



ST. HELENA

GOVERNMENT OF SAINT HELENA

PROCEEDINGS OF THE LEGISLATIVE COUNCIL

WEDNESDAY, 8TH JULY, 2015

FIRST SITTING OF THE NINTH MEETING

Laid on the table - 18 March 2016.

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 Colin Owen
The Honourable Attorney General	Ms Nicola Moore

ELECTED MEMBERS

The Honourable Nigel Dollery
The Honourable Wilson Charles Duncan
The Honourable Gavin George Ellick
The Honourable Cyril Robert George
The Honourable Lawson Arthur Henry
The Honourable Brian William Isaac
The Honourable Bernice Alicia Olsson
The Honourable Christine Lilian Scipio O'Dean
The Honourable Dr Corinda Sebastiana Stuart Essex
The Honourable Derek Franklin Thomas
The Honourable Pamela Ward Pearce

The Honourable Leslie Paul Baldwin - on leave of absence

CLERK OF COUNCILS

Ms Gina Benjamin

PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Wednesday, 8th July, 2015

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

(The Speaker in the Chair)

ORDER OF THE DAY

1. **FORMAL ENTRY OF THE PRESIDENT**

2. **PRAYERS**
Vicar-General Dale Bowers

3. **ADDRESS BY THE PRESIDENT**

Please be seated. Vicar General, Archdeacon, Venerable Archdeacon, Honourable Members, ladies and gentlemen, boys and girls, welcome to this ninth meeting of the Legislative Council. It is normal at this part of the formal Legislative Council meeting to remind ourselves of the various activities that Council members have taken part in since the previous formal Legislative Council meeting. During the period under review, the Honourable Derek Thomas attended an Executive Meeting of the Commonwealth Parliamentary Association in Malaysia. His membership on the Executive provides greater representation for St Helena where items of interest and importance affecting St Helena can be more frequently highlighted. He has already debriefed Honourable Members on his participation. More recently, the Honourable Anthony Duncan attended productive meetings at the British Islands and Mediterranean region conference in Cyprus and the Honourable Pamela Ward Pearce attended the United Nations C41 meetings in Nicaragua. Both Honourable Members are scheduled to report shortly on those events.

The first Annual General Meeting of the CPA (St Helena) local branch, of which Honourable Members are members, was recently held in this building under its new Constitution. For the first time, it brought together present and past members to consider reports of the activities of CPA members and considered the Branch's accounts. That Constitution provides that past members of Legislative Council shall have a right to become associate members of the Association.

Honourable Members will have observed that there is a vacancy among our numbers today. That is because leave of absence has been granted to our absent member, the Honourable Leslie Baldwin. You will also be aware of an event that has regrettably led to the Member's resignation from his seat on Executive Council and from the Chairmanship of the Social and Community Development Committee. As a result, it will become necessary to hold an election to fill that vacant position of Chairman. Our Order Paper makes provision for this to take place today. Honourable Members will, I know, wish me to thank the Honourable Les

Baldwin for his past, valuable service as an Executive Council member and Chairman of the Social and Community Development Committee.

As we are nearing the end of the two-year period prescribed in the St Helena Constitution for elected members to serve on the Executive Council, it is timely that we should hold the appropriate elections today. Our Constitution provides that unless a resolution is passed by majority vote that there shall be no elections; an election shall be held before the end of the stipulated two-year period. It should be noted that serving members of the Executive Council as well as other elected members are eligible for election. The election procedure, as members are aware, is set down in the Standing Orders of this Council and election to the Executive Council must be in accordance with those Orders. It is necessary, therefore, that a successful election to the Chairmanship of a Council has to carry the votes of a majority of all of the elected members of this Council, meaning seven votes, whilst an election to the Executive Council in this instance will be determined on the highest vote cast. Honourable Members will, of course, be aware that election for nomination to the Chairmanship of a Committee is not complete until the Governor has appointed the nominee to such position. Honourable Members, the business of this Council otherwise includes nine Sessional Papers, five Questions for oral answers, six Motions, three of which are Bills for an Ordinance. There are also three Questions for written answers. This meeting will conclude with the normal Adjournment Debate.

I would like to take this opportunity to thank all who had a part to play in the preparation for this meeting and call upon the Clerk to call the next item of business.

4.

ELECTION

ELECTION TO CHAIRMAN OF THE SOCIAL AND COMMUNITY DEVELOPMENT COMMITTEE

The Hon. Derek Thomas –

Mr Speaker, I propose the Honourable Brian Isaac.

The Speaker –

Just before that, if you don't mind, please. There's said to be presenting a Sessional Paper, Chief Secretary?

The Hon. Chief Secretary –

Thank you, Mr Speaker. In accordance with Standing Order 5, I beg to present Sessional Paper 21/2015, Government of St Helena Council Committees 2015, which contains the names of the five Council Committees, Chairmanship of the Social and Community Development Committee is currently vacant.

The Speaker –

Thank you, Chief Secretary.

Ordered to lie on the table.

The Speaker –

Thank you. I now call on nominations for the Chairmanship of the Social and Community Development Committee. Yes, Honourable Member?

The Hon. Derek Thomas –

Mr Speaker, I propose the Honourable Brian Isaac to be elected as Chairman of Social and Community Development Committee.

The Speaker –

Thank you, Honourable Member. Is there a seconder to that proposal? Honourable Tony Duncan? No, sorry, it's Christine, Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker, I don't think I had a sex change overnight. I propose to second Honourable Councillor Isaac.

The Speaker –

Okay. The Honourable Brian Isaac, do you accept the nomination?

The Hon. Brian Isaac –

Mr Speaker, I accept the nomination.

The Speaker –

Are there any further nominations for the Chairmanship, Social and Community Development Committee? Any further nominations? No further nominations. Alright, in that instance then, I have to make sure that the member is truly elected and I need to get the majority of votes of the Council.

Question on the Honourable Brian Isaac's nomination, put and agreed to.

The Speaker –

I declare that the Honourable Brian Isaac is duly elected as Chairman, Social and Community Development Committee. Clerk?

ELECTION

ELECTION TO EXECUTIVE COUNCIL

The Speaker –

Maybe I should just explain a little here. The Executive Council requires five nominations. Every member is entitled to nominate up to five members and when it comes to voting you are only entitled to vote for five members. If any of the ballot papers come back, if there is a voting process, then it means to say if you have six instead of five names on there your ballot paper will be lost to you, it won't count, so are there any questions before the elections take place, please? Yes, Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. You did say that every member is entitled to vote up to five?

The Speaker –

Yes.

The Hon. Derek Thomas –

Obviously not over five?

The Speaker –
No.

The Hon. Derek Thomas –
Does that mean it can be less than five?

The Speaker –
It can be less than five, yes, it could be less than five. Any questions before the elections take place? No? The other thing I wish to point out that the elections only is for a period of one year so that at the end of one year elections will come back here again to this House to be considered. The other alternative is if someone gets up and propose that there be no elections at all then the current members will stand as elected members to the Council. Are there any nominations, please? Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –
Thank you, Mr Speaker. Mr Speaker, I nominate Honourable Lawson Henry.

The Speaker –
Thank you. Is there a seconder?

The Hon. Derek Thomas –
Mr Speaker, I second the nomination.

The Speaker –
Thank you, Sir. Could I ask the Honourable Lawson Henry if he accepts the nomination?

The Hon. Lawson Henry –
Yes, I do, Mr Speaker.

The Speaker –
Thank you very much indeed. The Honourable Nigel Dollery?

The Hon. Nigel Dollery –
Mr Speaker, I nominate the Honourable Gavin Ellick.

The Speaker –
Thank you, Honourable Member. Honourable Pamela Ward Pearce?

The Hon. Pamela Ward Pearce –
Mr Speaker, I second the Honourable Gavin Ellick.

The Speaker –
Thank you, Honourable Member. Honourable Gavin Ellick, do you accept the nomination?

The Speaker –
Thank you, then you stand duly nominated. The Honourable Lawson Henry?

The Hon. Lawson Henry –
Mr Speaker, I propose the Honourable Christine Scipio O'Dean.

The Speaker –

Thank you, Honourable Member. Is there a seconder?

The Hon. Wilson Duncan –

Mr Speaker, I propose to second.

The Speaker –

Thank you, Honourable Duncan. Honourable Christine Scipio O'Dean do you accept the nomination?

The Hon. Christine Scipio O'Dean –

Mr Speaker, I do.

The Speaker –

Thank you. Then the Honourable Christine Scipio O'Dean is duly nominated. Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I propose the Honourable Derek Thomas.

The Speaker –

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

The Hon. Lawson Henry –

Mr Speaker, I beg to second.

The Speaker –

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

The Hon. Derek Thomas –

Mr Speaker, I accept the nomination.

The Speaker –

Then you stand duly nominated. Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. I nominate Honourable Ward Pearce.

The Speaker –

The Honourable Ward Pearce nominated, is there a seconder?

The Hon. Gavin Ellick –

I beg to second.

The Speaker –

The Honourable Ward Pearce, do you accept the nomination?

The Hon. Pamela Ward Pearce –

I accept, Mr Speaker.

The Speaker –

Thank you. Honourable Christine Scipio O'Dean, I think?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. I nominate Honourable Wilson Duncan.

The Speaker –

Thank you, Ma'am. Is there a seconder to the Honourable Wilson Duncan? Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I nominate the Honourable Brian Isaac.

The Speaker –

Thank you, Sir. Is there a seconder? Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Mr Speaker, I beg to second.

The Speaker –

Thank you very much, Honourable Member. Honourable Brian Isaac, do you accept nomination?

The Hon. Brian Isaac –

Mr Speaker, I accept the nomination.

The Speaker –

Thank you. Are there any further nominations? Any further nominations? No further nominations. Right then, I see we have, Clerk, seven members?

Clerk –

Yes, Mr Speaker.

The Speaker –

That's correct. Alright, the people that have been nominated – Honourable Lawson Henry, Honourable Gavin Ellick, Honourable Christine Scipio O'Dean, Honourable Derek Thomas, Honourable Pamela Ward Pearce, Honourable Wilson Duncan and Honourable Brian Isaac. Have I got that correct? Yes, alright. Ladies and gentlemen, that means there's going to be an election this morning, right now. Now what each member is entitled to do is to speak for up to five minutes, convince your colleagues that you are the one to be elected for Executive Council, up to five minutes, strictly we'll keep that in mind, okay? And it should be taken in the order, alphabetical order of surnames first, so let's see what we have. Clerk, can you help

me here, first person, surname person. Right, Councillor Wilson Duncan, would you like to get up and address the Council?

The Hon. Wilson Duncan –

Yes, Mr Speaker. I've already been the substantive, I've been elected on LegCo, on Executive Council, I felt I did a good job in representing the constituents and that and I feel that if I'm successful again that I will continue to support the constituents. Thank you.

The Speaker –

Thank you, Honourable Member. The next one is the Honourable Gavin Ellick.

The Hon. Gavin Ellick –

I've been elected for two years and I think that now I have learned a lot and I think, I make sure it will be two years, I feel I've learned a lot and I think I will be a really good Executive Councillor. Thank you.

The Speaker –

Thank you, Honourable Gavin Ellick. Next one on the list, Clerk? The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker. First of all I'd like to thank the Honourable Christine Scipio O'Dean for nominating me. Honourable Members, to be nominated or to serve on Executive Council is the highest office in our Government and it requires the full commitment of a member. I have did just that for the last two years. This island is going through a great change at this time and we need members to serve on Executive Council who have a full commitment to that role and are able to make decisions whether those decisions are popular or not with our constituents, it is what is important for St Helena and all of its people going forward. There is a certain amount of leadership qualities that is required, I have demonstrated over the last two years I have those qualities and I have served as a true member and have given my full commitment to the role I have been asked to play, so I would ask you for your support here today. Thank you.

The Speaker –

Thank you, Honourable Member. Clerk? The Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker. Mr Speaker, Honourable Colleagues, firstly I would like to thank my proposer, the Honourable Derek Thomas and seconder, the Honourable Christine Scipio O'Dean for their support in proposing me to stand as a candidate to serve on the Executive Council. Today we turn another page under the new Committee system which was introduced following the last General Election. Today we intend to elect new members or existing members to sit on Executive Council, which is the Constitution recommendation to take place during mid-term of this term of office. I have taken this proposal to stand as a candidate very seriously and having previously served a four-year term on Executive Council and also periods of temporary appointments during which time I gained the knowledge and experience to understand the commitments required to serve at such a high position within Government. I am confident, following my previous years of experience as a Legislative and Executive Councillor, I am capable to meet the requirements of the office and if successful it will give me the opportunity to demonstrate this to the people of this island. Executive

Council is the supreme decision-making body which requires a lot of dedication and hard work. Before saying yes to a decision it is most important that the people are involved and if people are not involved in the decision-making you are making on their behalf Government is left open to criticism. As a member of the Legislative Council I may at times not use my full potential to the highest requirement and there are reasons for that within the structure of the Council procedures. I feel that from my experience gained over the years I have a lot to offer and hope to put this into reality at a higher level and this is just one reason for standing as a candidate for the Executive Council. Colleagues, you may ask what would I bring to the Executive Council if elected here today. Firstly, one must have a clear vision when making a decision on behalf of the people you represent and knowing what is expected of you as a member of the St Helena Government. I strongly believe that once you have made a decision you should be able to stand in public and give your answers for or against why you made the decision. I strongly believe that members should work in unity in reaching a consensus and respect the views of each other, but above all, you need to take the people of this island along with you through the democratic process. Mr Speaker, I beg to move.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Mr Speaker, I'd like to thank Honourable Lawson Henry for his nomination, which I have accepted. Mr Speaker, Executive Councillors are expected to behave according to the highest standard of constitutional and personal conduct in the performance of their duties. The Executive authority of St Helena is vested in the Governor who seeks advice from the Executive Council, which may be considered as the highest policy making body on St Helena. The Constitution provides the framework within which the Council conducts its business and makes decisions. Mr Speaker, I was thrilled to be elected to Executive Council on 24th July 2013. Whilst carrying out this role for almost the last two years I have gained knowledge and experience of how Executive Council operates. Being an effective Executive Council requires hard work and it is hoped that I have demonstrated that I do work hard, that I am not afraid to make tough decisions, that I do challenge my colleagues and officials and that I do have the appropriate leadership skills. Honourable Members, vote wisely. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. I would like to thank the Honourable Brian Isaac for proposing me as a member to Executive Council and the Honourable Lawson Henry for seconding me. Honourable Members, I feel that I'm well suited to serve on Executive Council. I have a good, solid, political background and a comprehensive understanding of how the Government runs, I'm a fully committed individual. I have worked for the Government for thirty-two years as a Police Officer, twenty of which were in a senior capacity with the last nine years being as Chief of Police. During my Policing career I gained good skills and leadership and management with a clear understanding of laws and procedures. Honourable Members will be aware that this is my second term on Council; I previously served as a member of Executive Council from 2011 to 2013 when we made valuable contributions to the Government in high profile decision making to the benefit of our people and in the best interests of the island. On a number of occasions I have taken the leading role with the

leadership and management of high profile public consultation exercises which have led to successful conclusions. During this term in Council, I was elected to Executive Council in January of this year following the resignation of Mr Ian Rummery. As a result, I was appointed as Chairman of the Public Health Committee, a position I accepted as a real challenge. Mr Speaker, Honourable Members, being a member of Executive Council will subsequently be linked to the Chairpersonship of the Committee and I therefore feel it is only right and proper for me to highlight some of the achievements within the Committee in Health during the few months that I have been on Executive Council and Chairman of Health. Nurses have in place now set competencies to meet and when achieved will be rewarded with reasonable salaries. Competencies are being worked upon for other sectors within the Health Directorate. It has been very difficult over the years within Health to retain the service of a Cook and support staff due to low pay and in order to raise the profile of patient care job descriptions have been revised and I'm pleased to say salaries have increased and additional staff appointed. Nurse led Clinics have reopened in Half Tree Hollow and Longwood which have really been well attended and appreciated by the public. Levelwood is to open later this month. Hospital redevelopment is going ahead; budget planning within the Health has started. A Mental Health Ordinance has been drafted and work has started on the Food Safety Ordinance and associated regulations including backyard slaughtering. Managing and consulting on high profile legislation will require political leadership. I have started the process and would very much like to continue for the future development of our island. I've also developed good working relationships with newly-appointed senior staff within Health. Certain policies are being reviewed and financial data being collated with a view of trying to improve medical services provided to our youth as well as our elderly citizens. Mr Speaker, Honourable Members, being a member of Executive Council I have made good use of the media where it is my responsibility to do so, ensuring that the public are well informed of issues of national importance. Mr Speaker, Honourable Members, I feel that I am well suited and experienced to be a member of Executive Council. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Pamela Ward Pearce?

