

**ST. HELENA**  
**LEGISLATIVE COUNCIL**

---

**THE SPEAKER**

Mr Eric William Benjamin

**EX-OFFICIO MEMBERS**

The Honourable Chief Secretary	-	Mr Owen O'Sullivan
The Honourable Financial Secretary	-	Mr Colin Owen
The Honourable Acting Attorney General	-	Mrs Morag Stevenson

**ELECTED MEMBERS**

The Honourable Leslie Paul Baldwin  
The Honourable Nigel Dollery  
The Honourable Wilson Charles Duncan  
The Honourable Gavin George Ellick  
The Honourable Cyril Robert George  
The Honourable Anthony Arthur Green  
The Honourable Lawson Arthur Henry  
The Honourable Brian William Isaac  
The Honourable Bernice Alicia Olsson  
The Honourable Ian Sebastian Rummery  
The Honourable Christine Lilian Scipio O'Dean  
The Honourable Derek Franklin Thomas

**CLERK OF COUNCILS**

Ms Gina Benjamin

**PROCEEDINGS OF THE FIRST SITTING  
OF THE FIRST MEETING OF LEGISLATIVE COUNCIL**

Monday, 14<sup>th</sup> October, 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**

**3. ADMINISTRATION OF OATHS**

Mr Owen O'Sullivan	-	Honourable Chief Secretary
Mr David Colin Owen	-	Honourable Financial Secretary
Mrs Morag Stevenson	-	Honourable Acting Attorney General

**4. ELECTION  
CHAIRMAN, SOCIAL AND COMMUNITY DEVELOPMENT COMMITTEE**

The Speaker –

Please be seated. Honourable Members, I now call for nominations for Chairman of the Social and Community Development Committee, are there any proposals?

The Hon. Owen O'Sullivan –

I beg to present Sessional Paper No. 23/2013, Government of St Helena, Council Committees 2013. This paper lists the five Council Committees and notes that the Chairmanship of the Social and Community Development Committee is vacant.

**Ordered to lie on the table.**

The Speaker –

Are there any nominations? Yes, please?

The Hon. Gavin Ellick –

Mr Speaker, I beg to propose the Honourable Derek Thomas.

The Speaker –

Thank you, Honourable Member. Is there a seconder?

The Hon. Nigel Dollery –

Mr Speaker, I beg to second the Honourable Derek Thomas.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas, do you accept the nomination?

The Hon. Derek Thomas –

Mr Speaker, I accept the nomination.

The Speaker –

Thank you very much. Are there any other nominations for the post? Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. I propose to nominate Wilson Duncan.

The Speaker –

Is there a seconder to the proposal? Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, I beg to second.

The Speaker –

Honourable Wilson Duncan, do you accept nomination?

The Hon. Wilson Duncan –

Mr Speaker, I accept.

The Speaker –

Thank you very much indeed. Are there any other proposals?

The Hon. Ian Rummery –

Mr Speaker, I beg to propose the Honourable Mr Leslie Baldwin.

The Speaker –

Thank you very much, Councillor. Is there a seconder to the proposal? Honourable Cyril George?

The Hon. Cyril George –

Mr Speaker, I beg to second the proposal.

The Speaker –

Thank you very much, Sir. Honourable Leslie Baldwin, do you accept the nomination?

The Hon. Leslie Baldwin –

Mr Speaker, I accept.

The Speaker –

Thank you very much indeed. Are there any other nominations for the post? Honourable Bernice Olsson?

The Hon. Bernice Olsson –

I propose Councillor Brian Isaac.

The Speaker –

Is there a seconder to the proposal?

The Hon. Anthony Green –

Mr Speaker, I beg to second.

The Speaker –

Councillor Brian Isaac, do you accept the nomination?

The Hon. Brian Isaac –

Mr Speaker, I accept.

The Speaker –

Thank you. Are there any other proposals for the post? There are no other proposals. Then the Honourable Derek Thomas, the Honourable Wilson Duncan, the Honourable Leslie Baldwin and the Honourable Brian Isaac do stand nominated for election to the post of Chairmanship. I wonder if the Clerk of Councils is ready to go ahead with this or do we need to adjourn? Alright, the Clerk of Councils is available and ready to go ahead with the ballot papers. All you have to do please is to mark your X on the ballot papers, but hold it for a time. At this stage of the process, Honourable Members will be required to speak to their election nomination. In alphabetic order I would think we are required to process this particular stage, so let's see, in alphabetical order, Councillor Leslie Baldwin, you are the first one to address the Council, Sir. You have five minutes in which to address the Council.

The Hon. Leslie Baldwin –

I hope it doesn't take that long. Good morning to you all. As you all know, I did not campaign during the run up to the election, the major reason being that I could not imagine what I could tell anybody that wasn't already known about me, after all, we live in the equivalent of a goldfish bowl. Nothing much has changed in the three months or so since the election, let's just say, I have a strong interest in all things political and have enjoyed settling myself into the Economic Development Committee, the Education Committee, the Tax Working Group, which I would like to continue with if I were to be successful today, and was looking forward to trying to establish a strong PAC, which I would have to resign from should I be successful today. On the whole, I think we have a very strong Legislative Council, which is now facing a reshuffle which has come extremely early in our term, but we set out with good intentions of a fresh, open and new teamwork ethic, and, unfortunately that framework, for personal reasons, has not yet been severely tested. It would seem that the

reshuffle, which would have the least impact, would see myself and the Honourable Nigel Dollery in a complete role swap. This could be equally addressed the potential vacancy on the PAC. Honourable Dollery would, as I see it, be a very strong replacement for me on my existing Committees whilst my accounting experience, which has given me a foundation in the workings of Government Departments by way of the Fisheries Corporation, as well as being based for many years within the commercial world of London, will ensure that ExCo suffers the least from the loss of Honourable Dollery's input. The role of any of us is to represent the electorate that voted for us and a further extension of that democracy is apparent here today with the election of Chair for the Social and Community Development Committee, which has policy responsibility for, and forgive me for saying this, but it just points out how extensive the list is; responsibility for Social Security, Social Services, Pensions, Housing, including Government Landlord Housing, the Legal System, including the Constitution, Human Rights and Immigration, Civil Society, including non Government Organisations, Community Centres, Culture and Heritage, Leisure, Sports and Recreation and Employment Rights. I decided to list these in order to demonstrate the many responsibilities that fall under this Committee. It sounds like an exhaustive list and I am sure it is. Having left full time employment on election, I would consider myself well prepared for such a workload and have a very keen interest in every area of the remit. I therefore ask for your support in my pursuit of the position of Chairman and help bring beneficial changes to many of these areas. I thank you for listening.

The Speaker –

Thank you, Honourable Member. The Honourable Wilson Duncan?

The Hon. Wilson Duncan –

Mr Speaker. I put my name forward to become the Chairperson of Social and Community Development Committee because I believe I owe it to the electorate and myself. I have not had any previous political experience, as this will be my first and during the short time I have been a member of Legislative Council other Honourable Members will have had a chance to get to know me and can now judge whether I have the confidence, character and capability to fulfil this very important role in Government. The Social Community Development Committee have a wide range of areas that needs to be covered, such as Social Services and Social Welfare divisions, Immigration, Human Rights, Pensions, Security and Community Centres, to name a few. I have had an insight into how Executive Council works and what is expected of an Executive member by having the privilege to sit in two Executive Council meetings in the absence of the Honourable Cyril George. However, this don't make me an expert, but I am willing to learn in order to become more proficient if elected as Chairman of Social and Community Development Committee. Should you entrust me with your vote, I will endeavour to carry out my responsibilities with diligence, integrity and honesty to the very best of my ability at all times and be every mindful of why I am in this privileged position. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker. Firstly, I would like to thank my proposer and seconder for their nomination and support of me seeking the confidence of this Honourable House to continue to serve as the Chairman of the Community and Development Committee. I would also like to offer a special thank you for the dedication of the Secretary and Members of the Social

Community Development Committee for the support given to me over the past few months. During my short time as the Acting Chairman, I have identified the chief elements that need to be addressed if St Helena is to improve democracy and grow the economy that will enhance the lifestyle of our senior citizens and vulnerable groups. Equally important is to adopt a pragmatic and sympathetic approach in addressing concerns of the wider public and the St Helena Government. For the Committee to continue to develop and achieve a standard it would need strong leadership and good communication skills with Directorates and Government officials which will allow information to flow freely with a view to develop procedure and protocols in the private and public sector. The terms of reference of the Social and Community Development Committee identified elements that need to be addressed to establish a foundation which can be built upon to successfully achieve strategic direction and policy development for Government, business strategic direction related to Social Security, Social Services, Pensions, Housing, Legislation and Civil Societies. These are some of the portfolios of the Committee's responsibility. During my role as the Deputy Chairman, I have adopted the responsibilities and gained a deeper understanding of the requirements of the terms of reference of the Committee and developed my personal and professional skills to lead the Committee through this transitional period where the island is experiencing major reforms and changes that will affect everyone. I would wish to share with this Honourable House and the listening public my political and working background, which has given me the ability and the incentive to compete for such a challenging and demanding position on the Legislative Council. My political background career started in 1989 as a Social Worker undertaking all aspects of social work, including being appointed as a Public Prosecutor for Juvenile and Magistrates Court and a Probation Officer. In 1990, I undertook training with the National Institute of Social Work in London with extended placements in Cambridge, Southampton and Portsmouth. I was appointed Senior Social Services Officer with the full responsibility of the Social Services Division until the post was filled with a substantive officer. From 2001 to 2013, I served twelve continuous years as a member of the Legislative Council and served on various departmental committees and Executive Council. For four years I served as the Chairman of the Social Security Department which required change to the legislation for the benefits system, housing, employment and the introduction of a Social Policy Plan for the island. I have also served as Acting Chairman of the Agricultural and Forestry Committee, Public Works and Services Committee, Education Committee and the Acting Chair and Member of the Public Accounts Committee. I have attended CPA, FCO forums and Seminars in the UK and represented St Helena at the European Union for bids for EDF funding. I have also been summoned before the Select Committee of the House of Commons to answer questions in relationships between St Helena, Ascension and the United Kingdom. I am currently a member on the Health Committee and Deputy Chair for the Social and Community Committee which has many cross cutting issues with all other departments. With my many years of experience as a Councillor and the strong support by the electorate at the last General Election, I feel that I have the qualities and expertise to be the Chairman of the Social and Community Development Committee. I will demonstrate my ability before this Honourable House today, which has clearly put ownership on my position as the Deputy Chair to respond to questions and Motions, which I will endeavour to undertake at the highest level of my professionalism in the best interests of this House and the wellbeing of the people I serve. I would ask Honourable Members when casting your votes to vote on the principle of democracy, good governance and teamwork. This Council has demonstrated a strong desire to support teamwork and I have accepted my responsibility as the Deputy Chairman of the Social and Community Development Committee when the responsibilities fall to me and I look forward to your continued role. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Honourable Members, I have put myself forward as a candidate to serve as Chairman of the Social and Community Development Committee. Of the five Committees, I feel it is fair to say that this Committee has the widest range of responsibilities. Honourable Members, in my previous term of office, I served as Chairman of this Committee for four years, what was then referred to as Home, Civil Society and International Committee. Some additional responsibilities have now been added to this Committee. Honourable Members will be aware that my background has been in policing where I have completed thirty-two years service, the last eight and a half years as the Chief of Police, where I gained comprehensive knowledge and understanding of the laws and procedures. Such knowledge has enabled me, as Chairman of Home, Civil Society and International Committee, to lead and successfully manage many changes in legislation and legal processes to the benefit of the community of St Helena. For example, the Immigration Reforms, Lands, Road Safety legislation, Media Standards Ordinance, Election Ordinance, Revision of the Criminal Law with the Crown Counsel from the Attorney General's Chambers and the Public Solicitor. I served for four years as a member of the Human Rights Capacity Building Committee, which saw the success of external funding for a Technical Support person to assist in designing a Human Rights Action Plan for St Helena. Through the Committee I chaired Home, Civil Society and International Committee, for local funding was secured to enable the services of a local facilitator to work with the Technical Support person in forming the Action Plan in conjunction with other relevant agencies and to take the activities within the Plan forward. The facilitator has been in post for nearly two years and is taking many of the actions forward, plus assisted and dealt with many human rights related issues. The plan is for the island to have a Human Rights Institution within the next two years. The role of the Chairman of the Social and Community Development Committee is to provide the ongoing political support in order to successfully achieve the activities within the National Action Plan. With my previous work and knowledge, I believe I have the right attributes to provide the correct level of support and leadership to this process.

I represented St Helena in December of last year at the Joint Governors Ministerial Conference held in London where St Helena was highly commended for the work and efforts carried out on the development of Human Rights. Other Territories were encouraged to follow suit.

With the support of the Civil Society representative, the Home, Civil Society and International Committee took the lead in the recognition and development of Civil Societies and non Government Organisations by organising annual forums which has led to the establishment of a Civil Society Organisation and support funding to assist in training and development of the organisations of which many civil society organisations have benefited. Again, at the Conference held in London last year, St Helena was commended for making such tremendous progress.

Although I was not a member of the Public Health Committee, in my previous term on Council, I took a strong interest in the Social Security Ordinance, 2010 and the associated regulations and was able to identify the many flaws where certain people were held back from obtaining a Basic Island Pension or some form of Income Related benefits. Since Social Welfare has now moved to the Social and Community Development Committee, I have a full understanding on what changes are needed to the Social Security Ordinance and Regulations in order to manage and lead the process to a successful outcome in order to

provide a better future to the many groups of people in our society who are struggling to make ends meet.

Honourable Members, this Council has been in office now for four months, which has been a very busy time. What the Social and Community Development Committee needs is a leader with the skills and knowledge who can step right in to manage at a high level the many high profile responsibilities the Committee has to the benefit of the people of St Helena. Honourable Members, I believe I am the right person to be Chairman of this Committee in order to take things forward. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Now, Honourable Members, you have been issued with ballot papers, you heard the speeches, you have to choose the person that you want to represent you as the Chair of the Social and Community Development Committee. You will mark a cross or an X in the box of the person that you choose yourself, fold your paper in half and the Clerk will come and collect them from you, please. While that is being done, I will probably explain to you about the actual votes, the counting. The successful member will have to get at least seven votes, that's the majority of all the elected members of this Council. If anyone fails to get the seven votes, then we have to have further elections. There will be elimination of the process by taking out the lowest number of votes and we will then have an election once again. Hopefully the members have decided and they have chosen their favourite Councillor to represent them as Chair of the Social and Community Development Committee.

Well, the results show there is not a clear winner of this election, I'm afraid, which means that nobody has got the majority of votes, that's seven votes. In that instance then, I will have to deem that the lowest person will stand out on the next round and we'll have to take another round of balloting. So, the members now in the next run up for the election is The Honourable Leslie Baldwin, Honourable Wilson Duncan and the Honourable Brian Isaac, you have been discounted here. Does the Clerk need time? You need time? Oh well, so what I'll suggest at this time is that we suspend the sitting to allow the Clerk of Councils to make fresh ballot papers and then we'll do the balloting as soon as we come back, okay? Thank you very much indeed.

**Council suspended.**

**Council resumed.**

The Speaker –

Please be seated. Honourable Members, you won't get a further chance to address the Council. The ballot papers will now be issued. And from among the members that you have on your ballot paper, please will you put your cross to the one that you choose. I'm afraid that we have not got a clear winner at this stage, there has to be another round of the election. In this particular instance, the person with the lowest votes will have to be deemed deleted from this round, the Honourable Brian Isaac you are out at this part of the next round, so the election is now between the Honourable Leslie Baldwin and the Honourable Wilson Duncan. Is the Clerk ready to handle this round, perhaps we can handle this without adjourning or you would need an adjournment? Two minutes to write in there.

Thank you for being so patient, Honourable Members; this is democracy at its best. What Standing Orders requires is that not the person with the most votes gets elected, they must have the most votes, but they must also have a majority of all of the elected members. We've

got twelve elected members, so a majority of all the votes of the elected members must be seven.

And for the benefit of the listening public, the ex officio, the official members are not allowed to take part in the elections at all, that's why they have to sit quiet and be patient.

Right, I have to declare that the person elected as Chairperson of the Social and Community Development Committee is the Honourable Les Baldwin, congratulations Les Baldwin.

The next item of business, please?

5.

### **ELECTION MEMBER OF EXECUTIVE COUNCIL**

The Speaker –

Can I now call for nominations for a member of the Executive Council, please? Honourable Ian Rummery?

The Hon. Ian Rummery –

Mr Speaker, I beg to nominate the Honourable Mr Leslie Baldwin as a member of the Executive Council.

The Speaker –

Is there a seconder?

The Hon. Brian Isaac –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Brian Isaac. Are there any further nominations for a member of the Executive Council? No further nominations, then I have to declare that the Honourable Leslie Baldwin stands duly elected for a member of the Executive Council. Before that can be processed any further, he still has to get the majority of the votes of the Council and the method that is used is that the Speaker will say, those in favour say Aye, those in favour of Mr Baldwin standing for Council say Aye, those of a contrary opinion say No, the Ayes have it, the Ayes have it, and you are duly represented to stand an elected member of Council, Executive Council, thank you very much.

Perhaps I should explain that little process, you probably haven't seen it here before. Whoever is elected to the Chairmanship, whoever is elected to the Executive Council, must receive the votes of the majority of this Council and the Honourable Les Baldwin has now received the majority of votes, thus the Ayes have it, the Ayes have it. Thank you very much indeed. Next item of business, please?

6.

### **ADDRESS BY THE PRESIDENT**

Honourable Members, ladies and gentlemen, boys and girls, good morning. It is my humble privilege and pleasure to welcome you all to this first sitting of the first meeting of the Legislative Council. May I take this opportunity to congratulate all Honourable Members, including our Honourable Deputy Speaker, on your successful election to this Honourable

Council. I look forward to working with you all during my term of office. As this is the first official opportunity I have had of thanking you for electing me as your Speaker, I do so now. I would also like to thank Father Dale for his attendance here today and for starting our day with prayers. Starting our meeting in this way is, I believe, important, as it helps us to focus our minds on what our work is all about. The timely preparation for meetings in this forum and the smooth running of much of the Council's business is credited to the immeasurable support of our Clerk of Councils and her supporting team and we thank them for that. It would be amiss of me if at our first formal Council meeting I did not take the opportunity to thank the previous and past Council members for their hard work and dedication over the past years in helping to make St Helena a special place in which to live. I unhesitatingly do that now and at the same time wish to give recognition to the excellent support and dedicated work that has been given over the years by the staff of our departments and directorates. Equally, I must thank past Speakers of this Council, including our now Deputy Speaker, for the guidance and control in the important work performed in this Legislative Council. The future development of our island is, in my opinion, dependent on every man and woman, boy and girl, playing a useful part in island affairs. This is something that I know our Council will want to encourage, our island's positive development should be everyone's business, whether we work in the public or in the private sector and because of that I pledge my support in my role as Speaker in contributing to this Council to assist in bringing about the best possible results to benefit all of the people of our island. Honourable Members will be mindful that the key features of the Speaker's role is to guide this Honourable Council in its procedures, to exercise impartiality and to strive to ensure that the integrity of this Council is upheld. With the help of Honourable Members, I will strive to achieve this.

As legislators, we will always be conscious that our service for the island requires us to work together as a team, our directorates, our electors, our private and public sectors and our young people will all need to be involved in what we are doing if we are to successfully stimulate a growth of prosperity and we all, as leaders, will need to encourage that. I am aware that in the relatively short period of this Council's existence, many demands have already been placed on the Honourable Members here. An initial training period with our visiting CPA counterparts has proven extremely beneficial and we are grateful to the team for importing their expertise and experience. The familiarisation visits to the various directorates and departments have been enlightening and seminars, both local and abroad, have been educational and valuable in assisting Councillors performance of our tasks.

Today, Honourable Members, this Council is set to embark on its first formal business of considering two Bills, namely, the Commissioner for Oaths Bill and the Welfare of Children (Amendment) Bill, which, when passed, will become law for this island. Additionally, the Council will also wish to put forward questions and debate a number of Motions. Can I gently remind Honourable Members of the need to adhere to the strict rules for Questions and Motions as are set down in Standing Orders and wish the Honourable Members well in their deliberation today. I will now invite the Clerk to call the next item of business.

## 7.

### PAPERS

The Chairman, Environment and Natural Resources Committee – (The Hon. Cyril George) – Mr Speaker, I beg to present Sessional Paper No. 14/2013, Applications for Development Permission 2012 – Annual Report from Land Planning and Development Control Board.

**Ordered to lie on the table.**

The Chief Secretary – (The Hon. Owen O'Sullivan) –

Mr Speaker, I beg to present Sessional Paper No. 15/2013 entitled Government of St Helena, Addendum to Report to Governor in Council – Introduction of a Minimum Wage on St Helena, by Employment Rights Committee.

**Ordered to lie on the table.**

The Chairman, Public Health Committee – (the Hon. Ian Rummery) –

Mr Speaker, I beg to present Sessional Paper 17/2013, a Bill for an Ordinance – The Welfare of Children (Amendment) Ordinance, 2013.

**Ordered to lie on the table.**

The Chairman, Public Health Committee – (The Hon. Ian Rummery) –

Mr Speaker, I beg to present Sessional Paper No. 18/2013, A Bill for an Ordinance – The Commissioner for Oaths (Amendment) Ordinance, 2013.

