

ST. HELENA
LEGISLATIVE COUNCIL

THE PRESIDENT

The Honourable Mrs Margaret Anne Catherine Hopkins MBE

EX-OFFICIO MEMBERS

The Honourable Chief Secretary	-	Mr Roy Burke
The Honourable Acting Financial Secretary	-	Mr Dax Richards
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 Lawson Arthur Henry
The Honourable Bernice Alicia Olsson
The Honourable Ian Sebastian Rummery
The Honourable Christine Lilian Scipio O'Dean
The Honourable Derek Franklin Thomas

The Honourable Brian William Isaac (absent due to illness)
The Honourable Dr Corinda Sebastiana Stuart Essex (overseas)

CLERK OF COUNCILS

Mrs Carol George

PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Monday, 11th August, 2014

The Council met at 10.00 am
in the Court House, Jamestown

(The Deputy Speaker in the Chair)

ORDER OF THE DAY

1. FORMAL ENTRY OF THE PRESIDENT

2. PRAYERS
(The Rt. Rev. Bishop Richard Fenwick)

3. ADDRESS BY THE PRESIDENT

Honourable Members, senior officials from St Helena Government, members of the Prince Andrew School Student Council and members of the public, here or listening over the radio, a warm welcome to you all to this the first sitting of the fifth meeting of Legislative Council. I should first explain that the Honourable Speaker, Mr Eric Benjamin, is unwell and therefore unable to be present today. He sends us his best wishes for a good meeting and we send him our very best wishes for a full recovery and look forward to seeing him back in action.

We also send our best wishes to the Honourable Brian Isaac, who is unwell at this time.

I should like, on behalf of the Council, to extend a special welcome to the Honourable Chief Secretary, Mr Roy Burke, to this his first formal meeting of the Council. We also welcome Mr Dax Richards as Acting Financial Secretary and Mrs Morag Stevenson as Acting Attorney General.

We welcome back the Honourable Les Baldwin and the Honourable Gavin Ellick from their overseas visit where the Honourable Les Baldwin attended the British Islands and Mediterranean Regional Conference as St Helena's delegate and they both attended the Westminster Parliamentary Seminar, which is run annually by the CPA UK Branch for new members of Parliament and Legislatures. It is an invaluable experience to learn about parliamentary practice and St Helena tries to send new members as it helps them in their work as Councillors.

We are another elected member short today with the Honourable Dr Corinda Essex currently overseas. We look forward to her return shortly and she has extended her best wishes to Honourable Members for this meeting.

The Councillors have been meeting informally regularly to be briefed about a wide variety of topics, the most recent being an update from Enterprise St Helena at which the new Chief Executive for Economic Development was introduced to members. We also meet regularly as CPA and the Honourable Christine Scipio O'Dean will be attending the next Commonwealth Parliamentary Conference and Small Countries Conference in Cameroon in September. In November, the Honourable Lawson Henry will attend the Joint Ministerial Council in London, another important forum where St Helena's voice can be heard.

Turning to the Order Paper for today, we have an unusually large number of Sessional Papers to be laid on the table. These will be followed by six Questions for oral answer, three Bills and two Honourable Members bringing Motions to the House. There are also four questions for written answer which appear at the end of the Order Paper. These questions for written answer were submitted by the Honourable Dr Corinda Essex.

Finally, Honourable Members, I should remind you that you must declare an interest in any matter under debate before joining the debate. You should make it clear what your interest is and then wait until I have indicated my approval for you to continue. It is important that the public knows you are speaking not from personal interest, but for public interest and the only way of showing that you are conscious of a possible conflict of interest between personal and public interest is by declaring such an interest.

Thank you, Clerk. The next item of business, please?

4. PAPERS

The Hon. Dax Richards (Acting Financial Secretary) –

Madam Speaker, I beg to present Sessional Paper No. 15/2014 entitled Enterprise St Helena Financial Statements for the year ended 31st March 2013.

Ordered to lie on the table.

The Hon. Dax Richards –

Madam Speaker, I beg to present Sessional Paper No. 16/2014 entitled The St Helena Fisheries Corporation Financial Statements for the year ended 31st March 2013.

Ordered to lie on the table.

The Hon. Dax Richards –

Madam Speaker, I beg to present Sessional Paper No. 17/2014 entitled St Helena News Media Services Financial Accounts for the two-year period ended 31st March 2013.

Ordered to lie on the table.

The Hon. Dax Richards –

Madam Speaker, I beg to present Sessional Paper No. 19/2014 entitled A Bill for an Ordinance Customs and Excise (Amendment No. 2) Ordinance, 2014.

Ordered to lie on the table.

The Hon. Dax Richards –

Madam Speaker, I beg to present Sessional Paper No. 18/2014 entitled Government of St Helena Schedule of Special Warrants 2013/2014.

Ordered to lie on the table.

The Hon. Dax Richards –

Madam Speaker, I beg to present Sessional Paper No. 20/2014 entitled Government of St Helena Procurement Regulations July 2013, Revised 10th February 2014.

Ordered to lie on the table.

The Hon. Roy Burke (Chief Secretary) –

Madam Speaker, I beg to present Sessional Paper No. 21/2014 Government of St Helena, Proceedings of the Legislative Council, Friday, 24th February, 2012.

Madam Speaker, I would like to apologise to the House for the late submission of this and the following nine Sessional Papers. The administrative holdup has been identified and the papers will now be produced much quicker.

The Speaker –

Thank you. Rather than bringing them up one at a time, perhaps you'd like to present them all at the end once you've

Ordered to lie on the table.

The Hon. Roy Burke –

Madam Speaker, I beg to present Sessional Paper 22/2014, Government of St Helena Proceedings of the Legislative Council, Thursday, 22nd March 2012.

Ordered to lie on the table.

The Hon. Roy Burke –

Madam Speaker, I beg to present Sessional Paper 23/2014, Government of St Helena Proceedings of the Legislative Council, Friday, 23rd March 2012.

Ordered to lie on the table.

The Hon. Roy Burke –

Madam Speaker, I beg to present Sessional Paper 24/2014, Government of St Helena Proceedings of the Legislative Council, Monday, 26th March 2012.

Ordered to lie on the table.

The Hon. Roy Burke –

Madam Speaker, I beg to present Sessional Paper 25/2014, Government of St Helena Proceedings of the Legislative Council, Tuesday, 27th March 2012.

Ordered to lie on the table.

The Hon. Roy Burke –

Madam Speaker, I beg to present Sessional Paper 26/2014, Government of St Helena Proceedings of the Legislative Council, Friday, 6th July 2012.

Ordered to lie on the table.

The Hon. Roy Burke –

Madam Speaker, I beg to present Sessional Paper 27/2014, Government of St Helena Proceedings of the Legislative Council, Thursday, 13th September 2012.

Ordered to lie on the table.

The Hon. Roy Burke –

Madam Speaker, I beg to present Sessional Paper 28/2014, Government of St Helena Proceedings of the Legislative Council, Friday, 14th September 2012.

Ordered to lie on the table.

The Hon. Roy Burke –

Madam Speaker, I beg to present Sessional Paper 29/2014, Government of St Helena Proceedings of the Legislative Council, Monday, 25th February 2013.

Ordered to lie on the table.

The Hon. Roy Burke –

Madam Speaker, I beg to present Sessional Paper 30/2014, Government of St Helena Proceedings of the Legislative Council, Tuesday, 26th February 2013.

Ordered to lie on the table.

The Hon. Dax Richards –

Madam Speaker, I beg to present Sessional Paper 31/2014, entitled Government of St Helena, Financial Regulations, Final, May 2014.

Ordered to lie on the table.

The Hon. Wilson Duncan –

Madam Speaker, I beg to present Sessional Paper 32/2014, Government of St Helena, a Bill for an Ordinance, Protection of Wrecks and Marine Archaeological Heritage Ordinance, 2014.

Ordered to lie on the table.

The Hon. Ian Rummery –

Madam Speaker, I beg to present Sessional Paper 33/2014, A Bill for an Ordinance, Spear Guns Control Ordinance, 2014.

Ordered to lie on the table.

The Hon. Dax Richards –

Madam Speaker, I beg to present Sessional Paper No. 34/2014 entitled St Helena Audit Service Performance Audit Report: Delivering Government Objectives.

Ordered to lie on the table.

5.

QUESTIONS

Question No. 1 – The Honourable Christine Scipio O'Dean to ask the Honourable Chief Secretary.

The Hon. Christine Scipio O'Dean –

Madam Speaker, will the Honourable Chief Secretary give Council how many Technical Cooperation Officers are currently employed by St Helena Government; is their performance against terms of reference monitored and does the terms of reference include any training element for local staff?

The Speaker –

Thank you, Honourable Member. The Honourable Roy Burke?

The Hon. Roy Burke –

Thank you, Madam Speaker. At the end of July 2014, the number of long-term Technical Co-operation Officers in post identified in the St Helena Government head count was sixty-seven. The majority of these post holders are on contracts of more than one year's duration. There is also a complement of thirty-three shorter term Technical Cooperation posts. In both categories, we are in the process of recruiting a total of twenty-four posts in all. The agreed budgetfor 2014/15 includes just over £5m of long-term TC posts and £2m for shorter term posts. Long term posts are identified in the St Helena Government head count and filled by staff from abroad where there is no identifiable on-island capability and where there is a predictable and periodic requirement for specialist assistance, such as medical locum or specialised technical support for equipment servicing and maintenance. All members of staff in St Helena Government are subject to a probationary period, Technical Cooperation Officers are no different. All staff are required to demonstrate that they can meet the

requirements of the job, if they do not they will not be confirmed in post. Those that are confirmed follow the same performance appraisal process that all permanent members of staff have to undergo. The need for skills transfer to local employed staff has been built into the TC recruitment process for the past year or so and while some existing terms of reference might not include this specific requirement there is a policy in place reflecting this which has been agreed by the Senior Management Team and where appropriate to do so Chairs of Committees will be invited to contribute to the preparation of terms of reference for those posts.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Madam Speaker. Can the Honourable Chief Secretary give some examples of short-term Technical Cooperation?

The Speaker –

Honourable Roy Burke?

The Hon. Roy Burke –

Madam Speaker, the thirteen officers who have been identified to work closely with TCs to effect skills transfers this includes posts such as the Capital Programme Manager, Public Relations, Change Management, Corporate Procurement, Housing Executive, Prison Manager, Immigration Executive, a number of posts in schools and three Senior Manager posts in a number of posts in the Policing Directorate.

The Speaker –

Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Madam Speaker. Can the Honourable Chief Secretary tell us if there are any succession plans in place?

The Speaker –

Honourable Roy Burke?

The Hon. Roy Burke –

Succession plans are a key element of the St Helena Government workforce plan and it's in the process of being introduced to all Directorates across St Helena Government. Directors have been asked to identify those posts which are critical to service delivery and which are difficult to recruit at short-term notice, or short notice, from local resources. The aim of the Succession Planning Strategy is to assist with the retention of talented individuals as they will be aware of internal opportunities available to them with their career's progress. By identifying and developing potential future leaders and Senior Managers we create opportunities for local people to develop their knowledge and skills with the end of reducing our reliance on TC Officers. Succession planning has also been incorporated into our Strategic Planning process.

The Speaker –

Thank you. Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Madam Speaker. Can the Honourable Chief Secretary tell us how many St Helenians are currently understudying or shadowing posts currently filled by Technical Cooperation Officers?

The Speaker –

Honourable Roy Burke?

The Hon. Roy Burke –

Thank you, Madam Speaker. There are currently thirteen officers who have been identified to work closely with TC's to effect that skills transfer or who are in long-term overseas training for the same purpose and that refers to the post that I alluded to earlier.

The Speaker –

Thank you. Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Madam Speaker. Will the Honourable Chief Secretary agree that sustainability for St Helena can best be achieved by investing in Saints, or, to coin his phrase, home grown?

The Speaker –

Honourable Roy Burke?

The Hon. Roy Burke –

Thank you, Madam Speaker. Yes, I certainly agree that we should be growing our own talent, that's not to say that we're not already doing that, but we must accept that this is a medium to longer term ambition and that in the short term we will still need to recruit internationally. For example, we will still need to recruit medical staff from abroad and for some time I think and there are other areas in the Public Service that it will be only a **?mystic** for a small population to be able to meet those demands, particularly given the ambition that we have for St Helena.

The Speaker –

Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Madam Speaker. Will the Honourable Chief Secretary undertake to provide this House and to the public with a written plan as to how St Helena Government intends to invest and develop Saint staff capabilities?

The Speaker –

Honourable Roy Burke?

The Hon. Roy Burke –

Thank you, Madam Speaker. The St Helena Government Workforce Plan has been developed and will be made available to Honourable Members and more widely. We're also developing a Succession Planning Policy and Procedure which has been drafted; it's currently undergoing peer review, after which it will need to go through an internal approval process and will be placed in the Code of Management.

The Speaker –
Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –
Thank you, Madam Speaker, no further questions.

The Speaker –
Thank you. Any supplementary questions from some other Honourable Members? Clerk, next item?

Question No. 2 – The Honourable Derek Thomas to ask the Honourable Chairman, Environment and Natural Resources Committee.

The Speaker –
Honourable Wilson Duncan?

The Hon. Wilson Duncan –
Madam Speaker, can I have Trevor, my Director, come to the table?

The Speaker –
He can come and sit just behind you if that's alright. Sorry, I do beg your pardon, Honourable Derek Thomas?

The Hon. Derek Thomas –
Thank you, Madam Speaker. Not knowing the expected answer to my question, I will declare my interest since I'm in the rental accommodation business, but this question I'm asking on behalf of the island as a whole.

The Speaker –
That's fine. Thank you, you may proceed.

The Hon. Derek Thomas –
Thank you, Madam Speaker. Will the Honourable Chairman of the Environment and Natural Resources Committee say what plans are proposed for the development of the Longwood Dairy Complex and its surrounding area?

The Speaker –
Thank you, Honourable Member. Honourable Wilson Duncan?

