

ST. HELENA
LEGISLATIVE COUNCIL

THE SPEAKER

Mrs Margaret Anne Catherine Hopkins MBE

EX-OFFICIO MEMBERS

The Honourable Chief Secretary	-	Mr Owen O'Sullivan
The Honourable Financial Secretary	-	Mr Colin Owen
The Honourable Attorney General	-	Mr Kenneth Baddon

ELECTED MEMBERS

The Honourable Rodney Garth Buckley	-	East Electoral Area
The Honourable John Gilbert Cranfield	-	“ “ “
The Honourable Cyril Keith Gunnell	-	“ “ “
The Honourable Brian William Isaac	-	“ “ “
The Honourable Christine Scipio O’Dean	-	“ “ “
The Honourable Stedson Graham Francis	-	West Electoral Area
The Honourable Anthony Arthur Green	-	“ “ “
The Honourable Earl Hilton Henry	-	“ “ “
The Honourable Derek Franklin Thomas	-	“ “ “
The Honourable Mervyn Yon	-	“ “ “

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

CLERK OF COUNCILS

Ms Gina Benjamin

PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Monday, 25th February 2013
The Council met at 10.00 am
in the Court House, Jamestown

(The Speaker in the Chair)

ORDER OF THE DAY**1. FORMAL ENTRY OF THE PRESIDENT****2. PRAYERS**

Fr. Fred George, Vicar-General

3. ADDRESS BY THE PRESIDENT

Good morning, Honourable Members, and welcome to this the first sitting of the fifteenth meeting of this Council. My thanks to the Vicar-General, Fr. Fred, for coming to read the prayers this morning.

I should firstly like to acknowledge once again the cooperation of the Court, which has allowed us to meet in formal session today, and, if we can't complete the business today, is allowing us to continue tomorrow afternoon.

Honourable Members, I should like to welcome the Honourable Christine Scipio-O'Dean to her first formal meeting of Council and to wish her well with her Council work. Currently away from St Helena on Government business is the Honourable Raymond Williams, who recently attended the Commonwealth Parliamentary Association British Islands and Mediterranean Regional Conference in the Falklands and is now on leave. We are sadly also without the Honourable Bernice Olsson, who is receiving medical treatment overseas; we wish her well.

Honourable Members, I should like to turn for a moment to our use of the Small Court Room as a Councillors' Common Room. The name itself is, in fact, misleading. Common Room suggests a room used for relaxation and socialising; the room is rarely used for such purposes. It was offered to Councillors as temporary accommodation with the intention being to offer the Councillors and Speaker offices in the present Public Library when the new Library is developed in the ex PWSD Store. Currently, the room is used by our Secretary and for meetings of various Committees and of elected members. It is used when Honourable Members have constituents who wish to consult with them and it is also used as a work base in between meetings. It would, I suggest, be ludicrous to expect Honourable Members to

come into town in the morning for one meeting, return home in the middle of the day and then travel back into town for a meeting later in the day, they need a work base in town. It's been acknowledged by the Administration that the Speaker and Honourable Members need this work base and that a room which is needed by the Courts is not appropriate. In the last week or so, the demands of the Court have again highlighted the need to find us alternative premises. We are aware that to the Court users we are a nuisance and I would urge that alternative premises are identified as soon as possible. Honourable Members will be reassured to know that the Honourable Deputy Chief Secretary is giving the matter a high priority.

Turning to the Order Paper. The issue of adjustments to the Constitution returns. In September 2012, we had a debate on a Motion asking the support of this House in requesting that Her Majesty's Government looks at some minor adjustments to the Constitution. That Motion was passed and since then public consultation has taken place. There is a Motion before the House this morning which follows up on this subject.

Honourable Members, you will be aware that I remain concerned about the issue of potential conflict of interests. I would remind you that it is important to declare an interest before a subject is debated. You may have entered the interest in the register kept by the Clerk of Councils but this does not mean that you don't have to declare it in a meeting, whether a formal one, as it is today, or an informal one. The Code of Conduct requires all Honourable Members, including me and the Deputy Speaker, to declare personal interests and to ensure that it is the public interest which overrides any such personal interest. It is particularly important that you declare any pecuniary interest and further, in all cases, you should then make a careful judgement as to whether it is appropriate, given the particular interest, to take part in the debate or to cast a vote.

There's been much talk of protecting the vulnerable as the island moves through a period of change with the airport development and preparations for economic growth from investment. We have recently seen the visit by Professor Roy Sainsbury from the University of York tasked with reviewing the Social Benefits Systems. No doubt his research and report will inform decisions relating to the level of benefits to be paid.

Honourable Members, to achieve sustainable progress, I would suggest that you are right to keep the vulnerable in the forefront of your minds. It was Franklin D. Roosevelt who said, and I quote, "The test of progress is not whether we add more to the abundance of those who have much, it is whether we provide enough to those who have little." Change will come. Indeed, it has already started with the airport development works underway. The management of that change is not solely Government's responsibility. Government has a major role in managing the change, but can only do so effectively by involving the community; listening and hearing what the people have to say, what their aspirations are, what their ideas are for the island. It is perhaps worth remembering how to assess what is change for the good, progress, and what may not be change for the good. The test of progress is not whether we add more to the abundance of those who have much, it is whether we provide enough to those who have too little. Your task as leaders within the community isn't an easy one. I'd suggest that there are four questions you have to ask yourself at frequent intervals – am I listening, am I hearing, am I responding to what I hear, am I offering the island the leadership it needs to bring change for the good?

Now, a few housekeeping notes, Honourable Members. You may not always be able to catch my eye when you wish to speak so please use your Name Board and turn it round so that I can see you want to speak. Please also remember that even when you are seated, the microphones may pick up a comment you are making to a member sitting alongside you, maybe a comment you don't want heard over the radio. Thirdly, Honourable Members, please remember you may only ask supplementary questions on the matter raised in the

original question. The opportunity to ask supplementary questions is not a time to try and make a statement. Please make sure you don't. If you wish to rise on a point of information, please say, point of information and you make your point. If you wish to rise on a point of order, please say, point of order and point out the number of the Standing Order which you are referring to. And the last housekeeping note, Honourable Members, please remember that the wording of the questions and motions must be read out exactly as it is printed on the Order Paper.

Finally, for the convenience of Honourable Members and of the listening public, just to advise you that I intend to suspend the sitting for a lunch break of an hour at around half past twelve, we'll just find a convenient point in the business and I will suspend the sitting at that point. That isn't to say you won't get a coffee break before then. Thank you.

Clerk, next item of business, please.

4.

PAPERS

The Hon. Attorney General –

Madam Speaker, I beg to present Sessional Paper No. 50/2012 entitled Agriculture and Livestock Improvement (Amendment) Ordinance (Rectification) Order, 2012. ItMadam Speaker, correcting a typographical error in an Ordinance which was passed last September.

The Speaker –

Thank you.

Ordered to lie on the table.

The Hon. Mervyn Yon –

Madam Speaker, I beg to present Sessional Paper No. 2/13 entitled The Utility Services Bill, 2013.

Ordered to lie on the table.

The Hon. Derek Thomas –

Thank you, Madam Speaker, I beg to present Sessional Paper No. 2/13, a Bill for an Ordinance – The Elections (Amendment) Ordinance, 2013. And I think a correction, Councillor Yon, I think the Utility Bill was Sessional Paper No. 1.

The Speaker –

It was, indeed. Thank you, Honourable Member.

Ordered to lie on the table,

The Hon. Derek Thomas –

Madam Speaker, I beg to present Sessional Paper No. 3/13, Improving Democracy and Accountability – A Discussion Document.

Ordered to lie on the table.

The Hon. Derek Thomas –

Madam Speaker, I beg to present Sessional Paper No. 4/13, A Bill for an Ordinance – The Immigration (Amendment) Ordinance, 2013.

Ordered to lie on the table.

The Hon. Earl Henry –

Madam Speaker, I beg to present Sessional Paper No. 5/13, The St Helena Public Accounts Committee – Report to Legislative Council on the formal session of the PAC held on 9th November 2012.

Ordered to lie on the table.

The Hon. Financial Secretary –

Madam Speaker, I beg to present Sessional Paper No. 6/13 entitled A Bill for an Ordinance – The First Supplementary Appropriation Ordinance 2013 and Supplementary Appropriation Estimates 2012/13.

Ordered to lie on the table.

The Speaker –

Next item of business, please?

5.

QUESTIONS

Question 1. The Honourable Mervyn Yon to ask the Honourable Chairman, Home, Civil Society and International Committee.

The Hon. Mervyn Yon –

Madam Speaker, will the Honourable Chairman of the Home, Civil Society and International Committee tell this House what plans are there for disposing of the assets of the St Helena Radio Service? Madam Speaker, with your leave, I would just like to say that although I'm a member of the Committee, I am asking this question of my Chairman in response to public concerns expressed to me.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas.

The Hon. Derek Thomas –

Madam Speaker, I thank the Honourable Member for his question. The St Helena News Media Board is currently in the process of finalising and checking the inventory of assets that have been used by St Helena News Media Services to carry out its full functions, including operating Radio St Helena. Once the inventory is verified, the assets will transfer to SHG. In this regard, SHG has already given a commitment that a community-owned media service organisation, South Atlantic Media Services Limited, to be given first call on the assets. Any remaining assets that are surplus to SHG requirements will be disposed off in accordance with Contract Regulations. The method of disposal depends very much on the value of the item and could include sale by public auction or tender if the estimated value exceeds one

thousand pounds. Items of less value will be disposed off in the most efficient way that will yield the highest nett return for SHG. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Madam Speaker and I thank the Honourable Chairman for that reply. One supplementary, Madam Speaker, has any consideration been given by SHG to give a private sector body the opportunity to operate a medium wave services programme using the equipment and building should a request be made?

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Madam Speaker, the Home, Civil Society and International Committee has political oversight in relation to media for policy directions, not for assets, equipment. Therefore, as much as I would like to answer the question, I am not in a position to answer the question, but I can certainly take the supplementary question forward with the Administration of SHG for their consideration.

The Speaker –

Thank you, Honourable Member. The Honourable Mervyn Yon?

The Hon. Mervyn Yon –

I thank the Honourable Chairman for that reply, Madam Speaker.

The Speaker –

Next item, please?

Question 2. The Honourable Brian Isaac to ask the Chairman, Education and Employment Committee.

The Hon. Brian Isaac –

Madam Speaker, will the Honourable Chairman of the Education and Employment Committee give a progress report on the introduction of a minimum wage?

The Speaker –

Thank you, Honourable Member. The Honourable Rodney Buckley.

The Hon. Rodney Buckley –

Thank you, Madam Speaker. The current status on the minimum wage is that the report of the Employment Rights Committee, together with the report of the consultation process, together with the report of the economic impact on the economy is being placed before Executive Council tomorrow for a decision by the Executive Council.

The Speaker –

Honourable Brian Isaac?

The Hon. Brian Isaac –

I thank the Honourable Member for his reply and having had the ExCo papers for tomorrow, I realiseExecutive Council and following the outcome of that we will possibly be informed accordingly in adequate time to whateverintroduced

The Hon. Rodney Buckley –

Thank you.

The Speaker –

Are you asking the Honourable Member about the time, you sound as though you're making a statement, Honourable Member, rather than a question?

The Hon. Brian Isaac –

A statement.

The Speaker –

No, you shouldn't rise to make a statement, that's what I said before, please don't and would other Members note that it is inappropriate. It would have been fine if the Honourable Member had risen to ask the Honourable Chairman about when the public would be informed, but you didn't, you made a statement instead, okay?

The Hon. Brian Isaac –

Thank you for advice, Madam Speaker.

The Speaker –

Thank you.

The Hon. Brian Isaac –

May I ask the Honourable Chairman when will the public be informed on the outcome of the minimum wage?

The Speaker –

Thank you, Honourable Member. The Honourable Rodney Buckley?

The Hon. Rodney Buckley –

Thank you, Madam Speaker. I'm afraid I'm not able to answer that. That will depend on the decision of Executive Council, it's for Executive Council to decide whether the recommendations from the Employment Rights Committee is accepted or not and it will be for Executive Council to decide on the implementation date.

The Hon. Brian Isaac –

Madam Speaker, I thank the Honourable Member for his reply.

The Speaker –

Next question, please?

Question 3. The Honourable Earl Henry to ask the Honourable Chief Secretary.

The Hon. Earl Henry –

Will the Honourable Chief Secretary tell this Council, how does Saint Helena benefit from Technical Cooperation input and what are the future plans for this scheme?

The Speaker –

The Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –

Madam Speaker, St Helena receives wide ranging benefits from Technical Cooperation Officers as they continue to fill positions that cannot be filled locally due to a **d...?** of suitably qualified and experienced individuals on island. It might be helpful, Madam Speaker, if I were to give a quick run through of the different sectors that are currently benefiting from TC support. I will begin with the Health Sector where we will shortly have a team of six Medical Officers. These officers are required to have full, General Medical Council or similar registration and substantive experience in a particular field of medicine. The most senior Medical Officer has to have at least ten years experience in a senior medical role. Madam Speaker, while I am on the subject of Doctors, I was very pleased to learn shortly after I took up post that we have one local person with a Bachelor of Medicine degree who is now undergoing experiential learning in the UK. However, it will be a number of years before she is sufficiently experienced to replace one of the doctor posts in St Helena and she will need thereafter to regularly seek additional experience in large hospitals overseas. We nevertheless look forward to her return to St Helena. Still with the Health Sector, TC Officers are engaged to provide specialist health care and include posts such as the Optician, the Surgeon, the Dentist, the Gynaecologist and the Pharmacist.

Turning now to the Education Sector, with the turnover of local teachers over the years the island now recruits qualified TC officers to teach key core subjects of Mathematics and English and will soon have a Modern Languages teacher. All teachers recruited must have a minimum of a first degree in Education and have undertaken the PGCE, the Post Graduate Certificate of Education. Results in Mathematics and English are already showing improvement. For the past year, we have also recruited Raising Attainment Partners, one each for the Primary and Secondary Sectors. These persons ensure that the staff in the teaching profession take part in continuous professional development all with a view to raising attainment across all schools by improving the quality of teaching and learning. In the meantime, we have two students in UK undertaking degrees in Education and who will then be required to achieve the Post Graduate Certificate of Education before coming back to the island as UK qualified teachers. With the Physical Environment Sector we have Engineers who have responsibility for Infrastructure and Utilities, a Senior Veterinary Officer and Environmental Manager. More recently, and as the island prepares itself for change in economic development the airport will bring, TC support is being used to bring in expertise to input into the other important work streams. I may make special mention of the Architect and Housing Sectors. Architects bring experience in building conservation, the importance of which cannot be overstated as we undertake various airport-related developments. They must have a minimum of a first degree in Architecture or Building Surveying, architectural design skills and be a member of the relevant professional institution. The Housing Executive will be looking at housing in St Helena with a view to establishing an exemplar housing scheme. He will also undertake a feasibility study into a non profit making housing company and assist with the backlog of maintenance and improvement programmes to Government

Landlord housing. A minimum of a first degree in Housing, Planning or Surveying is an essential requirement as well as substantial experience in housing matters.

Madam Speaker, I turn next to Corporate Services where TC support has been secured for Social Policy, Economics, Statistics, HR as well as Legal and Judiciary Services. All these areas require qualified and experienced people to help ensure good governance and the provision of information and data to inform the decision making process. TC support has enabled us to recently recruit a Corporate Procurement Adviser who will bring considerable experience in procurement with relevant negotiation skills that have not been sufficiently developed in SHG. Currently most SHG procurement is done within Directorates but efficiency savings can be made if this is done through one central procurement service, hence the need for someone with the relevant procurement qualification and experience. For example, only in December last two weeks the Corporate Procurement Adviser has negotiated **large** savings over a five-year contract of £130,000.

Madam Speaker, it must be recognised that the qualifications and experience that are needed for all the posts I have just mentioned are not currently available on St Helena and it is likely to be a long while, if ever, before we are able to fill all of these capacity gaps through local recruitment. With the annual average birth rate of around thirty-two births per hundred our population is too small, but we must not lose sight of the fact that the outside world will remain attractive to some of our people. With all of this in mind, there are no future plans to change current arrangements to bringing in TC officers. The airport and related economic development will require SHG to improve and professionalize in a number of areas over the coming years. We plan to do this by increasing training and mentoring to staff and wherever practicable TC officers will deliver training to staff within their teams and where possible identify a successor to better fit to meet changing demands. However, this will also mean greater use of Technical Cooperation funds provided by DFID to recruit people with expertise that is not available on the island. I must just make the point that we remain very grateful to the UK Government for TC funding to allow us to source and secure skills and expertise that are not available on the island. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Earl Henry?

The Hon. Earl Henry –

Thank you, Madam Speaker. Thank you to the Honourable Chief Secretary for that reply. Will the Honourable Chief Secretary tell this House how many officers have training as part for local staff as part of their terms of reference?

The Speaker –

The Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –

Sorry, to clarify the question there, you're talking about local staff training?

The Hon. Earl Henry –

My question, Sir, is, how can you teach the officers as a requirement within their TORs to train local staff?

The Hon. Owen O'Sullivan –

All TC officers, within their TORs have a requirement to look and try and pass knowledge transfer over to local staff, so it's incorporated within their TORs that local staff knowledge is passed across.

The Speaker –
Honourable Earl Henry?

The Hon. Earl Henry –
Thank you, Madam. When you said that it is included, is there a specific training programme for each particular post with the exception of the medical profession and Corporate Services, where I understand those qualifications are?.....

The Speaker –
The Honourable Owen O'Sullivan

The Hon. Owen O'Sullivan –
I mean, obviously it's done on a case by case basis, I mean, you've just identified medical, corporate services, physical environment that would be a workforce planning to ensure that the knowledge is transferred across to local staff, but as I have just identified most of the TC posts have very, very high levels of qualification to enable TC Officers to, well, to deliver on their jobs, but there is training which is given to local staff, yes.

The Speaker –
Honourable Earl Henry?

The Hon. Earl Henry –
Thank you, Madam Speaker. Will the Honourable Chief Secretary tell this House who does the TC Officers report to?

The Speaker –
The Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
It depends on the organisations, so, well, it depends on the organisational structure. A number of TC Officers report to me, but a number of TC Officers actually report to their Line Managers, so it depends on the situation where they're based, so I can't give a detailed answer as to, you know, all the TC Officers.

The Speaker –
The Honourable Earl Henry?

The Hon. Earl Henry –
Thank you, Madam Speaker. My next question, are the TC Officers fulfilling the terms of their?.....

The Speaker –
Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –

I mean, obviously, that's a very general question. Each TC Officer is under a performance appraisal and, you know, as with staff, locally employed staff, you would have some delivering beyond their requirements and then some who are just delivering, it's part of the normal performance appraisal system and any shortcomings will be dealt with under that system.

The Speaker –
Honourable Earl Henry?

The Hon. Earl Henry –
Thank you, Madam Speaker. Thank you to the Chief Secretary for that answer. My question would be have there been any recent areas where TC Officers haven't delivered?.....

The Hon. Owen O'Sullivan –
I think we're now getting to staffing matters and it's not a appropriate question.

The Speaker –
I agree with the Honourable Chief Secretary, it would be very difficult for him to supply an answer that was general enough not to identify individuals; the question is out of order.

The Hon. Earl Henry –
Thank you, Madam Speaker, my apologies. Will the Chief Secretary tell this House if the terms of reference, salaries and benefits of Technical Cooperation Officers are available for public viewing?

The Speaker –
Could I just ask before you answer, you're a little bit far away from your microphone when you're speaking and I'm finding it slightly difficult to hear you, so when you rise again to speak, perhaps just speak a little bit more towards your microphone, please. Sorry, thank you. Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
No, the actual contracts are, again it's a staffing matter and it's between the employee and the SHG and it's not for public, it's not given to the public.

The Speaker –
Honourable Earl Henry?

The Hon. Earl Henry –
Will the Honourable Chief Secretary tell this Council what training has been delivered and what are the performance indicators?

The Speaker –
I actually couldn't hear the question myself and I suspect that it's not being picked up for the recording either. I'm not sure if that is what the young man has just come in to try and sort out. Would you mind repeating your question, please? I think you just need to speak up and at least then we'll all hear what you're asking and hopefully a microphone somewhere will be picking it up clearly enough, please? Sorry.

The Hon. Earl Henry –

Madam Speaker, will the Honourable Chief Secretary tell this Council what training has been delivered and what are the performance indicators?

The Speaker –
Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
I think this question is now getting a little bit far away from the actual original question, just in terms of training rather than the benefit. I would have to go and provide a written letter in terms of that answer.

The Speaker –
Thank you.

The Hon. Earl Henry –
Thank you, Madam Speaker, I would appreciate a written response.

The Speaker –
Thank you.

The Hon. Earl Henry –
No further questions.

The Speaker –
The Honourable Mervyn Yon?

The Hon. Mervyn Yon –
Thank you, Madam Speaker. Just one question to the Honourable Chief Secretary. Will the Chief Secretary say who will the TC Officers report to should there not be a Head of Department?

The Speaker –
Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
Well, TC Officers will report to the Chief Secretary ultimately and also if they don't have a official reporting line they would also go to the Director of HR. That's stated in the terms and conditions of their contract and they should be fully aware of it.

The Speaker –
Thank you. Can we move on to the next question, please?

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

The Hon. Stedson Francis –
Will the Honourable Chairman of the Health and Social Welfare Committee state what is the progress to date on the Hospital Refurbishment project?

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Gunnell.

The Hon. Cyril Gunnell –

Thank you, Madam Speaker, I thank the Honourable Member for his question. He and other members will be aware that Hospital Redevelopment is one of the current DFID funded projects and with regards to progress to date, currently the Jamestown Hospital Redevelopment design is being revised and the design taken forward. The project is intended to be submitted for planning approval at the beginning of April pending a successful consultation process. Once planning approval has been given, a full-time drawing programme will commence with the aim of putting the job out to tender in August. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Stedson Francis?

