



ST. HELENA

GOVERNMENT OF SAINT HELENA
PROCEEDINGS OF THE LEGISLATIVE COUNCIL
MONDAY, 18TH JULY 2016
FIRST SITTING OF THE FIFTEENTH MEETING

Laid Upon the Table 9th December 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 Dax Richards
The Honourable Attorney General	-	Mr Angelo Berbotto

ELECTED MEMBERS

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

CLERK OF COUNCILS

Ms Gina Benjamin

PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Monday, 18th July, 2016

The Council met at 10.00 am
in the Council Chamber, Jamestown

(The Speaker in the Chair)

ORDER OF THE DAY

1. FORMAL ENTRY OF THE PRESIDENT

2. PRAYERS
(The Right Reverend Bishop Fenwick)

3. ADDRESS BY THE PRESIDENT

Honourable Members, Ladies and Gentlemen.

Good Morning and welcome to the 15th Meeting of the St Helena Legislative Council.

May I first thank the Right Reverend the Lord Bishop of St Helena for opening this meeting in Prayer.

In the temporary absence of our regular Mace Bearer, Mr Reginald Legg, to whom we send our good wishes as he recovers from an eye surgery, Mr Merlin George has kindly stepped in to perform those duties. Thank you Mr George.

May I welcome to this meeting our new Financial Secretary Mr Dax Richards and congratulate him on his recent appointment. I shall look forward to his continued support and contributions to the work of this Honourable Council.

I would like, on behalf of Council, to place on record our sincere thanks and appreciation to Mr Colin Owen for his valuable support to this Council over many years, first as our Chief Auditor and later as the Financial Secretary. Mr Owen, as Council will know, has now departed our shores to take up his duties elsewhere, I wish him and his family well.

I welcome back the Honourable Dr Corinda Essex who has attended on our behalf the British Islands and Mediterranean Regional Conference of the Commonwealth Parliamentary Association in Jersey, the Channel Islands. I understand that it was a most useful and beneficial conference and we shall look forward to her report.

Honourable Members, I want to thank you also for agreeing to hold our meeting here in this Council Chamber today, it will enable us to put to test our recently acquired recording equipment and use of the new furnishings that we have, all of which that have been funded by

the Commonwealth Parliamentary Association. We thank the Association for their generous support.

Honourable Members, the main purpose of this meeting today is to meet the requirements of the St Helena Constitution. These are to ensure that our Executive Council is properly constituted and that our Public Accounts Committee is fully functional following a vacancy that exists as a result of the resignation of a former member. Our Constitution provides that following the first election of the membership for Executive Council elections should take place after a two-year period and thereafter on an annual basis unless this Council decides by majority of the members not to hold such an election. This then is the main purpose of our meeting, though, rightly so, we have taken the opportunity to include other important items on the agenda, so our Order Paper will show that there are seven Sessional Papers, ten Questions, two Bills and six Motions. I wish Honourable Members well in your deliberations today and now ask the Clerk of Councils to call the next item of business.

4. **ELECTIONS**

(1) Election to Executive Council.

The Speaker –

The Honourable Wilson Duncan.

The Hon. Wilson Duncan –

Mr Speaker, I beg to move that this House resolves by a majority of elected members of Legislative Council not to hold an election of elected members of Executive Council in accordance with Section 36 (2) (a) of the Constitution of St Helena.

The Speaker –

Thank you, Honourable Member. Is there a seconder to your resolution?

The Hon. Dr Corinda Essex –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. The Motion, Honourable Members, is that this House resolves by a majority of the elected members of the Legislative Council not to hold an election of elected members of Executive Council in accordance with Section 36 (2) (a) of the Constitution of St Helena. Honourable Mover, do you wish to speak?

The Hon. Wilson Duncan –

Mr Speaker, we met as Legislative Council and we discussed this and it?.....majority that, oh, sorry, by a majority that we decided that the present Executive Council should remain.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member wishes to speak to the Motion? No Honourable Members wish to speak to the Motion, it's a resolution? Alright, I put the question that this House resolves by a majority of the elected members of the Legislative Council not to hold an election of elected members of Executive Council in accordance with Section 36 (2) (a) of the Constitution of St Helena.

Question on Motion, put and agreed to.

The Speaker –

Thank you, Honourable Members, then there's no need for an election. Clerk of Councils?

ELECTION

(2) Member of the Public Accounts Committee.

The Speaker –

A member of the Public Accounts Committee, is there any proposal for a member to fill the vacancy in the Public Accounts Committee? Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

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

The Speaker –

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

The Hon. Gavin Ellick –

I beg to second.

The Speaker –

Thank you very much, Honourable Member. Honourable Wilson Duncan, do you accept the nomination?

The Hon. Wilson Duncan –

Mr Speaker, I accept.

The Speaker –

Thank you. Is there any other nomination for the post of member of the Public Accounts Committee? No other nominations? Alright, so then I have to put to the members their approval of Councillor Duncan as a member.

Question on nomination of Councillor Wilson Duncan to serve as a member of the Public Accounts Committee, put and agreed to.

The Speaker –

The Ayes have it which indicates that the majority of members have selected the Honourable Member. Thank you, Honourable Members. I declare that the Honourable Wilson Duncan has been duly elected to serve as a member of the Public Accounts Committee. Thank you. Clerk of Councils?

5.

PAPERS

SP No. 35/2016 – The Honourable Cyril George.

The Speaker –

The Honourable Cyril George?

The Hon. Cyril George –

Mr Speaker, I beg to present Sessional Paper 35/2016 – Government of St Helena – Public Accounts Report to the Legislative Council on the formal session of the Public Accounts Committee held on 10th and 11th May 2016 and an ‘in camera’ session held on 22nd March 2016. Mr Speaker, this Sessional Report covers the PAC scrutiny of fifteen sets of audited financial accounts, financial statements, reported by a wide range of public bodies. This reporting is the culmination in the cycle of accountability for the public resources entrusted to these bodies. Later in this session I will put a Motion for the adoption of the PAC report and enable debate to ensue on the matters raised therein.

The Speaker –

Thank you, Honourable Member.

Ordered to lie on the table.

SP 36/2016 – The Honourable Lawson Henry.

The Speaker –

Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, I beg to present Sessional Paper 36/2016 – Government of St Helena – a Bill for an Ordinance, the Ports Bill 2016.

Ordered to lie on the table.

SP 37/2016 – The Honourable Financial Secretary.

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, I beg to present Sessional Paper 37/2016 entitled Government of St Helena Financial Statements 2013/2014.

The Speaker –

Thank you, Sir.

Ordered to lie on table.

SP 38/2016 – The Honourable Financial Secretary.

The Hon. Dax Richards –

Mr Speaker, I beg to present Sessional Paper 38/2016 entitled The St Helena Audit Service – Management Letter to the St Helena Legislative Council for the Financial Statements of 2013/14.

Ordered to lie on the table.

SP 39/2016 – The Honourable Financial Secretary.

The Speaker –
Honourable Financial Secretary?

The Hon. Dax Richards –
Mr Speaker, I beg to present Sessional Paper 39/2016 entitled St Helena Government Schedule of Special Warrants 2016/2017.

Ordered to lie on the table.

SP 40/2016 – The Honourable Financial Secretary.

The Speaker –
Honourable Financial Secretary?

The Hon. Dax Richards –
Mr Speaker, I beg to present Sessional Paper 40/2016 entitled St Helena Government – Statements of Expenditure in Excess – Financial Years 2011/12, 2012/13, 2013/14, 2014/15 and 2015/16.

Ordered to lie on the table.

SP 41/2016 – The Honourable Financial Secretary.

The Speaker –
Honourable Financial Secretary?

The Hon. Dax Richards –
Mr Speaker, I beg to present Sessional Paper 41/2016 entitled Government of St Helena – Response to Recommendations following the adoption of PAC Reports 15th June 2016.

Ordered to lie on the table.

SP 42/2016 – The Honourable Pamela Ward Pearce.

The Speaker –
Honourable Pamela Ward Pearce?

The Hon. Pamela Ward Pearce –
Mr Speaker, I beg to present Sessional Paper 42/2016 – Government of St Helena – A Bill for an Ordinance – The Environmental Protection (Amendment) Ordinance, 2016. I accept it is out of time, but I have the Government Certificate of Urgency to accompany it.

The Speaker –
Yes, please can I see the Government Certificate?

Ordered to lie on the table.

The Speaker –
Next item, please?

6. QUESTIONS

Question No. 1 – The Honourable Dr Corinda Essex to ask the Honourable Chairman of the Economic Development Committee.

The Speaker –
The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –
Thank you, Mr Speaker. Will the Honourable Chairman, Economic Development Committee tell this House what further steps have to be completed to determine the way forward for the management of St Helena's fisheries sector and when it is anticipated that a decision will be made?

The Speaker –
Honourable Chair of Economic Development Committee.

The Hon. Lawson Henry (Chairman, Economic Development Committee) –
Mr Speaker, I thank the Honourable Member for the question. A national fisheries sector strategy for the island is to be developed. This strategy will take a holistic approach to the development of the sector and will complement the island's Marine Management Plan. The long-term goal will be to develop a safe, sustainable and economically viable fisheries sector which will be an asset to St Helena. The designation of the marine protected area and the Environmental Protection Ordinance will help to support the development of sustainable fisheries sector and the completion of the current Darwin Plus ...?...Project. Sustainable development and management of the St Helena Fisheries and Marine Tourism in June 2017 will provide some of the science needed to underpin the strategy. It is anticipated that the strategy will be drafted by December 2016. Mr Speaker.

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

The Hon. Dr Corinda Essex –
On a point of clarification, you made reference to a policy and to a strategy, is it going to be two separate documents?

The Hon. Lawson Henry –
Mr Speaker, would you mind if I have the officer responsible.....

The Speaker –
You may do so, you may do so.

The Hon. Lawson Henry –
Thank you, Mr Speaker. The strategy is the main document that will underpin how the whole thing is taken forward.

The Speaker –

Thank you, Sir. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I thank the Honourable Member for his response, but it still doesn't quite answer my question, is there going to be a separate policy or not?

The Hon. Lawson Henry –

Yes, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

May I ask then what is the target date for conclusion of the policy, because this should pre-date the development of the strategy?

The Speaker –

Honourable Chairman?

The Hon. Lawson Henry –

I understand, Mr Speaker, that there is no set date at this stage. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, I ask respectfully that a date should be set as speedily as possible and ask whether this can be done, please?

The Hon. Lawson Henry –

Mr Speaker, yes, that can be done.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

May I ask whether this policy will include the issue of the future of the St Helena Fisheries Corporation?

The Hon. Lawson Henry –

Yes, Mr Speaker.

The Speaker –

Thank you, Honourable Chairman. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will this policy also include the follow-up to the recommendations made by the **Aut..rus**?

The Hon. Lawson Henry –

Yes, Mr Speaker.

The Hon. Dr Corinda Essex –
Thank you.

The Speaker –
Thank you, Honourable Members. Are there any further questions from anybody? Thank you. Clerk of Councils, next item, please?

Question No. 2 – The Honourable Christine Scipio O’Dean to ask the Honourable Chairman of the Economic Development Committee.

The Speaker –
Honourable Christine Scipio O’Dean?

The Hon. Christine Scipio O’Dean –
Thank you, Mr Speaker. Can the Honourable Chairman of the Economic Development Committee say what was Enterprise St Helena’s objective in the £122,300 equity investment into Saint Marine Resources Limited as shown in Enterprise St Helena’s Financial Statement for 2014 and 15 and can an update be provided to this House?

The Speaker –
Honourable Chairman of Economic Development?

The Hon. Lawson Henry –
Mr Speaker, I thank the Honourable Member for her question. In October 2013, the St Helena Fisheries Corporation made an application to Enterprise St Helena for funding in the sum of £122,300 against the total cost of procuring, readying and transporting the second-hand, offshore fishing vessel, namely the Extractor, in the sum of £270,000 which equated to a 45.3 initial shareholding by ESH in this venture. Enterprise St Helena’s objective in agreeing to the funding was to support the development of the offshore fishery. The vessel was purchased and delivered to the island and has subsequently been sold into private ownership. ESH no longer holds shares in Saint Marine Resources Limited having divested their majority shareholding in October 2015 on a full cost recovery basis. Mr Speaker.

The Speaker –
Thank you, Honourable Member. Honourable Christine Scipio O’Dean?

The Hon. Christine Scipio O’Dean –
Thank you, Mr Speaker. Can the Honourable Chairman of Economic Development Committee say how much Enterprise St Helena has recovered from this initial injection of the £122,300 given that as the Honourable Chairman of Economic Development Committee has stated that the vessel has now been sold?

The Speaker –
Thank you, Honourable Member. Honourable Chairman of Economic Development?

The Hon. Lawson Henry –

I thank the Honourable Member for her question. Mr Speaker, I can't give a figure at this moment in time, but the loan is on a full cost recovery basis.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. I'm asking if the Honourable Chairman of Economic Development Committee if he can say when it will be known and when it is known if this can be published?

The Speaker –

Honourable Chairman of Economic Development Committee?

The Hon. Lawson Henry –

Mr Speaker, I'm told the shares have been converted into a loan and the loan is a private matter between ESH and the new owner. Thank you.

The Speaker –

Thank you, Honourable Member. Are there any further questions from the House, please? Right, next item. Oh, there is one, Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, has this funding been paid by the ownership of this vessel? Thank you.

The Speaker –

Honourable Chairman of Economic Development Committee?

The Hon. Lawson Henry –

As I've already intimated, Mr Speaker, the loan is on a full recovery cost basis so ESH should get all its money back.

The Speaker –

Thank you, Honourable Member.

The Hon. Brian Isaac –

Thank you, Mr Speaker.

The Speaker –

Any other questions? Right, Clerk of Councils?

Question No. 3 – The Honourable Mike Olsson to ask the Honourable Chief Secretary.

The Speaker –

The Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you, Mr Speaker. Will the Honourable Chief Secretary explain which is St Helena's highest political decision making body?

The Speaker –
Honourable Chief Secretary?

The Hon. Roy Burke (Chief Secretary) –

Mr Speaker, I thank the Honourable Gentleman for his question. St Helena's highest political decision making body is the Executive Council which comprises, as Members know, five elected members of this Legislative Council, three ex officio members and that is the Chief Secretary, the Financial Secretary and the Attorney General.

The Speaker –

Thank you, Honourable Chief Secretary. Honourable Mike Olsson?

The Hon. Mike Olsson –

Can the Honourable Chief Secretary divulge if this highest decision making body are the highest decision making body in all issues?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. The question that was asked is whether or not, or what is St Helena's highest political decision making body and that's the answer that I've given in this respect. In terms of other aspects, the Governor has reserved powers, the Governor presides wherever practicable over ExCo as set out in the Constitution, section 41, the Governor has to consult with ExCo, section 43 of the Constitution also explains where there are exceptions when consultation isn't required, for example, the Governor's special responsibilities and section 44 of the Constitution explains when matters are too urgent to obtain ExCo advice.

The Speaker –

Thank you, Sir. Honourable Mike Olsson?

The Hon. Mike Olsson –

We're talking about the Governor's reserved powers, the Honourable Chief Secretary, are they considerable, can it be seen that in many issues the Executive Council is not the highest decision making body on the island?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Mr Speaker, I wasn't talking about reserved powers, that's section 44 of the Constitution, Governor's Special Responsibilities, section 43 explains when the Governor is required to consult with Executive Council and I quote section 43 (1) "Except as otherwise provided in this section the Governor in the exercise of all functions conferred on him or her by this Constitution and any other law shall obtain and act in accordance with the advice of the Executive Council. Subsection (1) does not apply in certain circumstances and those are listed in the subsection (2) of 43. For example, any function in respect of which the Governor is acting under the instructions given to him or her by Her Majesty through a Secretary of State, any function conferred by this Constitution which is expressed to be exercisable by the Governor in his or her discretion or judgement or in accordance with the advice of or after

consultation with any personal authority other than the Executive Council, any function conferred on the Governor by any other laws in terms which authorises the Governor to exercise that function without obtaining advice of the Executive Council or by acting otherwise in accordance with that advice. Subsection (d) any matter referred to in subsection 44(1) (d) those are the Governor's special responsibilities, any function conferred on the Governor in respect of Ascension by a provision of this Constitution that applies to Ascension or of a law that is in force in Ascension or any function conferred on the Governor in respect of Tristan da Cunha by provision of this Constitution that applies to Tristan da Cunha or of a law that is in force in Tristan da Cunha. Those express provisions are outlined in the Constitution, it wouldn't be appropriate for me to comment on whether I think those subsections are excessive, that's what the Constitution states.

The Speaker –

Thank you, Honourable Chief Secretary. Any other questions? Clerk, call the next item, please?

Question No. 4 – The Honourable Dr Corinda Essex to ask the Honourable Financial Secretary.

The Speaker –

Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Will the Honourable Financial Secretary tell this House what recent actions have been taken to explore new sources of aid donor funding for St Helena?

The Speaker –

Thank you, Madam. The Honourable Financial Secretary?

The Hon. Dax Richards (Financial Secretary) –

Thank you, Mr Speaker. I'd like to thank the Honourable Member for her question, it is indeed timely given the UK's decision to leave the European Union and the likely impact this will have on access to EU funding once the EDF 11 programming period comes to an end in 2020. As a result of the recent judiciary risk assessment for SHG an action plan was formulated. One of the key actions identified and agreed was for SHG to consider the creation of a Funding Officer role whose main function would be to identify and secure new sources of donor funding for the island. Terms of reference have been drafted for this role and we anticipate being able to advertise for this role during August 2016. If done correctly, this role will more than pay for itself in the long run. In addition, SHG continues to explore other options for donor funding. Through DfID, SHG are exploring ways for accessing funding from the International Climate Fund. We have also recently approached the World Bank and the Abu Dhabi Foundation in support of the Draft Energy Policy. We are still waiting feedback on eligibility. As a UK Overseas Territory receiving grant-in-aid there are a number of funding sources where we will not be eligible. We are, however, keen for all sources to be explored and that is why we are progressing the Funding Officer role. In addition, we continue to bid for funding from smaller programmes such as Darwin, **BASHT** and JNC. One of the pre-requisites when bidding for additional donor funding is the need for a clear and long-term vision for the island. The ten-year vision and planning document currently being developed by the island will provide a platform from which we can bid for additional funding resources.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Honourable Financial Secretary. You made reference to a Funding Officer role, is this envisaged to be a local role or Technical Cooperation role?

The Hon. Dax Richards –

Initially, Mr Speaker, we would be looking to advertise as a local role, but if obviously we can't recruit to that role we will have to consider the need for Technical Cooperation.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Has any recent attempt been made to access British Lottery funding as the criteria for eligibility for that varies very frequently?

The Hon. Dax Richards –

Mr Speaker, no specific attempt has been made in recent times to access UK Lottery funding but it's something that we're willing to explore.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you. Has any potential aid donor funding been identified from new sources for the purposes of cliff stabilisation?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, we have looked at potentially accessing the International Climate Fund, so there's ongoing work there and again there's further work that will be done when we're considering the new Draft Energy Policy and also the Sustainable Development Energy Policy going forward, so we will be looking at approaching the likes of DfID, the FCO and also World Bank to find alternative sources of funding for cliff stabilisation.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Why has funding not been forthcoming from the Climate Fund?

The Speaker –

Yes, just address your questions to me, then your response to me too, okay? Yes, Honourable Member?

The Hon. Dax Richards –

Mr Speaker, we have received some funding from the International Climate Fund, not specifically for cliff stabilisation, the recent Solar Farm in Half Tree Hollow was financed from the International Climate Fund.

The Speaker –

Thank you, Honourable Member. Are there any further questions?

