Council Committees elections. To me, that is a joke. How can a nation be governed with any efficiency when the Constitutional structure is a perfect playground for an old boys club, because that is actually what we've got and what we have had for the past twenty-five years. The Chairmen of the two most important sectors in the lives of the island's four thousand people, health and education, and they do not have representation for the people on Executive Council all because the Constitution provides for the Legislative Council to choose members to these positions. And who does the individual human brain elect, who else but your buddies and keep the club in the family. It makes no difference if all my buddies know is that water doesn't run uphill and it's payday on Friday, it makes no difference, ExCo is high powered and one can flex their muscles. I appreciate the comment "Surely members are elected by the people and can work together and decide who best fits where", but we live in a real world and every individual has a mind that belongs to them and nobody else. Asking twelve individuals to politically govern an island of four thousand people through a Constitution that gives them a free hand to fight for their own corner is like asking a mountain to come to the people. That, Madam Speaker, Honourable Members, is only five of the more contentious issues in my three years. You will all know, as well as I do, that there are many more issues that could be added to that list, but for me my entire three years in just about every aspect of Council work, there has been no coherence, no collective responsibility between Councillors, Council Committees, the Administration, to provide effective governance of our island. I strongly suggest that if the majority agreement is reached to exclude a Chief Councillor from this Motion there can be no other direction for these issues to continue in this haphazard way. Such a move will surely take the island back to as far as twenty-five years ago. In fact, I do believe that if the system does not change, demands for a better standard of living will come from every direction of this community because we live in the twenty-first century, a fast growing of economy development that the island is about to face in the next few years will bring with it higher demands on Government. Doom and gloom creates unrest and I can only see this horrible position getting worse, not better, if there is no change in the political system. Honourable Members, your careful thoughts will decide your political futures this afternoon. Madam Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. I put the question that this Council notes the proposals contained in the Discussion Paper entitled *Improving Democracy and Accountability*, and the views expressed during recent public consultation, and requests Her Majesty's Government to implement the changes set out in that document. The Motion is open for debate. The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Thank you, Madam Speaker. The Honourable Rodney Buckley, mover of this Motion, has put forward passionately his support for the document *Improving Democracy and Accountability* and referred to the public consultation process which sought support from the public for the said document in its entirety or which parts of the proposal could be supported and which parts, if any, required amending. There is no need for me, I think, Madam Speaker, as seconder of this Motion, to repeat much of what has already been said, but suffice to say I do agree with most of what has been said in the Honourable Member's exposition. I should, however, like to make the following points:-

Two words, Madam Speaker, accountability and responsibility. Accountability and responsibility to the electorate of St Helena by both the SHG officials and the elected members. Elected members themselves agree with the public that accountability is lacking

and the lines of responsibility are blurred. The public is frustrated with current arrangements and would like to see improvements made. The public needs to be confident that their interests are uppermost in the minds of their representatives. Councillors have listened to what the people are saying and have taken action to bring about improvements in accountability and to make the lines of responsibility less blurred. They have done this, first of all by in-depth discussions amongst themselves leading up to the proposals in the discussion document *Improving Democracy and Accountability*. The proposals, if agreed, would lead to improved structure in which Councillors are readily accountable to the people, which is an important element of good governance. Notwithstanding other areas where there is need of improvement, the most important improvement that is needed is, Madam Speaker, and who can disagree, in the Executive Council itself. There is no specific ownership of decisions made by Executive Council members, there is no leadership, ExCo needs to be more sharply focused. This is why there was the decision to include Chief Councillor in the proposals to amend the Constitution. A Chief Councillor who would select his or her own team. The Chief Councillor would need to select their own team if he or she is to have confidence that he or she will have the support of his colleagues or her colleagues when decisions are made. If a Chief Councillor is not able to choose his or her own team, then there is no point, Madam Speaker, in my view, of having a Chief Councillor. Under the present system, there is no opposition. In this respect, I am pleased that there appears not to be any opposition to the system of changing to Chairs of the five committees becoming the Executive Council. Under such a system, the seven non executive Council members could be seen as backbenchers, to scrutinise the Executive and I think under a system that was proposed there will be more chance of people coming up with a vote of *no confidence* of a member of the Executive Council or, indeed, of any other member, but under the present system there is no chance of that vote ever taking place. Whether there is a Chief Councillor at all and how that person should be elected seems to be the one controversial point coming out of the consultation process, is, of course, Chief Councillor and yet having a Chief Councillor would be an important part of the evolution of government as St Helena democratically moves away from the committee system of government that is currently in place and move forward eventually to a ministerial form of government. It will be a stepping stone, if you like, to the greater things ahead. Madam Speaker, I will listen with interest to what other members have to say and come to a conclusion based on my own personal view, the views expressed by Honourable Members and, importantly, views expressed by the public. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Tony Green.

The Hon. Anthony Green –

Thank you, Madam Speaker. Although the initial Motion was carried in this House last September while I was away, the Honourable Mover did send me a copy of his LegCo exposition on my return. The proposal before this House today has various parts to it, in my opinion. In principle, and I repeat, in principle, I am in favour of all the various parts. However, when we come to the detail, I can't support one part of it. That is about a Chief Councillor. In principle too, I support the idea of having a Chief Councillor to improve accountability and providing political leadership; I believe these are needed, but there is a downside that really worries me. So I want a Chief Councillor, but I don't think that he or she would have the means to an end. Coupled with that, there are other complications that come to mind. I'll share a few thoughts. If Committee Chairmen were to become the ExCo members, then surely they should take responsibility for decisions within their portfolio.

What if the Chief Councillor's views on an important matter differs from those of the other ExCo members? Whose advice will the Governor follow? I have asked that question in a casual conversation and the view was expressed that the Governor would perhaps have to follow the advice of the Chief Councillor. If that were the case, what about democracy? In other respects, the Chief Councillor's responsibility seems reasonable. So too would be the sanctions like facing a vote of no confidence and in the face of such challenges, a Chief Councillor would need to have the tools to do the job. The problem, as I see it, is that the Chief Councillor would not have the **teeth**, the authority, to fully exercise his or her responsibility. Authority is about having the right to exercise power. Responsibility without authority is a deadly combination. The present proposal seems to be about making someone accountable for the work of others but without the accompanying clout. A Chief Councillor in that situation could well feel helpless and become frustrated. My point has since been captured nicely in the submission by the Citizenship Commission in an open letter to Councillors in the media on 25th January, earlier this year, when they said that if a Chief Councillor is to hold the responsibility of being personally and directly accountable to the Legislative Council for the business of Government, the Chief Councillor will also need the constitutional authority that goes with it. That's my point exactly.

So what have we heard from the public about having a Chief Councillor. The report from the meeting at Kingshurst indicates some support for the Chief Councillor position. From the Jamestown meeting it was said that the Chief Councillor should not be allowed to choose members of ExCo and this should be done by elected members. This, to me, indicates that in principle there was some support for a Chief Councillor. Blue Hill raised no objections on the night, but at the meeting it was said that they did not quite appreciate the proposals. It is arguable then that not raising an objection cannot be taken as support for the proposals. The Half Tree Hollow meeting had reservations about a Chief Councillor. The constituents at Sandy Bay meeting were completely against it. Other members of the public have come forward and said that they are not in favour of a Chief Councillor, so Madam Speaker, we have engaged with the community.

I've mentioned some of the varied views for a particular reason. The Foreign and Commonwealth Office has said that any amendments to the Constitution are only done if Her Majesty's Government is satisfied that the amendments are widely supported in the territory. Even though there's no clear measurement to assess public reaction, I believe that in respect of the element of Chief Councillor it cannot be said that this has the majority support. In summary, I'm not in favour of having a Chief Councillor as proposed. The idea is good in principle, but a Chief Councillor without the necessary authority would be grossly unfair. I gauge that other parts of the proposals have the support of the majority of the people. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac.

