ST. HELENA

LEGISLATIVE COUNCIL

THE PRESIDENT

The Honourable Cyril Keith Gunnell

EX-OFFICIO MEMBER

The Honourable Attorney General, Mr. David Ferguson Ballantyne

ELECTED MEMBERS

The Honourable Gillian Ann Brooks
The Honourable Mark Alan Brooks
The Honourable Ronald Arthur Coleman
The Honourable Jeffrey Robert Ellick
The Honourable Dr. Corinda Sebastiana Stuart Essex
The Honourable Martin Dave Henry
The Honourable Elizabeth Knipe
The Honourable Robert Charles Midwinter
The Honourable Christine Lilian Scipio
The Honourable Julie Dorne Thomas
The Honourable Andrew James Turner
The Honourable Karl Gavin Thrower

CLERK OF COUNCILS Miss Anita Legg

PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Friday, 6th December, 2024

The Council met at 10.00 am
in the Council Chambers, The Castle, Jamestown

(The Honourable Speaker in the Chair)

ORDER OF THE DAY

1. FORMAL ENTRY OF THE PRESIDENT

2. PRAYERS
(The Right Reverend Bishop Dale Bowers)

3. ADDRESS BY THE PRESIDENT

The Speaker -
I won't be making an address today. Honourable Members, we resume, continue from yesterday. Anita.

4. MOTIONS

Motion No 1 - The Hon Minister for Safety, Security and Home Affairs

The Hon Jeffrey Ellick -
Mr Speaker, I was just wondering if we could remove our jackets please.

The Speaker -
Yes, I should have said that.

The Speaker -
The Honourable Minister for Safety, Security and Home Affairs.

The Hon Jeffrey Ellick -
Thank you, Mr. Speaker. Just one minute, my computer's gone funny, so I just need to get my notes. Mr. Speaker, I beg to move that the Immigration Amendment Bill 2024 be approved in principle and referred to a committee of the whole Council. I can formally confirm that this bill is presented on the recommendation of the Governor, in accordance with section 73 two of the Constitution.

The Speaker -
Thank you very much. Is there a seconder? Mr. Brooks,

The Hon Mark Brooks -
Thank you, Mr. Speaker. Mr. Speaker, I beg to second.

The Speaker -
Thank you very much. You may speak to the motion.

The Hon Jeffrey Ellick -
Thank you. Mr. Speaker. Mr. Speaker, the Immigration Policy was endorsed by the Executive Council in early May 2024, which now leads us to this Immigration Amendment Bill. in 2024, the policy is intended to increase the population of the island, particularly the working age population, as this is critical to growing the economy and developing sustainable prosperity of the island. The policy is ethical and in line with the Constitution of St Helena, in St Helena Government's vision and strategy, supports achievement of economic growth by enabling local private sector businesses development and making St Helena more accessible for visitors, investors and residents, by modernizing legislation and policies that make St Helena attractive to live, work and do business. The aging population and a declining working age population are having a detrimental impact on the availability of labor to maintain and develop the economy, particularly for medical and social care. A falling population reduces aggregate demand in the economy, erodes potential for economies of scale, and places a burden on the public purse through a high dependency ratio and impact productivity currently, labor shortage access for a wide range of positions on Island, the Immigration system needs to provide appropriate border security and law enforcement. Organized crime groups have identified St Helena as a potential target. It is therefore essential that the Immigration service has the necessary safeguards in place to protect the interests of St Helena, yet at the same time attract persons who will contribute positively to the island. The policy also addresses the disparity between the St Helena government and the private sector. When recruiting foreign workers, it creates a level playing field so that all foreign workers are treated equally by the Immigration process. Exemption provisions are made in a policy for urgent or critical posts that may be required in an unexpected time frame. For example, doctors in an emergency. UK government officials on duty in St Helena will remain exempt from entry control. A bill to amend the Immigration Ordinance of 2011 has been drafted to reflect the changes to the ordinance. The bill provides a legal basis for Immigration processes in implementing and enhancing Immigration processes. The main changes proposed to the Immigration ordinance 2011 are repealing the Immigration control board regarding decisions relating to Immigration which will now be made by the Chief Immigration Officer or by Immigration Officers under the delegation from the Chief Immigration Officer, repealing the Immigration control board regarding decisions relating to asylum rules, which will now be made by the Chief Immigration Officer or by Immigration officers under delegation from the Chief Immigration Officer, the Immigration board will be responsible for administering land holding by immigrants, only repealing long term entry permit and replacing with permission to stay above permit, repealing short term entry permit and replacing it with holiday permit. The aim of this is to streamline entry requirements. The permission to stay on a permit is valid for up to five years and can either be extended or an application made to St Helena status. The holiday permit can be applied for up to 183 days without the right to work. These changes streamline the application process for people wishing to enter the island, increasing landing permission from 24 hours to 72 hours. This will encourage cruise ships and private planes to stay longer. It could also help the island to manage cruise ship visitors more efficiently by spacing landings over several days, making provision for when an islander becomes a person who is 18 years of age, their person status as an islander remains, and revision of penalties to bring fees up to date. You will note that we are not making changes in respect of St Helena Status, as I believe the linchpin to achieving the objective of the policy will be the change in the permits and the support and policies. As I've said before in public meetings and with colleagues, Immigration is not the magic bullet. The bill is the first step in the legislative process of making changes to the Immigration Ordinance. In 2011, the legal bill is in line with the policy regulations will be drafted early in the New Year to detail how the main legislation will be applied in terms of wider policy support. As I said before, the Immigration policy is not a magic bullet for making the necessary difference to attract people to work on the island. Complementary policies are also being developed to help in this regard. The policies include the Labor Market Strategy, Marketing Policy, Health Fees and Charges, Health Insurance Policy, Immigrants Land Holding, Legislation, Property Disposal and Purchase Policy, Stamp Duty, Data Protection, untargeted subsidies, as well as the Elections

Ordinance. It is anticipated that most of these policies will be in place by the time the revised Immigration legislation is enacted. If there is sufficient support in the House today, Mr. Speaker, if we look at the trajectory of our population, we are heading toward a dire situation. If we choose to do nothing, we need to act responsibly and act now for the future of St Helena; the future of St Helena depends on us. I look forward to all Members' support with this Bill, Mr. Speaker, I beg to move.

The Speaker -
Thank you very much, Honourable Member. I put the question that the Immigration Amendment Bill 2024 be approved in principle and referred to a committee of the whole council. The question is open for debate. Honourable Members, you may speak if you wish. Honourable Robert Midwinter,

The Hon Robert Midwinter -
Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the motion, especially as these amendments to the existing ordinance have been a long time in the making. Mr. Speaker, we have reached a point in our population decline where we need to take positive action. I therefore look forward to seeing the proposed changes implemented and trust that the associated regulations will follow swiftly so that our systems run smoothly in the future, particularly in respect of returning residents.

The Speaker -
Thank you very much. Honourable. Karl Thrower

The Hon Karl Thrower -
Thank You, Mr. Speaker. I support this bill in principle, I do have two concerns, which I'll raise as we go through it. One is to do with, actually, the changes we made to one of the bills yesterday versus this bill. However, you know, Minister is quite right unless we make changes to our Immigration, and it's not always popular to do so, this island will not move forward. We cannot sustain the population decline. It is something we all feel. We all know how much better the feeling on the island was when Basil Reed was here, which is one of the peaks in population that we recently had. And I know that that also brought with it a lot of money. But just having more people on this island is necessary to make the economy work. The schools aren't working because class sizes are too small. This is creating problems in our classrooms. I've only discussed with three businesses this morning who are struggling to find staff Members, and this is I know the bank are short, the hotels are short, and one of the retailers also expressed serious concerns, if we don't start attracting more immigrants to this island, then we won't have a future for it.

The Speaker –
Thank you very much. Dr Corinda Essex,

The Hon Dr Corinda Essex -
Thank you, Mr. Speaker. Mr. Speaker, I support the principles of the Bill and am extremely relieved that it has at last reached this Honourable House, and largely reflects the public will, as expressed in numerous consultation exercises conducted for some five years. This is indeed a milestone that we've reached. It does address many of the flaws in the 2011 legislation and aligns with the newly approved Immigration policy. However, there is disappointment inception of the public regarding the fact that there has been no reduction in the qualifying period to spouses or life partners of persons having St Helenian status to enable them to acquire this themselves. And it might be helpful if the Honourable mover could explain the reason for this when he speaks later. Immigration is a sensitive and emotive issue in which polarized views on certain aspects are bound to exist, but the bill before us is certainly a step in the right direction. However, I also wish to point out that it does not encompass all the issues that are remaining within the principal ordinance that require tidying up and even possible amendment going forward, in particular references to the Immigration control board, and indeed some of the provisions for the. The enabling requirements for regulations in Section 43 which I would suggest, need review and possible amendment, as their implications are very far reaching, and both global and local circumstances have changed substantially since 2011 therefore I view this bill as part of a journey towards an Immigration ordinance that is truly fit for purpose and for taking St Helena forward. Thank you, Mr. Speaker.

The Speaker -
Thank you, Honourable Member. Andrew Turner,

The Hon Andrew Turner -
Thank you, Mr. Speaker This I do rise in support of the bill, although it's a bit of a difficult one for me, because there are two elements to the Immigration debate at the moment. The first is the Immigration policy, and then the Immigration bills in front of us today. Now, as all Members will know, I have severe concerns with the policy, in particular, to provisions for medical costs for people who come to the islands to work. I've expressed these on many occasions, and I'll continue to do so in the appropriate forums. But today is not really about the Immigration policy. It's about changes in the law, and the legislative changes being made here today do not affect the issues that I have with the policy decision, and by and large, represent a better system than that which we have now. So, I do rise in support of this bill, but I would just ask for this opportunity to ask ministers to ensure that clause attention is being paid to the risks that have been created by the policy

The Speaker -
Thank you, Honourable Member. Gillian Brooks,

The Hon Gillian Brooks -
Thank you, Mr. Speaker. Mr. Speaker, it is necessary to grow our population, while safety and security need to be very much at the forefront of our minds, we are endeavoring to attract visitors and encourage people to return home. So, I support the bill, as they see it, as part of our endeavor to boost our future. Thank you, Mr. Speaker,

The Speaker -
Thank you very much. Anyone else, Honourable Chief Minister,

The Hon Chief Minister -
Thank you, Mr. Speaker, I won't repeat most of what everybody else has said, other than to reflect on the journey this has been for getting to an amendment to the Immigration bill of 2011 I would just simply would like to congratulate Minister Ellick and his team for all the hard work, because I know it wasn't an easy bill to take out to the community, but you've done it, the changes that you're making, I wouldn't just suggest that what some of the concerns raised by the Councillors, it will be a journey. There will potentially be more changes that need to be made, and I know that the ministerial team will support you, Minister Alec, and your team, in ensuring that all the other policies that you refer to will push ahead now, in my corner, it is the data protection, and we've gone out to consultation on that. And more work has been undertaken. I know there's been a review of the existing labor market strategy, and we are going to be putting in some changes in the new year with the hope of reviewing the entire strategy for to make it fit for purpose in a longer period, but hopefully to be implemented before the end of the tenure of this of this council. So, I just would like to say congratulations to you. We need it. As everybody else has said. We are moving in a place whereby a declining population is making it impossible for us to do business how we need and how we wish, to cater for the community of this island, and indeed to retain our staff and to attract people to come and experience St Helena whether it is through work or To live amongst the community, it was, and still is a key area of our vision and strategic development. And I love the fact now that there will be no more disparate disparity, and we are having a level playing field for all where the public or private sector, it is demonstrated also that we are considering the wider vision of this government by increasing the time from 24 hours to 72 hours for visiting vassals, again, something that I am completely supportive of. And as I said, we will speak more in the committee system. But well done to you and your team for bringing it this far. Thank you, Mr. Speaker.

The Speaker -
Thank you very much, Honourable Minister, Henry.

The Hon Minister Henry -
Thank you, Mr. Speaker, and I also rise in support of the bill. My Honourable colleagues have mentioned all of the other positive things, which I of course support. So, I won't go over that. I would just like to mention as well, purely. From a health perspective, and this is a bit of a taboo in small island populations, but we have to talk about it, which is the gene and the diversification of our bloodlines. There is also an extremely important element in small island populations around the world. So that one has not shown up, but from a health perspective, that's important. It does. It is raised with me when various doctors, etc., come true and we have a discussion. So, just to add another positive element, thank you, Mr. Speaker.

The Speaker –
Thank you very much. Anyone else? Minister Brooks,

The Hon Mark Brooks -
Thank you, Mr. Speaker, I rise in support. I'd just like to give nothing to the house. My hon friend mentioned some company policies that will help to deliver the outcomes of this bill. And I just like to tell Members that some of the policy work that is in my area of responsibility, in terms of the property disposal and purchase policy. It is well. It is well on its way. It has completed its rounds of public consultation, and it will be coming to elected Members for the first discussion very soon, if not before Christmas, then after Christmas. I think it will be after Christmas. Now. We've also made big strides forward in terms of stamp duty. We have a stamp duty and the ordinance drafted, and again, that will be coming forward soon for elected Members to debate. And finally, in terms of the immigrant land holding license, we have made some progress forward in this, Mr. Speaker, but unfortunately, we lost a member of staff who was leading on this work. And because of capacity, capacity constraints, we don't have a clear date on when this work will be picked up again, but we are out for recruitment now, so hopefully we will have someone to pick up on this work again very shortly. So, I just wanted to let the public know and my colleagues in the room how far we have gotten with some of the work. Thank you.

The Speaker -
Okay. Thank you very much. Anyone else wish to speak otherwise? Minister Ellick, you may respond.

The Hon Jeffrey Ellick -
Thank you, Mr. Speaker, I'd just like to respond by saying thank you to the Members who stood up and supported the bill. I think Councillor Thrower has some issues which you will discuss, probably in the committee stage, and we can look at that then. Councillor Essex mentioned about reduction in time for spouses. And when we did the actual bill, what we looked at was also the British Nationality, and we tried to make sure that we were in line with the British Nationality. We don't have control over the British Nationality here, but going forward, it's something that can be looked at, but we have to deal with the UK Government in respect of the Immigration Control Board. I know Ms Essex has said this before, but she wants to be out in public, so I will say it out in public in terms of the Immigration Control Board. I know it's not ideal at the moment, just to have the Immigration control, we're not dealing with Immigration matters, but only dealing with Immigration land holding matters. It'd be no idea if we could have removed the whole thing out, but we haven't developed the Immigration land holding part, and that's what Minister Brooks will be doing. So, it's only going to be for an interim period once Minister Brock has finished his policy and brings the legislation forward, then we can lock that. Look at that after removing from the witness. So that's a commitment going forward, diabetics. Councillor Turner mentioned medical risks and the idea. But like with everything, Mr. Speaker, if you want to move forward, you have to take risks, because if you don't take risks, we won't move forward. But the main thing is, is about mitigating those risks, which is important. And I know he said about medical we did put out a policy concerning medicals, and that's the risk that we have to take, because if we don't take that particular risk, we then become we be a burden with other risks, and as council culture said before you know, going forward, it's going to be more detrimental to Saint Helena if we don't bring people In. So that's my bit, Mr. Speaker, I beg. I beg to move that the council resolve itself into a committee to consider the detailed provisions of the boat. I'll put

The Speaker -

I put the question that the Immigration Amendment Bill Two, 2024, be approved in principle and referred to a committee of the whole council.

Question put and agreed

The Hon Jeffrey Ellick -
Thank you, Mr. Speaker, I'll say the same thing as I said before. Mister Speaker, I beg to move that the council do resolve itself into a committee to consider the detailed provisions of the bill. I've also got the Attorney General to help us go through there as well. If that's okay with you, Mr. Speaker.

The Speaker -
I will be grateful for that. Is there a second?

The Hon Mark Brooks -
Mr. Speaker, I second the bill.

The Speaker -
Thank you very much, Honourable Member. I put the question that the council resolves itself into a committee to consider the detailed provisions of the bill.

Question put and agreed.

Council in Committee

The Hon Jeffrey Ellick -
Thank you, Mr. Speaker. I've asked the attorney general if you could go through it, but I do have officers here if we need further assistance. Yes, okay, all right. Would it be impossible if they could come to the table.

The Speaker -
We certainly can have People come to the table. You right, you're all settled. I put the question that the title enacting clause one does stand part of the Bill.

Question put and Agreed

The Speaker -
Clause to the amendment of Section Two interpretation. Does anyone wish to speak?

The Hon Karl Thrower -
Thank you, Mr. Chairman. So, this was one of my concerns, and it's about the word dependent being added in sections B and section BC. Now this wasn't in the draft Immigration policy that was sent out to the public, and has been added since I can understand the need for it. So, it says a person who depends on the person for support, and for whom evidence of that dependence is provided. I was just wondering where the threshold for that evidence is set. So, who chooses whether the evidence the applicant provides is enough to judge somebody as being a dependent? That's all I was wondering about.

The Speaker -
AG, do you wish to explain?

The Hon Attorney General -
Insofar as I'm able? I think what it's doing is adding a category of person as a defining a dependent who depends on a person other than a relative. That's my take on it. And in answer to the question as to who would decide what evidence is sufficient to enable a decision to be made as to whether someone is

legitimately in that of that character, it would be for the Immigration officer to decide that, because the issue in question would be whether that person should be granted some kind of work permit, presumably stay in work permit, if they were working as if they were to have help as a dependent. Sorry, I may be confused about the issue the dependent would require assistance from someone, so it may be relative to an application by the person who is assisting with entry into main if I got that wrong, I'm sure policy colleagues will correct me, but I think that's what it's about. I see. Indeed, I see colleagues nodding. I hope that's right. Thank you.

The Speaker -
Thank you. The Hon Midwinter

The Hon Robert Midwinter -
I think I could clarify this in terms of my circumstances. I have a brother in the UK who has had a very severe brain injury and therefore is dependent on a carer. So, if it fell to me to look after my brother, he's not included in any other definitions there, but he would fall into that definition.

The Speaker -
Thank you very much, Karl Thrower.

The Hon Karl Thrower -
So that's the kind of exactly what Councillor Midwinter just said. That's the kind of evidence that is very clearly accepted. But I just wonder if somebody who was financially dependent so say, I've got somebody living with me in my house, and I'm supporting through them by giving them access to my property, and I moved to St Helena, that person is dependent on me in the UK, and as far as I know, under the once again, the draft policy that went out 4.6 says exemption from Immigration control is issued to a person who is dependent of a person with center lean status. So that is also clear in that case that Councillor Midwinter just said, but all I'm wondering is what that threshold would be. In practice, I can understand people who are disabled or who have medical conditions. You know, there are lots of people who are carers for young people and things like that, but I just wonder where we establish that baseline, that threshold, is it in any other document or ordinance or anything?

The Hon Jeffrey Ellick -
Like I said when I started, Mr. Speaker, we still need to do the regulations, so out of the legislation, then form the regulation that should cover those particular areas. Thank you

The Speaker -
Thank you very much.

The Hon Karl Thrower -
And can we endeavor then to undertake that that regulation will be quite strict, just to make it easier for us so people don't have to appeal. Appeal. That's all I was considering.

The Hon Jeffrey Ellick -
Yeah, in terms of the regulations, we are advising on that as well.

The Speaker -
No, thank you very much, Honourable Andrew Turner. I think you had your light on previously. It's all been done for you. Anyone else wish to speak? Then I put the question that the clause stands part of the bill?

Question put and Agreed

The Speaker -

Moving on to clause three, repeal and substitution of the long-term entry remit, does anyone wish to speak, AG, maybe?

The Hon Attorney General -
Thank you, Mr. Chairman, I think as we've already dealt with clause two, long-term entry permit and short-term entry permit, which is the next one. I am not trying to deal with it right now. I know we have to wait, but those labels are unhelpful because they do not explain what this is all about. What this is about as I understand it, is that what is now called along what is now called permission to stay in. Work Permit means a permit, as the definition says, to enter, remain, and work or be employed. That is what it carries. The Work Permit System is being abolished as a stand-alone system, and it's simply an adjunct to the type of permit. The entry permit is being granted. The other type of permit is what's now, what was called a short-term entry permit. It's no longer a distinction in the time of the permit. It's the kind of activity that you can engage in with that permit, the holiday permit will not carry the right to work, only the permission to stay and work permit, as its label indicates. And if a person comes on a holiday permit, this will cure the mischief. If it was mischief of someone coming on a short-term entry permit, getting a job, and then being allowed to have a work permit, when, in fact, they came on a basis of not working initially. Now, in the future, just to explain to the house and those listening in the future, if someone comes on a holiday permit and they find a job, and they wish to work. They will have to apply to the Immigration Department and the Chief Immigration Officer or an Immigration officer for permission to stay on a work permit. They will not be allowed to transition straight into a work permit, so you have a degree of control that perhaps is not there at the moment. And I think that is the policy objective, if I understand it correctly. Thank you.

The Speaker -
Thank you very much. I put the question that clause three stands part of the Bill.

Question put and Agreed

The Speaker -
Clause four, repeal and substitution of the term short-term entry permit, Attorney General. Do you wish to explain a bit for us?

The Hon Attorney General -
I think I have covered that already. And what I said, if it needs further explanation, happy to provide it. It simply means that instead of a short-term entry permit, wherever that appeared, it's now going to read holiday permit, and that holiday permit does not carry a right to work.

The Speaker -
Thank you very much. I put the question that clause four stands as part of the Bill?

Question put and Agreed

The Speaker -
Clause five, amendment of Section three, obligations of masters of Vessel. So, anyone wish to speak? Attorney General, or Karl Thrower?

The Hon Karl Thrower -
So, this was the second thing that I mentioned. It wasn't particularly to Section five, but more to all of the fines throughout the document, in light of what we did yesterday. Should we change it? And I think all we need to do is put a fine of so at the minute, my understanding is presented before all of these figures is a fine off. Could we put a fine of up to and do exactly what we did to allow for a sloping scale, like we did with the bill yesterday? Because I do prefer that method, because it gives a lot more flexibility to the people who are doing this enforcement.

