

ST. HELENA
LEGISLATIVE COUNCIL

THE PRESIDENT

The Honourable John Gilbert Cranfield

EX-OFFICIO MEMBERS

The Honourable Chief Secretary	-	Mrs Susan O'Bey
The Honourable Financial Secretary	-	Mr Dax Richards
The Honourable Attorney General	-	Mr Allen Cansick

ELECTED MEMBERS

The Honourable Clint Richard Beard
The Honourable Cruyff Gerard Buckley
The Honourable Gavin George Ellick
The Honourable Jeffrey Robert Ellick
The Honourable Corinda Sebastiana Stuart Essex
The Honourable Anthony Arthur Green
The Honourable Lawson Arthur Henry
The Honourable Brian William Isaac
The Honourable Cyril Kenneth Leo
The Honourable Christine Lilian Scipio
The Honourable Derek Franklin Thomas
The Honourable Russell Keith Yon

CLERK OF COUNCILS

Mrs Connie Johnson

PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Tuesday, 30th June, 2020

The Council met at 10.00 am
in the Council Chamber, Jamestown

(The Speaker in the Chair)

ORDER OF THE DAY**1. FORMAL ENTRY OF THE PRESIDENT****2. PRAYERS**
(Deacon Jonathan Green)**3. ADDRESS BY THE PRESIDENT**

Good morning, Honourable Members, ladies and gentlemen and listeners to our radio broadcast and welcome to this our third sitting of the sixteenth meeting of Legislative Council. My thanks once again are extended to Deacon Jonathan for giving us the benefit of prayer and Honourable Members, we are celebrating the International Day of Parliament today, 30th June. The day was established in 2018 through the United Nations General Assembly Resolution. Honourable Members, the business before this House today is a Motion for debate, Elections and the customary Adjournment Debate. I wish not to prolong the session any further, Honourable Members, so I now call on the Clerk to announce the next item of business, please?

4. MOTIONS RESUMED

The Honourable Derek Thomas.

THE CONTROL OF TOBACCO AND RELATED PRODUCTS BILL, 2020

The Speaker –
The Honourable Derek Thomas?

The Hon. Derek Thomas –
Mr Speaker, I beg to move that the Control of Tobacco and Related Products Bill, 2020, be approved in principle and referred to a Committee of the whole Council.

The Speaker –

Do we have a seconder, please?

The Hon. Cruyff Buckley –

Mr Speaker, I beg to second.

The Speaker –

Thank you very much indeed. The Honourable Mover may now speak to the Motion.

The Hon. Derek Thomas –

Mr Speaker, Honourable Members, I thank the Honourable Councillor Cruyff Buckley for seconding the Control of Tobacco and Related Products Bill, 2020.

Mr Speaker, Honourable Members, you will be aware that St Helena has a very high level of non-communicable diseases. Three years ago, real time data were collected to properly identify and establish the various type of diseases, such as diabetics, heart disorder, cancer, stroke, lung and kidney disorders. The number of these type of diseases for a small population of St Helena were alarmingly high and of real concern to the Health Directorate. The Health established a strategic plan which was approved by the Public Health Committee in 2018 and fully endorsed by the Government of St Helena. This plan sets out a number of strategic priorities, smoking being the number one key priority. While research and health professionals throughout the world will say the most contributing factor to this diseases are smoking. Through our health promotion programme and the support of the strategic plan, we have undertaken a number of actions and we have in place a Lead Health Promotion Officer to lead on these activities who is working with the local community, importers, merchants, general public, school and all organisations to try and support those persons with underlying health issues and to prevent people, including our younger generation, from getting these type of diseases in the first place. Mr Speaker, in leading up to this legislation, a public consultation period was conducted in recent months and although the attendance was not real great, those persons who did attended were generally in support of the recommendations, although some expressed concern about not allowing the sale of single sticks to continue. The argument around this was loss of business opportunities for merchants. Other arguments were that certain people could only afford a few sticks a day and by not being allowed to purchase single sticks will force them into purchasing the full pack, this would deprive them from purchasing other essential type goods. Mr Speaker, Honourable Members, where I do sympathise with these concerns, this will clearly go against the advice from the specialists in the World Health Organisation in making tobacco easily accessible to the general public, especially our younger generation. My advice to those persons who rely on single sticks, who cannot afford to purchase any more due to their financial means, those persons will need to make choices and this is where the smoking cessation service comes into place and we should be encouraging those persons to seek support which the Government, through the Public Health, has invested in. Mr Speaker, Honourable Members, in endorsing the Health Strategic Plan a few years ago, we took ownership. If we want to see meaningful results, we simply cannot afford to cherry pick on what parts we like and what parts we dislike, it simply will not work.

Mr Speaker, I will provide some data information and I know through the Health Directorate update, a question was posed about is there funding to support this health promotion strategy in smoking and although it is contained within the overall budget, I can say that the Public Health has £9,000 for Health Promotion. In addition to this, there is the element within the Pharmacy where support services are given under the smoking cessation, such as nicotine replacement, patches, gum and it goes on and on, but that is not included within the £9,000. During our efforts to tackle the initiatives within our Strategic Plan, Mr Speaker, the smoking

cessation support service, I have some figures from April 2019 to March 2020. Seventeen persons presented themselves at the General Hospital for the support. Five of the seventeen have quit smoking, others have undergone treatment, such as I alluded to, the patches, the champax and gum. From April 2020, a further six people are receiving support.

Mr Speaker, you will be aware that this initiative started under the leadership of Dr Angie Jackson-Morrison who completed her tour and we have here in the gallery today Kate, who is the Health Promotion Officer and it's unfortunate that she could not progress this work in the first few months of her arrival on St Helena due to the Covid-19, that was the priority, but she's now able to pick up this work, she has started working with merchants and schools and businesses and signs are very encouraging, very encouraging indeed.

Mr Speaker, Honourable Members, if this legislation before you today gets the approval, which I hope it does, we have a raft of actions in place, we have a community strategy which will be presented to the Public Health Committee tomorrow for endorsement and in that strategy there are a number of actions which included radio programmes, public meetings within the schools and the public in trying to encourage those people who wish to, who need support, that the service is there, the service is provided by the St Helena Government under the Public Health for those people who need the support, so that would be the subject of proper communication within the coming weeks if this legislation is supported and I do hope that this legislation before this House today meets the support and approval in the best interests and health and wellbeing of the people of St Helena. Thank you, Mr Speaker.

The Speaker –

Thank you very much indeed. Honourable Members, I put the question that the Control of Tobacco and related products Bill, 2020, be approved in principle and referred to a Committee of the whole Council. Honourable Members, the Motion is now open for debate. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Speaker, I rise in support of this Motion as a member of the Public Health Committee. Mr Speaker, make no two ways about it, this is a very contentious issue on island at the moment, but I think we as leaders in the community need to be on the front foot here and take ownership of this Bill and seek to protect our population. Mr Speaker, questions in the community arise and statements made to myself around well, it's my choice, Mr Speaker, and in response, Mr Speaker, I say it is your choice up until the point someone has to take care of you because of your ill health. It is your choice up until the point the public purse has to provide medication to you because of your ill health. Mr Speaker, it is your choice up until a medevac flight has to be chartered at the cost of £50,000 because of your choice to smoke, Mr Speaker. I take that the general public will take this into consideration when they make their choice to protect their friends and family. Mr Speaker, I support the Motion.

The Speaker –

Thank you very much indeed. Any other Member wishes toThe Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Thank you, Sir, thank you, Mr Speaker. I cannot support this Motion because I believe this doesn't help the people's freedom of choice. We have the, the Constitution gives us freedom of choice and all of a sudden here we are trying to take that freedom of choice away and the next thing is this here, by not selling single sticks, I believe this will cause more social problems on this island than ever, but as we go through the Bill I also will object to some more things. Thank you very much, Sir.

The Speaker –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, I rise in support of this Bill. I lost my two closest family members to the results of smoking; they would probably still be alive today if they hadn't smoked heavily, consistently for forty to fifty years, so I'm more than aware of the dangers of smoking. I tried smoking, as all teenagers do, and I didn't like it and I knew it was wasting money so I threw it away there and then, so I have never been a smoker, as such. However, I am also aware, from the experiences of my own family members, that it can be extremely hard to stop when one's become addicted to nicotine, even with all the assistance that the Honourable Mover indicated, so it is not going to be a quick and easy solution, it is going to be something that should have an incremental impact and above all it's important that new smokers, and potential new smokers are discouraged from starting because that is where the dividends are likely to be the highest. Having said that, there are some provisions of this Bill that I do have concerns about and I will highlight them when we come to the relevant sections, but one that I've also personally experienced I will mention now. By having non-smoking zones, it moves the problem from one area to another and this is something that I think will need to be monitored and people will need to be mindful of, so, for example, because I live near a establishment where there are a number of Government workers, when workers were banned from smoking inside their own office premises or even on Government grounds, what did they do? Come stand under my window and smoke and I think I had more passive smoking from that source than I have had from any others since I was living with my close family members. Neither my husband nor I smoke and eventually I had to go and complain to the authorities in that particular Directorate to get it stopped. I didn't like having to do that. It made me feel uncomfortable it made me feel that I was depriving people of their pleasure in having a cigarette, if that was what they wanted, but in the morning my TV room smelt like a bar by the time it had been opened. It was exactly like walking into a bar the day after it was closed, so I do think we need to be mindful of the impact on other people. When they're talking about smoke free zones, that is something that has to be given some consideration. The other two points are one that my Honourable Friend on my left has already raised about the single sticks and the other is about the registration of businesses and those I will address in the relevant sections when those are discussed. Thank you, Mr Speaker.

The Speaker –

Thank you. Can I.....

The Hon. Gavin Ellick –

Can I rise on a point of information, Sir?

The Speaker –

Yes, okay.

The Hon. Gavin Ellick –

Just to say I quit smoking on December 16th, 2010, so even though I don't smoke myself I still believe in the principle of the freedom of choice. Thank you.

The Speaker –

Okay, thank you. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker, I rise in support of this Bill. I was privileged in the early days with Dr Angie Jackson when it was first introduced to the Committee, I feel it is a very good Bill. My colleagues speak of choice, yes, we all have choices, but we have to make wise choices in life and as my other colleague said, it doesn't come on the public purse and I've been very much in the medical service over the last couple of months, I've always been reminded of the damage that smoking can do. I've seen people who have resulted in dying because of smoking, young people of my age and it's very sad and we as a responsible Government, we are paving the way for people to make these choices, as my Honourable Member said, but this piece of legislation is to guide people in making the right decision. I've given up smoking over the past four years and I know what it's like when you feel like a cigarette and you don't have sufficient money to buy the full pack and you just sneak in the shop and buy five, you know, that's a privilege, that's an opportunity, but with that comes consequences which we must be responsible for, so, Mr Speaker, in support of this Bill, I give my full support to it. Thank you.

The Speaker –

Thank you. Any other Honourable Member? The Honourable Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker, I support the Bill. As a member of the Public Health Committee, I've taken part in many months of discussion on tobacco and control. I appreciate there will be those who will find little favour with what this legislation proposes. I've heard the argument that smoking helps with obesity, some say smoking helps in relaxation, I don't know as I've never smoked, but I do know that studies have shown that even smoking a little is not safe. We understand that smokers are more likely than non-smokers to develop heart disease, like stroke and lung cancer. A big part of our medical budget every year is expenditure that has some connection with the effects of smoking. Our job as politicians is not to be a judge of what people do, but to do what we believe to be in the best interests of individuals and of St Helena. In two words, smoking is not good for health reasons. As we've heard, smoking is a leading risk factor for the main non-communicable diseases. As we've also heard, it is responsible for the majority of chronic illnesses, disability and early deaths in the community. Good to see that the Bill provides protection where it will be an offence for smoking in a car where there is a person under eighteen present. I was only reading recently that in America cigarette smoking is responsible for more than 480,000 deaths per year, including more than 41,000 deaths resulting from second-hand smoking exposure. I'm sure, like any other habit, trying to stop smoking is quite a wrench and it is good to know that the Health Service will provide a robust support for those who need it. Mr Speaker, I support the Bill.

The Speaker –

Thank you. Any other Member wishes to speak? The Honourable Russell Yon?

The Hon. Russell Yon –

Mr Speaker, I rise in support of the Bill. At first hearing of this Bill, I was a little apprehensive, the main issue that triggered my alarm was the stoppage of sale of single sticks to smokers. The object of this Bill was to not only provide ways where smokers would find it difficult to smoke, but to also increase their chances to be able to quit altogether and thus relaxing the pressures on our health department who over the past few years has seen an increase in health cases related to smoking.

Mr Speaker, I will reiterate that after discussing this Bill with colleagues there is still some concerns around about stopping the sale of single sticks simply because there are a some in our society who cannot afford to buy a packet if this bill is enforced and becomes law. It might just see an increase in other health issues as some smokers will then leave out something more nutritious in their diet to be able to buy a packet of cigarettes.

Mr Speaker. it was encouraging that the Health sector has taken all aspects into consideration and already have support in place to assist with cessation and the side effects and to be able to educate and provide awareness to those who might feel that no support will be there for them. Mr Speaker, if this Bill saves one life then that in itself will be an accomplishment, but it is hopeful that it won't only encourage those who smoke today to quit, but to also encourage those who contemplate taking up smoking to think again and look at the brighter side of life and not see the burning embers at the tip of a cigarette. Mr Speaker I support the Bill.

The Speaker –

Thank you very much indeed. Any other Member wishes to speak? The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you, Mr Speaker. In principle, I support the Bill, I think when we come to Committee stage there will be some questions that we need to get answered and one of the comments made in one of the statements made was that there's a £9,000 allocation and for me it's all about awareness and it's about being proactive, it's about making sure that we have sufficient support for those wanting to quit, but it's also about listening to what people have told us leading up to this piece of work. I think it's well worthy to note that I think we need to look at measures that will come in place that will enhance and protect I think our spending, but also we need to make sure that we don't hinder or when we say we would want to, we will want people to privatise or allocate their budget accordingly, some people find it very difficult. I'm a non-smoker, so I feel that it becomes very difficult for some individuals, we need to be careful that we don't implicate other social issues by allowing certain things to happen as well as we have a range of protection for those individuals, so in the Committee stage I'll be asking, you know, what does that finance of £9,000, what does that represent for people that want to quit. Thank you.

The Speaker –

Thank you very much. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker, I rise in full support of this Bill as it stands. We all know and it is well rehearsed the state of the population when it comes to non-communicable diseases. The biggest percentage of that is caused by smoking. That's the evidence and this House shouldn't ignore the evidence. The science as well that unless Governments do things to change behaviour this will continue and the choice I feel that I have to make as a Councillor is not only for the people who smoke, but also for those who don't smoke because at the end of the day we have a rising health bill, it is the biggest part of our budget. We know, as the twelve people sitting round this table, that that cannot continue at this rate, because a substantial part of that is going on provision of medical services that is preventable, that is not acceptable. It got consequences for us as an island in receipt of overseas aid. Big brother is watching us, this come down to making one of those difficult decisions. I'm a non-smoker, but I can, you know, understand where people is coming from. It come downs to the single sticks, but what the science is telling us that it is not going to help, even if we go ahead with this legislation, if we continue to sell single sticks it is against all the expert advice, so for me as a Councillor, to

ignore the evidence, to substitute what my constituents who want to continue this Bill, is just plain wrong. I have to think about those people who not sick, because this also got the ability to be taken away, care for those diseases that is curable, because time and time again we have to send people with these related, smoke-related diseases away from this island at huge price to the public purse and whilst we will want to do that, what it does is take away from people who got diseases that can be cured and that's the choice we shouldn't be making today, so it is a difficult decision, but it is our duty as Councillors to actually do that at the end of the day, don't ignore the evidence, don't ignore the science, so, Mr Speaker, I rise in full support of this Bill and will be having more to say during the Committee stage. Thank you.

The Speaker –

Thank you very much indeed. Any other Member wishes to speak? The Honourable Cyril Leo?

The Hon. Cyril Leo –

Mr Speaker, having quit smoking some 48 years ago, I speak from practical experience. The process of quitting can be very, very difficult for some, the benefits of quitting cannot be over emphasised, so I support the Bill.

The Speaker –

Thank you very much indeed. Any other Member wishes to speak? Then the Honourable Mover may wish to reply to the debate?

The Hon. Derek Thomas –

Mr Speaker, I thank those Honourable Members who rise in support of this Bill. Mr Speaker, we all know the challenges we face when it comes to our Health Services and the funding. The medical services is forever increasing and I will ask Members in their deliberations when discussing the details of the Bill to be very careful and understand the consequences. It is unfortunate, Mr Speaker, that we don't have our own money, we have to rely on Her Majesty's Government and I think we all been around this Council long enough to know that when we run out of money it's very difficult to ask for more unless you got a solid and justifiable case. It simply doesn't work I run out of money I need more and expect the British Government to pick up the tab, it doesn't work that way. We as a Government have to be responsible and demonstrate that we are doing all we can when it comes to taking action and looking after the health of our people. Mr Friend, Councillor Buckley, summed it up very well when it comes to the help of medical referrals and what it costs. My Honourable Friend, Councillor Essex, talked about we should be discouraging those people from starting and that is absolutely correct and this is what this legislation is designed to do. Single sticks will not discourage people from starting to smoke, as long as they got a few pence in their pocket they will take it up and it will be defeating the whole object of what we're trying to achieve. My Honourable Friend, Councillor Ellick, talked about freedom of choice, people's rights, this legislation is not designed to stop anybody's rights, those people who can afford to smoke we're not telling them that they should not smoke, they can do what they like when it comes to smoking, these measures are to deter people and help people for those who want to quit smoking. The Health Service hasn't treated this lightly, they have been working very close with the World Health Organisation and being guided, these recommendations are, like my Councillor Henry alluded to, our expert advice, we are not the experts in this case, we rely on expert advice, we are politicians. Mr Speaker, I do hope that in the deliberations of the Bill that that Members will give their full support. Thank you.

The Speaker –

Thank you very much indeed.

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

The Speaker –

The Honourable Mover?

The Hon. Derek Thomas –

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

The Speaker –

Do we have a seconder, please?

The Hon. Cruyff Buckley –

Mr Speaker, I beg to second.

The Speaker –

Thank you.

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

Council in Committee.

The Chairman

Okay, Honourable Members, we're now into Committee stage and I'll put the question then that the Title, Enacting Clause and Clause 1 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick (Attorney General) –

Mr Chairman, just as a way of introduction, I'll be taking Members through the Bill clause by clause, but if issues as to policy arise, I refer them back to the Honourable Derek Thomas who may like the assistance of the Director of Health and the Public Health officials.

The Chairman –

Okay.

The Hon. Derek Thomas –

Mr Chairman, the Director and the Lead Health Promotion Officer is here. Can the Director join us at the table?

The Chairman –

Yes, by all means, certainly. The Attorney General?

The Hon. Allen Cansick –

Mr Speaker, returning to Clause 1, it contains the short title and standard commencement proceedings, nothing further to comment in regard to that.

The Chairman –

Okay. Any Honourable Member wishes to speak to the Title, Enacting Clause and Clause 1? Anyone?

The Hon. Gavin Ellick –

Thank you, Mr Speaker. I do have a bit of difficulty with some of this. When we have?.....products for smoking. One of the things I see here is that we have alluded to and somebody in our community wants to have a thing of medical marijuana. Now, when I see herbal products I think of marijuana or hemp, even hemp, we alluded to whether we should be growing hemp for textiles to help us, so when I see this in the first clause in the Ordinance for a thing for herbal products I'm wondering if you're saying the right things here.

The Hon. Allen Cansick –

Honourable Gavin Ellick, we're not on to clause 2 yet, we're still on clause 1, so we need to approve clause 1 before you comment on the Interpretations in clause 2.

The Hon. Gavin Ellick –

Sorry, my apologies.

The Chairman –

Yes, we're still doing the Title, Enacting Clause and Clause 1 at the moment Councillor Ellick. Any other Member wishes to speak to.....

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Chairman –

I put the question that Clause 2 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Clause 2 contains a number of interpretations and definitions that are relevant for the Bill itself. I don't intend to go through them individually, but if they arise during the other clauses of the Bill I will address them then.

The Chairman –

Okay, thank you. Any Member wishes to speak to Clause 2?

The Hon. Gavin Ellick –

Thank you, Sir. I see again with the herbal products was spoken, I don't see nothing in the Ordinance which bases this on, could the Honourable Chairman enlighten me on this here, please?

The Chairman –

Attorney General?

The Hon. Allen Cansick –

So, where you see in the Bill a mention of related products, that would include a herbal product for smoking, which you'll see in the definition of related products later on.

The Hon. Gavin Ellick –
Okay, thank you.

The Chairman –
Any other Member wishes to speak on Clause 2?

Clause 2.

Question put and agreed to.

The Chairman –
Then I'll put the question that Clause 3 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –
Mr Chairman, Clause 3 is the first clause in Part II of the Bill entitled Smoke free Premises and Vehicles and Part II comprises Clauses 3 to 8. Clause 3 details smoke free premises open to the public and subclause (1) begins by setting out that if a premises are open to the public they must be smoke free. Subclause (2) qualifies subclause (1) by detailing that it only applies to areas which are enclosed or substantially enclosed as defined by Clause 5 and I'll discuss Clause 5 in more detail when we get there, unless it becomes relevant at this point. Subclause (3) extends the smoke free requirement in regard to Government buildings only to include areas adjoining the building regardless if these are enclosed or not. Subclause (4) defines what open to the public means, detailing that it includes all premises to which the public has access whether by invitation or not and Subclause (5) details that only parts of a premises open to the public where it's a mixed private public building are subject to the smoke free requirement, but the parts that are open to the public must be clearly defined.

The Chairman –
Thank you. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –
So, can I ask a question, Sir? When it means open to the public, say, for instance, Ruperts Beach is open to the public, you have a congregation of people there, would that be a smoke free place?

The Hon. Allen Cansick–
Sorry, where did you....

The Hon. Gavin Ellick –
Ruperts Beach.

The Hon. Allen Cansick –
It's not enclosed, it wouldn't fall within the definition of an enclosed place.

The Hon. Gavin Ellick –
But it says here in the pub, the premises open to the public.

The Hon. Allen Cansick –

As I detailed, Honourable Gavin Ellick, subclause (2) details that qualifies subclause (1) by detailing that it only applies to areas which are enclosed or substantially enclosed as defined in Clause 5.