The Hon. Wilson Duncan –
Madam Speaker, Honourable Derek Thomas, yes, I can reply to you. It's quite lengthy. A draft option agreement is being discussed with a private sector business for an area of approximately .75 acres to be developed as a retail market with a coffee shop and fuel station. The area is to the left of the old buildings with access from the Longwood Road past the existing shop and Church. The development will be on what is currently pig sheds and the old silage plants. The retail and fuel station will be a catalyst for future economic development of the other buildings, creating organic expression and retail opportunities. Design details are being discussed with the Planning Commission. The former abattoir is

under consideration for adaptation as a food store, preparation and a chiller facility to support the Longwood and other growers and could also include retail establishments. Funding for the refurbishment of the former abattoir at this stage is not committed and plans are at the drawing board stage, but it is hoped to be through a combination of DFID Capital Programme and ESH Tourism Development/Business Support. Additional bulk produce and equipment storage is proposed further North to support the horticultural and growers in the area and to take the dirty users away from the retail/tourism core. The older two-storey building to the South, once cleaned and vacant, will be offered as a development opportunity. It has been looked at as possible retail units for tourism, arts and crafts, with offices or workshops above. An approach has been received to develop this building as before with low cost tourism accommodation on the upper level to work in conjunction with Bertram's Cottage, which would be renovated as a guest house/restaurant thus forming a link through the Longwood House. The Longwood Dairy buildings and Bertram's have been recommended for release to the private sector for economic development. However, at this time there is also a study underway with the French Government about setting up a management company or charity to administer the Napoleonic buildings with Bertram's and the Old Dairy being put into that vehicle as the SHG contribution. The outcome of this is awaited. However, the question of how to fund buildings conversion and renovation is unresolved. Agricultural land to the North and East is reserved for production uses administered by the Agricultural and Natural Resources Division. Barn View is due to be relocated as Phase 2 of the CBU development at Half Tree Hollow and then released for development if not required for further Sheltered Accommodation by Social Services. The ex Longwood First School buildings will be released within Government after the airport project is completed when Basil Read moves out. The Golf Club is under negotiation on a new lease or sale, terms yet to be agreed. The Bottom Woods comprehensive development area outline planning application is now lodged to release house plots for affordable housing and development for inward investors. All Connect St Helena Utilities infrastructure has been surveyed and is in the process of being transferred ...?.....reservoirs and associate pumphouses. The Deason Sheltered Accommodation will be externally refurbished in 2014/15 as part of the Capital Programme of operational?..... Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas, just before you speak, could you just push your microphone back up because apparently your voice is distorted. Thank you.

The Hon. Derek Thomas –

Thank you, Madam Speaker and I thank the Honourable Member for his comprehensive reply. Can the Honourable Member say if the area that he mentioned at Longwood Dairy, the old Pig Pounds, was it advertised to the public for expressions of interest?

The Speaker –

Thank you, Honourable Member. Honourable Wilson Duncan?

The Hon. Wilson Duncan –

Madam Speaker, at this present moment in time, it is uncertain, but we will have to come back to you and I will supply you that information in a written form.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Can the Honourable Member say whether the other areas that is for development been advertised to the public for expressions of interest?

The Speaker –

Thank you, Honourable Member. Honourable Wilson Duncan?

The Hon. Wilson Duncan –

Madam Speaker, only the comprehensive development area at Bottom Woods has been out to public expressions, the rest is only going through the system.

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Can the Honourable Member say then why wasn't the other areas that is up for development in the Longwood Dairy not advertised to the public for expressions of interest?

The Speaker –

Thank you, Honourable Member. Honourable Wilson Duncan?

The Hon. Wilson Duncan –

Madam Speaker, this programme of development at the Longwood Dairy has been going on for a long time and we need to confirm this and get back to you and we'll do so in writing.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

I thank the Honourable Member for his answer. I find it difficult to be able to proceed, Madam Speaker, when the Honourable Member don't know whether it's been advertised or not. Where I'm coming from is whether it had been advertised in order to.....

The Speaker –

Honourable Member, I take it you're rising on a point of information.....

The Hon. Derek Thomas –

A point of information, Madam Speaker. Where I'm coming from is to ascertain whether the Longwood Dairy and surrounding complex was advertised for expressions of interest in accordance with the Land Disposal Policy in order for SHG to achieve best value. That's on a point of information, but I find it difficult to proceed when the Honourable Member don't know at this stage whether it was advertised or not.

The Speaker –

Thank you, Honourable Member. Next item, please?

Question No. 3 – The Honourable Nigel Dollery to ask the Honourable Acting Financial Secretary.

The Hon. Nigel Dollery –

Madam Speaker, as you're aware, I'm a member of the Public Accounts Committee, but I'm not asking this question or my next one in that role, I'm asking it as an elected member.

The Speaker –

Thank you.

The Hon. Nigel Dollery –

Will the Honourable Acting Financial Secretary please tell this House when we can expect the accounts from St Helena Government for 2012/13 to be laid?

The Speaker –

Thank you, Honourable Member. The Honourable Dax Richards?

The Hon. Dax Richards –

Madam Speaker, I'd like to thank the Honourable Nigel Dollery for his question and if I may provide a little background to the answer.

Honourable Members will be aware that the financial statements for 2011/12 were laid on the table in this House in October 2013, nine months behind schedule. The Public Accounts Committee reviewed the financial statements and the Chief Auditor's Management Letter in February this year before the PAC report was laid on the table in this House in March of this year. There were a number of factors that contributed to the delay in completing the financial statements and these have been highlighted by and explained at the PAC meeting in February. The delay in laying the 2011/12 financial statement has a knock-on impact on finalising future years financial statements. Focus over the last four months has been placed on completing a number of smaller Department for International Development required Memorandum of Understanding statements. This, coupled with the departure of one and the arrival of the new Chief Auditor, has also added additional time to the process of finalising the 2012/13 financial statements. Normally, we would expect the set of financial statements to be audited and signed off by those charged with?.... within ten months of the end of the financial year. That is, four months for the financial statement preparation and then the six months statutory timescales for the completion of the audit. With the arrival of the new Chief Auditor, St Helena Government and the St Helena Audit Service have a?.... programme of works which will ensure that the audited SHG financial statements are back on track by the end of 2015. The Chief Auditor and I are confident that this is a realistic timeframe given the current levels of resources available to both the St Helena Government Finance and the St Helena Audit Service. The St Helena Government fully recognises the importance of good governance and the role the PAC plays in the scrutiny of financial statements and the St Helena Government are therefore about to appoint to a new post of Financial Accountant. The primary focus of this post holder will be working with other members of the St Helena Government Finance Team and the St Helena Audit Service to clear the backlog of financial statements. We therefore anticipate that the 2012 financial statements will be completed, audited and laid in this House by no later than March 2015. We then envisage the 2013/14 financial statements to be completed and audited by July 2015 and we will likely be back on track with the 2014/15 statements being completed and audited by December 2015.

The Speaker –

Thank you, Honourable Member. Honourable Nigel Dollery?

The Hon. Nigel Dollery –

I would like to thank the Honourable Acting Financial Secretary for that very clear explanation. As a retired Accountant rather than a practicing Accountant, I do not like accounts coming late.....

The Speaker –

Honourable Member, comments, please, no, a question, do you have a question?

The Hon. Nigel Dollery –

I beg your pardon, Madam Speaker. I shall take my seat.

The Speaker –

Are there any supplementary questions to be asked by other Honourable Members? Next question, please?

Question No. 4 – The Honourable Nigel Dollery to ask the Honourable Acting Financial Secretary.

The Hon. Nigel Dollery –

Will the Honourable Acting Financial Secretary say what steps have been or are being taken to incorporate subsidiary accounts into those of the St Helena Government in light of the qualification of the previous years' accounts by the Chief Auditor and the suggestion made by the last formal Public Accounts Committee Meeting to begin with consolidating the accounts of smaller enterprises, such as the Fisheries Corporation and the Currency Fund?

The Speaker –

Thank you, Honourable Member. The Honourable Dax Richards?

The Hon. Dax Richards –

Madam Speaker, I'd like to thank the Honourable Nigel Dollery for his question and this question is in one way related to the answer of the previous. With the additional resource of the soon to have Financial Accountant, we envisage that we'll be able to consolidate some of the smaller entities, such as the St Helena Fisheries Corporation, the Bulk Fuel Installation and the Currency Fund, into the 2012 financial statements. As we finalise the SHG statements, we'll be in a better position to determine whether there needs to be a trade-off between incorporating the smaller entities against the speed needed to complete the backdated accounts to get back on schedule. St Helena Government will still receive a qualification on consolidation regardless of whether we consolidate these small entities or not. However, we do recognise that incorporating these small entities will be a step in the right direction. The Public Accounts Committee Report recognised the difficulties in consolidating the financial statements of the St Helena Government and its subsidiaries, the subsidiaries are all in totally different sectors, such as retail, insurance, banking, shipping and utilities and each use a different accounting framework. However, progress has been made by the St Helena Government and the St Helena Audit Service with a view to eventually being able to consolidate all entities and as such frameworks are being adopted which are all based on the common accounting principles, the International Financial Reporting Standards

or IFRS's as they are commonly known. This will be the building blocks on which full consolidation can take place in the not too distant future. As we've mentioned at the last Public Accounts sitting, there needs to be a balance between the additional benefits to the readers of the financial statements against the additional resources needed to implement full consolidated SHG financial statements.

The Speaker –

Thank you, Honourable Member. Honourable Nigel Dollery?

The Hon. Nigel Dollery –

Once again, I'd like to thank the Honourable Acting Financial Secretary for a very clear explanation of the situation. I'll keep any comments to myself. Thank you.

The Speaker –

Next question, please?

Question No. 5 – The Honourable Gavin Ellick to ask the Honourable Chairman, Public Health Committee.

The Hon. Gavin Ellick –

Thank you, Madam Speaker. Will the Honourable Chairman of the Public Health Committee say what plans are in place to investigate the recent situation in the Hospital where a number of critically ill people put the Service under great strain and what measures are in place to improve the capability of the Service to respond to such situations, such as recruitment and retention of doctors?

The Speaker –

Thank you, Honourable Member. The Honourable Ian Rummery.

The Hon. Ian Rummery –

Thank you, Madam Speaker. I'm grateful to my Honourable Friend for raising this question as there is no doubt that the community is concerned about our Hospital and Health Care Service. On a small island, and with much of the health care based in the Hospital, it is a focal point for the community. Problems with the Hospital create anxieties that ripple throughout the island. Before I give a substantive answer to the question, I would ask that all Honourable Members present today cast their minds back to last year when we had our induction visit to Public Health. I would ask if Honourable Members remind themselves of our reaction to the briefing, and, more importantly, to the visit to the Hospital and, in particular, the Operating Theatre. An Operating Theatre, if you will remember, that could not be cleaned properly due to the poor state of much of its fabric, an operating theatre with, I think, a hole in the wall, an operating theatre with unsafe anaesthetic gases that could leacher into the theatre and so put staff safety and thus patient safety at risk. We were shocked and we pledged to support an upgrade of the Hospital. I wish that I could stand here today and announce that the upgrade has been completed. Some work has happened and there have been renovations to parts of the Hospital. I cannot say that the upgrade is completed, because though much preparatory work has been done with a successful tender we are still in contractual negotiations. Such is the nature of doing business on St Helena. Procurement is difficult, it is time consuming, but it must be if we are to avoid some of the expensive mistakes of the past. What does this have to do with the recent situation I the Hospital? I

think that there are a few lessons here. The first is the drive to raise standards. My Honourable Friend is absolutely right in his assessment that it was a number of critically ill patients that put the service under such strain. The fact that our Nurses and Doctors could care for such critically ill patients is as a direct result of improved standards of care and equipment. Two years ago, we would not have been able to provide the care and treatment that was given recently. Should our Health Service be put under strain by a small number of critically ill patients? How many critically ill patients should we be able to cope with? These are questions that are being asked, but there are no easy answers. In some ways the review as to what happened has already been done. We know what happened. Critically ill patients require not just sophisticated life support machines, but they also require Nurses and Doctors to monitor the machines, to administer medications and to be on standby should the patient's condition deteriorate. We required additional staff as we had to keep one Nurse with each patient twenty-four hours a day and a Doctor, if not in the Hospital, then certainly close by. We do not have a full complement of nursing staff at present. Additional staff were called in, some Nurses who no longer work for the Health Directorate came in to help, Administration staff and, in fact, some of my colleagues here, went into the Hospital to help. Other staff from SHG came out and supported the Hospital with other tasks. It is what small communities do at such times, people pull together and I, on behalf of the Public Health and the Public Health Committee, am very grateful for the community spirit shown by all those who helped out. But it does not detract from the fact that when the situation arose we already had staff shortages, so the increased demands on staff put the service under incredible strain. Why do we have shortages? Nursing is a tough job, it's shift work, it's physically and emotionally demanding, it is also, as we saw during this time, increasingly technical. Our nursing staff, as skilled and as dedicated as they are, do not care for such critically ill patients all the time, so they require additional support and training while caring for the patients and operating sophisticated machinery. Are our nurses paid enough for this work? No, they're not. There is a Cadre pay review underway, but with such limited budget if pay increases are proposed we are gonna struggle to find the additional money, but we have to do something. In a period of good employment when there are so many more opportunities, we have to make nursing a more attractive prospect. Earlier this year at the DAPM talks with DFID, we argued for more resources for the Health Service. We were successful in securing money for the infrastructure improvements and new equipment for the Hospital. We were not so successful when it came to recruitment, but we've learnt from this. When we go back next time, we will make the point that equipment without the people to operate it is not of much use. We talk about developing our local workforce yet we only limited access to Technical Cooperation funding to increase capacity within our own local staff. This is not sustainable. We will always need some expatriate staff, but as much as possible, we need to be supporting and developing our own clinical workforce. We have a fantastic local School of Nursing, but we lack the training budget for post registration training. Nursing, as we saw recently, is not just about care. Our nurses are called on to provide highly skilled interventions under extreme pressure, literally at times making life and death decisions. This requires an investment in training, access to the latest research and time away from the wards to study. It is a vicious circle. Lack of staff means that nurses do not have time for professional development, yet we are putting more demands on our nursing staff for which they need their time to acquire new skills and knowledge. One argument we need to put forward is apart from the strain on the service and the risk to the community if our Health Service cannot cope is that we are putting the investment of the UK Government in the airport at risk. We need a high quality Health Service, principally for the safety of our community, but also to ensure that others will come and invest in our island, who will visit our island and will contribute to the economic development that will eventually give us greater control over our own destiny.