**Ordered to lie on the table.**

The Financial Secretary – (The Hon. Colin Owen) –

Mr Speaker, I beg to present Sessional Paper No. 19/2013 entitled The St Helena National Trust Annual Report and Financial Statements 2012 – 2013.

**Ordered to lie on the table.**

The Financial Secretary – (The Hon. Colin Owen) –

Mr Speaker, I beg to present Sessional Paper No. 20/2013 entitled St Helena Audit Service – Value for Money Review – Government Landlord Housing.

**Ordered to lie on the table.**

The Financial Secretary – (The Hon. Colin Owen) –

Mr Speaker, I beg to present Sessional Paper No. 21/2013 entitled Schedule of Special Warrants 2012/13 to September 2013.

**Ordered to lie on the table.**

The Financial Secretary – (the Hon. Colin Owen) –

Mr Speaker, I beg to present Sessional Paper No. 22/2013 entitled St Helena Audit Service Management Letter and Financial Statements 2011 – 2012.

**Ordered to lie on the table.**

The Speaker –

I invite the Clerk to call the next item of business.

8.

**STATEMENT****Deputy Chairman, Social and Community Development Committee**

The Hon. Brian Isaac (on behalf of the Social and Community Development Committee) –

Mr Speaker, I take this opportunity to address this Honourable House as the Deputy Chairman of the Social and Community Development Committee on the current position of the Social Welfare Review undertaken by Professor Roy Sainsbury and Jonathan Branshaw from the University of York. The review was carried out between August 2012 and March 2013. Professor Sainsbury visited the island between January and February 2013 and met a wide range of stakeholders, including pensioners, social benefit recipients, elected members, the business community, non government organisations and key Government officials. All Councillors have been privileged to have seen a copy of the report, along with a summary of recommendations from the St Helena Government. The Social and Community Development Committee has been leading on the review of the recommendations in the report. The report recognises that there are anomalies that were inherited in the Social Welfare system and recommendations were made to address them through the appropriate committees. The Social Security Ordinance, 2010 and the associate regulations were brought into force on 1<sup>st</sup> April 2011. The basic level at the time was £43.30 for IRB and £45.00 for BIP. Three increases have been agreed since then; the first, an increase of 4.7% in April 2012 and the second, a 4.14% increase in October that year and a 2% increase on 1<sup>st</sup> April 2013. The current weekly basic rates are £48.16 for IRB and £50.05 for BIP, an increase over the period of 11% compared to inflation of 9.8%. The change to the benefits system in 2011 represented significant policy shift moving a system where certain benefits were based on individual claims but not on household income and included the introduction of the BIP at the same time. It was clearly an intention of the St Helena Government to review the system to assess whether it met its aims and to consider what further changes might be required. Following the review, a number of recommendations were made for St Helena Government to consider. One of the recommendations was that IRB and BIP, which are linked to develop a Minimum Income Standard, commonly spoken of as the MIS. The Corporate Policy and Planning Unit have undertaken the Minimum Income Standard methodology. This involved working with a number of Saints to create an acceptable local MIS based on agreed local shopping basket, which included the following: Food and drinks based on a healthy international dietary kind, utilities, clothing and shoes, essential items, such as cups, washing up liquid, toiletries, bus fares, newspapers, were also included. The basket of goods does not include alcohol or tobacco. The Minimum Income Standards calculations suggested that the current benefit levels are too low and recommendations were made that an increase in the Social Benefits will be increased by 7%, increasing IRB from £48.16 to £51.64 and Basic Island Pension from £50.05 to £53.53, giving an additional weekly income of £3.48. Councillors agreed that this payment should commence from the first week in December. There are currently 178 people receiving IRB and 635 people receiving Basic Island Pension. The work carried out by the Social and Community Development Committee, Councillors and officials clearly recognised that setting the benefit level must also consider other factors, particularly the resources available to St Helena Government, but that the Minimum Income Standard approach provide a rational and transparent basis for such considerations to be built in a longer term plan and objectives for St Helena Government. Other recommendations which need to be worked through will be a Child Benefit allowance, which will require work on amending the Benefits Ordinance and Regulations. Further work is planned to address monopolies within the system. Councillors and officials are aware that not everything in the report can be achieved at once and hard decisions need to be taken with reference to the level

of financial resources that can be made available to fund any desired outcomes. The Social Policy Plan underpins the Social Welfare Review and work has started at a high level on both documents. Sensible approach will be needed for a plan of action that takes many of the recommendations into the next five years and all policy decisions are ultimately political decisions which need to be taken in the context of the resources that are available. The Social and Development Committee have a difficult task ahead for getting the balance right between protecting the vulnerable and balancing the public purses as it is clear that some areas cannot be improved. As work progresses through the report, the public will be updated by the Social and Community Development Committee and through the media service. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Clerk to call the next item of business, please?

## 9.

## QUESTIONS

*Question 1. The Honourable Lawson Henry to ask the Honourable Chairman, Social and Community Development Committee.*

The Hon. Lawson Henry –

Mr Speaker, will the Honourable Chairman of the Social and Community and Development Committee say what has been the accumulative and individual social impact of the reforms implemented since signing the Memorandum of Understanding, MOU, between the St Helena and British Governments, on the various vulnerable groups and what action has been taken to mitigate the impact?

The Speaker –

Thank you, Honourable Member. Honourable Chairman of Social and Community Development and the Deputy Chair representing?

The Hon. Brian Isaac –

Thank you, Mr Speaker. As Deputy Chair, I would like to respond to my Honourable Member for bringing this important question to the House. Since the MOU was signed, a significant number of positive social and economic benefits have occurred on the island and this is due in part to the range of assessments, professional expertise and input that helped to inform decisions, policy and legislation. If we consider the most tangible positive impacts, one can point to the introduction of the Basic Island Pension and Income Related Benefits that has helped to support some of the most vulnerable people on the island. We have seen the introduction of a minimum wage, and, again, has directly supported those low wage earners. The airport development has provided Saints with a range of employment opportunities that has improved wages for many. This is a period of dramatic change for the island and it's imperative that as we move forward we support all sections of the community. As a society, we are judged on how we support and care for the vulnerable groups whilst supporting economic growth through sustainable development. SHG does not consider the accumulative impacts of the reforms and also the individual and collective social impacts through assessing the input of a number of professionals to assess the short-term, medium and long-term impacts of all relevant policy development. SHG has undertaken social impacts and studies on specific areas of the MOU reform, for example, institutional reform, land

development control plan, tax reforms, tourism, divestment of utilities. These assessments were used to inform the decision making process. SHG also considers the social impact of all relevant policy legislative decisions and this monitored through the Strategic Policy Planning Unit. SHG, through the Government Economist, the Social Policy Planner and other key professionals have considered the impacts of the potential policy and legislation on all members of the community. The Programme Management Unit, who are charged with delivering the Infrastructure Programme for the island, also have access to a Social Economist to ensure that the projects are delivered positively for the island as a whole. The Infrastructure Programme will see the development of a refurbished prison, new Challenging Behaviour Unit, improvement to the Hospital, resurfacing of roads, as well as improvements to school buildings. As we move forward, we will continue to consider the impact of policy and legislation on all members of the community, as well as the reviewing of current arrangements. The recent Welfare Review, undertaken by Professor Roy Sainsbury, is an example of our commitment to improve the living standards of all. As a result of the MOU, the island now has its own Social Policy Plan that was developed through consultation with over three hundred Saints, and, again, this is to support all members of the community, especially the vulnerable, as the plan is being implemented over the next few years and we will see further improvements. We are looking at the support that is provided to the vulnerable groups and SHG implementation initiatives to support vulnerable people across Health and Social Services and victims of crime. We must also focus on those who will move the island forward and develop our economy so that we are able to improve to support in the service of the vulnerable people in the future. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, may I ask the Deputy Chairman of the Committee, what was the mitigating measures taken in relation to the sale of Crown land for housing plots following the Social Planner's report of February 2012? Thank you.

The Hon. Brian Isaac –

Mr Speaker, I understand that work is ongoing on those mitigation measures and the awaiting of Mr Andrew Crowe on his return that is an issue for the Social and Community Development Committee to address on his return. Unfortunately I cannot give an exact answer at this particular time, but I can furnish all members with that information once it has been through the Committee. Thank you.

The Speaker –

Yes, Honourable Lawson Henry? Thank you, Honourable Member.

The Hon. Lawson Henry –

Could I ask a further question, Mr Speaker? Does SHG recognise that if we want Saints to continue to build their own house they need to make Crown land available relative to income?

The Hon. Brian Isaac –

Mr Speaker, that was a very important question and I'm sure that has all the support of the members around this table today and it's an issue that I have dear to my heart and will endeavour to address it at the appropriate forum in the very near future. Thank you.

The Speaker –  
Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –  
Thank you, Mr Speaker. May I ask the Deputy Chairperson is the social impact assessments that he referred to in his answer regarding the land reforms and the divestment of Connect St Helena, are these social impact assessments in the public domain?

The Hon. Brian Isaac –  
I am not aware that they are in the public domain, but I do not see any reasons why they are not in the public domain, or for other reasons related to confidentiality, but I will endeavour to explore the question and will feed back to the Honourable Christine Scipio O'Dean. Thank you.

The Hon. Christine Scipio O'Dean –  
Thank you, Deputy Chair.

The Speaker –  
Are there any further supplementaries? Perhaps for the listening public, I should explain why the Deputy Chair is answering these questions when it's put down for the Chair to answer. Currently there's no chair, substantive chair of the Social and Community Development Committee, one has been elected, but until that person can take office he has to be appointed by the Governor, so that's the reason why the Deputy Chair is replying. Thank you. Next questions, please?

***Question 2. The Honourable Brian Isaac to ask the Honourable Chairman, Environment and Natural Resources Committee.***

The Hon. Brian Isaac –  
Thank you, Mr Speaker. Will the Honourable Chairman of Environment and Natural Resources Committee tell this House what was the cost of the Security Solar Lights that were erected around the island and what plans are in place to have all lights working effectively?

The Speaker –  
Yes, Honourable Member?

The Hon. Cyril George –  
Thank you, Mr Speaker and thank you to the Honourable Member for bringing the question to the House. There are seventy solar powered security lights which were installed at a total cost of £112,764.80. At present, thirty-one of those seventy are known to be faulty. The annual maintenance budget for all lighting is £10,000 of which £7,000 is required for the erection and removal of Christmas lights. This leaves £3,000 for the other maintenance work, which is enough to replace bulbs, but not to repair the faulty units. SHG are currently working with Connect St Helena to replace faulty bulbs on a regular basis. However, in some cases, the lights require more than just replacement bulbs as some of the fixed memory chips in the lights are erratic and this causes lights to flash or switch off prematurely. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, can I ask my Honourable Friend, what preparations is being made to secure funding?

The Hon. Cyril George –

Within the current financial year, there are no plans to secure additional funding for street lighting. The budget process for the financial years 2014 to 2015 onwards is currently underway and this will be considered alongside other priorities.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker. Will the Chairman say what is actually wrong with the lights?

The Hon. Cyril George –

Mr Speaker, the controller has a fixed memory chip in the heart of the system and some of these seem to be somewhat erratic in operation, for an example, the light will come on as normal but goes off after a few hours. Sometimes the light will start flashing, the light will not come on because the controller indicates that the battery is low in charge, although it has a fully charged battery. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, have any steps been taken to resolve the problem with the manufacturers, bearing in mind that these are new lights being erected and warranties attached? Thank you.

The Hon. Cyril George –

Mr Speaker, yes, these issues will be discussed with the manufacturers and hopefully we can resolve those problems.

The Hon. Brian Isaac –

Thank you, Honourable Members. Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker, would the Honourable Chairman accept that the lights that was purchased was of a poor quality?

The Hon. Cyril George –

Mr Speaker, it would appear that there are some problems, there are definitely problems with the lights and it would appear that they are of a poor quality.

The Speaker –

Yes, okay, Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, may I ask the Chairman that given the health and safety issues that arise out of this particular thing, would he say what plans he has in place to provide better security lighting, better quality security lighting around the island?

The Speaker –  
Honourable Cyril George?

The Hon. Cyril George –  
Mr Speaker, again, it boils down to the funding of the problem and SHG are working alongside Connect to try and identify better quality replacement uitems.

The Speaker –  
Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –  
Thank you, Mr Speaker, will the Honourable Chairman say when will the issue be addressed to the manufacturers?

The Hon. Cyril George –  
Mr Speaker, SHG are looking at this, they are investigating the problems and we will do all we can to try and solve the problem shortly.

The Speaker –  
Thank you, Honourable Member. No further questions, then I'll ask the Clerk to call the next item, please.

***Question 3. The Honourable Derek Thomas to ask the Honourable Chairman, Environment and Natural Resources Committee.***

The Hon. Derek Thomas –  
Thank you, Mr Speaker. Will the Honourable Chairman of the Environment and Natural Resources Committee say what preparation is being made by his Committee to secure funding for District and Community roads?

The Hon. Cyril George –  
Thank you, Mr Speaker and I thank the Honourable Member for bringing the question to the House. Within the current financial year, there are no plans to secure funding for district or community roads. The budget process for the financial years 2014/2015 onwards is currently underway and the possibility of funding district and community roads will be considered alongside other priorities. As the Honourable Member is aware, Government Committees are currently developing budgets for the next three years where a whole range of issues will need to be considered and prioritised. As we progress with developing the budgets for the next three years, we will, of course, consider a range of issues and public concerns as well as the strategic priorities for the island. That said, we also need to be mindful of budget constraints and value for money and I can assure the Honourable Member that the Environmental and Natural Resources Committee will give this matter our full attention. As part of the budget submission, an allocation will be made for funding by Directorates for District and Community roads. It will be down to the prioritisation of the whole Council. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I thank the Honourable Member for his answer, I do not have any supplementaries.

The Speaker –

Thank you very much, Honourable Member. Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, may I ask the Honourable Chairman of the ENRD if he would consider funding District and Community roads from a proportion of the Road Maintenance recurrent budget and if not, why not?

The Hon. Cyril George –

Mr Speaker, the allocation for District and Community roads cannot be funded from this year's allocation as the funding has already been earmarked for maintenance of the existing roads, and, like I said earlier, we will look at it at the next submission of our estimates.

The Speaker –

Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, may I ask the Chairman if he will make funds available from the next year's allocation of that budget line?

The Speaker –

Yes, I think that's, in answer to your question, because it's going to be depending on the Council itself to make those allocations. He couldn't give an assurance that that could happen.

The Hon. Lawson Henry –

Thank you, Mr Speaker, could I ask him to consider my request?

The Speaker –

You can, you may do so.

The Hon. Lawson Henry –

Mr Speaker, may I ask the Chairman will he consider making funding available from that particular budget line for Community and District roads in the next financial year?

The Hon. Cyril George –

Mr Speaker, I think I've already mentioned that the next financial year will depend on priorities within funding and I think, well, what I did say is that the whole Council will have to look at the prioritisation of the funding for next year. Thank you.

The Speaker –

Thank you, Honourable Member. No further questions? Then I call on the next item, Clerk?

***Question 4. The Honourable Cyril George to ask the Honourable Chairman, Social and Community Development Committee.***

The Hon. Cyril George –

Mr Speaker, will the Honourable Chairman of the Social and Community Development Committee tell this House, has any work been undertaken with a view of repairing our heritage sites, for example, High Knoll; if so can you describe the main works undertaken for this year? Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker. Due to current budget prioritisation, SHG has not been able to undertake any repairs of our heritage sites on the island this year. Any work that has been undertaken has been undertaken by NGOs, such as the St Helena National Trust and Enterprise St Helena.

The Speaker –

Honourable Cyril George?

The Hon. Cyril George –

Thank you, Mr Speaker.

The Speaker –

Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, could I ask the Chairman of the Welfare Committee if he would give consideration to a higher priority of funding for this important aspect?

The Hon. Brian Isaac –

I thank the Honourable Member for his concern, and, again, it will be the decision of the whole of the Council to, when prioritising and allocating funding, that this will be given the highest level which was requested. Thank you.

The Speaker –

Thank you, Honourable Member. No further questions? Will the Clerk call the next item, please?

***Question 5. The Honourable Leslie Baldwin to ask the Honourable Chairman of the Environment and Natural Resources Committee.***

The Hon. Leslie Baldwin –

Mr Speaker, will the Honourable Chairman of Environment and Natural Resources Committee tell this Council if the Public Transport System is meeting its objectives with current and future demand?

The Hon. Cyril George –

Mr Speaker, I'd like to thank the Honourable Member for bringing the question to the House. The Public Transport System initially commenced in November 2003. Through the ten years that the system has been operational, the budget allocation has been £30,000 per year. A review of the Public Transport System was undertaken by SHG Economists in mid 2009 when the contract in place at the time was coming to an end. Various recommendations were made regarding the future of the Public Transport System and these were taken into account when the contract was re-tendered that year. An agreement was signed with three operators in 2009 for a period of forty-two months. In 2012, the Transport Strategy was prepared which proposed a three-phase approach to developing the Public Transport System and highlighted three intermediate options which were – (1) introduction of a new Public Transport timetable designed to serve the needs of SHG shift workers as guaranteeing a certain level of business for potential operators; (2) introduction of a dial-a-ride transport system to provide additional services to more rural areas of the island for a six-month pilot scheme to provide information to assess the merit of a service; (3) a range of other recommendations to gradually improve the transport system was a greater hop on, hop off bus provision, vehicle sharing and out of town bus parking area. In December last year, expressions of interest were called for the provision of an expanded Public Transport System. Following the tender process, a contract awarded to Joshua's Taxi in February this year to operate the expanded Public Transport System for a trial period of six months in the Levelwood, Longwood, Half Tree Hollow and St Paul's areas. The expanded Public Transport operates some routes three times per day, seven days per week, which is a significant increase compared to the number of routes offered under the 2009 Agreement. The timing of the additional routes coincides as far as possible with the needs of SHG shift workers. The routes from Sandy Bay to Jamestown continue to operate twice per week with another route to and from Sandy Bay to Half Tree Hollow Clinic on Mondays. On the first Saturday of each month a bus service operates to and from Blue Hill to Jamestown. At this time, the extended Public Transport System is meeting its objectives with current passengers demand. Many passengers using the service are aged over sixty and possibly in receipt of IRB or a Basic Island Pension.

The Speaker –

Thank you very much, Honourable Member. Honourable Leslie Baldwin?

The Hon. Leslie Baldwin –

Sorry, Mr Speaker. Could I just ask if the dial-a-ride system is working, is there any report on the dial-a-ride system?

The Hon. Cyril George –

I think because it's in an early stage or it's a proposal that was put forward and we're not sure if it's working completely or not.

The Speaker –

Honourable Derek Thomas?

The Hon. Cyril George –

Sorry, Mr Speaker, I've been informed that the dial and ride system has not been introduced as yet.

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I was going to ask the Honourable Member if the dial and ride system was in place, but I've been told it's not.

The Speaker –

Thank you. Any further questions, any further supplementaries? Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, can I ask the Honourable Member when will the dial and ride system be put into place?

The Hon. Cyril George –

Mr Speaker, we need to look at that and look at the system and possibly introduce it in the next six months.

The Speaker –

Thank you, Honourable Member. Honourable Leslie Baldwin?

The Hon. Leslie Baldwin –

Thank you, Mr Speaker. Would the Honourable Chairman be able to say whether we can get private sector workers into town for the start of the working day yet?

The Hon. Cyril George –

Can I ask, Mr Speaker, which private sector workers you're referring to?

The Hon. Leslie Baldwin –

I was referring to about 8 o'clock, getting into town for about 8 o'clock in the morning?

The Hon. Cyril George –

Mr Speaker, I've been informed the Route A gets into town by 8 o'clock in the morning from Longwood.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Can I ask the Honourable Member why it is going to take as long as six months to introduce the dial and ride system?

The Hon. Cyril George –

Mr Speaker, we need to negotiate with the operators and if we can introduce it before six months we'll do so.

The Speaker –

Thank you, Honourable Member. Honourable Les Baldwin?

The Hon. Leslie Baldwin –

Thank you, Mr Speaker. Can you tell me if there were any plans to introduce a bus service that gets to town by 8 o'clock from the other side of the island?

The Hon. Cyril George –

Mr Speaker, we are continually assessing the system and if there is a need for an additional bus from the other side of the island we will try to do our best to implement that.

The Speaker –

Thank you, Honourable Member.

The Hon. Leslie Baldwin –

I thank you.

The Speaker –

If there are no further questions, then I ask the Clerk to call the next item of business.

***Question 6. The Honourable Brian Isaac to ask the Honourable Chairman, Environment and Natural Resources Committee.***

The Hon. Brian Isaac –

Mr Speaker, will the Honourable Chairman of Environment and Natural Resources Committee tell this House what is Government's policy for the prevention of soil erosion along the embankment of the stream in Lower Sandy Bay and the bridge access to residents' homes in the affected area?