The Hon. Pamela Ward Pearce –

Thank you, Mr Speaker. I'd like to thank the Honourable Christine Scipio O'Dean for nominating me and the Honourable Gavin Ellick for seconder. My background is in Nursing. I have spent almost forty years of my life as a Nurse, the majority of those years in the National Health Service in England. I have been employed in Nursing and management roles in hospital and community and I've also done a stint in Quality and Audit. I've also been the Chairman of the Society of the Friends of St Helena for eight years with membership of approximately two hundred and fifty. I resigned to return to the island to live. Most people realise that the ...?... has had to keep changing to remain at the forefront so my experiences also lie with change management and adapting to change. St Helena is about to undergo a massive change with the opening of the airport and in the months leading up to it we need to keep abreast of changes and ensure that all islanders share in the new, potential prosperity. People who know me know I have an enquiring mind and I like to ask questions. I can be persistent and will speak out when the need arises, but I'm also a good listener, a skill honed during my years of nursing. I believe ExCo members should exhibit leadership qualities and be prepared to make tough decisions. I am aware that I've only recently joined the Council as a member of the Legislative, but I've embraced the role and I've gained valuable experience and I've also learned a lot and I'm willing to continue that learning process. So,

at the risk of sounding arrogant, give me your vote, you know I can do the job and I know I can as well. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Members. That concludes the speeches, Honourable Members, so just to recap, you heard from the candidates who are the Honourable Wilson Duncan, in alphabetical order, the Honourable Gavin Ellick, Honourable Lawson Henry, Honourable Brian Isaac, Honourable Christine Scipio O'Dean, Honourable Derek Thomas and Honourable Pamela Ward Pearce. Now, it's up to you to select your Executive Council. Voting papers will be passed round to you, we have them on large scale print this time, because one of our Councillors found it a bit difficult, and I am going to allow the Clerk to assist that Councillor to make sure what she expects she puts her casting vote right box. There are boxes there alongside of the names, you are to select five members, up to five members for Executive Council and as I said before, if you put down more than five crosses on your paper it will be null and void, so I wish you luck, Honourable Members. Retain your papers until the Clerk comes round to collect later.

I should point out to the listening audience that the election takes place only among the elected members, ex officio members, officials, don't have a say in the election.

Honourable Members, thank you for that. What you need to do now is fold your ballot papers please so that nobody can see what's on there, it's all secret, and the Clerk of Council will then come round to collect your ballot papers, she will then shuffle them about and this time, of course, I have asked the Clerk of Council will she audibly count the ballot papers so that members of the public can hear how the count's taking place.

Clerk of Council –

Henry, Isaac, Thomas, Ellick, Henry, Scipio O'Dean, Thomas, Ward Pearce,
Henry, Isaac, Scipio O'Dean, Thomas, Ward Pearce,
Ellick, Henry, Scipio O'Dean, Ward Pearce
Duncan, Henry, Isaac, Scipio O'Dean, Thomas,
Henry, Scipio O'Dean, Ward Pearce,
Duncan, Henry, Isaac, Scipio O'Dean, Thomas,
Duncan, Henry, Isaac, Scipio O'Dean, Thomas,
Ellick, Henry, Scipio O'Dean, Thomas, Ward Pearce,
Duncan, Henry, Isaac, Scipio O'Dean, Thomas,
Duncan, Henry, Isaac, Scipio O'Dean, Thomas,

The Speaker –

So the result to me and it is the Honourable Lawson Henry, I'll give it to you in order first. The Honourable Wilson Duncan – 5; Honourable Gavin Ellick – 3; Honourable Lawson Henry – 11; Honourable Brian Isaac – 7; Honourable Scipio O'Dean – 10; Honourable Derek Thomas – 9; Honourable Pamela Ward Pearce – 5.

And we need five, one, two, three, four, five, so, okay, I can declare that the Honourable Lawson Henry is elected a member, the Honourable Brian Isaac, the Honourable Christine Scipio O'Dean, the Honourable Derek Thomas, one, two, three, four. Now we have a tied vote between the Honourable Pamela Ward Pearce and the Honourable Wilson Duncan and a lesser vote for the Honourable Gavin Ellick. In that event, the lowest vote is discarded and there's another election between the two tie members to select the Executive Council. So, Honourable Members, we now have to take another election and does the Clerk want time to prepare? Okay. We're going to adjourn for about fifteen minutes to see that we have ballot

papers. The ballot will be between Wilson Duncan and Pamela Ward Pearce, okay, so all of you are required then to cast your votes for one or other of those two. Thank you. Can we adjourn for a few minutes?

Council adjourned.

Council resumed.

The Speaker –

Please be seated. Honourable Members, we adjourned to get papers ready for the election of the Honourable Wilson Duncan and the Honourable Pamela Ward Pearce who had equal votes, tied votes. I'll ask the Clerk to issue the ballot papers, please. This time, Honourable Members, you only have to choose one candidate. Help the Honourable Councillor, please. She's alright. Alright, Members are ready to turn your ballot papers in?

Clerk of Councils –

Ward Pearce, Duncan, Ward Pearce, Ward Pearce, Ward Pearce, Duncan, Duncan, Duncan, Ward Pearce, Duncan, Ward Pearce.

The Speaker –

Thank you, Clerk. Honourable Members, the result of the vote is Wilson Duncan – 5, Pamela Ward Pearce – 6. I declare that the Honourable Pamela Ward Pearce has been duly elected to Executive Council. So then, can I just run over the list for you again? On Executive Council the election results are – Honourable Lawson Henry, Honourable Brian Isaac, Honourable Christine Scipio O'Dean, Honourable Derek Thomas, Honourable Pamela Ward Pearce. Thank you very much for your actions there. Thank you. Clerk?

5.

PAPERS

The Honourable Chief Secretary –

Mr Speaker, thank you. I beg to present Sessional Paper No. 12/2015 – a Bill for an Ordinance – Legislative Council (Remuneration and Allowances) (Amendment) Bill, 2015. I also present the Authority to proceed which has been signed by the Acting Governor.

The Speaker –

Thank you very much.

Ordered to lie on the table.

The Hon. Brian Isaac –

Mr Speaker, I beg to present Sessional Paper No. 13/2015 – a Bill for an Ordinance – Social Security (Amendment) Bill, 2015.

Ordered to lie on the table.

The Speaker –

Do you have a certificate for the presentation of the Bill, please?

The Hon. Brian Isaac –
I do apologise, Mr Speaker.

The Speaker –
Thank you.

The Hon. Brian Isaac –
Mr Speaker, I beg to present Sessional Paper No. 14/2015 – The Public Accounts Committee Report to the Legislative Council on the formal session of the Public Accounts Committee held on 29th April 2015. And I don't have a certificate to....?

Ordered to lie on the table.

The Speaker –
You don't need a certificate for that, Councillor.

The Hon. Brian Isaac –
No.

The Speaker –
Honourable Chief Secretary?

The Hon. Chief Secretary –
Mr Speaker, thank you. I beg to present Sessional Paper No. 15/2015 – Proceedings of the Legislative Council, Friday, 27th March 2015, First Sitting of the Eighth Session.

Ordered to lie on the table.

The Speaker –
Honourable Chief Secretary?

The Hon. Chief Secretary –
Mr Speaker, thank you. I beg to present Sessional Paper No. 16/2015 – Proceedings of the Legislative Council, Monday, 30th March 2015, Second Sitting of the Eighth Session.

Ordered to lie on the table.

The Hon. Brian Isaac –
Mr Speaker, I beg to present Sessional Paper No. 17/2015 – a Bill for an Ordinance – Commission for Equality and Human Rights Bill, 2015.

The Speaker –
That's a monetary Bill, do you have a certificate to proceed with that?

The Hon. Brian Isaac –
I have a certificate.

The Speaker –
Thank you.

Ordered to lie on the table.

The Speaker –
Honourable Financial Secretary?

The Hon. Financial Secretary –
Mr Speaker, I beg to present Sessional Paper 18/2015 – St Helena Audit Service, St Helena Airport Project Overview Audit – Providing Assurance.

Ordered to lie on the table.

The Speaker –
Honourable Chief Secretary?

The Hon. Chief Secretary –
Mr Speaker, thank you. I beg to present Sessional Paper No. 19/2015 – Report to His Excellency the Governor – Applications for Development Permission 2014.

Ordered to lie on the table.

The Hon. Brian Isaac –
Mr Speaker, I beg to present Sessional Paper No. 20/2015 – The Government of St Helena – Report of Human Rights Committee to the Governor in Council.

Ordered to lie on the table.

The Speaker –
Clerk?

6. QUESTIONS

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

The Speaker –
Honourable Corinda Essex?

The Hon. Dr Corinda Essex –
Will the Honourable Financial Secretary tell this House what is the current situation regarding programming of the territorial allocation for St Helena from the 11th European Development Fund?

The Speaker –
Honourable Financial Secretary?

The Hon. Colin Owen –
Thank you, Honourable Member. The UK Commission approved Phase One of the Single Pro?.... document early this year. It was agreed that infrastructure would be the focal

sector for St Helena, Ascension and Tristan. The Commission has since suggested that a multi-sectoral approach would be more appropriate given that infrastructure is not specifically outlined as a priority area in the approved overseas aid decision. St Helena are now progressing with Phase Two of programming and terms of reference are being developed to address the four eligibility criteria needed to qualify budget support, particularly Public Financial Management reform programmes for the three islands, but St Helena is?.....to address the PFM systems though less resource is available to Ascension and Tristan to complete these assessments. The PFM assessment is now a requirement of the recent audit of the St Helena programme by the European Court Auditors. The next steps include ongoing dialogue with the Commission to agree sectors to be developed under a multi-sectoral approach, complete the single programme document and the signing of a financial agreement which is envisaged to be in June 2016. Thank you.

The Speaker –

Thank you, Honourable Financial Secretary. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, what is the indicative time for conclusion of the second phase of the programming exercise?

The Speaker –

The Honourable Financial Secretary?

The Hon. Colin Owen –

Thank you, Mr Speaker. June 2016.

The Speaker –

Thank you, Honourable Financial Secretary.

The Hon. Dr Corinda Essex –

When then is it anticipated that funding will be released?

The Hon. Financial Secretary –

It'll be end of 2016.

The Hon. Dr Corinda Essex –

Is Government aware that there is usually a considerable lapse of time between approval of the programming document and the actual release of funding, so consequently a six-month period appears extremely optimistic?

The Hon. Colin Owen –

Thank you, Mr Speaker. Yes, we're well aware, we're hoping that will improve, I'm very well aware of the time lapse that's happened in the past.

The Hon. Dr Corinda Essex –

Is the fact that Government has not had audited accounts for the past two years likely to have any bearing on the success of the programming exercise?

The Speaker –

Yes, just make sure that the questions are directed to me and you will respond to me. Thank you.

The Hon. Colin Owen –

Thank you, Mr Speaker. Just say here the Public Financial Management work that we're doing with the PFM does take into account various issues of financial management and one of those would be the financial statements, but the emphasis is what we need to show is what we're doing in response to PFM and there'll be an action plan on the back of that and I'm sure, as Members are well aware, there is an action plan already to get us back on track with the backlog of financial statements.

The Hon. Dr Corinda Essex –

Again, Mr Speaker, may I ask what the timeframe is for the conclusion of that exercise?

The Hon. Colin Owen –

Thank you, Mr Speaker. With the PFM work, there's various factors that will be in there, some of those will be very short-lived, probably a couple of months, some of those could be many years. If we're referring directly to the backlog on financial statements, we're hoping to be back on track by December 2016 when the 15/16 financial statements will hopefully be signed off.

The Hon. Dr Corinda Essex –

Mr Speaker, when will it be known what the actual content of the final submission to the EU will be?

The Speaker –

Honourable Financial Secretary?

The Hon. Colin Owen –

Thank you, Mr Speaker. The Working Group have just been working on that so the specific, absolute time on I can't give you at this present time, but obviously we're working to the June 2016.

The Hon. Dr Corinda Essex –

Mr Speaker, a multi-sectoral approach has been recommended, can the Financial Secretary inform this House as to what sectors are being targeted?

The Speaker –

Honourable Financial Secretary?

The Hon. Colin Owen –

Thank you, Mr Speaker. Yeah, I can confirm at the moment one of those is accessibility and connectivity, but the other factors have yet to be agreed and decided by the Commission.

The Hon. Dr Corinda Essex –

Mr Speaker, may I then ask regarding the original suggestion of actually possibly constructing a new hospital, does that still remain part of the proposal or has that fallen away?

The Hon. Colin Owen –

Thank you. No, everything still remains as it is. There will be lots of work that needs to be done over that timeframe and there might be other, as Members well know, there are other needs, capital projects are coming through, but the hope is that will continue.

The Hon. Dr Corinda Essex –

Mr Speaker, may I ask whether any decision has been made as to how the allocation is going to be split between the three islands?

The Hon. Colin Owen –

Thank you, Mr Speaker. No, the simple answer is, no, it hasn't been decided yet.

The Hon. Dr Corinda Essex –

Mr Speaker, when is it likely that this decision will be made?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. We've a bit of a Catch 22, once the focal sectors have been decided then the follow-on work will be the allocation and then the split between the islands, so we're hoping to progress this by June 2016, but over the next six months there'll be lots of?....works are need to be carried out to address the concerns and issues that have been raised.

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker.

The Speaker –

Thank you very much for that. Just before we go off the track, you ask me the questions and you respond to me with the answers, so you'll be told back to me, then it'll be a three-way, okay? Don't go right directly across the table. Good, okay, I try not to get in between so's it slow down what you have to do. Thank you very much for that. Clerk?

Question No. 2 – The Honourable Cyril George to ask the Honourable Chief Secretary.

The Hon. Cyril George –

Mr Speaker, will the Honourable Chief Secretary tell this Council when will work commence on the new Prison at Sundale and what is the proposed completion date?

The Speaker –

Chief Secretary?

The Hon. Roy Burke –

Mr Speaker, thank you. The preliminary work for the new prison has already commenced. A Project Board, headed by the Chief of Police has been established and work at the site to prepare for construction is currently being tendered. This work is expected to take ten weeks to complete, that's the preparation of the site, but it is expected to commence this month. The design for the main build is near completion and it is anticipated construction will commence in November this year, 2015, with an anticipated completion date of May 2017.

The Speaker –

Thank you, Honourable Chief Secretary. Honourable Cyril George?

The Hon. Cyril George –

Mr Speaker, I heard the Chief Secretary said that the plans will be approved in November this year. The original plans for the Sundale Prison were approved in October 2013. I believe that there is some amendments, but the original plan was approved in 2013.....

The Speaker –

Yes, you're running off into dialogue, you have to ask the question.

The Hon. Cyril George –

Right. What has happened to the original plans that were approved in 2013?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. In the answer to my previous question I was indicating that construction work would commence in November 2015. The plans for the prison are still extant. As you quite rightly say, planning permission has been granted, the Planning Authority will be approached with an amended plan. It is anticipated at this point that those amendments will be a revision of the original plans so the planning permission will remain extant, that's how it's anticipated.

The Speaker –

Thank you, Honourable Chief Secretary.

The Hon. Cyril George –

Thank you, Mr Speaker. Mr Speaker, can I ask what is the expected funding or what funding will be spent this financial year for the project?

The Hon. Roy Burke –

Mr Speaker, thank you. I don't have that information at hand, but I can provide it to the Honourable Members in due course.

The Speaker –

Thank you, Honourable Member.

The Hon. Cyril George –

Thank you, Mr Speaker.

The Speaker –

Thank you, Sir. Clerk?

Question No. 3 – The Honourable Dr Corinda Essex to ask the Honourable Deputy Chairman, Social and Community Development Committee.

The Speaker –

Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Deputy Chairman of the Social and Community Development Committee tell this House what action is being taken to tackle the issue of homelessness on St Helena?

The Speaker –

Thank you. The Honourable Deputy Chair of Social and Community Development?

The Hon. Brian Isaac –

Thank you, Mr Speaker. Firstly I would like to thank my Honourable Friend for bringing this very important question to the House.