The Hon. Dr Corinda Essex –

What is the possibility of St Helena accessing funding from other green initiatives to which Britain is eligible?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, I don't have the answer for that in front of me, but as part of the terms of reference for this new role, that is exactly what this post will be actually doing, looking at those alternative funding sources.

The Speaker –

Thank you, Honourable Member.

The Hon. Dr Corinda Essex –

Thank you.

The Speaker –

Thank you, Honourable Member. Clerk of Councils?

Question No. 5 – The Honourable Mike Olsson to ask the Honourable Chief Secretary.

The Speaker –

Through the Chair?

The Hon. Mike Olsson –

Thank you. Mr Speaker, can the Honourable Chief Secretary inform this House about what our partnership with the UK means in context of the island's self determination?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. A very interesting question and it perhaps should be followed up by the word please discuss but I will endeavour to answer the question with reference to the Constitution which in itself is by definition an act of self determination. The Constitution recognises that all people have the right to self determination by virtue of determining their political status and pursuing economic, social and cultural development. The Constitution further states that the partnership with the UK and St Helena shall continue to be based on a set of values which, amongst other things, include good faith, the rule of law, good government,

sound financial management and impartial administration of justice and with this in mind it can be deduced that partnership with the UK means that the two parties will work together to pursue the overall development of the island with due regard being given to the stated partnership values. I would refer the Honourable Member to the preamble to the Constitution which states – The people of St Helena, Ascension and Tristan da Cunha, sub paragraph (d) recognising that all peoples have the right of self determination by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development; and, subsection (1) committed to Government in partnership with the United Kingdom on the basis of mutual obligations and responsibilities to democratic principles and to promotion and protection of fundamental human rights and freedoms; and Part I of the Constitution sets out what those partnership values are. Subsection (2) the partnership between the United Kingdom and St Helena shall continue to be based on the following values – good faith, the rule of law, good government, sound financial management, the impartial administration of justice, the impartiality of the St Helena Public Service, the maintenance of public order, compliance with applicable international obligations of the United Kingdom and of St Helena and the maintenance of international peace and security and the right of individual or collective self defence.

The Speaker –

Thank you, Honourable Chief Secretary. Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you, Mr Speaker. Does the Honourable Chief Secretary confirm that what this meant with the partnership is actually existing in practice any further than just reading out from the Constitution?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Mr Speaker, thank you. The embodiment of partnership is in the values. In my opinion, the relationship with the United Kingdom is quite clearly set out, partnership is a term which needs to be defined, it isn't defined as such and therefore it's a matter of work being done by both parties to ensure that the partnership values which are set out in the Constitution are, in fact, employed in practice.

The Speaker –

Thank you, Honourable Chief Secretary. Honourable Mike Olsson?

The Hon. Mike Olsson –

Mr Speaker, can Mr Honourable Chief Secretary tell us if there are any plans to actually identify the partnership and take partnership outside the constitutional term of it further to improve the island?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Mr Speaker, there are no such plans at the moment.

The Speaker –

Thank you very much, Sir. Thank you, Honourable Member. Are there any other questions? Clerk of Councils?

Question No.6 – The Honourable Christine Scipio O'Dean to ask the Honourable Chief Secretary.

The Speaker –

The Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Will the Honourable Chief Secretary tell this Council what appraisals have been made of the various reforms undertaken as a result of the Memorandum of Understanding signed more than five years ago by Britain and St Helena, particularly those that impact socially on the lives of the people of this Island?

The Speaker –

Thank you, Honourable Member. The Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. I thank the Honourable Member for her question, the short answer to the question is that there has been no formal work undertaken to systematically review the various reforms undertaken as a result of the Memorandum of Understanding. However, Members will be aware that on a regular basis we continue to monitor social, economic and environmental impacts of the MOU and Honourable Members will be aware that these assessments are also routine and undertaken when policy is developed and advice is provided for Executive Council. In his Budget Speech earlier this year, the Honourable Financial Secretary set out many of the changes in St Helena over the past twelve months and, in fact, over the last few years and some of the issues that have been covered in this Chamber are worth repeating. Since the MOU, Members have devised strategies to promote economic activity, including wage growth in St Helena, the average wage increase in by around 20%. Members have also promoted and enabled benefit spending increases by around £0.5m since 2013, unemployment figures remain low and since the Memorandum of Understanding we've seen significant spend on capital projects, including £2.6m on the hospital, then there's the wharf, the landfill site, new residential accommodation etc. In terms of impact socially, we've seen benefits increase significantly, we've seen dedicated Children's and Adults Safeguarding teams developed on the island, a Mental Health team with international experience now practicing on the island, as well, I believe, improvements in residential care and health care. We've also seen the introduction of the minimum wage, the minimum income standard and improved employment rights, including paid leave and sick pay as well as social protection of forms of benefits and support services. We've also seen socially society protected with an increased number of successful prosecutions, particularly sex offenders. I would also like to address the issues that at the time of the MOU were not foreseen; the Wass Inquiry highlighted years of inaction around safeguarding. Thankfully, as highlighted in Ms Jenny Ferson's report on 7th July, SHG has made significant progress in addressing these concerns. The Memorandum of Understanding is now six years old and the airport is now constructed and now we await regular flights. There is no doubt that we've come a long way and we have yet to see the anticipated benefits to the economy of regular air access. Members will need to consider whether the time is right to undertake a more formal assessment of progress, although we are comforted that our partners in the UK consider that we are making good progress, acknowledging that the AID programme, performance against the outcome milestones was mixed, the performance review stated that notable progress was made in primary education and safeguarding, for example.

Challenges remain in secondary education, health and measuring Public Sector efficiency. Performance of SHG against education indicators can vary tremendously from year to year, given the small population and cohort size. Health Sector faces capacity constraints which mean that performance can often be dependent on specific individuals being on the island at a specific time. We are developing a ten-year plan with members that will build on the success of the MOU and the Sustainable Development Plan and we need to continue to monitor and assess the social, economic, environmental impact of all potential policy and legislation.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. The Honourable Chief Secretary mentioned that it is up to the elected members if they would like a formal, collective, social impact assessment to be carried out and can I ask the Honourable Chief Secretary that after that statement made what would be the next steps to be able to make that happen, if he can advise us? Thank you.

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. If perhaps Members wish then they'd need to come through the appropriate Committee stage, the policy framework handbook quite clearly sets out the stages that need to be followed and I'm happy to work with Members to enable that to happen if that's the wish of Councillors.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. While benefits has increased significantly this has been consumed by increased charges in utilities, taxis, bread, fish prices.....

The Speaker –

Honourable Member, you can't make statements, you have to ask a question.

The Hon. Christine Scipio O'Dean –

Okay, that's fine, while benefits, I'll start again, Mr Speaker, if I may? While benefits has increased significantly, as stated by the Honourable Chief Secretary, can the Honourable Chief Secretary say what information has been gathered to determine if individuals or families are financially better off?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. The Honourable Member is maybe right in respect of the increases in charges. St Helena Government introduced the minimum income standard to try to reflect those issues and as much as it would be nice to continue to increase the incomes of individuals from state aid that's a matter for Economic Development in the longer term to enable the whole

economy to improve, so in my submission, Sir, the minimum income standard addresses those issues.

The Speaker –

Thank you, Honourable Member. The Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you, Mr Speaker. Can the Honourable Chief Secretary say if the enormous benefits we have had over the last few years from the MOU, if those are sustainable, I ask in the context of the airport is now constructed and will it continue to be sustainable benefits for St Helena?

The Speaker –

Alright. Try and avoid your statements after, it's okay, the question's been asked, are they sustainable?

The Hon. Chief Secretary –

Thank you, Mr Speaker. The whole purpose of the Memorandum of Understanding between the Government of St Helena and the Department for International Development and the Government of the United Kingdom was based on sustainability. I can't foresee the future, but it's the responsibility of St Helena Government working in partnership with DfID to ensure that those benefits, those changes in society here, are sustainable.

The Speaker –

Thank you, Honourable Member. Any other questions? Clerk?

Question No. 7 – The Honourable Dr Corinda Essex to ask the Honourable Chief Secretary.

The Speaker –

Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Will the Honourable Chief Secretary tell this House what progress has been made towards achievement of the targets set within the Project Improvement Plan?

The Speaker –

Thank you, Honourable Member. The Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker; I would like to thank the Honourable Member for her question. The Performance Improvement Plan, which took effect from 25th May this year, is to be fully implemented by 31st October. For information of the listening public, the PIP, as it's called, relates to the delivery of the Capital Programme and contains discreet programmes and projects related to activities and objectives which must be met otherwise access to future funding from DfID is likely to be curtailed and management of the projects will be undertaken on a project by project basis by DfID. Our partners in DfID have taken the criticism levelled in this chamber seriously and the consequences of that criticism are clear, it is therefore important for all stakeholders to understand that the consequences of failure for St Helena Government are quite significant and make no mistake the delivery challenges established by the PIP are considerable and success is by no means guaranteed. We all need to work together to ensure that we are

pulling together. The activities and milestones are closely monitored by the Programme Delivery Group which consists of officials and politicians from St Helena and also officials from DfID and will also involve the respective accountable and responsible officers in those discussions. Mr Speaker, it should be noted that the ongoing difficulties with the airport has made the delivery of some of the project activities more challenging than others. Milestones were set based on the assumption that there will be regular commercial access to the island. Members will be aware that Mr John Cox has been appointed to support us in the governance structures of the PIP with particular emphasis on establishing those governance and accountability arrangements for the programme. John will remain on the island until the end of July and will return in August and he's reviewing the current arrangements and will provide a report and action plan by October '16 as planned. We aim to develop a multi-year plan and budget but that cannot be done in isolation and will need to be done in conjunction with Members and the ongoing Strategic Planning and Budgeting exercise which is already underway. With this in mind, there is a minor delay in meeting the midpoint target of having business cases submitted, as all business cases need to be supported by both DfID's focal sectors and our own strategic intentions. Work is in progress to ensure that the end target is achieved, that is, a multi-year plan with indicative budgets in place. Mr Speaker, Members have quite rightly criticised the terms of the current plan which was devised some time during 2013 and it's important that that does not happen again. We need to be clear about our ambition and deliver a programme which meets the needs of St Helena and we cannot do that without the agreement of Members, officials and our partners in DfID who after all need to justify their expenditure against their own and our own objectives. Expressions of interest have been prepared for the establishment of a major Project Support Unit and this will go straight on to an ITT, an Invitation to Tender stage and on the assumption that there's an appetite in the market to undertake the services required we're optimistic there'll be a preferred bidder identified by the October deadline. The 2014/15 Memorandum of Understanding Financial Statement and associated documentation was presented to the St Helena Audit Service on 21st May this year with the audit process commencing on 21st June. The financial statements for financial year 15/16 are on track to be submitted to the St Helena Audit Service by 31st July as planned. Then moving on to the individual projects, starting with Field Road and Sidepath. A contract has been signed with WSP to undertake the design, costing and scheduling for this project, this is one of those projects which has been affected by the unavailability of commercial flights and has resulted in the milestones for June and July, that's the midpoint, being behind schedule. We're still establishing what impact, if any, this will have on the October 2016 target, however, consultants from WSP will be arriving here later this month to undertake geotechnical surveys to gather necessary information for the detailed proposal stage. Moving on now to the Prison, which is a complex project and is a clear example of over ambition as you could hope to see. The report has been received from consultants, Faithful and Gould, highlighting flaws in the Prison Project to date, the report highlights a number of non compliances against accepted international Prison Building Standards, including Fire Safety, Light and Ventilation, physical building integrity and security. This process continues and according to the PIP is on track for delivery by October 2016.

Plans for Ruperts development is being delivered by Royal Haskoning, Consultant Engineers who entered into a contract with SHG in May 2016 and it is envisaged that we will have received and approved the outline proposals by the end of October. Initial stages of the project, appraisal and a strategic briefing have been completed.

Plans are in train to have the Environmental Impact Assessment and technical report submitted to Connect St Helena for the Jamestown and Half Tree Hollow sewage system. The draft EIA has been received and reviewed by Connect St Helena and they're now awaiting a final report which will be taken to the Programme Delivery Group and to elected Members and assuming

that all are content their Planning Application will then be submitted and that will kick-start wider public consultation.

Hospital Refurbishment Project is almost completed, we estimate 95% and there are minor outstanding works which are being completed by Basil Read, but this does not form part of the contract. We're grateful to Basil Read for the commitment to this part of the project.

Moving on to the Fire Station Project, it is expected by October 2016 the superstructure design and geotechnical survey will be completed, progress has again been hampered by delays in air access, but it is expected to utilise the same consultants appointed for Field Road and Sidepath project to undertake geotechnical assessments. This is now expected to take place later this month.

As for Water Storage, I'm pleased to report that the earthworks at Harpers 3 is just about completed, heavy rains and other critical factor identified in the PIP have resulted in minor delay and this is another project affected by air access issues which will only see the contractors arriving later this month to install liners.

Works on Hutts Gate reservoir is progressing with the EIA and Tender documentation completed. Planning Application has been submitted and we are awaiting the response from the Planning Authority.

Work to complete Rockfall Mitigation plans by October is on track with current reports, risks and current protector systems being reviewed along with a Rockfall Survey and GIS mapping of rockfall risks.

An operational and maintenance strategy plan and budget for public roads and Government assets is being delivered. To date a review of the buildings surveyor's plans has been conducted with the estates being inspected, a preferred consultant has been identified to carry out bridge, culvert and vehicle restraining systems but they were unable to commit to travelling via the RMS. An alternative consultant has been approached.

In conclusion, Mr Speaker, it's clear that considerable progress has been made and I would like to pay tribute to my colleagues in Connect St Helena and particularly in ENRD who have been allocated the responsibility to deal with the majority of the works with very limited resources. They're often unfairly criticised and receive the brickbats rather than the plaudits and whilst not necessarily visible we have done everything we can to ensure that we deliver on the PIP in the knowledge that failure is not an option. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Chief Secretary, for a very comprehensive reply. Has the Department for International Development accepted that a number of the airport-related delays are totally beyond the control of St Helena Government?

The Speaker –

Thank you, Honourable Member. Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. The Performance Improvement Plan includes a column which is titled "Critical Assumptions". Those critical assumptions include a number of issues, one of them which recurs throughout the plan, is access to the island by air, so, yes, DfID have accepted that that's a critical assumption.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

If it's accepted that that's a critical assumption has any move been made to actually extend the period for the achievement of the PIP?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Mr Speaker, thank you. The current position is that we are exploring alternative methods to ensure those individuals can access the island, we all know that the RMS continues to run, access to St Helena has been via the RMS for many years so there's no reason why those individuals can't come here, the difficulty that we've had in contracting is that the initial approaches to these consultants has been on the basis that they will be able to access via air, so the Department for International Development are amenable to changes to the way in which the PIP is framed and in particular to the target dates that we've just spoken about.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, is St Helena Government intending to ask for an extension?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. Not at this time, we're at the midpoint of the PIP. If it appears likely that the constraints on access in particular have a particularly negative impact then we will do so.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

At what point before the completion date, current completion date, would such an application be likely to be made?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. We will play that by ear, I'm afraid. The meetings that we have on a regular basis with DfID are monthly; we've just had our midpoint evaluations at 15th July, we will look perhaps in August to see whether or not we've been able to put in place mitigation for the plans, if that's looking unviable then we will seek to approach our friends in DfID for a change to the current target.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. I'd like to thank the Honourable Chief Secretary for his very comprehensive report. Can I ask if he could publish that in the media, because I'm certain that was quite a lot to absorb by the listeners?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Well, it's in the public domain, Mr Speaker, there's no reason for it not to be done so. I have invited the Project Management Unit to put together a Press Release which encompasses all the issues that we've spoken about today.

The Speaker –

Thank you, Honourable Chief Secretary. Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you, Mr Speaker. Very interesting response, a very enlightening response from the Honourable Chief Secretary. He talks a lot about the problems that we don't have an air access.....

The Speaker –

Yes, sorry.....

The Hon. Mike Olsson –

Is there any other issue that are pressing, for example, the lack of staff and staff changes within the ENRD?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. There are other issues which are pressing, I've mentioned one which is the weather for construction, at the moment I'm not unduly concerned about staffing resources.

The Speaker –

Thank you, Honourable Member. Next item, please?

Question No. 8 – The Honourable Gavin Ellick to ask the Honourable Chairperson, Education Committee.

The Speaker –

Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Thank you, Sir. Will the Honourable Chairperson of the Education Committee tell this House why employers are not allowed to pay work experience students when and if warranted?

The Speaker –

Thank you, Honourable Member. The Honourable Chairperson of Education Committee?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. I'd like to thank the Honourable Colleague here for his question. Mr Speaker, work experience is a valuable component of young people's education. For most young people this is voluntary supplement to the in-school learning during the years of compulsory education. Students are advised well in advance that work experience placements are fully voluntary and that they should not expect to be paid as they are in a voluntary placement. An employer may choose to provide some tangible reward to a work experience student who is deemed to have contributed to the workplace but this would fall completely outside the remit of the work experience placement and is entirely a private matter.

The Speaker –

Thank you, Honourable Member. Honourable Gavin Ellick, no, you're happy? Okay?. Any other questions, please? No? Clerk of Council, next item, please?

Question No. 9 – The Honourable Christine Scipio O'Dean to ask the Honourable Chairman of the Economic Development Committee.

The Speaker –

Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Can the Honourable Chairman of the Economic Development Committee highlight the initiatives that have been put in place to encourage Saints, local and abroad, to invest on the island in view of the airport project report released by the UK National Audit Office which states that the airport was financed subject to St Helena Government implementing reforms to open the island to inward investment and given that current incentives for foreign direct investment are yielding limited success?

The Speaker –

Thank you, Honourable Member. The Honourable Chairman of Economic Development Committee?

The Hon. Lawson Henry –

Mr Speaker, I thank the Honourable Member for her question. Enterprise St Helena offers a range of services to support Saints, both local and international, who are interested in investing on the island, including capital grants for small to medium enterprises which are designed to assist with the provision of technical support, skills development and the enhancement of products and services. During the last financial year, ESH has provided a total of 49 SME grants to a total value of £59,896. In the same period, ESH supported 7 skills development grants to individuals working within the private sector to a total sum of £14,000. Alongside of the SME grants, ESH has put in place a **BeSpoke** capital investment grant scheme which provides additional support to Saints who are looking to develop accommodation and restaurant facilities on the island. This scheme includes funding towards the capital costs of

hard furnishings, offsetting the costs of deferred interest with the Bank and employment transition. ESH also provides loan and equity-based finance through the St Helena Economic Development Fund. During the past financial year, a total of three tourism and hospitality capital investment grants were awarded to a value of £30,744 and the total value of finance to local businesses approved against ...?.... was £164,398. ESH has a highly qualified and experienced business development team which is dedicated to supporting local businesses, start-ups and expansions. This team will soon be joined by a new Director of Financial Development and Enterprise St Helena who has been recruited from the UK. ESH has also recently appointed a new UK Commercial Adviser to complement the South African Commercial Adviser both of whom will interface with the on island team to ensure that wider benefits may be gained for the island and local businesses when engaging with potential investors. ESH similarly has St Helenian representatives in the Falklands and on Ascension Island who assist in providing a communications channel for Saints working in those locations. The Business Development team regularly reviews the various schemes on offer in conjunction with the Bank of St Helena and is currently in the process of expanding the types of grant funding support available to ensure that more local businesses are able to take advantage of future opportunities. For example, access to grant funding has recently been extended to Saints overseas where an investment project has been undertaken on the island and a waiver of funding contribution requirement has been implemented where there is a clear social welfare benefit case to be made. The business development team regularly publicises opportunities available through the local media and public events. Full details of the types of support available to local businesses may be obtained from the ESH business team. A new investor prospectus was developed last year in conjunction with the St Helena Government detailing a number of investment opportunities available and this is available for download from the ESH website. Events were hosted in Cape Town and London in August 2015 to launch the prospectus and to meet with prospective investors. More recently, in June this year, ESH hosted a tourism and investment event onboard the RMS St Helena whilst it was docked in London. ESH has recently introduced a policy development function which will focus on ensuring that an investment enabling environment is developed and maintained. ESH will continue to work in partnership with SHG to ensure that policy is developed in line with international best practice and is evidence based. An investment climate review is being implemented with the support from DfID. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Given the delays in the opening of the airport, what has St Helena Government put in place to ensure sustainability of those businesses that have invested on the island in anticipation of the start of air services?