The Hon. Stedson Francis –

Thank you, Madam Speaker. Could the Honourable Chairman briefly say what does this refurbishment project include?

The Speaker –

The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I wish I had had notice of this particular supplementary question, but the Hospital Redevelopment is quite wide ranging. It includes, for example, a new Laboratory which is in dire need of in St Helena, a new Operating Theatre, those kind of things. If the Honourable Member would like, Madam Speaker, I could provide the information in a written response.

The Speaker –

Thank you, Honourable Chairman. Honourable Stedson Francis?

The Hon. Stedson Francis –

Thank you, Madam Speaker. Yes, I would appreciate that written response. And one final question, is the redevelopment or refurbishment project on time and on track?

The Speaker –

Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

No, Madam Speaker. Perhaps I should give some further explanation at this point.

Madam Speaker, a contract agreed between the St Helena Government and the Architect practice Planning for Health Ltd in UK to provide details of design and production information for the redevelopment of the Jamestown Hospital was commenced on 1st February 2012. The ending date for this contract was 31st July 2012, making the contract period thirty-one weeks, so we are behind, Madam Speaker. With changes to the senior management being made in DIU, the project passed over to a different management base which set about interrogating the current status of the project. The following was found, Madam Speaker:- The Project has commenced and developed without the St Helena

Government's appointment of a Contract Project Manager. The progress and development, the contracted works had not run in a way that was agreed in the contract. The proposed hospital development scheme did not have planning permission and could not for technical reasons be constructed on the site. The hospital redevelopment project has to be redesigned, Madam Speaker, so as to resolve the technical and planning issues. Thank you.

The Speaker –

Thank you, Honourable Member. Next question, please?

Question 5. The Honourable Earl Henry to ask the Honourable Financial Secretary.

The Hon. Earl Henry –

Thank you, Madam Speaker. Will the Honourable Financial Secretary tell this Council what mechanism is in place for monitoring funds made available by the St Helena Government to the various civil society and non-government organisations on St Helena?

The Speaker –

Thank you, Honourable Member. The Honourable Colin Owen?

The Hon. Colin Owen –

Thank you, Madam Speaker. I'd like to thank the Honourable Member for his question. During the financial year 2012/13, SHG has subsidised seven organisations: the National Trust, the Public Solicitor's Office, the St Helena News Media Services, the Museum, New Horizons, South Atlantic Media Services Limited and SHAPE. Payments to these organisations are made on a quarterly basis following receipt of previous quarter accounts to review to ensure that expenditure is in line with expectation before the next tranche of funding is released. Payments to these organisations are budgeted for through the normal budget process following a formal request for funding, which is reviewed by Finance. Further, during 2012/13, a number of smaller payments were made to organisations such as the Scouts and Guides. Thesearound a hundred pounds and no monitoring of these payments are carried out. This year saw the introduction of the new Community Development Organisation and Grant Scheme, which is being funded by SHG for 2013 budget of £50,000 set aside. This new body will provide support to civil society organisations in order to obtain this funding. The organisation will need to apply to the Community Development Organisation. We've been advised that the Community Development Organisation will monitor funds paid to civil society organisations on behalf of St Helena Government. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Earl Henry?

The Hon. Earl Henry –

Thank you, Madam Speaker, and the Honourable Financial Secretary for your reply. Just one further supplementary. Will the Financial Secretary tell this Council if there are any legal requirements for civil society organisations and non-government organisations to receive funding and who fundraise independently to disclose their statements of accounts?

The Speaker –

I suspect that that question might be better directed actually to the Attorney General, it sounds a bit more legal than financial. I don't know if.....

The Hon. Ken Baddon –

Madam Speaker, I hear the word 'legal' mentioned, but the original question is about monitoring what is done with SHG funds. I'd very happily take the question for a future sitting with due notice, but I can't take it on the hoof.

The Speaker –

Okay, thank you.

The Hon. Earl Henry –

Thank you, Madam Speaker. A point of clarification, does that mean I deal with the question directly to the Attorney General or do I bring it back to this House at a later date?

The Speaker –

I'm sure that the Honourable Attorney General would be happy to take the question outside this House and provide you with an answer and you might then, if you weren't satisfied or felt it needed to be made public, you could presumably publicise it yourself through the media. I stand open to.....

The Hon. Ken Baddon –

Thank you, Madam Speaker. I confirm that I will, of course, as always, be willing to answer questions from Members outside the Chamber, but if the Honourable Member wishes to bring it back as a formal question on due notice, then I would equally happily deal with it in the Chamber on a future occasion.

The Speaker –

Thank you.

The Hon. Earl Henry –

Thank you, Madam Speaker, thank you Honourable Member for your response.

The Speaker –

Next question, please?

Question 6. The Honourable Mervyn Yon to ask the Honourable Chief Secretary.

The Hon. Mervyn Yon –

Madam Speaker, will the Honourable Chief Secretary say if consideration has been given by SHG to release some of their Chief Secretary houses to help with accommodation for investors and tourists, before and after the Airport opens?

The Speaker –

Thank you, Honourable Member. The Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –

First of all, I'd just like to declare a conflict of interest, because obviously I live in one of them, so.....

The Speaker –
Thank you.

The Hon. Owen O'Sullivan –

Madam Speaker, as Members will be aware, it has been SHG policy for several years that whenever practical to do so Crown assets, mainly lands and buildings, will be available for economic development activities, in particular to support tourism-related investment to the island. Chief Secretary housing has been included in this policy since 2006 although to date only Wranghams house has been advertised for leasehold sale. A comprehensive review of all the SHG's assets was undertaken in 2012, this included the thirty-five Chief Secretary properties. In that review, it **termed** that demand for Piccolo Hill was limited, demands from the Health Service for Jamestown properties was high, that there was a general mismatch of unit sizes compared with demand and excess of larger homes and that the Chief Secretary houses provided some added value by occasionally being used as emergency accommodation. The review identified twenty-four major assets which were most suitable for disposal, including three Chief Secretary houses. These are Lower Verandah Quarters, New Ground House and Cliff Top; all are currently occupied. Enterprise St Helena are responsible for marketing the three identified CS houses to business interests when they are expected to be vacated. Thank you, Madam Speaker.

The Speaker –
Honourable Mervyn Yon?

The Hon. Mervyn Yon –

I thank the Honourable Chief Secretary for that reply, Madam Speaker. Would the Honourable Chief Secretary say if this offer also applies to returning Saints?

The Speaker –
Honourable Owen O'Sullivan?

The Hon. Mervyn Yon –

Madam Speaker, if I may, I'd just like to clarify that, Madam Speaker?

The Speaker –
Could you just sit for a second, sorry.

The Hon. Mervyn Yon –

Could I rephrase that question? Would the Chief Secretary please say if would this also apply to returning Saints who want to be investors in St Helena?

The Speaker –
Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –

Ma'am, the disposal of the properties would follow the disposal policy and obviously **the disposer** **it would follow the disposal policy**, that's clearly set out.

The Hon. Mervyn Yon –

Thank you, Madam Speaker, I thank the Honourable Chief Secretary.

The Speaker –

Thank you. Next question, please?

Question 7. The Honourable Christine Scipio-O'Dean to ask the Honourable Chairman of the Health and Social Welfare Committee.

The Hon. Christine Scipio-O'Dean –

Thank you, Madam Speaker. Will the Honourable Chairman of Health and Social Welfare Committee tell this Council what are the standards of health and social care set out in policy and is there any independent verification that the services provided meet these standards?

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Gunnell.

The Hon. Cyril Gunnell –

Thank you, Madam Speaker, I welcome this question, it is a very searching question and I welcome the opportunity of providing information that should be of interest to all Honourable Members.

The Health and Social Welfare Directorate adopts UK national standards of quality and safety for hospitals and care homes as a guide for quality of services on island. In England, Madam Speaker, the Care Quality Commission acts as the independent regulator of health and adult social care services in the public, private and voluntary sectors. There is no equivalent body in St Helena. However, the Mental Health Ordinance does provide for the appointment of a Psychiatric Hospital Tribunal and members make quarterly visits to Barnview, CBU and the dementia block at the CCC. For further information, the members of the Tribunal are the Senior Medical Officer, Mrs Daphne Francis, Mrs May Young and Mr Raymond Hudson.

Within the Directorate, there exist systems of Clinical Governance and clinical audits which allow for any deficiencies in care standards to be highlighted, with the subsequent appropriate action taken. Over 200 clinical policies, guidelines and protocols are also in existence, which are based on Evidence Based Practice and the UK National Institute for Health and Clinical Excellence (NICE) Guidelines. These are regularly reviewed by the Directorate's Clinical Governance Group. The Clinical Guidelines Governance Group is chaired by the Senior Medical Officer and Members are the Acute and Community Health Manager, Hospital Nursing Officer (or nominated representative) and the Community Nursing Officer (or nominated representative).

Also, Madam Speaker, for further information, the Clinical Governance Group meets every month. That, as I said, is chaired by the Senior Medical Officer and all doctors attend (subject to availability), plus Acute and Community Health Manager, Radiographer, Hospital Nursing Officer, Pharmacist, Laboratory Manager, and the Director is invited. Members report on such issues as, for example, any drug dispensing errors in the previous month, number of blood transfusions in previous month, number of x-rays taken and number which may have been required to be taken again, due to poor quality, details of number of patients whose hospital admission has exceeded 7 days, number of returns to theatre, i.e. if a patient has undergone another operation as a result of a complication arising from the first procedure, number of births and percentage of caesarean sections, number of admissions under the age of 18, etc, Madam Speaker. These indicators are reviewed and discussed by the Clinical

Governance Group and they are able to suggest areas for improvement if any issues are highlighted.

In addition to the above, the Clinical Governance Group review recommendations from reports of visiting clinicians and discusses and agrees who will take forward the agreed recommendations.

Also Madam Speaker, patient feedback on hospital care is encouraged through the distribution of a Patient Satisfaction Survey which is issued to all patients before being discharged. The Survey requests views from patients in the following areas in improving the Patient & Client experience: Privacy and dignity, Respect, Attitude and Behaviour of Staff, Communication, Journey to the hospital (if this is by ambulance), Feelings on arrival at hospital i.e. were staff welcoming. Feedback from these surveys often highlights areas where improvements are needed in quality of care, which are subsequently addressed by hospital management. Madam Speaker, thank you.

The Speaker –

Thank you. The Honourable Christine Scipio-O’Dean?

The Hon. Christine Scipio-O’Dean –

Thank you, Honourable Chairman, for your information in response to that question and hopefully the members of the public who are listening today are reassured that the services provided by the Health Care are currently being monitored. Will the Honourable Chairman tell this Council in view of budget cuts what impact will this have on standards of service delivery and has any assessment been carried out?

The Speaker –

Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, there has been some impact assessment carried out. Eventually, Madam Speaker, we will know if the cuts in the budget have had a disastrous effect, if you like, on the service. We trust that is not the case and, Madam Speaker, we will need to see what actually happens later in the day Thank you, Madam Speaker.

The Speaker –

Thank you. Honourable Christine Scipio-O’Dean?

The Hon. Christine Scipio-O’Dean –

Thank you, Honourable Chairman, for your response. Will the Honourable Chairman advise this Council what assessments has been carried out?

The Speaker –

I would point out, Honourable Member, that you are straying from your original question. The Chairman has given quite a detailed answer as to how standards are monitored. You are asking something hypothetical; I think you’re now asking about something that’s in the future. I stand to be corrected if I’m wrong by the Attorney General?

The Hon. Ken Baddon –

Madam Speaker, what was going through my mind was that perhaps it could be looked at in a different way which is a danger of anticipating a debate at the next sitting of this Council which will be to do with the budget for next year.

The Speaker –
Thank you.

The Hon. Christine Scipio-O’Dean –
Madam Speaker, the reason why I asked that question was because the Honourable Chairman had indicated that assessments had already been carried out.

The Speaker –
Honourable Chairman?

The Hon. Cyril Gunnell –
Madam Speaker, I don’t mind responding where I can. When we were looking at the last efficiency?....., Madam Speaker, becausebut Managers were called in whenever a proposal was put forward, Managers were called in and they were interrogated and they had to be certain that any cuts that was to be made would not have had a disastrous effect on the service. That was standard, Madam Speaker, every time a new proposalmay be going to be developed, so in that sense, Madam Speaker, when I said assessments were carried out, this is what it is.

The Speaker –
Thank you for that clarification. The Honourable Christine Scipio-O’Dean?

The Honourable Christine Scipio-O’Dean –
Thank you, Honourable Chairman. Will the Honourable Chairman say if the Directorate has sufficient staff to deliver the standards as set by the Directorate?

The Speaker –
The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
I find it a little bit difficult to answer this question, Madam Speaker. Standards set by the Directorate, but the standards are set by protocols and policy and that kind of thing, that is how the standard is set. With regard to whether or not we have sufficient staff, Madam Speaker, I don’t think we have sufficient staff, you know, but one has to do what one must and we most certainly hope that by having the new?..... around that it won’t impact adversely on the service that is delivered.

The Speaker –
Honourable Christine Scipio-O’Dean?

The Hon. Christine Scipio-O’Dean –
Thank you, Honourable Chairman, for your response and no further questions.

The Speaker –
The Honourable Owen O’Sullivan.

The Hon. Owen O’Sullivan –

As a point of information, a functional analysis is currently being sourced from the UK which will look at the standards and services and so that will be, the results of that will answer a number of questions that are floating around this chamber.

The Speaker –

Thank you. Next question, please?

Question 8. The Honourable Brian Isaac to ask the Honourable Chief Secretary.

The Hon. Brian Isaac –

Madam Speaker, will the Honourable Chief Secretary give a progress report on the proposed fibre optic link for St Helena?

The Speaker –

Thank you. The Honourable Owen O'Sullivan.

The Hon. Owen O'Sullivan –

Madam Speaker, Mr Julian Morris, the Chief Executive for Economic Development, met with the CEO of E5 whilst in Cape Town during December 2012 and I am able to confirm that the South Atlantic Express Cable Project is still progressing. E5 had been granted approval in principle by Equity Investors to fund the main project and pre-cabling work is scheduled to commence in January 2014. However, whilst there are huge benefits for St Helena to be connected, I am advised that this will cost in the region of £10m excluding operating costs. In this regard, given the financial constraints in which we operate, as well as the many competing demands on our capital budget, we are not in a position at this moment in time to say whether or not St Helena will be connected to the fibre optic cable, but E5 are fully aware of St Helena's interest in the project and discussions are ongoing in the knowledge that funding will have to be secured before any binding agreement is signed in order to ensure that the cable is extended to St Helena. As soon as further information is available, it will be communicated to members and also the general public. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, I would like to thank the Honourable Chief Secretary for his reply, thank you.

The Speaker –

Next question, please?

Question 9. The Honourable Mervyn Yon to ask the Honourable Deputy Chairman, Tourism and Leisure Committee.

The Hon. Mervyn Yon –

Madam Speaker, will the Honourable Chairman of the Tourism and Leisure Committee tell this House if the £1.2m allocated to Tourism has been spent and if so could he give some indication as to how it was utilised?

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac.

The Hon. Brian Isaac –

Madam Speaker, on a point of information, I will answer this question on behalf of the substantive Chairman who is away on medical.

Madam Speaker, I would like to thank the Honourable Member for his question. As members will know, the £1.2m which this question makes reference to, relates to the DFID-funded Tourism Development Project which is now managed by ESH and it is due to conclude at the end of the current financial year. I can confirm to this House from information provided that the full commitment of this funding has been achieved. I'm also able to confirm that to date the full expenditure has been achieved against commitment. This funding has been utilised in numerous ways across the island in support of tourism development, including: upgrading facilities for visiting yachts, such as the new moorings in James Bay, showers and toilet facilities; improvement to access facilities at Lemon Valley, mainly the new landing platform; improvement to public amenities at Ruperts Valley; supporting the Napoleonic furniture restoration project and associated training component; toilet amenities and signage upgrades; supporting the Governor's Cup Yacht Race; supporting local community events and activities such as the Half Tree Hollow and Longwood Greening projects; supporting the Museum all history project. Additionally, a number of?.....optional, promotional and marketing-related activities have been funded through the project, including public relations support in the UK provided by Keene, public relations support in South Africa provided by SH??..., attendance by St Helena Tourism Sales and Marketing Executive at international shows and exhibitions; support for international Slavery Museum Exhibition. Should the Honourable Member wish to have any further details concerning any of the aforementioned items or any other tourism development project related activities that have been undertaken, I am sure that ESH would be glad to provide this information. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Madam Speaker. I thank the Honourable Chairperson for his reply. Madam Speaker, would the Honourable Chairperson give a commitment that he would, in writing, give to elected members a breakdown of the cost of each of the items that he named where the money has been spent?

The Speaker –

The Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, I can take that request forward to Enterprise St Helena and will copy all elected members with the information. Thank you.

The Speaker –

Thank you, Honourable Member. Next question, please?

10. *The Honourable Earl Henry to ask the Honourable Chairman, Economy and Finance Committee.*

The Hon. Earl Henry –

Madam Speaker, will the Honourable Chairman of the Economy and Finance Committee tell this Council what is St Helena Government's policy, and what systems are in place, to help and encourage local people to invest in the island?

The Speaker –

Thank you, Honourable Member. The Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Madam Speaker. Just to be clear, first, Madam Speaker, I declare my interest as a co-owner of the local company called Greenpod Ltd.

The Speaker –

Thank you.

The Hon. Anthony Green –

Thank you, Honourable Member. When the UK Government announced in 2010 that an airport would proceed, this was subject to certain conditions being met. Condition 4 related directly to the Island creating an “enabling environment” for Tourism and Investment. Whilst a Memorandum of Understanding was agreed between both St Helena and the UK Government in response to that Condition 4, which led to various policy reforms to support the principle of opening the island up to investors, these reforms have always adopted an open market approach whereby local people have an equal opportunity to take part and benefit from the development opportunities that the airport will bring. This policy of local participation in investment opportunities is similarly conveyed within the island's Sustainable Development Plan under National Goal 1: a vibrant economy providing opportunities for all to participate.

When the new investment policy was adopted by the St Helena Government in 2011, this contained five principles:

- (1) Make St Helena a desirable and competitive destination to do business by removing barriers to investors;
- (2) Support an economy which is accessible to all potential investors and promote investment across the economy;
- (3) Support the locally based private sector to compete in all open economy but, where possible, avoid being overly protective;
- (4) Promote fair, consistent and transparent decision making;
- (5) Encourage growth through import substitution, export promotion and domestic production.

When the Sustainable Economic Development Plan was agreed in 2012 and the Enterprise St Helena was created, these principles were similarly adopted and this new economic development vehicle aims to achieve these wherever possible. In support of local people wishing to invest in the island, Enterprise St Helena provides a range of services, mostly of

which are only available to local business, such as providing capital through grants, loans, equity finance, assist with new business startup and expansion, providing training and upskilling support, providing commercial storage space, supporting SHG's divestment activities, promoting on island capabilities and providing business advisory services. In addition, the 2012 Income Tax Ordinance provides measures to make St Helena an attractive place for both local and overseas investors. These incentives are automatically available to all businesses and, in brief, these are:

- Accelerated depreciation and first year allowance on asset purchases
- Investment tax credits
- Rollover relief on sale of business assets
- Review of the Capital Gains Tax to exclude assets other than property; and, finally
- Unlimited time period to carry forward of business losses.

As a representative of the Elected Members on the Enterprise St Helena Board, should any Member require more information about the activities that Enterprise St Helena undertakes in support of local investment and private sector development, I would be very pleased to obtain this information for them.

Regarding tax guidance for businesses and investors, while information is also available through Enterprise St. Helena, I would suggest that if any Member wishes more detailed clarification of what's available under the Income Tax ordinance, they get in touch with the Tax Office.

Madam Speaker, I trust that this has provided information about Government's Policy and the systems in place to help and encourage local people to invest in the Island. Thank you Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Earl Henry?

The Hon. Earl Henry –

Thank you, Madam Speaker; I thank the Honourable Chairman for that response. Will the Honourable Chairman tell this Council what is the policy of making land available for private housebuilding?

The Speaker –

Honourable Member, your original question was what systems were in place to help and encourage local people to invest in the island, I'm not quite clear as to why you're now asking a question about house building and land availability.

The Hon. Earl Henry –

If I may be allowed to explain, Madam Speaker?

The Speaker –

Yes.

The Hon. Earl Henry –

Investment in St Helena is not only about business potential if private housebuilding supports our local businesses on island as well and there is a need for additional houses.

The Speaker –

I still think it's a bit.....Yes, the Honourable Attorney General?

The Hon. Ken Baddon –

Madam Speaker, in trying to see the point of the question which you asked the Honourable Member, but there is another issue which perhaps is relevant at this juncture, the thought about making land available for house building does not fall under the responsibility of the Economy and Finance Committee and the question should only be directed to the appropriate Chairman.

The Speaker –

Thank you, in which case, it looks as though the Honourable Tony Green actually wants to stand up and answer the question?

The Hon. Anthony Green –

Madam Speaker, just on a point of information, I just wanted to direct the Honourable Member to the Lands Department.

The Speaker –

Thank you. The question, therefore, is not in order; you can't address it to the wrong person. The Honourable Member isn't able to answer your question.

The Hon. Earl Henry –

Thank you, Madam Speaker, no further questions.

The Speaker –

Thank you. I think possibly this would be a sensible moment to suspend the sitting for a coffee break, we'll resume at 11.30.

Council suspended.

Council resumed.

Question 11. The Honourable Stedson Francis to ask the Honourable Chairman, Infrastructure and Utilities Committee.

The Hon. Stedson Francis –

Madam Speaker, will the Honourable Chairman of the Infrastructure and Utilities Committee report on the individual performances of the six Wind Turbines during the calendar year 2012?

