

ST. HELENA
LEGISLATIVE COUNCIL

THE SPEAKER

The Honourable Eric William Benjamin

THE DEPUTY SPEAKER

The Honourable John Gilbert Cranfield

EX-OFFICIO MEMBERS

The Honourable Acting Chief Secretary	-	Mrs Gillian Francis
The Honourable Financial Secretary	-	Mr Dax Richards
The Honourable Attorney General	-	Mr Angelo Berbotto

ELECTED MEMBERS

The Honourable Clint Richard Beard
The Honourable Cruyff Gerard Buckley
The Honourable Gavin George Ellick
The Honourable Corinda Sebastiana Stuart Essex
The Honourable Anthony Arthur Green
The Honourable Lawson Arthur Henry
The Honourable Kylie Marie Hercules
The Honourable Brian William Isaac
The Honourable Cyril Kenneth Leo
The Honourable Christine Lilian Scipio O'Dean
The Honourable Derek Franklin Thomas
The Honourable Russell Keith Yon

CLERK OF COUNCILS

Ms Lydia Buchanan

PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Friday, 15th September, 2017

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 Richard Fenwick)

3. ADDRESS BY THE PRESIDENT

Honourable Members, ladies and gentlemen, good morning and welcome to the First Sitting of the First Meeting of the Legislative Council following its Inaugural Meeting. I am grateful that the Right Reverend the Lord Bishop has once again agreed to open our meeting with prayer and I thank him for his willingness to do so. Starting with prayer assists us to focus on why we are here and we need no further reminder that we are here to serve others, and, in particular, our community. It also reminds us that the power which is given to this Honourable Council should continue to be exercised with care and understanding as the decisions that we make here will affect the lives of others.

Fortunately, and I am proud to say, we are a caring community and I wish Honourable Members to know that the messages that you have directed me to send to the Premiers of the Caribbean Islands struck by Hurricane Irma have been duly despatched.

Before I turn to the business of our Order Paper, I would like to congratulate the Honourable Acting Chief Secretary, Mrs Gillian Francis, on her recent appointment in the absence of the Chief Secretary who is on overseas leave and also I would like to welcome the Honourable Member to this meeting. I welcome also our new Clerk of Councils, Ms Lydia Buchanan.

Honourable Members, today's meeting, I believe, will be the starting point for what appears to be a very busy period for Honourable Members to meet legislative requirements for the island. Like the previous Council, there's a legislative programme imposed on them some thirty sitting days on twenty meetings of debate during their period of office. Honourable Members may expect to encounter an equal if not heavier legislative workload in view of development expectations.

The legislative business of this Council today, Honourable Members, will largely focus on updating and improving existing legislation, which the Attorney General will later introduce. Other business of this Council will include the presentation of seven Sessional Papers, ten questions for oral answers and two for written responses. There are three Motions for debate, in addition to the Law Revision Bill, to which I have already referred, and our meeting will conclude with the normal Adjournment Debate. In our deliberations today, Honourable Members will, I am sure, be mindful of the rules as are set out in our Standing Orders and in which I shall give guidance only if necessary. I wish Honourable Members well in their deliberations at this first meeting of the Legislative Council and will now call on the Clerk to announce the next item of business. Clerk?

4. PAPERS

SP 32/2017 – The Honourable Financial Secretary.

The Speaker –
Honourable Financial Secretary?

The Hon. Dax Richards (Financial Secretary) –
Mr Speaker, I beg to present Sessional Paper 32/2017 entitled St Helena National Trust 2015/2016 Annual Report and Financial Statements.

The Speaker –
Thank you, Honourable Member.

Ordered to lie on the table.

SP 33/2017 – The Honourable Brian Isaac.

The Speaker –
The Honourable Brian Isaac?

The Hon. Brian Isaac –
Mr Speaker, I beg to present Sessional Paper 33/2017 entitled St Helena Public Accounts Committee – Public Accounts Report.

Ordered to lie on the table.

The Hon. Brian Isaac –
Thank you.

SP 34/2017 – The Honourable Attorney General.

The Speaker –
The Honourable Attorney General?

The Hon. Angelo Berbotto (Attorney General) –
Mr Speaker, I beg to present Sessional Paper 34/2017 entitled The Law Revision (Miscellaneous Amendments) Bill, 2017.

The Speaker –
Thank you, Honourable Member.

Ordered to lie on the table.

SP 35/2017 – The Honourable Acting Chief Secretary.

The Speaker –
The Honourable Acting Chief Secretary?

The Hon. Mrs Gillian Francis (Acting Chief Secretary) –
Mr Speaker, I beg to present Sessional Paper No. 35/2017 – St Helena Government – Proceedings of the Legislative Council – Thursday, 30th March 2017 – First Sitting of the Nineteenth Meeting.

The Speaker –
Thank you, Ma'am.

Ordered to lie on the table.

SP 36/2017 – The Honourable Acting Chief Secretary.

The Speaker –
The Honourable Acting Chief Secretary?

The Hon. Mrs Gillian Francis –
Mr Speaker, I beg to present Sessional Paper No. 36/2017 – St Helena Government – Proceedings of the Legislative Council – Friday, 12th May 2017 – First Sitting of the Twentieth Meeting.

The Speaker –
Thank you, Honourable Member.

Ordered to lie on the table.

SP 37/2017 – The Honourable Acting Chief Secretary.

The Speaker –
The Honourable Acting Chief Secretary?

The Hon. Mrs Gillian Francis –
Mr Speaker, I beg to present Sessional Paper No. 37/2017 – St Helena Government – Proceedings of the Legislative Council – Monday, 15th May 2017 – Second Sitting of the Twentieth Meeting.

The Speaker –
Thank you.

Ordered to lie on the table.

SP 38/2017 – The Honourable Acting Chief Secretary.

The Speaker –
The Honourable Acting Chief Secretary?

The Hon. Mrs Gillian Francis –
Mr Speaker, I beg to present Sessional Paper No. 38/2017 – St Helena Government – Proceedings of the Legislative Council – Tuesday, 16th May 2017 – Third Sitting of the Twentieth Meeting.

The Speaker –
Thank you, Honourable Member.

Ordered to lie on the table.

The Speaker –
Clerk, next item, please?

5. QUESTIONS

Question No. 1 – The Honourable Dr Corinda Essex to ask the Honourable Chairman, Social and Community Development Committee.

The Speaker –
The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –
Thank you. Mr Speaker, will the Honourable Chairperson of the Social and Community Development Committee tell this Council what recent changes have been made regarding visiting hours and rules at the Community Care Complex and why these have been introduced?

The Speaker –
Thank you, Madam. The Honourable Chairman of Social and Community Development Committee?