I have concentrated on nursing so far, but in order to answer the Honourable Member's question I must also address the situation with Doctors. I cannot and will not talk about individuals, but let me be clear. It is not easy to recruit Doctors for St Helena. What seems like to us a generous financial package is not compared to international pay rates for Doctors. A Doctor on St Helena has to face many challenges and unlike most other doctors, the option for a quick medical evacuation of a patient should their condition deteriorate is not available. We have had, it is true, a high turnover of doctors recently. This has caused disruption and distress to the community. As I said, I cannot comment on individuals, but I would ask the question, for the sake of continuity would we prefer that a person finishes a contract irrespective of how they perform, or, to come back to my original reference to raising standards, would we prefer that people are called to account if they are not fulfilling their duties or working to high clinical standards? My Honourable Friend, Mr Baldwin, in fact told me the situation he witnessed of a person who agreed to one set of working conditions in the contract signing stage in London only to have a change of heart once on island and refusing to honour that contract. What do we do under such circumstances? The recruitment of staff, particularly expatriate clinical staff, is being reviewed. We are putting in additional tests for staff, to not just look at their professional skills, but also to examine their emotional, resilience and capacity to work in such a demanding environment. We are working closely with the office in London to improve the recruitment process.

To come back to the situation presented to Legislative Council last year, we pledged to support the improvement of standards and the Health Directorate is working hard to do this. Clinical governance is being embedded so that the Health Care teams are more accountable for the quality and safety of the experience of patients. It is about developing a culture of continuous improvement. There is no doubt that the changes are taking longer than we would all like and the path to improved care is not smooth. I apologise for the disruption that people have experienced. I apologise that clinics have been cancelled and that we do not have a full complement of doctors. I wish it were not so, but I go back to that day when Council visited the Hospital, the status quo was not an option, we have to raise standards and we must support our staff during what is a very difficult time. My Honourable Friend asks what is being done to improve the capability of the service. I've outlined some of the in-house work that is going on, this will take some time and we as Council will need to make some bold decisions to improve funding for some of these activities. We're also pursuing other options. I mentioned in a recent debate in the House that most of our tertiary care is provided by a private Health Care company in Cape Town. I will be meeting with representatives of the main provider of care in September in Cape Town to see if there are other ways we can use their resources to strengthen our service. To give an example, there is a School of Nursing in Cape Town run by Life Healthcare who own the Vincent **Poletti** Hospital, so I would like to explore if this school can be accessed by some of our nurses to continue in professional development.

If I may, I'd like to finish on a personal note. During the recent situation in the Hospital, I visited the Hospital on an almost daily basis in a private capacity. I was humbled by the dedication and skilled care that I saw from nursing and medical staff and the support they were given by ancillary staff. I witnessed a life being saved and my sincere thanks go to all those who worked so hard and continue to work so hard in our Health Service. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Gavin Ellick, do you have any supplementary questions.

The Hon. Gavin Ellick –

Thank you, Honourable Chairman for that comprehensive answer and I will keep some more comments to myself for the time being. Thank you, Sir.

The Speaker –

Thank you, Honourable Member. Next question.

Question No. 6 - The Honourable Leslie Baldwin to ask the Honourable Acting Financial Secretary:

The Hon. Leslie Baldwin –

Thank you, Madam Speaker. Will the Honourable Acting Financial Secretary tell this Council whether it is the intention of Government to seek International Ship and Port Facility Security certification for the Ruperts port area?

The Speaker –

Thank you, Honourable Member. The Honourable Dax Richards.

The Hon. Dax Richards –

Madam Speaker, I'd like to thank the Honourable Leslie Baldwin for his question. It is the intention of the St Helena Government to seek International Ship and Port Facility Security certification for the new port in Ruperts. However, there is no guarantee that we'll be able to achieve this certification. The new port facility in Ruperts will be developed in line with the requirements of the ISPS, as it is known, certification with the minimum requirement for two secured areas and the ability to close the port when vessels are in harbour or when it is necessary to do so. In order to get certification, the port will be subject to an International Ship and Port Facility Security audit by the UK Department for Transport. However, we have a lot of work to do before we are ready for such an audit. All planning thus far has been on the basis of the conditions outlined in the Ruperts Development Plan approved by ExCo in December of last year. One of those conditions was to ensure that public access to the beach area is maintained. A revised Development Plan for Ruperts is being led by the new Head of Planning and this will go as far as possible to ensure that Ruperts can operate as a fully functioning international ship and port facility security certified port whilst maintaining public access to the beach area.

The Speaker –

Thank you, Honourable Member. Honourable Les Baldwin?

The Hon. Leslie Baldwin –

Thank you, Honourable Financial Secretary. Would you be able to tell me if Government would be prepared to forfeit the right of access to members of the public to the beach and pier head areas in order to achieve ISPS certification?

The Speaker –

Thank you, Honourable Member. The Honourable Financial Secretary?

The Hon. Dax Richards –

Madam Speaker, I'm not prepared to speculate what the Government will be able to do?.....

The Speaker –

I'd just draw Members attention to the fact that you can't actually ask for an opinion and we're talking about something hypothetical, much as you might wish to get an answer to that question.

The Hon. Leslie Baldwin –

Thank you, Madam Speaker. Could I continue?

The Speaker –

Have you another question?

The Hon. Leslie Baldwin –

Please?

The Speaker –

Thank you, Honourable Member, you may continue.

The Hon. Leslie Baldwin –

Are Government aware of the consequences of not achieving ISPS certification?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Yes, Madam Speaker, we have an expert here in Mr John Holland, who is our Customs Adviser and he has outlined the consequences of not receiving ISPS certification.

The Speaker –

Honourable Les Baldwin?

The Hon. Leslie Baldwin –

Honourable Financial Secretary, thank you.....

The Speaker –

Thank you, Honourable Member. Are there any other supplementary questions? Thank you. Next item of business, please.

6.

MOTIONS

Motion No. 1 – The Honourable Acting Financial Secretary.

THE CUSTOMS AND EXCISE (AMENDMENT NO. 2) BILL, 2014

The Hon. Dax Richards –

Madam Speaker, I beg to move that the Customs and Excise (Amendment No. 2) Bill, 2014, 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. Morag Stevenson (Acting Attorney General) –
Madam Speaker, I beg to second.

The Speaker –
Thank you. Honourable Mover?

The Hon. Dax Richards –
Madam Speaker, I'm pleased to present a Bill for an Ordinance to amend the Customs Ordinance, Cap 145, to make provision for duty free shops at the air and sea terminals and for the purpose connected therewith or incidental thereto. This amendment to the Customs and Excise Ordinance will make provisions for duty free shops and the procedures for importation of goods for the purpose of supply to and sale by a duty free shop. With the airport scheduled to open in early 2016 and a new port facility being developed in Ruperts, there is an expectation, as in most other countries, that there will be a duty free shop in or around the place of departure from St Helena. This change in the legislation is the first step in ensuring that we are ready to provide this facility, but there will need to be a lot more work to ensure that the relevant procedures and protocols are developed to avoid misuse.
Madam Speaker, I be got move.

The Speaker –
Thank you, Honourable Mover. I put the question that the Customs and Excise (Amendment No, 2) Bill, 2014, be approved in principle and referred to a Committee of the whole Council. The question is open for debate. Does any Honourable Member wish to speak, please?
Honourable Derek Thomas?

The Hon. Derek Thomas –
Thank you, Madam Speaker. I rise in support of the Bill. It is a small Bill to amend the Customs Ordinance, Cap 145, to make provisions for a duty free shop situated on premises within sea or air travellers terminal to enable the controller to sell goods free of duty to travellers and crew members. I support the Bill.

The Speaker –
Thank you, Honourable Member. Any other Honourable Member wishes to speak?
Honourable Ian Rummery?

The Hon. Ian Rummery –
Thank you, Madam Speaker. I, too, rise in support of the Bill, I think it's eminently sensible that we have a duty free shop at our airport and I support the principle that, though, as my Honourable Friend said, this is a fairly minor thing, I think that as the situations arise in the run up to the airport we'll probably find other similar situations and I think it's best that we deal with them as speedily and as effectively as possible, so therefore I support this Bill.

The Speaker –
Thank you, Honourable Member. The Honourable Lawson Henry?

The Hon. Lawson Henry –
Thank you, Madam Speaker. I, too, rise in support of this Bill. I see this as another baby step towards the reality of air access to the island so I fully support this Bill. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak? In which case, I will ask the Honourable Mover if he wishes to reply to the debate?

The Hon. Dax Richards –

No, thank you, Madam Speaker.

The Speaker –

Thank you.

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

The Speaker –

Honourable Dax Richards?

The Hon. Dax Richards –

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

The Speaker –

Is there a seconder, please?

The Hon. Morag Stevenson –

Madam Speaker, I beg to second.

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

Council in Committee.

The Chairman –

I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill. Does any Honourable Member wish to speak?

Title, Enacting and Clause 1.

Question put and agreed to.

The Chairman –

I put the question that Clause 2 do stand part of the Bill. It's the Interpretation Clause. Honourable Attorney General?

The Hon. Morag Stevenson –

Madam Speaker, sorry, Madam Chairman,?.....explanation that this is a minor amendment simply to add a definition of 'duty free shop' to the principal Ordinance.

The Chairman –

Thank you.

Clause 2.

Question put and agreed to.

The Chairman –

I put the question that Clause 3 do stand part of the Bill.

The Hon. Morag Stevenson –

Madam Chairman, if I may deal with Clause 3 and 4 together, I think it would probably make more sense. There are basically two minor amendments to the principal Customs Ordinance simply to alter the wording to enable a duty free shop and goods to be covered by the principal Ordinance.

Clause 3.

Question put and agreed to.

The Chairman –

I put the question that Clause 4 do stand part of the Bill. Any questions on that?

Clause 4.

Question put and agreed to.

Council resumed.

The Speaker –

Honourable Dax Richards?

The Hon. Dax Richards –

Madam Speaker, I beg to report that the Customs and Excise (Amendment No. 2) Bill, 2014, passed the Committee with no amendment and to move that this Council approves the said Bill and recommends to the Governor that it is enacted.

The Speaker –

Is there a seconder, please?

The Hon. Morag Stevenson –

Madam Speaker, I beg to second.

The Speaker –

Thank you. Do you wish to speak to the Motion, Honourable Financial Secretary?

The Hon. Dax Richards –

Madam Speaker, I'd just like to thank the Members for their full support in passing this Bill.

The Speaker –

Thank you. I put the question that this Council approves the Customs and Excise (Amendment No. 2) Bill, 2014 and recommends to the Governor that it should be enacted. Does any Honourable Member wish to speak at this stage? In which case, I rather think that

the Honourable Financial Secretary will not wish to reply to any debate and the lack of debate.

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

The Speaker –
Next item.

Motion No. 2 – The Honourable Chairman, Environment and Natural Resources Committee.

**THE PROTECTION OF WRECKS AND MARINE
ARCHAEOLOGICAL HERITAGE BILL, 2014.**

The Speaker –
Honourable Wilson Duncan?

The Hon. Wilson Duncan –
Madam Speaker, I beg to move that the Protection of Wrecks and Marine Archaeological Heritage Bill, 2014, be approved in principle and referred to a Committee of the whole Council.

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

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

The Speaker –
Thank you, Honourable Member. Honourable Wilson Duncan? Honourable Morag Stevenson, you wish to speak at the point, I think?

The Hon. Morag Stevenson –
Thank you, Madam Speaker, I just wish to declare an interest in that the Bill that's about to be proposed includes a definition of a St Helena resident diver, of which I am, and I just wish to declare that.....a few other difficulties.....

The Speaker –
No, I see your problem. Thank you. Are there any other Members who need to declare a similar interest as divers? Honourable Les Baldwin?

The Hon. Leslie Baldwin –
Thank you, Madam Speaker, I, too, am a recreational diver.

The Speaker –
Thank you. It certainly doesn't preclude you from being able to be involved in the debate. Thank you. The Honourable Wilson Duncan.

The Hon. Wilson Duncan –

Madam Speaker, I wish to present to the House the Protection of Wrecks and Marine Archaeological Heritage Ordinance, 2014. At present, there are no legislation in place to protect the marine archaeological heritage of St Helena and the protection of shipwrecks. There are eight shipwrecks in various locations around the island as well as numerous archaeological items that will be given protection through this Ordinance. The wrecks date back to the early 1600s, although most of the wrecks that are still in reasonable condition are from the 1900s. The wrecks represent an important part of St Helena's cultural history as well as providing sites for marine tourism, diving and snorkeling. The wrecks also provide habitats for St Helena's rich marine flora and fauna, including many endemics. This Ordinance will provide protection for these species as no ground fish fishing or spear fishing will be allowed on the wrecks. Preventing divers from penetrating the wrecks is important to prevent further damage to the wrecks. For the safety of the divers and as a mark of respect as the Darkdale is a war grave. Permanent anchor points will prevent damage of the shipwrecks from anchors as well as facilitating marine tourism. The Ordinance seeks to protect the marine heritage of St Helena for future generations to enjoy. A Bill for an Ordinance to protect the marine, archaeological heritage of St Helena, including sites of wrecks from interference by unauthorised persons and for connected purposes has been out for consultation with relevant stakeholders and the public and has gone through an agreed by the Environment and Natural Resources Committee and approved by Executive Council in July 2014. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. I put the question that the Protection of Wrecks and Marine Archaeological Heritage Bill, 2014, be approved in principle and referred to a Committee of the whole Council. The question is open for debate. The Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Madam Speaker. Madam Speaker, in March this year, I was astounded to learn that at present there is no legislation in place for the protection of marine archaeological heritage on St Helena. The Protection of Wrecks Act 1973 only applies to UK Territory waters so it is necessary to bring in similar regulations. As Honourable Wilson Duncan highlighted, that these wrecks do represent an important part of St Helena's cultural history as well as providing sites for marine tourism, like you said, diving and snorkeling. Madam Speaker, as tourism develops and activities increase from the island, this proposed Ordinance will bring into force restrictions to protect the current shipwrecks as well as providing subsidiary regulations for constructing artificial reefs. Madam Speaker, consultation has taken place with various stakeholders, including the Dutch and the military regarding this proposed Ordinance. I attended a public meeting in April and can advise that concerns raised have been addressed. To give an example, Madam Speaker, the commercial fishermen were concerned regarding more anchoring, hence the proposed Ordinance includes a permanent anchor points where a rope and a marker buoy will be fixed to the wreck in a specific position that can be used for marine tourism and bait fishing. Madam Speaker, there is a need for this ordinance to protect the marine archaeological heritage of St Helena, including sites of wrecks from interference by unauthorised persons. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Does any other Honourable Member wish to speak? The Honourable Ian Rummery.