Mr Speaker, I think I should first clarify that there are no cases of permanent homeless on St Helena. However, there are cases when there families or relationships disputes and individuals find themselves in a situation where they are temporarily without a home. In this regard, the Housing team from the Environment and Natural Resources Directorate are involved when there are cases of temporary homelessness in terms of identifying alternative accommodation for the individuals concerned. However, there's a lack of affordable housing on the island and a limited stock of Government Landlord houses along with cases of overcrowding. In this regard, the Housing Team is working in line with the SHG Housing Strategy to provide households that are in need of additional housing. The Team is also in the process of reviewing the allocation of the existing stock with a view to ensure their optimal use. The ability to find accommodation at short notice for individuals who are temporarily homeless remains a challenge. However, there are plans to increase the Government Landlord housing stock and this is reliant on the allocation of capital programme funding as the existing Trading Account does not have the capacity to develop new properties. We are currently exploring the potential to convert existing unused SHG buildings into additional Government Landlord units. This is at a very early stage and is still reliant on funding availability. The Housing Strategy sets out basic principles for the operation of the Housing Service on St Helena in which the following is of relevance: the key ambition are to have small supply of temporary houses; increase supply of affordable housing through CVA development; and, the construction of three new Government Landlord houses per year. Both are dependent on the loan programme of capital finance in order to plan and build. The Housing Service operates on a Trading Account whereby all rents from Government Landlord houses and Chief Secretary Houses is a revenue income and used to fund the Housing Service itself, temporary accommodation for homeless applicants and to spend on repairs and maintenance, both for Government Landlord houses and Chief Secretary properties. The revenue for earnings in the Trading Account is around £290,000.

Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I thank the Honourable Member for his exposition, but I would be grateful if he could indicate what's being done to tackle the root cause of this temporary homelessness?

The Speaker –

Thank you, Honourable Member.

The Hon. Brian Isaac –

Mr Speaker, I understand that this is a problem and we are confronted with it almost on a weekly basis of people seeking homes after they have become homeless and I'm aware that the Housing Team is working to that. I cannot give further details on the question, but I could supply the question further in writing or if I could ask one of my colleagues here in the House what proposals are in place?

The Speaker –

The question was put to you, Sir.

The Hon. Brian Isaac –

Then I could supply the Honourable Member with a written response to the details of that question.

The Speaker –

Thank you, Honourable Member. Honourable Dr Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, what action is being taken by the Safeguarding Directorate to address the issue of homelessness?

The Hon. Brian Isaac –

Mr Speaker, I understand that when children or young persons are involved with a situation of homelessness they are taken into care at the Family Centre in Longwood.

The Speaker –

Thank you, Honourable Member.

The Hon. Dr Corinda Essex –

Mr Speaker, on a point of clarification my question did not just relate to juveniles.

The Speaker –

Thank you.

The Hon. Brian Isaac –

Mr Speaker, I understand that that was the answer to the juvenile cases. In cases where there are adults involved the Housing Section deals with that in trying to find suitable accommodation, probably in most times at very short notice, certain cases people have been housed in the Consulate Hotel at a cost when there is no other accommodation available.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Surely, Mr Speaker, the Safeguarding Directorate should have skills and expertise within its bounds to actually reduce the number of homeless incidents on the island through providing counselling etc to vulnerable individuals?

The Speaker –

Yes, that's a statement, if you don't mind. Can you put it into question form?

The Hon. Dr Corinda Essex –

Mr Speaker, I prefixed it by saying Surely; it is a question.

The Speaker –

Yes. Would you like to answer that?

The Hon. Brian Isaac –

Thank you, Mr Speaker. I understand this is an ongoing process at the moment within the Safeguarding Directorate and there have been some accommodation identified, but as I said in my opening exposition is that accommodation is very hard at the moment to find. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any further questions?

The Hon. Dr Corinda Essex –

Mr Speaker, I am awaiting further response.

The Hon. Brian Isaac –

Mr Speaker, if I could continue to respond to that question. The Safeguarding Directorate has informed me that they are in the process of constructing a refuge for domestic dispute and there are ongoing counselling works through the Directorate in respect of domestic violence.

The Speaker –

Thank you.

The Hon. Dr Corinda Essex –

Mr Speaker, what other strategies does the Safeguarding Directorate have to deal with cases of homelessness that are not the result of domestic violence?

The Hon. Brian Isaac –

Mr Speaker, the responsibility lies with the Housing Section, but the Safeguarding Directorate supports through counselling and other support when these incidents arise.

The Speaker –

Thank you, Honourable Member. Are there any other questions? Honourable Dr Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, surely that situation should be reviewed?

The Speaker –

Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, it is being reviewed at this time and there are works ongoing I am aware of within the Directorate in respect of this concern.

The Speaker –

Thank you, Honourable Member.

The Hon. Cyril George –

Mr Speaker, the sewerage disposal project at Ladder Hill seems to be dragging its heels or it's not, it hasn't been yet approved or you're still awaiting on designs, can I ask if Government has any plans for the proposal if the recently approved or the recently advertised ...?... of the Ladder Hill Fort, I'm thinking about if the project, if the sewerage proposal is not ready and operational what about the relocation of the residents in the?....housing at Ladder Hill because that's going to have an effect on the investment of that proposal to sell?

The Speaker –

Chief Secretary, can you answer that?

The Hon. Roy Burke –

Thank you, Mr Speaker, I can answer that. The Honourable Member is asking me to speculate, I'm afraid, because there's no allocated funds for Ladder Hill Fort or for the relocation of any of the social housing in that respect.

The Speaker –

Yes.

The Hon. Cyril George –

Thank you, Mr Speaker.

The Speaker –

Thank you, Sir. Clerk?

Question No. 5 – The Honourable Dr Corinda Essex to ask the Honourable Financial Secretary.

The Hon. Dr Corinda Essex –

Mr Speaker?

The Speaker –

Yes.

The Hon. Dr Corinda Essex –

Mr Speaker, will the Honourable Financial Secretary tell this House the latest situation regarding the provision of cargo related infrastructure at Ruperts Bay and recruitment of the Supervisory Engineer anticipated to be in post in July or August 2015?

The Speaker –

Thank you very much. Honourable Financial Secretary?

The Hon. Colin Owen –

Thank you, Mr Speaker; thank you, Honourable Member. As reported at the last formal sitting of LegCo, the development at Ruperts is ...?...to be one of the most challenging projects for St Helena Government. This is largely because of the ever changing nature of the activities in Ruperts and the uncertainty as to when the areas currently occupied by the Airport contractor will be handed back to SHG for development. The role of Supervisory Engineer will see the engagement of a consulting firm to produce a detailed plan of the new

cargo related infrastructure and oversee the implementation of that design. With the constraints in Ruperts it's likely that development of facilities will be phased. The procurement process was done with expressions of interest closing at the end of June. Thank you, Mr Speaker.

The Speaker –
Honourable Financial Secretary.

The Hon. Dr Corinda Essex –
Thank you, thank you for your very open response, Financial Secretary. When is it likely that the Supervisory Engineer will actually be on island?

The Speaker –
Financial Secretary?

The Hon. Colin Owen –
Thank you, Mr Speaker. Yes, as the expressions of interest closed at the end of June, the likelihood now is probably late September or even early October. Usually recruitment takes some three months to complete.

The Speaker –
Thank you, Sir.

The Hon. Dr Corinda Essex –
Mr Speaker, may I ask how long it will be before the report and recommendations are likely to be received following his or her arrival?

The Hon. Colin Owen –
Thank you, Mr Speaker. I can't give really a commitment to that at the present time. We're still unclear around a number of the activities and when they'll be completed in Ruperts, so I'd be speculating at this present time.

The Hon. Dr Corinda Essex –
Mr Speaker, what is the anticipated duration of that individual's contract?

The Speaker –
Honourable Financial Secretary?

The Hon. Colin Owen –
Thank you, Mr Speaker. Yes, at the present time it could range, it all depends on really the situation at Ruperts and the level of work that would be required, we estimate the period probably around six months to nine months period of work, but again that will be subject to contract discussions for the output that we need to get in.

The Speaker –
Thank you, Sir.

The Hon. Dr Corinda Essex –
Will the Financial Secretary give an undertaking to provide all elected members with regular updates concerning progress of the developments at Ruperts?

The Speaker –
Honourable Financial Secretary?

The Hon. Colin Owen –
Thank you, Mr Speaker. Yes, we'll do that through informal LegCo as members require.

The Hon. Dr Corinda Essex –
Thank you.

The Speaker –
Thank you, Honourable Member. Any further questions? Clerk?

7. MOTIONS

Motion No. 1

THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS BILL, 2015

The Hon. Brian Isaac –
Mr Speaker, I beg to move that the Commission for Equality and Human Rights Bill, 2015, be approved in principle and referred to a Committee of the whole Council. I formally confirm that, for the avoidance of any doubt, this Bill is presented on the recommendations of the Governor in accordance with Section 73 (2) of the Constitution. Thank you.

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

The Hon. Gavin Ellick –
I beg to second.

The Speaker –
Thank you, Honourable Member. The question is that the Commission for Equality and Human Rights Bill, 2015, be approved in principle and referred to a Committee of the whole Council. Honourable Mover?

The Hon. Brian Isaac –
Thank you, Mr Speaker. Mr Speaker, in 2011, extensive consultation was carried out which established the need for a Commission for Equality and Human Rights in St Helena. This Bill sets out the legislation required to set up such a Commission. The Bill makes provisions for the appointment of a Commissioner and powers incidentally thereto for the investigation, enforcement and constitution, proceedings, funds and status of the Commission. The Commission will have the responsibility for promoting understanding of the importance of equality and diversity and promote awareness and understanding of the rights under St Helena law. Enforcing such law and work towards the elimination of unlawful discrimination, harassment and work towards the favourable treatment of the disabled persons. The Commission will have the power to advise and provide strategic planning in relation to human rights and can also provide representation. The Bill also allows for the Commission, whose aims will be to encourage and support the development of a society in

which an individual's ability to achieve his or her potential is not limited by prejudice or discrimination. There is respect for and protection of each individual's human rights. There is respect for the dignity and worth of each individual. Each individual has an equal opportunity to participate in social and there is a mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights, encourage St Helena Government to act on specific issues, review and advising on new legislation and policies. It will be the statutory monitoring body required when the convention of elimination of all forms of discrimination against women is extended to St Helena. It will provide advice, education and training and undertake research with relevant issues. The Commission may conduct an inquiry into matters relating to any of the Commission's duties and if believed something to be controversial human rights legislation report it to the Attorney General. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The question is that the Commission for Equality on Human Rights Bill, 2015, be approved in principle and referred to a Committee of the whole Council. The question is now open for debate, Honourable Members. Honourable Christine Scipio O'Dean.

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Mr Speaker, I rise in support of this Bill as it makes provision for the establishment, powers, functions and duties of a Commission for equality and human rights which is much needed on St Helena. This Commission will have the responsibility for promoting the understanding and importance of equality, the elimination of unlawful discrimination, harassment and breaches of human rights on St Helena. The Commission will also monitor human rights protecting equality regardless of age, disability, gender, race, religion and belief, pregnancy and marriage and civil partnerships, sex orientation and gender reassignment. Mr Speaker, this is a positive development in social awareness and brings St Helena in line with other Overseas Territories. I beg to move.

The Speaker –

Thank you, Honourable Christine Scipio O'Dean. Is there any other Member.... Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I rise in support of this Motion and I would like to personally thank Mr Les Baldwin and his team for all the hard work in bringing this Bill to the House. I know it will be welcome to the island as a whole. Thank you.

The Speaker –

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

The Hon. Derek Thomas –

Thank you, Mr Speaker. I rise in support of the Bill. As indicated, it makes provision for the establishment of a Commission for Equality and Human Rights issues. The Commission will add great valuable support to the work currently being carried out by the Human Rights Officer, Mrs Christine Turner. This is an essential requirement for the protection of individuals. Mr Speaker, I support the Bill.

The Speaker –

Thank you, Honourable Member.

The Hon. Christine Scipio O'Dean –

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

The Speaker –

Yes.

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Honourable Thomas mentioned Christine Turner, just a correction, it's Catherine Turner. Thank you.

The Speaker –

Okay.

The Hon. Derek Thomas –

Yes, I apologise, Mr Speaker, Catherine Turner.

The Speaker –

Okay, thank you. Honourable Pamela Ward Pearce?

The Hon. Pamela Ward Pearce –

Mr Speaker, I rise in support of the Motion, I think that the equality is long overdue in St Helena and I applaud the coming of it here. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker, I rise also in support of this Bill, it has been in the making for some years now and it's finally putting some of our colonial past behind us and I fully support it, thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the Motion, to the Bill? Honourable Wilson Duncan?

The Hon. Wilson Duncan –

I rise in support of the Bill; I believe it is long overdue.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member who wishes to speak to the Motion? No other Members wish to speak? Okay, Honourable Mover, would you like to sum up on that?

The Hon. Brian Isaac –

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

The Speaker –

Okay.

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

The Speaker –

Honourable Member, once we go into Committee it's going to be a long process, I'm looking at the time there, I did promise that I would break at 12 o'clock, it's a bit early yet, do you think we could do something in Committee at this stage, before we leave at 12.00, lunchtime is from 12 to 1? Yes, Honorable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker, I propose that we break now and come back and do it fully instead of doing things in piecemeal, because the old lady down the hill doesn't like doing things in piecemeal.

The Speaker –

Is it the wish of everyone? I can adjourn Council here now and we can come back at a quarter to one? Yes, is that the vote of everybody? Anybody against that? Alright then, I propose that Council will be suspended for lunch.

Council suspended.

Council resumed.

The Hon. Brian Isaac –

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

The Speaker –

Is there a seconder to the proposal?

The Hon. Gavin Ellick –

I beg to second, Sir.

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

Council in Committee.

The Speaker –

We're now in Committee, a little more relaxed. I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill.

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Speaker –

Clause 2, Clause of Interpretation. Attorney General, would you like to.....

The Hon. Nicola Moore (Attorney General) –

Thank you, Mr Speaker. Yes, this is the defining section which allows for the provision of the definitions in particular in relation to those protected human rights which?..... which include first of all the definitions of those who are constituted disabled, definitions of diversity, equality and gender reassignment, group, which includes persons in relation to sharing common attributes in respect of age, disability, gender, gender reassignment, race, religion or belief and sexual orientation. This will allow for the interpretation of?.....of the Ordinance which deals with the?.....between human rights and trying to include those rights which have been specifically protected under Part 2 of Chapter 1 of our Constitution which in turn repeat those rights and freedoms which are protected under the European Convention of Human Rights, and, additionally, it includes other human rights which may not have been specifically included within our Constitution. It defines inquiry; it also defines the terms relating to intelligence service which are specifically excluded from parts of this Ordinance and the power of the Commission. It also defines race to include colour, nationality, ethnic origin, national origin, religion, including a reference to lack of religion, sexual orientation, it also refers to our strategic plan and the definitions therein and it defines unlawful act, investigations and inquiries.

The Speaker –

Anybody wish to speak to this.....? Attorney General, what is the difference between unlawful act and criminal act?

The Hon. Nicola Moore –

Ah, Mr Speaker, there is the question. Not all unlawful acts are criminal acts, but all criminal acts are unlawful acts. Perhaps it's better demonstrated by an example. It would be an unlawful act for a parent to take a child from within St Helena abroad without the permission of the other parent of the child, but it would not be a criminal act. It would, however, be a criminal act if somebody who did not have parental responsibility to take the child away from those who have parental responsibility, so, for example, to transport a child from Longwood to Thompson's Hill without the permission of the child, that would be?.....of the parent that would be a criminal act of maybe kidnap. That may seem about as clear as mud, but I hope allows you to draw a distinction between those acts which are?..... The other aspect, of course, in relation to unlawful acts is that they may or may not carry penalties which are of a financial nature; criminal acts, of course, always?..... be it a punishment by way of a fine, a sanction of the Court or other?.....sanction.

The Speaker –

Anybody else wish to speak on that Clause?

Clause 2.

Question put and agreed to.

The Speaker –

Can we take Clauses 3, 4 and 5 perhaps?

The Hon. Nicola Moore –

Indeed, thank you, Mr Speaker. Yes, Members of the House, 3, 4 and 5 allows the establishment of a Commission, its constitution, proceedings, funds and status by reason of Schedule I, which we'll get to when we get to the Schedules, and the general duties, which

include, as has been explained and referred to by the Honourable Councillor Isaac, that the Commission shall act and exercise its functions with a view to encouraging and supporting the development of a society, which, as I said at the beginning of the ...?....
?.....because this may be the first time perhaps members of society here hear publicly on the radio about the general duties in relation to the development of a society. It requires the Commission to encourage and support an individual's ability to achieve his or her potential, not limited by prejudice or discrimination; there would then be respect for the protection of each individual's human rights and there is respect for the dignity and worth of each individual; that each individual has an equal opportunity to participate in our society and then the mutual respect between groups based on an understanding and valuing diversity and on shared respect for equality and human rights. I should say at this stage the Commission will, of course, exercise its functions particularly in relation to?.....important in relation to publicly.....?..... prohibited from acting in the way which?.....individual human rights.

The Speaker –

Anybody else wish to speak to these sections?

Clauses 3, 4 and 5.

Question put and agreed to.

