

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

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**THE SPEAKER**

The Honourable Eric William Benjamin

**EX-OFFICIO MEMBERS**

The Honourable Chief Secretary	Mr Roy Burke
The Honourable Financial Secretary	Mr Colin Owen
The Honourable Attorney General	Ms Nicole Moore

**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 Brian William Isaac  
The Honourable Bernice Alicia Olsson  
The Honourable Ian Sebastian Rummery  
The Honourable Christine Lilian Scipio O'Dean  
The Honourable Dr Corinda Sebastiana Stuart Essex  
The Honourable Derek Franklin Thomas

The Honourable Lawson Arthur Henry (on overseas business)

**CLERK OF COUNCILS**

Mrs Carol George

## PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Friday, 12<sup>th</sup> December, 2014

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

(The Speaker in the Chair)

### ORDER OF THE DAY

1. **FORMAL ENTRY OF THE PRESIDENT**

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

3. **ADDRESS BY THE PRESIDENT**

Good morning, Honourable Members, nice to see you all back here again. I don't have any big, particular address on this second sitting, but to say that we do have today to get through three Questions which have been placed on the Paper, they were submitted in good time for inclusion this morning, on the second day, there are still nine Motions to complete today and then there is the Adjournment Debate, so we have to be pretty smart or we'll be going into another day. I wish you well with your deliberations this morning and ask the Clerk to call the next item of business.

4. **QUESTIONS**

*Question No. 1 – The Honourable Dr Corinda Essex to ask the Honourable Financial Secretary.*

The Speaker –  
Dr Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, will the Honourable Financial Secretary tell the Council what has been the total expenditure incurred pertaining to St Helena Government office relocation since 1<sup>st</sup> April 2011 and what is the value of savings generated as a result of these moves?

The Speaker –  
Honourable Financial Secretary?

The Hon. Colin Owen –

Mr Speaker, I thank the Honourable Member for her question. The total expenditure incurred on SHG office locations since 1<sup>st</sup> April 2011 is £296k. This is split across a number of financial years: 2011/12 - £50k; 2012/13 - £56k; 2013/14 - £99k and to date £91k in this financial year. Expenditure covers the following: for 2011/12, Essex House refurbishment Phase I, development of The Haven into office accommodation, renovation first floor of the Post Office building; this was funded through the recurrent budget for Building Maintenance. For 2012/13, the completion of The Haven, the Harbourmaster's Office to the Customs Building and the Audit Office move to No. 1 Main Street, this was funded through the Capital Programme. In 2013/14, renovation of Secretariat offices into open planned offices and relocation of EMD offices, this was funded through the Capital Programme. For 2014/15, the cost associated with the moving of AVES IT Suite to Caenarvon Court as well as relocating Councillors from No. 3 Main Street to the Castle and the upgrading of the IT equipment to a **Fin** Server system to allow access of files from all locations. It's very difficult to quantify the monetary savings made from these moves as this was not in many of the cases the main purpose of the move. It is clear though that substantial if unaccountable efficiency savings have been achieved. For example, if we look at the office relocation in the Castle the move resulted in an open plan office which allows twenty-seven officers to work in the same space that twelve officers used to occupy. All officers now work in the same office environment, such as Finance, Corporate Support, Economist, Public Relations and Policy and Planning. This has led to an efficient and cooperative working environment resulting in savings and overall reduction in admin costs. Further, the move allowed Corporate Finance to lose a number of admin posts as admin could now be shared across Corporate Services. This open and joined up working environment has led to greater efficiencies which has led to a huge benefit in internal workings of Corporate Services. Thank you.

The Speaker –  
Thank you, Honourable Financial Secretary. Honourable Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. The total expenditure figures quoted, were those just relating to significant building works and refurbishment works or did they also factor in elements like unproductive time during office moves when staff were not able to fulfil their normal functions for several days at a time and so on?

The Speaker –  
Honourable Financial Secretary?

The Hon. Colin Owen –

Mr Speaker, thank you, Honourable Member. No, that's the, the cost I've talked about are the actual physical payments that have gone through the ledger system, any cost that you mentioned are not factored into those costs.

The Speaker –  
Honourable Corinda Essex?

The Hon. Dr Corinda Essex –  
Has the exercise now been concluded?

The Speaker –  
Honourable Financial Secretary?

The Hon. Colin Owen –  
Thank you, Mr Speaker, thank you Honourable Member. When we're talking about the exercise I infer that we're talking about office relocations?

The Hon. Dr Corinda Essex –  
Office relocations.

The Hon. Colin Owen –  
Office relocations, that's an ongoing process, there's still money left aside in this year's budget to actually do that and that will be the possibility of moving the Police from Ogborn House up to AVEC and the possibility of moving the School of Nursing. Those are yet to go through, but there's still budget allocation for that and obviously there will be ongoing moves within Government as the years go by. Those will be planned and agreed through the Capital Programme.

The Speaker –  
Are there any further questions? Then I call on the Clerk to call the next item of business.

***Question No. 2 – The Honourable Dr Corinda Essex to ask the Honourable Chief Secretary.***

The Speaker –  
Honourable Corinda Essex?

The Hon. Dr Corinda Essex –  
Mr Speaker, will the Honourable Chief Secretary tell the Council what mitigatory measures will be implemented in order to protect persons and equipment working in or passing through the Shears and neighbouring areas to the West of Ruperts Beach which evidence indicates are prone to rockfall and which are now being developed for regular use?

The Speaker –  
Honourable Chief Secretary?

The Hon. Roy Burke –  
Thank you, Mr Speaker. The question is, of course, timely and I thank the Honourable Member for that question. Discussions are currently taking place in respect of the Ruperts Bay Rockfall Hazard Study which Members have seen and accordingly it's not possible at this moment to give a definitive answer to the question posed by the Honourable Member because in many respects it pre-empts decisions which will be taken and, of course, the

determination of Governor in Council. Members will be aware that development consent which was granted in September 2008 had a number of conditions attached one of which was that the wharf shall not be brought into use until a full geotechnical assessment has been made of the risk of rockfall to those using the wharf and the Governor in Council has considered the recommended measures arising from that assessment. So as Members will know, the study related to that geotechnical assessment, which was conducted earlier this year, the study reached an overall conclusion that the risk of rockfall in Ruperts wharf area is low but identifies some areas that require more attention. The rockfall modeling within the study concluded that none of the Ruperts wharf area has more than moderate risk rating. Members will know that the study recommends a number of potential mitigation measures, dependent on a number of different assumptions about wharf operations and Members are currently considering these recommendations, included in that consideration is a meeting planned for 19<sup>th</sup> December with staff from the Planning Section, the Air Access Office and Halcrow who will be providing non technical briefing to Members as requested by Members following a recent site visit and it's only after that process has been followed through that Members will be asked to make a decision on the next steps.

The Speaker –

Thank you, Honourable Chief Secretary. Are there any further questions? Then I call on the Clerk to call the next item of business.

***Question No. 3 – The Honourable Dr Corinda Essex to ask the Honourable Chief Secretary.***

The Speaker –

Yes, Honourable Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Will the Honourable Chief Secretary tell this Council how many Technical Cooperation line posts are planned to be phased out by 31<sup>st</sup> March?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Mr Speaker.

The Hon. Dr Corinda Essex –

Sorry, I've just lost my paper, as I've got to read it exactly, and for how many of these is it envisaged that local officers would then assume the associated duties?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker, sorry for interrupting the question. Once again I'd like to thank the Honourable Member for this particular question which I know is of some public interest. There are currently twelve posts that are planned to be phased out by 31<sup>st</sup> March 2016, it's envisaged that five of these posts will have local post holders who can assume the relevant

duties, succession planning is already in hand. Three of these roles are technically called line posts, that's in the long-term Technical Cooperation budget and two are currently within the short-term Technical Cooperation budget. For the other seven posts, these will be split in some respects and elements of their roles will be undertaken by various staff, but again, locally based.

The Speaker –

Thank you very much, Chief Secretary. Honourable Corinda Essex?

The Hon. Dr Corinda Essex –

Is there a structured plan for further reduction of TC line posts?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. All members of the Business Delivery Group, that's the Senior Management Team, are committed to the succession plans for long-term Technical Cooperation Officers. There will inevitably be posts in St Helena Government which will not be capable of migration such as Doctors, those people with particular specialists, it's not possible to grow our own in those respects in the short-term at least, so there will be in place a medium to long-term strategy to help identify those posts, but at the moment those are the only posts which are identified, there will be further work done on those posts over the coming weeks, months and, indeed, years.

The Speaker –

Thank you, Honourable Chief Secretary. Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I rise on a point of information, Mr Speaker. There is a fully qualified St Helenian Doctor who's just recently completed qualifications and is now gaining further experience offshore and it is hoped that she will, indeed, choose to return to the island in the not too far distant future.

The Speaker –

Thank you for that point of information. Any further questions? Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Will the Honourable Chief Secretary tell this House what are the twelve posts planned to be phased out by 31<sup>st</sup> March 2016?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Mr Speaker, there are a number of posts which are already identified, it would be inappropriate to tell you about all of them at the moment because negotiations are ongoing with the individuals concerned, there are contractual issues that we must abide by, but it's already been indicated that there are two posts at the School, the Secondary School at the

moment, which are due for phasing out, posts within ENRD and also some of the other posts associated with voluntary work in the island.

The Speaker –

Thank you, Honourable Chief Secretary. Any further questions? Then I'll ask the Clerk to call the next item of business.

5.

***THE CORONERS AND PRESUMPTION OF DEATH BILL, 2014.***

**Resumed Debate.**

The Hon. Ian Rummery –

Mr Speaker, I beg to move that we resume the debate on the Coroners and Presumption of Death Bill, that it be approved in principle and referred to a Committee of the whole Council.

The Speaker –

Thank you, is there a seconder to that?

The Hon. Gavin Ellick –

Mr Speaker, I beg to second.

The Speaker –

Okay.

Question that debate on Bill be resumed, put and agreed to.

**Council in Committee.**

The Speaker –

Right, Honourable Members, I think we got to Clause 30.

The Hon. Nicola Moore –

Thank you, Mr Speaker, I stand duly remonstrated about my lack of brevity and I bear in mind Mr Speaker's address this morning about cracking on with a degree of precision and speed so dealing with Section 30, if I can, in perhaps more brevity than I would have done yesterday. Section 30 outlines the principles which are to be exercised by the Supreme Court in relation to the variation of the orders made in the event that a presumption of death order has been varied or revoked and these go back to the Honourable Member's question about what happens if somebody pops up and proves to be alive when, in fact, they had previously been presumed dead. So the first principle is set out in subsection (3) and it relates to where the property is trust property it has two limbs and it's relevant where property has been acquired as a result of the declaration to be varied or revoked has been held in trust. The first limb is where, but for the fact that a variation order does not affect interest in property acquired as a result of a declaration of presumed death, a person, E, I'm sorry to be, or A, would have an interest in property. In question as a result of the variation he would be entitled to receive that property or a value specified in full satisfaction of the interest from the trustee. The second limb is to the same effect save that a person entitled to satisfaction is not E, but a person F, who would, but for the limitation of the effect of a declaration of presumed

death in 28(1) would have acquired an interest in property and as a result of the declaration to be varied or revoked he would have received the property from another person who wasn't the original donee. In any event the property or value should be made over to the trustee under the first principle, it depends on whether the trustee still holds an interest in the property as a result of the declaration to be varied or revoked or hold an equivalent interest in the property. If he does, those two persons, i.e. the person who would have got the property or the person from whom that person would have derived title, E or F, as the case may be, is entitled to that interest. If he does not still hold the property, as the case may be, he's entitled to a value equivalent to the interest in that property, that's subsection (4). I'm afraid there's really no easy way of explaining these principles, they're quite detailed. The second principle is relevant where an insurer has paid a capital sum, for example, a life insurance sum out, other than one which is distributed by way of annuity or periodical payment, so it's essentially a lump sum order, as a result of the declaration which is varied or revoked by the variation order, that's subsection (5) and (7), the principle is that the whole or part of that capital sum should be repaid to the insurers if repayment is justified by the facts in respect of which the variation order was made. Section 14 also allows, also, in fact, requires insurers to require recipients, it allows insurers to require recipients of those capital sums under a presumption death order to insure themselves against the consequences of a variation order and that's an important provision. I should say that Section 30 at subsection (3) (a) reads – a person who but for section 28 (1), there's a missing parentheses and that should be, it denote cross reference to section 28 subsection (1) it appears that there's a typographical error and I understand that there may be a Motion in that respect.

The Speaker –

Yes, that might be able to be remedied as a typographical error.....

The Hon. Nicola Moore –

Yes.

The Speaker –

Yes, er, question?

The Hon. Christine Scipio O'Dean 0

I propose an amendment to 30 Section at (3) (a) to put a closed bracket after 28 (1) so my amendment would be to add the end parentheses in that section. I'm proposing an amendment to this Bill.

The Speaker –

Okay, is there a seconder to the amendment?

The Hon. Nicola Moore –

I second it, Mr Speaker.

Question on amendment, put and agreed to.

The Speaker –

Any other questions on that Clause?

Clause 30.



Question put and agreed to.

The Speaker –

Clause 31 – Giving Notice of Application.

The Hon. Nicola Moore –

Thank you, Mr Speaker. At this stage, this Committee can probably heave a sigh of relief because we're now getting into the procedural issues. Essentially Section 31 gives a person who makes an application for the declaration requirement to send it to the Supreme Court give notice of the application and give other notice to those who may be interested. This will serve to enable those with an interest to consider if they need to intervene in the proceedings. Failing compliance with this requirement the Court must refuse to hear the application.

The Speaker –

Any questions? Thank you for that.

Clause 31.

Question put and agreed to.

The Speaker –

Clause 32 - Attorney General.

The Hon. Nicola Moore –

This isn't a section where I have to define myself. It's simply a section which permits the Court or gives the Court power on application by one of the parties of the proceedings, or, indeed, of it's own Motion to send papers relating to an application for a declaration or a variation to the Attorney General, that's subsections (1) and (2) and subsection (3) allows the Court to make an order as to payment of the Attorney General's costs in connection with such applications by parties of the proceedings.

The Speaker –

Thank you. Any questions on Clause 32?

Clause 32.

Question put and agreed to.

The Speaker –

Clause 33 – Right to intervene. Attorney General?

The Hon. Nicola Moore –

Yes, Section 33 specifies who may intervene in an application for a declaration, either under section 23 or a variation, an application for variation order under section 27, that's dealt with in subsections (1) and (3) the following persons in brief are entitled to intervene – the missing person's spouse, a life partner, parent, child, sibling, and child, of course, would, of course, include those of full blood and those adopted, and the Attorney General may intervene whether or not the Supreme Court directs papers to be sent where matters of public interest so require. The Court may permit other persons to intervene in reference to intervening,

including arguing matters before the Supreme Court which the Supreme Court may deem not yet been fully argued in the proceedings for the application of the original declaration.

The Speaker –

Thank you. Any questions on Clause 33?

Clause 33.

Question put and agreed to.

The Speaker –

Clause 34 – Information.

The Hon. Nicola Moore –

Yes, this section gives the Supreme Court power in proceedings for a declaration or a variation under sections 23 and 27 where it considers necessary to dispose of proceedings to order the provision of information by persons who are not party to the proceedings. The information sought must be relevant to the question which is before the Court, whether a missing person is alive or dead and must be specified in the order requesting it, subsection (1). The Court can make such an order on application by any party or of its own Motion, that's subsection (3) but must give prior notice of its intention to make such an order to the person affected by it and the person affected by it, under section 34, subsection (6) can apply for the order to be discharged or buried and the order may not require the provision of information which is mentioned in subsection (4).

The Speaker –

Are there any questions?

Clause 34.

Question put and agreed to.

The Speaker –

Clause 35 – Insurance against claims: trustees.

The Hon. Nicola Moore –

Yes, this section applies in relation to trust property whereas as a result of a declaration of presumed death or a trust property affected by the declaration. In these circumstances and if directed to do so the Court will order that the trustee takes out suitable insurance against claims which could arise as a result of a variation order being made and the cost of the premium may be paid by the trust and that's under subsection (3).

The Speaker –

Any questions on Clause 35?

Clause 35.

Question put and agreed to.

The Speaker –

Clause 36 – Insurance against claims: insurers paying capital sums.

The Hon. Nicola Moore –

Yes, Section 36 applies where an insurer has to pay a capital sum as a result of a declaration of presumed death other than one by way of annuity or periodical payment. It entitles the insurer to require the prospective recipient to insure in his or her own name a sum for the benefit of the insurer against any capital that the insurer may pay out. This essentially deals with the situation that should the variation order be made. An insurer for these purposes is anyone who provides for the payment of benefit on death. The subsection does not apply in respect of sums as I've previously stated which are made by way of annuity or periodical payment.

The Speaker –  
Any questions?

Clause 36.

Question put and agreed to.

The Speaker –  
Clause 37 – Register of Presumed Deaths.

The Hon. Nicola Moore –

Yes, this simply provides for the requirement that the Registrar must maintain a register of presumed deaths at the office and in any form of the form which is set out in Schedule IV, which I'll deal with, if I may, at a convenient time.....

The Speaker –  
Yes, we'll deal with that section in a little later time. Any questions?

Question put and agreed to.

The Speaker –  
Clause 38 – Other determinations about death of missing persons.

The Hon. Nicola Moore –

Yes, Section 38 defines the relationship of the act with other legislation dealing with presumed death, so subsection (1) states that no declaration which may be applied for under section 23, presumed death, shall be made otherwise than in accordance with this Ordinance and subsection (2) provides that where a Court or Tribunal makes a declaration that a person is to be presumed dead other than under the Ordinance or this Bill it must specify the time and date of the death and declaration and the requirements set out in sections 24 (2) to (4) apply. Subsection (3) specifies that apart from the preceding provisions of the Ordinance nothing in the Ordinance affects any other court or tribunal proceedings relating to the death of the missing person, so therefore such other procedures are preserved to that extent.

The Speaker –  
Any questions?

Clause 38.

Question put and agreed to.

The Speaker –

Clause 39 – Chief Coroner ex officio Judge of the Supreme Court.

The Hon. Nicola Moore –

This section, in terms of Section 84 of the Schedule to the Constitution and the Chief Coroner may exercise such jurisdiction powers when required to do so by the Chief Justice. This conveniently means that it maybe the Coroner is able to deal with matters of presumed death more efficiently than having to wait for the Supreme Court to return in respect of certain matters.

The Speaker –

Thank you very much. Any questions?

Clause 39.

Question put and agreed to.

The Speaker –

Can we take 40 and 41?

The Hon. Nicola Moore –

Yes, thank you, Mr Speaker. 40 and 41 deal with power to amend periods of time, namely the seven and five years that have previously been heard of. Governor in Council may also make regulations consequential and supplementary, transitory and transitional provisions in relation to any provision of the Ordinance.

The Speaker –

Are there any questions?

Clauses 40 and 41.

Question put and agreed to.

The Speaker –

Clause 42 speaks for itself?

The Hon. Nicola Moore –

It does, thank you, Mr Speaker.

The Speaker –

Any question on Clause 42 – Application to the Crown?

Clause 42.

Question put and agreed to.

The Speaker –

Repeal and amendment of legislation – Clause 43.

The Hon. Nicola Moore –

Thank you, Mr Speaker. This simply deals with repealing and amendment of any legislation which is now provided for within this Ordinance, this Bill for Ordinance.