The Hon. Anthony Green (Chairman, Social and Community Development Committee) –
Thank you, Mr Speaker. The staff group at the CCC had identified with the Head of Care and the CCC Manager that introducing a visiting hours policy may be beneficial for two particular reasons. Firstly, ensuring all residents the dignity and privacy at meal times; and, secondly, ensuring confidentiality and safe handovers that are completed with staff. The staff at the CCC are committed to ensuring that all residents are able to feel comfortable and safe in their home at the CCC. Having loved ones and friends to visit is a key part of everyone's lives and plays an important part for the CCC residents wellbeing and happiness. The CCC is a multi-occupancy care facility and caters for a range of care needs which have varying levels of complexity requiring staff support. Meal times were identified as times where it was particularly important for all residents to feel that their dignity and privacy were being upheld and it was felt that having visitors during these times for some residents impacted upon their privacy and dignity. Not all facilities within the CCC have a private area for staff to have

handovers, that is, between shifts. Often at these times staff needs to share specific care needs relating to individual residents which are confidential. It was felt that having a visiting hours policy around this time would be beneficial. Therefore, the following visiting hours were introduced: 10.30 to noon, 15.00 hrs to 17.30 and 19.00 hrs to 21.00 hrs. The Manager of the CCC has been clear with all, in specific circumstances, these times can be flexible, such as a resident being unwell or if a family member requests to come in to perform a specific task for their loved ones, for example, feeding. The Manager at the CCC has consulted forty-one members and friends of residents at the CCC about these visiting hours and whilst a few people have raised objections the vast majority of the feedback has been supportive of implementing some form of visiting hours. The Manager and Staff have also consulted with the residents at the CCC about this change. The Directorate outlined to everyone involved that this would be a trial for a three-month period and would receive people's feedback, views and wishes and these would be taken fully into account before any long-term policy is put in place. The Directorate fully supports family and members of the community visiting the residents of the CCC, as outlined earlier, and it is an important part of people's wellbeing and happiness. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you. Mr Speaker, how long before the introduction of the change did the consultation take place?

The Speaker –

The Honourable Chairman?

The Hon. Anthony Green –

Mr Speaker, that would take place in early November.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Excuse me, Mr Speaker, I think the Honourable Chairman misinterpreted my question, I asked how long before the new rules and times were introduced did the consultation take place?

The Speaker –

Honourable Chairman?

The Hon. Anthony Green –

The arrangements, Mr Speaker, were first introduced on 2nd August 2017, the three-month period will end in early November and immediately that ends there will be a full assessment of all the feedback that has been received and the Directorate will make a decision on whether to proceed to continue or not to continue.

The Speaker –

Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

With the greatest of respect, Mr Speaker, I'm still not receiving the answer that I am looking for, I am referring to the original consultation which I was informed had taken place before the new rules were introduced, I am asking how long before the new rules were introduced did that consultation take place? Thank you, Mr Speaker.

The Speaker –
Honourable Chairman?

The Hon. Anthony Green –
Thank you, Mr Speaker and I've been informed that there was a two-week period before this was introduced that there was consultation with not only the residents, but also with people who visited. I trust that answers the Honourable Member's question, which I do apologise wasn't covered earlier.

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

The Hon. Dr Corinda Essex –
Mr Speaker, is St Helena Government aware that some family members had had no prior knowledge of the changes until they arrived at the Community Care Complex and were told that they could not see their family members at that particular time?

The Speaker –
The Honourable Chairman?

The Hon. Anthony Green –
Thank you, Mr Speaker. I think we acknowledge that that was a situation that did arise, I can only, on behalf of the Directorate, sincerely apologise for that, but following feedback from residents and members of the public then a series of consultation was put in place and as I've made clear earlier, it is a period of three months where this is going to be trialled and full consultation and feedback from all interested parties, all stakeholders, will be taken into account, but again, because of the limited amount of time that was initially allowed, we do sincerely apologise for that.

The Speaker –
Thank you, Honourable Chairman. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –
Mr Speaker, will an undertaking be given that in future if any major changes are made to visiting hours or other protocols at the CCC, or, indeed, any other institution, timely notice and clear communications with all directly involved will be undertaken?

The Speaker –
The Honourable Chairman?

The Hon. Anthony Green –
Mr Speaker, I can only entirely agree and I have no problem of giving the Honourable Member and this House that assurance.

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker. Will the Chairman say if the consultation that has taken place has been recorded in a questionnaire or has it been verbally recorded? Thank you.

The Speaker –

Honourable Chairman?

The Hon. Anthony Green –

Thank you, Mr Speaker. There is a list of all the feedback that has been received, a list has been made of that, there's also a box at the CCC to allow members and visitors and residents to provide comments, so there is documentary evidence of all the feedback that is being received. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Chairman. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, will the Chairman say that the consultation that's been undertaken is too close to home for the Manager to undertake that consultation or should have been a more independent person undertaking that consultation? Thank you.

The Speaker –

Honourable Chairman?

The Hon. Anthony Green –

Mr Speaker, the Manager of the CCC is probably best suited to undertake any consultation because she would then be able to liaise and provide information, because at some times a lot of questions are raised because of misunderstanding and it would be an opportunity for her to be able to clarify that immediately before any misinformation goes ahead, but I can assure the Honourable Member care will be taken in assessing the feedback now to ensure perhaps that in the future Legislative Council I don't get similar questions.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker. Will this be publicised, will the information be put in the public domain for and against?

The Speaker –

Honourable Chairman?

The Hon. Anthony Green –

Mr Speaker, I can advise that not all the detailed information will be provided, but the outcomes certainly will be so's that you can be assured that the balance of opinion will be made known. Thank you, Mr Speaker.

The Hon. Brian Isaac –

Thank you, Honourable Chairman.

The Speaker –
Next question, please?

Question No. 2 – The Honourable Cruyff Buckley to ask the Honourable Acting Chief Secretary.

The Speaker –
The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –
Thank you, Mr Speaker. As there was a recent flight from South Africa landing at St Helena Airport involving a military aircraft which was redirected to Cuba, can the Honourable Acting Chief Secretary ascertain the purpose of using this route?

The Speaker –
Honourable Chief Secretary?

The Hon. Mrs Gillian Francis –
Mr Speaker, I thank the Honourable Member for his question, I can confirm that a South African military registered C130 aircraft transited St Helena on 18th July 2017 travelling from South Africa to Brazil. I can further advise that the flight kept to its stated flight plan and travelled from St Helena to Brazil. Whilst the flight may have journeyed onward from Brazil its destinations beyond this are not the remit of the St Helena Airport. The aircraft then transited St Helena again on 27th July 2017 on its return journey from Brazil to South Africa. On both occasions the flight called at St Helena Airport in order to refuel. Thank you, Mr Speaker.

The Speaker –
Thank you, Honourable Member. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –
Can the Honourable Acting Chief Secretary say if any charges were levied on this aircraft and if so what amounts?

The Speaker –
The Honourable Acting Chief Secretary?

The Hon. Mrs Gillian Francis –
Mr Speaker, I can advise that St Helena would have charged the aircraft and this would have been related to the cost of fuel and the refuelling operation as they would any other aircraft landing.

The Speaker –
Thank you, Honourable Member. Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –
Can the Honourable Chief Secretary say whether these type of flights are likely to occur again?

The Speaker –

I think we are stepping a little bit out of bounds, you are asking her to give an opinion. Do you have an answer?

The Hon. Mrs Gillian Francis –

Mr Speaker, just to say that at the moment there are currently no pending applications for military aircraft to refuel at St Helena Airport.

The Speaker –

Thank you. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, will the Honourable Acting Chief Secretary state what protocols are in place for aircraft transiting St Helena Airport?

The Speaker –

Honourable Chief Secretary?