The Hon. Brian Isaac –

Thank you, Madam Speaker. Madam Speaker, I've listened with interest on the debate here today and I beg to move that the Motion be amended. Do I have your permission, Madam Speaker, to move an amendment to my

The Speaker –

Yes, please would you read your amendment, please?

The Hon. Brian Isaac –

Thank you, Madam Speaker. I beg to move that the Motion be amended by adding at the end the following words, namely, “save that this Council does not support the establishment of an office of Chief Councillor and believe that the five Committee Chairmen should be elected by the Legislative Council and should then serve automatically as members of the Executive Council.” Thank you.

The Speaker –

Is there a seconder to this amendment, please?

The Hon. John Cranfield –

Yes, Madam Speaker, I second the Motion.

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Madam Speaker, but I thank my Honourable Friend for his support in seconding the Motion. Madam Speaker, before I speak to the amended Motion, I would like to thank my Honourable Friend for bringing this very important Motion to the House seeking the support of Council to make an amendment to the 2009 St Helena Constitution and contained in the Discussion Paper entitled *Improving Democracy and Accountability* along with the views expressed during public consultation meetings.

Madam Speaker, I have given serious consideration before moving this amendment before the House today as it could portray a non adhesive government. What I stand here today and say that this is not the case, because I have been privileged to express my concerns very much as all other members on this paper. I personally feel that a Chief Councillor would give leadership to the Legislative Council and he or she would have a major role in the island’s political affairs and promote St Helena wherever possible, but with that in mind I would ask the question *what political power would the Chief Councillor have under the Constitution?* The answer is that the Constitution does not provide for a Chief Councillor at this time or provide the procedures for the removal of a Chief Councillor or his Cabinet. The Motion also makes reference to the Discussion Paper entitled *Improving Democracy and Accountability* and the views expressed during recent consultations and requests Her Majesty’s Government to implement the changes set out in that document. Having given my support to the Discussion Paper, and I for one who wants to improve democracy and accountability, I must first highlight that none of this will work if we do not take the views of the people of St Helena along with the decision making where possible and if we do not recognise that the people’s concerns are important we fail in our endeavours to give full representation to the people we serve. Yes, we as Councillors do have to make decisions where at times it is not always possible to consult with the public on each occasion, but when we do have evidence that the public is not happy with a particular piece of Government business we must stop and listen as it is not always the case we get things right the first time. I would wish to draw attention to Honourable Members of the West who attended the constituency meeting at Sandy Bay where strong discontentment against the office of Chief Councillor was aired as well as concerns raised at other constituency meetings. I have been privileged to read the notes on the public information sessions held around the island from 8th to 25th May and the written responses on the Constitution reform. The responses were very positive from members of the public, the Citizenship Commission, the Human Rights Office, the Public Accounts Committee, all often very supportive proposals and voicing some of their concerns. One issue that keep arising from time to time is the time allocated on the information

sessions. There are still concerns among the people that we are rushing this amendment through this Honourable House without giving the people a longer period of time to understand the changes that will affect them in some form or other as long as they live on St Helena. It is all about managing change in a small and isolated community which is soon to face and deal with every situation that the real world faces. Following the public meetings, radio and media coverage on the proposed amendments of the Constitution, I have been lobbied by some members of the public expressing their discontentment in having a Chief Councillor at this time and I will relate some of the concerns given. One gentleman said “If a vote of no confidence was taken against the presiding Cabinet and the Cabinet falls whereby a second Cabinet would be elected from amongst the remaining Legislative Council, out of a worse case scenario a second vote of no confidence was taken against the second sitting of the second elected Cabinet, Government business would come to a halt as this scenario would clearly demonstrate that only two votes of no confidence can be taken against the Cabinet within any four-year term of office of Council meaning there could be any number of General Elections within any four-year period if frivolous votes of no confidence is taken which could tip the balance of political continuity within Government and could give cause of unrest among the people.” Secondly, another gentleman said “The Chief Councillor will be given a portfolio of political overview of Government business, but will be limited to what he can do, not having any political power under the Constitution.” Another comment made, “Councillors are introducing a mini form of ministerial government on principles that do not associate within our political framework.” There are other comments, but the final one, which has been very much highlighted by members of the public, “If the Chief Councillor elects his own Cabinet, it could be the possibility of nepotism.” Madam Speaker, if the Motion before the House today is passed, the Cabinet would be elected by the Legislative Council who would automatically serve as members of the Executive Council and the fear of nepotism would fall away. There were other concerns that I was able to give explanation to, such as the Public Accounts Committee, Election of the Executive Council, which have gained the support of the people. Other questions which have been put to me on a number of occasions are – “Why are we rushing this amendment to the Constitution?” “Has Council been given any constitutional, legal support by a Constitutional Lawyer?” “Why are we not waiting to have a full review within a reasonable timeframe giving the processes that the amendments must pass before being tabled at the Privy Council?” Madam Speaker, I am not here today to say what is right or what is wrong, but to demonstrate that we are working as a democratic government and that the views of the people are being listened to. I am not sure how members will cast their vote on this amendment, but I will vote on my conscience for the people, as I feel I will be giving the people I serve the full representation they deserve. If I fail to address the concerns conveyed to me I would be doing the public an injustice in what is expected of me as a Councillor. Madam Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. The amended Motion, which is now open for debate, reads that “This Council notes the proposals contained in the Discussion Paper entitled *Improving Democracy and Accountability*, and the views expressed during recent public consultation, and requests Her Majesty’s Government to implement the changes set out in that document, save that this Council does not support the establishment of an office of Chief Councillor and believes that the five Committee Chairmen should be elected by the Legislative Council and should then serve automatically as members of the Executive Council. The question is open for debate. Honourable Members, you will be speaking to the amendment. Honourable Attorney General?

The Hon. Ken Baddon –

Sorry, Madam Speaker, on a point of order. I might have misunderstood what you just said, but I had the impression that you were saying that the Motion has been amended and the debate is about the Motion as amended. With respect, that would deprive the Council of voting for the Motion as originally proposed, but it maybe that I misunderstood?

The Speaker –

I hope you misunderstood, I was reading the amendment in order that they can debate the amended Motion, not that it's been voted upon.

The Hon. Ken Baddon –

Thank you, so the question before the Council now is shall we amend the Motion?

The Speaker –

And if they're speaking they're speaking to the proposed amendment as opposed to speaking to the original Motion.

The Hon. Ken Baddon –

Thank you.

The Speaker –

Thank you. I'm sorry if it wasn't clear, I hope it is now. Does any Honourable Member wish to speak? Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Madam Speaker. I can support the amended Motion. It deals with many other concerns that were raised in the public consultation and the other feedback that we've received about a Chief Councillor. I'd just like to say that I really like the idea of having a Chief Councillor, but setting him or her up with responsibility for Government business but not having the authority to have a means to an end would be political suicide. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I thank the Honourable Brian Isaac for bringing forward the amendment which we are now discussing and as I said, Madam Speaker, earlier, that I would listen with interest to what other members have to say and come to a conclusion based on my own personal view, the views expressed by Honourable Members, and, importantly, views expressed by members of the public. This is still the case, Madam Speaker. It is perhaps unfortunate that more people didn't take part in the consultation process and when people represent other people and views are expressed by them and we don't really know if it is their own views or have they consulted with other people to get the basis of what they actually write. But, Madam Speaker, the Honourable Brian Isaac did say what political power would the Chief Councillor have. That, I suppose, is worrying. He also mentioned rushing the amendments through. Madam Speaker, I would be the first to say that it was, indeed, rushed through, I actually mentioned that when we had our Info LegCo talking about this, but we were informed by the Attorney General that it needed to be done in a certain time for it to be