The Hon. Gavin Ellick –

Thank you, Sir.

The Chairman –

Okay. Any other Member has anything on Clause 3? The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

In reference to the point raised by the Attorney General, that is contradicted by 7 (2), 7 (1) and (2) where it says that the Governor in Council may order any place to be smoke free even if it is not enclosed or substantially enclosed.

The Hon. Allen Cansick –

Yes, Councillor, that would override the provision in Clause 1 if Governor in Council chose to designate, they'd have to designate it, an open place as being smoke free.

The Hon. Dr Corinda Essex –

Yes.

The Chairman –

Thank you.

The Hon. Dr Corinda Essex –

So, in fact, if a decision were to be made to designate Ruperts as a non-smoking area it could happen legally?

The Hon. Allen Cansick –

Yes, it could and it could happen legally not just by this body, but by Governor in Council, you're correct.

The Chairman –

Thank you. Okay, Honourable Members, anyone else wishes to speak?

Clause 3.

Question put and agreed to.

The Chairman –

The Attorney General, just for a point of information, would you agree that we do 4 through 8 under Part II or do we go through clause for clause?

The Hon. Allen Cansick –

I'm open to what Members want, but it could cause, if there's going to be a lot of questions on clauses, it could cause confusion if I do all of Part II together.

The Chairman –

Okay, so I'll continue as it is. Thank you very much indeed. Honourable Members, I put the question that Clause 4 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Chairman, Clause 4 details smoke free requirements in places of work. Clause 1 details the general principle that places of work must be smoke free and this is qualified by them being either used by more than one person or members of the public might attend those premises. Subclause (2) makes clear that if only part of those premises are used as a place of work it is only that part to which the smoke free requirement applies. Subclause (3) details again that the smoke free requirement only applies to enclosed or substantially enclosed areas defined in Clause 5 and subclause (4) gives specific exemptions in regard to private dwellings that are places of work and this is in regard to where the work is limited to a particular categories, such as providing care for a person living in that dwelling, but subclause (5) qualifies that, stating that a private dwelling is only exempt with the consent of the owner; and, subclause (6) gives a number of definitions relevant to clause 4 and its working.

The Chairman –

Honourable Members wishes to speak to Clause 4? The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, AG, could you clarify this makes provision for private workshop areas, for example, industrial estates if we had one in Ruperts, for instance?

The Hon. Allen Cansick –

If they were enclosed or substantially enclosed places that were being used for work for more than one person or were open to the public as well, they would be smoke free.

The Hon. Cruyff Buckley –

Thank you for that clarification.

The Chairman –

Thank you. Any other questions? The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

So, if I have a workshop, it's nothing to do with Government, and I want to smoke in my workshop and I got employees there, they're not allowed to smoke in my workshop?

The Hon. Allen Cansick –

If it's become a place of work, yes. If you're employing people it's a place of work.

The Hon. Gavin Ellick –

But those people I employ I employ under those circumstances, so because I can't afford to let them take five, ten-minute breaks all the time, because if you take five, ten-minute breaks when you smoking it takes up to a few hours, so, and I'm a private sector man?

The Hon. Allen Cansick –

This is exactly what the Bill is there to address.

The Hon. Gavin Ellick –
Okay, I losing here.

The Chairman –
Any other Honourable Member wishes to speak to Clause 4?

Clause 4.

Question put and agreed to.

The Chairman –
I put the question that Clause 5 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –
Yes, Mr Chairman, Clause 5 addresses the meaning of “enclosed” and “substantially enclosed” premises. Of note is that substantially enclosed premises are those which have a roof, it includes premises with a roof where the open area is less than half of the remaining area, so this would mean that if a building is more than half open, the smoke free requirement does not apply.

The Chairman –
The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –
Does this include Donny’s Club?

The Hon. Allen Cansick –
You’d have to apply to Donny’s the interpretation I just gave you, which is what Clause 5 means, so if Donny’s Club, the area you’re talking about, if it has a roof and it is more than half enclosed the smoke free requirement would apply there, but do not take that as me saying whether Donny’s in particular has that requirement or not.

The Hon. Cruyff Buckley –
The reason I mention it is because it could be questionable whether or not it is half or not, in my estimation probably just under half, but when we’re talking about the legalities here, we need to be definitive.

The Hon. Allen Cansick –
I’m not sure if you want me to answer that or not, somebody would probably have to go there and carry out the measurements if somebody was smoking there and it was considered to be an offence.

The Hon. Cruyff Buckley –
I appreciate that, AG.

The Chairman –
Thank you. Any other Member have questions on Clause 5? Councillor Cyril Leo?

The Hon. Cyril Leo –

Just considering the different types of roofs you can get; I was wondering if it is necessary to have interpretation as to roofs. I mean, roofs can have planks of wood just separated by an inch or so?

The Hon. Allen Cansick –

What was left would then go in to the interpretation of what I was talking about, about half being enclosed or not, that point, so what was left open under the roof is the part you're measuring for deciding on substantially enclosed.

The Hon. Cyril Leo

Okay.

The Chairman –

Thank you. Any other Honourable Member wishes to speak?

Clause 5.

Question put and agreed to.

The Chairman –

I put the question that Clause 6 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chairman, Clause 6 addresses restrictions and prohibitions on smoking in vehicles. Subclause (1) prohibits smoking in vehicles if they are occupied by a passenger under 18 years of age. This means that individuals cannot smoke in vehicles where a child is present. Subclause (2) prohibits smoking in a vehicle that is used by members of the public which includes taxis and buses. It further prohibits smoking in a vehicle used in a cause of paid or voluntary work if it is used by more than one person even if those people are using the vehicle at different times. Subclause (3) gives an exemption to this, to subclause (2) by exempting vehicles if it is one used by the owner primarily for primary purposes.

The Chairman –

Honourable Members, the Honourable Gavin Ellick?

The Hon. Gavin Ellick –

So, again, I will ask this question again, this is my own private vehicle, I'm not talking about a young child because at my house we don't smoke in my house, you know what I mean, so I understand that bit, but I got my own personal car and I got you in there, I got a right to smoke, it's my own personal car, because that is my fundamental right, so this way it seems like as we going down like every right you have under the book of your rights and freedoms are being taken away from using this here policy?

The Hon. Allen Cansick –

Well, the clause doesn't prevent you smoking in your private vehicle, even when you have a passenger over eighteen, unless it is being used for work and being used for work for that purpose primarily, so if you had a vehicle and you used it for work 70% of the time, which was shared with somebody else, then you wouldn't be able to smoke in it. If you had your vehicle that was used by nobody else but yourself for working you could smoke in it.

The Hon. Gavin Ellick –

Thank you, no, I just hoping that people can understand that bit.

The Chairman –

Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Chairman. AG, if this is passed today, who will be monitoring this, who'd be the enforcement ensuring that these rules aren't broken? Has St Helena Government got the capacity to monitor this?

The Hon. Allen Cansick –

At present, any enforcement would be done by the Police as with any other criminal offences. A decision for costs and for the technical expertise needed too has been made not to have at this stage particular enforcement officers, so this will be a matter that would be enforced where it is in regard to Police matters by the Police or if it's referred regard to Customs by Customs, there is not separate enforcement provisions or separate enforcements set up under this Bill.

The Chairman –

Okay. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I just quite confused, because the whole idea for this Bill was to stop people from getting sick and you wasting money, here we are again, it seems like we would be wasting more money, but that is just my opinion.

The Hon. Allen Cansick –

I'm not sure if that's a question, if it is a question it would be a matter of policy.

The Chairman –

Thank you. The Honourable Clint Beard?

The Hon. Clint Beard –

How can we ensure enforcement will be consistent? I'll give an example. So, if you're saying the Police has the right to enforce and you have two vehicles going down the street and they're both doing or they're both has, both vehicles has somebody smoking in there, how do you know that you won't have consistency when it comes down to they'll be pulling over the one vehicle but not the other to enforce this?

The Hon. Allen Cansick –

As with any offending or potential offending, it's a matter for the Police, it's not a matter for us to set up the policy as to when they're going to enforce or not enforce or prosecute or not prosecute.

The Hon. Clint Beard –

Going through the budget yesterday, we also heard that capacity is an underlying issue and I do have concerns about the enforcement and the capacity to enforce.

The Hon. Allen Cansick –

I think you're back to the general principles of the Bill rather than particular, individual clauses with the Committee, so it may be something you want to again raise once it returns from Committee stage when we're back to general principles.

The Chairman –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Just also to add, Mr Speaker, I mean, if this section is passed here today, it becomes an offence and people have responsibility to uphold the law.

The Chairman –

Thank you. Any other Member wishes to speak to Clause 6?

Clause 6.

Question put and agreed to.

The Chairman –

I put the question that Clause 7 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chairman, Clause 7 addresses additional smoke free places. Subclause (1) allows Governor in Council by Order to designate other places or vehicles as smoke free where there is significant risk that without the designation persons present would be exposed to significant quantities of smoke. Subclause (2) makes clear that for a designation under subclause (1) such places do not need to be enclosed or substantially enclosed and subclause (3) allows for such Order to apply in sp.? ???? circumstances, times, areas and conditions.

The Chairman –

The Honourable Lawson Henry, you wish to.....?

The Hon. Lawson Henry –

No, no.

The Chairman –

Any other Member wish, oh, the Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Again, I will ask this question, what the Governor in Council may decide as a place of free smoke, so, for instance, Francis Plain. At the moment, we don't smoke on the playing field and we not allowed to smoke in the Pavilions, but we got three barbecue pits over there, what we cook from. Now, I find it irregular that you can't have somebody to smoke on Francis Plain while you at these pits, would it become that we won't be able to cook over there after, because it be too much smoke?

The Hon. Allen Cansick –

Your question is would barbecues be caught by this Ordinance and the answer is, no.

The Hon. Gavin Ellick –

Right, so my next question is this here, while somebody's cooking they're having a cigarette by the barbecue pit.

The Hon. Allen Cansick –

Because it's cigarette smoke coming from the cigarette and barbecue smoke coming from the barbecue.

The Hon. Gavin Ellick –

What is the definition, because I also have emphysema, alright, so I have to tell you all this here, because if you think I just arguing on a limb I not, I got emphysema, which came from cigarette smoking, but while I was in Cape Town, smoking around barbecue, but barbecue pit smoke is just as bad as cigarette smoke, so now I want to know what is the distinction?

The Hon. Allen Cansick –

This is a Bill to address tobacco and tobacco related products. If you want to bring forward a Bill to address barbecues and the harms from barbecues, I suggest you refer it to the correct Committee.

The Hon. Gavin Ellick –

I understand where you coming from, Sir, with all due respect, but barbecuing or cooking on Francis Plain and having a cigarette is of the same calibre, because while you're having a cookout you're having a cigarette, so maybe you have to get rid of the both?

The Hon. Allen Cansick –

If necessary, I'm happy to refer this to Public Health colleagues to explain the difference between barbecue smoke and cigarette smoke.

The Hon. Gavin Ellick –

Please do, I'm all ears, Sir.

The Chairman –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Chairman, there's nothing in this Ordinance to restrict barbecuing, I don't think the Public Health Directorate should be commenting on barbecuing here, we're talking about tobacco, I'm not prepared to be commenting on barbecuing as part of this Bill.

The Chairman –

Okay, thank you.

The Hon. Gavin Ellick –

We are talking about smoking thing and all fires are smoke, so what is the difference? If you inhale barbecue smoke it can be just as deadly as cigarettes.

The Chairman –

Yes, but we're discussing tobacco and related products now, not barbecue smoke.

The Hon. Gavin Ellick –

I thought we were discussing smoking, Sir.

The Chairman –

No.

The Hon. Gavin Ellick –

Okay.

The Chairman –

It's the Tobacco Bill.

The Hon. Gavin Ellick –

Thank you very much.

The Chairman –

Thank you. Any other Member have any questions?

Clause 7.

Question put and agreed to.

The Chairman –

I put the question that Clause 8 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Chairman, Clause 8 obliges specified persons to display no smoking signs in premises and vehicles.

The Chairman –

Any Honourable Member wishes to speak to Clause 8? No? Okay.

Clause 8.

Question put and agreed to.

The Chairman –

We move on to Part III, Clause 9. I put the question that Clause 9 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Clause 9 is the first clause in Part III of the Bill entitled Importation and Supply of Tobacco and related Products and this part contains clauses 9 to 16. Clause 9 addresses importation and subclause (1) begins by prohibiting the import of tobacco and related products in to St Helena except by registered dealers. Subclause (2) expands on this by prohibiting even registered dealers from importing tobacco for sucking, chewing and snuffing as well as heated tobacco products. Subclause (3), however, gives an exemption for the above and other specified products if they are part of the duty-free allowances and are imported for personal use only. This in effect means individuals cannot bring in any more cigarettes than is permitted

in their duty-free allowance and it also allows individuals to bring in other products such as snuff and heated tobacco as long as it is within those limits and for personal use.

The Chairman –

Thank you. Any Member have any questions on Clause 9? The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Yes, if we want to deter tobacco and the presence of tobacco on the island, why is there still a duty free allowance on it?

The Hon. Allen Cansick –

Honourable Corinda Essex, that's a matter of policy, it's not for me to comment, so I refer it back to the Chair of the Public Health Committee.

The Hon. Dr Corinda Essex –

Because at the moment we are contradicting ourselves, on the one hand we're saying it can't be brought in and on the other hand we're actually encouraging it being brought in by allowing it to come in duty free. I am not suggesting that we should necessarily prevent someone bringing a very small quantity for their own personal use, but I have serious concerns about that being permitted to be duty free when we're trying to eradicate use of tobacco on the island.

The Chairman –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Chairman, the Committee did discuss this and the duty free is considered as a small amount. At the moment, people are allowed to bring duty free plus additional and obviously they got to pay, so this provision here will not allow for that, but strictly duty free, but you can bring two or three cartons in now and you're only allowed the duty free and you pay for the rest, so this is an improvement on what is there at present and it's designed for people's personal use.

The Chairman –

Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Chairman. Can the AG advise me, we talk about bringing in duty free, but for personal use, so every passenger is entitled to duty-free. I'm not a smoker, so it won't be for personal use, so I won't be entitled?

The Hon. Allen Cansick –

You shouldn't be bringing it in in the current circumstances if it's not for personal use.

The Hon. Christine Scipio –

So, are there going to be checks then to say who's a smoker or not a smoker to make sure that they don't bring in duty free?

The Hon. Allen Cansick –

No more than presently is the case, this certainly wouldn't give any obligation for extra checks than what's currently taking place into whether somebody is a smoker or not.

The Hon. Christine Scipio –

So I'm certain, AG, that a lot of people who travel who are not smokers do bring in a carton of cigarettes for their Dad or the family friend, so if this comes into place then that passenger no longer can do that?

The Hon. Allen Cansick –

That's currently what the position is, even outside of this Bill that the duty free allowance is for personal use.

The Hon. Christine Scipio –

But in real terms that's not really happening then?

The Hon. Allen Cansick –

That's a different matter to be addressed in another way, not as part of this provision.

The Hon. Christine Scipio –

Right, okay, and also there's no mention in this Ordinance so maybe it will come into the regulations, as to say if there's going to be a fee to be a registered dealer?

The Hon. Allen Cansick –

There's provisions in regard to registration, procedures and fees are to be dealt with by regulations.

The Hon. Christine Scipio –

So that's the next step.

The Chairman –

Thank you. Any other Honourable Member wishes to speak to Clause 9?

Clause 9.

Question put and agreed to.

The Chairman –

I put the question that Clause 10 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chairman, Clause 10 addresses the supply of tobacco and related products. In regard to this clause, I do have a technical proposed amendment, but I'll wait until I've taken Members through the subclauses first. Subclause (1) prohibits the supply of tobacco and related products to registered dealers only. Subclause (2) details that applications for registration as a dealer must apply using the prescribed form and pay the prescribed fee and subclause (3) details that no person, including registered dealers, can supply or offer to supply tobacco for sucking, chewing and snuffing as well as heated tobacco products. The amendment I would like to propose is in regard to subclause (1) which contains a number of unnecessary words and I would like to propose that it is amended by deleting the words that come after 'a person' where it states 'supplying tobacco or a related product must be a registered dealer', so I'd like to delete those words so it reads instead "a person must not supply any tobacco or related products unless that person is registered as a dealer in tobacco or related products under this Ordinance." It's a technical thing, but it repeats the same thing twice in one clause and it doesn't need to do so.

The Chairman –

Can we have that wording again, please?

The Hon. Allen Cansick –

I can, Sir. The Bill is amended in Clause 10, subclause (1) by deleting the words following ‘a person’ that state ‘supplying tobacco or a related product must be a registered dealer and’.

The Chairman –

Okay, so that’s from the beginning of subclause (1)?

The Hon. Allen Cansick –

After ‘a person’.

The Chairman –

A person.....

The Hon. Allen Cansick –

So, beginning after ‘a person’.....

The Chairman –

A person supplying tobacco.....

The Hon. Allen Cansick –

So, after ‘a person’ is where the deletion begins with the words ‘supplying tobacco or a related product....

The Chairman –

Down as far as?

The Hon. Allen Cansick –

‘and’.

The Chairman –

I want to get it right, Attorney General.

The Hon. Allen Cansick –

Absolutely.

The Chairman –

Thank you. Okay, so you’re saying ‘a person supplying tobacco or a related product must be a registered dealer and....

The Hon. Allen Cansick –

Just from supplying, if you read it, if you read that word for word that will help

The Chairman –

A person.

The Hon. Allen Cansick –
Don't say 'a person'.

The Chairman –
Okay. A person must not supply any tobacco or.....

The Hon. Allen Cansick –
Do you want me to read it out?

The Chairman –
Yes, please.

The Hon. Allen Cansick –
The Bill will be amended in Clause 10, subclause (1) by deleting the words 'supplying tobacco or a related product and must be a registered dealer and'.

The Chairman –
Right, I've got that, so it just carries on from 'a person must not supply any tobacco'. Okay. So, do we have a seconder, please, for that proposal?

The Hon. Derek Thomas –
Yes, I.

The Chairman –
Thank you very much indeed. Now, Honourable Members, you may wish to speak to the amendment? The Honourable Gavin Ellick?

The Hon. Gavin Ellick –
Excuse my confusion here. If we are trying to stop people from smoking on the island, why are we still letting people to bring cigarettes in?

The Hon. Allen Cansick –
Mr Chairman, we've been asked to speak to the amendment at this stage.....

The Chairman –
To the amended version.

The Hon. Gavin Ellick –
Any person must supply any tobacco related product unless a person is registered as a dealer, right, and tobacco would?..... put us under the Ordinance, so my question is, even if we make this amendment, why are we allowing?.....if we want to stop people from smoking? Why are we allowing people to bring cigarettes in, because for me this defeats the case in point?

The Chairman –
It's still not the amendment, we're speaking to the amendment only. A person must not supply any tobacco or a related product unless that person is registered as a dealer in tobacco or a related product under this Ordinance.

The Hon. Gavin Ellick –
That's my point, Sir.

The Hon. Dr Corinda Essex –

With respect, I think the Honourable Member means that people shouldn't be allowed to register so that they can import tobacco if we're really serious about stopping tobacco coming to the island.

The Chairman –
Attorney General?

The Hon. Allen Cansick –

I'm more than happy for Honourable Gavin Ellick to comment on the clause after we've dealt with the technical amendment, but if we can deal with the technical amendment first, which is because it contains repetition, then we can move on to the clause afterwards.

The Chairman –

Yes, okay, thank you. Any other Honourable Member wishes to speak?

Question on amendment to Clause 10 (1), put and agreed to.

The Chairman –

Attorney General, you want to continue?

The Hon. Allen Cansick –

....?.....return to Clause 10 now with the amendment.

The Chairman –

With the amendment, okay, yeah. Honourable Members, I think Dr Essex wanted to....

The Hon. Dr Corinda Essex –

Thank you, Chairman. As the Honourable Chairman of Health knows, I've always had concerns about the second clause here regarding the prescribed fees that may be charged for those who wish to register and I would be extremely concerned that that ever became a revenue raising source. I accept that there may be a need for a small fee to cover the administrative charges of registering and so on, but with the private sector as it is at present where money is extremely tight and given that some very small businesses are those that, in fact, do sell tobacco products, it is very important that the registration fee is affordable. Thank you.

The Chairman –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Chairman. I can reassure the Honourable Member that the Committee has discussed the registration fee and is very mindful of the fact that it should be a minimal fee. This will form the form of a regulation and the fee will, proposed fee will be included in the regulation and if the Honourable Member then still has concerns about what is being proposed then it can be raised then.

The Hon. Dr Corinda Essex –

Thank you.

The Chairman –

Thank you. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Chairman. As a member of the Public Health Committee, I've voiced my concerns on this very topic of discussion by virtue of the fact that alcohol registration fees are much higher than proposed for tobacco and I do see the two as being on par in terms of detrimental to one's health, so although the fee proposed is quite low, I would like to see it more in line with that of alcohol registration, Mr Chairman.

The Chairman –

Thank you. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Yes, Mr Chairman, the Member is a member of the Public Health Committee and when we formally put this regulation together with the proposed fee he will have a chance to make his concerns known then and which will be taken into account by the full Committee.

The Chairman –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

And I hope I will have my opportunity to make my concerns known when it comes to LegCo in its final form.

The Chairman –

Any other Member wishes to speak on Clause 9, sorry Clause 10? No?

Clause 10 (as amended).

Question put and agreed to.

The Chairman –

I put the question then that Clause 11 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chairman, Clause 11 specifically addresses electronic cigarettes and subclause (1) bans certain types of electronic cigarettes or electronic cigarettes products from being supplied. These are electric cigarettes that are not sealed in a child proof and tamper proof container and have warning labels that contain nicotine details, electric cigarettes that contain labels that suggest or imply that they may reduce smoking, electronic cigarette products that contain more than 19 milligrams of nicotine, electronic cigarette products that contain flavours other than tobacco flavour and subclause (2) gives an exemption to these restrictions to a person who's importing them for personal use only.

The Chairman –

Any Honourable Member wishes to speak to Clause 11? No?

Clause 11.

Question put and agreed to.

The Chairman –

I put the question then that Clause 12 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Yes, Clause 12 creates the prohibition on the supply of tobacco or related products to children. Subclause (1) contains the prohibition and subclause (2) creates an obligation for a registered dealer to verify the age of a prospective purchaser by documentary identification.