The Hon Jeffrey Ellick

I think this might be a bit different in terms of our Ordinances, the 5000 pound that's the Attorney General can tell me, otherwise, maximum fines are turned down to the court to decide what the fines go up to. They will base it on circumstances. It's not the fixed fine or whatever. It's the maximum fine. Unless you can correct me,

The Hon Attorney General –
I think, I think you're right in what you say about the intention, but unfortunately, the words don't presently match that. I think if that was what you wanted as Minister, the way to accommodate it would be to say a maximum fine of or a fine of up to whatever word you want, words you want to put if you want to give the court flexibility the way it reads at the moment, I don't think a court would have any room to do anything other than simply impose the penalty that's there. So, I would be inclined to agree. I mean, on the arguments that we discussed yesterday about giving the court the option of deciding how serious the issue was and reflecting that and the level of fine, I feel that is that's fair, and it's leaving the judiciary with the ability to judge, whereas they would have no option but apply the set fine. So it may be that if there's no issue with the other parts of the bill, that is an approach that would be justifiable, in my opinion,

The Hon Jeffrey Ellick -
Unless other Members disagree, probably would be, then sensible to make an amendment, propose an amendment, to substitute it, as opposed to saying a fine, I think off to maximum fine, fine or fine, up to.

The Speaker -
So, if it has been proposed, is there a second?

The Hon Jeffrey Ellick -
Mr. Speaker, I propose to have inserted in the Ordinance a fine up to 8000 pounds.

The Speaker -
Fine, up to 8000 pounds. Okay, that's the proposed second. So, I'll come to you, Robert Midwinter. He proposed. So, we need to see whether it's a second,

The Hon Robert Midwinter -
I second that amendment. Mr. Speaker.

The Speaker -
Thank you very much. And that was to fine up to it was okay. We made a note of that. Thank you very much.

The Hon Robert Midwinter -
Mr. Chair, if we're going to be consistently yesterday, it will be a maximum fine of, and I would therefore like to propose that the wording is a maximum fine of.

The Speaker -
So, we got a fine up, and we got another proposal to say a maximum fine of. It is a different proposal. Is there a second to your proposal? I don't see a second.

The Hon Karl Thrower -
I second it, but to do that, I think that it has to copy what we did yesterday. Yeah, whichever one we did yesterday should be repeated in the one that we're doing today. Could we check that? Clerk, okay,

The Hon Jeffrey Ellick -
Can I just interject? Mr. Speaker,

The Speaker -

Okay, go ahead, maybe the Attorney General can speak on there, because there are two different ordinances to be talking about.

The Hon Attorney General -
I think we should try to be consistent if we can. But I don't see a problem, because I don't think there's a difficulty. Yesterday, we said a maximum fine of whatever, and that indicates to the court that it's got discretion. If you wanted to be particular about it, you could say a fine of up to a maximum of but I think, but I think that might just be going a little too a little too far. I think it's all right to have a different formula here. I prefer, if I am being candid, to say a fine of up to which makes it very clear that was the initial suggestion. And I think that works. But the other formula that we agreed on yesterday works as well. So, I do not have an issue with that. Going forward, we all learn a little bit, and you know, that's a good thing.

The Speaker -
Thank you. Thank you very much. Fine enough up to 12.3 to confirm, can we confirm it's a, it is a fine up to, up to, okay, all right, thanks. Okay.

Question put and agreed

The Speaker -
Clause six. And that is an amendment of section four, appointment of Immigration offices, Attorney General. Do you wish to help us out here?

The Hon Attorney General -
Thank you, Mr. Chairman. I think the important changes are the removal of police officers being appointed as Immigration officers, but more importantly, that the Chief Immigration Officer may delegate any of his or her powers and duties to any other Immigration officer, so the Immigration team can act as a team and take individual decisions, and that ties in with the ability of a person to have an administrative review by another Immigration officer that we've provided for already in the changes that have been made in the bill.

The Speaker -
Thank you very much. Anyone else, Minister Scipio?

The Hon Christine Scipio -
May I just ask the question, may I my voice may ask a question for clarity, to apologize to listeners that I note that there hasn't been any consideration of gender neutral during the amendments. Is there any consideration on the ticket for gender neutral during the gender neutrals?

The Hon Attorney General -
I would imagine that would mean may delegate any of their powers and duties rather than his or her. That would be the way to deal with it. I would agree it's probably, you know, time to make that kind of change. We may, we may, we may find these expressions cropping up at more than one place, but it doesn't matter. It's more important to get it right. And I think it is. It is demonstrating moving with the times. Thank you.

The Speaker -
Thank you very much, Minister Ellick, thank you. I'm sorry. Back to Minister Scipio,

The Hon Christine Scipio -
May I propose an amendment then, Mr. Chairman, that we're his or her duties are generally in the proposed amendment to the ordinance, that it is changed to their duties instead of his and her. Wouldn't want to continue throughout this process this afternoon. I keep on saying his or her, if we could just agree now that whenever it appears, let's say their. Thank you.

The Speaker -
Thank you very much.

The Hon Attorney General -
Going to observe in a moment of levity, maybe that perhaps I could invite the Honourable Minister to join my drafting team. Thank you.

The Speaker -

Chief Minister, yes, so throughout the document, his or her should be their. Is there a second?

The Hon Chief Minister –
Yes, Mr. Chair, I'll second.

The Speaker -
Thank you very much. Okay, anyone else wish to speak on that? No, so it will be, rather than saying his or her, we should be saying there. Thank you very much. Can we move on to Clause Six?

The Hon Christine Scipio –
No, Mr. Speaker, you now need to ask, sorry, vote. You got an amendment on the table.

The Speaker -
Not only have to go to the Attorney General Chambers, in his team should come to my team as well, so we get a door, right? Thank you very much.

Question put and Agreed

The Speaker -
Okay, then we move on to the amendment of Clause six, appointment of Immigration offices.

Question put and Agreed

The Speaker -
Next. Moving on to clause seven. That's the amendment of section 5, powers and duties of Immigration officers, Attorney General.

The Hon Attorney General -
Thank you, Mr. Chairman, unless anyone wants to come in, this is just making it clear that the board would no longer have the power to adjudicate on entry permits, an Immigration officer is now going to be the person who makes that decision. So that's what the effect of this Clause is, in my opinion.

The Speaker -
Does anyone else wish to speak on that? So, I put the question that clause seven. Do stand part of the bill.

Question put and Agreed

The Speaker -
And then we move on to clause eight, the amendment of Section six in the corporation control board.

The Hon Attorney General -
Attorney General, thank you, Mr. Chairman, this refers to subsection seven of the ordinance, which reads that the governor must appoint a public officer to be the secretaries of the board, who must maintain minutes of the meetings of the board, maintain a register containing prescribed particulars of all applications, and because the board will no longer deal with declarations of central Indian status, long term entry permits, work permits, Immigration, employment certificates, all of those are deleted from that provision, but the board will still have certain functions. And we know that there's a consideration of the title of the board to

be tidied up in due course. I imagine this won't be the last word, but it does clarify the distinction now between the functions of the board and the functions of the officials. Thank you.

The Speaker -
Thank you very much, Mr. Speaker. Minister Scipio.

The Hon Christine Scipio -
Just for clarity, Mr. AG, that because we're removing b1 to four, five will remain, because the Secretary will still maintain a register for the immigrant, immigrant land, holding licenses. Does that five then becomes one, or it just remains as number five?

The Hon Attorney General -
I think that would be a tidying-up exercise for a law revision commission side. That would be a tidying-up exercise. It should become not just one. It should just become, you know, there's no need to have numbers, because it would be the only entry. It would just read particulars of all applications for immigrant land holding licenses. So, it would just be that's the function that's left with the board, and it's helpful to have that pointed out to the public. Thank you very much.

The Speaker -
So, I put the question that clause eight stands part of the Bill.

Question put and Agreed

The Speaker -
Moving on to clause nine, amendment of Section nine, disclosure of interest by Board Members.

The Hon Attorney General -
Town General, thank you, Mr. Chairman, the heading is altered to read just disclosure of interests, because the addition is being made that it's not just a member of the board who has an interest, who must make full disclosure of that interest, but an Immigration officer now who has a direct or indirect interest in any matter which has been considered by the Immigration officer must make full disclosure of the interest and refrain from participation on the matter, so that the new provision is just aligning the Immigration officers duty to disclose with the duty that previously rested with the board.

The Speaker -
Thank you very much. Thank you. So, I put the question that Clause Nine stands part of the Bill.

Question put and Agreed

The Hon Karl Thrower -
Just to clarify about the fines, the fines in that section, just to say, have we agreed now to alter all of the fines in the section to the agreed term?

The Hon Attorney General -
I believe that's what the House has agreed.

The Hon Karl Thrower -
That's fine then, Mr. Chair, I just wanted to check before we approved it.

The Speaker -
That's all right. Thank you very much. Dr Essex. Do you want to say something?

The Hon Dr Corinda Essex -

Just on that point? I know that we've agreed that we would make the consequential changes, but should each one of those be formally proposed and seconded?

The Hon Attorney General -
I think that would be the correct process to follow. It's a bit laborious, but I think it's right. Thank you.

The Speaker -
So, guide me, please.

The Hon Dr Corinda Essex -
So, I would like to propose that clause 9c is amended by inserting the grieved words that we are going to apply to all references towards penalty, in terms of up to what we said, up to whatever there might may be. So, the amendment would be to say up and substituting up to 4000 pounds.

The Hon Attorney General -
I would concur with that.

The Hon Dr Corinda Essex -
So, we need a second, so we need a second.

The Hon Karl Thrower -
I'd like to second it, Mr. Speaker.

The Speaker -
Thank you very much. So, I put the question that the amendment stands as part of the Bill?

Question put and Agreed

The Hon Christine Scipio -
Mr. Speaker, may I ask a question for clarity?

The Speaker -
Please go ahead.

The Hon Christine Scipio -
We proposed to have an insertion of one where an Immigration has who has a direct or indirect interest must make full disclosure. But when you look at Section nine, Section nine two, it says any member of the board fails as defined is 2/3 2500 or 4000, so what happens if the Immigration officer does not comply with that? It's a fine for them because under 9.2, it only refers to a member of the board, but the Immigration officer has been included in Section One A, but there's no mention of a fine for the Immigration officer.

The Hon Attorney General -
I think the chairman that is an omission from the bill. I think to be consistent, it should say any member of the board or an Immigration officer, I think it's been missed in the drafting. And congratulate the Minister for her attention.

The Hon Christine Scipio -
I propose an amendment that after the word Board, we include or Immigration Officer.

The Speaker -
Just hang on a second. Mr. Ellick.

The Hon Jeffrey Ellick -

Just for clarity, Mr. Speaker, as you can see, this is about the Board, the fees, and so forth. In terms of the Immigration Officer, you will find these people come under disciplinary codes for the public service. So, you wouldn't be fine with the Immigration officer, you were dealing, dealing with them in a different process. If you start putting fine state energy, we'll have, won't have Immigration offices.

The Hon Christine Scipio -
The title has been amended to disclosure of interests. The words by board Members have been removed. So, we think we need to be consistent if, if anyone does not comply, comply with what is written, there should be a mention if a code of management or whatever needs to be followed. There needs to be some sort of reference if an Immigration officer does not comply with subsection one, one a

The Hon Attorney General -
Attorney General, can you help please? It's not clear to me. It's not clear to me, Mr. Chairman, whether this was deliberate and a deliberate omission, or whether it was unintentional. And I don't know if the policy colleagues can advise the house on this.

The Speaker -
Policy advisers.

Mr Alex Mittham, Portfolio Director for SS&HA -
Chairman, no, it certainly wasn't deliberate. But as the Minister has already mentioned, Public Service have to deal with their own codes, so it would not naturally fall to an Immigration Officer to be fined, or any other public servant to suddenly be fined over a matter a point.

The Hon Christine Scipio -
Mr. Chairman, if Members of the board fail to comply with subsection one in the same way, have you inserted a new section for an Immigration officer? We need to be consistent. You can't have one rule for a board member and another rule for an Immigration officer. But if the management code, the government management code, deals with this. If this does not comply, then that's fine. But should there be a mention of this? Because it's not very clear to me,

The Hon Jeffrey Ellick -
Unless we're going to propose some sort of amendment to say that Immigration officers come under the code of management, because, from my understanding of this here, it's tackling the board, because the board deals with the land immigrant holding license and stuff, and they are independently appointed people. They don't come under institutions. Thank you.

The Hon Robert Midwinter -
Mr. Chair, I was going to say pretty much the same as the Honourable Minister. And I see this differently from how the Honourable Christine Scipio is interpreting that they are the Board Members. They are not public servants. They are appointed. They're Members of the public who are appointed into those roles. And therefore, if they don't declare an interest, there's got to be some mechanism for taking action against them, which. Would not fall under the Code of management because they are not public service, whereas the Immigration officers are public service.

The Hon Attorney General -
I think in that case, Mr. Chairman, there will either be no need to have an express provision, because that would be the position. They would be subject to the code of management anyway, under their contract of employment, so that it probably isn't necessary in these circumstances, and you can distinguish them. In my view, it's not wrong to have raised the point, but I think that it isn't a good precedent to introduce criminal offenses for being a public officer. There are alternative ways of dealing with that under the HR policies. So, I would suggest that we leave it alone, if I may, if the House agrees. But it's not for me to say that. It's, you could insert a provision and say that any Immigration officer who fails to comply with

subsection one will be liable to disciplinary action under the Code of management. You could say that, but that would be the case anyway. It would just make it clear if you wanted it clear. On the face of it,

The Hon Andrew Turner -
I'm not sure if this is going to help or hinder the debate at this point, but I would just say that we're not actually what the Honourable Ministers here were suggesting today wouldn't be introducing something new to Saint Helena law. It's already done under the just looking through police force ordinance, where certain officers can be fined for non-conformity with their Duties and things. So, it's not like, it's a new concept to be introducing today. It is something that there is precedent for doing.

The Hon Attorney General -
May I just say I think this is a matter of policy, and minister is in charge under the Constitution of the policy, and therefore I would look to Him to give the house direction, if I may, without passing the buck. Thank you.

The Hon Jeffrey Ellick -
Thanks. AG, when we did the policy, we did not put any provision needed target officers in this respect, because we knew that there was a code of conduct in place, therefore I don't see the reason for putting anything in there, so I believe we should just leave it as it is.

The Speaker -
Thank you. So, I put the question that the clause stands as part of the Bill.

The Hon Christine Scipio -
Sorry, clause nine Mr. Chair.

The Speaker -
Beg your pardon. Thank you for pointing that out. I put the question that clause nine stands as part of the Bill.

Question put and Agreed

The Speaker -
Now we can move on to clause 10, amendment of Section 11, duty of confidentiality, Attorney General.

The Hon Attorney General -
Thank you. I think this, this change is simply that both Members of the board and now an Immigration officer must treat as confidential all information presented to the member of the board or the Immigration officer in the exercise of their respective functions, and there is the same issue over the fine as we have had before.

The Hon Karl Thrower -
Mr. Chairman, may I propose that we put the words up to before the fine of 4000 pounds in section b2 I.

The Speaker -
That's a proposal. Is there a second to that? You second that?

Inaudible
I second Mr. Chair.

The Speaker -
Thank you very much. So remind me of the wording again.

The Hon Karl Thrower -

Up to 4000 pounds.

The Speaker -
A fine of up to 4000 pounds, yeah. Thank you very much. So, I put the question that the amendment stands as part of the Bill?

The Hon Andrew Turner -
Sorry, Mr. Chair, before we move on from this section. I just wanted to raise the issue about the fines and who they apply to again, because this one has slightly different circumstances. If you read further on in the bill to the one we debated earlier, I understand the argument that the code of management is what governs the actions of the officials when they are making these decisions, as opposed to board Members who are Members of the public. However, in this particular section, when you go on the duty of confidentiality continues to be imposed even after the person has left employment as an Immigration officer. Therefore, I would have thought in this section it would be appropriate to make sure that the fine also covers them after they've left the post. That's to ensure that confidentiality is kept after they've left employment. And that's, again, that's not unusual in roles around the island.

The Speaker -
So, is that a further amendment?

The Hon Andrew Turner -
That would be a further amendment if the AG could perhaps provide guidance on how that would be best achieved.

The Speaker -
So, undo what I just said, because we did propose that.

The Hon Jeffrey Ellick -
I think, Mr. Speaker, if it stays as it is for this one, then I don't think you need to make any further amendments.

The Hon Andrew Turner -
Would you be happy with that? Sorry, I don't understand why you wouldn't make any further amendments.

The Hon Jeffrey Ellick -
Because once they leave the post, whatever, they'll be judged at the time they were in post, as opposed to being out of the post.

The Hon Andrew Turner -
But it still specifies the subsection to a member of the board who willfully discloses so you'd have to have either a member of the board or former Immigration Officer in order for it to apply to an Immigration Officer. That's post, if I'm reading that correctly. And I'll look to the AG to perhaps offer some clarity.

The Hon Attorney General -
I think you would have to qualify that, in my opinion, by saying a member of the board or an Immigration Officer who has ceased to act as an Immigration officer.

The Hon Andrew Turner -
Yes, that would make sense.

The Hon Attorney General -
In which case, the code of management wouldn't presumably apply precisely. They would then be subject to the same constraints as a member of the board. That would be consistent, a little bit technical in a way, but it would address the point, because they are no longer presumably subject to the code of management

once they've left and planned. So, you could insert a member of the board or an Immigration official who has ceased to act as such.

The Hon Andrew Turner -
That would, that would, yes.

The Hon Christine Scipio -
Excuse me, is that include under 11 three and just inside Immigration officer, because you look under 11 three, it talks with teaching PERS, but subsection one continues to apply to Members of the board and Immigration office, former Immigration officer after they have seized any reason to answer I was going to ask for amendment to section 11 three and you've said of support, or former Immigration officer under Section 11 three, because it talks about tenure, we haven't dealt with tenure because they asked for somebody else for a second, my duty of confidentiality.

The Speaker –
I think that would, Honourable Andrew Turner raised, which section were you referring to?

The Hon Andrew Turner -
You're in 10, yes, the principal ordinance as amended in 10 on the amendment bill, or what would be 11 in detail, what goes to 11? No, it's 10 in the bill that we are at now, yes, actually, which refers to Section 11. It's one of these confusing things where they're out of sequence.

The Speaker -
So, did you get a second on that?

The Hon Andrew Turner -
I think the AG was still giving me a wording, was it?

The Hon Chief Minister -
All I was going to do is try to provide some clarity, which not probably going to happen very well, because I not, I don't know Christine's handing over or I'm handing over to what she's got, but whatever it is, I think it is just for you, Mr. Speaker Section 10 in the amendment bill is referencing section 11 in the actual bill that we're looking at. And what both Minister Scipio and Honourable Andrew Turner were saying is all to do with the same section. So, we need to. See if we want to amend both pieces, yes, and that is why I'll talk for Minister Scipio, Honourable Andrew Turner can speak because you've got a voice. I just I think what Minister Scipio is saying is that she wondered as to what Councillor Honourable Turner was saying could be COVID in Section 11 three, because it talks there, if you add it in about the Immigration officer, because it says the duty imposed by subsection one continues to apply to Members of the board and an Immigration officer after they have ceased for any reason to act as such. So, I'm I leave it to you now. I'm going to turn it if you'd like to go first.

The Hon Andrew Turner -
The reason I was looking at it under 11 two, as opposed to 11 three, is that it's, sorry, yes, 11 two is the one that carries the penalty, whereas 11 three does not carry a penalty. Therefore, I would propose the amendment go to 11 two so that it's covered by the same penalty. Otherwise, if I'm not mistaken, you'd have to create a separate penalty provision for what happens if it's an Immigration officer? Would you not? Well, no, sorry, a former Immigration officer, a person who has ceased to be as such, or so.

The Speaker -
Let me be clear. Now, have we moved on to Section 11, or are we still on Section 10?

The Hon Christine Scipio -
We are on clause 10 now, Mr. Speaker, Section 11 of the sub ordinance. So, in three, Mr. Speaker, it does refer to subsection one, which talks about how Members and Immigration officers must treat as confidential

information. So, it all linked in with section 11 two, which Honourable Andrew Turner refers to, and also refers to in the 11, three, which I have referred to if it would help explain it better.

The Speaker -
I think that, first of all, we need to close section 10.

The Hon Andrew Turner -
This is still Section 10. Mr. Speaker, I don't know if it helps clarify what I'm saying, but the duty to maintain confidentiality is linked. That seems very obvious. The penalty for failing to do so is what's not linked; that's specific to Members of the board. And that's the bit that I would be proposing we amend.

The Hon Attorney General -
I think the point to me would be that the duty continues to apply, but the penalty would only apply to a member of the board. Correct. Would not apply to an Immigration officer who had ceased to act as such, so that the secure that you could add in two in the, this is Section 11, two of the ordinance, which would still be it would reference clause 10a, one, I think, let me get this right. No, there is no amendment. There is no amendment presently to subsection two, other than the penalty. And therefore, it would be necessary for the House to move an amendment to Section 11, Section 11, two. So, it would say in subsection two by adding the words after a member of the board, the words or an Immigration officer who has ceased to act as such, does. Yeah, that way the penalty, the criminal penalty, would then apply to a former Immigration officer in the same way that it would apply to a member of the board. The board would be liable to this penalty while they were serving us as Members of the board. The Immigration officer would not be liable to this criminal penalty while serving as an Immigration officer, but would become liable to it when they cease to be an Immigration officer. It sounds, it sounds as if that would be fair, because there would be no other means of recourse against the Immigration officer if the idea is to provide a sanction for a breach of confidentiality following upon employment. Then that sort of wording would, I think, address the point.

The Hon Andrew Turner -
Thank you. I would like to propose that amendment, but I can't off the top of my head, remember all the specifications of that wording.

The Hon Attorney General -
I don't like drafting on the hoof, but I would suggest that the bill be amended by adding a provision. We say in subsection two, by repealing 2500 and substituting up to now 4000, we could say in subsection two by. Outing the words or an Immigration officer who has ceased to act as such after the words a member of the board and substituting up to 4000 pounds. So, you would be making two amendments, in one go, to section 11 of the ordinance, and the bill itself would be amended in the way that I've just described. I can give that again, if it's not easy to record, I would say in subsection two, if you go to 10 D of the bill, where it says in subsection two, you would add, first of all, by inserting the words in quotes, or an Immigration officer who has ceased to act as such, after the words, quote a member of the board and then and then the rest and repealing 2500 and substituting up to 4000 pounds. Yes,

The Speaker -
So, is there a proposal to standardise the proposal? Was that your proposal?

The Hon Andrew Turner -
I am happy to propose that.

The Hon Robert Midwinter -
I'm happy to second that.

The Speaker -
Thank you very much.