able to get to London in a certain time and this is why the Councillors agreed that it should go out to the public, but I am very certain that if there were more time that could be given, I'm very certain the full Council would have wanted more time to have discussions on this and for the public to have discussions on this. So the main thing then, according to what I have learnt, is the idea of a Chief Councillor. This is not new, Madam Speaker, it is not the first time this has come up, it has been mentioned before, but the concept is though a brand new concept for the public to consider. Having the Chief Councillor is a major step in the evolution of Government. We do have to get in place, Madam Speaker, some kind of system to make Councillors more accountable. You know, Executive Council, as I said earlier on, is the main body that needs sorting out. There is no leadership, it lacks focus and I have seen times, Madam Speaker, when we have caucused green papers prior to ExCo and then it goes to ExCo and ExCo make their own decision and sometimes not report back to the people they should report back to. The whole thing needs sorting out when it comes to ExCo and especially when it comes to election of people to ExCo. It is too haphazard at the moment and during the last round when we looked at the mid term I heard people say *give somebody else a turn*. How the heck do you give somebody else a turn, Madam Speaker? It's not about, you know, it's not entertainment, you don't just give somebody else a turn. And so I am pleased to see that the five Chairmen of perhaps the largest Committees would become the Executive Council, then you wouldn't be giving somebody else a turn. But Madam Speaker, once again though I will wait and see what other members have to say before I make my conclusion. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Madam Speaker. Madam Speaker, I rise in support of the amended Motion. I will base my decision on the rounds of public consultations that we took out to the public. With regards to that consultation, Madam Speaker, I was very surprised to hear from most of the people in those consultations throughout the island that they did not wish for a Chief Councillor. To take the views of the public along with us, which was the whole idea of going out, and I feel, Madam Speaker, that for those members who did attend those public meetings they should abide or listen to the public, that's the whole idea of going out to the public, to get their views. With regard to the five Chairmen of ExCo, I feel that we should be getting those five members from the Legislative Council as we used to do in the past by voting for those five Chairpersons in the House and I would agree for that, Madam Speaker. With the Chief Councillor, it could be a good idea, but I don't think we are so ready for that yet. I think, Madam Speaker, that we need to have a little more time and if need be then let's do it some time later. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable John Cranfield?

The Hon. John Cranfield –

Thank you, Madam Speaker. I rise in support of the amended Motion. Madam Speaker, more often than not we are accused of not listening to the public. I attended the Jamestown Community Centre meeting and the very same thing came up, we don't listen to the public, and as far as the consultation went, as far as I'm concerned, the public has spoken and their view is that they don't think it's necessary to have a Chief Councillor, so I will go along with that, I've listened to the public and I'm expressing my view and I'm taking the public along

with me. But in closing, Madam Speaker, I wish to state categorically that I did not cast my vote for the last five members on Executive Council because they are my buddies. Thank you very much, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas.

The Hon. Derek Thomas –

Thank you, Madam Speaker. I do not support the amended Motion. Our Constitution, Madam Speaker, was enacted in 2009; it is relatively new where this Council has had the experience of working with it for just over three years. The document contains some good plus points, it provides for fundamental rights, freedom of individuals, independence of the judiciary system and the Public Accounts Committee. Chief Secretary, Financial Secretary no longer have a vote in Council and it's been a general shift of power from the Governor to Councillors. Having had the experience of working with the Constitution, it was felt by this Council that the democratic accountability of elected members needed to be tightened up. Madam Speaker, this resulted in a resolution being passed by this Council in the House in September 2012 asking Her Majesty's Government to undertake adjustments to the Constitution in order to provide improvements on how elected members are elected to Executive Council and improvements to the Public Accounts Committee, thereby to further the practice of good governance on St Helena. Madam Speaker, a Working Group was established to work up the proposals, which was to be submitted to Her Majesty's Government. The proposal contained the appointment of a Chief Councillor, which was to be elected by the Council. Once appointed, the Chief Councillor would then select his or her team of four other elected members to serve on Executive Council. The Committee structure would then be reduced from eight committees to five with the members of Executive Council will be Chairpersons of those committees. In order for the Chief Councillor to be effective, it was felt that he would need to be able to select his own team who he felt would serve with him on Executive Council best. Seeing that the recommendation contained a provision for elected members to remove the Chief Councillor by a vote of no confidence if it was felt that he was not performing well. Madam Speaker, elected members endorsed the recommendations of the Working Group and gave me a mandate that the paper on constitutional change should be top priority when I attend my bilateral meeting with the Foreign and Commonwealth Minister in London on the Joint Ministerial Conference in December 2012. I followed this Council's instructions and the Minister gave approval for the process to go ahead. Following my return the same month, December 2012, I reported to the Council that the Minister had given approval for the public consultation to go ahead on the proposed changes to the Constitution. In Council we discussed how the consultation should be held. Questionnaires were discussed, but it was decided against that since the questionnaires on the Election Ordinance did not prove to be successful. I, myself, Madam Speaker, challenged the length of time that the consultation was to be held, I thought it was rather short, nevertheless members of the Council agreed that the consultation period was adequate. Following input from the Attorney General, they felt it was adequate and gave approval for the consultation to go ahead. I say this, Madam Speaker, because this Council agreed on how the consultation exercise should run and now I find it somewhat strange that some members are challenging the process. Constitutional matters are not easy to understand for everyone and therefore I found myself having to explain more than once the proposed changes to members of the public who attended the public meetings. Madam Speaker, the public who attended the public meetings, some members of the public were against the proposal for a Chief Minister whereas others did not say anything. Now having asked for the

changes to be fully explained and did not say whether they agree with the proposal or not agree, can members say that those who did not speak on the Chief Councillor was not in agreement? Having led the consultation exercise, 145 people attended the public meetings, Madam Speaker, and for those who did not object to the Chief Councillor but on occasions asked for the recommendation to be explained, it was taken and accepted that they were in support of the proposal for a Chief Councillor, so I don't quite see where members can say the majority was not in favour of a Chief Councillor. If we are to count those who attended and who did not speak against the Chief Councillor, if we are to accept that they were in support of the Chief Councillor, then I can tell you now, Madam Speaker, that the majority of the public who took part in the consultation was in support of the Chief Councillor. Madam Speaker, I find it somewhat strange now that this Council who canvassed for this change has now changed its direction and no longer support the recommendation that they themselves put forward. Elected members are well aware of the result from the consultation, and, like I say, if we are to accept those who did not comment, did not object to the appointment of a Chief Councillor, if we are to accept that, then I have to say the majority were in favour of the Chief Councillor. Madam Speaker, I was recently responsible for leading the consultation exercise on proposed changes to the Election Ordinance. That consultation took the form of issuing questionnaires, 2,400 we issued, together with radio information programmes, out of which only 123 returned where the majority of the 123 wanted to see one constituency, wanted to see one constituency and Council decided that despite the low numbers we should let the democratic process follow and proceed. Now I ask why is there a sudden change, why is there a sudden change? Madam Speaker, we are in the twenty-first century where we need to move along politically. People are not fully satisfied with the present political situation and here is an opportunity for us to move forward in the best interests of the island. In most things of life you have a leader, somebody there to take up responsibility and be accountable, even a car needs a steering wheel, all organisations needs a leader. Here is an opportunity to set up a system which is going to be beneficial to the island. Moving on the line of bringing back five committee chairpersons to Executive Council does not, in my opinion, advance the system sufficiently. What it does is take the system back to what it was some years ago. What is needed is the extra provision for leadership, responsibility and accountability. With the Chief Councillor it will give the public more say with the running of the country. If the Government is not performing properly, the Legislative Council can bring the Government down with a vote of no confidence in the leader. In turn, the Chief Councillor can recommend to the Governor that a new election should be called and therefore give the electors the opportunity in forming a new government. Madam Speaker, I see this as a step forward in managing our affairs. It would seem that we are quite happy to stay where we are and allow others to manage our affairs. Madam Speaker, I feel it's my duty, having led the public consultation exercise, to go with the majority who took part in the consul.....who officially took part in the consultation exercise and I have to say, based on the evidence that I have collected in the public consultation, the majority of people who took part was in favour of the Chief Councillor. Thank you, Madam Speaker.