The Chairman –

Any Honourable Member have any questions on Clause 12?

Clause 12.

Question put and agreed to.

The Chairman –

Oh, sorry.....

The Hon. Lawson Henry –

I just wanted to ask the question, as we talked about the child's identity and age, is whether there is any work going in the background to provide identity cards and I think it would be good for the public to know that. Thank you.

The Chairman –

Thank you very much indeed.

The Hon. Derek Thomas –

Mr Chairman, I thank the Honourable Member for raising this important issue. Work is going on in relation to identification cards and those cards will be produced by the Police.

Ms Kate Heneghan (Health Promotion Officer) –

If I'm allowed, is it okay to speak?

The Hon. Derek Thomas –

Yes.

Health Promotion Officer –

Sorry. They are already in place for alcohol, so any young person can go to the Police Station currently and get a form and merchants are aware of that, but we are, as part of the campaign around this legislation, we'll be promoting it again and we've already had conversations with the Police to update these posters and the forms so it includes alcohol and tobacco and we're doing some work with Prince Andrew School to promote those forms of identification as well.

The Chairman –

Okay.

The Hon. Lawson Henry –

Thank you, Mr Chairman.

The Chairman –

Thank you very much indeed. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Here we go again. I'm looking at here, with the age of 18 years, right, we're doing the elections and we're trying to get people to vote at the earlier age between 17 and 16, you can get married with the consent at 16, but you can't smoke, I find that highly irregular, but it may be for the good of everybody.

The Chairman –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Yes, Mr Chairman, the Honourable Member sums it up very well, it's for the good of everyone. In recent years, the age was lifted from 16 to 18.

The Chairman –

Thank you.

The Hon. Derek Thomas –

Can the Health Promotion Lead Officer make a comment, Mr Chairman?

The Chairman –

By all means.

Health Promotion Lead Officer –

Just to support that tobacco is a highly addictive substance and young brains continue to develop until their twenties, so the higher threshold and the higher age bracket that we can put on tobacco in terms of purchasing that will be protective again for young people's health and preventing them from becoming addicted to it.

The Chairman –

Thank you. If there are no further questions, I'll put the question then that Clause 12 do stand part of the Bill.

Clause 12.

Question put and agreed to.

The Chairman –

I put the question that Clause 13 do stand part of the Bill. Attorney General

The Hon. Allen Cansick –

Clause 13, Mr Chairman, contains the prohibition on what's titled here as Self Service and the clause prevents the use of automatic vending machines for sale of cigarettes, mail or internet for purchase of tobacco or related products.

The Chairman –

Thank you. Any questions, Honourable Members? The Honourable Christine Scipio?

The Hon. Christine Scipio –

I'm sorry, but this old lady down the hill is not quite certain about (a) of Clause 13. Can you just explain that, because it says in such a way that a consumer may handle the product without the assistance of a sales clerk or employee or agent prior to the purchase so?

The Hon. Allen Cansick –

So, that could involve somebody going into a shop and where you have your packets of crisps there's a box of cigarettes and somebody picks cigarettes up and brings them to the till. 13 (a) would prevent such type of sale taking place and it means that it must be passed to you by the shop assistant.

The Hon. Christine Scipio –

So, isn't that covered in Clause 14?

The Hon. Allen Cansick –

No, that's in regard to public display, not on how you physically purchase the product.

The Hon. Christine Scipio –

Like I say, this old lady down the hill is a?..... So,

The Chairman –

Your microphone, please?

The Hon. Christine Scipio –

Nothing further.

The Chairman –

Okay. Any other Member wishes to speak?

Clause 13.

Question put and agreed to.

The Chairman –

I put the question that Clause 14 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chairman, Clause 14 is the prohibitions on public display, the clause prohibits displaying tobacco or related products in a way that are visible to the public, the clause also prohibits displaying pricing of tobacco except in providing to the customer on a A4 size piece of paper a price list of tobacco or related products.

The Chairman –

The Honourable Christine Scipio?

The Hon. Christine Scipio –

Yes, I come back on to this, AG. When you say a person, you're talking about the registered dealer must not display tobacco or are you talking about me as a smoker having a packet of cigarettes here, I'm displaying it, so is it a person or is it the registered dealer or.....?

The Hon. Allen Cansick –

It's obviously somebody who's trying to supply them from doing so, but I would also say that if you were displaying for the public cigarettes for sale you would be caught within this provision.

The Hon. Christine Scipio –

But it just saying a person who displays, must not display, should it be more clearer?

The Hon. Allen Cansick –

I think if you were going to put in there, you know, what seems quite obvious that it's only in regard to the supply we could make such amendment, but I think it would be very strange if we were going to, sort of, penalise people for putting a packet of cigarettes on a table like that.

The Hon. Christine Scipio –

It says, a person must not display tobacco or a related product that is visible to the public, a person, a person is anyone.

The Hon. Allen Cansick -

I'm more than happy if you want to propose an amendment, that a person for the purpose of supply must not display tobacco, I'm quite happy for that amendment to be made, but if it remained without that I would not expect any prosecution to be made for somebody who put a packet of cigarettes on a table.

The Hon. Christine Scipio –

But then as this is the law it just saying that person.

The Hon. Allen Cansick –

I would not expect a prosecution to be made on those circumstances, but I'm happy to?.....

The Hon. Christine Scipio –

Maybe the Chairman would like to comment?

The Hon. Derek Thomas –

Mr Chairman, for the purpose of, I didn't see this being an issue, but the Member raised a good point, it could be perceived, so I have no difficulty to adding the amendment as recommended by the Attorney General, I have no problems with that, I'd be quite happy to include that amendment.

The Chairman –

Okay.

The Hon. Christine Scipio –

So, Mr Chairman, would you like me to propose an amendment?

The Hon. Derek Thomas –

I'd be more than happy for you, Honourable Member, to propose the amendment, I will kindly second it.

The Hon. Allen Cansick –

A person for the purpose of supply of tobacco or related products.

The Chairman –

The Honourable.....

The Hon. Derek Thomas –

Chairman, it could be clearer if we put a dealer?

The Hon. Jeffrey Ellick –

Mr Chairman, if we, er, probably just make a suggestion to the amendment, if we change 'a person' to 'a registered dealer'?

The Chairman –

Attorney General?

The Hon. Allen Cansick –

I'm happy for that.

The Chairman –

Just change 'a person' for 'a registered dealer'.

The Hon. Allen Cansick –

For 'a registered dealer', yes.

The Hon. Christine Scipio –

So, Mr AG, there is a fine if the product is visible to the public, so, I walked into Longwood Supermarket and the product is underneath a till, but if the Assistant isn't sitting in the chair to that till, that product is visible, so will that proprietor/business be fined, because I walked into the shop and it is visible to the public?

The Hon. Allen Cansick –

There has to be some discretion left in regard to what is obviously not meant to be a breach and you would not expect such matters to be prosecuted if it was inadvertently visible to the public. Can't legislate to say inadvertently, it has to be left for the correct use of discretion.

The Hon. Christine Scipio –

Okay, I just hope that, Mr Chairman of Public Health mentioned there's going to be some community awareness and some public meetings, let's hope that this sort of reassurance is given to businesses, it's not accidental, but it can happen, because I've seen it happen.

The Chairman –

The Attorney General? No, sorry, I need to get his attention.

The Hon. Derek Thomas –

Mr Chairman, I think the amendment needs to be proposed and seconded for the amendment.

The Chairman –

Yes, that's what I'm asking the Attorney General now, we need to, there's been a proposal for an amendment, so I need to take the process through. Do we have a seconder for the amendment, please? You made the proposal?

The Hon. Derek Thomas –

I second it, Sir.

The Chairman –

Okay. Honourable Members, it's been proposed and seconded that Clause 14, subclause (1) be amended to read 'a registered dealer must not display tobacco or a related product or its packaging in such a way that tobacco or a related product is visible to the public. Honourable Members, you may speak to the amendment. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Just to say, everything while you see here, you see registered dealer, but everything here you see a person, a person, a person, a person, should you change everything to a registered dealer to be consistent?

The Hon. Allen Cansick –

No, each one has different context and most of those apply to individual persons.

The Hon. Gavin Ellick –

Okay, I can hear some old grumbling of men in here, you know what I mean. Thank you.

The Chairman –

Any questions on the amendment, Honourable Members?

Question on amendment, put and agreed to.

The Chairman –

Shall we continue now then with Clause 14 for the remainder of the subclauses? Attorney General?

The Hon. Allen Cansick –

I've dealt with all of Clause 14 in one statement.

Clause 14 (as amended)

Question put and agreed to.

The Hon. Christine Scipio –

Excuse me, Mr Chairman, I didn't hear the AG talk about subclause (4) where they talked about the size of the notice. I know the AG said he has covered everything in Clause 14, but I didn't hear any discussion about the size.

The Hon. Allen Cansick –

I did, I mentioned that it had to be on an A4 size piece of paper.

The Hon. Christine Scipio –

Sorry, I must have fallen asleep. So, why a notice to say cigarettes at £6.00 got to be on a A4 size, printed on a A4 size paper, is that a bit over the top

The Hon. Allen Cansick –

Honourable Christine Scipio, that's a policy matter, not a legal matter, so I refer to the Chair.

The Hon. Christine Scipio –

The Chair of Public Health, what is the rationale in having cigarettes, £4.50 or whatever it is on a white A4 size paper, it must be printed, not written, printed on a A4 size paper, is there a reason for this, Mr Chairman of Public Health?

The Hon. Derek Thomas –

Yes, as a standard, the Committee thought that would be the standard size to contain the product that is for sale and the price and the cost of it.

The Hon Christine Scipio –

Didn't quite get that.

The Hon. Derek Thomas –

I say the Committee decided that that would be the standard size because it will contain the product that is for sale, including the price.

The Hon. Christine Scipio –

A4 size paper?

The Hon. Derek Thomas –

Correct.

The Hon. Christine Scipio –

I think it's bit over the top, isn't it?

The Chairman –

Yes, you're offering an opinion?

The Hon. Christine Scipio –

I'm asking the Public Health Chairman if this is a bit over the top to ensure

The Hon. Derek Thomas –

No, I wouldn't see that as being over the top, it would have to be, a standard size was decided and it need to be visible to the general public, so the A4 size was the recommended size that was decided upon.

The Hon. Christine Scipio –

But it's just one customer who goes up and buy and that's when you provide the price list, it's not visible to everybody, because then it's going against the law, so there's one person at the till, they ask for the price, you show it to them, but it must be an A4 size paper?

The Hon. Derek Thomas –

My understanding is from the Health Promotion that that is standardized in most places.

The Hon. Lawson Henry –
Point of information, Mr Chairman?

The Chairman –
The Honourable Lawson Henry, yes.

The Hon. Lawson Henry –
I think the rationale here is that we don't want big signs up or the place promoting tobacco and the whole rationale behind this is you gonna have a small list, small piece of paper, A4, that you show a customer who may make an enquiry about cigarettes, so I think the rationale is there and it is well founded. Thank you.

The Hon. Christine Scipio –
I think my Honourable Friend missed the point; I'm saying that A4 is too big.

The Chairman –
The Honourable Derek Thomas?

The Hon. Derek Thomas –
Mr Chairman, the A4 was decided for the very reason my colleague alluded to, if you didn't have a size then people could probably have larger promotional sizes, so we had to come up with a size and the size of an A4 isn't considered as being too big.

The Chairman –
Okay.

The Hon. Derek Thomas –
And it is a standard size for the printer anyway, because it need to be printed.

The Chairman –
The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –
Mr Speaker, I think we're misinterpreting what is proposed there. It says that a person must not display any material related to the pricing of tobacco. The A4 sheet is simply for those who ask upon request and I don't think, in relation to what the Honourable Scipio was saying, she has a valid point, there's no real reason to the size of the paper upon request, it's just a way to relay the pricing that is available.

The Chairman –
Thank you. The Honourable Gavin Ellick or, you still want to?

The Hon. Gavin Ellick –
I just find it very funny at times, but forgive me. On one hand we don't want people to smoke, but then we want one A4 size piece of paper. Now this is a A4 size piece of paper, you can see this here for miles now, but for something that you don't want people to do, you simply advertising a big piece of A4 paper, so, like, that is quite confusing to me.

The Chairman –

It's not advertising, no.

The Hon. Gavin Ellick –

Well it displaying or what and it got to be printed on there, why can't somebody be writing on a piece of paper, on a little paper to show? I quite confused, so I have to stop there because

.....

The Chairman –

Attorney General?

The Hon. Allen Cansick –

Mr Chairman, I'll come back to another matter once debate on this particular A4 bit of paper has concluded.

The Chairman –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Chairman. We've got the size for the paper, we're told it's standard font, why don't we say what size font, because, to me, the importance is that that piece of paper, which actually tells the customer the price, is clearly readable, so if someone who has not got excessively good sight goes and asks for it they can see the price. I see that as being the purpose of the piece of paper that a customer can ask for.

The Chairman –

Attorney General or the Head of Health?

The Hon. Derek Thomas –

Just a bit alarmed that we making a big issue out of a piece of A4 paper that contains the details of the product that is on offer. It is not going to be visible, it's going to be upon demand and so I don't see, I see we spend a lot of time debating on information that the public can request and is made available on A4 sheet.

The Hon. Dr Corinda Essex –

With respect, it needs to be clearly readable or it doesn't serve the purpose.

The Hon. Derek Thomas –

Yes, I take the Member's point, hence the reason we've decided to use the A4 size so it can be clearly readable.

The Chairman –

Yeah, the Honourable Cyril Leo?

The Hon. Cyril Leo –

Mr Speaker, in the interest of having a tea break, can I just suggest we put no larger than A4 size paper?

The Chairman –

Attorney General?

The Hon. Allen Cansick –

I don't think that's necessary, I think the reason for the A4 size paper is exactly what the Honourable Corinda Essex has stated, is to make sure people can read it, but it's not too big and becoming an advertisement, so it addresses ...?...finds the balance between the two competing interests.

The Chairman –

Yeah. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Mr Speaker, when I made the comment over the top, I meant do we really need in our legislation, in our substantive Ordinance, a size of a piece of paper, do we really need that detail in the legislation?

Various Councillors –

Yes, yes, yes, yes.

The Chairman –

Okay?

The Hon. Christine Scipio –

I rest my case, Mr Chairman.

The Chairman –

Thank you. Attorney General?

The Hon. Allen Cansick –

Mr Chairman, before the full clause 14 is put, I need to apologise to the Honourable Christine Scipio in regard to her earlier question about displaying of tobacco. She said it in such a confident way that I didn't, sort of, check subclause (2) which qualifies subclause (1) by stating that prohibition under subsection (1) does not apply to individuals incidentally or accidentally displaying tobacco or a related product during carrying or use, so can I ask that we don't have that amendment and Clause 14 stands as it is. I apologise, I didn't notice that in response.

The Chairman –

So it remains as 'a person'?

The Hon. Allen Cansick –

Yeah.

The Chairman –

So, Attorney General, that's another amendment or...No?

The Hon. Allen Cansick –

No, it's just put to stand as it is.

The Chairman –

Thank you very much indeed. So, if there are no further questions on Clause 14, then I'll put the question, sorry?

The Hon. Dr Corinda Essex –

It goes back to the original, we have to vote on that?

The Hon. Derek Thomas –

Yes, we have to amend the amendment.

The Chairman –

That's what I thought, that's why I asked the question.

The Hon. Allen Cansick –

That's correct, we will now have to amend the amendment, because the amendment has taken place. Honourable Corinda Essex, sorry, I hadn't recalled that we'd actually made the amendment already and we'd carried it, I apologise.

The Chairman –

Thank you for clarification, Attorney General. Is someone going to make the amendment?

The Hon. Derek Thomas –

Yeah, Mr Chairman, I propose that the Section 14 (1) goes back to 'a person' and delete 'a registered dealer'.

The Chairman –

Right, do we have a seconder for that amendment, please?

The Hon. Russell Yon –

I beg to second.

The Chairman –

Thank you very much. Then, Honourable Members, I put the question that Clause 14, subclause (1) remains as original, as amended now back to the original.

Question on amendment, put and agreed to.

Clause 14.

Question put and agreed to.

The Chairman –

I put the question now then that Clause 15 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chairman, Clause 15 prohibits the supply of tobacco or a related product in certain places including Healthcare services, sports facilities, recreational facilities, Government buildings, educational facilities or other places that may be prescribed.

The Chairman –

Any Member wishes to speak on Clause 15? Yes, the Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Will this here one, when it says sports, athletic or recreational facilities apply to Francis Plain playing field, well, Francis Plain, not the playing field, but Francis Plain?

The Hon. Allen Cansick -

Yes, this is a prohibition on the sale of tobacco, the supply of tobacco or a related product, so on Francis Plain, if it is a sports facility, which it is, or an educational facility, you won't be able to sell tobacco or tobacco related products.

The Hon. Gavin Ellick –

Okay, thank you.

The Chairman –

The Honourable Christine, sorry.

The Hon. Gavin Ellick –

Er, because we have a person there who sells beverages on the weekend, so he will not be able to sell no cigarettes there at all?

The Hon. Allen Cansick –

Correct.

The Hon. Gavin Ellick –

Hmm. Thank you.

The Chairman –

The Honourable Christine Scipio?

The Hon. Christine Scipio –

Just for clarity and for our listeners, recreation facilities will also include community centres?

The Hon. Allen Cansick –

Yes.

The Chairman –

Okay? Any other Member have any questions on Clause 15? The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Can I ask if that will also include bars and clubs?

The Hon. Allen Cansick –

No.

The Hon. Dr Corinda Essex –

So where is there any exemption because those can also be termed recreational places, you play snooker, you have other activities?

The Hon. Allen Cansick –

I would defer first to Public Health officials in regard to.

The Hon. Derek Thomas –

The intention of the Committee, Mr Chairman, is not to include bars and clubs and for that matter not even to include Community Centres, because they offer a similar type of service as bars and clubs, so if this section prohibits the sale of tobacco as it is written here from bars and clubs and community centres then I would ask that we include an amendment to take account of that, it is clearly not the intention of the Committee to close those facilities.

The Hon. Allen Cansick -

In those circumstances, I would propose the amendment of Clause 15 (b) to read just sports facilities by deleting ‘athletic or recreational’.

The Hon. Dr Corinda Essex –

I would like to propose an amendment.

The Hon. Derek Thomas –

Yes, I’m happy to second that and thank the Attorney General for his words.

The Chairman –

Thank you very much indeed. Honourable Members, there’s been a proposal to under 15 (b).....

The Hon. Christine Scipio –

Can I ask something for clarity first, Mr Chairman?

The Chairman –

Before we put the question, okay.

The Hon. Christine Scipio –

So what if the sports facility is a club, say, for instance, the St Helena Golf Club, it’s set up as a Club under the Constitution, but it provides a sporting facility, how does that work if you take that out?

The Hon. Allen Cansick –

My view would be the Club as it is a sports facility under this, would not be able to supply or offer to supply tobacco products.

The Hon. Lawson Henry –

Point of information, Mr Chairman?

The Chairman –

Yes.

The Hon. Lawson Henry –

The sport doesn’t take place in the Club. Thank you.

The Hon. Christine Scipio –

But the Club provides a sporting facility.

The Hon. Allen Cansick –

My view is it would not be able to sell tobacco or tobacco related products under this clause.

The Chairman –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I would like to propose that the words “athletic or recreational” are deleted.

The Chairman –

Thank you. Do we have a seconder for that proposal? Thank you, Honourable Derek Thomas. Honourable Members, you may now speak to the amendment, 15, subclause (b) sports and facilities and delete the words “athletic and recreational”, you may speak to the amendment.

The Hon. Dr Corinda Essex –

.....?.....comma after sports.

The Chairman –

Yes. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I also have a problem with this here, because at Francis Plain, the cigarettes will be sold up on top, not on the playing field, so I find that, like, confusing at this point in time, because if it is for people who are sports, the sports takes place down on the field, the cigarettes get sold up in the parking lot or at the top, so I can't, I'm quite bewildered at this time.

The Hon. Allen Cansick –

Honourable Gavin Ellick, it's also an educational facility.

The Hon. Gavin Ellick –

But it was also the place given to St Helena by W A Thorpe and Sons for a sporting field for all the people's ...?....

The Hon. Allen Cansick –

Under the clause, it would prohibit the sale of tobacco or related products on Francis Plain, both because it's a sports facility and an educational facility. As a matter of policy, I can refer it over to the Chair of the Public Health Committee.

The Hon. Gavin Ellick –

I think you should because, like I say, I can understand if you down on the sports field selling cigarettes, because like I said before, we don't smoke on the sports field, we don't smoke in the Pavilions, but this here is not on the sports field, it's like the Honourable Lawson Henry said before, the Golf Club doesn't play golf in the Club, that's the 19th hole.

The Hon. Dr Corinda Essex –

So we then change it to say 'areas in which sports are being played' or 'sporting activities are being held'.

The Hon. Allen Cansick –

I don't think that was the policy, but I will leave that.....

The Hon. Derek Thomas –

Mr Chairman, that is not the intention of the policy, Francis Plain is a facility for sport, but it is also the facility that our children use as well and where smoking is allowed on Francis Plain it is not the intention of the Committee to allow for the sale of tobacco products at Francis Plain, this is a dual purpose facility, it's a playing area for the general public, but it's also recognised it's the school facility and the children use that facility as well.

The Chairman –

Thank you.

The Hon. Gavin Ellick –

On a point of information, also a recreational place.

The Hon. Derek Thomas –

I don't deny that, Mr Chairman, but it's not the policy intention of the Committee to change that.

The Chairman –

Okay.

The Hon. Gavin Ellick –

Are we being inconsistent here?

The Chairman –

The Honourable Jeffrey Ellick?

The Hon. Jeffrey Ellick –

Just to, I have concerns, Mr Chair, because I do see that recreational facilities such as Community Centres, they will have children inside the Community Centres, so I do believe, this is my view, that probably the restriction should be put on Community Centres because we can't have children in there and you're selling tobacco, it goes against what we're setting out here, in my view. Thank you.

The Chairman –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

If we're going to follow that line of argument then that will also apply to pubs and clubs where children go for family events and that kind of thing as well.

The Chairman –

The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Can the AG state whether this section, as amended, will permit the sale of tobacco in other clubs, such as the Yacht Club?

The Hon. Allen Cansick –

Yes, if it's a sports facility, it would.

The Chairman –

Thank you.