The Speaker –

Thank you, Honourable Member. The Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Honourable Madam Speaker and also the Honourable Member. I trust that the information that I am about to give will suffice to the requirement of the Honourable Member. The individual outputs from the Wind Turbines during the 2012 calendar year were as follows:

Wind Turbine 1 – 180,773 units

Wind Turbine 2	-	17,335 units
Wind Turbine 3	-	135,345 units
Wind Turbine 4	-	238,769 units
Wind Turbine 5	-	204,771 units
Wind Turbine 6	-	172,027 units

This equates to almost one million units of electricity generated from the wind resources. Wind Turbine No. 2 had the lowest output due to it being out of service for some of the year whilst replacement blades were procured. The yield from the downhill machines tend to be greater than the uphill ones due to the land topology. The new turbines currently on order will be positioned on the downhill side for this reason. With additional wind turbines and the new high tech equipment in the Power Station, the Energy Division is in the process of recruiting a technician to maintain this new equipment. With this additional person increasing services and a quicker speed of response to faults should further increase the yield. The timing of the annual service has been changed from November to February to take advantage of the most favourable weather conditions. This will allow for higher levels of productivity and those conducting the services and contribute positively to increased yields. The Energy Division is planning for further wind development and keeping abreast of the emerging marine technologies to add to the renewable mix. A solar pilot is also in place and data is being gathered to evaluate the technology. Taking into account the purposes of all operating costs, working renewable energy productions provide a significant return on investment. The actual figure changes depend on diesel costs and quantity of **min** but the annual saving is in excess of a quarter million pounds. Increasing level of renewable energy is the key to reducing the production costs that are currently dominated by the cost of diesel fuel. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Stedson Francis?

The Hon. Stedson Francis –

I'd like to thank the Honourable Chairman for his response; those were the figures I have been trying to source for a while and it's interesting to see....

The Speaker –

Do you have a question, Honourable Member, please?

The Hon. Stedson Francis –

Sorry, Madam Speaker. Could the Honourable Chairman say why is it that Wind Turbine 1 only generated 18,000 kilowatts as opposed to Wind Turbines 4, 5 and 6 which generated 238,000, 204,000, 172,000 respectively?

The Speaker –

The Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Honourable Member. Madam Speaker, I think I have answered the question, more or less, but I presume that the reason for this is that Wind Turbine 1 is situated in the upper position whereby Wind Turbines 4, 5 and 6 is in the lower grounds.

The Speaker –

Honourable Stedson Francis?

The Hon. Stedson Francis –

Will the Honourable Chairman say what is going to be done to rectify the situation, no point in having six turbines if only four are producing effectively?

The Speaker –

Honourable Mervyn Yon?

The Hon. Mervyn Yon –

I'm not too sure, would the Honourable Member just repeat the question, please, Madam Speaker?

The Hon. Stedson Francis –

Can the Honourable Chairman say, because Wind Turbine 1 and 2 only generating 18,000 and 17,000 kilowatts respectively compared to the other four who have a greater output, what is being done to make sure that these turbines 1 and 2 produce effectively and ensure that it is running efficiently and we have greater saving on fuel?

The Speaker –

Honourable Mervyn Yon?

The Hon. Mervyn Yon –

If my paper serves me right, Madam Speaker, I think Wind Turbine 1 produced 180,773 and not 18,000.

The Speaker –

Honourable Stedson Francis?

The Hon. Stedson Francis –

Is that correct, Honourable Chairman, is it 18,000 or 180,000?

The Speaker –

Honourable Chairman?

The Hon. Mervyn Yon –

Madam Speaker, my paper reads 180,000 for Wind Turbine 1, 180,773 units.

The Hon. Stedson Francis –

Thank you for that, Honourable Chairman. Wind Turbine 2, is Wind Turbine 2 operational now?

The Hon. Mervyn Yon –

I'm afraid to say that, no, not at this moment, Madam Speaker.

The Speaker –

Honourable Stedson Francis?

The Hon. Stedson Francis –

Can you say when it will be made operational?

The Speaker –
Honourable Mervyn Yon?

The Hon. Mervyn Yon –
My recollection, Madam Speaker, is that as soon as the blades are delivered to St Helena then we can put them in operation.

The Speaker –
Thank you.

The Hon. Stedson Francis –
Can the Honourable Chairman say for how long has this turbine been out of service?

The Speaker –
The Honourable Mervyn Yon?

The Hon. Mervyn Yon –
I'm sorry, Madam Speaker, I've just been told that it's been out of commission since the beginning of the year, but to correct my statement that I made to you, Honourable Member, the blades are now on island, they are being fitted and as soon as they're in operation then they should be all ready to go.

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

The Hon. Stedson Francis –
One final question, Madam Speaker, will the Honourable Chairman say how much have we lost in savings on fuel as a result of some of these turbines being out of service during the last calendar year?

The Speaker –
I suspect the Honourable Member might need notice of that question, because it's quite a detailed question. The Honourable Mervyn Yon, are you able to?

The Hon. Mervyn Yon –
I'm not prepared for that question, Madam Speaker, unfortunately, but I'd be willing to give that to the Honourable Member in writing as soon as possible, maybe before the end of the day.

The Speaker –
Thank you, Sir. Next question, please?

Question 12. The Honourable Christine Scipio-O'Dean to ask the Honourable Financial Secretary.

The Hon. Christine Scipio-O'Dean –
Thank you, Madam Speaker. Will the Honourable Financial Secretary tell this Council what is the total public funding from all sources and budgets transferred to date to South Atlantic

Media Services Limited previously known as the St Helena Broadcasting (Guarantee) Company?

The Speaker –

On moment, please. The question appears on the Order Paper with different wording, would you please read the question according to the wording on the Order Paper? Thank you.

The Hon. Christine Scipio-O'Dean –

Apologies, Madam Speaker, I will start again.

The Speaker –

Thank you. Will the Honourable Financial Secretary tell this Council what is the total public funding transferred to date to the South Atlantic Media Services Limited previously known as the St Helena Broadcasting (Guarantee) Corporation Limited?

The Speaker –

Thank you, Honourable Member. The Honourable Colin Owen?

The Hon. Colin Owen –

Thank you, Madam Speaker. I'd like to thank the Honourable Member for her question. The total public funding transferred to date to South Atlantic Media Services Limited is £241,000. This is made up of £152,000 capital expenditure transferred in 2011/12 financial year and £89,000 from recurrent expenditure transferred in 2012/13 financial year.

The Speaker –

Thank you. Honourable Christine Scipio-O'Dean?

The Hon. Christine Scipio-O'Dean –

Thank you, Honourable Financial Secretary for your response. Will the Honourable Financial Secretary tell this Council if there is a similar amount of money for capital and recurrent expenditure being allocated for 2013/2014?

The Speaker –

Honourable Colin Owen?

The Hon. Colin Owen –

Thank you. I really can't give that response at this present time because that will be the next discussion when we look at the budget at our next formal session, which is yet to be discussed.

The Speaker –

Thank you. Honourable Christine Scipio-O'Dean?

The Hon. Christine Scipio-O'Dean –

Thank you, Honourable Financial Secretary. Will the Honourable Financial Secretary advise if he is aware that the FM broadcasts cannot be received island-wide at this time?

The Speaker –

It's not exactly part of the original question, but I daresay we could probably answer the question ourselves, but I think it looks as though the Honourable Financial Secretary is prepared to give an answer.

The Hon. Christine Scipio-O'Dean –

Madam Speaker, can I clarify, the reason for the question is that because I have asked if any funding capital or expenditure funding is available for 2013/14, if there isn't full coverage of the island being received island-wide, if there is capital expenditure allocated, does this mean this capital expenditure will be used to let every member of the public can listen and receive the regular transmissions and I was just wondering if we would get better value for money if the coverage is island-wide?

The Speaker –

Thank you for your point of information. I regret that the question still isn't answerable because your budget isn't yet set for next year, so I don't think anybody can answer your question at this point. I think youris likely to be noted though.

The Hon. Christine Scipio-O'Dean –

Thank you, Madam Speaker, may I ask another question then?

The Speaker –

You may.

The Hon. Christine Scipio-O'Dean –

Is the Honourable Financial Secretary satisfied that value of money is being obtained from this project?

The Speaker –

A question may not be asked for the purposes of obtaining an expression of opinion, you're asking the Financial Secretary's opinion I'm afraid, so he can't answer you.

The Hon. Christine Scipio-O'Dean –

Thank you, Madam Speaker. No further questions.

The Speaker –

Thank you. Next question, please?

Question 13. The Honourable Stedson Francis to ask the Honourable Chief Secretary.

The Hon. Stedson Francis –

Will the Honourable Chief Secretary explain the role of the Tourism and Leisure Committee now that Tourism operations have been placed with Enterprise St Helena?

The Speaker –

Thank you, Honourable Member. The Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –

Madam Speaker, I can advise of the role of the Tourism and Leisure Committee will not change as a result of tourism operations being placed with Enterprise St Helena. The

Committee will continue to have policy responsibility for Government business concerning tourism, culture and heritage, leisure, sport and recreation and community centres, as stated in Council Committee Constitution Order 2012. Thank you, Madam Speaker.

The Speaker –

Thank you. The next question, please?

Question 14. The Honourable Cyril Gunnell to ask the Honourable Chief Secretary.

The Hon. Cyril Gunnell –

Madam Speaker, will the Honourable Chief Secretary tell this Council, what is the agreed process following Undertakings Given and Resolutions Made at Formal Legislative Council meetings?

The Speaker –

Thank you, Honourable Member. The Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –

Madam Speaker, undertakings and resolutions emanating from formal Legislative Council meetings are recorded in a tracker document and circulated to members of the Legislative Council under cover of a information paper shortly after the meeting. The document is thereafter updated and circulated on a monthly basis to show progress against the undertakings and resolutions. However, the onus is placed on the individual officer or member who has given the undertaking or information to take the necessary follow-up action and to provide progress reports to the Clerk of Councils for inclusion in the tracker document. Having said this, Madam Speaker, I'm conscious that we might not have been adhering strictly to the agreed process in recent times, but the Administration will seek to ensure that it is reinstated as from this meeting. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Thank you, Madam Speaker. Just for information, I'm glad that it is going to be reinstated because sadly the system did fall apart. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Next question, please?

Question 15. The Honourable John Cranfield to ask the Honourable Chairman, Health and Social Welfare Committee.

The Hon. John Cranfield –

Will the Honourable Chairman of the Health and Social Welfare Committee tell this House what are the St Helena Government's plans for establishing a defined poverty line for St Helena now that SHG has a qualified Statistician in post?

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Thank you, Madam Speaker, I welcome this question. The fact is, I have been trying for a number of years to encourage our Government to establish a defined poverty line, so this question, as I have already said, is welcomed. Having a poverty line in place is a useful tool to have, Madam Speaker. This will inform many things especially when you're looking at things like determining a benefit level, or, indeed, even minimum wage. Determining a poverty line is a joint concern of the Statistics Office and the Social Policy Planner. To establish a poverty line, a minimum living standard needs to be established; the value of goods and services, which a single person, a family or other, should be able to afford as a minimum. The poverty line is drawn where a person or family are in receipt of an income lower than this minimum requirement. A minimum income standard is described as follows: the minimum income standard is a measure of income adequacy. It is the amount that people need in order to reach a minimum socially acceptable standard of living, based on what members of the public think and taking into account expert evidence on issues such as nutrition and home energy consumption. The minimum is defined as being about more than survival alone, it covers needs, not wants; necessities, not luxuries, in identifying things that everyone should be able to afford. It does not attempt to specify extra requirements for particular individuals and groups, for example, those resulting from living in a remote location or having a disability. Not everybody having more than a minimum income can be guaranteed to achieve an acceptable living standard. However, someone falling below the minimum is unlikely to achieve such a standard. The basket of goods includes all possible living expenses, including utilities. It is imperative that this basket reflects St Helena living costs as it may be used for future policy and planning purposes. The role of the Statistics Office would be in supporting the focus groups and discussions which allow officials to identify what St Helena classes as a minimum standard. The cost of these goods can then be monitored and Councillors and senior officials can use this information when considering levels for benefits, minimum wage, impact of changes in service charges etc, Madam Speaker. The need to carry out this work has been known for some time and has been highlighted during the recent review of the benefits system undertaken by Roy Sainsbury when he worked on establishing a minimum income standard was considered. In terms of next steps and timescales, it is difficult to give a specific time whilst we await Roy Sainsbury's recommendations, but ideally we could lead this work to the development of the Social Policy Plan which the new Social Policy Planner will be preparing. Madam Speaker, different countries use different methods for choosing a poverty line. In order to ensure a wide understanding of a poverty line, it is important to ensure that the poverty line chosen does resonate with social norms with the common understanding of what represents a minimum. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable John Cranfield?

The Hon. John Cranfield –

Thank you, Madam Speaker, and I thank the Honourable Member for his comprehensive reply. Madam Speaker, I consider this to be a very important issue....

The Speaker –

I'm sorry, you're making a statement, please would you ask your question?

The Hon. John Cranfield –

I was going to move into the question, Madam Speaker.

The Speaker –

Please make sure it's a question, Honourable Member.

The Hon. John Cranfield –

Yes, and as the Honourable Member agrees that having a defined poverty line for St Helena would be useful tool to have, will he undertake to take this matter forward to the next steps as a matter of urgency?

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I will take the matter forward as a matter of urgency as the next steps. Thank you, Madam Speaker.

The Speaker –

Thank you. Next question, please?

Question 16. The Honourable Christine Scipio-O'Dean to ask the Honourable Financial Secretary.

The Hon. Christine Scipio-O'Dean –

Thank you, Madam Speaker. Will the Honourable Financial Secretary tell this Council, if the forecast customs revenue streams from expected economic development for the financial year 2012/13 have been met following the signing of the airport contract?

The Speaker –

Thank you, Honourable Member. The Honourable Colin Owen?

The Hon. Colin Owen –

Thank you, Madam Speaker. I'd like to thank the Honourable Member for her question. We are currently projecting whether the forecasted Customs revenue streams will be in line with those budgeted at the start of the financial year 2012/13. I cannot state that they will be met, because the financial year has not yet ended. We are currently estimating a less than one percent over projection of revenue of £31,000 against the budget estimate of £3,705,000. I've recently shared with Honourable Members the detailed estimate projected figures. Thank you, Madam Speaker.

The Speaker –

Thank you. Honourable Christine Scipio-O'Dean?

The Hon. Christine Scipio-O'Dean –

Thank you, Honourable Financial Secretary for your response.

The Speaker –

Next question, please?

Question 17. The Honourable Cyril Gunnell to ask the Honourable Chief Secretary.

The Hon. Cyril Gunnell –

Thank you. Madam Speaker, will the Honourable Chief Secretary tell this Council what is the position with SHG being able to complete infrastructure projects funded currently by DFID, and what assurance can be given that funding provided by DFID for such infrastructure projects is not lost?

The Speaker –

Thank you, Honourable Member. The Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –

Madam Speaker, DFID ceased from theinfrastructure projects in 2008 and moved to funding a Capital Programme. Therefore, this answer it seems that the infrastructure projects the Honourable Member is referring to are those which form part of this programme. The completion of individual projects within this programme is dependent on their respective project life and is varied across the entire programme. It is very unlikely that St Helena's infrastructure needs will cease and there will always be a need to develop infrastructure with the ever changing environment. Therefore, there will always be infrastructure projects within the Capital Programme. Elected members are aware that every year SHG carries out a reprioritisation of the Capital Programme as part of the budget process, so depending on the prioritised needs and the funds available in any given year, some project starts and completion dates may slip, whilst others, such as the Solid Waste Management Project, may be brought forward. SHG's track record for delivering the Capital Programme has been less than exemplary. This has been for a variety of reasons, including resource constraints, issues with the lack of contractors available on island, a lack of project management, logistics, to name but a few. To address this, we have introduced regular fortnightly monitoring meetings; some of these have included joint monitoring with DFID. As a direct result of these meetings, we have been able to take swifter action to reprioritize and re-phase elements of the Programme as necessary and there is better expenditure oversight. This has meant that for the current year we have seen a significant improvement in performance when compared to previous years. In 2011/12, SHG had a total capital budget of £5.7 million and was only able to spend £2.2 million resulting in a underspend of more than 50%. For 2012/13, we are on track for a 10% overspend. While it seems ...?.... proportion of this overspend is attributed to a large?.... of payment in one of the projects, SHG is also demonstrating there is improved in managing and delivering the Capital Programme. As a one off for the current year, SHG has received an additional £750,000 from DFID which reflects increased confidence, which is being used to fund Capital Projects which did not meet the prioritisation list for 2012/13. These include elements for the Jamestown Wharf Development, Pre-fabricated ...?.... buildings which will be managed by ESH and used as storage for the private sector and Agricultural Equipment, including a new tractor. SHG will be adopting a new approach to managing the Capital Programme through a newly-set up Programme Management Unit which members were informed about at a recent information session held as part of an Away Day. The new Programme management process will involve a detailed project document to be prepared for each project shortlisted. This document will include a cost benefit analysis, budgets, timeframes and assessment of the institutional capacity for every intervention before any approval is given. The process will also involve a prioritisation exercise to be conducted and pass the criteria to assess the ability to spend and the capacity

within a particular institution to deliver. These projects, which are deemed to meet the criteria, will be recommended for approval, firstly by elected members and thereafter by DAPM. Therefore, no project will be included in the Capital Spend Programme for approval if there isn't substantial evidence that the outcomes will be delivered. To help increase this assurance, appropriate and robust monitoring and controlling is also built into the new process, which will ensure that Project Managers are accountable to deliver the outputs of the project, i.e. within time, against agreed scope and within budget, all of which must fit the quality management plan. It will be the Programme Manager's responsibility to ensure Project Managers are delivering their projects. The Programme Board will also hold both Project Managers and the Programme Manager responsible for under performance and appropriate action will be taken to ensure projects remain on track and there is minimum slippage. Madam Speaker, I am confident that these new arrangements will ensure cost effective management of the Capital Programme that will not result in a loss of DFID funding. Thank you.

The Speaker –
Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Madam Speaker, I thank the Honourable Chief Secretary for that detailed response, but I am sure that I have missed some of it, so could I ask the Honourable Chief Secretary, Madam Speaker, if he would be able to supply that information to all Honourable Members of this House?

The Speaker –
I take it you want it in writing? Yes.

The Hon. Cyril Gunnell –
In writing.

The Hon. Owen O'Sullivan –
It would be my pleasure to provide the answer to all elected members.

The Speaker –
Thank you.

The Hon. Cyril Gunnell –
Madam Speaker, to what extent have projects had to be prioritised, or reprioritised, and is there a danger of some projects not being implemented because the funding would have been used up? If the Honourable Chief Secretary has answered that question already, Madam Speaker, I do apologise, but could he just give me some information on that? Thank you, Madam Speaker.

The Speaker –
Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
I did mention in my answer about the reprioritisation of the Capital Projects and the **oversight**, so, you know, obviously using monies and also ensuring elected members are part of the process.

The Speaker –
Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Madam Speaker, did the Honourable Chief Secretary say what is the timeline for spending all the funding that DFID are providing for infrastructure projects?

The Speaker –
Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
You know, still on the yearly basis, so, for example, the current funding has to be spent by the end of this financial year, 31st March 2013 and the following year, the subsequent 2014.

The Speaker –
Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Madam Speaker, are the projects, or can the projects be awarded to private contractors?

The Speaker –
Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
Yes, of course, there's a tender process and all companies are eligible to put in a tender for the contract.

The Speaker –
Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Thank you, Chief Secretary. I hope I'm not going away from the original question, Madam Speaker, but is the project to build an Ossuary in Ruperts a DFID project?

The Speaker –
Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
None of the projects are DFID projects, obviously all the projects are SHG projects. DFID provide the funding but it's for the Honourable Members to prioritise how we actually use that money.

The Speaker –
Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Madam Speaker, can I then repeat the question or reword it as such. Is the project to build an Ossuary in Ruperts a DFID funded project?

The Speaker –
Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
Sorry, can you repeat that question, I

The Hon. Cyril Gunnell –
Is the project to build an Ossuary in Ruperts a DFID funded project?

The Hon. Owen O'Sullivan –
The project to build an Ossuary is one of the projects within the Capital Programme. The reprioritisation which Honourable Members undertook a few weeks ago didn't prioritise the Ossuary, so at the moment it isn't being funded, for the next couple of years.

The Speaker –
Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Madam Speaker, I take it then that funding won't be lost, but why has the project to build an Ossuary in Ruperts not started yet?

The Speaker –
Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
Because Honourable Members didn't prioritise in the....sorry, there was a prioritisation process of which we had a early Workshop a couple of weeks ago and the Ossuary did not get prioritised according to all the various other projects, such as Economic Development and Water etc.

The Speaker –
Honourable Mervyn Yon?

The Hon. Mervyn Yon –
Madam Speaker, will the Honourable Chief Secretary say what Honourable Members agreed that the Ossuary should not be a priority, is there a group that agreed this?

The Hon. Owen O'Sullivan –
No, what I'm actually saying is that there is a limited amount of funds in the Capital Programme that have been prioritised and at the moment the Ossuary has been re-phased later on, because the funds are not there for next year.

The Speaker –
Honourable Mervyn Yon?

The Hon. Mervyn Yon –
Madam Speaker, I don't think I've got my answer, I asked what group of elected members, did all elected members agree that the Ossuary should not go ahead or is there a certain group of elected members?

The Speaker –

The Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –

No, what I'm saying is that Honourable Members had a list of projects and they prioritised Economic Development, Water and Electricity. The Ossuary was not part of that group, so therefore the Ossuary has to be re-phased later on because there is not the money.

The Speaker –

Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Madam Speaker, I'm sorry, Honourable Chief Secretary, but you still haven't given me a straight answer.

The Speaker –

I think I possibly might beg to differ, there was a Workshop held and all Honourable elected members were invited to it. Part of that Workshop involved looking at prioritisation of spend. Honourable Derek Thomas, a question or a point of information, please?

The Hon. Derek Thomas –

A question, Madam Speaker.