The Speaker –

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

The Hon. Earl Henry –

Thank you, Madam Speaker. I rise in support of the amended Motion and I do so because not only taking into account the 145 constituents who attended the official consultation process,

but also other private consultations. The Constitution is considered to be the most important law of the land. What has been said to me is what will you do next in terms of change with so few representations? I believe that the process of consultation was short. We haven't allowed any people who have said yes in the first round to reconsider and change their mind, we haven't allowed those people who didn't say yes to come out and say a definite no or a definite yes, we are assuming that silence meant yes. In my view, we need to hear definite yes or no. Also, I believe in having leadership, I understand no team, no sports team goes out to compete without a captain, but are we ready at this point in time? There is so much mention about leadership and responsibility. I cannot speak with any authority; I've only been elected to this House for only just eight months, but I believe that the entire Council needs to be more collective; we need more cohesion within the entire Legislative Council. When I can see that happening then I perhaps could be persuaded to move to a higher level.

Honourable Councillor ? Cyril Gunnell –

Good point.

The Hon. Earl Henry –

At this point in time, Madam Speaker, I don't think I can labour the point any further, but to say I still support the amended Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the proposed amended Motion? The Honourable Stedson Francis.

The Hon. Stedson Francis –

Madam Speaker, some of us in this House today might recall back in April 2003, ten years ago, when we had on the island Ian Hendry, Alan **Harpo** and Michael Bradley to prepare St Helena for a ministerial system of government, a modernised constitution that would replace the 1988 Constitution. Unfortunately, the consultative poll that was held in May of 2005 revealed that the majority of those who voted were not in favour of a ministerial form of government. In 2009, a new Constitution was eventually adopted for St Helena, Tristan and Ascension which seemed to have been an improvement on the 1988 Constitution, but still didn't do enough. Following the resolution, which was moved by the Honourable Rodney Buckley and which was passed in this House in September to undertake minor adjustments, consultation took place and whilst in the main there was support for most of the changes, the only sticking point that I can see with little support seems to have been the issue of having a Chief Councillor with that Chief Councillor choosing his own four elected members to serve on Executive Council. I was of the opinion that accountability and responsibility would lie with five individual elected members of ExCo elected by Legislative Council who would be responsible for their portfolios. The proposal to limit the number of committees from eight to five received favourable support as did the proposal that members of Executive Council should be ineligible for election to the PAC thus restoring the collective responsibility and democratic accountability and no longer being in a position to scrutinise themselves. I fully accept this principle, Madam Speaker, of separation of duties, as I found myself in this position when I was elected to Executive Council in September of 2012 and took the decision to resign my seat on PAC. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak to the amended Motion? The Honourable Rodney Buckley.

The Hon. Rodney Buckley –

Thank you, Madam Speaker. I will speak to the amended Motion, of course, but just let me first say there's some very, very powerful and passionate arguments put forward and I am quite sure that members will find a bit later that they will need to bring those powerful and passionate arguments to the forefront, but for now, Madam Speaker, I will speak to the amended Motion and I'll just say to start with that you won't get change if you don't make change. The people are asking for change which will make improvements. I really do believe that to amend the Constitution just to accommodate five Chairpersons to serve on Executive Council will simply make no improvements to the incoherent way of Council and of the Government now operating. We can have five committees right now without amending the Constitution; the Governor decides how many committees there shall be, Legislative Council elects chairpersons now and you are asking for this to continue in your amendment. The only difference is the elected five would serve on ExCo, but the old buddy election scenario is not removed so clearly there is every chance that the wrong people could end up as chairpersons, which would also mean the wrong people serving on Executive Council, the same as today, with no political leadership. It is no good saying chairpersons serving on Executive Council worked before because if it did why was so much pressure put on changing the Constitution over the past twenty-five years? The fact is the system is well suited to an old boys club but not for the effective governance of four thousand people in what will very soon become a fast growing economy. The reality is that elected members could be serving on Executive Council and not performing or not capable of delivery and unless somebody is brave enough to create an enemy by moving a vote of no confidence that member cannot be removed until halfway through the election term for Executive Council re-elections, providing of course that that provision is not removed. I suggest this is not the way to govern a nation. The re-election of executive members halfway through the election term where the Legislative Council elects chairpersons simply puts the island right back to where we are at this very day, in a state of no coherence political system, with no leader and miles short of providing openness and transparency in dealing with the members requests. Tristan da Cunha is more advanced than we are; they have a Chief Islander to lead their football team. I see no benefit for the people whatsoever if the amendments to the Constitution does not include the office of a Chief Councillor. I am certain actually that there are indications of self interest, both from outside and from within and.....

The Speaker –

Honourable Member, sorry, but I think you are out of order to impute,just finding the Standing Order.....

The Hon. Rodney Buckley –

Madam Speaker, I shall withdraw that if it helps.

The Speaker –

May not, yes, you shouldn't, the Standing Order refers more to a question than to a Motion, but I think the principle of it shall not contain inferences, opinions, imputations or...and I think you're imputing something about the character of other members of this Honourable House, I accept that you withdraw that statement.

The Hon. Rodney Buckley –

Thank you, Madam Speaker, I take your guidance and withdraw that. The rest of the statement went on, wasn't referring to this House at all, but anyway, Madam Speaker, I will

withdraw that with pleasure. Madam Speaker, I think at this point, on a point of order, under Standing Order 10, Madam Speaker, on a point of order, I wish to propose a Motion and seek your permission?

The Speaker –

You have my permission to under Standing Order 10 (1) (b).

The Hon. Rodney Buckley –

Standing Order 10 (1) (b), I propose a new Motion.

The Speaker –

Please would you read the new Motion for me?

The Hon. Rodney Buckley –

Madam Speaker, I beg to move that this debate on this Motion is adjourned until the next meeting of this Council expected to be scheduled for 22nd March to allow further consultation with the public in an endeavour to secure an evidence-based majority mandate from the voters on the issue of whether or not the office of a Chief Councillor is desirable in the constitutional proposals now under discussion. Madam Speaker, I beg to move.

The Speaker –

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

The Hon. Derek Thomas –

Madam Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. The Honourable Rodney Buckley?

The Hon. Rodney Buckley –

Thank you, Madam Speaker. Honourable Members, I proposed this adjournment so that everybody can have a second bite at the cherry. It is very clear that there are considerable concerns, both in this House and in the public on the course this process has taken and is taking. Clearly members have concerns of their own and clearly they have concerns from the public. There is strong criticism that the 2009 Constitutional change was not done democratically, be that right or be that wrong and although that is history it will always be a bonnet in the people's eyes of this island. For as long as that mindset continues, it will create political negativity. Today is the present and here we are again facing strong criticism that this current process is also not democratic, so is it right for us as Councillors elected by the people to proceed on this issue knowing full well that we do not have any evidence-based facts on the majority wishes of the people. As we have heard from members around this table this afternoon, there is serious concern that we don't have that evidence-based majority facts. I submit, Honourable Members, that the responsibility and accountability rests with this Council and I would suggest that this Council owes it to its successors in the forthcoming election to leave a platform that is mandated by the people. I further suggest that it is time to put this islandwide issue of not doing things democratically behind us and setting a course of creating harmony and building a united community. How do we do this? I suggest we start by demonstrating to the people the fundamentals of leadership and democratic processes starting with the values of majority support. If Honourable Members see fit to give their majority support to this Motion, I will undertake to lead the organising of further