The Speaker –

Clauses 6 and 7?

The Hon. Nicola Moore –

This provides for the Commission and requires the Commission to prepare a plan showing how its activities or classes will be undertaken, its timetable, its priorities and so forth, that that must occur at least once during the period of three years and that they shall review the plan at least once every three years beginning with its completion. There shall be a consultation related to the production of that strategic plan by any persons or groups that the Commission thinks appropriate and the Commission shall issue a general invitation to main.....in a manner that the Commission considers is likely to bring to the attention of as large a class of persons and it must, of course, take into count its representations.

The Speaker –

Any questions?

Clause 6 and 7.

Question put and agreed to.

The Speaker –

Disclosure, Section 8.

The Hon. Nicola Moore –

Mr Speaker, thank you. This provides for rules in relation to disclosure on material which has been acquired by the Commission and provides for the lawful disclosure of that and that will, of course,?.....information to other rights which are?..... protected in relation to

human right, the right to private life and so forth and it becomes an offence to fail to comply with those rules of disclosure.

The Speaker –

Any questions? Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Just for the listeners benefit, I just wonder if the Attorney General could advise what is the maximum penalty?

The Hon. Nicola Moore –

Mr Speaker, I thank Honourable Member Scipio O'Dean for her question. The maximum penalty for a conviction in relation to a failure to comply with the rules on disclosure is five to ten thousand pounds and imprisonment for a term of six months or pay such fine and imprisonment.

The Speaker –

What about the size of the penalty, wasn't that very high?

The Hon. Nicola Moore –

I'm sorry, Mr Speaker?

The Speaker –

What about the size of the penalty, that £10,000?

The Hon. Nicola Moore –

Yes, Mr Speaker.

The Speaker –

Doesn't that seem extremely high in comparison to other offences?

The Hon. Nicola Moore –

Well, thank you, Mr Speaker, for that question and you expressed it extremely high, dependent entirely on which you were comparing it with, there are penalties in this jurisdiction of less than five pounds. The reason for the penalty in relation to disclosure issues, the requirement the Commission gave to properly exercise its functions to ensure the privacy of information will be, of the data and information?.....during the course of its.....?.....because those will inevitably, it would be only?.....in relation to individual or groups of individuals human rights.

The Speaker –

Thank you, Honourable Attorney General. Any questions or any comments on that section?

Clause 8.

Question put and agreed to.

The Speaker –

Can we take sections 9, 10 and 11? I think that would fit into it.

The Hon. Nicola Moore –

Yes, thank you, Mr Speaker. 9 to 11 deal with the requirements of the Commission in the exercise of its powers to promote support in diversity, human rights generally and understanding of the importance of good relations between groups of those who have human rights and in particular that the group works towards the elimination of prejudice against hatred or hostility towards members or groups, and, of course, if we go back to the definition section a group means a group or class of persons who share a common attribute in respect of any of the following and their protected matters:- age, disability, gender, gender reassignment, race, religion or belief, sex and sexual orientation, potentially these three sections require the Commission to promote the understanding and importance of all those three, equality, diversity, human rights and groups.

The Speaker –

Thank you. Any questions, any comments?

Clauses 9, 10 and 11.

Question put and agreed to.

The Speaker –

Monitoring, sections 12 and 13.

The Hon. Nicola Moore –

Thank you Mr Speaker. 12 and 13 are perhaps the most important aspect of the Commission's work in respect of its advice to Executive Council. The Commission shall monitor the effectiveness of all relevant enactments, in other words, to make sure that they are human rights compliant and shall make recommendations to Executive Council in respect of the efficacy of those, the amendment, repeal and consolidation or the likely effect of any proposed change of law. This provides for an important check and balance. Of course, Executive Council take advice from my Chambers in relation to laws, but this allows for the Commission to do the same, provide an effective and independent oversight and to monitor, under section 13, the progress of any changes which are required, the results of any recommendations which should be made and whether or not the Commission is, in fact, the Commission can then publish its findings towards the progress on identified outcomes by reference to whatever identified indicators they seek to place under those strategic plans.

The Speaker –

Any questions on 12 and 13?

Clauses 12 and 13.

Question put and agreed to.

The Speaker –

Clauses 14 and 15.

The Hon. Nicola Moore –

Mr Speaker, I wonder if I might take them separately.....

The Speaker –

Take them separately, yes.....

The Hon. Nicola Moore –

....?.....they are quite mutually ...?.... 14 allows the Commission to specifically provide information and advice in various forum? Including publishing information, undertaking research, providing education and training and generally disseminating the information in the way that they think is best and most informative to society.

The Speaker –

Any questions on Clause 14?

Clause 14.

Question put and agreed to.

The Speaker –

Clause 15.

The Hon. Nicola Moore –

Thank you, Mr Speaker. Section 15 deals specifically with the enabling provisions to allow the Commission to conduct an inquiry into a matter which relates to the Commission's general duties and it allows for that inquiry to consider whether or not there has been any breach of human rights and whether or not a person may have committed some unlawful act, that is one which, act which is contrary to the human rights either of an individual or group and in doing so it may, if it begins to suspect that a criminal act has occurred, then the Commission shall report its suspicions to the Attorney General and cease any further consideration. This is because, of course, there are different provisions which relate to the protection of individuals. The investigation of a criminal act would generally be formed by St Helena Police Service, it requires the report of the inquiry to, other than one that goes to the Attorney General in respect of a criminal act, that it may not state, whether expressly or by necessary implications specified by an identifiable person has committed an unlawful act or criminal act, in other words, it shall not breach the human rights of that individual, it shall not otherwise refer to the activities of the specified or identifiable person unless the Commission thinks the reference will not harm that person; or is necessary in order for the report to adequately reflect the results of the inquiry. And before settling the report, the Human Rights Commission must encourage that person or group to respond to any criticisms that it may make.

The Speaker –

Any questions? Can I just ask a question? I just wondered whether, 15(4)(b)(i) really needs the word "or" or should it be "and" by you trying to include two people or two types of people or it's alright to disseminate information that will harm other people. You see where it says it will not harm the person; or?

The Hon. Nicola Moore –

It certainly.....

The Speaker –

Should it not be "will not harm the person; and"? I don't know.....

The Hon. Nicola Moore –

Right, Mr Speaker, the section deals specifically with the.....it needs to be exclusive, so, the report of the inquiry shall, and a paraphrase, shall not otherwise refer to the activities of a specified or identifiable person, person, remembering that subsection (a) applies inclusive, that the report of an inquiry may not state that a specified or identifiable person has committed an unlawful act or criminal act. In other words, the Commission shall not refer to the specifics and it shall not otherwise refer to the activities. In other words, it shall not refer to anything which isn't referring to a specified unlawful or criminal act, so it shall not otherwise refer to the activities of a specified or identifiable person, in other words, somebody who hasn't committed an unlawful act, unless the Commission thinks that reference either will not harm the person, or, is necessary to report adequately reflect the results of the inquiry. It's a.....?.....

Clause 15.

Question put and agreed to.

The Speaker –

Human Rights, Clauses 16 and 17.

The Hon. Nicola Moore –

Thank you, Mr Speaker, they're somewhat disconnected, but section 16 permits the Commission to co-operate with persons interested in human rights, that's other Human Rights Commissions across either the territories or, indeed, the United Kingdom or individuals. Section 17 permits the Commission to investigate whether a person has committed an unlawful act or has failed to comply with a requirement imposed in relation to an unlawful act notice, that's the notice the Commission can make in respect of when it considers that an unlawful act may have occurred, whether or not it complies with an agreement. That means that if it doesn't give an unlawful act notice but it's come to an agreement with the party in respect of a ...?... of an unlawful act, then the Commission may conduct an investigation and that investigation has powers which are granted in the Schedules to the, Schedule 2 to the Ordinance where the Commission are given specific powers in relation to request of and production of information. Again, there is provision within section 17 that in the course of the investigation the Commission considers that, begins to suspect that a person may have committed a criminal act then the Commission shall report its suspicions to the Attorney General and seek any further consideration and whether or not the person's committed a criminal act.

The Speaker –

Any questions?

Clauses 16 and 17.

Question put and agreed to.

The Speaker –

Clause 18.

The Hon. Nicola Moore –

Mr Speaker, as in the previous section, an unlawful act notice, the Commission can give a notice to either group or specified individual specifying if they consider that an unlawful act may have been committed, the notice has to specify what the act is, what the provision of the Constitution is, that it's considered to have been breached and the notice must require a person to whom the notice has been given to prepare an action plan to avoid a further or continuation of that unlawful act and a person upon whom notice of the unlawful act has been given may within a period of six weeks appeal to the Court on the basis he or she hasn't committed such an act, the requirement is the preparation of a plan is unreasonable and on that appeal the Court shall have the power to affirm, null, vary the notice, affirm the requirement but to require?.....action plan, annul the requirement, vary it or make any such rule as to costs or expenses as it sees fit.

Clause 18.

Question put and agreed to.

The Speaker –

Clause 19 and can we take 19 and 20 together or no?

The Hon. Nicola Moore –

Yes, indeed. Action Plans, Mr Speaker, and Agreements. These are effectively the method by which the Commission ensures that its la..?.... are not simply too?... timeless, in other words, having provided that an unlawful act may have occurred, they require the individual to whom that act may apply to either come up with an action plan?.....to do it again, and I say it in the colloquial, or an agreement to say they won't do it again and that they'll take or refrain from taking?..... specified action in order to stop them from doing it again. There's a degree of overlap but they are slightly different and one is more detailed?.....detailed process than the other. Then, of course, in relation to a failure to provide an action plan it then has been an order by the Court for that action plan to be carried out because it hadn't been previously, failure to comply with the order of the Court would be an offence for which a penalty or conviction is a fine of £10,000 or imprisonment for a total of six months or both.

In relation to an agreement which is then?.....process, the agreement can be entered into whether or not the person has been subject to an investigation and it can be incidental or supplemental.....provision within the Ordinance and it can be varied or terminated, between the parties, for example, if the party seems to be making good progress and doesn't look likely to commit unlawful acts again then it can be varied or terminated.

The Speaker –

Any questions?

Clauses 19 and 20.

Question put and agreed to.

The Speaker –

Applications to Court and Enforcement, 21 and 22.

The Hon. Nicola Moore –

Thank you, Mr Speaker. Yes, section 21 essentially is a statutory injunction, it allows the Commission to go to Court if it thinks an unlawful act is about to be committed and section

22 allows for, even if the Commission knows or suspects that?.....unlawful act they are still entitled to bring an action as provided for under the Constitution which allows parties to go directly to the Supreme Court if they consider that their human rights as enshrined in the Constitution have been affected.

The Speaker –

Any questions? No questions?

Clauses 21 and 22.

Question put and agreed to.

The Speaker –

Now we are on 23 and 24.

The Hon. Nicola Moore –

Mr Speaker, 23 and 24 make provision for the Commission to assist an individual who may become party to legal proceedings if the proceedings relate wholly or partly to the enshrined protected rights within the Constitution or that an individual alleged that he or she has been the victim of behaviour. It also allows for the costs of that?..... to be recovered through the Courts or to be reverted to the Commission upon the conclusion of those proceedings.

The Speaker –

Nobody has any question on that?

Clauses 23 and 24.

Question put and agreed to.

The Speaker –

Clauses 25, 26 and 27. Attorney General?

The Hon. Nicola Moore –

Yes, thank you, Mr Speaker. I'm sorry, did we say 25 and 26?

The Speaker –

25, 26 and 27.

The Hon. Nicola Moore –

Thank you. Well, 27 means that it applies to the Crown, perhaps?..... because one would have thought that they must apply to the Crown ...?....public authority, but nonetheless, bolts and braces. 25 and 26 allows for the Commission to have further powers to institute or intervene in legal proceedings whether for judicial review or otherwise. Very often questions of human rights are dealt with by way of judicial review and in the course of those legal proceedings judicial review in which it intervenes it doesn't, in fact, need to be a victim or potential victim and the Commission may act only if there would be one or more victims, in other words, it can't be a hypothetical question, but a no award for damages may be made to the Commission and that the Governor in Council may make regulations prescribing anything

which, by this Ordinance, is to be prescribed and generally for the effecting of, effect of carrying out the Ordinance.

The Speaker –

Any questions? Can I ask, just for enlightenment, because this act applies to the Crown, does it mean to say like all other Ordinances without that clause it doesn't apply to the Crown?

The Hon. Nicola Moore –

Well, Mr Speaker, that's an interesting question. That won't be a matter of statutory interpretation, the mere fact that an act doesn't, and I'm speaking on my feet, Mr Speaker, bear it in mind I wasn't anticipating this question, the mere fact that an Ordinance stated, if it disappplied to the Crown of course it doesn't apply, if it fails to specify whether it applies to the Crown that would be a matter of statutory interpretation, in other words, if the act itself, Ordinance suggests that it applies to the Crown, but of course in relation to this particular Ordinance it applies to the Crown because it applies to all?.... of the Crown i.e. public, any public body or organ of the Crown, the St Helena Government, or, indeed, the Governor himself. That probably hasn't answered your question, Mr Speaker?

The Speaker –

No, it's alright.....

The Hon. Nicola Moore –

Can I?.....back to the Interpretation?

The Speaker –

This was something out of the blue that I saw.....

The Hon. Nicola Moore –

The short answer, Mr Speaker, is, for this House, it's a matter of statutory interpretation.

The Speaker –

Any further questions on that? No?

Clauses 25, 26 and 27.

Question put and agreed to.

The Speaker –

Schedules. Schedule I, I'm not sure how much you want to take of this, Attorney General, Constitution, perhaps, first?

The Hon. Nicola Moore –

Thank you, Mr Speaker, I can probably take it in its totality, because the Schedule provides for the Constitution, Proceedings, Funds and Status of the Commission. It provides for the appointment by the Governor of members, of commissioners, their term of office, when they shall vacate the office or be removed; it requires that the Commission can regulate those proceedings. It's required to prepare financial records which would be scrutinised by Legislative Council and that funds may be payable and perhaps of the most interest to this House and members of the public that section 13 the St Helena Government shall pay to the Commission such sums as appear to the Legislative Council reasonably sufficient to the

purposes of enabling the Commission to perform its functions and that the Commission shall keep proper records, that they shall be audited by the Chief Auditor and that they shall be laid before, of course, to be placed before this Council by the Financial Secretary.

The Speaker –

You've done the whole of that.....

The Hon. Nicola Moore –

I have,unusually, Mr Speaker.

The Speaker –

Yes, okay, thank you very much. Any questions on that? Then can I ask one further question,the Clerk..... Why is it that an elected member of the Legislative Council can't be a commissioner if an ex officio member of the Legislative Council can be a commissioner. It specifically rules out elected members, that's in Clause 2 of Schedule I and it's all members of Council?

The Hon. Nicola Moore –

Thank you, Mr Speaker. Well, that's absolutely right, an elected member cannot act on the Commission. The Commission's functions are to, are both educational, if al....?....., but they are also, by way of enforcement, against organs of the Crown in relation to enforcement of any alleged breaches or actual breaches of human rights in respect of the Crown, SHG, Government, public body, because, of course, that's what human rights apply to in our, they deal with the obligations of the state versus the individual and so it's considered to be inappropriate that because of the separation of powers between the Executive and an oversight body for one of the elected members to sit upon the Commission for such time as they remain in office, there is nothing to prevent them from sitting, appearing, or applying to be commissioners when they are no longer members of the, elected members of the Legislative Council and there is also a provision which does allow for the appointment of a public servant, which would, of course, include ex officio members of this Council to sit as commissioners but only if the Governor considers that it's unlikely to interfere with the independence of the Commission and as a matter of practice most often it's rare for the Governor to appoint a public servant in relation to appointments which can be held by public servants, but are?..... by the Governor special permission to do so.

The Speaker –

Any questions?

Schedule I.

Question put and agreed to.

The Speaker –

Can we do the same with Schedule II?