The Speaker –

Thank you.

The Hon. Derek Thomas –

Can the Chief Secretary say, when the Council met to prioritise the projects, was the Ossuary at Ruperts one of the projects?

The Speaker –

Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –

The Ossuary would have been grouped within it as a part of the project. If members want to reprioritize the Ossuary then we can do that, but what you will have to do is then drop off various other projects such as Water or Electricity or Economic Development. Unfortunately, we have a limited amount of funds next year, you have to make a choice as to what is going to be prioritised. If you want the Ossuary, then we will build the Ossuary, but as far as I understand, is not the Honourable Members priority over the next year.

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker. I fully appreciate the answer given from the Chief Secretary, but my question is, when Council met to prioritise the various projects, was the Ossuary one of those projects?

The Speaker –

I believe the Honourable Chief Secretary has already answered.

The Hon. Owen O'Sullivan –
Yes.

The Hon. Derek Thomas –
Just on a point of information, Madam Speaker, I was one of the Councillors at that Workshop and I can't recall seeing the Ossuary as being one of the projects, I might have missed it, but I can't recall the Ossuary being one of the projects. Thank you.

The Speaker –
Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Madam Speaker, just for information, I can confirm that the Ossuary was not on the list of projects that I had to consider. Madam Speaker, the Ossuary is three to four years behind already, can the Honourable Chief Secretary say, he said a few years earlier on, but can he say what is likely, with regards to a starting time, for the Ossuary in Ruperts?

The Speaker –
The Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
As I said earlier, it is up to the Honourable Members if you wish to prioritise the Ossuary then we will push it forward. However, you will have to make a decision as to what other projects drop off, so, you know, if it's obviously a concern, we can re-look at all the various projects and reprioritize the Ossuary, but it's down to you what else falls off.

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

The Hon. Cyril Gunnell –
Thank you, Madam Speaker. Could I at least ask the Honourable Chief Secretary, could he at least make certain that there is a reprioritisation carried out as soon as possible? Thank you.

The Speaker –
Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
Well, as a reprioritisation, it's part of the ongoing process, so, you know, you will obviously be part of the prioritisation, but again, are you actually saying that you want the Ossuary as part of the Capital Programme?

The Hon. Cyril Gunnell –
Madam Speaker, Chief Secretary is asking me questions now. What I'm saying is, can we have a look at these projects once again to see if we think the Ossuary deserves more priority than anything else. Thank you, Madam Speaker.

The Hon. Owen O'Sullivan –
Yes, the Honourable Members can have a look at the Capital Programme again.

The Hon. Cyril Gunnell –
Thank you.

The Speaker –
Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –
Thank you, Madam Speaker. May I ask the Honourable Chief Secretary, would I be correct in saying that the human remains that would be laid to rest in the Ossuary is still at the Pipe Store at the back of St James's Church?

The Speaker –
Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
I'd like to refer that question to the Chairman of Infrastructure and Utilities, where it is now going into the detail of the projects.

The Speaker –
Yes and I suspect that the Honourable Chairman might want assistance with answering.

The Hon. Mervyn Yon –
Thank you, Madam Speaker, I thank the Chief Secretary, but I'm not aware of this question coming to the House today and therefore I need further knowledge of it before I can give an answer and if so it will be in writing.

The Speaker –
I believe I can perhaps offer a little assistance to Honourable Members. The excavated bones still are in the old Pipe Store building, which is designated as a Flaxmill Museum, which is what I think the Honourable Brian Isaac was looking for.

The Hon. Brian Isaac –
Madam Speaker, thank you for your support on this question. A point of information, I think we owe it to the human remains that are laying at the back of the Pipe Store that they should be put to rest, laid to rest in a more formal manner than being stored in cardboard boxes, we owe it to these slaves, they are first time slaves out of Africa, we're talking about tourism, I'm sure that will be a big attraction for the island, yes, we need the tourists to come to the island, we need our heritage, but most of all I would like to see that some priority are given to these human remains and that they are laid to rest in a more dignity manner. Thank you, Madam Speaker.

The Speaker –
Thank you, Honourable Member. I think the question has been fully explored and I'm sure Honourable Members will wish to follow up on the undertakings given at this meeting that there will be a reprioritisation exercise perhaps at some stage fairly soon. Can we move to the next question, please?

Question 18. The Honourable Anthony Green to ask the Honourable Chairman, Education and Employment Committee.

The Hon. Anthony Green –

Madam Speaker, will the Honourable Chairman, Education and Employment Committee say whether the number of students staying on at school has decreased since the Student Allowances were revised in 2011?

The Speaker –

The Honourable Rodney Buckley?

The Hon. Rodney Buckley –

Thank you, Madam Speaker. The answer to the Mover's question is, yes. (Can I sit down now?) The answer to the question is, yes, Honourable Councillor. I'll give you the numbers which you might want to jot down. The academic year 2009/10 57 was enrolled; Academic year 2010/11 - 59; Academic year 2011/12 – 31; and this current year 2012/13 – 20. So yes, Honourable Member, there is a drop off. I would just add that there are a number of reasons for that. Since the withdrawal of student allowances in 2011, a lot has changed on the island, including the signing of the airport contract and a number of students have been able to take up employment in various quarters which weren't there for them before and, in particular, our contractors, Basil Read, have pinched a number of students with good qualifications, but we have now reached agreement with the Basil Read Contracting that they will allow these students to return to school to continue their studies, so hopefully they will get their qualifications while at the same time making some money for themselves. All young people want some money in their pocket and it was quite attractive. But the other aspect to that, Honourable Members, is that whether in fact the numbers that went to school in 2009.10 and 2010/11 was going back to school because they got paid to go back to school for payday instead of going for work and whether in fact the students coming out of school had the qualifications that they ought to have had as opposed to the smaller numbers that are now going to school and coming out with much better qualifications. Madam Speaker.

The Speaker –

Thank you. Honourable Tony Green?

The Hon. Anthony Green –

Madam Speaker, could I as the Honourable Chairman whether, just to clarify when, about Basil Read workers returning to school, is that for a full time education or part time education?

The Speaker –

The Honourable Rodney Buckley?

The Hon. Rodney Buckley –

No, Madam Speaker, that's part time to complete their studies, it's part time. Basil Read has kindly agreed to give them time off from work to continue their studies.

The Speaker –

Honourable Tony Green?

The Hon. Anthony Green –

Thank you. Madam Speaker, may I ask the Honourable Chairman if he and his Committee would agree and accept that if jobs requiring good qualifications are increasing fast following the airport announcement and that young people who take up jobs and study in their spare time or prefer a vocational course route are actually only going to be able to settle for middle level jobs?

The Speaker –

It's a little bit away from the question....

The Hon. Rodney Buckley –

I am not sure I understand the question, Madam Speaker. Are you saying that, the children, because they're leaving school, only getting middle class jobs?

The Hon. Anthony Green –

Madam Speaker, I will try and rephrase that question. For St Helena to have a sustainable economic development, would the Honourable Member accept that students coming out of school really need a good grounding, a good foundation in education to be able to take the island forward for us to be sustainable?

The Speaker–

Honourable Rodney Buckley.

The Hon. Rodney Buckley –

Madam Speaker, absolutely, and we are already seeing an improvement in the attainment levels in Prince Andrew School. Although the numbers dropped from 59 in 2010/11 down to 31 in 2011/12, and now down to minus 3, 28, the attainment levels have increased considerably, well, certainly last year at the end of the academic year, that would be in 2011/12 there was a considerable increase in the attainment levels and expectations are they will be even higher this year.

The Speaker –

Can we have the next question, please. Oh, Honourable Brian Isaac, I do beg your pardon.

The Hon. Brian Isaac –

Madam Speaker, can I ask the Honourable Chairman, is it correct in saying that when students were paid the school allowance that some of the students were just there for the money, you made that statement or something to that effect and I'm not clear?

The Hon. Rodney Buckley –

That's an opinion, Madam Speaker. What I was referring to was that we want children to go to school to learn, not for children to go to school because they are paid, and there was some speculation, Madam Speaker, and I repeat, speculation, previously children were going to school because they got paid, not really wanting to learn, but just to go back school for the money rather than taking up a job to work for it, so that's only speculation, Madam Speaker.

The Speaker –

Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker,speculation, would it be a downfall on the Education System not to provide or manage the criteria much better for children to learn?

The Hon. Rodney Buckley –

I would agree, Madam Speaker, yes, I mean, it is a question of whether the children wanted to learn when they returned to school or whether they just wanted to return to school because they were paid.

The Speaker –

Next question, please?

Question 19. The Honourable Cyril Gunnell to ask the Honourable Chief Secretary.

The Hon. Cyril Gunnell –

Thank you. Madam Speaker, will the Honourable Chief Secretary say what the position is with regard to Roles and Responsibilities for Councillors and Officials?

The Speaker –

Thank you, Honourable Member. The Honourable Owen O'Sullivan.

The Hon. Owen O'Sullivan –

Madam Speaker, Honourable Members will be aware that a draft Governance Roles and Responsibilities paper was provided to members in June 2012 for comments. The draft sought to clarify corporate governance arrangements and roles and responsibilities of the various component parts of St Helena Government, including that of the Governor, Legislative Council, Executive Council, Council Committees, Chief Secretary and Public Service officials. This is believed necessary as there had been incidents where lines of responsibility between these component parts had become somewhat blurred. Comments on the paper andrevised draft were received back from members in late August 2012. Given the complexity of the subject and the importance to get it right, the drafts and comments were subsequently forwarded to a range of UK Government Departments for their comments to enable the draft to be finalised. As advised in a different forum, these comments are being chased and members will be kept informed of progress. We aim to have a completed draft by the end of March. Thank you, Madam Speaker.

The Speaker –

Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Thank you, Madam Speaker, I thank the Honourable Member for that answer and we hope to see the draft back sometime soon, but, Madam Speaker, to what extent will the Roles and Responsibilities for Councillors and Officials document be shared with the general public?

The Speaker –

Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –

Obviously we're still in draft stage and discussion will then be taken, once we've got the completed draft that is agreed by all parties as to their circulation in terms of the general public.

The Speaker –
Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Yes, Madam Speaker, did I hear the Honourable Chief Secretary say that there is a possibility of it being shared with the general public?

The Speaker –
Yes. Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
No, what I said was that we would discuss it once we've got a completed draft. At the moment the draft is still in progress, so there hasn't been a decision yet as to whether it's going to be given to the general public. At the moment the status of the draft is that it's a working document for within SHG. After discussion with the relevant people then we may decide it has to go to the general public, but at the moment it's still in draft format.

The Speaker –
Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –
Madam Speaker, since members of the general public are asking to see such a document, could we have an assurance from the Chief Secretary, Honourable Chief Secretary that there is at least the possibility that the report, when it has been received, I know you think you have answered the question, Chief Secretary, but I'm asking it in a way that I'd like to get an answer from you, that is there at least a possibility that the document, once it has been received and discussed by everybody else in Government, that it can be shared with the general public?

The Speaker –
The Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –
There is a possibility, but obviously once we have the draft we will then discuss it at the appropriate time at ExCo or whatever the appropriate Committee is and part of that discussion will be whether it is allowed to the general public or not. I think I'm repeating myself now.

The Hon. Cyril Gunnell –
Madam Speaker, just repeating myself, I have to say that the public is asking, Madam Speaker, to have a look at this particular document when it has been received. That information I know, this is why I'm asking the question, so at least when the draft is here on St Helena, or the report is here on St Helena, I shall be following it up, to ask the question, can the public at least see the document and consider it. Thank you, Madam Speaker.

The Speaker –

Thank you. Honourable Attorney General?

The Hon. Ken Baddon –

Madam Speaker, I did distinctly hear the Honourable Chief Secretary say, yes, there is a possibility. I think the question is probably one of timing. Our Constitution is based on the principle of good governance and one of the principles of good governance is that **during** a draft documents remain within Government until they reach a point at which the officials, together with their ...?.... leaders reach a point at which they say, this is a document which is worth consulting the public about, it is no longer a work in progress, it is something which is worth talking to the public about. It's the same here as it is in the UK, working drafts do not go out to the public, when the document is ready to go out to the public, I suspect the answer will be yes, but it will be a matter on which Councillors will need to advise the Administration.

The Speaker –

Thank you. Honourable Earl Henry?

The Hon. Earl Henry –

Thank you, Madam Speaker. Will the Honourable Chief Secretary say if the document that was sent to UK included any additional comments from SHG?

The Speaker –

Can we just clarify. Beyond the revision with which, the Paper that Honourable Members sent back, is that what you're asking?

The Hon. Earl Henry –

Exactly, Madam.

The Speaker –

Okay. Honourable Owen O'Sullivan?

The Hon. Owen O'Sullivan –

The document that was sent to the UK was a copy of the document that Councillors sent, yes.

The Speaker –

Honourable Earl Henry?

The Hon. Earl Henry –

Thank you, Madam Speaker.

The Speaker –

Thank you. Okay, Honourable Members, I think we will probably suspend the sitting now for a lunch break. We will resume at half past one. Thank you.

Council suspended.

Council resumed.

The Speaker –

Next item of business, please.

6.

MOTIONS

Motion 6.1. The Honourable Derek Thomas, Chairman, Home, Civil Society and International Committee.

The Hon. Derek Thomas –

Madam Speaker, I beg to move that the Immigration (Amendment) Bill, 2013, be approved in principle and referred to a Committee of the whole Council.

The Speaker –

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

The Hon. Mervyn Yon –

Madam Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. Honourable Mover?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Madam Speaker, Honourable Members, you will be aware that St Helena Government is committed to developing an investment friendly environment on St Helena under Memorandum of Understanding agreements. The specific target for immigration is to develop and establish a simple, transparent and development friendly system for non St Helenians to be allowed to enter, live, work and acquire land on St Helena. The amended Immigration Ordinance and supporting Regulations and Guidelines came into force on 23rd January 2012. It was agreed that this new legislation would be reviewed after a year. Since that date, Madam Speaker, the practical operation of the new legislation has been broadly successful with relatively few operational or legislative issues highlighted. The Bill presented today represents a series of changes to the Ordinance comprising correction of typographical errors, resolution of conflicts between paragraphs and removal of repetition. However, some significant changes are recommended to three parts of the Ordinance. The Amendment Bill makes previous for two groups of people who previously could not qualify for St Helena status to be able to qualify for such status: (1) Persons born outside of St Helena to parents who had St Helenian status by grant at the time of the birth, who qualified for St Helenian status in the same way as if parent has status by birth; (2) Persons under the age of eighteen who are the son or daughter of parents who apply for St Helenian status, may also have an application for such status made on their behalf; (3) There is also a proposal to change Governor-in-Council's powers to grant a dispensation from the requirements for St Helenian status. This applies to cases where the person cannot meet the requirements for St Helena status. There will always be times, when, for reasons outside of a person's control, they cannot meet the normal requirements for St Helenian status, but the changes mean that those circumstances are being limited, and, Madam Speaker, this will increase transparency in the decision making. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Members. I put the question that the Immigration (Amendment) Bill, 2013, be approved in principle and referred to a Committee of the whole Council. The

question is now open for debate. Any Honourable Member wish to speak? The Honourable Rodney Buckley?

The Hon. Rodney Buckley –

Thank you, Madam Speaker. For me, this Immigration (Amendment) Bill is purely a tidying up exercise. In fact, I feel quite strongly that for all the people involved with putting together the Immigration Reform Principle Ordinance required under the Reform conditions of the MOU for the signing of the airport, are to be congratulated. The uncountable and invaluable hours contributed by many people, mostly amateurs, in contributing to reforming our immigration laws, trying to get it right to suit the circumstances of St Helena, cannot be overstressed. Here we are today, after expert eyes have gone through line for line of the principle Ordinance, to discover all that is needed is refining, other than some technical stuff, to three issues and that is as mentioned by the Mover just now, giving a child born outside of St Helena to parents with St Helenian status the right to St Helenian status; possibility in limited circumstances, getting a person under the age of eighteen St Helenian status; and removing the permit to investors for those investors who don't play ball; and finally, reducing the discretionary powers of the Governor-in-Council, which, I believe, is, quite rightly, so. Madam Speaker, I support the amendment.

The Speaker –

Thank you, Honourable Member. The Honourable Stedson Francis?

The Hon. Stedson Francis –

Madam Speaker, I can support this Motion and as the Honourable Mover has said under the MOU agreements made with DFID we committed to developing an investment friendly environment and in 2011 the Immigration Ordinance was enacted in June of that year to be reviewed after one year. As has already been said, the Bill before us today, in addition, makes some minor technical changes, but it also makes some significant changes to three principle parts of the Ordinance. I think it has already been commented on how persons born outside of St Helena to parents who had St Helena status by grant at the time of birth will qualify for St Helena status in the same way as if their parents had status by birth. There is, what I consider, good robust immigration control, Madam Speaker, whereby a mechanism is provided for the Immigration Board to revoke the work permit or an immigrant employment certificate if the holder has failed to do anything that he undertook to do as part of the application and this would be quite important where larger investors are concerned. It's also good to see, Madam Speaker, that the discretionary provisions for the Governor-in-Council are redefined as regards granting dispensation from the usual requirements for the granting of St Helena status. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, I support the Motion. It's making some minor, technical adjustments to the Immigration Ordinance, it is enabling children born outside of St Helena of parents who have been granted status, acquired status by descent; it also limited circumstances to persons under the age of eighteen years old to be granted status if parents had been granted it ...?... under discretionary provisions for Executive Council to grant dispensation from the usual requirements of granting status and that redefined and makes it less discretionary and more transparent. Madam Speaker, I support the Motion.

The Speaker –

Thank you, Honourable Member. The Honourable Mervyn Yon?

The Hon. Mervyn Yon –

Thank you, Madam Speaker. Madam Speaker, I do not wish to reiterate what my fellow colleagues have just said, but I rise in support of the Bill.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I rise to support the Motion, because there is a tidying up which was needed, but if I look at 4 (3) where it says that it would be in the public's interest to grant the dispensation. Now, whilst all that is fine, Madam Speaker, the public doesn't get to know about this and, of course, it is in the public interest, so why doesn't the public get to know who has been granted dispensation? The fact is, I was asked the question only last week about a particular situation and I had to say, well, you go and ask somebody else, because I'm not allowed to tell you. So, you know, this is very frustrating, Madam Speaker, when you know of something that has happened and then you are not allowed to tell somebody about it, you know, with regards, of course, to transparency. That comment I'd like to make, Madam Speaker, whereas I fully support it, what has been amended here, I do have a problem with the public not being able to know who has been granted dispensation given that it should be in the public interest. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Earl Henry?

The Hon. Earl Henry –

Thank you, Madam Speaker. I have declared interest and I have only to say that I support the Bill.

The Speaker –

Thank you. Honourable Tony Green?

The Hon. Anthony Green –

Thank you. Madam Speaker, the various amendments have been mentioned by the previous speakers and I see that in this particular point in time the proposed amendments are good. I do though feel that as our circumstances change we might have very good reason to re-look at it, but Madam Speaker, I support the Bill.

The Speaker –

Thank you, Honourable Member. Honourable John Cranfield?

The Hon. John Cranfield –

Thank you, Madam Speaker. As a member of the Home and Civil Society and International Committee, we've been through this legislation quite extensively and we've given it our blessings so I have no hesitation in supporting the Motion, Madam Speaker.

The Speaker –

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

The Hon. Christine Scipio-O'Dean –

Thank you, Madam Speaker, I'd just like to add that I support the Bill.

The Speaker –

Thank you, Honourable Member. Honourable Attorney General?

The Hon. Ken Baddon –

I'm sorry, Madam Speaker, the Honourable Member before me sat down faster than I expected and I was trying to catch your eye. I just wanted to respond to the point raised by the Honourable Cyril Gunnell about how much information goes into the public domain. There is a little tightrope to be walked. Are we going to put into the public domain every time someone applies for Income Related Benefit? Are we going to put into the public domain every time someone applies for this, that or the other benefit? The general principle is that we do not put it into the public domain things that concern people's personal, private lives and that's.....there are always going to be grey areas, but that is the broad, general principle, the way we approach these things and I think we would need to be very careful about making inroads into that, it would need to be done in a timely way with a lot of thought.

The Speaker –

Thank you, Honourable Member. You've already spoken to the Motion, Honourable Member. Any other Honourable Member wishes to speak? In which case, I'll invite the Honourable Mover to respond to the debate.

The Hon. Derek Thomas –

Thank you, Madam Speaker. It just leaves me now to thank the Honourable Members for their support to this Bill. It will improve our Immigration laws, it will bring about further improvements. The only issue that was of concern was raised by Councillor Gunnell which has been answered by the Attorney General, so it just leaves me to thank everybody for their support on this Bill. Thank you, Madam Speaker.

The Speaker –

Honourable Member.

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

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

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

The Speaker –

Is there a seconder, please?

The Hon. Mervyn Yon –
Madam Speaker, I beg to second.

The Speaker –
Thank you.

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

Council in Committee.

The Hon. Ken Baddon –
Madam Speaker, before you begin the formal proceedings in Committee, may I make a recommendation to you which is that you invite the Immigration Executive to join you at the Clerk's table. Some of the amendments which are being proposed are more to do with practical implementation than they are to do with technicalities of law and it may be that he can be of considerable assistance to the Council as we work through the Committee process.

The Speaker –
Thank you, Honourable Attorney General. Would Lewis like to come and join us? I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill. Does any Honourable Member wish to speak?

The Hon. Ken Baddon –
Madam Speaker, I don't think there needs to be any explanationthese clauses, we're so used now to the idea that we just have these introductory clauses. Perhaps to just mention that we don't have a commencement date within Clause 1, it's left to be done by Order of the Governor published in the Gazette. The reason for that is that I just want to be absolutely sure that we have enough time to make some consequential changes to the Regulations, but we're aiming for implementation sooner rather than later.

The Speaker –
Thank you. Any questions, Honourable Members?

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Speaker –
I put the question that Clauses 2 to 8 do stand part of the Bill.