The Hon. Cyril George –

Mr Speaker, I thank the Honourable Member for bringing this question to the House. There is no formal policy for the management of soil erosion along the stream. However, A&NRD is committed to the clearance of invasive vegetation hanging over the bank sides and within the stream to encourage free flowing of water along the stream's length from the top road bridge to the bridge beneath the beach, so as to reduce storm water surging against the stream sides and causing erosion. The former bridge was erected under Government special funding prior to 2006 and was washed away following a flash flooding event in 2008 and the Fire Service erected the current, temporary, wooden bridge for the residents immediately following this event. SHG is in no way liable for the flooding problems that occurred in 2008. This was a severe and unusual occurrence and SHG could not have predicted it and in any event SHG is not liable for flood water off land under these circumstances. The point that the bridge was established to help the residents does not mean SHG has to ensure its upkeep forever. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, thank you. What is the frequency of the maintenance carried out on the stream and what is the purpose for this maintenance?

The Hon. Cyril George –

Mr Speaker, vegetation maintenance occurs twice per year. Thank you.

The Hon. Brian Isaac –

Mr Speaker, a particular resident has lost some land due to the flash flooding, will the Honourable Chairman say what plans are in place to replace this lost land?

The Hon. Cyril George –

Mr Speaker, I believe that there is an ongoing legal matter and therefore it would not be appropriate to comment at this stage. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member.

The Hon. Brian Isaac –

Thank you, Mr Speaker. Will the Honourable Chairman say, as we can go no further with this question, that his Committee takes serious consideration of compiling a policy or reviewing a policy that will enable people in lower Sandy Bay to have some safe access to their homes and that the land that has been allocated, or is under a legal obligation at the moment, be assessed? Thank you.

The Hon. Cyril George –

Mr Speaker, as Chair of this Committee, we will take the privilege of having a look at the legal issues and investigate the matter further. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member.

The Hon. Brian Isaac –

Thank you, Mr Speaker.

The Speaker –

No further questions? The Clerk will call the next item, please?

***Question 7. The Honourable Brian Isaac to ask the Honourable Chairman, Environment and Natural Resources Committee.***

The Hon. Brian Isaac –

Mr Speaker, will the Honourable Chairman of the Environment and Natural Resources Committee tell this House if there is any equipment and related materials purchased under the Roads Project which has become obsolete to the project and if so, what is the breakdown cost? Thank you.

The Hon. Cyril George –

Mr Speaker, I thank the Honourable Member for bringing this question to the House. The recent announcements regarding the asphalt plant brings to an end a hugely disappointing episode and one that we have learnt lessons from and these lessons include changes to SHG's procurement regulations, for an example. The following equipment was purchased to facilitate delivery of the Roads Project with the assumption that the asphalt plant purchased was fully operational. It is to be noted that should SHG purchase an asphalt plant in the future, then these items of equipment would be used on the road network. However, with an

asphalt plant, this equipment is not currently used and is stored at Donkey Plain. The items are as follows:- Hot Box – cost £33,000; Bitumen, 256 drums – cost £45,000; Asphalt Paver - £125,000. This is a high quality machine stored under cover, which should be suitable for recommissioning if and when asphalt becomes available. Themostatic road marking equipment - £12,000. The airport operator is aware of this equipment and it is hoped that it will be of use for the airport site. Portable wheelchair toilets - £5,000. These are useable if anyone wants to buy them. The total value of this equipment and the asphalt plant is £325,000. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker. Will the Honourable Chairman say has anyone been held accountable for these purchases?

The Hon. Cyril George –

Mr Speaker, the people involved are no longer employed by SHG. Thank you, Mr Speaker.

The Speaker –

Honourable Brian Isaac?

The Hon. Brian Isaac –

Will the Honourable Chairman say why has all this equipment been purchased and has now become a white elephant? Thank you.

The Hon. Cyril George –

Mr Speaker, these purchases relate to three main areas – the failure of the asphalt plant has by default written off all associated equipment and material purchases which could not be used for other purposes. By contrast, machine recently purchased by the Roads Section is a simple spray gun for our road marking paint. This is suitable for very small quantities, is a much simpler process and once cleaned at the end of the day can be used for white or yellow the next day. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Can the Honourable Chairman say why the portable wheelchair toilets are not put into use?

The Hon. Cyril George –

Mr Speaker, I've been informed that the toilets were purchased on the assumption that the asphalt plant would be operational and portable toilets would be suitable for the sites that the asphalt plant would be working at, however, because they're not being used, if there are organisations that would like to purchase or hire the toilets, then they are welcome to do so.

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Could the Honourable Chairman say that these portable toilets if put into use would be of benefit to the community?

The Hon. Cyril George –

Mr Speaker, I've been informed that, yes, they can be used by the community for functions or anything that has need for wheelchair access.

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Would the Honourable Chairman then, Mr Speaker, take it onboard to ensure that these toilets are put into use for the benefit of the disabled?

The Hon. Cyril George –

Mr Speaker, of course we will do, we would like to see them used as much as possible. Thank you.

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Will the Honourable Chairman then say when will these toilets be put into use?

The Speaker –

Alright, I think that might be out of order, the question, you're asking something that might not even happen, so I think the Honourable Member can't come back and say when they're going to be put into use. He didn't say that his department is going to put them to use, he said other people can put them to use and I think it's going to be difficult for him to say when other people will put them to use.

The Hon. Derek Thomas –

Thank you, Mr Speaker. Will the Honourable Chairman then say whether his Directorate will consider putting these toilets into use for the public?

The Hon. Cyril George –

Mr Speaker, I've been informed that they can be used by other members of the public, but I think we would need to discuss this with other organisations and other Directorates in the first instance.

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Will the Honourable Chairman say then that he will undertake to discuss this with the relevant organisations with a view of having these toilets put into operation?

The Hon. Cyril George –  
Yes, Mr Speaker, that can be undertaken.

The Speaker –  
Honourable Brian Isaac?

The Hon. Brian Isaac –  
Mr Speaker, will the Chairman say if any procedures are in place by SHG so that we don't have a reoccurrence of this excessive ordering of equipment? Thank you.

The Hon. Cyril George –  
Sorry, Mr Speaker, can you repeat that question, please?

The Hon. Brian Isaac –  
Mr Speaker, will the Chairman say what plans have Government in place so that we don't have another episode of excessive ordering of equipment, probably through the Procurement Unit that's been set up, I don't know? Thank you.

The Hon. Cyril George –  
Mr Speaker, to not repeat these issues I think we need to, the Procurement Unit and the Directorates need to work closely with er.....Directorates not to repeat this situation. Thank you.

The Speaker –  
Honourable Financial Secretary?

The Hon. Colin Owen –  
Thank you, I just wanted to add to that that the procurement regulations have been completely revised since the purchase of the asphalt machine and they're now in force and the new Procurement Board is in place now, so there have been various steps made to ensure that those purchases don't happen in the future.

The Hon. Brian Isaac –  
I thank the Honourable Financial Secretary for his reply.

The Speaker –  
Thank you for your point of information. Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –  
Thank you, Mr Speaker. Mr Speaker, the Honourable Chairman of ENRD mentioned that all associated equipment has been written off. May I ask the Honourable Financial Secretary if he can confirm that the associated equipment has been written off?

The Speaker –  
Honourable Financial Secretary?

The Hon. Colin Owen –  
Thank you, I confirm that they haven't been written off as the Honourable Member stated. The asphalt machine is in the process of being written off, there was quite a strict regulations

that we have to follow in the Financial Regs on that, which require Secretary of State approval for that, but the other equipment hasn't been written off at the present time.

The Hon. Christine Scipio O'Dean –

Thank you, Honourable Financial Secretary, no further questions.

The Speaker –

Honourable Les Baldwin?

The Hon. Leslie Baldwin –

Thank you, Mr Speaker, could I just ask the Chairman, just for clarity more than anything else, what year these purchases were made and did Legislative Council endorse it?

The Hon. Cyril George –

Mr Speaker, unfortunately I cannot give that date when the equipment was purchased, but we will check that for you and put it in writing to all members.

The Hon. Leslie Baldwin –

I thank you.

The Speaker –

Thank you, Honourable Member. Right, we've exhausted our questions. I see after talking about toilets, our next topic is Motions, so it's now ten to twelve, so I think it's about time we adjourn our sitting here at the moment, well, suspend the sitting I should rather say, until 1 o'clock. When we come back we have the other Motions in front of us to do. Thank you. Council is suspended.

**Council suspended.**

**Council resumed.**

The Speaker –

Right, good afternoon, Honourable Members, we're back again in our Sitting, Council is now resumed, I will ask the Clerk to call the next item of business.

## 10.

## MOTIONS

*Motion 1. The Honourable Ian Rummery.*

The Hon. Ian Rummery –

Thank you, Mr Speaker. Mr Speaker, I beg to move that the Commissioner for Oaths (Amendment) Bill, 2013, be approved in principle and referred to a Committee of the whole Council.

The Speaker –

Is there a seconder?

The Hon. Lawson Henry –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. Honourable Mover?

The Hon. Ian Rummery –

Thank you, Mr Speaker. Mr Speaker, I wish to speak to the Motion to amend the Commissioner for Oaths Ordinance, Cap 18 to extend the powers and duties of Commissioners of Oaths, to persons enrolled as advocates of the Supreme Court and to update provisions relating to criminal penalties. Mr Speaker, this is a relatively straightforward amendment. Many people in businesses encounter the requirement for a Commissioner for Oaths to witness the signing and swearing of a document. In English law, all solicitors have these powers. With the increase in the number of lawyers practising on St Helena, the amendment is to bring our law into line with English law to enable these lawyers to be Commissioners for Oaths. There is also an update for the provision relating to criminal penalties. Thank you.

The Speaker –

Thank you, Honourable Member. I put the question that the Commissioner for Oaths (Amendment) Bill, 2013, be approved in principle and referred to a Committee of the whole Council. The question now, Honourable Members, is open for debate. Any Member wish to speak? Does no Member wish to speak to the Bill? No? It doesn't seem sensible for me to ask the Honourable Member to reply in that instance, does it?

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

The Speaker –

Honourable Mover?

The Hon. Ian Rummery –

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

The Speaker –

Is there a seconder?

The Hon. Lawson Henry –

Mr Speaker, I beg to second.

The Speaker –

Thank you.

Question that the Council resolves into a Committee to consider the details of the Bill, put and agreed to.

**Council in Committee.**

The Chairman –

We're now in Committee of the whole Council and officially I should be addressed as Chairman, but it doesn't matter, you call me Speaker, don't call me anything else, we can be relaxed.

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

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Chairman –

Clause 2. I wonder if the Attorney General would like to explain perhaps for the Members? You may sit in Committee if you wish.

The Hon. Acting Attorney General –

Thank you, Mr Chairman. Mr Chairman, Clause 2 simply repeals section 4 of the current Commissioner for Oaths Ordinance and replaces it with a new section. In the principle Ordinance, only the Registrar of the Supreme Court and the Attorney General can act as Commissioners for Oaths and this new provision states that the Registrar and all advocates of the Supreme Court will be allowed to have those powers.

The Chairman –

Thank you, Honourable Member. Any questions to ask about that?

Clause 2.

Question put and agreed to.

The Chairman –

Clause 3 is just a short amendment, but can you explain it please, Attorney General?

The Hon. Acting Attorney General –

Thank you, Mr Chairman. Clause 3 .....proviso within the current Ordinance dealing with payment of fees to the Attorney General or Registrar. It was a duplication between the Ordinance and the Regulations and it's simply tidying up that duplication.

The Hon. Christine Scipio O'Dean –

Mr Chairman, may I ask if The Hon. Acting Attorney General could direct me into the principle Ordinance where the duplication is, please?

The Hon. Acting Attorney General –

Thank you. Mr Chairman, thank you for the question, Councillor Scipio O'Dean. It's within the, if I can see within the original Ordinance, it was in the Regulations, there is details of how the fees are to be charged and perhaps I could add to my earlier comments, the fees charged are stated. The Public Finance Ordinance deals with how monies received by the Attorney General should be dealt with, so I apologise, I should have qualified that.

The Hon. Christine Scipio O'Dean –

Thank you, Attorney General, but could you tell me exactly within the principle Ordinance where the duplication is stated, please, because I've looked at the Ordinance and I'm just trying to clarify and be clear in my mind exactly where the duplication is.

The Hon. Acting Attorney General –

Thank you, Councillor Scipio O'Dean. The Regulations attached to the principle Ordinance deal with the fees that should be charged and that's in the second Schedule where it deals with fees, I think the fee is £1.50 or 50p or £10.00.

The Hon. Christine Scipio O'Dean –

Thank you, Attorney General, you said the Regulations that is attached to what, Acting Attorney General?

The Hon. Acting Attorney General –

I apologise, it's the first Schedule attached to the Commissioner of Oaths Ordinance.

The Hon. Christine Scipio O'Dean –

I'm a little confused because I don't have anything attached, Mr Chairman, maybe I can ask the Attorney General if she could just show me what attachment she has in her presence, that I do not have, please?

The Hon. Acting Attorney General –

Mr Chairman, I have no difficulty in handing that over.

The Hon. Christine Scipio O'Dean –

Thank you. Sorry, Mr Chairman, give me a second. Thank you.

The Chairman –

Any other questions?

Clause 3.

Question put and agreed to.

The Chairman –

Clause 4.

The Hon. Acting Attorney General –

Thank you, Mr Chairman. Clause 4 updates the penalties on convictions for the criminal offences within the principle Ordinance. These are updates for offences for fines of £50.00 and £100.00 and a possible imprisonment of six months to a new fine of a maximum of £5,000 or imprisonment for two years.

The Chairman –

Thank you, Honourable Member. Any questions, any debate? No.

Clause 4.

Question put and agreed to.

The Chairman –

It would be useful if we hear Members voting either one way or the other in an audible voice, then I know which one to catch, and it may be ..... Anyhow, the Bill is to be reported, please?

**Council resumed.**

The Speaker –

Honourable Mover?

The Hon. Ian Rummery –

Mr Speaker, I beg to report that the Commissioner for Oaths (Amendment) Bill, 2013, passed the Committee with four amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

There's no amendment, without amendment?

The Hon. Ian Rummery –

Sorry, Sir, without amendment, sorry.

The Speaker –

Without amendment, okay, thank you very much indeed. Is there a seconder?

The Hon. Lawson Henry –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. Honourable Mover wish to speak once again to the Bill?

The Hon. Ian Rummery –

No thank you.

The Speaker –

No. I put the question that this Council approves the Commissioner for Oaths (Amendment) Bill, 2013, and recommends to the Governor that it should be enacted. Any other Member wish to speak on the principle of the Bill? I won't invite the Mover to respond because there's no response needed.

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

The Speaker –

Next item, please?

***Motion 2. The Hon. Ian Rummery***

The Hon. Ian Rummery –

Mr Speaker, I beg to move that the Welfare of Children (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?

The Hon. Lawson Henry –

Mr Speaker, I beg to second.

The Speaker –

Honourable Mover, you may speak to the Bill.

The Hon. Ian Rummery –

Thank you, Mr Speaker.

The Speaker –

You must remember to mention the full title at one time.

The Hon. Ian Rummery –

Mr Speaker, I wish to speak to the Motion to amend the Welfare of Children Ordinance, 2008 and the Magistrates Court Ordinance, 2011, to further regulate the provisions relating to care orders and adoption orders and for the purposes connected therewith or incidental thereto. The making and amending of laws is a responsibility that we, as Legislative Councillors, must never take lightly. If we need reminding of the seriousness of our obligations, in the Motion to amend the legislation in respect of the Welfare of Children Ordinance for the rules of adoption should do just that. The adoption of a child is always going to be an emotional event and that is why we must strive to make the law the best possible law. The amendments proposed to the Welfare of Children Ordinance will make this a better law than what we have at present. The Hon. Acting Attorney General will take us through the amendments in detail later, but effectively we've been asked to make the following changes:- The first is bringing the legislation in line with current English law to increase the Court's flexibility in decision making when assessing whether to dispense with the parents' consent by replacing a list of criteria with a general welfare of the child requirement. And the second change is changing the eligibility of persons who are being considered to be adopters, at present a person can only be considered as a potential adoptive parent if they are domiciled in St Helena. This could severely restrict a child's chances of adoption. It must be remembered that while we're being asked to make these amendments, the actual decision as to whether a child should be adopted, and, if so, who the adopted parents will be, rests with the Supreme Court Chief Justice. What we are being asked to do today is to increase the Chief Justice's scope to make a decision should adoption be considered in a child's best interests. I wish to inform the House that I have sought independent legal advice over these amendments. A very experienced UK lawyer, who's been involved in adoption cases, was kind enough to answer my queries. She also put me in touch with a Senior Social Worker who has worked as an Adoption Social Worker for many years. When asked if making these amendments was the correct approach, they both replied that it was and that this would bring our legislation in line with internationally recognised best practice. I'm very grateful to both the lawyer and the social worker for the detailed explanations that they gave me of best practice in the adoption

process and I'm confident that these amendments are required. It is now recognised that if adoption is to take place, there is a need for a child to be placed early to ensure a permanent placement as this is the best indicator for the child's future wellbeing. Amending the legislation will enable the Supreme Court Justice more opportunities to achieve this should it be necessary.

In conclusion, we must never take the making of or amending laws lightly, but we should always seek to make our laws the best possible laws. By doing so, we allow those who have to use these laws to have at their disposal the best possible laws to implement. Thank you, Sir.

The Speaker –

Thank you, Honourable Member. I put the question that the Welfare of Children (Amendment) Bill, 2013, be approved in principle and referred to a Committee of the whole Council. The question is now open for debate, Honourable Members. Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. It is my belief that this piece of legislation, like others, is in need of a review to bring it up to date, but Mr Speaker, I have two questions. Why are we not reviewing this Ordinance in its entirety, and, secondly, why is there an urgency for this legislation to be dealt with on an ad hoc basis? St Helena needs good legislation that benefits the intended recipients and the community of St Helena as a whole, in line with the National Goal Number Two which states, "A strong community and family life". Mr Speaker, I do have a few concerns and I will ask The Hon. Acting Attorney General for clarification when we discuss this legislation in Committee as a whole. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any further Member wish to speak to the Bill, the principles of the Bill? Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I rise in support of the Bill. It's been long overdue, from my previous life as a Social Worker. There have been anomalies within the current Child Care Ordinance which have hindered and affects some of the procedures that would benefit the welfare of children and I am glad that it is here before the House today and I give my support to it. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak to the principles of the Bill? I would like to invite the Mover to reply.

The Hon. Ian Rummery –

Thank you, Mr Speaker. In response to the Honourable Christine Scipio O'Dean's questions, I'm afraid I'm not able to give specific background as to why the law in its entirety is not being reviewed, however, I think that does not detract from the principle that these amendments are required, and, as I say, in my previous speech that having spent some considerable time communicating this with a senior UK lawyer and a senior UK social worker, they're both in agreement that these amendments are required, so that's where I would leave it at this point in time. Thank you.

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 Speaker –

Honourable Mover?

The Hon. Ian Rummery –

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

### **Council in Committee.**

The Chairman –

Council is now in Committee of the whole House, it's more relaxing down here, you can ask any questions you want, as many questions as you like, we'll take them all, okay?

Right, I put the Title, the Enactment Clause and Clause 1. Any Member wish debate?

### **Title, Enactment Clause and Clause 1.**

Question put and agreed to.

The Chairman –

Clause 2. Attorney General, would you like to explain it?

The Hon. Acting Attorney General –

Thank you, Mr Chairman. Mr Chairman, Clause 2 deals with the definitions within the principle Ordinance and principally a tidying up exercise, in particular, it extends the definition of Care Order to include an interim Care Order and I can advise that the Court has always interpreted that an Interim Care Order is a Care Order so it simply states the position as is already the case. It tightens up the definition of Magistrates Court within the Ordinance and also updates the reference to Departments, detailing the relevant Directorates dealing with social welfare purposes.

The Chairman –

Any questions, anyone? Yes, Christine?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Chairman. Section 2 (b) amends the principle Ordinance by removing the reference to Juvenile Court. Why is this so?

The Hon. Acting Attorney General –

Sorry, Councillor, could you repeat that question?

The Hon. Christine Scipio O'Dean –

Section 2 (b) under Court amends the principle Ordinance by removing the reference to Juvenile Court, why is this so?

The Hon. Acting Attorney General –

It removes the reference because it actually deals with the reference to Juvenile Court later on in the amendments. If you further on where there is reference to, which we will come to in due course, at Section 9, Clause 9, where it then makes reference to it will be the Juvenile Court that deals with cases under the Welfare of Children Ordinance, but it's simpler, otherwise it would be repeating the same matter.

The Hon. Christine Scipio O'Dean –

I had that as an item to raise as well, because I see in the Magistrates Court Ordinance, 2011, as Juvenile Court, so what you're saying is that by removing it from the Welfare of Children Ordinance you only deal with, refer to it in the Magistrates Court Ordinance, 2011, as Juvenile Court.

The Hon. Acting Attorney General –

It is clarifying that anyone under the age of seventeen can be dealt with under the Welfare of Children Ordinance, will be dealt with in the Magistrates Court as it sits as a Juvenile Court.

The Hon. Christine Scipio O'Dean –

Thank you for that. Under Departments, same section, Section 2, is it more appropriate to replace the word 'Department' with Section or Division of the Directorate?

The Hon. Acting Attorney General –

I think for easy drafting, the Department is already there. Unfortunately, department is dealing, in the Ordinance as it stands at the moment, with the old Health Department which had responsibility for Social Services, so what it is doing is widening the definitions which would encompass any future changes. So it's effectively putting responsibility for this Ordinance at the seat of the department dealing with all Social and Welfare matters.