The Speaker –

Thank you, Honourable Member. Any question on that Clause?

Clause 43.

Question put and agreed to.

The Speaker –

Now we'll deal with the Schedules.

The Hon. Nicola Moore –

Thank you, Mr Speaker. In the interest of brevity, but I welcome questions if necessary, Schedule I gives powers to the Coroner or the Chief Coroner to suspend investigations in a number of circumstances, either in relation to proceedings which he or she contemplate there may be criminal proceedings either in relation to the death itself or associated with the death or if the Coroner becomes aware that proceedings have in fact been instituted either in the Magistrates or the Supreme Court, it also permits the Coroner as appropriate upon request by the Attorney General to suspend for a period of twenty-eight days or such longer period as is requested after the twenty-eight days if requested by the Attorney General in order to deal with matters of a criminal or contemplated criminal proceedings, the Coroner need not suspend an investigation when requested to do so by the Attorney General if the Coroner considers there are exceptional reasons for not so suspending and the suspension deals with both suspending an investigation which hasn't commenced but also suspending an investigation which is underway. The Coroner shall suspend an investigation if requested to do so if there is likely to be a Commission of Inquiry which will adequately cover the matters which are required under section 6 of the Ordinance and paragraph 4 deals with where an investigation is suspended on the basis that it's likely to have been adequately investigated by an Inquiry under a Commission of Inquiry. The terms of reference for the inquiry shall include the purpose which is set out in Section 6, namely, cause of death and so on. The Coroner may also suspend an investigation if he considers it appropriate to do so, to do so I should say the use of the masculine is not meant to exclude the inclusion of the feminine expression, and investigations could be suspended for a period, a set period or until the Court of Trial in relation to the criminal proceedings has concluded, it doesn't need to be suspended pending appeal. Under paragraph 8, investigations which are suspended in relation to actual criminal proceedings may not be resumed but can resume if sufficient reason to do so as considered by the Coroner. Paragraph 9, where an investigation is suspended due to a Coroner being of the view it's adequately dealt with by a Board of Inquiry then it may not be resumed unless the Coroner thinks there's sufficient reason for doing so and subparagraph (4) the Coroner shall not resume an investigation until the completion of proceedings unless the Attorney General informs the Coroner that he has no objection in relation to cases where there are actual criminal proceedings. Similar provisions apply under subparagraph 6, if during the suspension the Coroner is told by the Attorney General the actual criminal proceedings ...?.....contemplated, legal proceedings. Subsection 7, if the investigation is resumed, determination may not be made which is inconsistent either with the Commission of

Inquiry or the criminal proceedings and subparagraph 10 permits the Coroner to resume an investigation which leads to an inquest which he has previously suspended.

The Speaker –

Thank you, Honourable Attorney General for that explanation. Is there any question on Schedule I, please?

Schedule I.

Question put and agreed to.

The Speaker –

Schedule II – Powers of Coroners.

The Hon. Nicola Moore –

Yes, Schedule II essentially deals with the procedures and powers which are available to a Coroner to gather evidence, to require persons to provide information, produce documents which are in their custody or control or produce for inspection, examination or testing anything which is within their custody or control which includes from the body of the deceased person, this also provides that a Coroner may order members of the emergency services, medical professions, etc, to undertake or examine any test or anything relating to a matter relating to the investigation, for example, blood tests. Notices under this schedule must explain possible consequences or offences which are dealt with later in the Schedules and there is a way of appealing the notice which is given if the person cannot comply with it or it's not reasonable to do so and in deciding whether to vary or revoke a request the Coroner must consider if it's in the public interest for the information to be required having regard to the importance of it in relation to the findings that he is required to make. The powers cannot be required to produce evidence which would not so be required in civil proceedings, so essentially the rules which apply to civil proceedings apply to the process of requiring and giving evidence and the Coroner may be authorised by the Chief Coroner or other Coroner to enter on to and search land, but this can only be given if the Coroner conducting the investigation has reason to suspect that there is something on that land which relates to a matter which is relevant and it's not practicable to communicate with the person entitled to grant possession or permission has been refused and the Coroner believes that of access was not gained to the land that the purpose may be frustrated i.e. made nugatory. A Coroner can seize anything on land, inspect to take copies if he has ground to believe that the material may assist or is necessary in the investigation. There is also a power to seize and take copies, but again, only if it's necessary in the Coroner's consideration to prevent that thing being concealed, lost, damaged or destroyed. The same applies under paragraph 5(2) to .....material in electronic form, but it does exclude legally privileged documents. Paragraph 6, there is a power to order exhumation of the body which is in St Helena if it's necessary to be examined for reasons under section 10 or for purposes in relation to contemplated criminal proceedings Yes, and under subparagraph (7) where a Coroner is making an investigation into a death and he considers that anything in the investigation gives rise to a cause of concern that circumstances continue to create a risk that other deaths will occur he will provide a report to such person as he considers necessary to prevent the occurrence or continuation of such circumstances, for example, health and safety difficulties and the person to whom the Coroner makes the report must provide a written response.

The Speaker –

Thank you, Honourable Attorney General. Are there any questions on Schedule II of the Bill?

Schedule II.

Question put and agreed to.

The Speaker –  
Schedule III – Offences.

The Hon. Nicola Moore –

This section outlines a number of offences that either a Coroner can impose for failing to comply with notices required in relation to evidence or in relation to offences which may have occurred as a result of what may commonly be known as perverting the course of justice, but distorting or altering evidence or documents or preventing evidence from being produced. It's also an offence for a person to intentionally suppress or conceal material which the person knows or believes to be relevant, the offences in relation to those which the Coroner can't deal with, which are failure to comply with a notice, all other offences can only be instituted by the Attorney General and the offences carry a sentence, the penalty on conviction of £20,000 and/or imprisonment for a term not exceeding five years.

The Speaker –

Thank you, Honourable Attorney General. Are there any questions on Schedule III?

Schedule III.

Question put and agreed to.

The Speaker –  
Schedule IV – Allowances, fees and expenses.

The Hon. Nicola Moore –

In brief, this permits for witnesses or persons who are required to comply with notices to be provided with appropriate remuneration and allowances, but does not include Police Officers serving prisoners or officers who serve within the Prison from attending at or for a Coroner's inquest or investigation.

The Speaker –

Thank you. Are there any questions on Schedule IV?

Schedule IV.

Question put and agreed to.

The Speaker –  
Schedule V – Register of Presumed Deaths.

The Hon. Nicola Moore –

Mr Speaker, Schedule V deals with essentially the procedural aspects of the Registrar General's internal procedures in relation to registration of presumed deaths, registration of

any variation and cross reference with the usual Register of Births and Deaths; it also sets out fees and other procedural matters for the purposes of the Registrar General.

The Speaker –

Thank you very much. Is there any question on that Schedule?

Schedule V.

Question put and agreed to.

The Speaker –

Bill to be reported.

**Council resumed.**

The Hon. Ian Rummery –

Thank you. Mr Speaker, I beg to report that the Coroners and Presumption of Death 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?

The Hon. Gavin Ellick –

I beg to second.

The Speaker –

Thank you, Honourable Member. The Mover may wish to speak on the Motion if you wish to at this stage.

The Hon. Ian Rummery –

Thank you, Mr Speaker. I stand here in awe of our Attorney General, who I understand only had a chance to really examine this Bill several days ago and I thank her for her very detailed explanation, for her taking us through what is obviously a very complicated Bill and I understand too that our Attorney General stands on the shoulders of our Chief Magistrate, Mr John MacRichie, who, I stand to be corrected, but I understand certainly drafted part or most of this Bill, certainly he had a major role in bringing this Bill forward and I know that I've had several conversations with Mr MacRichie over this Bill and I know he's been to the Committees as well, so it is a Bill that has been much discussed. I don't stand here pretending to understand everything that has been explained to us, I'm not a lawyer, but in a way that's okay, because I think what we do get from going through this Bill in a very detailed fashion is that it is incredibly complex and that's as it should be because we are dealing literally with matters of life and death, so it's very important that this Bill does cover all the legal things that are required of this, you know, it deals with fundamental human rights and I do remember when the Chief Magistrate first brought this to the Committee he said, you know, this Bill grows out of the Constitution and the fundamental protections of human life, so it's a very important Bill, it's taken us a while to get through it, but that's as it should be. For those who perhaps are listening to this or our media may write about this, you know, it does look a bit like, yes, we have a section, everybody says Aye and off we go again, it has been discussed in Committees and maybe that's an issue for us to discuss later because



obviously lots of questions have been asked at various Committee stages, by the time it gets here it is, one hopes, almost a formality, because this is not the forum to be changing legislation. Once again, I just wish to thank our Attorney General for the time taken, for the detailed explanations and I certainly commend this Bill.

The Speaker –

Thank you, Honourable Mover. I put the question that this Council approves the Coroners and Presumption of Death Bill, 2014, as amended, and recommends to the Governor that it should be enacted. I'll now invite Members to speak to the Bill. This is your time to debate. No debate? Okay. Mover, I don't think there's any need for you to wind up then any further because there's no debate on the Bill.

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

The Speaker –

Clerk, call the next item of business, please?

***Motion No. 6***

***THE POLICE SERVICE (AMENDMENT) BILL, 2014.***

The Hon. Leslie Baldwin –

Mr Speaker, I beg to move that the Police Service (Amendment) Ordinance, 2014, be approved in principle and referred to a Committee of the whole Council.

The Speaker –

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

The Hon. Ian Rummery –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Sir. Mover?

The Hon. Leslie Baldwin –

Thank you, Mr Speaker. Previous external reports of policing on St Helena recommended that the Police Service Ordinance be reviewed. The Chief of Police carried out the recommended review and identified required updates to reflect best practice from UK policing, including a more relevant discipline procedure and leaner management structure. These updates are focused on internal police processes and structures and the proposed amendments reflect the wider reform of the Police Service with many reflecting wider SHG policy within the Code of Management. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. I put the question that the Police Service (Amendment) Bill, 2014, be approved in principle and referred to a Committee of the whole Council. Honourable Members, the Motion is now open for debate. Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I rise in support of the Police Service (Amendment) Bill. The Bill is designed to bring the Police in line with the UK policing structure and take account of the current rank structure within the St Helena Police Service. It fully modernises complaints procedures within the Police and where possible it is designed more in line with the St Helena Government Code of Management. Mr Speaker, I fully support the Bill.

The Speaker –

Thank you very much, Honourable Member. Is there any other Honourable Member who wishes to speak to the Motion? Mover, do you want to reply?

The Hon. Leslie Baldwin –

Thank you, Mr Speaker, just to say thank you to the Honourable Member for his support of the Bill.

The Speaker –

Thank you very much.

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

The Speaker –

Honourable Mover?

The Hon. Leslie Baldwin –

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

The Speaker –

Is there a seconder?

The Hon. Ian Rummery –

Mr Speaker, I beg to second.

The Speaker –

Thank you.

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

### **Council in Committee.**

The Speaker –

Right, Honourable Members, Council is now in Committee and we do the similar process as we've done on a number of occasions before

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Speaker –

Clause 2. Honourable Attorney General?

The Hon. Nicola Moore –

The Title speaks for itself, Mr Speaker, it's the long and short title, it amends the principal Ordinance to delete the word "Force" substitute "Service" throughout it consistent with the modern Police Service in the United Kingdom no longer being a Force and the same for the St Helena Police Service as it is now known.

The Speaker –

Any questions on Clause 1? No questions on Clause 1, sorry Clause 2.

Clause 2.

Question put and agreed to.

The Speaker –

Clause 3, can we take these in groups I wonder? Clause 3 and 4?

The Hon. Nicola Moore –

Thank you, Mr Speaker. Clause 3 and 4 are defining sections to amend the use of the word "Force" throughout the principal Ordinance and to define Senior Police Officer as being any Police Officer of and above the rank of Chief Inspector and "Service" meaning the St Helena Police Service for which provision is made in the Ordinance.

The Speaker –

Any questions on that section, two clauses?

The Hon. Nicola Moore –

I'm sorry, I should have dealt with.....Mr Speaker, I do apologise, you invited me to deal with.....and Clause 5 as well, Appointment of Chief of Police. It simply deletes an expression, an outdated mode of expression in relation to the Chief of Police's role within the management structure.

The Speaker –

Clauses 3, 4 and 5, are there any questions on that?

Clauses 3, 4 and 5.

Question put and agreed to.

The Speaker –

Clause 6, 7.

The Hon. Nicola Moore –

Thank you, Mr Speaker. Clause 6 in brief, deals with the Governor's ability to appoint a member of the Service as Acting Chief of Police, to have the same powers and to remove the need to gazette as such in the absence or sickness or through either a incapacity or leave of the Chief of Police and Section 7 of the principal Ordinance removes the need to gazette such an appointment.

The Speaker –

Is there any question on those clauses?

Clauses 6 and 7.

Question put and agreed to.

The Speaker –

Clause 8 and Clause 9.

The Hon. Nicola Moore –

Thank you, Mr Speaker. 8 removes the requirement for the need to read and write English in the appointment of a member of the Service and 9 amends section 10 of the principal Ordinance which substitutes the need to gazette Senior Police Officers which is no longer a process which is.....sorry, it deletes reference to Gazetted Police Officer and replaces it with Senior Police Officer.

The Speaker –

Any questions on that?

Clauses 8 and 9.

Question put and agreed to.

The Speaker –

Clause 10.....

The Hon. Nicola Moore –

Yes, Clause 10, I wonder if we can, Mr Speaker, I'm sorry to talk over you, I wonder if we can deal with those separately because there's matters that arise in relation to 10 and 11?

The Speaker –

Is it a question, Honourable .....

The Hon. Christine Scipio O'Dean –

Yes, Mr Speaker, it states on the Bill in front of me that Section 11 of the principal Ordinance is to be amended and the sub title is Discharge or Dismissal from Service, but in the principal Ordinance Discharge or Dismissal from Service is actually Section 12 and not Section 11. Section 11 refers to Dismissal during Probation, so I am asking for an amendment that it should read Section 12 of the principal Ordinance and not Section 11.

The Hon. Nicola Moore –

I beg to second, Mr Speaker.

The Speaker –

Thank you. Any other comment on that?

Question on amendment, put and agreed to.

The Speaker –

So that changes Section 11 to Section 12 under Section 10. Thank you very much for that.

Clause 10 (as amended).

Question put and agreed to.

The Speaker –  
Section 11 – Motor Vehicles.

The Hon. Nicola Moore –  
Thank you, Mr Speaker. I understand there may be a Motion for an amendment on this.

The Speaker –  
Okay. Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –  
Thank you. Mr Speaker, the subsection refers to Motor Vehicles and the amendment that we've been asked is saying Motor Vehicle. I'm certain that the Police Service uses more than one vehicle, so my amendment is I'm proposing to add the letter 's' after the word 'vehicle' so it will read Motor Vehicles.

The Hon. Nicola Moore –  
Mr Speaker, I beg to second.

The Speaker –  
Okay, there's a seconder. Any other comments on that?

Question on amendment, put and agreed to.

The Speaker –  
Any other amendments? Okay, the Honourable Mover is taking note of the amendments, the number of amendments? Very good.

Clause 11 (as amended).

Question put and agreed to.

The Speaker –  
Section 12 – Neglect by Special Constables.

The Hon. Nicola Moore –  
Yes, Thank you, Mr Speaker. It repeals outdated penalties in respect of certain offences.

The Speaker –  
Okay, any questions on Clause 12?

Clause 12.

Question put and agreed to.

The Speaker –

Clause 13 – Duties of Service.

The Hon. Nicola Moore –

Thank you, Mr Speaker. It amends the principal legislation to allow for Customs Officers to perform the duties which they are empowered to do thereby removing the need for the Police Officers to do so, amends to ensure that the power of arrest in accordance with other legislation and requires searches not to be performed except in accordance with **substantive** legislation.

The Speaker –

Any questions on Clause 13?

Clause 13.

Question put and agreed to.

The Speaker –

Clause 14 – Power of searching persons on or about ships or aircraft.

The Hon. Nicola Moore –

Yes, thank you, Mr Speaker. This amends Section 28 of the principal Ordinance to update and increase penalties.

The Speaker –

Any questions on penalties?

Clause 14.

Question put and agreed to.

The Speaker –

Clause 15 – Detention Centres.

The Hon. Nicola Moore –

Thank you, Mr Speaker. It simply updates the use of the word “lock-up house” for what is now known as a detention centre.

The Speaker –

Any questions on that?

Clause 15.

Question put and agreed to.

The Speaker –

Proof of service of process – Clause 16.

The Hon. Nicola Moore –

Thank you, Mr Speaker. Amends Section 32 of the original Ordinance to increase the penalties.

The Speaker –  
Section 32 you say is alright?

The Hon. Nicola Moore –  
Mr Speaker, Section 16 amends Section 32 of the principal Ordinance in order to take account of increases in penalties.

The Speaker –  
Any questions? I put the question that Clause 16 do stand part of the Bill, those in favour say.....sorry?

The Hon. Christine Scipio O'Dean –  
Sorry, Mr Speaker, I thought you invited us to ask any questions, but it seems as if our wires crossed along the way. May I ask the question, Mr Speaker?

The Speaker –  
Yes.

The Hon. Christine Scipio O'Dean –  
I'm asking if the Honourable Attorney General could advise what is the maximum penalty fine?

The Hon. Nicola Moore –  
In the event that a summons has been served and there is a willful and corrupting endorsement of that or false statement on the original summons, under the original Ordinance the fine is £50.00 or imprisonment not exceeding six months and under Section 16 that is increased on conviction to a fine of £500.00 or imprisonment for a term of six months.

The Hon. Christine Scipio O'Dean –  
Thank you.

The Speaker –  
Alright?

Clause 16.

Question put and agreed to.

The Speaker –  
17 is as is stated is it, Clause 17?

The Hon. Nicola Moore –  
Yes, it repeals certain other offences which are covered by other legislation.

The Speaker –  
Okay. I take it no questions.

Clause 17.

Question put and agreed to.

The Speaker –

Clause 18 – Power to prevent congestion in a public place.

The Hon. Nicola Moore –

Thank you, Mr Speaker. This section amends the principal Ordinance to reflect changes in sentencing powers and increases the penalty on conviction to a fine of £250.00 or imprisonment for a term of one month from a fine of not exceeding £5.00 to imprisonment of not exceeding one month.

The Speaker –

Any questions?

Clause 18.

Question put and agreed to.

The Speaker –

Clause 19 – Power to control traffic.

The Hon. Nicola Moore –

Yes, this amends Section 35 of the principal Ordinance to reflect change in sentencing powers and, again, the penalty on conviction is up to a fine of £250.00 or imprisonment of one month. The principal Ordinance, again, a fine of £5.00 or not exceeding one month originally.

The Speaker –

And can we also take Clause 20 at the same time?

The Hon. Nicola Moore –

Yes, indeed. Similarly it's amending the maximum penalty for the offence to increase it to a fine of £250.00 but the term of imprisonment remains the same of one month.

The Speaker –

Any questions?

Clauses 19 and 20.

Question put and agreed to.

The Speaker –

Clause 21 – Assaulting Police Officer and obstruction.

The Hon. Nicola Moore –

Yes, this repeals Section 37 of the principal Ordinance and substitutes a new section. This properly complies with the rules of statutory interpretation in relation to creating two



offences which might otherwise have seemed a little misleading in the original Ordinance because they were conflated in one paragraph.