consultation, concluding with a consultative poll by secret ballot. This would be a Councillors consultative poll, not a Government poll, allowing the people to take full ownership of the result. The poll would be held in each of the eight electoral areas using the Register of Electors and printed ballot papers to ensure fair play. I would invite Councillors to join me and man each of the eight Polling Stations, this invite, of course, would be voluntary and I most certainly would not hold it against any member who have a different view and do not wish to take part. I would seek a further eight volunteers from civil society to man the Polling Stations alongside the Councillors and to seek the assistance of the Police to ensure law and order. Honourable Members, I appreciate the time factor in regards to the proposal being placed before the Privy Council in London, but I do strongly feel that this issue is a democratic right of the people to have a second bite at the cherry and it is therefore one jump ahead in importance as it will decide the political direction of our island for perhaps another two and a half decades. The dissolution of Council and the General Election will hopefully still fit this delayed timeframe be it a bit later on and be it it may not include a Chief Councillor, but it will be the end and call of the people and therefore they will take ownership of the end result. Madam Speaker, we heard this afternoon quite clearly that there is a lack of understanding out there amongst the people on the benefits of a Chief Councillor or not so I think this proposal will give the people a chance to decide how they want to vote for the future. We heard already, Madam Speaker, that it is important laws of the land and we want to hear a yes or no from the people, so let the people speak to a yes or no vote, we take it back to the people. I therefore ask the Honourable Members if they would support the Motion and we take it back to the Council for the next sitting. Madam Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. I put the question that debate on this Motion is adjourned until the next meeting of the Council expected to be scheduled for 22nd March to allow further consultation with the public in an endeavour to secure an evidence-based majority mandate from the voters on the issue of whether or not the office of a Chief Councillor is desirable in the constitutional proposals now under discussion. The Motion is open for debate. The Honourable Christine Scipio O’Dean?

The Hon. Christine Scipio O’Dean –

Thank you, Madam Speaker. I didn’t speak earlier because I struggled myself to come up with a decision about the Chief Councillor so I am pleased that members of the public are going to get another second bite of the cherry and I hope that sufficient time is allowed for members of the public to read and understand the document, sufficient time for them to raise questions before a decision is made and I’d also like to volunteer myself to go and assist Honourable Rodney Buckley for the proposal that he has put forward. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, I speak to the amended adjournment, tabled by my colleague, Councillor Buckley. I listened with interest on the debate and a few members spoke of the lack of cohesion within the Executive Council, spoke of the lack of cohesion within the Legislative Council and many members speak of their experience during the time they served as members of the Executive Council. We have been out to the public on this particular topic, amendments to the Constitution. It was well led, well attended by Councillor Thomas and his

team who has given all the support he needed. The people attended these meetings and as normal there was the for and the against. Let's not make another, what should I say, another confusion decision with the people. Was their information they gave at the constituency meeting and information that they were presented with not adequate or not supported? Why do we need to go back to the people again? Are we making the democratic process more confusing than ever? I feel that this Motion should be given the support, the amended Motion should be given the support, either way, for or against. The people have spoken, the people have expressed their views, I have in front of me the documentation of all those attended, those who have replied in writing. Let's respect these views of these people. Have these views not been taken into account? Have their views is just water on the duck's back? We didn't get what we want, we'll go back again. There are ways of going back again to the public. The people are saying not that they don't want a Chief Councillor, they feel that we are not ready for a Chief Councillor at this time. There is time to implement these proposals again, let's respect the views of those who we invited to our meetings, we explained to them what is the process, we explained to them what is the intention of having a Chief Councillor, but their views count. I fear to say that if we do not respect those views of the people I feel that we are not strong leaders in the community. There are other ways of addressing this issue if members are not happy but to say that the consultation process that has taken place is not valid, we need to have another one, I do not support that. I support the views given, I feel that the people have spoken and it feels right. We are here because the people have put us here to be their voice and I'm here to express that, but if there are areas that elected members, Honourable Members in the House are not happy with, there is another process to go down, this can be revisited again to have a Chief Minister, but to say their views given is not valid, I'm afraid that I cannot support that. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the Motion to adjourn the debate on this subject? The Honourable Derek Thomas.

The Hon. Derek Thomas –

Madam Speaker, I would rise to support the Motion to adjourn the debate only because I led the consultation, it was agreed by this Council as to how the consultation should take place and if we are to assume that those who did not say they did not want a Chief Councillor was not in support of a Chief Councillor or in support of a Chief Councillor then it's going to be difficult, it's very difficult to gauge. I mean, having led the public consultation, those who said they did not support the Chief Councillor, I am taking the view that they were in support of the Chief Councillor, I'm taking that view. With the proposal that is now on the table, to go out to the public with a ballot, yes or no, we will get more accurate details from the public as to whether they support the Chief Councillor or not, as opposed to relying on assumptions. Like I say, if we are to rely on assumption that those did not speak, then the result is the majority who took part and were in favour of the Chief Councillor, but with the proposal now of a ballot, yes or no, that will reinforce, I can see it only reinforcing the evidence of whether the public wants to see a Chief Councillor or not, so I will support the proposal, I'm also prepared to further assist with this proposal. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member.

The Hon. Brian Isaac –

Madam Speaker, could I rise on a point of information?

The Speaker –
You may.

The Hon. Brian Isaac –
Madam Speaker, it seems that two members have spoken and is welcoming to go out to the public again. What happens to the decisions made at the previous consultation, such as the election to the Executive Council, the PAC, does that still stand or will that be revisited again? We cannot just nitpick what we want in our favour or what is our own personal interest, we cannot just have, I will take this, I want further consultation on that, it's either the whole thing has to be revisited, we just cannot do that. The people have given a voice, they have agreed to the Executive Council election, they have agreed to the PAC, because we're not happy with Chief Councillor we go back out again, but we will take the bits that's in favour for us, but the bits that are not in favour, we'll go back out. Thank you, Madam Speaker.

The Speaker –
Honourable Member. I'm not in a position to be able to comment on what you have just said.

The Hon. Brian Isaac –
Sorry, Madam Speaker?

The Speaker –
I'm not in a position to make a comment on that.....

The Hon. Brian Isaac –
No, if any member wish to

The Hon. Derek Thomas –
I've spoken, but can I comment?

The Speaker –
No, you could make a point of information.

The Hon. Derek Thomas –
I can make a point of information. Madam Speaker, the point of information I'm making that it's quite clear from the consultation that the other proposals for the PAC that the majority who took part were clearly in support of that.

The Speaker –
Honourable Member. The Honourable Tony Green?

The Hon. Anthony Green –
Thank you. Madam Speaker, I feel that I would not wish to deny the public any further opportunity to express an opinion, so I would be quite agreeable to support the Motion to adjourn the debate. I think the public will ask if we got time now why didn't have time then and I think the other issue is that we haven't or we should have, perhaps, decided at the outset what would constitute sufficient support as required by the FCO. We probably should have, by hindsight, done that. The issue that perhaps I am not happy with is that I don't believe that in operating a poll that any of us Councillors should be part of that, only because it could

be seen that in our various ways we might be trying to influence, so I would say that if we were to go down that road, it should be done by an independent body. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Does any other Honourable Member wish to speak to the Motion to adjourn? The Honourable Earl Henry.

The Hon. Earl Henry –

Thank you, Madam Speaker. I feel I must rise in support of the adjournment. I raised the issue about the numbers and also that there was a number of people who didn't attend the official consultation, so I feel I'm obligated to support the adjournment.

The Speaker –

Thank you. The Honourable Stedson Francis?

The Hon. Stedson Francis –

No, just to say I give my support to the adjournment as well, Madam Speaker.

The Speaker –

Thank you. Honourable John Cranfield?

The Hon. John Cranfield –

Likewise here, Madam Speaker, I give my support to the adjournment, but I would support Councillor Green's suggestion that it should be an independent poll, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Madam Speaker, I also rise in support of the adjournment. Madam Speaker.

