

ST. HELENA
LEGISLATIVE COUNCIL

THE SPEAKER

The Honourable Eric William Benjamin

EX-OFFICIO MEMBERS

The Honourable Chief Secretary	-	Mr Roy Burke
The Honourable Financial Secretary	-	Mr Dax Richards
The Honourable Attorney General	-	Mr Angelo Berbotto

ELECTED MEMBERS

The Honourable Wilson Charles Duncan
The Honourable Gavin George Ellick
The Honourable Cyril Robert George
The Honourable Lawson Arthur Henry
The Honourable Brian William Isaac
The Honourable Bernice Alicia Olsson
The Honourable Mike Olsson
The Honourable Dr Corinda Sebastiana Stuart Essex
The Honourable Derek Franklin Thomas
The Honourable Pamela Ward Pearce

The Honourable Christine Scipio O'Dean (Overseas)
The Honourable Cruyff Gerard Buckley (Overseas)

CLERK OF COUNCILS

Ms Gina Benjamin

PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Tuesday, 13th December, 2016

The Council met at 9.00 am
in the Council Chamber, Jamestown

(The Speaker in the Chair)

ORDER OF THE DAY

1. FORMAL ENTRY OF THE PRESIDENT

2. PRAYERS
(Ms Gina Benjamin, Clerk of Councils)

3. ADDRESS BY THE PRESIDENT

Good morning Honourable Members, ladies and gentlemen, nice to see you back here all bright and early, you've been having a very lengthy sessions, well, two very lengthy meetings this time and we still have some lengthy business ahead of us. I don't propose to make any long speeches here now, but mainly to get on to the agenda, our Order Paper, but I would like to welcome Mr Merlin George who is our alternate Mace Bearer this morning because of Mr Legg being unable to attend, so thank you very much for that and I think I have your name right this time, Mr George.

Right, it looks as if we have one fairly lengthy Bill ahead of us this morning, which we will deal with first thing this morning, the Food Safety Bill and then there are nine Motions that we have on the Order Paper in addition to the Adjournment Debate, so we need to put on a bit of move because it's going to be quite a lengthy day otherwise again. I will make comfort breaks at convenient times if you give me an indication and we can do that, so thank you very much. To the Clerk?

4. MOTIONS

Motion No. 1 – The Honourable Derek Thomas

THE FOOD SAFETY BILL, 2016.

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I beg to move that the Food Safety Bill, 2016, 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. Wilson Duncan –

I second it, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Mover?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Mr Speaker, Honourable Members, the purpose of this Bill, the Food Safety Bill, 2016 is to make new provisions for the production, trade and handling of food to promote food safety and to introduce standards of hygiene in the food business. It is the intention of this Bill to be supported by three sets of Regulations: Food Safety – Procedure and Fees Regulation; Food Safety – General Food Hygiene Regulation; and Food Safety – Products of Animal Origin Regulation.

Mr Speaker, Honourable Members, you will be aware that St Helena is going through a critical time in terms of development and it is extremely important that the food which is offered for sale is safe and of a good hygiene standard. The Food Safety Bill with the draft sets of Regulations have been the subject of extensive and carefully planned and well managed public consultation. All food businesses, from the small corner shop to the larger outlets, in quarters, accommodation providers, restaurants and mobile units were properly consulted and the feedback they provided were taken into account during the final drafting exercise, so, Mr Speaker, Honourable Members, with your support if this Bill is approved, there won't be any hidden agendas to providers and operators. The extensive consultation is contained within this folder of all persons who were in attendance at the consultation and all those persons who made contributions and their contributions has been acted upon. The file for the past two months has also been made available to all elected members in their Council Office downstairs for inspection.

Mr Speaker, the Bill provides Environmental Health Officers with the authority to enter and inspect food businesses. This has never been the case, we had Environmental Officers appointed but their powers were very limited, very limited indeed, they had no authority to enter and inspect food. They also can seize food for testing purposes, owners of businesses will be required to maintain proper records, labelling, marketing of food-related items to enable proper traceability in protecting consumers should the need arise.

Mr Speaker, I am extremely grateful to the Senior Environmental Officer and her team for their high level of commitment and hard work over the past six months and to the Attorney General's Chambers for the drafting undertaken. This has been a very intensive exercise by ensuring that everybody who this legislation will affect was properly consulted and in addition to that there was public meetings during evenings, so I'm grateful for the hard work put in and I trust, Mr Speaker, that when we debate the Bill I will get the support of elected members, it is important

for the protection of our people of this island and will also add great value to economic development as the island develops. Thank you, Mr Speaker.

The Speaker –

Thank you very much, Honourable Member. I put the question that the Food Safety Bill, 2016, be approved in principle and referred to a Committee of the whole Council. Honourable Members, the Motion is now open for debate. Well, okay, can I take the Honourable Pamela Ward Pearce, please? Was it you?

The Hon. Pamela Ward Pearce –

Yes, Mr Speaker, I rise in support of this Bill, I was part of the Public Health Committee that did some work on this and I would like to endorse the thanks to the Environmental Health Officer and her team, there was quite a lot of work involved. I think I've been through this Bill a total of about five times in its entirety and I know for a fact the amount of work, but it's going to afford us legislation that will enable us to be able to know that our food sources are not only traceable but safe as well and that brings us into line with other international companies. Thank you, Sir.

The Speaker –

Thank you, Honourable Member. The Honourable Wilson Duncan?

The Hon. Wilson Duncan –

Mr Speaker, I rise in support of the Bill. I sit on the Public Health Committee and as my Colleague has alluded to we've been through this here several times and it is I feel the right thing for the island and therefore I give my support.

The Speaker –

Thank you, Honourable Member. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. First let me declare my interest as President of the Chamber of Commerce.

The Speaker –

Yes.

The Hon. Dr Corinda Essex –

Mr Speaker, I rise in support of this Bill, although there are still some issues on which stakeholders and members of the public have concerns and I will be mentioning them shortly. First, I wish to pay tribute to Councillor Derek Thomas and his Committee and to the officials who have worked tirelessly to try and strike a balance between meeting desirable standards and crushing local production and commercial activity. In particular, the Senior Environmental Health Officer has played a key role in this process. It is very pleasing that the document before this Honourable House today has been subjected to extensive public consultation and is far more suitable for local conditions than its predecessors. I have seen previous versions that would have imposed so many restrictions on all those dealing with food for commercial purposes that producers and businesses would have withdrawn with seriously negative impacts upon St Helena's sustainable development. All those involved are to be congratulated on the progress that they've made on this issue. If the Bill is passed today, the supporting Regulations will go before Executive Council and then the primary and secondary legislation will be all

ready for implementation. It is essential that animal producers and businesses are given realistic and adequate lead-in time to meet the regulatory requirements. I am extremely concerned that Enterprise St Helena will not have funding available to assist local meat producers to upgrade their slaughter facilities until April 2017 when their new budget comes on line. In some instances the upgrades required may take several months to complete. What will happen in the interim period? The individuals concerned should not be disadvantaged because of the lack of immediate funding support. A number of constituents are also still worried that the requirements will be too restrictive for them to continue their activities. These concerns are being expressed particularly by those who do small scale activities, such as baking items for sale within their own home. There is clearly a need for even more public awareness as in some instances individuals think that it will be harder to meet the requirements than may be the reality. I have been assured that more public information and awareness will be provided if the Bill is passed before its provisions are implemented. Mr Speaker, I believe this is essential. It is also essential that the pragmatic approach that has been taken recently to endeavour to ensure that the legislation is right sized for St Helena is maintained if the Bill is passed. We can all think of examples of overzealous individuals knowing little about St Helena and who tried to use existing legislation as a tool for imposing their particular views and convictions and thereby damaging public trust and arousing widespread concern and unhappiness. We are aware that the current Director is coming to the end of his tour of duty and will soon be replaced, we're also aware that there will be a General Election next year and we may have a new Council and it is extremely important that the current stance on food safety and food hygiene is not compromised. We must not allow the Food Safety and Food Hygiene Regulations and Ordinance to become a tool to hold the local private sector to ransom. Thank you.

The Speaker –

Thank you, Honourable Member. I have three members on the list, the Honourable Cyril George first, the Honourable Lawson Henry and the Honourable Mike Olsson, in that order please? Honourable Cyril George?

The Hon. Cyril George –

Mr Speaker, Honourable Members, I rise in support of this Motion. I too am also a member of the Public Health Committee, Deputy Chair of that Committee and I would also like to thank our Senior Environmental Health Officer, the Attorney General's Chambers for their input and for the hard work that's gone into preparing this document that we have before us today. We've gone through, as a Committee member, we've gone through the document on a number of occasions and I fully support this Motion. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker. Mr Speaker, Honourable Members, I rise in support of this Motion for a Bill for an Ordinance – the Food Safety Ordinance, 2016. I too would like to commend the Honourable Mover, the Honourable Derek Thomas and his Committee and the Directorate for their hard work over many months in bringing this Bill before the House today. I would also like to thank the Attorney General's Chambers for their input. Currently there are no dedicated food safety laws on St Helena. However, certain Public Health laws relating to food have been picked up in subsidiary legislation. With the changes that are being envisaged for St Helena, particularly in view of commending commercial air access, projection of tourists

visiting St Helena, and, of course, the ever increasing number of vendors that sell food, it is important that food processes and handling are in line with accepted best practice. The proposed Bill makes provision for the regulation and production of food that is produced or procured for the purposes of trade. The Bill promotes food safety and introduces standards of hygiene for all establishments that supply food in the course of their business whether for profit or not. Such establishments include hotels, bakehouses, shops, schools, mobile vans and restaurants. The Bill establishes a Regulatory Authority whose function is to enforce the provisions and where necessary take enforcement action as prescribed. I would like to see adequate resources put into place to effect enforcement. The Bill seeks only to regulate and standardize the production and handling of food for human consumption. There is no requirement of businesses to procure any specialist equipment or to make any expenditure in putting into effect the provisions of the Bill. The Bill gives accreditation to businesses and establishments that their food is standardized and is handled in accordance with best practice and hygiene requirements. This, in turn, will boost the reputation of the business to potential customers and increase business profitability. This Bill will provide reassurances to the consumer and food products they purchase or consume at establishments are produced and handled in accordance with the provisions prescribed by law and therefore safe to consume. The robust penalties for offences committed under the proposed legislation acts as a deterrent to non-compliance.

I would ask the Honourable Mover in summing up that he would give some assurances that adequate resources will be dedicated to enforcement. I would also like to mention in regard to home slaughtering that Enterprise St Helena has approved a sum of money in support of those who wish to continue home slaughter under the new Regulations. I have to say, however, that this funding will be subject to budget approval and will come into effect on 1st April 2016. I would also like to make mention, Mr Speaker, and would ask this House to support a proposal that is being put forward by Solomon and Company for the installation of an offal incinerator on the island. I couldn't think of a better idea in bringing into force this Regulation and to have such a facility to safely dispose of offal.

Mr Speaker, I support this Bill and like have already been said it has been subject to wide public consultation and has been well received. I support this Bill. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. The Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you, Mr Speaker. I stand up to support this Bill insofar it is going into Committee stage for discussion, Mr Speaker, and there are some concerns which were in part highlighted by the Honourable Councillor Essex earlier on and I hope those concerns will be clarified during the Committee stage. I am unclear at this stage if I will support or oppose the Bill in itself but I'll make that while we are going through it in Committee, because I've got serious concerns how local businesses, especially small businesses can actually comply with the requirements in this Bill and the fear on my side is that we are creating an ordinance which in itself is, yes, it's very good when it comes to food safety, but will be failed by so many, so it gets discretionary, that's my great concern and I urge you, Mr Speaker, that we can take the time and go through this Bill properly because it is very detailed and complex, so it will take a long time, Mr Speaker, to go through it and give justice to the Councillors views. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker. The Bill before the House today has been given a lot of public consultation, a lot of work through the appropriate Committee, in Legislative Council and I'm pleased as well to make a mention that I happened to be on the Health Committee when this issue was first brought to the table, that's quite a few years back, Councillor Olsson, you were also a member as well and a lot of work has gone into this Bill leading up to where we are today, but Mr Speaker, I would also like to thank my Honourable Friend, Councillor Henry, for raising the issue for home slaughtering, that has always been a sticking point within the Ordinance and I think that has delayed it in many respects as well, but I'm pleased to understand from him that plans are in place to support local farmers, you know, currently we have seen the decline in local pork production, we have seen an increase in pork products being brought in from Cape Town, but, you know, we need to encourage and support our local farming industry in pig production as well. I would also like to share some of the concerns that my colleague, Councillor Essex raised, they are concerns that have been brought to my attention, as well as I support the comments made by Councillor Olsson and all the other comments. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member who wishes to speak to the Bill? Honourable Mover, you may reply.

The Hon. Derek Thomas –

Thank you, Mr Speaker. I thank those Councillors who rise in support of this Bill and I will try to address some of their concerns that they have made in their submissions. It is very encouraging that Members congratulated the staff involved, they did work extremely hard and I'll turn to Dr Corinda Essex, she raised concern about animal owners and adequate lead-in time. Funding will be supported by Enterprise St Helena I'm told by Councillor Lawson Henry in April 2017, it's very pleasing and encouraging to hear this, but throughout this whole process, it was not only the Committee but the whole of this Council wanted to see home slaughtering continue, so the Committee had the support from the onset from the whole Council that no way home slaughtering was going to be abolished, they wanted to see that continue, they recognised the importance and the value that the home slaughtering brought to this island in terms of fresh product, so it was always tackled and handled by the Committee throughout the process with that in mind, with that in mind and the intention, Mr Speaker, was once this Ordinance was enacted to allow six months to enable home slaughterers to get their premises in order and to meet required standards and we, as a Committee, had extra meetings with home slaughterers, they were keen to know if funding was going to be made available, they were keen to know what sort of standards they would be required to meet and the Environmental Health Officer worked with them and shared that information, but in some cases, this will take time, because in certain cases certain premises might need to have planning, so although the intention is for this Ordinance to be approved at a time, enacted at a time when the Regulations will be ready to be approved by the Governor in Council we are mindful now that the funding, there has been a delay in the funding and I have discussed this with my Environmental Health Officer, they are aware of this, so in light of the funding being available in April we have to now put a further extension on to home slaughterers to enable them to access the funding for those who qualify and give them time to get their premises in order, so I give that assurance, there's no way that when the Regulations is approved that we're going to be expecting people to have those standards because in practice it's not going to work, no funding is available until April, they need time, so I give that assurance. Councillor Essex also mentioned that small businesses not able to bake in their own homes, this is not the case, they will be able to continue

baking in their own homes, there may have to be inspections made, but within reason and the Environmental Health Officer during the consultation has actually visited small businesses, small corner shops and other businesses, because a lot of concerns came in, can I sell my cake store in front of the Canister? There's no intention to stop this, but further awareness will be created, further awareness will be created, this is a balancing act, the whole idea of this food safety is not to put business out of business, but to encourage business to remain but standards will have to be safe within reason and the Environmental Health will work with the private sector on this. Councillor Essex also mentioned that we wouldn't want to see the legislation/regulations holding the private sector to ransom, there's no intention of holding anybody to ransom, we have visited the whole idea why this was an extended period of consultation, to make sure that people were engaged, some of the businesses did not attend the meetings, the Environmental Health made a special session to make sure that everybody was brought onboard with this, so there's no surprises, so nobody, I give my assurance, nobody will be held at ransom here. Councillor Lawson Henry quite rightly mentioned about adequate resources and I will thank this Honourable House for their approval in providing two additional funding for two additional Environmental Health Officers to assist and they have been recruited, they have been recruited and on the job training is being provided because they're gonna need extra staff. This will not only require day work, this will require evening and weekend work as well when it comes to inspections in certain cases so they need the resources and the Council saw fit to approve that extra funding, so it's thanks are expressed to this House for that. Councillor Mike Olsson, he's not sure, he has some concerns and he's not sure which way he will go, he has some concerns and he hope they will be clarified during the Committee stages. Well, we look forward to hearing his concerns and hopefully they can be answered, so, Mr Speaker, overall I thank the Members for their support in their submissions to the Bill. Thank you.

The Speaker –

Thank you, Honourable Derek Thomas.

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, move this House into Committee.

The Hon. Derek Thomas –

Thank you, Mr Speaker. 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 –

Thank you, Honourable Member. Is there a seconder?

The Hon. Pamela Ward Pearce –

I second it.

The Speaker –

Thank you, Honourable Member.

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

The Speaker –

Honourable Members, I now move into Committee stage.

Council in Committee.

The Chairman –
Yes, Sir?

The Hon. Derek Thomas –
Mr Chairman, you're now in Committee stage, can I seek your permission for the Environmental Health Officer to come and join me to add some support in explaining the detail of the Bill and I also have to rely on the Attorney General if there's legal issues that need to be clarified, I rely on his support?

The Chairman –
Yes, thank you, your request is granted.

The Hon. Derek Thomas –
Thank you, Mr Chairman.

The Chairman –
Right, Honourable Members, I've been asked to take care in going through this Bill, I will do so, there's no rush from my point of view, so I'll put the Title, the Enactment Clause and Clause 1 do stand part of the Bill. Any comments on that before I put the question? Honourable Attorney General?

The Hon. Angelo Berbotto –
Mr Speaker, after hearing the speeches today, it may be convenient to consider when this Ordinance will come into force. At the moment the date is 1st January 2017. If Members already know that funding for the required changes is not going to be available until 1st April it may be necessary to consider whether this Ordinance may, should not come into force on 1st April or even better on 1st May given one month once the funds are available for the preparations. The Environmental Health Officer will be in an impossible position if this law is in force and then the people that are supposed to comply with the law do not comply with it. The Environmental Health Officer will be in an impossible position because it is her job to enforce the provisions once this is law. In addition, the Ordinance needs to be enacted so that the Regulations under this Ordinance can also be enacted. However, there's no bar to when it comes into force. Enactment makes it law. The provision for enforcement says when the law actually crystallizes, so my proposal is that Members consider making the date when it comes into force a later date than the 1st January 2017 and I would think it may be appropriate to push it even up to the 1st April or even the 1st May 2017.

The Chairman –
Yes, Councillor?

The Hon. Derek Thomas –
Mr Chairman, I thank the Attorney General for this. We are aware of this because obviously this Ordinance very much depends on the Regulations and Regulations although they have been consulted upon they haven't been approved by Governor in Council. They need to be approved by Governor in Council, so on speaking to the Environmental Health Officer who obviously have to carry this out and the 1st April for enactment with the Regulations would be a more

realistic date with the proviso that a further six months will be allowed for the home slaughtering, because that was always the intention. The intention was always to allow a further six months once the Regulations and Ordinance is in to enable the home slaughtering to get their facilities in place in order and bearing in mind that funding won't be available until April we need to give them six months, so whereas everything else 1st April would be realistic, because there is some more awareness to be created once this Ordinance and Regulations are through, we don't want to be going, although it's been consulted we don't want to be going out there and rushing things, we need to bring people along, but with the exception of the home slaughtering it will be a further six months from 1st April and that will allow people to get theirself in order.

The Chairman –

Yes, the thing is here, do you have provision in the Ordinance to allow this further six months, because if you bring it in on a certain date it applies to all. Attorney General, is that correct?

The Hon. Angelo Berbotto –

If I recall correctly, the home slaughter will be dealt with in the Regulations, so there's no problem with the Regulations, there will be a series of Regulations under this Ordinance and there's no problem with the Regulation that deal with slaughtering to come into force at even further date. What is important is that there is no doubt in the population as to when it comes into force and what comes into force so they're prepared.

The Chairman –

Alright. So the Attorney General, are you making that as a proposal for an amendment and what is your proposal again, your amendment?

The Hon. Angelo Berbotto –

That the date when this Ordinance comes into force is amended, at the moment it says 1st January 2017 and I propose that the date is changed to 1st April 2017.

The Chairman –

Okay. Anybody else want to speak on that before I get a seconder perhaps?

The Hon. Mike Olsson –

Mr Speaker, wouldn't it be more practical to do it upon publication as we have done before, does it need a date, because there's still upon publication that matters? Mr Speaker.

The Hon. Angelo Berbotto –

If I can clarify that. Once it is published and is enacted it comes into force, so the result, the consequence of that may be that you have an Ordinance requiring people to comply and to do things but those people don't have the tools. If you say this Ordinance comes into force on 1st April, because it's already enacted, the Regulations can be passed, so you can do the work, the nitty gritty because the Ordinance paints the policy, gives you the framework. If you do it on the date of publication, the publication is likely to be in January and the enforcement, the Environmental Officer will be in a impossible position because her duties to uphold this Ordinance and if it becomes enforceable on 15th January, because that's when it's published, my prediction is that some members of the public may be caught by this.

The Chairman –

Right, the proposal on the table is that delete 1st January 2017 and replace with 1st May 2017. Is there a seconder for that?

The Hon. Derek Thomas –
It's not 1st May, it's 1st April, Mr Chairman.

The Chairman –
1st April?

The Hon. Derek Thomas –
Yes.

The Chairman –
Oh, 1st April.

The Hon. Derek Thomas –
I second that proposal, 1st April 2017, I second it.

The Chairman –
Okay, so then I put it to the Members that the date 1st January 2017 be changed to 1st April 2017.

Question on amendment, put and agreed to.

Title, Enactment Clause and Clause 1.

Question put and agreed to.

The Chairman –
Clause 2, a lengthy Interpretation Clause. Sir, Councillor Thomas?

The Hon. Derek Thomas –
Yes, thank you, Mr Chairman. Clause 2 – Interpretation, deals with the definitions associated in the Ordinance and Regulations.

The Chairman –
Any questions on Clause 2?