The Speaker –  
Any questions?

Clause 21.

Question put and agreed to.

The Speaker –  
I'm trying to look at the number of Clauses that we could put together if possible, but it doesn't seem to be so effective. Clause 22 – the Effect of other law.

The Hon. Nicola Moore –  
Thank you, Mr Speaker. It repeals Section 41 of the principal Ordinance.

Clause 22.

Question put and agreed to.

The Speaker –  
Clause 22 – Amendment of Part VI.

The Hon. Nicola Moore –  
Thank you, Mr Speaker. I think, Mr Speaker, you mentioned Clause 22 I think.....

The Speaker –  
Clause 23, yes, I'm losing myself, Clause 23, have we got to Clause 22, we have done. 23, Clause 23, sorry.

The Hon. Nicola Moore –  
Thank you, Mr Speaker. This amends the entirety of the heading and substitutes a new heading which is in relation to the recording, management and investigation of complaints against officers. As the Honourable Member stated, it is to modernise the process of recording, management and investigation of complaints against the Police.

The Speaker –  
Any questions?

Clause 23.

Question put and agreed to.

The Speaker –  
Clause 24.

The Hon. Nicola Moore –  
Thank you, Mr Speaker. Section 42 of the principal Ordinance is repealed, the offences are adequately dealt with under other legislation.

Clause 24.

Question put and agreed to.

The Speaker –

Clause 25 – Police Officer to obey lawful orders.

The Hon. Nicola Moore –

Yes, thank you, Mr Speaker. This simply substitutes an outdated use of the word “Superior Officer” versus “Senior Officer” in line with **all disciplined Forces**.

The Speaker –

Any questions on that?

Clause 25.

Question put and agreed to.

The Speaker –

Complaints register – Clause 26.

The Hon. Nicola Moore –

Thank you, Mr Speaker. This simply institutes the requirement for accountability and transparency in relation to the introduction of a Police Service Complaints Register.

The Speaker –

Any questions?

Clause 26.

Question put and agreed to.

The Speaker –

Clause 27 – Disciplinary proceedings for non-Senior Officers. Attorney General?

The Hon. Nicola Moore –

Thank you, Mr Speaker. Section 27, the entire section of 44 of the principal Ordinance is repealed and a new section 44 is inserted. This section allows for the hearing of the complaint by a Senior Officer in respect of complaints related to Junior Officers, there can be findings of guilt and the imposition of any one of the sentences which is cross referred to in sections 44 (a) to (f). It makes provision for Senior Officers other than the Chief of Police to be dealt with by the Chief of Police and the Director of Human Resources and if the Chief of Police is charged with the breach of any disciplinary regulations then there is provision for the Governor to institute a panel that will be convened and, again, the same sentences which can be imposed upon a more junior officer applies across the board. In relation to any sanctions, they are articulated and cross referred to the sections.....sentences, they're cross referred and the sections.....however, any punishment of a final written warning, dismissal with or without notice must be referred to the process under Section 44(f), that is, to the Governor for confirmation. Additionally, the section empowers each of the various

tribunals to compel the attendance of witnesses to obtain evidence in much the same way as is conferred on the Magistrates.

The Speaker –

Yes, I'm trying to deal with this stuff here. Are we dealing with Clause 27 and 28 together now, it's all in.....?

The Hon Nicola Moore –

Yes, Mr Speaker, I'm content to do so. There is also, under Section 28, Ancillary Disciplinary Proceedings, and this section inserts new sections in the principal Ordinance because, as I've previously stated, they are cross referred to. They are 44 (a) to (f). These sections specify the different punishments which can be awarded, the period that they remain upon the service record of Police Officers and they also provide for the sliding scale of increasingly severe penalties. In section 44(f) there are provisions that no written warning as previously stated or dismissal with or without notice can take place without confirmation by the Governor, Article 44 also makes provision for the decision to be reviewed, all decisions to be reviewed by the Chief of Police in the case of a Senior Police Officer or if the decision is of the Chief of Police then the decision is reviewed by the Governor and in those circumstances the reviewer has the power to return the proceedings to the original tribunal, to quash the findings, to rehear, reverse or vary the findings or to confirm the findings of the original tribunal.

The Speaker –

Are there any questions on, we're dealing with Clauses 27 and 28 together?

Clauses 27 and 28.

Question put and agreed to.

The Speaker –

Clause 29.

The Hon. Nicola Moore –

Thank you, Mr Speaker. This deals with the subsequent stage in the disciplinary process and appeal to the Governor. It provides that within fourteen days any officer dissatisfied of a decision of the Chief of Police can appeal to the Governor and if appealing from a decision of the Senior Police Officer can appeal to the Chief of Police and then onwards to the Governor. If the Chief of Police is dissatisfied with any decision of a panel in respect of the disciplinary process, again, he or she may appeal to the Governor. Subsection 2(a) also requires that all punishments by a relevant officer will, in any event, be communicated to the Governor for consideration and confirmation. There is a new section 44 of the amending Bill as to confirmation of the punishment if necessary of, in relation to a. and in relation to any punishment which is passed by the various stages of the tribunal the Governor can also accompany it with a reduction in rank if the punishment is a written or final.....

The Speaker –

Any questions?

Clause 29.

Question put and agreed to.

The Speaker –

Can we take Clauses 30 and 31?

The Hon. Nicola Moore –

Yes, thank you, Mr Speaker. 30 deals with collection of fines, stoppages are incompatible with employment legislation so are repealed. Section 31 makes provision for suspension from duty on full pay, pending disciplinary proceedings if the Chief of Police considers it's in the public interest to do so and if the disciplinary process is in relation to the Chief of Police the Governor may exercise the same function.

The Speaker –

Any questions?

Clauses 30 and 31.

Question put and agreed to.

The Speaker –

Clauses 32, 33 and 34.

The Hon. Nicola Moore –

Thank you, Mr Speaker. 32, in brief, deals with the increase in sentencing in respect of increasing the penalty for failing to return service equipment from £25.00 to £250.00, there's a power to make regulations, removing regulations in relation to the matters which have been specified in the Ordinance and Section 51 of the.....Section 34 deals with repealing the principal Ordinance in relation to rewards and gratuities.

The Speaker –

Are there any questions? Councillor Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you. Mr Speaker, I'd like to propose an amendment and the amendment I'm proposing is that Section 48 to insert Subsection (2) after 48 just to make it clearer when you're looking at the principal Ordinance what section of 48 you are referring to. So it will read, so it will say, Section 48(2) instead of just saying Section 48?

The Speaker –

Attorney General, any comment on that?

The Hon. Nicola Moore –

I beg to second, Mr Speaker.

The Speaker –

Alright, okay. Thank you very much. The amendment is proposed that the little (2) go after 48 to be more specific on the section that's being amended.

Question on amendment, put and agreed to.

Clauses 32 (as amended), 33 and 34.

Question put and agreed to.

The Speaker –

Section 35, let's deal with that one.

The Hon. Nicola Moore –

Thank you, Mr Speaker. This is the power of Chief of Police to make Standing Orders. Section 52 of the principal Ordinance is amended as there are no Police Barracks and inserts a new section dealing with the different types of Police estate which are held.

The Speaker –

Any questions?

Clause 35.

Question put and agreed to.

The Speaker –

Clause 36 – Power to take fingerprints, photographs...

The Hon. Nicola Moore –

Thank you, Mr Speaker. The amendment, as currently drafted, is a little difficult to describe to this House because it's not drafted in a way which makes sense, but it's currently drafted so that it repeals Section 53 of the principal Ordinance and substitutes a new section which is drafted that it's lawful for any member of the Force, which, of course, is inconsistent with the earlier drafting in the section, to take a photograph and fingerprints, essentially deleting the requirement to take weights and measures, which is inconsistent, but fails to permit the Police to take a DNA sample of any person who has been arrested in accordance with this law or any other. It then provides for fingerprints, photographs and DNA sample of a person who has been convicted of an offence to be taken and then requires the person who has been not previously and then in the event of an acquittal after an arrest provides for the photograph, fingerprints and DNA, which it hasn't provided for permission to take to be destroyed.

The Speaker –

Is there a proposal for an amendment on this or not?

The Hon. Nicola Moore –

Well, I can propose an amendment which would be that Section 53 of the principal Ordinance, other than the heading, is repealed and the following substituted therefor: that Section 53 should read – it shall be lawful for any member of the Service, which is consistent with the earlier drafting, to take the photograph, fingerprints and DNA sample (a) of any person who has been arrested under the powers conferred by this or any other law; and, (b) any person who has been convicted of an offence, provided that if any such person who has not previously been convicted of any offence shall have been photographed or his fingerprints or DNA sample has been taken, be acquitted upon his trial or charge against him withdrawn all photographs, both negatives and copies, fingerprint impressions and DNA samples so taken shall forthwith be destroyed or handed over to such person. I've taken the liberty of typing it out because that was quite a long section.

The Speaker –

It is a long section for Members to have. So the actual amendment then is .....

The Hon. Nicola Moore –

Well, the actual amendment on the draft.....

The Speaker –

Are you proposing that the whole section, Clause, be deleted and replaced by what you have or are you changing different clauses?

The Hon. Nicola Moore –

Well, it can be dealt with as follows, Mr Speaker. Section 53 in the amending Bill, it shall be lawful for any member of the, delete “Force” and replace “Service”.

The Speaker –

Okay, could we take them in stages then, please. You’re proposing that the word “Force” be deleted and replaced by “Service”. Is there a seconder to that amendment?

The Hon. Christine Scipio O'Dean –

I second it.

The Speaker –

Thank you, Honourable Member.

The Hon. Nicola Moore –

Thank you, Mr Speaker. I do apologise. Then we continue to take the photograph and I would move an amendment to insert a comma after the word “photograph” and delete the word “and”.

The Speaker –

And delete “and”. Are you keeping check of the amendments, Mover?

The Hon. Leslie Baldwin –

Mr Speaker, could I ask you a question? These are all amending the same sentence, does it count as one amendment or each amendment gets counted individually?

The Speaker –

If it’s going the way we’re going now, they are separate amendments.

The Hon. Nicola Moore –

Then it continues fingerprints and then after fingerprints I move to insert “and DNA sample; and then the remainder continues as before and then subparagraph (b) I move to delete the entirety of the first line from “in” ending “person” and replace “any person”.

The Speaker –

I’m sorry, I haven’t got that.

The Hon. Nicola Moore –

Delete the entirety of the top line at subparagraph (b) in addition to fingerprints and photographs the DNA sample of any person, that entire line should be deleted and replaced with “any person”.

The Speaker –  
Yes, and then?

The Hon. Nicola Moore –  
And then the remainder of the section remains the same.

The Hon. Christine Scipio O'Dean –  
Mr Speaker, so that I'm clear, can I ask the Honourable Attorney General just to read out what (b) would now remain, the suggested amendment would be?

The Speaker –  
Yes, just a minute. Right, we're just trying to get that correct there. So (b) should read – any person who has been convicted of an offence, yes?

The Hon. Nicola Moore –  
That's correct, Mr Speaker.

The Speaker –  
Honourable Christine?

The Hon. Christine Scipio O'Dean –  
Thank you, that's clear.

The Hon. Nicola Moore –  
Mr Speaker, in answer to the .....

The Speaker –  
The proviso hasn't been affected at all?

The Hon. Nicola Moore –  
No, Mr Speaker, the proviso remains the same.

The Speaker –  
Okay. Alright then. Alright, let's try and get these clauses right, okay, amending it at this stage here is rather tricky, but we have to get it right because when you say Aye you've fixed it. Right, so Clause 53 should now read, just follow with me – it shall be lawful for any member of the Force to take.....

The Hon. Nicola Moore –  
Mr Speaker, the “Service”.

The Speaker –  
Of the Service, Service has been changed, one amendment there, to take the photograph, so we delete the “and”, that's right, fingerprints, continue, and then after “fingerprints” take out that line hyphen there and put in “and DNA sample”, is it sample or samples?

The Hon. Nicola Moore –  
Sample, Mr Speaker.

The Speaker –  
Sample, DNA sample, okay. Comma there, no semi colon. Then we have up in.....Christine?

The Hon. Christine Scipio O'Dean –  
Thank you, Mr Speaker. Just for information, do we really need to have a amendment to the word “Force” in the subsection, because in Section 3 it does say that the principal Ordinance is amended by deleting the references to the Police Force and Force wherever they occur, the definition of “Force” is substituted by the word “Service”, so do we really need a amendment to the word “Force” in that subsection knowing it’s been covered in Section 3?

The Speaker –  
Attorney General?

The Hon. Nicola Moore –  
Mr Speaker, I’m grateful for that question, it’s well made, but, in fact, the amendment to the use of the word “Force” is in relation to the principal Ordinance and this is a inserted section which is not part of the principal Ordinance, therefore it should use the correct time because otherwise the amending section will only amend the principal Ordinance, not the amendment.

The Speaker –  
Yes, that is correct. So the word “Force” has to be changed then.

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

The Hon. Brian Isaac –  
Mr Speaker, can I just ask a general question? I understand probably in the future Police will be wearing video recording mechanisms, should that also be included; we’re just speaking of photographs at the moment?

The Hon. Nicola Moore –  
Mr Speaker, I’m grateful for the question. The section in this Ordinance deals solely with the taking of specific, either the identification processes, be they photograph, fingerprints or DNA samples on arrest or after conviction.

The Hon. Brian Isaac –  
Would it not include video recordings?

The Hon. Nicola Moore –  
Thank you, Mr Speaker; I’m grateful to the Councillor for his question. This particular part of the Ordinance is dealing with a process of identification and recording of individuals information at arrest or after conviction, it doesn’t deal with the gathering of information for evidential purposes by way of either video or other means by which the Police Service gather evidence.

The Hon. Brian Isaac –



Thank you.

The Speaker –

So where have we got now, call on my Clerk? Okay, right....Clause (b). So Clause (a) remains.....Yes, just a minute, the trouble is that if I don't recognise you then you don't speak, so you wait until I see you and then you can speak, okay? I'll call on you.

The Hon. Gavin Ellick

.....with due respect.

The Speaker –

I'm looking at Section (a) at the moment, Section (a) is as it is, yes. Section (b) is here, okay. Right, I'm just trying to apply this to the actual main Ordinance. Right, Councillor?

The Hon. Gavin Ellick –

Can you explain to me, Ma'am why is there a need to take DNA samples from people when you just arrest them?

The Hon. Nicola Moore –

I'm grateful, Mr Speaker, to the Councillor for his question. The principles behind this particular section are now up for debate at this particular juncture, but in relation to the question itself, in relation to the interpretation of the section that we have under consideration, it is that a DNA sample under this particular process, being photographing, fingerprints and DNA sample on arrest, is in order to record the individual's identification within the Police Service. If they are subsequently acquitted on their trial or the charge against them is withdrawn all photographs, fingerprint impressions and DNA samples are forthwith destroyed because therefore the Police no longer have any requirement to identify the individual. A DNA sample is also permissible to be taken after conviction if one has not been taken upon arrest, and that's dealt with under subsection (b). This is in line with a recording and identification of the suspects and convicted persons under the Police Criminal Evidence Act in the United Kingdom.

The Hon. Gavin Ellick –

Thank you, Ma'am.

The Speaker –

Alright.

The Hon. Nicola Moore –

Mr Speaker, I wonder if I may, I have taken the liberty of typing a finalised version of the amendment which is proposed and it may assist if it's handed round and there's a brief moment for Councillors to consider the matter.

The Speaker –

I think that will be very sensible to do. In which case, I was wondering whether or not you would move to delete that whole section and replace it by the one that you have?

The Hon. Nicola Moore –

Mr Speaker, if that's convenient.

The Hon. Colin Owen –

Mr Speaker, could I suggest an adjournment for a few minutes.

The Speaker –

Yes. Right, the proposal at this time is that we suspend the sitting for a few minutes, ten minutes, and then we can settle around the table again to see about the amendment. I think it might be easier for the Mover as well if the suggestion was that we delete that whole clause, adding the correct part that you put in would be better, but can you sort it out among yourselves and then let me know. Ten minutes, we'll suspend for ten minutes.

**Council suspended.**

**Council resumed.**

The Speaker –

Please be seated. Honourable Members, we were at Clause 36, if I'm right. Let's see if we can get this right, I will try my best. We had already dealt with the section where it starts with "53. It shall be lawful for any member..." yes, and we deleted the word "Force" and we put in place "Service". We had a comma after "photograph"; we deleted the word "and", that fine, we took out the hyphen, dash, after "fingerprints" and we inserted "and DNA sample" and we put a semi colon, yes, that's where we...or a colon, colon is the better...right, Attorney General? And then the next proposal, amendment was to delete all the words in the Clause 53 (b) down, in the first line to the word "of", including the word "of", so delete "in addition to fingerprints and photographs, the DNA sample of" and then it will continue all the way "any person who has been convicted of any offence". Yes, all happy on that? And we did have a proposer for that and we did have a seconder, it was seconded was it?

The Hon. Nicola Moore –

Mr Speaker, I'm not aware that I may have missed it, but I don't think the matters have been seconded.

The Speaker –

Okay, right, okay, so can we then, let's have a seconder for the amendments, please?

The Hon. Leslie Baldwin –

Mr Speaker, I beg to second.

The Speaker –

Thank you very much indeed, thank you.

Question on amendments proposed, put and agreed to.

Clause 36 (as amended).

Question put and agreed to.

The Speaker –

Clause 37 – Causing disaffection among members of service.

The Hon. Nicola Moore –

Thank you, Mr Speaker, this simply amends to update an increased sentencing power to increase the maximum penalty on conviction to a fine of £2,000 and/or imprisonment for a term of two years.

The Speaker –

Any questions?

Clause 37.

Question put and agreed to.

The Speaker –

Clause 38 – Offence of making false report of commission of offence.

The Hon. Nicola Moore –

Yes, this amends the principal Ordinance to increase the maximum penalty on conviction to it being to a fine of £500 or imprisonment for a term and/or imprisonment for a term of six months.

The Speaker –

Any questions? Honourable Councillor?

The Hon. Leslie Baldwin –

Thank you, Mr Speaker. I'd just like to ask why there is no, or seemingly no correlation between the size of fine and the length of sentence, so, for instance, £250 equates to one month in jail, £500 equates to six months in jail, £2,000 relates to two years in jail or something, could there not be a more formal correlation?

The Hon. Nicola Moore –

Thank you, Mr Speaker. I'd like to thank the Honourable Member for his question. It's one that's well made. In relation to this particular Ordinance and the meanings of the sections under the Ordinance, the amendments in this Ordinance affect only the fine rather than the term of imprisonment, so the fines have been increased in line with today's value of money, the remainder of his question deals with the principle behind the sentencing provisions which is not a matter for me to deal with at this time.

Clause 38.

Question put and agreed to.

The Speaker –

Clause 39 – Impersonation.

The Hon. Nicola Moore –

Yes, 39 amends section 58 of the principal Ordinance in relation to offences of impersonating a Police Officer. Did I say amends, I meant repealed, I do apologise, Mr Speaker.

The Speaker –

No questions?

Clause 39.

Question put and agreed to.

The Speaker –

Clause 40 – Schedule.

The Hon. Nicola Moore –

Thank you, Mr Speaker, it deals with uniformity of drafting throughout the principal Ordinance and in the Schedules replacing “Police Service” with reference to “Police Force”.