The Speaker –

The Honourable Chairman of Economic Development Committee?

The Hon. Lawson Henry –

Thank you, Mr Speaker, the business development team plans to meet with individual businesses to discuss their individual needs and action will be taken on a case by case basis after review. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Can the Honourable Member say if Enterprise St Helena continues to provide grant funding to our farming and fishing industries?

The Speaker –

Thank you, Honourable Member. The Honourable Chairman of Economic Development?

The Hon. Lawson Henry –

Mr Speaker, yes.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Can the Honourable Member say in what areas?

The Speaker –

The Honourable Chairman of Economic Development Committee?

The Hon. Lawson Henry –

Any producer or fisherman can apply under the funding streams that I've just mentioned, Mr Speaker.

The Speaker –

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

The Hon. Dr Corinda Essex –

When is it envisaged that the meetings with individual businesses affected by the airport delay will commence?

The Speaker –

Thank you, Honourable Member. The Honourable Chairman of Economic Development Committee?

The Hon. Lawson Henry –

Mr Speaker, the business development team meets on a regular basis with all business on the island and this review is ongoing as the year progresses. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, on a point of information, I'm a member of the business community and no-one from ESH has ever approached me.

The Speaker –

Alright, it's not a question.

The Hon. Dr Corinda Essex –
.....?.....a point of information.

The Speaker –
Yes, it's not a question. Thank you. Any other questions? No, then call the next item of business, please?

Question No. 10 – The Honourable Mike Olsson to ask the Honourable Chief Secretary.

The Speaker –
Honourable Mike Olsson?

The Hon. Mike Olsson –
Thank you, Mr Speaker. Will the Honourable Chief Secretary thoroughly explain to this House what constitutes the St Helena Government?

The Speaker –
Honourable Chief Secretary?

The Hon. Roy Burke –
Thank you, Mr Speaker, another fascinating question from the Honourable Member and I'm grateful for that question, it's given me the opportunity to go and do a bit of research for myself and I'm grateful for the assistance of our Constitution Adviser in preparing the answer to this question because as members will know I am not a lawyer.
The Government of St Helena is, in fact, Her Majesty's Government of St Helena and we often refer to HMG as the UK Government, but, in fact, we too are HMG. Colloquially, SHG is everyone in the organisation, from the Governor to the elected members and the administration. However, we all know that Her Majesty's representative on St Helena is the Governor and the Governor has many executive functions, some of which are reserved, but she is advised on most issues, most executive issues, by the Executive Council and both are supported and advised by the St Helena Public Service who execute Government policy. So having researched the matter the answer is that the Government of St Helena consists of the Governor and the Executive Council all of which supported by the administration.

The Speaker –
Thank you, Honourable Member. Honourable Councillor Olsson?

The Hon. Mike Olsson –
Yes, when it comes to identify what St Helena Government is are there any plans to clarify this in view of the recent discussions between Members in this House?

The Speaker –
Honourable Chief Secretary?

The Hon. Roy Burke –
Thank you, Mr Speaker. I'm unaware of recent discussions of Members in this House so if somebody would like to tell me what they are in terms of clarification I'm happy to take that up with my colleague, the Attorney General, and seek some constitutional advice.

The Speaker –

Thank you, Honourable Member. Honourable Mike Olsson?

The Hon. Mike Olsson –

Just a point of information, we had several meetings in Legislative Council discussing the role of Council with the members of Government.

The Speaker –

Point of information. Any further questions? No further questions. Next item of business, please?

7.

MOTIONS

Motion No. 1

THE PORTS BILL, 2016

The Speaker –

The Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, I beg to move that the Ports Bill, 2016, be approved in principle and referred to a Committee of the whole Council. Mr Speaker.

The Speaker –

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

The Hon. Pamela Ward Pearce –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. The Honourable Mover would like to speak?

The Hon. Lawson Henry –

Thank you, Mr Speaker. Mr Speaker, Honourable Members, the Ports Bill, 2016, will provide for the regulation, management and control of ports in St Helena and of vessels therein. It makes provision for the enforcement of provisions of the international ships and port facility security code in St Helena and for purposes connected therewith or incidental thereto. The Bill can be seen as a consolidation of much of the provisions in the old Harbour Ordinance. The proposed amendments follow the recommendations of an internal audit review of current port operations where it was recommended that a comprehensive review of the Harbour and Port Security Ordinances be carried out and amended as necessary. This work is now completed and the new Ports Bill developed. The Bill provides for the appointment of a Harbourmaster and provides for the Harbourmaster's powers in respect of vessels in harbour waters, effective port and harbour management, port and harbour safety and the right to enforce orders. The Bill sets out absolute liability and full recovery provisions in terms of enforcing orders against owners of vessels or any person that fails to comply with the order of the Harbourmaster. Similarly, the offences as provided for carry substantial fines on conviction, custodial sentences or both. The Bill also provides for making of further regulations to ensure the effective

operation of its provisions. The Crown in the right of the Government of St Helena is exempted from the provisions of the Bill save for the provisions relating to dangerous projections or removal of obstacles. The Bill also provides for the repeal of the Harbour Ordinance cap 41 and the Port Security Ordinance, 2006. Three public consultation meetings were held to discuss the provisions of the Bill, in addition the Bill was discussed on local radio. The Bill provides for a safe and efficiently managed harbour and changes will be welcomed by the public as this brings together two Ordinances and provides clarity. Mr Speaker, I commend the Bill to the House and beg to move.

The Speaker –

Thank you, Honourable Member. I put the question that the Ports Bill, 2016, be approved in principle and referred to a Committee of the whole Council. The question is now open for debate, any Member wishes to speak to the Motion? Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, I am extremely pleased that this Bill is before us today. For many years the Ports legislation has been requiring updating and consolidating and, indeed, when the Harbourmaster reported to me it was something that we had on our agenda through successive AGs' attention. However, somehow, it always got put on the back burner so I'm very pleased to see that the current Attorney General has got it off the back burner and actually before us today.

A number of the provisions, particularly that relating to penalties for being drunk in charge of a boat are absolutely essential because, indeed, just as many, if not more lives could be lost through someone being drunk and incompetent when handling a boat than drunk and incompetent handling a motor vehicle on a road and this is one of the provisions which is new and, as I said, I am very much in favour of it. Other sections have been tweaked and updated, basically with a view to incorporate the needs of the ISPS requirements with those of the original Harbours Ordinance to some extent and, again, I think that that is a major step forward, the fewer pieces of legislation that need to be referred relating to a particular topic in general terms?..... However, I have discovered what I consider to be some anomalies within it, particularly in relation to the level of maximum fines proposed for different offences and also one in relation to the authority of the Harbourmaster and I will be proposing amendments to those sections when the Bill is discussed in the Committee stage. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Pamela Ward Pearce –

Thank you, Mr Speaker. I rise in support of the Ports Bill, 2016, as I believe that this is a necessary piece of legislation which has been reviewed and updated to enable us to better manage our ports and port security. Thank you, Sir.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I rise in support of the Ports Bill. It makes provision for the safe management and operation of our port facility and is necessary and sensible legislation. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker, I rise in support of this Bill, it's very essential, a lot of work has gone into it and with the development of the island and further development of international ships coming around in tourism I think it's very essential and I support the Bill. Thank you.

The Speaker –

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

The Hon. Wilson Duncan –

Mr Speaker, I rise in support of the Bill for all the reasons previously stated.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the Bill? No? Honourable Mover, would you like to respond?

The Hon. Lawson Henry –

Mr Speaker, I thank the Honourable Members for their support to this Bill and I also thank the Honourable Dr Corinda Essex for her exposition in relation to amendments and I shall look forward to hearing of those in the Committee stage. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member.

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

The Speaker –

Honourable Mover?

The Hon. Lawson Henry –

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, please?

The Hon. Angelo Berbotto (Attorney General) –

I beg to second.

The Speaker –

Thank you, Honourable Attorney General.

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

Council in Committee.

The Chairman –

Honourable Members, we are at the more less formal part of the session when you are free to question and debate as we go along through the House, so Council is now in Committee of the whole Council.

I put the question that the Title, the Enactment Clause and Clause 1 do stand part of the Bill.

Title, Enactment Clause and Clause 1.

Question put and agreed to.

The Chairman –

Clause 2. Who's explaining that, Attorney General or the Chairman?

The Hon. Lawson Henry –

Could I ask the Attorney General to lead?

The Hon. Angelo Berbotto –

Thank you. Clause 2 – Interpretation, deals with terms that are used in the Bill and are given a definition for the assistance of anybody interpreting the provisions.

The Chairman –

Yes. Any questions on Interpretation? Yes, Honourable Councillor Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Chairman. Could I ask the Attorney General if he could just provide some clarification for me? Under section 2 we're talking about a Certificate of Competency and refers to section 34. Section 34 refers to Impersonation of a Harbourmaster, so could you explain?

The Hon. Angelo Berbotto –

I'm just reading the provision.

The Chairman –

Okay, the Attorney General's looking through.

The Hon. Angelo Berbotto –

There appears to be a mistake in the correlation, because section 34 doesn't deal with a Certificate of Competency.

The Chairman –

Maybe it's referenced the wrong section?

The Hon. Angelo Berbotto –

May I ask to deal with other questions in relation to the Bill and then after the adjournment I can get back to you on this particular question, it's most unfortunate that it hasn't been drawn to my attention before now otherwise I would have dealt with it, but it comes to me as a surprise. Thank you, Honourable Member, but I will need to look at this in a little bit of detail.

The Chairman –

The thing is if we vote on this section here now it carries this part of the law, it needs to be amended even if you need time to adjourn, I can adjourn.

The Hon. Angelo Berbotto –

In that case I will ask if this Honourable House can adjourn with me until I can consider this matter.

The Chairman –

I think that makes sense because once you go through the passages you can't return. Thank you. Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Can I ask the question, Mr Chairman, under section 2 I also have another query so maybe before we adjourn if he could deal with both queries.

The Chairman –

Okay, well, before I put the question is there anything else we need to take up under this particular clause?

The Hon. Christine Scipio O'Dean –

That's what I'm asking.

The Chairman –

Yes.

The Hon. Christine Scipio O'Dean –

On the second page where it says "disqualified" it refers to section 26, can you provide clarification on that one as well, please?

The Chairman –

"Disqualified" on the second page refers to section 26, according to the Councillor?

The Hon. Angelo Berbotto –

Thank you and may I address the House after the adjournment?

The Chairman –

You will address the House after the adjournment.

The Hon. Angelo Berbotto –

Thank you.

The Chairman –

Any other questions on this particular section, please? Alright, then before I put the question, I would suggest that the House.....how much time will you need, Sir?

The Hon. Angelo Berbotto –

Twenty minutes.

The Speaker –

Twenty minutes. Council will adjourn for twenty minutes before we continue. Thank you.
Council is adjourned.

Council adjourned.

Council resumed.

.....(Begins) ...

The Chairman –
Yes, Sir?

The Hon. Derek Thomas –
Chairman, sorry but I was a bit confused. What we're saying, 5, 6 and 7 remains at three months at five hundred pounds?

The Chairman –
No, twelve months at five thousand pounds.

The Hon. Derek Thomas –
On 5, 6 and 7?

The Hon. Dr Corinda Essex –
No,?.....

The Chairman –
Can't go back.

The Hon. Derek Thomas –
So we leave it at three months at five hundred pounds?

The Chairman –
We have to, we can't go back.

The Hon. Dr Corinda Essex –
However, I think it is correct, Mr Chairman, that we could propose an amendment to bring it to the next sitting.

The Chairman –
At a later stage?

The Hon. Dr Corinda Essex –
At a later stage, so to bring clarity throughout the provisions.

The Chairman –
Alright, so, okay, Clause 9 please, Sir, will you explain that?

The Hon. Angelo Berbotto –

Clause 9 provides for enforcement of the directions given by the Harbourmaster and I don't have any proposal in respect of this section or any other section until section ?

The Chairman –

Does anybody want to discuss anything on that section? No?

Clause 9.

Question put and agreed to.

The Chairman –

I'm going to push on until half past twelve and then we come back at half past one. Clause 10?

The Hon. Angelo Berbotto –

Clause 10 is the power.....?.....obstructions in harbour waters.....is about the removal of wrecks, Clause 11 about removal of obstructions, Clause 12 about the removal of projections, Clause 13 – Cargo and other items lost and 14 – Abandoned equipment of vessels and I don't propose changes to these five clauses.

The Chairman –

Thank you. Any questions?

Clause 10.

Question put and agreed to.

The Chairman –

Clause 11.

The Hon. Angelo Berbotto –

Yes, Mr Speaker, it deals with removal of obstructions other than vessels and I don't have any proposals for amendment.

The Chairman –

Any questions on Clause 11?

Clause 11.

Question put and agreed to.

The Chairman –

Clauses 12, 13 and 14.

The Hon. Angelo Berbotto –

Yes, also they deal with removal of projections, cargo and other items, lost and abandoned equipment, vessels within the harbour waters. I don't have any amendments to propose in relation to these.

The Chairman –

Any questions on Clauses 12, 13 and 14?

Clauses 12, 13 and 14.

Question put and agreed to.

The Chairman –

Maybe this would be a convenient time for us to adjourn, I think so, and then we'll come back here at half past one. Okay, Council is adjourned.

Council adjourned.

Council resumed.

THE PORTS BILL, 2016

(Resumed Debate)

The Chairman –

15 and 16, any questions? I put the question then that.....Yes, Sir?

The Hon. Mike Olsson –

Yes, I've got a question on 15, the first two lines, there shall be an absolute liability to pay the Harbourmaster the full cost of making good any damage caused by any means whatsoever by any vessel. I'm just gonna use an example here, Mr Speaker. When a couple of years ago we had a yacht that slipped Government moorings and went up in the rocks by Needles Eye. If he would have slipped into a Government vessel in the harbour he would have the liability to pay for that? Government paid a lot of compensation money for the yacht that was smashed, so would that yacht owner be responsible for paying, making good, this is absolute liability, making good any damage caused by any means? So if he slipped the Government mooring and damage other, which is the Government's liability and runs into another vessel and damage it should the poor yacht owner pay for that?

The Hon. Angelo Berbotto –

I don't think I understand your question, but if, correct me if I'm wrong, if you have a car and you forget to put the brake on the road and you hit something else, be it a building or another car, you are liable for any damages. This provision is to do the same, so, for example, if there is a vessel that you own and it's in the harbour and because of something that you have done or haven't done that vessel causes damage to any other fixtures or removable that belong to the Harbourmaster or that the Harbourmaster has responsibility for you'd be liable for it.

The Hon. Mike Olsson –

I think you missed the point. For example, if I'm moored at the Government mooring, which would be then the Government's responsibility to maintain and that mooring slips, which would be Government responsibility and I drift into a Government vessel, am I liable to pay for that damage which was Government's fault in the first place?

The Hon. Angelo Berbotto –

In theory the section says there shall be absolute liability to pay to the Harbourmaster the full cost of making good any damage caused by any means whatsoever by any vessel, so if the

vessel belongs to you and the vessel caused the damage then you are responsible, not the Government, or by any person employed on, so you don't need to be the owner of the vessel, you can be the lessor, lessee of the vessel, or in connection with any vessel to any landing place or to any goods on the same or in harbour waters which belong to the Government. That is simply stating, putting the same responsibility as the view of your car, even if it is stationary, damages to property of the Government of St Helena or anybody else.

The Hon. Mike Olsson –

Alright, I'm still, I think we are misunderstanding each other here, but, however, that's fine. Thank you.

The Chairman –

Councillor Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, section 15 in the Bill is exactly the same as in the existing Ordinance and, secondly, whether or not I feel it's the Government moorings, yachts can slip the moorings for whatever reason, it could even be negligence on the owners, so I think it is appropriate that the Government has that section and it's in the existing Ordinance. Thank you.

The Chairman –

Thank you. Honourable Corinda Essex?

The Hon. Dr Corinda Essex –

I tend to agree with my Honourable Colleague on the right actually, because if the cause of the damage was not due to any fault or negligence on the part of the owner of the vessel, I do not see why the owner of the vessel should be liable.

The Chairman –

Attorney General?

The Hon. Angelo Berbotto –

There is a presumption that if it is your vessel you are responsible for it, if there are facts that you are aware of then we'll rebut that presumption. Of course you are at will to bring those to displace the presumption but that is something in Court, which is not where we are at the moment, well, we are, it's outlined very clearly that if you are the owner of the vessel you are responsible for it and if your vessel causes damage you are responsible for it. There may be reasons, there may be, why that is not the case, but that will be for any particular case and for the judicial authority, the Judge, to take that into account. I also defer to what the Honourable Councillor Lawson Henry said that this provision is already a provision in existence, it was in the Harbour Ordinance. I am not proposing to change it, unless the House votes an amendment, which is not my legal advice to the House.

The Chairman –

Alright, any further comment on this?

Clauses 15 and 16.

Question put and agreed to.

The Chairman –

Clauses 17, 18 and 19 in Part VI – Offences relating to vessels.

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. Part VI as you have said deals with the offences. Section 17 is about the offence of taking a vessel without consent, Section 18 deals with stowaways, I propose, it says as follows – Any master of a vessel who permits, suffers or facilitates in any way the landing in St Helena of any person who is or has been a stowaway on such vessel, without the permission, in writing, of the Governor, is guilty of an offence for which the maximum penalty on conviction is imprisonment for a period of six months or a fine of £2,000, or both, in respect of each person who has a stowaway on such vessel. I propose that the maximum imprisonment is increased from six months to twelve months and the maximum fine is increased from £2,000 to £10,000.

The Chairman –

Let's see if I can get that right then. The proposal is that the period of imprisonment is increased to twelve months, yes? So "six" is deleted and inserted with "twelve" months and the fine of £2,000 is substituted with £10,000. Is there a seconder to the Motion?

The Hon. Dax Richards –

I beg to second, Mr Speaker.

The Chairman –

Thank you. So I put the question here that the period of six months, the word "six" is changed to "twelve" and the fine of £2,000 is changed to £10,000.

Question on amendments, put and agreed to.

The Chairman –

Anything further on that section, Sir?

The Hon. Angelo Berbotto –

No, nothing.

Clauses 17, 18 and 19 (as amended) –

Question put and agreed to.

The Chairman –

Part VII.

The Hon. Angelo Berbotto –

No change is proposed for that part, there are no amendments proposed for Part VII.

The Chairman –

Okay, Part VII, we got clause 20, 21, 22, well, that's quite a lengthy section, I'm going to take that in sections. Clauses 20, 21 and 22 and 23 and 24.

Clauses 20 to 24.

Question put and agreed to.

The Chairman –

25, 26 and 27. Attorney General, any comment?

The Hon. Angelo Berbotto –

No, these are also provisions in relation to persons that navigate affected by alcohol. I don't propose any amendment.

The Chairman –

Any comments on these clauses? Yes, Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Chairman, these are in relation to alcohol related and I don't see anything here for disqualification, there's a fine, but serious offences related to alcohol I don't see anything unless.....