The Hon. Mike Olsson –
Mr Speaker, I would like to have some clarification on the interpretation of “business” and consequently of “food business”, what includes a business, it's not absolutely clear to me? It says business includes the undertaking, but it's not saying what it doesn't include. My concern could easily be expressed with an example if I baked two cakes, I know that would be a health hazard in itself, and give them to a local charity, am I a business? It's not excluded.

The Hon. Derek Thomas –
Mr Chairman, if the cakes are provided to the public then it becomes a business.

The Chairman –
Alright, thank you, Honourable Member.

The Hon. Dr Corinda Essex –

Mr Speaker, I support what Councillor Olsson is indicating, I think that the definition of “business” needs to be more precise, what is an actual business in terms of this Ordinance. I think there should be some definition indicating that any individual entity or company dealing with food or whatever under this Ordinance is classed as a business.

The Hon. Derek Thomas –

Mr Chairman, it’s further clarified under “food business”.

The Chairman –

Yeah, there are two definitions there, one is “business” and one is “food business”. Now, that shows that they’re treating food business as a separate entity to any business and it might be reference in the Bill for any business.

The Hon. Derek Thomas –

Mr Chairman, I’ve consulted my Colleague and we would recommend to delete “business” and just rely on “food business”.

The Chairman –

Is that going to affect any other parts in your Bill that relates to “business”? Attorney General, perhaps you could.....

The Hon. Attorney General –

I would not recommend a deletion. The “business” is defined as an undertaking of a canteen, club, school, hospital or institution whether carried on for profit or not. “Food business” is defined as any trade or business whether for profit or not both public and private in the course of which any operation with respect to the production, processing, handling or distribution of food are carried out. But if we look at “placing on the market” means the holding of food or feed for the purpose of sale including offering for sale or any other form of transfer whether free of charge or not, and the sale, distribution and other forms of transfer themselves. It may be easier to continue to look at how these concepts are worked through on the Bill rather than attempt at modifying the glossary, the Interpretation Clause at this stage. My advice would be to be slow to change the Interpretation Clause because there are many concepts that to understand them later on in the Bill you will need to refer back to this interpretation.

The Chairman –

That is a concern, I think and don’t forget you can’t go back to any clause that you have already passed as well.

The Hon. Derek Thomas –

Mr Chairman, it’s just been brought to my attention by my team here that what the Attorney General said is right, it’s the meaning contained in the Ordinance and if you look at section 3 it explains the meaning of sale, so it is contained within the body of the Ordinance, the explanations of these definitions.

The Chairman –

Would you be happy with that, Councillor?

The Hon. Mike Olsson –

No, not at all, because the Honourable Councillor Thomas said if we look at section 3, unfortunately we have to jump here, because if we don't get the interpretation part section right then it will follow us through straight away. If you look at section 3(2) This Ordinance shall apply in relation to any food which is offered as a prize or reward or given away in connection with any entertainment to which the public are admitted. Go to 3(3) for the purposes of subsection (2) entertainment includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill. That means if I give away two cakes, the hazards that I already explained, but if I'm giving them away I am bound, if we move to section 8(4)(c) or we can start, excuse me, 8(4)(a) that the food is not to the probable immediate, short-term or long-term effects of that food on the health of a person consuming it but also on subsequent generations. For giving two fruit cakes or, for example, if I give a nut cake and somebody eats that nut cake that shouldn't eat nuts, I am responsible. This is not acceptable. I mentioned it in the beginning when we started talking about this Bill that I was not sure if I should support it, but already now I'm absolutely sure I will not support it and the public consultation does not just concern businesses because you haven't identified what a business is, Mr Speaker. This is not acceptable.

The Hon. Derek Thomas –

Mr Chairman, the Honourable Member is saying it's not acceptable, what happens if somebody gets ill as a result of the food that he has delivered. There need to be traceability, so what's, I mean, that's the whole idea of the Ordinance, he decides to make cakes and give them away, as a result somebody gets ill, dies as a result, there need to be an investigation and what he's saying now that that is unacceptable.

The Chairman –

Alright, that's one person's view. You can continue. So let's have a look, go back then. The interpretation of "business" is that adequate and is that okay for this clause, that's what we're dealing with at the moment. Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, I think we should think very carefully about tampering, because you can't just read that definition in isolation because it relates all the way through to the other definitions which support the enabling sections of the Bill, so I think there is a real danger right from the outset if we try to tinker with that and I don't have the same concerns about that definition because I think you've got to read it in the context of the other definitions, that's how it's going to be workable. Thank you.

The Chairman –

Okay, then I need to deal with this. Are you making any proposal or not on that?

The Hon. Mike Olsson –

The only proposal I can make at this stage, which I know it won't be supported, but it is that you withdraw this Bill until things have been thought out properly, because they are not, this is going to have tremendous effects and what I said in the beginning is that it's actually so wide so it comes discretionary, we check that person, but we don't check that person, I don't like that kind of legislation, so that's my only proposal I can give.

The Chairman –

Oh, right, I understand how you feel on this, the crux of the matter and the question is do we leave "business" in as it stands or is there any cancellation of it? There's no proposal for that,

is there? You're not proposing that we take it out at all? No. Okay. Then we had some discussion on it and there's no proposal, I don't have to deal with it. Anything else further inside that section, Interpretation?

The Chairman –
Sorry, yes, Sir?

The Hon. Gavin Ellick –
I declare my interest, I got a bit of fish business, how would that affect me then? I'd just like to know because we had this scare a couple of weeks ago and everything else....

The Chairman –
Did you say you have a business?

The Chairman –
That affects you then.

The Hon. Derek Thomas –
Mr Chairman, the Honourable Member's fish business comes under the Fish and Product Ordinance, not this legislation here.

The Hon. Gavin Ellick –
Thank you, Sir.

The Chairman –
Okay. Then can I put the question that Clause 2 stand part of the Bill.

Clause 2.

Question put and agreed to.

The Chairman –
Clause 3.

The Hon. Derek Thomas –
Mr Chairman, Clause 3 sets out the Meaning of Sale and this extends the meaning of sale to foods that are supplied in the course of a business and then it goes on, it gives example as a prize or supplied during a stay in hospital etc.

The Chairman –
Clause 3, any questions on Clause 3?

The Hon. Mike Olsson –
I just repeat my concerns.

The Chairman –
Councillor Olsson?

The Hon. Mike Olsson –

Thank you, Mr Chairman. I'm just concerned about section 2(a) because it will involve so many private people that are not normally businesses, because it doesn't even say that it only applies to businesses. Any food which is offered as a prize or reward or given away in connection with any entertainment, which is very wide according to section 3, so it involves everything.

The Hon. Lawson Henry –

Mr Speaker, I honestly don't share that view, because you can't just extract parts of a section, you have to read the whole section and the prerogative to me in that section is that it must be in connection with any entertainment to which the public are admitted, so if you walk down the street and you give somebody a cake it simply doesn't apply to this definition. Thank you.

The Chairman –

Yes, thank you. Any other comments on that? Alright, there's no proposition to do anything about it, is there? No? Okay. I think it was just raising a concern to say how does it apply.

Clause 3.

Question put and agreed to.

The Chairman –

Clause 4?

The Hon. Derek Thomas –

Mr Chairman, Clause 4, Presumption that food is intended for human consumption and this section specifies that food found on a food business will be presumed to be intended for human consumption unless otherwise marked or specified.

The Chairman –

Any questions? Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I'd just like to, how will this affect like the League of Friends or the Women's Corona Society who give away food every Christmas and things like that for charity and stuff like that?

The Chairman –

The question is, Councillor, how does this affect other societies?

The Hon. Derek Thomas –

Mr Chairman, if they supply food for public consumption then they will have to comply with the Regulations.

The Chairman –

So it affects everybody who supplies food. Yes, Honourable....

The Hon. Brian Isaac –

So can I ask, so someone who's given some cakes to the Corona Society and they make them at home, do their home need to be inspected to see that it's to a standard or what is the procedure, I'm just asking because this has been, this was one of the concerns that has been

raised with me by members of the public and I think it's important that we're able to give a clear explanation on this particular topic, Mr Chairman.

The Hon. Derek Thomas –

Mr Chairman, it's all about traceability here and they will have to apply to the Environmental Health Officer and there'll be checks carried out. It's all about traceability; you can't be tracing some food and not all if it's offered for the general public. This whole thing boils down to safe and traceability, so nobody is, there's no intention to stop this, but it needs to be checked by Environmental, that's what this section is all about.

The Chairman –

Okay Councillor? Councillor Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Chairman. I do accept my colleague's explanation here, but I'm not sure how this will be in reality, especially amongst small voluntary groups. I'm unclear to support any recommendation at this time. Thank you, Mr Chairman.

The Chairman –

Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

For the sake of the public who are listening, can an explanation be given of exactly what an individual who wanted to bake a cake to give to a sale at Christmas, for example, would need to do in order to be able to do that?

The Hon. Derek Thomas –

Mr Chairman, they would need to consult the Environmental Health Officer and she will measure the, as a result they will measure the risks involved and provide permission.

The Chairman –

Okay, Honourable Member?

The Hon. Dr Corinda Essex –

So no-one will be able to provide any form of food for sale without contacting the Environmental Health if this Bill gets passed, is that correct?

The Hon. Derek Thomas –

Mr Chairman, not necessarily. They need to inform the Environmental Health Officer, they will do the assessment, they will conduct an assessment and obviously they will be enquiring as to where the source of the ingredients and stuff is coming from and they will have that and if that is a reliable source so it depends on the assessment, but they will need to inform the Environmental Health who will conduct an assessment.

The Chairman –

Thank you, Honourable Member. Dr Essex?

The Hon. Dr Corinda Essex –

I know this is varying a bit from the actual section that we're dealing with, this is a more general issue, but I'm fully aware that in other countries, such as Britain, for example, people do not

have to go through that level of reporting and scrutiny. For example, I know people who make cakes for church sales and so on in UK who certainly do not contact the Environmental Health Agency.

The Hon. Derek Thomas –

Mr Chairman, I've been informed that, I mean, once the source has been established the traceability is what is important here, so it not necessarily checks have to be carried out all the time, but it's the traceability that is important.

The Chairman –

Yes?

The Hon. Brian Isaac –

Mr Chairman, can I just make one comment. I'm speaking on behalf of people who has approached me. The island depends a lot on the support of voluntary organisations, especially at this particular time of the year. Organisations raise funding throughout the year to support our less fortunate in the community and I am aware that if these conditions are put in place people will not, who voluntarily donate to these groups, will not do the proceedings of going through the Environmental Health to get permission to supply this in good gesture to the community, it will kill off the goose that laying the golden egg. We have lost so much of our culture throughout regulations and ordinance being put in place throughout and some of it is good, but some of it is killing off the culture of our island and I would ask that that be taken into consideration. Thank you, Mr Chair.

The Hon. Derek Thomas –

Mr Chairman?

The Chairman –

Yes?

The Hon. Derek Thomas –

It's not the intention to kill off small businesses and people who do small cakes etc. Under Regulation 5.5 the Regulatory Authority may issue codes of recommended practices. Codes so this person who makes small cakes for business like churches and stuff like that the Environmental Health Officer is entitled to issue Codes of Standards, so not every time they make a cake they got to be inspected, they issue Codes of Standards which they will comply and it will allow traceability if necessary.

The Chairman –

Thank you, Honourable Member. Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you, Chairman. It was mentioned between there that a permit would be needed. As I understand that the Regulations must have been drawn up already as you proposed to get this into force on 1st January originally. Is it proposed how much this permit would put cost to bake a Christmas cake for a charity?

The Chairman –

Yeah, I think we're going outside of this Clause. We're talking about presumption, that the food is intended for human consumption, that's all we're talking about inside this Clause, the

presumption that whatever food is supplied is intended for human consumption, can we confine our thoughts to that?

The Hon. Dr Corinda Essex –

I thought we were looking at 3 and 4, Mr Speaker?

The Chairman –

Yeah, 3(2).

The Hon. Dr Corinda Essex –

3 of the Meaning of Sale was what I was talking to, it's the Meaning of Sale.

The Chairman –

Alright, yes, of sale, but we're going.....

The Hon. Dr Corinda Essex –

So, I mean, we've heard that the Regulatory Authority can issue Codes, but presumably those Codes have to be compliant with the Ordinance so the Codes would have to be predicated on the Meaning of Sale as defined in the Ordinance.

The Chairman –

Chair?

The Hon. Derek Thomas –

Yes, Mr Chairman, the Codes will dictate as to what level, yeah, and it depends on the business that's being carried out. It's not one Code gonna be for all businesses, I mean, the Codes will vary depending on the business type.

The Chairman –

Attorney General, you want to come in?

The Hon. Angelo Berbotto –

Thank you, Mr Chairman. Will people that donate a cake for the Corona Society be affected by this? Yes and No. Yes, because whoever is in charge of the stand for Corona Society will have to make a record of, oh, Mike Olsson donated these two cakes, so that if there is an issue later on we know whose kitchen to go and inspect. Will Mike Olsson going to need a permit from the Environmental Officer to bake the cakes that he's going to donate, no. The Meaning of Sale it includes all situations where food is going to be handled. Later on in the Bill you will see different defences and qualifications, but the reason why Food Business Operator is defined, Food Business and Food Premises is defined is because the law makes a difference between those foods that are made at home for a purpose of, for example, donating to the stand of the Corona Society and those that are in the business of preparing food for sale for public consumption and that is why number 4, the presumption that food is intended for human consumption puts certain requirements as to how things have to be handled, the level of hygiene, where food needs to be stored. Basically it's common sense, so if the public is worried that the Environmental Health Officer will come to their homes to inspect the materials, the ingredients they are using for making the cake for the Corona Society they can rest assured, that will not happen. The only thing, the traceability requirement, means that you just need to take steps to record it, just in case if somebody later on says, oh, I'm not feeling well, oh, I think it was the cake I bought, donated by Mike Olsson, steps can be taken. The purpose and

the aim of this Bill is to make sure that food is safe, it's not, the purpose is not to punish the economy and the traditions of St Helena.

The Chairman –

Yes, thank you, Attorney General.

The Hon. Derek Thomas –

Mr Chairman, I think to better assist the Members here the Attorney General got a better legal background than me and perhaps it will be better assistance if he go through and the Environmental Health Officer sit with him, with your permission, because I think it will be more helpful to the Members here?

The Hon. Angelo Berbotto –

You're doing a great job, Councillor, much better than with the Marriage Ordinance, so please carry on.

The Chairman –

Yeah, okay, do help out, you're doing a good job and you just call on the Attorney General when you want, okay? So, am I at the stage now to put the question?

The Hon. Brian Isaac –

Mr Chairman, just for the public's concern as well, has any statistics been taken in respect of salmonella outbreaks from public food being sold recently or when last was the recent outbreak.....

The Chairman –

Yeah, we're getting outside of the Bill.

The Hon. Brian Isaac –

Outside of it, but I thought I would raise it. Thank you.

The Chairman –

Yeah, okay, but can you raise that a little later and he will sum up and tell you, you've got a chance to debate later on, but that's the term of the Bill.

The Hon. Mike Olsson –

Yes, are we keeping strictly to the Bill because I've actually been supplied with two different explanations, one by the Honourable Councillor Thomas and one by the Honourable Attorney General what the provisions are. We go back to the original cakes now. Councillor Thomas said if I'm baking a cake it should be traceable where I bought the flour and the ingredients is what Councillor Thomas said. Then the Honourable Attorney General coming up with it is up to the Corona Society to know who baked these cakes, so we need a trace straight through, so if I bake a cake for Corona Society I have to write down where the flour come from, that's the traceability, that was what Councillor Thomas said, it seems like you have bit different views?

The Hon. Angelo Berbotto –

Not the traceability of the ingredients, Councillor, but the traceability of the food. The flour and the eggs are something different from the actual cake finished, so what the traceability, even if you go, the requirement means that when you go to the Corona Society with your donation of the cake, the Corona Society just makes a note of what they have received and

from whom just in case there is an issue. I mean, it's just to take precautions, but the intention and why this is in the Ordinance is just to minimise any risks, but we have seen, as Councillor Isaac just said, what is the statistics of salmonella, I mean, food is safe here, people take the precautions, but in case they don't there is a way to first investigate, because, as I said before, the aim of this Bill is not to punish, it's to protect the health of the population. I think that we are placing too much emphasis on how people are going to be prosecuted where the spirit of this Bill is how we can make sure that people don't get sick because eating food that is old or has been not refrigerated appropriately or any of those issues.

The Hon. Mike Olsson –

Well, thank you, Attorney General, it was clearer because I heard two different versions, so thank you.

The Chairman –

Okay, it's time for me to put the Clause.

Clauses 3 and 4.

Question put and agreed to.

The Chairman –

Clauses 5, 6 and 7, please.

The Hon. Derek Thomas –

Thank you, Mr Chairman. Clause 5 – Regulatory Authority and the legislation refers to the Regulatory Authority as being the authority responsible for the implementation of the Ordinance and its Regulations. This is defined as the Health Protection Board.

Clause 6 – Food Authority and authorised officers. Authorised officers is the officers who will carry out the duties on behalf of the Government of St Helena, specifically in the name of the Food Authority. Officers acting on behalf of the Food Authority will be appointed by the Governor and will have specific powers. Details of the duties, for example, how to inspect the meat and imported foods which is contained in the Ordinance and Regulations, Mr Chairman.

Clause 7 – Power to make Regulations. The power to make the regulations under this Ordinance and Members know rests with Governor in Council.

The Chairman –

Okay. Any questions on 5, 6 and 7 all in connection on implementation? Yes?

The Hon. Brian Isaac –

Could I just ask, under 7(f) the amount of any fixed penalties which may be imposed under this section? Could it be explained how the fixed penalties will work?

The Chairman –

Isn't this for the Governor in Council to make Regulations regarding fixed penalties, so until that's made you won't know how it's going to be worked.

The Hon. Brian Isaac –

Oh, thank you.

The Chairman –

Any other questions?

The Hon. Derek Thomas –

Mr Chairman, it's also contained in section 16 as we progress.

The Chairman –

Okay. Right, this is just giving the Governor in Council power to make.

Clauses 5, 6 and 7.

Question put and agreed to.

The Chairman –

Now we're looking at a section on Offences. Let's deal with section 8 first.

The Hon. Derek Thomas –

Mr Chairman, section 8, Food not complying with food safety requirements and this section makes it an offence to place unsafe food on the market as defined in Part 1, section 2 and includes transfer of food as well as sale. In this way the requirement of safety can be applied in all stages in the food chain.

The Chairman –

Right. Okay, and Councillor, it just says on 8 (8) that any person who place on the market food which is found to be unsafe is guilty of an offence, I think that's the key thing that has to come out here, isn't it?

The Hon. Derek Thomas –

Yes, that is correct, Mr Chairman.

The Chairman –

Okay? Any questions, please? Councillor Mike Olsson?

The Hon. Mike Olsson –

8(3)(b) they're talking about generally available, what does, does it, is it any standards on that or what is generally available? Information on the label or other information generally available to the consumer?

The Hon. Derek Thomas –

Mr Chairman, those requirements will be under the Regulations.

The Hon. Mike Olsson –

Oh, but the Regulations, will they say what is generally available, normally it says it should be ingredients and toxic waste and everything else that could possibly be in it, it is very, very loose **formulation**.

The Hon. Derek Thomas –

Yeah, Mr Chairman, this is general knowledge on how you have to keep food safe.

The Chairman –

Okay. Attorney General, do you wish to come in on that?

The Hon. Angelo Berbotto –

Yes, what we're looking at is that the prohibition on placing on the market food that is unsafe and then the section goes on to define what is considered unsafe and says "unsafe food is food that is injurious to health or is unfit for human consumption". Now, it gives some help to the Court to determine if the food is unsafe. It says "regard shall be had". That means that if there is a case in Court, the Court has to look at whether the normal conditions of use of the food by the consumer and at each stage of production, processing and distribution. That means that when the Court is determining if the food is unsafe it has to look at how it was produced, so, for example, if this food, if there's a pie that Councillor Olsson prepared, he prepared it on the table or on the floor, how it was produced, processing, so, for example, whether he processed it in a reasonable manner or allowing it, you know, he left the dough and the window open and some of the cats jumped in and pee on the dough so the processing, I'm trying to be very graphic so that people can understand what it means, what the Court will have to consider and then the distribution, let's say that the cake was then, instead of put in the fridge was sold five days later and it wasn't right, that's the distribution and also, so the Court will have to consider that and also the information provided to the consumer. For example, let's say that the cake was made five days ago, was there any label saying this was made on 1st December, or sorry, 8th December, including information on the label or other information generally available to the consumer. That information generally available to the consumer could be, for example, advertisement. Let's say that Councillor Olsson puts in the Independent an ad saying "Selling Cakes – Come and get them from the Chamber Council", I don't know, something like that. So what other information? It may be information that is not on the package itself but/or publicity on the radio, for example, so those are questions that are for the Court to determine if there's a prosecution brought to determine the safety. And it says also here, information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular category of food. So, for example, whether it says it contains nuts, because we know that a part of the population may be intolerant to nuts, things like that, things that would help determine the safety or unsafety of a food, because something that maybe unsafe for me, if I'm lactose intolerant may not be unsafe for you if you're not lactose intolerant, so all these provisions in this section 8 are things that the Court will have to go one by one to conclude if that particular food is unsafe or not.

The Chairman –

Right. Yes, Councillor Olsson?

The Hon. Mike Olsson –

We need best before date, production date, if there are nuts in it or not, if it's lactose, if it's gluten and this will apply to my two cakes I gave to the Women's Corona Society as well, wouldn't it?