The Hon. Ken Baddon –
Thank you, Madam Speaker, you've said quite a big chunk there, perhaps if I picked the legal bits of it and then give Mr Lewis an opportunity to add anything that he wants to add. Clause 2 is one of the substantive provisions mentioned by the Honourable Mover in Stage 1. It's to do with who may be granted St Helenian status and, in particular, it enables status to be granted by someone under eighteen if his or her parents has been granted status. I need to be careful how much I say so as not to identify individuals, but there have been cases of people who have been granted status whilst having children on the island with them and the children are left without status. What then happens is that when they go on holiday, the parents can come back in without a entry permit but the children have to apply for one, which is a little

bit silly. Clause 3 entitled “Special leave to enter or remain” really just dots an i or crosses a t. In the current Regulations, we have this provision for Immigration Officers to grant a very short term, temporary permission while people get their paperwork in order. It is arguable that that Regulation is actually not consistent with the Ordinance and we’re just trying to make the two mesh together. On Clause 4, again it’s technicalities. Currently, if I choose to be very technical about it and want to prosecute someone, they’re committing an offence by entering the territorial waters without an entry permit whereas quite often people apply for their entry permit when they come ashore or just before coming ashore. So, again, we’re just making things fit and plugging a couple of gaps. Clause 5, headed “Landing Permission” it’s again, just making clear, this is to do with when a Captain of a cruise ship leaves he’s supposed to ensure that he’s got all his passengers onboard and if he doesn’t he’s guilty of an offence. There are circumstances in which cruise ship passengers lawfully wish to stay here, that they may have ...?.... on a cruise ship, arrive here, got an entry permit and they are indeed staying here and we’re just making clear that if the Captain leaves with the permission.....or an Immigration Officer leaving behind some of his passengers, then that’s not an offence. In Stage 1, Clause 6 was mentioned. This is to do with revocation of permits. Again, careful what I say so as not to identify individuals, but there have been one or two situations where someone has said in their application?.....permission to employ immigrants that they will do z, y or z but failed to do so and we have had difficulty to figure out what we can do about that, so we’re trying to tighten that up. Clause 7, which is about Restrictions on employment for immigrants, this is just a rewording of one of the provisions to remove an ambiguity. We’ve had a little bit of question mark between the lawyers and the Immigration Service about what that paragraph actually means, we’re not changing what is intended to be the meaning, we’re simply making it clear. And then Clause 8 is the one about the discretionary power for the Governor-in-Council to grant a dispensation. We reprinted the whole thing with a little bit of grammatical tidying up in it, but the significant change is to do with the dispensation which is when we get to Clause 4 in the Schedule and currently the Governor-in-Council’s discretion to say, well, you haven’t actually met the requirements but you’re not that far off and we think you’ve got a close connection with the island so we’ll let you off the fact that you don’t meet the requirement. It’s actually very wide and there was a fairly widely held public opinion and opinion amongst the Councillors that it needed to be pinned down and the significant change, apart from just the grammar, is that the dispensation is only to do with the number of days here on the island, so without going into detail, if someone is supposed to be here for 150 days and they only make 149 because they had to get on the ship or miss it, then it will be possible for the Governor to grant a dispensation, he’s pinned down. It refers to “there are exceptional circumstances, such as, but not limited to shipping schedules or illness, why strict compliance has not been satisfied”. So that is pinned down much more tightly. And I’ve just noticed, Madam Speaker, we’ve got two Clause 8’s, so can we assume that at the moment we’re dealing with the first Clause 8 and when we get to the next Clause 8, I will move an amendment.

The Speaker –

Thank you. Any questions?

The Hon. Ken Baddon –

I don’t know if Mr Evans wants to add anything from a purely practical point of view?

Mr Evans –

No,

The Speaker –
Councillor Henry?

The Hon. Earl Henry –

Just one point of clarification please, Madam Speaker. Entry permits refers to Section 17. In the principle Ordinance, unless I'm reading it wrong, entry permits is under 18, section 18, so I'm a little bit confused as to whether we're amending or adding the amendment to Section 17 or is it in Section 18?

The Hon. Ken Baddon –

We're amending Section 17. 4 (1) says Section 17 is amended. 17 and 18 are together about entry permits and residence permits and the one that we're amending is 17, which is exactly what it says.

The Hon. Earl Henry –

Thank you, Madam Speaker.

The Speaker –

Any other questions? Councillor Green?

The Hon. Anthony Green –

Madam Speaker, a general question, but I'm just thinking, want to ask if during the preparations for this Bill whether it has come to light, if there are any other category of individual who could perhaps claims they should be given St Helenian status but actually hasn't been dealt with by this Bill?

The Hon. Ken Baddon –

I'm sorry, I didn't catch the question. Did you, Mr Evans, if so, do you know the answer?

Mr Evans –

I'm not quite clear on the question. Could you repeat the question?

The Hon. Anthony Green –

Yes, I was thinking, in the preparation for this Bill, a lot of work has gone in it has been acknowledged, but wondered if any category of individual has come to light who could possibly claim they should have been given St Helenian status if they haven't been dealt with?

The Speaker –

.....anybody who, having amended to try and make sure you do catch.....is there anybody else, any other category of person who's not been caught?

Mr Evans –

Through consultation there weren't any other groups identified. I think previously, prior to the 2008 amendment which the Attorney General made comment on, there were groups that were identified and I think through many of the changes that have gone before those groups have been Our focus this time is on minors who are not able to gain St Helenian status in line with their parents and that was the only group that we identified since the last time.

The Hon. Anthony Green –

Thank you.

The Hon. Ken Baddon –

Just to add to that, because I was here for the 2008 changes. The biggest single category, and it's not hundreds of people by any means, two or three, but even on a basis of two or three it was the biggest single category, was people who were born off St Helenian parents in South Africa, but the St Helena parent was the mother and the father was South African and because of a quirk in the British Nationality law rather than our law, those people didn't quite find a status whereas if they were born in Cape Town with a St Helenian father and a South African mother they would get status, that was the main category that was identified and that was fixed in 2008.

The Speaker –

Thank you. Any other questions, Honourable Members. Councillor Francis?

The Hon. Stedson Francis –

What happens if a St Helenian mother has a child born on the RMS between here and South Africa?

The Hon. Ken Baddon –

I think we fixed that in 2008, because it doesn't refer to the place where a person was born, it just says born off the island, so if someone is born on the ship, they are born off the island, it doesn't matter whether they're on the ship or in South Africa or in the UK or Timbuktu, the point is they're born off the island and you've got a clear set of rules as to how you work it out.

The Speaker –

In which case, can I now put the question, or anything else you're not sure about?

Clause 2 to 8.

Question put and agreed to.

The Speaker –

I believe at this time, as we've got another Clause 8, the Honourable

The Hon. Ken Baddon –

Yes, Madam Speaker, can I formally propose and hope that someone will second it, that the second Clause 8 be renumbered Clause 9. Can I have a seconder?

The Hon. Derek Thomas –

I second it.

Question on amendment, put and agreed to.

The Speaker –

Right, now we can look at Clause 9, please.

The Hon. Ken Baddon –

Thank you, Madam Speaker. This is just minor, technical amendments. Clause 2, a grammatical error, it says “were” when it should say “was”. In Clause 3 (3) there’s an unwanted word “an”, so we get rid of that. Clause 16(3) needs to be amended because of one of the amendments we’ve already agreed, so it says currently, it contains a reference to Section 15 (3), it needs to say 15 (3) or (3) (a) and then 19 is a similar error to the one that we’ve just corrected actually, the numbers were wrong, there’s no subsection 2 or there is no subsection 2 in Section 19 so we’re just jiggling the numbers around to make them fit.

The Speaker –

Thank you. Blinded by science, Sir. Any questions on Clause 9?

Clause 9.

Question put and agreed to.

Council resumed.

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Madam Speaker, I beg to report that the Immigration (Amendment) Bill, 2013, passed the Committee with one amendment and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

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

The Hon. Mervyn Yon –

Madam Speaker, I beg to second.

The Speaker –

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

The Hon. Derek Thomas –

No, Madam Speaker. Just once again to thank the Honourable Members for their support to this Bill. Thank you.

The Speaker –

I put the question that this Council approves the Immigration (Amendment) Bill, 2013, and recommends to the Governor that it should be enacted. Does any Honourable Member wish to speak at this point? In which case, I rather think the Honourable Mover will not wish to respond to a non-existent debate.

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

The Speaker –

Next item, please?

Motion 6.2. The Honourable Derek Thomas, Chairman, Civil Society and International Committee.

The Hon. Derek Thomas –

Madam Speaker, I beg to move that the Elections (Amendment) Bill, 2013, be approved in principle and referred to a Committee of the whole Council.

The Speaker –

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

The Hon. Mervyn Yon –

Madam Speaker, I beg to second.

The Speaker –

Thank you. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Madam Speaker, the purpose of this Bill is to amend the Elections Ordinance, 2009, to delete the provision that divides St Helena into two constituencies and to further regulate provisions relating to answerability as electors and nominations of candidates. The Bill also introduces a number of technical and consequential amendments. Madam Speaker, this Bill came about as a result of Council expressing the view that there were members of the public who wanted to see an island council where they be given the choice to elect up to twelve candidates who they felt could serve them best on Council. This resulted in the consultation process with a series of radio information programmes and 2,400 questionnaires were made available to the public. It was disappointing that only 123 were completed and returned, the majority of which showed that the public wanted to see an island council as opposed to two constituencies. Despite such a low response, Council decided to act upon this information. This change will allow the public at large to nominate people of their choice to serve them as a Council. However, Madam Speaker, there is concerns from the public that certain popular Councillors may have a greater workload than others when it comes to dealing with constituency issues. This should not be ignored since it is the public who put the Councillor in office in the first place and it might be, Madam Speaker, the new Council would consider how best to work out district responsibilities. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. I put the question that the Elections (Amendment) Bill, 2013, be approved in principle and referred to a Committee of the whole Council. The question is open for debate. The Honourable Stedson Francis?

The Hon. Stedson Francis –

Thank you, Madam Speaker. I rise in support of the Elections (Amendment) Bill, the main amendment being that of changing the law to allow for a single constituency meaning that all those persons on the electoral roll and who are eligible to vote will then be able to vote for up to twelve candidates from all who have been nominated to stand for election island-wide, which is different to what we have at the moment where we have two constituencies with six Councillors representing the West and six representing the East. When I first joined Council in July 2001, Madam Speaker, there were eight constituencies with one Councillor

representing each district, with the exception of Jamestown, Longwood, Half Tree Hollow and St Paul's which had two Councillors and I know there are some people who still believe that this was a good system. In 2005, the island was divided into two constituencies and here we are today moving a Motion to vote for a single constituency. The Home and International Committee led on a public consultation on two potential reforms; the first was relating to reducing the voting age to sixteen, but there was little enthusiasm for this, but there was wide public support for a single constituency and I give my support to this Motion also, Madam Speaker.

The Speaker –

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

The Hon. Mervyn Yon –

Thank you, Madam Speaker. This amendment of the Civil Society, Home and International Committee, I rise in support of this Motion, Madam Speaker and just to say that the purpose of this Ordinance is to amend the Elections Ordinance, 2009, to delete the provisions that divide St Helena into two constituencies and to further regulate provisions relating to eligibility as electors and nominations of candidates. The Ordinance may also introduce a number of technical and consequential amendments. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Madam Speaker. I can support the Bill where the main changes to allow St Helena to have a single constituency. I have previously preferred two constituencies and perhaps part of me still does, but I've come to accept that really much of the work we do these days is really affecting the whole community. Also many constituents have spoken to me since the last General Election and they too prefer a single constituency, but I'm sure that if the proposed legislation is passed we could have some sort of informal agreement for individual Councillors to have the main reference points in various districts. Madam Speaker, I support the Bill.

The Speaker –

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

The Hon. Rodney Buckley –

Thank you, Madam Speaker. I rise in support of the Bill and it is pleasing to hear other members also supporting the Bill; it is years overdue. In fact, it was the wishes of the people by a clear majority in the 2005 consultation for one constituency during the consultation of the ministerial proposal and again the people's wishes during the 2009 constitutional change. The Government respected those views from the 2005 consultation for one constituency, so much so that they included it in the 2009 constitutional change, which remains so today. In 2009, a stalemate in this House ended with the status quo not to move to one constituency, and, hallelujah, it cost a few seats in this Council today for not listening to the people. It is beyond reasonable doubt that the majority of the people with no self interest feels that a one constituency is the right way to go in improving political workings of the island. The only thing that came out of the two constituencies at the last election was to deny the people their

democratic right to vote for the candidate of their choice, and, it created two groups of Councillors, no different to the atmospheres of the them and us of the previous Councils, in fact, it created the situation we have today with the membership of Executive Council and Council Committees, no leadership and no LegCo opposition. Honourable Members, for seven years, this proposal has been on the table, supported by the majority of the voters, let their representatives today not again throw water in their faces, let us respect their wishes and move the island forward in what is believed by the majority of the people to be the right way forward. Madam Speaker, I support the Bill.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, I rise in support of the Motion, I, like Councillor Francis, recall working in one district constituency and moving over to the two districts and then now we're at the one constituency. I welcome the proposal, I know a lot of people out there welcome it and I just hope that it works as planned. I support the Motion. Thank you, Madam Speaker.

The Speaker –

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

The Hon. Christine Scipio-O'Dean –

Thank you, Madam Speaker. I believe that the single constituency is the right way forward for the island, so I support the Bill.

The Speaker –

Thank you. Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Madam Speaker, I support the Bill. It is the way forward, but as we have heard, Madam Speaker, the people have spoken, they want one constituency, who am I to go against that. Thank you, Madam Speaker.

The Speaker –

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

The Hon. Derek Thomas –

Just to say, Madam Speaker, I just want to thank the elected members for their support on this Bill.

The Speaker –

Thank you.

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

The Hon. Derek Thomas –

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

The Speaker –
Is there a seconder, please?

The Hon. Mervyn Yon –
Madam Speaker, I beg to second.

The Speaker –
Thank you, Sir.

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

Council in Committee.

The Speaker –
I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill.

The Hon. Ken Baddon –
Madam Speaker, again, probably no need for an explanation. Again, we have no commencement date here, on this occasion that's because commencement can be on the day that the thing goes into the Gazette, which will probably be about a week from now.

The Speaker –
Thank you. Any questions?

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Speaker –
I put the question that Clause 2 do stand part of the Bill.

The Hon. Ken Baddon –
Madam Speaker, this is the critical clause, most of the others are really just tidying up. This is the one that enables us to go to one constituency. Section 30 of the present Ordinance is repealed by this clause. It is section 30 that says we must have two constituencies and then we revert to the definition of constituency in section 2 of the present law and we need to allow for the fact that it may be one constituency because by oversight currently it is assumed that it will be at least two, so we simply put that right. So this is the nuts and bolts of the Bill, clause 2 enables us to go to one constituency.

The Speaker –
Thank you. Any questions, Honourable Members?

Clause 2.

Question put and agreed to.

The Speaker –

I don't wish to do what I did last time and get criticised for taking all of the sections at once, I'll put the question that clause 3 do stand part of the Bill.

The Hon. Ken Baddon –

Madam Speaker, this is pure administration. I don't want to anticipate, but when we get to clause 7 it repeals something called the Elections Transitional Provisions Ordinance, 2005. That is a one clause Ordinance, well, two if you include the title, which says virtually exactly the same wording as we have in clause 3 of the present Bill, so we just bring everything back together, putting it into one piece of legislation. And what it is to do with is the fact that we now know, because clause 2 has been passed, we're linked with one constituency, currently we have two electoral registers, this clause gives the Governor power to give the necessary directions for those two registers to be combined to enable a single election to take place.

The Speaker –

Thank you. Any questions, Honourable Members?

Clause 3.

Question put and agreed to.

The Speaker –

I put the question that clauses 4 and 5 do stand part of the Bill.

The Hon. Ken Baddon –

Madam Speaker, clause 4 is purely clarification. It replaces an obsolete reference to the Immigration Control Ordinance, 2008, with the current Immigration Ordinance, 2011 and then it makes the amendment to section 4, subsection (2) which is literally just about clarification. The present wording has caused some confusion from time to time. What it's about is that when you're looking at whether someone can be on the Register of Electors and they're not actually physically here in St Helena, if they're off the island, normallyoff the island because they're on training or receiving medical treatment, then they can still get put on the Register. As I said, the present wording is a little bit ambiguous so we're clarifying it and then Eligibility for Nominating Candidates, we're changing Justice of the Peace with little letters to Justice of the Peace with capital letters and similarly Returning Officer, it really is grammatical stuff that could have been done by a Gazette Notice, but we're taking the opportunity to put it in the Bill. And, again, a clarification of the rules, about how many signatures there must be on a nomination form.

The Speaker –

Any questions?

Clauses 4 and 5.

Question put and agreed to.

The Speaker –

I put the question that Clauses 6 and 7 do stand part of the Bill.

The Hon. Ken Baddon –

Madam Speaker, section 6 is purely a grammatical correction, the word ‘candidate’ appears when it should be ‘candidates’, in the plural; and clause 7 is the one that I’ve already mentioned, repealing the provision which is now covered by clause 3 of this Bill.

The Speaker –
Any questions, Members?

Clauses 6 and 7.

Question put and agreed to.

Council resumed.

The Hon. Derek Thomas –
Madam Speaker, I beg to report that the Elections (Amendment) Bill, 2013, passed the Committee with no amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

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

The Hon. Mervyn Yon –
Madam Speaker, I beg to second.

The Speaker –
Thank you. Does the Honourable Derek Thomas wish to speak again to the Motion?

The Hon. Derek Thomas –
Just to thank Members, Madam Speaker, for their support to the Bill.

The Speaker –
Thank you. I put the question that this Council approves the Elections (Amendment) Bill, 2013, and recommends to the Governor that it should be enacted. Does any Honourable Members wish to speak at this point?
In the absence of any debate I shall not bother to invite the Honourable Mover to respond.

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

The Speaker –
Next item of business, please?

Motion 6.3. The Honourable Mervyn Yon, Chairman, Infrastructure and Utilities Committee.

The Hon. Mervyn Yon –
Madam Speaker, I beg to move that the Utilities Services Bill, 2013, be approved in principle and referred to a Committee of the whole Council.

The Speaker –

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

The Hon. Derek Thomas –
Madam Speaker, I beg to second.

The Speaker –
Thank you. The Honourable Mervyn Yon?

The Hon. Mervyn Yon –
Madam Speaker, Honourable Members, the Utilities Services Bill, 2013, is a short Bill consisting of fifteen clauses and the purpose of this Bill is to put in place a legal framework within which public utility services can be provided by a private sector operator instead of by Government. The operator will need a licence issued by the Governor in Council and will be regulated by an independent Utilities Regulatory Authority. The Authority will issue directives to the service provider covering things such as service quality, compensation for service failures and terms and conditions of service. Provision is made for the Governor-in-Council to continue the past practice of subsidising utility services. The assets currently used in connection with the supply of utility services will be transferred to the new provider in return for company shares or assets and various changes are made to the Water and Electricity Ordinance to make them compatible with the new system. The divestment of utilities has been planned for many years with increased levels of activity over the last two years to make it a reality. The divestment of utilities will allow a new company, Connect St Helena Limited, to make the most of the investment opportunities that are available and with the removal from Government's red tape will allow further economies to be realised. Some of this funding can be channelled back into supporting and advising the few members of the public that have difficulty in paying their bills and lowering of cost reduced untargeted subsidies that is a commitment under the Airport MOU, so a new company will strive to operate more effectively and more efficiently and be able to support vulnerable members of the community. At the moment, diesel prices, low inflation and low demand for energy are all increasing. To counter these impacts, it should lead to an increase in the cost of utilities. The Government needs to put in place additional investment, efficiencies and assistance for the most vulnerable. SHG is progressing with plans to remove from immediate direct Government control the provisions of water and electricity services that are provided for homes and businesses. It has set up Connect St Helena Limited to deliver utility services for the future. The Company is limited by shares and over time it is expected that investors will take an interest in this company and the business will work towards being a true part of the private sector. Being released from the system of red tape of central Government will allow the Company to operate in a much more commercial way. However, the Government will make sure that it doesn't mean that the Company can cut important services or radically change the charging policy. The core of the employees will transfer across from Government so that all of the knowledge and skills necessary will transfer with them. A new Regulator will be in place to control the levels of service, drive forward with efficiencies and have mechanisms in place for controlling the increase in charges. The intention behind the divestment of the utility services is that no-one will be adversely affected. On 31st March, 2013, if someone turns on the tap they expect water and on 1st April if someone turns on that same tap they will still expect water. The same is true for electricity. Over time efficiencies and investment in the infrastructure should permit the Government to step back from the current levels of subsidy. At the moment, it costs SHG a subsidy in the order of £1.5 million a year to deliver water and electricity to homes and businesses across St Helena. Over time this will reduce, allowing this money to be spent on other priorities, but the public should not

see any changes as a result of this. The changes to the management of the services takes place on 1st April 2013, but customers should see no difference at all. Over time, further efficiencies, cost savings and the use of newer technologies will all slow down and the increase in the cost of electricity, and, to a lesser extent, water, which at the moment is very dependent on the cost of diesel delivered to the island. Over time, it is expected that further efficiencies and economies will arise to moderate the cost that would be incurred otherwise. This will help restrain the increase in cost, although we don't expect the cost will actually fall. Further investments in wind turbines is underway and a third ...?.... is being planned if we can utilise the airport construction plant on the island to facilitate large-scale construction. We are investing in water improvements with water treatment works and in new pipelines to assist further housing and commercial development and improved quality. These investments will not have to be funded by the Government for the Company or the general members of the public. They are being supported by the UK's Department for International Development, DFID. A question that came from a public meeting was, why do we need to make these changes now? A better question might be, why not these changes now? Preparations have been underway for many years now. Although there are a number of loose ends to tie up to enable the Company to reach this stage, they are now ready to leave Government and get on with their job and a great deal of enthusiasm exists to make it work, both within Connect St Helena, Trans...?and St Helena Government. In terms of divestment, the Power Station has undergone a mid-life refit and work is underway to improve water quality by investing in new water treatment plants and pipelines. Investment will continue and an additional 480 kv of wind generation will be installed by the end of 2013. Divestment will not allow freedom over how the work is managed and delivered, but still retaining the quality and reliability of the service. New diesel generators and additional wind turbines will allow energy to be produced more efficiently and with greater reliability. New water mains will reduce the amount of water leakages and although the same amount of water will be delivered to homes and businesses thus water will have to be treated through new, more efficient treatment works, so reducing the cost of the production of water. St Helena Government has estimated that finances required to provide utility services over the next three years 2013/16 and thus Connect St Helena would require over the same period is as follows:- SHG's requirement for 2013/14 - £1.314,285; 2014/15 - £1.072,069; 2015/16 - £831,027. St Connect's requirement over the same period - 2013/14 - £1,079,878; 2014/15 - £840,902 and 2015/16 - £656,893. Potential benefits of divestment for 2013/14 - £234,407; 2014/15 - £224,134; and 2015/16 - £174,134. This amount is through the savings of £632,708 over the three-year period. These set?.... efficiencies will be matched by further improvements in the way human resources are applied. The new enterprise management system will enable a smarter method of working to an immediate benefit in the significant production in the administration overheads. Madam Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. I put the question that the Utility Services Bill, 2013, be approved in principle and referred to a Committee of the whole Council. The question is open for debate. Any Honourable Member wish to speak? Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Madam Speaker. The idea of divestment has, indeed, been on the books for many years now; as we have heard, that the policy to divest was agreed about a year ago. I think we all accept that utilities are a service that doesn't have to be provided for by the Government. Divesting to a new company, Connect St Helena, wholly owned by the Government, may not appear to be too much of a separation, but it is a first step which should

pave the way for benefits in the long term and also the possibility of privatisation in due course. Managing electricity and water as a business, as opposed to running it as a Government Department, will certainly make sure it will be done more efficiently. The financial projects itself, will also, as we've heard, over time will reduce the subsidy that Government pays out towards these services. Madam Speaker, a lot of discussion to get to this point and, in fact, it was actually agreed some time ago that this should have happened, come into force on 1st April 2012, so still further work has been done and the idea is that if this Bill is passed it will come into force on 1st April 2013. It should also be reassuring to the public that the Regulator will be independent and cannot be influenced by either the Governor, the Councillors or, indeed, anyone else. We've also heard that if this Bill is passed by the House, and the fact that services will be provided outside Government, that the St Helena Government also intends to continue paying subsidy for the foreseeable future. Madam Speaker, I support the Bill.