The Hon. Nicola Moore –

Thank you, Mr Speaker, I'll try. Inquiries and Investigations. As I referred to earlier, the Commission have powers to inquire and investigate in relation to allegations or infringements of human rights, Schedule II provides for essentially the way in which they do that, that before conducting the inquiry, the Commission shall publish the terms of reference of the

inquiry in a manner that it considers appropriate to bring to the attention of persons to whom it concerns who are likely to be interested, that essentially allows them to set their parameters. Before conducting the investigation, the Commission shall give notice to the investigated person to give them the opportunity to make representations and consider other representations which are made. Those, of course, follow the rules of natural justice. There is a requirement under sections 5, 6 and 7 for the Commission to make arrangements for giving persons an opportunity to make representations, that persons who are not specifically already provided for in relation to alleged breaches or inquiry and it allows under sections 8, 9, 10, 11 and 12 for the provision of evidence to, the requirement to give evidence to the Commission and a notice can be given, under paragraph 8, which requires an individual to provide information, documents or evidence, there is specific, with the exclusion of certain categories of evidence under line (c) there a notice may not require a person to provide information which St Helena Government would not be required to provide under the PAI code, Public Act and Information Code, which would be prohibited from disclosure by virtue of any enactment, which would be prejudicial to national security, or is unnecessary having regard to the purpose of the inquiry or investigation for which the notice relates, or is unreasonable and it requires, it also states that a notice may not require a person to do anything that he or she could not be compelled to do in proceedings before the Court and to attend at a place unless the Commission undertakes to pay the expenses. And a person who receives the notice can, sorry, the recipient of a notice under paragraph 8 may apply to a Court to have the notice cancelled on the basis that, for example, the information is not required under 9 (c), that specifically exclude the categories of information and the Court can either vary the order or?....in its entirety or in part and then if it does vary it and the individual fails to comply with the notice then the Commission can apply to the Court for a requirement that the person takes such steps that as are required to comply with the notice and then if the person commits an offence, he fails to comply with the Court Order, falsifies any information, makes a false statement in evidence and again similar maximum penalty on conviction to a fine of £10,000 or imprisonment for a term of six months. Yes, Reports, obviously there needs to be a report following an inquiry or investigation which is specifically referred to earlier on about those who can be named and what can be said, so the Commission shall publish its report, it shall also make recommendations, if necessary in relation to any class of persons, either a person under investigation or something which arose in the inquiry investigations and the Court may have regard to a finding of the report in relation to the inquiry investigation, but it shall not be treated as conclusive, so if there's a report which an inquiry which is running concurrently with any Supreme Court proceedings the Court can take notice of that report. In an inquiry investigation it may not question the findings of the Court so, for example, if the Court has already made a ruling in relation to a matter which is under investigation that would apply in section 17 which says that there cannot be an inquiry in relation to whether an intelligence service has acted or is acting in a way which is incompatible with a relevant enactment or other matters concerning relevant enactment in relation to an intelligence service.

The Speaker –

Thank you, Attorney General. Any comments or questions, Honourable Tony Duncan?

The Hon. Wilson Duncan –

I notice throughout this lot here the word “thinks”, like 11 (a) item (b) applies where the Commissioner thinks that a person, couldn't there be a better word used instead of thinks, because you can think anything?

The Speaker –
Attorney General?

The Hon Nicola Moore –
I'm sorry, the section that was being referred to?

The Hon. Wilson Duncan –
Schedule II, 11(a) item b. That's one, but it's several locations throughout the ...?..., it is mentioned "thing" and I feel that, you know, it could be worded better, because, like I just said, you can think anything.

The Speaker –
Oh, I see, it's in the Schedule.

The Hon. Nicola Moore –
Well, thank you, Mr Speaker, I thank the Honourable Member for his observation. The findings of the Commission, or at least the section which is referred to here, is that the Commission is considering where persons have failed without reasonable excuse to comply with the notice, it could, of course, use the word "suspect", that has its own insinuations in relation to its implications in criminal law. It's the Commission that forms the subjective view that a person has failed without reasonable excuse to comply, and, of course, that is based upon the information that it's basing its conclusion on, so it may, for example, form a view, i.e. think that a person has failed without reasonable excuse to comply. At that point it would go to the Court and then there would be a finding of whether or not there had, in fact, been a failure to comply, so it's a subjective view of the Commission. I take the point the expression think is perhaps inelegant in its drafting, the basis for this particular drafting is a model which has been used across other territories and I'm content to consider that perhaps it might be more elegant to state the expression forms the?....., but it's a matter of plain English to think, to have come to the common sense conclusion of and it would, of course, be a matter for the Court to interpret the legislation if at such time it was likely to be under challenge, but I'm content to take any reasonable suggestions for the amendment of the ..?... from the Honourable Member of this House.

The Speaker –
Good point, Honourable Member. Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –
Thank you, Mr Speaker, it's a just plain word, I don't have any objection that the word "thinks" remains in the proposed Bill. Thank you, Mr Speaker.

The Speaker –
Thank you.

The Hon. Wilson Duncan –
I don't have any objection either, but I just thought "thinks", you know, there could be a better.....

The Speaker –
Yes?

The Hon. Pamela Ward Pearce –

Moving away from wording and into sums now. 12(b) Attorney General, the maximum penalty of a fine of, is that up to £10,000 or can you clarify, please?

The Hon. Nicola Moore –

Okay, Mr Speaker, I thank the Honourable Member for her question. Yes, indeed, the penalties in all legislation, unless specifically prescribed as an actual sum, it's up to £10,000 and/or up to six months imprisonment. Of course it's not mandatory and it will be a matter for the Court to decide in the event of?.... what the appropriate penalty would be. As it is specified in the Ordinance a maximum penalty, I would imagine that it would be rare that the Court would?..... mandatory penalty, but there may be circumstances where that would be appropriate for the Court to do so.

The Hon. Pamela Ward Pearce –

Thank you.

The Hon. Nicola Moore –

You're very welcome.

The Speaker –

Any further questions?

Schedule II.

Question put and agreed to.

The Speaker –

The House will resume.

Council resumed.

The Speaker –

Honourable Mover, Bill to be reported.

The Hon. Brian Isaac –

Mr Speaker, I beg to report that the Commission for Equality and Human Rights Bill, 2015 passed the Committee with no amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

Thank you very much, Honourable Member. Is there a seconder?

The Hon. Gavin Ellick –

I beg to second.

The Speaker –

Thank you. Mover, do you want to speak to the Bill?

The Hon. Brian Isaac –

Mr Speaker, not at this time, but I will thank Honourable Members for the comments raised. Thank you.

The Speaker –

I put the question that this House approves The Commission for Equality and Human Rights Bill, 2015, and recommends to the Governor that it should be enacted. Any member wish to speak? No member wishes to speak. Mover, you have your opportunity to respond to no speech. Okay, do you wish to respond at this time?

The Hon. Brian Isaac –

Mr Speaker, no, just to say thank you to the members for their support. Thank you.

The Speaker –

Thank you.

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

The Speaker –

Next item, Clerk?

Motion No. 2 – The Honourable Brian Isaac.

THE SOCIAL SECURITY (AMENDMENT) BILL, 2015

The Speaker –

Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I beg to move that the Social Security (Amendment) Bill, 2015, be approved in principle and referred to a Committee of the whole Council. I formally confirm that for the avoidance of any doubt this Bill is presented on the recommendations of the Governor in accordance with section 73(2) of the Constitution. Thank you, Mr Speaker.

The Speaker –

Is there a seconder?

The Hon. Gavin Ellick –

I beg to second.

The Speaker –

Would the Mover like to move now?

The Hon. Brian Isaac –

Mr Speaker, I beg to present a Bill for an Ordinance to amend the Social Security Ordinance 2010. The Bill seeks to allow work years after the age of sixty-five years to count as qualifying years for the purpose of determining entitlement to the Basic Island Pension. It also seeks to allow those persons who did not receive a carer allowance for caring for others

because no policy existed, but would qualify now under the current policy, had the policy been in place at the time. It also allows for those with disability, but did not receive a disability allowance because no policy exist, but will now qualify under the current policy, had that policy been in place at the time. The recommendations were considered by the Social Welfare Review Working Group and were endorsed by the Social and Community Development Committee in December 2014 and the work commenced to the draft amendments to this Ordinance. The principle of this Bill will give an opportunity to those currently working over the age of sixty-five, but not eligible to receive the Basic Island Pension to retire and receive Basic Island Pension for those current years with insufficient years to qualify for even the lowest Basic Island Pension rates. It also provides for clear end date where they will qualify and be able to retire on Basic Island Pension. For those who receive a disability allowance after the age of sixty-five and cannot use those years to count towards qualifying years for the Basic Island Pension the proposed changes of the qualifying years will be able to count to those years after sixty-five towards qualifying years. The proposed changes will also encourage and reward those who want to work longer, to work and make up their qualifying years. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Mover. I put the question that the Social Security (Amendment) Bill, 2015, be approved in principle and referred to a Committee of the whole Council. The question is now open for debate. Anybody would like to speak to the Bill? Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I welcome the proposed amendments to the legislation. There has not been a level playing field prior to this coming to the House and a number of individuals have actually lost out on qualifying for the Basic Island Pension because of the fact they were past the age of sixty-five years. This law enables work that they've undertaken beyond that age to be counted so therefore a number of other individuals will become eligible to actually draw the Basic Island Pension. I think that this is a major step forward and I look forward to seeing further reform in the Social Security area flowing from Sainsbury Report and, indeed, other work that's being undertaken in that field, but I'll be saying more about that in the adjournment debate so I'm preparing the Chief Secretary for one of my topics. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other member wish to speak to the principles of the Bill. Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Again, I would like to stand in support of the Motion and I would like to thank the Honourable Les Baldwin for all his hard work and for Derek Thomas and his Working Group for bringing this forward. I know it's a good step in the right direction and I know it will be received quite nice by the public. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Member wish to speak to the principles of the Bill? Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I rise in support of the Bill. I've been a member of the Working Group who has been tasked with looking at the recommendations from the Roy Sainsbury Report and whereas it is extremely difficult to implement all of the recommendations at any one time due to financial constraints, these recommendations in the Bill now will go some way in improving the Basic Island Pension. The Bill allows, like my friend alluded to, it allows for a policy for those persons with disabilities who are not able to work to receive a disability allowance, once been properly assessed in their own right and this is a sensible move and much needed since it will provide income, support income to those persons with disabilities and are not able to work. The other part of the Bill itself provides for persons beyond the age of sixty-five years who are still working for those years to count for the purpose of being able to obtain the Basic Island Pension and this provision will allow for many more people to be able to access the Basic Island Pension and especially those persons who have worked for many years on Ascension Island not able to enjoy the benefits of a pension and have made valuable contributions to St Helena during difficult times through home allotments, by sending monies to their families and now they have returned and working and the Government's plan is to encourage people to work as long as they possibly can, this will allow those people, encourage them to continue working and allow for the years to count for the purpose of the Basic Island Pension, so a lot of people will stand to benefit from these changes and the Bill also makes a provision for those persons who have cared for disabled persons in years gone by when there was no proper care facilities, they cared for people at home and the Ordinance did not allow for those years to be counted for the purpose of the Basic Island Pension and I do know a few cases where people has not been able to qualify because of that, so now they will be able to gain the Basic Island Pension. I'm still part of the Working Group and I hope that we can continue looking at other recommendations with a view of bringing them onboard so it can benefit further people, less fortunate people in the community, so I fully support the Bill. Thank you.

The Speaker =

Thank you, Honourable Member. Honourable Attorney General?

The Hon. Nicola Moore –

Thank you, Mr Speaker, I wonder if I might just raise a point of information in response to the Honourable Member, Derek Thomas's observations as to what the Bill actually provides for. Disability pension or disability allowance, disability allowance as it's become known, in fact disability pension as defined within the Ordinance, has been available since the Ordinance was enacted in its first format in 2010. What this Bill provides for is for the increased number of years being counted towards earning towards the Basic Island Pension, so in essence, this allows in section 2 (b) it repeals the original Ordinance and allows for the relevant officer to count time that was in self employment, the time when individuals worked within an agricultural environment, when they were caring at home for a child under the age of five, but also, more importantly, to allow for those to have years to count where they cared for individuals, who, historically, would not have been eligible for either disability pension as it's known, it's an unusual term, but nonetheless that's what it is in the Ordinance, or carer's allowance and that, in particular, relates to those who suffered from mental health difficulties, because historically they were not eligible for either carer's allowance or for disability, simply a matter of the **correctional amount**.

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac?

The Hon. Brian Isaac –

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

The Speaker –

Sure.

The Hon. Brian Isaac –

For the benefit of the listening public, that is to make a clarification, that years worked on Ascension Island will not count to qualifying years on St Helena. Thank you.

The Speaker –

Okay, thank you very much for that clarification. Honourable Pamela Ward Pearce?

The Hon. Pamela Ward Pearce –

Mr Speaker, I'd like to raise in support of the Bill. I'd like to say that, acknowledge the benefits that this will bring for many people, as clearly outlined by previous members, but, however, I would like to see these reforms go even further and look at means testing for Basic Island Pension. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the Bill? The Honourable Mover would like to reply?

The Hon. Brian Isaac –

Thank you, Mr Speaker. I would just like to thank members for their comments. Thank you.

The Speaker –

Thank you.

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

The Speaker –

Honourable Mover?

The Hon. Brian Isaac –

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. Gavin Ellick –

I beg to second.

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

Council in Committee.

The Speaker –

Thank you, Honourable Members., we're now into Committee of the whole Council. I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill. Any questions on....what about the date of the Clause, it says it shall come into force on?

The Hon. Nicola Moore (Attorney General) –

I'm assuming that question is directed to me, Mr Speaker. If no date is provided for the relevant?.....in this jurisdiction states that the date upon which it comes into force is the date upon which the Governor gives assent to the?....

The Speaker –

But doesn't that need to be put into the legislation?

The Hon. Nicola Moore –

As a matter of statutory interpretation, if no date is set it comes into force on the date that it's published.

The Speaker –

Does that require, Members, an amendment to the Clause, Clause 1.

The Hon. Nicola Moore –

Mr Speaker, it could read on a date to be appointed.

The Speaker –

Thank you very much, Attorney General. That is a proposal and is there a seconder?

The Hon. Colin Owen –

I'll second it.

The Speaker –

Thanks very much. On a day to be appointed.

Question on amendment, put and agreed to.

The Speaker –

Clause 2?

The Hon. Nicola Moore –

Thank you, Mr Speaker, this deals with the number of years in order to qualify for Basic Island Pension and it allows for the repeal of subsection (1)(a) and substitute over the age of 15 years which allows for those who were allowed to start work at 15 to earn Basic Island Pension years from that date and in relation to section (2) (b) it repeals paragraph (c) and substitutes the whole of that which appears in the amended Ordinance. It allows an individual to earn qualifying years towards Basic Island Pension by either engaging in employment or self employment in St Helena for which they file a tax return, in respect of that year worked on a family farm or in the family business whether or not paid for that work and there are a number who would qualify in that; had a child under the age of five years, this makes the position essentially the early years where a Mom is a carer at home with the children or, indeed, was caring for their disabled child of any age; and (2) (b) (iv) and there should be an amendment to this because a disability pension is still defined within the Regulations and hasn't been amended so it currently reads "was in receipt of a disability

allowance or carer's allowance" and I would propose an amendment disability pension or carer's allowance paid for by the Government of St Helena or, this is the important section, this allows for earning of years towards Basic Island Pension where historically there wouldn't have been a, if you were caring for an individual who didn't get a disability allowance, but would now, because historically disability allowance was not payable to those who ...?....health problems and it wouldn't have been entitled to have a carer's allowance for caring for those who were suffering from medical health issues. As I said, it's now allowed essentially for the officer to consider those years in earning towards the Basic Island Pension. I would move for an amendment to (2) (b) (iv) to read "was in receipt of disability pension" it should read and I think there's also an extra full stop in the very last line after "allowance", it should be edited.

The Speaker –

Right, could you give me those amendments and you need a seconder?

The Hon. Nicola Moore –

I'm sorry, well, I'll do it one by one. (2) (b) (iv) should read "was in receipt of a disability pension".

The Hon. Colin Owen –

Mr Speaker, I beg to second.

The Speaker –

Thank you. Just that.....

The Hon. Nicola Moore –

Mr Speaker, we should deal with each amendment individually.

Question on amendment, put and agreed to.

The Speaker –

Thank you.

The Hon. Nicola Moore –

Thank you, Mr Speaker, and the one that I moved to amend the (2) (b) (iv) to delete the second full stop which appears after the word "allowance" at the bottom of that section. It has required a keen and very strong eyesight, but there is an extra full stop.

The Speaker –

Oh, I see, yes, okay. What about the underlines, is that for emphasis or shouldn't it be there, what's the purpose of it anyway?

The Hon. Nicola Moore –

Thank you, Mr Speaker. It serves no useful purpose, I'm not sure whether it was a typographical error in the production of the Ordinance, but it serves no useful purpose in the Ordinance and will certainly not have any underlining in its final print.

The Speaker –

So you're moving that it.....?

The Hon. Nicola Moore –
Yes.

The Speaker –
Proposal is that you delete the, first of all the full stop after the one full stop after “allowance”.

The Hon. Colin Owen –
I beg to second.

Question put and agreed to.

The Speaker –
And I think the second proposal is that you delete the underlines in the words where you see they’re underlined.

The Hon. Colin Owen –
I’ll second it.

The Speaker –
You’ll second it.

Question put and agreed to.