The Hon. Angelo Berbotto –

Well, it's a little bit different there because take into account the difference between a cake that is going to be sold by the Corona Society in a particular date for a particular event and take, for example, Solomon's production of bread, it's an industrial production. The principles apply to both, but it is clearly aimed at those that are in the food industry.

The Chairman –

Is this sim..?.. not meaning that it prevents people from putting on the shelf outdated foodstuff, on the label you will see the date of the foodstuff, if you take the risk and sell stuff to the public which is outdated, then you're looking for getting into trouble?

The Hon. Angelo Berbotto –

Or you may also be, for example, a shop that sells food and is storing the food in a place where animals have access to. Let's say if you place potatoes in a place that cats or dogs have access to, that is potentially making food unsafe.

The Chairman –

Alright.

The Hon. Pamela Ward Pearce –

Mr Speaker, can I add something here please, Sir?

The Chairman –

Yes, sure.

The Hon. Pamela Ward Pearce –

I think I understand my Honourable Friend, Mike Olsson's concerns regarding intolerances and allergies, but in my experience most people with the allergies and intolerances they do safeguard themselves, they do check this themselves and, I mean, some of the impact is on the consumer as well. We can only make legislation so far, we have to take some responsibility ourselves, Sir. Thank you, Sir.

The Chairman –

Thank you.

The Hon. Mike Olsson –

And I thank the Honourable Councillor Pamela Ward, Ward Pearce, sorry, because that was exactly my point.

The Chairman –

Okay. Right, thank you. So can I put the question now.

Clause 8.

Question put and agreed to.

The Chairman –

Clause 9 and Clause 10 together, can we?

The Hon. Derek Thomas –

Thank you, Mr Chairman. Clause 9 is Rendering food injurious to health. This section is designed for acts which cause the food to become injurious to health and is usually would be used in cases of deliberate or malicious contamination. Clause 10 is Consumer Protection and this clause is designed, food may be sold which is unacceptable to the purchaser but not necessarily unsafe. This section is designed for consumer protection to ensure the food supplied during a sale meet the purchaser's expectations with regard to nature, substance and quality.

The Chairman –

Any questions, please? Councillor Henry? No, sorry, okay.

Clauses 9 and 10.

Question put and agreed to.

The Chairman –

Defences, under Clause 11.

The Hon. Mike Olsson –

Mr Chairman, it was mentioned this morning when we started, Mr Chairman, that we could have a good time for a short break. As I assume that we're gonna be lunch break at twelve, it is now ten twenty-five, we are exactly at half-way point for this morning's session, so would that be, we are now entering a new part of the Bill as well, so I wonder if Members felt that it could be a suitable time for a short ten-minute break?

The Chairman –

Thanks for that. I think we can finish the section though and then we can go out after that. Right, Defences, Part 11, it's only one clause, that's all it is, 11.

The Hon. Derek Thomas –

Thank you, Mr Chairman. Clause 11, it's Defences and Offences due to fault of another person.

The Chairman –

It's only, 11 and 12, sorry.

The Hon. Derek Thomas –

11 and 12. 11 this part offers two statutory defences which should be available to food businesses as the Ordinance is strictly liable, liability and the other person referred to in this defence must be another legal person, not an employee under the control of the food business. 12 is Defences of due diligence and that is technically the Court, technically the Court is the matter for the Court to decide if a food business operator has a statutory defence.

The Chairman –

Yes, okay. Attorney General, on 11 if you just explain 11 a little more?

The Hon. Angelo Berbotto –

Yes, 11 is, for example, if Councillor Olsson, I'm sorry if I'm using your example, but now we started with your pies let's finish with them. Let's say, for example, that

The Chairman –

Let's say if Mr X does it, rather than pinning it on the poor Councillor all the time.

The Hon. Angelo Berbotto –

I'm looking forward to his bakery achievement and.....

The Chairman –

He hasn't done anything to deserve that.

The Hon. Mike Olsson –
I can handle it, Mr Chairman.

The Chairman –
Go on then.

The Hon. Angelo Berbotto –
Thank you, Councillor. Let's say, for example, that the pies had salmonella and when the investigation proceeds it's found out that salmonella was because the eggs were from my farm and it was the eggs that were infected with salmonella, so this section, section 11 says that because it is the act or default of another person, so Councillor Olsson used the eggs in good faith, didn't think anything was wrong with them, that is the defence in this section, so the person responsible would be me rather than Councillor Olsson.

The Chairman –
Yeah, I'm just wondering about taking the action against A, but then finding B guilty, that's all. Why are you taking action against one man and then find another man who is not perhaps in Court guilty.

The Hon. Angelo Berbotto –
Well it may not be apparent at the beginning of the investigation that there is a person B, for example or so that is why this clause exists.

The Chairman –
That's what I wanted you to explain. Thank you.

The Hon. Angelo Berbotto –
Thank you.

The Chairman –
And in Clause 12?

The Hon. Angelo Berbotto –
And Clause 12 is a lengthy clause and is called Defence of due diligence. Basically it says that if you did everything you were supposed to do and in doing that you didn't discover that the food wasn't safe that is a defence, so as you can see, Honourable Councillors, there are a lot of provisions in section 12, so basically nobody is going to be prosecuted and punished if the food that they have produced was produced to the best of their ability and without discovering or detecting throughout the process that that food wasn't safe and it covers the distribution and it covers different stages of the elaboration and preparation of food.

The Chairman –
Yes, okay. So can I put the question, unless there's any questions on that?

Clauses 11 and 12.

Question put and agreed to.

The Chairman –

Alright, now we might have a ten minute break please, a fifteen minute break. Thank you.

Council adjourned.

Council resumed.

The Chairman –

Right, we are returned to Committee stage and we're looking at Part V – Enforcement. Councillor Derek Thomas, we're calling Clause 13.

The Hon. Derek Thomas –

Thank you, Mr Chairman. Clause 13 – Power of entry. This section provides authorised officers the powers to enter to undertake their specific duties in accordance with the Ordinance and Regulations. It also provides power in relation to businesses but also to private dwellings as well. Yes, it sets out powers of entry, Mr Speaker.

The Chairman –

Any questions on Clause 13.

Clause 13.

Question put and agreed to.

The Chairman –

Clause 14.

The Hon. Derek Thomas –

Mr Chairman, Clause 14 – Hygiene improvement notices. This section allows the authorised officers to issue hygiene improvement notices and these notices are designed to address non compliance with details of the legislation giving food business operators the minimum time 14 days to comply, so it's not all about going straight to Court, for the more trivial, minor offences the authorised officers can issue improvement notices giving time limits for the business provider to correct what is needed. Mr Chairman.

The Chairman –

Thank you, Honourable Member. Any questions on that section?

Clause 14.

Question put and agreed to.

The Chairman –

Clause 15 – Remedial action notices. I thought you touched on that.

The Hon. Derek Thomas –

Yes, Mr Chairman. Clause 15 – Remedial Action Notices. These notices can be used to stop production or stop the use of equipment or part of equipment on the premises immediately, they are used by the authorised officers and they don't require confirmation by the Court, so upon inspection the authorised officers can issue remedial notices to stop any activity they deem fit.

The Chairman –
Any questions?

Clause 15.

Question put and agreed to.

The Chairman –
Clause 16 – Fixed monetary penalty notices.

The Hon. Derek Thomas –
Yes, Mr Chairman. Clause 16 deals with fixed monetary penalty notices. Again, this clause is designed for minor offending and instead of again putting everything before the Court the fixed penalty notices, a penalty can be delivered for minor offending, this was covered by in the consultation this new proposal and it was well received by business operators. It is for minor type offending, Mr Chairman, and the fixed penalty notices that will be defined by the Regulations.

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

The Hon. Dr Corinda Essex –
What levels are defined within the Regulations?

The Hon. Derek Thomas –
Mr Chairman, the Food Authority will decide the minor type of offending under the Ordinance and Regulations which is suited for the fixed penalty and then that will be, the fixed penalties will then be set by Governor in Council, the punishments, levels of fines, but the Food Authority will decide the level of minor, the type of minor offending.

The Chairman –
Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –
With all due respect, I feel uncomfortable signing up to this section that makes provision for something when I don't know what the sort of ball park of the outcome is likely to be.

The Hon. Derek Thomas –
Mr Chairman, the recommendation from the Food Authority that will be put forward to Governor in Council, the level of offending, type of offending and all Members will be given an opportunity if they obviously dislike any of the recommended offences to be dealt with by the fixed penalty then we can hear their views then it will be contained within the boundaries of the Ordinance. This is to avoid minor type of offending having to go before the Court, that's simple as that, minor type of offending, fixed penalty. It was well received by businesses and like I say, Council will have a stab at it when the proposal is put forward, because it will be contained in Regulations and if there's any type of offending they are not support of then it can be dealt with there.

The Chairman –

Yes, Councillor Olsson?

The Hon. Mike Olsson –

Just a small concern there, because I think it is a great idea with a fixed penalty in many things, parking offences, a speeding ticket and things you're used to, we haven't even got that far in St Helena to give Police Officers the right to give a fixed penalty notices so I think maybe starting with the Environmental Health Officers doing it is maybe starting in the wrong end, that's just my concern, Mr Chairman, because in the longer run I think that is a great thing, but giving actually a Environmental Health Officer bigger powers to a certain extent than a Policeman that might not be all that great.

The Chairman –

Thank you, Honourable Member. Would you like to comment on that?

The Hon. Derek Thomas –

Just a comment, the type of offending, the minor type of offending, that will be defined as to when the fixed penalties can be given, so they're not going to be, Environmental Health is not going to be giving fixed penalty willy nilly, that is not the case, the fixed penalties will be defined and the levels of fixed penalties will be defined and it was covered extensively within the public consultation and businesses thought that would be supportive to them due to level of offending, it will avoid, in certain cases, businesses having to go to Court, so, you know, the businesses were supportive of this for minor type offending and don't forget it's the improvement notice first so that come lower down the line.

The Chairman –

Yes, Attorney General?

The Hon. Angelo Berbotto –

Thank you, Mr Chairman. This section only deals with the powers that the Governor in Council, that's ExCo, will have to make the Regulations. Those Regulations are not the object of discussion today, they will be later in the future. Those Regulations will not be able to be made for powers that are not contemplated in this section so, and those powers given to the officers enforcing this legislation, those will be very defined powers, because they cannot use power arbitrarily, they are like any other officer accountable for their actions. Thank you.

The Chairman –

Thank you very much. Honourable Lawson Henry?

The Hon. Lawson Henry –

I think the Attorney General covered what I was going to say, but I think fixed penalty notices is a good way because due process has been followed and given a chance to correct it, if they didn't correct it then you get the fixed penalty notice and we talked earlier, Mr Chairman, about resourcing this and my Honourable Colleague say already that appointments has been made, training is underway, so I think we gotta have the confidence in the officers ability to be able to apply discretion and I think we getting too deep, you know, this is about creating the framework for fixed penalties to go ahead and not before time. Thank you.

The Chairman –

Thank you. Anybody else want to speak on the fixed penalty? Can I ask the question, does a penalty under this Ordinance become recordable like a conviction?

The Hon. Derek Thomas –
Er.....

The Chairman –
Wait now, the Attorney General is just answering me, I think, on that.

The Hon. Angelo Berbotto –
If you look at section 16, subsection (3) it says a penalty notice is a notice offering the food business operator the opportunity to discharge any liability to conviction for the offence to which the notice relates by paying a penalty, so there's no conviction.....

The Chairman –
There is no conviction, thank you.

The Hon. Angelo Berbotto –
Just a fine because you don't go to Court.

The Chairman –
Is it appealable?

The Hon. Angelo Berbotto –
Well, there is, if you don't accept the notice then subsection (10) deals with the fact that you can ask to be tried, subsection (13) any request to be tried must be made by notice, so if the person that is receiving the notice says no way I'm not paying this, you're wrong, I am not guilty of this, then the Food Authority will take this matter to Court and then it would be the Court to decide whether the Food Authority used their powers correctly, whether they had the evidence and the conclusion the Food Authority arrived at was correct in law or not, but then rather than dealing with a penalty notice it may well be that there will be a conviction, so what this system provides is for those offences or those breaches that are really obvious but can be dealt with with a fine for that to be a speedy way of dealing with it. Of course, there will have to be evidence, the Food Authority officer cannot go around just, you know, spreading fines everywhere, there needs to be evidence of the breach and the breach must be of such severity, low severity, not a serious breach that those Regulations will cover, but the Regulations are a conversation for a different day.

The Chairman –
Thank you for that, thank you. Honourable Mike Olsson?

The Hon. Mike Olsson –
Just on that point, just for clarification on the question from the Chairman, no it is clear that it is not a conviction but if you take out your Police record you have more than convictions in there, you got, will it come up as a caution, will it come up as any instrument at all for any criminal involvement?

The Hon. Angelo Berbotto –
No, it won't because the Police will not be involved, it will be the Food Authority.

The Chairman –
Yes, thank you very much for that clarification.

The Hon. Wilson Duncan –
Mr Speaker?

The Chairman –
Sorry, Honourable Member?

The Hon. Wilson Duncan –
In response to Honourable Mike Olsson's, he alluded to that the Police won't have powers for fixed penalty, not because the Police don't have it that other authorised officers in a certain Directorate can't have, you know, have fixed penalties.

The Chairman –
Yes, thank you for that Sir.

Clause 16.

Question put and agreed to.

The Chairman –
Clause 17 – Prohibition.

The Hon. Derek Thomas –
Thank you, Mr Chairman. Clause 17 deals with Prohibition Orders and this allows the prohibition of a premises, equipment or processes for use in relation to food business following successful prosecution of the food business operator for offences under the Ordinance or Regulations. The prohibition can be revoked by the Food Authority if the premises, equipment or processes is improved, replaced in a way that it no longer imposes a risk of injury to health or the food business, so it deals with prohibition orders being able to be issued, Mr Chairman.

The Chairman –
Yes, thank you. Honourable Attorney General?

The Hon. Angelo Berbotto –
Thank you. Who can impose these orders, it's only the Court, so let's say that a business is found guilty of selling or preparing unsafe food, or any other offence under this Ordinance and the Court has the option of also imposing this prohibition order that may deal with, for example, the pies cannot be made in the shed, you need to build something to make them, but cannot, and the purpose, once again, is to minimise the risk of ill health to the population because somebody is selling food that is not fit for human consumption.

The Chairman –
Thank you. Any questions?

Clause 17.

Question put and agreed to.

The Chairman –
Clause 18.

The Hon. Derek Thomas –
Mr Chairman, Clause 18.....

The Chairman –
Can we take 18, 19 and 20, I think they're connected.

The Hon. Derek Thomas –
Mr Chairman, Clause 18 provides for the inspection and seizure of food and allows an authorised officer of the Food Authority may at reasonable times inspect any food intended for human consumption, it also provides the inspection and the Authority to confiscate food which is needed for further sampling and inspection, so that gives the authorised officer the authority to inspect and seize food at any time during when the business is in operation.
Clause 19 deals with detention notices. This section allows the authorised officer to detain food or an animal subject to further investigation, Mr Chairman, yes, that allows them to detain food or any animal subject to further investigation.
Clause 20, Mr Chairman, sampling, examination and analysis of food and this section allows the authorised officer purchase or take a sample of food ingredients or any other substance used in food preparation, food sources and contact materials, this includes swabbing surface and equipment, it is necessary to be able to both purchase or take as there may be occasions when sampling is required but there is no retail facility, for example, when it comes to ingredients, raw materials to be sampled, so it gives authorised officers the authority in those three sections to inspect and seize food if necessary. Mr Chairman.

The Chairman –
Thank you, Honourable Chairman. Any questions? Honourable Brian Isaac?

The Hon. Brian Isaac –
Mr Chairman, can I just ask my colleague if these measures are put into place and the officer find that the place is contaminated, is there any provisions for the officer to close the premises?

The Hon. Derek Thomas –
Yes, there is procedures, Mr Chairman, and they have to follow the procedures in the sections that we have just covered, so there is already procedures there for premises to be closed and we follow the procedures as I previously alluded to, Mr Chairman.

The Chairman –
Thank you, Honourable Member. Any other questions?

Clauses 18, 19 and 20.

Question put and agreed to.

The Chairman –
Clause 21 and 21.

The Hon. Derek Thomas –
Thank you, Mr Chairman. Clause 21 deals with registration and licensing of premises. Licensing and approval have been put in the section so that appeals process for both can be dealt with. The application for registration should trigger the on site visit, compliance should

result in the licence approval being awarded. Clause 22 deals with the service of documents and that is section 22(3) specifies how to count the number of days in the notice period when serving formal notices, it needs to be amended to refer to.....no, okay. Yes, it deals with the service of documentations which are set out in 22(3). There isn't any 22(3). Where is 22(3)? Sorry, Mr Chairman, I beg your pardon. On this it sets out the notices under section 22(2) and not 22(3), so I am proposing an amendment here to read, it is section 20.....no, no amendment, it's my notes, sorry, Mr Chairman, my notes is faulty here, so that actually deals with the section 22(2) specifies the number of days in the notice.

The Chairman –

You're happy with that, are you, Councillor?

The Hon. Derek Thomas –

Yeah, my notes was faulty and not the text in the Ordinance, Mr Chairman.

The Chairman –

Okay, any questions on Clauses 21 and 22? Sorry, Councillor Olsson?

The Hon. Mike Olsson –

We come back to, thank you, Mr Chairman, come back to 21(1) I'm looking at. No person shall carry on a food business unless he has registered such a food business with the Food Authority and received a licence permitting him to carry on such food business from the Food Authority and has paid the prescribed fees. Then we come back with what is a food business. It means any trade or business, whether for profit or not, both public and private, in the course of which any operation with respect to the production, processing, handling or distribution of food are carried out. Then we come back to food business can be quite a bit which also then affect voluntary organisations and I said even includes the distribution of food which would be the two cakes in the back of my car, theoretically, I would need a permit to transport the two cakes in the back of my car, according to section 21(1). Do we have any suggestions, because as the, I know we are talking about the Regulations but I think it is very important that we have some views of what these fees will be, because there can be an awful lot of fees here because every community centre, every Women's Corona, everything, whatever they do, has to be clearly be licensed.

The Hon. Derek Thomas –

Mr Chairman, if I may be helpful. We discussed this issue of fees in our Committee meeting and it's not altogether about paying a fee, it's about being able to trace, the traceability is key here. Some of the smaller businesses there may not be a fee, because Members were very concerned about this, is that very small business, the question is safety here, so the recommendation and we speak about this so it not necessarily that all of the businesses will be required to pay fees.

The Chairman –

Okay, Councillor?

The Hon. Mike Olsson –

No, I don't understand the answer, because it clearly says, you can't say that some businesses might not have to pay fees, because you're actually breaking the Ordinance if or you're not allowed to carry out, you can't say that some, my dear Friend, that some businesses might not have to pay a fee, we have to follow the law.

The Hon. Derek Thomas –

Oh, Mr Chairman, it brought to my notice here, it's not the, it's the main retail that need to be licensed here, not the individual manufacturer, it's not the individual manufacturer, it's the main retailer.

The Chairman –

Yes, Councillor?

The Hon. Mike Olsson –

That's not what the law is saying, to say any food business, it is absolutely clear, so you can't come in with a interpretation, because that is not what the interpretation is saying.

The Chairman –

Yes, could this prescribed fee be nil pounds, Attorney General?

The Hon. Angelo Berbotto –

It could be zero or it could be £1.00 nominal and also we are here today dealing with the frame, then the Regulations are the picture with the landscape, this is the frame. What we need is the power for licensing to exist, the Regulations will be able to deal with the nitty gritty of those conditions. It makes complete sense for if the Corona Society is going to have a food stand at the Christmas Market, so they're going to handle food, that there be a process for their licensing and it may be one of these, it says conditional licence or temporary licence and, of course, the Environmental Officer when they come to ExCo with the draft Regulations, they will have a way of dealing with somebody who is a business and somebody who is not a business, somebody who has a stand that always sell their cakes or something like the Corona Society, but because food is being handled there needs to be some minimum requirement of hygiene. Are people selling the cakes probably by hand? That wouldn't perhaps be appropriate, so we don't have to be afraid of regulation if those regulations only implement common sense and as I have said before it is not the aim of the Food Authority to prevent traditional events from happening, it's just to make sure that that common sense that we see in the Christmas food stands because they are already leading the standards, those standards are written and found somewhere. Mr Speaker, this is a small community and people do things in their own way. With the opening of the airport there may be coming new businesses, there may be new food operators that will use their own ways of doing things, so it only makes sense to have these standards and as I've said before the purpose is not to punish, the purpose is to prevent food that is not safe from being sold and consumed by the population.

The Chairman –

Alright. Yes, Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I still have some concerns about, it goes back to the debate we had earlier about the definition of business, because in this clause here it states "any food business". If you look at the definition of "food business" it says any trade or business whether for profit or not. Okay, trade I understand is buying and selling goods, that's clear enough, but it says business and business, as we mentioned earlier, the definition for business just says includes the undertaking of a canteen, club, school, hospital or institution, so I would like to know precisely how business is being defined in the context of clause 21(1) and the definition of a food business

when it says “food business means any trade or business, whether for profit or not, both public and private”.

The Chairman –
Chairman?

The Hon. Derek Thomas –

Yes, there are various views coming across here, as you can see, Mr Chairman, and I think it will be only right that if you have a five minute adjournment so we can knock heads together and answer the Member’s query here. It is not something that we can just come straight with the answer ...?.....concerns raised, we might have to propose an amendment and so, you know, it was said from the onset, this need to be done properly and so if we can just meet with the Attorney General and the Director here so we can look at these two sections that are raising concerns and come back, so I’ll ask if the proceedings could be halted for a short while, Mr Chairman?