The Hon. Ian Rummery –

Thank you, Madam Speaker. It's rather stating the obvious, but the history of St Helena is not just about what happened on the island, it's also about what happened around the island, including ships that sadly have sunk close to our shores. I am not a diver, but I understand the importance of our maritime history and we must make every effort to preserve it. I, along with my Honourable Friend, Christine, here, attended the public consultation for this legislation and though few in number I can assure you there was a lively discussion and overwhelming support for this Ordinance. I make few claims to fame, but I was involved, as was my equally non diving colleague, the Honourable Christine Scipio O'Dean, in drafting the rather clunky, but important definition of the St Helena resident diver. The original definition is I recall only referred to a St Helena resident until I pointed out that as a St Helena resident myself, or even Christine, we might not be best placed to take non Saints underwater to look at sunken vessels, hence the addition of the word 'diver' in the definition. It seems eminently sensible that we protect our marine heritage that we state explicitly that one should only dive on wrecks with a qualified local diver and to ensure that any additional activity, be it from tourism or commercial exploitation of the marine environment, should not be to the detriment of wrecks in our water. I have no hesitation in supporting this Bill. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker. This is a good Bill. It is designed to protect what is left of our wrecks and other historical heritage in St Helena waters. It does not prevent scuba diving, but allows for it to happen in a restricted area under supervision. Madam Speaker, it is important that we protect what we have if we are to promote and develop our island to encourage and enable economic growth for the benefit of St Helena. Madam Speaker, I support the Bill.

The Speaker –

Thank you, Honourable Member. Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Madam Speaker. I, too, rise in support of this Bill. It goes to the core of protection of our environment and marine environment and, in particular, that protection not only for Saints today but Saints in the future and our visitors, so I fully support this Bill. Thank you.

The Speaker –

Honourable Member. Does any other Honourable Member wish to speak? In which case, I invite the Honourable Mover, the Honourable Wilson Duncan, to respond to the debate.

The Hon. Wilson Duncan –

I'd just like to thank the Honourable Members for their support. Thank you, Madam.

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 Wilson Duncan?

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

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

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

The Speaker –
Thank you.

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

Council in Committee.

The Chairman –
I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill. Any questions or comments?

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Chairman –
I put the question that Clause 2 do stand part of the Bill. Interpretation Clause. Honourable Morag Stevenson?

The Hon. Morag Stevenson –
Thank you, Madam Chairman. Madam Chairman, this is an Interpretation Clause which includes the definition of ‘protected wreck’, which is defined as being a wreck listed in the Schedule attached to the Ordinance. It also includes a definition of ‘protected artifact’ whereby extending the protection of the Ordinance beyond just the wrecks themselves.

The Chairman –
Any questions, Honourable Members?

The Hon. Christine Scipio O'Dean –
Thank you, Madam Speaker. I just ask for this point for our listeners if the Acting Attorney General could just explain the interpretation of ‘bait fishing’?

The Hon. Morag Stevenson –

Madam Chairman, I have to say I think that's something that I would have to defer to our Marine Biologist for further explanation of, not being a big fisher myself and not having any particular knowledge I did have to rely heavily on the Marine Section. Perhaps something that either I could go and very briefly find the answer for if necessary?

The Chairman –

If you'd like to invite, if Honourable Members wish, would you like to invite a representative from ENRD, the Marine Section, to come to the table here in order to provide.....

The Hon. Morag Stevenson –

I think Dr Brown will actually be in the public seating area and I'm quite sure she should be able to provide me with that information.

The Chairman –

With Members permission I would like to invite her to come to the table by me in order to provide information. Actually, Honourable Morag Stevenson, she can provide the information directly if she can find it.

Dr Judith Brown (Marine Biologist) –

It's literally fishing for bait, so the fish that they use for the Tuna fishing, so the smaller fish that they use as bait and it's mentioned the species there, the?ponica, so that's the fish, that's the scientific name for the fish species that they use as bait, a couple of those species, but it does include ground fish species, so that's the things that live on the bottom.

The Chairman –

Any questions while we have Dr Brown with us?

The Hon. Christine Scipio O'Dean –

Thank you, Madam Speaker.

The Hon. Morag Stevenson –

Madam Speaker, I'd just like to say thanks to Dr Brown for that explanation.

The Chairman –

Yes, normally we have an additional chair here so that when somebody needs to come to the table they can actually come and sit and become part of the proceedings.

Clause 2.

Question put and agreed to.

The Chairman –

I put the question that Clause 3 do stand part of the Bill.

The Hon. Morag Stevenson –

Thank you, Madam Chairman. Clause 1 and subclause (1), (2) and (3) of Clause 3 gives the Governor in Council powers to add and amend the list of wrecks that are contained within the Schedule and, in particular, Clause 3 (3) sets the restricted area around any protected wreck as being 100 metres radius.

The Chairman –
Any questions, please?

Clause 3.

Question put and agreed to.

The Chairman –
I put the question that Clause 4 do stand part of the Bill.

The Hon. Morag Stevenson –
Thank you, Madam Chairman. Clause 4 (1) lists the various offences under the Ordinance.offence has been committed unless the person has been given written authority from the Chief Environmental Officer to undertake that course of behaviour. Clause 4 (2) actually add the minute details, who can give authority for the person to handle or move a protected artifact. I'm going to stop at that because I believe Councillor Scipio O'Dean.....

The Hon. Christine Scipio O'Dean –
Thank you, Madam Chairman. Yes, I'm puzzled as to why 4 (1) where written authority is granted by the Chief Environmental Officer and 4 (2) states that no person without written authority granted by the Governor, and I'm proposing an amendment, Madam Chair, for continuity, that 4 (2) to be amended to Chief Environmental Officer, so it would read "no person shall without written authority granted by the Chief Environmental Officer".

The Chairman –
And deleting the Governor?

The Hon. Christine Scipio O'Dean –
And deleting "granted by the Governor".

The Chairman –
Is there a seconder to the amendment?

The Hon. Lawson Henry –
Yes, Madam Speaker.

The Chairman –
Councillor Lawson Henry, you're seconding it?

The Hon. Lawson Henry –
Yes.

The Chairman –
Thank you. Would the Honourable Morag Stevenson just want to comment on this amendment, please, before I put the question?

The Hon. Morag Stevenson –
Thank you, Madam Chairman. The amendment is quite correct. From the sake of?.....within the Ordinance, I've got no difficulty whatsoever with the amendment that's been proposed.

The Chairman –

Any comments on the proposed amendment from Members, please?

Question on amendment, put and agreed to.

The Chairman –

Thank you. Any other questions or comments on Clause 4?

The Hon. Morag Stevenson –

Thank you, Madam Chairman, if I can just complete the Clause 4 (3) and (4). 4 (3) gives a list of circumstances in which a person would not be held to be committing an offence under the Ordinance. For example, that's an act in the course of an emergency. And Clause 4 (4) contains the maximum sentence and power for the Court when dealing with the offences.

The Chairman –

Any questions or comments? Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Madam Chairman. Just for the purpose of our listeners, if the Senior Attorney General could advise what is actually the maximum fine?

The Hon. Morag Stevenson –

The maximum fine on conviction is a maximum fine of £20,000 and the maximum imprisonment for any actual custodial offences is a period not exceeding five years or there can be a fine and imprisonment together.

The Hon. Christine Scipio O'Dean –

Thank you.

The Chairman –

Any other questions or comments, please?

Clause 4 (as amended).

Question put and agreed to.

The Chairman –

I put the question that Clause 5 do stand part of the Bill.

The Hon. Morag Stevenson –

Thank you, Madam Chairman. Clause 5 is the standard clause giving the Governor in Council power to make regulations under the Ordinance.

The Chairman –

Any questions?

Clause 5.

Question put and agreed to.

The Chairman –

I put the question that the Schedule do stand part of the Bill.

The Hon. Morag Stevenson –

Thank you, Madam Chairman. The Schedule is, as that mentioned previously, which is the Schedule listing the various wrecks and?ion that are to be covered by the Ordinance.

The Chairman –

Yes, Honourable Les Baldwin?

The Hon. Leslie Baldwin –

Thank you, Madam Chairman. Could you tell me if there are any wrecks that are not included on the Schedule?

The Hon. Morag Stevenson –

Madam Chairman, perhaps, again, if I could call on Dr Brown?

Dr Judith Brown –

No, that includes all of the wrecks, so there are other wrecks that are broken down, but not whole ones like that, but they will be covered in the archaeological items, so that puts all of the whole wrecks?.....that we know of.

The Hon. Leslie Baldwin –

Thank you.

The Chairman –

Honourable Les Baldwin, do you want to ask.....

The Hon. Leslie Baldwin –

I was actually just going to come back. Following my return from the UK, whilst I was there somebody pointed out, somebody from the House of Lords pointed out that there was over a hundred wrecks in our waters, I would guess that some of them would be on the back side of the island, perhaps not diveable, but I was certainly expecting more than eight.

Dr Judith Brown –

Yes, we have been doing some dives.....our work, which actually is mapping with the seabed, so that should pick out any wreck beaches and then we have a drop down camera that we would use to validate that, so if we do come across any of those then we will put them in the Schedule. The National Trust actually did a very thorough look through a lot of the old records of the wrecks that have been sunk in our waters, but most of those don't have positions or maybe being quite old they were made of wood so they will be broken up by the heavy seas around here, so they're the onesvery clear.....

The Hon. Leslie Baldwin –

Thank you for your time.

The Chairman –

Any other questions while we have Dr Brown at the table?

Schedule.

Question put and agreed to.

Council resumed.

The Speaker –
Honourable Wilson Duncan?

The Hon. Wilson Duncan –
Madam Speaker, I beg to report that the Protection of Wrecks and Marine Archaeological Heritage Bill, 2014, passed the Committee with one amendment and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

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

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

The Speaker –
Thank you. Honourable Mover, do you wish to speak to the Motion.

The Hon. Wilson Duncan –
Madam Speaker, I'd just like to again thank all Honourable Members for their support.

The Speaker –
Thank you, Honourable Member. I put the question that this Council approves the Protection of Wrecks and Marine Archaeological Heritage Bill, 2014, and recommends to the Governor that it should be enacted. Does any Honourable Member wish to speak at this stage? In which case, I don't think I'll ask the Honourable Mover to respond.

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

The Speaker –
I think this would be an appropriate moment to have a short break, Honourable Members, so I will suspend the sitting for ten minutes. Thank you.

Council suspended.

Council resumed.

The Speaker –
Next item of business please, Clerk.

Motion No. 3 – the Honourable Ian Rummery.

THE SPEAR GUNS CONTROL BILL, 2014.

The Hon. Ian Rummery –

Thank you. Madam Speaker, I beg to move that the Spear Guns Control Bill, 2014, be approved in principle and referred to a Committee of the whole Council.

The Speaker –

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

The Hon. Lawson Henry –

Madam Speaker, I beg to second.

The Speaker –

Thank you. Honourable Mover? Sorry, just before you start, is there any Honourable Member sitting round the table who needs to declare an interest spear guns, when you go fish with spear guns?

The Hon. Leslie Baldwin –

Thank you, Madam Speaker, I declare the same interest I declared before as a recreational diver. Thank you.

The Speaker –

Thank you. Anybody else who needs to declare an interest? Thank you. Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Madam Speaker. I am pleased to present a Bill for an Ordinance to control the possession and use of spear guns in the territorial waters of St Helena and for matters connected therewith or incidental thereto.

Madam Speaker, the thing about being on Legislative Council is that surprise, surprise, you get to learn about making law. The Spear Guns Ordinance that is before us today has, in fact, more to do with law and how it is made than the use of Spear Guns themselves. Now, that is not to say that what we're doing today is not important. For a community that relies so much on the sea for recreation and for fishing, both commercial and personal, we must ensure that marine activities are regulated to protect both the environment and the people. We've had a Spear Guns Ordinance since at least 1994 and a Control Order since at least 2006. Now, I don't know the specific history behind these, but we need to note this to provide context to today's debate. In fact, we are amending very little. What we are effectively doing is putting our Legislature House in order. Order, is, in fact, the word we need to focus on. For reasons that I perhaps do not fully understand, but are largely irrelevant for the purposes of today's debate, the Spear Guns Order is basically the same as Regulations. We know about Regulations, they're what's passed by Executive Council to give clarity to an Ordinance which is obviously the primary law. Apologies for the lesson and the Acting Attorney General please feel free to interject if I've got this wrong, but first comes the Ordinance, which is passed, as one hopes today, in formal Legislative Council and this then creates the framework for Regulations, or, in this case, the Control Order. So the Ordinance has to take precedence over an Order or Regulations. What we have with the existing Spear Guns Ordinance is, in fact, the reverse. The section, Control or Possession and Use of Spear Guns needs to be in the Ordinance and not the Regulations or the Control Order. Without this, it will be almost impossible prosecute anyone breaking the rules relating to Spear Guns as you would almost have to see someone using the Spear Gun during a closed season. That is what

we have now, but clearly that is very difficult to enforce. There has been some debate internally regarding these rules. Today's proposed legislation has not effectively changed the rules. Section 4 in the paper before you is almost the same wording as that in the original Order with the same four clauses. What will change though is that this will come in the Ordinance that will go before Executive Council...sorry, what will change though is, and this will come in the order that it will go before Executive Council at a future date, and so it will not happen today, it is the addition of Ruperts Bay swimming area as a prohibited area for public safety as well as tying this in with the Protection of Wrecks Ordinance, which we have just passed. So there we have it, a largely procedural exercise in taking what was in the Order, effectively the Regulations, and placing them in an Ordinance. Thank you, Madam Speaker.