The Hon. Allen Cansick –

But that would be the interpretation of a sports facility.

The Chairman –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

On a point of information, I would not class the Yacht Club as a sports facility, because we don't go sailing in the Yacht Club.

The Hon. Allen Cansick –

The principle is a facility for that sport.

The Chairman –

Yeah. Any other comments, Honourable Members? The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I believe that we should be taking it out and start to be rewritten again, because it's so confusing to what is what. On one hand you don't want the kids being around smoking, but you have the Community Centres who sells cigarettes and bars and clubs and everything else, so, for me, this here, I would like to see 15 (b) be taken out.

The Chairman –

Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chairman, I think that can be the case and if there's concerns later on in regard to registration of particular places, they can be addressed in the registration process outside of this.

The Chairman –

Alright, thank you. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Attorney General. Are you recommending that this be considered under the Regulations?

The Hon. Allen Cansick –

If there are concerns about places not here in regard to licensing, they can be addressed in the registration process.

The Hon. Cruyff Buckley –

Thank you, I think that would be a proactive way forward.

The Chairman –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

It can also be addressed under 15 (e) “any other place that may be prescribed”.

The Chairman –

Yeah. Thank you. Any other questions, Honourable Members?

The Hon. Allen Cansick –

So the amendment now, Mr Chairman, would be to remove clause 15 (b) as it currently stands and re-letter.....

The Chairman –

Remove (b) altogether?

The Hon. Allen Cansick –

Yes, remove 15 (b) altogether and then re-letter in order the further list.

The Chairman –

Okay. Is someone going to make that proposal? The Honourable Anthony Green?

The Hon. Anthony Green –

Sorry, Mr Speaker, just for clarification, I can understand the points that are being made, but a lot of the Community Centres belong to Government, so that would also fall under (d), so we need that clarification as well.

The Chairman –

So, do we have a proposer then to delete (b) from Clause 15?

The Hon. Gavin Ellick –

I propose to delete Clause (b).

The Chairman –

Okay.

The Hon. Dr Corinda Essex –

I will second that proposal.

The Chairman –

Thank you very much. Honourable Members, you may speak to the amendment now that we delete the entire clause (b) and re-word the clauses, bring them up in line, Attorney General, yeah?

The Hon. Allen Cansick –

Yes.

The Chairman –

Okay.

The Hon. Gavin Ellick –

Again, I understand that, you know, in sports areas and stuff like that there you want to have a smoke free place and you want our kids and adults to do best, but sometimes you got to look round at us as an island and what happens to us, you know what I mean. We have a lot of places on the island what is smoke free, wherever you go you got designated smoke free places and everything else, so I don't see why we should be penalised when you just watching something or be taken off the grounds, so, for me, even our Community Centres, people in our Community Centres to buy cigarettes, they're not allowed to smoke inside our Community Centres, they have to go outside, so I don't see why we have to have all this here in here. We must give everybody, again, freedom of choice, but along within boundaries and within the right spirit. Thank you.

The Chairman –

Okay. Anyone....., the Honourable Derek Thomas?

The Hon. Derek Thomas –

So, Mr Chairman, for the purpose of the recording, the amendments now, this will be taken as one amendment, because I know that the section's got to change, just one amendment? Thank you.

The Chairman –

Yeah. The Honourable Jeffrey Ellick?

The Hon. Jeffrey Ellick –

I'd just like some clarification on here, because we've got Government buildings. I do believe Government do, like, lease, rent buildings, which people then use for shops or whatever, so how does that work?

The Hon. Allen Cansick –

Shop would be, the tenant, that would be the one that would become relevant, it wouldn't be a Government building if it wasn't being used for a Government purpose.

The Chairman –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Chairman, I think one of my colleagues alluded to the fact that he needed a comfort break and we're half-way through. I was wondering if we could complete 16 and have a break. I could do with a comfort break, I not sure about other Members, but if we complete 16 we'd be half-way through, I'm in your hands, but.....

The Chairman –

Okay. How do Honourable Members feel, yes? Okay. Alright, so if there's nothing further on Clause 15, other than the amendment, I put the question that Clause 15, as amended, do stand part of the Bill.

Clause 15 (as amended)

Question put and agreed to.

The Chairman –

Then I put the question that Clause 16 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Clause 16 creates the prohibition on toy or candy cigarettes, a person cannot import, manufacture, supply or display for supply, or distribute sweets, snacks or toys which imitate tobacco or tobacco related products.

The Chairman –

Thank you. Any Honourable Member wishes to speak to Clause 16? Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Yes, er AG, does this include simple candy sticks which are in, I suppose you could say a similar shape to cigarette packets, but don't necessarily relate in any substantial way to cigarettes. I'm, this might be up for discretion here?

The Hon. Allen Cansick –

They'd have to imitate, they'd have to be something that was imitating, just because they were the same size and shape of a cigarette doesn't mean they'd imitate, it would have to be something which was clearly there for that purpose.

The Hon. Cruyff Buckley –

Thank you for that clarification.

The Chairman –

Thank you. The Honourable Jeffrey Ellick, you wanted to ask a question? No? Okay. Thank you.

Clause 16.

Question put and agreed to.

The Chairman –

Okay, Honourable Members, we will adjourn the debate until 1 o'clock when we will resume on Part IV of the Bill, so we'll break for lunch and come back again at 1 o'clock. Thank you.

Council Adjourned.

Council Resumed.

Motions Resumed.

The Chairman –

Welcome back, Honourable Members and we will resume from Part IV of the Tobacco and Related Products Ordinance Bill. We'll begin at putting the question that Clause 17 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chairman, Clause 17 is the only clause in Part IV, which is entitled Advertising, Sponsorship and Promotion. Clause 17 addresses those issues and it prohibits the advertising, promotion and sponsorship of tobacco or related products, it prohibits the offering of consideration for the purchase of tobacco, including cash rebates and lotteries and games and it further prohibits the display with a depiction of tobacco or related products, including a company brand, so it's a pretty standard section in regards to banning advertising, sponsorship and promotion in regard to tobacco.

The Chairman –

Thank you. Honourable Members, anyone wishes to speak to Clause 17? The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Just on a point of clarification, Mr Chairman. In Clause 3 it says any form of tobacco or related products sponsorship, advertising and promotion where the name of a sponsoring entity is publicised is prohibited, does that imply that providing the name of the sponsoring entity is not publicised then the sponsorship, advertising and promotion is not prohibited?

The Chairman –

Attorney General?

The Hon. Allen Cansick –

Honourable Corinda Essex, just to check I understand you, are you suggesting that a situation where a tobacco manufacturer decided to sponsor something, but nobody would know they'd sponsored it because there hasn't been put down anywhere?

The Hon. Dr Corinda Essex –

Yes.

The Hon. Allen Cansick –

It would suggest to me that they could choose, a tobacco company could choose to give money to somebody in those circumstances, but they couldn't have the fact that they'd done so publicised.

The Hon. Dr Corinda Essex –

Is not the intention to stop them doing it anyway?

The Hon. Allen Cansick –

Doing what?

The Hon. Dr Corinda Essex –

Sponsoring, advertising or promoting.

The Hon. Allen Cansick –

It would be a strange sort of sponsorship where you didn't want, as a tobacco company, where you didn't want anybody to know that you'd done sponsorship. I'd be...

The Hon Dr Corinda Essex –

I agree it would be unusual.

The Hon. Allen Cansick –

I'd be quite surprised if we were to get a situation where if a tobacco company had chosen to give money to a health department as some sort of guilt it couldn't do so because it was prevented by a provision which stopped them giving any money away.

The Hon. Dr Corinda Essex –

But if we omitted the clause where the name of the sponsor?.....publicised then there's a?.....

The Hon. Dr Allen Cansick –

But do we want to catch a situation where a tobacco company was potentially giving money away for some particular cause without it being known?

The Hon. Dr Corinda Essex –

The sponsorship would be of tobacco or a related product advertising and promotion, so if a tobacco company wanted to sponsor something different, presumably it wouldn't be prohibited?

The Hon. Allen Cansick –

So, any type of tobacco or related product where the company is known who is that tobacco or related product cannot be, cannot take place, maybe I'm missing what you're suggesting there. Are you suggesting that, you think this restricts it to just advertisements on tobacco or related products?

The Hon. Dr Corinda Essex –

Yes.

The Hon. Allen Cansick –

No, it doesn't, it's any form of tobacco or related products sponsorship meaning that tobacco or related product sponsoring a particular event, so it would be the company doing so. The tobacco related product refers to the sponsors who are a sponsoring entity.

The Hon. Dr Corinda Essex –

Advertising and promotion, but I would be in favour of that being prohibited whether or not the name is publicised.

The Hon. Allen Cansick –

As a matter of policy, I would refer back to the Committee Chair.

The Chairman –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Er, Mr Chairman, I was not aware that this was going to come up and for me to answer this on the spot is, you know, very difficult to me, but I do look at my Director down there who may want to indicate that he want to come in.

Mr Edward Rayment (Director, Public Health) –

Yes, I was also looking at that clause, I'm just, if the words where the name of the sponsoring entity, if it just said advertising, promotion is prohibited and he took that bit in the middle out I think it would still serve the purpose and it may then avoid confusion of perhaps cigarettes being promoted, cigarettes here without any name at all on the pack, so it might be a way to deal with this without losing its intent.

The Hon. Dr Corinda Essex –

Exactly.

Mr Edward Rayment -

But I'd take advice from Legal Counsel on that too.

The Hon. Allen Cansick –

I wouldn't be able to give legal advice on that now on the spot, it's something that I would have hoped to have been raised long time before, that I would have wanted to do something now which could affect the correct effect of that provision.

The Chairman –

The Honourable Jeffrey Ellick?

The Hon. Jeffrey Ellick –

Thank you, Mr Chair. I just think on a matter of principle why would we be accepting sponsorship from tobacco companies, so, for me, no, I would like to see it pretty much say we shouldn't be accepting it at all.

The Chairman –

The Honourable Anthony Green?

The Hon. Anthony Green –

Yes, Mr Chairman, the way I read it is that any form of tobacco or related products sponsorship is prohibited. The bit in the centre really just emphasises certain aspects of it and that's my understanding as a member of the Committee and the basis on which it was agreed, unless any Member thinks otherwise.

The Hon. Allen Cansick –

My view is that it is drafted that way to deal with the situation where potentially a tobacco company has given money away, but its name is not being revealed and to allow a tobacco company to still do so, that would be my reason for it being drafted that way.

The Chairman –

The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

So, what we're saying here is that I own a tobacco company and my football team need to go to Guernsey this year, they're looking for funding and I could not give them, like, I wouldn't be able to give them x amount of money without the whole population knowing that I gave them that amount of money?

The Hon. Allen Cansick –

At present you would be able to do so, but if we amend it, you won't be able to do so.

The Hon. Gavin Ellick –

I think that sometimes we may have to take a step back from?....., because free money don't comes around that often, you know, if somebody is willing to give us a lump sum of money to help our sporting facility and don't want to be named, I think that we should take it. That's just my personal opinion though.

The Hon. Derek Thomas –

Okay, Mr Chairman, the Health Promotion Officer would like to make some comments on this from her experience.

The Chairman –

Okay. Before you begin, Honourable Members, please switch your mics on before you speak, I just had a note from the radio station to say that we're missing material for the listening audience because Members aren't switching their mics on. Thank you.

Health Promotion Officer –

Just to support the statement that in terms of our reducing our tobacco intake in terms of promoting tobacco, I think it would be wrong if we were to accept any money, whether it was advertised or not, from a tobacco company.....?.....

The Chairman –

Thank you. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

So, can I ask the Madam if my tobacco company was giving £20,000, could you back that up for me or could you help the other people, could you give me £20,000 instead?

The Chairman –

Any other Member wishes to speak?

Health Promotion Officer –

Shall I answer it?

The Hon. Derek Thomas –

Yeah, go on.

Health Promotion Officer –

I think, morally, if we've got a stance into supporting, reducing our tobacco intake, we don't want to be supporting an industry that's harming our population, which, even if we can spend that money in a positive manner, I think it's still, giving the wrong message to our population.

The Chairman –

Thank you. Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I would like to make a formal proposal that that clause that I referred to earlier, i.e. where the name of a sponsoring entity is publicised, is removed.

The Chairman –

After promotion, Dr Essex, where the name of a sponsoring entity is publicised, you want all that removed, deleted?

The Hon. Dr Corinda Essex –

Yes.

The Chairman –

Okay. Do we have a seconder, please, for the amendment?

The Hon. Jeffrey Ellick –

I second that.

The Chairman –

You do, okay, thank you. So, Honourable Members, it's been proposed that Clause 17, subclause (3) should read "any form of tobacco or related product sponsorship, advertising and promotion is prohibited". That's correct?

The Hon. Dr Corinda Essex –

Yes.

The Chairman –

Thank you. Now you may speak to the amended version. Any Member wishes to speak to the amendment? The Honourable Cyril Leo?

The Hon. Cyril Leo –

Thank you, Mr Speaker. I think that amendment makes it less hypocritical.

The Chairman –

Thank you. Any other Member wishes to speak?

Question that Clause 17, subclause (3), as amended, do stand part of the Bill, put and agreed to.

The Chairman –

Any Member have any further questions on....

The Hon. Allen Cansick –

Mr Chairman, you need to agree the amendment first before we consider the rest of the clause. So, the amendment should be put first and then after that we'll put the rest of the clause when debate on the rest is finished.

The Chairman –

Okay. I thought I did, you know, but....

The Hon. Allen Cansick –

No, you put the clause as amended, it's just the amendment.

The Chairman –

Oh, okay. That's what I thought I did, but anyway.

The Hon. Dax Richards –

You were saying stand part of the Bill.

The Chairman –

Oh, sorry, I did, I left out the word as amended, I beg your pardon, Attorney General. Honourable Members I put the question that Clause 17, subclause 3, as amended, do stand part of the Bill. No? It's not standing part of the Bill?

The Hon. Dax Richards –

The standing part of the Bill we'll do that?.....

The Chairman –

Oh, okay, we're just agreeing that it's as amended, okay, sorry. Honourable Members, I put the question then that Clause 17, subclause 3 is amended.

Question on amendment, put and agreed to.

The Chairman –

We wish to continue with the remainder of the Clause 17, subclause (4) and (5)? Any Honourable Members have any questions?

Clause 17 (as amended)

Question put and agreed to.

The Chairman –

We'll move to Part V and I'll put the question that Clause 18 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chairman, Clause 18?.....two clauses?.....

The Hon. Anthony Green –

Mr Chairman, I just wondered if we could ask the Attorney General to start again because of the microphone?

The Hon. Allen Cansick –

Yes, Mr Chairman. Clause 18 is the first part of Part V that contains two clauses entitled Packaging, Labelling and Product Requirements. Clause 18 is the particular clause that deals with the prohibition of what will become a prohibition on the sale of the single stick cigarettes. Subclause (1) prohibits the importation, manufacture, acquisition and offer for supply of

tobacco or tobacco related products that are not packaged and labelled in a prescribed manner and that prescribed manner will be set out in regulations. This has also been put in place to potentially later on, if conformity can take place, for regulations to deal with plain packaging of cigarettes. Clause 18, subclause (2) prohibits the supply of tobacco or tobacco related products that are not in complete and intact packages meeting the relevant requirements and it's this particular subclause that will prevent the sale of single stick cigarettes because they can't be taken out of a complete and intact package.

The Chairman –

Honourable Members have any questions? The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

That is the one, Sir, that I was referring to earlier on where I think that this will cause a lot of disturbance within our community for people on small incomes who depend on that little couple cigarettes. I know people don't think it is true, I used to smoke, I remember when you had a cigarette it was a comfort to you and to take away all this here, I think this will cause more social problems within our community, so I would like to see that we have the sale of single cigarettes, even though we've heard from the Public Health and what the consequences are, I still like to see that we should be able to help people by letting them have some single cigarettes, because I'm wondering if we do not have this here, how much support we will have to help everybody and what will be the outcomes in the end. Will the crime rate go up, will our social policies be damaging to our own people? So, for me, I would like to see the sale of single cigarettes and then maybe if this message gets across and people do want it in, then we can clamp down at a later stage, but for now I'd still like to see this here happen. Thank you.

The Chairman –

Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker. I would oppose that, Mr Speaker. The science is clear, we are not helping those people and I don't think I am in any position to disregard science. The other components of this, which I fear, and this is where we as elected members have got to take difficult decisions. The other part of this, as I mentioned in my exposition earlier, is that we got a continual rising health bill. It is not affordable. If we are not taking the necessary measures to try and change this type of behaviour this will impact in going forward when HMG have got to consider in these difficult times further funding for St Helena. That's why we have been elected by the people, we have to look at this in around and I can fully understand where my Honourable Colleague is coming from, but to actually ignore science because we want to do this, what we should be concentrating on is to ensure that the support mechanism is in place. Now, we've heard from our Health Promotion Officer, the Directorate, our Chairman and some Members of this Committee who is at the forefront of this here of what they are doing to support that. For me to ignore science we're not helping those people, we are sending out the wrong message to people who we don't want to take up smoking, that it is okay if you have a couple of single sticks, so I think it is a balancing act and doing what is the right thing for the long-term future of St Helenians and young people. Thank you.

The Chairman –

Thank you. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I can agree with Honourable Henry, but I'm not talking about youngsters, I'm talking about older people who depend on the cigarette for company, people who live on their own, who only can afford to buy six, seven cigarettes, it's a comfort to them. I will not argue with science either, because science is a fact, but what I'm thinking about is the people in my district, on my island who will suffer as a consequence of not having a single cigarette. I asked again before, I said what would be replaced, what programmes will be placed for help. You know, until I see the statistics or until I see these things in place then I will gladly say no more single cigarettes, but until then I'm not going against anybody, science or anything, I am talking about our vulnerable in society who depend on the cigarette. When I used to be a smoker I used to smoke two packets of tobacco and five packets of cigarettes per week, so I know what it's like to have a cigarette, I know what it's like to have a craving and especially when you don't have nobody else to talk to, a cigarette is a bit of a comfort. Now it may not sound right and science may disagree, but I know my island and I know our people, this here will have a big impact on our people. Thank you.

The Chairman –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

I thought, Mr Chairman, that I covered quite adequately what support is in place and I'm very surprised that the Member is saying he's not aware what in place, I covered it quite clear what is in place. We've invested heavily to replace Dr Angie Jackson Morrison in the Lead Promotion Officer that we have here to lead this process. She has a programme that will appear before the Committee tomorrow as to how we're gonna get out and reach out to the people for the support that is in place. People have already undertaken support given, but I don't think it is right to entertain an argument here, it has been covered quite clear in detail, the evidence is there to show, if the Member has a proposed amendment to this section then he should make that proposal and see if it is seconded.

The Chairman –

Thank you.

The Hon. Gavin Ellick =

Okay, first of all, I'd like to say that you said you had the science and you have the backing. You said twenty people came in for help, only five quit. If the programmes are adequate you would have had at least fifteen quitting and five not, so I would like to propose an amendment that in this here that there will always have to have a sale of single cigarettes. I don't have the knowledge of how I should be saying it, but I will turn to my encyclopaedia for bit of help, even if she opposes me after.

The Hon. Derek Thomas –

Mr Chairman, just to clarify I said out of the seventeen, five have quit, others are undergoing the support that is being offered, so it wouldn't be right to say they haven't quit, they are in the process of undergoing this support.

The Chairman –

Do we have an amendment then, are you proposing an amendment?

The Hon. Gavin Ellick –

I would like to propose an amendment, but I don't know if I have the right words to say it.

The Hon. Dr Corinda Essex –

I know that this topic has been discussed, but perhaps it would help if the Health Promotion Adviser could actually explain the science that indicates that this is a major step that needs to be taken because there is still a lot of confusion and a lot of uncertainty.

The Chairman –

Thank you.

Health Promotion Officer –

Thank you. So, I think we're all aware that tobacco use contributes to poverty by diverting household spending from basic needs such as food and shelter to tobacco and having tobacco to be affordable is the easiest inroads into actually starting smoking, particularly with our young people, so if you can go into a shop and pick up a cigarette for 30p, just one single stick, it's making tobacco readily available and can be a default choice, we actually need to make it harder so tobacco isn't the default choice and isn't an easy thing to just have habitually, you need to actually make a second thought and think actually I'm going to pay £6.60 for this packet of cigarettes so I'm committing to smoking. Again, if we move away, if we, sort of, adhered, change 18, clause (2) we wouldn't actually be warning people of the health implications that tobacco causes, so I feel as a Government we have a responsibility to warn people and individuals, that's through education, through schools, through Public Health campaigns which Councillor Thomas has alluded to that we'll be discussing at Public Health Committee tomorrow, we're working with the School Nurse, we're working with Education in terms of how we embed that into PSHE so children are aware of it, but actually by picking up a packet of cigarettes which, again, when South Africa moves to the plain, single, plain packet cigarettes, we will appear to in St Helena too by removing and selling cigarettes individually we're not warning our population of the damage that smoking can do and, again, it's particularly the vulnerable that are on lower incomes who internationally are more, have a higher detriment to tobacco smoking than the rest of the population, but also particularly through young people, so we know we have, I think it's around fifty percent of our 20 to 29 year olds smoke on island, which is a very, very high statistic and if we're thinking about our altogether healthier actually we're not supporting our young people to become healthier because we're giving them not only a shorter lifespan, but more years with disability through the chronic diseases that we've talked about. We're also not making our population safer, so we're exposing more people to second-hand smoke, we're not altogether greener, because we're creating more litter, we're not altogether wealthier because if I were to smoke twenty packets, twenty cigarettes a day, that's two thousand four hundred pounds a year, that's 29% of the medium income, that's too much money for us to be thinking about for our population and, again, altogether better children, young people, we're deserving our young population if we're giving them an easy inroads to having, to be able to buy 30p, able to spend 30p on one cigarette and actually we know, as alluded to earlier, there's no safe level of tobacco consumption and actually all it takes is one or two cigarettes to start that addiction and as we know we talked about earlier how our young people's brains are still developing up until their twenties, actually we need to do as much as we can to protect them and to support them to do that it's important that we remove selling single stick cigarettes from the island.

The Chairman –

Thank you. The Honourable Cyril Leo?