The Speaker –

Any questions on that?

Clause 40.

Question put and agreed to.

The Speaker –

Bill to be reported, please?

**Council resumed.**

The Speaker –

Honourable Les Baldwin?

The Hon. Leslie Baldwin –

Thank you, Mr Speaker. I beg to report that the Police Service (Amendment) Ordinance, 2014, passed the Committee with seven amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

Is there a seconder?

The Hon. Ian Rummery –

Mr Speaker, I beg to second.

The Speaker –

Thank you. The Mover may speak to the Motion.

The Hon. Leslie Baldwin –

Thank you, Mr Speaker, I have nothing further to add other than to thank the AG for her detailed explanations.

The Speaker –

I put the question then that this Council approves the Police Service (Amendment) Bill, 2014, as amended, and recommends to the Governor that it should be enacted. Honourable Members may now speak to the Bill. Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Mr Speaker. Just a few words. Yes, I fully support this, I fully support any form of legislation or amendment that modernises our legislative framework and I think one gets a feeling of how updated it is when you see terms such as lockup house in the original Bill or fines of £5.00. I think too on a broader scheme it, sort of, reflects a change in our Police Service, I can now say, and not Police Force culture, and other things such as the Code of Conduct that's been published and a more, sort of, open and community orientated Police Force is one that we all welcome, so I fully support these amendments. Thank you, Sir.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? Mover, do you wish to wind it up altogether?

The Hon. Leslie Baldwin –

No, thank you, Mr Speaker.

The Speaker –

You have nothing further to say.

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

The Speaker –

Honourable Members, this might be a time to suspend the sitting until a quarter past one, yes? Have a good lunch and we'll see you back here at a quarter past one.

**Council suspended.**

**Council resumed.**

The Speaker –

Please be seated. Right, Honourable Members, I call on the Clerk to call the next item of business.

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

The Speaker –

The Honourable Leslie Baldwin?

The Hon. Leslie Baldwin –

Thank you, Mr Speaker. I beg to move that this House calls upon the Government to organize maintenance of the entire Duke of Edinburgh Playground and to designate the upper area as a car park.

The Speaker –

Is there a seconder to the Motion?

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

The Speaker –  
Thank you. Honourable Mover?

The Hon. Leslie Baldwin –  
I would like Government to consider this Motion as a way of ensuring that the current dangerous conditions of the trees in the Duke of Edinburgh Playground have an established maintenance programme and that the space available is used now to alleviate the parking problems, if temporarily, being suffered in Jamestown. I remember at a recent ExCo when dry branches were known to be falling in this area on tops of cars parked in the street below. An emergency contingency plan was drawn up and within a week a programme had been established to trim and maintain the offending trees and their debris. I am now aware that the trees in the centre of the lower Playground area are causing disturbance against vulnerable people, not insured vehicles and my enquiries have not resulted in the expected contingency plan. Health and safety are non-existent; you cannot as a child or elderly person move quickly underneath the aforementioned tree just from the pure weight of the debris. I cannot believe that it is the intent of this Council to deliver such a message. Parking in Jamestown is a known hazardous area for all of us as Councillors as the problem is evident to all. The space in the upper area could reasonably be used for upwards of twenty-five new parking spaces and the argument that we may someday get some new apparatus for the children to use again as a playground should not be allowed to change what can be done today to alleviate an aged problem. Mr Speaker, I beg to move.

The Speaker –  
Thank you, Honourable Member. The Motion is that this House calls upon Government Administration to organize maintenance of the entire Duke of Edinburgh Playground and to designate the upper area as a car park. The matter is now open for debate. Honourable Wilson Duncan?

The Hon. Wilson Duncan –  
Mr Speaker, as Chair of the Environment and Natural Resources Committee, I would like to give a brief update. There is an ongoing review of car parking issues in Jamestown which is looking at immediate issues such as the many concerns of Jamestown residents regarding illegal and inappropriate parking and lack of parking for residents. These issues need to be considered together and the conversion of the Playgrounds in lower and upper Jamestown to become car parks is a possible solution that is being looked at in the current review along with maintenance issues. Dealing with the bird fouling and good quality space for children's play needs to be addressed as part of any change. It is therefore proposed that the specific issues on car parking in the Duke of Edinburgh Playground be concluded as part of the current review that will be reporting to the Environment and Natural Resources Committee in the New Year and an action plan for immediate and long-term measures put together. Environment and Natural Resources Committee will drive this as a key priority.

The Speaker –  
Thank you, Honourable Member. Is there any other Honourable Member who wishes to speak to the Motion? Honourable Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, I fully support this Motion as the Duke of Edinburgh's Playground is currently a largely wasted space right in the middle of Jamestown where appropriate use of space is of crucial importance. It is a dead area. Ironically, even more dead than it was when it was a graveyard. The actions suggested by the Honourable Mover provide flexibility for altering the area's use for other purposes without any great capital expenditure being required to make the changes. Indeed, with some creative thinking, the areas could be used for multi purposes, for example, with an area marked for car parks, doubling as a location for market stalls when cruise ships are in harbour. The area has lost its appeal and become largely associated with overgrown trees, bird droppings, public toilets and some anti social activities. I feel sure that His Royal Highness the Duke of Edinburgh would be very saddened if he were aware of the decline of the area bearing his name and would welcome a change in usage. I suggest, with deepest respect, that His views are sought if there are any concerns that it would be inappropriate to change the use for which he designated the area nearly sixty years ago. St Helena's heritage is of great importance, but careful development of the area that does not involve any massive demolition and rebuild and preserves the area as an open space could only be an improvement upon the current situation which can be argued to present significant health and safety risks with heaps of dead leaves, stench of bird droppings which becomes extremely unpleasant in wet weather and a rundown character. Apart from cutting back the trees extensively, but in a manner that will not damage them, no complicated or very costly actions are required in order to turn, what is currently an eyesore, into a busy, well used location that will also play a large part in alleviating parking issues in Jamestown. Please let us not procrastinate and be deflected by visions of what maybe appropriate in ten or fifteen years time, let us take action now to get to grips with the issues that are facing us and which have already been left unaddressed too long. Other options can always be pursued in the longer term if these are supported by a compelling case. Mr Speaker, I trust that this Motion will be carried and implemented as a matter of urgency. Thank you.

The Speaker –

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

The Hon. Nigel Dollery –

Mr Speaker, I've been in this Council for about eighteen months, I find it an embarrassment that we are still discussing what should be done with what is obviously a pre black top car park; it is long overdue that this matter was sorted. The town currently is an embarrassment to us all, I would not want a shipload of tourists in today, what would you do with them?

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I rise in support of this Motion and you and other Members within this House will recall that this question of parking in the Duke of Edinburgh Playground has been raised a number of times in this House and each time it has been raised it has been given a commitment that something would happen in respect of parking or improving the area, but it's long overdue and as my colleague Dollery said, that it's an embarrassment that this Motion or question in respect of parking or improving and maintaining the Duke of Edinburgh Playground has again raised its head and I look forward to the support of

Members that some improvement is made to the Duke of Edinburgh Playground. Thank you and I support the Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member? Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Mr Speaker, I too, rise in support of the Motion and though I guess I probably don't have much to add to what my colleagues have said. There is a sense of frustration creeping in, I'm not normally one who looks upon simplistic solutions, but as my Honourable Colleague said before, it was about this time last year that some tree branches fell down and we had to instigate emergency measures to clear that away and make the area safe. Look, it's a piece of flat ground; we don't have much of that around, it's already tarred, there's a gate, which I'm reassured people can drive through, I'm also told that somewhere, lost in the myths of time, there's even a plan for a car park there, so my plea really is the same as my colleague, let's chop down whatever needs to be chopped down to make the place safe, put some lines in, whatever needs to be done, and make a car park please. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Mr Speaker, I declare an interest since I own property in that area. Mr Speaker, utilisation of space in Jamestown is paramount to economic growth. At present the area of Duke of Edinburgh Playground is not serving a useful purpose. No-one seems to be responsible for the maintenance and cleaning of the playground. It is not being properly utilised as a playground. The branches from the overhanging trees are not being properly trimmed and maintained to a safety standard. The Government will be aware that in recent months there have been cases of falling branches; luckily no-one has been injured. I'm afraid to say that if the Government do not take proper control of the safe maintenance of these trees it is only a matter of time before someone is seriously injured and in my view somebody will have to be responsible. Mr Speaker, Honourable Members, we are trying to promote St Helena as a tourism destination. How can we not allow the Duke of Edinburgh Playground to be put into proper, meaningful use? We are all aware of the parking difficulties in Jamestown, the Duke of Edinburgh Playground can be easily made into a car park. During my time as Chief of Police in 2002 a proposal was submitted for this to happen, but rejected. Some thirty-odd cars can be accommodated in the playground without any alterations whatsoever to the main entrance gate. All that is required is for the area to be properly demarcated into parking areas, overhanging trees to be properly trimmed and managed, thirty-odd extra parking spaces and a relatively low cost, a real value for money initiative. Mr Speaker, I feel we should take this action now at a very low cost. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Members wish to speak to the Motion? Then would the Honourable Mover like to wind up?

The Hon. Leslie Baldwin –



I thank all the speakers for their support and note that the ENRC are gonna have another review achieving nothing. The market area sounds absolutely wonderful if we do and when we do have visiting ships and, in fact, any of the uses would have actually alleviated some of the problems and issues that are there. There is no way children could currently occupy the Duke of Edinburgh Playground, it clearly is unsafe, but now we have residents whose houses back into the Duke of Edinburgh Playground who are actually suffering all night long from tree fruit or branches hitting the roof of their building, it really needs to be done now, we don't have time for another review. Thank you.

The Speaker –

Thank you, Honourable Member. The Motion is that this House calls upon Government Administration to organize maintenance of the entire Duke of Edinburgh Playground and to designate the upper area as a car park.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Thank you, Clerk.

***Motion No. 8 – The Honourable Derek Thomas.***

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Mr Speaker, I beg to move that this House resolves that immediate action be taken by the relevant authorities to address the increasingly serious issue of parking in Jamestown to ensure that designated parking areas are used appropriately and additional parking areas be identified.

The Speaker –

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

The Hon. Brian Isaac –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Brian Isaac. Honourable Mover?

The Hon. Derek Thomas –

Mr Speaker, Honourable Members, I thank the Honourable Brian Isaac for seconding my Motion. Mr Speaker, Honourable Members, we are all well aware of the parking difficulties in Jamestown. We are experiencing more and more vehicles coming to the island yet no improvements are being made to address parking in our capital, Jamestown. We must be the only place in the world where drivers of vehicles can park illegally in Jamestown and in most cases nothing is done about it. I am aware that it has not always been possible for the Police to monitor and deal with parking due to other greater priorities in policing, but we cannot

continue to do this. There are very limited parking spaces in Jamestown, therefore, it must be policed and managed properly. We have cases now where vehicles are parked on the road in Jamestown, not licensed and insured, vehicles being allowed to utilise parks for weeks and in certain cases months in areas such as Barracks Square, along the street and in Lower Jamestown, the two-hour parking areas being properly abused; in most cases they are being used by office workers from 8 am to 4 pm, vehicles being allowed to park on both broken and double yellow lines and it goes on and on. Whereas most of these issues are already covered by law, a review of the Road Traffic Ordinance, in my view, is required to bring about most needed further improvements. Residents in Jamestown are asking for paid residential parking. They have indicated that they don't mind paying provided they can have a parking area in front of their home. At present, it is difficult for this to happen until parking in Jamestown is properly addressed. Many elderly folks in Jamestown are reluctant to leave their homes in fear that when they return there will not be anywhere for them to park and it will result in them having to walk long distances to their homes. If there was to be proper enforcement it would make significant improvement. Additional parking areas need to be found. The previous Motion from the Honourable Les Baldwin identified the Duke of Edinburgh Playground as a starting point; some thirty odd vehicles can be accommodated there at very low cost. Possible parking holding areas at the top of Ladder Hill and making an area suitable at the top of Field Road with regular park and ride service into Jamestown provided for as part of an improved bus service to encourage people to use a park and ride scheme would help provided the most dedicated parking areas in Lower Jamestown, serious consideration should be given for these areas to be used as paid parking areas as incentive, real incentives for people to use a park and ride scheme. Returning Saints and tourists have commented if we are serious about tourism development then we need to properly address and manage parking in Jamestown.

Mr Speaker, Honourable Members, I recommend that immediate action be taken by the relevant authorities to address the increasingly serious issue of parking in Jamestown. If we are to act now we might have some improvements in place by the time our airport opens. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Motion is that this House resolves that immediate action be taken by the relevant authorities to address the increasingly serious issue of parking in Jamestown to ensure that designated parking areas are used appropriately and additional parking areas be identified. The Motion is now open for debate. Honourable Tony Duncan?

The Hon. Wilson Duncan –

Again, Mr Speaker, as Chair of the Environment and Natural Resources Committee I would like to give a brief update on the above. There is a review of transport, pedestrian access and car parking in Jamestown which is looking at immediate issues for parking for Jamestown residents, parking for commercial vehicles and parking as a whole. Plans are also being put together to introduce parking charges with which to finance a Traffic Warden function to address many of these issues. Car parking charges will also provide an incentive to use the proposed improved public transport system. Another major concern addressed earlier by the House and considered in the review is poor provision for pedestrians in Jamestown. The review is also looking at the longer term in changing traffic patterns when the RMS stops operating and passengers and freight will enter Jamestown from Sidepath Road rather than along the wharf. This will increase pressure on Napoleon Street but will relieve pressure on Main Street and the Wharf. These issues need to be considered together. The review will be

reporting to the Environment and Natural Resources Committee in the New Year and an action plan for immediate and long term put together. ENRC will drive this key priority.

The Speaker –

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

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I believe that every one of us in this Honourable House this afternoon is fully aware that parking in Jamestown has become a nightmare for all and, in particular, the residents. I declare my interest as I am a resident, but being so enables me to experience at firsthand just how uncomfortable, inconvenient and depressing the current conditions have become and I can therefore empathize with the constituents who approach me almost daily pleading for some improvement to be put in place. For the majority of persons living outside Jamestown who can drive from home confident that when they return they will be able to reach their gate, garage or front door and park their vehicle it may be difficult to understand the extent of the problem. If they think I am exaggerating I invite them to try it and I am willing to bet that they will not like it. To confirm the words of my Honourable Mover of this Motion, some elderly residents have informed me that they feel trapped because if they leave their homes to go shopping, have a short break down watching the sunset on the seaside, relaxing out of their house, they will then find when they try and return to their house that there is no parking space there and they will then have to go a considerable distance to be able to park their vehicle, sometimes as much as half a mile on steep terrain. They then have to walk home and return to collect their vehicle at a later time. Walking such distances, particularly if carrying shopping, presents a painful, physical struggle for many. Consequently, they now barely benefit from vehicle ownership, which should play a key part in maintaining their independence and quality of life. Many constituents in Jamestown and, indeed, island wide, feel that action is long overdue and some have even been on my case because they doubt that I am making their case strongly enough, as I've been on Council now for approaching a year and they can still see no outcome, although I gave an undertaking to take the issue of parking forward if I were elected. Mr Speaker, although there is unanimous support within elected members of Legislative Council for improvement of parking in Jamestown and I, together with other Honourable Members, keep raising the issue, nothing significant has yet been done to tackle the problem and as the number and size of vehicles grow so does the extent of the problem. The Honourable Chief Secretary volunteered to set up a Working Group and we can only hope and trust that this will result in some quick wins. The Honourable Chairman of ENRC has also provided an update, which is extremely heartening and it is a great pity that this was not shared with us at an earlier point in time, because I am a member of the Committee and I was unaware that anything on the scale actually announced in the House today was taking place, but thank you, Mr Chairman, and thank you, Director, for ensuring that prompt action is now going to be taken, that's very much appreciated.

For the benefit of this Honourable House, I will now touch on some causes of the problem and suggest some possible solutions. The key problem, as has already been stated, is simply lack of space. Residents, commuters, shoppers, visitors and businesses are all competing for very limited space and this situation is made worse by the lack of consideration of some drivers and businesses that leave vehicles awaiting repair or which are only for specialist, occasional use in parking spaces for weeks or even months. Other vehicles remain in designated parks in Jamestown while their owners take leave overseas or are just dumped in Jamestown because their owners lack space to keep them elsewhere. These practices need to

stop if things are to improve. I do not favour parking charges, but if these prove necessary to end such abuse of valuable space I will not oppose their introduction. Greater emphasis on car pooling and the setting of a good example by St Helena Government in its use of parking space in Jamestown would ease the situation at almost no cost. Greater use of off road locations where available by St Helena Government staff working in the immediate vicinity, eg at AVEC and ex PWD Yard would also assist considerably. More efficient use of the limited space available could also be made if the demarcation lines for parking spaces were regularly repainted and not allowed to fade away totally and if some indication of where a space should start and end were provided where there is parallel parking. I'm not suggesting that Jamestown should come out in a rash of white lines, small marks on the edge of pavements are used as indicators in many parts of the world, all four L shaped marks are painted to indicate the outer limits of each space. Without any guidance, drivers either tend to cram into insufficient space and so obstruct other vehicles or over compensate and leave large spaces between vehicles to try and ensure that they can move their vehicle when they wish to do so. Mr Speaker, I admit that I do this myself on occasions as I frequently experience being trapped between vehicles only a few inches from both the back and front of mine and I've had to contact drivers or get Police assistance to locate drivers so that I could move. This is a frustrating, lengthy procedure that takes the Police off more serious duties if they have to be involved. The two-hour parking stands were established some years ago, in particular, to assist shoppers, but sadly, as the Honourable Mover has already mentioned, these are seldom adhered to and the Police have recently lacked the resources to enforce their proper use. I have personally observed particular vehicles occupying two-hour parks continually for over two months. Enforcement would help, but further areas must also be made available for additional parking as was highlighted in the Motion just debated and carried. An area needs to be set aside for the parking of large, commercial vehicles. It is fully accepted that businesses need to operate and in my position as President of the Chamber of Commerce I support this, but business owners also need to display consideration for residents and other vehicle owners regarding where and how commercial vehicles are parked and St Helena Government should work with them to establish appropriate locations and protocols both for parking and loading/unloading. Trying to jam very long vehicles into spaces measured and set out for the dimensions of a car or parking large vehicles where they impede access to homes or completely block the view of residents is not acceptable on an ongoing basis. Honourable Members of this House have received requests from constituents throughout Jamestown, including a formal letter written on behalf of all residents in Market Street asking for the introduction of areas of residential parking within which they would only be competing against other residents living in the same location in order to obtain a parking space. As the Honourable Mover said, they've indicated willingness to pay a reasonable fee for a permit and they recognise that such parks would not necessarily be reserved for residents all day every day throughout the year or be allocated to specific houses. Such schemes work well overseas and although I do not believe that we should import what is done elsewhere without careful consideration, I have personally experienced the residents parking scheme in Bristol and found it certainly eased very similar problems to those we are currently facing here and so I commend it for implementation. The introduction of a residential parking system could be done on a pilot basis to enable its success to be monitored and any teething problems fine tuned and would not be costly to establish. Indeed, some constituents have even offered to contribute to associated costs if required.