The Hon. Derek Thomas –
Mr Speaker, could I ask a question?

The Speaker –
Sure.

The Hon. Derek Thomas –
I might have missed it here, but I was looking at if the provision for allowing years to cover the sixty-five.

The Speaker –
What section is it, what referred line is it?

The Hon. Derek Thomas –
The recommendation is to allow years to cover over sixty-five, but where is the change to amend the principal Ordinance, where is the change?

The Speaker –
You’re talking about the explanatory note, is it?

The Hon. Derek Thomas –
Talking about the explanatory note, but where is the provision contained in the Ordinance, Mr Speaker, I’m asking, I don’t see it?

The Speaker –
Okay,?.....

The Hon. Nicola Moore –

Mr Speaker, yes, section 5, if I read the amended section 2 (a) it will repeal section 1 (a) of the original Ordinance, that's 5 (1) (a) which states that for the purposes of section 4, a qualifying year in relation to an individual, that's qualifying for the purposes of Basic Island Pension, means any financial years and it reads "during which such individual" and at the moment it reads, 5 (1) (a) "whilst between the ages of 15 and 65", and the substituting section reads "was over the age of 15 years", so it has a temporal limit on it, it simply starts at the age of 15 and carries on until such time as the individual stops work and stops working.

The Speaker –

Alright, satisfied with that?

The Hon. Derek Thomas –

Well, yes, because I know the principal Ordinance did indicate at sixty-five, that's what I would have?.....,that's fine. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member.

Council resumed.

The Speaker –

Honourable Mover?

The Hon. Brian Isaac –

Mr Speaker, I beg to report that the Social Security (Amendment) Bill, 2015, passed the Committee with four amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted. Thank you, Mr Speaker.

The Speaker –

Thank you. Is there a seconder?

The Hon. Gavin Ellick –

I beg to second.

The Speaker –

Mover, do you wish to speak further to the Bill?

The Hon. Brian Isaac –

Mr Speaker, I would, again, just like to thank my colleagues for the support given to this Bill, it's something that's going to be really welcome by members of the public and I hope that we'll be able to work further on, as mentioned earlier on, on some of the other issues in relation to the Social Security (Amendment) Bill. Thank you, Mr Speaker.

The Speaker –

Alright. I put the question that this Council approves the Social Security (Amendment) Bill, 2015, as amended, and recommends to the Governor that it should be enacted. The House is open for further debate on the principles. Any further debate? Right, Mover, you don't want to respond?

The Hon. Brian Isaac –
No, Mr Speaker.

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

The Speaker –
Clerk?

Motion No. 3 – The Honourable Chief Secretary.

**THE LEGISLATIVE COUNCIL
(REMUNERATION AND ALLOWANCES)
(AMENDMENT) BILL, 2015**

The Speaker –
Honourable Chief Secretary?

The Hon. Roy Burke –
Mr Speaker, I beg to move that the Legislative Council (Remuneration and Allowances) (Amendment) Bill, 2015, be approved in principle and referred to a Committee of the whole Council.

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

The Hon. Colin Owen –
I beg to second.

The Speaker –
Thank you, Honourable Member. Honourable Mover?

The Hon. Roy Burke –
Thank you, Mr Speaker. Following the appointment on 22nd April, 2014 by His Excellency the Governor of an independent commission to review the current remuneration levels of the Government's Councillors, Speaker and Deputy Speaker, a full period of consultation with those interested parties took place. The Independent Commission was Mr Thomas Holvey, Mrs Barbara A George JP, Mrs Anne Dillon, Mr Desmond Wade JP. The Commission recommended that Councillors acting as Deputy Chairs of a formal committee should receive an extra £500 per annum. The Commission also recommended no change in the salary paid to Executive Council members, no change in the salary paid to Council members, no change to the remuneration set for the Speaker or Deputy Speaker and no change to Broadband packages. A further review should be carried out six months before the next General Election. The Bill before the House today gives effect to the recommendations of the Commission. Mr Speaker, I beg to move.

The Speaker –
Thank you, Honourable Member. I put the question that the Legislative Council (Remuneration and Allowances) (Amendment) Bill, 2015, be approved in principle and

referred to a Committee of the whole Council. The question is open for debate. Honourable Member?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Mr Speaker, firstly I'd like to declare my interest as being a member of Legislative Council.

The Speaker –

Thank you.

The Hon. Christine Scipio O'Dean –

Mr Speaker, I do feel uncomfortable with approving this Bill as I do feel that any amendments to Legislative Council Remuneration and Allowances should be dealt with prior to a General Election. Mr Speaker, due to the workload of Chairperson of Council Committees it is recognised that Deputies or Acting Chairmen are not financially rewarded, hence an anomaly has been recognised and needs to be addressed. I beg to move.

The Speaker –

Thank you, Honourable Member. Any other member wish to speak to the Bill? No other member speaks. Mover, you want to respond to that?

The Hon. Roy Burke –

I have nothing to add....?

The Speaker –

Thank you very much indeed.

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

The Hon. Roy Burke –

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

The Speaker –

Thank you, Honourable Member.

The Hon. Colin Owen –

Mr Speaker, I beg to second.

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

Council in Committee.

The Speaker –

Honourable Members, I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill. Any amendment needed?

The Hon. Roy Burke –

Mr Speaker, similar to the last debate, there's no date in Clause 1 for this to come into force, so in keeping with the previous Bill, the proposal is to amend that to be a day to be appointed.

The Speaker –

On a day to be appointed.

The Hon. Nicola Moore –

Seconded.

The Speaker –

Thank you very much for the seconded. So the proposal is that Clause 1 be amended to read at the end of the line "upon a day to be appointed" "on a day to be appointed".

Question on amendment, put and agreed to.

The Speaker –

Clause 2.

Mr Roy Burke –

Clause 2 merely sets out the levels of remuneration, Mr Speaker.

The Speaker –

Okay, anybody want to speak on that? Nobody?

Clause 2.

Question put and agreed to.

Council resumed.

The Speaker –

Bill to be reported.

The Hon. Roy Burke –

Mr Speaker, I beg to report that the Legislative Council (Remuneration and Allowances) (Amendment) Bill, 2015, passed the Committee with one amendment and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

Thank you. Is there a seconder?

The Hon. Colin Owen –

Mr Speaker, I beg to second.

The Speaker –

Thank you. Do you wish to speak any further on this, Mr Mover?

The Hon. Roy Burke –

No, thank you, Sir.

The Speaker –

I put the question that this Council approves the Legislative Council (Remuneration and Allowances) (Amendment) Bill, 2015, and recommends to the Governor that it should be enacted. Any member wish to speak? No. There is no need for you to respond then, Mover, so.

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

Motion No. 4 – The Honourable Dr Corinda Essex.

The Speaker –

Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, before moving this Motion, I wish to declare my interest as President of the St Helena Chamber of Commerce.

The Speaker –

Thank you, Ma'am.

The Hon. Dr Corinda Essex –

I beg to move that this Council recognises the importance of the Fishing Industry to St Helena and resolves to support the efforts of the St Helena Fisheries Corporation and Enterprise St Helena in developing this key primary production sector.

The Speaker –

Is there a seconder?

The Hon. Nigel Dollery –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. Honourable Mover?

The Hon. Dr Corinda Essex –

Mr Speaker, tourism is always cited as the key driver for St Helena's economic growth and it is well known that St Helena lacks commercially exploitable natural resources, but the importance of its modest, primary, production sectors, fishing and farming, must not be underestimated. Recent public and private investment within the Fisheries Sector reflects growing awareness of its significance as a key contributor to the local economy and it is hoped to see increased fish catches that will both meet current demand and that generated by tourists. The value that many tourists worldwide place upon local, good quality, varied, fresh fish and fish products suggests that volumes required for local consumption are likely to increase considerably after the airport opens. Air access may also make export of fresh fish in small quantities possible for the first time. Certainly the Fisheries Sector will be facing considerable change in the near future with the closure of Argos Helanta, the implementation and licensing protocols, potentially different institutional structures and, indeed, greater

competition for limited resources. These changes will present new opportunities, but also greater risks in some aspects and possible threats that will need to be guarded against. I am aware that a Working Group has been established to consider options for the way forward for our Fishing Industry and look forward to its recommendations, but it is of vital importance that we all work together to ensure that what emerges will be a stronger, more effective local industry that has the capacity to tackle the challenges that it will face whilst continuing to deliver fish for the local market and for export without jeopardising the sustainable management of the resource. It is often stated that St Helena catches considerably below the annual maximum sustainable yields with specific species and this fact is used as bait, excuse the pun, to encourage further fishing activity, but we as the elected representatives of the people of this island have a duty to ensure that the necessary checks and balances are in place and remain in place to protect the future of our local industry. Until such time as adequate longitudinal research data is available to inform decisions it could be dangerous to attempt to reap St Helena's Tuna quota ceiling and too much competition at the sea mounts could prove detrimental. The importance of collection of such data was to be a key part of the role of the MV Extractor and must remain a priority. It is also essential that whatever new institutional structures are put in place to take the industry forward are appropriately resourced, sustainable and realistic. Local fishermen must be comfortable with whatever is proposed and it is the responsibility of elected members to ensure that their views and concerns are considered fully before decisions are made. Mr Speaker, in the report of the formal meeting of the Public Accounts Committee held on 7th October 2014, it was recommended that this Council should resolve to support the efforts of the St Helena Fisheries Corporation and Enterprise St Helena in developing the Fisheries Sector and this is what I trust this Motion would achieve. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. Honourable Members, the Motion is that this Council recognises the importance of the Fishing Industry in St Helena and resolves to support the efforts of the St Helena Fisheries Corporation and Enterprise St Helena in developing this key, primary, production sector. The Motion is now open to debate. Honourable Pamela Ward Pearce?

The Hon. Pamela Ward Pearce –

Thank you, Mr Speaker. I'd like to rise in support of this Bill. I grew up among fishermen and, in fact, my father was a fisherman for most of his life and, indeed, he fished for a living for some of those years. I could spin a few good fishing yarns among the best of them and, yes, I, too, have spent some time fishing, but only for pleasure. I would like to see our local fishing industry and our local fishermen prosper with sustainable management of our resources, so I give my support to this Bill. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Derek Thomas –

Mr Speaker, I also raise in support of this Motion. I am a member of the Fisheries Board and I can say that the St Helena Fisheries Corporation and Enterprise St Helena are very keen to develop this key, primary, production sector in fishing development for our island. I am aware that Enterprise St Helena is supporting our local fishermen through a loan scheme which I understand is interest free, they're also providing support to both our inshore and

offshore fishing vessels with fishing equipment and safety equipment with a view of encouraging and developing our fishing industry. As a result of Argos giving notice to withdraw from their activities, a Fishing Task Group has been set up looking at fishing in general and how St Helena can best benefit from this industry. Since the Argos building has never been used to its full potential, I am aware that the Group are also looking at future use of the Cold Store in that it not only benefits the fishing industry, the extra vacant space be made available for other needs and be of greater benefit to the island. My understanding is that the Group are working on this and the report is expected to be made available September/October. Mr Speaker, I fully support the Motion in that we should be ensuring that we do everything that is possible to encourage and develop our fishing industry. Thank you.

The Speaker –

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

The Hon. Wilson Duncan –

Mr Speaker, it's not Anthony, it is Wilson.

The Speaker –

Oh, it's Wilson.

The Hon. Wilson Duncan –

And I rise in support of the Motion.

The Speaker –

I thought the short for Tony was Anthony.

The Hon. Wilson Duncan –

Well, or Tony.

The Speaker –

It's Wilson, right. Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker. Mr Speaker, I, too, rise in support of the Motion and I thank my Honourable Colleague, Dr Corinda Essex for this Motion today. Government recognises the importance of fishing and its role as a key, primary, production sector and will continue to work with both the St Helena Fisheries Corporation and Enterprise St Helena to improve current and future prospects for the sector. The Fisheries Stakeholder Task Group is in existence and has worked closely with the St Helena Fisheries Corporation and Enterprise St Helena with both being represented on the Group, in particular over the last two years to provide support to the fishing industry. SHG is leading the development on the first time fisheries licensing policy to improve the benefits and economic returns from our fisheries through development of both commercial fishing and activities in order to increase throughput to the processing and storage facility and achieve a balance between viable recreational fishing and sustainable use of our marine resources for the future. Currently, SHG is leading a working group to establish options and a preferred way forward for the future operations of the fish processing and storage facility in order to underpin initiatives to attract participants to inshore fishing and support the development of our offshore fishery.

This includes the engagement of offshore specialist fishery support to ensure SHG undertakes a thorough process of engaging processing services for the longer term. During the next few months, SHG will work with and support a small number of interested fishermen to trial alternative fishing methods following a Fisheries Task Group initiative last year to purchase equipment for alternative fishing to the traditional pole and line method, namely Greenstick and Microspool longline whilst also implementing a new vessel monitoring system in order to enhance safety and security within the island's exclusive fishing zone. St Helena Fisheries and Enterprise St Helena are also working with the Fishermen's Association on a joint funding support initiative to encourage an increase of inshore fishing activity and Enterprise St Helena continues to offer business development grant funding support to parties within the Fisheries supply chain, including vessel owners. Mr Speaker, I fully support this Motion.

The Speaker –

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

The Hon. Brian Isaac –

Mr Speaker, I thank my Honourable Colleague for bringing this very important Motion to this House and as a member of the Public Accounts Committee I thank her also for the extract made at our formal sitting of the PAC. You cannot get away from it, Mr Speaker, that fish is our main diet on the island. I recall the days when I knew fish could not be sold and was thrown round at West Rocks. We've come a long way since then, we now have a Cold Store and at one time we were exporting loads and loads of Tuna to the outside world. Our Tuna has been known on the market to be of a very high quality, but it's disappointing in these last few months when the housewife goes to the fish van or to the fish market and there's no fresh Tuna. I've been at the fish market when we had visitors to the island who expected to come and buy some of our high quality Tuna, but again was told, it's no Tuna or it's frozen. I am aware that our fishing industry is declining, it's been the backbone of the economy for many years and as a elected member I would support in any way that we can overcome this ordeal, we have so much faith in the Extractor, we were looking for marvellous things to happen, unfortunately there's been a delay in that process, but I hope that we as a Council can work together with Enterprise St Helena to make this venture successful and we get out of the rut we are in and support our local fishermen and to support our island. With tourism on the horizon we don't want to be selling canned Tesco Tuna to our tourists, we want to be able to be proud and stand up and say this is our local high quality Tuna. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Nigel Dollery –

My comments will be very short, Mr Speaker, as I seconded the Motion. We all know that fishing matters, we all know it's part of our heritage, we must cling on to it and look after it and nurture it. We try and do that now, we can try harder. Mr Speaker.

The Speaker –

Thank you, Sir. Honourable Cyril George?

The Hon. Cyril George –

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

The Speaker –

Thank you. Any other Members? Honourable Mover?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I would like to thank my colleagues for their support which was certainly what I was anticipating as I know that fishing is a very key topic for us all on St Helena and one which, indeed, is quite emotive at times and is one which can, and I hope, will play a major role in the future economic and sustainable development of the island. It was heartening to hear certain members providing information regarding steps forward that have been taken on a number of fronts to support the industry, I hope that these will continue and that they will, indeed, be a starting point for a brighter future for the industry as a whole, so thank you very much for your support.

The Speaker –

The Motion, standing in the name of the Honourable Dr Corinda Essex, is that this Council recognises the importance of the fishing industry to St Helena and resolves to support the efforts of the St Helena Fisheries Corporation and Enterprise St Helena in developing this key primary production sector.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Clerk?

Motion No. 5 – The Honourable Dr Corinda Essex.

The Speaker –

Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex =

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

The Speaker –

Thank you, Ma'am.

The Hon. Dr Corinda Essex –

I beg to move that this Council acknowledges the detrimental impact upon St Helena's economic development resulting from increasing infestations of land by invasive weed and recognises the importance of addressing this issue.

The Speaker –

Is there a seconder to the Motion, please?

The Hon. Derek Thomas –

Mr Speaker, I beg to second.

The Speaker -

Thank you very much indeed. Honourable Mover?