The Hon. Cyril Leo –

Thank you, Mr Speaker. In considering the input that we recently had, I would say when helping or encouraging people to quit smoking we should be taking a realistic approach and guard against the dictatorial approach, so if you look at it, a packet of cigarettes costs around £7.00 and I hear the arguments from both sides, but there is a danger, like I said earlier, that it is not easy for people to quit smoking and they will probably find it a lot easier to buy a packet of cigarettes for £7.00 and deprive themselves of more sensible forms of sustenance for their bodies, so it is a difficult one, but hopefully I will make up my mind at the end of this debate and discussion, but I would just like people to take that into consideration.

The Chairman –

Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Chairman. Can I ask the Health Promotion Officer when she talks about packaging and you said that if it's open and broken down and sold in sticks then awareness of the health risks would be taken away, so what prevents the registered dealer to have labelled that it could be put in a little packet, a clear packet the way how the merchants sell it now, the shops sell it now, put another little label in the little plastic packet with those five sticks, what prevents that from happening?

Health Promotion Officer –

.....?..... Police that will monitor that, but again it's not just about the warnings, it's about how many cigarettes you're buying at one time and at least with this way we know ...?... importing the cigarettes from South Africa when they change their laws, we'll be having the same cigarettes, cigarette packets are distributed internationally and it's keeping with the same evidence and recommendations, actually it's not just, it is in parts of the warnings that we're providing, but it's about how many cigarettes people are buying and how many cigarettes we're making accessible to people, particularly on a lower income, just paying 30p for a single stick.

The Hon. Christine Scipio –

Mr Chairman, in my opinion, I'm not a smoker, but 30p for a single stick isn't cheap, so when you say it is making it accessible for people, I don't think 30p is cheap for a single stick and just to come back on what Honourable Henry was saying, that, you know, we need to make the right decisions, at the end of the day the Chairman of Public Health said there was a consultation and there were concerns raised by those people who did make the effort to go to those meetings about the single sticks and we should listen to them, we as elected members should listen to the comments that's made by our constituents who we represent.

The Hon. Derek Thomas –

Mr Chairman, like I said, the consultation was very low attended and those who did attend, there was a merchant who felt that he would be losing business opportunities if he was deprived of the right to sell single sticks and there were three other people from what I collected who was in support of the single sticks, so we got to make decisions what is right for this community, not for poor people.

The Hon. Christine Scipio –
Mr Chairman.....

The Chairman –
The Honourable Gavin Ellick first?

The Hon. Derek Thomas –
Sorry, Mr Chairman, the Health Officer wants to add on to what I just said.

The Chairman –
Okay, go ahead.

Health Promotion Officer –

It's also in response to Councillor Cyril Leo, he made a really relevant point, but in terms of people of our population who are smokers it's not a quick win to, I know Councillor Gavin Ellick said he just woke up one day and decided to quit and he was very fortunate that he's managed to remain quit for I think it is over ten years now, but we actually know, particularly the longer-term tobacco users, they may have several attempts and not always succeed and actually what our service that we have on island is designed to do is to actually help people even if they fall off the wagon, they try once, I need to quit, you know, they don't manage to succeed, the things that are really worth pursuing in life aren't always easy and actually the support we need to give them isn't about just having accessible cigarettes, it's about the nicotine replacement therapy which we do have, so that's where Councillor Thomas alluded to earlier where you have your first month's supply is for free and again there could be the nicotine gum, there's nicotine patches, there's also **Champix**, which is a tablet that people will take every day and it's having this in place as well as the behaviour change support which are really key elements in helping people that want to quit, because we can't force people to quit, it's helping people to quit and having that sustained support in place, and, again, having the other policies which are in this legislation, but in the previous legislation too around creating a smoke-free environment and a smoke-free place, because even again as part of the needs assessment in 2018, it was identified that smoking was seen to be accepted widely in the community, all social occasions and places and relatively affordable and it's actually changing that mindset and changing the affordability and changing the easily accessible, acceptance and accessibility of cigarettes that just make people think twice about it and really make that decision this is what I'm thinking about and how we can support them in as many ways as possible, because it's not just a one-pronged approach to tackling tobacco control, we need many elements and we need to support our community as much as possible to be as healthy for as long as possible.

The Chairman –
Thank you. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I thank you for that. Before when I alluded to people, vulnerable in society, I wasn't talking about the kids, because I do believe that the Chairman said that you will have ID cards in place, so if you have ID cards in place and you go into a shop for a single cigarette I think the shopkeeper got a right to challenge you, so it's no use having ID cards and you can't use them, so for me I'm talking about the vulnerable in society who depends on it. The kids, if we gonna have ID cards then that will be a form of distraction right there, so I'm wondering, like I say, so, for me, I would still like to see single cigarettes being sold in the shops, but I guess that maybe the other part of the Council doesn't want that, so we'll have to go with the status quo.

The Chairman –
Sorry.....

The Hon. Derek Thomas –
I just want to say about the ID cards, the Member is right, there will be ID cards, but once you're eighteen you're able to purchase cigarettes and that is still considered as a very young age.

The Chairman –
Director of Health?

Mr Edward Rayment –
Yes, I just wanted to indicate that the partnership, the Memorandum of Understanding that we almost signed off, but Covid came, we're working with Mauritius to try and also eradicate cigarettes or reduce them as much as we can, as they have, following their lead, and there are, looking at where I am I see a lot of people who have got serious illnesses now that have been caused as a result of smoking and other non-communicable diseases, but smoking being the chief one and I've been in a situation where people have said to me when they've reached the stage of lung cancer or something else, why didn't you do something to stop this earlier, you know, what did you do to try and make this less accessible. You say, well, that was your choice, but on the other hand I've had a Nurse who has been dying in front of me and saying why didn't you do something about smoking out back of the hospital, why didn't you get rid of that and why didn't anyone try harder to prevent me getting to this particular stage of my life now and the evidence is clear that you can give up smoking even when you're older and your lungs can go through repairing and if there's Covid on the island and you've got those problems it's even increased further your susceptibility, so I think we have a social responsibility to do all we can to reduce the number of people that we're having to deal with in the hospital which is like a tsunami, we've got to go down and do something to try and stop this and support our population, that's where I'm coming from as Director of Health.

The Chairman –
Thank you. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –
So, for my ...?....this here, if we really, really want to stop people from smoking, why not ban the whole lot of cigarettes what coming into the island in the first place?

The Chairman –
The Honourable Derek Thomas?

The Hon. Derek Thomas –
I don't think it is necessary to go that far, but nevertheless, I forgot to mention that, but the Director hit on a good point, the Mauritius, we're hoping that we're able to enter into a Memorandum of Understanding where there's huge benefits this island can achieve with the support of Mauritius and Members will be aware of that. One of the things that their Minister alluded to that we could perhaps qualify for support, financial support under the World Health Organisation under the Mauritius region, but we got to show, Mr Chairman, that we are doing all we can if we are serious about this, so Members need to think very carefully because we know the financial constraints that the Health Service is going through at the minute and here

is an opportunity now to get additional support from World Health Organisation under the Mauritius region to help us with our health issues here, but we're not gonna get the support if we are not meeting World Health Organisation standards.

The Chairman –

Thank you. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Speaker, interesting debate this afternoon, Mr Speaker, I think it is to the benefit of the listening public. My question is also as a Member of the Public Health Committee I notice that this clause makes mention of a minimum unit or weight requirements and we all know you can also purchase packs of ten, Mr Speaker, so thereby lies another question, what threshold does it become unaffordable and I look to the Health Promotion Adviser for her views on this subject.

The Chairman –

Attorney General?

The Hon. Allen Cansick –

I was going to just inform Honourable Cruyff Buckley that those sort of matters could be prescribed in regulations if they were going to allow ten or twenty packs.

The Hon. Cruyff Buckley –

Yes, I am fully aware of that, AG, I envisaged that would happen and obviously that will be a decision for the Public Health Committee obviously to make with endorsement from this Council, but I think it's gonna be a key deliberation and basically if we're gonna go all the way or are we gonna go half of the way.

The Hon. Derek Thomas –

Yes, Mr Chairman, that is something the Public Health Committee could consider. At the minute, cigarettes are imported in packs of twenty. I don't know if merchants are able to import packs of ten. If they are able to do that then those representations can be made through the Health Promotion Officer who works very closely with the importers. We don't know if that is out there, but if it is out there it is something the merchants can put forward through the Health Promotion Officer and it is something the Committee can consider through regulation if need be.

The Chairman –

Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Chairman. I propose an amendment, I think my Honourable Friend Ellick who had indicated earlier that he would like to propose an amendment, so I'm trying to support Councillor Ellick and also what constituents have said to me, so my amendment, proposed amendment, Mr Chairman, I should say, is to remove Clause 18, subsection (2).

The Chairman –

Do we have a seconder, please?

The Hon. Gavin Ellick –
I beg to second.

The Chairman –
Thank you. Honourable Members, it's been proposed and seconded that Clause 18, subclause (2) be removed. You may speak to the amendment. Sorry, go ahead.

The Hon. Derek Thomas –
So, just to be clear, Mr Chairman, in removing subsection (2) that will allow single sticks to continue.

The Chairman –
Yes, okay. That's the intention apparently, yes. The Honourable Lawson Henry?

The Hon. Lawson Henry –
Mr Speaker, I would oppose any such amendment, I don't believe it is in the interests of this island when the evidence is on the table and it is very clear. This is about the Council doing their job and making difficult decisions, so, for me, I don't agree with this amendment. Thank you.

The Chairman –
The Honourable Derek Thomas?

The Hon. Derek Thomas –
Likewise, Mr Chairman, I would oppose such amendment, it will go against all of the good work that the Health is trying to do in achieving their Health Promotion Strategy, I'd be very disappointed if Members go against this when they have already signed up to the Health Promotion Strategic Plan where we all know that the key issue to this heavy level of non-communicable diseases is contributed by smoking and this island will stand a lot to lose. We have a duty to listen to the public, but we have to also do what is best for this island as a whole and I lead on this consultation and I can tell you the few people that was against, that I'm aware of, the single sticks, who attended those meetings, I can count them by one hand and like I say one person was against it because of loss of business revenue in his shop, so we're not here to look at, we're here to address the health of this island, so I would oppose such an amendment.

The Chairman –
Thank you. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –
Could I just ask the Honourable Chairman of the Public Health how many people were against stopping, you said four were against, how many was for?

The Hon. Derek Thomas –
I think in all around about perhaps twenty showed up at the public meetings....

The Hon. Gavin Ellick –
Perhaps?

The Hon. Derek Thomas –
So, I say four and one importer, then the other fifteen wasn't.

The Hon. Gavin Ellick –

So we made a decision on twenty people?

The Hon. Derek Thomas –

Mr Chairman, we gave the public the opportunity to attend these meetings, if they were strong against the single sticks then they should have attended these meetings and make their concerns known. Not only that, they was also aware, members of the public, that representations could have been made to our Secretary within the Health Service. She didn't receive any. Two, er two, and we're here to make decisions, make hard decisions and decisions what is in the best interest of the island, not for certain individuals who oppose it. We have to be responsible for, like I said, we all know the challenges we face with the Health Service and budget and if I still to remain Chairman of the Public Health Committee and if this legislation is opposed, I will have a very difficult case if I have to appear before the Minister and ask for additional funding for the Health Service, because I can tell you now that the British Government is watching very closely and they are aware of what we doing. I'll have to make a solid case in justification, bit more than simply asking for more money.

The Chairman –

Thank you. Anyone else wishes to speak to the amendment? The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you, Mr Chairman. Just with regards to the support of individuals, you did mention before there was £9,000 for support as well as from the Pharmaceutical side and you also mentioned that you will have a meeting, can you give this Council some form of what is the action plan that's gonna be adopted for going forward, because looking at the numbers who have come forward to the Health Directorate you only had a, looks like a success rate of about twenty percent and then also what was mentioned was that you had your first month was three what happened in month two?

Health Promotion Officer –

So your first month is free and then it's £2.50, so the cost of a prescription after that, which, again, is substantially cheaper than a packet of cigarettes, and, again, in the long time is investing in people's health, so in answer to your question around the support services, I think that's a really valid question, not to make excuses, but to highlight, my predecessor left in November and I would say I only started working really on this in the last three weeks just because of Covid, but my colleagues in our Community Nursing Service have been working hard to deliver the Stop Smoking Services along with our Pharmacist, we're actually meeting next week to specifically discuss our smoking cessation clinics and, again, even where ExCo at the beginning of the month, this was another question that was asked of us and we are going to discuss it at Public Health Committee and seeing how we can promote our services further, but also utilise some of the successful participants that have stopped smoking and how they've managed to, and even highlight to people, or, again, some of the people that have maybe tried and not succeeded on the first time, it can take sometimes two or three attempts to do that and there's no failure in that at all, and so what we want to do is regroup, look at the strengths, look at the weaknesses and maybe again do some further community engagement around what we might need to change on that and, again, as we have some extra Health staff here at the minute, utilising those staff members and seeing how we can provide some of those services potentially in the workforce, so actually going to where people are, to, again, offer those sorts of supportive services, but if there are any recommendations or suggestions on that, we do have open ears

and, again, we're willing to, what we're trying to do is just collate again as a team together and see what has and hasn't worked, and, again, learn from the evidence and listen to people, but, again, the provision of NRTs, Nicotine Replacement Therapy and that behaviour change and that support are the key components to people succeeding along with the policies around that to support that.

The Hon. Clint Beard –

I see the buzzers have been going off quite fast, I couldn't come in before, but if you're looking at the youth and one of the comments I made before, well, before this process, was what about increasing the age, has that been looked at?

The Hon. Derek Thomas –

I can answer that, Mr Chairman. That was looked at and only in recent years the age was increased, as I alluded to, from sixteen to eighteen.

The Hon. Clint Beard –

Was it ever looked at pushing it up to twenty-one?

The Hon. Derek Thomas –

Not on this occasion, Mr Chairman, because I said only in recent years we push it up from sixteen to eighteen.

The Chairman –

Okay.

The Hon. Clint Beard –

Can I ask, with regards to the £9,000, in actual cost how many people could you really treat with that amount of funds?

Health Promotion Officer –

Sorry, ...?... say, the £9,000 budget is for Health Promotion, so that's more broadly than the smoking cessation, but that doesn't actually cover the costs of the NRT, Nicotine Replacement Therapy and the clinics, so it's kind of, it's difficult to say how much that £9,000, because it's designed for Obesity, it's also designed for Alcohol, it's designed for Physical Activity, so the actual money around the NRT is separate, but we can, I don't have those figures off the top of my head, but I can certainly find those and bring them back to you, but, again, we would be, I'm sure, sort of, looking at Director, in the terms of budget, if more people identified themselves as wanting to quit, we wouldn't turn them away, we would work to, and, again, as the Chairman of the Public Health Committee, we'd look to try and move funds to support as many people as possible that wanted to quit.

The Hon. Derek Thomas –

Yes, I just will add, Mr Chairman that is something that we would look at if there was the need for additional funding, that's certainly something that the Director would address.

The Hon. Clint Beard –

And just finally, just looking at....

The Chairman –

Honourable Members, I think we're straying away from the Bill at hand and we're going into operational matters.

The Hon. Derek Thomas –

Mr Chairman, you had a proposal here and a seconder, I think we deal with the proposed changes, Members need to make their decision.

The Chairman –

Yes, I gave Members the chance to speak to the amendment. The Honourable Cyril Leo?

The Hon. Cyril Leo –

Thank you, Mr Speaker. I already made my feelings clear as to people on low incomes, but not of strong will, will probably have a need to continue smoking or desire, if you like, but it will be at the expense of purchasing adequate food and that is my main concern really, so I will just repeat what I said earlier that the process of quitting smoking can be very difficult, but the benefits of quitting cannot be over emphasised and on that I prefer to retain the clause as it is.

The Chairman –

Okay, thank you. If there are no other questions on this, Honourable Members, then I'll put the question that Clause 18, subclause (2) be amended by deleting the whole of subclause (2) from the Bill.

The Hon. Christine Scipio –

I thought you might be asking Members for a vote, but

The Chairman –

That's what I'm doing, yes.

The Hon. Christine Scipio –

No, individually vote.

The Chairman –

No, I can't do it individually, I have to do it collectively.

Question on amendment, put.

The Chairman –

The Noes have it, the Noes have it.

Clause 18.

Question put and agreed to.

The Chairman –

Then I'll put the question that Clause 19 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chairman, Clause 19 is in regard to requirements for tamper proof packaging and labelling and it places a requirement on manufacturers, importers and retailers, exporters and

other parties that exercise all reasonable and necessary precautions to prevent tampering with packaging and labelling while the product is in their control.

The Chairman –

Okay. Honourable Members, you may speak to Clause 19, any questions?

Clause 19.

Question put and agreed to.

The Chairman –

Right, we move on to Part VI. Attorney General, I was gonna do it in 20, 21 and 22, is that alright with you, the clauses?

The Hon. Allen Cansick –

That's fine with me, Mr Chairman.

The Hon. Dr Corinda Essex –

Mr Chairman, may I suggest we still go clause by clause, please?

The Chairman –

Clause by clause, okay, thank you.

The Hon. Allen Cansick –

I don't take an objection if that's what Members would like to do.

The Chairman –

Okay, thank you. Honourable Members, I put the question that Clause 20 do stand part of the Bill. You may speak to the Clause, Attorney General?

The Hon. Allen Cansick –

Mr Chairman, Clause 20 is the first clause in Part VI that deals with offences and comprises Clause 20 to 28. Clause 20, actually, maybe as some sort of background information. A lot of these offences have been taken also from the previous 2011 Ordinance and Members would see if they compared the two that there has been somewhat a reduction in the maximum penalties of the fines. As a general rule, but not always, fines in the previous Ordinance, if they related to businesses and commercial premises, have been up to £1,000. They've been reduced here up to £800 and in regard to individuals in the previous Ordinance they've been around £300 and the Committee have chosen to reduce them to a maximum of £200 here. Members will also know, and this was something the Committee was very strong on that the maximum penalties are always fines, there's no possibility here of imprisonment for these offences and the Committee wanted to make clear they were going that way. It's also further worth noting that it's hoped or intended that most of these offences, if not all of them, will be subject to fixed penalty notices in the future when they're added to there and that was, again, the Committee was very strong to make clear they wanted to see fixed penalty notices come forward for these matters, but returning to Clause 20, this addresses offences of smoking in smoke-free places and subclause (1) contains the general offence of smoking in a smoke-free place or vehicle and contains a maximum penalty of £200. Subclause (2) creates a statutory defence to this offence where a person can demonstrate that they did not know or could not

reasonably be expected to know that it was a smoke-free place and subclause (3) creates an offence for contravening Section 6 (1) which is the prohibition of smoking in a vehicle occupied by a passenger under 18 years of age and that, again, has a maximum penalty of £200, but due to the more serious, or what's considered the more serious nature of that, that does not have a statutory defence.

The Chairman –

Thank you. Any Honourable Member wishes to speak. Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I need to have some clarification. So, if me and Cruyff here sitting in a car smoking a cigarette, we are two adults, am I committing an offence if both of us smoke?

The Hon. Allen Cansick –

No, it wouldn't be a smoke-free place in those circumstances, unless it was falling under one of the categories that we discussed earlier, for example, if it was a work vehicle and you are both smoking in it.

The Hon. Gavin Ellick –

But then, I'm working, he's working with me, so him and I we are smoking a cigarette together.

The Hon. Gavin Ellick –

If the vehicle is used predominantly for working, it would be a smoke-free place.

The Hon. Gavin Ellick –

Okay.

The Chairman –

Any other Member? The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Whilst I fully support the principle, Mr Speaker, I do see this fine a bit excessive and could be up for abuse. One would hope it would be exercised responsibly, but I do feel £200 is a bit excessive, Mr Speaker.

The Hon. Allen Cansick –

Is it part thereof or....

The Hon. Allen Cansick –

Mr Chairman, they are maximum penalties, so a Judge could go up to that amount and getting fixed penalties it will be a fixed amount....

The Hon. Cruyff Buckley –

I am fully aware it is up to, Mr Speaker, and that's my worry, it's up to £200.

The Hon. Allen Cansick –

So, Mr Speaker, it's up to that amount, £200 and the Honourable Cruyff Buckley was on the Public Health Committee where this was debated in a lot of detail.

The Hon. Cruyff Buckley –

So, I'm also aware of that and I raised my concerns then.

The Chairman –

Thank you. The Honourable Cyril Leo?

The Hon. Cyril Leo –

Thank you, Mr Speaker. Subclause (3), Attorney General?

The Hon. Allen Cansick –

Yes.

The Hon. Cyril Leo –

So, let's just say a scenario where a passenger reported this to the Police, then maybe the next day or day after and how will that play out?

The Hon. Allen Cansick –

Potentially, I mean, you could potentially have numerous ways that this offence can become known to the Police. It could be that they see somebody smoke in their vehicle that has a minor and stop the vehicle, it could be somebody reports it and they take statements, it could be the same subject as any sort of offence that was under investigation, it could be seen on the spot or it could be reported later.

The Chairman –

Any other Member have any questions? No?

Clause 20.

Question put and agreed to.

The Chairman –

I'll put the question that Clause 21 then do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Chairman, Clause 21 is in regard to offences relating to no smoking signs and subclause (1) makes it an offence not to comply with the duty to do so under clause 8 and has a maximum penalty of up to an £800 fine. Subclause (2) creates a number of statutory defences where essentially it was reasonable for a person not to have complied with a duty to display a sign.

The Chairman –

Honourable Members, any questions? No?

Clause 21.

Question put and agreed to.

The Chairman –

I'll put the question that Clause 22 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Chairman, Clause 22 is the offence of failing to prevent smoking in a smoke-free place and subclause (1) creates the obligation on a person who controls or is concerned in the management of any smoke-free place to take all reasonable steps to cause any person in the place or vehicle to stop smoking. Subclause (2) permits a person who is in control or is concerned in the management of the smoke-free place to request a person who fails to comply with subclause (1) to leave the place in question. If the person refuses to leave and if it's practical that they can be delivered to the nearest Police Station, that part has in mind a taxi driver or a bus driver who has in his vehicle somebody who is smoking and won't stop smoking, he can just go and stop at the Police Station and inform them. Subclause (3) creates the offence itself of breaching subclause (1) and gives a maximum fine of £800 and subclause (4) creates again a statutory offence that essentially addresses the situation where it was not reasonable for the person to comply with the duty under subclause (1).

The Chairman –

Thank you. Honourable Members? The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

So, if Cruyff was smoking in a non-smoking place and I failed to take him to the Police Station I have to pay £800 or he will have to pay £800?