The Chairman –

Yes, disqualification comes in two clauses later.

The Hon. Derek Thomas –

Sorry.

The Chairman –

That should come up a little later.

The Hon. Derek Thomas –

Oh, it will come up later, okay.

The Chairman –

Okay?

The Hon. Derek Thomas –

I beg your pardon.

The Chairman –

So 25, 26, 27 and 28, any further comments on that?

Clauses 25 to 28.

Question put and agreed to.

The Chairman –

And then your system on the disqualification, which are left until last. Is there anything particular you want to explain on that, Attorney General?

The Hon. Angelo Berbotto –

No, this provision basically deals with the powers of the Court to declare somebody disqualified from navigating a vessel and also deals with the penalties. Of course, as drink/driving is dangerous to the pedestrians and other drivers of vehicles, drink/sailing has

similar risks and for that reason there are provisions dealing with the consuming of alcohol and sailing a vessel.

The Chairman –

Right. Any comments on Clause 29?

Clause 29.

Question put and agreed to.

The Chairman –

Part VIII – Clauses 30 and 31.

The Hon. Angelo Berbotto –

Yes, these provisions deal with the access to the port area and penalties for trespass. I propose an amendment to section 31 of section 2.

The Chairman –

The amendment?

The Hon. Angelo Berbotto –

Yes applying for, it says in accordance with section 28(1), it should say in accordance with section (31) subsection (1).

The Chairman –

Alright, so the proposal is that you amend the figures 28(1) to 31(1). Is there a seconder for the amendment?

The Hon. Dax Richards –

I beg to second.

The Chairman –

I put the Motion that the figures in clause 31, 28 (1) is amended to read 31 (1).

Question on amendment, put and agreed to.

The Chairman –

Anything further in that section?

The Hon. Angelo Berbotto –

No, nothing in that section.

The Speaker –

No, okay, then I have to put the whole section.

Clauses 30 and 31 (as amended) –

Question put and agreed to.

The Chairman –

Part IX? Clauses 32 to 33.

The Hon. Angelo Berbotto –

Yes, Part IX deals with Safety and Security and Section 32 – Regulation of Crowds, subsection (3) says “Any person who refuses or neglects to obey any order given pursuant to subsection (1), or any person who impedes the right of access to a vessel thereunder, or who otherwise obstructs the Harbour Master or any police officer in the exercise of their powers under this section is guilty of an offence for which the maximum penalty on conviction is imprisonment for a period of three months or a fine of £500, or both. I propose that the penalty is increased from three months to twelve months and from £500 to £5,000. This is consistent with the penalties proposed so far and is proportionate to the offence which is actually obstructing the Harbour Master in the exercise of his powers.

The Chairman –

Councillor Scipio O’Dean?

The Hon. Christine Scipio O’Dean –

Mr Speaker, can I ask the AG for clarification? 32, section (1) relates to Director of Police, it starts with the Director of Police but you further go on in the Ordinance, 37 (n) and (q) refers to Chief of Police, so should it be Director of Police or Chief of Police, assuming, Mr Chairman, that it is the same person?

The Hon. Angelo Berbotto –

Can I reply? Yes, it refers to the same person and the consistent way of addressing the Chief of Police in this Ordinance is Director of Police, so any references to the Chief of Police as such should read Director of Police.

The Hon. Christine Scipio O’Dean –

Thank you.

The Chairman –

So it’s Director of Police that’s correct, is it? Okay. So, except for those three amendments, can I put a proposal that the Clauses 32 and 33, as amended, do stand part of the Bill?

Clauses 32 and 33 (as amended) –

Question put and agreed to.

The Chairman –

Part X – Clauses 34 and 35. Anything on that, Other Offences?

The Hon. Angelo Berbotto –

No.

Clauses 34 and 35.

Question put and agreed to.

The Chairman –

Part XI, it takes us from 36 down to 39. Miscellaneous, Attorney General, any comment on that?

The Hon. Angelo Berbotto –

No, there's no proposals here except for in section 37, paragraph (n) where it says Chief of Police to Director of Police and paragraph (q) where it says Chief of Police, also to Director.

The Chairman –

And what is that? (g) you say, is it? No? Where are the amendments, please? Let's do one at a time.

The Hon. Angelo Berbotto –

At letter (n).

The Chairman –

At letter (n), okay. The proposal is that Chief of Police is changed to Director of Police. Is there a seconder to that?

The Hon. Dax Richards –

I beg to second.

The Chairman –

Okay, thank you. Anybody got any contradictory on that?

Question on amendment, put and agreed to.

The Chairman –

Alright, we've dealt with that one. What is the next one?

The Hon. Angelo Berbotto –

(q), letter (q) same proposal.

The Chairman –

Same proposal, Chief of Police amended to change to Director of Police. Is there a seconder to that?

The Hon. Dax Richards –

Mr Chairman, I beg to second.

The Chairman –

Thank you very much indeed.

Question on amendment, put and agreed to.

The Chairman –

Any further amendments? No?

The Hon. Angelo Berbotto –

Thank you, Mr Chairman.

The Chairman –
Yes, Councillor Essex?

The Hon. Dr Corinda Essex –

Just on a point of clarification, Mr Chairman, looking at section 37, part (p) this is actually giving the Governor in Council powers to make provisions for circumstances which will constitute an offence and the respective penalties for such offences not exceeding a penalty of six months imprisonment and/or a fine of £2,000 on summary conviction for any particular offence. Is it normal procedure for regulations to enable convictions to be imposed or should that, in fact, only, that power only reside in the actual primary legislation itself?

The Hon. Angelo Berbotto –

May I respond, Mr Speaker? The regulations can provide for penalties and in section 37 the Governor in Council is given the discretion to make regulations for the further and better execution of the Ordinance, therefore, the main penalties under the Ordinance are not delegated to regulations and in letter (p) one of the items upon which regulations may be made is for provision for circumstances which constitute an offence and the respective penalties of such offence not exceeding a penalty of six months imprisonment and/or a fine £2,000 on summary conviction. Summary conviction means that they are offences that the Chief Magistrate will rule on rather than the Chief Justice of the Supreme Court, so this gives us an idea that the offences are of lesser degree rather than of capital importance, so I do not make any proposals to amend this, there will be situations that the regulations will deal with about minor offences and it is important that the Governor in Council are given these powers.

The Hon. Dr Corinda Essex –

I thank the Attorney General for that explanation.

The Hon. Angelo Berbotto –

Thank you.

Clauses 36, 37, 38 and 39.

Question put and agreed to.

Council resumed.

The Speaker –

Council is now resumed into formal capacity. Honourable Mover?

The Hon. Lawson Henry –

Mr Speaker, I beg to report that the Ports Bill, 2016 passed the Committee with fourteen amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

Is there a seconder to the Motion?

The Hon. Pamela Ward Pearce –

Mr Speaker, I beg to second.

The Speaker –

Thank you very much indeed. Mover, do you wish to speak to the Bill?

The Hon. Lawson Henry –

Thank you, Mr Speaker. Mr Speaker, first of all, I'd like to thank my colleagues for their support in the Bill and I'd also like to thank the officers who have been duly involved in it. Mr Speaker, I feel obliged to mention and for the public record, because I suspect the listening public would have been quite confused with the debate on this Bill, but if I can give you a little bit of background. This Bill was presented to Executive Council on 28th June this year, it was done in my absence and it was done by my Deputy, sitting to my immediate left and whilst not wanting to take away Members' ability to propose amendments, what I would like to see in the House, because it does cause a lot of confusion in the House, is that I had notice of one amendment, and that's from my friend sitting immediately in front of me, it is easier by any standards, Mr Speaker, that if Members got amendments if they could give at least some notice, even if it's on the morning of the sitting, it is not, I don't believe, conducive to the good order of the House to be adjourning because we're bringing up amendments that those who are responsible for the law and interpreting it has to go away, because if you change one thing it will almost certainly have an impact on us, so not taking away our ability to do it, but it's a bit of a housekeeping, if you like, for us all, that if we got amendments to make, then tell somebody about it then we can be prepared for those amendments, but at the same time, Mr Speaker, this is not intended to take Members' ability to actually speak or propose amendments, but it is helpful to us all, also the good working of this House if we give notice of those amendments. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. I put the question that this Council approves the Ports Bill 2016 and recommends to the Governor that it should be enacted. The House is open for further debate. Anybody would like to comment here? No-one wishes to debate any further? Mover, there's nothing for you to respond to, no, is there?

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

The Speaker –

Next item, please?

Motion No. 2 – The Honourable Pamela Ward Pearce.

THE ENVIRONMENTAL PROTECTION (AMENDMENT) BILL, 2016

The Speaker –

Honourable Pamela Ward Pearce?

The Hon. Pamela Ward Pearce –

Mr Speaker, I beg to move that the Environmental Protection (Amendment) Bill, 2016, be approved in principle and referred to a Committee of the whole Council.

The Speaker –

Thank you, Honourable Member, I'm just trying to find my way around here. Is there a seconder to the Motion?

The Hon. Gavin Ellick –
I beg to second, Sir.

The Speaker –
Thank you very much indeed. Honourable Mover, you can speak to the Motion.

The Hon. Pamela Ward Pearce –

Thank you. Mr Speaker, I speak in support of the Environmental Protection (Amendment) Bill of 2016. This Motion to amend the Environmental Protection Ordinance has been made possible by the Governor signing a Certificate of Urgency. I should like to thank Her Excellency the Governor and the Executive Council for convening a special Executive Committee Meeting at short notice to facilitate it.

The Environmental Protection Ordinance was enacted in November of 2015; Executive Council Memorandum 44/2015 is relevant and was given assent to by the Governor in 2016. Unfortunately, due to an oversight, text was left out. This Bill seeks to address that. Section 30 of the Environmental Protection Ordinance 2016 empowers the Governor in Council to designate any area in the sea as a Marine Protected Area if certain conditions are met. The purpose of this Bill is to amend that section to add a further condition to ensure sustainable use of the marine environment. This will enable the Governor in Council to designate the exclusive fisheries zone as a Marine Protected Area. The Ordinance also corrects a cross reference in section 31. It is important to note that this is not a change to what has been consulted on. It is an amendment to include an omission that was inadvertently made in the final printing. This Bill has passed all the relevant stages; it has been through the Environmental and Natural Resources Committee, Legislative Council and Executive Council. It has had extensive consultation with stakeholders and the general public. The reason for the urgency in bringing this Bill for amendment now is that the Environment Protection Ordinance and the Marine Protected Area is intended to feature in a high level ministerial environmental meeting called "Our Oceans" due to take place in Britain in September of this year. This could prove advantageous to the island in future funding and investment, particularly as enforcement of the Environmental Protection Ordinance will be very expensive. I urge Members to support this Motion as it has a positive outcome for the island. Thank you, Sir.

The Speaker –

Thank you, Honourable Member. Just to remind the Honourable Members that this is a late Bill, a late Motion, but the Governor has produced a Certificate of Urgency which I am entitled to accept to allow this Bill to go through. So I put the question that the Environmental Protection (Amendment) Bill, 2016, be approved in principle and referred to a Committee of the whole House. Honourable Members, the Motion is now open to debate. Anybody wish to comment? The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker. I rise in support of this proposed amendment to the Environmental Protection Ordinance and as my Honourable Colleague has already referred to in her exposition the importance of this. I fully support this, it is the right way to go for St Helena, but I just want to say as the Chairman of the Fisheries Corporation that, and my Honourable Colleague will be aware of this because I said it earlier in Executive Council, that in supporting this Bill and in going forward I would like full consideration taken when the Marine Protected Areas is

certified that in St Helena, like many other small territories, fishing means livelihoods and I look forward to the “Our Oceans” seminar or whatever it is being referred to, this is good, it again puts our island on the map, but important for St Helena is that our fisheries here means livelihoods and what I’d like to see, and I’ve had assurances from my colleague, is that those stakeholders be fully consulted upon, it is absolutely critical that we take them along with us and that their suggestions, proposals, is taken into account. I’m reminded recently about the procedures that was adapted on Ascension Island about Marine Protected Areas, done in isolation of the Council in Ascension and imposed. That’s not the way it should be here on St Helena. Elected Members must be fully involved in this matter, Mr Speaker, and the critical thing for me is that in St Helena, unlike Ascension, our fisheries is livelihoods and it is those people that we have to protect when we make these Marine Protected Areas. Mr Speaker, I beg to move and support this Motion.

The Speaker –

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

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I would like to support what the Honourable Lawson Henry has just said and also emphasise that as well as livelihoods it’s economic development, economic development of our island that relies heavily upon the fisheries sector and therefore any overzealous regulations or legislation which would prevent activity that would foster our economic development from occurring within our EEZ I could not support. I do support this amendment as it is stated, I have spoken with the Fisheries and I have been given assurance the fishing activity would still be allowed but under licence. As long as that remains the case then I am in full support of this additional piece of legislation. However, I would be the first one to make a considerable amount of noise if it ended up that this was going to then become a strangling mechanism for the development of our fishing industry and for the livelihoods that are currently derived by our fishermen. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. I rise in support of this amendment, it is a relevant and a good piece of legislation, but like my Honourable Members I would ask that when Governor in Council are asked to designate Marine Protected Areas that consultations are properly conducted with our fishermen, there’s the livelihood issue as well as economic development, we are committed to developing the fishing industry so proper consideration must be taken in relation to our fishing industry, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker, I rise in support of the amendment, it was an oversight but we’ve corrected that. I also support the comments of my colleagues around the table on the processes that needs to follow and I think it’s very important that we as Council have feedback on those consultations that take place. I support the amendment.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member.....? Honourable Attorney General, put your mic on, Sir.

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. The amendment to the Ordinance today, it's only in relation to that extra paragraph 2 (a)?....3. This note, this House is not asked today to approve a Marine Protection Area and I listened with a lot of attention to the interventions of the Honourable Members, but if there's no fish there can be no fishing and that is why there is an Environmental Protection Ordinance under which the Governor in Council will be able to designate marine protected areas. The House will be pleased to know that the work for the consultation on the marine protected area is well advanced because I received a draft for legal advice by the Officers at ANRD, the elected members will be pleased to know that there are scientists, Saints, who live here on St Helena who have the expertise and the evidence of those scientific studies of course need to be taken into account, and, of course, we need to be, those results will need to be made available to the public, but I invite the elected members to when the draft becomes available for consultation to really consider the science behind it, because the only way that fishermen can fish is that if there is a healthy stock. That's all I want to say, thank you, Mr Speaker.

The Speaker –

Thank you very much, Honourable Member. Does any other Honourable Member wish to speak? Honourable Mover, then, would you like to reply to that debate?

The Hon. Pamela Ward Pearce –

Thank you, Mr Speaker, thank you, my Honourable Colleagues for your comments. I'd like to reiterate here that consultation has taken place with the stakeholders, particularly fishermen; this was last year as well as last week, as recent as last week. There were some comments made and this has been taken onboard by the officers. There's still a consultation process going on, Members might like to join in?..... There's a meeting at the Museum this Thursday evening at 7 pm, please feel free to go along, there's a Press Release with different timings for open, drop-in sessions at Essex House which you also will be welcome at. I am aware that the fishermen we need to consider because of their livelihoods but also for the economic development that several Honourable Members made comment about and we would not deem to go ahead with this and bulldoze through this marine protected area even though we can see the need for it, we are consulting, this is not going to go the way of Ascension Island, we are consulting with stakeholders, we're using the political role and we're driving this forward, so I'd invite all Members and members of the public to come and take part in the consultation. Thank you, Sir.

The Speaker –

Thank you, Honourable Member.

Question that the Environmental Protection (Amendment) Bill, 2016, be approved in principle and referred to a Committee of the whole Council, put and agreed to.

The Speaker –

Honourable Mover?

The Hon. Pamela Ward Pearce –

Thank you. 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.

The Speaker –

Thank you very much, Honourable Member.

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

Council in Committee.

The Chairman –

I move myself into committee of the whole Council and here we are rather informal again, not as formal as in the upper session. So let's look at the Bill. I put the question then that the Title, the Enactment and Clause 1 do stand part of the Bill.

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Chairman –

Clauses 2 and 3. Attorney General, you want to explain?

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. At the moment the provision in section 33 reads, sorry, section 33 (a) reads "Management measures are required to protect habitat and ecosystems, to protect biodiversity at any level" and then it goes to, on subsection (b) the new section, the new text that was left out originally is (iii) that says "to ensure sustainable use of the marine environment". So what this provision means in the context of the provisions that are already there in the Environmental Protection Ordinance is that for the Governor in Council to declare an area a marine protection area the Governor in Council needs to be satisfied that management measures are required for any of these three items – to protect the habitat and ecosystem or to protect the biodiversity at any level or to ensure sustainable use of the marine environment. If the Governor in Council is persuaded that management measures are needed for any of these reasons then the Governor in Council will be able to adopt the marine protection area. Thank you.

The Chairman –

Thank you. Any comment, any other further debate here on that? No?

Clauses 2 and 3.

Question put and agreed to.

The Chairman –

Council will resume to its formality.

Council resumed.

The Speaker –
Honourable Mover?

The Hon. Pamela Ward Pearce –
Mr Speaker, I beg to report that the Environmental Protection (Amendment) Bill, 2016, 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, Honourable Member. Is there a seconder?

The Hon. Gavin Ellick –
I beg to second.

The Speaker –
Thank you, Honourable Member. Mover, do you wish to speak further to the Bill?

The Hon. Pamela Ward Pearce –
Thank you, Sir, just to say thank you for your indulgence at this late Bill coming, to my colleagues and to the Governor and Executive Council. Thank you very much.

The Speaker –
Thank you. I put the question that this Council approves the Environmental Protection (Amendment) Bill, 2016, and recommends to the Governor that it should be enacted. Anybody else wishes to speak? No? Mover doesn't have to wind up if you don't want to.

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

The Speaker –
Thank you, Honourable Members. Clerk of Council?

Motion No. 3 – The Honourable Cyril George.

The Speaker –
The Honourable Cyril George?

The Hon. Cyril George –
Mr Speaker, I beg to move that this House resolves, further to the practice of good governance, that Sessional Paper 35/16 namely the Public Accounts Committee report to Legislative Council on the formal session held on 10th and 11th May and *in camera* session held on 22nd March 2016 is adopted by this Council and requests the responsible member of Executive Council in accordance with section 69 (9) of the Constitution of St Helena to advise Legislative Council of the action proposed to be taken by Government in respect of this report.

The Speaker –

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

The Hon. Wilson Duncan –

I beg to second, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Mover, would you like to speak to the Motion?