The Hon. Mrs Gillian Francis –

Mr Speaker, I can advise that all flights to St Helena Airport are on a strict prior permission required basis. Over and above this, military flights require additional clearances from the St Helena Government and from the UK Foreign and Commonwealth Office, these additional clearances were obtained for this particular flight.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Speaker, would it not be in the interests of openness and transparency for these protocols to be shared with the public?

The Speaker –

Honourable Acting Chief Secretary?

The Hon. Mrs Gillian Francis –

Mr Speaker, I am advised that they are already published in St Helena's Airport publication which is available on the Airport website.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Will the Honourable Chief Secretary say if any other charges were incurred other than for fuel?

The Hon. Mrs Gillian Francis –

Mr Speaker, as far as I'm aware the fees that were paid related only to the cost of the fuel and the refuelling operation. Thank you.

The Speaker –

Thank you, Honourable Member. Thank you. Next question, please?

Question No. 3 – The Honourable Kylie Hercules to ask the Honourable Chairman of the Environment and Natural Resources Committee.

The Speaker –

Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Mr Speaker. Will the Honourable Chairman of Environment and Natural Resources Committee tell this Council what plans are in place to improve the main road network on St Helena to make it safer for pedestrians and motorists?

The Speaker –

Thank you, Honourable Member. The Honourable Chairman of the Environment and Natural Resources Committee?

The Hon. Russell Yon (Chairman, Environment and Natural Resources Committee) –

Thank you, Mr Speaker. The recurrent budget allocated to the maintenance of our road network has been significantly reduced over recent years. The budget allocation this financial year is £424k compared to £684k in 2010/11, a drop of 38%. There are one project, an EU/DfID funded Roads Rehabilitation Project is now completed, so there is no further funding available under this project. The recurrent roads maintenance budget is intended to cover the maintenance of roads and associated structures, such as walls, bridges and culverts. The road network includes the 107 kilometres, 67 miles of public road soon to be increased by 15% when the Haul Road is handed over to St Helena Government. The current budget limitations will provide for our Roads Team to focus only on maintaining existing road infrastructure as far as practical and not construct any new roads. We are therefore able to repair potholes in the road surface and repair damage to barrier walls, side drains and inlets as well as trimming verges and keeping the road surface and sides clean of debris and vegetation as far as the allocated financial resources will allow. This will, of course, involve prioritising what works are done to ensure that the resources targeted to the most outstanding work. We are looking to have access to an improved, graded stone mix that will be used in pothole repair to save time and money, but also to ensure a more even surface and thus create a smoother road surface. In the longer term we are looking to introduce bitumen slurry that will be used to try and even out the irregularities on the current road surface. Slurry is a very versatile product and is the ideal product for the amount of vehicles currently using the island's roads. Slurry can be manufactured in different grades, ranging from fine to coarse to suit the road surface defects on the road; coarse for deeper indents and finer for smaller. We plan to carry out small-scale trials using different mixes of slurry to see the suitability of using this on island. We are also looking at the possibility of obtaining a milling machine to remove all high protrusions as well as fatty areas on the road surface should funds become available. Typical areas on island that would benefit from this approach is the Ladder Hill road and on Half Tree Hollow road next to the Three Tanks. Without milling this off the proposed slurry seal will not be able to improve the driving quality. We are also looking at widening accident prone pinch points, for example, the corner at the Dungeon. It is important to realise that unless additional resources are allocated to road maintenance then our roads and associated structures will decline further from their current state.

The Speaker –

Thank you, Honourable Member. Any other questions? Next question, please?

Question No. 4 – The Honourable Anthony Green to ask the Honourable Financial Secretary.

The Speaker –

Honourable Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker. Will the Honourable Financial Secretary tell this Council whether income from taxes generated from the introduction of air services will have any impact on the level of financial aid the island receives from the UK Government?

The Speaker –

Thank you, Honourable Member. The Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, I'd like to thank the Honourable Member for his question. Mr Speaker, the 2017/18 financial aid settlement came with a number of conditions. One of those saw DfID withdrawing the previously agreed new deal principles. For the benefit of the listeners, the new deal principles, in a nutshell, would allow SHG to keep any surplus it generates through efficiencies, budget savings and additional revenues generated. Similarly, SHG would also have the responsibility to absorb any deficit it generated in each year. Whilst DfID have said that the new deal principles no longer apply, it is the intention of SHG to open discussions on this topic in the lead-up to the Financial Aid Mission for the period 2018 to 2020. This will give SHG a clearer understanding of the intentions of DfID and the impacts this would have on any additional revenues that are generated through the air access related activities. After all, one of the key drivers for the UK Government's significant investment in St Helena is to allow the island to eventually become financially self sufficient. It is hoped that the island will be given every opportunity to initially develop and gather the necessary data to support a decision taken on any reduction in financial aid by the UK Government.

The Speaker –

Thank you, Sir. Honourable Anthony Green?

The Hon. Anthony Green –

Mr Speaker, I thank the Honourable Financial Secretary for that, but just so that I'm absolutely clear, because I wasn't aware of the new deal and what has happened since, but could he confirm that the situation right now means that we're not absolutely sure what, if any, or in part, we're going to benefit from income from air services?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you, Mr Speaker. I think, from the indications that we've received over the last few years, Councillor, we do have the intention that we will be able to generate significant revenues

as the activities on the island ramp up. However, until we get that clarity of what the withdrawal of the new deal principles actually mean in practice on the island I think I cannot give you a clear understanding as to whether that means we will get a significant reduction in financial aid going forward. I would certainly hope not.

The Speaker –

Thank you, Honourable Member. The Honourable Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker. Would the Honourable Financial Secretary agree that if we do not benefit from the income from air services it would be very little point of us going down the road of having air access anyway?

The Speaker –

Honourable Financial Secretary?

The Hon. Financial Secretary –

Mr Speaker, I agree, yes.

The Speaker –

Honourable Anthony Green?

The Hon. Anthony Green –

Mr Speaker, I'm sure that the Honourable Financial Secretary will have done this, but I'm just wondering if I could ask him what would be the projected income from taxes over, say, a three, five or ten year period?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, when we prepared the 2017/18 financial budget there has been some difficulty in forecasting exactly what the benefits that will derive from the activities associated with the airport. However, within this financial year's budget, we've had an assumption made that we would achieve around about £250k additional revenue as a result of the start of commercial air services within this financial year. There is, obviously, a lot more work to be done and that would be one of the key areas that we would be concentrating on as part of the lead up to the Financial Aid Mission which would be early in 2018. Obviously, from a Department for International Development perspective they will want to see that we're maximising the potential revenues that we can get on island as a result of air access activities. Thank you.

The Speaker –

Thank you, Honourable Financial Secretary. Honourable Anthony Green?

The Hon. Anthony Green –

Mr Speaker, I would ask the Honourable Financial Secretary that because we now have smaller aircraft, reduced passengers, less tourists, would he agree that our economic development is not actually going to be as fast improving as originally anticipated?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you, Mr Speaker. I will just only point out to the Honourable Member that what we went out for as part of the tender process for this air service is for to allow five thousand people or five thousand passengers to come to and from St Helena. That was also the same basis on which we went out for the service that was going to be provided by Comair.

The Speaker –

Thank you, Honourable Financial Secretary. No further questions? Next question, please?