The Speaker –

Thank you. I put the question that the Spear Guns Control Bill, 2014, be approved in principle and referred to a Committee of the whole Council. The question is open for debate. Does any Honourable Member wish to speak? Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Madam Speaker. Madam Speaker, I see this proposal as a tidying up exercise to ensure that the primary legislation has the key to make it enforceable and workable. We need to ensure the safety of our swimmers at all times, hence an area of coastal water comprised within a radius of 15 metres from the beach and 15 metres from the Jetty area at Ruperts has been included. There is, however, one technical point and as for the old lady down in the hill she don't do technical points, so I need some guidance here from other colleagues about that. So the technical point that I'm going to highlight is that the wharf area is a restricted area in the closed season, but is also is the landing facility for all boating trips around the island. Therefore, ?**kit** for use in other areas that is not affected by the closed season must be allowed through. Like I said, this is a technical point and I don't do technical points. So, Madam Speaker, how will this be enforced? Thank you.

The Speaker –

Thank you. Honourable Les Baldwin?

The Hon. Leslie Baldwin –

Thank you, Madam Speaker, my thoughts on the Spear Gun Ordinance are, though I totally agree that the prohibition on the use of spear guns out of season, which normally means January through March, needs strengthening as it is virtually impossible for Police to catch anybody actually in use of the lance and it is wrong that lobster is taken during the breeding season, I fear that in certain circumstances we may charge someone with the offence of going equipped, as we called it in England, when, in fact, all they were doing was rushing down to the shop before it closed not realising that they still had their lance or the offending object in the boot of their car from the last dive presumably any time up to and including 31st December. I am also aware of many cases where divers have kept their lances in their boots for security reasons to have the lances secure from the inquisitive children they have at home and have myself been advised to do the same. I carried my lance in my boot for five years or so, never using it once in the time and not intending to, but now looking back, I would have committed this offence in excess of a hundred occasions. I find it bizarre that we cannot find the offence chargeable when the lance is in or on the water or having immediately come from in or on water to cover for the prospect of a diver having thrown the lance ashore in an attempt to legalise the lance by firing it on to land. I think in general this Ordinance has been

seen as needed for some time to protect our lobster stocks, but now has been rushed through at the expense of potentially innocent people. Although I recognise the need to protect our natural habitats I cannot believe it should be done with any potential negatives felt by until now innocent people. Thank you.

The Speaker –

Any other Honourable Member wish to speak to the Bill, please? Honourable Derek Thomas?

The Hon. Derek Thomas –

Madam Speaker, I rise in support of this Bill. It is designed to protect our territorial waters and marine species. It does not prevent persons from using spear guns; there is a closed season between 1st January and 31st March of each year. Outside of this period, for those persons who wish to use a spear gun must obtain approval from the Chief Environmental Officer. One of our selling points for tourism development is our marine life, which must be protected. This legislation will aid the enforcement of spear gun control. Madam Speaker, I support the Bill.

The Speaker –

Thank you, Honourable Member. Honourable Lawson Henry?

The Hon. Lawson Henry –

Madam Speaker, I rise in support of this Bill. At present the current legislation makes the prosecution of anyone caught breaking the rules regarding the use of spear guns almost impossible. You would actually have to see someone using the spear gun during the closed season. The proposed, revised Ordinance, along with the Order which define the prohibited areas, will provide for the prosecution of someone who is found in possession of a spear gun for the use with scuba equipment or for use during a closed season or within the restricted area. It also updates the fines and add Ruperts Bay swimming area as a prohibited area for public safety. I commend this legislation to the House. Madam Speaker.

The Speaker –

Thank you, Honourable Member. Does any other Honourable Member wish to speak? In which case, I call upon the Honourable Mover, the Honourable Ian Rummery to respond to the debate.

The Hon. Ian Rummery –

Thank you, Madam Speaker, I'm more than happy to respond to the debate. It would appear there's two points have been raised; a technical point by our Honourable old lady down the hill and I suspect that as we go through the Ordinance clause by clause we may be calling on the eminent services of Dr Judith Brown to provide us with some more information as I maybe will hope would be able to address the thing because I certainly am not. The other issue addressed, is the Honourable Leslie Baldwin addresses the fact that a person who, to use his phrase, in all innocence may actually be caught out in possession. The fact is though that we do have to define an area, and areas are defined in all areas of law, you look at the Liquor Ordinance.....?.....driver is expected to drive on the left hand side of the road, so we do have to define areas. Where we perhaps differ is that Mr Baldwin is disagreeing with the fact that it's a twenty metre area, but again I think we do need ...?.... because otherwise those who seek to subvert this, those who seek to use a spear gun out of season, in the closed season will come with all sorts of tricks in order to avoid prosecution, so I think it's very

clear and I think twenty metres is not excessive. There may be.....I don't think there were any shops within twenty metres of the tidal water, but there may well be in the future, economic development, but I'm sure that, you know, that with publicity people will be made aware of that, we can debate whether it's, in fact, safe to keep a lance in a car boot or not, but that's not really the point of this Order, or this Ordinance, it really is that we do need to define an area, people do need to know exactly what that area is and with advance publicity should they transgress and carry a lance within this area then they will, I imagine, meet the full bite of the law, so in response to that, I think we'll deal with it. I'm hoping that we'll deal with the technical issue fairly shortly, but I see no issue with having an area defined in terms of restrictions. Thank you, Madam Speaker.

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

The Speaker –
Honourable Ian Rummery?

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

The Speaker –
Is there a seconder, please?

The Hon. Lawson Henry –
Madam Speaker, I beg to second.

The Speaker –
Thank you, Honourable Member.

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

Council in Committee.

The Chairman –
Honourable Members, I did indicate when we sent out for what was a short comfort break, coffee break that we'd actually suspend the sitting at 12 o'clock, but I think it is probably far more sensible just to continue into Committee stage, finish this and then we'll have our lunch break. I see nodding around the table, are Members content?

The Hon. Christine Scipio O'Dean –
No, Madam Speaker, as we only have got another Motion, two Motions to do, I suggest that we continue until 1 o'clock and break and hopefully we'll be finished the sitting today.

The Hon. Bernice Olsson –
No, Madam Speaker, could I just.....

The Chairman –

Honourable..... I bear in mind that there's going to be differing opinions about this. Let's complete this, the Committee stage of this Bill and finish this Bill first and then I'll make a decision.

The Hon. Christine Scipio O'Dean –
Thank you, Madam Speaker.

The Chairman –
I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill. Any Honourable Member wish to speak?

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Chairman –
I put the question that Clauses 2 and 3 do stand part of the Bill.

The Hon. Morag Stevenson –
Thank you, Madam Chairman. Clause 2 and 3 gives us the interpretation first place with definitions just to confirm what Councillor Rummery stated earlier. Those definitions are exactly the same as those featured within the existing Ordinance and Order, it just places all of the definitions now within the principal Ordinance, but the Order itself hasn't changed.

The Chairman –
Thank you. Any questions?

Clauses 2 and 2.

Question put and agreed to.

The Chairman –
I put the question that Clause 4 do stand part of the Bill.

The Hon. Morag Stevenson –
Thank you, Madam Chairman. Clause 4 lists the various offences under the Ordinance, again just to reiterate, that there are no offences added to that list, it simply places them all within the Ordinance itself.

The Chairman –
Any questions, please, or comments?

Clause 4.

Question put and agreed to.

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

The Hon. Morag Stevenson –

Thank you, Madam Chairman. At the present time in the present Ordinance, the Governor in Council is required to approve any marine research that will require the use of spear guns. This clause alters that to give the authority from, particularly from Governor in Council and gives the authority to the Chief Environmental Officer.

The Chairman –

Any questions, Honourable Members? Councillor Scipio O’Dean?

The Hon. Christine Scipio O’Dean –

Thank you, Madam Speaker. Just as an observation, I think that for continuity, that I’m pleased that the Chief Environmental Officer may grant approval so it’s just an observation that we are keeping things on our Ordinance relating to EMD consistent. Thank you.

The Chairman –

Thank you.

Clause 5.

Question put and agreed to.

The Chairman –

I put the question that Clause 6 do stand part of the Bill. Does the Honourable Morag Stevenson just want to explain the clause and then I’ll come to you.

The Hon. Morag Stevenson –

Thank you, Madam Chairman. This details the penalties for committing any offence under the Ordinance. The maximum penalty being stated as being a fine of £5,000 or imprisonment for a term of six months.

The Chairman –

Thank you. Councillor Scipio O’Dean?

The Hon. Christine Scipio O’Dean –

Thank you, Madam Chair. I’m proposing a typographical error amendment, Madam Chair, because 6 (1) mentions a fine of £5,000 or imprisonment for a term of six month? I’d like to delete the word ‘month’ and to replace with ‘months’.

The Chairman –

I think all we need to do is add an ‘s’ and express it’s a typographical error. I put the question, is there a seconder to having the typo amended, please? Thank you, Councillor.

Question on amendment, put and agreed to.

The Chairman –

Are there any other questions on Clause 6?

Clause 6 (as amended).

Question put and agreed to.

The Chairman –

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

The Hon. Morag Stevenson –

Madam Chairman, just to confirm this simply repeals the existing Spear Guns Control Ordinance.

The Chairman –

Any questions?

Clause 7.

Question put and agreed to.

Council resumed.

The Speaker –

Honourable Ian Rummery?

The Hon. Ian Rummery –

Madam Speaker, I beg to report that the Spear Guns Control Bill, 2014, passed the Committee with one amendment and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

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

The Hon. Lawson Henry –

I beg to second, Madam Speaker.

The Speaker –

Thank you. Does the Honourable Ian Rummery wish to speak to the Motion?

The Hon. Ian Rummery –

Not at this point.

The Speaker –

I put the question that this Council approves the Spear Guns Control Bill, and recommends to the Governor that it should be enacted. Does any Honourable Member wish to speak? The Honourable Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Madam Speaker. I'm not sure if I'm allowed to speak to the Motion knowing that I spoke previously, but I raise in a point of observation/information. Honourable Ian Rummery did state that my technical point would be addressed at the Committee stage, but I don't think it was, so hopefully that at his rounding up he will be able to provide me with the explanations to the technical point that I had raised. Thank you.

The Speaker –

Thank you. Is there any other Honourable Member wish to speak at this point? I have a horrible feeling that the Honourable Ian Rummery may have forgotten what your technical point was. However, I should like to invite the Honourable Mover to respond to the debate?

The Hon. Ian Rummery –

Thank you, Madam Speaker. Thank you, Honourable Christine Scipio O'Dean for passing the technical point on. The point is, for the benefit of other members, that the wharf area is a restricted area in the closed season, but it's also the landing facility for all boating trips around the island. Therefore, kit for use in other areas that is not affected by the closed season must be allowed through. I suspect, and please forgive me if I'm wrong here, that what you're saying is that if you were to take a spear gun with you to an area that wasn't restricted that you'd have to then bring it back and you'd have to come through the Landing Steps which is a restricted area, is that correct?

The Hon. Christine Scipio O'Dean –

That's correct.

The Hon. Ian Rummery –

That's good, because here, under Section 6, Clause 3 and please correct me if I'm wrong, Acting Attorney General, but it says here "A person shall be deemed to have not committed an offence if he, or presumably she, has a spear gun in his or her possession on a vessel solely for the purpose of conveying such spear gun through a prohibited area to an area that is not a prohibited area." So I'm assuming that that would, so to speak, get us off the hook.

The Speaker –

I'd like to invite the Honourable Morag Stevenson just to clarify the point, please?

The Hon. Morag Stevenson –

Thank you, Madam Speaker. I think there are actually two points, because it's an offence at any time to have in your possession a spear gun in a prohibited area and that would fall under (d)I'm not quite sure if the Wharf steps have been defined a prohibited area as are from the Wharf steps out, so the exception in 6 (4), sorry, 6 (3) which has just been referred to, by my Honourable Friend, is that conveying it from one part to the other isn't itself an offence, that gives you an exception. So it is, I mean, to be carrying a spear gun out.....the closed season, I hasten to add, because that's part of the issue I think we need to identify when it is the closed season and it's not, so out.....of the closed season if you are carrying a spear gun through the prohibited area so we're carrying it from the steps out, the exception within 6 (3) which is it will be deemed not to have committed an offence, if you have it in your possession for the purpose of passing through that area. So it is contained within the.....I'm hoping that helps.....clarify the technical point.

The Hon. Christine Scipio O'Dean –

Am I allowed to speak, Madam Speaker?

The Hon. Morag Stevenson –

If it doesn't I can look around some more. Thank you, Madam Speaker.

The Speaker –

I don't think we've actually come across this particular situation when doing a Bill. It's unfortunate that the question wasn't raised in Committee stage when we're far less formal. I

think what I might suggest is that, actually suspend the sitting in order that I can have a look at Standing Orders and speak with the Honourable Morag Stevenson and perhaps she and Councillor Scipio O'Dean and the Honourable Ian Rummery would just put their heads together so that when we resume we can respond to the particular point of information which has been requested. I think that probably is the only way I can see around it at the moment. Thank you. So, in that case, I'm going to suspend the sitting until 1 o'clock, it will allow Members to go and find some lunch. May I also say thank you to the Student Council again for joining us this morning, I hope you've found it interesting, I hope potentially there are some future politicians among you. Thank you very much.