Question put and Agreed

The Hon Christine Scipio -
May I just go back to 11 three, that we raised before? When it says, did he impose subsection one continues to apply to Members of the board? Does it also need to refer to former Immigration officers after they have ceased, for any reason, to act as such? Does that apply to former Immigration officers? Just seeking clarity, Mr. Chairman.

The Hon Attorney General -
Out of the way, the way I read section 11 as amended, it would say this, the duty imposed by subsection one continues to apply to Members of the board or an Immigration officer after they have ceased for any reason to act as such.

The Speaker -
Thank you very much. Okay, are we done with that now? Thank you very much. I put the question that the amendments stand as part of the Bill.

Question put and Agreed

The Speaker -
So, I put the question that clause 10 stands as part of the Bill.

Question put and Agreed

The Speaker -
So, we can now move on to clause 11. That's the amendment of Section 12, appeal from decisions of the Immigration Officer. Attorney General.

The Hon Attorney General -
I think the main difference that this clause makes is to provide for the administrative review that we mentioned earlier in the conversation, which can take place where a person is aggrieved by or dissatisfied with a decision of an Immigration officer may, in the manner specified by the Chief Immigration Officer, submit an application for administrative review of the decision within seven days of being notified of the decision, and then as a qualification on that right that that does not apply to a decision of the Chief Immigration Officer made in respect of a matter relating to asylum, so that there would in fact, be an administrative review. I think the reason for this is that the process for asylum appeals is separate altogether, and it would be done under the new asylum rules that are going to be promulgated under the regime. We'll come on to that at a later stage. Thank you. Thank you very much.

The Hon Karl Thrower -
If I may, can I just ask for clarification? How does the word notify work in this thing? Is it when somebody receives notification, or is it when we send a notification? So, if somebody sends me a notification via email, is it when I read it, or is it when they send it?

The Hon Attorney General -
I think that would be a matter for regulations to prescribe how notification should take place. That's an administrative, it's not unimportant, but it is an administrative detail that the regulation should provide for, in my opinion.

The Hon Karl Thrower -
I was just thinking of the seven days. So, for example, if a yacht thinks it's going to come here and it leaves Cape Town, they might not have access to communication for though, for that period, potentially, that was all I was saying.

The Hon Attorney General -
I think, I think this is a fair point. The point is, it shouldn't be contingent on the notification being issued. In my opinion, it should be contingent on the notification being received. Otherwise, you're not on notice of the decision. And therefore, as the word notified implies that you need to be given notice. So, you should have seven days from the date of notification, and the regulations will presumably be able to provide for that and make it clear when the seven days should run.

The Hon Christine Scipio -
Thank you. Minister, yes, Mr. Chairman, may I ask for clarity again, because the proposal is to remove the word reference appeal, so then it becomes an administrative review. But in Section 12, two, it refers to on an appeal, should they say on an administrative review, because you want to remove the words reference to an appeal. So, is this an oversight issue?

The Hon Attorney General -
I don't know if it's an oversight or not, but effectively, if someone is dissatisfied with a decision, they are, in effect, appealing it. And it's just, it's not ideal terminology you could, you could substitute for the word appeal. You know, an application for administer on an application for administrative review, under this section, the applicant does not have a right to an oral hearing, if you want to be precise, but I don't think there's any difficulty about interpreting it as effectively. It is an appeal, albeit it's, it's, it's an administrative review. I think it's not wrong to make the point. I'm sorry. I should address you, Mr. Chairman. It's not wrong during committee, not wrong to make the point, but, I suppose, it demonstrates the fact that this is the product of a great deal of work over a long period, and only recently, some of the last-minute wrinkles have been ironed out, and you may still find wrinkles of this kind. And I'm not saying it's wrong to find them. It's good to have these challenges because the better the law is, the more effective it will be. And I'd be happy to suggest wording to address the concern along the lines that I've just indicated, if that would help matter.

The Speaker -
Okay,

The Hon Attorney General -
Well, we would then say, in the clause, let me get this right. It's clause 11 of the bill. We would say clause 11 B, in subsection two. You would say, by repealing the word subject to subsection three, or let me, let me back up a bit, if I may, you would say in subsection two, by, I don't know what words have been used, repealing the word appeal and substituting an application for administrative review the and then say the applicant repealing the word appellant and well, I have a favor coming up to another gender issue as well, if the applicant does not have a right to an oral hearing, but is entitled to make written representations in support of their application. It is how it would have to read. So, this is going to be a little bit complicated, a little bit like dental tooth work, but trying to be, trying to be, get this right. So, we would say in subsection two, by repealing the word appeal where it appears, and substituting the words application and application for administrative review that would deal with both. References to appeal, and repealing the word appellant, and substituting applicant, and repealing the words his or her, and substituting there, and then going back to the provision and repealing the words subject to subsection three, because subsection three is going to be deleted.

The Speaker -
So, is that your proposal always proposing that?

The Hon Andrew Turner -
Yeah, sorry, somebody proposed double check that we also included the title of the section because it's still called appeals from decisions of the Immigration officer as well.

The Hon Attorney General -

Sorry, thank you. The heading doesn't form part of the law, but it is right to change it. So, you could say repeat, repealing the word appeal, appeal, and appeals in the heading and in the text that would cover it all. But I think, to be perfectly honest, well, no, I think we should do that to make it clear that that it's an administrative review of decisions of an Immigration of Immigration officer. That's what the Heading should say. So let me start from the beginning in subsection two in the heading, by repealing the words appeals from and substituting administrative review of comma, repealing the word appeal in the subsection, what we've said in subsection two, sorry. We need to then refer; we've referred to the heading. We then need to say in subsection two, as I said before, I don't know if the Clerk got all of that. I think she's nodding. And maybe someone else can pick the ball up here. I can't move anything.

The Speaker -
Who wants to propose an amendment based on what was said?

The Hon Robert Midwinter -
May I say something first? Mr. Chair, I've just scanned forward, and if we do this, I mean, previously, the Attorney General has said we can leave appeals. It doesn't matter. But if you look ahead, this is going to open a can of worms, because we're going to have to make changes through the next three or four sections, because numerous sections relate to appeals. So, by making that one change here, we're going to have to emulate that throughout the next three or four sections.

The Hon Attorney General -
I'd be very happy not to have to do that. Yeah, I don't think it's wise to draft on the hoof. No, I say that in the politest fashion I can. That's my concern.

The Hon Robert Midwinter -
And I noted when we opened the discussion, the Honourable Jeffrey Ellick, did point out that there will need to be a further revision to the ordinance in the future, hopefully in the near future, to take out the Immigration Control Board completely. And it might be better to address that then, if the word appeals could be used in that context anyway.

The Hon Minister Scipio -
For clarity, Mr. Chairman, the appeals that Robert Midwinter refers to are, refers to the Immigration officer whose appeals from the board or appeals from others. Can you give an example? Because this one here in particular is talking about the Administrative Review of the Immigration officer, which has been proposed to change from an appeal to an administrative review. So, can you give an example where appeal refers to a sub-ordinance? Does it refer to an appeal to an Immigration officer? Was there an appeal to the board? We have reversed.

The Hon Robert Midwinter -
It's a mixture. So, we've got appeals from decisions of the Immigration officer. We've got appeals, and then it takes out the words from the decision of the board, and appeals supplemental. Those are the next three paragraphs. So, say that section, if we change it there, we're gonna have to go through the next three sections and make changes in all three sections. So

The Hon Minister Scipio -
Can I then ask Mr. Chairman the mover, why that was the intent, then initially, to change the word appeal in clause 12, one, to administrative review. Because if an appeal is going to be shown throughout the legislation. Why in this particular section, clause 12, one, does it refer to administrative review? What was the rationale?

The Hon Jeffrey Ellick -
The respect of the administrative review was given by the officers, so that the officers could look into the matter. It's similar to an appeal, but it's a view by the officers, so you can decide in-house rather than going

to court. It has to be said in context of an appeal, purpose of changing it so that it was clear, clear to people that it could be done in house and then go to court.

The Hon Attorney General -
There might be one way of dealing with it, to explain that an administrative review is by way of an appeal. So, you could go back, if you wish, to the definition of administrative review and say it refers to a review process by way of appeal established. I do not recommend that we do that. I think we should live, if I may say so, with the language that is there; it only refers to that section. And there may be other areas of appeal where we do not want to say that an appeal is only now by administrative review. There may well be positive news that asylum matters will be subject to appeal, and therefore, there's no one-size-fits-all here, Mr. Chairman, that I can see. And I think having had time to reflect in a few moments since the Honourable Midwinter's comment, I think we'll be at this indefinitely to get this in the right shape. I think the government would be, would be justified. And I think the minister has given a commitment to have a wholesale look at all of this and to come back. We know already that there's dissatisfaction with the label of Immigration control board when it's not going to be in control of much other than land holding. And so, I think there is scope for that further review. The difficulty is, we're up against the possibility of a situation where you need to have a much slicker mechanism for dealing with cases, and you need to have that now rather than wait. So, I think it's the lesser of its not really two evils. It's, it's the language is not, as they would say, felicitous, if you excuse the expression. But I think, given a fair reading, it's not unclear what it means. You know, the appeal is an administrative review in the context of this section, and I feel perhaps it would be prudent just to settle for them. Thank you very much.

The Speaker -
So, you know, just so I'm not confused. So, you made an appeal, Honourable Member, and the amendment you suggest, you know, who suggested the amendment that the Attorney General put out there, so there are no amendments to consider. Is that correct?

The Hon Karl Thrower -
Mr. Speaker, say that we propose that we remove the proposed amendment to section 12 b2 and simply not change that entire sentence. So, by repealing the words appeal under Section 12 and substituting the words in administrative review under Section 12, we simply remove that from the proposal. I thought that's where you were, 11.

The Speaker -
Now you're on 11

The Hon Karl Thrower -
Yeah, that's right, yeah, sorry

The Speaker -
All right, so we're on 11. There have been no proposed amendments, right? Okay? We revoke the amendment.

The Hon Attorney General -
And I don't.

The Speaker -
Just to vote on it

The Hon Dr Corinda Essex -
On the whole section, just to put the question on Section 11.

The Speaker -
Thank you very much. Attorney General mentioned, we don't need that.

The Hon Attorney General -
I don't think the Bill, as it stands, is open for.

The Speaker -
Okay? Thank you. Thank you very much. So, I put the question motion that clause 11 stands as part of the Bill.

Question put and Agreed

The Speaker -
So, we move on to clause 12, and that's amendment of Section 13, appeals from decisions of the forward, Attorney General, please.

The Hon Attorney General -
This is seeking to amend section 13 of the ordinance, and it's providing for an administrative review again, but in a more general sense, saying a person aggrieved by this is the way it will read, if it's if it's if it's incorporated, agreed by or dissatisfied with a decision of an Immigration officer or the board, including a decision made on an administrative review under Section 12, may appeal to the Magistrates Court. So, this is where an administrative review has failed to uphold a complaint by the applicant as a general right of appeal under the ordinance, now to the magistrate's court, so claims can be sought to be vindicated in that way. And I think that's a very healthy and sensible approach. You've got an administrative review, first internally, and then the right to go to court if you're still unhappy. However, the only qualification is that it will not apply to a decision of the Chief Immigration Officer made in respect of a matter relating to asylum, which is the only qualification, because asylum will have its own rules, and they have to be different because they are more stringent.

The Speaker -
Does anybody want to post an amendment at all? No, we're not okay. Then I put the question that clause 12 stands as part of the Bill.

Question put and Agreed

The Speaker -
Now we move on to clause 13. That's an amendment to Section 14 appeals.

The Hon Minister Scipio -
Sorry, I would like to say, just got a little concerned here, in clauses 13, one, and two, where the word appeal is in the substantive ordinance, the word appeal has been removed by this proposed amendment and has been replaced by administrative review, and it also refers to Section 12. But when I raised in Section 12 of the word appeal should be changed to administrative review, it was not supportive. But if you're looking at the section here, now you're repealing the word appeal that refers to sub sections refers to clause 12, so we're not being consistent in my in my opinion, Mr. Chairman, but that's just my that's just my view.

The Speaker -
Thank you for that view.

The Hon Attorney General -
My impression of what this will do is, if I may read the effect on Section 14 of the ordinance, the effect of the changes would be this on an appeal from administrative review under Section 12, that form of appeal, if you can call an administrative review, an appeal, the initial decision in a matter may be confirmed or substituted by the Immigration officer assigned to review the matter. So that is making clear that on an administrative review, under Section 12, that decision, the original decision can either be confirmed or substituted with another decision. And then, if you go on this section, this section, 13, seven. Would three

now say on an appeal under Section 13, this is following on an administrative review, or not just a straight appeal? Suppose you do not have an administrative review. You just have a decision of an Immigration officer. It sounds as if a person is aggrieved if you go back to 13 one, sorry to be so pedantic, but I'm not sorry. You've got to, unfortunately, tolerate this. I think a person, not that I'm telling you, you have to be a person agreed by or dissatisfied with a decision of an Immigration officer or the board, including an administrative review decision, so it refers to other decisions that are being appealed. So appeals now in future, can come as a result of an administrative review that does not go the way the applicant wanted, in other words, that goes against the applicant, or a straightforward decision to refuse a permit of some decision, and the court then this is an appeal to the magistrate under 13, and the magistrate court may either confirm the decision of the Immigration officer or the board or substitute any decision an Immigration officer could lawfully have made. So, what this is doing, I think, is inserting a layer of administrative review into the process. It's giving an applicant a better opportunity to challenge the thing informally. And it should be possible. It will make it will streamline the process for review of decisions, and it will not deprive anyone of a right. They will still have the right to go to the Magistrates Court at the end of the day if they're not happy with the outcome. I think that's what I make of it.

The Hon Christine Scipio -
So, the clarity again.

The Speaker -
Thank you. Thank you all very much. No amendments have been made. Right, were proposed. Okay? So, I put the question, that clause 12 stand as part of the Bill?

Question put and Agreed

The Speaker -
Move on to 13. Those 13, that's an amendment of Section 14 appeals supplemented Attorney General.

The Hon Attorney General -
Okay, I did clarify that, I think earlier, but if further clarification is needed, I'm happy to provide it

The Speaker -
Well, I take it in that regard. I put the question that clause 13 stands as part of the Bill.

Question put and Agreed

The Speaker -
We move on to clause 14. And that's an amendment of Section 15, persons having by right or by Grant. Thank you. And status, Attorney General.

The Hon Attorney General -
Well, we're moving into calmer waters, I think, because this is merely a substitution for the word board, the words Chief Immigration Officer. So, this is, this is vesting the powers that are conferred currently by the board, conferring those powers on the Chief Immigration Officer, rather than the board. And I think that is designed to, well, I think, as has been pointed out, the same changes are being made to clause 16, although you probably want to take those individually.

The Speaker -
No suggested every 2, 14, 15, and 16. I leave it to you.

The Hon Attorney General -
Well, I'd be very happy if that were the case, if the house were prepared.

The Speaker -

Everybody satisfied with that?

The Hon Jeffrey Ellick -
You can do it for 14 and 15, but you can't do it for 16; 16 needs an amendment. Sorry, 14

The Speaker -
15 and 16, thank you very much. So, I put the question that clauses 14 and 15 do stand part of the bill.

Question put and Agreed

The Speaker -
We move on to 16. And clause is 16, that's an amendment of Section 16, a visa requirement to travel to St Helena, Attorney General.

The Hon Attorney General -
I think this is relatively straightforward. Forward. It's, it's making clear that the long-term entry permit is no longer called that. It's simply a permission to stay at work permit. We've covered that area. And the second amendment in 16 A is, is about producing proof that the person, well, we've got a he or she, if we're going to be they will be. You might want to make that change. If you want to be gender neutral. Will be a crew member on duty on the vessel on which they will be traveling to St Helena, and the words, and will be leaving St Helena on the same or another vessel. So, it's allowing for the possibility that a person may come on one vessel and leave on another. And the word vessel includes an aircraft in the definition, for good measure.

The Speaker -
Thank you very much. Any amendments opposed to this?

The Hon Attorney General -
I think the amendment of up to again would be an appropriate amendment for those.

The Speaker -
Sorry, did you want to say anything?

The Hon Jeffrey Ellick -
Just to be clear, Mr. Speaker, the Attorney General can't make the amendments. We have to make the amendments and seven, yeah, so I make the amendment that would be up to the changes to up to 8000 pounds. Do I have a second?

The Hon Gillian Brooks -
Yeah, I'll second. Mr. Speaker.

The Speaker -
Thank you. Amendment proposed and seconded. Do we have the notes? Thank you very much. Anything else on that? No. So I put the question that the amendment stands as part of the bill.

Question put and Agreed

The Speaker -
I put the question that clause 16 stands as part of the Bill as amended.

Question put and Agreed

The Speaker -

We move on to 17. Clause 17, and that is an amendment of Section 17, General Provisions for control of immigrants. Attorney General,

The Hon Attorney General -
I think the main change here is that, instead of having special leave, special leave is going to be described as discretionary leave, which is more informative, so that references to special leave are being substituted by discretionary leave. And then there are further changes about removing references to persons in the service of the crown and a dependent. There is a provision that is quite complicated, but there is a provision amending section 17, two at which would say the following, in respect of a person to whom subsection two applies, and subsection two excludes certain persons, I will just carry on if I may. In respect of a person to whom subsection two applies, Such persons are deemed to have permission to enter center later, and if they do not, if they no longer, for any reason, fall into the categories listed under subsection two, such permission will be regarded as automatically revoked one month after the date on which the person no longer falls into such categories, unless the person applies for and obtains a holiday permit or a permission to stay in work permit. In other words, in a special case, I will use the word special in a particular case, discretionary leave can be granted where it is necessary to for humanitarian reasons or other reasons of that kind, but this puts a limit on the length of time that that discretionary leave can be granted for. That is my understanding,

The Speaker -
Are all clear on that?

The Hon Karl Thrower -
It's an odd question, I know, but it's only because right at the end in the last paragraph, it talks about territorial airspace and waters. Now, boats travel through our waters without people getting off on St Helena, so I'm guessing they would not have to inform Immigration of any like crew on board, or anything like that. Am I correct in that assumption? And that would be that, I know this sounds up, but it would be the same with an airplane flying into the airspace, that as long as the airplane doesn't disembark or embark anybody on the island, there is no need whatsoever for them. We inform Immigration, okay, thank you. I just wanted the clarity that was all, thank you.

The Speaker -
All clear on that?

The Hon Dr Corinda Essex -
So, the question is that in clause seventeen, Mr. Chairman, there's a need for another amendment.

The Speaker -
Okay, so can you propose that?

The Hon Dr Corinda Essex -
I propose a clause 17 be amended to include the words, substituting, instead of just substituting 8000, substituting up to 8000 pounds.

The Speaker -
Substituting up to 8000 pounds. That's a proposal. Is there a second?

Inaudible
I second that, Mr. Chairman.

The Speaker -
Second that. Thank you very much. So, I put the question that the amendment stands as part of the Bill.

Question put and Agreed

The Speaker -
So, then I put the question that the amended clause 17 stands as part of the Bill.

Question put and Agreed

The Speaker -
We move on to clause 18, an amendment of Section 18 entry permit, Attorney General, please.

The Hon Attorney General -
The amendment just expresses what I mentioned earlier about in an emergency of where a person is unable to leave, centered upon the expiration of an entry permit, and the chief of Chief Immigration Officer considers it impractical to issue a further entry permit. The Chief Immigration Officer may issue such a person with discretionary leave. So, this is the exceptional provision to allow someone to remain for a short period to get to allow them to get their affairs in order, or deal with whatever the emergency happens to be, and that leave would be for the duration of the emergency, as the wording says, or until it is practicable for such person to leave St Helena. But such discretionary leave has to comply with regulations made under Section 43, which refers back to the previous section, I think, that provides for regulations prescribing circumstances in which an Immigration officer may permit discretionary leave. That is under 17 one, as amended by this bill.

The Speaker -
All clear. Thank you. So, I put the question that clause 18 stands as part of this bill.

Question put and Agreed

The Speaker -
Move on to clause 19, amendment of Section 19, clause a, short-term entry permit. Attorney General, please.

The Hon Attorney General -
Thank you. Mr. Chairman, this provision relabels what is currently a short-term entry permit and calls it a holiday permit, and says what it can do and what it cannot do. It can give permission to visit for a period of 183 days, or an extension up to 365 days. And the conditions for that. It says that a holiday permit, as now named, is valid for the period specified in the entry permit does not have to be for 183 days, but it can also be extended. And then it makes clear in a new sub paragraph four of the of the clause, a person who is granted a holiday permit may not work or be employed in St Helena, but may at any stage before the expiration of the holiday permit apply for a permission to stay and work permit in accordance with section 20. So that is the clear break you will now have between enjoying a visit permit in effect and a permit that allows you to stay at work. And if granted permission to stay, in work permit may work or be employed as provided in respect to a permission to stay in a work permit and in accordance with such conditions as may be attached to that. So, I think this cures that. This is what I mentioned earlier about curing the mischief of someone coming on one type of permit and just transitioning without any further official intervention onto a work permit. There's a clear division now between what a person is allowed to do to. Depending on what they said they wanted to do when they applied to come here. Thank you. Thank you very much.

The Hon Karl Thrower -
Mr. Speaker, I've just noticed under this clause, actually, something else, we've got permission to stay and work. But what happens if people don't want to work or be employed during the extra time? It says permission to, so we've only got two permits now, haven't we? We've got the holiday permit and a permission to stay and work permit, not a permission just to stay permit anywhere. And it doesn't say that under permission to stay in a work permit, at the beginning, means a permit applied for and granted as prescribed, to enter, remain, and work or be an employee. It says remain and work. So, what do you do if you're not working and you don't want to be employed? If you're a pensioner, where do we come in on that? Because it doesn't state anywhere that you've got that right.

The Hon Attorney General -
I think, if I may, try to, you know, untie the Guardian knot, if that's the correct expression, permission to stay and work means that you can't work without permission. But it doesn't mean you're obliged to work. That's my straight read out of that. However, if you then become a burden on the state, that is a material change in circumstance which has to be notified to the Immigration authorities. And that is how a person who can they do not have to work as long as they can support themselves. I think that is my understanding of the logic behind all of this.

The Hon Karl Thrower -
Like, say it's the particular wording of it that kind of just struck me as to stay and work permit, to stay or work permit, to all to stay and or work permit, it's just the wording.