Question No. 5 – The Honourable Derek Thomas to ask the Honourable Chairman, Environment and Natural Resources Committee.

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Will the Honourable Chairman of the Environment and Natural Resources Committee tell this Council what progress has been made in relation to the review of land leases and rents?

The Speaker –

The Honourable Chairman of the Environment and Natural Resources Committee?

The Hon. Russell Yon –

Thank you, Mr Speaker. A 2000 Residential Land Policy gave the public an opportunity to buy land at a rate of £500 per acre and leases at that time were calculated at £20 per acre per annum. A change was made to the policy in 2007 whereby a pricing matrix was introduced to what became the Land Disposal Policy. This matrix provided for land to be valued according to its location on the island. Prices ranged from £7,500 to £25,000 per acre for residential land with a 2.5% calculation for a residential lease. Land for commercial use ranged from £15,000 to £50,000 per acre with a 2.5% calculation for a residential lease. In 2012, a further change was made to the policy. This amendment required land to be sold and leased at market value. Market value was determined by private lease transactions. Leases were calculated at 5% of the value of the property for residential leases and 10% of the value for commercial purposes. The Land and Building Disposal Policy 2016 continues to make provisions for land to be sold or leased at market value with the value for both residential and commercial at 5% and 10% lease rate respectively, but the policy now provides for land to be leased or sold at affordable rates for qualifying residents. These rates are calculated at 25 for 50% depending on the medium income of the qualifying applicant. Additionally, policy ensures that some residential land in comprehensive development areas, CDAs, is reserved for qualifying residents. People who had applied for land leased under the 2000 policy and the 2008 policy and whose leases are now up for renewal have had their leases renewed under the current policy as required by the 2012 policy. Likewise, if the tenant wanted to purchase the land it would be sold at market value. This created a problem for twelve tenants as the jump in lease values has increased significantly from £7.00 per annum to £600 per annum. However, if they qualify under the affordable land clause in the 2016 policy then the lease will be significantly reduced. This issue was discussed by the previous ENRC before the Council was dissolved in May 2017. It

was agreed that the tenants affected be contacted to establish if they qualified or not and this will now be progressed with the new Committee. From there, new leases will be drafted to reflect the provisions in the 2016 policy. Additionally, it has been agreed that should a tenant wish to purchase the land then the lease payments will be deducted from the sale price. Currently the requirement is that the tenant will pay the full value of the land irrespective of the amount they have paid in leases. Lease templates will be revised to take this into account. The 2016 policy requires amendments to reflect this change. It is anticipated that the above changes will be effective before the end of this calendar year. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Chairman. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. I thank the Honourable Member for his comprehensive response. Can the Honourable Member say if it is correct that Mr Rob Bryson's services have been retained to complete this review?

The Speaker –

Honourable Chairman?

The Hon. Russell Yon –

Mr Speaker, this is not being fulfilled at this moment in time.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Can the Honourable Member say who completed this review?

The Speaker –

Honourable Chairman?

The Hon. Russell Yon –

Mr Speaker, the review was done by Mr Rob Bryson when he was the Head of the Lands and Housing Department.

The Speaker –

Thank you, Honourable Member. Any other questions, please? Next item, please?

Question No. 6 – The Honourable Dr Corinda Essex to ask the Honourable Financial Secretary.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Will the Honourable Financial Secretary tell this Council what are the risks to the sustainable development of St Helena resulting from the prolonged delay in approval of funding for a capital programme beyond the current month?

The Speaker –

Thank you, Honourable Member. The Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, I'd like to thank the Honourable Member for her question. Mr Speaker, for the purposes of the response I've assumed that the Honourable Member is referring to a new capital programme which comes into effect after the 2014/2017 capital programme which amounts to £16.5m is actually closed. Mr Speaker, with the commercial air service about to commence in a matter of weeks, the Honourable Member's question is a timely one. Whilst the significant investment by the UK Government in the airport is seen as a catalyst for sustainable economic and sustainable development, without significant investment in the other supporting infrastructure it is unlikely that St Helena will be able to take full advantage of the opportunity that improved access brings. The UK Government also recognise the importance of the supporting and enabling infrastructure when it agreed the current capital programme. An extract from the 2014 to 2017 capital programme business case reads as follows: "The short to medium term vision is for St Helena to be ready to take advantage of the opportunities that will become available when the airport opens. The longer term vision is for sustainable and inclusive economic growth and social development which will enable St Helena eventually to become self sustaining. Both scenarios will require sustainable levels of strategic public infrastructure investment and clearly the airport is a significant factor in realising the longer term vision. Infrastructure investment plays a critical role in creating the enabling environment for growth and social development, including private sector and tourism development." So, Mr Speaker, I think the UK Government has a clear understanding of what it means for St Helena. Mr Speaker, the airport is now open and if we are able to embark on achieving the long term vision as set out in the current business case then there must be continued sustainable investment in our essential infrastructure. SHG have compiled a list of key projects which will form the basis of the capital programme for the next three to five years with estimated infrastructure required at a cost of around £50m. These include some quite critical but basic infrastructure for the island including, but not limited to, Ruperts development to enable cargo operations to transfer there, including the much needed upgrade of Side Path road and also Field road; additional rockfall protection in key strategic areas around the island; a new Prison and Fire Station; additional utility infrastructure, including more water storage to build our resilience and sewage system upgrades to combat raw sewage being discharged directly into the environment; the backlog maintenance programme for our roads network, additional social housing, additional sheltered accommodation, a mental health unit and agriculture and fishing infrastructure. There are some really big ticket items on that list which are basic infrastructure requirements of the island. From an economic perspective, I think there are a couple of important projects worth mentioning. The first is the development of Rupert. If activity on the island takes off as planned, we will need to increase the amount of resources brought in by ship. We then must develop Ruperts as a matter of priority. We already experienced a number of issues on the Jamestown wharf with space, competing priorities and health and safety issues arising during the call of the RMS. The proposed design for Ruperts will ensure that we don't replicate the same problems we have in Jamestown and have a port that is fit for purpose within the space constraints of Ruperts. Not only will this allow better flow of cargo, but importantly open up Jamestown wharf for future development. Delays in transferring cargo operations into Ruperts will impede on the development of Jamestown waterfront and stifle the potential opportunities that will exist for the private sector. Therefore, investments in Ruperts is essential. The second point is that the waters around our island will no doubt be one of the biggest attractions for our visitors. At the moment we are discharging raw sewage directly into