The Hon. Dr Corinda Essex –

Mr Speaker, invasive weeds are rapidly encroaching on valuable arable, pasture and forestry land and are greatly reducing their productivity. This situation would be serious anywhere, but on a small island with relatively little land suitable for agriculture or forestry these weeds threaten sustainable economic development. Their presence also has a direct negative impact upon our tourism product as trails become overgrown and valuable endemic plants are destroyed. Dedicated farmers struggle to clear land only to have to repeat the exercise within a very short timeframe. The less committed look for alternative ways to make their living and either hand back their leases or leave the land untended thereby creating a greater problem for neighbouring landowners. In constituency meetings concerns are being raised consistently regarding this issue by residents in several districts of the island and the farming members of the Chamber of Commerce emphasise that the proliferation of invasive weeds is one of the greatest threats to agricultural development about which they are seriously worried. Mr Speaker, it is time that this vicious circle is broken before much more damage is done. We're all aware that local production will become of even greater importance after air access commences and St Helena's Strategic Plan states that increasing on island food production is a key focus area for the current period. The same document states that a longer term vision relating to economic development is, and I quote, a sustainable agricultural sector making an increased contribution to the economy, unquote. How can we hope to achieve this vision when invasive weeds are taking control of our prime land. A few years ago I was instrumental in obtaining European Union Regional funding for a cross cutting project to consider the impacts of invasive species across all the British Overseas Territories situated within the South Atlantic. This included some local pilot initiatives and a considerable amount of research. Following this, a strategy for action was developed that was intended to address key issues. However, little of the strategy has been able to be implemented primarily due to competing priorities and lack of resources. St Helena cannot continue to pay lip service to our Sustainable Development Plan while putting the issue of invasive weeds on the back burner. Unless robust and prompt action is taken the island's productivity will deteriorate rapidly and a key potential source of economic growth will be literally and metaphorically choked out of existence. Honourable Colleagues, I urge you all to recognise the importance of addressing this issue before even more irreparable damage is done to our valuable land and to work together to see that the issue rises in prominence on the priority list so that appropriate action can be taken before it's too late. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. The Motion is that this Council acknowledges the detrimental impact on St Helena's economic development resulting from the increasing infestation of land by invasive weeds and recognises the importance of addressing this issue. Honourable Members, the House is open for debate. Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, again I would like to thank my Honourable Colleague for bringing this very important Motion to the House. As someone who grew up on the island as a young boy I can recall Whiteweed only being in certain areas of the island, today it is well widespread. Only last week, and I'm sure that it's still growing in the courtyard of the Castle, a small Whiteweed plant is growing in the Castle courtyard as we speak. Mr Speaker, Government

has invested thousands and thousands and thousands of pounds into the clearing of invasive weeds throughout the island, but it is sad to say, and I say with respect, it has been poorly managed. Land has been cleaned and that's it, it is no follow-up work, no Department or officials make follow-up visits to see that the owners of the land are keeping the land clean, the weeds then rapidly takes over the land, and again, as my Honourable Mover said, hence the reduction of fresh beef and other meats to the island. Land tax was something that was in place many, many years ago but it was very unpopular amongst landholders and for some reason it was withdrawn. Had the land tax stayed in place, it was a very unpopular tax, we might not be where we are today, but unfortunately we cannot look back, we must look forward to the future. I would like to say that I have no other reasons but to support this Motion and I hope that my colleagues will support this Motion and that the Department which falls under the umbrella of the ENRD take serious preventative measures in addressing this issue. I cannot blame anyone that we didn't have the money to do this work, the money was introduced to the island, everyone benefit, also the weeds, they came back and blossomed and blown all across the island, everywhere on the island you can now see Whiteweed. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I rise in support of this Motion. One of our main selling points, to develop our island through economic growth, is the island's natural beauty. Yet we are seeing our land increasingly being taken over by invasive weeds which in many areas is really getting out of hand. If we are to promote our island to the outside world and encourage economic development then urgent measures must be taken in addressing this issue and as a Government we need to give this issue high priority. Mr Speaker, I support the Motion.

The Speaker –

Thank you, Honourable Member. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker, I, too, rise in support of the Motion and I thank the Honourable Member for raising this here today. Government recognises the serious impact of invasive weeds spread on the island's economic development and while some work is being done on the ground by ENRD and the private sector at present we are not able to stop the spread. Overall we must recognise the impact on the environment as a whole as economic development can only be fully realised through effective management of our environment. The establishment of a National Weed Strategy and Plan for implementation can be fully supported, however, if we are to successfully halt the spread and impact of invasive weeds on the island there will need to be a commitment by Government and landowners to its implementation and Government to resourcing the implementation of such a strategy. Mr Speaker, I support the Motion.

The Speaker –

Thank you, Honourable Member. Is there any other Member....Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I stand in support of this Motion. I've seen firsthand what can be done in clearing pasturelands, our current Wirebird population have risen from 208 to 435 ensuring that our endemics will be on sale for our tourist collection. Thank you.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Mr Speaker, I rise too in support of this Motion. Mr Speaker, I understand that arable land that once was producing food for the island and passing ships are now overgrown with invasive species. With the opening of our airport next year and anticipated development in the tourism industry, it is important that the island produce more of its own fresh meat and vegetables. I beg to move.

The Speaker –

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

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I, again, thank my Honourable Colleagues for the overwhelming support for this Motion. I'm fully aware that determining a way forward that is going to be meaningful and really tackle this issue is not going to be an easy one, but a serious start has to be made and it is only if the issue is given a high level of priority that we will ever stand a chance of dealing with this issue before, as I stated earlier, it has gone too far and we're again trying to shut the stable door after the horse has bolted. I would recommend that an up to date situation analysis is undertaken as a first step and that a plan of action flows from that which will probably require, it certainly will require phasing. Obviously that is likely to have funding implications and I would urge this House to seriously prioritise this issue when it is allocating funding in the next budget round. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Motion, standing in the name of the Honourable Dr Corinda Essex, is that this Council acknowledges the detrimental impact on St Helena's economic development resulting from increasing infestation of land by invasive weeds and recognises the importance of addressing this issue.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Clerk?

Motion No. 6 – The Honourable Derek Thomas

The Speaker –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Motion, that St Helena Government demonstrates its support for sport by adopting it as a National Strategic Objective.

The Speaker –
Is there a seconder?

The Hon. Dr Corinda Essex –
Mr Speaker, I beg to second.

The Speaker –
Honourable Mover?

The Hon. Derek Thomas –
Mr Speaker, I rise requesting an amendment to this Motion.

The Speaker –
Alright, what's your amendment?

The Hon. Derek Thomas –
The amendment being that St Helena Government demonstrates its support for sport by adopting it as a key result area within the Sustainable Development Plan.

The Speaker –
Let's look at your amendment correctly then. Taking out the words National Strategic Objective

The Hon. Derek Thomas –
Taking out the word National Strategic Objective.

The Speaker –
And putting in?

The Hon. Derek Thomas –
And putting in key result area within the Sustainable Development Plan. Mr Speaker.

The Speaker –
Key result area within the Sustainable Development Plan.

The Hon. Derek Thomas –
That is correct, Mr Speaker.

The Speaker –
Okay. Is there a seconder to the amendment?

The Hon. Dr Corinda Essex –
Mr Speaker, I beg to second.

The Speaker –

Thank you, in which case we will deal with the amendment. The Motion is now that St Helena Government demonstrates its support for sport by adopting it as a key result area with the Sustainable Development Plan. Yes? Mover, would you like to speak first?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I thank the Honourable Dr Corinda Essex for seconding my Motion. Honourable Members will be aware that I brought a Motion to the House just over a year ago asking St Helena Government to demonstrate its support for sport by adopting it as a National Strategic Objective and at that time it lost majority support. I'm now bringing back a similar type Motion with a different approach which is linked to the key result areas within, keeping it within our Sustainable Development Plan. This is following, Mr Speaker, continued requests from certain on island sporting organisations, members of the public and the fact that I believe that sport has a very key role to play in society. In recent years, we have seen much greater awareness being created and developed in sport. New Horizons plays a very key role in supporting the training and creating awareness to our youth in sporting activities. Health is our main strategic objective, sport and healthy lifestyles supports health. We are seeing how our local people are doing well in participating in offshore island games, raising the profile of our island. With our airport soon to open opportunities for sport to develop will become much greater. We could attract professional sports person to the island to train and participate in sports. The doors will open for our own local talent to train offshore to potentially become professional sports persons. All of this will add great value in our drive to economic growth. However, in order to take sport to a higher level, our sporting infrastructure needs to develop which can only be achieved through financial growth. Given our pressing budgetary demands, it will become extremely difficult in achieving a reasonable sporting infrastructure framework without some form of international donor support through networking and knowledge and being able to perform key roles in high profile organisations. Opportunities do present itself for project type funding and specialist support, however, we should be seen to do all we can in recognising sport as a key result area within our Sustainable Development Plan underpinning our three national goals within the framework of the plan which will in turn send a positive message to our nation and letting our people see that our Government fully supports sports and the benefits it can bring. It will also go some way in supporting our continued requests for financial and professional assistance. Mr Speaker, Honourable Members, the development of sports also goes a long way in supporting our youth against anti social behaviour. I trust Honourable Members will see that it's right and proper to support this Motion. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. The Motion, as amended, is now the St Helena Government demonstrates its support for sport by adopting it as a key result area within the Sustainable Development Plan. The Motion is open to debate. Honourable Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, I have no hesitation in seconding this Motion as sport plays a very important part in the social development of any country or territory. When a similar Motion was brought to this Honourable House previously, it was not carried, primarily because some Members felt that if sport were to become a national strategic objective it would be suggesting that it should assume the same level of importance as health and education, for example, and could deflect resources from these key areas. This is not the case as there will always need to be prioritisation when it comes to allocation of resources across St Helena's National Strategic Objectives and associated key result areas and, indeed, it is elected

members who will have a leading role in such prioritisation exercises. Consequently I do not believe that adopting sport as a key result area would have any negative consequences, on the contrary, demonstrating that St Helena takes the development of sport very seriously and recognises its importance at the highest level is likely to open doors to new funding streams and promote healthier lifestyles on St Helena. The St Helena Government performance tracker for May contains some worrying data regarding the incidence of obesity. Of 39 persons screened in May, ten were found to be morbidly obese. This means that their weight is presenting a serious threat to their health. Such statistics indicate an urgent need for development of a culture involving more exercise and healthier eating habits. Sport provides a key way of obtaining exercise and enjoyment at the same time. Some individuals only see sport as competitive and express concerns about the self image of those who are not gifted and resilient, but the emphasis should be on participation rather than on winning, except for those who wish to excel and have the ability to do so. The fact that St Helena has keen and talented sports participants who have proved their skills by achieving medals in international competitions despite poor facilities and relatively little training is further evidence that greater investment in sport is required and will reap reward. The young ladies who have recently performed so well at the island games deserve our warm congratulations. Mr Speaker, the objective of this Motion is to raise the profile of sport on St Helena in general for the benefit of the population and I fully support this.

The Speaker –

Thank you, Honourable Member. The Honourable Attorney General?

The Hon. Nicola Moore –

Thank you, Mr Speaker. I wonder if the Honourable Councillor might ...?... in relation to a question which has detained the Govenors of the auspicious Universities of Oxford and Cambridge as to whether, in fact, tiddlywinks is, in fact, a sport or not. It detained them for a great deal of time in the mid eighties as to whether or not they should award a full blue or a half blue. I notice that the Motion as it's currently worded demonstrates its support for sport, does that include tiddlywinks or does that not include tiddlywinks?

The Speaker –

Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I rise in support of the Motion and I thank my Honourable Friend for raising this. This is not the first time, as said, that this Motion has been raised in the House, it's been raised on a number of occasions. I'm not a sporting person, I was once on the Tug O War team but they put me as the anchor (*laughter*) but only yesterday, Mr Speaker, on the seafront there was a young girl and a young boy practicing sprinting along the seafront and I sit and look and I was disappointed because they had no one there coaching them, they were just running on their own, one coaching the other and I'm aware that the young lady will shortly be leaving the island to represent the island in the sports, I'm not sure where, but I know she will be going, but it saddens me to see that sort of thing, that there is not sufficient or, I wouldn't say it's not enough interest, but there's not really any facilities for these young people to practice. I, well most occasions when I can, and I'm not bunged down with the gardening, go across to Francis Plain and I look at a lot of our young people. Within the cricket teams we have youngsters who are in school, very dedicated, very accurate cricket players, footballers the same, very accurate, very dedicated football players, but there's no coaching, you know, they go to school or they go to work and it's just a pastime on the

weekend to go to Francis Plain and compete, but these people if given the training I know would qualify at a very high standard in the international market, but we don't have that sort of facilities, I know everything comes with a cost, but I would really like to see that more emphasis is placed on sporting, I know that we have priorities to set when it comes to financial gain, but sporting is very important. Again, only this morning listening on the radio it was said of the high rate of diabetes on the island and I'm sure that if we were all sports people that would be a very low rate on the island, but unfortunately we all are not, but I'm sure that we as a Council and the amount of support given by the officials and other agencies and donor agencies we are able to progress and promote sporting on the island. Thank you, Mr Speaker, and I beg to move and I wish my colleague well with his Motion.

The Speaker –

Thank you, Honourable Member. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I rise in support of the amended Motion. I would like to see a Sports Commission be set up and this here would give it a better chance of succeeding and would carry more weight. I have mentioned it to the Honourable Chief Secretary and for your information Mr Brian there are coaching on the island, it happens on Thursday afternoons at Prince Andrew School for certain things as cricket and all this here. Thank you, I beg to move.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Mr Speaker, I'm pleased that the Honourable Mover has amended the wording to the original Motion. Mr Speaker, whilst I'm supportive of sport as a recreation activity I was unable to support the request to adopt it as a national strategy objective as I believe we do not have the financial resources at this time to support such an objective. I would always be looking for financial support for the agricultural industry, because if we do not have a good nutritious diet first we will be unable to compete and receive the benefits sport can bring. I beg to move.

The Speaker –

Thank you, Honourable Member. Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker, and I thank the Honourable Member for bringing this Motion to the House, I rise in support of the, of course, the amended Motion as well. I would also like to join my colleague, Dr Essex, in congratulating our sports persons who just participated in the small island games in Jersey. As has been said by members already, sport is important in our lives, not only for medical reasons but also for our overall wellbeing and I fully support the amended version of the Motion. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. Any other Honourable.....Honourable Wilson Duncan? Got it right this time!

The Hon. Wilson Duncan –

Got it right this time. I played all types of sports throughout my life and I benefited from it by being fit and healthy. I also benefited from it because it taught me to be a team player and discipline which has kept me on the straight and narrow, so I support the amended Bill.

The Speaker –

Thank you very much, Honourable Member. Is there any other Honourable Member who might wish to speak? Honourable Pamela Ward Pearce?

The Hon. Pamela Ward Pearce –

I'm glad to say that I'm glad the Honourable Member has amended his Motion and I feel I'm able to support the amended Motion. St Helena has always had a lot of raw talent here and sports were played in very poor facilities, but the better the facilities doesn't necessarily give you better players as some of the best players in cricket and football around the world come from some of the poorest countries with some of the worst facilities available. However, that doesn't take away from what the Honourable Member is trying to get and I also would like to place my support behind our young team who are returning to St Helena, not just those who've won medals, but those who took part as well, we're all very, very proud of them. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Is there any Honourable Member who might wish to speak to the Motion? Right, then Honourable Mover, would you like to reply, respond?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I just rise to thank the Honourable Members who have supported the Motion, I'd just like to thank them, thank you very much.

The Speaker –

Right, Honourable Members, if the amended Motion succeeds, the original Motion will fade away. The amended Motion, standing in the name of the Honourable Derek Thomas, is that St Helena Government demonstrates its support for sport by adopting it as a key result area within the Sustainable Development Plan.

Question on Motion, put and agreed to.

The Motion is carried. The original Motion falls away.

The Speaker –

Right, Adjournment Debate? Clerk?

8.

THE ADJOURNMENT DEBATE

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

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

The Speaker –

Thank you, Honourable Member. Is there a seconder?

The Hon. Nicola Moore –
I second that.

The Speaker –

Thank you, Honourable Attorney General. The Motion is that this House do now adjourn sine die. The Motion is open for debate. Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I support the Adjournment Debate and would like to thank the Honourable Members for their support in the election of the Chair for the Social and Community Development Committee and for the seat on Executive Council.

I would now like to address a concern which has been constantly brought to my attention by constituents and taxi drivers. Their concerns are what strategy do Government have in place for increasing public toilets around the island. Yes, I'm aware of the short answer, which is limited funding and the prioritisation within the capital programme. I'm aware of the improvements to the toilets near the Museum and the seafront, I'm also aware of the demolishing of the toilet at China Lane, the closure of the toilet in the Duke of Edinburgh Playground and the poor state of the toilet at the Quarry. Yes, I agree that with limited funding we have to set priorities, but if we wish to have a success in the tourist industry and for the wider benefit of the community we need to make improvement in these toilets. Taxi drivers have often made remarks of how embarrassing it is when tourists ask to use a public toilet and there's not one for many miles. It is not a good message we are sending out if we want to encourage tourism. Mr Speaker, I raise these concerns as brought to my attention and being told by constituents. The bottom line is we do not want tourists to be caught with their pants down.