The Hon Attorney General -
I understand. I think the concern it's the language, yeah, I mean, your point is, you're not obliged to stay and you're not obliged to work. You can, but you can only work if you've got permission to work. You're not obligated to work. I mean, some people who are obligated to work, you know, may not work, and then you've got to take steps to deal with that, but I just say this, that this is permissible, and you cannot do. You cannot work. You cannot stay and work. The two things have been conjoined without the correct permission. But the permission doesn't mean you have to if you opt not to work, even though you've got a permit to stay and work, and you have the means to support yourself, and you're not a burden on St Helena, you may work or be employed. Thank you very much.

The Hon Chief Minister -
I don't see that you have to.

The Hon Attorney General -
Yeah, the definition of a work permit very helpfully reminded the person who is granted, may I just read out subsection four, as it will be in the ordinance, a person who is granted a holiday permit may not work or be employed, but may at any stage before the expiry of that permit apply for permission, a permission to stay, excuse me, stay and work permit if. And secondly, if granted a permission to stay and work permit may work or be employed, as provided and if we go down to, if we go down to the next section which I am jumping the gun over, it is permission to stay in work permit that simply says, if I may, Scott, Mr. Chairman, an Immigration officer may grant an entry permit, a permission to stay in work permit, to an immigrant, immigrant who applies in the approved former for a permission to enter. And that then, if we go to the definition of which I think is right, permission to stay in work, permit. This is back now in the interpretation means a permit applied for and granted as prescribed, to enter, remain in work, or be employed for a period of up to five years. It does not carry an obligation to work. It's a permission. And I think that's the simple answer I'm reading.

The Speaker -
Okay, all clear. Thank you very much. So, I put the question that clause 19 stands as part of the bill.

Question put and Agreed

The Speaker -
Moving on to clause 20. That's amendment of Section 20, long term entry permits. Attorney General, your help again, please.

The Hon Attorney General -
I think, as I said earlier, this is just substituting the heading instead of a long-term entry. Permits. That label is now permission to stay in work permit, and it is authorizing an Immigration officer to grant such a permit for the period of up to five years, which may then be extended afterwards, and that contains the condition of establishing to the satisfaction of the Immigration officer that they have the means to provide for

themselves, and then there is provision later on that will come to that joins up with this that says, if that is no longer the case and they are not working, then that there are obligations on them, and the Immigration authorities can review their permission to remain. And if I may point out 2121 A, which is another addition, I think, under this says a person may not work or be employed unless the person has been granted. So, it's not an obligation. It's a discretion.

The Speaker -
Okay, well, thank you very much. I think so. Put the question that clause 20 stands as part of the Bill

Question put and Agreed

The Speaker -
Moving on to 21, and that is an amendment of Section 21 landing permission. Once again, the Attorney General.

The Hon Attorney General -
This is relatively straightforward. I think it's it amends the period during which landing permission is granted, during the time for which a vessel can remain. Currently saying for less than 24 hours, the vessel will remain in St Louis for less than 24 hours, which is going to become less than 72 hours. And then a reference to a per capita fee based on the number of passengers on board the vessel. So, there are relatively small changes. There are up to amendments required for the fines, and that will require those to be moved. Thank you.

The Speaker -
Thank you very much. So, someone might have their light on.

The Hon Mark Brooks -
Yes, Mr. Chairman, I'd like to propose an Amendment by inserting the word under Section 20 1c Part Two, before it goes, also in Section 20 1d, insert the word up to before 1530 so C and D inserting up to the word as I propose.

The Speaker -
Any second?

The Hon Robert Midwinter -
I second that, Mr. Chairman.

The Speaker -
Thank you for that. Anything further? So, I put the question that the amendment stands as part of the Bill.

Question put and Agreed

The Speaker -
And I put the question that clause 21, as amended to stand part of the Bill.

Question put and Agreed

The Speaker -
And then we move on to clause 22 amendment of Section 22, revocation of entry. Pilots, Attorney General,

The Hon Attorney General -
Thank you, Mr. Chairman, this makes it clear that an entry permit will now, in the future, be capable of being revoked by the Chief Immigration Officer, as opposed to the board. And I think that the Chief Immigration Officer has to give notice, as opposed to the secretaries of the board.

The Speaker -
Thank you. All clear. I can move ahead. I put the question there. Clause 22 stands as part of the board?

Question put and Agreed

The Speaker -
We move on to set 23 insertion of Section 22, a material change in circumstances today as Attorney General,

The Hon Attorney General -
Thank you, Mr. Chairman, this is quite a material change, because it provides for a definition of a material change in circumstances, a change in personal finances that makes up. Person unable to satisfy their financial requirements, a change in employment, any change in circumstance, whether such circumstance may be that may hinder a person from leaving St Helena or present any form of impediment returning to their place of origin, citizenship or similar status, where there is a material change in the circumstances of a person granted an entry permit, such person must, as soon as it is reasonably possible, notify the Chief Immigration Officer of such change. Where are notifications made to the Chief Immigration Officer? Under subsection two, the Chief Immigration Officer may investigate the basis of the notification, may require any documentation which for such investigation may reasonably be required. Only entitled to request such information necessary for the investigation must inform the person from whom the information is being requested of the reason for the request and provide a reasonable period to provide the information, and is also bound by the duty of confidentiality. A person in possession of documentation required must request to provide that documentation. A person to whom this Section applies may, instead of making a notification to the Chief Immigration Officer within this section, within seven days of the person becoming aware of the material change in the person's circumstances, of the person's own volition, we've sent her in. I recall that that was an issue in prior conversations. I think that may deal with it now, but I am open to correction. And a person who leaves in pursuit of that, if they leave within a short period of the of the change in circumstance, then they are relieved of the obligation to be investigated and then, importantly, the Chief Immigration Officer, upon the investigation of a notification, may reassess the basis on which the entry permit was granted and revise the conditions on which the permit was granted, revise the type of permit granted, or revoke the entry permit, and must notify the individual of the outcome. And then there is a right of appeal, again, by the person affected.

The Speaker -
Thank you. Thank you very much. Anything further?

The Hon Karl Thrower -
Can I just suggest that, because of Section 22, a change in personal finances that renders a person unable to satisfy the person's financial requirements? I think you need to expand on that slightly and simply add on to that as set out in this ordinance, because otherwise you're going to ask them for so if I can't pay my mortgage in the UK, I can't satisfy my financial requirements. But it doesn't affect the financial requirements of this ordinance. It doesn't mean I can't cover my medical record, so I think we just need to be more specific and say that if your financial requirements, as set out in the agreement, change, you have to inform us. Is that?

The Hon Attorney General -
Thank you. I'm sorry I interrupted you. I think the answer is that in subsection three, it says that any documentation which for such investigation may reasonably be required, is only entitled to request such information, information necessary for the investigation. So, I think I understand the point that's being made. I think it's implicit that it's the ability to remain on St Helena, as opposed to whether you can't meet your mortgage payment in the UK. So it might be, might be, you know, wise to say something about financial requirements for this ordinance. But it may not be just for this ordinance. It may be, it might be more general. It may be simple to remain in St. Helena. I don't know how to answer that question. All I would say is that I think, I think that the Chief Immigration Officer has an obligation to act reasonably. It's

only such information necessary for the investigation and information that may reasonably be required. If the Chief Immigration Officer starts asking questions about whether you can pay your mortgage in the UK, that is not relevant to the decision, and therefore, that would be the subject of an appeal by the individual where the Chief Immigration Officer had exceeded their authority. But it is not for me to say whether or not there should be some reference to the financial requirements relevant to remaining in St Helena, something like that, as opposed to relevant to anything else. Thank you.

The Hon Karl Thrower -
If I may. I was just thinking it's about somebody when they and the person can identify when they need to come down to Immigration and talk to you about it. So, I think that's quite ambiguous when you just say, to satisfy the person's financial requirements, we only really are concerned about their stay on St. Helena, aren't we? So, do you want to know if somebody sells a company? Because under that, I might have to come and see you, but it's not going to affect anything to do with my stay on center and whether I can pay for myself to stay on St, Helena, because all the all the financial requirements that I need to satisfy my Immigration documentation or status are set out in this ordinance, that's all I would say. So as long as I can set aside the financial requirements of my Immigration, maybe that's better. It should say personal financial regarding their Immigration status.

The Hon Attorney General -
May I respectfully refer back to Section 20 of the current ordinance, as it will be amended? A permission to stay in a work permit, for example, has to be established as to the satisfaction of as it will be the Immigration officer that he or she has the means to provide for accommodation, food, clothing, health, and welfare of himself or herself and dependents throughout the entry permit. So, I think in context, it seems to me to be reasonably clear that the request for information can only bear upon that person's ability to fulfill the conditions of entry. That would be my interpretation of it. Thank you.

The Speaker -
Okay, all clear. Thank you very much. So, I put the question that clause 23 stands as part of the Bill.

Question put and Agreed

The Hon Mark Brooks -
Sorry, Mr. Speaker, she's checking with the portfolio director. Can I ask the Attorney General for clarity about Section 23 five, section 523, we would say, says the person who is subject to section two applies may so if you read that paragraph towards the end, and this might be just legal tax, and I not quite understanding that, but it doesn't read right to me when it says, the person becomes aware of the material change in the passive circumstances of the person's orientation that you've seen. Does that sound right?

The Speaker -
Are you still speaking of?

The Hon Mark Brooks -
I am asking the Attorney General for his advice on whether this section reads clear enough for the public to understand.

The Speaker -
You're talking about Section Five. Yes,

The Hon Attorney General -
I think this is subsection five of 22 A in the bill, if I am understanding it correctly, my understanding of this is the effect of it would be that someone who sustains a material change of circumstances can, as an alternative to making a notification, arrange to leave within seven days of their own free will. That is my understanding of it.

The Hon Mark Brooks -
That is my understanding of it, too. What I'm saying is, does it read clearly enough for anyone to understand?

The Hon Attorney General -
I think if they don't understand it, they can always ask the Immigration authorities. But secondly, I'm not being flippant in saying that. I'm just saying that's what I think they would do. But, secondly, what this says is a person to whom subsection two applies, in other words, where they have a duty to notify a material change in circumstance, I think there will have to be, dare I say it, some press information explaining some of this in more in more user-friendly language, if you like. But this says a person to whom subsection two applies, i.e., who sustains a material change in circumstances, instead of making a notification to the Immigration authorities, may within seven days of them becoming aware of the change in the circumstances leaves St. Helena, in which case the problem resolves itself without the need for investigation. That is my understanding. I am not sure that I am explaining it as well as Mr. Chairman.

The Hon Mark Brooks -
I am happy with the Attorney General's explanation of that. It. There's no further comment.

The Hon Karl Thrower -
Sorry, Mr. Chairman, sorry, much culture on this? Maybe so in regards to the fact you give a you're given a seven-day timeline in Section five, in Section two, it says a person must, as soon as reasonably possible, notify the Chief Immigration Officer of such change. Shouldn't that also be seven days, because we're going into what is reasonably possible? I can leave within seven days. But when do I have to tell you? I didn't think it was. I was waiting for 30 days to find out the true outcome.

The Hon Attorney General -
I think the answer to that is that.

The Hon Karl Thrower -
Can’t we put seven days in there?

The Hon Attorney General -
You could, you could put anything you like in there, as long as it's sensible. Again, I'm not being flippant. What I'm saying is that the qualification in subsection five is a caveat from subsection two. In other words, instead of making a notification, you're excused from making a notification if you're making arrangements to leave within the period allowed. That's my understanding of it. I agree.

The Hon Karl Thrower -
But shouldn't we be very clear you either you either tell the Immigration officer within seven days, or you leave within seven days? Well, there is no eight-by-eight day eight, you will have either done one of those two at the minute, it doesn't do that. Sorry.

The Hon Attorney General -
I think you could say, you could have said, unless subsection five applies, you know, and so on, but I think there should be a requirement to make an immediate notification, unless the person intends to leave within the time you could, you could give them a period reasonably possible. The more usual expression, in my experience, is reasonably practicable. But you know, practicable and possible, possible is, maybe, more stringent than practicable. I mean, if someone needs money to get to leave St Helena or to book a flight. I think it's reasonable to allow them that time, and I would expect the Immigration authorities not to be overly rigid about this, provided they have the power to deal with it. But I can't speak for them. That's a policy issue for Immigration.

Mr Alex Mittham, Portfolio Director for SS&HA -

Well, it's a difficult one for us. Yes, and we can certainly set a specific time limit, but it depends on whether Elected Members wish to approve it. At the moment, we've said which is reasonably possible, which we believe is, I mean, it gives a decent amount of leeway for Immigration officers to make that assessment. However, if Elected Members feel there is a sufficient need for a set period, then obviously we can amend the policy.

The Hon Robert Midwinter -
Mr. Chairman, just so when we discussed this pre this session, and the example that came up was if, if you were intending on physically leaving, and therefore you gave notice of your employment. Now, under the other section, if you decided to leave your job, you would have to notify the Immigration Officer if you're leaving the island anyway. What's the point of going down and saying, by the way, I've left my job because I'm leaving on the plane in a week? So, it was issues like that.

The Hon Attorney General -
I think that's a very good point, because you could both comply with the obligation to notify but indicate that you're intending to leave within the seven days. And if that's the case, you don't have to notify, but you could notify, and I think it's up to people using common sense about their situation. It's impossible to regulate every aspect of behavior. I do agree, however, that it needs to be demonstrable that it's workable, and I don't see any contradiction, but that's not a matter for me to judge. It's for the Policy Director to advise the Minister on the issue and for the Minister to decide. Thank you.

The Speaker -
Any comment on that? No, none at all. Okay, Oh. Councillor Corinda Essex.

The Hon Dr Corinda Essex -
I think a typo under sub-clause eight, the Chief Immigration Officer must act as soon as reasonable possible. It serves reasonably that it should be reasonably so, which requires amendment.

The Speaker -
Can you propose the amendment? Then, please.

The Hon Dr Corinda Essex -
I would like to propose that the word reasonable be replaced by the word reasonably.

The Speaker -
The word reasonable replaced by the word reasonably. Is there a second?

Inaudible
I would second that. Mr. Chair,

The Speaker –
Thank you very much. Mr. anything further? So, I need to put the question again. I put the question that the amendment stands as part of the Bill.

Question put and Agreed

The Speaker -
So, I put the question that clause 23 and as amended, stands as part of the Bill.

Question put and Agreed

The Speaker -
We move on to clause 24 amendment of Section 23 restrictions on employment of immigrants, Attorney General, please.

The Hon Attorney General -
I think, if I may, it probably would be more readily explained by the policy officers as to these changes, rather than my given opinion. Thank you.

The Speaker -
Take the point. Policy officer.

Mr Alex Mittham, Portfolio Director for SS&HA -
In a nutshell, this is ensuring parity across the piece with SHG in the private sector. Okay, in a nutshell, I'm trying to paraphrase in here, but yes.

The Speaker -
That's all right. Thank you very much. Does anybody else have anything to say? The Hon Mark Brooks.

The Hon Mark Brooks -
Mr. Chair, I'd like to clarify an amendment in Section c1 you said the word up to before 4000 and Section c2 impose the word up to before 15,000.

The Speaker -
So, in Section c1 up to 4000, Section c2 up to 15,000, yeah. Okay, so there was a proposal and a second.

The Hon Chief Minister -
Mr. Chair, I'll second.

The Speaker -
Okay, proposer and seconder. So, this Dr Essex has been proposed and seconded.

The Hon Dr Corinda Essex -
Mr. Chair, another issue in Section 24b

The Speaker -
24 B.

The Hon Dr Corinda Essex -
It says no immigrant other than dependent of a person who has Saint Helenian status may lawfully work in St Helena unless his or her presence in St Helena is authorized by an entry permit, or the person is not required to have an entry permit by virtue is falling within section 17 1c or 17 2c should that be permit to work and to stay and work? Because a holiday permit is also an entry permit, but of a different type.

The Hon Chief Minister -
So, my understanding, just to make some debate here now, is be it should say entry permit, because then it is the right to choose which permit we're talking about, whether it is the holiday or where there is to stay in work permit.

The Hon Dr Corinda Essex -
But says that they may know an immigrant may lawfully work. So, if they're going to work, they haven't got a choice. They've got to have a stay and work permit.

The Hon Chief Minister -
Yes. So far, what if you are a returning you're not the one who is going when you see returning.

The Hon Jeffrey Ellick -
Are you talking about a returning saint? Anybody who can, and they are returning?

The Hon Chief Minister -
It would be anybody, yes, this is why it has to be open to just the entry permit and not relate to any specific permit.

The Hon Jeffrey Ellick -
Maybe we should change it to say a permit to enter. Oh, I don't know if special leave as well. I propose an amendment, Mr. Speaker, I think we need to vote on The Hon Mark Brooks amendment.

The Speaker -
Yeah, voting on the Hon Mark Brooks' proposal, and has been seconded.

Question put and Agreed

The Speaker -
We move on to whose Amendment should it be? Minister Ellick.

The Hon Jeffrey Ellick -
I propose to amend section 24b to authorised by a permit to enter.

The Speaker -
Authorised by a permit to enter.

The Hon Jeffrey Ellick -
Yeah, permit to enter, and then it's not required to have a permit to enter.

The Speaker -
Okay, so I will ask for a second there, but I see Dr Essex has a light on.

The Hon Dr Corinda Essex -
Yes, I have my light on because I do not think that, that amendment addresses a whole issue the proposed amendment, because this says no immigrant other than the dependent of a person who has St. Helenian status, may lawfully work on St Helena unless his or her presence is authorized by an entry permit, so for them to be able to lawfully work in St Helena, if they have not got St. Helenian status, because my understanding is that they would need to have a stay and work permit,

The Hon Jeffrey Ellick -
Not for special leave. Special leave. Okay,

The Speaker -
So, are we voting on? No.

The Hon Jeffrey Ellick -
I think what we trying to say is that if you have special leave so you can doctor or someone, then there would be a special leave. It wouldn't be permission to stay and be on special leave.

The Hon Dr Corinda Essex -
Can the AG give a legal ruling on this point, please?

The Hon Attorney General -
Well, I can give you advice. I can't give you a ruling on it. I would say, however, that discretionary leave or special leave does not carry a right to work. That's the point, and therefore, the only way in which you can work on St Helena if you're not a Saint is to have permission to stay and work. So, I would suggest that the solution would be, instead of saying entry permit, simply put, I mean entry permit is defined in this

legislation, and it covers both the holiday permit, that's an entry permit, and the permission to stay and work is an entry permit. So, it seems to be, now that we've created, or are creating, this division between those who have the right to work and those who don't. What this is trying to say is you can't work. You know no immigrant other than a dependent and so on, may lawfully work, and the only lawful way you can work here is if you have permission to stay in a work permit. So, I think the entry permit should be replaced by a permission to stay in a work permit, if that's the mood of the house,

The Speaker -
An amendment to be replaced by a stay in a work permit.

The Hon Chief Minister -
A little bit confused now, and it may well be because it is their time of day, but if we stipulate it so clearly like that, what does that do to doctors in emergency?

The Hon Elizabeth Knipe -
These, if I may come in here, if I understand this correctly, as an immigrant, and I'm going to take myself, for example, my husband at St Helenian status, but when I entered St Helena, I had a document that said, I can work here and I can own land. It was an actual document that gave me that right to be able to work here.

The Speaker -
Councillor Midwinter.

The Hon Robert Midwinter -
I think to respond to the Chief Minister. I mean, if you go back to the beginning of Section 23, one, in the in the ordinance itself, it says in this part, employment and work needs to carry on or to be employed in any profession, trade, business or vocation, for gain or reward, where there's an employee, agent, director or other officer or corporate body or self-employed in partnership with but does not include any work done by a person, and then it covers the medical person,

The Hon Attorney General -
If I may say so, I agree with that, because it provides an exception who is required to be present simply as a matter of urgency, and such urgency is to be determined by the Chief Immigration Officer. So, I think it's not incompatible. The difficulty is that discretionary leave, as I understand it, doesn't carry a right to work, but there's an exception for that in the case of, well, essential, essential work, such as emergency, seems to me to be covered.

The Hon Robert Midwinter -
I have more of a concern. I would say that I think we do need to change the permission to stay and work. But then further down in that section, it talks about working in accordance with, and again would need to be changed, I think, to permission, stay, and work. But then it says, by work permit, it should be permission, stay at work, and it says issued under Section 24, and then further down we have another one immigrant employment certificate issued under Section 25, and both of those are being repealed anyway. So, I think that text needs to be removed.

The Hon Attorney General -
If I could be directed to the text that needs to be removed.

The Hon Robert Midwinter -
So, in it's in the principal ordinance section, 23 123, not one is 23 two Part A and Part B and Part A refers to by a work permit issued under Section 24 that section 24 is being repealed, and Part B and any other case by an immigrant employment certificate issued under Section 25 which is also being repealed,

The Hon Attorney General -

I respectfully suggest that the whole provision should be revealed, because it's being replaced by this provision, no immigrant other than a dependent. And I think that's simply an oversight. We've got a duplicative provision there. And my advice would be that if the house moves that section 23, two should be repealed. I don't know, well, in fact, it is being repealed because it's repealing subsection two and substituting this, so, in fact, it has been taken care of.

The Hon Robert Midwinter -
Not in the Keeling schedule.

The Hon Attorney General -
Okay? No, I know, but you can't rely on that. No, unfortunately. I mean, I agree with you. It is confusing. I was confused myself, so I'll share your confusion, but I will point to the building, right? Thank you, sir,

The Hon Dr Corinda Essex -
Mr. Speaker, to try and move this issue forward, I would like to propose that 24, b2 is amended in as much as that the reference to an entry permit in the third line of the text be removed and replaced by the words authorized by a stay and work permit. And the other end, similarly, the end of that same line, it said, was not required. I would say, instead of saying, have an entry permit, I would say to have such an entry permit by virtually falling within the exemption. In such entry permit is not required to have such entry permit, so it would then read no immigrant other than a dependent of a person who has St Helenian status may lawfully work in St. Helena Unless his or her presence in St Helena is authorized by a permission to stay and work purpose, or the person is not required to have such permit by virtue of his or her falling within.

The Speaker -
So, that was a proposal. Is there a second? Thank you very much. So, that's three amendments. Then, isn't it? Three proposed and seconded amendments? Okay, so I put the question that the amendments stand part of the bill.

Questions were put and agreed

The Speaker -
So, put the question that section 24, as amended, stands as part of the Bill.

Question put and agreed

The Speaker -
Thank you. Move on to clause, 25 amendment of Section 24 votes.