The Hon. Cyril George –

Mr Speaker, the precedence for this Motion is well established from previous sittings of this Council when my former colleague and now retired Councillor, Nigel Dollery, made similar motions of the previous PAC Sessional reports. The purpose of this Motion is to assure the House is aware of the findings of the Public Accounts Committee in the formal report laid at this session. The report summarises the matters arising from the PAC scrutiny of the audited accounts of an extensive range of public bodies. These include, amongst others, Enterprise St Helena, Connect St Helena, the National Trust, St Helena Hotel Development Limited, St Helena Fisheries Corporation, the Currency Fund and the Bank of St Helena. Through the diligent work of the Strategy Auditor these accounts are now being brought up to date and the cycle of accountability completed through the holding of the public account for the funds used. The issues raised by PAC and the explanations and assurances received from those charged with the stewardship of these bodies are documented in the report with recommendations for improvements. When the audited accounts of the public bodies are laid before this House, Standing Orders require that they are referred to PAC without debate. This will allow the PAC to perform its scrutiny and report back in due course. Mr Speaker, we are now at the reporting stage, accordingly this is the opportunity for elected members to raise in debate of this Motion any matter they wish to air in respect of these public accounts and the issues and recommendations raised by the PAC for the attention of this House. The Constitution, section 69 (9) provides for Legislative Council to adopt the reports of PAC such that Government may then respond to the recommendations made in due course. Accordingly, Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. The Motion is that this House resolves, further to the practice of good governance, that Sessional Paper 35/16 namely the Public Accounts Committee report to Legislative Council on the formal session held on 10th and 11th May 2016 and an ‘in camera’ session held on 22nd March 2015 is adopted by this Council and requests the responsible member of Executive Council in accordance with section 69 (9) of the Constitution of St Helena to advise Legislative Council of the action proposed to be taken by Government in respect of this request. The Motion is now open to be debated. Is there any Honourable Member wishes to speak to the Motion? Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I rise in support of this Motion and I would like to make a comment to the changes of the PAC. Over the last couple of months we’ve seen a change in the Chairmanship, we’ve seen the change of members and everything and I think that the PAC, you know, is a working tool for the legislator, the work that they carry out is the foundation for the legislator to raise any concerns that the PAC carry out and I think that, you know, with the movement of staff, and I also would like to congratulate my colleague, Wilson Duncan, for his appointment this morning to the PAC and I’m sure that he will be a valuable asset to that body as well, but

overall the PAC in my opinion has performed well, the recent accounts has been brought up to date and I wish them well in the progress that they are striving for. I support the Motion, Mr Speaker.

The Speaker –

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

The Hon. Dax Richards –

Mr Speaker, I rise in support of the Motion. This that's been brought before the House today promotes good governance and transparency in all Government entities, responses will be forwarded to the PAC in due course and hopefully brought back to this House in time to come.

The Speaker –

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

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker, I support the Motion and I would just like to comment that at the recent Conference that I attended in Jersey there was some discussion on Public Accounts Committees, their role, functions and responsibilities and, indeed, I was very proud that St Helena is leading the way on a number of issues. In fact, we have processes and procedures in place that, for example, do not exist in the Falkland Islands and the delegate from the Falkland Islands spoke to me aside and asked for further details because he could see merit in recommending to the PAC in the Falkland Islands that they, in fact, adopt some of the methods that we have already tried and tested on St Helena. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Does any other Honourable Member wish to speak to the Motion? Honourable Mover then, would you like to respond?

The Hon. Cyril George –

Thank you, Mr Speaker. The PAC operates as a select committee of this House and is tasked with scrutiny of accounts and audit reports on behalf of Legislative Council. I thank the Members for their contribution to this debate and for their support for this Motion. The Financial Secretary, as the responsible member of Executive Council, will ...?.. the Government response to the PAC recommendations to the next session of this House so that Council can see how these matters will be processed. In closing then, I wish this House to acknowledge the service of former Councillor, Nigel Dollery, who has been a long-standing member of the Public Accounts Committee and has served this Committee well during his time with this Council. I would also like to welcome Councillor Duncan as a member of the PAC Committee. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. I put the question that this House resolves, further to the practice of good governance, that Sessional Paper 35/16 namely the Public Accounts Committee report to Legislative Council on the formal session held on 10th and 11th May 2016 and an 'in camera' session held on 22nd March 2016 is adopted by this Council and requests the responsible member of Executive Council in accordance with section 69 (9) of the

Constitution of St Helena to advise Legislative Council of the action proposed to be taken by Government in respect of this report.

Question on Motion, put and agreed to.

The Speaker –
Thank you. Clerk?

Motion No. 4 – The Honourable Dr Corinda Essex.

The Speaker –
The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –
Thank you, Mr Speaker. Mr Speaker, I beg to move that this House resolves that St Helena Government must take all appropriate actions at the earliest stage possible to establish the consequences for St Helena of Britain's exit from the European Union and to safeguard access to funding from the 11th European Development Fund and other European Union funding streams currently being targeted.

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

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

The Speaker –
Thank you. Honourable Mover?

The Hon. Dr Corinda Essex –
Mr Speaker, I am aware that the final deciding step regarding Britain's exit from the European Union, EU, has not yet been taken and that it still may not be taken, but I contend that we cannot afford to sit back and wait until that point is reached. Indeed, I would hope that the negative implications of a Brexit for the British Overseas Territories will play a part in influencing that final decision, and, if indeed, the future of these territories is of concern and importance to Britain. Whilst the current uncertainty makes early action on the part of St Helena even more essential, the old adage "out of sight and out of mind" is sadly, usually true and St Helena must make the strongest case possible to mitigate the negative consequences of a Brexit or help to influence a reverse decision. If we do not do so there is considerable risk that our situation will not be taken into account in the decision making and in subsequent negotiations and it will then be too late to shout when these processes have been concluded. We must also bear in mind that the other British Overseas Territories will be fighting their corners and so it is even more important that St Helena's voice is heard as a matter of urgency. As the EU has been a major aid donor to St Helena, particularly throughout the past fifteen years, it is normally associated with funding, but this is just one aspect of its direct bearing. Less obvious but of equal importance are issues relating to employment, trade and freedom of

movement. Mr Speaker, I could spend hours highlighting difficulties in these areas with the almost inevitable consequences of a Brexit, but Standing Orders will not permit me to do so and I do not want listeners to fall asleep. However, just to mention a few, exports from St Helena to the EU would cease to qualify for preferential tariffs and preferential right of access. Saints wishing to work in EU countries would be faced with immigration restrictions and those wishing to visit the EU would no longer have open access as British citizens and would cease to hold EU passports. It is possible that some of these issues could be eliminated through bilateral negotiations between Britain and the EU and this reinforces the need for them to be flagged now right from the outset.

Turning now to funding. The territorial allocation for St Helena, including its sister islands, from the 11th European Development Funds amounts to just over €21m which is clearly a very significant figure. This is now getting close to disbursement as the period of execution ends in 2020, but unfortunately the financing agreement has not yet been submitted and signed so the EU is not faced with an actual contractual obligation to release this funding, although there is still a clear commitment. Similarly, St Helena is hoping to benefit from funding under the **Best** and Innovation Programmes and could potentially access **thematic** funding. The extent to which these funding streams are under threat in the event of a Brexit should be investigated urgently. As St Helena's economic growth is going to be impeded until the airport can deliver its anticipated role it is all the more important that other doors are not closed on significant funding streams and that an action plan is developed with clear milestones to ensure that all necessary actions to enable St Helena to benefit as fully as is at all possible are taken in a timely and structured manner. There is a limited window of opportunity in which to do this, Mr Speaker, if Britain does comply with the mandate of the recent referendum, so we need to move quickly, but in our haste we must not forget to move carefully, because there is a great deal at stake. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Motion is that this House resolves that St Helena Government must take all appropriate actions at the earliest stage possible to establish the consequences for St Helena of Britain's exit from the European Union and to safeguard access to funding from the 11th European Development Fund and other European Union funding streams currently being targeted. The Motion is now open to debate and the Honourable Mike Olsson, I've caught your eye first, you caught my eye.

The Hon. Mike Olsson –

Thank you very much, Mr Speaker. I thank my Honourable Friend, Councillor Essex, for bringing this issue up, it is a very, very important issue and I share her views completely, except on one point, she sounded like she got a glimmer of hope that the Article 50 will not be released, I don't share that glimmer of hope, because I think the British Government are fairly committed to press the trigger, so to speak, but I share that I hope that they don't, but not so much hope of that, I think. We also, Dr Essex mentioned, look at the other Overseas Territories, there are other overseas territories in bigger problems than us from the Brexit and we should support and learn from them who have also got bigger resources, especially we talk about Gibraltar which can face enormous problems with Brexit and they have been very, very strong in their opposition to the Brexit and they had the advantage to be able to vote, we didn't. We have been drawn into something we didn't vote for, didn't have a chance to vote for, but we will get the consequences and those consequences can be substantial even with Article 50 when that's handed in, there's a risk of a further drop in the value of the pound, obviously, that will concern us as well, plus all the other issues that we will face which Dr Essex already, the Honourable Dr Essex already has mentioned, but I fully support this Motion and urgent action is needed

The Hon. Cyril George –

Mr Speaker, I would like to thank Honourable Dr Corinda Essex for bringing this Motion to the House today, we are aware of the benefits we have received from various funding referred to and I would fully support this Motion today. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Pamela Ward Pearce –

Thank you, Mr Speaker. I rise in support of this Motion and I commend my Honourable Friend for her foresight and attitude in bringing this to the House at this early stage. We cannot say how Britain's exit from European Union will affect us but there is hope that we will still have access, be able to safeguard some of the future streams of monies and to continue to benefit, but at the moment it's all just a hope, so I do commend my Honourable Friend and I give my support in anything that will help to publicise and bring it to the attention of Her Majesty's Government in London. Thank you very much, Sir.

The Speaker –

Thank you. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I stand in support of the Motion, I would like to thank Dr Essex as usual for bringing it to it and let's hope that we can do something with it. The old saying "a bird in the hand is worth two in the bush", so start now. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Members? Honourable Wilson Duncan?

The Hon. Wilson Duncan –

Mr Speaker, I rise in support of this Bill and I thank the Honourable Dr Corinda Essex for bringing it to this House and I support everything that has been alluded to by other Members.

The Speaker –

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

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I would like to thank all my colleagues for unanimous support on this issue and I'm confident that St Helena Government will take appropriate action in putting this issue forward and developing an action plan where we can actually track what can or can't be done on a wide range of fronts. The comments raised in the debate mostly related to the funding elements, but I would just like to emphasise once more that the other elements with regard to trade, immigration and so on are potentially also of the very greatest importance. Thank you very much.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –
Clerk?

Motion No. 5 – The Honourable Mike Olsson.

The Speaker –
The Honourable Mike Olsson?

The Hon. Mike Olsson –
Thank you, Mr Speaker. I beg to move that this House urges St Helena Government to urgently review further the possibility to abolish the St Helena pound and reinstate the British pound sterling as St Helena currency.

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

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

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

The Hon. Mike Olsson –
Thank you, Mr Speaker. Talking to this Motion, I just gonna give a bit of historic background that might help the understanding of it. The Currency Ordinance came into force on 19th December 1975 and was a brilliant idea at the time, take all the pound sterling we got on the island, put that in UK to create interest from, keep them in the bank and buy gilts, which is UK bonds and it worked and the Currency Fund, which we call what we created, has done splendidly over the year, up until the eighties at least. So historically there is not the point here, but the thing was on the 19th December 1975 the base rate offered by Bank of England was ten and a half percent and during the eighties the base rate went up to sometimes sixteen percent in the Bank of England, but since 2009 the base rate is zero point five percent and last week, as late as last week everybody thought that it would go down further to at least zero point twenty-five percent, but you can imagine the difference in revenue we get on our pound sterling we got in UK because the pound sterling is securing the St Helena pound we are using here on a daily basis. They only get one twenty-third, one twentieth to be easy, what we got in 1975 because the base rate has gone down and a lot of work, discussions about reinstating the pound sterling has been going on, somebody said at least since 2013 on the island. The most significant work or review done was by a former Government Economist, Ian Smythe, that was done in December 2014, but I read the report by Ian Smythe, and I think Members have seen it as well, but he focused very much on the historical perspective, what it has been giving historically and I've been saying that that is not all that important, we don't argue about what it's given historically because it's been great, but now it is not great. The Currency Fund fundamentally doesn't give us anything after we pay the costs because the cost money we need to pinpoint St Helena pounds, we need to audit the accounts and do the accounts of course and Crown Agents then in charge of dealing with our money overseas they had charges on the investments, there don't be much left and if we look at the future, that's what we have to do if we're gonna be able to decide should we keep St Helena pound or should we have pound sterling. But first before we look at the future, also look at the drawbacks with the St Helena

pound. People going on medical, they're changing money to get money, tourists coming here they don't really want to use their pound sterling because in exchange for it they get St Helena pounds, they can't get rid of them after and it complicates matters on the island and for economic development it is not good. I want to recognise that the Bank of St Helena introduced some measures with a card system that gives some improvements, but not enough in my view, we need to do more. St Helena is still to a great extent a cash-based economy, people like to feel the cash in their hand, but if we're now looking forward with what can we believe in the future? It's difficult to say, I think in the short term future I think the bet is that the base rate will go down further, down to zero point twenty-five percent or down to zero. In the slightly longer perspective, according to the Bank of England, you might see that the interest rates go up, but we can forget the old 1975 rates of ten and a half percent. We might be able to get two percent, two and a half percent, that's what the prediction is, but we have to look at it, is that enough? First of all you have to pay the cost for running our own currency and also the inconvenience we are getting from having the St Helena pound and I'll take it a little bit step further, go back a few years when I know Saints told me before we got St Helena passports, got British passports, sorry, we can't have a proper passport and we can only have monopoly money, we're not trusted with anything else than that. Saints in the street which I talk to would really be delighted if the sterling came back into circulation, there are some hiccups with it, it's not straightforward, but we should also note that there is in the Currency Fund about £1.6m, not all of it is packed in cash, but most is, that could help with any potential costs to bring out sterling, because also sterling is going to have to be brought to the island the same as once upon a time we brought the sterling from the island to the UK, it has to be done physically, but these are fairly, I think, small adjustments that need to be done, when we get used to it it will work fine, but first of all we need further to review, as I said, that's what the Motion is about, the possibilities to do this, because it takes an awful long time, I said before since 2013 the discussions, it has been a little bit like pulling out teeth, we haven't really got forward as quick as we could have done, but being hopefully we get there and this Motion is to speed up this process, we can't sit with the same issue coming up year after year after year, we're not getting anywhere and this is what we want to do with this Motion. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Thank you. The Motion is that this House urges St Helena Government to urgently review further the possibility to abolish the St Helena Pound and reinstate the British Pound sterling as St Helena currency. The Motion is now open to debate and I see the Financial Secretary first. Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you, Mr Speaker. I'd like to rise on a point of information. Just to advise all Members that a review of the St Helena Pound has recently been carried out by the St Helena Government Economist outlining the pros and cons of maintaining the St Helena pound so this work is already ensued and it's well on its way and virtually complete. Obviously Britain's decision to leave the European Union will also have an impact on that piece of work and that analysis that's been done by the Government Economist and the next step in terms of taking that review forward is for it to go to the appropriate Council Committee, which, in this case, will be Economic Development, for further consideration and then on to ExCo again for further consideration as to the next steps, so the review that you have requested is actually already in trend. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker, I rise in support of this Motion and wish to commend the Honourable Mover for bringing it before the House today. This Council has, since its tenure in 2013, been discussing the pros and cons of SHG reverting back to sterling. I believe there is broad support across SHG for this and certainly from the electorate. It is no secret that the St Helena Pound is only legal in three places in the world; that is St Helena, Ascension and our RMS. In respecting the decision all those years ago that we should have our own currency St Helena is changing, people is travelling more frequently, we do not have an international bank on St Helena, therefore there can be little argument for the status quo in having our own currency that cannot be used or, indeed, recognised outside of our own jurisdiction. I started by saying we have been talking about this issue since 2013, I suspect long before that too. Given the rapidly changing circumstances, I believe that SHG should now accelerate the work being undertaken to take the island back to sterling. We have done a lot of talking over the last three years; I would therefore urge that we set out a plan of action and timeline to revert back to sterling. There can be no question or discussion on whether we should, we have long passed this stage, it is now, has to be, a matter of when and I urge officials to provide an action plan with timelines as to when this can now be achieved in a timely fashion. Mr Speaker, I fully support this Motion and beg to move.

The Speaker –

Honourable Pamela Ward Pearce and then Honourable Corinda Essex?

The Hon. Pamela Ward Pearce –

Thank you, Mr Speaker, I rise in support of this Motion and thank my Honourable Friend for bringing it to the House. This decision is long overdue as the discussion has been going on for quite some time now, both in the House and outside on the streets. It was raised during recent consultation of the ten-year plan and it was also discussed with the elected members during a meeting with Chris **Johnson** the Financial Regulator. The St Helena Pound has a novelty value but it's also nice to be able to recognise the signatures on it and to have a mental picture or memory of that person. Some people like it for a souvenir while others regard it as monopoly money. Most constituents who I have had this conversation with would prefer to see a return to sterling, they see a lot less problems for travelling, for banking on the island and for transferring monies between Britain and St Helena. For these reasons I support this Motion. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I support this Motion as I have raised the issue of St Helena Currency previously within this Honourable House on several occasions. I am aware, as the Honourable Financial Secretary has confirmed this afternoon, that considerable work has been undertaken already by officials to examine the issues and to provide the basis for an evidence-based decision regarding whether or not it is in the best interests of St Helena to retain its own currency. I'm also aware that some provisions are being put in place to mitigate the many difficulties currently encountered by travellers as a result of having St Helena currency which is not accepted as legal tender overseas. Such provisions are essential and most welcome, but they do not tackle the key issue as to whether or not it is really the best option to retain St Helena currency instead of reverting to sterling. Mr Speaker, it is now time that an informed

decision regarding the way forward on this issue is taken and I emphasise the need for an informed decision and that the public is subsequently provided with the justification for whichever course of action is agreed. Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Honourable Derek Thomas –

Thank you, Mr Speaker, I rise in support of this Motion, it's been around for years now. I'm pleased to hear from the Financial Secretary that the review of the British sterling has been completed and I will ask the Economic Development Committee that it be brought to the Committee as soon as possible as a matter of priority for discussion and from then on it can progress to the Executive Council for a decision. I support the Motion, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I rise in support of the Motion and I thank my Honourable Colleague for bringing the Motion to the House. I also thank the Honourable Financial Secretary for his comments on the work that's ongoing at the moment, the comments made by my colleagues as well are very positive, but as a representative of the public and as said here today, the public are asking for a change in the currency as well, the public may not be aware of all the complications and the **duplications** of the work that's been undertaken but they are asking for a change of the currency and as the support given in this House today I support the Motion, Mr Speaker. Thank you.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. I'd like to thank the Financial Secretary for informing us this afternoon that further work has been carried out and I look forward to receiving this report in due course, whatever process that needs to be taken because this topic has been discussed on numerous occasions since 2013 in Executive Council. A report, as the Honourable Olsson mentioned, was produced by Mr Smythe but no conclusion has been reached. It is necessary to have sterling available to facilitate easy travel arrangements, especially for medical referrals. I beg to move, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Members wish to speak to the Motion? No? Honourable Mover?

The Hon. Mike Olsson –

Thank you, Mr Speaker, I just want to thank Members for their support of this Motion and as I said originally I've raised this Motion to speed up the process, a paper should have been to the Executive Council first sometime in June and it wasn't there for whatever reason, but this is to emphasise where the politicians, the elected members, where we stand on this issue and we want to see rapid progress so we can move further and also a slight fear from the elected

members that it might be a good idea to focus on how instead of if at this stage, because that seems to be the sentiment I get from my fellow, but obviously all the facts have to be on the table. Thank you very much.

The Speaker –

Thank you, Honourable Member.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Thank you. Clerk of Councils?

Motion No. 6 – The Honourable Dr Corinda Essex.

The Speaker –

Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, I beg to move that this House extends formal thanks to the Commonwealth Parliamentary Association, CPA, for its ongoing support and resolves that members of the St Helena Branch attending CPA funded activities will endeavour to ensure that St Helena benefits directly from such exposure.

The Hon. Derek Thomas –

Mr Speaker, I beg to second.

The Speaker –

Thank you very much, Honourable Member. Honourable Mover?