The second concern that has been raised with me is the recreational area at Ruperts. This area is the only recreational area near the sea that is accessible to everyone, but it's in a very appalling state and is in need of some improvement. Again, budget constraints take priority, I understand if we use money to improve this area some other priority will suffer. There are concerns at the moment from the public that once the jetty becomes operational and security is in place in support the Ruperts recreational area will become out of bounds. There have been commitments made that this will not be the case, but with more and more development taking place at Ruperts with industrial buildings, I am sure security will be high on the agenda. The Shears has been out of bounds to the public and I understand the safety aspect for this, but there are concerns from the public what will become of this area as development progresses.

Finally, Mr Speaker, over many years questions and Motions have been raised in this Honourable House on Crown Land being made available for first time house builders. Yes, these Motions and questions have been given the majority support by Honourable Members and officials, but we see very little progress. It saddens me when young people who are living on the island and many returning from offshore employment tell me that they want to build a home but cannot obtain a plot of land. Mr Speaker, it is our culture to go offshore and return to the island and build your own home. My Honourable Friend, Dr Essex, raised the question in this house only today stating her concern on homelessness. The housing market has skyrocketed over the years and out of the reach of most islanders. Land prices have escalated from a few hundred pounds an acre to tens of thousands. Is this what we want, do we sit back and let this happen? The answer is, no. I ask again that the undertakings given in

this House are taken seriously and given the dignity they deserve. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, I, too, rise in support of this adjournment debate and would like to first of all thank each and every one of my colleagues for voting me back to Executive Council. I can say again to you all that I will work as hard as I did in the last two years in the coming year that I will be holding this office. Thank you.

Mr Speaker, I would like to start my adjournment debate by first of all congratulating our Chief Secretary and his team on the work being carried out in respect of an SHG initiative referred to as ‘A Fresh Start Programme’ in relation to their staff. This initiative is well overdue and it is hoped that this time it is, indeed, a fresh start and we do start to grow our own talent. I know this has the full support of the whole House. For too long now, local talent has not been recognised, equally important, it has not been rewarded, it is therefore no real incentive for employees to do well. In October 2013, this Council recognised the importance of retention of local talent in SHG and the need for proper established training and a long-term strategy on succession with schemes of service to match. This needs to be recognised within the scholarship scheme we have so that our brightest talent are not only given the opportunity to study for international qualifications overseas, but be able to remain there for as long as to gather valuable work experience. We agreed then that the SHG policy on bonding students or employees going overseas for training is not conducive to this long-term strategy and should be discontinued. The bond serves no purpose other than to attempt to force young students, newly qualified, to return to the island to work for SHG but without any work experience in their chosen field. I am surprised that nearly two years later we continue to insist on bonding our scholarship students. This is sending the wrong message to our employees at a time of great change if we want to restore integrity to the changes we wish to take forward to grow our own talent. I urge the Chief Secretary in his response today to abandon the bond policy as a matter of urgency if his Office is serious about the way SHG treat their employees going forward in this time of great change. Mr Speaker, I support the adjournment debate.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, once again I take this opportunity to bring attention to some of the most pressing concerns of constituents. Most of the issues I am going to mention are not new and many have already been raised in this Honourable House in previous sessions, but unfortunately still remain unresolved.

I will first touch on the inadequate amount of provision available to our senior citizens who have become too frail to live at home independently or who’s health has deteriorated to a point at which family members, who themselves are elderly, cannot continue to handle their care at home. A Motion in my name relating to the need for increased respite care was passed last year, but little change in provision has occurred. I’m receiving calls from depressed and seriously stressed family members who are struggling to care for elderly relatives and who are informed that there is no space at the Community Care Centre and there is no indication of when space may become available. Substantial additional funding was

obtained for safeguarding of our children, why was a case not made for a comparatively modest project to meet the needs of another vulnerable sector of our community, our frail elderly as their needs clearly are not able to be addressed fully at this point in time.

Also in relation to the elderly and other vulnerable members of our community, what further action is being taken to implement the remaining agreed recommendations contained within the Sainsbury Report and to take forward the work initially started by Paul McGinnity in his original Social Services role?

Mr Speaker, there is considerable public concern that the focus upon sexual and other offences and safeguarding of juveniles appears to be resulting in other vulnerable sectors failing to have their needs met.

The continued inability to release housing plots and develop the Half Tree Hollow and Bottom Woods comprehensive development areas is causing not just frustrations, but actual social distress. One has to question how this situation has arisen, but more importantly it is essential to take decisive steps towards resolving this issue properly and establishing a clear and timebound way forward.

Similarly the issue of parking in Jamestown drags on, and, again, public concern and frustration continue to rise. I'm asked on an almost daily basis why it takes so long to move matters forward and the public feel that their needs are being ignored as they cannot see any progress. When I try to reassure them by stating that a parking scheme has been developed and will be implemented the immediate reaction is, when, and then the scepticism and lack of trust in Government surfaces again as I can provide no date. Mr Speaker, it is sad but true that St Helena Government continues to lose public credibility because of its inability to deliver promptly on a number of issues of key public concern. I am aware that there are a number of reasons for that, but I'm afraid the public is not extremely receptive and in some cases the public is becoming seriously frustrated.

There is currently some public outrage regarding St Helena Government's intention to sell Jamestown wharf, particularly as this was first made known in the Investment Prospectus when this was published. It is strongly felt that the wharf is a key public amenity area of which some buildings could possibly be leased out on a long-term basis but definitely not sold.

Similarly it is felt that the indicative value stated for Bertrand's Cottage is far too low, given its considerable historic significance. Again, it is the public's perception that their views are not sought or valued.

Mr Speaker, it is of vital importance that the voices of the people are heeded and that the number of false starts, delays and changes in direction that have been occurring are greatly reduced if Government is to enhance its reputation on the island. Like my Honourable Colleague, Lawson Henry, I would like to commend the initiative with regard to talent management, which I think is an exceptionally positive step forward and there are other initiatives that are starting to bear fruit like the Hundred Wins in a Hundred Days and the Report It and Sort It and so on and I think the public would be glad to see much more of that becoming self evident in other areas.

I am not suggesting in any way that officials are not already working hard to bring the necessary changes about, but only that these are long overdue and that we must all cooperate as a team to make it a reality if St Helena is going to be able to move forward in a sustainable fashion. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Gavin Ellick – Mr Speaker, I stand to the adjournment debate. Firstly I would like to congratulate all the members who were elected to ExCo today, I'll be still here helping them. We have made some small improvements in the past few months, but it's still not a lot. We as a Council should be doing more because our people are still crying out for help. Sir, I beg to move.

The Speaker –

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

The Hon. Pamela Ward Pearce –

Thank you, Mr Speaker. I speak on the adjournment debate about power surges, but before I do that I'd like to thank everyone here who voted for me on to ExCo. I will do my level best to prove myself worthy. Thank you.

Power Surges. First, let me stipulate, I have no technical expertise in this field, but I do have personal experience of power surges as a consumer; this is quite topical at the moment due to the recent power failures and one assumes the related power surges. I was shocked, no pun intended there, by the high numbers of people I have spoken to on island who have lost equipment, most do not get compensated either as when complaints are logged blame is attributed to age or mo..?... machinery or some such other equally feeble excuse. These are not necessarily clapped out pieces of equipment, but rather new and relatively new, modern equipment, is so reliable that it is unusual having to replace a piece of equipment while it's still within the period of warranty, even though the warranty is not valid here on island. The local press last week featured a double page spread on information on power outages, and I quote here, "Outages should not cause damage to your electrical equipment, however, if you have sophisticated or sensitive equipment the manufacturer would normally the use of surge protectors to be on the safe side. These are routinely used by consumers around the world to guard against any risk to equipment that may be sensitive, such as TVs, computers, etc." This is the first time, to my knowledge, that the use of surge protectors in our homes has been officially advised. Given how long that this has been a problem, this advice was long overdue. I actually looked at all the paperwork from various domestic appliances and machines and cannot find a recommendation anywhere from the manufacturers on the use of surge protectors. Furthermore, I have conducted a straw poll on my many friends and relatives around the world and there was only one person who routinely uses a surge protector for their TV as a neighbour had had a nasty experience during a thunderstorm some years before. It can be argued that most domestic appliances and equipment or machines can be labelled as sensitive and/or sophisticated, yes, even toasters and kettles now have microchips, so by the reckoning of the electrical provider, power surges protection will be required on all equipment which, a rough estimate for a normal modern home, would be about ten to twelve surge protectors minimum? Surely the most sensible plan of action would be to provide surge protection at the entry point to the premises, just as they do with the meters. I understand that these are already fitted at the home of the Chief Executive of the power company and at his place of work. This is an economic inhibitor to growth and development and also an environmental hazard. The loss of this equipment through power surges represents a considerable expense whether bought off island or on island as the initial cost can double once freight and import duty is added. The burden of replacement costs before the expected useful lifespan is not one that can be readily absorbed by many islanders without having to first save or take out a bank loan. Given that a large proportion of islanders do not qualify to pay income tax, earning below the seven thousand pounds threshold, the cost of a new appliance or equipment can represent more than their monthly income, which

after paying for essentials can leave them with little or no disposable income. There are those people who have made sacrifices and worked offshore to enable them to build and set up their homes with no contingency to replace new or virtually new appliances that they have hardly used. This represents an additional and unplanned ...?... to say nothing of the inconvenience caused. The environmental hazard is caused by the abandoned appliances, especially fridges and freezers which due to the increased failure rate, because of these power surges, will have increased numbers at the dump at Horse Point with little hope of being recycled.

In conclusion, I would like to reiterate if surge protectors are considered essential then they should be provided just like the meters are and when a piece of equipment is lost because of a power surge then there should be full and prompt compensation paid. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak? The Honourable Chief Secretary, do you need some time? No. Thank you. Would you like to wind up, reply?

The Hon. Roy Burke –

Mr Speaker, thank you. I'm grateful to Honourable Members for their comments and I think perhaps Honourable Members are under the illusion that I've got more power than I have, I'm not able to make decisions here and now, but I will make a few comments and my colleagues to the right here are now dubbing me Rat Man, thank you very much, the Honourable Christine Scipio O'Dean.

So, just to look at the points as they arose today. The Honourable Brian Isaac talked about an increase in public toilets, I'm not aware of any proposals coming forward from the Committee responsible for public toilets to increase the number of public toilets that are available on the island, there may be an issue there about refurbishment of the existing facilities, but no proposal has been made at this point to the capital programme, so it's a matter for the Committee, mind you, at that point, so let's start with the Committee, bring forward the proposals, if they're supported by Committee members and we can put it into the prioritisation process.

One thing that's said quite regularly around the table is there's no resources for whatever it might be. I would always challenge that statement, there is always resources if you're capable of prioritising and looking for them. Chief Secretary and the Financial Secretary sit and look and the proposals that are made from a financial perspective, Financial Secretary does not have a bottomless pit of money, but prioritisation should enable some of the initiatives that you've talked about today to be delivered and it really is a matter for politicians, the Committees, to instruct the civil servants in whichever they seek to better the facilities on the island. I will say though that the recreational area at Ruperts, the beach area it would seem that the Honourable Brian Isaac is referring to, it's not considered appropriate for us to prohibit access to that, that's a decision that Council members have made and that remains the position. There will be times when a ship is in port, perhaps the fuel tanker or whatever it is, when it's appropriate to close the beach area, but that's not the intention, the port will have to get international accreditation as a port, but that's our position as we sit here at the moment, so nothing's changed in that respect.

And as for Crown land, and it's been mentioned on a number of occasions, that's still a matter that's sitting with the relevant Committee. Both the Financial Secretary and I have put forward our comments on the policy, we're still waiting for it to come back, so that's from our perspective, from the senior management perspective, it hasn't been brought back yet.

The Hon. Dr Corinda Essex –

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

The Speaker –

A point of information.

The Hon. Dr Corinda Essex –

The Chief Secretary is alluding to the Land Disposal Policy. The Land Disposal Policy is not the main reason for lack of development of the CDAs or the reason why Crown land cannot be released at this point in time although that policy does relate to affordable housing plots, that's the affordable housing plots which is a new concept. Thank you.

The Speaker –

Thank you.

The Hon. Roy Burke –

Thank you. Yes, I was alluding to the asset disposal policy, but as far as the CDAs are concerned, that also sits with the relevant Committee. It needs to be given some impetus in my opinion.

I'm grateful to the Honourable Lawson Henry for his support for the Fresh Start Programme, I do think it's really important for us to retain and grow our own and, of course, I'd like to be able to give you a commitment to say that bonding will be abolished, I can't, because that's not within my gift, but the Honourable Member knows that I support the policy that he's alluding to as do the senior management team in SHG, the Business Delivery Group have all discussed the matter, we're very supportive of that, so unfortunately, again, it's a matter for politicians to decide that that's the way in which they want to go. I know my colleague in the Directorate for Education again supports that proposal; we wait for that to come back.

The Honourable Corinda Essex alluded to inadequate provision for senior citizens which we accept that there are holes in our service provision, the Director for Safeguarding, for example, is dealing with a number of respite issues, dealing with the facilities that are available for the care of older people on the island, whether it's attended care or warden care or just respite care, there's no quick fix there I'm afraid and that's one of those areas which has been neglected for a very long time. There's a lot of work going on at the moment to try and find a way in which we can deal better with the CCC, Barn View is about to be refurbished, a new Barn View is about to be constructed and there is some discussions going on at the moment to deal with some mental health issues, which, again, have been neglected in St Helena for quite some time. We are aware of a number of vulnerable sectors in our community who need better attention and that is very much at the forefront of our thinking, certainly in safeguarding, but also in health as well.

We are aware, of course, that the Sainsbury Report is currently being considered by the Working Group and I think it's important to emphasise that the concentration on safeguarding and children's area is not leading to neglect of other vulnerable groups, it's highlighting the fact that there's other vulnerable groups have not had enough attention.

Parking in Jamestown is a recurrent issue and needs to be brought forward quickly. Again, in my understanding that it sits with the Committee and waiting for the Committee to bring it forward, I can see lots of heads shaking, but I will ascertain what the current position is and make sure that that's brought back to members.

The issue about the sale of Jamestown Wharf. It may have appeared in the Prospectus recently, but there's no intention to sell Jamestown Wharf, the prospectus is there to make it clear that Jamestown Wharf is available for development. Now, it might be the case, as the

Honourable Corinda Essex suggested, that areas of it could be leased, it could be used for local purposes, but the reason for it being in the prospectus is to demonstrate that that's part of the development for St Helena generally. Now, who can afford to make an offer in that respect we can't foresee that, but that's a matter for, ultimately a matter for Council, Executive Council to decide whether or not a proposal that comes forward is the most appropriate thing to do.

Are we selling for too little? Well, we're actually not selling for anything at the moment, it's an indicative price and the market will decide any particular aspect in that prospectus, or anything else for that matter, is being sold at the appropriate price.

I'm grateful to the Honourable Christine Scipio O'Dean for raising the rat problem, as I say, on a personal basis, I've not seen a rat, maybe I'm lucky or we live in a very salubrious area, so the issue from my perspective is to find out what the root of the problem is and I will go away and make those enquiries. Again, the issue that's been put forward that there's not enough resource to manage the problem, you know, again, I would say I don't think that's the case, I think we may not be prioritising the resources appropriately, but again, I'll take that away and have a look at the issue.

As I stand here at the moment, the Police not moving to AVEC was a matter that came to us from the Police, they thought it wasn't appropriate to go to AVEC. There is no contractual commitment for relocation as far as I'm aware. The Capital Programme Board that sits and looks at those issues is not aware of a contractual commitment, but again, I will check that up, I'm reasonably sure that's the case.

The only thing I can say to the Honourable Nigel Dollery, Sir, is that you are ageing well and I very much hope you enjoy your retirement next year.

The Hon. Nigel Dollery –
Thank you very much.

The Hon. Roy Burke –

The Honourable Derek Thomas alluded again to the increase in the sale of land or leases, it's an issue that we need to, we clearly need to accelerate, because it's something that's causing great concern and, again, I will take that back to the relevant officials.

The Honourable Pamela Ward Pearce referred to power surges. I can only speak from personal experience, I have power surge equipment in my house, not fitted by Connect, but I brought it with me, because I lived on another small island in the Channel where power surges are a problem and it's recognised that power surges are an issue for a great number of people across the world. I'll take the issue up with Connect St Helena, but it's not something within my purview, as such.

So, Mr Speaker, that's the end of my response and I beg to move that the House do now adjourn sine die.

The Speaker –
Thank you very much.

Question that the House do adjourn sine die, put and agreed to.

The Speaker –
Thank you, Honourable Members.

Council is adjourned sine die.