The Speaker –

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

The Hon. Cyril Gunnell –

Thank you, Madam Speaker. I would have had great difficulty when trying to come to a decision on the original Motion and also the amended Motion and so I do welcome the opportunity of an adjournment, but like Councillor Cranfield just said and before him Councillor Green, I believe that it should be, the consultative poll should be an independent one, I believe that Councillors shouldn't take any part, I am very certain that there are members out there in the public who would actually welcome taking forward the consultative poll, I think that is the way it should be done. I do admire, Madam Speaker, though, Councillor Buckley's resolve in trying to have another go at it, I also admire Councillor Isaac's resolve also that, you know, it has already been done and we are able to vote on it now, but what is missing, Madam Speaker, is time, we didn't give sufficient time for people to be able to express their views, we can't ascertain, we can't say that if someone, you know, didn't turn up then they may have been for it and if they didn't turn up they may have been against it, we do not, there is no logic in that at all, you can't really assume anything at all, not on something as serious as amending the Constitution, even if it's only a small

amendment. It is a small amendment, but it is a very important amendment and it will direct the future of the island, the future of the Government, so it is by no means anything small at all. We should respect, I think, the wish that an adjournment is had and so that people are given more time. I don't know what this will do with regards to when things can be placed before London, I don't know at all, I'm not even certain, Madam Speaker, if all of it can be agreed to by the next sitting of this House or the next, I don't know. What I do know though is that there are some confused people out there and, you know, I am confused now when it comes to making a decision, so even I need to have some more time to look into it and let's hope that when the consultative poll does take place more people actually take part in it. I would agree, Madam Speaker, to the consultative poll. Thank you.

The Speaker –

Thank you, Honourable Member. Does the Honourable Mover of the Motion to adjourn the debate wish to respond to the debate? Honourable Rodney Buckley?

The Hon. Rodney Buckley –

Thank you, Madam Speaker, thank you Honourable Members. I don't think, Madam Speaker, that I will try and sum up all the various issues coming out of the debate, I think it's been terrific and I think that is exactly what St Helena needs, a good old debate and perhaps somebody one day will organise a debating society for the island and we wouldn't be here today perhaps discussing some of these things. But, just to say, Madam Speaker, it's been a terrific debate, I am very, very pleased that the fellow members have seen fit to give our people a second bite at the cherry and to see if we can follow democratic process. I fully appreciate and I respect the views of Councillor Isaac but I think it is our duty and certainly my duty to try and make sure that the people are satisfied with the democratic process. So, Madam Speaker, I don't propose to recap on everybody's comments, because they were extensive, brilliant. Madam Speaker, I think that I'll now let you put it to the vote. Thank you.

The Speaker –

Thank you, Honourable Member.

Question that debate on the Motion is adjourned until the next meeting of the Council, expected to be scheduled for 22nd March, to allow further consultation with the public in an endeavour to secure an evidence-based majority mandate from the voters on the issue of whether or not the office of a Chief Councillor is desirable in the constitutional proposals now under discussion, put and agreed to.

The Speaker –

Honourable Members, I am conscious that you've been in session for quite some time, I'm also conscious that if somebody stands to move an adjournment debate at this point in time and all Honourable Members want to have their ten minutes worth of speaking, we will be here until probably after 7 o'clock this evening. I'm not sure whether Honourable Members wish to do that or whether they prefer just to.....

The Hon. Rodney Buckley –

On a point of information, Madam Speaker, I do not have a speech for the adjournment debate.

The Hon. Stedson Francis –

Neither do I, Madam Speaker.

The Hon. Earl Henry –
Neither do I, Madam Speaker.

The Speaker –
Oh, wonderful, I do beg your pardon.

The Hon. Cyril Gunnell –
Can I have thirty minutes, Madam Speaker.

The Speaker –
No, Sir, you may not. In which case, I'm going to suggest we just take five minutes comfort break and then I will encourage the Honourable Chief Secretary to propose an adjournment debate. Thank you, Honourable Members, just five minutes, please.

Council suspended.

Council resumed.

The Hon. Ken Baddon –
.....budget session. It is likely, just for the assistance of Members, that that session will therefore run into Monday, because that's normal for a budget session and depending on the amount of business, possibly also into the Tuesday, but with the adjournment it is simply to Friday, 22nd March. I hope someone will second it please.

The Speaker –
Thank you. Secunder, please?

The Hon. John Cranfield –
Madam Speaker, I'll second it.

The Speaker –
Thank you, Honourable John Cranfield. The Honourable Attorney General, do you wish to....?

The Hon. Ken Baddon –
Madam Speaker, I said I moved this, what the reason is for picking that date I think it is likely to be the budget session. I don't think I need to add anything.

The Speaker –
Thank you. Any Honourable Member wish to speak to the adjournment debate, please? The Honourable Cyril Gunnell and I would remind all Honourable Members, all Honourable Members that the maximum time allowed for speaking to the adjournment debate is ten minutes, I'd far rather it was somewhat less, however, I will be keeping an eye on the time. Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Thank you, Madam Speaker, and I know you aren't just addressing me on that.

The Speaker –

Of course not, Honourable Member.

The Hon. Cyril Gunnell –

So, Madam Speaker, something short. Firstly, Madam Speaker, I'd like to make a few points of some of the aspects that came out of yesterday's meeting. Madam Speaker, yesterday the House passed a Bill on Immigration, which was great because some tidying up has occurred and the Ordinance will now, I hope, be fit for purpose until there is the need to make further amendments in the future. One improvement was the discretionary provisions for the Governor in Council to grant a dispensation from the usual requirement to grant St Helena status to make them less discretionary and thus more transparent. Madam Speaker, whilst this is satisfying I mentioned that when dispensations are granted it should also be transparent if names of people achieving St Helena status could be made known to the public. The reason for making the remark is because I am aware that members of the public would like to know who has been granted this status. St Helena status after all is something that should be celebrated. Why on earth should it be kept a secret one has to ask? The Honourable Attorney General cautioned that this would be private and likened it to someone receiving IRB, in other words, should be considered confidential. This remark, to me, Madam Speaker, was disconcerting because someone achieving St Helena status, as I said, is something that should be celebrated, whereas someone having to make do on benefits is nothing to celebrate, Madam Speaker, so I don't see the two things as one, but that's my own view.

Currently there is a review of the Social Security Benefits System taking place to see if any amendments need to be made for better management of the system so that it meets the needs, not wants, of the people who could be better supported. I understand that the review will bring forward a minimum income standard that will take into account people's needs and my hope is that the outcome will show that the Benefits System, the levels, are too low and need to be increased significantly.

Madam Speaker spoke about the necessity for the Speaker, Deputy Speaker and other Members to have a place where they can meet instead of a temporary room that is shared with the Court and the Court takes preference when the need for using the room clashes. I agree wholeheartedly that SHG should, as a matter of urgency, find suitable accommodation for a Speaker's Office.

Madam Speaker, I think I will leave it there. I know you are glad of that. Thank you very much.

The Speaker –

Thank you, Honourable Member. Does any other Honourable Member wish to speak, please? The Honourable Mervyn Yon.

The Hon. Mervyn Yon –

Thank you, Madam Speaker. Madam Speaker, Honourable Members, since my last adjournment debate, several unpleasant events have happened, which has caused a concern amongst staff and the general public and which has not been responded to lightly, but I trust that these unsavoury issues are soon rectified and let the island life get back to its traditional way of living. One of the events that is hard to swallow is that of restructuring within a particular Directorate. This has caused much unrest together with low morale with the staff since they have been told that their jobs are at risk. The Directorate at the moment is on a downward spiral, since it is hard to understand who is responsible for what, who is the Boss and in which direction the Directorate is heading.

Madam Speaker, following on from that, I would just like to make it known that as of 1st April 2013 the Utilities, namely Water, Electricity and Drainage now within the Infrastructure and Utilities Directorate will be divested to a Government-owned company by the name of Connect St Helena Limited leaving just the Roads and Transport within the Infrastructure and Utilities Directorate under a new heading and a new Director. I understand that the Infrastructure and Utilities Committee will still exist but what clout they will have is left to be seen. I have also been told that the Roads Manager during the interim period has been put in charge of Infrastructure and Transport, for how long I do not know, since this was not discussed with me as Chairman of Infrastructure and Utilities albeit staffing is ultra vires the Committee.