the bay in Jamestown. In its current form this is not something that enables the safe use of the waters in the bay that are enjoyed not only by our visitors but our island's people as well and this will be a deterrent to social and economic development if it continues. The lack of investment in this type of basic infrastructure does put the island at risk of not being able to take full advantage of what air access brings. However, we must also broaden our reach. One of our biggest risks to sustainable and social and economic development is our dependency on a small number of donor partners and, in particular, our reliance on the UK Government. We must do more to mitigate against this risk and find new sources of funding to support that which is received from our main donors, such as HMG and also the European Union and also to encourage foreign, direct investment into the island where it is possible and where it is appropriate. Members will be aware of two key projects for the island which are currently being explored and these will have significant, positive implications for the island and its people, the first being a sub-sea cable using funding earmarked for St Helena through the 11 EDF Programme which would provide significant improvements in connectivity and would facilitate social and economic development with improved health and education services being a couple of the key benefits. The second comes on the back of the energy strategy where St Helena is looking to get to a one hundred percent of our electricity being generated from renewable energy sources. There is a procurement that is in progress which will see foreign direct investment into the island and, in particular, into the generating infrastructure. This should see a reduction in the cost of generating electricity. It is envisaged that this will have a positive knock-on impact on the price of electricity which, as we all know, is extremely high on the island. This would benefit everyone on the island. If these two projects were to achieve the intended outcomes it would be a huge step forward in being able to realise the sustainable and inclusive development on the island. We must do more to encourage investment into key infrastructure whilst ensuring that it is the island that ultimately benefits. The capital programme will also support social and economic development through support for employment and local business opportunities with multiple effects expected to impact through increased demand for goods and services. This is particularly important as a number of key projects come to an end, such as the airport project and also the Main Street hotel. Mr Speaker, the delay in approving a capital programme beyond the end of this month will have significant implications for the sustainable development on St Helena and we must continue to work with the UK Government for this critical support. We must, however, also do our part and continue to explore and find new sources of funding and investment for the island to truly be able to achieve inclusive sustainable development.

The Speaker –

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

The Hon. Dr Corinda Essex –

Can the Honourable Financial Secretary give some indication of when it is expected that a decision will be reached with DfID concerning the capital programme?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, I can give assurance to the Honourable Member that we ask that question on a weekly basis. Unfortunately at this moment we don't have a clear understanding as to when we are going to get a decision from the UK Government on a capital programme beyond September 2017.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I thank the Honourable Financial Secretary for that response, although I think we would all agree it's far from being a satisfactory one in terms of being able to plan how we're going to move forward, so is there a Plan B being developed if, indeed, a settlement cannot be reached within a reasonable time frame?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, I can say that the current programme which is due to end at the end of the month is likely to be extended with no cost extension to allow some of the existing projects to be finalised and finished, however, there is at the moment no real Plan B in terms of being able to access other funding sources other than those that we already know that the island is due to have access to, such as EDF 11 funding. We've also looked on island at, and I think it's a matter of one of the Motions that's being raised later on today, is that we have raised some money from the disposal and the sale of land and buildings within SHG and that money, for example, will be put into developing new social housing, so as much as we can do with the very, very limited resources that we have is what we will do as a Government.

The Speaker –

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

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. When will any need to re-prioritise the original business case or make any adaptations to the business case be likely to be known?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, can I just ask the Honourable Member if she is referring to the existing business case or the new business case?

The Hon. Dr Corinda Essex –

The business case for £16.5m going forward.

The Hon. Dax Richards –

The £16.5m is for the existing business case, it's not for the business case going forward, so we do not have an indication at the moment of what the business case going forward will involve. However, the proposals that we put forward to DfID under the previous Council was in excess of £45m worth of expenditure.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Can I ask then what is the value of the business case that is currently under consideration?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, I can't, because I don't know what's the value that's been put to Ministers in terms of the business case. We've asked for it to be shared with officials and members here on St Helena, unfortunately to date we have not received a copy of the business case.

The Speaker –

Thank you, Honourable Financial Secretary. Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker. Could I ask the Honourable Financial Secretary if he would send the Honourable Member's question and his response to our colleagues in DfID?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, I'd be happy to.

The Speaker –

Thank you, Honourable Financial Secretary. Any further questions? Next question, please?

Question No. 7 – The Honourable Anthony Green to ask the Honourable Acting Chief Secretary.

The Speaker –

The Honourable Anthony Green?

The Hon. Anthony Green –

Will the Honourable Acting Chief Secretary tell this Council what measures have been taken to properly catalogue and preserve the valuable material following the closing down of Radio St Helena?

The Speaker –

Thank you very much, Honourable Member. The Honourable Acting Chief Secretary?

The Hon. Mrs Gillian Francis –

Mr Speaker, I thank the Honourable Member for his question and assume that the valuable material referred to is the various recordings that were collected over the years when Radio St Helena was operational. Since the closure of Radio St Helena on 25th December 2012, arrangements have been made for the reel to reel and cassette recordings to be stored at the Museum of St Helena. The storage area which is used is air conditioned and the recordings are placed on non static shelving to mitigate deterioration. As far as I'm aware, the recordings are all labelled but to date they have not been properly catalogued. Some work had commenced

to digitise the recordings and I understand that former Radio St Helena employees were involved with this process. However, the equipment required for this became faulty and had to be sent overseas for repair. It is anticipated that the equipment will be returned before the end of this calendar year and the Chairman of the St Helena Heritage Society, Mr Edward Baldwin, is arranging the necessary repairs with a specialist company. We will, however, seek to ensure that the material is catalogued in tandem with the digitisation process. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker, I thank the Honourable Acting Chief Secretary, but would she probably not agree that the valuable material that I refer to does include the recordings but also includes some five thousand and more vinyl records, 33 and 45 records?

The Speaker –

Thank you, Honourable Member. Honourable Chief Secretary?

The Hon. Mrs Gillian Francis –

Thank you, Mr Speaker. Yes, there is a collection of vinyl records and as the Honourable Member mentioned they are I expect valuable in a sense. These records, these vinyls are also in storage waiting to be sorted and catalogued and we will have to agree how we go about disposing of them. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Anthony Green?

The Hon. Anthony Green –

May I ask the Honourable Chief Secretary whether the locally recorded material and the records are stored in one location?

The Speaker –

Honourable Chief Secretary?

The Hon. Mrs Gillian Francis –

Mr Speaker, the locally recorded material, as I mentioned earlier, is stored at the Museum of St Helena and the vinyl's are in storage in a separate place within the Castle complex.

The Speaker –

Thank you, Honourable Member. Honourable Anthony Green?

The Hon. Anthony Green –

Mr Speaker, may I ask where the separate place in the Castle, is it suitable and safeguarded to ensure that none of that material can likely go missing?

The Speaker –

Honourable Chief Secretary?

The Hon. Mrs Gillian Francis –

Mr Speaker, yes, I can give some assurance that the vinyl's are stored in a storeroom below the HR offices. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Anthony Green?

The Hon. Anthony Green –

Maybe finally, Mr Speaker, may I ask the Acting Chief Secretary if she does agree that the material that is being held is valuable for historical reasons?

The Speaker –

Honourable Chief Secretary?

The Hon. Mrs Gillian Francis –

Yes, I do agree with the Honourable Member, Mr Speaker, especially the recordings that are held currently in the Museum, that they are valuable for historical purposes. Thank you, Mr Speaker.

The Speaker –

Thank you. Next question, please?

Question No. 8 – The Honourable Lawson Henry to ask the Honourable Chairman of Environment and Natural Resources Committee.

The Speaker –

Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, will the Honourable Chairman of the Environment and Natural Resources Committee tell this Council in view of the acute shortage of Government Landlord Houses and the fact that the stock has not been increased for a number of years will Government consider allocating some of the vacant houses at Piccolo Hill to those applicants on the Housing Register that are in urgent immediate housing need? Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Chairman of the Environment and Natural Resources Committee.