The Hon Attorney General -
I think this is straightforward, because work permits are no longer going to be separated from the entry permit, and therefore the provision for separate work permits, those and the next two sections are also no longer necessary, so if you were prepared to deal with them in one fell swoop, 24, 25, and 26 could be sorry. 25, 26, and 27 Yes, sorry, going by the amending clauses. 25, 26, and 27 clauses, 25, 26, and 27. Okay, are simple repeals of the entire provisions.

The Speaker -
So, can we deal with this quickly? You may want to deal with them individually. 25, 26, and 27 do you want to do this individually, or go with the block?

Go with the block.

The Speaker –
So, there are 25, 26, and 27, so I put the question that clauses 25, 26, and 27 do stand part of the Bill.

Questions were put and Agreed

The Speaker -
We move on to 28, please. Amendment of Section 29 prohibited transactions.

The Hon Attorney General -
Up to amendment required here.

The Speaker -
Does anyone want to propose the amendment? Can you name that out, please?

The Hon Mark Brooks -
Mr. Chairman, I'll propose an amendment to section 28 and insert the words up to before 8000.

The Speaker -
Up to before 8000, is there a second?

The Hon Gillian Brooks -
Yes. Mr. Chair, I would like to second.

The Speaker -
Cllr Brooks seconded that.

The Speaker -
Thank You. Okay, is there anything further on that? No, so I put the question that the amendment, as amended. Is there a proposal to go up to 30 as well?

The Hon Chief Minister -
Thank you, Mr. Chair, I am suggesting because it looks as if in clause 28, we only doing the up to. And if you look at clauses 29, 30, 31, 32, and possibly 33 at least, they're all the same things, just the changes we'll be making are up to. So, if we can get them all done in a block, I would propose that.

The Speaker -
Okay, so in terms of numbers, did you say 28, 29, 30, 31, 32, and 33 as well? And they are all opposite. Proposals are that they are. Do you have a second for that? Thank you very much. I put the question that the amendments do stand part of the bill.

The Hon Chief Minister -
Can I just come in, just before you take the vote, just so for the listening public that these fines we're referring to, all those in 28, 29, 30, 31, 32, and 33 is up to 8000 with clause 33b in sub-section two seeing an increase, because it's not the same as with up to 8000 this one goes up to 15,000 just to be clear.

The Speaker -
Thank you very much for that. It's very important. So, then I'll go to the vote. So, put the question on the clauses, let me restart again, 28, 29, 30, 31, 32, and 33, those as amended, be part of the bill.

Questions were put and Agreed

The Speaker -
Then we move on to clause 34 is an amendment of Section 41 policy directions. Does anyone want to take us through that?

The Hon Attorney General -

I think this is, this is a technical amendment to take account of the changes in the Constitution. Mr. Chairman, yes, acting on Governor, acting on the advice of the executive council. That just mirrors the constitutional arrangement.

The Speaker -
Thank you very much. Anything further on that? No, so, I put the question that clause 34 do stand part of the Bill.

Question put and Agreed

The Speaker -
Moving on to clause 35 amendment of Section 42 prohibits immigrants. Attorney General,

The Hon Attorney General -
Mr. Chairman, that's all right. Thank you. This is an amending section 42, two substitutes. So, it's removing the current section 42 by repealing it and substituting. This is in connection with its probably important to say this relative to, may I say so the MOU recently concluded with the UK if, after consultation with this is section 42 one, if, after consultation with the Chief Immigration Officer and any other person or authority, the governor considers it appropriate, the governor is satisfied that the entry or presence in Central Union of any person not having Central Union status is not conducive to the public interest or is prejudicial to the maintenance of public order or the interest of security. The governor may, in writing, declare that person to be a prohibited immigrant. That is important because that is one of the features, if I may refer to it, in the MOU, which was a safeguard that was insisted upon by the government. Rightly so. In my opinion, I'm trying to find the relevant part of it, because I think it would be important for the listening public to understand this. I think it's yes, it's in paragraph eight, two of the MOU, as our last resort. If SHG considers that a migrant presents a danger to the security of St Helena, it must reserve to itself the right of refusal of entry or continued residence, subject to paragraph 10 four. In such an event, UKG will support their urgent removal. And the subject to 10 four is a reference to an asylum claim. So, if someone had an asylum claim, you could not remove them, but you could, by declaring them a prohibited immigrant, take steps to control their movements, if necessary, or put other restrictions on their continued presence. I think what I am trying to say is you cannot deprive an asylum seeker of their right. To have their asylum claim determined, but if they present a hazard to the community, you must have the ability to deal with that. And I believe this was pointed out in the discussions that we had with the UK, so that they are aware of this provision in the current law. Sorry, the part that we're now changing is that it is simply about notice of a declaration that someone's a prohibited immigrant has to be served on the person but no longer published in the Gazette. That's the effect of these changes. So, they're relatively minor, but the substantive provision is extremely important for preserving internal security, which, as we know, is one of the governor's reserved responsibilities under the Constitution. Which is why he rightly, in my opinion, insisted that we have that provision in the MOU, which the government supports for the same reasons. Thank you very much.

The Hon Karl Thrower -
Just on that, Mr. Speaker, just for clarity, for me, I understand that's in the MOU. So that covers anybody from BIOT, what happens if they're not from BIOT? What happens if they're not covered in the MOU? Do they just come up? Can I just ask if somebody else asked me this, and it's a fair point? So, we can identify them. We can restrict them in that how do we remove them? We remove them, and where do we remove them to?

The Hon Attorney General -
You don't remove them to a country where they're liable to be persecuted, because that is reformment. You do remove them; are they no longer would have a right to remain? If they are not a refugee or entitled to international protection, the non-refoulement principle, then you are entitled to revoke their permission to remain, and that's the way in which they could then be lawfully removed, pending all of that happening under the current law, any person declared to be a prohibited immigrant, if not in St Helena, must not enter

centrally. If already in St Helena, must be detained in a place the governor has designated and be removed from St Helena at the earliest opportunity. So, the law, I think, caters to the concern. Thank you.

The Hon Karl Thrower -
I just wanted that for clarity, because I was asked it, it was actually about the previous asylum case, rather than the BIOT deal, I will say that.

The Speaker -
Okay. Thank you all very much. So, I put the question that clause 35. Sorry, we didn't do we did do 34. Yes, that was in the block, so I put the question there, clause 35 stands part of the Bill.

Question put and Agreed

The Speaker -
And then moving on to clause 36 amendment of Section 43.

The Hon Attorney General -
Regulations, this is straightforward, I think, because it's simply making it clear that the governor, on the advice of Executive Council, to conform with the wording of the Constitution.

The Speaker -
All clear. So, I put the question that clause 36 stands part of the Bill.

Question put and Agreed

Moving on to clause 37 amendment of Section 44 asylum rules.

The Hon Attorney General -
We're getting near towards conclusion here, but this makes slightly different provision for the governor acting in well, it says his or her discretion, their discretion, if you wish, but after consulting the Executive Council, may make rules for securing St. Helena's obligations under the Refugee Convention, Article Three of the Human Rights Convention, section seven of the Constitution protecting a person from being subject to torture or inhuman or degrading treatment or punishment. And then, rules may modify the provisions of this ordinance in relation to the matters that I have just read out. The reason for this is in my reading of the Constitution, the governor is responsible for securing compliance with international obligations, and that is why this is worded in his discretion. He has a reserved responsibility for doing that. He is obliged to consult the Executive Council, but he is the person who would make the rules, and new asylum rules are going to be promulgated under these. Provisions here, and it then further makes provision that the Chief Immigration Officer is responsible for the implementation and application of rules made pursuant to this section. So, it is making it clear that the Chief Immigration Officer is now going to be responsible for dealing with asylum claims. Thank you.

The Speaker -
Thank you very much. The Hon Mark Brooks

The Hon Mark Brooks -
Yes, I'd like to encourage the amendment seven is that 44 one, the governor acting in I would like to remove his or her, replace his or her with their.

The Speaker -
Is there a second to that call?

The Hon Andrew Turner –
Happily, second that, Mr. Chair.

The Hon Minister Scipio -
Mr. Chair, I thought earlier on in the session, I asked throughout the entire document, so do not need for this amendment?

The Hon Mark Brooks -
Mr. Speaker, I suggest we do it this way, because it will be hard for the mover to count the amendment made in a document at the end. Okay,

The Speaker -
I'll give you that. Thank you very much. So, it has been proposed that his or her be replaced by their. Has been proposed and seconded. I put the question that the amendments do stand part of the bill.

The Hon Christine Scipio -
So, Mr. Chairman, just for clarity, what about the other sections that we had missed because I had asked at the beginning that one amendment be made? We count as one amendment throughout the entire proposal for his or her to be changed there, which was agreed by this house. If now we, if we now, we're going to be saying that we're going to do his and her separately as one amendment. We need to then go back to all the other sections and change to his and her. And that was the reason why I asked in the beginning to do it throughout the document, to avoid having to count his and her every time it appears as one amendment.

The Speaker -
That is a fair point. You did propose that it was seconded and publish your reason for wanting to do the we didn't realize. Okay, that's fair enough. Then. Thank you very much. Is there anything further on that particular clause, no? So, I put the question that clause 37 stands part of the bill.

Question put and agreed

The Speaker -
Moved to clause 38, and that's an amendment of Section 45, repeals and transitional provisions.

The Hon Attorney General -
Mr. Chairman Lee, this is a transitional provision. I think I would simply read it out, if I may, yes, which says that an entry permit issued to a person who was issued with a work permit or immigrant employment certificate, which was valid prior to the repeal of provisions relating to work permits or immigrant employment certificates is not to be considered invalid or revoked as a consequence of such repeal. And any such person or a person who is validly employed but was not required to be issued with a work permit or immigrant employment certificate is deemed to have been granted a permission to stay in work permit, and as a typo there may remain in St Helena for the duration. I think there's a typo there. No, it's not in it's not a typo in the bill. It's in the Keeling schedule. And may remain in St Helena for the duration of the period that the person is employed at the time of the repeal of the provisions relating to work permits or immigrant employment certificates, and under such applicable conditions of such employment. In other words, if you had the right to work under the old law before those amendments, that would continue for the duration of that permission, as I understand it.

The Speaker -
Thank you very much. All clear on that. So, I put the question that clause 38 stands part of the Bill.

Question put and Agreed

The Speaker -
And move on to the final clause. And as clause 39 amendment of schedule one, definition of Islander in the Immigration Ordinance 1972.

The Hon Attorney General -
Mr. Chairman, happily having reached the last part of this bill, I think the explanation is that, as the law presently stands, where a person becomes, a person who is, as a minor was the child of saints or a saint, would possibly lose that status upon achieving the age of majority. And this provision would retain, enable the individual to retain their Saint statehood. If I, if I've got that correct,

The Speaker -
Is that all clear? All clear. Thank you very much. So, I put the question that clause 39 stands part of the bill.

Question put and Agreed

The Speaker -
Thank you, Honourable Members. We will now resume the committee session.

Council Resumed

The Speaker -
I would like the Bill to be reported, please.

The Hon Jeffrey Ellick -
Thank you, Mr. Speaker, Mr. Speaker, I beg to report that the Immigration Amendment Bill, 2024, passed the committee with 21 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 second to that?

The Hon Mark Brooks –
I second the Bill.

The Speaker -
Thank you very much. Mover do you wish to speak to the motion at all.

The Hon Jeffrey Ellick -
No, not this time. Thank you very much. I've said enough so far.

The Speaker -
Thank you. Thank you very much. Okay, so I put the question that this Council approves the Immigration Amendment Bill 2024 and recommends to the Governor that it should be enacted. Members, you may speak if you wish. Chief Minister.

The Hon Chief Minister -
Thank you, Mr. Speaker. All I want to say is congratulations. I know the vote has to go through. I know you're saying to me, vote, vote, vote. But I think the fact that it's gone through with amendments or at the stage, I just would like to say congratulations for all the hard work done. It has been one of the major bills for this government.

The Speaker -
Thank you very much. Mover, you may respond to that if you wish.

The Hon Jeffrey Ellick -
I just thank the Chief Minister for the words, and I'll wait for the vote. Thank you.

The Speaker -
So, I put the question that this Council approves the Immigration Amendment Bill 2024 and recommends to the Governor that it should be enacted.

Question put and Agreed

The Speaker -
Thank you. Next item of business, please.

The Hon Christine Scipio -
May we have a 20-minute comfort break, because we've been sitting for three hours Mr. Speaker.

The Speaker -
I think that is fair. Everybody agrees to that, and we can have a comfort break for 20 minutes. Thank you. Thank you very much. So, we're coming back at 20 past three, but do be mindful that we have the adjournment debate to go and motions, and that could take some time. We might approach six o'clock or even go past six o'clock. I can give permission to go past six o'clock, but I propose that people don't want to go past six o'clock, and so just be mindful of that. Thank you very much. *Applause*.

The Speaker -
The next item of business, please.

Motion No 2 - The Hon Dr Corinda Essex

The Hon Dr Corinda Essex -
Thank you. Mr. Speaker. Mr. Speaker, I beg to move that this Honourable House resolves the comprehensive review of the benefits system is now due and should be undertaken as soon as practicable.

The Speaker -
Thank you very much. Is there a seconder?

The Hon Andrew Turner –
Thank you very much. Mr. Speaker, I beg to second.

The Speaker –
Thank you very much. Thank you, Honourable Member, you may speak to the motion.

The Hon Dr Corinda Essex -
Thank you, Mr. Speaker, Mr. Speaker. In 2019, a far-reaching review of the effectiveness of the Social Security system in St Helena was undertaken, and at that time, it was envisaged that this would be reviewed after not more than five years. At that point in time, economic growth associated with the airport project and the commencement of commercial flights was being experienced; the negative impacts of COVID, global turmoil, and associated escalating prices and supply chain issues had not yet taken place. Now, almost six years on, the realities are very different, and it is arguably timely to carry out a comprehensive review that includes, but is not restricted to, determining the following: one, if the current benefit system is fit for purpose. Two, what changes are required to improve its efficiency and effectiveness, and three, ensuring that the very limited resources available are used where the need is greatest, and target those that most require that support. I am aware that some tweaking of the system has occurred and continues to be undertaken. This is very valuable, and I'm not underestimating its importance in any way. It is particularly valuable with regard to helping anomalies get addressed and enabling the current system to function better, but it is limited in scope and largely reactive, rather than proactive. The changing social and economic circumstances on St Helena, Mr. Speaker, necessitate a more robust examination of the system as a whole

to ensure that it meets current requirements as fully as is possible, and in a manner that addresses key issues that militate against the island's Sustainable Development. Mr. Speaker, I am not standing here to preempt the findings of any review. All I am asking for is for this house to support the concept that a comprehensive review is now required. But there are two key issues that require special consideration, and two that are reiterated to me by constituents more than once a week. One relates to providing greater incentives for income-related benefit claimants to obtain employment if they are physically and mentally fit to do so. And the second relates to child allowances or provisions for mothers with young children. Furthermore, the issue of benefits, in some cases, not being used for the purposes for which they are provided, also requires attention. Furthermore, the establishment of Career Access St Helena, which the 2019 review promoted as working in collaboration with the Benefits Office and being a key player in the labor market strategy, does not appear to have fulfilled its objectives. In fact, many in the public question whether. Just providing value for money. And I hasten to add that this is not a criticism of the personnel involved, but of the system, and indeed its roles, responsibilities and functions probably need looking at again, although that is not part of the review of the benefit system that I am proposing now, it is hoped that review and revision of the labor market strategy will be concluded soon, so that the findings and recommendations of any review of the benefit system can be aligned with this key document to assist in taking St Helena forward. And I firmly believe that if the labor market strategy is revised and updated without a parallel review of the benefit system, we could find ourselves in the position that we frequently do find ourselves in, of having different key policies and systems that are not fully aligned. It is essential that the benefit system reflects and responds to current circumstances and needs and that it provides adequate support to those within our community who genuinely require it the most. It is extremely unlikely to achieve these objectives if it is outdated and not subject to a comprehensive review as soon as is practicable, and I am aware of source constraints, which is why I am using the terminology as soon as is practicable, rather than as a matter of urgency or something of that nature. Mr. Speaker, I urge all Honourable Members who commit to improving the current systems and making the best use of the limited resources at our disposal to support this motion. Mr. Speaker, I beg to move.

The Speaker -
Thank you very much, Honourable Members. The motion is that this Honourable House resolves that a comprehensive review of the benefit system should be undertaken as soon as practicable. The most motion is now open for debate. We are now Members of the Commissioner and committee.

The Hon Andrew Turner -
Thank you, Mr. Speaker, I'll be brief as the Honourable Dr Essex has covered the grounds of this motion better than I ever could. And I know it's a horribly cliche thing to begin a speech with a quote, but I'm going to do it anyway, because it was Thomas Jefferson who said that the measure of a society is how it treats its weakest Members, and this is a sentiment that's been echoed by many leaders before and since. And I believe is particularly relevant today, there have been numerous issues surrounding the benefits system, technicalities and policies, confusion over laws, but to me, the biggest issue lies not in the technical details, but in the balance of the system's basic principles, a social benefit system balances two elements, people and money. The money is finite and must be prioritized among those people who need it the most. Simply put, I believe the current system fails to achieve that balance. I seconded today's motion because I do not believe we can solve the current issues by merely patching up what is fundamentally a flawed system. A comprehensive review of how we approach social benefits is necessary. Thank you. Mr. Speaker,

The Speaker -
Thank you very much, Honourable Robert Midwinter.

The Hon Robert Midwinter -
Thank you, Mr. Speaker, Mr. Speaker, I also rise in support of this motion as this is one of the most common areas where Members of the community raised concerns with me, and I have seen several cases where the current system was confusing to applicants and recipients of benefits. Mr. Speaker, when changes were made to our tax system that removed child tax credits, there was a public expectation at the time that this

would be replaced by some form of child benefit, yet it was not so. I share my colleague's view that this needs to be looked at further. Mr. Speaker, I support the motion.

The Speaker -
Thank you very much. Honourable Mark Brooks

The Hon Mark Brooks -
Thank you, Mr. Speaker. Mr. Speaker, the last comprehensive review of the Social Security system was done in 2021. Yes, it did start in 2019, but the substantial changes were made to the system and implemented under this government. The changes were far. House changes in the eligibility criteria for rib, replacing the use of household in the rib legislation with families, which includes an adult and their spouse, a cohabitant partner or a life partner, and a dependent, Sharon under the age of 16 or 18, in full-time education, a family can also consist of a single adult. Changes to the eligibility criteria for full-time employment, changes to allow persons in full-time as well as part-time employment to apply for the IRB. Changes to the calculations of rib in the way that rib was calculated also changed to include the introduction of a shared household deduction to recognize shared costs within the family. However, this was later withdrawn, and now each adult in the family is entitled to the same amount with no shared deductions. The reforms also implied that the income disregard; there were income of adult sorry income of adults, age 21 and under, who live in a family, is no longer disregarded. Instead, they are considered as a family within their right, instead of disregarding anyone one of payments from whatever source, the policy places a limited of twice the annual minimum wage, 37 hours per week on all family assets over this limit, the claim will not be supported on the grounds that people have the means to support themselves. These changes came at a substantial cost for the government, and as the previous efficiencies in the system were recognized that the sheer costs within the household were removed. In addition, this year, the Treasury, with the head of strategic policy planner, have been reviewing the Social Security system, following some anomies that were identified, options to address these anomalies have been developed and has been presented to myself and other ministers, and will be taken forward to executive council in the next quarter. These anomalies are as follows: RIB whilst overseas. So ever since the social ordinance 2010 was enacted, and this was brought into force in 2011 there are, there has been a lack of clarity about whether RIB should be paid when going overseas on a holiday for an overseas medical referral, or until receipt of first salary from an overseas job. We claim to clarify. We aim to clarify this and the treatment of a daily supplement for overseas medical in the law IRB and BIP differences with hospitality. Currently, our IRB continues to be paid indefinitely whilst in hospital on the island, whereas BIP has their BIP reduced by 10 pounds a week after six weeks. So, treatment of land, land is currently disregarded which a family cannot immediately liquidate or draw an income from the from that land in question, reviewing the definition of families to consider we are a person over the age of 16, but under the age of 18 and still in full time education and has a child that can be considered a family in their own right under the Social Security Services. So, I think that addressed one of the issues that Dr Rask spoke about in her motion. So, a range of options to address each of the anomalies above and to clarify the policy are being considered. Our social security system is based on international best practice, and monitoring the comparable is undertaken on a regular basis by the head of the strategic policy and others. Furthermore, the project to consider the National Insurance contribution type scheme, which is about to start, will incorporate a comprehensive review of the BIP. So, Mr. Speaker, for the reasons I just stated, I cannot support this motion at this time. Thank you.

The Speaker -
Thank you very much, the Hon Mark Brooks. Councillor Karl Thrower.

The Hon Karl Thrower -
Mr. Speaker, I rise in support of the motion. I understand what my hon colleague has just said. I understand the reasoning, but I think that now is the opportune time to do it, because we are doing a review of pensions as well, and I think that we've got to look at the income. You know, yesterday we covered the fact that, I think, there are around 800 pensioners, 304 people currently on income-related benefits, if I remember correctly. But I do think it's time to review whether people are now struggling. We've just done a review through scrutiny, committee two of government landlord housing, which could be considered other benefits,

the wrong word, but you know, a way to assist people who are struggling. But I think it is time to do this review now, if that means we've got to slightly alter the review so that they all work hand in glove with each other, that is fine by me, but I do not think you can leave off benefits if you're reviewing pensions, and if you've just done a review of government landlord houses.

The Speaker -
Thank you very much. Is there anybody else wishing to speak? Chief Minister.