The Hon. Christine Scipio O'Dean –

But is it correct we do not refer to Government as Departments, but Government as Directorates and sections within Government or a division within Government, not a department within Government, is that so?

The Hon. Acting Attorney General –

I take your point, and, as I said, for ease of drafting, department is referred to throughout the whole Ordinance, it's far easier to change the definition than it is to input a new word throughout the entire Ordinance.

The Hon. Christine Scipio O'Dean –

Okay.

The Chairman –

Any further questions on Clause 2? Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker, I, too, was going to raise the question of the change about juveniles, that's obviously been covered. I'd just like to go back go 2(a) and ask the question that because of the amendment, does this mean that now, under the principle Ordinance, Section 46, which is about Interim Care Orders, that they are now a Care Order? No, sorry, I do beg your pardon; I just need to remind myself. It's just that, because of the amendment, does this

mean now that under the principle Ordinance, Section 46 – Interim Care Orders, are not truly a Care Order?

The Hon. Acting Attorney General –

Without going into too much detail on how such a case would be progressed through Court, an Interim Care Order is sought by the Social Work Department for a child as essentially a holding order, so they're held on four-week periods, it can only be extended for a period of four weeks, and then ultimately the supporting documentation is put together that would allow an application for a full Care Order. The extension within the definition to include an Interim Care Order directly reflects how the Court deals with any matter relating to an Interim Care Order, so it's already, in any case, before the Court, it already deals with Interim Care Orders as if they were full Orders in respect of applying the Ordinance to it, so it's just clarifying what is currently the position and the interpretation in Court.

The Hon. Anthony Green –

Mr Speaker, as a simple layman, by actually including it now, it was always included, but I'm just wondering if there is a need for clarification, but it's in the principle Ordinance anyway, what's the point?

The Hon. Acting Attorney General –

The need for clarification is simply for those working within the St Helena Courts on a day to day basis, we have an understanding and we recognise that the interpretation has already been made by our Chief Justice, but anyone from the outside using our Ordinance, it now just clarifies what we know to be the true position.

The Hon. Anthony Green –

Right. Not an issue, Mr Speaker, but all I think my question really is, is this amendment absolutely necessary, because Interim Care Orders are already in the principle Ordinance, but I have no problem if it's going to be changed and put round another way.

The Hon. Acting Attorney General –

I'm not sure there's anything further I could add. Thank you.

The Chairman –

Any further questions on Clause 2?

Clause 2.

Question put and agreed to.

The Chairman –

Clause 3. Attorney General?

The Hon. Anthony Green –

Mr Speaker, I imagine I missed my cue for being able to continue another point, but I do.....

The Chairman –

In the same? I'll allow it.

The Hon. Anthony Green –

Thank you very much, I was concentrating on my previous point, but if we turn, if I may, to Clause 2 (c), which we did touch on before about Departments and Directorates, but I'm wondering if the change to reflect the new title of the Department, that to me is one thing, but now additional would be the words "other grouping" and what I can't fathom out is how is this other group formed, identified and formally appointed? We can certainly understand where you've got a department from, we know how a directorate is constituted, we know how a committee is constituted, but we now have the words "other grouping" which has no official standing, as far as I'm aware, and so, to repeat my question, how are they identified, how are they formally put together and how are they formally appointed, because a formally appointed group now could be anybody at anybody's discretion?

The Chairman –  
Honourable Attorney General?

The Hon. Acting Attorney General –

Thank you, Mr Chairman. Again, from a drafting perspective, it has been drafted with a view to encompassing anything that may happen in the future without having to come back and amend the Ordinance. I take your point as to how you would define "other grouping" but I think it's qualified by the final line saying, you know, it's for the time being charged the responsibility for Social and Welfare Services, so that we need to be a tie in with the two. The real clarity is required with Directorate and Department and the final two lines, but obviously if it's something that Councillor Green feels strongly about maybe it's something that you would wish to amend. As I said, from a purely drafting perspective, it would encompass anything that's likely to happen in the future, but it would still be tied back in to those charged with that responsibility.

The Hon. Anthony Green –

Mr Speaker, yes, generally, the changes reflected in here are good in principle, but to have a section in here that does allow a group of people to make important decisions on the welfare of a child without formally and legislatively regulated to my mind actually defeats the whole purpose of trying to tighten up the legislation which will improve the welfare of a child, because you could have a group appointed by someone who have not necessarily gone through a process of careful assessment in order they would definitely make decisions in the best interests of the child. I worry about "other groupings" because they never ever seem to be formally appointed under this particular clause of the Bill.

The Hon. Acting Attorney General –

I do think reading it as a whole it would be difficult to interpret that as just a group of people, because it is other grouping of personnel in the Government of St Helena then charged with the responsibility, so I think interpreting it as a whole is very different from picking out just the words "other groupings". I think the protection is within the following words.

The Speaker –  
Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Mr Speaker. Yes, now I, just to concur with the Acting Attorney General, I think, there's two things here – one, it's talking about grouping of people within Government of St Helena; and, it's also talking about, as the Acting Attorney General said, charged with responsibility for Social and Welfare Services, otherwise I can foresee a time where with

SHG's constant restructuring, that if we have a Social Services Section, we'd have to come back here again to re-clarify the Ordinance, because it would be a different word to Department and Directorate, so I would feel that this is necessary in order to cover any future changes of titles within Government.

The Hon. Anthony Green –

Maybe just to illustrate my point, if I may, Mr Speaker, is that then why is it necessary to put Department, Directorate into the Ordinance when, if it became necessary, anybody, any group in Government can actually be formed to deal with the issue?

The Hon. Acting Attorney General –

Could I? To answer that for Councillor Green, the definition at the moment of Department actually says Department means the Public Health and Social Services Department and that's clearly out of date. The rest of the Ordinance, and not only this Ordinance, but also many of the other Ordinances that cross reference with this one, refer to Department as defined within the Welfare of Children Ordinance, so there is a cross cutting problem where we need a definition of department and it needs to be a definition that encompasses the responsibility for that issue.

The Hon. Anthony Green –

Mr Speaker, it's not something that I wish to die at the stake with, but I do think it's too open ended, but my question was, how is this group formed, identified if, it had been said, that this is something that would be approved by the Health and Social Welfare Committee or whatever their new name or the Governor I would have been happy, but who decides, and that's my issue, but I'll rest my case there.

The Hon. Christine Scipio O'Dean –

Well, is there any other way, Acting Attorney General that the wording can be changed to include this issue, and I do have a concern about the interpretation of departments as well, so do you have any suggestion about amending the wording?

The Hon. Acting Attorney General –

I can't see a way of amending it without tying it back into the same problem that we've got at the moment. The issue is that it needs flexibility to deal with restructuring or any potential restructuring in the future and I think my position has to be that there is protection in there because it is talking about personnel within Government and it is talking about the personnel that is charged with that responsibility.

The Chairman –

Councillor Dollery?

The Hon. Nigel Dollery –

Could we insert the word "formal" between "other" and "grouping" so it's showing that it is a grouping which has been set up correctly within Government or not?

The Hon. Acting Attorney General –

I wouldn't have any difficulty with the insertion of "formal" if that assists.

The Hon. Anthony Green –

I would get some satisfaction from that, I think that would be fine.

The Hon. Christine Scipio O'Dean –

I think that would take care of my concern as well.

The Chairman –

You can't have that unless there's a proposal to amend. Unless there's a proposal to amend the Clause and a vote is taken on that, the Clause will not be amended and reminding you that you had moved on from that Clause 2 and, in fact, which I allowed.

The Hon. Anthony Green –

Mr Speaker, may I propose that in Clause 2 (c) after the word "other", the word "formal" be inserted between "other" and "grouping", so's that to give clarity to the Clause, adding the word "formal" between the words "other" and "grouping".

The Chairman –

Before I accept that and call for a seconder, be very careful how you're changing law around the table here like this. What is the interpretation of "formal"? When is it formal, when is it not formal, those are the things you need to consider and when you tamper with legislation for the sake of adding a word it may give a different meaning altogether, just so that Honourable Councillors know what they're doing. I will accept the proposal afterwards, but just be very careful about amending around the table like this. If you did it outside and had hours of talking about it, then, you know, that's all well and good, the way I see it, if you change it to formal, and you're entitled to do that, it means to say that in an emergency, any ad hoc group that's called together to look to the welfare of the children, it will not be covered under this at all, have to be set up to some formality, which will take some time for someone to do, set up, in which case you leave the child at peril. That's the only thing, but if you insist I have to accept. Do you intend to propose an amendment?

The Hon. Anthony Green –

I have, indeed, done that, Mr Speaker.

The Chairman –

The amendment is on the floor, by repeating the definition of "department" under section (c), the amendment is to insert between the words "other" and "grouping" the word "formal". Is there a seconder for that amendment proposed? There is a seconder.....

The Hon. Nigel Dollery –

I second it.

The Chairman –

Nigel Dollery.

Question on amendment, put.

The Chairman –

I call a division, I think, on that one. Take a division.

Ayes

Noes

Abstention

Honourable Derek Thomas

Honourable Bernice Olsson  
Honourable Brian Isaac

Honourable Anthony Green  
Honourable Gavin Ellick  
Honourable Wilson Duncan  
Honourable Nigel Dollery  
Honourable Leslie Baldwin  
Honourable Ian Rummery  
Honourable Cyril George  
Honourable Christine Scipio O'Dean

Honourable Lawson Henry

The Chairman –

Right, the vote, the Ayes 7, the Ayes have it. Will the Mover take note of the amendment when reporting back.

Clause 2 (as amended)

Question put and agreed to.

The Chairman –

Clause 3.

The Hon. Acting Attorney General –

Thank you, Mr Chairman. Clause 3 adds an entirely new section to the principle Ordinance. It allows for applications for Care Orders and applications for Adoption and freeing for Adoption to effectively be twin tracked and dealt with by the Court simultaneously.

The Chairman –

Any questions on Clause 3?

Clause 3.

Question put and agreed to.

The Chairman –

Clause 4.

The Hon. Acting Attorney General –

Thank you, Mr Chairman. Clause 4, Part A widens the discretion available to the Court for making decisions in relation to Care Orders. Part B it's effectively just simpler. It already said the same thing, but the words were the other way around, it tidies up that whole section so that it reads in a similar manner depending on which part of the section you're reading.

The Chairman –

Any questions?

Clause 4.

Question put and agreed to.

The Chairman –  
Clause 5.

The Hon. Acting Attorney General –

Thank you, Mr Chairman. Again, Clause 5 is giving the Court the wider discretion, but this time when considering what may be in the best interest of the child as regards the placing of the child for adoption. Effectively it's adding in to the Ordinance that the Court can consider a child who has been placed by the Department for adoption, so it is just widening the discretion again.

Clause 5.

Question put and agreed to.

The Chairman –  
Clause 6.

The Hon. Acting Attorney General –

Thank you, Mr Chairman. Clause 6 extends, where adoption is being proposed by a married couple, it extends the provision within the principle Ordinance to include those who are domiciled not only on St Helena but also within the UK or such other place as the Court may approve. It may, if I could at this stage, it may actually make sense to deal with Clause 7 at the same time, because I suspect any questions will relate to both.

The Chairman –

You want to take Clause 7 at the same time, and Clause 7.

The Hon. Acting Attorney General –

Thank you, Mr Chairman. Clause 7 is exactly the same, amendment, but adoption by one person rather than by a married couple.

The Chairman –

Clause 6 and Clause 7. Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. May I ask the Acting Attorney General why does the amendment make reference to UK only, well, the amendment is UK only and not Ascension and the Falkland Islands, because I see Ascension and the Falkland Islands are an extended community of St Helena. Saints living in these areas may want to offer their service in the time of need such as this?

The Hon. Acting Attorney General –

Thank you, Councillor Christine Scipio O' Dean, that's the reason that in the amendment it also says or other such places the Court may approve, so that would widen not only the Falklands and Ascension, but anywhere else where a Saint may be residing.

The Hon. Christine Scipio O' Dean –

I can appreciate that that it says, states, or such other places a Court may approve, but my question is why does the amendment only makes reference to the UK, why can't it say in St Helena, United Kingdom, Ascension Island and the Falkland Islands or such place as the Court may approve?

The Hon. Acting Attorney General –

It could, but it would also require to say “and such other places the Court may approve”.

The Hon. Christine Scipio O' Dean –

Well, I strongly feel that the majority, a lot of St Helenians are on Ascension and the Falkland Islands, and, of course, in the UK and my personal preference would, I will be more comfortable if that was spelt out, “in St Helena, United Kingdom, Ascension, Falkland Islands or such other place the Court may approve.

The Chairman –

Just putting in a little word here for you to consider. You want to ask yourself the question, is anyone domiciled in Ascension Island?

The Hon. Acting Attorney General –

If I, first to intervene on that, thank you, Mr Chairman, that's a good point and it is a matter that domicile would have to be interpreted by the Court as well, so rather than narrowing matters down, which is the problem that we have with the Ordinance as it stands at the moment, we're trying to widen that discretion, which is why it makes reference to being approved by the Court and it's a completely different issue that hopefully we won't get into today about domicile on Ascension.

The Hon. Christine Scipio O'Dean –

So why doesn't the amendment just say domicile in St Helena or such other place as the Court may approve? The principle Ordinance states domiciled in the island, why can't it just say domiciled in St Helena or such other place as the Court may approve?

The Hon. Acting Attorney General –

It could. There is, however, the territorial grouping of Ascension to St Helena and obviously to Tristan da Cunha as well, so by extending that to United Kingdom we are implying in the Ordinance that it is a wide-ranging extension that the Court will be looking at.

The Hon. Christine Scipio O'Dean –

I'm sorry, Acting Attorney General, I'm not quite confident with the answer that you have given me.

The Hon. Acting Attorney General –

I think the question really needs to be if the Court is being given the discretion to approve anywhere in the world at its approval, and that's a discretion we're trying to give to the Court, then why would the Ordinance need to specify any particular place, whether that be Ascension or the Falklands, so it's the principle, the general principle here is that's it's extending domicile.

The Hon. Christine Scipio O'Dean –

So why is the United Kingdom mentioned then if we don't really need to specify? Is it important, is it relevant to have the words United Kingdom you spelt out?

The Hon. Acting Attorney General –

You could have it there as or such place as the Court may approve, it's there as a starting point for consideration.

The Chairman –

Attorney General, could I ask the question here? If United Kingdom was taken out from here, then does it not mean to say that the Chief Justice might not approve the United Kingdom, anybody staying in the United Kingdom, because it's not specifically spelled out? Here it is now, United Kingdom is a place as designated by this law and doesn't leave it to the Chief Justice to say no it can't be.

The Hon. Acting Attorney General –

It does, but ultimately any decision is going to be applying the overriding principles of what is there for any child. Yes, your point is absolutely correct, Mr Chairman, it is there as a specific example.

The Chairman –

The way I see it for helping the Councillor out, if you take the United Kingdom out, there's no guarantee that the Chief Justice will rule in favour of United Kingdom, so you're limiting yourself even more than you asked before, but it's entirely up to you.

The Hon. Wilson Duncan –

Well, Mr Speaker, can I say something. It got down here, the United Kingdom or such other place as the Court may approve, so, you know, what other places? Right, if they want to put in, specifically add the United Kingdom there, then my question would be, or such other places as the Court may approve, but what other places, have they got a list?

The Chairman –

It could be the Falkland Islands, it's just left entirely to the Court is what it sounds like to me.

The Hon. Wilson Duncan –

So, if it's left entirely to the Court, so if we leave the United Kingdom out, it will have the same effect?

The Chairman –

No.

The Hon. Wilson Duncan –

It won't?

The Chairman –

No, it won't have the same effect; I don't think so, with respect. Maybe we really need to look at this, that's why I said be very careful how you're tampering with this and I'm neutral in this, but I'm just reading what the law says. The way I see the Clause, it says an adoption order cannot be made on the application of a married couple unless at least one of them is domiciled in St Helena, in the United Kingdom, and those are the definite places, so long as one of them is domiciled in St Helena and United Kingdom it will automatically go through, but if one is domiciled in Timbuktu, the Court may say no. A Court may say yes, there's flexibility to the Court in the second part of that Clause, isn't it, but the first part is definite,

so long as that person is domiciled in St Helena and so long as that person is domiciled in the United Kingdom, yes, it's all clear playing. I leave that to you.

The Hon. Acting Attorney General –

I think that with the proviso on the back of that that does not rule out anywhere else, so it doesn't rule out Ascension and the Falklands. I'd also like, if I could say, Mr Chairman, I think it's extremely wise words about tampering without the forethought into it. If you look at the general principle of extending domicile and that's really what we're asking you to do.

The Chairman –

Honourable Ian.....

The Hon. Ian Rummery –

Yes, if I may just go back to the conversations I had with people in the UK, I mean, they seem quite comfortable with the wording and I think what they were saying was it's not the location the child is adopted to, it's that it is in the best interests of the child, that the child who is adopted to those people wherever they may be, so I would, as you say, I would hesitate to change the wording, I can.....Councillor Scipio O'Dean's query that it might, sort of, in a way, to try and clean it up, but I think all other such places that the Court may approve gives the Court discretion. Everything happens in the best interests of the child so I would be mindful to keep it as it is.

The Hon. Christine Scipio O'Dean –

If it is in the best interests of the child, the Court will then approve whatever place it is in the best interests of the child, so by spelling out United Kingdom here I think that, personally think that it should have been amended to St Helena or such other place as the Court may approve, because United Kingdom could be a place that the Court may approve. I'm just uncomfortable that it's spelt out as United Kingdom and the Falkland Islands and Ascension Island is not listed, knowing that we do have extended community in these areas.

The Chairman –

Any other Honourable Member, there's no proposal coming forward, although.....

The Hon. Christine Scipio O'Dean –

I could, because I strongly feel about this, that I could put a proposal forward to remove the words "United Kingdom" so it will read as "domiciled in St Helena or such other place as the Court may approve".

The Chairman –

So you're happy to leave out "United Kingdom" automatically?

The Hon. Christine Scipio O'Dean –

For me, personally, yes.

The Chairman –

Is that a proposal?

The Hon. Christine Scipio O'Dean –

That is a proposal, Mr Chairman.

The Chairman –

Is there a seconder to that?

The Hon. Wilson Duncan –

I will second that.

The Chairman –

Who's the seconder? The proposal is that the words "United Kingdom" are deleted from Clause 6(2). Those in favour say Aye.

The Hon. Christine Scipio O'Dean –

Sorry, Mr Speaker, I was just reading something. Can you just repeat what you said, please?

The Chairman –

We're dealing with 6 and 7 now, so I'm looking at 6. Are you deleting the words "United Kingdom" from Clause 2 as well?

The Hon. Christine Scipio O'Dean –

Yes, Mr Speaker.

The Chairman –

And also from 7?

The Hon. Christine Scipio O'Dean –

7.

The Chairman –

Alright, let's deal with Clause 6. The proposal is the words "the United Kingdom" is deleted from this legislation. Is there a seconder to that? There is a seconder to that.

Question on amendment, put. The amendment is not passed.

The Chairman –

The Noes have it, the Noes have it. Can I deal with Clause 7? The proposal, make that proposal again, please?

The Hon. Christine Scipio O'Dean –

Well, Mr Chairman, I would say that the proposal will fall away because if it does apply in Section 6 it would be pointless for me proposing it for Section 7.

The Chairman –

So no proposal. Thank you.

Clauses 6 and 7.

Question put and agreed to.

The Chairman –

Clause 8.

The Hon. Acting Attorney General –

Thank you, Mr Chairman. Mr Chairman, Clause 8, Part A, is simply correcting an error in the original Ordinance. The Ordinance was printed with reference to the wrong section number, so that's correcting that. Part B, removes specific grounds under which the Court must be satisfied before making an Order without the consent of the parents and replaces that with a general provision that the welfare of the child requires that consent be dispensed with. And Part C is simply a tidying up provision; it removes a subsection which no longer applies after the removal of the part above it in the principle Ordinance.

The Chairman –

Any questions, Honourable Members?

The Hon. Christine Scipio O'Dean –

I'd like to have some clarification. 8(c) by repealing subsection (4), subsection (4) refers to 2(f) so if you delete subsection (4) does this mean that (f) needs to be deleted as well or does an amendment need to be made to delete the words "in subsection (f) subject to subsection 4 because subsection (4) is no longer there?"

The Hon. Acting Christine Scipio O'Dean –

Thank you, Councillor Scipio O'Dean. No, Part B of Clause 8 actually repeals the whole of subsection (2) so it no longer exists, so Part B when it says by repealing subsection (2) and substituting the following therefore, so part (f) actually is deleted, it falls away, therefore Part D is repealing Part 4 because it now refers to a part that no longer exists.

The Hon. Christine Scipio O'Dean –

Okay, thank you.

The Chairman –

Any further questions?

Clause 8.

Question put and agreed to.

The Chairman –

Clause 9.

The Hon. Acting Attorney General –

Thank you, Mr Chairman. Clause 9 is a consequential amendment to the Magistrates Court Ordinance which I think we actually dealt with earlier on in Committee whereby children being referred to Court under the Welfare of Children Ordinance for an offence shall be heard by the St Helena Juvenile Court.

The Chairman –

Councillor Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

May I ask something as a point of clarification, the Acting Attorney General? Number 4 reads "all proceedings in the Magistrates Court under the Welfare of Children Ordinance 2008"; if this amendment goes through should that read 2013?