Mr Speaker, when I previously served on Legislative Council, I moved a Motion on 17<sup>th</sup> October 1994, yes, Honourable Members, 1994, very similar to that under debate now and opened my exposition by stating "Years ago, in the tenure of office of Governor Guy" and for the sake of Members and listeners who are too young to know, Governor Guy was in post in

the 1970s. There was hot debate in this House as to what should be done to get to grips with parking problems in Jamestown which were then causing considerable congestion and difficulties and I quoted that there were 1,635 licensed vehicles on our roads at the end of 1993. Now we have close to three times that number of vehicles and certainly not three times the number of parking spaces, so it is a no brainer that the situation has greatly deteriorated. In closing, I will reiterate what I said in this Honourable House twenty years ago. "I'm well aware that whatever steps are taken will be unpopular in some quarters; parking is a sensitive and emotive issue. However, the convenience and general welfare of the public must be a primary consideration."

Now, Mr Speaker, after all these years have elapsed, the endurance of the residents of Jamestown has reached its limits. They are the ones who have to live with the situation twenty-four seven, their plight must be addressed as a priority as their quality of life is being impacted negatively, but other action is also necessary to assist all those visiting or working in Jamestown whose needs cannot be ignored. Mr Speaker, I support this Motion.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member? Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I rise in support of this Motion and I can only really sympathise with the Mover here, I sympathise with Dr Corinda Essex on her statement made. Only yesterday I raised a question in the House asking for a feasibility study to be undertaken at Narra Backs and an answer was given, I also asked a question on the gutters in Jamestown. The reason for asking that question is that cars are parking along the gutter forcing pedestrians to walk out into the street, which, again, is a safety hazard for people walking. Parking today, which is reaching the festive season, was a non goer in Jamestown, there were congestion all around and I fully support that this House honour the Mover's Motion and give support to it. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Leslie Baldwin –

Thank you, Mr Speaker, I rise in support of this Motion and was intrigued to hear Dr Essex's Motion of twenty years ago and I would like to think that that would substantiate the reason why I would not consider any ENRC review the right way to go. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Mr Speaker and clearly I rise in support of the Motion and as they say, the more things change the more they stay the same. Yeah, I mean, there's not much to add and we've had some very comprehensive responses. I think I would say and I know it won't be popular, but I suspect that the, and I accept that Dr Corinda Essex is ambivalent about parking charges, but I can see no other way than actually making this an economic thing and actually using prices effectively to change behaviour that we'd have to charge for parking, that would then have the knock-on effect of providing resources for some sort of parking service and

hopefully from there people will find their own solutions, be it car pooling, park and ride or whatever. Like I say, I don't think it would be particularly popular, but then I think, as Dr Essex said, pretty much not just the residents of Jamestown but pretty much the whole of St Helena are reaching their limits in terms of what is just becoming gridlocked, so certainly urgent action is required. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak to the Motion? Honourable Bernice Olsson?

The Hon. Bernice Olsson –

Thank you, Mr Speaker. Mr Speaker, I want to congratulate Dr Essex on her Motion, very good and I don't think I've got a lot to add, but I have to admit living in Jamestown is harrowing. We have a car park outside the Bank, outside the Shoe Shop, outside of the Standard and then you get three buses that comes along and double parks. One of these days there's gonna be a big accident on that Bridge. We had an accident a couple of weeks ago with a lorry that was piled high, sending goods to Thorpes, and what happened? Half of the components came down on the side, there were cans of drink, big bottles of drink, splattered everywhere and I think a car was damaged, so I agree with everything Councillor Dr Essex has said and I will support this Motion fully, because something needs to be done now before there is a big accident, especially on the Bridge. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I rise in support of the Motion and to Councillor Bernice Olsson it was Derek Thomas's Motion.

The Hon. Bernice Olsson –

Oh, I do .....

The Hon. Gavin Ellick –

But we stand and support the Motion.

The Speaker –

Thank you, Honourable Member.

The Hon. Bernice Olsson –

Can I just apologise to Councillor Derek Thomas, I'm sorry I thought it was Councillor Essex's Motion.

The Speaker –

That's fine, Councillor, I would have corrected it. Honourable Cyril George?

The Hon. Cyril George –

Mr Speaker, I rise in support of this Motion, it's long overdue and I've listened with sympathy to Dr Essex's comments and let's hope that we don't have to come back in another two years time or twelve month's time to repeat this Motion, let's have something done about

it now, please, I pledge my plea now for something to be done urgently. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak to the Motion? Then would the Mover like to wind up the Motion?

The Hon. Derek Thomas –

Thank you, Mr Speaker. I'd like to thank those Honourable Members who got up and supported the Motion, it is a Motion that requires urgent attention, I do believe that the driving force behind this is not just the Committee involved, but, of course, yes, if this Motion, Mr Speaker, is approved and supported, then as the Mover I will ensure that this is given priority in terms of taking it forward. Thank you.

The Speaker –

Thank you, Honourable Member. The Motion standing in the name of the Honourable Derek Thomas is that this House resolves that immediate action be taken by the relevant authorities to address the increasingly serious issue of parking in Jamestown to ensure that designated parking areas are used appropriately and additional parking areas be identified.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Clerk of Council?

***Motion No. 9 – The Honourable Ian Rummery.***

The Speaker –

Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Mr Speaker. I beg to move that this House notes the instigation of an independent inquiry into child protection issues in St Helena by the Foreign and Commonwealth Office as announced in the House of Commons on 20<sup>th</sup> November 2014. Furthermore this House pledges its full support to the inquiry and we welcome, as part of its terms of reference, that the panel will produce a public report of its findings.

The Speaker –

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

The Hon. Brian Isaac –

Mr Speaker, I beg to second.

The Speaker –

Thank you very much, Honourable Member. Honourable Mover?

The Hon. Ian Rummery –

Thank you, Mr Speaker. I do not intend to elaborate on the Motion. There's an ongoing inquiry and it would not be right to discuss or debate this Motion. However, I feel that it's important that we, as the elected members of this community, publicly pledge our support to this inquiry and this seemed an appropriate forum to make such a statement. Thank you.

The Speaker –

Thank you, Honourable Member. The Motion is that this House notes the instigation of an independent inquiry into child protection issues in St Helena by the Foreign and Commonwealth Office as announced in the House of Commons on 20<sup>th</sup> November 2014. Furthermore this House pledges its full support to the inquiry and we welcome, as part of its terms of reference, that the panel will produce a public report of its findings. The Motion is now open to debate. Any Honourable Member wish to speak? Honourable Nigel Dollery?

The Hon. Nigel Dollery –

Mr Speaker, I stand in support of this Motion and will say nothing else.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I rise in support of this Motion. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Les Baldwin?

The Hon. Leslie Baldwin –

Thank you, Mr Speaker, as has already been alluded, I don't think it would be pertinent to debate the issue, but I rise in support of the Motion. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I stand in support of this Motion, it's long overdue.

The Speaker –

Thank you, Honourable Gavin Ellick. Any other Honourable.....Honourable Corinda Essex?

The Hon. Dr Corinda Essex –

I rise in support of the Motion.

The Speaker –

Thank you, Honourable Member. Honourable Tony Duncan?

The Hon. Wilson Duncan –

I rise in support of the Motion.

The Speaker –

Thank you, Sir. Honourable Derek Thomas?



The Hon. Derek Thomas –  
Mr Speaker, I rise in support of the Motion.

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

The Hon. Cyril George –  
Mr Speaker, I rise in support of the Motion.

The Speaker –  
Thank you, Honourable Cyril George. Honourable Bernice Olsson?

The Hon. Bernice Olsson –  
Mr Speaker, I rise in support of this Motion.

The Speaker –  
Thank you, Honourable Bernice Olsson. Any other Honourable Members wish to speak to the Motion? Mover, would you like to wind up then, please?

The Hon. Ian Rummery –  
Thank you, Mr Speaker, it just leaves me to say thank you to my Honourable Colleagues for their support. Thank you.

The Speaker –  
Thank you. The Motion is that this House notes the instigation of an independent inquiry into child protection issues in St Helena by the Foreign and Commonwealth Office as announced in the House of Commons on 20<sup>th</sup> November 2014. Furthermore this House pledges its full support to the inquiry and we welcome, as part of its terms of reference, that the panel will produce a public report of its findings.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –  
Clerk of Council?

***Motion No. 10 – The Honourable Dr Corinda Essex.***

The Hon. Dr Corinda Essex –  
Mr Speaker, I beg to move that this House resolves that in order to underpin sustainable economic and social development it is imperative that St Helena Government focuses on ensuring that its policies and actions are specifically aimed at recognising, retaining and regaining the skills, knowledge and expertise of St Helenians and providing an enabling environment for indigenous growth.

The Speaker –  
Is there a seconder?

The Hon. Derek Thomas –

Mr Speaker, I rise and second the Motion.

The Speaker –

Thank you, Honourable Member. Honourable Mover?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, Honourable Members, sustainable development, both economic and social, can only grow from within; it cannot be imported or mandated. Injections of capital and expertise at an appropriate level can assist if the required checks and balances are in place, but tend to be a flash in the pan in the longer term. That is why St Helena Government and other influential bodies, including the Department for International Development must invest in our own people, Saints, if the island is to move forward. Mr Speaker, it is often stated that St Helena has few or even no valuable natural resources. This ignores the island's most crucial asset which is its people, the Saints. For generations, despite extreme physical isolation and other constraints, Saints have risen to high positions, both locally and overseas with many becoming internationally qualified and holding key posts, such as Lieutenant Commander in the Royal Navy, Marine Radio Officer, Bishop, a Senior Lecturer at a prestigious English college, etc. Over the past forty years, improving standards of local education, together with scholarships, have made it easier for our young people to succeed and they have certainly done so. Scrutiny of the results obtained by students from St Helena entering higher education indicate that almost all achieved honours with high classification in their first degree studies with many obtaining distinctions at post graduate level and four gaining doctorates. The proportion of those dropping out, or failing, is negligible. This is a record of which St Helena should be excessively proud and with a greater proportion of students now achieving good grades at GCSE and in tertiary education even better outcomes should follow providing that the necessary funding for scholarships is forthcoming. It is very doubtful that many villages in Britain with a similar population size could boast of such good results. Many Saints who have not gone to university have still developed specialist skills on the job and possess high levels of competence. Some, like my husband, have chosen to become internationally qualified through distance learning and an increasing number of those working in Ascension and the Falklands have had the opportunity to obtain work-related accreditation. Sadly, local skills, knowledge and expertise have not always been recognised and this fact has paid a major part in driving the very persons whom we should be nurturing to seek employment offshore. I do not believe that this lack of recognition is necessarily deliberate as much as it stems from the very limited financial resources at the disposal of St Helena Government with which to reward our top performers and frontline deliverers, but unless greater priority is given to providing terms and conditions of service that are more comparable with those of expatriate officers we will never break out of the current cycle of inconsistency, lack of continuity and low morale. The recent cadre reviews for teachers, nurses and police are certainly a very positive step in the right direction, but the burning question is will the necessary funding to implement the recommended structures be forthcoming. Furthermore, there are highly skilled personnel performing essential functions in other sectors. What actions can be taken to give them the recognition that they deserve? However, not all the push factors are associated with cash. The implications of policies, such as the current Land Disposal Policy and Immigration Policy also have a negative backlash. The provisions of the former created major issues regarding the availability of affordable housing, particularly for first - time home builders, while some aspects of the latter do not result in a level playing field regarding employment. The relevant Council Committees are now seeking revisions of the policies to address these issues, but

public confidence has been lost and retention issues exacerbated. With regard to immigration, it must also be noted that with the winding down of the airport project local unemployment is likely to rise and therefore provisions, such as that allowing immigrants to work for up to six months without any work permit, may have to be revisited. It has been stated that a Saints First policy would conflict with the fundamental rights and freedoms of the individual enshrined within our Constitution and I am not here to contest this today, but it is their island and their birthright and it is incumbent upon any just and ethical government to remember this and to ensure that their needs are uppermost in all decision making. The old saying “Cobblers children are the worst shod” becomes applicable when a conscious focus on the needs of the local population is absent. Without any bad intention it is possible for a local population to become second class citizens in their own homeland if they are overlooked or taken for granted. It is a responsibility of us all in Government to make sure that this does not happen on St Helena. Those in authority must actively guard against reverting to old colonial attitudes, but instead listen to Saints, learn from them and find local solutions to local problems. It is essential that where skills gaps exist that cannot currently be filled by suitably experienced and/or qualified Saints, expatriate officers pass on their knowledge to local staff. It is argued that some are not here long enough to leave a totally trained replacement. One officer told me that he cannot pass on his three years degree studies and subsequent professional experience to someone who has not got a degree within the duration of his contract. This is understandable, but some structured skills transference must be possible and should be made a requirement. Without such safeguards, local staff can actually become de-skilled, which is totally contrary to the achievement of sustainable development. There has been pleasing evidence of counterpart training within the Housing Section and of upskilling across private and public sectors in the recent training delivered to electricians through ESH and AVEC in which all participants achieved excellent results. More of these initiatives are needed, but action then needs to be taken to try to ensure that the skills are then retained on island. It is accepted that with a population of only just over four thousand we are unlikely to be able to fill every post required, but if even fifty percent of the highly trained Saints currently overseas returned we could go a long way towards doing so and, indeed, have done so in the past. It is recognised that many young, highly qualified individuals are likely to wish to obtain work experience overseas and that it is beneficial for them to do so, but far more would return if conditions here were different. Mr Speaker, the island cannot afford to lose the vast majority if it is to achieve sustainable development. St Helena is currently on a knife edge in its economic evolution with greater changes and challenges than it has ever faced and it is essential that an enabling environment for indigenous growth is established and maintained. This will not appear automatically. Again, a deliberate, focused approach to ensuring that St Helena Government’s actions and policies and those of its private sector related arm, Enterprise St Helena, will support this is essential. The recent refocus of Enterprise St Helena is a further step in this direction. In Chapter One of our Constitution Order, good government is stated to be one of the key partnership values between the United Kingdom and St Helena. It is inconceivable that good government does not entail empowering St Helena to move towards sustainable economic and social development. Therefore, support for actions and implementation of policies specifically focused on recognising, retaining and regaining the skills, knowledge and expertise of St Helenians within an enabling environment for indigenous growth should be a key priority for Her Majesty’s Government also.

Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Mover. The Motion is that this House resolves that in order to underpin sustainable economic and social development it is imperative that St Helena Government focuses on ensuring that its policies and actions are specifically aimed at recognising, retaining and regaining the skills, knowledge and expertise of St Helenians and providing an enabling environment for indigenous growth. The Motion is now open for debate. Any Honourable Member wish to speak? Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Mr Speaker, I rise in support of the Motion. Mr Speaker, Honourable Members, we've just experienced in recent years the British Government has invested £270m in our airport for St Helena for the benefit of its people to enable sustainable, economic growth. This is underpinned by our Sustainable Development Plan supported by policies and reforms. However, in order to achieve maximum benefits from sustainable development, we need to invest in our local Saints. Our Education system has been given the priority it deserves and we have started to see the rewards from decent examination results. It is envisaged that greater opportunities will be given for our younger people to study for overseas scholarship awards. Through our training investment we must provide opportunities for our people to take on key jobs through succession planning. Many jobs Saints could aspire to are currently being held by Technical Cooperation Officers, which are short-term measures merely just filling gaps where Saints are not available. As Basil Read starts to downsize we must be mindful of our current policies to ensure that they are fit for purpose in that those Saints with the skills and abilities should be given preference when it comes to job opportunities. A cadre review for key essential services, which the Honourable Mover referred to, is most certainly a step in the right direction. In order to retain key experienced staff they must be paid well, but we must also be mindful of other staff who are also well skilled and performing important functions. Mr Speaker, Honourable Members, our economy will only start to flourish if we value and invest in our people.

Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member who wishes to speak to the Motion? Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I rise in support of the Motion and the comprehensive statement given by Dr Corinda Essex and Dr Thomas I feel it covers my part what I would like to say and I give my full support to this Motion.

The Speaker –

Thank you, Honourable Member. Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I rise in support of the Motion and, again, it's Dr Essex and Honourable Derek Thomas, not Doctor.

The Speaker –

Thank you, Honourable Gavin Ellick. Honourable Tony Duncan?

The Hon. Wilson Duncan –

I rise in support of the Motion, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak to the Motion? Would the Mover like to wind up then, please?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. As my exposition was quite lengthy and time is passing I will not be long in what I wish to say now, but I would like to express very sincere thanks to my colleagues for their support on this Motion and I would like to also formally recognise what SHG is currently doing, which is in line with the spirit of my Motion. I gave some examples in my exposition, but I could elaborate further on those and I am confident that working together as a team, officials, politicians and hopefully our partners within HMG, we will be able to ensure that this Motion can be fully implemented. Thank you.

The Speaker –

Thank you, Honourable Member. The Motion, standing in the name of the Honourable Dr Corinda Essex, is that this House resolves that in order to underpin sustainable economic and social development it is imperative that St Helena Government focuses on ensuring that its policies and actions are specifically aimed at recognising, retaining and regaining the skills, knowledge and expertise of St Helenians and providing an enabling environment for indigenous growth.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Clerk, call the next item of business, please?

***Motion No. 11 – The Honourable Nigel Dollery.***

The Hon. Nigel Dollery –

Mr Speaker, I beg to move that this House resolves that to further the practice of good governance, the recommendations contained in the Public Accounts Committee Report to Legislative Council on the formal session held on 7<sup>th</sup> October 2014, are accepted in full and a responsible member of Executive Council, in accordance with section 69(9) of the Constitution of St Helena, shall report the action proposed to be taken by the St Helena Government with subsequent progress to be reported back to Legislative Council at six monthly intervals thereafter. Mr Speaker, I beg to move.

The Speaker –

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

The Hon. Brian Isaac –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. Honourable Mover?

The Hon. Nigel Dollery –

I would like to declare two relevant areas of interest. I am a member of the Public Accounts Committee, the PAC, and also on the Board of Enterprise St Helena whose accounts went through formal PAC on this cycle, I enjoy both roles. I had to miss the formal PAC meeting on 7<sup>th</sup> October as I was acting as a temporary member of ExCo. I understand why this is necessary and I am content with it.

I would like to point out why I consider a response to a PAC Report so important to do good governance on our island. The PAC has an interest wherever public money has been spent, inside SHG and outside of it. The PAC examines audited accounts looking for examples of good practice and those areas where we think improvements can be made. Anyone who works in an organisation where they think there is no room for improvement is either unobservant or naïve. I have real concerns about the current level of staffing of the Audit Office. I know our Chief Auditor will do everything in his power to make best use of the staff he does have and get cover where practical. Audit is a tough role. I do not think it is a natural thing on our island to challenge decisions made by others, but that is a major part of their job. I have a lot of respect for those who are willing to undertake this role. I have started off by examining the PAC recommendations of the formal PAC of February 2014. You'll be delighted to note that I do not intend to list all eight recommendations and track their progress. Firstly, what I will say that as far as I know in the area of Social Security work still needs to be carried out to ensure all decisions regarding claims are supported by evidence. Secondly, a phased programme over about three more years should be being undertaken to value Government lands and buildings; I have considerable sympathy for those who have to undertake this role, but it needs doing. Finally, in the area of Government Landlord Housing, a value for money review, which was reported by our Chief Auditor, made thirty-one recommendations to bring the service up to acceptable standards. We're all aware of the work that's been going on to improve the lot of those who occupy Government Landlord Housing, however, how are we doing with the particular recommendations that were made? I am aware that the Social and Community Development Committee, a Committee that has an enormous span of interests, is taking this forward. There are those who will say, he only had to ask and we would have told him. In my dealings with officials I have absolutely no reason to doubt that at all. Ask and you will be told. However, when we, SHG in all its forms are doing work like that and dealing with matters in a PAC report, from a public document, perhaps the public should not have to ask, perhaps they should just be told what is being done.