The Hon Chief Minister -
Thank you, Mr. Speaker. I rise in support of the Hon Mark Brooks. I am, as I said, I don't think reviewing the or doing a review of the benefits is not something that we're trying to address in our current tenure, but to start to do a comprehensive review when we haven't even had the opportunity at this present time to address all of the anomalies that The Hon Mark Brooks - has just mentioned, would kind of be re investing in an area at a time when We don't have one the human resource, and indeed the financial resource. I think when we know more about the rollout of what we hope to do with the National Insurance Contribution Scheme, and knowing that what we have in place at the moment is based on international best practice, obviously it's a good foundation to start from. I noticed that Honourable Andrew Turner said that the current system is flawed again. I think we to make such statements. It would be good to be able to get some evidence on what that is based on. With that said, I do know that we're always asking not just for benefits, but to ensure that we have better monitoring systems in place for all of this so that we can better understand the anomalies. Because every time I know when the district reps go out for the constituency meetings, and even when we join you once, twice a year, and just from conversations we have having, there's a number of people who will come and say that there are some people who are in a very fortunate position because of the type of funding they're Getting or the benefits that they are receiving. I don't have evidence of that. I have to be honest, but I know that there are a lot of people who speak about it. So, my plea in the public domain today will be that if this is indeed something, you can provide an evidence base. There are processes to go through so that whilst we address the anomalies, this can be seen. We've got loads that we would like to get done in the remainder of our tenure here. And simply, how can I say, almost diverting away from the things that we would like to do is something that I would support. The Hon Mark Brooks, we cannot do at this moment in time. Targeted subsidies are something, and I know Honourable Dr Corinna Essex has said that she hasn't put a timeline to it. I do get that. But if you think about this, the time left for this government, for me to stand here today and say it will be addressed in the time that we have left, I would be making a promise that I can't keep, so at this time, I would have to say that I don't support the motion. Thank you, Mr. Speaker.

The Speaker -
Thank you, Honourable Member. Does anyone else wish to speak to? Councillor Coleman.

The Hon Ronald Coleman -
Thank you, Mr. Speaker, I rise in support of this motion as an advocate for people with low incomes facing the high cost of living. That's why I support this motion. It's asking for a review of the benefit system. people today are facing a high cost of living, and I know the minister yesterday laid out all the things that the government was doing to help people with low incomes and many other people, but they still have to face the high prices in the shops. Last time the shop arrived, the peaches were one pound 20. A loaf of bread has now gone up 40 pence. So, it's this sort of thing. The government has taken public transport into their own hands now, and the price of public transport has doubled, and it's only the people on low incomes that is using this public transport system. So, it's only asking for a review, and I will support a review. I know the review is complex because I've worked in Social Security before, but I'm hoping that if a view does come off, that no one is worse off, and I know that people are struggling, and I did have something in my German debate to talk about low incomes and people struggling. But I do support this motion, and I hope that people out there are listening to those people who do support this motion. Thank you, Mr. Speaker.

The Speaker -
Thank you very much. Anyone else wish to speak? Minister Scipio

The Hon Christine Scipio -
Thank you, Mr. Speaker. I try my best to speak. I hope that's the main words I'm able to get out, and that is, I do not support the motion. And the reason I do not support the motion, as Honourable Mark Brooks mentioned that different work streams have been undertaken, and I would like to see how those work streams, I think, how roll out before another, before money is spent and time is spent. I should say, in doing another comprehensive review, I do not support the motion. Mr. Speaker,

The Speaker -
Thank you very much any other Honourable Members? Mr. Speaker, if not, then Honourable Mover you may respond to the debate.

The Hon Dr Corinda Essex -
Thank you very much. Mr. Speaker, I would like to thank those Members who supported the motion and also those who have indicated that they will not support it for the reasons that they have given. And I would just like to comment on one or two of the pieces of information that have come across during the debate. Firstly, I would like to clarify I did not say that the recommendations of the work that was undertaken in 2019 were implemented in 2019 I am aware that they were not implemented until 2021 however, The fact remains is that the actual work that underpins the implementation of the recommendations was concluded in 2019 and the title of the document relates to 2019 Furthermore, although I mentioned in my original intervention that I'm aware that some work is being undertaken to deal with anomalies and so on. It was not until The Hon Mark Brooks indicated the extent of what was being done that I was aware that this was taking place. And indeed, I think this points to the fact that there needs to be more communication between ministers and non-ministers regarding the particular work streams that are being undertaken, even if the, you know final details are not divulged, so that all of us are collectively fully aware of what is going on across government. And I was very pleased and encouraged to find out some of the things that he has shared with us this afternoon. With regard to the timing, I do fully accept the chief minister's point about the fact that it might well not be possible to start any comprehensive review before the end of the life of this government. However, I do also agree with the other Members who have spoken and indicated that they think that it would be good for this review to be carried on in parallel with other key pieces of work, which could give on. The broader and more informed overall picture of some of the pressing needs that we are facing, which in turn could lead to finding more efficient, effective, and hopefully also economical ways of dealing with those challenges. Thank you, Mr. Speaker,

The Speaker -
Thank you, Honourable Member. The motion is that this Honourable House resolves that a comprehensive review of the benefit system is now due and should be undertaken as soon as practical.

Question put and agreed

The Hon Christine Scipio -
May I call it a division Mr. Speaker.

The Speaker -
Yes, I think we need to call the division.

The Clerk -
Hon Chief Minister, - No,
Hon Christine Scipio, - No,
Hon Martin Henry, - No,
Hon Jeffrey Ellick - No
Hon Mark Brooks, - No
Hon Gillian Brooks, - Yes.
Hon Ronald Coleman, - Yes,

Hon Dr Corinda Essex, - Yes,
Hon Elizabeth Knipe, - Yes.
Hon Robert Midwinter, Yes,
Hon Karl Thrower, - Yes,
Hon Andrew Turner, - Yes.

The Speaker -
The result of the division is seven ayes and five noes, and there were no abstentions. The ayes have it.

Just before we move on to the next one, you know, this motion takes me back to when consultant Alan Thompson and myself and my committee wrote in the new system at that time, that was in 2011 when a basic pension was introduced. This is called of course a basic island pension. Of course there have been many changes since then, but the basic island pension was supposed to be the forerunner of a national pension scheme. And I see people working towards some kind of a scheme now, as far as I can see. Thank you. That's just a bit of information from myself and I hope it was okay to do that. But we move on. The next item of business, please.

5. ADJOURNMENT DEBATE

The Hon Chief Minister -
Mr. Speaker, I beg to move that this House do now adjourn sine die.

The Speaker -
Thank you very much. Honourable Minister Scipio.

The Hon Christine Scipio -
I beg to second, Mr. Speaker.

The Speaker -
Thank you very much. You managed to get that out. First person to speak is Honourable Karl Thrower. I do beg your pardon, Councillor Robert Midwinter. You're sitting side by side.

The Hon Robert Midwinter -
We're wearing different coloured shirts today, Mr Speaker. Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the adjournment. Firstly Mr. Speaker, I wish to join you in welcoming back my Honourable colleagues, the Chief Minister and the Minister for the Environment, Natural Resources and Planning. Yesterday, we heard extensively about the Chief Minister's trip overseas, and I look forward to hearing more about Minister Scipio's visit in due course. Secondly, Mr. Speaker, I would like to thank CPA UK for my own attendance at a very informative and rewarding follow on Seminar relating to Gender Based Violence held in London at the end of October, where I was able to touch base with the SHG UK representative, Mrs. Kedall Worboys, and briefly see the UK Speaker of the House, Sir Lindsay Hoyle, along with the Senior Clerk who recently visited, Liam Laurence Smyth. Mr. Speaker, during my visit to London, I was also privileged to attend urgent questions in the House of Commons on the subject of the BIOT Partnership Agreement between HMG and SHG, and then to briefly meet Minister Stephen Doughty immediately afterwards. Mr. Speaker, this would have been a wonderful opportunity to have spoken about the positive progress that I believe we have collectively been making here in St Helena in recent months, and to showcase our island to the incoming Minister for the Overseas Territories. However, the conversation was unfortunately dominated with questions about the suggested vote of no confidence and division amongst members of this Council. Mr. Speaker, I've been very open and public about the fact that I would not support such a motion, particularly based on the manner in which this was presented to us as Elected Members, and especially as we have a Governance Review that is already well under way, alongside a General Election during the coming year. Mr. Speaker, nobody needs to be put in a position where they don't know whether somebody is taking such action or not, and I therefore hope that all such

talk is brought swiftly to an end, so we can all get on with doing the work that the public elected us to do during the last remaining months of our tenure. Mr. Speaker, in this respect, I would like to place on record my thanks to those members of the public who attended my last constituency meeting at Kingshurst Community Center shortly before my trip overseas. As always, there was a good, lively discussion on various areas of concern, with top of the list again being the rising cost of living and what we can do as an island to combat this, whilst increasing revenues, reducing waiting lists for overseas referral and improving standards of education on the island. It was therefore music to my ears to hear the following day that our government had negotiated a partnership agreement with HMG that would bring in an additional 6.65 million, effectively a 20% increase to our local budget at a time when the UK Government has announced a widespread 2% reduction in public spending, with two of the main areas targeted for support being health and education. Additionally, it was positive to hear that HMG is going to unfreeze increases to UK pensions that are paid in St Helena, something that the Chief Minister well knows that I have raised with her each time she has been preparing to attend JMC. So again, a positive move in the right direction. Mr. Speaker, in terms of moving forward, Members may recall that I noted at our last formal sitting that it has only been two years since we reopened the island after being in lockdown, and I think it is worth noting that we are about to have only our second visitor season since doing so. In the weeks ahead, we will not only see an influx of visitors by air with additional flights and notably Cape Town added to the schedule, but we will also see increased visitors through a number of yacht races, namely the Cape to St Helena, the World Arc Rally and the World Oyster Rally. Mr. Speaker, the last time that we had all three yacht races visiting around the same time was that very busy Christmas and New Year period that we enjoyed immediately before going into lockdown, with an estimated visitor revenue of five to seven million pounds, so I sincerely hope that we will see positive benefits economically as a result of this year's visitor season. Again, I would note that personally speaking, I think that great strides have already been made in terms of the island's recovery, and yet there is still far more to be done, so we need to keep moving forwards, and there should be no going backwards. However, before talking about the year ahead, I just wish to reflect on the past year, and what a busy year it has been. We have had the visit by UK Speaker of the House, Sir Lindsay Hoyle MP, the visit by His Royal Highness, the Duke of Edinburgh, the visit of Senior House of Commons, Clerk, Liam Laurence Smyth, various officials from the FCDO in connection with our budgetary aid and also our relationship with the UK and other Overseas Territories. Mr. Speaker, and what I believe was a particular highlight of the year was our hosting some 34 Parliamentary delegates from within the Commonwealth Parliamentary Association, British Islands and Mediterranean Region. All of this took place on top of local campaigns and activities within the community and schools such as the recent UK Parliament Week and White Ribbon Day Campaign, and whilst it seems that there has been a review team after review team coming and going from the island, and even now, we have a team from the Westminster Foundation for Democracy visiting to review our current system of Governance. Mr. Speaker, a very busy year here in St Helena indeed. Mr. Speaker, it has also been a year of loss in so many ways, so many of us have lost loved ones, as has the community as a whole, and I won't even try to recount all of the losses, there has simply been far too many for me to do so. But, as a community, we pick ourselves up and we move on, we change and adapt. It is therefore positive to see how Saint FM is continuing to evolve despite recent challenges. So, looking forward to next year, we will, of course, be having a General Election, and in this respect, I would encourage the younger members of our community to register to vote and also consider standing themselves for election, it is never too early to start thinking about doing so. Mr. Speaker before closing, I just wish to yet again place on record, as I have on almost every occasion since being elected, that we have still had no sight of the Draft Policy and Legislative Program. Obviously, the Chief Minister responded to that yesterday, despite the numerous commitments made in this Honourable House. And finally, Mr. Speaker, as we will soon be going into recess for the Christmas period, I just wish to remind the listening public that I am still available should they wish to contact me, either by phone, email or in person, and to wish everyone a very merry Christmas and a happy and prosperous New Year. Thank you, Mr. Speaker.

The Speaker -
Thank you very much Honourable Member. Honourable Gillian Brooks,

The Hon Gillian Brooks -

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the adjournment. Since our last sitting in the House in August, we have had another round of Constituency Meetings, which we've heard about. And although they obviously have their specific issues to their districts, they do come with some issues that cut across the piece really, so for example, the cost of living. We've just been speaking about the cost of living, this is raised all the time, and when we see the prices rising, we know the effect this will have on people. And for example, the bread that was mentioned, and the increase in this is probably felt by most of us, but especially for those who bread form part of a staple diet for food costs but then food costs are rising globally. We know that COVID and the wars have had an impact on production and logistics of foods around the globe. And we may feel that we are small and somewhat geographically sort of distant here, but major activities in the world does impact us in some way. Then we have the concern of shortage of staff in key areas, and here the concern was around Health and Social Care, who provide the 24 service that must be provided. We know from so much publicity that all is being done to address this, and that these roles are not easy to recruit to, but we must truly appreciate the staff in the sector of work for the dedication and service they continue to provide under difficult circumstances. We have the concern of the backlog of Medical Referrals, but here again, a concern that affects many in the community, that is now thankfully being addressed through funding that has been dedicated from the financial package the Island received with the agreement between St Helena and the UK. That's part of the BIOT agreement, and this is, to me, a weight lifted, because, without a doubt, this would have been a serious concern as to where the funding would have come from for patients needing this medical intervention. We have had key visits this year, and I won't read them out, my Honourable colleague has just named them. And these are not just momentous occasions or nice occasions, they are actually part of building very good relationships with our mother country, and also to make us far more better informed when we make decisions here on St Helena. I would like to make mention of our students who seize the opportunity to study abroad and reach their attainment. We hope that their achievements from the hard work that they've put in will serve to provide the career that they wish to pursue, and this is not only a chance for them to progress in life, but for them to role model to those coming behind the Education system that they too, can achieve what they would like to. In September, I was appointed Children's Champion, and since then, I have started to build a program with schools. I've made several visits to all of the schools using the opportunity to speak to students on different subjects. A few weeks back, we celebrated UK Parliament Week, and it was so encouraging to go into schools and see how actively engaged our young people were with activities to mark that week. It provided the opportunity to raise awareness of the makeup and working of Legislative Council here and the Parliament in the UK. On the back of this came the White Ribbon Campaign and the recognition of White Ribbon Day, I did a session with the students at Prince Andrew School at their anti-bullying assembly, along with Mrs. Deborah Knipe, who is the Independent Domestic Violence Advocate on Island. I am very pleased to see the soft launch of St FM, following difficult times. The station has provided a service to the community that not only serve the island but provides a much-appreciated link to our Saints and our friends living abroad. Field Road has reopened after months of extensive work. So, thank you to Isaac's Contractors and to the Government project team. I know the reopening of Field Road is a blessing to the residents in Rupert's. Tuesday gone was International Day of Persons with Disabilities, and I understand that SHAPE took their clients to different work placements to mark the day, to promote social inclusion in the workplace. You know, there's a very famous quote Mr. Speaker. It says, 'know me for my abilities and not my disabilities'. Schools are nearing the end of the term and have started or will be doing so over the next coming week, showcasing their Christmas activities. So much effort goes into putting these activities on for us. So, thank you to the teachers and the children for continuing the tradition that we so look forward to in the lead up to Christmas. And this is where it brings me to where I want to wish everyone a very happy Christmas. This is the time when we look forward to the increase in our visitors and our family and friends from abroad. So, I hope it will be a very safe and happy Christmas for all. But I do want to make a special mention Mr. Speaker, to wish a safe and peaceful Christmas to those who, through the nature of their jobs, will continue to provide the necessary services that must be ongoing throughout the festive period. Thank you, Mr. Speaker.

The Speaker -
Thank you, Honourable Member. Honourable Betty Knipe.

The Hon Elizabeth Knipe -
Thank you, Mr. Speaker for the adjournment. I don't know whether this is appropriate. I didn't comment within the motion when Councillor Essex was talking about income related benefits. I just wish to add that I actually survived for 18 months on income related benefits, and I found it very difficult. It really was. I had to move from Sandy Bay to cheaper accommodation to be able to do it and I really, and a lot of my constituents have spoken to me about it. I've got empathy with them, and can understand what they're talking about, but we do understand that there's only so much money in the kitty, and we've got to spread our money broadly. So, I want to thank the Honourable Corinda Essex for putting the motion across. I wish to thank all my constituents for bearing with me, coming in, in the new system since the By-election, I have found it very taxing, very refreshing. I've learnt a lot, and I appreciate all the support that I have had in the short while that I've been able to be within this Council, and I take it as an honour to serve the St Helenian people. Thank you.

The Speaker -
Thank you very much Honourable Member. Any other Honourable Member wish to speak to the Adjournment Debate? You can speak for up to 10 minutes. Honourable Ronald Coleman.

The Hon Ronald Coleman –
Thank you, Mr Speaker. Just to let everybody know that we've been in office for over three years, and there's a General Election next year. And to thank my colleagues for the motion and the support, as you know, I'm an advocate for people on low incomes. One of St Helena's worst enemies is the cost of living, and it is my opinion that this Government can do more to assist and help alleviate some of the problems and hardships which people are facing. I know the Minister yesterday outlined some of the things and support that has been given, but I think we need to now, because of the situation, need to look at targeting our support. We have many low income households. There are so many people on the benefit system. Basic Island Pension, low income pensioners, and it makes up almost half the population of people who are struggling on low incomes. So, I think we seriously need to look at that in our big picture when we look at other things. Stable foods like bread and fish is highly priced. I've mentioned this before. Bread has been increased by forty pence a loaf. My people want me to mention this in adjournment today that even importing a fresh peach is £1.20. To go to the shop to buy a coconut finger is one pound. Fresh beef and fresh pork is over £10 a kilo, and even fresh lamb is £11 a kilo. Coupled with this, everyone faced the new increases from utilities, and everyone was finding it real hard, and I mean real hard, Mr. Speaker, and what happened is that they all came together. Then, coupled with this I've already mentioned, is the public transport, which almost double, and only our older folk or people on low incomes mainly use it. They are now talking about minimum wage increases, and they been doing it for a while. This is okay for Government because they just takes the money out of the Consolidated Fund to offset it, and it's money that I've been told you'll don't have. Only yesterday, we approved 1.6 million from the consolidated fund, and we're keep being told that we don't have that money. If we're gonna do minimum wage, we need to look at the tax threshold. We need to lift the tax threshold when we looking at minimum wage, otherwise you pushing all the low income people into a tax bracket and of course, the Government is the only people who reap the benefit, not the people who get these increases, and we are back to square one, and we are even worse off than when we start. We really need to put extra money into people's pockets, and we really need to think seriously about this, how we going to help our people with disposable incomes, real money. And then what about the child benefits, which we were promised. We haven't looked at that yet. Also adding to this was the public transport, which we talked about earlier. I'm also glad that the Medical Referrals are moving again, both here and overseas. Let's hope that the people who are happy, and long may it continue. Another area, Mr. Speaker was when we were elected, we talked about inclusivity. We said many times that we would leave no one behind. St Helena's buildings are old and historic, but we want to make sure that all the people can have access to all our buildings, and all those with public access who can. But what has happened? We need to also make sure about our heritage, don't stop development and moving the island forward. What has happened with the idea of a Legislative building for St Helena, where every citizen, regardless of their ability, can share their political will and desire? Mr. Speaker, three years have passed and three things, and it might even be four that stand out in my mind. One is communications, when Starlink was taken away from our people, now our sister islands, Ascension and Tristan Da Cuhna are better off by

using Starlink. Our fisheries, what is happening to our fisheries? Are we going to export fish again? Is it going to happen again? Then we talk about housing. We looking for housing, social housing and affordable housing. What has happened to Bunkers Hill in this last three to four years? Is that going to be progressed? Can we be told about it? And finally, Mr. Speaker, with all the hardships facing our people and this island, I hope that they can enjoy the spirit of Christmas and have a reasonable, happier time with family and friends this year and look forward to a better year ahead. Thank you, Mr. Speaker,

The Speaker -
Thank you, Honourable Member. Anyone else wish to speak? Honourable Andrew Turner.

The Hon Andrew Turner -
Thank you, Mr. Speaker. Today, I stand to give one of the most frustrating addresses of my time on this Council. The Ministerial system was intended to bring two things. The first was quicker decision making. This was to be achieved by removing Council Committees, replacing them with Ministers. The idea being that an individual can make a decision quicker than a group, which would have to achieve a consensus. The second achievement was supposed to create an improved accountability for those decisions and to me, both those intentions have not been met. Until today there's not been much in the way of substantive legislative change, despite the desperate need for substantial revisions on almost every piece of local law. And I point this out only because it's proof in its own that the change to the new system hasn't fixed the speed issue. And as I've gone on about, many times before, thanks to the decisions not to hold ExCo in public, accountability has gone out of the window, with ExCo, the most powerful decision-making body now a secretive, clandestine organisation that operates in the shadows. And that point can't be stressed enough, it was a choice not to hold meetings of the Executive Council in a manner that's open to the public, the same as it was a choice not to engage with the Legislative Council on key issues of national importance. Indeed, as a non-ministerial Member, I feel we often don't get to know what's happening until it's too late. Now, in advance of today's sitting of the formal Legislative Council, both Councillor Thrower and I had submitted a motion calling on the Chief Minister to resign. Although similar motions have been brought to the house in the past, this motion was denied on constitutional grounds. If I can paraphrase the ruling, the only grounds open to us would be to use section 45 (b) of the Constitution and institute a vote of no confidence in the entire government. However, this is a deeply flawed system. Now, such move was always going to be a difficult one and other members of this House have previously, publicly stated that they would not support such a vote. Our recent publicity on the matter has been aimed at creating an open debate about the record of this Government, in the hopes that the public can have their say with Councillors' and convince them of what they want. And it's clear that we simply do not have the support in this room to get a no confidence vote though. The difficulty now is that a failed vote would mean strict time limits would be enforced on when a second such vote could be brought. Essentially, if we bring in votes of no confidence, and it fails as it inevitably would, if the member statements are taken into account, it would help secure this Government rather than hold it to account. It's extremely frustrating that the only system whereby the Chief Minister can be effectively brought to task is to have a vote whereby 42% of this Parliament is essentially conflicted right from the start. But I do want to say to those members of the public that came to us initially who were demanding better leadership and better decision making, this battle is far from over. There are still tools left at our disposal, however limited, and I can safely say that we will continue to use what time we have left in this Council to do all we can to hold the Chief Minister and the government to account for their actions. Because it is important to remember that this is not just about the Council as it is now, it's about showing whoever follows us that decisions have consequences and that accountability can be brought within the system.

The Speaker -
Thank you very much, Honourable Member. Before I call on somebody else to say anything, I need I think, to say that a motion was put forward to try to remove the Chief Minister. However, Legislative Council does not have authority to remove a Minister, and this is why I didn't allow it to go on to the Order Paper. If there's another ever avenue you have, well, that's entirely up to you. But just so the public knows that Councillor Karl Thrower did try to put forward, in a motion and second it himself, or Andrew Turner did it, but it couldn't be allowed on the Order Paper. I sought legal advice on that, and that was what came out

of it. Actually, what it turns out to be, is it's better not to put a motion forward that might lose and have time to come back again, because if you put forward a motion and you lose that means you can't bring the same kind of motion back within three months. So, I hear what you say. It's up to you. Next person, please. Honourable Dr Corinda Essex.