The Hon. Allen Cansick –

Only if you are in control of that smoke-free place or you're concerned in its management, so if you owned, let's say for example, a restaurant or you are the Manager of that restaurant and Cruyff was smoking in there, yes, you would have an obligation to take all reasonable steps to stop him smoking.

The Hon. Gavin Ellick –

And if I don't then I have to pay, he will have to pay £800 or I will?

The Hon. Allen Cansick –

You would because you would be complicit in letting him smoke in there. Reasonable steps...?...most cases, as you can see here, would be judged by asking the person to stop smoking, if they continue to not stop smoking to ask them to leave the premises, if they didn't leave the premises to call the Police.

The Hon. Gavin Ellick –

Please people out there don't smoke around me or near my Fish Shop. Thank you.

The Chairman –

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

The Hon. Cruyff Buckley –

Yes, just for clarification, AG, a simple phone call to the Police Station would suffice in terms of deliver that person to the nearest Police Station?

The Hon. Allen Cansick –

Delivering the person to a Police Station does not create an obligation for that person to do so, it just allows them to do so if they're trying to address those situations where it could be taking

place in a taxi and you've got to stop somewhere, so, for example, if somebody was smoking in a restaurant expect them to be taken by somebody, in fact, they couldn't do this, there'd be no power for them to do so and march them up to the Police Station, you wouldn't expect anything like that.

The Hon. Cruyff Buckley –

Okay, thank you for that clarification.

The Chairman –

Thank you. Any other Honourable Member wishes to speak?

Clause 22.

Question put and agreed to.

The Chairman –

I put the question that Clause 23 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Chairman, Clause 22 contains, 23, I apologise, contains offences specifically related to children. Subclause (1) creates the offence of supply to children in contravention of Clause 12 and contains a maximum fine of £800. Subclause (2) creates an offence relevant to a person supervising or the responsibility for a child who causes or permits the child to smoke or have tobacco or related products in their possession and has a maximum penalty of a fine of £200. Subclause (3) allows a Court following a conviction under subclause (1) and (2) to make an order for a relevant child to attend a programme for treatment of cessation of smoking as the Court may deem appropriate and subclause (4) creates a defence to the offences in subclauses (1) and (2) where a person proves they took all reasonable precautions and due diligence to avoid the commission of the offence.

The Chairman –

Thank you. Honourable Members? The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I see there is a lot of things relating to a child here and I know the Honourable Chairman has said he has some stuff in place, so I will ask him now, what programmes you have in place to prevent a child from smoking?

The Chairman –

The Honourable Derek Thomas?

Health Promotion Officer –

So, as part of the National Curriculum, Health will be taught which would include PSHE which would include the Nurse going in to the school settings and educating children around the dangers of smoking. Again, our general Health Promotion Campaign around the island, which we'll be revisiting as part of the information I talked about earlier and again working with the Education Directorate around that in terms of the messaging that's given to children and young people throughout their time growing up.

The Hon. Gavin Ellick –
Thank you.

The Chairman –
Any other questions, Honourable Members? The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –
Thank you. Clause 2 I find very disturbing because it only carries a fine of £200, so if a person is supplying tobacco or a related product to a child or gets a child to supply tobacco to someone else or a related product the fine is £800, but if somebody who is responsible for a child actually causes that child to smoke the fine's only £200.

The Chairman –
Attorney General?

The Hon. Allen Cansick –
The Honourable Corinda Essex, that was the distinction between, again, businesses and individuals, however, as a matter of policy, I refer it over to the Committee Chair.

The Chairman –
Honourable Derek Thomas?

The Hon. Derek Thomas –
Yes, that is the rationale behind it, this was in relation to individuals and not businesses, but if the Member feels strong that that ought to be £800 then she can make a proposed amendment.

The Hon. Dr Corinda Essex –
I feel very strongly that a person who is responsible for supervising a child and is responsible for their welfare should have every disincentive applied that is possible to prevent them causing that child to smoke. I'm not so concerned about permitting, I wouldn't approve of them permitting a child to smoke, but if they actually caused that child to smoke, i.e. encouraged it and gave them the opportunity then I feel that a very heavy penalty should be applicable.

The Hon. Derek Thomas –
Mr Chairman, the Member has raised a valid point and if she feels strong then she can make, propose an amendment.

The Chairman –
Yeah, Dr Corinda Essex?

The Hon. Dr Corinda Essex –
So I would like to suggest that the maximum penalty for offences under Clause 2 should be the same as the offences under Clause 1.

The Chairman –
Okay, do we have a seconder, please?

The Hon. Cruyff Buckley –
Mr Speaker, I beg to second.

The Chairman –

Thank you, Honourable Member. Now you may speak to the amended clause 23, subclause (2). Honourable Members? Yeah?

The Hon. Cruyff Buckley –

Yes, Mr Speaker, contrary to my previous comments, I think this is an offence that does and will be proportionate to what has been allowed or perceived to allowed to happen, so I do support this amendment.

The Chairman –

Thank you. Any other Member wishes to speak to the amendment? No? Then, Honourable Members, I put the question that Clause 23, subclause (2) be amended to read after the words ‘maximum penalty’ “a fine of £800”.

Question on amendment, put and agreed to.

The Chairman –

Okay, Honourable Members, you may continue. Anything further on Clause 23?

Clause 23 (as amended) –

Question put and agreed to.

The Chairman –

Then I’ll put the question that Clause 24 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chairman, Clause 24 creates offences in regard to importation, supply or display. Subclause (1) creates offences relating to import, supplies and offering for supply or display in regard to contraventions of sections 9, 10, 11, 13, 14 and 15 and has a maximum penalty of a fine of £800. Subclause (2) is just in regard to contravening provisions of section 16 which are in regard to toy or candy cigarettes and contains a maximum penalty of a fine of £200.

The Chairman –

Honourable Members? The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Yes, in relation to the importation, the maximum fine, £800, we all know cigarettes can be a very lucrative business, Mr Speaker, and, if indeed, this offence does not get picked up on earlier on, I feel a helluva lot of money could be made before the penalty is imposed well in excess of £800, so I do wonder if this is proportionate or high enough indeed to incorporate every circumstance?

The Chairman –

Thank you. The Honourable Derek Thomas?

The Hon Derek Thomas –

Yes, Mr Chairman, that was the fine that the Committee recommended, £800, of which the Member is a Committee member and I not aware that he made this, brought this up in our

Committee meeting when we discussed this, so my understanding this met the support of the Committee.

The Chairman –
The Attorney General?

The Hon. Allen Cansick –
I don't have the full details with me now, but I think the situation that the Honourable Cruyff Buckley refers to may be covered under smuggling under the Customs Ordinance, it would be of much more serious matter if we got to the level we were talking about and smuggling contains custodial sentences, so it would be a far more serious matter under that particular example.

The Chairman –
Thank you.

The Hon. Cruyff Buckley –
Yeah, I thank the AG for that clarification. As long as we have the relevant laws to be proportionate to what has happened, Mr Speaker. Thank you.

The Chairman –
Thank you. Any other Member wishes to speak?

Clause 24.

Question put and agreed to.

The Chairman –
I'll put the question then that Clause 25 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –
Mr Chairman, Clause 25 addresses offences relating to advertising, promotion or sponsorship. It doesn't have any subclauses and the clause itself creates an offence for anybody who contravenes a provision of section 17 and has a maximum penalty of a fine up to £800.

The Chairman –
Thank you. Honourable Members, any questions?

Clause 25.

Question put and agreed to.

The Chairman –
I put the question then that Clause 26 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –
Yes, Mr Chairman. Clause 26 is offences relating to packaging, labelling or product requirements, so the distribution of a single stick cigarettes would fall under this particular provision for offences. The clause, clause 26 makes it an offence for a person to fail to comply

with the provisions of section 18 or 19 with respect to packaging, labelling or product requirements and contains a maximum penalty of a fine of £800.

The Chairman –

Thank you. Honourable Members, any questions on Clause 26?

Clause 26.

Question put and agreed to.

The Chairman –

I put the question that Clause 27 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chairman, Clause 27 is in regard to offences of obstruction in regard to the Ordinance and it creates three offences in subclauses all of which have a maximum penalty of a fine of £500. Subclause (1) creates an offence of intentionally obstructing the enforcement of the Ordinance; subclause (2) creates an offence of without reasonable excuse or lawful authority failing to permit access to a facility or proving assistance of information reasonably required for the enforcement of the Bill; and, subclause (3) creates an offence for false or misleading statements.

The Chairman –

Honourable Members? The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Just on a point of clarification, can the Attorney General explain the definition of a person, as used in this Ordinance, because it's not included in the Interpretation section?

The Hon. Allen Cansick –

It would be the ordinary meaning for the person, Honourable Corinda Essex.

The Hon. Dr Corinda Essex –

So what about a business?

The Hon. Allen Cansick

It would be a person, it would fall under a body corporate under the Interpretation Ordinance.

The Hon. Dr Corinda Essex –

Under the Interpretation Ordinance, so that's not stated in the Interpretation Section here and I'm wondering whether for clarity the interpretation should be included?

The Chairman –

Chairman, my view is it's already covered, it would cover a business.

The Chairman –

Okay, thank you.

The Hon. Dr Corinda Essex –

Can I ask the legal basis for that opinion, please?

The Hon. Allen Cansick –

Under the Interpretation Ordinance I consider a person is also included as a business. If it's not, in common law interpretation of person would include a body corporate that's a business, so I don't want to say with all certainty that it is in the Interpretation Ordinance, unfortunately I don't have it with me today, which is an oversight, but under common law that there would be interpreted to include a body corporate.

The Hon. Dr Corinda Essex –

Thank you for that explanation.

The Chairman –

Thank you. Any other Member wishes to speak?

Clause 27.

Question put and agreed to.

The Chairman –

I'll put the question now that Clause 28 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chairman, Clause 28 contains additional provisions regarding offences, it gives the extra power where a registered dealer is convicted of an offence under the Bill that a Court can in addition to other penalties order that registration be cancelled and any already pay, payments made forfeited and a person be disqualified from being registered for a period not exceeding three years. It further states in subclause (2) that if a dealer is convicted of an offence on more than three occasions in a twenty-four month period their registration automatically lapses, but the amount of the period will still be left to the Court.

The Chairman –

Thank you. Honourable Members? No?

Clause 28.

Question put and agreed to.

The Chairman –

Right, we move into Part VII now under Regulations and I put the question that Clause 29 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chairman. In regard to Part VII which is Miscellaneous which includes two clauses, 29 and 30. The first one, Clause 29 deals with Regulations and is a pretty standard clause in the Bill. It states the Governor in Council may make regulations necessary or convenient for the purpose of this Ordinance and without limiting that power the regulations may specifically and it details a number of specific examples, but it won't limit it to that.

The Chairman –

Thank you. Any questions, Honourable Members?

Clauses 29 and 30.

Question put and agreed to.

The Hon. Allen Cansick –

Mr Chairman, just to clarify that Clause 30 was the repeal of legislation, but I would have taken it that all Members would have seen that.

The Chairman –

Yeah, thank you.

Council Resumed.

The Speaker –

The Honourable Mover?

The Hon. Derek Thomas –

Mr Speaker, I beg to report that the Control of Tobacco and Related Products Bill, 2020, passed the Committee with four amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

Do we have a seconder, please?

The Hon. Cruyff Buckley –

Mr Speaker, I beg to second.

The Speaker –

Thank you. The Honourable Mover may speak to the Motion.

The Hon. Derek Thomas –

Mr Speaker, I thank the Honourable Members for their valuable contribution to the Bill and their support to the Bill, I would also like to thank the Director of Health and the Lead Health Promotion Co-ordinator and the Attorney General for his excellent work in going through the details of the Bill.

The Speaker –

Thank you. Honourable Members, I put the question that this Council approves the Control of Tobacco and Related Products Bill, 2020, as amended, and recommends to the Governor that it should be enacted. Members, you may speak to the Bill. No? The Honourable Mover you may respond?

The Hon. Derek Thomas –

Nothing further to respond other than once again add my thanks to all involved. Thank you, Mr Speaker.

The Speaker –

Thank you. Then I put the question that this Council approves the Control of Tobacco and Related Products Bill, 2020, as amended, and recommends to the Governor that it should be enacted.

Question put and agreed to.

The Speaker –

Thank you very much indeed. Our next item of business, please?

Okay, Honourable Members, you're asking for a five-minute comfort break, yes? Okay, I will adjourn the meeting then for five minutes and we'll come back again at 2.30. Thank you very much.

Council Adjourned.

Council Resumed.

The Speaker –

Please be seated, Honourable Members. Will the Clerk of Council announce the next item of business, please?

5.

ELECTIONS

Elections for Members of Executive Council.

The Speaker –

Elections for Executive Council. Can I have nominations please for Members of Executive Council? The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Mr Speaker, I would like to nominate the Honourable Lawson Henry.

The Speaker –

Thank you. Do we have a seconder, please? The Honourable Derek Thomas, thank you.

The Hon. Derek Thomas –

Mr Speaker, I beg to second.

The Speaker –

Thank you. Do we have any other nominations, please? The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, I wish to nominate the Honourable Derek Thomas.

The Speaker –

Thank you.

The Hon. Allen Cansick –

Mr Speaker, can I just ask you to go back a step or two, I do apologise to Honourable Corinda Essex, you just need to ask Honourable Councillor Lawson Henry if he accepts the nomination and if he does, then he stands for election.

The Speaker –

Sorry, yes, I do beg your pardon. Okay, let's backtrack a bit, Honourable Members. The Honourable Lawson Henry, you've been proposed and seconded to serve on Executive Council. Do you accept?

The Hon. Lawson Henry –

I do, Mr Speaker.

The Speaker –

Thank you, thank you very much indeed. The Honourable Derek Thomas, you've been proposed and seconded to.....oh, he's not been seconded yet.

The Hon. Gavin Ellick –

I beg to second, Sir.

The Speaker –

Thank you very much. The Honourable Derek Thomas, you've been proposed and seconded to serve on Executive Council, do you accept?

The Hon. Derek Thomas –

Mr Speaker, I accept.

The Speaker –

Thank you. Are there any other proposals, Honourable Members?

The Hon. Lawson Henry –

Mr Speaker, I propose Dr Corinda Essex.

The Speaker –

Thank you. Do we have a seconder, please?

The Hon. Gavin Ellick –

I beg to second, Sir.

The Speaker –

Thank you. Dr Essex, you've been proposed and seconded to serve on Executive Council, do you accept?

The Hon. Dr Corinda Essex –

Only if there are not sufficient other nominations.

The Speaker –

Thank you. Are there any other nominations, please?

The Hon. Gavin Ellick –

Sir, I beg to nominate Gerard Cruyff Buckley to ExCo.

The Speaker –

Cruyff Buckley. Do we have a seconder, please?

The Hon. Clint Beard –

Mr Speaker, I second.

The Speaker –

Thank you. Honourable Cruyff Buckley, you've been proposed and seconded to be a member of Executive Council, do you accept?

The Hon. Cruyff Buckley –

Mr Speaker, I accept the nomination.

The Speaker –

Thank you. Are there any other proposals, please? The Honourable Lawson Henry?

The Hon. Lawson Henry –

I propose the Honourable Clint Beard?

The Speaker –

Are there any seconder for that proposal?

The Hon. Gavin Ellick –

I beg to second, Sir.

The Speaker –

Okay. The Honourable Clint Beard, you've been proposed and seconded to sit on the Executive Council or be a member of the Executive Council, do you accept?

The Hon. Clint Beard –

Mr Speaker, I accept.

The Speaker –

Thank you. Are there any other proposals? Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, I wish to nominate the Honourable Jeffrey Ellick.

The Speaker –

Are there any seconder for that proposal, please?

The Hon. Derek Thomas –

I second that proposal, Mr Speaker.

The Speaker –

Thank you. The Honourable Jeffrey Ellick, you've been proposed and seconded to serve as a member of Executive Council, do you accept?

The Hon. Jeffrey Ellick –
I decline, Mr Speaker, I decline, Mr Speaker.

The Speaker –
Thank you. Any other proposals? No? No counter proposals? Okay, Honourable Members, Councillor Lawson Henry, The Honourable Derek Thomas, the Honourable Dr Corinda Essex, the Honourable Cruyff Buckley and the Honourable Clint Beard have been proposed and accepted, the Honourable Jeffrey Ellick was proposed and seconded but declined, so we have five members to sit on Executive Council.

The Hon. Dr Corinda Essex –
With respect, Mr Speaker, I did not accept, I said I would if there were not any other nominations.

The Speaker –
I do beg your pardon.

The Hon. Dr Corinda Essex –
And I ask for a point of clarification for the benefit of the listening public if, and also to clarify my own thinking, if the Honourable Attorney General could indicate what would be next steps if we cannot complete elections of Executive Council today?

The Speaker –
Honourable Attorney General?

The Hon. Allen Cansick
I wouldn't want to second guess the Governor, but without an Executive Council there is not any effective Government and there would not be a way for that to take place until there is an Executive Council, and, again, I make it clear, I don't second guess in any way what the Governor would do, but any options that he may have would be a General Election.

The Speaker –
Honourable Members?

The Hon. Derek Thomas –
Mr Speaker, I propose the Honourable Anthony Green.

The Speaker –
Do we have a seconder, please?

The Hon. Dr Corinda Essex –
I beg to second.

The Speaker –
Thank you. The Honourable Anthony Green, you've been proposed and seconded to serve on the Executive Council, do you accept?

The Hon. Anthony Green –

Mr Speaker, they have put me in a very difficult position, because if you had asked me first I would have said similar to Dr Essex. What I would say, if I may, that one of the things I would not want to happen is for there to be a General Election, I think that would be detrimental at this time, so I would say, you put me on the spot, but I would say I would give the first option to Councillor Essex and I would only, if, of course, she declined, so I think that would be the order of play.

The Speaker –

Dr Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, it looks as though we're between a rock and a hard place on this one, so I really don't know what to say. I think the Honourable Tony Green and I are feeling exactly the same, we're both facing this dilemma at this point in time and I am extremely reluctant to take on the duties primarily because I know I would have to give up a number of my other commitments which are ones that I am extremely committed to, however, I definitely would not like to see a General Election at this time, because I think that would be counterproductive, so I will give way to Councillor Green.

The Hon. Anthony Green –

Mr Speaker, if there are no other nominations, and I'm not sure if you've finished that round.

The Speaker –

I have asked for counter proposals, but there wasn't any so.....

The Hon. Anthony Green –

Okay, I'll accept, Mr Speaker, on those basis, yes.

The Speaker –

Okay, thanks very much indeed. Okay, Honourable Members, are there any other, sorry?

The Hon. Allen Cansick –

Mr Speaker, you may want to ask the Honourable Corinda Essex to formally state her position now.

The Speaker –

Okay. Dr Essex?

The Hon. Dr Corinda Essex –

My position is that I decline nomination to Executive Council at this point in time. Thank you, Mr Speaker.

The Speaker –

Thank you. Thank you, Attorney General. If there are no further proposals.....

The Hon. Anthony Green –

Mr Speaker, I know it's premature, but I would not wish to go on Executive Council if I don't continue my same portfolio. I know it's a bit premature and I can't put on conditions, so perhaps I'm speaking to myself really.

(Laughter)

The Hon. Allen Cansick -

Honourable Anthony Green, you will, of course, remain that Committee Chair until you make a resignation and if you intend to stay then you won't make that resignation.

The Speaker –

Right then, I put the question that the Honourable Anthony Green, the Honourable Lawson Henry, the Honourable Derek Thomas, the Honourable Cruyff Buckley, the Honourable Clint Beard be duly elected to serve on Executive Council.

Question put and agreed to.

The Speaker –

Honourable Members, the next item of business is Elections for Chairpersons of Council Committees, but we'll need to adjourn for ten minutes for Councillor Yon to do his part.

The Hon. Allen Cansick –

Yes, adjourn for five minutes so Councillor Yon can choose what he wants to do.

The Speaker –

What he wants to do, okay. Honourable Members, we'll adjourn for five minutes to give Councillor Yon the option to do what he wishes to do.

Council Adjourned.

Council Resumed.

The Speaker –

Be seated, Honourable Members. Our next item of business, please?

Elections for Chairpersons of Council Committees

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

Mr Speaker, I beg to present Sessional Paper 33/2020 – Government of St Helena – Election of Chairs of Council Committees – Standing Order 5 (2) of the Legislative Council. Mr Speaker, before I present the Paper, I think it might be helpful if I just outline what the Council Committees are and pursuant to section 56 (1) of the Constitution, the Governor has constituted the following Committees –

Economic Development Committee
 Education and Employment Committee
 Environment and Natural Resources Committee
 The Finance Committee
 Public Health Committee; and

Social and Community Development Committee.

Mr Speaker, I can report that the following Chairmanships are vacant – Environment and Natural Resources Committee and Finance Committee.

The Speaker –

Thank you. Honourable Members, can we have a nomination for a Chairperson for the Economic Development Committee?

Various Members –

No.....?....

The Hon. Allen Cansick –

Just the two that are vacant.

The Speaker –

Sorry, okay. Can we have nominations then for a Chairperson for the Environment and Natural Resources Committee? The Honourable Lawson Henry?

The Hon. Lawson Henry –

I propose the Honourable Cruyff Buckley.

The Speaker –

Thank you. Do we have a seconder, please?

The Hon. Gavin Ellick -

I beg to second, Sir.

The Speaker –

Thank you. The Honourable Cruyff Buckley, you've been proposed and seconded to be Chairperson for the Environment and Natural Resources Committee, do you accept?

The Hon. Cruyff Buckley –

Mr Speaker, I accept nomination.

The Speaker –

Thank you very much. Any counter proposals, Honourable Members? No? Okay. Can we have nominations then for a Chairperson for the Finance Committee.

The Hon. Allen Cansick –

Mr Speaker, if you just finish with this Committee first then do the Finance Committee afterwards.

The Speaker –

Oh, okay, alright. So I just announce who.....

The Hon. Allen Cansick –

You put to Members the name of the candidate is duly elected and then it will go to the vote without amendment or debate.

The Speaker –

Okay, thank you. Honourable Members, I put the question that the Honourable Cruyff Buckley has been proposed, seconded and accepted the nomination for Chairperson for the Environment and Natural Resources Committee.

Question put and agreed to.

The Speaker –

The Honourable Cruyff Buckley you've been duly elected to be Chairperson for the Environment and Natural Resources Committee.