Council suspended.

Council resumed.

Resumed Debate

THE SPEAR GUNS CONTROL BILL, 2014

The Speaker –

Thank you. I'd like to invite the Honourable Morag Stevenson to clarify the particular points in question, please?

The Hon. Morag Stevenson –

Thank you, Madam Speaker. Madam Speaker, perhaps if I could first apologise to the Honourable Members and also to the listening public for **typical error** in managing to read a very small point even more confusing, but it happens when you put your lawyer head on I'm afraid.as a point of information, I can clarify the point raised by the Honourable Christine Scipio O'Dean. I seek to clarify that during the closed season you cannot be in possession of a spear gun at all within twenty metres of the sea. For the rest of the year, there's not a difficulty if you're in possession of a spear gun and travelling through a restricted area so long as you're travelling to a non restricted area, protected area. So if you're travelling from the Wharf steps, which is restricted, outwards, the controlled areas then travelling in that area does not cause you any difficulty. I think the confusion has arisen in the interpretation of the protected area at the wharf. The protected area that seems to be within the Spear Guns Control Order for Jamestown extends from the wharf steps out towards the sea, it does not extend back in towards the wharf side, so it's not actually physical land that you're standing on, it's from the wharf side?..... Hopefully that clarifies the point.

The Speaker –

Thank you very much.

The Hon. Morag Stevenson –

Thank you.

The Speaker –

I'll invite the Honourable Ian Rummery to resume his response to the debate if he wishes to?

The Hon. Ian Rummery –

Thank you, Madam Speaker. Assuming the Honourable Christine Scipio O'Dean is now happy with the technical question then the old woman down the hill can go spear fishing once again. I have no further response to the debate, I think it's, it's, and again, though, absolutely **positive** to the listening public I think it does show that there is healthy debate, even on things as obscure as spear fishing, so I think it's been a worthwhile exercise. I really have nothing further to add, Madam Speaker.

The Speaker –

Thank you, Honourable Member.

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

The Speaker –

Next item of business, please?

Motion No. 4 – The Honourable Derek Thomas.

The Hon. Derek Thomas –

Thank you, Madam Speaker. That this House urges St Helena Government to undertake an urgent review of the Land Development Control Plan with a view to providing adequate, suitable housing sites for islanders.

The Speaker –

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

The Hon. Bernice Olsson –

Madam Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Madam Speaker, I'm asking if the Motion can be, my Motion can be amended?

The Speaker –

Would you like to propose your amendment, in that case, please?

The Speaker –

Thank you, Madam Speaker. Which reads as follows - That this House urges St Helena Government to undertake an urgent review of the Land Development Control Plan and the Land Disposal Plan with a view to providing adequate and affordable housing sites for islanders.

The Speaker –

Thank you. If I might just establish the wording that you handed to me, a review of the Land Development Control Plan and the Land Disposal Policy?

The Hon. Derek Thomas –

That is correct.

The Speaker –

Thank you. Is there a seconder to the amendment that's being proposed?

The Hon. Bernice Olsson –

Madam Speaker, I beg to second.

The Speaker –

Thank you. Honourable Members, we have to deal with the amended Motion before we deal with the substantive Motion, so the Motion before the House is the amended Motion and I'll just read it for you. That this House urges St Helena Government to undertake an urgent review of the Land Development Control Plan and the Land Disposal Policy with a view to providing adequate and affordable housing sites for islanders. The Honourable Mover?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Madam Speaker, I thank the Honourable Bernice Olsson for seconding my amended Motion.

Madam Speaker, Honourable Members, you will be aware that St Helena Government is the major landowner on St Helena. In 2012, the new Land Development Control Plan and the Land Disposal Policy were introduced, designed to stimulate growth to the tourist industry as a result of air access. The Land Development Control Plan went through a huge public consultation exercise. The Plan sets out three zones; green heart, coastal zone and the intermediate zone. The green heartland sets out good and, what I would say, sensible protection for the island. It allows for limited development, mainly tourism related, under strict policy controls. A coastal zone mainly allows for resort development and commercial development, which must be tourism related. I will now turn to the intermediate zone, and this is where I have some concerns. The intermediate zones are areas where most development can be accommodated, much easier accessible and will bear the lowest costs when it comes to associated infrastructure etc. Most of our comprehensive development areas lies within the intermediate zones. The Plan states that the intermediate zone will accommodate the majority of the housing and much of the other development required to serve the island over the next ten years. Madam Speaker, Honourable Members, I believe in order to fulfill and live up to this statement we need to properly manage our intermediate zones, the best land we have for development. As it stands at present, an immigrant can purchase or lease up to two acres of land. In my view, it will only take three or four immigrants to purchase two acres of land each and a whole comprehensive development area will be wiped out. Honourable Members, we have already started to see signs of this. I believe that the Land Development Control Plan should be reviewed as a priority to protect our islanders against this. Don't get me wrong, I am not against inward investment, the island needs this type of investment in order to stimulate economic growth, but we must not allow this to happen at any cost. I see nothing wrong with immigrants purchasing up to two acres of land but not our best land. I believe the Plan is designed in such a way to support that those with the money for tourism development, commercial type businesses and social recreational facilities to develop, leaving struggling Saints/Islanders who wish to build, behind. We must not only provide for the present generation, and I will add, we cannot at present do this, but provide for future generations and our youngsters coming behind. I believe the balance is not correct. The scale needs to be adjusted. It is tipped too much in favour of those with money to develop, leaving struggling Saints who wish to build with very limited or much more costly options. It will be said, where is the funding coming from for

the necessary infrastructure to develop these areas. With proper costing and planning I see this as a matter for the Government to consider when deciding upon its priorities on capital project type funding. In return, revenue will be generated from the sale of these plots properly designed.

Madam Speaker, this now leads me on to the Land Disposal Policy. I do feel that this Policy also needs to be reviewed. In my view, there is too much responsibility placed upon the Crown Estates Manager. The Crown Estates Manager has the authority to release Crown land on to the market, except in the case of land for significant development, which should be referred to the Estates Strategy Panel. I would question, how is significant development defined? Is it the case where the Crown Estates Manager makes a judgement call? If this is the case, then surely this is not good enough. Proper ruling needs to be made. The Policy also provides for the Crown Estates Manager to obtain market value for the price of land and as a result the price of land for islanders we have seen has gone sky high, well outside of the reach of our local people who are living and working on St Helena. This is clearly no incentive for our locals to invest in building their own home.

Madam Speaker, Honourable Members, you will see from the question in the House this morning when I asked about plans, development plans for the Longwood Dairy and the surrounding area. I was quite surprised to hear that plans are well away for the development of Longwood Dairy, high profile area. It would appear, Madam Speaker, that deals have been made in relation to the development of this high profile property without any political control. Madam Speaker, Honourable Members, there needs to be more committee control and involvement when it comes to release of our land and significant buildings. Madam Speaker, Honourable Members, I will ask that urgent priority be given to reviewing both the Land Development Control Plan and the Land Disposal Policy with a view of safeguarding our local people in house building. There will, I am sure, bound to be other areas within the Policies which needs to be addressed upon review. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. I put the question that this House urges St Helena Government to undertake an urgent review of the Land Development Control Plan and the Land Disposal Policy with a view to providing adequate and affordable housing sites for islanders. The question is open for debate. Does any Honourable Member wish to speak? Honourable Les Baldwin?

The Hon. Leslie Baldwin –

Thank you, Madam Speaker. I rise in support of this Motion and would just like to thank Derek on record for including the Land Disposal Policy as well, thank you very much.

The Speaker –

Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Madam Speaker. I, too, would like to thank the Honourable Derek Thomas for bringing this Motion before the House today. Honourable Members, you will recall that in October last year I brought a similar Motion to the House, but, sadly, nothing has been done in respect of that Motion as of today and my Motion at that time, Madam Speaker, was about the Land Disposal Policy and the increases in sale of Crown land to first come house buyers in St Helena. I pointed out then that the Government's thinking was muddled up, it was muddled up then and it's still muddled up now when it comes to land. At that time, I drew attention to a report that was done on the social aspect of housing and what that consultant

said then, and I don't believe everything that consultant's say, but at least this one got it right, he said, look, as a Government you have not kept abreast with the social demand for social housing on St Helena. Saints have themselves, however, been very proactive in building their own homes, but we as the Government has made it difficult and even now, just recently, Madam Speaker, in correspondence with Crown Estates in relation to land, they believe, normally, in my view, that the increase in land prices was a result of the Memorandum of Understanding signed between our Government and the British Government in relation to the airport. I can find no such reference in the MOU to increase in land prices. What it asks us to do that to support that significant development of our airport is that we had to open up the island to some degree to some form of investment and we had no problem with this, even up to date. What we had a real problem with was that that investment can't have the best land, so it shouldn't go, they shouldn't have the Crown jewels, in other words. We have to preserve some of that land for our own people who have strived and have made many sacrifices over many years to get their own homes and I'm saddened that there seems to be a different agenda here on this island when it comes to **sale** of Crown land, but I'll go back to that Social Housing Report. What it said, look if you want to continue down this road, and you're not going to build social housing then allow the Saints to build their own houses, because we're saving the Government money. But, the sale of that land gotta be relative to income, the income of Saints on this island and that's what's not happened. You gotta look at what is the borrowing power if you want to buy land and subsequently build a house and it is totally out of proportion, it is nothing to do with the MOU, there is absolutely no clause in the MOU that allows the Government or asks the Government to have increased prices. My research at that time showed that the increase in land prices went up by some 2,000%, it was just absolutely ridiculous that we expect our people to continue to build houses. Government has taken a back step in social housing, last year was the first time in many, many years that the Government invested in three social houses, but at the same time Saints have continued, so what are we on about? We're the politicians, we're supposed to be the ones that driving this, not somebody who comes from afar who has their own agenda and I would urge this House and all other members to support this Motion, but this time something has to be done. We had it before the House six months ago, nothing has happened, it cannot go on. We're often told that we're the politicians, we make the decisions, so let's make this decision with regard to the availability and the price of the sale of Crown land. Thank you, Madam Speaker, I support this Motion.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Madam Speaker. Madam Speaker, the Land Development Control Plan was revised and endorsed by Executive Council in March 2012 with an implementation date of 1st April 2012. At the same time, the Land Disposal Policy and Housing Strategy was also endorsed and implemented. The vision of the Land Development Control Plan was based upon the assumption of the development of an airport at Prosperous Bay Plain with construction due to start in 2012 and an opening in 2016. St Helena Government is committed to ensure that the Land Development Control Plan meets the needs of the island and its residents as it moves forward with new opportunities arising from the improved access an airport will provide. Madam Speaker, the comprehensive development areas are designated in the Land Development Control Plan. The areas within the intermediate zone will there is an opportunity for significant residential development which will achieve optimum use of the land if planned and developed comprehensively. Housing is at the heart

of our everyday lives. It binds our continuity, contributes to our wellbeing, stores our wealth, drives our energy consumption and affects our jobs and health opportunities. Madam Speaker, getting housing right would ensure more than just access to good quality housing for all. It would contribute to achieving the island's own purpose of supporting sustainable economic growth and it would help us achieve the country's full potential to better education and employment opportunities,?.....and more prosperous and equal society. Madam Speaker, the current Land Development Control Plan conceived some three plus years of a previous Technical Cooperation Officer's contract, which renders it an expensive document. Any view must highlight the performance of the plan that was good and any point that is not beneficial to development and also we do need to question has the plan been given sufficient time to deliver the required effect. The plan also makes reference to historic environmental record, which, as far as I'm aware, is not available at this current time. Madam Speaker, any review will cost us time and money and we must be mindful of allocating scarce resources wisely. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Cyril George?

The Hon. Cyril George –

Madam Speaker, Honourable Members, I'd like to thank Derek Thomas for bringing this Motion to the House, which I fully support. The current Land Development Control Plan has identified eight comprehensive development areas to accommodate approximately five hundred and eighty dwellings. There are concerns out there that some of this land are going to be disposed off, not by Saints, by inward investors. Now, I think that we need to make sure is that we, as Councillors, we change this land for our Saints. I would also like to ask when weshould be included is recently land has been excised from the National Forest and that land should also be included, where possible, in the CDAs.

The Speaker –

Thank you, Honourable Member. The Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Madam Speaker. I'm grateful to the Honourable Derek Thomas for raising this very important Motion. I expect we would all know someone, a local on a local salary struggling to build their first home. Some are fortunate in that they may have land passed on to them, but for those who have to purchase land the price can be exorbitant. Why have we allowed this? We say young people are our future. The strength of our community is built on the strength of our family. There are enough examples around the world where locals are priced out of the property markets and this does absolutely nothing for sustainable development. A clue as to how we arrived at this sorry state of affairs can, I would suggest, be found in the Land Disposal Policy, and I quote: "Establish a framework for the disposal of Crown land in support of the St Helena Government's principle of economic growth through investment and tourist development. SHG will make Crown land and buildings available for private and commercial use so far as it is consistent with the overall ...?.... to secure the optimum sustainable use for St Helena's natural resources." Nothing, you will note, about supporting Saints or developing the community, it's all about the economy. I suspect that behind this lies the dead hand of our old friend, the trickle down effect. Build the economy and everyone gets a piece of the action. That's the theory, but we know that it does not work. Another ...?... may lie in the abbreviation CDA. Often these titles hide through their **dour** bureaucratic lettering a more ideological stance. CDA, Comprehensive Development Area.

It sounds?..., but what does it mean? To be honest, I don't have a clue. But change not the letter, but the word and note the difference. Community Development Area. After all, is that not what we're trying to achieve, to build communities? Yes, we need an economy and we need investment, but this must be balanced with the need for the people to call this island home. I come back to the word, community. We have a strong and resilient community and part of that strength lies in the number of people who own their own homes. The sacrifices they have made for their own home and the money that has kept what little economy this island had?.... over the last few years as people have built their own homes. The LDCP and the Land Disposal Policy are in urgent need of review. Just the other week we had a discussion in Council on the process by which people can seek to purchase Crown land to build a house. Bizarre is not the word. You find some land, SHG will have a look at it with you. They will come up with some sort of market price, but they won't tell you what it is. You've got two chances to guess the number that they come up with and if you're wrong it's put out in the open market. We're told the Policy should be initiated by politicians so this politician agrees that a review of both policies is required, but the premise for such a review is that there is protection and support for Saints who are seeking to build a family home. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I stand in support of this Motion and I think that the Land Disposal Policy should be reviewed as it is bizarre and not fit for purpose. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Wilson Duncan?