The Hon. Acting Attorney General –

Sorry, if you can just bear with me. No, because what we're doing is amending the Welfare of Children Ordinance 2008 albeit by amendment dated 2013, that doesn't change the citation of the principle Ordinance. It will remain as the Welfare of Children Ordinance 2008.

The Hon. Christine Scipio O'Dean –

So if this amendment is made, the Welfare of Children Ordinance, which is the title I'm reading here, the Welfare of Children Ordinance 2013, it doesn't replace 2008, it will still be referred to as the Welfare of Children Ordinance 2008?

The Hon. Acting Attorney General –

No, this particular Bill is cited as the Welfare of Children (Amendment) Ordinance 2013, that's very separate from the principle Ordinance which is 2008.

The Hon. Christine Scipio O'Dean –

Okay, thank you for the clarification.

The Chairman –

Any further questions?

Clause 9.

Question put and agreed to.

The Chairman –

Bill to be reported.

**Council resumes.**

The Speaker –

Council is now resumed. Honourable Mover?

The Hon. Ian Rummery –

Mr Speaker, I beg to report that the Welfare of Children (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 –

Is there a seconder?

The Hon. Lawson Henry –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. I put the question that this Council approves the Welfare of Children (Amendment) Bill, 2013, with one amendment, and recommends to the Governor that it should be enacted. Any member wishes to speak? No further at this time, you can debate the principles, whether it's a good Bill or not. Okay, Honourable Mover, there is nothing for you to respond on?

The Hon. Ian Rummery –  
Thank you.

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

The Hon. Christine Scipio O'Dean –  
No, because there was one amendment.

The Speaker –  
One amendment, the Ayes have it. Thank you, Honourable Members. Will the Clerk of Councils call the next item, please?

***Motion 3. The Honourable Lawson Henry.***

The Hon. Lawson Henry –  
Mr Speaker, I move a Motion that this House resolves that the St Helena Government should continue with the scheme it had for self-help affordable housing to meet the overall aim of “economic growth and social development” contained in the Memorandum of Understanding (MOU) signed by the St Helena and British Governments in December 2010 setting out the terms for having an airport. Mr Speaker.

The Speaker –  
Is there a seconder?

The Hon. Ian Rummery –  
Mr Speaker, I beg to second.

The Speaker –  
Honourable Mover?

The Hon. Lawson Henry –  
Honourable Speaker and Honourable Members of Legislative Council, I bring this Motion to the House today because of its importance to Saints who wish to continue to build their own, affordable homes, it is fundamental to how we take the island forward. Its importance is that culturally, as a people, we have strived over many years and still do to own our own homes. Saints have and still do make many sacrifices to build their own homes and many have gone overseas leaving young families behind to seek employment to achieve this aim. It is estimated that over 80% of Saints own their own homes and this is in the region of some 1200 houses with an estimated value of £100m; if a mean is taken of the current St Helena Government pricing of housing, between £60k and £120k. This custom of Saints building their own homes has put money into our economy over many decades, particularly when employment for Saints opened up after the Falklands, or, not forgetting, of course, Saints employed on Ascension Island. It has not only provided the basic housing, but has also kept the economy going for the construction industry as well as merchants importing building materials, furniture and fittings for the houses, it has produced revenue for our Government, from imports, wages and businesses. I'm sure Honourable Members will agree that this equates to a significant investment by owners and is a Saint success story, whichever way

you look at it. It must also be world record of home ownership. I would therefore urge that this Government should do everything in its power, not only to encourage this to continue, but to facilitate it. I should mention that this has been against a background where SHG has built very few Council and Social houses over the last three decades. It can therefore be argued that by Saints building their own homes over equally as many years it has gone some way to meet the social needs thereby saving SHG having to put up considerable capital for social housing. The latest assessment regarding bringing the current SHG council houses up to acceptable standards highlights the extent of the costs in maintaining council houses. It also shows savings to Government that the custom of Saints building their own homes has had. The importance of affordable housing for people on the island is not only recognised here, but also by the UK Government. In 2007, a Committee was set up by the British Parliament about how its Overseas Territories were governed. The Parliamentary Foreign Affairs Committee in its report in July 2008 felt strongly enough about the issue of housing that it showed in its main conclusions and recommendations that the St Helena Government should, and I quote, “include affordable housing in a sustainable development programme”, SHG’s main planning document at the time. I made reference in this Motion to the MOU, as its overall aim we are told is sustainable, economic growth and social development and I repeat, social development. One of the main thrusts behind this Motion is for SHG to make land available at reasonable cost to Saints who wish to continue to build their own homes. However, in 2007, the Land Disposal Policy show that SHG increased land prices by over two thousand percent. That same Plan was two-fold, economic and social, the latter clearly sets out to reduce all forms of deprivation and to encourage private housebuilding by increasing the cost of land to Saints who wish to continue to build their own homes clearly shows SHG’s model of thinking in the aims set out in both the Lands Disposal Policy and the MOU, the latter being a contractual document signed by SHG. This model of thinking is further activated when you read the economic aspects of Housing as set out in the Government Economic Development Plan of 2012/13 to 21/22. A report made by the Social Policy Planner dated 16<sup>th</sup> February 2012, which deals directly with the matter of affordable housing, contained in this Motion before the House today, draws attention to higher land prices and house prices being relative to earnings. Insufficient housing to buy or rent for those on low incomes. SHG land prices range from £50k per acre to £25k. Earlier this year, our Government built three steel-framed houses at an estimated value of £68k each. I recently obtained from two independent, local builders quotations for similar sized block built houses and I was quoted £31k and £35k respectively. This all comes at a time when we face stringent, economic pressure from the British Government to reduce our reliance on grant aid. I would question, therefore, SHG’s wisdom in this venture, as, whilst we all recognise the urgent need for social housing it cannot be at any cost. Mr Speaker, to try and bring all this together, put simply, SHG on the one hand is saying we want sustainable economic growth and social development, MOU contractual issue. Land Disposal Plan, which sets out economic and social development to encourage private housebuilding, but at the same time increased the sale of land by over two thousand percent. SHG need to urgently review its policies on the price of land and join up its thinking with its contractual obligations under the MOU and implement the recommendation of the Social Policy Planner in a report of February 2012 where it sets out that higher land prices and house prices relative to earnings and insufficient housing to buy or rent for those on low incomes. To enable Saints to continue to build their own affordable homes, SHG must make the sale of land relative to wages on this island. This problem was created by SHG in its model of thinking and for too long now, Mr Speaker, we have seen our island eroded by this method of thinking. We have had one consultant after another who seemly ignore local solutions and what has worked and been successful for many years on this island. What is important now is that we do not

require another consultant to put it right. You, elected members, can do this by supporting this Motion and taking forward the necessary amendments to SHG current policy on making the sale of land to Saints at affordable prices and prices that are relative to local earnings. Honourable Members, I would ask that you support this Motion. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. Honourable Members, the question is that this House resolves that the St Helena Government should continue with the scheme it had for self-help affordable housing to meet the overall aim of “economic growth and social development” contained in the Memorandum of Understanding (MOU) signed by the St Helena and British Governments in December 2010 setting out terms for having an airport. Honourable Members, the Motion is open now for debate. Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Mr Speaker and I'd like to thank my Honourable Friend, Mr Lawson Henry for raising it, I think it's a very important issue. There's much to be proud of on St Helena and I think our rate of home ownership and our ability, or not our ability, because I can't lay a brick wall straight, but the ability that many people on this island have to build their own homes is something to be commended. I think we must also recognise that we don't have a housing market per se on this island, you know, we don't have estate agents, we don't....houses are sometimes put up for sale, but by and large houses are handed down through the generations as in my case, as new generations come in they add bits to these houses, so like I say, there isn't really a market value or a market ...?... for housing. That's not to say there won't be one in the future, but I think the Honourable Lawson Henry is absolutely right that we have to be very careful that if we do develop such a market, and I hear with some distress the price of land and wonder how anybody on local wages could afford to purchase, and I think it is something that is being addressed and I know we've had some discussions in the Social and Community Development Committee and the thinking there, and I think it's worth bringing to the House, is that potentially we could have, if you like, two markets, we could have as much as, I think Guernsey and Jersey do, you could a market, like market forces and you could have a local market. You could release land to people who wish to build locally, who wish to build their own home, but you could then cap that so that they couldn't then build a home and then sell it on at market value, so effectively you're saying if you wish to build your own home you can have access to cheap land, but you can't, once you've completed it, then sell it at market forces to create an overheated market and I'm no expert in this, but I see no reason why that wouldn't work. So I think you could then say to somebody that, you know, if they wish to pay market price for their land and build a house they can do that and then they can sell it at whatever price they can get for it, but, you know, we would again have this caveat and this support for local people, they could build their own house. Because a lot of people build their own houses, not as perhaps elsewhere in the world, as an investment to sell and move up the property ladder, but not so the people on St Helena, the tradition on St Helena is you build your own house for yourself and for future generations, so I think this would go some way to alleviating my Honourable Friend's concerns, so I would absolutely support this Motion and I look forward to working with further work as we develop a housing system that is sustainable, and, as we like to say, fit for purpose for the island. Thank you.

The Speaker –

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

The Hon. Wilson Duncan –

Mr Speaker, I would like to support that Motion on the basis of what the Honourable Ian Rummery has said, because our Saints do like owning their own homes and passing it down from generation to generation so I fully support everything that Honourable Lawson Henry said.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? Honourable Leslie Baldwin?

The Hon. Leslie Baldwin –

I thank you, Mr Speaker. I, too, support this Motion in its entirety and also the choice of materials, I can't really see our Government Landlord housing, affordable Government Landlord housing, can cost twice as much as the recommended block buildings that we already have. I support the Motion.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member might wish to speak? Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I rise in support of this Motion. This Motion is very dear to my heart and as has been said around this table today, you know, Saints like to build their own homes, it's a tradition, it's a cultural thing for us. You know, when I was seventeen, I went to Ascension Island with the intentions of building my own home and that is past now, but there are a lot of outcry from the public out there, from people who have some money, who would like to build their own homes, but they are hindered by land not being made available at affordable prices for them. Some of these people have to take out housing loans and some of the income don't really accommodate the costs that people are faced with now for land, so with what has been said, I'll give my full support to this Motion. Thank you.

The Speaker –

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

The Hon. Anthony Green –

Thank you, Mr Speaker, I rise in support of the Motion. I would though like to say a few words, because during 2011 and 2012, there were actually some huge amounts of technical input, reports, discussions, consultations around affordable housing and all that actually stemmed, as we heard, from the MOU which then went through to the updating of the Land Development Control Plan, the subsequent creation of the Land Disposal Policy and then the Housing Strategy which included affordable housing. Resurrecting the push for affordable housing is, I believe, right at this present time, but I've asked myself why does Council need to ask to continue with the idea of providing affordable housing. Constantly we are reminded that Councillors responsibility is to decide on policy, it's to decide on policy, that is, to decide on a deliberate plan of action. In this case, Council has decided on a local housing strategy which does include affordable housing. It was actually Executive Council endorsement of a document called "A Local Housing Strategy for St Helena 2012/2022" which was done on 20<sup>th</sup> March, 2012. On that same day, ExCo also endorsed all the key actions required to implement the Housing Strategy, which, as I mentioned a moment ago,

includes affordable housing. Further, ExCo, on that very same day, 20<sup>th</sup> March, 2012, also gave approval for drafting the necessary legislation. I should mention that in the Housing Strategy that ExCo approved some eighteen months ago, it says that “the recent housing needs and demand assessments demonstrate that there is a shortfall in the provision of affordable housing on St Helena to meet current needs and future demands. This needs attention today”, it says. So the question is what has happened since ExCo approved the go ahead on all fronts? Interesting enough, I see the new allocation of Committee responsibilities puts the Land Development Control Plan, and presumably that would now go before the Housing Strategy, to the newly-formed Environmental and Natural Resources Committee, so working also with the newly-formed Economic Development Committee, on which the Honourable Mover is the Chairman, it seems that giving this important issue a jump start, if indeed that’s what is needed, then things will be moving pretty soon. Mr Speaker, I support the Motion.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member wishing to speak? Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I rise in support of this Motion. With the construction of our airport, St Helena has set itself on the pathway for economic growth by encouraging investors, Saints to remain on St Helena and Saints to return. In growing our economy, we need to provide the platform for affordable house building, where, I believe, the Government should do all they can to encourage this initiative. Like my Honourable Friend, Councillor Anthony Green said, this initiative was given the go ahead by the previous Council some eighteen months ago and clearly needs to be kick started now. The area where the Government are able to provide support is through the release of our land at low and affordable prices to first time house builders, not the price that is on offer today. Mr Speaker, also what would support our house building and growth of house building is a review of our Customs duty on building materials. At present, most building materials are at 20%; that pushes the prices up seeing that most of our building materials to the island have to be imported. Mr Speaker, these initiatives will have a great impact on self building, affordable housing. I rise in support of the Motion. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak? No-one else wishes to speak? Honourable Mover, would you like to respond?

The Hon. Lawson Henry –

Thank you, Mr Speaker, just by saying I would like to thank those Honourable Members who speak to the Motion and for their support. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member.

Question on Motion, put and agreed to.

The Speaker –

Clerk, to call the next item of business, please?

***Motion 4. The Honourable Ian Rummery.***

The Hon. Ian Rummery –

Thank you. Mr Speaker, I beg to move the Motion that this House resolves to improve openness and transparency within Government by adopting a presumption of openness within all Government Directorates and the Council. That every reasonable effort will be made to make information available by publishing it, or providing it on request, save those relating to national security, law enforcement (that would prejudice the prevention or detection of crime), commercial interests (that would prejudice the commercial interests of an individual or business), legally privileged information and personal information.

The Speaker –

Is there a seconder to the Motion?

The Hon. Lawson Henry –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. Honourable Mover?

The Hon. Ian Rummery –

Thank you, Mr Speaker. Openness and transparency is something we all discussed at great length during the election campaign. The ethics survey that was conducted earlier this year placed members of Legislative Council as the least trusted professional group on St Helena, only 9% trusted Councillors, 60% did not trust Councillors and 32% did not have an opinion. It's a truly disturbing statistics and though we are a new Council from the one that was in office during this survey we would be ill advised to just assume that we are faring any better. I sincerely hope that if a new survey was conducted today that this figure would rise, it could hardly fall. I do not know why the figure was so low, but from the public meetings prior to elections there were some indications. One of these was the perception of a lack of openness and transparency and a lack of accountability from the Council. The Local Government Association of the UK organisation that works with Councils to support, promote and improve local government. One of its programmes, The Local Transparency Project, specifically sets out an agenda to open up government and public services and I quote from one of their publications. "Open data is not only about supporting local transparency and accountability, but it is also a driver to engage and empower citizens and communities, foster improvements and efficiencies and drive social and economic growth." It sounds rather like our Sustainable Development Plan and it all seems rather obvious, that we should inform the public of what's happening. By not doing so all we're doing is fostering distrust. Let us take the example of the asphalt machine. At almost every meeting we held prior to the election, the asphalt machine was brought up as an example of incompetence. Everyone knew that the machine was purchased; they knew that it did not work and if they happened to drive up to Donkey Plain they could watch it slowly rust away. As this was all the public knew at the time, they resorted to having to make the rest of it up, how much it cost, what was going to happen to it next and who was responsible for the original mistakes. So as my Honourable Friend, Lawson Henry so eloquently phrased it, this open wound was allowed to fester. What was surprising to those of us who'd been told that the Administration liked to keep secrets was that when we asked for the information to be published it was done so. Now that the information is in the public domain the public do not have to resort to rumour. Sadly, it is

does not alter the fact that money spent on the plant cannot be recovered and that our Roads Division has to continue to chip and tar to seal our roads. It took too long for the information to be placed in the public domain. There was a delay due to some legal proceedings, but once these were completed the information should have been made public. Not only does openness allow the public to act this information, it is also, as the Local Government Association states, led to efficiencies and it does support development. A Government that tries to hide information is one that breeds complacency as people will not be held to account. If you know that even if you make a mistake you're not going to be questioned then you're likely to make poor decisions. In the UK they call it the Daily Mail **tift**, if you do not want to read about it in tomorrow's Daily Mail then don't do it. I guess here we could call it the Sentinel or the Independent **tift** and this is the reason why I am proposing this Motion, to ensure that there is a process by which information is released in a timely manner. It's about improving practices and changing the mindset of Government, both elected members and the Administration, and we are already achieving some of these. The Public Relations Department of Government routinely issues the following information – Press Releases, Newsletters, such as the Ambassador, Directorate training reports, statistical news bulletins, Government Gazettes, both ordinary and extraordinary, ExCo reports, Order papers for Legislative Council, public consultation documents, SHG performance reports, job ads, the Governor's blog, Directorate services fees and charges, Land Development Control meeting minutes, Governor's speech and Ordinances. ExCo now operates under a presumption of openness and has agreed a process by which the agenda is decided as all items are assumed to be open unless otherwise stated; it is incumbent upon ExCo to provide an explanation as to why items are closed. However, having an item under the closed agenda does not preclude it from being mentioned in the ExCo report. Committees likewise have a similar agenda structure. So we've made a start, but I feel that it's important that we have a public commitment from the Council to continue this process. From my short time in Council and previously working in the Public Service, one of the main constraints is the capacity of the Public Service. With reduced head count and the pressures on budgets, we must ensure that staff time and money spent on open data represents best value for money. This is not to provide an excuse to restrict openness, but it is an acknowledgement that we must be creative in our approach. As Councillors, it is up to us to lead the way and be proactive. For those of you who may be unaware, there is a Councillors page on the SHG website where you can find information on individual Councillors. I note that again my Honourable Colleague, Mr Lawson Henry, has already posted a summary of the Economic Development Committee for October 3<sup>rd</sup>. I must apologise and I say with some shame that as Chair of the Health Committee I have not posted a report, but I will do so this week and I encourage other Chairs to do likewise. As I am fond of quoting the late US Senator, Paul **Wellstone**, never separate the life you lead from the words you speak. In terms of process, the Public Relations Department of SHG have agreed to be the point of contact for all queries about SHG that cannot be answered by openly available information. This makes sense as an alternative would be to have a designated person in each Directorate, but that would place an additional burden on staff and often a query requires information from more than one Directorate. I would also suggest that those elected members who have given a commitment to be open to openness would be willing to assist in any way they can. As stated in the Motion, it is not the intention that everything is published and certainly areas, particularly in relation to personal information will not be made publicly available. If you've been following this debate closely you will have noticed that the Motion does not include freedom of information. This is deliberate. It's not that freedom of information has dropped off the agenda, but that in discussions with many people it is generally agreed that we work towards this iteratively, that is, to start with the principle of openness, both policies and procedures around it and then see

what is required for freedom of information legislation. Far better, I would suggest to test the waters and adjust accordingly rather than go straight for an Ordinance. From my interactions with those who have expressed interest in this field, the one concern is of being more open and transparent. Whether or not this includes freedom of information legislation it is that it is fit for purpose and does not impose an onerous burden on Government. Already, in starting this debate, I've been surprised by the lack of opposition, despite what I was told before the Election. It may seem to some that I have modified my stance and in a way I have, but what I have not modified is my commitment to open and transparent Government. Thank you.

The Speaker –

Thank you, Honourable Member. The question is that this House resolves to improve openness and transparency within Government by adopting a presumption of openness within all Government Directorates and the Council. That every reasonable effort will be made to make information available by publishing it, or providing it on request, save those relating to national security, law enforcement (that would prejudice the prevention or detection of crime), commercial interests (that would prejudice the commercial interests of an individual or business), legally privileged information and personal information. Honourable Members, the Motion is now open for debate. Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, Honourable Members, I rise in support of this Motion and I associate myself with everything my Honourable Friend, the Honourable Ian Rummery has said. Openness and transparency is something that is dear to my heart too and having worked in Public Service and in the commercial world, I know the importance of openness and transparency, because it will pay dividends in the end. Primarily, Mr Speaker and Honourable Members, it creates a position of trust, which is sometimes very difficult to do in a small community, it requires us as elected members and those officers who have to deal with the issues to be more conscious of the decisions they make when they know that information can be published, so in essence, it makes for good governance and I fully support this Motion and hope that other members will too. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Nigel Dollery?