The Chairman –
Yeah.

The Hon. Angelo Berbotto –

Mr Chairman, I can advise without having an adjournment.

The Chairman –

Alright, if you’re?.....to do that.

The Hon. Angelo Berbotto –

Whether you have the Corona Society stand or your own business selling food you need to get a licence. It is very clear. They types of licenses will vary, but if you are selling food and you have somebody selling food with the flu or a cold and that person has germs and is working with food that is not acceptable, these are things that the licensing will provide and please don’t think of a licensing system as something that will be over complicated for the Corona Society as it may be more detailed for a shop that produces food and sells it to the public, but standards, they are needed, because it is, and I repeat again, the community at the moment uses common sense, but when St Helena becomes a more accessible location where you may have new food operators that may apply or not apply the standards as we know them the benchmark needs to be written somewhere, the benchmark needs to be the Food Safety Ordinance. I don’t know if those words reassure the Elected Members, but there is nothing wrong in having standards, especially when we’re dealing with something that if you consume can make you ill. Things like using the instruments rather than grabbing things by hand is not written anywhere at the moment, most operators where you go you see them using common sense, but common sense is something that cannot, it’s not, cannot be expected whereas if there is a Food Authority that makes guidelines then the Corona Society will ring, will say, oh, on 17th December we’re going to be at the Market, we propose to sell food, what do we need to do? They will probably receive a checklist of things and maybe asked to pay a fee of £1.00, I don’t know how much, those issues are going to be dealt with by regulation, but I don’t find this in itself restricting the traditions or the ways that St Helenians do, but on the other hand it is protecting the population in case food that is not fit for consumption is being distributed.

The Chairman –

Thank you, Attorney General. Councillor Mike Olsson?

The Hon. Mike Olsson –

Did I get it right when the Honourable Attorney General said that we have a food licence to prevent people to serving food when they got flu, I did not really think that that had anything to do with the food licence, because how can you prevent people from serving with flu, because you've got the food licence, I didn't get it.

The Hon. Angelo Berbotto –

Well if the licence deals with the production, the distribution, the processing, so there will be certain ticks you need to, well, it is common sense, if you are sniffing every three minutes, are you going to sell cakes, I mean, it doesn't make sense to me, but so the Corona Society will be able to say, okay, this volunteer, oh no, she, you're not well enough, let's get another volunteer to man the stand. As I said before, these are things that the licence will be dealing with that can be expanded upon in the Regulations, the Food Authority is unlikely to use the same yardstick for volunteer societies and communities in terms of the requirements they have to comply with as to those businesses that are in the business of making things or distributing foodstuff. Thank you.

The Chairman –

Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I thank the Attorney General for his lengthy answer, but I am now questioning the concept of having licenses and I'm not questioning the need for licenses, what I am concerned about is the definition of what constitutes a food business in the context of the fact that business is not defined and the definition of food business is any trade or business, that is my concern, because my concern is that I want to be absolutely clear under what circumstances a licence will be required and when I say under what circumstances I mean for what types of operations?

The Hon. Derek Thomas –

Mr Chairman, the Honourable Member said business is not defined, business is defined in the Ordinance as well as food business.

The Hon. Dr Corinda Essex –

Yes, Mr Chair, the business is defined as includes the undertaking of a canteen, club, school, hospital, institution, whether carried on for profit or not. It says includes, it's not saying means, so I want to know what else is within that definition of business, please?

The Chairman –

Yeah. Can I perhaps see if I can throw a little light on it having dealt with legislation in the past? If you took out the word business from the definition and you read through the Ordinance, where it says business you will turn to the dictionary to find the interpretation of business. Now, if you put it back in, that will be business means what is in the dictionary plus and includes the rest of the stuff, so that's what it is, so business as it is construed here will mean exactly that in my opinion, that you turn to business in the dictionary, that's what business is, but it also includes these other things and so the definition could be okay, my understanding. Attorney General?

The Hon. Angelo Berbotto –

Yes, basically, any place that deals with food comes under this provision, because this Ordinance is about keeping food safe, so if you sell food to others, whether it is for profit or not, you are covered by this. Now the degree to which you are covered under the requirement that will be different, but you will have seen today that there are defences, we have seen today so that there are checks and balances within the Ordinance, but in, the bottom line is food that is prepared, sold, distributed on St Helena, it's to be safe and people need to take

The Hon. Lawson Henry –
...?....(Inaudible)...

The Hon. Angelo Berbotto –
....that's right, and in order to make sure they are safe, if there is an issue will need to be able to trace back where the issue is, because if there is an outbreak of salmonella because of the cake and the Corona Society and we have thirty people that are ill, well, let's say ten people, because the portions are not that big, and the ten people that are ill will want to know where the origin of that salmonella outbreak, otherwise how can the health side of things come and intervene, especially when, we are now dealing with this example of the Corona Society in the Christmas Market, but what if we use, for example, a can of sausages that has been imported into St Helena and we have a number of people queuing in the hospital with gastroenteritis, so you see there needs to be a way to ascertain in the unfortunate event something like that happens where that food comes from and whether that person responsible selling, what measures they took and where the origin of the problem may be, and, but only and, if that outbreak or disease is caused because somebody was negligent or it was malicious, because I want to save money, so instead of using butter, fresh butter, I used old butter to make the cakes, so in those cases people will be punished.

The Chairman –
Can we accept that businesses are as defined in the dictionary, plus, and includes the other ingredients under the Bill?

The Hon. Angelo Berbotto –
Yes, absolutely.

The Chairman –
Are you happy with that?

The Hon. Derek Thomas –
Yes, Mr Chairman.

The Chairman –
Other Members are happy with that? Yes? Okay and then can we then take Clauses....

The Hon. Gavin Ellick –
Mr Speaker, can I just ask one question?

The Chairman –
Yes.

The Hon. Gavin Ellick –
It may sound pretty stupid but anyway I go ask it anyway.

The Chairman –

Carry on and ask your question.

The Hon. Gavin Ellick –

It got here, business includes a canteen, club, right? And then it says here, for profit or not. Now, for instance, if I was over Francis Plain and I got a Cricket Club and I'm doing a barbecue and I give it to my people, will I be subject to the same penalties here?

The Hon.?..... –

Yes,?.....(inaudible)

The Hon. Gavin Ellick –

So now when I go over the Plain now and be having a barbecue I got to get a licence for that and permit for that?

The Hon. Angelo Berbotto –

Only if you sell the food. If you have a group of people coming to do a barbecue.....

The Hon. Gavin Ellick –

But it says, for profit or not?

The Hon. Angelo Berbotto –

Yes.

The Hon. Gavin Ellick –

So if I'm, I'm not doing it for profit so it seems I have to be subject to the same penalties?

The Hon. Angelo Berbotto –

If you have a barbecue with your friends you don't need to take a licence. If you are having the barbecue for the benefit of the Corona Society and you are selling the sausages, yes.

The Hon. Gavin Ellick –

Okay.

The Chairman –

Yeah, I think that Councillor Olsson will want to come in on an earlier point.

The Hon. Mike Olsson –

Thank you, Mr Chairman, because the advice given by the Honourable Attorney General now is opposite to section 2(a) and section 3 because in relation to any food which is offered as a prize or reward or given away in connection with any entertainment to which the public are admitted whether on payment for money or not as if the food were or had been exposed for sale by each person concerned in the organisation of their entertainment. For this purpose of subsection 2, entertainment includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill and definitely Francis Plain is open to the public so it is not, it definitely falls under that you'll need a licence according to my view, because it doesn't mean if it's sold, it doesn't matter if it's sold or not?

The Hon. Angelo Berbotto –

Yes, but.....

The Hon. Lawson Henry –

But the circumstances which the Honourable Ellick explained was not open to the public, so I don't see.....

The Hon. Angelo Berbotto –

If you look at the definition it's commercial operation, it says commercial operation in relation to any food or contact material means any of the following. So if I am selling sausages at Francis Plain and then I sell the sausage for £1.00 and that pound goes to the Corona Society I am caught by the provision, but if I invite Councillor Olsson to a barbecue that I'm organising at Francis Plain, I don't need a licence, that's why it's called commercial operation.

The Chairman –

Okay?

The Hon. Mike Olsson –

Sorry, where does it say commercial operation?

The Hon. Angelo Berbotto –

Interpretation, section 2, one, two, three, four, the fifth definition, the last definition in page one, that's the one that says commercial operation.

The Hon. Mike Olsson –

Oh yes, where is that shown in section 3 of the Bill? You're referring to the Interpretation, but when that it is commercial doesn't appear in section 3(2) or 3(3) of the Bill?

The Hon. Angelo Berbotto –

But then in 3 it says, the supply of food otherwise than by sale at or in or from any place from where food is supplied in the course of business, so it goes again to business. The social gathering where, a social gathering where I'm not selling you, where I'm inviting you to have a barbecue is not, doesn't fall within this definition, doesn't fall within, it's like the same as I invite you to dinner at my house, I don't need to go to the Environmental Officer first.

The Hon. Mike Olsson –

You ought to.

The Chairman –

Okay, comfortable? Alright, thank you very much indeed. So what were we doing that time?
21.

Clauses 21 and 22.

Question put and agreed to.

The Chairman –

Clauses 23, 24, 25.

The Hon. Derek Thomas –

Thank you, Mr Chairman. Clause 23 sets out time limit for prosecution, no prosecution for an offence under this Ordinance, which is punishable under section 24 shall be given after three

years from the commission of the offence, so that is saying that three years after the commission of the offence no prosecution shall be brought about.

24, Mr Chairman, 24 sets out the punishment, any person found guilty of an offence under this Ordinance is liable on conviction to a maximum penalty of a fine of £10,000 or imprisonment for a term of eighteen months or both and in the case of a continuing offence to a further fine of £30 for each day or part of a day during which the offence continues after a conviction is first obtained.

Section 25, Mr Chairman, offences deals with offences by body corporate and this section is included in anticipation of the expansion of the food industry in St Helena where large companies from outside of the island may wish to trade and do business here. Thank you, Mr Chairman.

The Chairman –

Okay, thank you. Any questions?

Clauses 23, 24 and 25.

Question put and agreed to.

The Chairman –

Clause 26 and 27.

The Hon. Derek Thomas –

Thank you, Mr Chairman. Clause 26 deals with a right of appeal, it deals with appeals regarding licenses and appeals against hygiene improvement notices. The section is set out, 26, for right of appeals and Clause 27 is the amendment of legislation and transitional provisions and there's a series of amendments recommended here that Members can see, Mr Chairman.

The Chairman –

Thank you. Any questions on 26 and 27?

Clauses 26 and 27.

Question put and agreed to.

Council resumed.

The Speaker –

Okay then, the Bill is to be reported, I'm now back in formal LegCo. Honourable Member?

The Hon. Derek Thomas –

Mr Speaker, I beg to report that the Food Safety Bill, 2016, passed the Committee with one amendment and to move that this House approves the said Bill and recommends to the Governor that it should be enacted from 1st April 2017.

The Chairman –

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

The Hon. Wilson Duncan –

I beg to second.

The Chairman –

Thank you, Honourable Member. Honourable Mover, you may now speak to the Motion in principle.

The Hon. Derek Thomas –

Mr Speaker, I would just like to thank the Members for their support to this Bill, it is an important Bill for the island, we are recommending sensible timelines to take account of the associated Regulations, more public awareness being created and a sensible approach when it comes to home slaughtering, so we're taking the people along with us and this Bill is to improve standards when it comes to food safety and it will add value to the development of this island, so I'd just like to thank the Members for their support to this Bill. Thank you.

The Chairman –

Thank you, Honourable Member. I put the question that this Council approves the Food Safety Bill, 2016, and recommends to the Governor that it should be enacted. The question is now open for debate. Anybody wishes to debate? No? Mover, do you wish to respond any further or not? No? Thank you.

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

The Chairman –

The Ayes have it, thank you. Alright, good. Honourable Members, I think we can deal with the Motion here, so Clerk, call the next item, please?

Motion No. 2 – The Honourable Cyril George.

The Speaker –

Honourable Cyril George?

The Hon. Cyril George –

Mr Speaker, I beg to move that this House resolves to consider that the St Helena Water Authority is reinstated. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Is there a seconder?

The Hon. Brian Isaac –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. Honourable Mover?

The Hon. Cyril George –

Mr Speaker, Honourable Members, this Motion is being put forward to reinstate the St Helena Water Authority that was established in 1978 and revoked in 2013 when the Utilities Regulatory Authority was established. Currently there are no elected member serving on this

Authority. If this Motion is passed in the House today to reinstate the 1978 St Helena Water Authority it should include representations of the Legislative Councillors being members of the Environmental and Natural Resources Committee and the Economic Development Committee with the power to organise and regulate water supplies on St Helena. The function and purpose of the Authority is to develop, control, conserve and distribute water fairly the resources of the island whether it be for domestic, commercial for farming purposes. Mr Speaker, we are all aware of the problems experienced in 2013 and I continue, Mr Speaker, to receive complaints and queries from a number of consumers concerning the current situation. I wish to mention some of these queries I have received. (1) Why were the ban on hosepipes and sprinklers not imposed much earlier? (2) The bowsering of water 24 hours per day. In the past water bowsering was a common occurrence that was mainly due to lack of storage. We are all aware of the 2016 was a very dry year, however, rainfall data collected for the first nine months of 2016 and the rainfall data collected for twelve months of 2005 confirms that 2005 was also a relatively dry area and we never experienced bowsering 24 hours per day. Mr Speaker, we've got Honourable Members around this table who have previously served on the St Helena Water Authority. The other issue that's been raised by constituents are whether elected members have any control of the service provider, Connect St Helena? On behalf of the public, I've written to the Chairman of the Utilities Regulatory Authority expressing their concerns.

Finally, Mr Speaker, on Friday we were informed that the Number 1 transfer system, pumping water from Chubbs Spring to Scotts Mill was completed, however, I have seen this morning bowsering water continues from Jamestown to Scotts Mill. Mr Speaker, I beg to move.

The Chairman –

Thank you, Honourable Member. Honourable Members, the Motion is that this House resolves to consider that the St Helena Water Authority is reinstated. The Motion is now open to debate. Any Member wish to speak? Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I support the Motion with a view of providing political support as an Authority and not in any way becoming involved in the operations. The recent water crisis put in place have supported the situation but we are nowhere where we would want to be. This have been a reoccurrence over many years and thousands and thousands of pounds of public funding has been pumped into various projects, but we all suffer when projects do not deliver. I support my colleague's Motion in respect of consideration to re-establish a Water Authority to provide political overview only for one of our most highly regarded natural resources which supports life to its fullest. I have previously served as a Member, Chairman, along with other members in this Honourable House who have served as members of the Water Authority and the outcome of the Authority have been very positive in respect of taking the development of water resources forward on the island and managing drought situations prior to become a crisis situation which we are now faced with today. Mr Speaker, there is an old saying, "who pays the fiddler calls the tune" and if the Water Authority is established and SHG continue to subsidise Connect St Helena and the Government should then be calling the tunes. I made this very clear with the divestment of utilities, which I did not support at the time for that very reason. I am aware this proposal may not be received by Connect with open arms but we as politicians have to do what is in the best interest for St Helena and not what the outside world do. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member wishes to speak?
The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, water is certainly our most essential natural resource and consequently the way in which it is managed is central both to supporting our current needs and, indeed, enabling future social and economic development. Therefore, there is a strong case for greater independent oversight and policy direction regarding all activities pertaining to the collection, abstraction, storage, distribution and treatment of water even though management of these has been divested to the private sector. It is disturbing that the current terms of reference for Council Committees only contained one reference to water and even that is in brackets, particularly when there continues to be significant investment in the utilities, both from the capital programme and the subsidy provided by St Helena Government to offset the company's operating deficit. Furthermore, there is no political representation on the Board of Connect St Helena and the official appointed to the Board does not sit as a designated St Helena Government representative and has no power of veto although St Helena Government is the sole shareholder. The divestment of the utilities created a strange animal, Mr Speaker, that is fully owned by SHG, has a monopoly in relation to essential services, is still in receipt of public funding, but is outside Government control. I am fully aware that St Helena Fisheries Corporation and Enterprise St Helena are parastatals rather than companies, but their Board composition still includes politicians and I suggest that this model should apply to all entities that are in receipt of substantial levels of public funding. Connect St Helena claimed that the problems with the water system stemmed from, and I quote, "decades of inadequate maintenance and improvement of assets prior to divestment". There is some truth in this statement as SHG was not permitted to set up asset replacement funds and maintenance budgets were always difficult to obtain, but this claim does not give recognition to the considerable investment made in the upgrading and renewal of water infrastructure and provision of additional storage that occurred within the ten years preceding divestment. It is clear that progress has been made in some respects, but also that much more is required to be done which cannot be blamed solely on historical problems. Mr Speaker, I recognise the importance of the role of the Utilities Regulatory Authority, but this is essentially as a watchdog. I am also aware that Connect St Helena is required to present business cases in relation to all capital bids and that these are subjected to political scrutiny and that of the Programme Delivery Group, however, I strongly believe that further checks and balances are necessary to ensure optimum security and management of our most precious resource. The current critical water situation demonstrates just how vulnerable our water supply is and how crucial to every aspect of life on St Helena is its efficient and effective management. As the impacts of climate change are increasingly felt, greater challenges are likely to have to be faced and mitigated as far as is possible and it is of vital importance that appropriate institutional structures are in place to tackle these issues. I support the Motion. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you, Mr Speaker. It's an interesting Motion and I have to say I am not hundred percent in agreement with the wording of it, but on the other hand I'm not gonna stand here and make amendment and mess everything up for everybody, because I understand the sentiment of the Motion and by carrying this Motion we can look into politically different ways of achieving what we want to. I fully agree with the previous speaker, Mr Speaker, and it is what it is that

the water is our most important resource after the people of the island obviously and everything is dependent on water, there must be some kind of political control and political influence in this. Exactly how that should look is something we have to look into. That we should re-establish the Water Authority as it was, that might not be necessary or even desirable, but I do support this Motion to get the movement going so we look into different ways of enhancing the situation. I'm not going to go into the current water situation, I can't really judge whose fault and what to blame, I don't think even a process in this direction should start until we see the light at the end of the tunnel, we should not sit here and put blame here or there, the important thing at the moment is that water coming out of our taps and then we look into the future political situation and the management situation of our water resource, but fundamentally, Mr Speaker, I support this Motion.

The Speaker –

Thank you very much indeed. Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker, I rise to speak to this Motion. I think the detail of the current water crisis cannot be attributed to Connect St Helena, it is clear that we are experiencing climate change in St Helena, if you look at the statistics we had more rain in 2013 when we experienced a similar drought that we got now, but like my Honourable Friend, the Honourable Mike Olsson, I don't think setting up a Water Authority will, is, in fact, the right way to go. We already let the genie out of the bottle when we decided as a Government in 2013 to divestment. I've always said and I will say again today we were not ready. The infrastructure of our utilities was never ready for divestment and what we have done as a result of that, it has put people into utilities poverty, there's no doubt about that and officials and the Government can say whatever they like and we got no control over that, all we are doing is handing out shed loads of money that we aint even got no political input into at the moment and the utilities, even though we were given money, the utilities going up and up and up and even the people who are in the higher bracket will get to the stage that it will affect them, so I not sure what was in mind when this divestment come, but we all know whose great idea that was and forced us down that route, but they won't take responsibility for it, but I do see a need and I've said this right from the onset, that there should be, in addition to the Regulatory Authority, some form of political oversight so long as that remains our resource. We've just put in a couple of years ago over four million pounds into our Power Station, there was no political oversight of that, apart from the Regulatory Authority, who, I believe, is doing a good job, but this is about having that political oversight and influence over the management of this actual resource, so I think it is an issue that probably need to be further explored because we gotta be careful that what we're setting up here don't interfere with the legislation we already got for Connect St Helena, so I think probably this is the start of examining the process with officials to look how we can get that political oversight and input into the utilities, so, but I not sure that this is the pathway to actually go. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Ward Pearce?

The Hon. Pamela Ward Pearce –

Thank you, Mr Speaker. Like the previous speaker, I too have some concerns regarding actually going back to a Water Authority, however, I recognise the sentiment behind this Motion and so I support it in principle because of this. We do need to have political oversight of this very precious commodity. With the recent water shortages, the drought experiences

we're all having, the low levels of the Dam, there clearly has been some problems with the management and questions around that of this our most valuable resources and so we need to take some political control and responsibility for this, we have divested, I still struggle with the whole ethos of this divestment, but we've had to live with it. What I will support today is the Motion that my friend has put here because we need to have some control and we need to be able to scrutinise these very valuable utilities. I'm not advocating nationalisation, but rather water security. This is nationally, internationally, water is seen as one of the most precious commodities there and I think we need to secure our future water resources and make sure that we have adequate supplies for future generations of St Helenians. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. I rise in support, I do feel that some form of political oversight should be on Connect and I'm not altogether sure and convinced that this wording of the Motion will allow us to do that, but it do put wheels in motion for work to be done. Now, when the Connect was first established for the water and utilities over four years ago, might be longer, but I'll give the benefit of the doubt, three years, well, thereabouts, I asked in this very House, the Government was providing a level of subsidy and I asked in this very House whether there will be opportunities for local people to be trained and upskilled to take on the key jobs in Connect and I was given assurance this would be the case. I've seen no evidence of this, in actual fact it's the reverse, talent, local talent were there has since left, so I do have concerns and whereas the current water crisis is not the fault of Connect, it's global world crisis and other things, so it's not the fault of Connect, but they ought, we are we are actually providing the subsidy, SHG and the capital programme are providing high levels of funding for capital projects and there needs to be some form of political oversight within Connect to examine business and to see that we really are getting value for money, but so I do support the sentiments of the Motion, Mr Speaker, and like I say it will lead the pathway for further work to be done. Thank you.