The Hon. Wilson Duncan –

Madam Speaker, I support the Honourable Derek Thomas's Motion and I haven't written anything, but I totally agree with everything that has been said around this table by the other Honourable Members. I beg to support the Motion.

The Speaker –

Thank you, Honourable Member. The Honourable Bernice Olsson?

The Hon. Bernice Olsson –

Thank you, Madam Speaker. I fully support this Motion and I thank the Honourable Member for bringing it to the House today. Thank you and I fully support this Motion.

The Speaker –

Does any other Honourable Member wish to speak to the amended Motion? In which case, I invite the Mover, the Honourable Derek Thomas, to respond to the debate?

The Hon. Derek Thomas –

Thank you, Madam Speaker. I would like to thank those other Honourable Members who rise in support of the Motion and as my friend, Councillor Henry said, a similar type Motion was brought to this House a while back and no action was taken. As the Mover to this Motion, I will do all I can to see that these documents are placed before the relevant

committee and reviewed and changes made in the best interests of our local islanders. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member.

Question on Motion, as amended, put and agreed to.

The Speaker –

The original Motion therefore falls away because the amended Motion has been passed. Next item of business, please?

Motion No. 5 – The Honourable Leslie Baldwin.

The Hon. Leslie Baldwin –

Thank you, Madam Speaker. I beg to move that this Government endeavour to formalise a relationship with the islands in the South Atlantic, namely Ascension Island, Falkland Islands, St Helena and Tristan da Cunha, by forming a Joint Council of Islands.

The Speaker –

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

The Hon. Ian Rummery –

Madam Speaker, I beg to second.

The Speaker –

Thank you. Honourable Mover?

The Hon. Leslie Baldwin –

Thank you, Madam Speaker. During my recent travels to two CPA Seminars, I made the acquaintance of many potential friends of St Helena. One such meet was with Dr Barry **Elsby**, Member of Legislative Assembly on the Falkland Islands who was keen to discuss areas of concern, one of which for him was the fear that once the airport project got under way that it would negatively impact on the Falklands because Saints would return home. With a population of just over three thousand, a major return home would mean a substantial impact on the Falklands workforce. Having then discussed health and shipping difficulties, it seemed that although we were completely different, particularly in terms of finance, we had a lot of similar resource issues. It occurred to me if we could increase the size of the market, we may have a better chance of organising more economical and potentially better standard offerings in many resource areas. I recently sent an e-mail to Dr Barry, stating we share an attachment and fondness, which would be formalized. Needless to say, we have shared issues and problems, if not all financial, mostly human. This could be managed better and also maybe to get a feeling at a group as to the potential to have direct connections by way of the new airport facility in the future. We can dream, can't we? And perhaps venture into some cheaper potential shipping options. Just initial thoughts. You may well have some of your own, mostly aiding national strategic objectives, potentially achieving better efficiencies. I feel many things could develop from this by way of the expected economic growth for St Helena and its current urgent need to develop more bed spaces for the expected tourists." Barry responded, "This is certainly something we should be discussing and it fits

nicely into the UK White Paper. I will put this on the agenda for our MLA meeting after our recess and after all are back. One person I raised this with recently thought we had occasional conference calls in the past, do you have any knowledge about this?" I responded, "Thanks for the positivity, I have no doubt that ad hoc teleconferences may have happened in the past, but because of their informal nature I would think that information would be difficult to muster unless you could locate a participant, which, I would suggest, gives even greater strength to asking for the formalization of the relationship." Madam Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. I put the question that this Government endeavour to formalise a relationship with the islands in the South Atlantic, namely Ascension Island, Falkland Islands, St Helena and Tristan da Cunha, by forming a Joint Council of Islands. The question is open for debate. Does any Honourable Member wish to speak? The Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Madam Speaker. Madam Speaker, I'm always supportive of collective working, but this old lady down the hill does have some difficulty in understanding the direct benefits of the proposal at this time and hopefully that the debate this afternoon will clarify my difficulty. Madam Speaker, the formation of such a Council will cost us time and money, especially if we are to take the lead and my first question, naturally, will be, where is this finance going to come from? I see the Honourable Acting Financial Secretary smiling there from ear to ear. I must, however, issue a warning that even if outside funding is available for set up, we need to consider where will future funding comes from. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Madam Speaker. Clearly, as seconder, I am supporting this Motion. I've often said that one of the problems and challenges in delivering services on St Helena is that we are rather unique. Not really first world, certainly not third world and never having been part of the **Soviet bloc**, definitely not second world. However, we share some characteristics of each of these three, including, I might add, the history of central planning that would not have been unfamiliar in the form of Soviet Union. It goes without saying that we're very small and remote, but as remote islands go we are relatively large. Tristan and Pitcairn are even more remote, but they're dominated by a small number of families. We are somewhere in the region of four thousand, not a large population, but large enough that we require many of the forms of government that much larger societies require. My knowledge of other islands is not great, but I've looked round communities similar to ours.?.....Norfolk islanders, a ...?.....similar history, but their relationship with the mother country, in this case, Australia, is different to ours and they're in trouble economically with a failing tourist industry, so perhaps not a suitable role model. So we cannot just adopt another island's model to develop our own. Communities and ...?.... form alliances for all sorts of reasons. Sometimes it's a shared history as with the Commonwealth experience with colonialism and ...?....., sometimes it's economic, sometimes shared radical affiliations, often it is geographical. It may be a rather large patch, but we are all in the South Atlantic, all islands, whatever the

reason alliances are made for mutual support. So what support would a group of South Atlantic islands provide? The Falkland Islands is the economic giant, it is the rich kid, but it has an unfriendly neighbour. Ascension does not have a resident population, but it has a long history of the Saint workforce and the Ascension we know today was largely built by Saints. Tristan remains and will remain one of the most remote communities on the planet; there are strong ties between Tristan and St Helena and a history of Tristanians coming here for educational and occupational work experience. St Helena has the largest population, probably the longest history of a resident community and whatever happens, we are about to become a lot less remote in terms of physical access. Of course, if we do not get the Ascension hub and cannot fly to Ascension, then connecting St Helena and the Falklands and Ascension is going to be more circuitous, but probably still quicker than any journey that regards the RMS, even if it is just for two days to Ascension. It's not just the time travelling for a single ...?....., every week, week in and week out, you're gonna be able to leave St Helena, even if they're still not quite sure where you'll be flying to. So time to start thinking creatively about how we make use of this greater accessibility. Already the environmental folks have been establishing South Atlantic networks and there's been a number of conferences on Ascension. Politically we have similar constitutions and ways of governance and are there ways that we could facilitate exchange visits to build stronger relationships between the islands and learn from each others experiences? I support this Motion, not because it provides immediate answers, but because it provides the framework to start asking some questions. How can we work together? What can we do to support each other? Could we become a training hub for the South Atlantic? I had a thought about a flight between here and the Falklands, but having looked at the map it is rather a long way away. Still, looking at that same map reminds me that the UK Territories form pretty much the only community in the South Atlantic so it makes sense to see how we can work together and formalize our relationship between these islands. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Speaker. Forming a relationship with the islands through the ...?...Council for the islands could prove to be of good benefit in relation to sharing information, resources and value for money initiatives could be achieved. A similar type arrangement was set up with the previous Council where a number of meetings were held through teleconferences. It did present real challenges at the time, where St Helena found themselves at the forefront in terms of making all of the arrangements and after a while it discontinued. However, that is not to say it is not going to be successful for the future. Madam Speaker, I give my support to the Motion.

The Speaker –

Thank you, Honourable Member. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Madam Speaker. I'd like to thank the Honourable Les Baldwin for raising this Motion in the House today to which I fully support. I had the privilege, Madam Speaker, of attending two such Regional Conferences in my time, one when I was a serving Police Officer, we had a Regional Conference on Ascension between St Helena, Ascension and the Falkland Islands and in later years, whilst working on Ascension in a commercial capacity I had the privilege of attending another Regional Conference of all the South Atlantic Islands

on the environment, which was very, very thought provoking and I can see the benefits of having a formal arrangement in respect of this and I thank the Honourable Member for bringing this before the House today and I fully support it.

The Speaker –

Does any other Honourable Member wish to speak to the Motion, please? In which case, I invite the Honourable Les Baldwin to respond to the debate.

The Hon. Leslie Baldwin –

Thank you, Madam Speaker, I don't have a lot to add, I think I only picked up one air of negativity which may have been around finance, but I don't know why there would be any huge costs attached, teleconferences although would be considered expensive for a private individual, for a Government I'm sure we're not looking at a huge expense and I'm certainly not going to be paying anybody involved any extra income, so I don't actually understand where the cost implications come from, but other members, thank you very much for your support.

The Speaker –

Thank you, Honourable Member.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Thank you, Clerk?

7.

ADJOURNMENT DEBATE

The Speaker –

Just before I call upon the Honourable Chief Secretary to move the Motion for adjournment, just to remind all Honourable Members that generally speaking you will be allowed to speak for no longer than ten minutes, in fact, not generally speaking, you will be allowed to speak for no longer than ten minutes under Standing Order 14 (4) and the debate if for you to speak generally upon the public affairs of St Helena. Thank you, Honourable Chief Secretary.

The Hon. Roy Burke –

Madam Speaker, thank you. I beg to move that this Council now be adjourned sine die.

The Speaker –

Is there a seconder to the Motion, please?

The Hon. Morag Stevenson –

Madam Speaker, I beg to second.

The Speaker –

Thank you. I put the question that this House be adjourned sine die; does any Honourable Member wish to speak to the Motion? The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Madam Speaker. I rise in support of this adjournment debate and wish to draw the following matters to the attention of the House. Madam Speaker, in 2012/2013, the Government of St Helena made a decision to build a wharf and breakwater at Ruperts and whilst I have no issues with this, given the circumstances we faced at the time over funding, but what I am concerned about, and this seems to be a trend in how we seems to manage large projects on the island. When SHG decided to transfer building the wharf and breakwater to Ruperts, it was known then that the development infrastructure would be required, but sadly, no infrastructure plan or operational costs of the new wharf was considered for this important project at the time. We still do not have an infrastructure plan, neither do we know what the operational costs of the new wharf will be. Nor, to my knowledge, was any impact assessment carried out on what impact would building a wharf and breakwater in Ruperts have on the island, and, most importantly, our recurrent budget. The building of the breakwater has started, there is no definitive plan or funding for the necessary infrastructure, and, more importantly, what the impacts will be in transferring cargo operations there. Whilst we appreciate the funding and support we have been given by both DFID and the EU, we simply cannot just now be left on our own to bear the consequences of not only having to fund the necessary infrastructure, but an increase in recurrent budget to operate the new wharf and infrastructure. We do not have economy ...?.....on island and we simply cannot expect the private sector to fund the necessary infrastructure, as was recently suggested by the DFID visiting Airport Project Manager. If this was to have been the case then this important aspect should have been discussed before the decision to move cargo operations to Ruperts in the first place, not at the eleventh hour. This trend with regard to infrastructure development is all too common on our island and I have to say it is not all down to us here. Madam Speaker, this is not how major developments should be handled and as I mentioned previously, it is becoming a trend. We have an airport coming that is worth two hundred and fifty million pounds, to which we are very grateful to the British taxpayer for, especially at a time when the world economic recovery is not good, but the same issue happened with that project with regards to enabling infrastructure. We have been left without one important component from that project and that is a hotel and we are just over a year away from the airport becoming operational and the island has been left to find funds to get some form of hotel accommodation ready, again we are crisis managing. Not all this can be down to SHG as this too was foreseen, so I'm afraid DFID has to take some responsibility for this and the lack of planning and foresight. We see this too often on our island. I do not believe large developments in any other country or island is so badly planned or managed as it has been over a number of years on our island. This shortsightedness does not, in my view, stop with these two very important components of our infrastructure development. SHG will shortly enter into a contract for the management of our Bulk Fuel Farm. The additional recurrent costs for this is not known but sadly we have allowed ourselves to?..... a contract all on our own. We have two other islands in the South Atlantic, Ascension and the Falkland Islands, both who have to import fuel. Some years ago, yes, DFID commissioned a study on what would be the benefits of all three islands sharing costs of importing and managing a fuel contract for the South Atlantic. The Falklands has well established suppliers. That report showed that not only would this create economies of scale, but would have significant savings for all three islands. Instead, SHG has gone on their own and it does seem like the benefits of bulk fuel purchase will now go to a single management contractor rather than to the island for the benefit of its people, which was the reason for going down this road in the first place. Madam Speaker, this is not all the doing of SHG. We cannot be held responsible for this continued shortsightedness; we are being forced into situations by the lack of proper planning and foresight. Most of these issues

that I highlight to you today and the House is foreseen. HMG and DFID needs to take some responsibility for this, but we too here on the island must likewise take more responsibility. SHG needs to recognise this now and there needs to be high level discussions with the British Government with a view that they should share responsibility and that all future developments of this magnitude must be given due process in planning and the necessary impacts and all costs of the project and operational are known at the time, and importantly, who will be responsible for what. In raising this matter before the House today, I do not wish to sound negative as there are a lot of good things happening on our island, but it would be complacent to think that all is hunky dory when in fact there are a number of cracks, all of which were foreseen and the proper planning, those I have described, were poorly planned and is the consequence of SHG being forced?.....passed by our Governor. Madam Speaker, I support this adjournment debate.