The Speaker –

Thank you, Honourable Member. The Honourable Stedson Francis.

The Hon. Stedson Francis –

Madam Speaker, I give this Motion my support. In recent years, divestment seems to be the modern name, but electricity going private is not something new. Divestment of utilities, or, at least, privatisation of electricity has been talked about for many years, probably in excess of thirty years and there must be many reports on this around gathering dust. The global recession is lasting longer than the United Kingdom Government first thought. DFID funds the airport and St Helena does all it can over time to become less reliant on budgetary aid with the opportunity to create a better future. The Divestment Plan was included in the DAPM negotiations in January last year, 2012 and if the Utility Services Bill is approved today, this will enable clarity on the true cost of services leading to the work on the removal of untargeted subsidies. Utility service is not a core business of Government and divestment should go some way in growing the private sector and, indeed, the economy. Madam Speaker, the regulatory functions of this divestment needs to be clear and transparent. A Regulatory Authority will be established with the Chief Magistrate as Chairman and other members appointed by the Governor, but these members may not be a member of LegCo or a Director or employee of the Utilities Provider. The Utilities regulatory body is key to the divestment of utilities as they may impose requirements, including the quality and standard of the service, the compensation paid if standards are not met, the maximum charges ...?....by the provider in such matters as may be prescribed. What we need, Madam Speaker, is the minimum wage to kick in as well and we await Roy Sainsbury's report where hopefully the benefits system can be adjusted to those in need. Thank you, Madam Speaker.

The Speaker –

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

The Hon. Rodney Buckley –

Thank you, Madam Speaker, Honourable Members. Members will recall one of our recent visitors to the island, when speaking in relation to airport development, he said, the island is no longer in a chicken and egg situation, the egg is already broken. The same situation now applies to the divestment of utilities, the egg is already broken and we have to get on with it. The Bill before us, for me, is indeed a very complex piece of legislation and I'm well aware that its main principle is to provide a fair and balanced legal framework within which the

private sector company cannot ...?...ate whilst delivering quality services to its utility users. Perhaps the most important factor for the island is to ensure that the legal framework is adequate to prevent the company abusing its monopoly position and taking advantage of its customers to protect their own ends and its own operating financial position. Electricity and water is the backbone of the island, both in social life and in industry. Large hikes in an already high electricity price, which may well be the highest in the world, will kill off both users in a very short space of time. Cost of electricity has been allowed to get out of hand over the past twenty years for the very fact that the expansion of the two phases of the Bulk Fuel Farm in Ruperts, Phase 2 in 1992 and Phase 3 in 2003, to expand the Fuel Farm. This was not put in hand and this was through pure lack of long-term vision and a weak political structure, not having the strength with the authoritative leadership voice to call the shots. Reflect, Honourable Members, for the moment, it was even before 1992 that the Administration called all the shots on the island's budgets. That unacceptable governance changed only by taking up office of this Council today in dealing with four annual budgets in the last three years and if nobody else won't tell you, I will applaud you all for standing up and being counted and taking control of the island's financial affairs even though the stress levels clearly demonstrated Member's fears and you could see the fear on their face, can I cope with this change? It added many grey hairs to our Members, but I have to say, everybody pulled through. The funding that was put aside for the Bulk Fuel Farm expansion in 1992 and followed up in 2003 was, we'll fund that account to the account of the revenue of the island, hence no expansion to the Bulk Fuel Farm to keep our prices down. As a result of this early short-sighted vision, to date taxpayer faces subsidies which has to be picked up in all of the island's recurrent budgets, and I note the Mover's mention just now of £1.5 million subsidy, but if we take into account all the bills that goes around from the other departments and from the overheads of Government, the real subsidy is in excess of £2 million. It is a no boner that such a large subsidy cannot be allowed to continue, and why should the taxpayer have to continue to fork out for all these subsidies? It has therefore been decided that to correct that situation it has been concluded the best way forward for the island is a private sector company with the expectations that serious efficiencies can be made by not having to deal with the bureaucracy of red tape of the Government, as we heard the Honourable Mover mention in his address. It will be in everybody's interest on the island to ensure that the new company is making every effort to deliver efficiencies and quality. This framework is the start to do just that. I agree that this legal framework is intended to keep the new organisation on the straight and narrow, but I do hold the view that it will require fine tuning in the next two years. My rationale for this view is because the legal interpretation of the legal language relating to each of the different sections of the Bill is beyond my legal brainpower, that I guess is the reason for my branding it as complex. However, Madam Speaker, Honourable Members, we must move the island forward, I consider it our duty as elected members to do whatever the majority of all stakeholders involved consider it in the best long-term interest of the island as a whole. This assessment is my opinion as it covers both social society and the island's industries. It has also taken into account that without economic growth the social fabric of the island will not improve. Madam Speaker, when we move to Committee stage, I'm afraid my contribution to the debate will be small, but I do believe, because we must move to the next stage, and if we get it wrong, then it must change again and if anybody says to me 'I told you so at the time', I will gratefully accept their comment. Madam Speaker, I will support the Bill.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Madam Speaker, I rise in support of the Bill. It provides for the establishment of the Utilities Regulatory Authority and to create the legal framework to facilitate private sector provision of public utility services. The divestment of utilities into the private sector is part of the Government's long-term plan to eliminate untargeted subsidies. Part of our long-term partnership with the British Government is to see a gradual reduction in British Aid over the coming years. Utilities is a big name ticket, it is heavily subsidised. With the divestment of utilities to the private sector, there will be a greater level of flexibility to reduce efficiencies in a range of different ways; greater flexibility on procurement, greater efficiencies with employees than the Public Sector. Although Government will own all shares of the Company, in the future investors might want to buy some of the shares. This can be achieved by putting money into the Company in order to improve efficiencies, for example, purchase of extra wind turbines. The divestment will be of benefit to the island in that the Government level of subsidy to the new Company will decrease over the years. This will free up money which can be used in other essential areas. With the divestment, the public will be able to see the true cost of the utilities, which has been recognised that once the true cost is properly established most households might have great difficulty in being able to afford the actual cost of the utilities. Government has made a provision in the law that level of subsidy to the new Company should be.....there will be a provision that Governor-in-Council can support the costs of utility charges, therefore there will be adequate safety measures built in to protect poor and vulnerable people. The Board of Directors will be appointed by Government to run the Company and I do hope that policy of the Company will contain elements of succession planning to identify local people with potential to be trained with the necessary skills and abilities, identifying what further training needs is required to be able to take over key positions within the Company over the coming years. Thank you, Madam Speaker.

The Speaker –

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

The Hon. John Cranfield –

Thank you, Madam Speaker. As a member of the Infrastructure and Utilities Committee, over the past year, divestment of utilities was high on our agenda and having seen that divestment would be very much in the island's favour, I gave the divestment my full support. Madam Speaker, my stance hasn't changed though on divestment and I therefore give my full support to the Utility Services Bill. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member, Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam Speaker, I support the principles of divestment, I don't have a problem with that, I've been very much involved from Day 1 as a member of the Utilities Committee, but over time things have changed, management has changed and I do have some concerns about that, the implementation of the Board, which the Ordinance will refer to, the public are still not very clear, there have been information meetings around the island, but the public is still not very clear, they are our main customers, I am concerned that there are provisions in place for protection of the vulnerable, we had on the island Mr Sainsbury who has looked into it, we've had social impact studies carried out, but it still doesn't clearly demonstrate or display before

me a lot of the concerns I have. I understand from the sentiments around this table that this Motion will go through, but at this stage I do have some difficulty, not with the Ordinance, but from the management side, from the operational side and the reduction in subsidies over such a short period as three years. I do have some concerns. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? The Honourable Cyril Gunnell?

The Hon. Cyril Gunnell –

Thank you, Madam Speaker, I did have, Honourable Members will know that I did have some concerns about all of this when we started talking about it and I have to agree that divestment is the way forward. I was of the opinion that we shouldn't have the electricity and water divested unless there was, of course, a social impact assessment carried out so that Councillors could have a look at what was in that and to see if people could afford to pay for what is going to be some increased charges. Well, of course we do know that there is going to be an increase in electricity and water charges come 1st April 2013. That's got nothing to do with the divestment itself, that is something that had already been agreed to, but my concerns would be that the tariffs would go up to such an extent that they couldn't be afforded. We expect the Regulator to be able to make certain that that is not the case, so there are some mitigation measures in place. We welcome, I hope, there's going to be a minimum wage coming in, that will help some people and as some of my colleagues have already said or mentioned Roy Sainsbury who has been to the island and is reviewing the benefit system, I am pretty certain, Madam Speaker, that coming out of that there will be an increase in the level of benefits and I would certainly hope that the increase in the level of benefits is significant and have to wait and see what actually happens in that regard, Madam Speaker, but we do live in hope. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the Motion? I'll invite the Honourable Mover to reply to the debate?

The Hon. Mervyn Yon –

Thank you, Honourable Member. First of all, I must say I am very impressed by the support of the majority of the Honourable Members in taking forward the Utilities Bill, in particular, the issues raised relating to divestment, and I thank them for their full support, Madam Speaker. I would also like to remind my Honourable Friend, who is a member of my Committee, Councillor Isaac, that the plan is for subsidies to be eliminated over a ten-year period and not a three-year period as Councillor Isaac anticipates. I hope that he will remember that that was discussed within our Committee stages. I would also like to thank Councillor Green for his input, Councillor Francis and all other members, Buckley, Thomas, the remainder of them, Madam Speaker, and I don't think I have anything further to say, no further than once again to say thank you to all of the members who supported this Bill.

The Speaker –

Thank you, Honourable Member.

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

The Hon. Mervyn Yon –

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

The Speaker –

Is there a seconder, please?

The Hon. Derek Thomas –

I beg to second, Madam Speaker.

The Speaker –

Thank you.

Question that Council do resolve itself into a Committee, put and agreed to.

Council in Committee.

The Speaker –

I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill. Any questions on the Title, Enacting Clause and Clause 1?

The Hon. Ken Baddon –

Madam Speaker, this one, the first one today, does specify commencement date, that is deliberate because the date scheduled for the commencement of the divestment of utilities is 1st April so that is the date on which it needs to come into force.

The Speaker –

Any questions?

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Speaker –

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

The Hon. Ken Baddon –

Madam Speaker, the Honourable Deputy Speaker, when he was in a different capacity, once described the Interpretation Section as being like a dictionary and that's exactly what it is. One point which I might make, this particular version of Clause 2 is that the Chief Magistrate, who, as we shall see in a moment, will be Chairman of the Regulatory Authority, has expressed concern that the definition "public utility services" might be too wide. It was deliberately prepared in that way so as to be robust, but we have a subsection (2) which allows regulations to be made which create exemptions and we shall be looking at that over the course of the next month or so to see whether we need any such regulations. We shall also, because its regulations, be able to move fairly swiftly if we find that we've missed something once the thing actually comes into force, so it's deliberately robust but with a kind of get out of jail free card, for anyone who knows monopoly, so that we can respond quickly if we find that we've failed to exempt something which should be exempted.

The Speaker –

Any questions, Honourable Members?

The Hon. Rodney Buckley –

That just reinforces my exposition, Madam Speaker, that we might well need to refine this in the next two years.

The Speaker –

Councillor Gunnell?

The Hon. Cyril Gunnell –

No, I may have been going asleep, but when I heard exemptions, the Honourable Attorney General mentioned exemption, it wasn't clear enough for me to understand what the exemptions would be.....what are they, Attorney General?

The Hon. Ken Baddon –

Okay, I'll give you example, well, one of the examples that was given to me by the Chief Magistrate in his note to me. It is possible, he said, that the current electricity and utility services, which includes the distribution of water, would catch someone selling water in bottles in a shop or supermarket. I actually think he's wrong, but the ability to create exemption in subclause (2) is if he manages to persuade me that he's right and I'm wrong, we can move swiftly to correct it, because we don't want to be regulating the sale of water to shops and supermarkets. What we want to be regulating is the collection, storage, treatment and distribution to the public infrastructure.

The Hon. Cyril Gunnell –

I thought someone could be exempted from paying, Madam Speaker.

The Speaker –

I'm sure you'd receive a lot of support for such a suggestion.

The Hon. Rodney Buckley –

And if the utilities company bottles it and sells it through his shop?

The Hon. Ken Baddon –

Well, they already have their licence so it won't matter. The purpose of the definition is to define who it is that needs a licence, so if they've got their licence, which they have, and they sell it through the shops then that actually is covered, well, they've got their licence so it doesn't matter, but it will be the other shops that will be worried and, as I say, we can move very quickly to correct it if the Chief Magistrate can persuade me that he is right and I'm wrong. At the moment, I think he's interpreting the public utility definition too widely, but he and I will have that discussion and if necessary we'll have some regulations between now and the 1st April to fix it.

The Speaker –

Thank you. Any other questions?

The Hon. John Cranfield –

Madam Speaker, I stand to be corrected, but if the Attorney General could just clarify, under Utilities Provider, second line after “services in St Helena”, semi-colon and it goes down to “and words for expression”. Should the “and” be up on the other line or no?

The Hon. Ken Baddon –

No, I’m happy with it where it is because it captures all three of the previous definitions and not the last one.

The Hon. John Cranfield –

Alright.

Clause 2.

Question put and agreed to.

The Speaker –

I think probably the easiest way of handling this now is to take each Part, which will mean I’m going to take Clauses 3, 4 and 5 next. I put the question that Clauses 3, 4 and 5 do stand part of the Bill.

The Hon. Ken Baddon –

Madam Speaker, this is the part which establishes the independent Regulatory Authority. Honourable Members, when we were discussing this informally before Christmas were very keen that this Regulator must be demonstrably independent of Government and it was from Honourable Members’ that we had the suggestion that a part of the way to demonstrate that would be to have the Chief Magistrate as the Chairman. One had to get his agreement and that of the Judicial Service Commission to involve him in this and those agreements have been forthcoming. The other members will be appointed by the Governor, but acting in accordance with any policy under subclause (3) made by Executive Council as the kind of skills and experience that needs to be represented. The background to that is that during those discussions informally with Councillors we were looking at the fact that we will need someone who can understand social impact, someone who can understand economic impacts, someone who knows how generate and distribute electricity, someone who knows how to collect, treat and distribute water, someone who knows how to regulate those things and some of these skills are available on the island within the central services department. We have economists, we have a social planning adviser, so those expertises are available locally. Of course, we cannot use the current Head of Energy or Head of Water because they will be Directors of the Company, we need someone independent of them, so to get that kind of expertise we are likely to need to call down from the UK, relying on the promises in the most recent White Paper on Overseas Territories and the initial signs are that we shall be able to get that support and the Chief Magistrate, who is going to UK for various work activities and training in the near future, has already made arrangements to meet representatives of the UK Regulators to see what experience can be gained from there, so, independent regulator. A very important subsection in Section 3 is subsection (6) which is based upon some provisions from the Constitution. It says that the Regulatory Authority shall act independently and shall not be subject to control of the Governor and Executive Council or any other p...?.....authorities and this is what Members wanted when we discussed this informally before Christmas, this Regulator must be independent. Clause 4, I’ll try to speed up a bit, having set the scene. Clause 4 sets out the kind of things that the Authority are supposed to take into account; protecting people against unreasonable prices and unreasonably low levels

of service. Prices charged should not create unreasonable hardships or hinder economic activity; motivating the utilities provider to improve the quality of service. Those are examples of things which are listed as things that the Regulatory Authority must take into account. And then when we get to subclause (5), the Powers of the Authority, they can issue directives which will set quality standards, can provide for compensation, which might be **permits** or it could be a reduction of charges to compensate consumers when those service standards are not met. Set out terms and conditions of service, the contract, if you like, between the utility provider and its customers. So all of those things are set out. There's a power in subclause (5) which was not in the draft that went to public consultation, it was spotted during public consultation that the Regulator didn't really have any teeth so we now have a new subclause (5) whereby the Regulator if the utility provider fails to comply with a directive will be able to impose a financial penalty. That would need to be exercised with caution of course because it mustn't have the effect of increasing prices, but it's a power that's there. I do need to propose an amendment, Madam Speaker, to the proviso in subclause (3) of Clause 5, it can.....read right at the moment. So the proviso begins "provided that if a term or condition or a licence is lawfully amended." In the second line, the word "and" needs to be "any", so any directive and then delete the word "was" and at the end of that line delete the words "such" and "directive" so that the whole thing then reads "Provided that if a term or condition of a licence is lawfully amended or additional terms or conditions are imposed any directive issued prior to the amendment shall prevail over the amendment". This was a point raised by the Chief Magistrate who said we can't have the Governor in Council effectively overruling the independent regulator because the whole idea is that the regulator should be independent, so it's tidying up the?.....and also making clear that if the Governor in Council doesn't like a directive they cannot override it by imposing a different licence condition. So, if I just repeat, in the middle, second line of the proviso, "and" becomes "any", "was" is deleted and the words "such directive" are also deleted. Can someone second it, please?

The Speaker –

Is there a seconder to the amendment, please?

The Hon. Mervyn Yon –

I beg to second, Madam Speaker.

The Speaker –

Thank you, Councillor Yon.

Question on amendment to Clause 3, put and agreed to.

The Hon. Ken Baddon –

Thank you, Madam Speaker. I don't have anything further to say about that group of clauses.

The Hon. Cyril Gunnell –

Can I ask a question, Madam Speaker, about Clause 4, Objectives and duties of Authority", of course this is in regard to the Regulatory Authority, and 4 (1) (a) and Honourable Members will know that I've asked this question before, I don't think I've had an answer that satisfied me, but it says that "ensures that users of such services are protected from both unreasonable prices" which I can well understand what unreasonable prices are and it goes on to say "unreasonably low levels of service". I've never been able to get a clear definition of that, Madam Speaker. What is meant by unreasonably low levels of service?

The Hon. Ken Baddon –

Madam Speaker, the intention is that the Regulatory Authority will decide what it considers to be unreasonable and will issue directives accordingly. It will be possible to have a decision of the Regulatory Authority challenged by application to the Supreme Court, but we don't get to that until we reach Clause 10.

The Hon. Cyril Gunnell –

I'm bamboozled with words, Madam Speaker, somebody else then will decide what is unreasonably low. My way of looking at things, I know when there is a low service, when is something unreasonably low, you know, a straightforward question to me, but I can't seem to get a straightforward answer.

The Speaker –

I think you had a straightforward answer, it's just that you probably don't like the answer presumably.

The Hon. Cyril Gunnell –

That is possibly correct.

The Speaker –

I don't know whether the Honourable Ken Baddon wants to try and clarify it a bit?

The Hon. Ken Baddon –

I think I explained in a previous informal meeting that you could, in theory, put on the face of legislation that it's unreasonable for the Electricity Authority to supply at forty-nine hertz rather than fifty, but that's too strict to be written into the law and it might vary from one part of the island to another because of the different qualities of infrastructure in different parts of the island, so someone, the Regulator, has the flexibility to set out some guidelines by way of directives under Clause 5 and they can be flexible, they might say rather than forty-nine's unacceptable, anything, I'm picking it out of the air just for an example, they might say that it's got to be fifty hertz plus or minus two percent either way, they might say that for one part of the island and something different for another part of the island, because you've got to take into account the whole circumstances and arrive at something which is reasonable, that's why the word is there and if someone wants to argue that they've reached the conclusion that no reasonable regulator could have concluded then they go to the Supreme Court and challenge it.