The Hon Dr Corinda Essex -
Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the adjournment. Firstly, and most importantly, I wish to congratulate St Helena's new graduates, who performed excellently and are a real credit, both to our education provision and the island as a whole. In this context, it's extremely pleasing that the graduate scheme is in operation at last, and the next cohort of students will have a longer period in which to decide whether to opt for this or not. What is essential for sustainable development is that the graduate scheme leads to meaningful career paths. Career paths that will enable its participants to progress in their chosen areas and ultimately achieve key positions in our community. To facilitate this, structured succession planning must be in place, and in order to facilitate this, I am of the opinion, and I know it's not my own opinion, it's one that's shared by many, that the requirement for Technical Cooperation personnel in line posts, to transfer skills and provide training to potential successors, should be brought back in place. Sadly, there is no evidence of progress regarding establishment of the Student Scholarship Trust fund to provide financial assistance to future cohorts of students eligible to follow degree courses in Britain. This is extremely sad, as it is actually denying some young people the opportunity of reaching their potential, as it penalises those from less affluent families and this runs contrary to basic principles of social justice and equality. The concept of setting up such a trust has been discussed by successive governments, and several drafts for its constitution have been drawn up over a number of years, but this matter, which is so important to the future of the young people of St Helena, remains unresolved. I accept that human resources are limited, but when so much work on this topic has already been completed, it must surely be possible to conclude it at last. The establishment of the trust would not hold great financial implications for St Helena Government, so lack of funding should not be a major obstacle. Other critical areas that appear to still remain stored relate to Fixed Penalty Notices and the revised Road Traffic Ordinance. The relevant Minister has provided his assurance that these are in the pipeline, but the next General Election is looming, and I would not like to bet on which will happen first. It was decided over a year ago that a vitally important amendment to the Road Traffic Ordinance, to make vetting of drivers of Public Service vehicles mandatory should be fast tracked but even this has not yet reached this Honourable House yet, although we've been recently informed that it should do so very shortly. Before concluding Mr. Speaker, I would be failing my constituents if I did not draw attention of this Honourable House to the growing challenge of mental health issues on the island, particularly within the younger generations. This is extremely disturbing and a matter of great concern, when one hears students who are still attending school talking about thinking of self-harming, and of them knowing of other people who are their contemporaries, who are self-harming, and things of that nature. That is a very dangerous path for St Helena to go down and I urge that all efforts that can possibly be made to turn that situation around, are actually put into place. So it is of the utmost importance that the island has the necessary expertise and facilities to deal with mental health issues effectively and appropriately. Finally, Mr. Speaker, I wish to reiterate what I have frequently stated, in this Honourable House, there is a vital need for openness, transparency and genuine collaborative working between all members of Legislative Council and officials and other stakeholders. If the many challenges facing St Helena are to be met as efficiently and effectively as possible and after all, it is the duty of us all to bring this about, we need to work together. In conclusion, I wish all colleagues and the public in general a very safe, happy, festive season and a successful 2025. Thank you, Mr. Speaker.

The Speaker -
Thank you very much, Honourable Member. Honourable Karl Thrower.

The Hon Karl Thrower -
Thank you, Mr. Speaker, I rise in support of the adjournment. I wish today to address a matter that deeply affects not only the working of this Honourable House, but also the trust and connection between this Government and the people it serves. Since attending a Westminster Seminar earlier this year, I have spent a considerable amount of time considering our current system of governments and the unique challenges

here in St Helena. As most of the Members are aware, we operate a Westminster-based Parliament, but without political parties, a structure that brings its own set of opportunities and difficulties. I have been asking myself three fundamental questions, is the system working, and if it is, who is it working for and most importantly, does it work as well as it could or should? These are not abstract questions for me, they are shaped by my experiences as a Councillor and the many conversations I've had with members of our community over the last three years. I want to use this time to share my reflections, highlight the issues we face and suggest ways we might move forward. One of our biggest challenges is the lack of a shared vision for St Helena's future. In other countries, with Westminster-based systems, political parties present manifestos, detailed plans for health, education, jobs and the economy, etc. Voters choose the party whose vision aligns with their hopes, and that party is held accountable for delivering on its promises. Here, Councillors' stand as individuals, and after the elections, Ministers produce the ministerial vision, but it's too late in the process, the government has already been formed by the time the public and the Councillors' learns of its goals. Moreover, the people have no direct say in who becomes Chief Minister. That decision is made amongst Councillors' leaving the electorate with a leadership they did not directly choose. This lack of transparency and accountability in forming government undermines trust and leaves many residents feeling disconnected from the decision. Furthermore, there is no structured way for Councillors' to hold Ministers or the Chief Minister accountable without risking the collapse of the entire government. This fragility weakens the checks and balances needed for good governance. In a system with political parties, accountability is built into structured party by party members, and they are held to their promises and values and mechanisms are in place to address any failures. Here, accountability is far less structured. Each Councillor is individually responsible, but this can lead to inconsistency. Voters may feel let down when Councillor's actions don't match their campaign promises, but there is little meaningful recourse until the next election, by which time priorities may shift or the Councillor no longer stands. This lack of oversight is damaging not just to the individual Councillors' but to the entire government, once lost, trust is incredibly difficult to regain. Mr. Speaker, the issue that troubles me most is lack of public involvement in our governance. In other systems, political parties have structured methods to continually engage with the public on key matters, using their feedback to shape policies and direction. This is essential for any group that seeks to strengthen its connection with the people. Here on St Helena, without the structure that parties provide, many residents feel disconnected from the government. Engagement with the public is primarily left to individual Councillors' however, because Councillors' are independent, the government has little or no control over how, or even whether this engagement happens. Political parties provide continuity by striving to deliver on promises and maintaining long-term plans. Each new Council often brings a shift in priorities. For example, we've seen this in the changes to renewable energy goals, which shifted from 100% by 2022 to 80% by 27/28. This inconsistently continually holds us back, especially in economic development, where steady, long-term efforts are crucial. The Government have put many resources into Fintech. What if the next Government decides simply not to move forward with it? In the UK, the Rwanda deal was an extremely good example of this shortfall. From my observations and feedback received, it's clear our current system is barely functioning. Members of this Honourable House recall just how rushed our transition to a Ministerial form of Government was. As time goes on, more problems are surfacing. Some issues, such as improving the Ministers Question Time format are relatively straightforward to resolve. However, others, like the structural changes in governance require significant constitutional changes. Right now, no one is benefiting from the current situation, not the Government, not this House, and certainly not the people of St Helena. The instability is causing enormous harm to our island and its future. While our current system has merit, it's not living up to its potential. To truly serve the people, we must address its weaknesses as a matter of urgency. The absence of political parties, coupled with the current system has led to a lack of stability and public engagement when trying to use the full Westminster-based system. I believe the answer is not to form political parties to solve these issues, but we must define clear goals for governance, including how collective responsibilities should be implemented. This should be in the Constitution moving forward, strengthen accountability mechanisms to ensure that these goals are met, have a firm commitment to the government to involve the public in decisions that affect their lives. Above all, we need a system where every resident of St Helena feels connected to and represented by the government. Democracy is more than holding elections every four years. It's about ensuring people's voices are heard and their concerns are addressed continually. Right now, that connection is fraying. We must act decisively to rebuild the trust and strengthen our democracy. Mr. Speaker, I want to make my point clear,

like the majority of people I've spoken with recently, I do not currently have confidence in our government. Over the last three years, the government has become increasingly detached from members of the public and is therefore incapable of addressing their needs. They have become more isolated as time has progressed, it often feels more like they're public servants than they are representatives of the people. Towards the end of October, myself and the Honourable Councillor Turner, published an open letter to the public. In that letter, we stated it has become obvious to us that a large proportion of our community is dissatisfied with the actions of the government, under the leadership of the Chief Minister, and believe that the government is no longer representing their best interests. If the public makes it clear that a vote of no confidence is necessary, this could potentially take place at the next formal meeting of the Legislative Council, currently scheduled on December the fifth. As my Honourable friend has already said, when we looked into this, we believed that a motion was the better way forward. Since October, I have engaged with around 200 members of our community, entrepreneurs, pensioners, young families, pretty much everybody I could find who wanted to talk back to me. The overwhelming majority, expressed de-satisfaction with the government and the direction in which our island is heading. However, I must also acknowledge that some members of the public shared their satisfaction with the state of current affairs, and I am aware that Councillors' in this room were against the idea of either a motion or a vote of no confidence. One pensioner's comment about the cost of living struck me particularly hard. They said, people are shouting out for help, but it's falling on deaf ears. What is our government doing about it and why aren't the Councillors' making them do something about it? Mr. Speaker, those words echo the broader sentiment I've encountered, a frustration many residents share. While if you are content with the current system, I've heard an overwhelming message of discontent, frustration and a plea for change. At the heart of this frustration is a feeling of detachment from their leaders and a lack of understanding of their daily struggles. Mr. Speaker, a lack of funds is often cited as the reason why certain issues can't be addressed. However, that same statement is not entirely accurate when it comes to budgets and how they are spent. The reality is that individuals or groups responsible for managing funds make choices about how to allocate them by prioritising various demands on them. We recently witnessed this during the government's negotiation with the UK for the additional 6.6 5 million in line with the BIOT deal. The government was very clear that they secured everything that they asked for and that the funds would be allocated to specific priorities. Soon, the UK's FCDO financial aid mission will visit St Helena, and a similar negotiation will determine the island's 25/26 budget. This brings me to an important point. It's not simply a lack of funds that prevents the government from spending on more pensions, childcare, local parts or other vital areas that the public judge is necessary rather, it is a matter of priorities. What our government chooses to spend its money on reflects what is it considers important. Unfortunately, our current government seems to prioritise the needs of the public service much more than the needs of the people. I want to take this opportunity to thank everyone who took the time to share their thoughts and concerns with me, these conversations are not just valuable, they are vital. They remind us, as Councillors' of our responsibility of elected representatives to listen to them, understand and to adapt on the perspective of those we serve. Mr. Speaker, I am deeply concerned just how much our people can endure. Their voices are growing louder, their patience is thinner and their struggle is more visible. We cannot afford to ignore their cries for help. During this sitting, we have seen several actions that emphasise the public's concerns. There is money for the Public Service pay rise to move forward with the goal of bringing the Public Service pay up to about 6% of the UK, an admirable goal. Has the government set a target of 60% for the minimum wage, pensions or other benefits. Pensions will be looked at, but there is no money for them. Recently, the government put out an advert for people with private rental properties to potentially house migrants. The advert stated that the government wants to establish a register of rental properties to accommodate any migrants. So is the plan to put any potential migrants into prime quality private accommodation when we have 30 plus people on the Government Landlord House waiting list, and a lot of the 202 Government Landlord Houses throughout real estate are in a relatively poor condition, in the full state of repair. These kind of policies by governments worldwide cause civil unrest. It causes resentment, which builds over time. You have to treat our people as well as you treat the migrants. Benefits, housing, education, healthcare must be on a level priority field no matter who is paying. I can't understand why government didn't identify the potential issue and prioritise government landlord housing when negotiating the MOU with the UK Government. The disparity between Government Landlord Housing systems and migrant housing is always a key issue, something that the UK Government knows all too well, but at least we have money for more government IT improvements. In conclusion, Mr.

Speaker, I think that currently, St Helena is in a poor state. I would like to wish every Member of the House a good holiday, and I would like to wish the members of the public also a good festive season. Thank you, Mr. Speaker.

The Speaker -
Thank you very much, Honourable Member. I was looking at the clock and looking at the pieces of paper in your hand. I was wondering whether you were going to get through it, as it turns out you would, I didn't want to interrupt your flow, you went a minute over.

The Hon Karl Thrower –
Oh, sorry (*Inaudible)*

The Speaker -
Okay. Anyone else wish to speak? Attorney General, please.

The Hon Attorney General –
Thank you, Mr. Speaker, I would normally make any comment I had at the end, and I'm grateful for the opportunity now. I would like the opportunity to update the House on some of the progress that we think we might be making within the Chambers, which I had. I want the House to know that we recently acquired a commercial lawyer, which we lacked for the last, almost two years, and that has held us back significantly. I am pleased to say that a second commercial lawyer is now due to arrive at the beginning of February, a very experienced, dare I say it, Scottish lawyer, used to working in a rural environment and I'm seeing this as an opportunity of a lifetime. So, I am really delighted to be able to say that. I would also like to comment on legislation. I am conscious of the fact that we have been unable to meet the expectations that are rightly there for reviewing legislation. But as the last two days have indicated, these are very difficult things to do properly, and its very time-consuming. So, I have asked and got support and been pushed, if you like, by my Prosecutor in particular, to adopt, use the mechanism, the shortcut mechanism, for adoption of English law in this jurisdiction. And we have presented a paper to Executive Council with a long list of potential candidates, but we have to prioritise, as I am sure you understand, and I think we have decided that we would recommend to the government that Cyber Crime Prevention should be at the top of the list, along with updating some, dare I say it, some sexual offenses, in order to capture behavior that is totally unacceptable in the 21st century. Unfortunately, juries now successfully convict, and that sends a strong message, as I believe I have said on more than one occasion to the community. This will likely include, if I had any say in it, modern slavery legislation, suitably adapted for the circumstances here. In the pipeline for early 2025 are the following: the Road Traffic Ordinance changes to bring the acceptable level of blood alcohol down to a realistic level, as opposed to the present license, if you can call it that; and more importantly, the PSV provisions that will allow vetting and regulation of both taxi drivers and other public service vehicle operators. Merchant Shipping is coming to a head with a triple I code inspection in February, so Merchant Shipping legislation needs to be enacted. It will consist of an amendment to the existing Merchant Shipping Ordinance to give better powers of inspection and control and the incorporation of relevant international obligations by adoption of conventions, which will present challenging issues of capacity, but they are necessary. The most important piece of legislation, which I have prioritised in recent times, is the capping of costs of litigation in this jurisdiction. In other words, in order to prevent St Helena from being liable to pay costs on a UK level, costs of litigation recoverable from the government should be regulated down to a level that matches the costs that, for example, the Public Solicitors office can charge. So we need a yardstick, legislation is the surest and safest way of doing that, and I have asked our new Legislative Drafter, Jennifer O'Hea, to prioritise that, along with others in the Chambers. There is also a need, if I may say so, for defining the health service duty of care, and that may be something that needs to go in the law, if not in the law, definitely in the policies to manage expectations on Island, as to the type of care that can be provided, bearing in mind the risks to people's health, but also the capacity of the island to deliver. I think that's an important piece of work. And finally, from my own perspective, I have long had it in mind to articulate a road map which I will develop and have been developing for capacity and continuity of the AGs chambers here. These Chambers have had a, dare I say, a checkered history, if I am not putting it too bluntly, and especially now in the face of potential litigation, and this will, I hope, provide a tool, if

you like, to enable completion of rebuilding the task I was asked to undertake. Now I come to quite a difficult moment for me, personally, I hope you will bear with me. I have to remind myself, 32 years ago, I was called as an advocate at the Scottish bar, and when I called in Edinburgh, the judge on the day who admitted us along, myself and five other fellow advocates, he gave us certain advice, and I repeat it now. He said, be brave, he said, don't pause, and most importantly, be true to yourself. I am afraid that the times come where I require to be true to myself, and I have wished to tell you that I have given notice of my resignation. I am sorry to have to say this. This is therefore the last Legislative Council I am likely to attend, and I thank my team and you all and the people of St Helena for the opportunity to serve you. I have to say that upholding the position of Attorney General has become progressively untenable, and the role is therefore unsustainable, and this has led to my decision. I simply wish you all the very best. I wish that too, that St Helena will prosper. Thank you very much.

The Speaker -
Thank you, Attorney General. Anyone else? Minister Martin Henry.

The Hon Martin Henry -
Thank you, Mr. Speaker. I rise in support of the Adjournment Debate. I haven't prepared anything and my aim this afternoon was just to wish everybody in this room and on St Helena, and of course, everyone working in Health and Social Care a very happy Christmas and I know a lot of them will be working over this period, as my Honourable Councillor Gilly Brooks has mentioned. And she's mentioned a lot of things that I would like to say about health, education, etc. I must add, though, that and Dr, Honourable Corinda Essex, I think from the perspective of your motion, it isn't that this government doesn't support the motion in its entirety and how you present it, the government as you understand, and as you mentioned rightly after Minister Brooks gave his piece, we are developing what we see first. And I think maybe the next step in the next one or two years will be to then do a full review to see how these implementations were put in. So, I just want to make that quite clear, because we will never not just support some of the things that we are seeing as Ministers as well. I just like to make reference to some of the other things I've heard, because yet again, I've heard a long list of issues. I would just like to highlight to the public that listing out the issues and dissatisfaction, is on a totally different level to try and resolve them, and I do hope that in the future, some of my Honourable friends will have the opportunity to try and resolve them, because they are not as easy as words written on a paper. I also like to point out the fact that, yes, we do have responsibility for the budgets, and we do divvy them up, but when we are at the end of, when I am at the end of a telephone call, which is quite often with people in pain and in need to go on Medical Referrals, that's where I champion. So, where we can't afford to do everything because the budget is limited. Yes, we've made the decision to support the people most in need. It may not be the people most in need who other people think they are, but they are the people most in need on my calendar. So, I just like to point that out to the public, because it is important that they understand that these decisions aren't made just on the hof. These decisions are made after going through quite a bit of detail and trying to support the people we can with the limited budget we have. There has also been words spoken in this House about, yes, you can just pay for it. You can just and again, I just wish that, or I do hope, that sometime in the future, some of my Honourable friends do sit on this side of the table and we can have that conversation when they do. I am just like any other. I see myself as just a spoke in the wheel. I am just trying to better it for the next government that comes in and the next people that stand behind me, so, but on that note, I won't go down that road any further, because I do have a lot to say about that, but maybe not before Christmas. So Happy Christmas, everybody.

The Speaker -
Thank you very much, Honourable Member. Anybody else wish to speak? Minister Ellick.

The Hon Jeffrey Ellick -
Thank you, Mr. Speaker, I rise in support of the adjournment. A few things to say here, Mr Speaker. Let me start, I think first, with the Attorney General. Attorney General, I'd like to take this opportunity to thank the Attorney General for his sound support and advice. I've worked with a number of lawyers. One of those lawyers said, "I've been around in my time, I have nothing to prove, therefore you won't see me jumping up and down. I'll be forthright with you and fair". He was one of the best lawyers I had the privilege of

working with. Attorney General, having worked with you, I can say that you've been ethical and fair and unbiased when providing legal advice to this government, as well as myself, especially advice on the Constitution and the ministerial form of governance. I wish you well on your endeavors, and replacing you will be a tall order. AG, I can confidently say you rank alongside the lawyer I first spoke about. I thank you for your service and forthrightness. Oh, I still gotta carry on ay. All right. So, I just listened to the adjournment from the others, so I'll just pick up on a few things. I know Councillor Coleman, various things he spoke about, the budget and so forth. What I will say about that is, pretty much you were in the meeting this morning. I don't know if you went sleep, but the basic things is, we are trying to create a foundation for this government, for St Helena. You can't do it without money. So, I think people need to be cognizant that there isn't sufficient money, right? You know what the economic climate is like. So, although you come and say and the government can do this, what you don't say is what you're gonna cut so we can do this. And that's what I don't hear. People tend to say, you can do this, you can do that, but then nobody want to put forward, well, cut the people going for medical because that's one does, because nobody's going to do that. Most of the things we do is statutory and basic requirements. I know you said about the public out there, and they can't afford a coconut finger. So, the reality for me is, if it's expensive, it's really good, if the coconut finger is expensive, because if you look at our policies, we have sugar tax to try and reduce the co- diabetes and so forth in St Helena, the non-communicable diseases. You know, there's a high prevalence in diabetes. We need to start bringing those things down and start being responsible, because it's causing this government more so when we bring those things down, then we will have the money to be able to put into other things. Dr Essex, you said about the legislation in it, I think the Attorney General actually covered those bits and pieces. Councillor Thrower, you went on about a few things as well. Again, like I said to Honourable Ronald Coleman, again, it's about the foundations. Dr Essex said about the communication. Well, communication, we do communicate to a certain extent, but it would help if people turn up to work, and then they would know what was going on. If Councillor Thrower was in the meeting this morning, he would have been well informed of what was going on, but he wasn't. So he came and he spoke, but he wasn't in the meeting. Turn up, be there, be interested. Furthermore, I'd just like to go a little bit further. Mr. Speaker, as you and most of the public are aware, two of my colleagues seem to have issues with the government and have publicly stated in this house they have no confidence in this government. I have asked both members to provide grounds for this. What they provided here today, in my opinion, is some feeble attempt to justify their campaign against this government. If members feel this government is not performing or has breached the relevant Codes or the Constitution, then members have the right to take a number of actions, either through the Ministerial Code if they feel certain Ministers have breached the code. If they feel that the Constitution has been breached by the government, or feel that the government is clearly inadequate, there is a provision in the Constitution to call for a vote of no confidence. The processes are clear, Mr. Speaker. I have no issues should members wish to pursue such a cause as it is their right, providing due process is followed. However, my colleagues has told this House they are still working on the vote of no confidence. Or that they waiting for, they're not going to now, because they won't be able to bring it later, right? Mr Speaker, as we should all know, the Constitution is the primary law of St Helena and overrules all other Laws of Saint Helena. And it's clear on the vote of no confidence. My colleagues made a song and dance of putting a vote of no confidence in and it would take place at this sitting. Up until now, I've not seen such a motion. What I did see was a frivolous and unconstitutional intent to ask the Chief Minister to resign, which Councillor Turner mentioned before, along with the Speaker. The reality is they do not have support of a third member, which is what is required. Councillor Turner did said that before.

The Hon Andrew Turner -
No, I didn't. I did not say.

The Hon Jeffrey Ellick –
Well.

The Hon Karl Thrower -
You're really breaking the Ministerial Code now. Mr Speaker.

The Speaker -

Yes, I'm afraid so yeah. Although it is being done in this House and there's privileges in this House.

The Hon Andrew Turner -
Mr. Speaker, if I may rise on a point of order?

The Speaker -
… that either, sorry about that, but carry on, sir.

The Hon Andrew Turner -
Mr. Speaker, may I rise on a point of order, because this could also be considered in violation of Standing Orders.