So what about the new report, from the formal Public Accounts Committee of 7<sup>th</sup> October, which I was not permitted to attend. Once again, there's a long list of matters that we, the Public Accounts Committee, feel need attention. I am sure that many of these matters will be picked up and dealt with quite quickly. However, I really do not think it is the job of the public or individuals to track SHG and other organisations responses to the points that were raised. Once again, I believe it is incumbent on those reported on to ensure that the public can readily see what is happening. When looking at the spending of public money we all want it spent wisely, tell us what you have done to address the concerns of the PAC, do not make us all wait or only tell those who have the determination to write in and ask. The public is smart; they know that you cannot do everything at once. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Members, the Motion is that this House resolves that to further the practice of good governance the recommendations contained in the Public Accounts Committee report to Legislative Council on the formal session held on 7<sup>th</sup> October 2014 are accepted in full, and the responsible member of Executive Council, in

accordance with section 69 (9) of the Constitution of St Helena, shall report the action proposed to be taken by the St Helena Government, the subsequent progress to be reported back to Legislative Council at six monthly intervals thereafter. The Motion is now open to debate. Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I thank the Honourable Member for bringing the Motion to this formal sitting on behalf of the Public Accounts Committee. The Motion in principle supports the practice of good governance and that the recommendations of the PAC report to SHG are reported back to the PAC at quarterly intervals. Under the Constitution, the PAC Committee may request the Chief Auditor or any other suitable person or review body to conduct specific examination relating to any elements of the economy, efficiency and effectiveness of any Government Department or public body. As an introduction, for the benefit of the public, the Public Accounts Committee, which consists of three non Executive members, two members of the public and the Chief Auditor will report the findings of their work to the Legislative Council. Under the Constitution, the Public Accounts Committee is protected to act independently and is not subjected to any direction or control of the Governor, the Executive Council or any other body or authority. In accordance with section 69 of the St Helena Constitution and Standing Order 23 the primary function of the Public Accounts Committee, referred to as the PAC, is to objectively scrutinise how Government spend the public funding, its aim is to ensure that robust financial systems are in place which reflect the highest possible standard. It may pose any measures considered necessary to ensure that Government money is properly and economically spent, thus ensuring that the necessary architecture of accountability is in place as required by international practices of good governance. Reports of the Public Accounts Committee are laid in this House as Sessional Papers to the Legislative Council following the work carried out by the Audit Department. Once laid, it is the responsibility of the appropriate Directorate or official to accept the recommendation and confirm in writing to the PAC. I will strongly recommend that all Sessional Papers related to the appropriate Directorates are placed as an agenda item on Committee's monthly meetings and scrutinised by the Committee if there are issues of concern and the necessary action be implemented.

Mr Speaker, I cannot recall that in previous years this has been the practice and from my experience as a member of the PAC and as a legislator who is the scrutiny body of the Executive, I strongly recommend that this practice be implemented by Chairmen in respect of promoting good governance, openness and transparency. I beg to move.

The Speaker –

Thank you, Honourable Member. Honourable Les Baldwin?

The Hon. Leslie Baldwin –

Thank you, Mr Speaker. I haven't quite got to the bottom of what exactly is required in support of the Motion or what the Motion is actually asking us to do. Is there an indication here that full reports made by the Public Accounts Committee are not followed by Government? And the responsible member of Executive Council, I can only assume would be the Financial Secretary or the Chief Secretary, but would there be a suggestion that they wouldn't take the recommendations of the PAC seriously and address those issues? I am struggling with what the Motion is intended to achieve.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish...Honourable

Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I am also a member of the Public Accounts Committee and I rise in support of this Motion. The role of the Public Accounts Committee is a vital one in the context of Government accountability, openness and transparency. It is essential that the spending of public money is routinely scrutinised and that continual improvement in the management and controls relating to such expenditure is achieved. The Public Accounts Committee provides one of the key checks and balances in this process and the importance of its recommendations thus requires recognition throughout St Helena Government and, indeed, more widely. This is not to imply, as my Honourable Colleague is suggesting, that we don't think that it exists now, we are merely stating this as a matter of fact. It is in this context that I welcome the fact that for the first time a Public Accounts Committee report and associated recommendations are not only being laid upon the table but that an accompanying Motion is being moved to strengthen the case for timely follow-up action and feedback from St Helena Government. This demonstrates that St Helena is exercising the powers contained within the Constitution Order of 2009 more fully, which can only be seen as a step forward in the democratic process and enhancement of good governance. I believe that the formal endorsement of the recommendations of the Public Accounts Committee and regular reporting back to Legislative Council regarding progress in the implementation of these, that are being sought by this Motion, will boost public confidence in the efficiency, effectiveness and probity of St Helena Government's financial management processes and procedures. This can also only be viewed as a positive outcome. Therefore, I have no hesitation in commending this Motion to this Honourable House and trust that it will receive full support. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Attorney General?

The Hon. Nicola Moore –

In accordance with section 69, subsection (9) of the Constitution Order, there is provision for this matter to be dealt with by formal response under the Legislative. Where the Legislative Council adopts a report of the Public Accounts Committee there is a requirement under the Constitution. If this Legislative Council requests a responsible member of the Executive Council to advise the Legislative Council of the action proposed to be taken by the Government of St Helena in respect of the report, the member concerned shall convey the Government's response to the Council not later than the first sitting day following the expiration of six weeks after the date of the Council's request unless the Council extends the time for the response.

The Speaker –

Thank you, Honourable Member, for that. Any other Honourable Member wish to speak to the Motion? Honourable Financial Secretary?

The Hon. Colin Owen –

Thank you, Mr Speaker. I, too, rise in support of this Motion. It's good to see that we've formalised an approach and I welcome the Motion today. I would just like to say in the Motion it mentions who from Executive Council, I would just like to reaffirm that would be myself as the Financial Secretary responding. Thank you.



The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. I rise in support of the Motion. The Motion supports the principles of good governance in being open and transparent to the public in relation to the expenditure and accountability for public money. I support the Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member? Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Mr Speaker. I, too, rise in support of the Motion and I must admit to about six months ago actually reading a book on the Public Accounts Committee and what they actually did and found it very interesting. It's certainly a bedrock of our democracy, it's a bedrock of openness and transparency and it's clearly the foundation upon which good governance is built. I also welcome this debate because I'm now actually a bit more wiser as to what actually needs to happen and I fully support that we need to, we've got some recommendations in front of us, they need to be acted upon and they need to be reported on in a timely fashion, so thank you, Mr Speaker, I rise in support.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak to the Motion? Honourable Mover like to wind up?

The Hon. Nigel Dollery –

Yes, thank you very much for that very positive response.

The Speaker –

Thank you, thank you, Councillor. The Motion, standing in the name of the Honourable Nigel Dollery is that this House resolves that to further the practice of good governance, the recommendations contained in the Public Accounts Committee Report to Legislative Council on the formal session held on 7<sup>th</sup> October 2014, are accepted in full and a responsible member of Executive Council, in accordance with section 69(9) of the Constitution of St Helena, shall report the action proposed to be taken by the St Helena Government with subsequent progress to be reported back to Legislative Council at six monthly intervals thereafter.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Clerk of Councils?

***Motion No. 12 – The Honourable Brian Isaac.***

The Hon. Brian Isaac –

Mr Speaker, I beg to move that this House resolves that the remuneration of the Deputy Speaker is set as provided for under Section 7 (a) of Schedule I of the Legislative Council

(Remuneration and Allowances) Ordinance, 2010, and that it be effective from September 2013.

Mr Speaker, I have with me an approved document from the Acting Governor which states, I Sean Burns, Acting Governor of St Helena, believe that the above Motion is one which falls within 73(2)(a) of the Constitution, do hereby recommend to the Legislative Council to forthwith proceeding with the said Motion.

The Speaker –

Okay, thank you, Honourable Member.

**Ordered to lie on the table.**

The Speaker –

Is there a seconder to the Motion?

The Hon. Ian Rummery –

I beg to second, Mr Speaker.

The Speaker –

Thank you very much, Councillor. Right, I have the certificate of the Governor to proceed on this matter. The Motion is that this House resolves that the remuneration of the Deputy Speaker is set as provided for under Section 7 (a) of Schedule I of the Legislative Council (Remuneration and Allowances) Ordinance, 2010, and that it be effective from September 2013. Honourable Mover?

The Hon. Brian Isaac –

Thank you, Mr Speaker. This Motion moved here today should have been moved when the new Council sat at the first sitting of formal Legislative Council, but this was overlooked. If passed, the remuneration for the Honourable Deputy Speaker will be set at half the rate of the Honourable Speaker. I would suggest that this oversight be corrected. Mr Speaker, Madam Deputy Speaker has played an active role in the Legislative Council and recently as Speaker of the Legislative Council during the absence of the Speaker. I recommend that this House fully support this Motion and that the remuneration and allowances be effective from September 2013. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. The Motion has been moved, it has been seconded, that this House resolves that the remuneration of the Deputy Speaker is set as provided for under Section 7 (a) of Schedule I of the Legislative Council (Remuneration and Allowances) Ordinance, 2010, and that it be effective from September 2013. The Motion is now open for debate. Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Mr Speaker. Just a few words in support of my colleague, the Honourable Brian Isaac. I think this is, although this is obviously talking about remuneration for an individual, I understand it's a procedural issue, one that must be brought through Legislative Council in order for it to be enacted and therefore I fully support this.

The Speaker –

Thank you very much indeed. Any other Honourable Member? Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I rise in full support of the Motion.

The Speaker –

Thank you, Honourable Member. Any other Member wishes to speak? Honourable Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, I rise in support of this Motion.

The Speaker –

Thank you, Honourable Member. Any further speakers? Then I put the question that the remuneration of the Deputy Speaker is set as provided for under Section 7 (a) of Schedule I of the Legislative Council (Remuneration and Allowances) Ordinance, 2010, and that it be effective from September 2013.

I haven't given any chance for the Mover to wind up I think in this, would the Honourable Mover like to wind up before I put the question?

The Hon. Brian Isaac –

Mr Speaker, I would just like to thank the Honourable Members for their support. Thank you.

The Speaker –

Thank you, I don't want to cut you short.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

I'm determined to have a break for the members at this stage, perhaps it might be here. I know that there's another Motion coming and then there's the Adjournment Debate, I think it would be suitable to have a break right now. Can we have ten minutes break, please? Thank you.

**Council adjourned.**

**Council resumed.**

The Speaker –

Please be seated. I'll ask the Clerk to call the next item of business.

***Motion No. 13 – The Honourable Dr Corinda Essex.***

The Speaker –

Thank you.

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, I beg to move that this House resolves that urgent action be taken to ensure that provision is made for adequate periods of respite care at the Community Care Complex for elderly citizens who are in need of such care.

The Speaker –

Thank you. Is there a seconder to the Motion? Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I beg to second the Motion.

The Speaker –

Thank you very much. Honourable Mover?

The Hon. Dr Corinda Essex –

Mr Speaker, I am aware that some respite care is delivered to the most frail within the community on a fairly regular basis and this essential provision is very much appreciated. However, this falls far short of matching island-wide demand. It is well known that St Helena has an ageing population and that there are high incidences of potentially debilitating chronic disease, such as diabetes, **mellitus** and hypertension that frequently, significantly increase the dependence of individuals thus escalating the level of care that they require on a daily basis. All the professional advice obtained when drawing up the project memorandum for the Community Care Complex was unanimous that the facility and associated policies and practices for care of the elderly should primarily be based on the social care model rather than that of a medical institution in order that our citizens in need of care can retain their dignity, quality of life and maximum level of independence achievable for as long as possible. It was recognised that respite care forms an essential component of this model, enabling individuals to remain in their home setting for the majority of the time, but providing an invaluable break for home carers and a change of environment from time to time. Without adequate periods of respite care, pressures upon family carers increase and are likely to reach the point at which full-time residential care for the individual will be required as the carer or carers can no longer cope, which will in turn increase the workload of the Community Care Complex or another facility. It must be remembered that home carers are frequently the spouses or partners of the frail individuals and are therefore of a similar age themselves and often not in good health either. Even if the carer is the son or daughter, he/she will be becoming older him/herself whilst caring for an aged parent or parents. The original demand forecasts prepared locally for the various types of elderly care likely to be required in the medium to long term were unfortunately not acceptable to the Department for International Development, which funded the Community Care Complex, but the proof of the pudding is in the eating and it is now clear that the facility has severe space constraints in addition to those associated with lack of other resources. The block that was specifically constructed for respite purposes almost immediately became absorbed as an additional long-term care unit and accommodation of those requiring respite care had to become ad hoc. These circumstances militate against the delivery of respite care on the scale desperately needed so although it is fully recognised that there are many challenges to be overcome it is hoped to be able to meet the requirements of this Motion. It is the duty of a caring and responsible Government to take urgent action to ensure that adequate periods of respite care can be provided for all those of our elderly citizens in need of it. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. Is there a seconder?

The Hon. Derek Thomas –  
I did second it, Mr Speaker.

The Speaker –

Oh, you did second it before, sorry. The Motion is that this House resolves that urgent action be taken to ensure that provision is made for adequate periods of respite care at the Community Care Complex for elderly citizens who are in need of such care. The Motion is now open for debate. Anybody wish to speak? Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I rise in support of this Motion. About two years ago I brought a question to this very House asking for provisions to be made for adequate periods of respite care at the Community Care Complex for elderly citizens who are in need of such care and whereas some respite care is delivered it is far from adequate to meet the needs of our elderly citizens who need such care. Mr Speaker, the Government's vision is for our people to remain in their homes as long as they possibly can, but in order to achieve this, there needs to be in place reasonable and sensible periods of respite care for those citizens who are frail, suffer from illness and in need of care. Care providers should not be expected to provide the care on a fulltime basis; they need to have a break from time to time. Whereas I fully appreciate the demands placed upon the Community Care Complex, some adequate space should be made available in order for our elderly citizens who are in need of respite care to be given the opportunity of care at reasonable and sensible periods in order to give their carers a well deserved break. Mr Speaker, I support the Motion.

The Speaker –

Thank you very much, Honourable Member. Is there any other Honourable Member wishes to speak to the Motion? Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I rise in support of this Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member? Honourable Cyril George?

The Hon. Cyril George –

Mr Speaker, I rise in support of this Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak to the Motion? Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Mr Speaker and I, too, would rise in support of this Motion, (though I have the slight wobbles). I agree with the sentiment and I'm absolutely in agreement that there is need for respite care for frail, elderly people living in the community. The trick is how we actually achieve it. Our services for older people suffer from many years of, if I may say, DFID intransigence and a Nursing Home design that, frankly, was not fit for purpose and there is a long list of missed opportunities that lead us to this sorry state that we're in at the moment.

As I said, a poor design, a site that was not big enough. Even the plea at one point to DFID to make the building, while it was under construction, the new hospital, in order that we could build a Nursing Home elsewhere, went unheeded. Even before the building was designed, it was knowing that it was not going to be big enough, but as my Honourable Colleague says, the response from DFID, despite what local knowledge said, the response was that you'd get forty-four beds. And there've been many other plans, plans to modify the dayroom, plans to build another facility below the CCC, but for one reason or another they never happened and the spreading out of sheltered accommodations, instead of having them close to the CCC, to make it easier to provide more support services, was another missed opportunity. Of course hindsight is a truly wonderful thing though many of these issues were raised at the time. I know that efforts are being made to address the issue. Are they being treated with urgency? I believe that they are, but that does not mean that we're gonna find a solution immediately. It goes beyond just providing spaces at the CCC, it's additional staff, more equipment, providing more resources to the Home Care Service and then working out how we pay for them. Should people in the CCC with assets contribute to the cost of care? What level of support should be provided to tenants in sheltered accommodation? It would be churlish to not support the Motion, but if respite beds are not, if new respite beds are not just to be blocked as soon as they are created, then all of these factors must be addressed. Many are being addressed now within the Public Health Directorate and I know that the new Safeguarding Directorate will continue this work, so I absolutely support the Motion, but I also know it's not going to be easy to achieve.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the Motion? Would the Honourable Nigel Dollery?

The Hon. Nigel Dollery –

I think it's one of these things where we all know it should happen, but if there isn't a budget it can't happen or may not be able to happen. It is a tragedy that if you don't get people into respite care when they need a break you are building up a punishment for later on when things start to fall down around you. It's a very sad case, you need money now to make that provision, if we don't make the provision we will pay for it later, if you don't have the money now, you can't make the move, but don't forget, you will pay for it later. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? Honourable Mover, would you like to wind up, please?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I would like to thank my Honourable Colleagues for their support and I don't think I can close better than by commending the words of the Honourable Nigel Dollery to this House, because what he has said is absolutely true. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Motion, standing in the name of the Honourable Dr Corinda Essex is that this House resolves that urgent action be taken to ensure that provision is made for adequate periods of respite care at the Community Care Complex for elderly citizens who are in need of such care.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –  
Clerk?

**7. ADJOURNMENT DEBATE**

The Speaker –  
Honourable Chief Secretary?

The Hon. Roy Burke –  
Mr Speaker, I beg to move that this House do move now to adjourn sine die.

The Speaker –  
Thank you, Honourable Member. The Motion is that this House do now adjourn sine die. Any Honourable Member wish to speak on the Motion? Sorry, there is a seconder, I do need a seconder?

The Hon. Colin Owen –  
Mr Speaker, I beg to second.

The Speaker –  
Thank you. Is there anything further you wish to say on this now? Not at this stage? The Motion is that this House do now adjourn sine die. Any Member wish to speak to the Motion before I put it. No Member wants to speak to the adjournment motion? Honourable Nigel Dollery?

The Hon. Nigel Dollery –  
Mr Speaker, I'll talk briefly about a subject that has cropped up twice in the last fortnight with me, once in my house, someone was going by, stopped and chatted and once at a place of business, somebody wanted to talk. In both cases they wanted to talk about items which are Council business. In both cases they had reasonably strong opinions. They had shown themselves to be aware, to not be frightened of saying what they thought and were able to explain their point of view. Furthermore, which was quite surprising, they listened pleasantly to my response even though they may not have agreed with what I said. In both cases, because they had shown themselves to be sort of the people who think about what's going wrong in politics or in government, want to see change, I thought it would be good to see if they will become a Councillor, so I said, well, why don't you become a Councillor? And here's where it gets a bit sad. In both cases, the response was the same. They did not believe they had enough formal education to make a good job of it. One made the point that he didn't actually think they could wade through that amount of paper in one go. Now, I have tremendous sympathy with that, but they were politically aware, they did have opinions, they could explain their case and they listened to my response politely. I don't know enough about their practical skills in other things in life, but I do know that either one of them would have been able to tell me every single thing I did wrong when I was changing the fly screen on my kitchen door; they were very practical people, very practical people. So what am I saying? I don't think the public know the sort of support they can get if they do have a shot at becoming a Councillor. They're not going to enjoy the first three or four months if they

have a bit of an academic bent, they might have a bit of a tough time, so be it, we've all been there doing things where we work a little bit outside our bounds of skill, that's what it's about. And I was thinking about it, what do we do to try and help them? Well, I think we have a sound form of induction training; I have no complaints about the training I had. We're a team of very different people, having a variety of skills and some of us were brand new to the area, me included. We have support from a Speaker and Deputy Speaker and I would guess that they are unshockable, (I would point out that that word was not acceptable by my spellchecker, but I use it anyway), I have never had any doubts at all that they would assist me with any matters, particularly those relating to being a Councillor. I have been gently brought to task at least twice, in public, in this House, where I have breached the rules. At the end of it, my reaction was, well, that told me then, didn't it, and I hope that I do not make that mistake again.