The Hon. Nigel Dollery –

Mr Speaker, I also support both the previous speakers. My concern is who decides what should be kept secret or hidden. On this island, we're used to information being hidden, even though we have a very good grapevine which will sometimes leak information out and I wrote down my thoughts in this area so that I don't miss any of them. I want the decision process when we're looking at what is kept secret to be as open and subject to question as it can be. I do not consider it appropriate that this is decided by senior officials or lawyers alone, I like them to have input, they must have input, but the decision must not lie with them alone, there must be input to this process from the public, officials, Councillors and our media. Public meetings may be part of the process, but having some meetings with low turnout does not to my mind constitute full consultation, though here it often passes as such, but I believe we're too used to information being officially hidden, even if we do have this grapevine. This process, as I said before and I will say again, has got to be open. Quite a lot of thought needs to go into this consultation process. I would like to see output from this process, remember what I'm looking at, just those things which are kept secret or could be

kept secret. I would like to see output from this process that matches the language and care that went into the Social Policy Plan. Those who produced that document ended up with something which any member of the public can pick up, read and understand. What I don't want from this process is something that is written for a lawyer, for a specialist or an official of any sort. If it is not written for the public it has no value, as far as I'm concerned. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I rise in support of this Motion. The Motion speaks of openness and transparency. Openness and transparency not only applies that public bodies respond to requests for information, but Government publish and widely disseminate documents of significant public interest. The public bodies should have obligations to disclose information and every member of the public should have the right to receive this information. The public body refers to all branches and levels of Government, elected bodies, private and public sector, civil society organisations, Judiciary and all organisations that carry out public functions. Access to information has been hailed as one of the hallmarks of democracy, this is because democracy provokes the principles that people must have information which will not only help them to make informed decisions, especially in selecting their leaders, but also in holding their leaders accountable for the way they are governed. Therefore, access to information in a democracy is a necessity rather than a luxury. Any Government who fails to open up to public scrutiny will fail the test of public accountability. Public accountability will not come about in an atmosphere of secrecy; it will not come about in an environment where the bulk of information is held under a veil of secrecy. This is what openness and transparency seeks to address, it lightens up dark corners of public offices where secrecy are likely to occur. In a nutshell, openness and transparency's fight against corruption enables Public Officers to benefit from public input which will facilitate their decision making and make every public official ensure that they are using public resources effectively. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member who wish to.....Honourable Leslie Baldwin?

The Hon. Leslie Baldwin –

Thank you, Mr Speaker. I'd just like to say I am grateful for this Motion as I hope it would have the same or similar impact as freedom of information with very little cost implications. I just have one question, would the Secrecy Oath be removed from the existing Constitution?

The Speaker –

Thank you, Honourable Member. Any other Honourable Member? Yes?

The Hon. Wilson Duncan –

Yes, I would like to support this Motion, everything that the Honourable Lawson Henry **points**, I will support.

The Speaker –

Honourable Cyril George?

The Hon. Cyril George –

Mr Speaker, just to rise to give my full support on this Motion. Thank you.

The Speaker –

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

The Hon. Derek Thomas –

Mr Speaker, I rise in support of this Motion. It is designed to improve the level of openness and transparency in delivery of information within Government to the public. Although we have seen improvement in the delivery of information to the public, there has been occasions when information are either held back or far to late in being delivered. What I see arriving from this Motion is a well established policy, clearly setting out the criteria, the manner in which information is to be delivered to the public. I give my full support to the Motion. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Bernice Olsson?

The Hon. Bernice Olsson –

I stand to agree with the whole Motion. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker, I support the Motion and the need to continue to improve openness and transparency, but I'd just like to say that open meetings, publishing reports soon after Committee meetings and Councillors being available soon after that to comment on key issues has previously been done even prior to the General Election, but where practices have fallen by the wayside in the past and, indeed, the present, is down to individuals. I'm aware too that the new Executive Council less than two months ago decided on having open agendas, but open sessions were a regular feature of Executive Council until November 2011. I do believe though that we must continue to strive for more open communications, but in a very small society hype and realities can sometimes be different. Mr Speaker, I support the Motion.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member who wishes to speak? Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker, I rise in support of the Motion. There have been little steps in improving the openness and transparency, but we do have a long way to go. Honourable Tony Green did mention about the ExCo. I strongly believe that the ExCo that is open to, to open session, that the reports of these ExCo's are also published in the public domain, so to encourage and also take forward openness and transparency. I'd just like to repeat that small steps have been made, but we still have a long way to go and I think by this Motion it will take it forward. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I stand in support of the Motion, I think this is long overdue. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Mover like to wind up, please?

The Hon. Ian Rummery –

Thank you, Mr Speaker and thank you to my Honourable Friends for supporting this Motion. It does appear that we are open to openness, which is a good thing. I share Councillor Dollery's concerns about hidden information and sometimes it's what we don't know that we can't go looking for, but I think the approach we're taking, which is a, if I may say, an organic approach, is one that will allow us to pick up some of these things and I would, in fact, I am very confident that my eleven, the eleven other members of the Legislative Council will be aware of anything that they do believe is going to be hidden and they will bring it to our attention. I think that it is incumbent upon us to be guardians of openness and transparency. I would agree with the Honourable Derek Thomas that the next step really is a policy and, again, I'm agreeing with everybody here, but agreeing with the Honourable Dollery that when we write that policy it's written in a way that is open and transparent and readable for people, because I think it's obviously very important. It is an issue that was important prior to the election, I think it is something that we're working on. Absolutely right, we're taking small steps, we've got a long way to go. As I say, freedom of information legislation I think ultimately may still be required, or will be required, but I would think it would be much better legislation if we have a chance to let you see how things work first, develop a policy and work our way through. I would support the Honourable Leslie Baldwin's contention about the Oath that's in the Constitution, it's something that we will work on, but I'm aware that changing the Constitution is slightly more complicated, but rest assured that we will also work on removing that, I think it's very important that we remove that Oath. Thank you, Sir.

The Speaker –

Thank you, Honourable Member. I will put the question that this House resolves to improve openness and transparency within Government by adopting a presumption of openness within all Government Directorates and the Council. That every reasonable effort will be made to make information available by publishing it, or providing it on request, save those relating to national security, law enforcement (that would prejudice the prevention or detection of crime), commercial interests (that would prejudice the commercial interests of an individual or business), legally privileged information and personal information.

Question on Motion put and agreed to.

The Motion is carried.

The Speaker –

I wonder if this might be a convenient time to have a fifteen-minute break or so and then we'll come back immediately afterwards. Thank you.

**Council suspended.**

**Council resumed.**

The Speaker –

Right, Council is resumed. I call on the Clerk to call the next item of business, please.

***Motion 5. The Honourable Leslie Baldwin.***

The Hon. Leslie Baldwin –

Mr Speaker, I beg to move that this House calls upon the Government to consider the reintroduction of a Community Work Scheme in order to claim Unemployment Benefits.

The Speaker –

Is there a seconder, please?

The Hon. Cyril George –

Mr Speaker, I beg to second.

The Speaker –

Thank you very much. Just to remind Members, I have a request to, if you're sitting down, make sure pull your mics back down if you're discussing while you're down. When you're standing up then you need your mics to be left up, because I think the sound is fading for the public on the radio, so just remember that once you've stood up and you sit down again, take your mics down, okay? Honourable Mover?

The Hon. Leslie Baldwin –

Mr Speaker, I beg to move that this House calls upon the Government to consider the reintroduction of a Community Work Scheme in order to claim Unemployment Benefits. I would like Government to consider this Motion as a way of ensuring that those who receive benefits because they are unable to find work are, indeed, available to work. There are many beneficial social and general community tasks that can be carried out by this potential workforce of able bodied people. I would see this as benefiting society, as mentioned, and the individual who will be able to openly contribute to the workings of our community, often restoring a sense of pride and belonging. Bearing in mind that we are in a time of virtually zero unemployment, I cannot help but think many of those who do receive this benefit are, in fact, intentionally unemployed. If, however, they were made to work under a Community Work Scheme I would see this as a driver for them to find more fulfilling and financially rewarding fulltime employment. Mr Speaker, I beg to move.

The Speaker –

Thank you very much, Honourable Member. Honourable Members, the Motion is that this House calls upon the Government to consider the reintroduction of a Community Work Scheme in order to claim Unemployment Benefits. The Motion is now open to debate. Any Honourable Member wish to speak? Honourable Brian Isaac.

The Hon. Brian Isaac –

Mr Speaker, I find it difficult to support this Motion in its current form as I know it will not be cost effective to reintroduce the old Community Work Scheme. There are currently eight persons in receipt of Unemployment Benefits and this number varies from time to time as persons are required to actively seek employment. The highest number on the unemployment

list in recent months was eleven. SHG could hardly justify spending money on such a scheme to provide for supervision, administration and transport costs, all of which would be needed if such a scheme was reintroduced. Furthermore, there are also legal ramifications which have currently been brought to attention. In this regard, the state has made provisions through legislation to ensure that a basic level of welfare is granted. In this case, those who are unemployed receive a minimum weekly sum of £15.08. If they were to insist that these people have to work for the unemployment benefits, they would effectively become employees in which case they would add to SHG's head count and budget as they would also have to be made the relevant rates of the job. Mr Speaker, it is worth noting that the new apprenticeship scheme makes provision for people of different ages to access work based training and academic studies. This is, in itself, an alternative to registering for unemployment benefits so that people can equip themselves with knowledge and skills so that they can become more employable. To conclude, Mr Speaker, whilst I appreciate the sentiments behind this Motion, it will not be cost effective to reintroduce the scheme at this time. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. I have difficulty in supporting this Motion as the number of recipients that will be affected by this scheme is small in number. To commit further expenditure for an unknown return I do not consider good use of Government resources. Perhaps the Honourable Mover could enlighten the House as to the practicalities of the operations of this scheme. The discipline of commitment and punctuality for any worker are the first hurdles to overcome. While it's important for the community to help vulnerable people, these people are first to be acknowledged that they do need help. I would, however, be supportive of a scheme, like the apprenticeship scheme, that would help them to return to work, but the work must be meaningful and to provide real benefits for St Helena's economy. Mr Speaker, I cannot support the Motion in its present form. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker. I'm with the Honourable Mover one hundred percent in principle, but I'm not actually sure of the wording. To seek reintroduction means that we want to do something that was done previously. My understanding was that previously unemployment benefits and the Community Work Scheme were two separate types of benefits. I thought that the Community Work Scheme allowance was for those who could not find work after receiving unemployment benefits for four weeks and that unemployment benefits were for job seekers and the sick. If true, what existed would seem slightly different to what is being asked to be reintroduced, but in principle, because I understand what the Motion is about, I am in full agreement with the principle of the Honourable Mover's Motion. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Lawson Henry –

Mr Speaker, I can't support this Motion in its present form either. I minded what my colleague, the Honourable Deputy Chairman of the Social Community Services said about the legal ramifications if we were to reintroduce the former Community Work Scheme, so on that basis I cannot support the Motion.

The Speaker –

Thank you, Honourable Member. Is there another Member who wishes to speak? Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Mr Speaker. Mr Speaker, I'm not sure I have to, do I have to commit myself to the Motion.....but, I, like the Honourable Tony Green there, struggle with this, with the actual Motion itself. I have no issue with the principle behind it and I think that encouraging people who are out of work to engage in some form of work is the right thing to do, but I fully appreciate the difficulties in doing this. I think, the Motion says the reintroduction of 'a' Community Work Scheme, not 'the' Community Work Scheme and I would absolutely agree that the previous scheme, given the level of resources now would be untenable in this situation. I do, however, think that those who are out of work at a time of almost full employment would require some support. Whether it's as simple as actually providing them with some work I'm not sure and I think many of them struggle with, some of these people would struggle with alcohol related problems or mental health problems and I think that any form of scheme that is to support them would need to address these issues as well. Again, at this present time, I think it's a capacity issue and while I support the fact that people who are in receipt of unemployment benefits should be assisted either to work, I'm not sure that a community work scheme, as we've had previously on the island, would work.

The Speaker –

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

The Hon. Derek Thomas –

Thank you, Mr Speaker. I, likewise, have some difficulty with the Motion, the way it is worded, the introduction of the Community Work Scheme. That would have cost implications when we look at the small amount of people that are unemployed, but I do support certain elements of the scheme, unemployment benefits and I know that those people who are receiving the unemployment benefits some might have associated problems, like drink-related problems or other sort of problems, but Mr Speaker, you know, I would incline to agree with a scheme, instead of introducing a Community Work Scheme is to have those who are fit and capable of working, the unemployed, is to do some meaningful, like the Honourable Mover say, do some meaningful employment within society, like, for instance, cleaning Jamestown, cleaning our roads, cleaning the Runway, cleaning the playground, those sort of things, doing some meaningful employment. Without introducing a Community Work Scheme we already have a work force within the Government service, I would say sufficient managers to supervise these people if they are fit to work and in that way they would have to, obviously, obtain a medical certificate from the Doctor as to their fitness to carry out some.....to be able to work, but there's loads jobs that perhaps they can do, provided they are fit enough to work. It doesn't fit in good with the public, when the public see the small group of people claiming benefits and are not doing anything meaningful in society, so it needs to be addressed, but to support the Motion as it stands I can see the

implications and we perhaps, or I would have difficulty in supporting it. Perhaps the Committee who have political oversight over unemployment benefits could review the policy and address this issue through a review of the policy. Thank you, Mr Speaker.

The Speaker –

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

The Speaker –

.....You're proposing, Honourable Member, that this House calls upon the Government to consider the introduction of a new Community Work Scheme, is that what you're saying?

The Hon. Leslie Baldwin –

I am, indeed.

The Speaker –

Okay, is there a seconder for that, please?

The Hon. Cyril George –

Okay, a new Motion is on the table, the other one stands adjourned until we deal with the new Motion on the table. The Motion is that this House calls upon the Government to consider the introduction of a new Community Work Scheme in order to claim Unemployment Benefits. The Mover?

The Hon. Leslie Baldwin –

I listened to the contribution of all the members around the table and it seems that the biggest bone of contention is by comparison to the former three-day work scheme. Actually I haven't been very specific in what I intended from this, but if we do have problems with drink and alcohol with the members that do receive this benefit, at the moment I don't really see that as an argument as to whether they receive a benefit or not or whether they're available to work or not, but I don't want any comparison to the former work scheme that clearly didn't work, I'm just changing it in order to address that.

The Speaker –

Okay. The question then is that this House calls upon the Government to consider the introduction of a new Community Work Scheme in order to claim Unemployment Benefits. The amended Motion is now open for debate. Any Member wish to speak on the new Motion? Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker, I can now support, earlier I was in agreement, I didn't say I support, but I think the operative words are "to consider" and bearing in mind the complications and the complexity that was indicated earlier it would give an opportunity to examine those in detail, so I support the Motion.

The Speaker –

Thank you very much, Honourable Member. Any other Member wish to speak on the amended Motion? Honourable Wilson Duncan?

The Hon. Wilson Duncan –

I would like to support this Motion, because I believe those people who can work should work, you know, do meaningful work in the community, so I support this Motion.

The Speaker –

Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I support this Motion as well, I believe that all people should be out there working and I think that using getting drunk as an excuse is not on the cards. We do have a lot of Managers who can check up on these people within the community to make sure that they are reporting for work. That's all I have to say.

The Speaker –

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

The Hon. Brian Isaac –

Mr Speaker, I thank the Honourable Mover for amending the Motion, but the crux of the matter still remains, the low number of people unemployed. Let us also bear in mind the income related benefits are paid from people from sixteen to sixty years of age, is it also these people we are hoping who have some age problems or unable to physically go out and do a day's work, to go out to do a day's work, I mean, these are the issues we need to consider as well. The unemployment and the IRB covers a vast place in the policy, you know, it's also the IRB people who you have to consider as well, but if you're speaking solely of the unemployed, the numbers are very low. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I now can support the amended Motion, what it's asking is to consider the introduction of a new Community Work Scheme, it's asking to consider it and I feel that, yes, it should be considered to take in account those people who are in receipt of unemployment benefits, so in light of that, I will support the Motion.

The Speaker –

Thank you very much. The Honourable Ian Rummery?

The Hon. Ian Rummery –

Mr Speaker, thank you. I'm grateful to my Honourable Colleague here for.....it's always difficult to change wording at the last minute and I'm grateful that he's done that, because I think it does now reflect the principle that most of us here are in agreement with, by recognising the complexities of introducing a Community Work Scheme and I think that, as Honourable Members have said previously, "consider" is the operative word and a new Community Work Scheme is whatever Community Work Scheme, whoever is in charge of developing that, you know, they have the freedom to do that and I would expect that a new Community Work Scheme would take into account substance misuse problems, mental health issues, all those other things and would give people support, because ultimately, as the Honourable Mr Gavin Ellick said, it's not an excuse to not work, but clearly somebody in that

position would still require support and assistance, so I think by coming back to the principle I would have no issue in supporting it.

The Speaker –

Thank you, Honourable Member. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker. Mr Speaker, I too now can support the amended Motion and as my Honourable Colleagues has already picked up, the operative being here “to consider” and that’s all we’re asking at this stage, to consider, and I hope in considering it would take account of all the possible implications that my friend, Deputy Chairman, mentioned, particularly in relation to legal implications. Mr Speaker.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member who wishes to speak to the amended Motion? The Honourable Member wish to wind up on the amended Motion?

The Hon. Leslie Baldwin –

I’d like to thank all elected members, but particularly Mrs Christine Scipio O’Dean who pointed out my error, thank you very much for the support that you’ve reflected and I hope that we can actually start to look at implementation. Thank you.

The Speaker –

Thank you, Honourable Member. The original Motion stays on the list until we have dealt with the amended Motion, so we’re taking a vote on the amended Motion. The Motion is, as amended, that this House calls upon the Government to consider the introduction of a new Community Work Scheme in order to claim unemployment benefits.

Question on amended Motion, put and agreed to.

The original Motion falls away.

The Speaker –

Thank you, Honourable Member. The Clerk will call the next item, please.

***Motion 6. The Honourable Derek Thomas.***

The Hon. Derek Thomas –

Mr Speaker, that this Council calls upon the Government to review the Immigration Ordinance to ensure that both the St Helena Government and the Private Sector are treated equally in respect of the conditions applicable to the employment of immigrant employees.

The Speaker –

Is there a seconder for this Motion? The Honourable Bernice Olsson?

The Hon. Bernice Olsson –

I beg to second, Mr Speaker.

The Speaker –

Thank you, Madam. Honourable Mover?

The Hon. Derek Thomas –

Mr Speaker, I thank the Honourable Bernice Olsson for seconding the Motion. Mr Speaker, Honourable Members, the current situation in relation to employment is this, if the Private Sector wishes to employ an immigrant then in accordance with Section 24 and 25 of the Immigration Control Ordinance, 2011, they will need to apply to the Immigration Control Board for either a Work Permit or an Employment Certificate. In accordance with the above mentioned Sections, the Board is duty bound to consider carrying out a series of evidence gathering to satisfy themselves that it would not be against the public interest to issue such a Work Permit or Employment Certificate. One of the evidence gathering factors is for the Board to have regard to the condition of the local labour market. Mr Speaker, Honourable Members, this condition was placed in the Ordinance in order to protect the local labour market and allow the local labour market the opportunity to develop and flourish. Yet, Mr Speaker, Honourable Members, in accordance with Section 17 (2) (b) of the said Ordinance, the Government are exempt from the general provisions for the control of immigrant employees. This Section states, and I quote, “A person in the service of the Crown in right of the Government of St Helena or who is in or wishes to enter St Helena for the purpose of fulfilling a contract for the provision of goods or services to that Government”. In light of this, Government is under no obligation to take into account the local workforce, they can issue contracts to whoever they like. This clearly seems to go against the grain of the Government’s strategic intentions where the island’s Sustainable Development Plan clearly sets out Number One Strategic priority is to grow, support and develop the Private Sector. With the construction of our airport, the Private Sector has seen this as an opportunity to develop their businesses through strengthening their workforce and investing in additional equipment. However, Mr Speaker, Honourable Members, you will be aware from our recent meeting with the Chamber of Commerce that the Private Sector is aggrieved by the manner the Government is handling certain projects which they themselves feel they are quite capable of doing and not being given the opportunity. This also has an impact on the purchase of local building materials. Honourable Members, the Private Sector fully appreciates the fact that certain large-type development projects will clearly be outside of their scope and when awarding projects the Government must take into account value for money, but in recent months the Private Sector have seen certain projects being awarded to international contractors, which they themselves feel quite capable of doing. The laying of concrete paving is an example at the wharf. The local Private Sector has demonstrated its ability to deliver the same type of work successfully and inspection of the completed job can prove this. Just recently, a single source contract was awarded to an international company the scope of which appears to be quite clearly within the capability of the local Private Sector. However, they were not even given the opportunity to bid. Honourable Members, I am asking for your support to this Motion to enable a review to the Immigration Ordinance to ensure that both the St Helena Government and the Private Sector are treated equally in respect of the conditions applicable to the employment of immigrants. Thank you, Mr Speaker.

The Speaker –

Thank you very much, Honourable Member. Before I put the question, I want Members to be very careful about responses in this, because no particular names are allowed to be mentioned in regards to your debate in this issue. I put the question that this Council calls upon the Government to review the Immigration Ordinance to ensure that both the St Helena

Government and the Private Sector are treated equally in respect of the conditions applicable to the employment of immigrant workers. The question now is open for debate. Any Honourable Member wish to speak? Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker. Economic development through growing the Private Sector has been the foundation of the island's reforms, even before the official airport announcement was made on 3<sup>rd</sup> November 2011. Our number one goal is a vibrant economy providing opportunities for all to participate. For all to participate and move away from Public Sector dominance is not possible if the Private Sector is placed at a disadvantage. I support the Motion. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Tony Green. Any other member wish to speak on the Motion? Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Mr Speaker. The St Helena Government used to be cradle to grave provider for people on the island. In fact, I can, I think it probably precedes when I got here ten years ago, but it's within living memory that St Helena Government used to subsidise basic foodstuffs like milk powder, it was the monopoly employer, there was very little private sector a number of years ago. But as Bob Dylan so memorably sang "The times they are a-changing" and as my Honourable Friend, Mr Tony Green has said, you know, we're in a position now where we're trying to promote private sector development and it really does beg the question what is St Helena Government these days. They have a Divestment Programme, so many services that were originally being provided by St Helena Government are now being provided by private sector employees, yet the advantages given to SHG in terms of, you know, not having to apply for Work Permits, will now no longer apply to those services that were previously provided by SHG. We've got arms length services, I'm still sometimes a little muddled as to whether some of these arms length services are SHG services or whether again they fall outside the remit of that, so I think, yes, we need to look at the Immigration Ordinance, I would suggest, although I know this is beyond the Motion, that we need to have a, to pre-empt another Motion that is coming up, a level playing field so that the Private Sector does compete on the same level as SHG, I think it's very important, you know, we all agree with the MOU, we all agree with the Private Sector development and yet we can't have what is still effectively, to this day I think SHG is still effectively the monopoly employer, still the largest employer on the island, needs to operate under the same rules as the Private Sector, so I would have no issue in supporting this Motion.