The Speaker –

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

The Hon. Cyril George –

Mr Speaker, I would like to thank those who have supported this Motion this morning and I beg to move. Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Motion, standing in the name of the Honourable Cyril George is that this House resolves to consider that the St Helena Water Authority is reinstated.

Question put and agreed to.

The Motion is carried.

The Speaker –

Thank you, Honourable Member. I don't think we should start the next Motion or do you think we can go on for another? Okay then, we'll adjourn now until a quarter past one and then we'll come back and do the rest of the Motions.

Council adjourned.

Council resumed.

The Speaker –

Alright, request to remove jackets approved. Thank you. Clerk of Councils?

Motion No. 3 – The Honourable Dr Corinda Essex.

The Speaker –

Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I beg to move that this House resolves that St Helena Government should take further action to ensure that it is addressing its transport needs in an economic, efficient and effective manner.

The Speaker –

Is there a seconder to the Motion?

The Hon. Derek Thomas –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Sir. Honourable Mover?

The Hon. Dr Corinda Essex –

Mr Speaker, I beg to move that this House resolves that St Helena Government should take further action to ensure that it is addressing its transport needs in an economic, efficient and effective manner. Mr Speaker, it is well known that St Helena Government lacks the resources to undertake a lot of actions that would improve the quality of life on St Helena and enhance our environment. The number and value of additional bids submitted in the current budget planning round are testament to this fact. For the information of the public, I am talking about jobs like having a pathway concreted from Harford School in the Longwood area for the safety of the children, covering the gutters in Jamestown so that, again, there is a pedestrian walkway that is suitable for children and, indeed, adults to walk alongside the road more safely, creating additional parking spaces in Jamestown through covering the Run or other possible areas, all those sorts of activities are ones for which in many cases funding has been sought on a number of occasions without success, but which are crying out to be done. When public consultation took place regarding the principles of the Jamestown Parking Proposal and constituents were asked for suggestions as to how the parking issues could be best addressed, a lady in the audience stated that there's no point in asking for ideas when there's no money to implement them. Sadly, her comment is largely correct and it is not surprising that the public feels this way when they and elected members can see many jobs that need to be but for which there is no funding. In most cases funding has been sought, as I've already stated, but denied because the amount available is required for even higher priorities. We are constantly having to prioritise the priorities and any fat that was left on the carcass was trimmed off a long time ago, Mr Speaker. The British Government has made it very clear that there are tight limits on how

much financial support it will give and there are few options to increase local revenue in the current economic climate in which we know that there are already individuals living in hardship and many others struggling to meet their daily needs. Mr Speaker, the recent Financial Aid Mission from the Department for International Development emphasised the St Helena Government should be doing all in its power to try to achieve efficiency savings and lack of evidence of this being done in some areas undermined the very strong case that elected members and officials were putting forward for increased financial support. I trust that this will not impact negatively on the funding for 2017/18.

In 2015/16, St Helena Government spent £775k of its recurrent budget on transport. This is a considerable sum which indicates both that transport is costly and that it is heavily used. I am not suggesting that adequate transport is not essential to the effective running of Directorates or that there is any fraudulent use of vehicles, but there is a strong public perception that this is an area in which limited funding gets wasted and I must admit that my own observations lead me to understand why constituents are concerned. It is not the only area in which the public believes that there is some wastage of public funds, but is a key issue. When St Helena is in the position of having to seek additional funding for essential activities, such as road maintenance, pasture management and upgrading of Broadband communication for our schools to enable students to access core assessments and complete online study courses, it is vital that every penny within its approved budget is spent wisely. Current practices suggest that there is scope for further rationalisation of transport across SHG and for Directorates to have more coherent and structured approaches to the use of vehicles. Surely Directorates can avoid staff members driving into town, sometimes several times a day, to make local purchases. By preparing a consolidated list, surely the need for this kind of activity could be reduced. Similarly the impression given in some instances is that it is just too easy for certain members of staff to jump into an SHG vehicle for personal preference rather than leaving a non urgent task until it can be combined with others. It appears that stricter control and more forward planning would be likely to reduce wastage. Perhaps there is also a need to revise the policies and guidelines pertaining to the use of all SHG vehicles. It's pleasing to report that some Directorates have already undertaken some review of their use of transport, in particular, the Environment and Natural Resources Directorate has done so quite recently and has reported some reasonably significant improvements. I am aware that there has been an Audit Report relating to Transport and that some of the recommendations have already been implemented, but it appears that further action is still required to ensure that SHG's use of transport is fully economic, efficient and effective. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. The Motion is that this House resolves that St Helena Government should take further action to ensure that it is addressing its transport needs in an economic, efficient and effective manner. Honourable Members, the House is now open to debate. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I rise in support of this Motion. As my colleague alluded to, the fact that St Helena Government should be seen to do all they can in terms of efficiency savings we all know that our funding allocation is not what it is, we have to do a lot of priorities in relation to the funding that we have allocated to us and you only have to look around in certain cases, you know, there is scope, the public is of the view that there is scope in relation to better use of Government transport, savings of Government transport and I'll ask that the review be carried out to ensure that the transport is used, Government transport is used very efficiently. In certain cases members of staff take Government vehicles home, I'm not saying that that is

not necessary because in certain cases it is, but that needs to be looked at as well, because in taking the vehicle home, how often that person have a need to be called out, so, you know, those sort of things that we're looking at and, you know, in certain cases Government vehicles are used for shopping purposes, people see this on the street, they see it in the country, they see it happening, so I will support the Motion and ask that St Helena Government do look at their transport with a view of examining the policies, bringing about more robust policies if necessary to ensure that the Government transport is used in an efficient and effective manner, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker, I rise in support of the Motion, not that I have an evidence to say that transport is not being used in an economic, efficient and effective manner, but we always have to strive for improvements and I hope that our two senior colleagues here today are listening, will take away the sentiments of what has been said to have a re-look. I remember clearly in 2013 when the General Election was and we were campaigning this was an issue that was very much on the public's mind at that time, we did draw it to officials attention when we got elected. I'm not aware what if any review was done at that time but there will always be opportunities for efficiencies and reviews and I think probably it is timely given our financial situation that such a review is carried out and I hope it is done in the spirit in which elected members brought here today. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I stand in support of this Motion and I'm quite happy and pleased to say that we at the ENRC Committee, Directorate have made steps to try to save in their transport costs. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you, Mr Speaker. As I'm trying to make political decisions more out of policy than on a case to case basis, any Motion that came in front of me saying that we need to do things within Government in an economic, efficient and effective manner goes down very well with me, Sir, and there's no question about that this is an issue that is very much in the public eye. It is, I agree with Honourable Lawson Henry, I don't have any evidence either that vehicles are misused in any way, but it is public perception that they are, there might be evidence somewhere, I don't have it, but public perception is actually very, very important. We have, as a Council and St Helena Government officials, a responsibility to make sure that Government money is used the best way possible and there is no question about it, is it, Mr Speaker. I support this Motion and I hope that some action will be taken as soon as possible. Thank you, Mr Speaker.

The Speaker –

Thank you very much, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker. This Motion and questions relating to this issue has been raised a number of times in this Honourable House. Measures were put in place to control the matter, I think the crux of the matter lies with senior management and middle management, managers need to know where their staff are, what are their activities, where are their locations, it is part of management, but at the end of the day if it is mis-managed the results come back on our financial resources. The gutters in Upper Jamestown, the Mover has touched on that, that has been raised on a number of occasions in this House, it does not support our vulnerable, our disabled and outside of Pilling School children has to walk on that side of the street. You can raise issues in this House, if you don't follow it through, nothing happens. If you follow it through, as the Mover said, there is always no money at this particular time. Who allocates the money? We allocate the money in a certain degree, in a certain perspective of the budget process. Transport has allegedly been suggested as misused and I can support that in some respects because I've seen it happening and I've seen what people are doing within the area, it's not my role as a Councillor to be reporting or spying on people, it is the role of management to be taking those matters into hand. Mr Speaker, I support my Colleague and the Motion. Thank you.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member might wish to speak to the Motion? No other Honourable Member? Yes, Sir? Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. A couple of things I would say in support of everything that's been said here. As the Honourable Mike Olsson says nobody, I have to be careful what I say here, but I will say this, nobody in their right mind would argue with a Motion that calls us to be more economic, effective and efficient, that's fundamentally one of the issues that Government is here to do, so I agree with the principles of the Motion. £775k on transport is at face value a very large amount of money it refers not only to vehicles, but also to plant and, of course, the Government Garage which runs our transport fleet is a trading fund, so the £775k is also for replacement cost of vehicles, so the whole thing looks like a large amount of money, and it is, but it's not quite as simple as saying that that £770k is spent on transporting individuals to and from places of work. The Government transport fleet, which is managed by the Environmental and Natural Resources Directorate does fall therefore under ENRC and I'm happy to work with the ENRC to consider any changes that they think should be made, but I would say in addition just a couple of other things. We do have a coherent and structured approach to the use of vehicles. The way in which vehicles are used in St Helena Government has changed recently, you now have to book your vehicle, they're not available to you fulltime and believe you me that's caused some problems internally. Personal use of vehicles is forbidden so I would say to the Honourable Brian Isaac if you do see somebody using an SHG vehicle inappropriately please tell me, don't consider it to be spying on anybody, I think it's appropriate for you to do that and let me know that there's been some misuse going on. And only one other thing to say in this respect and it's this, that the Government fleet is visible, everybody knows one of our vehicles because the number plate tells you and that's why in some respects the difficulties that are encountered here are perhaps more prevalent than anything else, but I would also add this, that the need to become more economic, efficient and effective goes right across our service and to that end we are currently considering ways in which we can implement a cost improvement plan which goes right across Government and also perhaps a change to the operating model of some of the aspects of what we do. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Chief Secretary. Any other person wishes to speak? Then Honourable Mover?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I would like to thank all my colleagues for their support on this Motion. I think it will be an important step forward to ensure that everything is being done as efficiently, effectively and economically as is possible, that will strengthen our case when we're arguing for additional funding with our partners in DfID and we certainly need to present as strong a case as we possibly can during the negotiations in the forthcoming months as we're dealing with the package for our next settlement. With regard to the Chief Secretary's, the Honourable Chief Secretary's response, I admit that there have been changes in how vehicles are issued recently, but a number of Directorates still have what are termed 'dedicated vehicles' and I will put my head on the line and say that it seems to be these dedicated vehicles that are causing the most complaints from the public and from others in terms of how they are being used rather than those that are on a sort of hire basis for specific jobs. I would also like to state that I fully agree with what the Honourable Chief Secretary said, this is only one area in which there needs to be improvement made and I'm very heartened to hear that he is already planning to address this issue and similar issues on a more holistic and comprehensive way. Thank you very much.

The Speaker –

Thank you, Honourable Member. The Motion, standing in the name of the Honourable Dr Corinda Essex, is that this House resolves that St Helena Government should take further action to ensure that it is addressing its transport needs in an economic, efficient and effective manner. I now put that to the vote.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Clerk of Councils?

Motion No. 4 – The Honourable Wilson Duncan.

The Speaker –

The Honourable Wilson Duncan?

The Hon. Wilson Duncan –

Mr Speaker, Honourable Members, I beg to move that this House resolves that the remuneration of the Deputy Speaker is set as is provided for under Section 7 (a) of Schedule 1 of the Legislative Council (Remuneration and Allowances) Ordinance, 2010 and that it be effective from 20th September 2016.

The Speaker –

Thank you, Honourable Member. Is there a seconder?

The Hon. Derek Thomas –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. Honourable Mover?

The Hon. Wilson Duncan –

Mr Speaker, Honourable Members, when the Deputy Speaker's remuneration came before Honourable Members for consideration it was unanimously agreed that this be accepted with effect from 20th September 2016. Mr Speaker, I support the Motion and beg to move.

The Speaker –

Thank you, Honourable Member. The Motion is that this House resolves that the remuneration of the Deputy Speaker is set as is provided for under Section 7 (a) of Schedule 1 of the Legislative Council (Remuneration and Allowances) Ordinance, 2010 and that it be effective from 20th September 2016. Honourable Members, the Motion is open for debate. Anyone wishes to debate? Honourable Lawson Henry?

The Hon. Lawson Henry –

I just rise in support of it, this is part of the openness and transparency of how the Legislative Council functions, so it should be, Mr Speaker, and it's a process that must be done openly and I support it. Thank you.

The Speaker –

Thank you. Any other Honourable Member wish to speak on the Motion? Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, just to say I also rise in support of the Motion, the Deputy Speaker is in post and he needs to be paid accordingly to the Regulations. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker, I rise in support of the Motion. There are provisions within the Legislative framework for this and I support it. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak? Right, Honourable Mover, would you like to wind up, reply?

The Hon. Wilson Duncan –

All I can say is thank all Honourable Members for their support for this Motion. Thank you.

The Speaker –

Thank you very much, Honourable Member. The Motion, standing in the name of the Honourable Wilson Duncan, is that this House resolves that the remuneration of the Deputy Speaker is set as is provided for under Section 7 (a) of Schedule 1 of the Legislative Council (Remuneration and Allowances) Ordinance, 2010 and that it be effective from 20th September 2016.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Thank you, Honourable Members. Clerk of Councils?

Motion No. 5 – The Honourable Dr Corinda Essex.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, I will once again declare my interest as the President of the St Helena Chamber of Commerce.

The Speaker –

Thank you, Honourable Member.

The Hon. Dr Corinda Essex –

I beg to move that this House resolves that, subject to the availability of funding from DFID, an urgent decision is necessary regarding scheduled physical access to and from St Helena after July 2017.

The Speaker –

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

The Hon. Lawson Henry –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Sir. Honourable Mover?

The Hon. Dr Corinda Essex –

Mr Speaker, it is very pleasing that it was announced just two days before the start of this session that the decision sought by this Motion has been taken at last with the RMS St Helena's period of service being extended until February 2018. Mr Speaker, elected members were adamant that St Helena should not again face the chaos that reigned earlier this year and had been campaigning at every level to ensure that this would not happen again. The Honourable Lawson Henry and Honourable Derek Thomas discussed this issue both with officials at the Department for International Development and at ministerial level. Those of us involved in the recent Financial Aid Mission negotiations also stressed the damage done by the prolonged uncertainty regarding scheduled physical access and the importance of not allowing this situation to reoccur. The negative impact upon economic growth of this uncertainty has been verified by data collected by Enterprise St Helena and is constantly reiterated by the owners of businesses that are still struggling to survive. The social impact can be seen in the number of families that will not have their loved ones returning home for Christmas this year. The proposed extension for the RMS St Helena does provide a window of opportunity for more

long-term travel arrangements to be made and will make the public feel more secure. Had the decision been made sooner it would have been even more beneficial. The financial implications of the extension upon the rest of our Aid settlement with DfID for 2017/18 are yet to be known, but it is hoped that DfID will not be reluctant to meet St Helena's other reasonable needs because of the necessity of addressing the fallout from an exogenous shock that was not of St Helena's making. Mr Speaker, I wish to withdraw this Motion as further action is not required at this stage.

The Speaker –

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

The Hon. Lawson Henry –

Mr Speaker, I beg to second.

The Speaker –

Honourable Members, I have to put it to the House to see whether it's allowed to be withdrawn, so I put the proposal to the House that this Motion be now withdrawn.

Question on Motion being withdrawn, put and agreed to.

The Motion is withdrawn.

The Speaker –

Clerk of Councils?

Motion No. 6 – The Honourable Derek Thomas.

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Mr Speaker, I beg to move that this House calls for an urgent review of the Public Transport System with a view of an extension and improvements to the service.

The Speaker –

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

The Hon. Dr Corinda Essex –

Mr Speaker, I beg to second.

The Speaker –

Thank you. Honourable Mover?

The Hon. Derek Thomas –

Mr Speaker, I call for an urgent review of the Public Transport System with a view of an extension and improvements to the service. Mr Speaker, Honourable Members, we are all well aware that vehicles to the island are well on the increase and parking, particularly in Jamestown, are becoming more and more difficult. Plans are in place for paid parking in Jamestown with a view of freeing up essential parking spaces and making them more accessible to those persons who wish to park for short periods of time to do business. I am aware that some extension has been made to the

Public Transport programme, especially on Saturday nights, but further work is needed in order to extend the service. Park and ride should be considered from Ladder Hill and from the other side, Side Path Road. This would go some way in assisting with the parking problems in Jamestown. Mr Speaker, there are also recommendations to reduce the current drink/drive limits. Social life on the island is already limited. If we were to reduce the drink/drive limit without any significant improvements to our Public Transport System this will have an impact upon our economy in terms of social activity and essential private sector businesses who we know now are struggling and provide a valuable social life to the general community and not only the general community but also to our visiting public.

Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. The Motion, standing in the name of the Honourable Derek Thomas is that this House calls for an urgent review of the Public Transport System with a view of an extension and improvements to the service. The Motion is now open to debate, Honourable Members. The Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you very much, Mr Speaker. This Motion is a very difficult one as we have one of the most successful, at the moment, fledgling businesses on the island is taxi business. We were discussing it the other day, talking about it when we talked about the Road Traffic Bill where we needed regulations to make sure that the taxis are up to standard. If you look out in the streets today the quality of taxis, the multitude of taxis has increased dramatically with big investments from private people and I understand allegedly with some money from ESH as well. There we have a sector with competition where the old taxis and the ones that can't provide a service or, so to speak, are ripping customers off, will be out of business, so if we go in and make the Public Transport System, if we're gonna make any changes to that, we have to be very careful. Do we want to kill the taxi business that's growing on the island? On the other hand, we have to realise that not everybody can afford a taxi, so this is a balance, a very fine balance, because we should support the people, the ones that put in the money into a taxi business in St Helena and it seems to be working. Isn't it great, we've got a section of business that actually works? So if we're gonna put our foot, as Government, into this and urgently put on free buses for everybody, these people invested in their taxis, what should they do? Run to Government for support to compensate them for lost earnings? I have problems with this Motion, I'm not saying that I oppose the Motion, but I cannot really support it either as I have made absolutely clear. I'm not gonna vote on this Motion at all, Mr Speaker, because whichever way you turn, we have to look after the people that can't afford a taxi, but at the same time we have to look after the taxi business. Where do we turn, Mr Speaker? Thank you very much, Mr Speaker.

The Speaker –

Thank you, Honourable Member.

The Hon. Derek Thomas –

I rise on a point of information, if I may?

The Speaker –

Yes.

The Hon. Derek Thomas –

Thank you, Mr Speaker, there's no way in my submission I suggested Government putting on free transport, as my friend alluded to. Point of information.

The Speaker –

Okay, point taken. Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, I rise in support of this Motion as I see the Public Transport system, that's the bus system quite different to the private taxis, there is two issues here and I'm very pleased that the taxi system and the standards there are improving, but for me the bus service is there as a dedicated service on a daily basis up to the wee hours of the morning supporting the general public. Every major city or country has a well run bus service and I know ours were reviewed earlier this year and some changes were made, but I think as the island developing, and I touched on this a few days ago when we were dealing with the Road Traffic Ordinance, if we are to do some of the changes there then that need to be supported by other things and one of those things is the Public Transport System, Mr Speaker, because that is the price we have to pay and the price that other countries pay if we want road safety. It is very easy to say all the responsibility got to go on the community but that's not how governments work. Governments work to facilitate and to support and I will be supporting road safety and the reduction of the alcohol limits because I believe they are too high, but along with that we need a robust public transport system that people can continue with the social life on this small island. I was on Ascension some years ago, quite a different island, accessibility is easier, when we were asked to introduce drink/drive limits there and one of the things the Council fought for very hard that if you're gonna do that without a form of public transport you will destroy the social fabric. It is important, it is not an encouragement for people to drink, but every community need an outlet and it is a form of social fabric and the Ascension Island Government readily agreed and now they got a very good public transport system running there from every Thursday to every Sunday night, every hour on the hour you can go to any of the three main settlements. Now, it will be a little bit more difficult here, but nevertheless I think, as a Government, that this is one area that we should facilitate, not only because it's a need for the island, but look, we also looking forward to sometime very soon now we hope, to commercial air access and one of the things that tourists will be looking for is to move around the island. They will not necessarily want to be moving around the island in taxis, they will want to use a public transport system like any other country has, because they get an opportunity to meet the population, to ride with other people, so, again, it falls back to the social fabric of our community and I said two days ago, look, if this is gonna cost us a little bit more money, in my mind it is money well spent and don't think of it as you supporting those people who want to drink. Think of it as one of the main issues is road safety, it will be taking vehicles off the roads if we can encourage more people to use the public transport system and I think there is a will for people to use the public transport system but it is not quite set up in the way that really suits the overall social fabric of the island. It's a lot around home to duty transport, but it need to be more robust and focus also on the social fabric of the island and that is why I will be supporting this Motion and I thank my Honourable Friend for bringing it to the House today. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, the Mover of the Motion asks for an urgent review of the Public Transport System with a view of an extension and improvement to the service. Mr Speaker, as said on a number of occasions during this sitting, we need to improve our services to accommodate our tourism industry, as my Honourable Colleague said, the tourism industry is on the horizon and issues with that, related to that. All we're asking for is a review to improve and I don't see anything wrong with that, but it will depend on what the outcome of it, on that note, Mr Speaker, I support this Motion as a worthy cause, for a worthy cause. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, an enhanced Public Transport System would do much to benefit all on St Helena, tourists, residents, long-term visitors, everyone, and, in particular, will ease pressure on parking in Jamestown. We have just been through structured and lengthy consultation about an outline parking proposal for Jamestown and two of the matters that were raised at the majority of meetings were – the need for an enhanced, affordable public transport system and for a park and ride service to meet the needs of those working in Jamestown as well as those simply visiting to do shopping. The feeling was that an enhancement of the Public Transport System would be in operation alongside the availability of taxis, at no point in time was there any suggestion that this would replace taxi services, but as has already been stated, a lot of people cannot afford a taxi. To declare my own interest, I employ someone in my business and if she needs to go to or from work during the day it is just about impossible for her to do so because there is no public transport system except at very limited times during the day, so it isn't just simply to deal with parking in Jamestown, there are other needs for an enhanced and more regular service as well. I feel sure there are a number of other employers who find themselves facing the same situation that I do and I can assure Honourable Members that to hire a taxi from town to Longwood and return is a very costly business, even at current prices, but consistently at, as I said, nearly all the meetings that we held the case was made for an enhanced Public Transport System. It is recognised that extension of the Public Transport System is a bit of a chicken and egg situation, because additional routes and runs have to be viable if they're not going to result in substantial subsidy which SHG could ill afford, but it is likely that any scheme for enforced time limited and/or pay parking in Jamestown will definitely increase the demand for public transport. The Public Transport Service needs to be ready and prepared to meet this demand when the parking scheme for Jamestown goes into implementation. Similarly, establishment of a park and ride shuttle service would greatly reduce the number of vehicles coming into Jamestown and provision of this could present an excellent business opportunity for a private sector operator. A provisional site for parking has been identified in the Ladder Hill area, although the necessary planning permission etc has not yet been sought. Identification of a suitable site in the Two Gun Saddle/Briars area is more difficult but there are possible options which could be pursued. It was strongly expressed during the consultation period relating to the Jamestown parking proposal that every effort must be made to increase the number of parking spaces in Jamestown and that any reduction in spaces would be totally unacceptable. If fewer vehicles enter Jamestown because their drivers and passengers are using public transport or park and ride, this will have the same impact as actually creating additional spaces and this can only be good for everyone in Jamestown, be it workers, shoppers, residents, visitors or business operators. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Pamela Ward Pearce?