The Hon. Russell Yon –

Thank you, Mr Speaker. The Piccolo Estate forms part of the Chief Secretary properties. The Property Division of the Environment and Natural Resources Directorate relies heavily on the income of the Chief Secretary properties to meet the shortfall for the upkeep of the Social Housing properties. There are twenty-eight Chief Secretary Properties, one hundred and eighty social houses. The income from the Chief Secretary properties equates to approximately £140k per annum or £6k per property. Income from social housing is £161k which equates to £894 per property. Chief Secretary Properties are used for incoming Technical Cooperation employees and have been also utilised to accommodate Basil Read employees. Taking into account the uncertainty of future capital funding, it is imperative that the income from these properties is maintained in order to meet the future upkeep of all Government housing. Without

this source of funding then the upkeep of housing stock will further decline. The Chief Secretary housing policy allows for one property to be used in emergency cases only where there is no other means available to the Housing Service. For additional properties to be utilised for social housing, applicants will require permission from the Chief Secretary and the Financial Secretary, especially if it is more than one property that is required. If there is another source of income available to meet the gap then this option could be looked at more widely. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, will the Honourable Chairman of the Environment and Natural Resources Committee tell this House how many, if any, houses at Piccolo Hill are vacant?

The Speaker –

Thank you, Honourable Member. Honourable Chairman?

The Hon. Russell Yon –

Mr Speaker, out of the fourteen houses on the Estate, two are occupied by Children's Services, one is currently being used for emergency social housing and one by the Police. The rest are occupied by Basil Read and TC employees and we are in the process of preparing two properties for incoming TC workers in October. Two properties require extensive refurbishment and rewiring so these are not in use until this work can be completed. The Police use the premises for the interviewing of victims, plus for training purposes, Safeguarding use the premises to house children who are at risk.

The Speaker –

Thank you, Honourable Chairman. Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, will the Honourable Chairman of the Environment and Natural Resources Committee tell this House how many people are on the Housing Register for Government Landlord houses?

The Speaker –

Honourable Chairman?

The Hon. Russell Yon –

Mr Speaker, at this moment, Sir, we do not have the answer to the question that the Honourable Member is asking.

The Speaker –

Thank you.

The Hon. Dr Corinda Essex –

Mr Speaker, on a point of information, I have received that information from the Directorate and it is over seventy persons.

The Speaker –

Thank you, Honourable Member.

The Hon. Russell Yon –
Thank you.

The Speaker –
Honourable Lawson Henry?

The Hon. Lawson Henry –
Mr Speaker, will the Chairman of the Environment and Natural Resources Committee tell this House what plans he has or could he look into plans to get some of the vacant properties from Piccolo Hill turned over to social housing?

The Speaker –
Honourable Chairman?

The Hon. Russell Yon –
Mr Speaker, I think I have already gave an answer and an indication in my previous answer to this question, Sir.

The Speaker –
Yeah. Honourable Lawson Henry?

The Hon. Lawson Henry –
Mr Speaker, will the Chairman of the Environment and Natural Resources Committee tell this House what plans the Directorate have for increasing the stock of Landlord Houses?

The Speaker –
That question might impinge on a Motion and is not allowable if it impinges on a Motion. Thank you. Next question, please?

Question No. 9 – The Honourable Dr Corinda Essex to ask the Honourable Chairman of the Social and Community Development Committee.

The Speaker –
Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –
Thank you. Will the Honourable Chairman of the Social and Community Development Committee tell this Council what action is being taken to review the current policy which bases person's eligibility to receive income related benefits on the income of the entire household in which they reside?

The Speaker –
The Honourable Chairman of Social and Community Development Committee?

The Hon. Anthony Green –
Mr Speaker, from information I've gathered, the previous Committee had been following up on matters arising from the Sainsbury Report and of the twenty-five recommendations a

number have been implemented including agreeing the Minimum Income Standard. They had also set up a Social Protection Review Group to look into the wider issues which will include the matter of looking into Household Income. My committee will now be making sure that this work is followed up and key to this will be the return of the Economist next month who has already started on some preparatory work. Honourable Members will appreciate that it's only been a short time since the new Council has been elected and even more recently the formation of the new Social and Community Development Committee. Almost immediately this had occurred we started receiving information from reliable sources that some serious situations existed such that urgent attention was needed that could not wait on a full review of the Ordinance. A small Working Group of two elected members and various officials was immediately set up to specifically examine the urgent problems of hardship that had been identified. This work has included a scoping exercise to identify the current challenges with the system. Local charities supporting people in the community have been involved in this work as well as frontline services such as Health, the Benefits Office and Social Services. The new Working Group also sought legal advice via the Crown Counsel from which it was identified that to address some of the immediate issues this could be done through amending the Social Security Regulations. New proposals were then prepared and these were considered by my Social and Community Development Committee on Wednesday, that's two days ago. The Committee endorsed these proposals and these will now be presented to ExCo. The proposed changes include a change to the Regulations to disregard a number of income streams that are currently included in the household income calculation; a Welfare Assistance Policy run and operated by the Safeguarding for emergency situations for daily living allowance and a settlement grant for relocations; funding for children in need, based on assessment of need. In summary, Mr Speaker, in answer to the Honourable Member's question, a review of the Ordinance has been in progress for some time and will be followed through. However, the urgent issues that have emerged recently it should be possible to a large extent for these to be addressed by change to the Regulations. It is anticipated that these proposals will be ready for Executive Council in early October. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any further questions? Next question, please? Sorry?

The Hon. Brian Isaac –

Mr Speaker, will the Chairman say what measures are in place currently for those who cannot qualify for Income Related Benefits?

The Speaker –

Chairman?

The Hon. Anthony Green –

Mr Speaker, I do not have all the details available to me, but perhaps my Honourable Friend, who was the previous Chairman, would be well aware what exists at the moment, but what we are doing is to actually take account of any deficiencies and are moving rapidly forward to alleviate some of the more situations.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker, and I thank my Honourable Friend for his reply, but do the Chairman realise that currently there are people in the community who do not qualify, who qualified for Income Related Benefits but cannot be paid because of the household allowance and they have no income at all and are in dire need?

The Speaker –
Honourable Chairman?

The Hon. Anthony Green –
Mr Speaker, if I understand my Honourable Colleague's question, that is, indeed, the information that has come to us in the last few weeks and we've taken the opportunity to speak to Social Services, Health and Making Ends Meet and all other organisations that has been assisting voluntarily to help these people, we have identified various categories of individuals who are suffering from the interpretation under the household that is included in the Ordinance, we are trying to embrace as many of these categories as possible and as my Honourable Friend will shortly be aware when these matters come for caucusing, we have tried our utmost to cover every eventuality; we cannot guarantee it's going to be a hundred percent, but we do believe that we are going to be able to find some alleviation with the immediate hardship that exists under the current legislation.

The Speaker –
Thank you, Honourable Member.

The Hon. Brian Isaac –
Thank you, Mr Speaker.

The Speaker –
The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –
Is there any possibility that further amendment to the primary legislation is going to be required in addition to what can be dealt with by means of regulation?

The Speaker –
Honourable Chairman?