The Speaker –

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

The Hon. Lawson Henry –

Thank you, Mr Speaker, I rise in support of this Motion and as my Honourable Colleague, the Honourable Derek Thomas said we had the opportunity of meeting with the Chamber of Commerce where many of the members from the Private Sector were present and I too witnessed the strength of feeling, whether real or perceived, against SHG and I would support that in relation to immigration that there is a level playing field between those immigrant workers and immigrant workers coming here for SHG. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Chief Secretary?

The Hon. Chief Secretary (Mr Owen O'Sullivan) –

I just have a point of information for Honourable Members in that in the level playing field that would mean that immigrant workers would have to have CRB checks, medicals and also references, because all SHG TC workers have all of those and that would put a significant burden on the Private Sector.

The Speaker –

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

The Hon. Nigel Dollery –

I actually tend to agree with this thing here, I'm quite happy with the Motion, I listened with interest what you say about the need to have a CRB report and the other things if you're employed by SHG and we know that that is what is meant to happen. I would point out to you that I've had someone who had been recruited by SHG.....

The Speaker –

You have to address your remarks to me, Honourable Member.

The Hon. Nigel Dollery –

I beg your pardon, Mr Speaker. And I've had an individual tell me they had been recruited by SHG, they had the documents and they weren't actually checked and I just make that as a point. They produced, they had the document, they had the qualifications, they went to an interview, they were accepted at the interview and at no time were the documents checked. I do not know, neither does anyone else here, know whether those qualifications were checked electronically in some other way, but they were asked to bring them with them, they were not looked at, so I take the point that SHG can screen for the qualifications and not necessarily one hundred percent sure that they do screen all of the qualifications. Thank you.

The Speaker –

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

The Hon. Brian Isaac –

Mr Speaker, it is worth noting that the Immigration Ordinance and Regulations have been reviewed twice since June 2011 and have been extensively consulted upon over that time. However, if there are ways to further improve the law governing employment of immigrants this is always worth exploring. As it currently stands, there's a great deal of similarity between how employees in the Public and Private Sector are treated. I am a recipient who further improved the way things are working and I've spoken to the Immigration Executive who is happy to meet with any elected members to further discuss this proposal, this Motion. Thank you.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member who wishes to speak to the Motion? The Honourable Mover would like to wind up?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I would like to thank those Honourable Members who have supported the Motion. The Honourable Chief Secretary raised a point of information that the Private Sector will be subject to Criminal Record Checks by immigrants who they wish to employ, I myself, do not see that as being an issue. The issue the Private Sector have is that the Government can award contracts to international companies without taking into account the local workforce. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The question is that this Council calls upon the Government to review the Immigration Ordinance to ensure that both the St Helena Government and the Private Sector are treated equally in respect of the conditions applicable to the employment of immigrant employees.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Next item of business, please.

***Motion No. 7 - The Honourable Leslie Baldwin.***

The Hon. Leslie Baldwin –

Mr Speaker, I'm just wondering if I could propose a minor amendment with the addition of the word "yet"?

The Speaker –

You have to put the Motion on the table first and then you can amend it afterwards.

The Hon. Leslie Baldwin –

Thank you, Mr Speaker. I beg to move that this Council believes that the current health service does not meet the needs of our community.

The Speaker –

Okay, can we have a seconder for that?

The Hon. Gavin Ellick –

I beg to second.

The Speaker –

Thank you very much, indeed. You may do so, you may amend your Motion.

The Hon. Leslie Baldwin –

Thank you, Mr Speaker. May I propose a minor change with the addition of the word "yet" between "not" and "meet" so that the Motion becomes "that this Council believe that the current health service does not yet meet the needs of our community". Thank you.

The Speaker –

Yes, okay, you can speak to the amendment now if you want. Oh, we need a seconder, thank you. Thank you very much, Clerk.

The Hon. Gavin Ellick –

I beg to second.

The Speaker –

Good. You may expound.

The Hon. Leslie Baldwin –

Mr Speaker, during our induction period, a meeting was held at the Hospital for all elected members to get a feel for the day to day operational activity of the Hospital and the problems being faced. The meeting included the newly-appointed Director of Health and Senior Medical Officer who had only arrived two weeks prior. I admit it was potentially an emotional time, but the SMO felt he had to show us the inadequacies of our operating theatre, which included vital pieces of equipment which were faulty; wooden surfaces which would not have been allowed in a fish processing plant let alone in an operating theatre and a lack of deep clean sanitation. Given these constraints, it was a wonder of the outstanding statistics achieved with regard infections. Is this, I wonder, as a result of the strong nursing and care facilities that are available? It is with this superior level of caring made by our long suffering Nurses, Nursing Assistants and Carers in mind that I question how much more they will be able to bear. A severe kick in the teeth happened to all those Carers who were pay graded beneath the road worker. Morale was hit and staff retention remains an issue often resulting in staff shortages which then have the effect that staff had to work longer hours, often without pay, but rewarded with time of in lieu which is difficult to take at time of short staffing as well as having to take the required number of annual leave days. No wonder morale is low. A complete review of the benefits package would be a well received and highly recommended as a suitable way to show that we politicians care about our professional carers. I have yet to discover whom the appointments system at the Hospital is supposed to satisfy, certainly not the patient as all patients are given the same time, which will often mean that somebody can wait two to three hours before being seen. This equally affects the business sector, especially when involved in businesses that require medical certification, food handling for example. It would seem to me that the Hospital will only ever have short-term solutions until we recognise the fact that a new built Hospital on a site large enough to cope with many of our care services is a necessity. Unfortunately, due to previous inadequacies, DFID are predicted to remain strong in their stance that no further finances will be made available for this major infrastructure spend, so will we have to wait until we are financially independent? I beg to move that we do all within our power to support the new Director of Health and Senior Medical Officer in addressing and advising the way forward. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. The Motion is that this Council believes that the current Health Service does not yet meet the needs of our community, as amended. Does any Member wish to speak? The Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Mr Speaker. In responding to this Motion, I could, for the sake of gravity, stand up and either agree or disagree with the Motion, sit down, and either way I guess I'd probably

be right. I make this rather flippant point not to dismiss the Motion, but to show that this is in reality a very complex issue. I am going to disagree with the Motion, but that by no means indicates the willingness to accept that there is no need for significant improvements in the Health Service. But let me start first by teasing up what is meant by those words 'Health Service'. There are three accepted components of any Health Service – Primary Health Care, Secondary Health Care and Tertiary Health Care. Let's start with Primary Health Care and this is the one that we're most familiar with when we talk of the Health Service on St Helena and it is the one I would imagine that we're usually referring to. Primary Health Care relates to professional health care received in the community, usually from a General Practitioner or Practice Nurse. Primary Health Care covers a broad range of health and preventative services, including health education, counselling, disease prevention and screening. Is this service meeting our needs? I am aware, as my Honourable Friend has said, that there are concerns about the availability of Doctors and the difficulty at times in getting an appointment. Demand at times exceeds supply, the people are able to access an appropriate medical support, be it a doctor or nurse, within a relatively short amount of time and it begs the question, what is the optimum number of doctors for St Helena? If we take the World Bank, for example, the World Bank data on doctors per one thousand people has for the UK 2.8 doctors to one thousand people. Based on this, we would need eleven doctors on island, but this shows the difficulty of trying to compare our situation with other countries. The UK ratio includes all medical practitioners from GPs to Surgeons, Specialists, such as Psychiatrists and Neurologists. Even if we had the financial capacity to employ eleven doctors what would their area of expertise be? We have six doctors on island. They have a broad range of experience but they cannot be expected to be proficient in every field of medicine. In fact, this is one of the biggest challenges faced in recruiting doctors. Like most other professional fields, medicine is becoming increasingly specialised, so it is becoming more difficult to recruit doctors with a broad range of skills required to practice medicine here. But Primary Health Care is not just about doctors and out-patient appointments. We all know that prevention is better than cure and the whole field of preventative health care is one that is being addressed by our Health Service. We are in the middle of Cancer Awareness Week. There are health promotion activities ranging from newspaper articles, radio talks to public events. We know that Diabetes is a major health challenge for our community and we know this because of the efforts of the Health Service to promote awareness of Diabetes and to support people to lead healthier lifestyles. Diabetes is one of those areas where we probably can make a direct comparison with the rest of the world. Our rate of Diabetes on the island is four times that of the UK or Australia. Is that a failure on the part of our Health Service? No, I do not believe it is. And to ex..... a higher morbidity rate as a sign of a failing Health Service is to ignore the complexities of determining the cause of a particular illness. Is our higher rate of Diabetes genetically based? Is it because of higher rates of Obesity? Is it lifestyle or is it, as I would suggest, a complicated mix of these and other factors? Providing health care in the community is the main focus of Primary Care; preventing people from going to hospital or shortening their stay in hospital is the goal. Hospital care is expensive and one of the best ways to pick up a secondary illness. Hospital acquired infections are a risk and in the UK over 6% of in-patients pick up an infection simply by being in hospital. There are severe capacity constraints in our Community Nursing Service, not least the difficulty in recruiting a substantive Nursing Manager, but despite this, they do an excellent job in providing front line health care.

The next tier of the Health Service is Secondary Care. Secondary Care is the health care services provided by medical specialists and other health professionals who generally do not have first contact with patients. Already, you can begin to see the challenges of providing health care on St Helena. In the normal course of events, would be that you would see a GP

and if they felt that your condition needed a more specialist examination then you would be referred on. Here, often the GP that sees you will also be the one that conducts the next stage of your examination. Depending on the experiences and qualifications of the doctors on island, you may be referred to a different doctor, for example, to the Cardiac Clinic, but this is dependent on the skills set of other doctors. This is where we need to broaden the definition of the St Helena Health Service. Much of the secondary care for St Helenian patients happens off island; most of this is in Cape Town and we have limited access to the NHS in the UK. It is worth remembering also that the services we have access to in Cape Town are provided by private medical firms, that is why you can get off the RMS and see a specialist the same day, but it comes at a cost. Trying to co-ordinate a Public Health Service, such as ours, with a private medical service is very difficult as they operate under totally different systems. Private medicine will give you the treatment you can afford. Public Health services will give you the treatment that the Government's budget will allow. We should also remember that the health service we access in Cape Town is facilitated by Charmaine and Julian Swain who provide a level of care and attention that I'm sure that all of you would agree goes above and beyond anything their contracts may stipulate. I say this, not to just publicly thank Charmaine and Julian, but also to highlight that any health service is far more than just the medical staff who treat the patients.

The third layer of any health service is tertiary care. This is specialist hospital care and all of this is provided for our health service in either Cape Town or the UK. I say this, but in fact often our Jamestown hospital and Medical Practitioners and Nurses are called on to provide tertiary care until the patient can be medivac'd. With limited equipment, we often have to care for very ill, medically complex patients, both in hospital and increasingly on the RMS. Remember too, that any Doctor or Nurse accompanying the patients on the RMS is one that is not available to us on island. So it's important that when we talk about health service we understand what this means and appreciate the challenges faced by this health service. It may seem counter .....tive, but it is more difficult to provide comprehensive health services to a small population. Add the tyranny of distance and problems of access and it becomes exceptionally complex. The Health Service is not a static organisation and it is constantly evolving, particularly with the advent of new technology. Already the service makes use of telemedicine; x-ray images can be sent via the internet to be read by a radiologist offshore and with the introduction of mobile phones on island comes the possibility of monitoring people in their homes. There are many different ways that the health care needs a.....

Having put the context of the Health Service in context, I would like to touch on the second part of the Motion which is, is the Health Service meeting the needs of the community? Before we can begin to answer this, we must first determine the health needs of the community and there are many ways of measuring a community's health needs, but I always use the template from the World Health Organisation's Community Health Needs Assessment. Let us start with the definition of Health from the WHO and I quote, "The extent to which an individual or group is able on the one hand to realise aspirations and satisfy needs on the other hand to change or cope with the environment. Health is therefore seen as a resource for everyday living, not an object of living, it is a positive concept emphasising social and personal resources as well as physical capabilities. So health is not merely the absence of disease, it's as much a social concept as a medical or biological one. The health care needs are met predominantly by the Public Health and Social Services Directorate, but not solely by this Directorate. The needs of our community in respect of health are multi-faceted and complex. If you think that I am just trying to avoid answering the Motion, I would say that we must first determine what the needs are. Some, such as Diabetes, are relatively easy to determine, but if there are secondary complications and

issues, such as the provision of healthy foods to make even this more complicated. Other ....?...such as neurological conditions are difficult to treat even with the most advanced resources available. Our Health Service may not treat many people, but the range of illnesses and conditions they treat is vast. To determine need, we must have robust data on the health characteristics of the population. Data collection is improving, but it is vital that we learn more. We have an ageing population and one that has increasingly complex medical needs. Without accurate data, we cannot plan for the future. Even with accurate data, it takes just one person with a rare, conditional illness that cannot be predicted to put the Health Service under increased stress. The expectations of the community are rising as people become more aware of what interventions are now possible. It could be argued that all the community needs is basic health care, but neither the community nor I would accept this. Which brings me back to the Motion, that this Council believe that the current Health Service does not yet meet the needs of the community. There is no doubt that elements of the Health Service are not meeting some of the community's needs. We know that there has been for some time a plan to improve the Hospital infrastructure. This has revolved around the re-development of the Hospital. Let me state here and now that as a member of the Legislative Council I recognise the need for an upgrading of the Hospital. However, it is my opinion, and I know that it is shared by my fellow Councillors, that St Helena requires a new, purpose-built hospital. I know that it is not on the Capital Programme agenda and I know that this is fundamentally different to the planned re-development of the existing Hospital, but we need a new hospital. This is not to say that we will be able to secure funding in the near future for this, but it is a goal that I am committed to working to achieve. This is a long-term goal, I don't doubt that it's a post airport goal, but nevertheless it is one that we must strive to achieve. But in the short-term, as my Honourable Colleague said, there is an urgent need to upgrade some of the facilities at the Hospital and where I'll agree with the Motion is that the current Hospital infrastructure does not meet the needs of the community. New hospitals are not cheap and they are not easy to construct and any new hospital will, I believe, need to be constructed in phases. It is a big project, but as I said, one that I, and I'm sure my Colleagues, will endorse. The Health Service is not a simple organisation to define. It is, I hope you will now appreciate, far more than just a hospital building. At its heart are the people who work in it. Let me say publicly that we have good people working in our Health Service and they are working hard to meet the needs of the community. Sadly, mistakes are made and sometimes the service does not meet the standards expected, but that is true of any health service. It is not a reason to be complacent, but it is also not a reason to state that the service is failing to meet the needs of the community. I do not agree with the Motion that the Health Service is failing to meet the needs of the community, our Health Service is under a lot of pressure; budget constraints, difficulties in recruiting and retaining staff, significant and rising levels of lifestyle diseases would be enough of a challenge for any health service. Add to this the remoteness; a five-day sea journey to transfer a patient to tertiary care and ageing hospital infrastructure and I think you would agree that while there are many needs to be met our Health and Service by and large is meeting it. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Lawson Henry –

Thank you, Mr Speaker and I would like to thank the Honourable Mover for bringing this thing forward. First of all, I would like to pay tribute to my Honourable Friend, the Honourable Ian Rummery, because I think probably this is the first time, Honourable

Speaker, the real issues with our Health Service has been brought into the public domain and I wish to thank him for doing that. Secondly, I wish to reiterate what he say about the staff in the Health Service, because I'm in no doubt that they are doing the very best they can under very, very difficult circumstances.

Like the Honourable Mover, I had the opportunity of visiting the Hospital shortly after I was elected and I can tell you now, having seen what I saw I did not sleep very comfortably that night in fear that if I had to go to a hospital with the problems faced by them that could be my last journey, because of the conditions with which they have to work. And sadly for me, Mr Speaker and Honourable Members, we are doing with the Hospital Re-development Project what is happening time and time again on this island, is we are looking for a short-term fix to a long-term problem and that is very sad. We saw for ourselves the statistical information that was given to us in the presentation in relation to the number of beds ...?... used by people who should really be in our Community Care Complex. I also know that when that Complex was built we were told by the funders that we couldn't have the higher capacity there then because we will be given support in the Hospital with medical interventions that people could stay at home longer. Sadly, that did not happen and that's why I too, like my two Honourable Colleagues who have already spoken to this Motion, feel so strongly that what we are doing now with over half a million pounds for the Hospital Re-development is a short-term fix to a long-term problem. We saw at firsthand the problems faced by those staff up there. However, finally I believe that with the new Health Director and our new SMO that they are working very hard to improve our Health Service and bring to the forefront the need for a new hospital. It is no doubt what is being done now is not going to take care of St Helena's needs in the health service. As I say, we're dealing with one building that is over a hundred year's old and another that is over fifty years old. At the same time, we want to re-develop it and keep a sterile hospital. It's almost impossible to do that. One of the other things I'd like to highlight from my visit to the Hospital was when we visited the theatre. I was horrified when we were shown the operating table there. It is in no way that that table can be made sterile because of how old it is. What was sad that the ambition of our new SMO after he had been appointed, even though he had not arrived here, he sought to get a brand new operating table and sadly this was turned down by the St Helena Government and you have to question, Honourable Speaker and Honourable Members, who made that decision given the state of that operating table at the General Hospital and if we can take anything away from this Motion today, those are one of the things that needs to be looked at because their jobs is being made much more harder by keeping a sterile environment because of that one particular piece of equipment.

Mr Speaker, Honourable Members, I would end this presentation by saying that whilst I cannot support the Motion, because of the various reasons that's already been pointed out and the difficulties in the provision of our Health Care Service, but what I hope will be taken away from this debate today, all the issues that has been raised and whilst I'm confident that both the SMO and the new Health Director will do everything in their power, I'm not confident that the Government as a whole is going to take this message seriously. Mr Speaker, Honourable Members, thank you.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member who wish to speak to the debate? Honourable Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker. I suspect everyone on the island at one time or another could easily agree that the Health Service was not yet meeting the needs of the community. This may

have been triggered by, say, failing to get an appointment when you need it, having your country clinic closed down or simply knowing that the matron-type, regulated hospital is a thing of the past. But I could not endorse a broad assertion that the Health Service is not yet meeting the needs of the community. In many cases, it may be falling short, but I assume many health services around the world would face the same accusations. Sometimes we seem to focus on what's not quite right and forget to take account of the good side. Comparing it with more affluent societies in the outside world can also make us feel that our expectations are not being met. Perhaps if, on the other hand, we were to measure ourselves against some of the less well off countries, we may not be doing so badly, it's all about expectations. For me, overall, we have a reasonable Health Service, but one that can be improved in many respects, one that I believe we have the catalyst to take forward. Unfortunately, we will always be limited to what we can do because of insufficient money. Standards will now improve, but some of the challenges faced here will always make our services seem not so good as compared with some in other countries. I feel we have a reasonable Health Service overall, one that equipment-wise can and will be improved in the near future. While I understand how easily it can be said that the Health Service does not yet meet the needs of the community, I think, on balance, that it does, despite the shortcomings, which are being worked on. I understand why the Motion would come forward, but I cannot support it. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak on the Motion? No other Member wishes to speak? Would the Mover like to wind up the Motion?

The Hon. Leslie Baldwin –

I'd like to thank everybody who contributed for their in depth and detailed answers and, in fact, quite honestly, I support every word. The idea of the Motion was to get us all talking about health and health provision generally and to show support to the new Director and SMO that are currently there, but also by highlighting and underlining that we politicians care about our professional carers and I think we've managed to do that today. Thank you.

The Speaker –

Thank you, Honourable Member.

Question put and the Motion (as amended) is not carried.

The Speaker –

So the amended Motion has fallen away and left us now with the original Motion. The original Motion, as it stands, is that this Council believes that the current Health Service does not meet the needs of our community. I'm not too sure who has spoken on that or who hasn't spoken on that. Anybody wish to speak on the original? Did I see somebody move to speak on the original Motion? Councillor Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker, I have to admit to my willingness to do that, but simply to say that I really, as a layman, doesn't see too much difference between the original Motion and the amended Motion and so my views would be exactly the same. Thank you.

The Speaker –

Thank you, Honourable Member. Is there anyone else who wish to speak to the original Motion? The Honourable Member want to wind up on the original Motion?

The Hon. Leslie Baldwin –

I could perhaps just explain why I introduced the word “yet” into it. I do firmly believe that we’re heading in the right direction; I believe that we have very strong people in operation in our Health Service and I therefore think it is inevitable that we will one day provide a service that is satisfactory to everybody within our community. At the moment I don’t consider that to be true.