The Hon. Pamela Ward Pearce –

Thank you, Mr Speaker. I rise in support of this Motion. Not too many days ago, Members will recall, I brought to this House a Bill for the Road Traffic Ordinance and within that Bill there was provision for reducing alcohol limits which would impact on social life on the island, as has already been indicated by my Honourable Friend here on my left. For this to work, the enhancement of Public Bus Services would certainly help and during the course of consultation period that we were round the island, as my Honourable Friend, Dr Essex, has indicated, there was a lot of discussion around improved bus services and a park and ride scheme, so I think we certainly need to have a look at how we can improve and introduce such a service.. Thank you, Sir.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member wishes to speak to the Motion? Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Thank you, Sir, I would like to see a better Public Transport System, not saying that the one what we got now aint working that good because I think they're doing a sterling job, but I also would like to see the taxi ranks upgraded as well, but for the lowering of alcohol limits, for me it would be hard to do, so thank you very much.

The Speaker –

Thank you, Honourable Member. Honourable Cyril George?

The Hon. Cyril George –

Mr Speaker, I rise in support of this Motion. It's already been mentioned about the public consultation we had during the round of the Road Traffic Ordinance and members of the public were really looking for an improved transport system which would help support the parking problems in Jamestown. Thank you, Mr Speaker, I support the Bill.

The Speaker –

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

The Hon. Roy Burke –

Thank you, Mr Speaker. Members will be aware that we have recently introduced an extended and improved Public Transport System from March of this year. The timetables were revised and a review of that system is due to take place in March next year, so the review is already planned in. If Members feel that that's too far away then that's a matter that we could talk about of course but twelve months worth of data is probably a good thing to have, in my opinion, and I would suggest that we commence that further review in March as planned. There has already been a preliminary review of the timetables and that was completed in October and by March next year we should be better placed to determine the needs of the park and ride schemes, which have been mentioned here, and also we'll be a bit clearer, we all hope, about the forthcoming air service for St Helena, but we are all clear, I am sure, that we need to enable regular transport to and from the airport as well. Just as a matter of information, Members I'm sure are aware that the majority of routes that are provided as part of the current Public Transport System are operated by the private sector and I recall that very little interest was expressed by the private sector at the time of that tender process in terms of enhancing the system of public service that we've already got and I would suggest that therein lies a bit of a challenge for us and not a challenge that can't be overcome but something that will take some considerable work I would suggest. There's been a significant increase in the number of tickets sold for hop on, hop off journeys and an overall increase in ticket sales of 10% in the first six months of this financial year so that demonstrates that the service is popular and the more we can do to enhance that the better. Late night journeys on Saturdays to and from Jamestown, increasing sales there and ticket sales are likely to increase again during this month when additional journeys are provided to meet customer needs over the festive season. Some routes, of course, however, do not attract additional usage. For example, the twice per week journeys to and from Jamestown and Ruperts have sold less than ten tickets since it was introduced in March, that's not to say that that service is not important and necessary, but it's a matter of balancing that need and the cost associated with that. All these services were highlighted during the pre tender consultation phase and, as I've already indicated, the interest in changing those established routes was minimal. But on the whole, I'm supportive of this Motion and anything that I can do to assist I'm very happy to do so.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak? Honourable Mover, would you like to reply?

The Hon. Derek Thomas –

Thank you, Mr Chairman, I'd like to rise and thank those people who added support to the Motion, it was very encouraging to hear from the Chief Secretary that a review was planned for March next year, I would say that is very timely, we'd be better placed to allow a full year of data collection to make proper, informed decisions. He also mentioned about the possibility of a park and ride, what I will say if some work in the meantime could be done to establish areas for park and ride and not wait until 31st March, but it's very encouraging and, like I say, pleasing to hear that the review will be done March next year. Thank you, Mr Speaker and thanks to the Honourable Members.

The Speaker –

Thank you, Honourable Member. The Motion standing in the name of the Honourable Derek Thomas that this House calls for an urgent review of the Public Transport System with a view of an extension and improvements to the service.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Clerk of Councils?

Motion No. 7 – The Honourable Mike Olsson –

The Speaker –

The Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you, Mr Speaker. I beg to move that this House urges St Helena Government to immediately take tangible steps towards improving communication and information flows between different sections of the Administration and Elected Members.

The Speaker –

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

The Hon. Gavin Ellick –

I beg to second.

The Speaker –

Thank you, Honourable Member. Honourable Mover?

The Hon. Mike Olsson –

Thank you, Mr Speaker. Yes, most of the Honourable Members have seen this Motion before, it has been in incubation since 18th May and has now matured from incubation because it has served the necessary six months where it cannot be brought up again and I am fairly sure that Honourable Members understand why I have brought it up. Since the period from 18th May, I don't think there has been one day I haven't heard a Member of Council mentioning or complaining about the lack

of information to do a good job as a Councillor, Mr Speaker. Only in the last two months unanimous Elected Members of Executive Council have requested an Executive Council meeting which they constitutionally can do. One of the meetings had to do with air access issues and lack of information. The other one had to do with the water situation where I think unanimously or, at least, in general, Councillors felt that not enough information was provided to Councillors. Still Councillors were expected to go out and communicate with the people and that's very difficult to do. We have seen several issues, but the two strongest ones we can point out. When I brought this up on 18th May one of the reasons why the Motion fell at that stage, one of them was there is no evidence that there is any lack of information. I'm saying that there is, there are tremendous amount of evidence that been put in front of us just through issues that have come up since 18th May, I will say that there were enough evidence on 18th May as well, but that's a different issue. Another issue that came up, why it didn't pass on 18th May, was Legislative Council was not the right place to discuss these matters about information between Administration and the Councillors, I still think it is the right place, this is the discussion forum and this is where we talk about it. I can also see, I would say I would admit that we have seen improvements, there is no question about that, but we have to cement those improvements so they continue, that's why I brought up this Motion again, but it has taken quite a lot of pushing to get information out, because the thing is that, yes, there is nobody holding anything back, but if you don't know what to ask for, you won't get an answer, that's just how it is, you must know about it in the first place otherwise you can't ask the right question, if you can't ask the right question you won't get an answer, so as you are very familiar by now with this Motion, I leave it to you dear Members, Elected Members to express your view and hope you'll see it favourable this time. I beg to move, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Motion, in the name of the Honourable Mike Olsson, is that this House urges St Helena Government to immediately take tangible steps towards improving communication and information flows between different sections of the Administration and Elected Members. Honourable Members, the Motion is now open to debate. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker, I thank my Honourable Friend for bringing this Motion back to the House because I was one of those who did not support it last time, but as he said six whole months has gone by since then, Mr Speaker, and I will be supporting this Motion this time. I shall go into some more detail about communications when I get to speak in the Adjournment Debate later, but one of the areas that needs improving for communication and it don't necessarily rest with SHG, that rests with our colleagues back in Whitehall in London. Mr Speaker, you are only too aware about the lack, the sheer lack of information given to Elected Members and to the general public as a result of the airport not meeting its primary purpose and that was to provide a commercial air service to St Helena and there is no doubt in my mind that the reason for this is because of certain key officials in DfID who, for whatever reason, even though my colleague and I have had face to face talks with them, will not or do not want to release information so's this House and as Elected Members can do our job with our constituencies and what I cannot understand about that is they is taking high level decisions that is affecting the daily lives of people on this island and they think they have a right to do that in isolation of the Elected Members. I would be lying if I say that this is not put a real strain on the relationships between Elected Members and senior officials in Government because of this very reason and I hope that by bringing this Motion here today, and I will be speaking a lot more on it in the Adjournment Debate that it will be sent back to officials because it goes to the very core of our Constitution. We talked about that a lot yesterday and let's talk about it again today in relation to communications under the good governance. The Constitution talks about good governance and good faith. I have not seen that in our dealings with our senior colleagues in DfID when it comes to good governance and good faith in terms of working

together. We all want the same things, Mr Speaker and Honourable Members, but there seems to be different ways of going about it and they have this real issue with information to the public and for me, we have to deal with the Press here, with the resources that they got over there, why can't they, if that is the real issue, but I think other things underlies that and what underlies it is because of the fact that we have a £285m airport that was not suiting the purpose that it was built for and some mistakes was made along the way, but that should not interfere, Mr Speaker, with the release of information to an internal self-governing territory where we have a duty towards our constituents, to keep them updated and the thing is about it and what I think is very sad about this whole issue is that so much work is being done in the background to try and find a solution but it's been overshadowed by the fact that we've been unable to talk to our constituents, it is a real shame and it is shocking to think that an internal self-governing territory got to be treated by that way by a Department of Her Majesty's Government, so really the Motion for me is about those key officials in DfID that is preventing us from doing our work as Elected Members. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, this Motion came about in May and I was one who didn't support it, but I will support it this time round. Between May and now sufficient has taken place for me to support this Motion. We've had real issues with the communication on air access, I sit on the Air Access Group, the team and we meet every week, there were occasions then where we were all geared up to go out to the public to let them know what was happening and that was rejected, not here I will say, but by our friends in DfID, our friends in DfID and we owe that information to the public. My colleague alluded to the fact that on our recent Joint Ministerial Conference we had high level talks with people in DfID concerning this very issue and we were assured that the process would improve, we will be given a narrative, that narrative hasn't shown up up until today, we're still waiting on the narrative, so work needs to be done, Mr Speaker, in the way we communicate to the public, we owe it to the public and we will be, well I will certainly be pushing forward for more information to be delivered to the public, the problem has been with DfID the way I see it, especially with air access, they've been reluctant for information to be released, certain information to be held and clearly we cannot communicate issues that is commercial in confidence, but there's certain things which is evidence based and is happening and the public ought to know about this, so I rise in support of this Motion, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker, I rise in support of this Motion. Again, this has been raised on a number of occasions in this Honourable House, but I would like to say that there are two sides to this, personally from my concern, there's two sides of it. I have not had any problems in seeing any information I needed from the Administration, I've written letters, I've made phone calls and the information has been supplied to me. The other side of the coin is matters of national importance to the island, that seems to be the sticking point where I see that the communications is broken down and as a Member of Executive Council and my colleague, Lawson Henry, this has been raised with much strong debate within Council on getting information we need of national importance. We, as representatives of the public, we are among the public and they are asking times what is happening with this, what is happening with that and sometimes this information is already on the street, you then have to ask officially is this correct or is this not correct and you're given an answer. I would like to reflect back to an incident that happened in Jamestown a few weeks ago. Within hours a Press Release came out, but within that same week there was an accident, a disaster of a

water bowser and I thought I haven't seen or heard, I understand that it could have been fatal, someone could have got killed, there were no mention of that, so it's not, it's striking the balance right, do we need to publicise the things that going to affect the island ...?...ly, that gonna gain support from the outside world, or we gonna just have a balance of just that continuous flow of information that the public needs to know and on that note, Mr Speaker, I support this Motion. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Ward Pearce?

The Hon. Pamela Ward Pearce –

Thank you, Mr Speaker. I too was one of those who voted against this Motion when it first raised its head in May of this year. However, I will now nail my colours to the mast along with my colleagues here and show support for it, because it's a very different time now and the Motion has also changed and while it still feels a bit as though we're washing our dirty linen in public the fact is we have narrowed down the focus here to DfID and I think we know that a lot of the problems have come from our colleagues in Her Majesty's Government overseas, we know that a lot of the communication is being stifled or withheld or sometimes just not shared with us. It doesn't make for comfortable reading or even for speaking and I had a very similar conversation with Meg Hillier, the Chair of the PAC when I was in London recently, and if this sounds like name dropping, then it is, and she was also quite amazed at the level or lack of communication that happens here and I'm hopeful that we will see her report quite soon that will reflect this, so I think I agree with all that has been suggested around this table, we do need improved communications, we cannot be accountable properly as a Government if we are not given the correct information and we need that information in a timely manner as well. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member wish to speak? I just want to draw your attention of the wording of the Motion, it's to improve communication and information flows between different sections of the Administration, that's locally, and elected members and there's quite a lot about DfID I heard which doesn't come into the Motion, but understandable.

The Hon. Mike Olsson –

Point of clarification, I will address that issue in the summing up, Mr Speaker.

The Speaker –

Pardon?

The Hon. Mike Olsson –

I will address that issue in the summing up.

The Speaker –

Thank you. Honourable Corinda Essex, I saw first?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, I was away attending a CPA Conference on 18th May, if I had been here I would have supported the Motion when it was originally tabled because I believe that communication is absolutely central to effective government and to good governance. We cannot operate effectively as Councillors if we are deprived of information. I'm pleased that my Honourable Colleague, Brian Isaac, has never had difficulty obtaining information from Directorates, I have had serious problems obtaining information from Directorates from time to

time, so obviously he's got more charm than I have. The truth of the matter is, in many instances, personalities. There are some individuals who do not like disclosing information, who like being silos and holding everything to their chest and who tend to believe that politicians only need to be involved with policy matters and should not be asking them questions in relation to operational issues within their Directorates. To a certain extent that is true, but I think a number of them forget that we are also representing our constituents and as such many occasions we have to be the mouthpieces for our constituents and take forward personal issues on behalf of our constituents which certainly I agree do not fit into the policy role but are also part of our responsibilities as the elected representatives of our constituents and I think it would be very helpful if the Honourable Chief Secretary could emphasise that point to Directorates so that they're all aware that when we approach them on individual issues we're not just being nosy and doing something we shouldn't be doing, but we are fulfilling our responsibilities to our constituents. Furthermore, another area where there has been confusion in the past and which I have raised in this Honourable House before is the need for Directorates to consult fully with Councillors about things like additional bids that they're preparing, additional demands on their services, etc, and I see that sort of communication flow as also being part of what the Honourable Member is trying to achieve in his Motion this afternoon, because that level of communication flow is also vitally important. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Thank you, Sir. It's quite nice to see after May last year that all other Members has found a nice way of saying that they support this Motion, because I was one who supported it and you'll didn't so now I feel so happy that you're supporting this Motion, so lessons have been learned and therefore I will support this Motion again. Thank you.

The Speaker –

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

The Hon. Angelo Berbotto –

Thank you. I do hope that this Motion does not include the provision of legal advice under communication with my Chambers. As you are aware, Honourable Olsson, we have had lots of e-mails about the issues dealing with legislation and many other matters and even before the beginning of this session of the Legislative Council I e-mailed all Members saying that the doors of my Chambers were available whenever they have any legal questions, so I would like that qualified if you intend for the provision of legal advice to be outside those communications. Secondly, I'd like to emphasise, Elected Members, that those of you that sit in Legislative Committees those are the places where you engage with the Directorates that you have supervision on and that means not just once a month and that means that when you require information you chase it as well, communication always takes two at least. I have seen very good examples of that flow of information in some of the Legislative Committees and I encourage you to continue working in a way that both maximises the opportunities for your Committees to work better and also allows the Directorate to have that confidence that when there is confidential information that information will be kept in confidence, because living in a small community that is one of the risks, is it not, that the business of a particular family or individual will be the matter of gossip in the streets. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? Alright. Honourable Mover?

The Hon. Mike Olsson –

Thank you, Mr Speaker, I'm gonna try to sum this up, because it didn't, quite wide. First of all, thank you very much for supporting this Motion and I'm not looking back and say who did what at what time, doesn't matter, thank you for the support, but also a couple of issues that you have addressed, because as the Honourable Speaker has mentioned, it's strayed slightly in a couple of the comments to this Motion, so I'm going to try and get that back on track, Mr Speaker, if I may, and one thing was the communication between Councillors and Government and the people out there and that is addressed separately. I'm chairing a subcommittee to address this issue with Freedom of Information actually working with review on how the public consultation should be, work on the Data Protection Act, so that is a separate issue and then we can address the Attorney General, the Honourable Attorney General, the representative from the AG's Chambers, Laura McMullen, is that correct? She has been excellent working with and she's given full support and a lot of time to us in that work, so that is sorted. The other thing is where DfID comes into all this and I may, Mr Speaker, say that they are quite an important player. If DfID go out and say to our officials you cannot speak to Elected Members about this, it's very difficult for the Administration to do it anyway, we understand that, but that's why we actually have to in certain ways incorporate DfID into what we're talking about here today, because there's still a communication issue between the Administration and Elected Members under some circumstances and we fully understand the difficulty, but we need to put some clout to what we are saying, we want more information, if we get more information then we can truly be accountable and I think most Members actually want to be accountable, but it's very difficult to be accountable about something you don't even know anything about. So, thank you again for your support and the valuable input into this and we hope that, and I think we're gonna get full cooperation from the Administration. Thank you very much, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Motion, standing in the name of the Honourable Mike Olsson, is that this House urges St Helena Government to immediately take tangible steps towards improving communication and information flows between different sections of the Administration and Elected Members. I put the question.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Thank you. Clerk?

Motion No. 8 – The Honourable Mike Olsson

The Speaker –

Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you, Mr Speaker. Since yesterday, I have felt that this Council after the rifts that happened yesterday afternoon, and with the tension rather in this Council from yesterday afternoon, has led me to do something that for me would be quite drastic to be quite honest. I put up a Motion about CPA visits overseas and I'm aware that many of the Councillors, Honourable Friends, feel very

strongly about these issues and I do not want a debate today that is heated and causes unnecessary rifts, that's why I have, Mr Speaker, decided to withdraw the Motion.

The Speaker –

Thank you, Honourable Member. Noted that the Motion is withdrawn, struck from the Order Paper. There is a seconder to that?

The Hon. Gavin Ellick –

I beg to second, Sir.

The Speaker –

Okay, thank you, I expect I got to put this to the vote. The proposal is that this Motion shall be withdrawn from the Order Paper.

Question on withdrawal of Motion, put and agreed to.

The Speaker –

The Ayes have it, it has been withdrawn, Councillor, thank you for that. Clerk?

Motion No. 9 – the Honourable Mike Olsson.

The Speaker –

Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you, Mr Speaker and this Motion I will not withdraw, Mr Speaker. I beg to move that this House commits to the development and enhancement of a viable private sector on St Helena and that future decisions made by this House are coherent with this commitment. Mr Speaker.

The Speaker –

Thank you. Is there a seconder to the Motion?

The Hon. Gavin Ellick –

I beg to second, Sir.

The Speaker –

Thank you very much indeed. Honourable Mover?

The Hon. Mike Olsson –

Thank you, Mr Speaker. First to give a short background to why do you put up a Motion and what does it mean. It is known, and I know from my time working in the private sector, that what private sector need to develop, be viable, prosperous, getting investment, and I mainly talk about local investment, but also inward investment, it is certainty. Uncertainty is bad for business. There are people at the moment, you should know, all Members in here should know and officials that the uncertainty regarding our airport and future flights and also regarding future of shipping is bad for business, there are people sitting there with money in their pocket wanting to invest, but they can't really do it because the uncertainty is too big. Many of those that have invested they have not done all that well from it, some of them gone under. That is what I want to do from the political side because political uncertainty is not good either. We should be able to assure that decisions in this House are going in a certain direction, not like the country song, Mick Flavin, Crossroads of Life, should I go left, should I go right or straight forward. We need to have a certainty where we are

going and this is why I am bringing this Motion up and it's quite self explanatory. I'm asking each Member to think about every decision coming up that this House gonna take, every law put in front of us, every policy that we do in Committee, which policies we do more in Committee than here, is that we always got in back of our mind what is the effect on this on private sector, on a viable private sector, sometimes a little bit too much is called private sector, that is not viable and will never be viable and this is what I urge Members and I urge Members to support this, to give this assurance to the business sector or potential business sector as well, that we are standing behind the development of a viable private sector in St Helena and the word, if you look at the wording of the Motion, deliberately I did not put in that all future decisions, there might be decisions that fall in between, but this is our form of a guideline, there are things that sometimes you have to forego when it's other things that are more important, but getting a private sector and get this island going must be the most important thing we are doing, looking at sometimes in the longer perspective, because we are talking, well, you talked about in the last Motion, the enormous influence DfID has got over us, because we are so dependent, beggars are not choosers and we are unfortunately beggars, but if we can at least try, this island will never be self sufficient, not as far as I'm alive, that's for sure, but it wasn't my fault, but it will take a long time before we're self sufficient, if ever, but just helping ourselves a little bit more and by decisions taken in this House and commitments made by us we can facilitate investment on this island and I talk about local investment more than inward, that's a different issue and I hope that Members are supporting this otherwise we are sending out a little bit strange message to the business community and potential investors. We have to be able to sign up and say that what we do in the future we'll keep in mind a future private sector that is viable. I beg to move.