Madam Speaker, for the past eighteen months, a great number of hard decisions has been made in Council, yes, we were aware that we, as Councillors, would not be very popular for some of these decisions, but what one has to remember is that decisions are not made to suit individuals, the decisions that were made were, in our honest opinion, made for the benefit and welfare for the people of this island, albeit the fruits of our labours will not be seen within a few days or months, but in the medium to long-term one will see the results. Some of the reforms and regimes that were put in place to meet the requests from the overseas Government to comply with the Memorandum of Understanding and the DAPM visit. What I would like to emphasise is that whilst the integration of these reforms and regimes we make a great deal of sense and the complexities and issues involved should not be over-estimated, because one must remember that this is going to be the most significant change in the history of St Helena for decades stemming from some of these reforms and the birth of an airport. Madam Speaker, to comply with the DAPM request for the forthcoming financial year, all Directorates were requested to find a 10% saving from within their budgets to offset the overall budget. This was a big ask for some Directorates, in particular, Health. Madam Speaker, I was told on Friday at the Half Tree Hollow Clinic by an elderly lady that if she has to pay for her blood tests she will refuse to have them taken. This, Madam Speaker, is sad when someone decides not to take a blood test which could be detrimental to their health, because of the cost, which is £4.00 per test. What I fail to understand is that 10% plus savings is asked for from Directorates to offset their budget, but yet SHG can offer a massive £9,000 in prize money; 1st prize - £4,000, 2nd prize - £3,000 and 3rd prize - £2,000 to members of the public for competing in an architectural and design competition. Surely something is definitely wrong, Madam Speaker. I would just like to know if this money is coming from a special fund or where because there is other pressing issues out there that need addressing and we are told that there is no funding.

Another issue that needs serious addressing, Madam Speaker, is that of having proper accommodation for Councillors and the Speaker to meet together with the Secretary to elected members and also attached should be a consultation room for elected members for private meetings with members of the public if need be. This, in my mind, is essential since at the moment the elected members and your good self, Madam Speaker, are classed as third class citizens moving around, sometimes like when one plays draughts. Also, while on accommodation, can this House be told what is happening to the ex Audit Office situated in the Castle Gardens? Will this building ever get used for what it was intended or will it be a white elephant? I also believe that no emergency accommodation is available for victims who need to be protected following family disputes. If this is the case, Madam Speaker, then I would suggest that this should be given high priority.

It is very pleasing to see the progress made by Basil Read with regards to the filling in of Dry Gut and also the developments at Ruperts Valley on the new Fuel Farm, not forgetting the Haul Road.

Also need mentioning is the visit of the Mantis Group together with the Golding Protea Group. This, hopefully, will be the first start to a large inward investor coming to St Helena, although I must say there are concerns from the private sector on island seeking explanation as to why Numbers One, Two and Three was not put out for public expressions of interest to carry out the conversions.

Madam Speaker, it would be amiss if I gave an adjournment debate and not mention the DAPM team. I would like to congratulate our negotiating team from on island for their well earned results following the negotiations with the DAPM during the time they were on island. I believe they did a very good job, noting the achievements that came out of the negotiations. It would appear that everyone involved had done their homework and by doing so it didn't give the DAPM much scope for not agreeing to what was achieved with regards to the agreed funding. Well done, team.

Madam Speaker, on a more sadder note, I was more than surprised and disappointed not to see any representative from Infrastructure present at the opening session of this forum. Apart from Mr Barry Hubbard, Head of Energy, who was present on behalf of a question that was tabled there was no other support. Is it that the Infrastructure do not have any leaders any more? Madam Speaker, time will not allow me to continue, therefore I will have to conclude, but I trust that when summing up the debate some of the issues raised will be responded to. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Cyril Gunnell, you wish to rise on a point of information?

The Hon. Cyril Gunnell –

Madam Speaker, thank you for letting me rise on a point of clarification. I am concerned, listening to my Honourable Friend, Councillor Yon, that there are people on the island who would be prepared to not take a blood test because they have to pay, perhaps what you consider to be too expensive for them and I would say to those people, if Councillor Yon could report to those people, that if they do have an issue with the price that they should go and take their blood test and they ought to ask if they can be exempted from paying it, at least they can ask, Madam Speaker. I would not want to see a situation where people are kept from taking their medical attention that they deserve. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Member?

The Hon. Mervyn Yon –

Thank you, Madam Speaker, just to thank the Honourable Member for his information and I will pass that on to the people concerned. Thank you, Madam Speaker and thank you, Councillor.

The Speaker –

Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, I am very conscious of the time, I know that members have worked very hard today and are tired. I would just like to make a short statement. Today and yesterday we heard the words accountability and democracy raised in this House very often throughout the debate. I would just like to say it was good to see democracy working today at the last

debate of the last Motion and I think that the public would welcome that, I think that there should be more of that debate within this House and I'm sure that members will use the, and myself, the debate today to further debate Motions when presented. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker, I rise in support of the adjournment debate. Once again, we have completed a useful session of Legislative Council. We have just recently completed our negotiations for budgetary aid for the coming year with the DAPM team and as described settlement for aid funding is reasonably a good deal given the continued global financial constraints where everyone is expected to continue to make cutbacks. DFID's assessment of St Helena has been good; we have created a good impression with good steady progress in actioning our MOU commitments. As described by DFID, progress is being made at a rapid pace in bringing about such essential changes and we must be mindful that when we bring about these changes the vulnerable people in our society are properly provided for, which leads me on to the recent visit of Roy Sainsbury, a consultant from the University of York who was tasked with doing a review of the New Benefits System, which was introduced some two years ago. We look forward to Roy's report and his recommendations. Some of the concerns that I, myself, have been fighting for many months. Madam Speaker, in the meantime, until such report is received and actioned upon, I trust that this Council would support an interim payment to those people in April to take account of the increase in utilities and other such increases that will come about.

Madam Speaker, as we prepare our island for air access and development through the Tourism Industry, we must be mindful to provide opportunities and encourage our local Saints to develop. As part of Enterprise St Helena's initiative to develop the private sector they have engaged the services of a Fisheries Manager to develop our fishing industry. Our local fishermen are hard working and well experienced, they know our local waters, but their hands are tied in that they do not have suitable type fishing vessels to fish our sea mounts and properly exploit our fishing waters. Once our airport is up and running we will have the capability of being able to export fresh fish to the outside world at really good prices. This business activity should not fall to outsiders, we should support and encourage our local fishermen to own and run our own fishing. In that way, money will remain on island. This issue was discussed with the DAPM team and where at this time it might be difficult for DFID to provide funding for two suitable offshore fishing vessels due to financial constraints we should be exploring other options of funding in support of our fishermen, like for instance European Union funding. I will urge for proper joined up thinking and planning to be able to support two suitable fishing vessels, offshore fishing vessels for our local fishermen. We should protect our local jewels and not allow them to fall into the hands of outsiders where our local fishermen then become general labourers. We should start planning now.

Madam Speaker, a recent issue which has raised great concern in the community is the increased charges in the Francis Plain fees, set by the Education Committee. One of our strategic priorities is to encourage and create a healthy lifestyle. Sporting activities is an initiative which fully supports a healthy lifestyle. With such increases, we will completely destroy our local sporting initiatives, which has started to develop with our youth through New Horizons and other sporting initiatives such as the Commonwealth Games, I understand there's a local trainer on island now from Canada, funded by Canada and he's here to provide training in sporting activities. Another trainer is due to arrive next month to assist and

develop our local cricket within the youth and provide specialist training to players who have the potential to become coaches. I will urge the Education Committee to revisit their decision as a matter of urgency in the interests of sport training and development.