The Speaker –

Thank you, Honourable Member.

Question on original Motion put, and the Motion is not carried.

The Speaker –

Alright, I think we can proceed, it looks to me like we can. Will the Clerk call the next item of business, please?

***Motion No. 8 – The Honourable Brian Isaac***

The Hon. Brian Isaac –

Mr Speaker, that this Council calls upon the Government to take immediate steps to create a level playing field, both financially and otherwise, for all local media organisations.

The Speaker –

Is there a seconder to the Motion?

The Hon. Ian Rummery –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Sir. Councillor, Mover?

The Hon. Brian Isaac –

Mr Speaker, over the years there has been much debate over media subsidies and the fairness and the effects. This is an issue we will need to address and rectify urgently. St Helena Government is committed to private sector development, cuts in untargeted subsidies and reducing the Government footprint on the island. The current media service clearly goes against the principles SHG stands for. Firstly, let me explain some of the major effects of the current subsidy to South Atlantic Media Services. I can start with the effects on the advertising market. Can someone explain to me why the taxpayer should provide subsidy for the big companies on the island and sometimes for companies from overseas? We actually do. South Atlantic Media Services subsidy enable major companies to advertise at a price far below the cost price. If South Atlantic Media Services should charge a price which will cover their costs no-one would be able to afford advertising with them. Can you imagine the effects on the independent media? They cannot charge more than the South Atlantic Media Services, otherwise they would not sell any adverts. The effect of this is that independent media has to live on a shoestring, taking help from fundraising, public contributions to

survive, whilst South Atlantic Media Services can run a rather lavish operation on the taxpayers expense. The subsidy does not affect only South Atlantic Media Services, it has a huge negative effect on independent media as they are exposed to unfair competition. It is far from a level playing field as you can get and it's not even in the same ball park. This is an untargeted subsidy of the advertisement. I should make it clear that it is not the advertiser's fault, but it is a fact. The sale of the newspaper is another untargeted subsidy. How much more would the Sentinel cost to buy without subsidy? Presumably far more than anyone would be willing to pay. Why should the taxpayer subsidise high income earners? Independent media in St Helena has only three full-time employees, this includes both Saint FM Community Radio has two and the St Helena Independent has one. This low number is not by choice, it is a necessity. The market for advertising is saturated with taxpayers' money. With a level playing field they would be strengthened and could develop what we want, a strengthened private sector or an expensive, tax funded operation. St Helena Government general policy is very clear, that we want private sector development. We are currently set back by £115,000 or so in the media subsidy per annum. I am not absolutely sure where the money to refurbishing the late Sonny Ward's house in the Public Gardens for SAMS in the future. Does this come from the SAMS budget? I'm not sure that every elected member around this table can come up with an idea how better spend £115,000 a year. We have this huge problem in facing the bills in healthcare, social services and education. Why do we spend money on subsidising adverts and newspapers? I am aware that the original plan for South Atlantic Media Services was to be a media monopoly and the original money approved by DFID from the Consolidated Fund for £152,000 was seen as a spend now to save later. It was said that the organisation would be self sustainable in the short term to medium term without a monopoly. South Atlantic Media Services will never be self sustainable under these conditions. The other media organisation, Saint FM Community Radio and the St Helena Independent are self sustaining, even under the extreme difficult conditions the media subsidy is creating for them. In order to make the South Atlantic Media Services sustainable we will need to kill off independent media and make people in the private sector unemployed. I don't think that any elected members of this House would like this to happen. Unfortunately, that this is a fact. If we want South Atlantic Media Services subsidies to increase substantially, we will need to kill independent media or South Atlantic Media Services have to cut back tremendously. What options are available? We can take away the media subsidy completely and use the money where it's needed most or we could have a much smaller subsidy, split between the organisations, based on what they produce, how many newspapers, how many broadcasting hours or how many web hits they achieve. Mr Speaker, I would ask you to take note of the words of my Motion, especially the word 'immediately'. A ...?... percentage cuts in subsidy per year will not achieve a level playing, we need to come up with a permanent solution no later than for the start of the next financial year. Thank you, Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. I put the question that this Council calls upon the Government to take immediate steps to create a level playing field, both financially and otherwise, for all local media organisations. Don't forget the Code of Conduct requires anyone with an interest to declare such interest before debate starts. Thank you, Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, Honourable Members, I thank the Honourable Member for bringing this Motion to the House. However, as Chairman of the Economic Development Committee, which has

policy responsibility for media on St Helena, I regret I am unable to give it my support. The Honourable Mover will be fully aware of the circumstances surrounding the creation of South Atlantic Media Services Ltd as he served on the previous Executive Council whose policy decision was to put in place a sustainable, independent media service, both broadcasting and newspaper, with appropriate safeguards in place for the rights of individuals who may be affected by media activities. The Honourable Mover will also be aware that the word ‘independent’ as used in this context, refers to editorial independence. The need for a sustainable and independent media service cannot be overstated, especially during this period of unprecedented change and development in the island’s history. Therefore, in going forward I believe that it would be helpful if I were to give a brief overview of the events that led to the policy decision. In October 2011, a Working Group was formed to look into the provision of media services on St Helena. Its published terms of reference were, and I quote, To investigate how the future of media services on the island could be made viable, sustainable and to develop appropriate proposals for submission to SHG.” This followed a number of interventions by Government to try to make good the imbalance between the financial support provided by SHG to two media organisations and the subsequent realisation that SHG could not continue indefinitely to provide this support to two organisations, both of which were operating at a loss and therefore unsustainable. The Working Group’s consultation with stakeholders, including both media organisations, revealed there was majority support for a single media organisation that would provide opportunities for rationalisation and a longer term reduction in reliance on public funds. The Working Group therefore recommended and Executive Council agreed to pursue the establishment of a community-owned media organisation, noting that this would involve purchasing the assets and goodwill of the privately-owned organisation, as had been espoused by the owner during consultation process. Whilst this purchase did not materialise, Council nevertheless reaffirmed its decision to proceed with the creation of a new community-owned media organisation to replace the St Helena News Media Service, i.e. Radio St Helena and the Herald, on the basis that there would be co-location of the paper and radio into one premises in Jamestown and that radio broadcasting would move from AM to FM with three channels. Mr Speaker, Honourable Members, this is a very brief account of the fundamentals that led to the establishment of the South Atlantic Media Services Ltd. Much effort and resource have been put into the implementation of Council’s policy decision and the CEO and staff at SAMS are to be congratulated for establishing the organisation which is clearly delivering its mission, which is to enrich people’s lives with media services that inform, entertain and educate, whilst living up to its core values to cherish and preserve the media’s independence from the state, its impartiality and professionalism and its honesty and integrity. However, sustainability remains a key consideration. SAMS have been in operation for some eighteen months during which time there have been teething problems as well as opportunity to document lessons learned, gather data and carry out research that will be used to help generate efficiency service and realise additional revenue streams in the short to medium term. It goes without saying that this will be carefully monitored and SAMS, like any other recipient of public funds, will need to make a case for continued financial support. In this regard, SAMS will need to submit a three-year budget and business plan which will be discussed by members as part of the budget setting process with an overall aim to reducing the monies being provided to SAMS over a period of time. Honourable Speaker, I conclude by saying that if we were to take immediate steps to create a level playing field, both financially and otherwise, for all media organisations we will run counter to the policy decision to have a sustainable, independent media service and will by default revert to the situation we were in some two years ago. Honourable Members, we cannot allow this to happen, as it will make nonsense of SHG’s investment in the new organisation and leave us

with an unsustainable media service provision which we can ill afford at this point in time. Mr Speaker, I cannot support this Motion.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member who wishes to speak? Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Mr Speaker. It seems to me that there are three ways to level the playing field. The first is to fill in the lower areas of the field so they reach the upper levels. The second is to lower the higher areas to the same level as the lowest level of the field. The third is what I would call the Basil Read approach and that's to cut and fill, so the sum comes off the top, some is added to the bottom and eventually you reach the same level. So with the media, as an example, the first is to raise the level of funding to that of the organisation that receives the most money so they all receive the same money. The second is to cut funding to equal that of the organisation that receives the least. The third is take a bit from the one with the most and give this to the one with the least. I must say too that in supporting this Motion, I make no comment on the operations of media organisations on island. I do, however, find it difficult to justify significant amounts of funding for a media organisation that is also expected to become commercially viable, that just distorts the market. I accept the argument that in a democracy a vibrant and questioning media is vital to hold people to account. If there is funding by Government, it must come minus the strings and editorial independence is paramount. So, how do we level the playing field? Increasing the subsidy so that everyone gets the same is not viable given the calls on our budget. Dispensing with subsidies in any form of funding with little or no warning could jeopardise an operation that was not prepared for this. Adding a bit to one while taking from another is a bit messy and then what happens if there's a third group that wants to set up a media organisation? So you could argue that my next suggestion does not so much level the playing field as create another field of play, but I offer it in the spirit of the Motion. Simply put, that there is a level playing field for any commercial media organisation in that there is no subsidy. However, the Government agrees to pay a media corporation, similar to the operation of the BBC or the ABC in Australia, to provide news media services. This could be a daily news bulletin, a certain number of hours for current affairs and to cover specific events such as the broadcasting of LegCo. This organisation would not be able to advertise and its focus would be on news and current affairs. If it plays music on a playlist in between then so be it or it could be spliced into an existing news channel, such as the BBC World Service. The running costs are reduced by all staff being engaged in that which is important for democracy, news and analysis, not entertainment. If such corporation were to be engaged in the print media, then revenue from the sale of the newspaper needs to cover the operating costs, remember, no advertising. But I would point out that by and large, state funded media corporations are broadcasters, both radio and TV, not newspaper proprietors. The corporation provides specific services for which it is paid, this then is a service level agreement, not a subsidy, that leaves us with a level playing field for any commercially orientated media organisations to compete against each other and it also leaves us with a media service that can fulfil the requirement of a thriving democracy, to ask questions and to hold people to account. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak to the Motion? Honourable Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker, and I thank the previous but one speaker for reiterating the information over the last few years, which, having sat through most of it, I can confirm and associate myself with it. Now back to the Motion. Mr Speaker, the Honourable Mover asks for Government to take immediate steps to create a level playing field, both financially and otherwise, for all local media organisations. So what does this mean? The phrase, a level playing field, is about fairness, with the same rules applying to all. In this case, it would mean every local media organisation being treated by Government in exactly the same way. And what does ‘all local, media organisations’ mean? Local is clear enough. The definition of media is not straightforward. Media is said to be the different technologies intended for audiences through communication and includes radio, TV, films, newspapers and pamphlets. It may also, I understand, include public speaking, social media, internet and e-mails. So, if that definition were to be generally true, we’re not just talking about two obvious radio stations and their newspapers. Just to say that I personally support both radio stations, but before us today is Government business, which I have to consider as a Councillor. So, bearing in mind what local media could very well amount to, it could then include less obvious activities like TV broadcasts, local film making for public screening and perhaps other forms of communication we have for the public. Taking it a step further, if a level playing field is applied to all media organisations, then there would also be a financial commitment to any future media organisation that is set up. The Motion hasn’t asked for additional support for any particular media organisation, but all media organisations should, for example, receive the same amount of financial support. Is that possible? Two questions. If Government itself sets up a business organisation, would you expect Government to fund it? If anyone outside of Government sets up a private business or organisation, would you expect Government to fund it? So, moving on. Bearing in mind that it is not clear what all local media organisations means, judging by the discussion earlier and what they would amount to, now and in the future, and bearing in mind that it is clear that to agree something for all media organisations could go beyond just the two radio stations and newspaper, bearing in mind that treating all local media organisations equally, now and in the future, would simply be unaffordable, and bearing in mind the many unknown implications and ramifications, I can only come to the conclusion as a Councillor, that I cannot, unfortunately, support the Motion, even though it would be so nice and popular to do so. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Member wishes to speak to the Motion? Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. I, likewise, thank the Honourable Member, Brian Isaac, for bringing this Motion to the House. However, I do have some difficulty in supporting the Motion as it currently stands. In my previous term on Council, a Working Group was established in October 2011, of which I was a part of, to investigate how the future for media services on the island could be made viable, sustainable and to develop appropriate proposals to the St Helena Government. This followed a series of actions by the Government where it was established that the Government could not continue indefinitely to provide financial support to two media organisations. The Working Group at the time consulted all relevant stakeholders, including both media organisations. The Working Group recommended and Executive Council agreed, again, to which I was part of, as well as the Honourable Mover, to proceed with the recommendations of the....Executive Council agreed to proceed with the

recommendations of the Working Group with the creation of a new community-owned media organisation to replace Radio St Helena, which is now South Atlantic Media Services Ltd. As indicated, this was the decision the Council decided to take. Mr Speaker, Honourable Members, a substantial amount of funding has been placed in setting up this organisation, for the purchase of equipment, thousands of pounds, staffing and premises etc. The organisation, SAMS, is now eighteen months in operation and to agree to a level playing field on all media services, we currently have two, there are likely to be others, in my view could lead to a disaster of what the Council agreed to eighteen months ago. This could lead to huge implications on a whole as far as our budgetary aid is concerned. DFID, in my view, would not look at this favourably and we have to be concerned about this since our negotiation techniques is to get more money as we possibly can, bearing in mind it was DFID in the first place who agreed that the start up of this new media could be used from our Consolidated Fund. Mr Speaker, Honourable Members, on the other hand, I am quite aware that the creation of our new Saint FM Community Radio, they do have huge community support and it would seem quite clear that they are growing in strength through voluntary support, through fundraising, membership subscriptions. This is a clear example where the community has come together and I do give credit to all concerned. Just recently we have heard that the service has been extended to the diaspora on Ascension. The organisation has done an excellent job. Saints do look forward to their local requests and their type of local music, which the organisation provides, and in view of this, I would not want to see the Motion lost, but perhaps if the Honourable Member would consider amending his Motion to see what support can be given to this voluntary organisation, through the relevant Committee. There is the Civil Society organisations, which provide funding to Civil Societies, might be, Mr Speaker, the criteria governing this organisation could be looked at with some support to Saint FM where a large proportion of the community do listen and look forward to the service. On the other hand, Mr Speaker, I am aware that a considerable amount of subsidy has been placed in the running of SAMS and clearly within their business plan, their business plan coming for the next three years, it is clear that the intention by the previous Council who set this up, was to see a reduction, a move for reduction in their budget over the coming years and there are ways and the public is well aware of this, because that information was made available and there are some ways where this could be achieved, an example, the move to the premises at Castle Gardens, we all know that the current premises, in terms of rent, is very expensive, so we have to look at a reduction, this reduction in funding can be used to fund other priority areas. So, for these reasons, Mr Speaker, I find it difficult and not right for me at this time to support the Motion as it stands, but I would certainly consider supporting the Motion if it was re-worded in support of the new Saint FM Community Radio. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. You have spoken, now you're up.....

The Hon. Lawson Henry –

Just a point of information, Mr Speaker, and that is, as I understand it, work to renovate SAMS preferred building will start in December this year and it is likely to take four months.

The Speaker –

Thank you, Honourable Member, thank you. Is there any other person wish to speak to the Motion? Right, Sir, Honourable Leslie Baldwin?

The Hon. Leslie Baldwin –

Mr Speaker, may I first declare an interest.

The Speaker –  
Yes, you may.

The Hon. Leslie Baldwin –  
Do I have to tell you what that is? As you know, I'm on the Executive Committee.....

The Speaker –  
Can I ask you about your interest anyway? Can I ask you about your interest, what's your interest?

The Hon. Leslie Baldwin –  
I am on the Executive Committee of Saint FM Community Radio.

The Speaker –  
Thank you very much, it's just for public purpose, that's all.

The Hon. Leslie Baldwin –  
No problem. I don't have any objection really to the Motion and, in fact, to be quite honest, level playing fields appeal to me, on the grounds of fairness alone, but I do think there are other considerations and, to be honest, media is more than just radio and newspaper. Ever since I've been here, I've heard that we have access to local television for at least half an hour a day and I would like to see this grow and without Government media I don't really see how it possibly could, I don't think any competition to Government media in that field at all. I also see that the only way that SAMS could actually pay for itself is by selling adverts on a more expensive TV as opposed to radio advertising basis, so I think media needs development, I think there's lots of areas of which to grow, internet would be another one, but ultimately if we're just talking newspapers and television, I would have to support the Motion, newspapers and radio, sorry, not television. Thank you.

The Speaker –  
Thank you. Any other Honourable Member wish to speak? Honourable Brian Isaac?

The Hon. Brian Isaac –  
Mr Speaker, I rise on a point of information and I would ask your permission if this House could adjourn for ten minutes so I can reword the Motion? Thank you.

The Speaker –  
Okay. It's your Motion, isn't it. You may do that. One of the things I would like to consider at the moment is how long are we going on into the evening, we have to close at six o'clock, I see there's an indication there is somewhere around about eight members want to speak to the adjournment motion, there is also another motion on the table, I'm just contemplating whether it's probably best, I'll allow the adjournment first, whether it's best and if there's an amended Motion, that we come back tomorrow to finish off the debates rather than going on into the evening, I can't, I'm not allowed to go beyond six o'clock anyway, so it might come six o'clock we might still have somebody with half a speech and have to stop them and come back next morning for.....can I have some indication, how many of you are prepared to adjourn until tomorrow morning, will you put up your hands, and those against it? It looks like the Ayes have it. Okay, .....

The Hon. Brian Isaac –

On a point of information, Mr Speaker, could we conclude this Motion and make a fresh start tomorrow?

The Speaker –

Yes, we can do that, we can do that. So we'll adjourn for a few minutes just now and the Mover will, we'll come back in ten minutes or earlier than that?

The Hon. Brian Isaac –

Mr Speaker, as soon as I've compiled the Motion, the amendment, I'll make Members aware.

The Speaker –

Can I give you five minutes?

The Hon. Brian Isaac –

That should be good, thank you, Mr Speaker.

The Speaker –

Okay, we'll adjourn for five minutes.

**Council adjourned.**

**Council resumed.**

The Speaker –

Please be seated. Honourable Mover of the Motion?

The Hon. Brian Isaac –

Mr Speaker, would you like me to present the Motion, amended Motion?

The Speaker –

Let's put your amended Motion on the table, let's see what it's all about, please.

The Hon. Brian Isaac –

The amended Motion is that, this House requests the St Helena Government to consider securing some form of funding to support Saint FM Community Radio.

The Speaker –

Okay, it's taken a different turn at the moment, I wouldn't say that was an amended Motion at all, it's a new Motion and a new Motion requires notice, unless this Council agree to suspend or dispense with notice of Motion. Order 10, Rule No. 2. Well, first of all, Order 10 (1) tells you that notice should be given of the various Motions and what sort of notice is given, but then in 10 (2) it says notice may be dispensed with in respect of any proceedings for which notice is required and notice is required for this one I consider. Only with the consent of the President and the assent of the majority of the members present at the time, so what it means, in fact, is that if the Council itself, the majority of the Council members agree that this Motion can be on the floor without any notice, and subject to the President agreeing as well, the Motion can be put on the floor. First of all, let's take this in stages. To me, it

appears to be a new Motion, definitely a new Motion. What our Standing Orders say is you do need notice of that Motion unless.....Now, I put the question to the Council. Will you read the Motion again so that I can understand it. Read it slowly so that the Clerk can take it down please?

The Hon. Brian Isaac –

That this Council requests St Helena Government to consider securing some form of financial support for Saint FM Community Radio.

The Speaker –

Right, it is.....yes?

The Hon. Colin Owen –

If we're talking about funding in this year, it wouldn't be really for the House to decide, so it might be worth thinking about how you word the funding because the funding for this year's budget already been agreed and the only other way we can get funding it will be through Special Warrants or appropriation later in the year.

The Speaker –

Just on that point, the way it's worded at the moment it doesn't require for any, it just says that you will secure some funding, so it can be one year, two years, three years, six months.

The Hon. Colin Owen –

As long as it's not current year.

The Speaker –

It's not, it doesn't say anything about current year. Honourable Members, that's the Motion. The Motion, that this Council requests St Helena Government to consider securing some form of financial support for Saint FM Community Radio, okay. I first considered whether that was a Motion that requires finance, it's not binding the Government to finance, so I can accept that and allow it on that. Alright, to me, I've decided it's a new Motion. A new Motion might require notice, notice can be dispensed with subject to what the Members have to say. I put it to the House, first of all, will this House agree that notice in this particular case is dispensed or should it go through the same process of having notice like any normal Motion? So the question to you is that the House agrees, consents, that notice is dispensed with?

Question that notice of Motion is dispensed with, put and agreed to.

The Speaker –

The Ayes have it, the Ayes have it. Notice is therefore dispensed with in regards to the House. Now the President will have to consider whether he consents to that. I will consent to that. I will allow the Motion to be held, to be brought, but I suggest and recommend that it don't be brought this evening, because it gives Honourable Members an opportunity to understand what all the implications might be when they come up in the debate, alright? Yes? Okay.

The Hon. Brian Isaac –

Mr Speaker, I thank you, and I would, with your permission, thank the Members for their support in allowing this to happen. Thank you.

The Speaker –

Now, this might be a convenient time, since this Motion is not going to be on the table, it might be a convenient time for us to adjourn tonight and come back tomorrow morning? Okay? Council is adjourned.

**Council adjourned.**