The Speaker –

Thank you, Honourable Member. The Motion, standing in the name of the Honourable Mike Olsson, is that this House commits to the development and enhancement of a viable private sector on St Helena and that future decisions made by this House are coherent with this commitment. Honourable Members, the Motion is now open to debate. Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, I rise in support of this Motion, but I'd also like to say what we are already doing with the private sector or what SHG is doing. SHG has established and remains committed to Enterprise St Helena as an agency with remit of developing a viable and vibrant private sector on St Helena. SHG and ESH are working together to improve the vibrancy of the property market on St Helena by providing clear, transparent and consistent policies for acquisition of publicly owned land by the private sector, gathering evidence of the demand and supply of commercial property to enable the planning and development of appropriate scale commercial space, improving and speeding up the administration of the transfer of interests in property assets, improving the processing of planning applications and associated consents. SHG and ESH will encourage the provision of appropriate skills development to ensure the St Helena workforce has the capability to take on new opportunities that will arise in the emerging private sector. ESH provides guidance and financial support to new and growing businesses to help offset some of the risks involved in establishing a business or expanding an existing business. SHG and ESH are working with primary producers in agricultural and fisheries to promote value adding processes, for example, secondary food production, packaging and processing to add value and reduce risk to the primary producer. On behalf of SHG, ESH is actively promoting St Helena to the international tourism sector to attract visitors who will spend in St Helena economy bringing wealth to private businesses. SHG and ESH are developing standards to build a consistent quality of experience for visitors, this will encourage repeat business and to a degree protect the standards of those businesses that participate. SHG and ESH are promoting the take up of public insurance liability to help protect businesses should instances arise that result in legal action against the business. SHG will continue to develop policies that encourage investment in the St Helena economy by enabling investors to secure a

skilled workforce, appropriate premises and access to supplies and markets. SHG is promoting the provision of reliable, affordable, high speed internet connectivity which will be the backbone of a successful private sector in the coming years. Mr Speaker, I beg to move and I support this Motion. Thank you.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member who would like to contribute to discussion? Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, I think it is a given that private sector development is of vital importance to the sustainable future of the island and when I think of the number of times that I've stood in this Honourable House and declared my interest as President of the Chamber of Commerce I think that is very clear evidence of just how strong a voice the private sector has in this forum, because a number of the matters that I've brought to this House have been brought at the express request of the Chamber of Commerce. For example, those relating to invasive weeds, land and building disposal, etc, so I do not think that it is very often, if at all, that in fact decisions and matters that are debated and discussed and decided within this House do run contrary to the best interests of the private sector. Having said that, the Honourable Mover is quite correct that it is something that we need to keep in the back of our minds, particularly when we're looking at the implications of legislation and certainly the Food Safety Ordinance in its original form when it was very first mooted some years ago would have been destructive to the private sector and consequently that was why it was so pleasing today to see that it was coming to us in quite a different format. I do think that the private sector is absolutely crucial for sustainability on the island and for economic growth and therefore I have no problem in supporting the sentiments in the Motion. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Brian Isaac –

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

The Speaker –

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

The Hon. Derek Thomas –

Yes, Mr Speaker, I rise in support of this Motion, the sentiments of this Motion is ongoing in any event, but having said that, we need to keep our eyes on the ball. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I stand in support of this Motion, Sir.

The Speaker –

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

The Hon. Mike Olsson –

Thank you, Mr Speaker and thank the Members for your support on this Motion because I think it is important. Even if it have already been done I want to get the message out that here is a Council that is supportive for the private sector and the same from the private sector we are always open to talk to any member of the community or to guide them to the Chamber of Commerce as an outlet for their concerns, but Council have to stand together if we ever gonna get a viable private sector and what can we say really, it's absolutely perfect on a Tuesday afternoon to get the support for such an important issue, so I thank the Members for that. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. I put the question. The question is that this House commits to the development and enhancement of a viable private sector on St Helena and that future decisions made by this House are coherent with this commitment.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

We'll do the next Motion and I'll give you ten minutes comfort break thereafter, okay?

Councillor –

Oh, thank you, Mr Speaker.

The Speaker –

Clerk of Councils?

Motion No. 10 – The Honourable Brian Isaac.

The Speaker -

The Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I beg to move that this House approves the Procedures of the Investigative Commission as an Appendix to the Code of Conduct for Members of the Legislative Council.

The Speaker –

Thank you, Honourable Member. 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. Brian Isaac –

Mr Speaker, the procedures of the Investigation Commission pursuant to the Code of Conduct for Members of the Legislative Council set out the role of the Investigation Commission to investigate complaints made against Members of the Legislative Council. Any complaints made in writing must be investigated and the Investigation Commission at the end of the investigation must conclude whether the conduct of the Member had fallen below the standards

set out by the Code of Conduct or not and the reasons for arriving at such conclusion. The Code sets out the composition of the Investigation Commission, procedure to empanel the Investigation Commission, appointments, outcomes of investigation, remuneration and tenure and appeals. Mr Speaker, this document has been fully debated by Members of the Legislative Council and the Code also provides that if the public or colleagues feel aggrieved by the action of any Member or colleague or their behaviour Members can use the Code to have this matter investigated and not take matters into their own hands if they feel aggrieved. The Code will provide legal information, legal guidelines to deal with such matters and to provide a smooth transition of the workings of the Legislative Council. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Is there a seconder? Sorry, I've lost track now, we have had a seconder and we have had the movement. I'll read the Motion. The Motion standing in the name of the Honourable Brian Isaac is that this House approves the Procedures of the Investigative Commission as an Appendix to the Code of Conduct for Members of Legislative Council. The Motion is now open to debate. Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker, I rise in support of the Motion. It is part of the procedure for holding Members to account for their conduct and it is my sincere hope that it will never be used, but I support it. Thank you.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member wishes to speak? No other Honourable Member wish to speak. Honourable Pamela Ward Pearce?

The Hon. Pamela Ward Pearce –

Thank you very much, Sir. As my colleague has said, it is right that we are held to account and it's right that it should be fairly investigated, so I do support this. I was just reading an e-mail from our colleague at the CPA and the Secretary-General at the CPA praised St Helena for having established our Code of Conduct and using the CPA guidelines, so this naturally follows on from that Code of Conduct. Thank you, Sir.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member who may wish to speak? No. Honourable Mover?

The Hon. Brian Isaac –

Thank you, Mr Speaker and I thank the Members who have stand to support it. I know that all Members have had input into this at previous meetings. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Motion then, standing in the name of the Honourable Brian Isaac, is that this House approves the Procedures of the Investigative Commission as an Appendix to the Code of Conduct for Members of Legislative Council.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Honourable Members, I suggest we have a fifteen minute break. Thank you. Council is adjourned.

Council adjourned.

Council resumed.

The Speaker –

Please be seated. Right, Honourable Members, we're coming to the last section of our Paper today and I want to say how pleased I am with you and your behaviour as you go through the Council and debates, I think our standards are improving, I heard some people said outside that our standard of debate is improving nicely, so thank you for that and I don't have the opportunity at the end of the adjournment to say thank you for SAMS radio and also for all who have been involved, my Clerk, yourselves, the Secretary, the Administration staff, everybody, for making this here very successful occasion. It's been a marathon, hasn't it, it's been a marathon of a session this time, three solid days and we might have to plan our way a little differently perhaps in future, but nevertheless we've got through all the business of the House, just about, except the Adjournment Debate. Mind, it may take me, or if you think you're going to take me into tomorrow morning it won't happen because in Adjournment Debate you'll only have ten minutes to speak, so that limits the time. Right, Clerk?

5. THE ADJOURNMENT DEBATE

The Speaker –

Yes, Honourable Chief Secretary?

The Hon. Roy Burke (Chief Secretary) –

Mr Speaker, I beg to move that this House do now adjourn sine die.

The Speaker –

Thank you very much, Honourable Member. The question is that this House adjourns sine die, is there a seconder for that?

The Hon. Dax Richards (Financial Secretary) –

Mr Speaker, I beg to second.

The Speaker –

Honourable Mover, is there anything else you wish to say at this time? No, okay, then the House is open to debate. Honourable Lawson Henry? Ten minutes you have, Sir.

The Hon. Lawson Henry –

Thank you, Mr Speaker. Mr Speaker, Honourable Members, I rise in support of this debate and wish to raise the following issue. We welcome the announcement of a further extension to the RMS and also the release of the Tender documents for an interim air access. The island and our people remains grateful to the British taxpayers for their unfailing support to us during these difficult times. It has been some eight months since we were informed that our much anticipated airport would not be taking commercial flights. Much has happened since, in particular, the work to find a solution. To say that the last eight months have been turbulent

would have been an understatement. I say this, Mr Speaker, because although work is happening behind the scenes much of this has been overshadowed by the lack of information and engagement with our people. This has been particularly so with regard to regular updates as to what is being done on behalf of the people. After all, the British taxpayer funded the airport for the people of St Helena, but we seems to have forgotten that along the way, or to put it more accurately, certain senior officials at DfID seems to think that. I referred previously to a turbulent eight months. I said this, because, as elected members and a member of our Government's Executive Council, the way we have been treated by key officials in the Department for International Development anything airport has been disgraceful. At the start of the crisis over the airport the one thing that all elected members were clear on is that the RMS had to be extended for as long as possible, simply because we had to restore confidence to the travelling public and for our food security, and, of course, we had the crew of the RMS to think of too. The resistance from key officials in DfID to this, knowing that the problem with wind shear was never going to be a quick fix, was unbelievable and it showed how unprepared they were and the sheer lack of knowledge they had of the importance of continued access and in making an early decision to extend the RMS. It took two months for them to recognise that the problems at the airport was never going to be a quick fix and they finally agreed in late June to extend the RMS until July next year. Mr Speaker, Honourable Members, by then much damage had been done and you all know the rest. Tourist numbers down, bookings on the RMS down, this is because people could not plan when a new schedule was released, it was far too late for this year. Many of our Saints who had planned to visit the island using the planned air service had to cancel as by the time the agreement was reached to extend the RMS for a further year it was too late for them to arrange the additional leave. We thank senior officials in DfID for that and hope that they enjoy their Christmas with their families. I doubt very much they will be thinking of us or families that are apart as a result of their resistance to make that early decision to extend the RMS as elected members had requested. Against this background, those same officials were attempting to run our Government from Whitehall. They were refusing to release information and, sadly, on 7th October, elected members received an e-mail from the SHG Press Office effectively putting an embargo on any news about what was happening with our airport. In this message it had this sentence, and I quote, "We have discussed this approach with DfID and they agree". Mr Speaker, Honourable Members, I pause here to reflect, because only in September 2016 the Honourable Mike Olsson raised a series of questions in this Honourable House about what constitute the St Helena Government. The answer given to a question of who was the highest decision-making body in SHG the answer was Executive Council. It was not that we did not notice, but I say this today so we can remind ourselves of this in what is set out in our Constitution. Turning back to the famous message of 7th October, Executive Council was not aware of this news embargo, nor were they consulted before this decision was made. The Constitution is very clear that the Governor have to consult with Executive Council. Elected Members met with Her Excellency the Governor and the Chief Secretary that same day where we protested about this turn of events and raised the Constitution position. On 11th October, I am pleased to say, Her Excellency responded to the issues we raised earlier in the meeting and the result of this was to be better lines of communication between officials and Councillors and, more importantly, with the public. These were Her Excellency's words, not mine. One other important point arose during this communication from Her Excellency. That was, an elected member should sit on the Airport Project Board as an observer. Apparently this Board is chaired by DfID. Her Excellency said this would ensure that elected members will have the same up to date information as officials. Sadly, DfID overruled Her Excellency and did not want an elected member on the Board. Needless to say, elected members protested, but this have been to no avail and we have been told this is a DfID Board. Mr Speaker, Honourable Members, I cannot

find any provision in our Constitution that makes provision for DfID to set up such a Board in the territory. St Helena is an internal, self governing territory as set out in our Constitution, Executive Council is the highest decision-making body and have never been consulted about such a Board and have been excluded. How can this be allowed in a territory? Given the fact we have an airport that is currently not fit for purpose to which it was built and we have a Board chaired by DfID in our territory that is taking decisions about our island, it is nothing short of a political disgrace that our senior officials in DfID and here would wish to have such a set up without representation by an ExCo member. I submit, senior officials on the island are condoning this unconstitutional act and I call for the immediate disbandment of this Board. I will call upon the Attorney General to advise elected members if his Chambers were consulted when this Board was constituted. If so, what was his advice and whether such advice included representation by ExCo. If not, why not? Please can he make available his advice to elected members? Mr Speaker, Honourable Members, we have in our Constitution, Section 2, the Partnership Values, 2 of which states, the partnership between the United Kingdom and St Helena shall continue to be based on the following values: Good faith and good government. How can it ever be good governance for a Department of Her Majesty's Government to be acting this way in an Overseas Territory and where is the good faith and governance when, in fact, the people's representatives are excluded. I submit that senior officials in DfID who is acting in the way I have demonstrated is in breach of those components of our Constitution and so is officials here. The Airport Board is, I further submit, unconstitutional and no other of Britain's Overseas Territories would tolerate this and I ask why officials here think we should and what are they doing about this? I therefore call upon the officials in both DfID and here that given that ExCo is excluded from this Board where decisions are being taken without consultation, this is unconstitutional and this Board must be discontinued forthwith. The promise of better communications that Her Excellency set out in a message to Councillors of 11th October have never been forthcoming and there have been very little information to the public on anything airport. Recently my colleague, Councillor Derek Thomas and I met with two officials concerned in DfID. We were promised a narrative that we could use for the release of information to the public. This, too, have not been forthcoming. Mr Speaker, Honourable Members, I call upon this House to agree to a delegation of St Helena's All Party Parliamentary Group to visit St Helena on a fact finding mission in relation to our airport and that they should report to the United Kingdom Parliament. I am not satisfied with the way elected members here are being constantly kept out of the decision-making process when it comes to anything airport. This need to change and elected members of Executive Council must be given full access to decision making.

Finally, I urge elected members to call for an urgent video conference with the FCO Minister so that we can sort this matter out once and for all. I say, Mr Speaker, Honourable Members, enough is enough, we need the good governance back on this island and the good faith. This has sadly been lacking over the last eight months since the announcement that our airport was never going to deliver what it was set out to do and it seems that senior officials in DfID rules rather than the elected members of Executive Council. I beg to move and support this Adjournment Debate. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Member wishes to speak to the Adjournment Debate? Honourable Pamela Ward Pearce? Ten minutes.

The Hon. Pamela Ward Pearce –

Thank you. I rise in support of the Adjournment Debate. A passing comment by a first time visitor when I arrived back on the island last week caused me to reflect and review the journey

one makes when travelling to the island. The first sight one has of the island, of that rock rising out from the sea with the familiar cloud cover, and as you move closer it takes on a whole different perspective and you're able to discern more distinct shapes of the various hills and valleys. At anchor there is a view of different boats in the moorings and the sight of the wharf and up in the valley nestles Jamestown. On stepping ashore from the local tender and being transported to the new Customs Building, one is aware of the quaint barrel vaulted buildings and the boatsheds that all form part of the original East India Company wharf. Everyone who has stepped ashore on the island has traversed along this route, famous and infamous people from our historic past. These include Wellington, Halley, Darwin, Napoleon, to mention but a few. When the formalities of immigration and customs are sorted and the Finance Officer will be pleased to hear the ASYCUDA was no problem this time, you walk across the Moat to along the seafront, crossing the bridge over the Moat under the Arch and on to the Grand Parade. In this square are all the administrative buildings, the Castle here, the local seat of Government, the Court House, the Library, the Church, the Prison, the Police and the Museum. There are also memorials to two outstanding individuals who helped to shape St Helena, Dr Arnold and Canon Walcott. Beyond this space is the Gardens, the legacy again of the East India Company, a fascinating fact I recently became aware of is that the layout of this Garden is the exact same layout that was originally designed by the East India Company. Opposite the Gardens is 1 2 3 Main Street which was originally again houses for the East India Company Managers. This opens the vista of the Georgian town which has the house where Wellington originally stayed, Wellington House, and across the street is the rebuilt Porteous House where Napoleon stayed on his first night in St Helena.

I apologise if I'm starting to sound as though I've got a job in Tourism, you will get the gist of this later.

This sounds like a time warp and I suppose to some extent it is, but all this is about to change. 1 2 3 Main Street is being changed into a hotel, the Prison is intended to move as it's no longer fit for purpose, the Police are moving soon to larger premises, the Library has outgrown its allocated space too and will no doubt be looking to move soon and the Museum is expanding into the old PWD Store. Perhaps the biggest change will be the point of arrival as when, and I say when and not if, the airport is fully functional, the mode of arrival will be by air and not by sea, so the first view will be entirely different, it will be an aerial view, one that I'm not familiar with unless you count the Google Earth view. On exiting the airport, the view is quite spectacular, but is very different to the way of arrival by sea. It also does not have the same historical impact as this is a new point of arrival. You will travel along a new road with virtual desert landscape, then into a residential area before coming to the green heartland and then following the road down as you descend into the town. The experience of future visitors to the island by air will also be so totally different from those current experiences of visitors by sea. There will, of course, still be some visitors who will arrive by sea; cruise ship passengers and yachts, but we need to ensure that all visitors have a positive experience of their visit to our island whichever mode of arrival they choose. We have an opportunity to build on this experience with the recent expressions of interest for Bottom Woods CDA. We need to ensure that a hundred, even two hundred years from now, someone could be standing here where I'm standing reflecting on the mode of entry into our island and I hope they will be able to give a well defined historical aspect and have a positive experience. Thank you very much, Mr Speaker.

The Hon. Pamela Ward Pearce –

Thank you, Honourable Member. Any other Honourable Member wish to speak to the Debate, Adjournment Debate? No other Member wishes to speak to the Adjournment Debate? Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you, Mike Olsson, I rise in support of this Motion, I don't really know what would happen if I didn't rise in support of it actually, but don't worry, I'm gonna be very, very brief. During this session of Legislative Council, we have called upon Government to be more efficient, more transparent and do a lot of things. I also got some ideas, I'm going to be very brief, I don't have any solutions to them. I also would like to see Council, including myself, being more efficient. We are not very efficient at the moment, I don't complain about anybody more than myself and how things are set out to be. I think we should sit down and see if there's anything we can do to avoid repeating, making the same recommendations or decisions then times. Our Constitution is slightly restrictive in this sense but I think there are things you can do so we don't have to talk about the same issue so many times and this is a communication issue, we're saying Government is not very good to communicate with Members, but sometimes, I'm not saying all the time and I'm not saying anybody better or worse, we also have to think about how do Councillors communicate with each other, how they make sure that what's happened in my Committee is known by the other Members and it is not easy because the system is clumsy and, as I said, I don't have any solutions to this, I'm just highlighting something maybe we can look at. There are ways we can do it, the same way like this formal Legislative Council really been far too long, maybe we should have more of them, more frequent meetings, a bit shorter, so we are sure we can concentrate. I have noticed, and this includes myself as well. In the afternoon late the concentration is lacking and we are actually looking at legislation and there's no way back, we have, the legislation is there, it's endorsed by the Governor but our recommendation is there, sometimes the brain has been very tired and, yes, wanting to go home more or less, passing legislation it is a bit dangerous under those circumstances. I'm just highlighting this in adjournment debate because it's nobody's fault, it is how it is, but also then to look at, because I think that there are certain things we could do to be more efficient without just changing the Constitution. I know many Members, especially the Honourable Councillor Essex has been pushing very hard for changes in the Constitution, but we know how long that gonna take, is there anything where we could actually improve the system and be more efficient, which actually we should also be a little bit on the lazy side, because the more efficient we are, the less we really have to work instead of sitting through meetings, oh, not that issue again, I heard that last week and I heard it the week before. Maybe there are things we can do, so that's my Adjournment Debate, so not much for the Chief Secretary to answer to but those are just some thoughts which I had while we close down this meeting, I don't want to be any longer than that and thank you very much to you as well, Mr Speaker, for putting up with us three long days. I beg to move.

The Speaker –

I thank you. Any other person wishes to speak, I think it was the Honourable Wilson Duncan first, Honourable Attorney General after.

The Hon. Wilson Duncan –

Mr Speaker, Honourable Members, I rise in support of the Adjournment. It is very good news the RMS St Helena have been extended until 11th February 2018, however, I believe this is as a result of the intense pressure asserted by all Honourable Members as this should have been done in the first instance if DfID had listened to Honourable Members as DfID knew there would be no quick fix for the wind shear problem at the airport and as a result St Helenians and tourists could not plan visits to the island, hence the reason why the last few voyage, voyages by the RMS St Helena have been half to three quarters full to the detriment of the economy of

the island and it is left to be seen if the next two voyages from Ascension will be filled to capacity or not.