The Hon. Dr Corinda Essex –

Mr Speaker, the Commonwealth Parliamentary Association has provided or facilitated support to the St Helena Branch for decades, but this valuable input has tended to go largely unrecognised at a formal level. Some key outcomes from the past from which St Helena benefited enormously were the visit of the late Sir Bernard Braine MP some forty years ago which led to the opening up of employment opportunities for Saints on the Falkland Islands, the provision of a mobile library at a time when the number of vehicles on the island was not a fraction of what it is today and a high proportion of the population had difficulty in actually coming into Jamestown to make use of Library services and more recently the training delivered to newly-elected Councillors following the last General Election. Even more recently further assistance has been made possible through the efforts of the Honourable Derek Thomas in his role on the CPA Executive Committee. Indeed, we would not be sitting in an upgraded and far more comfortable Council Chamber today were it not for funding provided by the CPA. I am sure that when my Honourable Colleague makes his intervention he will refer to further opportunities both for funding and training for which St Helena can make bids.

In May this year, I represented St Helena at the British Islands and Mediterranean Region CPA Conference; I was impressed greatly by delegates' genuine interest in St Helena and their concern for its welfare and sustainable development. As news of the delay in opening the

airport for full commercial purposes had just broken those present wished to find out more, not to be inquisitive or intrusive, but to show that they cared and were willing to assist in any way within their power. The CPA has often been likened to a family and this comparison was certainly borne out by what I witnessed. During the plenary sessions and seminars the focus was very much on sharing information and experiences and on learning from each other. Some delegates were keen to follow what is St Helena's standard procedure of questioning Accounting Officers at formal public meetings of the Public Accounts Committee while I was very interested in the news by which Jersey successfully engages children from the top end of the primary education in debates and in the democratic process and then sustains this involvement throughout the secondary sector. As we know that we need to strengthen engagement of young people in the local political process, I intend to discuss this with key stakeholders and endeavour to get some of the initiatives at least piloted. Many of these require little in the way of additional funding or other resources and could lay the foundation for a much more politically aware youth and result in younger persons standing for election and exercising their democratic rights.

Mr Speaker, it is my firm belief that participation in the CPA is extremely important and that our gratitude should be expressed through resolution of this Honourable House and furthermore that it should be incumbent on every member of the St Helena Branch attending CPA-funded activities to do whatever he or she can to ensure that St Helena benefits directly from such exposure. I'm not advocating huge changes or radical measures but small steps towards improvement or a tweak to make what is already in place more efficient and effective. After all, Mr Speaker, acorns grow into mighty Oak trees. As a representative of the people of St Helena we owe it to them to make the best possible use of the opportunities that are provided to us. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. The Motion is that this House extends formal thanks to the Commonwealth Parliamentary Association, CPA, for its ongoing support and resolves that members of the St Helena Branch attending CPA-funded activities will endeavour to ensure that St Helena benefits directly from such exposure. The Motion is now open to debate. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I rise in support of this Motion that this House extends formal thanks to the Commonwealth Parliamentary Association for its ongoing support and resolves that members of the St Helena Branch attending CPA-funded activities will endeavour to ensure that St Helena benefits directly from such exposure.

Mr Speaker, Honourable Members, before I talk to the detail of the Motion, I would just like to pay tribute to the Honourable **Reques Montango** MP from Zambia who was the Honourable Treasurer of the Commonwealth Parliamentary Association, and has sadly passed away. Mr **Montango** was a wonderful man and I developed good working relationships with him over the past eighteen months. He was very supportive for St Helena to receive the project funding for the refurbishment of our Council Chamber and our request for further support funding. In learning of his sad passing, I sent a message of condolences to the Secretary General of the CPA.

Mr Speaker, Honourable Members, as Honourable Dr Corinda Essex alluded to, St Helena has benefited from the CPA for many years. I'm honoured to represent St Helena as a member of the CPA Executive Committee; I have gained valuable experience of the workings of the CPA and developed good, strong working relationships with the Secretariat of the CPA and other Branch members. We have been successful through project funding of the CPA for the

refurbishment and upgrading of our Council Chambers making it much more modern and comfortable for Honourable Members to conduct their business. In my recent attendance of the mid-year review Committee Meeting of the CPA held in London in April of this year the Executive Committee of the CPA approved a new vision and strategy as recommended by the Secretary General for additional support to membership branches. Some of the projects will include training courses to newly-elected parliamentarians and returning parliamentarians, training of our Public Accounts Committee, roadshow programmes for our youth designed to develop our youth and plus, Mr Speaker, there are the provision for project funding to further assist parliamentarians in the discharge of their work. The strategy of the CPA has turned around and is now designed to deliver seventy percent of the CPA funding to branches as opposed to thirty percent. Mr Speaker, at the annual conference which is due to be held in September of this year in Bangladesh we will see the election of a Chairperson for small branches, this election is to add greater value and support in the development of small branches of the CPA. Mr Speaker, I support the Motion.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member, the Honourable Pamela Ward Pearce?

The Hon. Pamela Ward Pearce –

Thank you, Mr Speaker. I rise in support of the Motion as I believe we have been generously supported by the Commonwealth Parliamentary Association both in funding, for example, the refurbishment of this Council Chambers and also funding to enable attendances at various conferences. I myself have benefited from this support as I was able to attend the conference in Jersey in February of this year for the British Islands and Mediterranean Region Commonwealth Women's Parliamentarians. As I wrote in my report on my return, one of the strongest messages I brought back from the Conference is that there is overwhelming support for St Helena and that most delegates and CPA members would love to be able to attend a conference on the island. I did, however, warn them that we would be unable to host such a conference even on a small scale, one the size of Guernsey, in the immediate future. There were thirty-five delegates and six international speakers. Even though at that point we were expecting to have the airport opened shortly afterwards, there were other constraints such as the expense of running such a conference and restricted availability of hotel accommodation. I did not go on radio on my return to report back to the people, which is probably an oversight on my part, but I've resolved to do so if I'm fortunate to attend another conference in the future. I support the Motion, Mr Speaker, thank you.

The Speaker –

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

The Hon. Lawson Henry –

Mr Speaker, I rise in support of this Motion and I would like to thank my Honourable Friend, Dr Corinda Essex, for bringing it to the House today and her very, very detailed exposition which obviously entailed quite a lot of research spanning over some forty years of St Helena's association with the Commonwealth Parliamentary Association. I would also like to pay tribute to the Honourable Derek Thomas; since his membership some eighteen months ago he say now as an Executive member of the CPA, because what we can see from St Helena's participation at a high level in the CPA is some of the rewards and this is what we have here before us today and I know through discussions with the Honourable Derek Thomas the amount

he has learned and what funding we are able to get from the CPA that we were not aware of, certainly in the three years since I've been in the Council, so it is important that when these opportunities arise that St Helena do take part and also elect to go on the Executive Committee, because it means then that we have a voice at a very, very high level in the CPA, so I again commend my Honourable Friend for bringing this Motion to the House today and I fully support it. Thank you.

The Speaker –

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

The Hon. Brian Isaac –

Thank you, Mr Speaker, I rise in support of this Motion in recognition of the funding and support that the CPA has given this island, it's given it to this Council and also to former members of Council, they have benefit through that funding from the CPA and the recognition, they have brought a lot of expertise back, but I'd also like to highlight the support to my Honourable Colleague, Councillor Derek Thomas, being a member of the Executive Council his support has been tremendous as well and I hope that it will go from strength to strength, so I thank my Honourable Mover for bringing this important Motion to the House. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Having attended the sixtieth Commonwealth Parliamentary Conference and the thirty-fourth Small Branches Conference in Cameroon in 2014, Mr Speaker, I can say it was an experience that was beneficial for myself in terms of boosting my confidence in my role as an elected member, the profile of the island had been raised by my attendance and will remain raised by St Helena's presence on the Commonwealth Parliamentary Association Executive Committee which offers St Helena more exposure and involvement in the decisions of the Executive Committee. Mr Speaker, I support this Motion and beg to move.

The Speaker –

Thank you, Honourable Member. Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I'd like to support this Motion, I benefit highly from the CPA in 2015 when I attended the Seminar in the Houses of Parliament and will attend the next one in Bangladesh in September, so I look forward and I'd like to thank my colleague, Dr Essex, again and Derek Thomas always seem to come up with the money, so thank you very much for that. I support this Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the Motion? Honourable Mover, would you like to respond?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I would like to thank all my colleagues for their support and I hope very much that as a resolution from this Council if the Motion is passed the Clerk will write

formally to the CPA and make them aware of the content of the Motion and the path that has been carried through this afternoon. I think that particularly with the uncertainty regarding European Union funding, as I said earlier it is very important that we keep all the available doors as wide open as possible and although the CPA does not have the resources to invest millions in infrastructure, for example, as can the EU, its contributions are considerable and they do tend to target areas where in terms, particularly of training, it is badly needed and it would be quite difficult to source it from any other organisation. Clearly we've got another General Election coming up and it is likely that we'll have some new faces on Legislative Council and there will then be a further need for training input which would be very convenient and good if the CPA could provide. Furthermore, as I said, I do feel very, very strongly that we need to give something back to our community, to our constituents, to our island, in recognition of the advantages and the benefits that the CPA have made possible for us as individuals and, indeed, as representatives of St Helena. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Motion is that this House extends formal thanks to the Commonwealth Parliamentary Association, CPA, for its ongoing support and resolves that members of the St Helena Branch attending CPA funded activities will endeavour to ensure that St Helena benefits directly from such exposure.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Clerk, please?

Motion No. 7 – The Honourable Mike Olsson

The Speaker –

Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you, Mr Speaker. I beg to move that the St Helena Government should endorse, support and facilitate training for elected members to use social media, such as Facebook and Twitter, in their work to enhance openness and transparency of St Helena Government and the St Helena Legislative Council.

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. Honourable Mover?

The Hon. Mike Olsson –

made a conscious decision not to use it any further, I found it a bit of wasteful of energy and my time, but I can see the benefits as outlined by several of the speakers here, it is a gift and ability to reach out to the younger people in our community, it's certainly the modern way forward and also it helps with openness and transparency. I think on balance, because of that, having been a user in the past, I may well look at in the future at some point having an official account perhaps, because I certainly don't want my personal life running over into that too much, but I would certainly consider it, so with some reservations I support the Motion. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Certainly social media is becoming the 'in' thing for communication, in fact there's rather a craze for it at the moment. Like all crazes there are advantages and disadvantages and as other Honourable Members around the table have already indicated if we are going to go down the route of using it as a primary means of communication with our constituents I think training is very necessary and acceptable boundaries and parameters have to be set. Again, if I may draw on my experience at the recent conference in Jersey, this was one of the topics that was touched on in the category relating to engagement with the public and a number of the representatives from different jurisdictions were of the opinion that it can be valuable but a number of them had also encountered considerable difficulties with actually being able to use it as an efficient and effective means of communication and some of the unpleasant side that they'd encountered was, for example, a lot of personal abuse, a lot of destructive criticism, a lot of ill-informed comments and in some instances they'd found themselves having to enter into very prolonged and time consuming damage limitation exercises trying to respond to a whole range of very detrimental questions and comments that had been posted on their sites, so I think it's certainly something that's worth looking at and I support the Motion because it's calling for training, but I don't think it's something that we should jump into feet first. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Brian Isaac –

Mr Speaker, I rise in support of the Motion. If Facebook is going to be a means of better communication between Elected Members and their constituents then it is welcoming, but it's got to be, you've got to be responsible in the use of it. If this Motion is passed in the House today I'm sure it will be optional for Members who want to use Twitter or Facebook, then it's optional for them to use it, but if it's a means of better communication, then I support it. Training would be a big thing for me, I have problems at the moment, Mr Speaker, in using my computer when it comes to the technical side of doing things, you know, I have to sometimes, you know, seek further advice on how to do the issues with the computer, so I'm sure Twitter will be an experience for me, I've never used Facebook and the social media, but as I said earlier, if it's an option to improve my communication skills and promote openness and transparency it must be done within a very responsible mode because Councillors sometimes are very much in the firing line for a lot of issues and this will give the public leverage for better communications, for working with their Councillor or working against their Councillor, but as I said, I would need a lot of training. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Mr Speaker, St Helena Government Information Technology policy currently prohibits the use of social media on St Helena Government IT equipment for very valid reasons. In the last years, information technology has changed rapidly and social media allows engagement, share ideas and goals and effectively reach large numbers of users in a short period of time. While this potentially could be a useful tool it would come at a cost. I beg to move.

The Speaker –

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

The Hon. Gavin Ellick –

I stand in support of this Motion, I arrived back here in 2015 from London with fire and brimstone with the Honourable Leslie Baldwin ready to take on and use any media service as our mother Parliaments told us to do. We came here, we can't use it. I was quite down and out, I say our Mother Parliament uses this every day and here on St Helena we can't, but as the days will go on we find that our Governor uses social media.....

The Speaker –

Er, I just want to draw your attention to 14 (d) which mentions that you don't use the Governor, persuade the name of the Governor or Her Majesty to.....

The Hon. Gavin Ellick –

I humbly apologise.

The Speaker –

Continue.

The Hon. Gavin Ellick –

.....?.....use the media and when comments goes on there against what people say they are brought up on the mat. Now, we live in a democratic society, so for me this is a must, I know we'll have our ups and downs and I know things will be posted on there what will tell us us fools, whatever, but this is something our Mother Country uses, so for me I urge us to grasp this Motion. Thank you.

The Speaker –

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

The Hon. Mike Olsson –

Thank you very much, Mr Speaker and, yes, thank you very much for the mainly support I have received, but I just gonna emphasise two things when it comes to this, what is proposed. It is not compulsory for any Councillors to do it, what I'm asking for is enabling those that want to do it, they're no different. I don't personally use Facebook either or Twitter, but I could consider doing it, but I want a little bit of push in that direction to modernise what this

Council is doing, but it is obviously, completely up to each individual Councillor, because what I said in the beginning was that I should be turning to personalise, we are not just Council as a collective part, we are also individuals, twelve, hopefully, individuals, we talked about elected members and thank you very much to the Honourable Attorney General to highlighting some of the pitfalls in this, because there are some, but the senior officials use the social media today, they at large have to consider the same pitfalls in what they are saying when it comes to Official Secrets Act and those kind of things, but I think after some training I think some of the Councillors will use it and it's a tremendous step forward for Council to be able to reach maybe the younger generation, because if we look at, same as at the constituency meetings and us around the table here, some new young blood to the constituency meetings and as Dr Essex said before possibly we could get some young blood to Council as well or younger blood, sorry, it will be much appreciated, so thanks for the support so far, thank you very much.

The Speaker –

Thank you, Honourable Member. The Motion is that St Helena Government should endorse, support and facilitate training for elected members to use social media such as Facebook and Twitter in their work to enhance openness and transparency of St Helena Government and the St Helena Legislative Council.

Question on Motion put and agreed to.

The Motion is carried.

The Speaker –

Honourable Members, I'd like to seek your guidance here now. We have a late Motion and then we have the Adjournment Debate, do you need a break now and we continue thereafter? Yes? Alright, can we have a fifteen minutes break, please? Thank you.

Council adjourned.

Council resumed.

LATE MOTION

That this House resolves that St Helena Government should, in consultation with the Department for International Development, continue to give the highest priority to resolution of the issues relating to commercial use of the airport and the provision of scheduled passenger and freight access by sea in the interim, and ensure that all stakeholders are kept fully informed of developments in an open and timely manner.

The Hon. Lawson Henry –

Mr Speaker, Honourable Members I sought leave to bring this late motion to the House today as some two months has passed since the postponement of the planned and much anticipated Opening of our Airport on 21st May 2016.

.....(Begins)No-one will dispute or argue that given what we now know about the wind conditions that prevail at the airport that this was the right decision because of safety of passengers and as been pointed out is paramount. On 10th April, 2016, we had the first jet aircraft land at the St Helena Airport as reported in an SHG Press Release the following day. We also had, and some of us witnessed the historical landing of the Comair Implementation Flight on 18th April, 2016. What an occasion that was to see that aircraft on St Helena with the

British Airways livery. It was for many of us a truly memorable occasion as we had waited so long for this to happen; in fact we waited years. During the two-day stopover of this flight, there were rumours about difficulty that was experienced with the landing of the plane, but this was never confirmed nor denied by officials, nor was any mention made of this in the Press Release that was issued by SHG the same day the flight landed even though there was a quote in the Press Release by a Mr Martin Louw, Operations Director from Comair. Council was briefed on 26th April about the outcome of the Implementation Flight when we were told that due to problems encountered during the landing of this flight it has been decided that the opening of the airport would be delayed whilst the issues relating to wind shear, a term that was until then totally alien I suspect to many of us, that was encountered was being investigated further. I took from this briefing this was going to be a short interruption and the matter would be sorted out shortly. That was the level of this briefing and I had no reason to suspect otherwise at that time. My Council Colleagues will recall that I specifically asked officials at the briefing if we had been told everything there is to know about the problems encountered with the Comair flight landing and I was told unequivocally, yes. Mr Speaker, Honourable Members, what happened after this, or did not happen, was weeks of uncertainty with very little information to the public and with the 10th July fast approaching, this being the last sailing of the RMS and no plan in place for commencing a passenger air service, Councillors were becoming under extreme pressure from constituents, not only on island but overseas, including the crew of the RMS and potential tourists who wanted to plan a visit to the island. It was not until 3rd June when SHG issued a Press Release confirming the RMS would be extended until September 2016. What is clear, even then, nearly two months later, after the postponement of the passenger flights, there was no evidence of any clear plan that a passenger air service was going to begin anytime soon, but yet the RMS was only extended until September.

Just days before the RMS schedule was first extended, a friend of St Helena, Lord Ashcroft, issued a damning report on the safety of our airport due to the severity of wind shear. He was quoting from reports written by the pilots of the first jet that landed on St Helena on 10th April and those from the Comair Implementation Flight on 18th April. Given the severity of the wind shear issue as described in these reports, this was a clear indication that the problem was never going to be a quick fix. With this in mind, it was a strong case, even at that time in early June to have extended the services of the RMS way beyond September, to have done so then would have clearly saved so much uncertainty and was the right thing to do for St Helena and our people. Sadly, for reasons unknown, the schedule was only extended to September.

Significantly, Mr Speaker, up to that time, 2nd June, was when I first saw Lord Ashcroft's Report (I was travelling away from island on the RMS to the UK). I had not been told the full extent of the problems with landings and the severity of the wind shear at the Airport, nor were Councillors given copies of the Pilots written reports until after Lord Ashcroft's report became public knowledge and even then I had to request a copy of those reports.

Mr Speaker, if you have not had sight of these reports you might be wondering where I am going with this exposition, I would simply ask for your patience because this is so important and needs to be put into context.

I am no expert in aviation but I am going to quote from the Pilots Report who flew the Challenger Aircraft to the Island, this was the second day, 11th April, and I quote:

"The RNP 20 Approach worked fine, from our FMS standpoint however at +/- 2/3 NM from touchdown we encountered severe wind shear resulting in an immediate max performance go-around, go around. We positioned left downwind for 20 and attempted two visual approaches, both were unsuccessful due to severe turbulence and wind shear on short finals, the second approach was an eye-opener as the wind shear rolled the aircraft to the left +/- 20 degrees off the approach course! I was the PF and had added 20 KIAS to VRef to begin with, when

passing through 158 KIAS on the wind shear go around we still had the stall-tape equal to KIAS and were sinking.

Having had two shake-ups I elected to accept the +20 knot tailwind and try an approach on 02 which worked out fine given the runway length and aircraft performance. Not ideal but it was a far safer option as I have personally never experienced wind shear this severe, not even in the sim.” I take the word sim to mean Simulator.

This was what the Pilots from the Comair Flight said in the final conclusions of their report, and I quote: “Approaches onto RWY 20 with any wind above 20 knots **are not suitable for Comair operations**. No gust should be tolerated, approaches within certification limits can be safely executed on RWY 02”. (I take the RWY 20 to mean Runway 20 (the Northern end).