During my recent visits of public consultation meetings, the public raised the urgency of freedom of information legislation to be introduced for St Helena in the interests of transparency and openness and I gave an undertaking to progress this activity through Legislative Council, initially through Home, Civil Society and International Committee.

Madam Speaker, I will leave it as that because of the time. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Madam Speaker, I support the adjournment. I just have a few brief reflections. It is, as we probably witnessed recently, it has been a very busy two weeks. We had DAPM, an eight-day visit or thereabouts and we did manage to agree the budget for the next financial year, which has to be good news. We also had the visit of Roy Sainsbury to look at the Social Security entitlements and that too is good news. Further good news when we had the Pam Golding and Protea Group here and I think that we also managed to put in a visit to the airport site and amongst all other things we've had informal LegCo meeting, ExCo meetings and, of course, this LegCo and other sessions so it certainly has been a busy time. It certainly shows that we've had to be active in a number of areas, but most importantly it's been challenging and an exciting time. Some of it has been difficult times, difficult times over the last few years because some decisions have had to be made in the best overall long-term interest of St Helena. Taking those decisions can appear not to be in the best interests of everybody for the immediate future. However, on reflection, I think that we can now begin to see the benefits of the long-term planning beginning to take effect; this has to continue. Looking at the bigger picture, which will mean some difficult situations in the short term. While this is being done, I am confident from all what I hear and see from my colleagues that all elected members are paying due attention and consideration to helping those in real need of support in the immediate future as we take the long road where we started in 2010, that's pre airport decision, from a time when it was possible that we would be staying still and then withering on the vine to a good degree of prosperity over the past two years and hopefully to continue for the immediate future. Thank you, Madam Speaker, I support the adjournment.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? The Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Madam Speaker, I rise in support of the adjournment debate and I'd like to convey my sincere thanks to you, my colleagues and staff of SHG for the patience and advice given to me during the last four months. Madam Speaker, I am concerned about the collective impact of reforms on people of St Helena, we need to work collectively towards a successful outcome in order for the island and its people to receive maximum benefit from Her Majesty's Government investment in an airport. Failure to address fundamental social issues will put that success at great risk, the risk would not just be social, it will also be economic. Tourism is the main product for economic development and people and the culture are two major attractions making St Helena a unique tourism destination. I have yet to see a collective social impact assessment

of the reforms implemented under the MOU and their effects on the community. At the rate and extent of the reforms that are taking place, I believe that we're beginning to lose sight of the fact that St Helena is a small island community. The island is undergoing rapid change and we do need to move forward, but we need to avoid making people poorer and lessen the divide between the rich and the poor. I am told of families who now cook on open fires outside the house because the bills are rising more than their income and feel that they have to sacrifice the modern conveniences in order to be able to make ends meet. It is known that the poorer the people become in the community the greater the demand on Social Services, especially healthcare. Madam Speaker, members of the public are very concerned about the Jamestown Vision 20/20 as they do not want Main Street altered to suit someone else's dream. I have yet to see a consultation programme that details public meetings within all districts and small groups. Madam Speaker, I am disappointed that there appears to be no urgency in addressing the discoloured water from Hutts Gate Treatment Plant and there is no frequent public announcements about what work is being done by the Water Division to rectify the problem. It is proposed to increase the tariff for water from 1st April, but sadly, members of the public do not get a product that can be readily used. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak? In which case I am just going to suspend the sitting for five minutes and I believe the Honourable Chief Secretary will wish to speak to the debate as he cannot respond as the Mover was the Honourable Attorney General, so I'm just going to suspend the sitting for five minutes.

Council suspended.

Council resumed.

Resumed date on the Adjournment Debate.

The Speaker –

Any other Honourable Member wish to speak to the Adjournment Debate? The Honourable Chief Secretary.

The Hon. Owen O'Sullivan –

Madam Speaker, thank you very much for allowing me to respond to the Honourable Members' comments, I will try and address as many as I can now in the short period of time I have.

I note with interest the Private Members Motions, the first three of which would commit significant amounts of money. I understand Members concerns about these subjects, but have to remind all in the Chamber the difficult processes we have all gone through to get a balanced budget. Putting funding into district roads, extended free medical prescriptions and maintenance means making sacrifices elsewhere and it will be up to Committees responsible for those budgets to then find commensurate savings. Unfortunately we do not have the funding to do everything we would like, we have to, and have done, prioritisation in both recurrent and capital budgets to focus our spending on long-term strategic priorities.

As we all know, global recession is lasting longer and proving harder to pull out of than the UK Government and Economists worldwide anticipated and showing value for money, efficiency and accountability remains paramount and St Helena is no exception.

I would now like to take this opportunity to congratulate my fiscal colleagues on the DAPM negotiating team for the excellent results. The Honourable Tony Green as Chair, Derek Thomas, Rodney Buckley and Cyril Gunnell delivered the best result possible for St Helena against a very difficult economic backdrop of belt tightening and cuts in the UK and much of the rest of the world. Public spending in St Helena will increase next year and will continue to be more tightly focused on our immediate priorities, turning resources in ways that lay foundations for sustainable growth, greater investment and social development. I also have to congratulate the Chamber and the elected members on the debate on Constitutional reform. I found the debate fascinating to listen to and in my opinion was probably the best debate I have heard in the Chamber for the quality of the input by Councillors and the passion generated. Though there was no definitive result in terms of Chief Councillor, it was a strong example of democracy at work.

I will now move on to comments by various elected members. I noted the comments about accommodation which have come up a number of times and I will take the elected member's concerns forward in terms of looking, in terms of accommodation later and report back.

The Honourable Cyril Gunnell talked about St Helenian status. I understand that some thought is currently being given to making public the award of St Helenian status, but of course that would depend on the wishes of the individual as to whether they would actually want it to be made public, I mean, the Attorney General made the point about the balance about private and public and so I just want to reassure that thought is being given to this.

The Honourable Mervyn Yon made some points about the restructuring of Infrastructure. Difficult decisions do have to be made. SHG has to modernise and restructure and some people will find this difficult. The path was made clear in the rationalisation paper for the MOU and this was after deep concerns about the performance of the Infrastructure as highlighted by DFID in their review of Infrastructure in February 2011. We have had to take actions to address it and this has actually increased confidence in the delivery, but we have a long way to go. A number of actions have been taken in terms of setting up the Programme Management Unit, there's much more increased scrutiny in terms of the monitoring of the capital programme and there will also be more scrutiny in terms of Project Managers being held accountable. A number of these actions have actually meant that DFID only three months ago gave another extra £750,000 to SHG in recognition of their renewed confidence. I can't comment on where the £9,000 came from, but will find out and get back to the Honourable Member.

The Honourable Derek Thomas talked about the review of the Benefits System and mentioned about a interim payment in April. I would advise that we wait for the final report from Roy Sainsbury because it may be that he will come up with recommendations and it is actually due soon. I would totally agree with Derek Thomas about the importance of sport. In the past I worked in this field and I've seen the confidence and discipline that children get from aspiration towards excellence in sport and I know that the Director of Education is working on strengthening sport in schools.

My final comment would be on the Honourable Christine Scipio O'Dean mentioned about a social impact assessment on the MOU and ensuring that the social fabric of St Helena is retained. I would just bring to Christine's attention we've just recruited and had arrived on island the Social Policy Planner and a key part of his work will be to draw up a social plan which is similar to the Sustainable Economic Development Plan and the Strategic Development Plan, so it will be the third strand of strategic plan for social policy over the next few years, so hopefully that will go some way to address the Honourable Member's concerns.

Within the time, I've tried to address as many of the Honourable Members' comments as possible. Thank you, Madam Speaker.

The Speaker –

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

The Hon. Ken Baddon –

I suppose, Madam Speaker, since I originally moved the Motion I should stand up and say Madam Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member.

Question that Council stands adjourned until Friday, 22nd March, 2013, put and agreed to.

The Speaker –

Thank you, Honourable Member.

Council adjourned.