I now turn my attention to the drought and the effect it is having on all types of farming, by all types I mean vegetable producers and livestock producers, especially to the eastern side of the island. The cattle herd on the eastern side of the island has been affected drastically due to the lack of natural feed that is available and whilst it is appreciated the Agricultural and Natural Resources Department provided supplement feed for up to six weeks this was not sustainable and as a result, due to lack of natural feed available, several of the herd had to be culled with great loss to their owners. The vegetable producing farmers are suffering also due to the limited amount of water they can use, resulting in much of their crops failing and cannot plant any new crops which will affect the island dramatically. I am aware it has been said in this House already that compensation will be forthcoming if it is proved as a direct result of the drought. However, I believe compensation should not only be the way of levying Customs duty but also in the form of monetary payments which would allow all types of farmers to be able to purchase new seedlings etc. Therefore, I urge all types of farmers, if you have been affected as a result of the drought and have lost crops, livestock, to make legitimate claims to the St Helena Government for monetary compensation. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Attorney General?

The Hon Angelo Berbotto –

Thank you, I stand in support of this Motion. Thank you, Honourable Lawson Henry for your question. Your question was, I call upon the Attorney General to advise elected members if his Chambers were consulted when the Board was constituted. If so, what was his advice and whether such advice included representation by ExCo. If not, why not? I do not recall being asked to provide any advice about this Board; I would have to look whether any advice has been provided by my Chambers before I became Attorney General. I would also have to research whether there is any grounds on which application to be part of the Board can be made, so my suggestion is that I get back to the Honourable Member the way that I respond once I had an opportunity to research it.

We were just given a virtual tour of Jamestown, Mr Speaker, apparently the aim was to make the experience of visitors pleasant, judging by the voting of some members yesterday only heterosexual visitors are intended to feel welcome. The population, or some part of it, has asked me what happens now with the, with marriage and the response is that because the Bill has been withdrawn the Marriage Ordinance 1851 stands, it hasn't been repealed, so it continues to be law. A member of the public asked me, so can same sex couples get married and the question is potentially, yes. I have overnight looked at the Marriage Ordinance which refers to the parties and it says in every case of marriage intended to be contracted or solemnized one of the parties shall give notice under his or her hand to the said Registrar in the form in the first Schedule to this Ordinance annexed or to the like effect and shall state therein the name, surname, condition, profession and dwelling place of each of the parties intending the marriage and whether each of them is of full age or not and the Church or other building in which the marriage is to be had and shall also deliver to the Registrar a signed, solemn declaration in the form in the first Schedule appearing or to like effect, blah, blah, blah, blah, blah, and, Mr Speaker, the objections or the impediments to marriage under the current Ordinance is a minority and kinship through consanguinity, so relatives, so I hope that answers the question of the member of the public. I have also received information today that Ascension is cracking on with their own Marriage Ordinance which will include same sex marriage, so little old Ascension got first in this one.

Finally, Mr Speaker, yesterday Councillor Brian Isaac made a number of accusations against me. He said words to the effect that I had put the same sex marriage provision in the Bill. He challenged me to find the evidence. I have. What he did is he challenged my integrity because my role as Attorney General and as a lawyer I haven't taken a three week course to train as a lawyer, I have carried out intensive study and I've been a Solicitor for eleven years and the insinuation, the allegation was that I had because of being gay myself inserted in the Bill something for my own convenience which could not be further from the truth. I said yesterday to this Honourable House that I had inherited that, the provision for same sex marriage in the Bill. I found last night an e-mail from the former Attorney General dated 20th November, I provided a copy to elected members, I only wish to state in the record that that e-mail was sent from Nicola Moore to Christell Broderick, the legislative drafter on 20th November and says "I have just got back from a meeting of informal LegCo about re the above, meaning the Marriage Ordinance, would you believe that they have asked me to make sure that St Helena allows for same sex marriage. We don't have a definition of marriages and obviously it is going to be difficult to include this in terms of religious marriages but they do want to include same sex marriage as opposed to civil partnerships." I sent this to Councillor Brian Isaac, I said that what he had said yesterday where he had alleged yesterday was wrong and was an allegation to my integrity and asked him for an apology. I still ask him for an apology because he made unfounded allegations. At the lunch adjournment I asked for a copy of the Minutes of the Elected Members informal, I'm sorry, elected members meeting of 20th November 2015. Under the second item in that document is Marriage Bill, in attendance Attorney General, point arising from discussion and Councillors included and there is a number of issues contained in the Marriage Bill and the last point is AG to draft a section on same sex marriages – need to have proper public consultation. This was on 20th November 2015, I became Acting Attorney General on 12th December 2015 and became substantive Attorney General on 2nd May this year. Mr Speaker, it is a matter of, a serious matter when an elected member makes allegations against another elected member. Mr Isaac today, Councillor Isaac has introduced an appendix to the Code of Conduct. Isn't it ironic that he has today asked for this House to adopt this procedure and so far he has said he will not apologise for making those allegations against me and marring because it is, it is an injury to my reputation and marring my professional standing, both as a lawyer and as a member of this House, so I still invite Mr Isaac to make that apology. Yes?

The Speaker –

Could I just interject, I think adjournment debates are for Government business and if you have a complaint to make against the Councillor, the provision is there, so you need to perhaps make a complaint if you're unhappy and it will go to the Investigation Committee. Nothing can be done here except listening to what you have to say and stopped.....

The Hon. Angelo Berbotto –

Oh, yes, it can be done, it can be done, Mr Speaker.

The Speaker –

What can be done?

The Hon. Angelo Berbotto –

The apology can be provided, because the Council has adopted today a procedure for an investigative commission, there is no need for an investigative commission if a Councillor who realises they have breached the Code then apologises and the Code, under objectivity in page 2 of the Code says that the Members must act and take decisions impartially, thoroughly and

on merit using the best evidence and without discrimination or bias. What I have provided this morning and at lunchtime is the best evidence. Also, Members need to respect the intrinsic dignity of all, I'm looking at 4.2 in the Code of Conduct and hold themselves accountable for conduct for which they are responsible. I am just making very clear that if there a Code of Conduct and that Code of Conduct is not going to be made a mockery of then when a Member realises that they have made assumptions or haven't researched the facts properly that they should take ownership and be responsible and do the right thing. That's what I have invited Councillor Isaac to do. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I support the Adjournment Debate and rise to speak. I thank the Attorney General for his support during the time the Marriage Bill was presented to the Social and Community Development Committee. I am not prepared, Mr Speaker, to make any apology. Mr Speaker, we just approved the Code of Conduct for Councillors with Members and I said in my exposition if any Members are aggrieved by any behaviour of Members then it should be dealt with appropriately under the Code of Conduct. Just early this morning whilst walking into the Chambers I spoke to the Attorney General, he then said to me did you had my e-mail yesterday? I said yes. He said I demand an apology. I said I'm not prepared to give you an apology because I'm not committing myself to making any alleged comments to you. He said, in the presence of some members of this House. You're a liar, you're a liar, you lied. He makes me a liar. I walked out of this Chambers to keep the continuity of this Council in place. Yesterday I was accused, I was addressed by the Attorney General on the stairs coming into the Chamber, he called me a Judas. I don't know what he mean by calling me a Judas, but I just accept that, Mr Speaker. I do not want to declare other people's dirty laundry in the public. There are procedures in place to deal with it and I would ask the Attorney General to write to you to have me investigated fully. This proceedings has been recorded and I would like to make it public information on the allegations made against me.

The Speaker –

Okay.

The Hon. Brian Isaac –

Thank you, Mr Speaker.

The Speaker –

Thank you, Councillor. I think that should stop right here now. I allowed the Attorney General to go on and explain his position and that's why I couldn't stop you half way through, I allowed you to explain your position. That matter has to be dealt with through the Code of Council, of Conduct, no other way. Adjournment Debates are really on Government business, that's not Government business, it becomes a personal situation at the present time. You can make a complaint to the Commissioners, it will be pushed to the Commissioners if you decide to do that and I can see there's going to be a retaliation of a complaint as well, so both parties may be investigated if you're gonna proceed down that line. One of the other things I want to say too that in this Council you are protected up to a certain extent, up to a certain extent, but it must not become malicious what you say. If you say something that went wrong you are protected. This is in a public forum now, it's so that you do not be prevented from saying what you have to say, but please be careful how you personalise things and that's why I interjected

sometime earlier and said don't mention people's names to one of the Members who was speaking at that time, because they also have to be protected in a public forum. I think the best thing you could do, sometimes we get heated in debates and arguments, you're trying to make your own case and I think this thing can be dealt with between the two of you yourselves, really, talk to each other about it, if there's any apology to make to each other you can make it to each other. You can do that, you're all grownups here and I would rather encourage that, I would encourage that rather than seeking investigations. I think willy nilly over the last couple of months they've been getting investigations left right and centre and they still haven't been dealt with because we have to bring this investigation process into business right now and that's the purpose of that this morning, but I would encourage you, Honourable Members, to both talk together about this, you probably say things that you didn't intend to say and let's patch it up. You have to think about the welfare of the people, that's most important here rather than your own petitions, but please be aware of how you're talking, make sure you do get your facts right and so that you do know where you're going and sometimes a slip of the lip could bring you into serious trouble. I would encourage that if you don't mind, to just speak to each other about it, try and put it behind you and deal with it that way.

The Hon. Brian Isaac –

.....?.....point of information, Mr Speaker?

The Speaker –

Yes, let me hear it.

The Hon. Brian Isaac –

Yes. Mr Speaker, I do not want to dirty the muddy waters nor do I want to be bad friends with any of my colleagues, I work in the best interests of the people of St Helena. When I was insulted today, don't worry about Brian Isaac, I was insulted as a Member of the Executive Council, a Member who represents the people of this island and now that my name, and I've been accused in front of my colleagues as lying, liar....

The Speaker –

Yeah, okay.

The Hon. Brian Isaac –

I would like this ...?...investigated and the results of this investigation go into the public domain. Thank you, Mr Speaker.

The Speaker –

If the both of you would like to see me in my Office I can see both of you in my Office, but I think you should deal with that yourselves rather than hanging out your washing in public here. Right, debate goes on please, Adjournment Debate, Government business. Thank you, Sir. Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, Adjournment Debate, Government business. Mr Speaker, I rise in support of the Adjournment Debate. Mr Speaker, I'd just like to report on the continued success St Helena is enjoying from the Commonwealth Parliamentary Association. Just prior to my attendance at the Joint Ministerial Conference on my recent visit with my colleague, Councillor Lawson Henry to the UK I met with the Secretary General of the CPA following his request where he discussed a number of issues and his ongoing support to St Helena and other Overseas

Territories, one of which was to supply training to our new Council in 2017. The CPA is keen to fund and deliver this training requirement which will be of benefit to the new Council and to St Helena. Also, Mr Speaker, one of the issues for discussion during our by electoral with the FCO Minister, Baroness Alerley. I put forward a request from this Council for an amendment to our Constitution, one single amendment to protect against discrimination in allowing first Saint preference for local job opportunities, similar to what is in line with other Overseas Territories. General support was given to this request by the FCO Minister where I have been requested to follow it up in writing, officially write and following approval the public will be properly consulted on this issue. Also, Mr Speaker, on my return visit via Cape Town, a programme of events was organised for me to visit the MSO and the Panorama Hospital facilities and also with the ship and the ship's Doctor and a lot of issues and improvements came out of this, I was also able to visit some of the accommodation, but the details of this visit, Mr Speaker, will be relayed in the next couple of days on both radios, but already some of the recommendations from my visit has already been implemented. And Mr Speaker, I would just like to follow up on the question that Councillor Ellick raised, supplementary question on Health, which I was unable to answer and neither the Directorate and the supplementary question Councillor Ellick put to me was whether he was aware that MSO International apparently has commercial interest in the Cape Panorama Lodge. We were not aware of this, I'm unable to give an answer. However, Mr Speaker, the Director has been in contact with the Manager of MSO International who has given an assurance that no commercial interests in the Panorama Lodge with MSO. MSO International started placing SHG medevacs at the Lodge in response to a request from the St Helena Government to find accommodation closer to the Panorama Mediclinic. Prior to this, MSO had not made use of their services. MSO International contracts with the Cape Panorama Lodge on a case by case basis as required. All third party invoices are passed on directly to St Helena Government with no markup or incentives whatsoever to MSO. So I'd just like to clarify that to the listening public, Mr Speaker, and perhaps I would recommend that in going forward we really should get our facts correct. Thank you.

The Speaker –

Thank you very much indeed, Honourable Member. Thank you. Any other Honourable Member. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. First, I wish to take this opportunity to thank all those who participated in the recent public consultation regarding the principles of a possible proposal to address the issue of parking in Jamestown. As I think this House is fully aware, this is an issue that's been on the books for over twenty years and the fact that we have now got to the stage of having an outline proposal that is quite a lot more comprehensive than that that was mooted about four or five years ago is definitely a step forward. However, obviously, on an issue such as this it will be impossible to please everyone, particularly given the limited resources at our disposal, but elected members and officials will work together to try and address the comments and suggestions that were put forward during the consultation so that we can work towards achieving the best possible outcome in the circumstances and this would be impossible without the contributions of the public and there will be further input required from the public as the scheme gets further developed. It was made very clear during the consultation that the proposal needs further work and fine tuning before it can be trialled and there was also a commitment given so that whatever is put into place will be piloted before it's permanently implemented. Another step forward has been taken with regard to the Immigration Working Group which has now more or less finalised making its review of the current Immigration legislation and here

I'd like to pay tribute to the Honourable Attorney General for the support that he's provided to the Working Group and, indeed, to the Immigration Executive who's recently left and his team. We have worked together very constructively to come up with a set of recommendations which will soon be able to be brought first in formal Legislative Council and then to Executive Council for wider discussion and debate and the Honourable Derek Thomas has alluded to a potential change to the Constitution which came out of the recommendations that were discussed within the Immigration Group.

It is also very pleasing to note that the tender has been issued for the provision of an air service. That is another major step forward and the number of important additional bids submitted in the recent budget round, to which I have already alluded, indicated very powerfully that we are struggling to meet the reasonable needs of St Helena even with the existing level of grant in aid from the Department for International Development and this situation underlines the vital importance of having a fully operational airport that generates considerable revenue for the island if we are going to maintain current levels standards of service let alone improve these and move towards sustainable development. Without this catalyst for economic development it will be virtually impossible for St Helena to move forward. Although it is very pleasing that the invitation to tender for an air service is being launched there are concerns that the operation of an aircraft with a carrying capacity of less than that of a 737 is unlikely to bring about the projected economic benefits, particularly if fares are not increased and obviously if fares are increased then you get less take up of seats so that becomes a vicious circle. I would urge that further economic analysis is undertaken to determine the minimum number of passengers and the minimum volume of cargo likely to make a significant contribution to St Helena and that such analysis should feed into the tender evaluation process. It is disturbing that it appears from the release and documentation associated with this that the service is not being termed an interim service. This suggests that it may end up being the permanent solution although it is likely to be sub optimal as a preferred model is not viable because of wind conditions at this point in time. St Helena must not be forced to settle for second best in the longer term because there is reluctance to make the airport fit for its original intended purpose which was not just to provide a physical link with the outside world but to general significant economic growth to the extent to which British aid can gradually be withdrawn. Mr Speaker, St Helena has already ended up with sub optimal solutions on too many occasions. The RMS St Helena could not be built to its original design due to lack of finance and so had to be shortened considerably. The first wind turbines purchased were not ideal for the wind regimes at Deadwood but were the largest that could be erected without the purchase of an expensive crane which DfID would not fund. The Community Care Complex is too small to meet growing needs because the demand projections were not accepted and so sufficient funding for larger buildings was not forthcoming. Mr Speaker, the list goes on. St Helena Government and the Department for International Development must work proactively in partnership to ensure that St Helena's air service does not become another entry on this list and that what gets put in place will bring the necessary benefits to St Helena. Decisions must not be rushed just in order to get any service in place however urgently we wish to get a scheduled commercial air service and the criteria must always be what is best for St Helena.

Mr Speaker, on another matter, and I may be straying away from Government business in adjournment, I found it very distressing to see the conflict between members around this table during this session. It is something that we have never encountered on this scale before and I think it is destructive and counterproductive. We all have our beliefs, we all have to make decisions, we are not always going to be in agreement, we all have to do our best for our constituents, that is our duty as Councillors. How we interpret that may differ from time to time, please let us just respect that, respect our differences, respect each other and move on. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Gavin Ellick –

Yeah, I think us should....

The Speaker –

Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I think us should end on a more nice note like, you know what I mean, because us can't be rowin', so I would like to take this time to thank you all for letting me be on the FAM Team, that's the first time I been on there for three years and I would like to thank Dr Essex, Lawson, Tony and Derek, Dax and the Financial Secretary, because they were really good and very forceful. I know they had DfID shaking in their boots, but DfID hold the purse strings so I'm hoping from their efforts what they had that we will have additional funding for the next year and like Dr Essex, please bury the hatchet, we gotta move on, we can't be doing this here. If we are the ...?.... what leads the island we must be doing something much more better than what we doing now. Thank you'll.

The Speaker –

Alright, thank you, Honourable Member. That is almost a humourous note too, isn't it? Yeah, okay, it brightens the end of the conversation. Is there any....I should have got after you for calling Members by their personal names. In this forum you address them as the Honourable Member, okay, that's part of the Standing Orders, but I understand and I think you brought some humour to this House so I give you some credit for that.

The Hon. Gavin Ellick –

Thank you, Sir.

The Speaker –

Okay, it's just on that, our debates can run away with us, is there anybody else who wishes to debate, sometime, but according to our Standing Orders it says that in an adjournment debate members may speak generally upon the public affairs of St Helena, just to clarify that for you and you find that under Section, Order 14, just bear that in mind sometime. I think it's been quite some long time, it's taxing on the brain, it's taxing on nerves, it's been some hot topics we discussed and some lengthy legislation and we'll have to try and plan that in future, Honourable Members, so that we can slot it in properly around over the year so that don't have all the legislation coming so far close at one time, but we can spread that out, between us we can work together and we can get a nice sort of situation going between us and I would like to encourage that, so try and do that and just be careful how you speak, sometimes words that we say hurt one another, but I believe it's not intentional to hurt one another, I think some of you do get frustrated when you're trying to get Motions through and perhaps go overboard in trying to enforce the legislation, but all in all I think we had some lengthy sessions this time, three long, long days, I think you did well to keep your nerves up to this particular time, so Honourable Chief Secretary, Sir, I'd like you to wind up.

The Hon. Roy Burke –

Thank you, Mr Speaker, I thought I was being done out of a job there.

The Speaker –

No, we won't do you out of a job, Chief Secretary.

The Hon. Roy Burke –

Thank you, Mr Speaker. In response to some of the comments that have been made, it would be helpful if it's possible to have a copy of the Honourable Lawson Henry's speech so that I can spend a little bit more time researching the issues that he raised and perhaps give a more considered response which I think in the circumstances would need to be in the public domain as well, so I thank him for that.

The Honourable Pamela Ward Pearce's regular travelogue was very well received again, I think if we add the recent exposition of her journeys on the RMS there's probably a book in there somewhere, maybe that was an advertisement.

The listening public won't be aware but when the Honourable Mike Olsson was speaking about being more efficient and transparent and effective and cost improvements he was actually pointing at me during that session and I'm very happy to report, as I did a little earlier, that we are considering a future operating model and a cost improvement plan for St Helena Government and I'm hopeful that that will produce some fairly effective cost improvement issues but also give us the opportunity to deliver more frontline services than perhaps we were before.

The response to the Honourable Wilson Duncan's speech, I'm not entirely sure which compensation scheme was being referred to there, I had a quick word with my Honourable Friend, the Financial Secretary and I just don't want the public to charge to Government with a list of compensation claims if there's no compensation scheme in place. I am aware of the issues in respect of cattle, but I think that the Honourable Wilson Duncan's speech went a little bit further than that, so please members of the public don't come knocking on the door yet until or unless the relevant Committees have agreed any scheme in terms of compensation.

I wouldn't wish to contribute any further to the discussion between the Honourable Attorney General and the Honourable Brian Isaac. I hope we can move on and draw a line somewhere there. There's such a lot of business for us to be doing in this House, I hope it doesn't dissolve into fracas.

I certainly agree with the Honourable Derek Thomas's views about the Commonwealth Parliamentary Association. I do think our attendance there is valuable and actually I know that the support that we get from the CPA not only in financial terms but also in training and other terms is quite significant and we look forward to working more with them.

And finally I think the reasonable assistance needs, as raised by the Honourable Dr Corinda Essex, I think we all again agree that we are struggling to meet those reasonable assistance needs, despite the fact that we've made very clear and reasonable submissions to our colleagues in DfID, the indications are that we might need to look at other ways of funding some of those issues. I have to say I don't agree that we need any further analysis on the minimum number of passengers or cargo to ensure environmental development, I think we've got lots of those reports and I wouldn't be suggesting to anybody that we get somebody else to come and do that for us again. The National Audit Office have recently looked at those issues and the Public Accounts Committee will report imminently on their findings following the Public Accounts Committee. And I would also suggest that it's clear in the documents for the air service provider that the service is interim. Even if the word itself is not used, it takes us to a point where regular and full services can be operated through Runway 20.

Mr Speaker, I've got nothing further to add other than to wish my colleagues round the table a very Merry Christmas and a Prosperous New Year and to all those people listening the same. I beg to move.

The Speaker –

Thank you very much indeed. Perhaps before I put the question I'd like to wish you all a very Merry Christmas as well, enjoy your Christmas.

Question that Council adjourn sine die, put and agreed to.

The Speaker –

Thank you, Honourable Members.

Council adjourned sine die.