Now, the other thing I'd like to mention is the support I've had from officials. I have never had an, this is me remember, not you, me, I have never gone to an official for help and not got sound advice and assistance and a couple of times when I was working to tight deadlines, I had to send an e-mail and say I need this and I need it promptly and the response was I got what I wanted promptly. So what I'm saying is if you're thinking about being a Councillor some when, you think you're shaky on the academic ground, you may be absolutely right, you may well be shaky on the academic ground, but go for it, become a Councillor, share your problems with your officials and colleagues. If you're weak in some areas, there's always someone who's stronger in another area, they're there, you'll be given advice, you can take advice. And why am I saying this now? Well, some or when or other there's going to be an election, we don't know when, I don't really mind when, I know that I will not be standing if I'm seventy, yes? But the reason I care about this is I do think it would do us good to have a wider population which we select from. There're not enough women, there're not enough younger people, yes? Fact of life. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Corinda Essex?

The Hon. Corinda Essex –

Mr Speaker, I take this opportunity to raise some recent matters that have been brought to my attention as of concern to constituents. First, I draw attention to the lack of public consultation regarding the legislation brought before this Honourable House during this sitting. Although there was some engagement via the media, there were no public meetings or surgeries held at which members of the public could discuss the details of the Bills. It is recognised that, for example, the Aviation Bill was drawn from international conventions and legislation, but this fact did not exempt it from being formally discussed in public arenas. If public confidence in local legislative processes is not to be totally destroyed greater consultation is essential. This is of the greatest importance, not only in the context of new or considerably revised primary legislation, but also the accompanying regulations. In a democratic society the views of the public must be sought on such matters and taken into consideration when the relevant documents are refined and finalised. For key pieces of legislation and regulations it may even be necessary to have more than one cycle of public consultation.

The next topic that I will mention is that of the current lack of space available on the lower wharf for boat repair and maintenance. I declare my interest, both as President of the Chamber of Commerce and as a boat owner. It is fully accepted that the area immediately at the top of the main steps and in the direct path of the sea rescue vessel must be kept clear at all times and that unattended vehicles should not be parked in the vicinity of the cranes. It is



also accepted that a few wharf users constantly fail to comply with these requirements, but now all are suffering as a result. The area now looks like a distressed zebra that has undergone a colour change and operations have become more hazardous than they have ever been with boats undergoing repair and maintenance crammed together, in some instances, not more than a metre apart, alongside, not only the vehicles of those actually working on the boats, which need to be in the vicinity, but also those of all persons visiting the lower wharf. The problem has been made worse currently because of the remedial works being carried out at Thompson's Point, which resulted in containers remaining on the lower wharf, but even taking this into account, the space allocated for boat repair and maintenance should be revisited and a Plan B developed with changes in location that can come into play if containers have to remain on the seaward side of the lower wharf again. On a positive side, it is very encouraging that it appears that it is now likely that the suggestion to move all boat repair and maintenance to Ruperts will now, in fact, not be implemented.

Another concern that is frequently raised is that of speeding, particularly in Jamestown. The Highways Authority has received several requests for traffic calming measures to be put in place, but as yet these have not been implemented. It is well known that funding is limited, but if St Helena Government is placing an increasing emphasis on health and safety, how can measures to prevent serious and possibly fatal accidents not be prioritised? Greater vigilance on the part of the Police would also help to address the issue, but it is fully understood that they are currently seriously under resourced.

The word "resourced" brings me to the greatest concern of all. Is St Helena Government going to be able to achieve the level of funding required to meet the reasonable needs of the island during this critical pre-airport period? There has been some economic growth, primarily due to the enhanced wages paid by the airport contractor, but, as I have already mentioned, these jobs will be lost before the key benefits flowing from air access start to be felt. In the absence of any other very labour intensive projects, the interim period will be one in which there is likely to be a decline in disposable income and consequently the ability to increase revenue significantly without causing real hardship to many will be greatly constrained. It is hoped that our partners in the Department for International Development fully appreciate this fact and also the significantly counter productive impact that an inadequate financial settlement for the next three years would have on enabling St Helena to become airport ready, up its game to improve its tourism product and be able to take advantage of the new opportunities for growth that should start to present themselves. Some crumbs of comfort are contained within the final communiqué of the Joint Ministerial Council just issued which specifies "The reasonable assistance needs of the territories are a first call on the United Kingdom's international development budget", thus echoing the previous White Paper commitment. It has often been said that the current period is St Helena's only chance to get it right and reduce its Aid dependence, but we can only get it right if we have the resources at our disposal to enable us to do so. Otherwise we will be in the invidious position of a carpenter confined in a room and given high quality, expensive timber to construct a cupboard, but no tools or fittings with which to undertake the job. We must all work together to ensure that this does not happen. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member? Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, Honourable Members, before I speak to the adjournment debate I would wish to formally offer a warm welcome to the Attorney General and hope that she will enjoy her first

Christmas on the island and I look forward in working together in the New Year as an official member of Council.

I will now speak on the importance of Civil Societies working in their roles, behind the scenes, in supporting changes and developments taking place on the island. On 22<sup>nd</sup> March, 2012, Legislative Council passed a Motion that this House fully supports the importance of Civil Societies and their role in **presenting** and future development of St Helena. The Mover of the Motion pointed out the important work of voluntary organisations in the life of the island community and the successes of having an airport. There are about eighty voluntary organisations on the island. The work they do for the community encompasses a whole range of activities, social, environmental, economic and cultural. Voluntary organisations not only support government policy but make an important financial contribution to be estimated at around a million pounds annually, which include attracting outside funding. Collectively, Civil Society organisations play a key role in tourism for St Helena, both for the island and its people. The Tourism Development Plan 2010/2015 by Catherine Leach places emphasis on the need to maximise visitors' satisfaction and the reputation of St Helena in providing an insight into St Helenian lifestyle, people, culture and history. Many Civil Society organisations, as part of their operation, play a direct role in developing tourism. For example, the Heritage Society, the St Helena National Trust, SHAPE and NASAS, a few names to mention. In respect of the few names mentioned, I will make reference to NASAS who organised a team to attend the recent Commonwealth Games in Scotland, which shows that positive international publicity can be achieved through a Civil Society organisation in promoting St Helena. NASAS over many years have promoted sports and found opportunities for St Helena to be represented in games overseas. A major part of the work of Civil Society organisations is socially participating, helping individuals and families. They also play a critical role in the Memorandum of Understanding, signed by the St Helena and British Governments as a pre-requisite for the British Government to put up the capital funding to build an airport in which the main aim of the MOU is to support economic growth and social development. In a small community, with limited resources, there are advantages in maximised resources within the main sector of the community, Government, Civil Societies and private sectors work together. Linked with SHG and Civil Society organisations are particularly important in this respect, not only in maximising limited resources, but also to create a link with Government and the public.

Finally, Mr Speaker, we must not lose sight of the most important factors that underpin all sectors for the success of change and development, and that is people. The fact that there's a small community with a population of four and a half thousand people should have eighty charitable organisations shows the extent of commitment and social responsibility. I would ask that in all policies to take the island forward the role of Civil Societies and its links with other sectors in the community should be a major consideration for a successful outcome for having an airport and meeting the aims of the MOU for economic growth and social development.

Mr Speaker, I would now like to touch on a very sensitive matter that I have encountered during my visit to some of our senior citizens in the community, but before doing so, I would wish to share some of the stories shared with me. Many are proud to tell how they have lived through the Second World War and their experience of hardship on the island, but recall those days as 'good old days' where there was strong family support and the island flourished in abundance with fresh vegetable, meat and fish. Pays were low and work was hard, transport was mainly by donkeys and there were only a few cars. Respect and discipline paid a major role in everyone's lifestyle, candles and wood were the means of cooking and lighting and for those who could afford a battery operated radio, that was a luxury. Social Welfare never existed, but families supported each other and for those who had no family

support the Church gave a few shillings a week out of which was called ‘the black box’ and later called the Parish and then the Poor Relief. Social Welfare came in later in the sixties and many will remember Mr Grastic and the plastic shoes he gave to the poor. We have now moved very much into the twenty-first century and those days are long gone, but memories live on. What I need to say now is that this modern age of computers, internet, telecommunications and televisions and with air access on the horizon, many of our senior citizens are still suffering hardship in silence. I am aware of the recent improvement in the Benefits System, Basic Island Pension and the free medical care for those on benefits, but the fact remains that many cannot cope with the high cost of living on the island and especially those living alone on £50 and £60 a week. Can anyone in this Honourable House today stand up and say they could live on such a low income in such a high cost society? Many of these people, when you meet them on the street, will give you a big smile and warm hello, but deep down they are suffering in silence. Many have said that a few years ago they were given an additional payment at Christmas and Easter as a gesture of goodwill by the Government, but now they feel they can’t even buy anything extra for Christmas or even give their grandchildren a little chocolate. Honourable Members, I will ask the question, are we doing enough for those who cannot help themselves? I feel there is a lot more we can do, but we are always faced with budget constraints. I am aware that all Members here today support the recommendations in the Sainsbury Report, but, again, because of budget constraints we cannot finance many of the recommendations. As a Member of the Social and Community Development Committee, I’m aware that the Committee is working hard with officials to implement other recommendations in the Report, but this will depend on the outcome of the DfID negotiations in the early part of next year. Executive Council members will be taking the leading role in this year’s budget negotiations with DfID and I hope with the support of Legislative Council and the officials we can improve the lifestyle of those who are suffering hardship. It saddens me to say that I’m aware that whilst many of us enjoy the best of this Christmas season, many of our elderly will share a meek and mild Christmas. Many of our elderly have now reverted to using candles for lighting, which can become a safety hazard, and using paraffin gel as a cooking fuel, which, again, is a health hazard in close surroundings. The reason for this is they cannot afford the high cost of electricity provided by Connect. I recall previously when Social Services provided subsidy for water and electricity for those suffering hardship, but this is now just a memory and I feel that it will get harder for those unfortunate people before we see it getting any better.

Mr Speaker, on a more positive note, it’s pleasing to see the progress of the airport development and related infrastructure, such as the Haul Route, the new Fuel Farm, the Jetty at Ruperts, the establishment of Enterprise St Helena and their role in supporting the private sector. I understand that much work is ongoing for sea freight once the RMS is withdrawn from service. Hotel development and related tourism development, which I support and hope for for the benefit of the island, will come together at the end of the day, but we must be careful amongst all the development that we do not lose our culture, heritage, friendliness and lifestyle, which is unique to the island and I’m sure it will be a great attraction to the tourism industry. The airport development has benefited the island financially, but the main questions I am often asked by members of the public – will there be adequate employment in the future for those who are no longer employed by Basil Read? Will we see an increase in unemployment? What has happened to inward investors, which underpin the MOU? What has happened to SHELCO? I do have difficulty in responding to these concerns, which are genuine, but most members of the public has given their blessings and hope that the airport will support a much stronger economy as the tourism industry develops.

In concluding, Mr Speaker, I’m aware of the high speed some motorists are travelling around the island, especially through Longwood Avenue and adjacent roads, and hope that the

proposal put forward to the ENRD Committee in respect of a walkway along the road to the Longwood Avenue be given a high priority in respect of safety for the young and old and that the Police also give serious consideration to this matter.

I would now wish to take this opportunity to wish you, Mr Speaker, and all my colleagues here today, a warm and prosperous Christmas and hope that the New Year will bring much prosperity to the island as the island develops. I support the adjournment debate.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member who wishes to speak to the adjournment debate? Honourable Tony Duncan?

The Hon. Wilson Duncan –

Mr Speaker, I rise in support of the adjournment. At long last farming has been recognised as important to provide produce to feed our St Helenians and tourists alike and has been given a high priority and not before time too, I might add. However, the question needs to be asked that should their crops fail, through no fault of their own, due to disease or blight, drought, like we suffered in 2013, or it rains continually for several months and the land becomes waterlogged and they are unable to harvest their crops, will they receive financial help by way of a grant to purchase new seedlings, etc, and for loss of earnings, because as farmers, and when I say farmers, I refer to all types of farmers and to include fishermen when they too go through lean times when fish becomes scarce. I feel it is important that farmers and fishermen are supported financially for reasons aforementioned to encourage them to continue farming and fishing and to attract new entrants into the industry and more so as our present farmers and fishermen tend to be older workers. I know that farmers receive reduced duty when they import farming items and seed potatoes, etc, but this is not the same as knowing that they will receive financial help for reasons aforementioned. It is no use saying that farming and fishing are important and are a high priority if we are not prepared to offer them financial assistance when they need it most to survive in their chosen industry.

Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. Honourable Cyril George?

The Hon. Cyril George –

Thank you, Mr Speaker. Mr Speaker, Honourable Members, I have received complaints from water consumers who are supplied with treated water from the Red Hill Water Treatment Plant concerning the discoloration, including excessive chlorine levels of their water supply. Their concerns have been raised with staff of Connect, including an e-mail to the CEO of Connect from myself. The public are aware of the funding provided by DfID through the Capital Programme to improve the water supply from the Red Hill Treatment Plant which was successful until about four weeks ago when the supply had deteriorated. The following concerns have also been brought to my attention: the surface water on the Earth Dam in Harpers Valley is gradually being covered with vegetation, which could have some effect on our water quality. It's beginning to look like a green carpet. An embankment has collapsed into one of the butyl lined reservoirs in Harpers Valley and has not received any attention. This reservoir cannot be filled to its full capacity until the repairs have been carried out. Without the full capacity of this reservoir and with the current dry weather I do hope that we do not experience another water crisis that we experienced last year.

To conclude, Mr Speaker, Honourable Members, I am concerned that we could be requested to provide additional funding to carry out the above repairs. It is disappointing that this

problem had not been identified and rectified sooner that it could have avoided this situation. Thank you, Mr Speaker, I support the adjournment debate.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member who wishes to speak to the adjournment debate? Honourable Les Baldwin?

The Hon. Leslie Baldwin –

Thank you, Mr Speaker, I rise in support of the adjournment debate. I am disappointed that most of us have been in Council for eighteen months now and many of the highly desired changes have yet to be seen. I highlighted in my earlier Motion that lack of direction and maintenance of the Duke of Edinburgh Playground had led to a potentially dangerous and certainly disruptive overgrowth and neglect. Our roads are certainly not progressing at the desired rate of many constituents, much of the work that has been done has not lasted as long as expected and has not included all the desirable objectives, such as road widening on the more dangerous bends of Longwood Road where many residents were willing to relinquish pieces of their own land to accommodate the desired widening, whilst all the required heavy equipment was on site or in the locality and therefore covered some of the increased cost and I wonder why.

Roads, for example, the road which could easily now join halfway before the Fowler residence to the top of Cowpath, have been highly prioritised for many years and yet we still await any development. There have been many incidences of punctures and small damage to vehicles and yet the potholes have been allowed to develop into swimming pools. There are a number of disabled persons using this road and even for the able bodied the walk is definitely not comfortable.

Talking of uncomfortable walks, I can imagine walking in the dark at Ladder Hill Barracks could be very dangerous, Ladder Hill Barracks is in the unenviable position of being designated for potential hotel development which has meant that much needed maintenance to the houses and roads as well as other general maintenance, iron roofing of the walkway, have been neglected for fear of wasting valuable maintenance budget on a site that could well be redeveloped. However, I do now believe that these plans are very unlikely to reach fruition in the short term and therefore I would recommend that SHG give direction to the Housing Department that this development is now not likely and the maintenance programme should now include these very dangerous aspects of Ladder Hill Barracks with some urgency. I fail to see any relevance in the long-term TC and Salary Increase budget being held in the centralised Corporate Service budget. We do not ever see a true cost of this specific service provision nor a true Trading Account.

I welcome the new development of Ebony View on the former Half Tree First School site. This relocation of the Challenging Behaviour Unit from Sundale is the first step to modernising our service provision for our most vulnerable people and will promote as much self sufficiency as each individual can manage. I look forward to further phases that would see the relocation of Barn View and Brick House to the same site. The potential shared resources should make the running of these much needed facilities more efficient and less stressful for staff and management alike. There is much to be done within Safeguarding, but these are valuable first steps and are much appreciated.

To avoid the potential media criticism experienced following the last formal LegCo, I have just one further word, that being, Monkcat. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak to the Adjournment Debate? The Honourable Ian Rummery?