The Hon. Cyril Gunnell –

Madam Speaker, I don't want to prolong this too much longer, but if I'm getting a power cut, power outage every half an hour I would consider that as being low service, but what would be unreasonably low service, you see, this is where I'm coming from, is that a power outage every two minutes?

The Hon. Ken Baddon –

That's why Clause 5 says that the Regulator mayset quality and standards of service, so one of these directives might say that a consumer who suffers more than one power cut in any seven-day period gets an abatement of their bill, for example.

The Hon. Cyril Gunnell –

Thank you.....

The Hon. Ken Baddon –

Anyway, that's an example, I'm not saying that's what they will say, just what they might say.

The Speaker –

I could see Councillor Gunnell looking much happier at that thought.

The Hon. Cyril Gunnell –

Madam Speaker, I look forward to making a proposal against some kind of debate sometime, Madam Speaker.

The Speaker –

Councillor Francis?

The Hon. Stedson Francis –

I know we've passed Clause 5, but since Councillor Gunnell raised the issue on Clause 4, I'd just like to say in 5 (b) they talk about paying compensation if the service provider does not meet the standard so set, I wonder where can we find those standards to refer to?

The Hon. Ken Baddon –

Well, I think that's the point, the Regulator lays down all these things in the directives. The Regulator will say if you get more than one power cut in a week you.....?..... fifty percent reduction in your bill for that quarter, that's just an example, don't quote me, but that's the point, the Regulator is appointed to deal with that kind of thing, it's too much detail for us to deal with around LegCo.

The Hon. Stedson Francis –

At least we know where to go now when I get a power cut.

The Speaker –

Yes.

The Hon. Cyril Gunnell –

You said fifty percent, did you?

The Speaker –

Any other questions on Clauses 3, 4 and 5?

Clauses 3, 4 and 5 (as amended) –

Question put and agreed to.

The Speaker –

I put the question that Clauses 6, 7 and 8 do stand part of the Bill.

The Hon. Ken Baddon –

Madam Speaker, this is the first group of clauses in Part III which are about licensing of utility providers. I'll keep this as brief as I can. The current law says that nobody can provide water or waste water disposal other than the Water Authority and nobody can sell

electricity other than the Electricity Authority. What we need to do now is to say that somebody outside of Government can do those things, but we don't want every Tom, Dick and Harry doing it, forgive the colloquialism, because otherwise we end up diluting the market and we well know that it is impossible to make a profit on this as things stand at the moment anyway, even though we're a monopoly, so the process is based on what we do with telecommunications and broadcasting, these services can only be provided by someone who gets a licence from the Governor in Council and that's clause 6(1). Then we turn over the page and we find that the licence can be for up to ten years and the requirement in subclause (4) is that the utility provider must comply with the directives of the Authority, comply with the conditions in the licence and there's a reference to the fact that if the utility provider is authorised to provide electricity then the Electricity Ordinance will apply and if they're authorised to deal with water the Water Ordinance will apply. We all know that the short-term intention is that there will be one utility provider, Connect St Helena, which will do both water and electricity, but some flexibility has been built in there for the possibility that before we get round to revising the Ordinance, and I just interject that I do accept Councillor's Buckley's point that we probably will need to do some fine tuning on this within a year or two, but just in case we find that it actually works beautifully and we don't start amending it, we've got the flexibility to have two separate utility providers or even more than that. Then Clause 7 is the one that says that nobody....., where a person who doesn't have a licence can provide utilities with a maximum sentence of two years imprisonment or a fine, there's no amount of the fine, that means that the Supreme Court can impose an unlimited fine according to the means of the offender to pay. Clause 8 is based on the corresponding provision in the Telecommunications Ordinance about revoking licences if there is substantial and continuing breach of the licence conditions or the Ordinance and it's been modified slightly to reflect the particular circumstances of utilities, but it's essentially the same in substance as what we already have for telecoms.

The Speaker –

Any questions, please, on Clauses 6, 7 and 8? Councillor Henry?

The Hon. Earl Henry –

Thank you, Madam Speaker. Clause 7, Madam, I think I've raised this before, in terms of communal action within the community, especially with waste water disposal. Does this prohibit any group of residents from having a communal disposal system within their community?

The Hon. Ken Baddon –

You'll recall that when we looked at Clause 2, I mentioned, subclause (2) or Clause 2, whereby we can create exemptions by regulations. That's one of the areas that I need to look at in more detail during the next month and there may well be some regulations to deal with that.

The Hon. Earl Henry –

Thank you, Madam Speaker.

The Speaker –

Any other questions, please, on Clauses 6, 7 and 8?

Clauses 6, 7 and 8.

Question put and agreed to.

The Speaker –

I put the question that Clauses 9 and 10 do stand part of the Bill.

The Hon. Ken Baddon –

Madam Speaker, Clause 9 is modelled on the corresponding provision for Telecommunications. It's what happens if a licence is not renewed the utility provider has all this infrastructure in place, they no longer have a licence, therefore they can't use it. It's exactly the same as Telecommunications. What the law says is if they don't get their licence renewed they hand over the assets to the Government, but the Government has to pay the value of them. In the context of Connect St Helena, what that would mean is that the Government pays Connect St Helena a sum of money and then winds up Connect St Helena and as the only shareholder gets their money back again, so it's a bit of a bookkeeping exercise really, but it's modelled on what we already have for Telecommunications. And Clause 10 is the one that I mentioned a little earlier in reply to Councillor Gunnell. It says that there's no appeal to a Court against anything done by the Authority or against the Governor in Council revoking a licence, but then it goes on to say,?.....?.....prevent anyone applying for a judicial review. This is, I'm afraid this is a legal technicality. A judicial review is in layman's terms, an appeal. It's going to the Courts to challenge a decision, but it's a special kind of appeal, the Court will only interfere if the person who made the original decision did something so unreasonable that no sensible decision made of understanding the law could have done that or if they failed to comply with some procedures, so perhaps a notice should be given to someone before revoking a licence and that notice wasn't given, judicial review would then succeed because the law hasn't been complied with. And there's a third one, which I can't remember, but it doesn't allow the Supreme Court to arrive over the whole process and look at things that they're not really qualified to deal with like, you know, how do you actually run an efficient electricity generating station, that's not something the Supreme Court should be looking at, unless the utility provider persuaded the Supreme Court that adjudicator must have had a bad day, because no sensible adjudicator could have reached that decision in the circumstances, so it's unlimited type of appeal. And it's also proposed that the application for judicial review should be within twenty-eight days so that things don't drag on, the normal time limit of a judicial review is three months, but I think it's ?.....twenty-eight days so that things do not drag on.

The Speaker –

Any questions, Honourable Members?

Clauses 9 and 10.

Question put and agreed to.

The Speaker –

I put the question that Clauses 11, 12 and 13 do stand part of the Bill.

The Hon. Ken Baddon –

Thank you, Madam Speaker, 11 is an important one from the point of view of the point raised earlier about the duration of which subsidies will continue. The Honourable Mervyn Yon said that there is an expectation of ten years and, but progressively reducing it over that time, as I understand it. Clause 11 does not put a time limit on it, it simply says that the Financial

Secretary can pay subsidies out of money which has been appropriated in the Appropriation Ordinance from the Consolidated Fund, there may be conditions attached and, in particular, those conditions might be about how to use the subsidy. So this will be the Government's mechanism under the new regime to drive down the prices if they so wish by saying you can have a subsidy of x thousand pounds, but you must use that subsidy to reduce the price below the limit that's been set by the Regulator to a lower figure and that might be for all subscribers or it might be for specified types of subscribers, the point is the Governor in Council will be in charge of that in just the same way as at the moment the Governor in Council is in charge of the tariff regulations. Clause 12 is a very common one that we see in lots of Ordinances, it's the one that enables regulations to be made by the Governor in Council. I've already mentioned one example of the kind of regulations we might need, which is to specify those types of supplier of water or electricity which do not need a licence. And Clause 13 repeals the Jamestown Drainage Ordinance. Those parts of that Ordinance which are still useful are incorporated into the Water Ordinance, but quite a lot of it is actually obsolete, it dates back to about 1936 and has never been updated and it only applies to Jamestown, whereas things like thou shalt not block the drains ought to apply to the whole island, so repeal the Jamestown Drainage Ordinance and put the bits that are still useful into the Water Ordinance and then subsection 2 amends existing legislation, the two pieces of legislation which are amended are the Electricity Ordinance and the Water Ordinance. As I say, a part of it is to be put into the Water Ordinance from Jamestown Drainage, but the rest of it is about making those Ordinances work in a divested situation because at the moment they talk about the Electricity Authority on the one hand and the Water Authority on the other. We will not have an Electricity Authority or a Water Authority, we will have a licensed utility which will be performing functions under both of those Ordinances. So that's Clauses 11, 12 and 13.

The Speaker –

Thank you. Any questions, Honourable Members?

The Hon. Cyril Gunnell –

I was just going to ask if there is an Ordinance so that blocking or unblocking drains, Madam Speaker, since the Attorney General mentioned it, is the Ordinance about making certain drains are kept unblocked, if you like?

The Hon. Ken Baddon –

The Jamestown Drainage Ordinance creates an offence of putting anything down a sewer which will block it, but it only applies to Jamestown. What we're proposing is that it should apply to the sewers all over the island.

The Hon. Cyril Gunnell –

Is the Run a drain, Madam Speaker?

The Hon. Ken Baddon –

The Run is not a drain, the Run disposes of natural water, but there is something in the Highways Ordinance of all places, to deal with the maintenance of the Run, goodness knows why it's in the Highways Ordinance, but it is.

The Hon. Cyril Gunnell –

I can find in the Highways Ordinance something that will tell me how to unblock the Run?

The Hon. Ken Baddon –

No, you'll find something in the Highways Ordinance about who is responsible for the Run.

The Speaker –

Ah, I'm sure the Honourable Ken Baddon has given the Honourable Councillor some distinctive.....

The Hon. Cyril Gunnell –

He certainly has, Madam Speaker, thank you very much.

The Speaker –

Yes, it depends whether we get to your Motion this afternoon and you have time to think about it before we get to your Motion or not. Any questions on Clauses 11, 12 and 13?

The Hon. Anthony Green –

Madam Speaker, a very, very small point and probably one that doesn't need a movement or an amendment in this House, but just to draw the Attorney General's attention to it, 13(1) the one in brackets I think just needs to be in bold for consistency.

The Hon. Ken Baddon –

I don't think we need a formal amendment, Madam Speaker, I will note it as a typographical error. Thank you.

The Speaker –

How sharp you are, Sir. Any other questions on Clauses 11, 12 and 13?

Clauses 11, 12 and 13.

Question put and agreed to.

The Speaker –

I put the question that Clauses 14 and 15 do stand part of the Bill.

The Hon. Ken Baddon –

Madam Speaker, Clause 14 is general transitional provisions. The Honourable Member, I think it was the Honourable Mover, said in Stage 1 that consumers shouldn't notice any difference on 1st April, they probably won't anyway, because it's a Bank Holiday, but even on 2nd April, they hopefully won't spot any difference, because Clause 14 says that they're entitled to have from Connect St Helena, assuming we're granted a licence between now and then, their supplies on the same basis as they have been getting them under the present arrangements with the Water Authority and the Electricity Authority. And then there are some minor consequential provisions there to make it all gel together. Oh, sorry, I should say a bit more about (2) and (3). Honourable Members have given public assurances about the tariffs will not change.....Members have given public assurances that the tariffs will not change beyond the.....whatever changes made from 1st April it will not change again earlier than 1st April 2014 and subclauses (2) and (3) in 14 read together have the effect of what Members have promised. Clause 15 is all technical stuff about transferring the assets. The assets which are currently in use by the Water Division and the Electricity Division will transfer over to Connect St Helena in return for shares. The Financial Secretary cannot sign the certificate transferring any asset unless he is satisfied that we've received value for that

asset and the value will, certainly for the most part, be in shares, but the wording is flexible so that there can be money adjustments, but shares in the Company will be received equivalent in value to the value of the asset which has been transferred. And that's all I've got to say about Clause 15.

The Speaker –

Any questions on Clauses 14 and 15, please?

The Hon. Brian Isaac –

Madam Speaker, has the assets been valued?

The Hon. Ken Baddon –

That's work in progress.

The Hon. Brian Isaac –

And when is it likely.....

The Hon. Ken Baddon –

The Financial Secretary cannot sign the certificate unless he's satisfied. The work of valuing them is still in progress.

The Hon. Brian Isaac –

It's in progress now?

The Hon. Ken Baddon –

It is in progress, yes. Some of them are already known because they're in the asset register with values subscribed to them, some of them have got to be valued, the main category there being land, but it's work in progress and if we haven't got the values sorted by 1st April, I will find a device to record in paperwork that Connect St Helena can use the asset even though we haven't yet transferred the ownership of it, just as a transitional arrangement while we work it out, but that Clause 15 didn't originally mention value, it was changed during public consultation because someone said what about value, so it was changed to say that the Financial Secretary cannot sign the asset over unless he's satisfied that we've got value in return.

The Hon. Brian Isaac –

Thank you.

The Speaker –

Honourable Ken Baddon, the Clerk has noted that 15 (1), second line reads "and including chose in action".

The Hon. Ken Baddon –

It's a legal technicality, it's, a debt is a show of inaction, it's an asset, but you can't see it, you can't pick it up with your hands, you can't pick it up with your hands and you can't see it, so in legal terms it's called a chose in action.

The Hon. Stedson Francis –

A what, Sir? Chose.

The Speaker –
Chose, C h o s e.

The Hon. Stedson Francis –
Can't put that in more layman's terms.....

The Speaker –
Sorry?

The Hon. Stedson Francis –
Can't you put that in more layman's terms?

The Hon. Ken Baddon –
No, there's no better way of explaining it, because nobody knows what it means. It's an asset which you cannot either see or pick up, such as a debt, a chose in action.

The Speaker –
We've all learnt something this afternoon, it always worries me when something is couched in legal terms, but one only comes across once in a blue moon.

The Hon. Ken Baddon –
Madam Speaker, I haven't yet used thetandis today.

The Speaker –
I know you haven't and kindly do not do so. I think somebody was waving a hand at me. Yes, Councillor Henry?

The Hon. Earl Henry –
Thank you, Madam Speaker. When we talk about assets, will the distribution lines, in terms of electricity, be part of those assets. I mean, at this point in time, for most of us, the line has been paid for by the consumer and the responsibility was moved to the provider. Now, will these distribution lines be part of the Utilities assets?

The Hon. Ken Baddon –
If the distribution line, the HV lines I assume are all Government assets so they definitely will transfer. If you're talking about a more local distribution line and it doesn't actually belong to the Government because the subscriber has paid for it, then that's not a Government asset and therefore it doesn't get transferred. I can't tell you whether a particular wire is or is not a Government asset, that's down to the detail which the Electricity Division and the Water Division, when it comes to water pipes, will have to thrash out, but they only can get things that do actually belong to the Government, they can't get things that belong to private people.

The Speaker –
Your side of the meter, Sir.

The Hon. Earl Henry –
Well, in this case, Madam Speaker, it's before the meter, because it's where you pick it up from either an existing LV distribution point or whether it goes right back to the transformer.

The Hon. Ken Baddon –

I'm sorry, I can't say anymore. The terms and conditions are supposed to be the same as they are at the moment. The present terms and conditions, I assume, he says, fingers crossed, will make clear exactly where the boundary is and those terms and conditions continue, there's no change. If it belongs to the Government it would transfer to Connect St Helena, if it does not belong to the Government of St Helena it will not transfer to Connect St Helena.

The Hon. Earl Henry –

Just one further point is that, okay, I can only speak of what the practice has been up to now, and that is if a tree fell on the line any time after it's been paid and connected to the network, then that repair has been picked up by SHG as the utility provider, what I'm concerned about now is what happens with the new Company? Who will repair.....

The Hon. Ken Baddon –

I can't argue with what you've said, you know, it's there in Clause 14 (1), people get their services on the same terms and conditions on 1st April as they get on 31st March.

The Hon. Earl Henry –

Thank you very much.

The Speaker –

Councillor Yon?

The Hon. Mervyn Yon –

Just to say, Madam Speaker, that I was made to understand that the electricity line is responsible up to the meter, after all the meter is not ours, and the line that goes to the meter, am I right, Barry?

Mr Barry Hubbard –

Yes.

The Hon. Mervyn Yon –

So, the question is answered.

The Hon. Ken Baddon –

My legal answer is, nothing's changed, same terms and conditions on 1st April as 31st March, but I'm not familiar with the details myself of what the current terms and conditions are.

The Speaker –

Any other questions, please?

The Hon. Rodney Buckley –

Just a point, Madam Speaker, Attorney General, I don't suppose it makes a lot of difference because it's all Government, but if the assets are not transferred on 1st April, that means that the shares are not fully paid, I was just thinking from a legal point of view that wouldn't be acceptable really, but it is all Government I suppose, I don't know.

The Hon. Ken Baddon –

.....be gone through. I haven't actually had a share certificate yet, but in theory I already have. I, as Attorney General, not Ken Baddon, I in theory already have a million

shares, which were issued on the day the Company was incorporated, but we haven't actually yet transferred any assets to them, so all of those are currently unpaid, but over a period of time, hopefully not too long a period of time, we'll get to a point where we will have transferred a million pounds worth of assets, so those shares will be fully paid and then any further asset transfers will result in further share issues.

The Hon. Rodney Buckley –
Further share issues, okay.

The Hon. John Cranfield –
Can I just ask something on clarification, Madam Speaker? Regarding the going up to the meter, if I apply for connection from the connection point, which could be 200 yards away, when I get a bill, I get a bill for the connection from that 200 yards away up to my meter, then how can that still be the responsibility of the Energy Division if I have paid for that line from 200 yards up the road to my meter?

The Hon. Ken Baddon –
I suspect it's because you've paid for having it installed, the service of installing it, as distinct from paying for the capital asset, but, as I say, it will be exactly the same on 1st April as it is now and if you want to check what it is now, you need to go and look at your terms and conditions of your supply.

The Hon. Stedson Francis –
Just one question, Madam Speaker, now that all the assets will be transferred to the new Company, where does Cable and Wireless Ltd fit in with all this, as they have pole sharing with the new Company?

The Hon. Ken Baddon –
I understand that they have had discussions between Cable and Wireless and Connect St Helena, but this is an operational level issue, I really don't know what the outcome is of it.

Clauses 14 and 15.

Question put and agreed to.

The Speaker –
I think when we deal with the Schedule perhaps we'll deal with the Electricity Ordinance first, so I put the question that the Schedule do stand part of the Bill, perhaps we can look at, as I say, in sections. The Honourable Ken Baddon, please?

The Hon. Ken Baddon –
Madam Speaker, I hope we don't have to go through this line by line. Honourable Members were supplied, outside of the Chamber, back at the beginning of January I think, with the text of the Electricity Ordinance and the Water Ordinance showing track changes, so they were able to see what the Ordinances will look like with these amendments. The general approach to these amendments is to remove from the existing Ordinance the reference to the, in the case of electricity, the Electricity Authority and put in references to a licensed utility provider and then there are various bits of consequential changes to just make sure that things gel. In electricity, for example, there's a repeal of Section 4, yes, Section 4 is the one that says it's an offence to generate electricity and?.... someone else unless you are the Electricity

Authority. That's actually covered by one of the clauses in the new Bill so we no longer need it in the Electricity Ordinance, so there are consequential things like that. There is an increase in penalties for offences which have been out of date for a very long time; a maximum fine of £200, which is insignificant in terms of the amount of money you can save by blocking your meter and stop it registering your consumption, so about half way down the page where the Schedule begins, we've got a figure, a final conviction of £20,000. Of course, I make the point I always make about maximum fines, they are maximum fines, the Court will set the fine according to the seriousness of the offence and the benefit gained from it and the ability of the defence to pay, but a very large electricity consumer could easily save £20,000 on their electricity bill by blocking the meter and that's why there's also the possibility of two years imprisonment, so your average person in the street who, well, in his house, because this is electricity meter, who blocks the meter and stops the wheel turning for a couple of weeks to reduce his bill, he's not going to get fined £20,000, but a major industrial user, who is found to have blocked the meter in some other way, defrauds the system, may well get £20,000 or jail or both. So we were just highlighting those kind of significant points. I'll answer any specific questions on the Schedule concerning the Electricity Ordinance, but Members did have track changes some weeks ago and had a chance to understand them.

The Hon. Rodney Buckley –

I can't stay I understand them, Attorney General, but I did have them.

The Speaker –

Councillor Cranfield?

The Hon. John Cranfield –

Just a small thing, Madam Speaker, why are some fonts larger than others, is there any specific reason for that?

The Hon. Ken Baddon –

Unless it is that we've made the whole of the Schedule smaller than the rest of the text, which would be legitimate, just a formatting thing, if you spotted odd words here and there which are different fonts they can be corrected.

The Hon. John Cranfield –

Yes, under Section 5, in the first line.

The Hon. Ken Baddon –

Oh, yes, okay. I'll just make myself a note to check fonts generally.

The Hon. John Cranfield –

Section 4, I thought they were there just to er.....

The Hon. Ken Baddon –

No, we normally use the same font size throughout, but every now and again when you're typing things in, something comes out of another document when you cut and paste, so we'll check them.

The Hon. John Cranfield –

Okay.

The Speaker –

Any further questions on that page? So can we move on and have a look at the Water Ordinance now, seeing as it's all under the same Schedule.

The Hon. Ken Baddon –

Yes, I think my comments are the same except to say there are more changes to the Water Ordinance because, as I mentioned earlier, we are putting into the Water Ordinance some of the stuff which is currently in the Jamestown Drainage Ordinance, so there are more changes, but the general drift of the changes is exactly as I've just described in relation to electricity.