(Applause)

The Speaker –

Honourable Members, can we have nominations for a Chairperson for the Finance Committee, please? The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I propose Clint Beard.

The Speaker –

Thank you. Do we have a seconder, please?

The Hon. Lawson Henry –

I will second it, Mr Speaker.

The Speaker –

Thank you very much indeed. The Honourable Clint Beard, you've been proposed, seconded to be Chairperson for the Finance Committee, do you accept?

The Hon. Clint Beard –

Mr Speaker, I accept.

The Speaker –

Thank you. Honourable Members, the Honourable Clint Beard has been proposed, seconded and accepted.....

The Hon. Allen Cansick –

Mr Speaker, you need to ask if there's any more proposals.

The Speaker –

I'm sorry, yes, I do beg your pardon, it's late in the afternoon. Do we have any more proposals, Honourable Members? Okay, if there aren't any more proposals then Honourable Members, the Honourable Clint Beard has been proposed, seconded and accepted to serve as the Chairperson on the Finance Committee.

Question put and agreed to.

(Applause)

The Speaker –

Thank you. That concludes the Elections, Honourable Members. Next item of business, please?

6.

ADJOURNMENT DEBATE

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

Mr Speaker, I beg to move that this House do now adjourn sine die.

The Speaker –

Thank you. Do we have a seconder, please?

The Hon. Dax Richards –

Mr Speaker, I beg to second.

The Speaker –

Thank you. Honourable Members, the Motion is that this House do now adjourn sine die. The Motion is now open for debate. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I rise in support of the Adjournment Debate. This has been a long session, but a very, very important business has been dealt with at this session; budget, motions and important legislation.

Mr Speaker, I will raise a few issues and the first issue I would like to raise is that the recent destruction of fruit on the last voyage of the MV Helena from South Africa and my understanding is, having enquired into the matter, the one previously it was also destruction of fruit, but my attention was brought to this recent visit and what I witnessed which was boxes of oranges and apples and for what I could see this fruit was in excellent condition. Having enquired further into the matter the reason for this had been a human error in South Africa by employees of the agencies that are responsible for the export documentation. A&NRD, acting in accordance of the present legislation have seized and destroyed this product. Mr Speaker, whilst I understand the need to protect the island by importation of pests that might prove detrimental to local production, I cannot help but feel that destruction of high quality produce without any obvious infection, disease or pests, is unnecessary. If documentation had been in order to say that fruit would have been released for sale, at no time, from what I could see and what was told to me, the quality of fruit was in doubt, mere mistake with the documentation. Mr Speaker, I will ask that in going forward that a level of discretion be exercised here. We all know how difficult it is to purchase fruit and I’m not advocating for fruit that is infected with diseases, that is understandable, but if there is a minor error on the documentation, we have qualified, experienced people in place, surely that fruit can be inspected and if found to be in good condition be allowed to be distributed and I don’t know if there is a such thing as discretion, but I’m sure that that needs to happen and if there is a legislation or policies prohibiting this from happening I will ask, and I had spoken to my friend here, the Chairman

of the Economic Development Committee, and I will share the evidence that I have in my possession from importers who have actually pointed out the real reason behind this and I will ask that this matter be addressed as a matter of urgency. We don't want to see the third voyage in a row, good quality fruit being destroyed. It goes against what we set out here, it certainly goes against the grain of Public Health when we're asking people to live healthy, so I'll ask for some urgent action and, like I say, I will circulate this evidence that I have to the Chairman of Economic Development Committee. This seem to be a process that can be dealt with and what is more, we had staff down there worrying and concerned, we had staff down there for days just cutting up and destroying the fruit, you know, this is not real value for money when we've got staff tied up doing this and the public are looking for the fruit.

The other issue is the concern of potatoes and you can take it any way you like; our farmers do the very best they can, but we are not able to have potatoes all the year around, we have to rely on imports and where we can import potatoes from? Only South Africa, only South Africa, there's nowhere else. Again, the last consignment of potatoes were barred by the Department for Agriculture, Forestry and Fisheries and I understand this was due to a mix-up and the potatoes were sent to the exporter, human error, however, this thing is not unusual, because the importers tell me that half of the time they are not able to get import potatoes because of our restrictions here. Now, I can understand again the protection we need to put in place, but if we are putting real strict measures on our importers it's going to be very difficult to import first grade potatoes from South Africa. The potatoes what we are importing, my understanding is that those potatoes are being exported in a number of places, only St Helena are demanding strict controls and, like I say, it's very frustrating for the merchants, because they told me that half of the year they're not able because of our restrictions here, soil inspections, and farmers are reluctant to carry out this in South Africa, because of the trouble that they got to go through for what is a small consignment for St Helena, they're not prepared to do it, so that need to be revisit. Again, you know, we must decide if we want potatoes on this island and if so we need to relax the rules, and, again, I have all the information here which I will forward to the Chairman of Economic Development and it might be that this can be progressed, and, if necessary, changes, because we either gonna stick with the rules and deny ourselves of potatoes or make changes, so those are two issues of great concern. I do hope the fruit issue can be sorted out relatively quick and not see further fruit, being good quality fruit being destroyed.

The other point I raise, Mr Chairman, is the three-day work scheme. Members were very concerned about the three-day work scheme, I think it take over a year to get up and running, but when it was up and running it worked to good effect, it worked to good effect and I do appreciate the Directorate who had political oversight does not have the funding, but the evidence is there to show, when we had the scheme up and running, it was welcomed by the local community, it was welcomed by the workers, they were making valuable contributions to our island and working for the money that they were being, would normally get from the Income Related Benefit, so I'll ask for that to be revisit, I know it will come with funding implication, but it's down to this Council to try and look at how we can find this funds and, you know, and I will be keen to push this, and it's not only those three-day workers, I think what should be included here is people who is getting benefits are capable of working, they should be going out there, if they don't have a medical certificate they should go out there and work for their money, Mr Speaker, so I will be progressing that, because there's so much to do when it comes to trying clearing roads, not only roads, we heard the Director of ENRD say, he doesn't have any money for pasture clearance, so maybe a bit of that can be done, you know, to protect our pastures, so it's simple kinds of things that can be done.

Mr Speaker, the other thing is that's been coming to my attention from members of the public, as well as elected members, about not being able to get Doctor's appointments in a timely fashion and Doctors will say well, you make an appointment to see me two weeks' time and

when they go out to the appointment clerk the duty roster is not there, so I do take that on board, I have spoken to the Director and we will work to ensure that duty rosters are presented in good time so the members of the public and the appointment clerk don't have to face these frustrating times when appointments can be made well in advance, the Health are working on that.

Mr Speaker, during this formal sitting, Members quite rightly raised concern about the poor state of Francis Plain and the need for urgent repair works. The playing field without a doubt is in a dangerous condition, sooner or later those people who take part, participate in sport, will get seriously injured. This is the only playing field we have and with a small community we should be proud of the level of interest our people show and skills they have, especially in our younger generation in football and cricket of which have led to international participation, putting St Helena on the map to the outside world. Sport is also key to our health promotion strategy and as a Government we should be looking very closely at ways on how we can find some support funding for these essential repair works to be carried out on Francis Plain to allow our sport to be played in a safe and proper manner. Mr Speaker, I support the adjournment debate, I beg to move.

The Speaker –

Thank you, Honourable Member. Honourable Members, can I just remind everyone that you are allowed ten minutes to speak to the adjournment debate please. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker, I, too, rise in support of the adjournment debate and wish to raise the following matters.

First of all, I would like to thank the Honourable Russell Yon for his time that he served both as Chairman of the ANRD and also his work that he did on ExCo. I think he have left a legacy, he has been a very hard worker and there was lots of things that he put forward that was left for a long time undone and I would like to pay tribute to him for all the hard work he has done, so, thank you, Russell. (*Applause*).

The second thing I would like to raise, and I notice my Honourable Friend has left, but anyway I still gonna say. Firstly, I would like to congratulate the English football team, Liverpool. (*Cheers*). Their victory in winning the Premier League and I gonna look to my right now, sorry Spurs, you just not good enough.

Mr Speaker, the Financial Secretary in his speech made mention of the support packages SHG and ESH had in place and was looking to extend beyond today, 30th June. I would ask that the current policies relating to the packages to be reviewed, firstly to see what lessons have been learned and to take these into account, also to further consider and call for feedback from the sectors and likewise take this into account as part of the review. I would like particular attention to be given to the introduction, perhaps of a one-off payment where non-resident local business owners have made substantial investment on island, but are themselves working overseas. In some instances, these are young entrepreneurs who have made an investment and created employment on the island and also pay taxes, but could not qualify under the current schemes because they are overseas. This is my understanding. In these instances, the policy, in my view, should take account of at least a one-off payment as their businesses have likewise been impacted by the effects and the threat of Covid-19. I would also like particular attention to be given to many of the smaller retail businesses in the country and in Jamestown. They have been heavily impacted because of the closure of the airport as well. They depend heavily on returning Saints, particularly those on leave from Ascension or the Falklands as well as those on leave from the UK who contribute significantly to the income of small businesses when they are here. This, of course, is not happening whilst the airport is closed.

Mr Speaker, we heard a lot about the Labour Market Strategy during the responses and in the Financial Secretary's speech and I have put forward some views in my response in the budget speech. However, Mr Speaker, I wish to make a point that when developing policies to underpin the strategy we must ensure that there are no other policies in existence which would impact on returning Saints and act as disincentives to them returning to the island. Consideration may need to be given to any SHG policies which may have, for example, time limitations associated with them and what would the policy to qualify, for instance, for overseas medical treatment or medical treatment on island. Would a Saint returning to the island by virtue of the Labour Market Strategy be expected to pay medical insurance to cover such an eventuality or would they qualify for a referral in the same way as any other resident? These matters need to be carefully thought through to ensure the Labour Market Strategy is successful.

I would like to say something about the merger of the FCO and DfID. It is hoped that this will benefit us here on St Helena as one of the UK's smallest overseas territories and that in going forward Her Majesty's Government will honour the partnership values under our Constitution. I hope that we have seen the last of rollover budgets.

I would also like to pay tribute to the SCDC Committee. I note with some gratitude that we finally have a draft Freedom of Information Bill that was considered at their meeting on 23rd June. This has been something that has been dear to my heart since joining the Council seven years ago, but always gets pushed to the back of the agenda, so after seven years, I can finally see some light at the end of the tunnel and I look forward to seeing this legislation on the Order Paper for the next sitting of this Council.

Finally, Mr Speaker, next year sees another milestone in the island's history with the 200th anniversary of the death of Napoleon. We all know it is difficult to plan ahead during the continued threat of Covid-19, but locally and internationally, but we cannot let this important anniversary pass by without some form of commemoration. I read in last week's local paper that planning for local events is in the pipeline and appreciate that even if international travel to the island has recommenced by May 2021 we may not attract as many overseas visitors as we would have initially hoped for. In spite of this, I hope we won't let the opportunity to remember one of our most famous residents pass us by without the trust, and trust that the Tourist Office is offering as much support as possible to those actively engaged in planning this anniversary. Mr Speaker, I beg to move and support the Adjournment Debate.

The Speaker –

Thank you very much indeed. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I declare my interest as President of the Chamber of Commerce before going any further.

The Speaker –

Thank you.

The Hon. Dr Corinda Essex –

Thank you. Mr Speaker, my Honourable Friend opposite has stolen a lot of what I was intending to say with regard to the Labour Market Strategy and support to businesses in particular, so especially as it's getting late I will delete those paragraphs from what I'd prepared and focus on the other aspects of my contribution to the Adjournment Debate.

Firstly, I would like to say, it is very good to be able to congratulate St Helena Government on timely and positive action. Following my Motion regarding water security, which was passed

unanimously in this Honourable House last December, a draft Water Resource Strategy has been developed which is now ready for public consultation. Development of a final draft involving a wide range of stakeholders within six months is a considerable achievement and all those involved deserve credit for their efforts. Consultation starts with the members of the Chamber of Commerce next Tuesday and public meetings will follow. It is of the greatest importance that the public take part in this consultation, in fact, it is very disappointing that the public does not normally participate as fully in public consultation exercises as is desirable. We all know that water security is of vital significance to everyone and I urge all those who care about the future of St Helena to attend the meetings or find some other way to submit their views and comments. Please don't miss the opportunity to contribute.

Sadly, however, in other areas of great importance, delays are still occurring. Review of the Land Development Control Plan is a case in point as competing pressures on the Chief Planning Officer are preventing him from completing the final summarising and editing needed before a document can be taken to consultation. The Chair of the relevant Committee, the Director and myself have tried to look at ways for alleviating this, but so far without success. This is extremely disappointing and indicates the risks associated with inadequate resource levels and single points of failure. As Chair of the Working Group undertaking the review, I am embarrassed, frustrated and painfully aware of the negative impact of the delay. Severely constrained budgets make such situations all the more likely to occur and it would be timely in the current period of austerity for St Helena Government to review both staffing levels and deployment, local and Technical Cooperation, to ensure that the achievement of key policy priorities are taken into account and adequately resourced and that some areas are not overmanned while others cannot deliver because of resource limitations. Perhaps that can be part of the strategy to which the Honourable Chief Secretary was referring yesterday.

Mr Speaker, in these challenging times, openness and transparency are all the more important if public trust and confidence are to exist. Clearly issues that are commercial in confidence or of a sensitive personal nature cannot be divulged under any circumstances, but there is a need for far more sharing of information and open discussion regarding key topics. I have stated previously in this Honourable House that many Press Releases and official statements appear to the public to be sanitised and I regret that I have to reiterate this. How often has a release stated that something has gone wrong or not to plan, or explained what action is being taken to address it? Every individual and organisation makes mistakes, Mr Speaker, and in a small community these are very visible. On some occasions, it may even seem as if something has gone wrong when this is not the case and here a public explanation could help to put the record straight. Let us all be frank and open in our communications with the public, but refrain from throwing individuals or entities to the lions as the creation of a blame culture is destructive and divisive and there's a very thin line between accountability and scapegoating. Elected Members have given a commitment to our constituents to keep them better informed, but we can only do so when we receive the relevant information ourselves. In a recent Informal LegCo meeting, I expressed my dissatisfaction because a Press Release had issued about a key matter that I'd received no information regarding until a constituent called me to ask what was going on. The Chief Secretary will recall when I raised that matter. When I stated that I did not know and could not answer the constituent's questions, I could tell from her response that the lady thought that I was not telling the truth. I can understand her reaction as her expectation that I should know the facts was reasonable. It is extremely embarrassing to be in this situation and it causes considerable unfair criticism of elected members. Elected Members have a duty to put forward the views, concerns and aspirations of their constituents so that these can be heard and considered, particularly in the formulation of key policies. There appears to be a growing trend for some policies to be developed and then presented to elected members at a very advanced stage. I could name examples, but for the sake of brevity I will not do so this

afternoon. Although it is fully accepted that officials should lead policy development, elected members are not rubber stamps and if they have not been involved in the process from an early stage there is a high risk of major changes having to be made at the eleventh hour or even that the policy being rejected. Mr Speaker, if the best outcomes possible for St Helena are to be achieved in this difficult period, officers and elected members need to work closely together in an inclusive ethos at all levels and on all matters and for this ethos to be underpinned by improved communications and an awareness of the democratic principle, and I quote, “Government of the people, by the people, for the people”. In the midst of all the firefighting that has to be done and the pressures we all face in this critical period of uncertainty and austerity the central importance of the people of this island and their priorities must never be forgotten.

In conclusion, I wish to thank the Honourable Russell Yon for his huge contribution as Chairman of the Environment and Natural Resources Committee. He has achieved an impressive amount in the last three years and St Helena as a whole owes him a debt of gratitude. It has been a privilege and a pleasure serving as his Deputy. Thank you, Mr Speaker.

(Applause)

The Speaker -

Thank you very much, Honourable Member. The Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker, I support the adjournment. I did have a prepared speech in which I congratulated my replacement (*laughter*), I’m unable to use that now and my valedictory speech will also have to be put on hold, so I will spend the time now writing up my obituary before I go home, but in all seriousness, Mr Speaker, I do want to pay tribute to Russell, Councillor Russell Yon, I have no connection with him in his Environment and Natural Resources Committee, but tremendous interaction with regard to ExCo and him and I did communicate personally on a lot of other things and he is to be congratulated and thanked for his effort. I have nothing further, Mr Speaker, I support the adjournment.

The Speaker –

Thank you. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Speaker. Mr Speaker, can you bear with me as I try to squeeze what is a lot into ten minutes.

The Speaker –

Thank you.

The Hon. Cruyff Buckley –

Mr Speaker, I read an extract from the Sentinel dated Thursday, 11th June. Governor says Zulu memorial must also honour British troops. Governor Dr Philip Rushbrook has said that a memorial to the Zulu prisoners who died in exile at St Helena must also honour British troops. This remark was made in Executive Council meeting Tuesday, 2nd June when ExCo granted planning permission for the Zulu memorial to be placed near the top of Jacob’s Ladder. The memorial has been eleven years in the making and has marked a newly positive connection between St Helena and the Zulu. Now cultural experts and others tied to the project have spoken out against the Governor’s statement. The memorial was intended to honour the

twenty-five Zulu Chiefs who were exiled to St Helena from 1907 to 1910 after the Benbetha Rebellion. The rebellion took place during the final years of British Colonial rule over what is now South Africa. The Zulu were resisting new taxes imposed by the British. More than 2,300 Zulus were killed by the British while 24 British soldiers died. More than 5,000 Zulu were imprisoned and 25 Chiefs were exiled to St Helena, 7 of the Chiefs died during their exile but the locations of their graves were never recorded. St Helena Tourism began pushing to erect a monument of the 2009 visit from 13 Zulu delegates who came to conduct a memorial ritual for their ancestors. At the ceremony, the delegates placed thirteen small stones at the viewing platform to mark where the substantive memorial should be placed. Throughout the following eleven years, the memorial plans were carefully discussed and drawn up. The memorial would be the first in St Helena to commemorate the 7 Chiefs whose grave sites were never recorded. The Zulu would finally have some form of physical memorial for their ancestors and St Helena would welcome visitors to the memorial. The memorial would feature a plaque. At the June 2nd ExCo meeting, the Governor queried what wording would be on the plaque. According to a representative from St Helena Tourism, the wording was being drawn up by South Africa's Ministry for Arts and Culture. Despite this the Governor insisted that the memorial wording must honour British troops as.....

The Hon. Allen Cansick –

Mr Speaker, I just want to make sure that the Honourable Member is not going into the conduct of the Governor. If it is, it would be out of order pursuant to Rule, Order 14 (1) (l). If it is going in that direction I'd ask that he is warned now, if it's not that's fine.....

The Hon. Cruyff Buckley –

I am simply paraphrasing what was written in a local newspaper, Mr Speaker.

The Hon. Allen Cansick –

But if you are raising issues in regard to the conduct of the Governor it has to stop now, if not...

The Hon. Cruyff Buckley –

I am simply paraphrasing what was written in the newspaper, Mr Speaker.

The Hon. Allen Cansick –

But if that newspaper reports on matters which are critical of the conduct of the Governor it has to stop now.

The Hon. Cruyff Buckley –

Well...

The Hon. Allen Cansick –

I've given quite a lot of leeway, because I didn't know where you were going with this, but now I think it's important that.....

The Hon. Cruyff Buckley –

Well, Mr Speaker, I was assuming I was under protection of this Honourable House during this debate.

The Hon. Allen Cansick –

Subject to the rules of debate.

The Speaker –

Thank you, Honourable Attorney General.

The Hon. Cruyff Buckley –

Okay. Okay, I will select what I am gonna say next from this..... I would like to quote Adam Sizeland, the Director of the Museum who says that “Honouring the soldiers who massacred thousands of Zulu people during the Banbetha Rebellion on the monument at Ladder Hill feels to me highly inappropriate and would dilute all meaning of the monument given that it’s supposed to represent

The Hon. Allen Cansick –

Mr Speaker, it is going into conduct, even if it’s inadvertently doing so, it certainly is, even if the Member is not meaning to, that’s where we’re going with this, we’re starting to look at conduct of the Governor.

The Hon. Cruyff Buckley –

I would like to take this offline with the AG when we’re done with this, Mr Speaker. Mr Speaker, the world has been shaken, Black Lives Matter, Racism has once again raised its ugly head only this time it is more profound and individuals on an international scale have taken it upon themselves to fight against this injustice and to bring this issue to the forefront of our modern society. On St Helena, this has awakened a sleeping dragon, in particular our three hundred sleeping dragons, first generation African slaves which were unearthed over a decade ago, which lie await in the Pipe Store for their re-interment. The gravity and magnitude of this affair is set to go down in history. It epitomises the colonial overrule that has plagued nations across the globe and the deep-seated memories that remain. Mr Speaker, during the 1980s during the construction of the Power Station in Ruperts Valley a commitment was given by the Foreign and Commonwealth Office to provide support towards the reburial and memorialisation of the African slave remains. This commitment was not honoured and whilst the island could afford to rebury significant memorialisation was out of financial reach. Mr Speaker, it is now time for Great Britain to face its greatest challenge. Herein lies a momentous opportunity for international reconciliation to heal these wounds and for the human race to acknowledge the wrongdoings to our fellow men and women. Mr Speaker, the Liberated African Advisory Committee, on which I sit, after careful consideration for the international significance of this story has now completed preliminary work needed to develop what I envisage will be a modern showcase to educate future generations about the horrors of slavery. It will encompass an interpretation centre and beautiful memorialisation that I hope will be fitting and deserving for individuals who were taken from their homeland and have taught us St Helenians valuable lessons. Mr Speaker, this work comes at a cost. That cost is in the region of a quarter of a million British pounds. Mr Speaker, I expect that this cost will be afforded by Her Majesty’s Government to reconcile their colonial past and to take a huge step towards equality for all races. Mr Speaker, I believe St Helena can truly become the blue and green exemplar we wish to be, but now I am also convinced we have a great opportunity to become a black exemplar and through our first-generation sleeping dragons and our world class interpretation centre and memorialisation we can do just that. Mr Speaker, the world is watching. I support the Adjournment Debate.

(Applause)

The Speaker –

The Honourable Jeffrey Ellick?