Mr Speaker, Honourable Members, it would be inconceivable to think that this information was not known to DFID and Officials on this Island before 26th April 2016, this being the date the Council was first briefed about the decision to postpone the opening of the airport. I simply ask why was it not shared with Councillors. It is glaringly obvious from these reports that there never was going to be a quick fix to landing passenger planes at our Airport given the severity of the wind shear and I question today in this Honourable House why was the Council and public not told this from the onset? Why was the Pilots Reports only given to Council on 8th June? With this evidence being available so soon after these flights why wasn’t the RMS schedule extended for a year right from the onset? It was obvious that no scheduled passenger flights would be flying to St Helena anytime soon.

Mr Speaker, this is not hindsight, the information that was available right from the onset clearly indicated that such a decision on the RMS should have been made there and then but for whatever reason the people on this island and those abroad and the crews who work on the RMS were kept in limbo for weeks on end causing no end of damage to St Helena’s reputation, not least the uncertainty to the travelling public which was clearly unnecessary as the evidence that was available to the decision makers clearly showed that the RMS schedule should have been extended from the onset.

Openness and Transparency, I ask who is going to take responsibility on this Island for not giving Council and the public all the information that was available since at least 20th April and in particular the right information about the severity of wind shear. It would be incomprehensible to think that officials did not have the pilots’ reports before 8th June, the date these documents were finally issued to Council. I question the sheer absence of openness and transparency and the lack of a partnership approach with which the whole matter has thus far been dealt with.

I am in no doubt, Mr Speaker, that we all want what is best for St Helena and her people, why is it then that we cannot work together in an open and transparent way and share information in a timely fashion, information that we as elected members had a right to expect so that we could make judgments to keep the electorate informed in a timely manner.

Mr Speaker, Honourable Members, there is no doubt that this whole issue has been badly handled from the start and it has done irreparable damage to St Helena and a loss of confidence by the electorate in Councillors and officials. It calls into question the partnership and its values between DFID and the St Helena Government and Councillors and indeed the relationship between Councillors and officials on the island. The morale on the island could not be any worse, in fact, one key SHG official who visited the island recently commented that the morale of the people was the worse she had seen it, all this could have been avoided if all the facts had been put on table about wind shear from the onset.

I hope that by bringing this matter before the house today both SHG and DFID will pause to reflect on the poor handling of this whole issue and in going forward particular emphasis is placed on sharing **of all** information pertaining to Air Access in a timely manner and that in going forward the island and her people are at the forefront. Our Governments should be

working in an open and transparent way to bring about scheduled passenger flights to St Helena Airport and in doing so we must ensure that all stakeholders are kept fully informed of developments in an open and timely manner. Mr Speaker, Honourable Members, I beg to move.

The Speaker –

Thank you, Honourable Member. The Motion is that this House resolves that St Helena Government should, in consultation with the Department for International Development continue to give the highest priority to resolution of the issues relating to commercial use of the airport and the provision of scheduled passenger and freight access by sea in the interim and ensure that all stakeholders are kept fully informed of developments in an open and timely manner. The Motion is now open to debate. The Honourable Mike Olsson?

The Hon. Mike Olsson –

Thank you, Mr Speaker, and thank you very much to The Honourable Councillor Henry for raising this very important Motion here today. I have to say I agree with the Honourable Member a hundred percent. What we have seen over the last few months have not been any of the most glorious moments of St Helena's history, it was meant to be but a lot of things went wrong, especially when it comes to the information, that is what we are concentrating on here because that's how Councillor Henry presented his expose on this Motion. People were informed but under informed, late informed and so were the Councillors. May I just mention that the last Legislative Council I put up a Motion about information to Councillors and that was voted down, but I have to try to word it differently next time, my dear Friends. But it is very unfortunate that this should happen, shouldn't be allowed to happen, but it also brings up, if I can draw attention to a couple of the questions earlier on, I asked about partnership, which was also questioned in this Motion, we're asking about who actually runs this island, is it Executive Council, if they don't get the information they need to take a decision Executive Council is not running the island and our Constitution is there but not followed, that's the Constitution is there on paper, great, but without the right information, it doesn't work. Somebody that, the one that holding information runs the island. I can understand now what the problem is with the airport, it took a very long time, we've been ducking and diving and I think at the moment they're on the right track, is how I understand it, with the wind tunnel tests, with modeling of the island, it's just that this should have been done in the first place, not now, but if we're looking for somebody to blame we have to do after, now we have to sort the problem first, but again, we have talked a lot about this and I thank the Honourable Member for all the work he has put in, it was a fantastic expose and well researched, so well done, Honourable Lawson Henry, but you got my full support and I'm not gonna bore you with anymore because we have talked about this few times and I also think that people out listening to this maybe reading something about it after are fully on the side of what this Council is trying to do. Thank you.

The Speaker –

Thank you, Honourable Member. Does any other Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, the challenges currently relating to full commercial use of the airport have been a devastating blow to all and it has to be safe that no quick fixes are likely, as the Honourable Mover has stated, and it may be a considerable time before these challenges can be overcome. During this difficult period, full engagement with all stakeholders is vital and when I refer to stakeholders not only do I include the general public and all Saints

and persons with close connections to St Helena currently living overseas, but also those tourists wishing to visit the island. Physical access to St Helena has long been recognised as being inextricably entwined with its economic and social development. Indeed, that was why Her Majesty's Government invested so heavily and generously to improve it. Therefore, as a minimum, it is essential that the level of access that existed prior to the construction of the airport is maintained at all times until such time as it has been proved that the airport can deliver safely to the scale of service that was originally anticipated. We cannot afford to have any more stop start situations that leave the island bereft of any scheduled, physical links with the outside world. There are many questions to be answered regarding precisely why we are faced with the current situation and why it apparently came as such a surprise, but however uncomfortable these may be, it is imperative that zero criticism and of receiving a bad press does not stand in the way of decision making, openness and transparency. If it does so, public confidence will be totally lost and the negative aspects of the circumstances that we are all experiencing will be exacerbated. It is very pleasing that it has now been formally agreed to extend the service of the RMS St Helena until the end of June 2017 as this will at least enable all sectors of the travelling public to plan and allay the uncertainty which lowered morale and caused public confidence in the St Helena Government and the Department for International Development to plummet. Such prolonged uncertainty must not be allowed to occur in future. It is destructive and undermines the credibility of Government. Mr Speaker, St Helena is renowned for its resilience and resourcefulness, its motto is "Loyal and Unshakeable". These qualities stand us in good stead in these troubled times and will enable us to transcend them if it is clearly demonstrated that both our Government and that of Britain is according resolution of our access problems the highest priority and is engaging fully and openly with all stakeholders throughout the process. Earlier this month all elected members of Legislative Council wrote to relevant Ministers in the British Government requesting a teleconference to enable us to convey firsthand the key concerns of our constituents. To date, we are awaiting a response. I trust that the proposed teleconference will take place soon and I believe that our request may have been overshadowed by the upcoming Cabinet reshuffle and to some extent superseded by the extension of the RMS schedule. However, it remains essential that Ministers recognise fully the negative impact that the current situation is having on St Helena and that the continuance of the service of the RMS St Helena until the airport can fulfill its original purpose is imperative. The RMS St Helena has long been our lifeline connecting us to the wider world and I wish to pay tribute to all who work on her and ensure that she continues to meet our needs. The recent period of uncertainty placed great stress upon them all, but despite this they continued to deliver to the usual high standard and, indeed, even exceeded this to meet the demands of the London call which generated very positive publicity for the island. All concerned are to be congratulated for their selfless devotion to duty and their commitment to the island, St Helena. Let it not be forgotten that the officers and crew of the RMS St Helena are key stakeholders in the access equation and timely and open engagement with them and the ship's managers must be maintained consistently.

Mr Speaker, I am confident that a viable solution will eventually be found to the air access challenges, but what is equally important or perhaps arguably even more important is that the journey to that point is made as smooth as possible, with stakeholders being kept fully engaged rather than being left in limbo for weeks. Failure to do this will inevitably breed frustration, disillusion and despair, all of which are counterproductive.

In concluding, Mr Speaker, I wish to congratulate the Honourable Mover on the detailed chronology that he has just provided and to commend him for the meticulous research that he has undertaken. Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member wishes to speak to the Motion? Honourable Pamela Ward Pearce?

The Hon. Pamela Ward Pearce –

Thank you, Mr Speaker. I rise in support of this Motion, I would like to thank my Honourable Colleague for bringing it and I endorse what he has said and also to the Honourable Seconder. Information is so very important, I would argue that it's not just stakeholders that should be kept fully informed, but all of our people, the whole of the island and as my Honourable Colleague has suggested it should also be in an open and timely manner, no more spin, please. Our people are heartily fed up with the bureaucratic delays that have been causing us all a lot of frustration. I am hearing stories of postponement of weddings, cancellation of holidays and missed opportunities on the job front; this is only a small part of the human cost. We need to be able to use the airport in a commercially viable way otherwise we become the laughing stock of the world, if we're not already. We've had the little white duck, which the old RMS was affectionately known as and if we don't have the airport able to be used we could end up with a big white elephant. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Mr Speaker, I rise in support of this Motion. As a Government we should in consultation with the Department for International Development continue to give the highest priority to resolve the issue relating to commercial use of the airport. It is very disappointing to everyone to experience a delay in the operational running of our airport, it would appear that there is no short-term solution to this problem and as a Government we must continue to push for the correct long-term solution whatever it takes and keep the public properly informed. People have invested and are continuing to invest significant amounts of money into business opportunities our airport will bring. I am aware that work is ongoing in the collection of wind data, once this is properly established we must push at the highest level for a solution to this problem. The RMS will be extended until June 2017. Leading up to this period, Mr Speaker, we must keep our eyes on the ball and should there be the need for a further extension to the RMS then this should be done in good time in order for the general public, merchants and tourists to plan well in advance. In addition to that, we have the crew to consider, they need to know what is happening well in advance in order for them to make their future plans. Mr Speaker, I support the Motion.

The Speaker –

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

The Hon. Brian Isaac –

Mr Speaker, I rise in support of the Motion and I would like to thank the Mover of this Motion for the concise report made and the other compliments from members around this table today. The airport has been on our books for a very long time, I've been very supportive and I've been very supportive to the public in some areas where there was negativity, I tried to sell the positivity of the airport, but the latest stage of the development of the airport has really dampened my hopes, I was left in abeyance with the lack of information which was not disseminated to us as a Council; the public expected us to know the answers. Very often I had to put my hands up when questioned by the public where are we with the airport, what is

happening with the wind shear, there was certain information shared with Council but not the whole information that made us as a Council to go out and inform our constituents of what was actually happen. I would like to thank again the Honourable Mover and I support the Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Mr Speaker, I thank the Honourable Mover for bringing this Motion to the House as the uncertainty of air and shipping access does impact negatively on the island's economy. I beg to move.

The Speaker –

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

The Hon. Wilson Duncan –

Mr Speaker, I would like to congratulate the Honourable Lawson Henry for bringing this well documented brief to this House and also to the seconder, the Honourable Dr Corinda Essex for her very valuable input and I don't want to prolong going all over the things what has been said but I fully support this Motion.

The Speaker –

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

The Hon. Gavin Ellick –

I stand in support of this Motion and would like to congratulate Mr Lawson Henry for bringing it to the table. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Attorney General?

The Hon. Angelo Berbotto –

Mr Speaker, safety has to come first and it would indeed be bad news if the airport of St Helena were open and a catastrophe happened. There is a lot of negativity around this table today. I say if somebody was responsible or not wanting to open the airport just because, um, to punish St Helena and I think that suggestion is absurd. The Government is the first one to be willing to push this forward as long as it is safe and as being involved in legislation too, I'm pushing legislation through recently about the investigation of potential aeronautical incidents and accidents I am more than aware of the issues of having a safety place to land. For that reason I submit that no airport should be opened until it's completely safe to land. Thank you.

The Speaker –

Thank you, Honourable Member. Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. As with everybody else in this room today I think we would all support the Motion in the way in which it's been written and certainly we would all want to

give the highest priority to resolution of the issues relating to commercial use and the provisional schedule for passenger and freight services and ensure that all stakeholders are kept fully informed of developments in an open and timely manner, I don't think anybody could disagree with that. I would, however, just like to say a number of things in response to the Honourable Member's statement one of which was that, he said it was inconceivable that officials didn't know on 26th April 2016 what was in those reports. I'm an official and I didn't know and if you've got evidence, Sir, that suggests otherwise, perhaps I'd like to see that as well. Officials are not in a position to release information which does not belong to St Helena Government and in the case of the pilots reports they weren't sent to SHG, they weren't commissioned on behalf of SHG. I couldn't release those documents, indeed, I didn't have them. I'm not an aviation expert either nor am I an expert in the weather and I think it's patently obvious that as time goes on all the facts about wind shear and all the inferences from the fact about wind shear are still not yet been resolved. Members will know that the Governor established a small group some months ago now to ensure that information is shared, one member is on that group and as far as I'm concerned all information which is available is shared at those meetings and I have a scheduled open meeting every Friday afternoon and I have had that in the diary now for many weeks and nobody comes to those meetings at all. Now I know that's not the only way to communicate and we're not wholly in control of the message here, but I would like to give assurances to the House that officials are not in the position to withhold information where it's patently obvious that that information should be shared. I support the Motion. Thank you, Sir.

The Speaker –

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

The Hon. Pamela Ward Pearce –

Thank you, a point of information please, Mr Speaker? The Honourable Attorney General said about safety being paramount and I think nobody in this House would disagree with that, any comments were made were around the sharing of information, not about the ability to be able to keep the airport safe. Thank you, Sir.

The Speaker –

Thank you. Honourable Mover?

The Hon. Lawson Henry –

Thank you, Mr Speaker and I would like to thank all Honourable Members who spoke in support of my Motion and I'm not so sure what the Attorney General was hearing in his reference to negativity and safety around the airport, Mr Speaker, so for his benefit, if he's awake now, I will re-read a paragraph in my exposition and it was the second paragraph and I'll read again – No-one will dispute or argue that given what we now know about the wind conditions that prevail at the airport that this was the right decision because of safety of passengers, as has been pointed out, is paramount.

Mr Speaker, I think this Motion needed to be brought to the House, it's been a lot of to'ing and fro'ing, it's been, in my view, the holding back of the approval to extend the RMS in the face of overwhelming evidence has caused so much damage and we shouldn't underestimate that, I'm really pleased to hear the Chief Secretary say that he wasn't in receipt of this information, but if you look at the sequence of events, Mr Speaker, I would hope that if he wasn't in receipt of this information and knowing what he now know he would feel, because he were there with other officials when we received the initial briefing, that that briefing did not portray the extent

of what we now know. That information, Mr Speaker, was in the public domain from at least the 3rd, 4th June, so if he wasn't I not hearing anything to say that the negotiations that were going on wasn't on a level playing field, so somebody higher up was not feeding in the right information and I ask you, this affect every single one of us on St Helena, why should this happen, what is there to hide? Openness and transparency, Mr Speaker, Honourable Members, will only create the right atmosphere, if we are able to go with hand on our hearts. Look, Mr Speaker, I omit to say that two of us on that day were asked to accompany officials on a radio. What I was telling the people that day is not true. I got to live with that as an elected member and surely somebody should take responsibility for that, because I now know that that information was incorrect and that is the damage that holding back of information does, so, look, I don't want to blame anybody, I don't think we should, what we should do as this House is work together, reflect on what has happened and look how we can do better next time. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Motion is that this House resolves that St Helena Government should, in consultation with the Department for International Development, continue to give the highest priority to resolution of the issues relating to commercial use of the airport and the provision of scheduled passenger and freight access by sea in the interim and ensure that all stakeholders are kept fully informed of developments in an open and timely manner.

Question on Motion put and agreed to.

The Motion is carried.

The Speaker –
Clerk?

8. ADJOURNMENT DEBATE

The Hon Roy Burke –

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

The Speaker –

Thank you, Honourable Member. The Motion is that this House do adjourn sine die, is there a seconder to that, please?

The Hon. Dax Richards –

Mr Speaker, I beg to second.

The Speaker –

Thank you very much, indeed. Alright, Honourable Mover, do you wish to speak any further on that? No? Alright, Honourable Mike Olsson.

The Hon. Mike Olsson –

Thank you very much, Mr Speaker, and it's now getting late in the afternoon and I'm not gonna talk for too long.....

The Speaker –

Just remember there's only ten minutes allowed to you.

The Hon. Mike Olsson –

I will not even fill that up. I find some of the debates this afternoon refreshing, interesting and held with a very, can we say, a very positive mind. Obviously the last item we had from the Honourable Lawson Henry was a serious matter and people are frustrated over it, but we have to look upwards and forwards. There have also been a couple of patterns in the debates, Mr Speaker, so if the Honourable Chief Secretary takes some notes, that we had some patterns of when it comes to openness and transparency, have been repeated all afternoon, these are important issues. The information going to Councillors, important issues in general, because without these components, to have well informed Councillors and well informed electorate democracy doesn't work very well. When the Chief Secretary quoted the Constitution earlier today with, I mean, democratic, self determination and democracy are vital for this island and you can put them in question. I'm not saying that we don't have a democracy, but we don't have the democracy working as well as it could. If Members here were better informed obviously some officials and certainly issues better informed and the electorate better informed and it also highlights that is the, what is the partnership with UK, is it a fair partnership or are we just a lower hand in this partnership? We know that we need some financial assistance from UK, presumably always will need some, but we should try and Britain should also try to see if we can develop and be a better democracy, Britain would gain from that as well. I think a lot of Councillors, if not all Councillors, actually would like to take a greater responsibility for what's going on but then they need to know what's going on and they need to be able to tell the electorate and get support from the electorate, that's how democracy works. I had intended today to raise a late Motion regarding a constitutional review, but I've only been a Councillor for a very short while and looking in the background material that other Councillors are re-informing me on this it seems like a Constitution Review of some thought was initiated last year. I've got from the Secretary to the Councillors it said on 14th August 2015, next steps to form a Standing Committee and make a list of proposed changes, that's where we are, we haven't formed that Standing Committee and we need to push on with things, that's my view and this goes both for politicians and for us elected members, we will have to shape up to get things out of our hands. So all these things hang together, the Constitutional Review, I think it's necessary, not just that we want to change the Constitution, but also to bring the focus of this Council somewhere, what we want to do, it highlights the ambitions of the Councillors altogether and individually that we actually want this island to go forward, so if everybody together, working together and try to go forward on these points: openness, transparency, democracy, information and Constitutional Review, that can go forward, I think in reasonable time, because it doesn't move quickly in St Helena, does it, but if that can be done, as expediate as possible, changing a Constitution is not an easy thing, but the process has to start before it can ever be finished. Thank you very much, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I would first like to declare my interest as the President of the Chamber of Commerce, as an importer and as a passenger on the RMS. Mr Speaker, I would like to start by placing on record how pleasing it is to see the post of Financial Secretary and Director of Environment and Natural Resources now held by home grown talent rather than Technical Cooperation Officers, TCO's. Local officers have also recently been appointed to

posts previously held by TCO's in other Directorates, notably Education. This trend is extremely positive and must continue if sustainable development is to be achieved.