The Hon. Anthony Green –
Mr Chairman, I thank the Honourable Member for that, I did actually refer that into my substantive reply when I said that there is ongoing work which awaits the return of the Economist, but as the Honourable House will be aware changing an Ordinance there's various steps that needs to be taken which cannot be done overnight. What I've undertaken as Chairman of the Social and Community Development Committee is to progress that without delay, but preceding that there was some emergencies on our doorstep which we have taken immediate, sort of, cognisance of and I do wish at this time to take the opportunity to thank the cooperation of the civil service and my colleague who had formed the Working Group to rapidly try and provide a solution to the current, existing, urgent need.

The Speaker –
Thank you, Honourable Chairman. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I would like to thank the Chairman for his response, but given the quite heavy legislative timetable that exists already I would hope very much that any need for legislative changes can be identified at as early a point as possible so that they can be processed within the forthcoming sessions of the Legislative Council.

The Speaker –

Honourable Chairman?

The Hon. Anthony Green –

Mr Speaker, I entirely agree.

The Speaker –

Thank you. Next question, please?

Question No. 10 – The Honourable Kylie Hercules to ask the Honourable Chairman of the Environment and Natural Resources Committee.

The Speaker –

Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Mr Speaker. Will the Honourable Chairman of the Environmental and Natural Resources Committee tell this Council what plans are in place to address the parking issue in Jamestown?

The Speaker –

Thank you, Honourable Member. Honourable Chairman of the Environment and Natural Resources Committee?

The Hon. Russell Yon –

Thank you, Mr Speaker. St Helena has issues with congestion in Jamestown during peak periods. This has a negative effect on residents, commuters, businesses and pedestrians. Currently two major construction projects are underway in Jamestown which also place constraints on parking. Over the years there has been an increase in vehicle ownership on the island resulting in a greater number of vehicle movements. Since 2011, the number of registered vehicles on island has increased at a rate of approximately 4% per year. Notably there has been a growth in 4 x 4 type vehicles which are larger than conventional cars with over one in three vehicles being of this type. Jamestown is situated in a valley and is surrounded by various steep hills on three sides and then the ocean. There has been a call locally to develop areas in Jamestown for parking space, but development is very scarce and options identified cannot be accommodated within the budget constraints. Currently Jamestown has free parking available to residents, commuters and shoppers, the commercial sector can also park in available spaces without restriction or fee. Parking spaces are taken up by mobile food outlets, a number of parking spaces are used to store vehicles awaiting parts or by persons who leave their vehicles on public parks whilst they are overseas or whilst they are waiting for their cars to be hired by clients. Residents of Jamestown are having trouble at peak times, due to the use of available spaces by commuters, businesses and visitors. It is also causing a number of parking violations when vehicles are double parking or parking in

restricted areas. Illegal parking causes traffic congestion leading to safety concerns for pedestrians, longer journey times and poor air quality. A Working Group was set up by the previous ENRC to develop a proposed parking scheme. This Group consisted of elected members of ENRC, the Roads Manager and a representative each from the Police and Finance Directorates. Public consultation was carried out on the principles of a parking scheme developed by the Working Group in late 2016. The principles of the parking scheme are – the introduction of paid parking in selected areas of Jamestown at set times and days; the introduction of a resident parking scheme in Jamestown at set times and days; the introduction of a designated commercial parking facility; the development of a park and ride scheme in the longer term. The principles of the parking scheme were widely supported by the public during the consultation. Following the public consultation, the Working Group has continued to develop the proposal and a door to door survey in Jamestown to determine the interest in the resident parking scheme was undertaken in March this year. A detailed technical survey of parking areas in Jamestown is nearing completion. Consideration is also being given to enhancing pedestrian safety. Once the technical survey of parking areas is completed then the proposal will be refined. Before a parking scheme can be introduced, relevant legislation must be in place to support it. This is currently being developed as part of the Regulations for the Road Traffic Ordinance 2016. Regulations are required to facilitate parking signage and enable the designation of parking zones, fees and charges and fixed penalty notices. This work was started by the previous ENRC and the current Committee has already resumed this work with the aim of having the legislation requirements in place during the latter part of 2017. Regulations are also being developed in relation to loading and unloading of vehicles, which will avoid congestion at peak times and a review of the location of double yellow and dotted yellow lines will be undertaken to ensure that these are placed in the most effective locations. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Chairman. Any further questions? Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I declare my interest, I own property in the area that I'm going to mention, but can I ask the Honourable Member if any progress has been made to utilise the Duke of Edinburgh Playground as a parking area?

The Speaker –

Thank you, Honourable Member.

The Hon. Russell Yon –

Mr Speaker, a planning application was previously submitted by the ENRC for the use of the DoE Playground as a car park, but permission was not granted for this by the LDCA. More recently, a further planning application for the temporary use of the DoE Playground as a car park to mitigate against the loss of parks as a result of the Greenlands development was unsuccessful. This is currently being appealed. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Attorney General?

The Hon. Angelo Berbotto (Attorney General) –

Yes, on a point of interest, Mr Speaker, the Playground, Duke of Edinburgh Playground is no longer a playground in law because Executive Council removed that status from it. Thank you.

The Speaker –

Thank you, Honourable Member. Any further questions? The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, can the Honourable Member say when the appeal is likely to be heard?

The Speaker –

Honourable Chairman?

The Hon. Russell Yon –

Mr Speaker, I can confirm that this appeal will take place next Wednesday.

The Speaker –

Thank you, Honourable Member. No further questions? Right, then I'll ask the Clerk to call the next item of business.

The Hon. Angelo Berbotto –

Mr Speaker, may I ask for a convenience break of five minutes before resuming?

The Speaker –

Yes, I can do that. Council will adjourn for ten minutes.

The Hon. Angelo Berbotto –

Thank you.

Council Adjourned.

Council Resumed.

The Speaker –

Next item of business, please?

6.

MOTIONS

Motion No. 1 – The Honourable Attorney General.

THE LAW REVISION (MSCELLANEOUS AMENDMENTS) BILL, 2017

The Speaker –

The Honourable Attorney General?

The Hon. Angelo Berbotto –

Mr Speaker, I beg to move that the Law Revision (Miscellaneous Amendments) Bill, 2017, be approved in principle and referred to a Committee of the whole Council.

The Speaker –

Thank you, Honourable Member. Is there a seconder?

The Hon. Dax Richards –
Mr Speaker, I beg to second.

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

The Hon. Angelo Berbotto –
Thank you, Mr Speaker. The Law Revision (Miscellaneous Amendments) Bill brings into effect the law revision and what is it, what is a law revision? Well, it is a process authorised by the Revised Edition of Laws Ordinance 1999. It allows for the Governor to appoint a Law Revision Commissioner to revise and consolidate the laws of the territory. Now, this is necessary because there are over a hundred and sixty Ordinances on St Helena and a similar number of Regulations. They are amended and updated regularly so the purpose of the Revised Edition of the Laws is to consolidate those amendments to the principal legislation, to modernize the language of the laws, replacing archaic expressions, using gender neutral language and making sure that the internal numbering of those provisions is consistent and so on. Under the Ordinance, a Commissioner has been appointed. That person is Mr John Wilson, a Lawyer with substantial experience in this area who is a former AG of a British Overseas Territory, he was appointed in January 2016 and he has been working on this project ever since. The Revised Edition of the Laws Ordinance gives power to the Commissioner to make any changes to the existing laws that do not alter the meaning of the provisions. For any substantive change, a Bill is required and the Commissioner has identified certain provisions that require a Bill in order to bring the laws fully up to date and that is the reason for this Law Revision (Miscellaneous Amendments) Bill. The most significant changes to the law under this Bill are an improved definition of life partner in the definition section of the Interpretation Ordinance, a more nuanced definition of public officer in relation to the Land Planning Control Ordinance allowing a public servant, a public officer to work in his or her spare time during for assistant in the planning process as long as that person is not a public officer involved in the planning process itself. Another substantive provision is bringing the Law of St Helena to the standard of the Police to the reforms that the Police and Criminal Evidence Act in the UK have done for how criminal procedure and evidence are considered and treated. Penalties under the Port Health Regulations are updated. Penalties are increased for the offence of drunk in a public place from £40.00 to £100 and for behaving in a riotous or disorderly manner from £100 to £150. There are a number of minor offences that become summary offences, that means that only the Magistrates Court can hear those and there is also a provision that increases the penalty for encouraging a child into prostitution from two years to five. Those are the main provisions that are changed that may be of interest to the public in general. Thank you, Mr Speaker.