The Speaker –

Thank you, Honourable Member. Does any other Honourable Member wish to speak in the adjournment debate? The Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Madam Speaker. Madam Speaker, at the March sitting of Legislative Council this year, I voiced my disappointment that transcripts or Hansards of Legislative Proceedings had not been laid on the table in this House since 7th November 2011. However, today I note a Hansard from 24th February 2012 to 26th February 2013 have been laid on the table and will be made available to the public. But, Madam Speaker, I am still baffled as to why the Hansards from March 2013 to March 2014, actually five sessions in total, were not laid today. It would appear that the work of the Legislative Council isn't given a high priority within the administration of the St Helena Government. I strongly recommend a Hansard should be circulated within three weeks after the Legislative Council proceedings and should be laid on the table at the next sitting. Madam Speaker, I would expect that the proceedings of today are laid on the table at our next sitting.

Madam Speaker, I am certain that the community are very proud of our Saint team that participated in the Commonwealth Games. What an achievement to have the eyes of the world watching as our Prince Andrew students participated in such an event. We all look forward to welcoming the team back to St Helena in just a few weeks time as I am certain that they will have interesting experiences to share.

Madam Speaker, I'd also like to thank the eight Prince Andrew students who were here this morning, and they're not here now, for giving up the first day of their holidays to come in and witness politicians at work. Thank you, students, and thank you, Madam Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. Any other Honourable member wishes to speak in the adjournment debate. Honourable Derek Thomas?

The Hon. Derek Thomas –

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

Madam Speaker, I am concerned as we get nearer to the opening of our airport in early 2016 challenges associated with the airport on the island becomes greater. In order to meet the airport accreditation certain responsibilities will fall upon SHG. We have heard from the Directors within ENRD, Police and Health some of their requirements which are likely to have rather huge financial implications. Madam Speaker, all of these requirements must be properly worked up and costed in preparation for our negotiations with the DAPM for next

year's budget. We should not be expected to fund such activities from within our current budget, which has already been trimmed to the bare bone. Already it is a real challenge in balancing the budget in order to cope with basic requirements, ever increasing pressures are being placed upon our medical referral health budget and it's important that we are able to maintain an increase for that level of funding.

Madam Speaker, when it comes to our budget allocation for next year, I will be pushing very hard to see some of Professor Roy Sainsbury's recommendations implemented from his Social Review on the Income Related Benefits System and the Basic Island Pension. At present, Madam Speaker, the only recommendation that has been implemented is the Minimum Income Standard.

We still have elderly people working in the community making a valuable contribution and not being able to obtain the Basic Island Pension or receiving a very limited amount. Many of these elderly people have returned from Ascension Island with no pension or very little or no savings. They have been made to use their own money to live on. We must not forget that they have over the years made valuable contribution to the island by sending home home pay to their families, assisting with the Labour Market in house building. We have a duty of care to the elderly. By April 2015, the report from Professor Roy Sainsbury's will be over two year's old and whereas I am aware of the many pressures which will be placed upon the Government in allocating the budget, I do hope that the Council will support funding some of the recommendations which are seen as high priority. We have a duty of care to these people.

Madam Speaker, I will declare my interest on this issue, as you will be aware I'm in the rental accommodation. I'm now going to talk about the recent grant scheme launched by Enterprise St Helena. Madam Speaker, it is very pleasing to see the change in focus from Enterprise St Helena with the launch of their new grant scheme to support local businesses, something I have been pushing for for a long time. I am sure this scheme will be of great benefit in the development of local businesses on the island.

It is also pleasing to see that Enterprise St Helena has in place a Construction Manager who will be leading and supporting our Apprenticeship Scheme through engagement with our local private sector. I look forward to seeing our young people being well trained and gaining good skills in our construction industry.

Madam Speaker, I have concerns that we are less than eighteen months away from the opening of our airport and we do not have a clear plan of what the island has to offer the outside world. Things seem to be happening in piecemeal. I do feel, with the support of other agencies, Enterprise St Helena, St Helena Government, needs to come together with a plan of activities as a selling point of promotion for our tourist industry and concentrated efforts and resources should be placed in preparing and developing these activities in order to have them in a state of real attraction for when the airport opens in 2016, a plan that the island can own and feel proud of.

Madam Speaker, I find it necessary to once again raise the issue about the state of our solar lights. In Half Tree Hollow, not one is working properly and I understand a similar situation is in Longwood. We have been told that Connect St Helena were in contact with the suppliers who were supplying technical advice on how to have them repaired. Whatever advice was given it is clearly not working. Madam Speaker, some urgent action needs to be taken with our solar lights as many are placed in extremely dangerous locations and extremely dangerous to our users.

Madam Speaker, I support the adjournment debate.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak in the debate, please? Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Madam Speaker, I, too, rise in support of the adjournment debate, but first let me declare my interest. I am Saint, or at least I consider myself Saint. It's not just that I have St Helena status or that my wife Belinda is St Helenian or that our son Tobias was born here. This is my home and it is through choice that I live here and you possibly won't be interested, but in preparation for this debate I did a quick calculation. I lived in Australia for a total of about fourteen years, I lived in the UK for a total of about fourteen years, I did spend thirteen years of my childhood in Papua New Guinea, but at the end of this term of our office, assuming that it is the full four years, I will have lived on St Helena for about fourteen years. There's got to be something in that. Also, we're just over one year in office as a Council. Assuming again that we last the four years, we're about a quarter of the way through. If we make a comparison with lifespans, if the average lifespan is, say, eighty years, then in those terms, we, as elected members, are about twenty. That makes sense. We need to stop defining ourselves in terms of the previous Council, we need as young adults to start spreading our wings and flexing our muscles. Which brings me back to my opening remarks about being Saint. I hope that at the end of our term that we are known as the Saint's first Council. That is so that people will see that in our four years we have worked hard to promote opportunities for Saints, who at times use affirmative action policies to support Saints as we did today on the Motion on land use and to safeguard the investment made on the island so that we have control over our own destiny. It was not always?..... I refer to the debate on land, that it was long on investment and short on helping Saints to own their own homes. How did this come about? One clue, I would suggest, resides in the MOU, the Memorandum of Understanding, signed in 2012. The MOU is an interesting document, not too much on developing the community, but a lot on making it easier to invest, to work here or to increase tourism. It was required for the go ahead to be given to airport construction, but the MOU, I would suggest, is a product of its time. But I'm not suggesting we revisit or review the MOU, as catchy as that might be, but the MOU can be a little patronizing and I'll just read a short quote. Under the heading Public Support, and as I said, I'll quote. *"It is important that the necessary reforms and the benefits of air access and economic growth are clearly communicated to and understood by the population of St Helena and the diaspora."* In short, an airport will be built, it will be good for you and you will support it. I call that the field of dream approach. Have you ever watched that truly awful Kevin Costner film about a baseball field that's built in the middle of nowhere? To be honest, I don't know how it ended, it was that?..... I do remember the line, "build it and they will come". Our airport is being built, but they have not come. Actually, I'm rather relieved, all that talk of five-star hotels and large developments left me sweating a little cold, organic growth was seen as a failure, that without the flash and the inward investors we had failed. They didn't come and I'm really pleased that common sense seems to have now prevailed.

As was alluded to by my Honourable Colleague I too attended the presentation by Enterprise St Helena last week and at one point I had to pinch myself that I was not dreaming. All of the things we've been saying about supporting local people, investing in local business, working together, were being said by the ESH team, it was brilliant and it gave me hope. It gave me hope that we've dropped the field of dreams fantasy and that we, Council, SHG, ESH, Private Sector, Civil Society, are finally coming together and talking the same language. There are gonna be differences and conflicts, but we're at least all now sharing the same issues.

I said the MOU was a document of its time, it's amazing the economic theory landscape is changing, not just here, but around the world. The talk now is of the dangers of inequality,

the Nobel Prizewinning Economist, Joseph **Siegried**, in his bestselling work ‘The Price of Inequality’ states “that in a world of inequality?.....and actually damaging economic development, the solution to the inequality crisis lies in focusing on community rather than simply self interest.” Well, the MOU refers to social development, it seeks to do this simply by making it easier for people to invest, to promote the now defunct economic philosophy that I’m fond of referring to, the dreaded ‘trickle down effect’. The notion that Government is inefficient and that the Private Sector will always do it better is now being challenged. SHG has stopped its headlong rush towards divestment of services, divestment or privatization is no longer seen as the panacea it once was. It’s not to say that some services should not be divested or that some of the divestment has not been successful, but there is no longer the ideological drive behind reducing Government footprint just for the sake of it. We need inward investors, we need non Saints, but not at the expense of selling our soul. Please, this is not an anti-expat rant and I’m wary of creating this impression that everything Saint is good and everything expat is bad. I mentioned in an earlier debate about the collapse of the tourist industry and the economy generally on Norfolk Island. In fact, it was described in the Australian Parliament recently as a failed state. This was due in large part to the arrogance of Norfolk islanders who felt that they were entitled to certain benefits but did not accept they also had certain responsibilities. Where we can, we need to be putting Saints first, we need to be serious about succession planning and we, as elected members, need to be more confident in our negotiations with DFID about how we make the best use of funding to achieve this. This is not to make unreasonable demands, but it is to seek a more flexible approach when supporting Saints to take on greater leadership roles within our Government and community. I see signs of increasing confidence and we, as a Legislative Council, must do all we can to facilitate this whether it through supporting first time home buyers or builders, helping to create the framework for local businesses to flourish, working to improve the conditions of our key public sector staff or engaging civil society as a partner in community development, it may just be words, but it is important that when we talk of economic growth, it is now automatically acknowledged that this includes developing the Public Sector, including Health, Education and Emergency Services, alongside Private Sector development and Civil Society engagement. It is time, fellow members, to create our own field of dreams. Thank you, Madam Speaker.

The Speaker –

Thank you, Honourable Member. Does any other Honourable Member wish to speak to the adjournment debate, please? In which case, in accordance with the custom that we’ve developed over time, I’ll suspend the sitting for five minutes to allow the Honourable Chief Secretary time to prepare his response. Thank you.

Council suspended.

Council resumed.

The Speaker –

The Honourable Chief Secretary?

The Hon. Roy Burke –

Madam Speaker, I’m grateful for the opportunity to respond to the points made by Honourable Members a little earlier and I’d just like to start by saying thank you for the

warm welcome that I received right at the beginning of today's proceedings. I've certainly had a warm welcome from everybody in this room, so my thanks.

Responding to the points as they were made today, firstly the Honourable Lawson Henry made a number of points in respect to the decision to build the wharf and breakwater at Ruperts and then the issue as to whether or not we're ready. The Infrastructure Plan doesn't exist at the moment, although, as has been stated in the response to the Honourable Corinda Essex's question about Ruperts Valley, the Steering Group has been established to focus on this, it is considered to be a priority now and we are in the process of preparing a Development Plan for Ruperts. Clearly disconnect between the plans as were originally envisaged and where we are now, but the good news, I think, is that the plans are well underway in respect of Ruperts and also the associated issues. He stated that there were no costs for operation for the recurrent budget, no impact assessment and no.....? that accession to the costs going forward. That is, of course, true. We are, however, building those plans into the Development Plan which will be shared in due course. Whether DFID had a much bigger part to play at the outset of this, it's very difficult for me to say, but I would say this, that the discussions that I have with colleagues in DFID are regular and very detailed and certainly focus on the issues that we are talking about here today. There is a regular meeting on issues such as Bulk Fuel Installation, the development of the wharf itself, the roads that were required to go round the Bulk Fuel Installation and the airport associated sea rescue boat, so those issues are being considered and dealt with as much as we can.

In respect of the Honourable Scipio O'Dean's issues about Hansard, I acknowledge that we were quite a long way behind, I also acknowledge that the blockage has been identified, unblocked, which has resulted in a flay of Hansards and we're working from the earliest through to the latest and certainly accepting that we haven't got to the end yet, the intention is to make sure that we comply with the Standing Orders and publish the documents in the way in which they are intended to be finished. The backdated copies will be available soon and certainly we would anticipate getting them up to date as quickly as possible so that the Hansard for today's Legislative Council meeting is published as well at the next meeting.

I would also like to add my admiration for the work done to get the Commonwealth Games team ready, they have been, indeed, a credit to St Helena and we are all looking forward to bringing them back and celebrating their success when they come.

The issues about extra costs for the airport challenge has been well acknowledged, the point raised by the Honourable Derek Thomas. It's been well acknowledged by staff in St Helena Government, we, as everybody round this room knows, presented the estimate of those costs at a meeting a few weeks ago. We recognise that those costs are considerable, we recognise that there's a lot further, in terms of work to be done, to establish the operations in that respect, certainly for things like Police Officers, for Customs and Excise, for some of the St Helena Government issues which have not been fully funded yet, we are in the process of ensuring that we've got all those costs identified and identified where those costs will be met. Work is underway at the moment in terms of strategic planning for all Directorates, so that we are much clearer about how we take forward some of those issues. We are, of course, anticipating an increased tax take as a result of economic development from airport, that will in part fund it, but I suspect not all of that will be funded by tax and we need to take slow, small, incremental steps to reach the ultimate goal.

As far as the Sainsbury Report is concerned, a group has been established to take forward those issues. I know it's not got very far yet, but that work is currently on the scope and we will be taking that forwardCouncillors in due course.

We're also working very hard with ESH to support their plans. I have a personal meeting with the Chief Executive of Economic Development every two weeks at which a lot of the issues that we've talked about today are being discussed. We are there to support them and

they are there to support us and we both have a common goal to make sure that the plans come together.

Madam Speaker, unless there are any other issues, that's my response to the issues that have been raised and I beg to move.

The Speaker –

Thank you, Honourable Member.

Question that the House be adjourned sine die, put and agreed to.

The Speaker –

Honourable Members, I omitted at the beginning of the meeting to include Gina Benjamin in the list of people who are unwell and our substantive Clerk has been away, she's off sick and I'm sure you'd join me in wishing her well and to say a thank you to Mrs Carol George who has stood in as Acting Clerk of Councils today. Thank you, Mrs George, it's not a role that you're unaccustomed to, it's good to have you here and finally my thanks to all Honourable Members for your contributions to the debates today. Thank you.

Council adjourned sine die.