However, it is not only the challenges facing air access that are causing despondency and I wish to focus on recent matters relating to Her Majesty's Customs that have caused a level of public concern and unhappiness, which I've never witnessed resulting from any previous actions of St Helena Government. The level of feeling that was aroused may have been exacerbated by the fact that it happened after the disappointments of air access and all the rest, when the general public were already feeling very depressed and vulnerable, but never in my whole career, as a Councillor in the 1990s, as an official or as a Councillor since my re-election have I had constituents actually screaming at me, not because I was doing anything to upset them or annoy them, but simply because they were so frustrated that they had reached the end of their tether and that was a matter that gave me great concern. Before going further I wish to pay tribute to the Honourable Financial Secretary and the majority of his staff who endeavored to do a damage limitation exercise under very difficult circumstances and I would say a very sincere thank you for the efforts that were put in place to try and address the issue. Without their efforts the situation was likely to have spiraled out of control and we owe them our thanks and gratitude. Mr Speaker, there are many lessons to be learned, not only by St Helena Government, but also other key players as the chaos that reigned, both on the day of the arrival of the RMS St Helena from the United Kingdom and during the subsequent clearance of cargo carried on the same voyage, must not be permitted to reoccur. When questions were raised in this Honourable House regarding the possibility of individuals leaving the island having artifacts or other valuable items in their huge packing cases we were assured that a risk assessment would be carried out and any boxes considered a risk to be examined. However, as far as I'm aware, none has been regarded as warranting such examination yet all the passengers disembarking from the United Kingdom voyage were made to feel as if they were best prospects or at worse criminals. This was extremely regrettable and detrimental to public relations. The reputation of St Helena Government and, indeed, St Helena itself has been dented by this experience and by the turmoil caused by the introduction of ASYCUDA, a fact that's now looked upon as such a rude word I wonder, Mr Speaker, whether I should mention it or not? Unfortunately, apologies and explanations will never totally undo the damage done, what is required urgently is a meeting of minds involving all key stakeholders to determine what realistic and pragmatic actions can be taken so that processes and procedures.....(end Part 3)

(Begin Part 4)timely and efficient release of cargo and again I would emphasise that I'm fully aware that the ball does not fall fully in SHG's court, it is a matter for other key players to address as well because they have an equally important role to play in getting things right moving forward. As the Statistics Office previously formed part of my Department I am fully aware that a more robust method of capturing import and export data was badly needed. Indeed, two members of my staff used to have to try and untangle what Customs data was available literally months every year, which was not really the best use of their time, therefore I can fully understand the need for a new system. However, there must be a more straightforward way of capturing valid and reliable data than that recently put in place. It is a nightmare for importers let alone the general public. The simplified form used by the latter still required information that is onerous to obtain and of questionable value. To give just one example, I saw a certain gentleman wandering around looking extremely worried and I just noticed a large box with his name on it by the container, so I said to him if you're looking for your box that might be it there. He said, yes I know it's there. So I said, well, what's the difficulty then, why are you looking so worried and he said that he was told that he must provide the weight of the contents of the box, the box with a baby's pram. Really, Mr Speaker, this

borders on the ludicrous, particularly when there are no weighing scales provided and the public was not made aware before cargo was delivered to the ship in Tilbury that this type of information was now necessary.

Another Customs related issue causing dissatisfaction is that persons requiring spectacles were expected to pay 20% import duty on these. If plans are not already in hand to change this tariff or to have the charges met by another Directorate I will be pressing my Honourable Colleagues to agree to revise it. Surely spectacles, especially for those who need to wear them constantly, should at least be treated the same as items essential for feminine hygiene or baby care.

Mr Speaker, I would like to express thanks to all those who have made the development of a cross-cutting Weed Action Plan a reality. Honourable Members will recall that I moved the Motion some months ago relating to the increasing problem of invasive weeds following robust lobbying on this issue by the Chamber of Commerce. It is very pleasing to be able to report that a completed document forms part of the agenda for the Environment and Natural Resources Committee meeting this week and will hopefully be able to go into implementation shortly. This would be a major step forward.

I'm also pleased to report that the Working Group set up to review the Immigration Ordinance, following another Motion that I moved in this Honourable House, is making considerable progress. Because of the importance and sensitivity of the topic, we are scrutinizing the current legislation in detail, which is a time consuming process. However, we are approximately half way through the exercise and should be in a position to present recommended changes to all elected members within a couple of months at the latest.

The near completion of the new Road Traffic legislation, that amongst other things, contains provisions to enable a much needed parking plan for Jamestown to be introduced, has been long awaited as it is now available and is also very welcome.

So, Mr Speaker, progress is starting to be made on a number of fronts and it is our duty as the elected representatives of the people to ensure that the momentum is sustained and that positive outcomes are achieved. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I rise in support of the adjournment debate. Mr Speaker, Honourable Members, I would just like to report on some of the progress within the Health Directorate. The Hospital Refurbishment Project is progressing well and works are near to completion. Some small contracts are being issued to local contractors and some of these works have started on site. The Public Health Committee, together with the Health Directorate, are extremely grateful to this Council in recognising Health as a priority and supporting the request for additional funding under the Capital Infrastructure Programme within this financial year. A site to be identified and plans approved for a Secured Mental Health facility, relocation of the Dispensary from the top floor to the ground floor, the extension of the Laboratory and installing new Fire systems within the Hospital Administration building. With the second Dentist in place, approval has been given for additional dental equipment allowing both Dentists to practice at the same time and being able to overcome the backlog of dental work. Approved funding has been given to equip and refurbish the Sandy Bay Clinic. This will stand to benefit the people of Sandy Bay. The Health Service is also looking at being able to provide some form of district led clinics to the people of Blue Hill. All of these works are planned to be completed by 31st March 2017 and will lead to an improved health care service.

Mr Speaker, Honourable Members, what remains frustrating to the public is the lack of land to build homes. In the last formal sitting of Legislative Council Honourable Members will be

aware that approval was given to my Motion for works to be carried out on the Comprehensive Development Area at Bottom Woods and the Council has been pushing for this work to be carried out. However, there is still the development of the Comprehensive Development Area at Harlyn in Half Tree Hollow where a contract has been entered into and it is my understanding that works have been put on hold due to the lack of proper sewerage facility systems. In the meantime, the contractor should be allowed to honor his contract and have the area developed into service plots. This will speed up the process once the decision is taken for the sewage then connections can follow. I would ask that the Administration and the relevant Committee who has political oversight of this look into this issue as a matter of urgency.

Another issue, Mr Speaker, Honourable Members, of concern, is the lack of adequate and proper street lighting. We all know that since many of the street lighting were replaced with the solar type lighting we have had nothing else but problems. These solar lights have never worked properly, Members have brought this issue up for a number of years now and in the meantime the public has been made to suffer with inadequate and dangerous street lighting. We have been told that additional lights have been sourced. If this is the case, can I ask that they be erected as a matter of urgency and safety? Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. Honourable Pamela Ward Pearce?

The Hon. Pamela Ward Pearce –

Thank you, Mr Speaker, I rise to speak to the adjournment debate. Having recently returned from a fabulous holiday on the RMS St Helena to England and back to St Helena, I would like to pay tribute to the crew onboard the RMS St Helena. They worked tirelessly the whole trip to guarantee that this special voyage was very special indeed for all. On the two-week journey North, despite all the work incurred keeping a full ship of passengers fed, watered and entertained, they were busy cleaning, polishing, scrubbing, painting and varnishing, both inside and out, so that she would look her best when her big moment came. They helped with the elderly, the young, the disabled, the seasick passengers. Help ranged from ensuring sustenance provided to practical or physical or advice on combating seasickness from the more orthodox Ginger, either crystallized, tea, ginger ale or ginger biscuits, to the off the wall brown paper taped over the?..... The crew wanted you to enjoy your trip and pulled out all stops to make certain it happened. They epitomized service with a smile.

On our departure from the island there was still uncertainty about the future of the ship and by connection that of the crew. The trip was billed as the final voyage. From the return journey to St Helena it would then set sail for decommissioning in Cape Town. However, the opening of the airport was delayed and there were rumours on island and on the ship about the airport and by association therefore the ship. With the uncertainty surrounding the airport, there was a knock-on effect for the RMS. The crew were left in abeyance, not able to make any decisions on their future until the future of the ship was decided. Consequently people's plans were put on hold, they could not pursue or take up job offers or start a new venture because there was no decision on the ship. People had rationalized that if the airport was not yet opened and there was a question mark over that, the Government Press Releases were saying that access to the island would be maintained they concluded, and quite rightly so it would seem, that the ship would be needed to carry on, but the silence was deafening. The Captain, on behalf of the crew, requested a meeting with the elected members and the Deputy Governor who were onboard: Sean Burns, Lawson Henry, Nigel Dollery and I met with them. Their frustration was all too real, they wanted reassurance or at the very least information or an announcement to enable them to make their decisions and plan for their futures, they needed to know what was happening regarding their redundancy as well. We probably added to their frustration as

we unable to provide the reassurance they needed or any concrete information, just platitudes that an announcement was imminent. People had been offered jobs and out of loyalty had turned them down to remain with the RMS for her last days of service to the island jeopardizing their own future into the bargain. The expected announcement did not happen for a few days after the meeting, but like the true professionals they are the crew returned to their work and continued to smile. The Crossing of the Line Ceremony was the full works, culminating with the Captain, or Neptune as he was then, being thrust into the swimming pool. As one of the passengers remarked, you could not imagine this happening to the Captain on the QE2, or any other cruise ship come to that. It is part of the uniqueness that is the RMS St Helena, as is the Cabaret starring ship's officers, the Frog Race, Horse Riding, Deck Cricket, Skittles, Barbeque on Deck and, of course, the ubiquitous party in the crew's Mess. The happy atmosphere that permeates the ship gives a sense of family. Just before we reached Tenerife the crew were assisting with the training exercise with the Tenerife Rescue Services which involved a helicopter dropping a man on the ship and winching him off and we were able to watch from the safety of the Sun Lounge. It was very exciting and made us feel so proud to see the way our crew conducted themselves during this exercise. You would think they were used to working with helicopters on a regular basis. On reaching Tilbury, the passengers disembarked for nine days, some to rejoin the ship back in Tilbury, but the crew was still hard at work to make ready the ship for her journey up the Thames. What a journey when the RMS sailed up the Thames and Tower Bridge was raised for her to come alongside HMS Belfast, it was such an emotional moment, everyone knew she looked her best and the crew could feel justifiably proud. For the crew though it was business as usual as there were many functions onboard while on the Thames with very little opportunity for time off, then back to Tilbury for more visits and functions and to make the ship ready for her two-week journey South. On the return journey there were a lot of us who had come all the way from St Helena, but there were also several new faces. We had the usual stop at Tenerife and Ascension and the service and entertainment carried on with the same eye to detail and efficiency as before. Looking around it was hard to believe that these people had been working flat out for five plus weeks, there was no shirking or slacking, they continued to give their all, the mark of true professionalism. During my absence from the island, there were further consultations on the ten-year plan with the local community. I've been trying to play catch up with this amongst other things since my return. One conversation I had with a constituent, who also happens to be an old school friend, she might not like that old bit though, reminded me of how sometimes we sell ourselves short. Her comment about the ten-year plan while it was aspirational and would help to improve our current situation it would not serve to advance us much beyond where we were forty years ago. People whose memories do not go back that far, either because they are too young or because their association with the island is of a shorter duration, do not realise that, to use a frequently used idiom, back in the day we had fresh milk, an abundance and variety of fresh fish, which was our staple diet then, far more farming, both kitchen gardens, small holdings and larger scale production, for example, by A&F, plentiful and a variety of fresh local fruit, we regularly provided fresh fruit, vegetables and water to calling ships, there was less obesity, there were regular, planned maintenance of our infrastructure, new houses being built for social housing, regular cleaning of our streets. These are not rose tinted specs, I do realise that back then there was also a lot more poverty, there were less vehicles on the roads, there was a lot more people to provide services with a population around five to five and a half thousand, the birth rate was higher, extended families were the norm and this was before the exodus of working aged people. Before the invasive species got out of hand, species like the Mediterranean Fruit Fly damaging our fruit crops, I beg your pardon, fruit crops, and before our young students had access to scholarships for University education. I want to see prosperity for St Helena and for our people, not just for a select few, but for all of our people, any

prosperity should be shared equally with all and that should be at the very core of this ten-year plan. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Wilson Duncan?

The Hon. Wilson Duncan –

Mr Speaker, I know he's not present, but firstly I would like to take the opportunity to wish Mr Nigel Dollery all the very best in his retirement.

Secondly, I would like to congratulate the Honourable Mr Dax Richards on his promotion as Financial Secretary and to welcome him on his first formal Legislative sitting and I look forward to working with him in his new role as Financial Secretary and I'm very proud of the Honourable Mr Dax Richards achievements.

The news of the RMS being kept in service until July 2017 will be welcome by Saints living abroad who wish to return to the island to visit family and friends during the Christmas festive season, a highlight of their holiday. On a more serious note, Mr Speaker, the whole world is aware of the problems encountered at the St Helena Airport due to wind shear since the beginning of May 2016 and as a result the opening of the airport was postponed until a solution can be found. In light of this, rumours are abound that the King and Queen Rocks together with Prosperous Bay House will have to be demolished to help alleviate the wind shear which will leave a monumental blight on the landscape if this were to happen which will be detrimental to our picturesque island. My question to the Honourable Chief Secretary is, has this been considered and if any truth is in these rumours? Mr Speaker, I support the adjournment.

The Speaker –

Thank you, Honourable Member. HonourableAttorney General, you wanted to speak, I saw you, no, okay, right. Honourable Lawson Henry?

The Hon. Lawson Henry –

Yes, Mr Speaker, I too rise in support of this adjournment debate and much has been said today about partnership and its values. Mr Speaker, in 2012, or 2011, sorry, a Memorandum of Understanding was signed between our Government and the British Government through DfID. To underpin that Memorandum of Understanding, a document we're all familiar with is the Economic Sustainable Development Plan and the outputs in that plan suggest that we should have a tourist driven economy and sitting alongside of that is Fisheries and Farming. The Chief Secretary alluded to earlier in his response to my Honourable Friend, Mr Olsson, when we were talking about the PIP earlier, about how the current three-year infrastructure development plan was put together by DfID and officials, signed by the St Helena Government, but the elected members did not see it until one year later. That sums up the partnership with regard to DfID. Mr Speaker, there are infrastructure issues on this island that currently don't fit the criteria that DfID and officials set, but the Economic Sustainable Development Plan was the result of the signing of the MOU and this is the kind of thing that's been happening to this island for such a long time, that's why the public lose confidence, we go one step forward and half a dozen back, it's because of the changing of minds and my Honourable Friend alluded in her exposition to support my Motion about air access, about a letter that we wrote to the Minister, and I want to mention this now, because it is absolutely critical at this time for us to be able to have an open debate at no higher level, at the highest possible level with DfID, the partnership is not working, the partnership is about DfID and what is good for DfID, not what is good for St Helena and sometimes that is why things go wrong. I sat in a meeting when my

Honourable Friend was here, was away on the PDG Group and bless him, he's left us now, our on island DfID Representative, we were talking about the PIP and among the things that DfID said they would not support was the development of our Swimming Pool, they put it there in the first place, they know and talk about the health of our nation, what is better than having a fully functioning Swimming Pool to support the health of our nation knowing the serious problems we got and that's what I find confusing, I never understand. You know, he said, well, we can't support that because the press get hold to that, what's that got to do with the press, and that's the mentality, Mr Speaker, of these senior officials and that's why, unless we start to talk above them, this island is going nowhere in terms of future infrastructure development programmes from DfID because they got their ideas how they want to spend the money, but if it's not going to improve St Helena then why bother at all. It need the input of the people who got to live it and breathe it, so I would ask the Chief Secretary to ensure that we get this debate with the new Minister, because I think the partnership need to be re-examined, we need a new start, we need a partnership where there is equality in it. The partnership what we got at the moment is when it suits DfID it's good, when it doesn't suit DfID no, you can't do that, don't fit the criteria. We can't operate as a Government like that, Mr Speaker, so I would urge for an urgent video conference and we start at an equal level and talk about this partnership. Thank you.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member who wishes to speak to the Adjournment Debate? No? Honourable Chief Secretary, are you ready to wind up or would you like some time?

The Hon. Roy Burke –

Thank you, Mr Speaker, I'm quite prepared to keep going and in the interests of getting finished as quickly as possible, but not skipping over the issues, some very important issues have been raised.

The Honourable Mike Olsson, I certainly took note, Sir, as you were speaking and it will come as a surprise to you, or maybe not a surprise, I haven't much to say in response to what you said, because in most cases everything you said I agree with, so it would be foolish of me to do anything else. I and my colleagues will try to shape up as you encourage us to do so and to use the old adage, every journey of a thousand miles begins with a single step, we really need to get our act together. Sometimes we falter over that first step and we spend too much time talking about it, but we really need to start to do it, I agree.

In response to some of the points made by the Honourable Corinda Essex, I too am pleased that we have more Saints moving into senior positions, I can't take personal credit for that, in fact, lots of people have taken personal credit for that, so there's no point in me trying to, just to declare Derek Henry's not yet confirmed in post in ENRD, but he is the heir/successor apparent hopefully in the next few months.

We all associate ourselves with the comments made about the arrival of the RMS and the difficulties down in Customs, I don't think any of us were immune from the complaints, but I would mention, just in case she is listening, the Governor went to speak personally to many of the visitors and apologised for the delay herself so as well as others who did that, she also took that opportunity, but there are lessons to be learned and I know that no-one was more disappointed than the staff down at the Customs building and it demonstrated a very clear willingness and enthusiasm to change and led by the Financial Secretary and his team and as Members will find, I am sure when you all begin to open your Twitter accounts, it's really important to recognise concerns and mistakes, make an apology and make sure that you take immediate action on the basis of what people are telling you. I don't have a Twitter account.

The Honourable Derek Thomas made a number of comments about significant changes which had happened over the past two years, so since I arrived here, and again I'm not taking any personal credit for that, the changes at the Hospital and in the Health Service have been absolutely fabulous and credit must be paid to all the staff who work there and also to members of the Committee who helped to drive those changes.

And we're also, it seems to talk about the CDAs at Bottom Woods and Half Tree Hollow and the lighting at every Committee meeting, certainly it seems that way and I sincerely hope that the urgency which the Councillor urged this time will take some effect.

I'm grateful to the Honourable Pamela Ward Pearce for the narrative about her visit to the UK, it's fascinating. The RMS crew are, of course, marvelous, professional, attentive and outstanding and if you're listening, I shall be boarding the RMS on Monday, 25th July, so I'll see you then.

The Honourable Wilson Duncan was asking a question to the Honourable Chief Secretary which I failed to write down, I'm afraid, but I'll play the tape back and write to you, Sir, if that's okay.

The Honourable Lawson Henry made mention of partnership issues, it's a very important question that we haven't resolved here, the Honourable Mike Olsson was making mention of that a little earlier, whether we're going to start to do something for ourselves as St Helena, I think it's really quite important. I would suggest in some respects that that definition is within our hands and I think unless we start to do that, nobody else will do it for us, I can't imagine for one second our colleagues in DfID or in HMG in the UK wanting to put something in writing, so, and again, I think we've mentioned this before, but I think that partnership definition is really quite important. Ministers in the UK Government are, of course, advised by officials and in order to ensure we get the debate, as indicated, I'll do whatever I can, it's not entirely within my gift, and perhaps I'll have a word with the Governor to see if there's anything else we can do and there is, of course, a certain irony that an official is being asked to enable a meeting with Ministers to back off officials, but nonetheless we will do that in the sense of partnership within our own organisation and making sure that the will of the Council is delivered.

Mr Speaker, I thank all the Members for their comments, I beg to move.

The Speaker –

Thank you, thank you very much, Chief Secretary. Well, we've come to the end of a perfect day, I would think. Thank you all for bearing out with the lengthy session today, but now that all here, and I think that Honourable Members will need to go away and consider what the debates were all about and perhaps take some action themselves, it's in your hands to move it along. Thank you very much indeed. Council is now adjourned sine die.

Council adjourned sine die.