The Hon. Jeffrey Ellick –

Mr Speaker, I rise in support of the adjournment. I have now been on Council for approximately seven months and I find it frustrating at times, maybe because I came into the arena at such a late stage or it could be that I don't feel that there is a proper plan or co-ordinated approach by this Government. The Administration seem to be leading at times and not those elected by the people. Change in political governance is needed if we are to be in control of our own destiny. We cannot continue with the current system. Only yesterday during this Session of the Appropriation Bill, two members of the Executive raised their concerns about the level of funding for a particular Directorate. Other elected members had the same concern in meetings regarding the budget. With the correct governance system in place, the people's representatives will be making the decisions. I would advise and encourage our people to take time out to engage with any future consultation on change in political governance. For change to take place it will be down to the public to give such a mandate, whether by referendum or otherwise.

Another point, Mr Speaker. Valuing of Saints in Public Sector. Public Sector profess they are valuing and investing in Saints. Only a few weeks ago, I was given an example where recently there had been a Saint working on a temporary basis for a protracted period in excess of six months, I imagine that individual was doing a good job as they did not have any feedback to say anything to the contrary. The job was advertised and the individual who was fulfilling the role was told to apply, but was later told they did not meet the criteria for this position. This post is now filled by an expat. I would question if any opportunities were offered to the Saint in terms of training and development for this position knowing that the same Saint fulfilled this temporary position for over six months or is it the case that we have a Public Service that tells a good story but in the background there is something totally different happening.

I'd just like to touch on Black Lives Matter, which my Honourable Friend, Mr Buckley, raised before, but as people will know on the news and all around the world this is a hot topic and a controversial issue. For me, all lives matter, but on the topic of Black Lives Matter and more close to home we have a number of African Slave remains that were exhumed over a decade ago and is now stored in the Pipe Store. Mr Speaker, may I ask for how long can this continue and what needs to be done to expedite the re-interment of the remains to restore the dignity and respect these remains deserve?

Finally, to the budget. I will state as I have always stated that we as a Government need to focus on what is core Government business, but it appears at times this falls on deaf ears. At a time when funding is limited, this Government continues to put money into non-core Government functions whilst core functions suffer. Mr Speaker, I support the adjournment.

The Speaker

Thank you.

(Applause)

The Speaker –

The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you, Mr Speaker. I think firstly I'll start off and say to my colleague on the right he's a real example of really pulling the wheel and really working hard and I'm sure he will continue to assist us, all of our members, as he continues on Council, so thank you, Russell.

Secondly, on another really a positive note, I'll say this, the way I feel at the moment, frustrated angry and ...?....disgusted at the way we as elected members are treated. The investigation that we are in has pulled us all round. I was on the verge of calling it quits as an elected member because I feel sometimes the only way to go is to blame elected members and if you look at it all you gotta do is put the pieces of the puzzle together and you can find the story on its own, but I feel for me to step down would not only defeat myself but also the people that put me there. People saying we don't like to be micro-managed, but sometimes we are. I do hope that this investigation will conclude as quick as possible and we can get on with planning the route and being the voice of the people. It is no use being here when you feel you are not trusted. Sometimes people in the street know more than what we know around the table.

In this period where we are in partial lockdown as I see it and with no real travelling happening, we need to get ourselves prepared for a period when we will be able to travel and people will be able to travel here and with this, I mean being more self-sustainable. We should also recognise the advantages of our isolation but we must not be complacent as we are all here to protect each other and we need to make sure that decisions are made accordingly.

I will mention the crew of the MV Helena, I say thank you for those that sacrifice long months at sea delivering the goods to the island, we know it's hard out there in the high seas, but you are the heroes, it would be hard not having supplies although we are Covid free.

Opportunities for locals are so important and that is why we are still side-lining people. I believe a fair process should be adhered to and we might not know all the details, but it's important to put a consistent message out there that we want locals to return and we will give them a fair opportunity when the choices and when the opportunities arise.

I do believe, another point is that I think we need to look at, and as I mentioned before, access, I believe we are looking at South Africa day in and day out, I do that too, but I do believe that we should, as was stated a few days ago, looking at other access from other European countries, the viability of that and if that can happen.

I think we also need to just say thank you that as a island, Covid-19 is non-existent here at the moment and we are even in a better place than some counties in the UK and I think for that we should be thankful. Thank you, Mr Speaker.

The Speaker –

Thank you. The Honourable Cyril Leo?

The Hon. Cyril Leo –

Thank you, Mr Speaker. As we endeavour to protect the local population against Covid-19 arriving on St Helena, with the help of foreign marine vessels, elected members have been provided with conflicting information regarding the arrival date of yacht **Reral**. I consider the refusal by the Harbourmaster to provide elected members with the relevant documentation specifically proving the arrival of yacht Reral as defiant disrespect by a senior SHG officer. Mr Speaker, this is yet another typical example of SHG depriving elected members of relevant information to scrutinise SHG effectively. As elected representatives serving on Legislative Council, we have a responsibility to the electorate to scrutinise and hold SHG public servants, including officials and officers, accountable. Therefore, I have decided to take the matter to His Excellency Governor Rushbrook for urgent address. Having the Governor and SHG officials and officers continually depriving the majority of elected representatives of Government documentation and information has become a serious flaw in the democratic governance of St Helena.

Mr Speaker, after many, many years of seemingly disadvantage by being cut off from the rest of the world, so far St Helena's isolation has proved to be her population's greatest protection against deadly Covid-19 pandemic. Socially and economically the Coronavirus brings with it

unforgiving personal, community, national and international devastation. It's multiple attacks on the world causes pain, death and heartbreak for humanity on a massive scale. St Helena is still managing to keep this silent, deadly virus at bay. Humans who allow Covid-19 the benefits of ill-judged risks and/or complacency are reckless if not suicidal. Unless local residents and local Government continues to maintain the highest degree of vigilance to keep the virus at bay, the price of irresponsible risks will likely be the community's peril. Those with ultimate responsibility for protecting the community against Covid-19 must guard against taking ill-judged decisions that has the potential to compromise the protection of the community. Economic activities are, indeed, essential to a healthy community, but under the current circumstances ill-judged risks and decisions to get the island back to economic business as usual will only assist this silent and invisible activities of the deadly virus and have dire consequences for our community.

In relation to Covid-19, on behalf of the people of St Helena, I would like to take this opportunity to acknowledge the crucial physical, material and financial support St Helena has received from the United Kingdom and we also respectfully applaud the staff of the UK's National Health Service in their brave and demanding fight against Covid-19 and especially those doctors and nurses who risked and lost their lives during the line of duty in caring for others.

Finally, as we monitor, safeguard and prepare against the threats of Covid-19, I will take this opportunity to acknowledge, in particular, the special efforts, commitment and dedication of the Doctors and Nurses of St Helena's Public Health Service Directorate. Thank you, Mr Speaker. I beg to move.

The Speaker –

Thank you, Honourable Member. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Thank you, Sir. I would like to stand and talk to the adjournment debate. I would like to thank my colleague, Russell Yon, for the time he had as the Chairman of the ENRC, I know he did a sterling job in his role and did his best to get things moving forward, so I'm sorry to see him leave this post. Thank you very much, my friend.

Cruyff Buckley, you'll be taking over the role in future, so I wish you luck as well. Thank you. Now for my next one. My Muma had diabetes, high blood pressure, all my Aunties and Uncles they all had the same thing, but they didn't smoke, maybe it's from the old fire grates they had to use. It was often said, what you rather have, a smoky kitchen or a crabby husband, my Muma had both of them. So, I wanna know what happen to our personal liberties or our fundamental rights and freedoms for the individual. I'd also like to know if our Government is going to support everyone and help us quit smoking or could we stop all the importation of all cigarettes, but maybe it would have an impact and have a directing on our revenues, but as we leave this week and for the last three days we did a very good job, so I'd like to thank you all for a lovely time. God Bless and I beg to move, Sir. Thank you.

The Speaker –

Thank you. The Honourable Russell Yon?

The Hon. Russell Yon –

Mr Speaker, I rise in support of the adjournment. I will not make this long today as this has to confirm what Members knew for a while and some in the public had suspected. It comes with reluctance that I have to resign from my Chairmanship of the ENRC and my membership of Executive Council. This decision is not based on anything political or on goings in this political

arena, but for health reasons only. For the past ten months, I have been suffering with a health issue and although I have had numerous scans and other checks there is not, at this moment, any concrete evidence as to what might be going on and causing these problems. On the advice of the medical staff, I have had to make this decision to step back from the workload and hopefully it will enable the body to heal. I would like to take this opportunity to thank everyone in this room, the staff within the two Directorates and the public for your support now and over the past three years. It has been an incredible journey and an enjoyable one and one that I hope I will continue as I embark on the next year as a member with the Legislative Members. I do hope that I will be able to continue and to offer my support to you all and that you will still achieve a lot together. The ENRC Committee members, it has been a pleasure being the Chair of that Committee and having you all by my side. You have applied a lot of your time and your dedication in working with myself to see this progress being made across the two Directorates and that teamwork will now bear the fruits of our efforts. Congratulations on the new member elected today to ExCo and most of all congratulations as the Chair of ENRC. I will endeavour to work with you and to provide you with all the relevant information to ensure that your passage for the next year will be a smooth one. Mr Speaker, I support the adjournment.

(Applause)

The Speaker –

Thank you. Any other Member wishes to speak? No? Chief Secretary, you may wish to respond to the debate?

The Hon. Susan O’Bey –

Mr Speaker, thank you very much and I’d like to take this opportunity to thank Members for their valuable contributions towards this debate. This has been a long three days, a lot of work has been achieved and I’d like to commend all Members for the brave step taken today, in particular, in approving the Tobacco Ordinance, I think that was a very bold step to take, had a lot of difficult decisions that had to be made, but it certainly will go some way towards improving the health of our community.

Mr Speaker, there were a number of things raised today, I can’t promise to respond to all of them, but I will touch on a few and one of the first ones I’d like to touch on is actually in relation to the point raised by Honourable Derek Thomas in relation to the destruction of fruit. I know a number of people were very upset by that happening, but it might be helpful if I can just explain that there was time allowed, you’re absolutely right, it was in relation to errors in terms of documentation, time was allowed for those errors to be addressed, unfortunately the revised documentation was not forthcoming and that was why that decision was taken. However, I can reassure both Members and the listening public that going forward the Directorate is implementing a process which will allow for the relevant officers to carry out mitigation and risk assessments to determine whether destruction can be avoided in future, so whilst on the one hand we want to ensure that our biosecurity is not compromised we do recognise that in situations where there might be another solution then that will be applied.

Similarly, in relation to potatoes, I can confirm that a meeting has taken place already between the key importers and the Director of ENRP as well as the Senior Biosecurity Officer where issues were raised and it was agreed that the Director and the relevant officer will take this back to their Committee now for a discussion. It was likely to require a policy decision to be taken in relation to relaxing any of the controls, but that work will be taken forward through the new, sorry, through the Environment and Natural Resources Committee in relation to relaxing those controls if Members feel that that is the way they would prefer to go.

Mention was made of packages reviewed in terms of support for businesses during the current crisis and I can confirm that that work is in hand and will be taking place and the points that the Honourable Lawson Henry raised in relation to reviewing non-resident local business owners and also looking at options to support small business owners will be taken into account as a part of this review.

Turning now to the points raised by the Honourable Dr Corinda Essex. I share the frustration about the Land Development Control Plan and as you are aware we're trying to see how we can find ways in which to be able to free up the Chief Planning Officer's time in order to do this, however, it is extremely difficult at the moment because to do that means that you then have to park, perhaps, some of the work in relation to applications for planning and so on, so it really is a balancing act, but we will continue to work to see how we can address this and particularly whether there is another solution that we can find in terms of providing some further support.

I also totally agree with the frustration felt by the elected members in relation to Press Releases where issues are contentious not being shared with elected members first and I give a commitment that I will ensure as far as possible that where an issue is seen to be contentious or of national importance that those Press Releases are as a matter of course shared first of all with elected members before they are made public. It will only be in cases of extreme emergency where we might need to deviate from that, but that is something that we'll look to address going forward.

Dr Essex, you also mentioned about policy development and as you know that's a bug bear that I also have concerns about. I do feel that over the years SHG has deviated, if you like, from what is considered to be the appropriate mechanism for developing policy. It is absolutely correct that elected members should provide the policy steer, we should not be developing policies, unless, of course, they're operational policies, but we should not be developing policies without the appropriate steer from the elected members. I would like to ensure that going forward that that is implemented and would ask all Committee Chairs to ensure that that is the case when policies are being developed in your particular portfolios. There should be regular iterations of the draft documents as well which are being worked up by officers so that elected members can determine whether the documents are addressing the issues that you wish to see the policy address, so going forward, again, there needs to be closer working, I feel, between the Committee Chairs and the officers involved as well as all of the members on the individual Committees to make sure that that process is adhered to.

I was very pleased to hear from the Honourable Cruyff Buckley, and congratulations by the way on your appointment to ExCo) that work, that there is now a proposal that has been developed by the Working Group in relation to the memorialisation of human remains and I look forward to seeing that proposal in a short time.

Councillor Jeffrey Ellick, you raised your frustration about the lack of strategic direction and you also raised the issue about who makes decisions, is it the Administration, is it the Elected Members. I have to say that in some situations you will find that it is a bit of both. We are appointed, you are appointed as Elected Members to make strategic decisions and that is absolutely correct, but as Officers we also have both the ability and the authority, if you like, also to make certain decisions, but I think it might be useful if I can set out the process, if you like, in relation to strategic planning and setting of strategic direction. A number of references have been during the last three days, particularly in relation to the strategic planning and budgeting process, because, after all, this is the budget session and so it's natural that this would come up and I thought it might be helpful if I clarify, for the benefit of the listening public, how the SHG Public Service, and I think sometimes there is a bit of confusion about what is Government, what is SHG, what is the Public Service. This is the Government, you are the people who make up the Government, of course, you are the legislators and you pass the er,

you are the ones who agree or determine what legislation is passed or not. We also have Executive Council and we have Council Committees. The Administration or the Public Service, as I prefer us to be referred to, follows the MTEF process, or the Medium Term Expenditure Framework process, in relation to strategic planning and budgeting which takes its steer from elected members and this happens both at the Committee stage where elected members work with specific service areas and at the Executive Council stage where the policy priorities, in other words, the strategic direction is endorsed. Now, I agree and I think one of the issues that has been raised is that it's appreciated that to date certain services or certain service areas have fallen outside of the Committee system and I know that this is frustrating for members concerned and I hope that going forward that we have addressed this issue by ensuring that all areas now, particularly with the newly-constituted Finance Committee, means that there will be, that every area of SHG now will fall to a particular Committee and I will ensure going forward, particularly as we embark upon the new round of strategic planning and budgeting that that is adhered to in all areas. The policy priorities which members agree and endorse are linked to the Ten-Year Plan, the SEDP and other strategic documents as well as other areas which are deemed a priority by yourselves and these priorities once they are endorsed provide the political mandate for the Public Service, so we sometimes feel frustrated as the Administration or as Officials when we don't get that clear strategic direction and I would hope that this is something that we will address as a part of the lesson learning for the current strategic planning and budgeting round. It is really important, I feel, that we are, that we work together on this, we all want to achieve the same outcome and sometimes we find that we tend to be rowing in different directions, so I'm hoping that this time round we continue to build on lesson learning and perhaps use our policy priority process to provide a clearer steer for the Public Service.

Councillor Beard expressed his frustration at the way elected members are treated, particularly in light of the current investigation. I would just like to point out that it is not just elected members who are being investigated, Officers are also being investigated. It is unfortunate that we find ourselves in this situation, but it not just a witch hunt, if you like, in relation to elected members.

Councillor Leo, you referred to information and the lack of information being provided to you by Officers as a part of an inquiry that you wanted to carry out. I just wanted to point out that access to information in respect, and in this particular case it was the Master's declaration for a particular yacht that you were requesting and unfortunately this declaration contains personal information in relation to personnel on the yacht and in the same way that members of the public provide personal data with an expectation of data protection under the law, for example, income tax returns, Customs declarations and Social Security applications, we are not at liberty to share that information. However, if you still feel aggrieved by the outcome of this then you are perfectly at liberty to take whatever steps you feel you need to take.

I think it is important that we recognise the work, and I know all of you have done this, in relation to, I suppose, the elephant in the room which is Covid-19, it's not just in this room, it's global and the impacts of this particular virus has been felt worldwide, not least on St Helena. Whilst we remain Covid-free and I really am thankful that we find ourselves in this position, we are effectively also imprisoned on our own island and we are very much at the whims of other or the decisions made in relation to other countries in terms of access to the island, so, yes, the MV Helena at this point is our only physical link with the outside world that is providing any regular contact for St Helena and, indeed, we are really grateful to the Captain and the crew of that vessel for the sterling work that they do. The pandemic has highlighted our vulnerability and our dependence on the outside world. It has huge impacts, not just in terms of physical access, but we've also felt the strain this year in terms of the increased potential for economic recession and the likelihood of no increase in our financial aid in the

immediate future. Those are serious issues for St Helena, and not just for St Helena, for all countries in the world, and I don't think we can expect to, whilst we're fortunate at the moment to escape the virus and not have it here, I don't think we can escape those kind of impacts and it means that we need to be looking now at ways in which we can address this and become more reliant, more self-reliant going forward in order to minimise that access, that impact. So whilst Covid-19 is a hindrance and it has negative impacts, I'd like to think as well that there are opportunities for us that could arise out of this situation if we choose to see them in this way. There's opportunity, I feel, for us to rethink what is going to be normal, what is going to be the new normal for St Helena, and, indeed, for the rest of the world. Small things, like, for example, if you're living elsewhere, there's been an increase in the level of online shopping, for example, simply because people find it difficult to be able to go out to shop normally. Now, if that happens, that has an impact on St Helena. It was interesting, I was trying to do an online order and was struggling to find a delivery slot, simply because so many people are going that way now and technology I think is going to be a key factor in terms of new normal looks like going forward. We're holding more meetings, more virtual meetings, we link up now with our colleagues in DfID and FCO via individual meetings using social media platforms in order to be able to talk to them, because they, of course, all working at home. We need to think about that, we need to think about food security, we need to think about other ways in which we will get physical access to the island. These work streams under the Covid-19 Work Streams which have been established, such as, for example, to look at the food security, to look at access going forward, to look at how we can continue our businesses going forward, these are all work streams which are ongoing, but we need to think innovatively about how we address the issues that arise from them.

I'd like to take this opportunity whilst we're talking about Covid-19 though to say a special thank you to yourselves as elected members, to the members of the public, the private sector, to SHG staff, to our colleagues in FCO and HMG for their unfailing support for the island during this time. It was mentioned that we were able to within a very short period, six weeks I think it was, with concerted team effort, develop a facility which is both a hospital, a quarantine facility and an isolation facility which is our frontline in terms of defending the island, our frontline defence in ensuring that we were able to remain Covid free and that was done with real working together and it does demonstrate that if people are minded to do so a lot can be achieved.

In the background, I'd like to say a particular thank you to our colleagues in the Governor's Office who have been instrumental in facilitating meetings of the highest level with Baroness Sugg and elected members to make sure that we push our needs, if you like, to the UK so that they understand where we were coming from and I think that went some way to ensuring the £2.5m that we achieved, or that we received from the UK Government to assist with our Covid-19 plans. They continue to intervene with High Commission in South Africa to support medevacs and humanitarian flights, ensuring that we have adequate supplies of personal protective equipment and ensuring, of course, the next line in our defence which is the testing kits and that in itself has been a very, very useful acquisition as a part of our overall Covid-19 preparedness.

There are other opportunities that are on the horizon, which I think we need to be thinking of at the highest and most strategic level, the Political Governance Reform, that is currently being discussed by the Governor's Commission and which some of you have mentioned here this afternoon, is going to provide an opportunity, it is going to provide an opportunity for us to look at how we restructure our Public Service so that it becomes fit for the future, both to support what happens with whatever comes out of the political governance referendum, but

also to ensure that we are able to work or to reform our Public Service so that there is greater cohesion so that there is streamlining of the way we work together, grouping together functions which have synergy and which directly relate to each other, that is the part of the work that is going to be taking place during the next few months. We will also take the opportunity to look at our core services to provide those services which we are obligated to do. On St Helena, whilst there is always strong criticism of Government and the Public Service, there is also I would say strong dependence on Government and the Public Service to provide services that could be provided by the private sector and as indicated in my response to the question raised by the Honourable Dr Corinda Essex, we are looking at our, at all of our functions with a view to determining which of those functions can be delivered by the private sector, which of those functions can be delivered differently and, indeed, whether there are any functions that SHG just needs to stop providing. It doesn't necessarily mean that because we've always been providing something that we should continue to do it, particularly given the financial climate that we find ourselves in and the constrained budgets that we have.

So, in summing up, Mr Speaker, as I said, I'd like to thank everybody for their ongoing support, I hope there can be greater cohesion, I have felt at times, like some of you have felt, that we seem to be diverging on certain areas, that there isn't the closeness of working that should exist between elected members, officials and the wider public service and I would hope that in the same way that we hope that we can, with the FCO and DfID merger, that we can look at resetting the relationship between ourselves and HMG, I hope that we will also take this opportunity to reflect on our own workings and see whether we can also reset the relationship between the political and the administration so that there is a closer working together and that we're all rowing in the same direction towards a common destination.

And finally, Mr Speaker, I'd also like to say a very big thank you to Councillor Russell Yon. I think his leadership of the Environment and Natural Resources Committee has been visionary, he has achieved a number of outstanding work that has been outstanding for some time and I know, from my experiences with him, that he works all hours, just like a number of you do. I'd like to say a very big thank you to you Councillor Yon, it has been a pleasure to work with you, I have enjoyed talking with you and I know that you will continue to provide whatever support you can to your, to our new Chair, Councillor Cruyff Buckley.

So, in closing, Mr Speaker, my thanks to everybody for the hard work, for the level of debate that has happened these past three days and I hope that you will all have a pleasant evening and enjoy the rest of the week. Mr Speaker, thank you.

The Speaker –

Thank you very much indeed the Honourable Chief Secretary. Honourable Members, after three long days that concludes our business for this meeting. It has been an interesting session and I thank you all for passing the budget to allow Directorates to improve efficiencies and better use of SHG resources. Thank you also from myself Councillor Yon, it has been a pleasure working with you in your capacity as Chairman of the ENRD and the INT and I wish you well, I hope they can sort out your medical problems and we wish you well in the future. So, it's only left now for me, Honourable Members, to put the question that this Council do adjourn sine die.

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

Council adjourned sine die.

Honourable Speaker

Date