The Speaker –

Any questions, Honourable Members?

The Hon. Anthony Green –

Just another very small point, Madam Speaker, in (f) fifth line, a comma should be after the first word "water"?

The Hon. Ken Baddon –

Oh yes, a comma after "water" probably. This is a copy from the Jamestown Drainage Ordinance, so can I just promise to check it if necessary.

The Speaker –

Any other comments, please?

Schedule -

Question put and agreed to.

Council resumed.

The Speaker –

Councillor Yon?

The Hon. Mervyn Yon –

Madam Speaker, I beg to report that the Utility Services Bill, 2013, passed Committee stage with one amendment and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

Thank you. Is there a seconder, please?

The Hon. Derek Thomas –

I beg to second, Madam Speaker.

The Speaker –

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

The Hon. Mervyn Yon –

Just to thank Members, Madam Speaker, for their support and the Attorney General for taking the Bill through like he did. Thank you very much.

The Speaker –

I put the question that this Council approves the Utilities Services Bill, 2013, and recommends to the Governor that it should be enacted. Does any Honourable Member wish to speak at this point?

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

The Hon. Brian Isaac –

Abstain. No.

The Speaker –

Sorry?

The Hon. Brian Isaac –

No.

The Speaker –

No, thank you.

The Hon. Cyril Gunnell –

He said he abstained, Madam Speaker.

The Speaker –

Yes. The Ayes, have it, the ayes have it. Next item of business, please?

Motion 6.4 The Honourable Financial Secretary.

The Hon. Colin Owen –

Madam Speaker, before I move the Bill, I beg to move that the Standing Order 13, Rule 1(3) be suspended so that all stages of this Bill can be completed today.

The Speaker –

Thank you. Is there a seconder, please?

The Hon. Ken Baddon –

I beg to second.

Question on amendment, put and agreed to.

The Speaker –

I can see at least one Member looking a little bit puzzled. Normal procedure with a Appropriation Bill would be to start it, you have the delivery by the Financial Secretary and then it's adjourned until Members can go away and think about it. This is a Supplementary Appropriation Bill and it needs to be dealt with rather than start, stop and come back to it again, hence the amendment, okay? Thank you. Yes, Honourable Colin Owen?

The Hon. Colin Owen –

Madam Speaker, I beg to move that the first Supplementary Appropriation Bill, 2013, be approved in principle and referred to a Committee of the whole Council. I formally confirm that this Bill is presented with the recommendation of the Governor in accordance with Section 73 (2) of the Constitution.

The Speaker –

Thank you. Is there a seconder, please?

The Hon. Ken Baddon –

Madam Speaker, I beg to second.

The Speaker –

Thank you. Honourable Financial Secretary?

The Hon. Colin Owen –

Thank you, Madam Speaker. This Bill, the first Supplementary Appropriation Bill, 2013, seeks to increase Directorate budgets previously approved by Legislative Council in March 2012. It should be noted that the full, that the impact on the Consolidated Fund will be zero. The Bill seeks technical movements between the previous income and expenditure heads. Thank you, Madam Speaker.

The Speaker –

Thank you. I put the question that the First Supplementary Appropriation Bill, 2013, be approved in principle and referred to a Committee of the whole Council. The question is open for debate. Any Honourable Member wishes to speak, please? The Honourable Stedson Francis.

The Hon. Stedson Francis –

Madam Speaker, I give this Appropriation Bill my full support. The amount in question, totalling £400,758 will be financed by withdrawal of £133,000 held for the market force supplement, £254,000 underspend on fuel for the Power Station and £12,000 raise in additional revenue under Secretarial Head. The bottom line is, Madam Speaker, that there will be no effect on the Consolidated Fund and when we go into Committee stage we will see how this money will be spent. Thank you, Madam Speaker.

The Speaker –

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

The Hon. Anthony Green –

Thank you, Madam Speaker. Just to say that I fully support the Bill, it's been fully discussed in the Economy and Finance, so I repeat, Madam Speaker, I support the Bill.

The Speaker –

Honourable Mervyn Yon?

The Hon. Mervyn Yon –

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

The Speaker –

Thank you. Any other Honourable Member? Honourable Rodney Buckley?

The Hon. Rodney Buckley –

Thank you, Madam Speaker. I'd just like to say a few words on the Supplementary Appropriation Bill, as a member of the Economy and Finance Committee. I'm fairly well up to speed with the adjustments in this Appropriation Bill and the reasons for it. Whilst results at this time indicate that the Public Service will finish with a balanced budget by the end of March, or close to it, which, of course, is good news for all of us who live on St Helena, there remains the need for tidying up and improvements in some Public Services. Progress has been made in areas of concern, but there remains to be work to be done. In financial year 2009/2010, the budget was put together by that Administration and finished the financial year with a lot to be desired. For the financial year 2010/2011, this Council executed a budget that was put together by the Administration of the previous year. Accruals accounting started in 2010/2011 and the end result showed some improvements on the previous year, but not good enough. The 2011/12 budget and the 2012/13 budget, allocated by this Council, for the first time in the island's history and Members can take comfort in the fact that the Supplementary Appropriation before this House today shows improvements on the previous two years in the delivery of public services, providing better, and I repeat the word, Madam Speaker, better, value for money. This Council has again allocated the island's budget for 2013/14 after making many changes during the past year to the procedures and putting budgets together. Many difficult decisions have had to be made, but I am satisfied that it is the best that this Council could deliver at this time. I am beyond reasonable doubt, Madam Speaker, that providing political monitoring and scrutinising continues through the various Committees, our island will witness throughout the forthcoming year further improvements in delivering value for money of the public services and may it long continue. Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak to the Motion? In which case, I'll invite the Honourable Mover to reply to the debate?

The Hon. Colin Owen –

Thank you, Madam Speaker. I'd just like to thank Members for their support and just to reiterate some of the support that Councillor Buckley raised; making improvements in the accounting process is due of course to accounting and in the budget process. Thank you.

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

The Hon. Colin Owen –

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

The Speaker –

Is there a seconder, please?

The Hon. Ken Baddon –

Madam Speaker, I beg to second.

Question that Council do resolve into a Committee, put and agreed to.

Council in Committee.

The Hon. Colin Owen –

Madam Speaker, could I ask that Dax Richards joins us at the table, please?

The Speaker –

Absolutely.

The Speaker –

Just on a point of order, do I now put the Title and Clause 1 or do we go straight into the Schedule?

The Hon. Ken Baddon –

I don't have the Standing Order in front of me, Madam Speaker, but my recollection is that we go to Schedule first and then come back to the others.

The Speaker –

Right, thank you. As this is the Appropriation Bill, the Schedules are considered before the Clauses and if anybody's got their Standing Orders right by them, the rules of procedure are in Order 13, Rule 2. I put the question that Schedule I do stand part of the Bill and we will look at Head 11 – Governor, standing in the amount of £13,349. Any questions?

The Hon. Derek Thomas –

Could I, Madam Speaker, ask what the increase in transport charges represents?

Mr Dax Richards –

Madam Speaker, I think during the year there was a change in the type of vehicle that is used to transport various personnel in the Governor's Office about, it's only a very small, minor financial amount that we're talking about. Most of the cost that you see there related to the amounts that were awarded as part of the increases in personal emoluments for the people within the Governor's Office, so all of his staff at Plantation House who received an increment or some other form of

The Hon. Cyril Gunnell –

Why can't that sort of detail be shown there, we can look at it without having to ask questions?

Mr Dax Richards –

This section here as well?

The Hon. Cyril Gunnell –

Yes, but it doesn't say anything about people's wages and that kind of thing, it just says additional electricity charges, increase in transport charges.

Mr Dax Richards –

Yes, those are, in terms of anyone's specific increase in wages, we're not at liberty to actually show that information.

The Hon. Colin Owen –

I think what we tried to do, the rest of the Schedule, you'll see it is major items we pulled them out. If there's not a major item then we haven't tended to do that because we'd be going into such a level of detail. If you're looking at £13,000, it's made up of a number of figures and what we're saying, the major items in there which are not significant are electricity charges, transport and what Dax has said around emoluments.

The Hon. Cyril Gunnell –

£13,000 is a considerable sum, is it not?

The Hon. Colin Owen –

Depends on how you look at it in the terms of Government expenditure. I would say, if you're looking at millions of pounds, it's not significant.

The Speaker –

Any other questions on Head 11 – Governor?

Head 11 – Governor, £13,349.

Question put and agreed to.

The Speaker –

I put the question that Head 12 – Secretariat, standing in the amount of £26,848 do stand part of the Bill. Do you want to.....?

Mr Dax Richards –

Any specific questions on.....? You'll see there are two elements, there's the recurrent element which is made up of, again, any increments that was issued during the year, also there was additional costs associated with the Judge's visit, the additional visit of the Judge and some other additional expenditure on computer equipment. And for the capital items, which you can see as £12,919, that was finance from the additional revenues that were raised in the year by the issuing of the Communications Licence.

The Speaker –

Any questions, please? Councillor Henry?

The Hon. Earl Henry –

Just one small thing, Madam Speaker, if you look at the breakdown, the additional charges for Chief Justice was £10,811 and if you look at the computer equipment it was £18k, that amounts up to £28k, there is the amount under the recurrent request is £26k, am I right in assuming that you had some funding left, therefore you only need to make up the shortfall? Thank you, Sir.

The Hon. Rodney Buckley –

Can I ask the Attorney General, just for information, on the Judge and his visits, now that we have the Chief Magistrate in place, we talked some one, two years ago on this Council about having a Chief Magistrate and we wouldn't need so many visits from the Chief Justice, is that still the case or?

The Hon. Ken Baddon –

Well, it depends very much on the nature of the case. Certainly the Chief Magistrate has been dealing with cases recently, for which previously we would have had the Chief Justice come out, the Chief Magistrate sentenced someone to four years imprisonment recently, which the Lay Magistrates cannot do, so we would have had yet another extra visit by the Judge if we had not had that one. To be honest, I cannot remember exactly what it was that caused this extra visit, which is mentioned in the estimates, but it might have been before the Chief Magistrate arrived or it might have been something that we judged he couldn't deal with. I mean, there was a matter recently where the Chief Justice gave six years, the Chief Magistrate can only give five, but I wouldn't want to be quoted on that because I'm not sure I'm accurately remembering exactly which case it was, but we certainly do look at trying to wrap matters up with the Chief Magistrate rather than bringing out the Chief Justice.

The Hon. Rodney Buckley –
Alright, thank you.

The Speaker –
Councillor Green?

The Hon. Anthony Green –
Just a comment, Madam Speaker, I picked this up before but there's no action in this House, but I think that in future it might be worth looking at where we see that the Secretariat as being able to buy a switchboard from the nearly £13,000 that they had from additional licences, now in any given financial year there might be a much more credible demand or much more need for that, so I just think that I'm saying this so I can remind myself that in future we need to look at whether the actual approval process, because maybe we would need that money for, say, a medical services overseas treatment and so I'm not saying that this has been done outside the rules, I'm just saying we might need to look at the rules.

The Hon. Colin Owen –
Yes, noted Tony, I think that, you know, there's various improvements that we're working to at the moment in how we carry out reporting for Economy and Finance, that could be one of the discussions we have.

The Hon. Anthony Green –
Yes.

The Hon. Brian Isaac –
Madam Speaker, has the new switchboard been installed? Will it require infrastructure funding for all the.....

Mr Dax Richards –
To my knowledge, it will hopefully be done before the next year and there will be no additional infrastructure requirements, it will just mean rewiring of that.....

The Hon. Brian Isaac –
Thank you.

Head 12 – Secretariat, £26,848.

Question put and agreed to.

The Speaker –

I put the question that Head 13 – Human Resources, standing in the sum of £3,599 do stand part of the Bill.

The Hon. John Cranfield –

Could I just ask Dax, what is a prince2 course for Project Managers?

Mr Dax Richards –

Prince 2 is a qualification that you would attain if you were to go on a Prince 2 course and it is a fully world-wide recognised qualification in Project Management.

The Hon. John Cranfield –

Okay, thank you.

Head 13 – Human Resources, £3,599.

Question put and agreed to.

The Speaker –

I put the question that Head 14 - Attorney General's Chambers, £16,225 do stand part of the Bill.

The Hon. Rodney Buckley –

All that money, Madam, shocking!

The Speaker –

Honourable Ken Baddon, do you wish to defend your corner?

The Hon. Ken Baddon –

This would have been the case in which the, yes, I remember now why the Judge came out, we had a case which was potentially very serious indeed, it ended up being an acquittal at the end of the trial and the defence got a specialist barrister for the defence and we took the view that since specialist counsel had been brought in on the defence side, we owed it to the, I should say, alleged victim, since she was acquitted at the end of the day, but we owed it to the victim and to the system of the administration of justice to give equal resources. We spent the money providing a quality of balance for the defence when necessary, on this occasion we felt it necessary to spend the money to have equality of balance for the Crown, so at the end of the day both sides has had equal representation and as I said, the end result was an acquittal at the end of the day, but at least we had made sure that the job was done properly with equality of balance on both sides.

Head 14 - Attorney General's Chambers, £16,225.

Question put and agreed to.

The Speaker –

I put the question that Head 15 – Police, standing in the sum of £38,800 do stand part of the Bill?

Mr Dax Richards –

Okay, in terms of the recurrent costs, a large chunk of the recurrent costs were the personal emoluments that were also paid to Police Officers. We actually paid out around £22,000 in terms of market forces supplements and personal emoluments to actually encourage some Police Officers to stay on in this current financial year. On top of that we also had to cover some additional renting costs for the non TC Officers, those Officers who are on local contracts. In terms of the capitalwe actually purchased a machine back at the end of 2011/12, however it didn't arrive until late April early May in 2012/13, so unfortunately under real accrual accounting terms we had to hold it there as a pre-payment against this financial year, so unfortunately that's one of the shortcomings of having our budget done on a cash basis and our accounting done on an accruals basis. Hopefully in the future we'll be able to rectify that problem.

The Hon. Cyril Gunnell –

You're saying that £20,000 included for retaining Police to work in service? Is that what you said?

Mr Dax Richards –

Say that again?

The Hon. Cyril Gunnell –

When you were explaining that time, did you say that out of that £38,000, £20,000 is for keeping Police in post?

Mr Dax Richards –

Yes.

Mr Cyril Gunnell –

How is that done? Somebody makes an application or...?

The Hon. John Cranfield –

Is it market forces supplement?

Head 15 – Police, £38,800.

Question put and agreed to.

The Speaker –

I put the question that Head 17 – Finance, standing in the sum of £58,234 do stand part of the Bill?

Mr Dax Richards –

Members will see also that in here is the contribution to South Atlantic Media Services Limited to the tune of £125,000, which was not appropriated when the budget was set in March. We have covered most of that £125,000 by other under spending within the Directorates. This £58,000 is just to cover the additional amount that we will need to fund the remainder of the £125,000.

Head 17 – Finance, £58,234.

Question put and agreed to.

The Speaker –

I put the question that Head 22, Education and Employment, standing in the amount of £22,685 do stand part of the Bill?

Mr Dax Richards –

For Education and Employment, during the year we also paid out market forces supplements and personal emoluments to the tune of £30,000 both again to retain some of our key teaching staff within the service. In addition, you'll see there's beenspends elsewhere, but there's also been additional cuts in relation to the fuel needed for the School Bus Contract and Broadband for a full year only, but we were only actually budgeted for a few months at £43,652. And, in addition, the vacancy savings that were envisaged that would have been realised at the end of the financial year, unfortunately, or fortunately, they were fully staffed and so they were unable to recognise those efficiency savings.

The Hon. Stedson Francis –

Are you saying that you had tofuel costing £18,500 as well?

Mr Dax Richards –

Yes.

The Hon. John Cranfield –

That's in addition to the original costing.

The Hon. Cyril Gunnell –

That's additional.

The Hon. Stedson Francis –

When was that included in the overall cost contract?

Mr Dax Richards –

Also, if you remember, there were one or two increases in the cost of fuel during the year as well, which we have no way of

The Hon. John Cranfield –

And the Broadband cost £43,662 for three months?

Mr Dax Richards –

Broadband is very expensive to run there.

The Hon. Cyril Gunnell –

That's a mind boggling figure for additional fuel, do you have any idea what the total cost would be for fuel for buses in a year?

Mr Dax Richards –

Not off the top of my head, Sir, but I can try and provide that information for you.

The Hon. Cyril Gunnell –

No, you know, if it's £18,000 additional, it's a mind blowing figure really. I wouldn't mind you letting us know that. Thank you very much.

Head 22 – Education and Employment, £22,685.

Question put and agreed to.

The Speaker –

I put the question that Head 23 – Health and Social Welfare, standing in the amount of £149,464 do stand part of the Bill?

Mr Dax Richards –

For Health and Social Welfare, again, there's £30,000 that have been contributed to the Health Service to retain staff and also to pay out some salary increases during the year. On top of that, there'san overspend in the overseas medical referrals of around about £70,000 and I believe that this could possibly increase a little bit further, based on trends over the last few weeks. On top of that there's the home to duty transport service that we were hoping that would have been divested by the end of December, it hasn't actually materialised as originally planned so there will be additional costs associated with January and February's months for providing that service to transport Nurses on a home to duty basis.

Head 23 – Health and Social Welfare, £149,464.

Question put and agreed to.

The Speaker –

I put the question that Head 25, Agriculture and Natural Resources, standing in the amount of £8,170 do stand part of the Bill?

Mr Dax Richards –

Madam Speaker, this is in relation to the delay in the divestment of the Firewood Service. In addition there was a personal emolument increase in the A&NRD to the tune of £4,000 for

Head 25 – Agriculture and Natural Resources, £8,170.

Question put and agreed to.

The Speaker –

I put the question that Head 28 - Environmental Management, standing in the amount of £1,611 do stand part of the Bill? Any questions?

Head 28 – Environmental Management, £1,611.

Question put and agreed to.

The Hon. Mervyn Yon –

Madam Speaker, on a point of information, I think you missed 26.

The Hon. John Cranfield –

That's an underspend I think.

The Speaker –
It's Head 28, I think it's on the.....

The Hon. Mervyn Yon –
Yes, but I think you missed 26, did you?

The Speaker –
No, but 26 is the.....

Mr Dax Richards –
Not on Schedule I.

The Speaker –
Because it's not on Schedule I.

The Hon. Mervyn Yon –
Oh, okay.

The Speaker –
It's the Head under the Capital Expenditure.

Schedule I, £338,985.

Question put and agreed to.

The Speaker –
We now turn to Schedule II, Heads of Expenditure. I put the question that Secretariat, standing in the amount of £12,919 do stand part of the Bill? This is now Capital Expenditure as opposed to Recurrent Expenditure.

Mr Dax Richards –
Madam Speaker, I've already given an explanation as to what that £12,900 was, that's the new Switchboard for the Castle complex.

The Speaker –
Any questions?

Head 12 – Secretariat, £12,919.

Question put and agreed to.

The Speaker –
I put the question that Head 15 – Police, £8,691 do stand part of the Bill?

Mr Dax Richards –
Again, Madam Speaker, I've mentioned this already. This was for the Passport equipment that was actually supposed to arrive in 2011/12, but unfortunately didn't actually arrive on

island until April/May of 2012.....and that's why we need the funding to cover

Head 15 – Police, £8,691.

Question put and agreed to.

The Speaker –

I put the question that Head 26 - Infrastructure and Utilities, standing in the amount of £37,343 do stand part of the Bill?

Mr Dax Richards –

Under that £37,000 there was some additional capital expenditure within the Infrastructure and Utilities Directorate for a, additional street lighting and a GISsystem, which was used in the Lands Section of GIS which has now moved to Corporate Services.

The Speaker –

Any questions?

Head 26 - Infrastructure and Utilities, £37,343.

Question put and agreed to.

The Speaker –

I put the question that Head 28, Environmental Management, standing in the amount of £2,820 do stand part of the Bill?

Mr Dax Richards –

This £2,820 was used to purchase a new Server when we set up the new Environmental Directorate from 1st April this financial year. It wasn't budgeted for when we pulled together the budget in March 2012.

Head 28 – Environmental Management, £2,820.

Question put and agreed to.

The Hon. Anthony Green –

Madam Speaker, may I just ask a question? It just occurred to me, in the Head of Expenditure under Secretariat, the 26,848 contains the amount of £12,919, which is also separately listed, I'm just looking for reassurance that that's right to have it both places?

Mr Dax Richards –

Yes.

The Hon. Anthony Green –

Right. Sorry, thank you.

Schedule II, Capital Expenditure, £61,773.

Question put and agreed to.

Title and Clause 1.

Question put and agreed to.

Clause 2, £400,758.

Question put and agreed to.

The Speaker –

Thank you.

Council resumed.

The Speaker –

The Honourable Colin Owen?

The Hon. Colin Owen –

Madam Speaker, I beg to report that the First Supplementary Appropriation Bill, 2013, passed the Committee with no amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

Thank you.

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

The Hon. Ken Baddon –

Madam Speaker, given the indication that you gave earlier this morning, it seems sensible now that I move that the Council do adjourn until tomorrow afternoon at 2 pm. I hope someone will second it.

The Speaker –

Is there somebody who wishes to second the Motion, please?

The Hon. Brian Isaac –

Madam Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member.

Question that the House adjourns until 2 o'clock tomorrow afternoon, put and agreed to.

The Speaker –

Honourable Members, just before I stand in order that we can all leave, the Court House is going to be used, I understand, tomorrow morning for a Court, so please ensure that you take your papers etc with you this afternoon. Is that correct, Honourable Attorney General?

The Hon. Attorney General –

I'm not sureCourt this week, but I do know there's a hearing tomorrow morning, they are also aware that we need the place in the afternoon.

The Speaker –

Thank you very much. Thank you, Honourable Members and my apologies for not stopping for a tea break, but knowing that you wish to have a meeting amongst yourselves, I thought it was best just to keep going until we'd at least got through that last Bill. Thank you.

Council adjourned.