The Speaker -
You may rise on a point of order, and in the meantime, Minister Ellick, would you just put a time in.

The Hon Andrew Turner –
Thank you. I believe some of the statements made are in contravention of Order 15 on the rules of debate, particularly section 1. Pardon me, this is very difficult to read at this angle. 1 (l) which affects the statements on the conduct of Members outside of a substantive motion.

The Speaker -
I should address that, I think. If at any time there is a complaint to be made against any Member of the Legislative Council, there is the right to do so. If a complaint is made, then of course, it is investigated. You've had your say.

The Hon Andrew Turner –
Sorry, I'm not raising a point under the Code of Conduct. I'm raising a point under Standing Orders.

The Speaker -
…… going about it. Standing Orders doesn't matter. Standing Orders and the Code of Conduct relate and all relate to the Constitution.

The Hon Andrew Turner –
emm …..

The Speaker -
Unless, of course, you want to argue that point, but that is the fact, in terms of the Constitution, followed in through the Standing Orders, followed on to the Code of Conduct of Members of the Legislative Council. I read those documents, very, very, I do. Okay. Minister Ellick.

The Hon Jeffrey Ellick –
Thank you, Mr. Speaker. Sorry, I probably pressed my computer on the way down Mr. Speaker, sorry about that. Let me remind myself where we got to. I haven't seen a motion, right yeah, I got that. So, both Members have criticised the decision made by this government in respect of the BIOT agreement with the UK Government. In an interview on radio, they stated that this was the last straw. They complained that this government was not open and transparent and did not hold open sessions of ExCo, which they stated before. The Ministerial system need changing, the public are not happy with the government, along with other issues, which they also stated before. They are not content with how the Chief Minister was chosen. I also note that one Member said he would not stand as a Minister in next election, the other would, but only if the system change. What I've taken from all this, Mr. Speaker, is we have two individuals who portrayed to the public that they are there for the public, when in effect, they only look at quick wins for themselves so they can be elevated and popularised. They are not leaders, but followers. They jump on bandwagons, as opposed to finding out the facts, relaying it to the public and advising the public of what is the best option for St Helena. They shout from the sidelines, but they don't like to be challenged or want to take

responsibility. Mr. Speaker, let me quantify this. What I heard clearly, they are not leaders. They admit this themselves by saying that they did not want to be a Minister or only if the system is right. The reality is, the system won't be changed immediately. However, we, this government, have realised that and asked for a review, as we were continuously encountering problems and found inconsistencies with the Constitution, that is what you call identifying and addressing the problem. Open ExCo, well you know what the Constitution says, and we as Ministers have no control over that. Leadership is about stepping up to the plate, irrespective of the circumstances around you. In order to make a difference, you must be the difference. Both members have had the opportunity to step up in a Ministerial position during the period I was unwell and away on medical. This would have given them some insight into the role of a Minister and a better understanding of the government. This was not about covering for me or stepping up for St Helena. Two other Elected Members put themselves forward, Robert Midwinter and Gillian Brooks filled the role for which I am grateful. But as I said, it's not about me, it was about St Helena. So when you hear one of these Councillors say they are passionate about St Helena, it really begs the question, was it all just a show? My colleagues have shown me that they are not in tune with reality and are not politically astute. The current economic climate is not good. If our funders are having financial problems as well as the rest of the world, then St Helena is most definitely going to be affected. Therefore, one has to make difficult decisions in times of adversity, but for the better good of St Helena, and not for a selective few like those who speak the loudest. The government secured 6.65 million, equivalent to 20% uplift in the annual budget for St Helena at a time when finances are constrained in the UK. This money will help those people who are in need of medical referral and have been suffering. It will also help to address preventative care, improve our education system for the youth, who are the future of St Helena. As a government, we have to take risks to get results. However, we ensure the risk we took was calculated and had robust mitigation measures. This was the best deal St Helena has probably ever had, and was brokered by this government. Yes, the five Ministers sitting round here took the initiative for the better good of Saint Helena and its people. Therefore, I can't understand how such a decision would be so-called the straw that broke the camel's back. Unless, of course, Mr. Speaker, the 6.65 million was in pound coins. Just to emphasise, under normal circumstances in any other civilized community, if any other governments (*pause for noise interference*) had done the equivalent of what we had done, they would receive medals. If this was a private business, we would probably be promoted and receive a bonus. But no, Mr. Speaker, we are being vilified by two of our Councillors for making good decisions. Mr. Speaker, if there were issues, why hasn't it been brought to this house by the Honourable Members, Turner and Thrower? The only person who brought a question to this house in respect of BIOT agreement was the Honourable Corinda Essex, which was an urgent question. You will note that yesterday and today, there were no questions or motions from Councillor Turner, but in in other forums, he seems to have a lot to say about the government. Other than talking, he doesn't seem to be doing much about these issues. Mr. Speaker, I do not want people to personally like me or this government. We expect to be scrutinised for the decisions we make. However, when government makes good decisions that produce positive outcomes for the benefit of St Helena, this should be acknowledged and appreciated. Mr. Speaker, I'm not sure what world my two colleagues are in however, this government operates in the real world where budgets are constrained and difficult decisions must be made. Decisions need to be made in the best interest of St Helena, taking into account all of the parameters and challenges. You can only work with what you have. I don't think my colleagues fully appreciate that what they have done could potentially damage St Helena and could put St Helena on the back foot when negotiating in future with the UK. I do hope that the members digest and comprehend what I have said. If they do not and they go on to one day being part of the government, they will end up being ill-prepared and will find it difficult to deliver. So, my advice to anyone who wish to lead St Helena, be realistic. There are real challenges, and you will not always be popular, but above all, you need to be selfless and put St Helena first. The other thing I have to say, Mr. Speaker, immigration, I would like to thank all Members for their support with the Immigration Bill. This is one of our major bills that's going to help deal with the foundation for St Helena and moving things forward. I would also like to thank officers, especially Anne Muir, Derek Henry, for the policy work, as well as the Immigration officers and the Public Service and the Members who fed into all of this. The other thing I'd like to say, Mr. Speaker, is to wish everyone a Merry Christmas, right, but goodwill to everyone. Thank you, Mr. Speaker, I beg to move.

The Speaker -

Thank you, Honourable Member. You did that in a good time, 10 minutes. Honourable Mark Brooks.

The Hon Mark Brooks –
Thank you, Mr. Speaker, I rise in support of the debate. Mr. Speaker I'm going to keep mine's very brief, because we already late in the day. But I would like to acknowledge the AGs speech that he gave, and I would like to thank him for the time that he's been on St Helena and advising Ministers on legal issues. He has been a pleasure to work with, I must say, quite a different character to what we had before, and I have enjoyed my time working with him immensely. I wish him all the best in his future endeavors. I hope he retires and not carry on working. But he's not the sort of chap that will go away easy. I think he needs someone, something to keep his brain ticking over. So yes, I wish you all the best AG. I would also take this opportunity quite quickly to wish everyone in the room a Merry Christmas, in case we don't see you again and also to wish the listening public a Merry Christmas and a prosperity New Year. Thank you, Mr. Speaker.

The Speaker -
Thank you very much Honourable Member. Minister Scipio.

The Hon Christine Scipio -
Thank you, Mr. Speaker, I will stand up. I'm not sure how much sound will come out. I've got lots to say, and the people who know me very well know that I normally have lots to say. So, I will keep this very, very brief. Mr Speaker it is so disappointing to hear from the AG in the House today that he has resigned. He is a character, a lovely character, I would say, no nonsense. Yet we had received very sound advice from him. We knew where we stood with him, and we've had a lot of disagreements but that is good, debate is really good, and for me personally, Mr. Speaker, I will thoroughly do miss his legal advice, and I wish him all the best for wherever he goes. And also, Mr. Speaker, just to say to the community, have a very safe, peaceful Christmas, and we look forward to working very hard for you in the New Year. Thank you, Mr. Speaker.

The Speaker -
Thank you, Honourable Member. Honourable Chief Minister.

The Hon Chief Minister -
Thank you, Mr. Speaker. It's been two long days now, and I am not going to answer everybody. It's been a long two days. There are a few bits that I would like to say. I congratulated probably a little bit too early, but I'll congratulate again. I'm really proud of this House for getting through some really big pieces of legislation today. Immigration has been on our to-do list from the time that we came into our positions. Obviously, beneficial ownership is another key piece. And as much as we hate to take funding out of the consolidated fund, we had to, again this time, take funding. And that is where I'm gonna start, so that the Honourable Ronald Coleman knows. Just so that the listening public knows as well. We put a restriction, or we put a limit to what we should have in reserves, which is 5 million pounds. Minister Brooks in putting forward the Supplementary Appropriations said, that by taking the additional funds out for essential services, this time, leaves this reserve fund down to 4 million pounds. So, we are under the threshold. So, when you're asking, where is the money coming from? It is coming out of a threshold that if we have delayed budgets, which we know very much, most year on year we have delayed budgets, we won't be able to operate our services. And that is gravely concerning, which is something that this government, my government, will be communicating with Minister Doughty, he knows we would like to have the conversation, but with the festive season just around the corner, it is more likely that that will happen during our firm discussions in January. So, I wanted to first mention that. There was a lot that was said, and I would agree with Minister Henry on this that I'm not going to go through this shopping list, because I think if we are at a stage after three years when the understanding of how difficult it is to operate under this budget, then we really need to have a look at ourselves, the 12 of us, so that we better understand. And I would suggest that we use the Friday meetings, the Elected Members meetings, to go through that important document. Because it's obvious on what is being raised here today, it's not hitting home. Because, as Ministers, and I'll say Ministers because, in some form or other it's been mentioned here today, we would love to help the community in every which way as well. We are members of this community. Never forget

that, and never also think that we don't communicate with the community. I don't take that easily Honourable Karl thrower, because you may well have spoken to 200 people, if that's what you said, which is an improvement to the seven when you were on radio. So, you're making good progress, but it still equates to about 6% of the community. When I went away, if I use that as a typical example, I posted almost on a daily basis when I could. Each post got about 100 plus people. So, I do communicate with my community too. I'd love to do more, but I have to spend Mondays through to Fridays here in the office in some form or other. And I'm not saying this because my Ministers are here, we have long meetings. So today is difficult because we're all floozy and all the rest of it that goes with it, but it's no shock to us to have to come in at nine and have to stay until five o'clock. We do that quite regularly, and now, with budgets on the table today, it will be a relief that formal LegCo is complete, but next week, will just be the same. We'll come in and it will be budgets for the whole day, because there's a deadline looming there. I want to say this because some community members have asked me to say this. There are people who don't agree with the vote of no confidence, and made it very clear why. And I am little bit disappointed, because it's been fed back to me that even when some members of the community gave reasons why they were against it, they were encouraged by the two of you. I've got some in writing, so I'm telling you what I know so you can deny it, but I want the community to hear it, because they want me to say this, where they said that they weren't happy and they were given reasons why. That said to me, is now not about what is best for St Helena, and I would agree with Minister Ellick, it's got personal. I'm not going to be, do that today. I've come into this role, and I'm trying my utmost for the remainder of my time, as I've done, to remain professional. It is a hard job that we do. I see people in tears, which no doubt will be me when I have to say goodbye to the AG, just now. But and I've seen people hurt, whether it's because they can't get the treatment they want in the time limits that they want. And we are human, so we understand that. It was difficult for me to be able to tell students who were going that I didn't have any funding to be able to help them while they were going to the UK. Where was I going to get it from? So, I think when we're talking about the increases in utilities, let's talk about the journey that we've come with, Councillors' Thrower and Turner. We this Ministerial team, we've had to face a petition whereby you went at us for increasing the utilities, the first one, oh, yes. And when we said we don't set the utilities tariffs, no apology went over to the public domain. The second time round we set as a Council, and we went back to the URA with a letter. The tariffs are not set by government. What we do see set is the subsidy that we provide, and obviously the subsidy that we provide is obviously based on what we can afford to do. Minister Brooks has yesterday, talked about seven point plus million of what's being done to try and help to address cost of living. There's now talk of the public transport service and the inability for this, for the Ministers to communicate. We go out and we speak to people on policy. I know just before Minister Brooks went on his last trip; he was running around trying to do public consultation. We all do for our different policies, if it is required, if it's of national importance. I know Minister Henry is doing policies internally at portfolio level. So, I would encourage the listening public to read my response to the written question as well, because even though we've done 125 plus policies and legislation within Executive Council that doesn't include anything that we do within our portfolios, that doesn't need to have Executive Council sign off. In Education, we're doing a massive piece of work, and I thank the Children's Champion for being a part of that journey now, and all the parents, PTAs, all those people who are taking time to come and listen and understand why this journey is being taken in respect of the Primary reorganisation. That's just one piece of it. COBIS standards is going to take money and resources to put into perspective. Just for the listening public, and it may change, because it changed from the time I left to go to JMC. I left here with the intention of letting the Minister for the Overseas Territories know that St Helena, this year, will be putting forward a modified, zero-based budget. We've never done that before, not this government. And I don't know if this has ever been done for St Helena, but I stand to be corrected, because I don't know what our previous governments did. We were asked to give three scenarios by FCDO, and we're doing that, but the one at the forefront will be the one that these Ministers are asking for. Just to put some context to that, based on the budget that we get on an annual basis, and to be able to lift the standards of the services we provide now and to improve some of the services, because we've already got them in place, but how they could be run more efficiently and effectively, we need an additional 25 million pounds per year. So please, Elected Members, tell me where you think, because we need to hear it from you, and you need to then stand to be accountable, to tell the public that for you to be able to have better benefits, and I'll use that as an example, or more social houses, this is what we're going to cut. And yes, Health and Social Care is very much at the forefront, but parents and teachers are also

under a lot of strain and the students, because education is going into decline, and we can't continue on that pathway if we are saying we want to retain our people. So that is just an idea of what I took away from that. And Councillor or Honourable Andrew Turner, when you talk about, you don't see how we are being, how accountability has improved, you talked about the quicker decision making, you don't know what is happening, I would ask you to give us some examples of what you mean when you say that. Because if I recall what you two said on radio as well, there was talk of, I don't think this is irreparable, and I know this is Honourable Karl Thrower saying this, and we can get around the table and we can have discussions. I want the community to know that other than the meeting whereby they announced to us or told that the Elected Members that they were going to do a vote of no confidence at that time in the government, that changed, it then was directed at me, then it's now asking me to resign. And now it's nothing here today, so I'm not entirely sure where it's going to end up. First was on the BIOT, then it's now the openness and transparency of Executive Council. I think your fight, we are all relatively on the same journey as you, we want improvements. That is why the Governance Review is taking place, but I can't, neither can my Ministers change the Constitution. There's so much in there. We've had discussions with the Public Finance Ordinance at times is contradicting the Constitution. Hence, I know Honourable Doctor Corinda Essex is saying she wants to know the outcomes of some of the work that was done in the UK by the F, I can't think of the name of them. Thank you, the Foreign Affairs Committee, because that will help to enlighten us as to how we go forward with the constitutional review. Those kind of communications is going on, and I will support Minister Ellick in saying, we do feedback to Elected Members. You are the ones who set the agendas for Fridays in Elected Members meetings, not us. So if there's a discussion that you would like to have whereby we have that open discussion, you have the opportunity to do it. We don't sit as Chairs of those meetings. In informal LegCo, if you want to look at how we can improve Standing Orders and Code of Conduct, it's all there. We attend. With that said, there was a complaint that was laid on the table in this sitting of formal LegCo, Mr. Speaker. And I would suggest by looking at this one complaint, not really the context of the complaint, but more about what is being put forward by the Panel of Investigators what that needs to be looked at. And I'll raise this because it's a public document. It says the Standing Orders make no mention of such sittings of informal Legislative Council, and it was unclear whether it constitutes a sitting of Legislative Council at all. That is massive, and we need to address that. But that's not just for the Ministers that is for all of us. It is also unclear whether the Mace was present. And we all know, in informal, LegCo it's not present, which denotes a setting of Lego, that's what the Mace does, or a sitting of the Committee of the whole in that is present. So, when we sit, Ministers sits in Info LegCo, what are we really sitting as? Why should we be telling Elected Members confidential information when at times that is leaked? So, I would say, if we want to move forward, and now that the Governance Review is happening, we need to start looking at those key documents, and Ministers don't need to take the lead on those things. I would also suggest, and I go back to this complaint again, whereby it says that ultimately, it is the judgment for Ministers about what information might be provided to non-ministerial members of LegCo and when and how. And if I've got issues for confidentiality, and I don't know if collective responsibility is going to be under scrutiny, unfortunately, we won't share information because we have to look after collective responsibility. The Commission was concerned, however, that the provision of information that was confidential on a specific topic may effectively, this is the Panel of Investigators, not me, may effectively remove the capacity of LegCo members to effectively scrutinise the government on that topic, as to do so would breach the purported confidentiality. So, the Panel of Investigators, and I'm just using a few, because I don't want to go through the whole document, they, too, have concerns about how the Ministerial form of government is set up. But until something is done, I would ask you to stop making this personal and utilise the Governance Review that has been offered to us all and that we all agreed to, and do this in the right manner. Because the community is asking me, what have I done that's upset you so much, and the truth is, I can't even tell them, because you haven't spent the time to tell me what that is. So, I would say, when you say it's not irreparable, the community needs to know, since you made those statements, there's been no discussion with me. I can't claim what you did in the two weeks that I was away, so I won't say that you didn't discuss it because I was not here, and I haven't had a chance to look at the minutes. But we are responsible to the community. And yes, you may have an issue with how the Chief Minister was appointed, but that was a collective of the 12. I didn't decide how that had to be done. So, if you've got issues with that now, now is the time to look at those things. But I really believe that if we're going to spend the remainder of our tenure, some seven, eight months, fighting in house, we're not doing the best for Saint Helena, and

that's all I would like to say on that one. Now I turn to my Honourable friend, the Attorney General, and that may be the first and the last time I look at you, David, this is difficult for me. This government has had its challenges. We still have our challenges based on what we've just been talking about, and it's not been easy. A lot of what we first had to do when we came in here was to, 1) learn how government works, 2) learn the position, and it was not a pretty position to be in. Health and Social Care was through the ground. Education not far behind it, and we had to throw the budget at Health and Social Care to try and stabilise a sinking ship. Thankfully for us, David came very soon after, and the legal advice, as my colleagues have said, my Ministerial colleagues have said, has been so clear, and we going to miss you for that AG, because we need it. We need the frankness in which you speak, so that we can answer, ask questions and ask for clarity, like we've done in the House here today, and we can get through some really difficult positions. So, like the rest of my colleagues, I wish you well. I hope you have a lovely time with your family. You deserve it, but it's really sad for us to have, to be losing someone who's given us such good direction and legal advice. So, it is difficult. I would say that, on top of that, somebody mentioned, I can't remember specifically who talked about the losses that this community has gone through, endured through the last year. And it's funny, we always seem to have all the sadness around the festive time of year, and we are thinking of you all. And I don't want to go as far as naming people, but I'm sure if someone is listening right now, they will know that the Ministerial team are really thinking of you and your family this festive season. And I just hope that together, we can pull together as an island, because we are friendly people, and as I think Honourable Gillian Brooks said, it is a time when family and friends join us, and I hope that you can make the most of that. But for one gift that I would give to you is knowing that we do everything that we possibly can in the constraints that we have, to provide the best services that we can to stabilise St Helena, and as I think Minister Ellick mentioned, we are looking at the infrastructure that will help to build some stability in St Helena. Not always do we achieve it in the timelines that we want. But it has to be the right decisions, so we can't just rush things because people want something tomorrow. I am extremely grateful to my Ministerial team, as I am each time, but it is bittersweet today, I have to say, to be able to stand here and go into the festive period, knowing that we're losing one of our strongest arms of Executive Council, who has helped us through some thick and thin. Mr Speaker, I'm going to leave it there and wish the community a very Merry Christmas, and I hope that you enjoy the time that you have together with family and friends, and also to wish my colleagues the same. And I hope that you enjoy recess as always. I think we are all looking forward to getting into the community and enjoying the festive season and also all the festivities that will be going ahead, but work will continue. So, I thank you, Mr. Speaker, and I am really pleased that today is the end of day two. Thank you.

The Speaker -

Thank you all very, very much. Honourable Members that then concludes the business earmarked for today, the formal meeting of the Legislative Council, the 18th meeting. Thank you, Members for your contributions throughout. Unless there is an urgent need for a formal LegCo this is the last one for 2024. But I had some things to say as well. But I think I've heard sort of sufficient, all very good stuff. I just want to thank Keith Brinsden before I go, who stepped in for delivering the mace today. Thank you very much for that. And Attorney General, well, you know, if you look on the Dr. Arnold monument over on the Grand Parade there, and it says, St Helena's best friend during the time when Dr. Arnold was here. At a very … time, really. But Attorney General, you are a true friend of St Helena, and you know, and so I just want to shake your hand. I will certainly miss you when you go. You have been a great help to me. Just on the on the point of Elected Members meetings and Info LegCo meetings. I would be very happy if some of the Info LegCo meetings actually turned into Elected Members meetings, the choice is yours, you know, you can have more of them. This thing about alternate weeks, just that doesn't have to happen. So, you know, that sort of thing, you know, it sort of can happen. But on the other point that the Chief Minister made about the report that was laid on the table today, about a complaint, well, in that report, you'll find that and it is on the table now. So, it's a public document for everybody to read. The Panel of Investigators, they asked if some of the information could be taken out, if we wanted it to be taken out. I didn't think that that was the thing to do. It should be laid the way that they did it. And so have a read of the document and you know, you see for yourself about what they said about meetings and that sort of thing. It is in there. It's there for the whole public to read. We perhaps may have to address something like that. But I state right now, if Elected Members want to turn meetings into more Elected Members, well, the choice you know, is yours,

you know, really. But thank you very much. Very interesting meeting today, a long one. I have to be honest you know, I didn't read fully the Immigration Bill before it came to here, not fully and I think maybe other people didn't read all of it either, but we did have a lot to discuss here, and it took a long, long time to get through. And the Attorney General said, its bark is worse than its bite. That's what he said yesterday. I don't know if he found that afterwards, but he did have a lot of explaining to do. But I think I perhaps will leave it there, and will, like everybody else, want to wish everybody on St Helena a Merry, Merry Christmas. Nobody mentioned the Cricket team.

Inaudible

The Speaker -
Ah, okay, so, you know, they did a fantastic job, you know, on behalf of St Helena. The motion then is to adjourn sine die.

Question put and agreed to.

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The Speaker

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Date