The Hon. Ian Rummery –

Thank you, Mr Speaker, I, too, rise in support of the adjournment debate. If I may, I'd like to begin with a quote from an editorial from one of our local newspapers from a few weeks back and the quote goes "The St Helena Council has as much power as a UK parish council had over UK's invasion of Iraq". Now, allowing for the fact that a degree of journalistic licence was used, there is, I believe, an inherent truth in what that Editor said, but before I explore this in a little more detail, let me first make something clear please. This is not gonna be a rant against DfID, the Foreign and Commonwealth Office, the Governor, Technical Cooperation Officers or SHG for that matter. I repeat, it's not an anti establishment rant, but it is an argument as to how I see the situation. The St Helena Legislative Council, that is who we are, and that is what we have been doing yesterday and today, passing legislation. It's an important task and one necessary in order to create a functioning society. Much of the legislation that we pass is developed on an iterative, that is, old laws are updated or new laws are passed to deal with a novel situation; airport legislation is a good example of this. Up until recently, St Helena did not require airport legislation, but as our airport nears completion we go through a process of developing laws. Some will come from international treaties or obligations and some will be homegrown to address unique situations. By and large it's not politically driven and that is how it should be. Yep, we debate Motions, we ask questions and lay papers on the table, all important stuff, I guess, designed to keep the public informed and open ourselves up to scrutiny. So, yes, we are a parliament in that sort of sense, but are we sovereign, do we ultimately have control over our destiny? My response is no, no we don't. And, again, it's not a criticism of those who do have control, but let us explore the Council scenario for a minute, my argument being Council as in UK Local Council and the question I ask is how are UK Councils funded. From what I've discovered, off the internet, I will admit, they receive grants from central government, some are targeted, some are untargeted, but from my rudimentary financial analysis, the proportion of income that Councils receive from central government and the proportion that they raise themselves is about the same as for St Helena. So how much control do Councils actually have? And, of course, here is the difference. A Local Council is but one rung on a political ladder and so they would try to influence the next rung and the next rung so on, but ultimately if central government pulls the rug from under them they fall over. I give you a brief example. A few years back, I was working in the Environment Management Directorate here on St Helena with an Engineer who came out from England on a short-term contract. It was during the height of the austerity regime and I remember him telling me that by the time he got back to the UK his section was going to be 25% smaller, one in four people lost their jobs or vacant posts were not filled, either way it was brutal. And now I'm sure that the Local Council, who relied on this section to provide services, including emergency flood defences, were appalled at this. I'm sure that many Councillors would have written reports on how damaging these job cuts were and would have made representation to the Member of Parliament to stop the cuts, but, of course, it was all to no avail, and I trust you see where I'm going with this. We're effectively a Local Council and DfID our central government. However, we have additional responsibilities that make things just that slightly more complicated. Let me talk a moment about the Health Service and I will use as a comparison the Scilly Isles off the coast of Cornwall. These islands have a Local Council as well and the council have some responsibility for public health. Again, off the internet, I learned that recently they were visited by a Health and Wellbeing Board which audited the Council's performance. The Council has key responsibilities across three domains of public health and they are Health

Improvement, Health Protection and I quote, Health Care Public Health, even though I have no idea what that means and it's taken from the Department of Health Fact Sheet. I did try to find out what Health Care Public Health means, but I think it's a classic piece of bureaucracy speak. Effectively, what they have to do is coordinate Health Services. Well, we do that here, but, and this is the big but, the Scilly Islands also have a hospital run by the NHS. You may be interested to know actually that their hospital only has an x-ray clinic once a week, but in an emergency you can be sent to the mainland on an air ambulance helicopter, which is not funded by government. But the NHS is the one that makes decisions about who gets sent for treatment and that's a much bigger organisation, not funded by the Council. So we're not really a Council when it comes to health care issues. Again, the central problem, as I see it, we're expected to run national services: health, education, police, social services, but without the institutional framework that these services require to function effectively. Yep, we get support, but it is ad hoc or tied to a specific activity, but these services require robust systems, external checks and balances and what do we get? Advice. Officially, we're an overseas territory, but overseas territories come in all shapes and sizes. The UK Government says that these overseas territories that require financial assistance will have the first call on the UK's international development budget for their reasonable assistance, but, of course, reasonable assistance is not defined. Are the reasonable assistance needs that we identify in St Helena the same as those identified by our partners in the UK? Is it reasonable to accept that we need a new hospital to be built? To come back to my Local Council analogy, I'm sure that these debates go on between UK Local Councils and Central Government all the time, but if a Local Council is fortunate enough to win the argument and have a hospital built, it's not then expected to run it. So where do we go from here? Should we be a Local Council, perhaps politically a part of the Scilly Isles. It's an interesting idea, but let's be honest, it's not gonna happen. Actually, if we did become part of the Scilly Islands Council, everyone would get a pay rise, as they'd then be UK employees, except, of course, the Councillors because local councillors are not paid. So, we're gonna have to continue down the road of a territory, a sort of hybrid nation, a pseudo country, if you like. But how? I heard a statement recently by an economist in Sierra Leone in discussion on aid and he said, who owns the economy owns the country, slightly more sophisticated version of the old thing, Who pays the Piper calls the tune. Please remind you once again that this is not a DfID/FCO, Governor etc bash, because I see it as statement of fact. Of course the airport is the vehicle which we expect will allow us to own more of our economy, a tourist-driven economy is the goal and that got me thinking. Tourists will come to walk, to dive, to visit historic sites, to, as they say, get away from it all, but what about other sorts of tourists or visitors? Health tourists. Imagine if you will, a private retirement village, a rehabilitation centre for people struggling with addictions or a health spa, people not just coming for a week, but staying for a while, enjoying something that is becoming increasingly difficult to find elsewhere and that is peace and security and then imagine how this begins to create its own institutional framework, a retirement village would be looking for health services, they might be willing to invest in our health service, they would expect some form of inspection regime, or quality assurance of this health service. So, a different model emerges, one where we make use of the private sector not just to provide businesses that generate jobs and income that can be taxed, but one that actually delivers some of the services for us. Public/private partnerships are well established throughout the world and if done properly the benefits can be widespread. We send most of our patients to a hospital in South Africa for treatment and that's part of a large, private health consortium. I'm not promoting a specific company, but if we use this company as an example, it runs over sixty hospitals, some of them for Government, has quality management and governance structures in place, recruits internationally and it is in competition with other private hospitals so it must be as efficient and caring as possible,

otherwise it just goes out of business. I accept that it's not that simple just to ask them to come and manage our health service, but let's face it, the status quo is not an option. So where does this leave our Council? I think we need to be more businesslike. I would advise, again, a personal opinion, that there is less poncing around as parliamentarians. In fact, I may be strung up at the trees by the Canister for heresy here, but I would go as far as to say that we could modernise the way we do things in Legislative Council as I believe that many of the archaic procedures that we've gone through today and yesterday only serve to alienate the public. We must still support our constituents, work on policies and provide leadership, but above all, we must find a way of creating a model of government that develops an economy, but the one that does not try to solve all of its problems alone, as we do not fit neatly into any box and this model is going to need to be a little different. But I'll leave with some words from that old war horse and pragmatist, Winston Churchill. He once said, "It's a mistake to look too far ahead, only one link of the chain of destiny can be handled at a time". So I would suggest that as the airport reduces our isolation we start looking now for the links in the chain that will lead us to owning our own economy. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member who wish to speak to the adjournment debate? Honourable Christine Scipio?

The Hon. Christine Scipio O'Dean –

Honourable Christine Scipio O'Dean.

The Speaker –

Sorry, Scipio O'Dean, of course.

The Hon. Christine Scipio O'Dean –

Thank you. Thank you, Mr Speaker, I rise in support of the adjournment. Mr Speaker, yesterday St Helena Fisheries Corporation financial statements for the year ended 31<sup>st</sup> March 2004, yes, I said 2004, was laid on the table. One would expect that St Helena Government financial statements for the year ended 31<sup>st</sup> March 2004 would also be tabled. Mr Speaker, they weren't. This is an embarrassment. Can I ask if there is a programme in place or adopted where St Helena Government financial statements are presented in a more timely fashion?

Earlier today, this afternoon, this House agreed that the remuneration of the Deputy Speaker is provided and be effective from September 2013. Let's hope that this payment is processed prior to St Helena Government office closing for the Christmas break.

Mr Speaker, there is an outcry about the Public Transport System. A review has taken place, but has the transport strategy been adopted? We need an improved Public Transport System that meets the needs of all on the island, and I said all, I mean the young and the old. At the moment, children are unable to participate in activities after school hours or at the weekend and the old lady down the hill is unable to come into town on a Sunday to go swimming at the Swimming Pool, because there isn't a Public Transport System that provides that.

I, too, welcome Nicola to her first sitting, not Nicola, I must say the Honourable Attorney General, I correct myself for that, to her first sitting of the Legislative Council meeting, but I would also like to ask when is a Legislative Programme going to be produced and circulated; I've asked this a little while ago in Executive Council, as all the legislation relating to airport accreditation has been drafted?

I will conclude, Mr Speaker, and say my Christmas this year is cancelled. Today we heard the Primary Schools participating in carol singing and the Float Parade, so I'd like to take this



opportunity to wishing all here today in the House and also to the listeners a Happy Christmas and Prosperous New Year and look forward to working with my colleagues and also stakeholders and DfID in facing the challenges ahead that 2016 will bring us and the decisions need to be made knowing that the airport is just on the horizon.

I beg to move, Mr Speaker.

The Speaker –

Thank you, Honourable Member.

The Hon. Dr Corinda Essex –

Mr Speaker, may I rise on a point of information?

The Speaker –

Sure.

The Hon. Dr Corinda Essex –

I would just like to clarify that the St Helena Fisheries Corporation financial statements that were laid on the table were for the year ended 31<sup>st</sup> March 2014 and not 2004. Thank you.

The Hon. Christine Scipio O'Dean –

Could I rise and .....for clarification.

The Speaker –

Yes.

The Hon. Christine Scipio O'Dean –

I hadn't realised I said 2004, so my apologies, I had intended to say 2014. Thank you. I wondered why you all were frowning at me.

The Speaker –

Yes, okay, Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I rise in support of the adjournment debate. Mr Speaker, Honourable Members, the coming months will present a real challenge and demanding task for St Helena Government as the island prepares itself for airport readiness which is only about thirteen months away.

Mr Speaker, I am deeply concerned about the line of approach the British Government has taken with the island's success in the lead-up to airport opening. Our budget approach for the coming year will place great focus around priorities related to airport activities unless we will fail to meet airport accreditation. I do question the seriousness of the British Government's commitment of the new White Paper which was a topic for discussion at the Joint Ministerial Conference held in London in December 2012, shortly after the new White Paper was launched, in which I represented St Helena Government. The focus of discussion to the Paper being working in partnership with each other, the British Government facilitating and enabling overseas territories to become much more self sustainable through economic growth with a view of the territories in years to come being able to stand on their own two feet and become less reliant on Britain for grant-in-aid assistance. The British Government has invested £270m in St Helena on our airport, which is certainly very much appreciated, providing St Helena with the chance to stand on its own two feet and experience economic

growth. Having invested all of this money, I find it hard to understand and accept their reluctance to invest a few further million pound needed to support the island in airport readiness. It has not been for the lack of trying at the highest level. The answer has always been Britain are continuously expecting to make cuts, we are still in the global financial crisis, whereas this is the case, the argument just don't stack up since this was the position when the decision was taken to provide the funding to St Helena for our airport.

Mr Speaker, we have heard good arguments presented in this session of formal Legislative Council about the need to properly value and retain staff by paying them decent wages. We have the report of Professor Roy Sainsbury. Not all of the elderly have benefited from the Social Services review. There are many senior citizens in the community who are still not able to obtain the Basic Island Pension. I do hope that some of these people will see some further benefits from the new financial year, but it will be extremely difficult with the added on responsibilities connected with the airport activity on such limited funding.

Mr Speaker, I will now turn to the issue of district outpatient clinics. A few years ago, a decision was taken to close the clinic at Sandy Bay. This was done on the basis that the residents in the area would have regular access to the clinic at Half Tree Hollow. This arrangement certainly worked for a while. Now it would appear that the service seems to have fallen away. I am aware of the current position in the Health due to the fact of shortage of Doctors and Nursing Staff. Even though with the current staff, surely an experienced Nurse can be made available at Half Tree Hollow clinic, even if it's only for a month, to check people's blood pressures and level of diabetes. Most of these people from Sandy Bay who have these type of illnesses are elderly citizens on very small income, either Income Related Benefit or the Basic Island Pension, about £40 - £50 a week. How can they possibly be expected to afford a taxi from Sandy Bay to Jamestown? The people of Sandy Bay has expressed great concern and I ask that this issue be given some urgent attention by the Health Service. The service should also be extended to other persons in the outlying country areas. Mr Speaker, since I'm talking about health issues, I have been made to understand by the people of Sandy Bay that the District Nurses makes visits in the area and other areas and I would ask that in order to achieve value for money at the same time when the District Nurse are in these areas could they not extend their visits to other elderly citizens who need similar type of medical checks?

Finally, Mr Speaker, I am very disappointed that it has taken so long for the Environmental Natural Resources Directorate to issue the funding which was approved in April of this year to applicants for assistance under the Community Road Policy. Although the Chairman said part of the hold up was due to the fact that the Road Engineer was not in post, the Roads Policy has been in place for a number of years, long before the arrival of the Road Engineer and I do feel that there's sufficient local experience, Road Supervisors within the Directorate to advise the Committee on what community roads has the greater priority and an estimate of the materials needed. This has proved to be very frustrating to the applicants, having to wait so long and I trust that if funding is made available in next year's budget a repetition of this doesn't happen again. Thank you, Mr Speaker, I support the adjournment debate.

The Speaker –

Thank you, Honourable Member. Is there anyone else to speak to the adjournment debate? No, then I wonder if the Mover will require some time to respond or are you ready to respond, Sir? Alright, no-one else wishes to speak to the adjournment debate. Mover? Honourable Chief Secretary?

The Hon. Roy Burke –

Mr Speaker, I'm grateful for the thought which has clearly gone into the various speeches of Honourable Members in this debate, if a debate it is, it's really about speeches and me given the opportunity to say what I think about what you've just said. So I will do that and there's a whole load of issues there which require serious reflection rather than immediate reaction, but I can comment on a number of issues which have been raised and I will endeavour to do so.

As Honourable Members will be aware, I've just completed six months in post. For some that might feel like a lot longer, to me, it's gone very quickly, but I've been able to receive a lot of information from a lot of people during that time and that I've been heartened by the quality of debate here and at other meetings at various other parts of my daily life and I'm grateful for the support of Members, and, in particular, staff, in tackling some pretty meaty issues. We have begun to change the culture of our organisation from a Civil Service perspective. That is a long game, it's not an immediate fix and it will continue over the next two or three years. I'm very conscious, being a career civil servant, whatever that means, that civil service organisations are traditionally conservative in their approach and that's why, in many respects, such organisations don't tend to get involved in innovation. Some of the points that were made by Honourable Ian Rummery in terms of delivery mechanisms which we could change, but early next year we will have a new appointment in our organisation who is here specifically to help lead our organizational change project and work has already begun on the new model for delivery and finding other ways of changing the offering that we have. So we're going to explore different delivery mechanisms that exist, including partnerships with private sector organisations. I'm personally very enthusiastic about that.

The Honourable Nigel Dollery suggested to the listening public they might like to step up to be Councillors in due course: I take my hat off to anybody who volunteers for that position. It's often said that the one disqualifying characteristic for a politician should be the desire to become a politician. I take a slightly different view, but I think it's commendable that anybody should seek to volunteer for public service. If there's anything that I can do to encourage people listening, or anybody else for that matter, to become a politician, to explain how government operates, and I've said this on a number of occasions, my door is always open and people are very welcome to come and I will give them my unbiased view of how politics works.

The Honourable Dr Essex talked about public consultation, certainly in respect of legislation and regulations which are in the process of change. I think everybody would agree that public consultation on a whole range of issues is crucial. Maybe we should have a community engagement policy in place which clearly identifies how we will do those things and it's something that I have taken note of and will work on after today's meeting, but probably wait until Monday.

I'm aware of issues regarding space on the Lower Wharf, boat maintenance and the Rupert development issues, all of which, in some respects, conflating to find limited space in areas which are increasingly it seems demand led, but it's a matter which we will certainly take forward over the next few weeks and months.

As for speeding and traffic calming measures, I'm not aware of any issues being taken forward in that respect, but I will get in touch with our colleagues in the Police.

One phrase that comes up time and time again is the phrase of reasonable needs and discussions with DfID. I don't know what reasonable needs means either. It's one of the questions that I asked, but I expect it's not been defined deliberately, so in those circumstances the imperative is for us to make that assessment and put the case forward to our colleagues in DfID so that we can hold our heads up high and say, well, we've done the best we possibly can within the existing definition. There are many calls on the budget as it exists at the moment and we all know that the draft budget for next year is already looking as

if it's going to be overspent, so it's not really a question of increasing significantly our expenditure, it's about prioritisation and that's a political decision, so that's the decision that we'll bring to politicians in due course.

The Honourable Brian Isaac has talked about Civil Society and voluntary organisations. Small communities around the world value voluntary organisations, in fact, they wouldn't function without them, so I personally support any activity which is undertaken by those voluntary organisations and, once again, if there's anything that I can do to assist my door is open. Progress is positive, in my view, in many respects, it's a never ending project and we do require to be prioritising those issues as we go along.

We're doing some quite good work, I think, on farming issues, as raised by the Honourable Tony Duncan, there's a lot of work going on with our colleagues in ESH, there's a lot of work being done by A&NRD in that respect, but more to be done. Whether or not farmers should be compensated or fishermen compensated for potential loss, I think that is also a political decision, there's arguments for and against and there's never an easy answer to that question. How far do you go, where do you stop in terms of compensation for businessmen and women?

The Honourable Cyril George raised some issues about water discoloration, chlorine levels, surface water, etc, etc. I'm unsighted in that respect, but if you'd like to have a chat with me afterwards perhaps we could find a way in which we can have a sit down with Connect and work through those issues; I'm quite happy to do that. I can say that there's no current request for funding in our capital budget, so it's not impacting in that respect, but if there are issues then please let me know.

The Honourable Les Baldwin talked about roads, the Roads Manager, the new Roads Manager has identified a Roads Programme, I have seen the price tag which is attached to it, it's huge and it's inevitably not affordable as we stand or sit here at the moment, but we will work through that to prioritise those issues with the Committee and the Honourable Tony Duncan's Committee and, again, I'm not aware of any issues of maintenance at Ladder Hill Barracks but I'm quite happy to take those issues forward after today's meeting.

Should long-term TC and salary increase sit within Corporate Services, I suppose the answer to that question is, at the moment, yes, because that's where they are. Where we go in the future is quite an important discussion that we're having with our friends in Department for International Development, because we believe that the long-term TC budget should sit within our recurrent budget and it should be allocated in those circumstances to each Directorate. I think we're having some success in that respect so next year we anticipate that that request will be acceded to.

I was alerted in some respects to some of the points that the Councillor, the Honourable Ian Rummery was about to make in terms of public/private partnerships and as I've already said I do agree with that approach. The Constitutional discussion that you initiated we could be here probably until January, maybe even February, to discuss that, but there are some very key issues in there. Maybe that's a discussion that we should have and find a way in which we can widen that debate a little .....to others. Obviously, the Attorney General will have a view about some of those constitutional issues so perhaps I'll await until afterwards before we have that discussion.

I'd just like to point out, certainly in respect of the points made by Councillor Scipio O'Dean that the block leave which used to exist in St Helena Government no longer exists, so our offices are not closed for the Christmas period. I have to say that they will be closed on Christmas Day and Boxing Day and New Year's Day, but other than that our offices will remain open and where a public service is being offered there will be somebody in the office,

which I think is quite an innovation for SHG and it's been brought in with the full support of staff, not without some difficulty, but it's been brought in.

And the Transport Review is underway, I hesitate to use the R word, but it is underway and that will be delivering sometime early in the New Year.

I can't answer the question about when the Legislative Programme is going to be produced, but I know that my colleague, the Honourable Attorney General, is seized of that matter and will be dealing with it just as soon as she possibly can.

The Honourable Derek Thomas talked about the focus on the airport and, of course, yes, it is crucial, but we are delivering some change within our organisation which is not about airport and some of the change which has been driven by the airport will be a legacy for us, so it will stand the test of time and we've not forgotten the needs for support for business as usual and we are continuing to improve those areas which need additional assistance. Funding for airport related issues are crucial, we really must get to airport certification and, again, it becomes a matter of prioritization. The pot, I'm afraid, is not bottomless.

Changes are in train in the Health and Social Services Directorate. As has already been alluded to today Social Services will form its own Directorate and Health will have its own focus and I'm quite confident those changes will see a significant increase in service delivery as individuals in those Directorates are able to deal with the very significant issues which already exist there. So funding is a major issue for us right across the piece, there are political decisions to be taken.

Conscious of the time, I'm going to wind up now by just saying this, that from my vantage point here I can see that a lot of the issues that have been discussed round this table are being dealt with and that we must address those challenges which exist with pride and passion. Our organisation will adopt pride, passion, professionalism and pace as its mantra; I'm sure some Honourable Members can think of other words beginning with 'p' which apply too., The only other thing to say is that the airport is coming, it will be receiving trial flights in July of next year and that is a scary issue for us all to deal with and is inevitably our focus at the moment. The SHG team are committed to do the work that's necessary, inevitably we'll get some of it wrong, but we will learn from that process and we will get better. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Chief Secretary. Honourable Members, the Motion, standing in the name of the Honourable Chief Secretary is that this House do adjourn sine die.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

The Ayes have it and can I also say that I've enjoyed this session, it's been quite a useful discussion. What started out to be a one-day session turned into two full days of meeting, so thank you very much indeed, a very Happy Christmas to you all. Council is adjourned.

**Council adjourned sine die.**