The Speaker –
Thank you, Honourable Member. I put the question that the Law Revision (Miscellaneous Amendments) Bill, 2017, be approved in principle and referred to a Committee of the whole Council. Honourable Members, the question is now open for debate and you may debate on the principles of the Bill, not the details. Any Member wish to speak to the Bill? Honourable Lawson Henry?

The Hon. Lawson Henry –
Thank you, Mr Speaker, I rise in support of this Motion, Mr Speaker. The Members have had two quite long sessions in going through this huge number of amendments, they are very

necessary in going forward, in giving us a consolidated version of our laws and I fully support it. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Brian Isaac –

Thank you, Mr Speaker, just to say that I rise in support of this Bill, it's in my opinion, long overdue, but I'm glad it's here today to be presented and I'm sure that there will be, as my Honourable Friend said, Council have had some time in debating some of the issues in there, it will be interesting to see when they come to the Committee stage. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Member wishes to speak to the Bill? No other Member speaks to the Bill? Honourable Attorney General, would you like to reply, respond?

The Hon. Angelo Berbotto –

I'm very grateful for the support of the Honourable Members and I have nothing else to add. Thank you, Mr Speaker.

The Speaker –

Thank you very much.

Question, that the Law Revision (Miscellaneous Amendments) Bill, 2017, be approved in principle and referred to a Committee of the whole Council, put and agreed to.

The Speaker –

Honourable Mover?

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. I beg to move that the Council resolves into a Committee to consider the detailed provisions of the Bill.

The Speaker –

Is there a seconder to the Motion?

The Hon. Mrs Gillian Francis –

I beg to second, Mr Speaker.

The Speaker –

Thank you. If you don't second it, it won't go any further. I put the question that the Council do resolve itself into a Committee to consider the detailed provisions of the Bill.

Question put and agreed to.

The Speaker –

So I move myself into Committee, at the Committee stage now, okay?

Council in Committee.

The Chairman –

We're going through the terms of the Bill. Right, Honourable Members, we're going through now in Committee, it's less formal here and you can ask any questions that you want, any clarifications, although you have been through this on a number of occasions. Don't forget now, this will become law and if there's any faults in here it becomes law too. So I put the question that the Title, the Enactment and Clause 1 do stand part of the Bill.

Title, Enactment and Clause 1

Question put and agreed to.

The Speaker –

Clause 2 and part of the Schedule, because that's combined in Clause 2, so what I will take is various sections here, Attorney General, I'm looking at Clause 2 and the Schedule which is involving that and we're going down to Clause 10 under Civil Procedure.

The Hon. Angelo Berbotto –

Would you like me to comment on them?

The Speaker –

Yes, the first one is the Census, would you like to comment now?

The Hon. Angelo Berbotto –

Yes, thank you, Mr Speaker. So the first change is to increase the penalty in the Census Ordinance from £500 to £1,000 and this is a penalty in relation to an offence of tampering with the Census information. The clauses 1 to 10 are changes to the Civil Procedure Ordinance. There are some of those clauses there that are no longer needed because they have now equivalent provisions in the Court (Extension of Jurisdiction) Ordinance that was passed last year. Also, the deletion of those provisions is because the manner in which contempt of Court is now dealt with is different and these provisions are not longer necessary.

The Chairman –

Any questions on that section, we're with the Civil Procedure Ordinance? No questions? Then I put the question that Clause 2 and the Civil Procedure Section plus the Census Ordinance section do stand part of the Bill.

Question put and agreed to.

The Chairman –

The section on Companies Ordinance 2004....

The Hon. Angelo Berbotto –

Thank you, Mr Speaker.

The Chairman –

....which is from Clause 1 to 5?

The Hon. Angelo Berbotto –

Yes, Clause 1 changes the use of the term “overseas company” and replaces it with, sorry, changes the use of “foreign company” and replaces it with “overseas company”. Clause 2 clarifies the nature and status of private companies which at present is not clear in the Ordinance. Clause 3 the means by which notice can be given for the purposes of the Companies Ordinance. Clause 4 replaces a requirement for a summons by the Registrar by a requirement for an application in writing as this is the modern practice. Clause 5 makes it an explicit and an implied function in the registration process.

The Chairman –

Any questions please on that clause, on that section? No questions? Then I put the question that the section, Companies Ordinance 2004, clauses 1 to 5, do stand part of the Bill?

Question put and agreed to.

The Chairman –

Section, Criminal Damage Ordinance, cap 25, clauses 1 to 3.

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. Clause 1 states the penalties for criminal damage and arson more clearly and removes arson to a new section as in item 2. This creates arson as a separate offence, which it has always been in practice, and Clause 3 gives the Magistrates Court jurisdiction over less serious criminal damage or arson offences.

The Chairman –

Any questions? Does this increase the penalties for arson at all, Attorney General?

The Hon. Angelo Berbotto –

The provision, sorry, which clause are you referring to?

The Chairman –

I’m looking at the chapter on arson, the section on arson, imprisonment for seven years and imprisonment for life. All I ask is has that increased the present penalties?

The Hon. Angelo Berbotto –

I am referring, allow me one minute so I can refer to the Ordinance, Criminal Damage Ordinance, as it is at the moment, so that I can answer your question. So section 3 in the Criminal Damage Ordinance deals with a person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property will be destroyed or damaged, so that is an offence and at the moment the section 3 does not state what the penalty is, the penalty is only found in Punishment of Offences in section 6, so what we have here, insert after section 3, the following section in respect of Arson, so at the moment, destroying or damaging property, section 3 of the Criminal Damage Ordinance, doesn’t make a distinction in relation of how the property is destroyed, it talks about destruction or damage to property and section 3 (a) creates the separate offence and it says that a person who commits an offence under section 3(1) or (2) by destroying or damaging property by fire commits the offence of arson, so what we have with this new clause 3 (a) is a specific offence of destruction by fire. I don’t, does that answer your question, Mr Speaker?

The Chairman –

Not quite, I just wanted to know whether the penalties have been increased under this section?

The Hon. Angelo Berbotto –

No, the penalty does not increase, it's the same, because if you look at section 6 of the Criminal Damage Ordinance it says that a person guilty of arson under section 3 or an offence under section 3 (2) shall on conviction be liable to imprisonment for life. A person guilty of any other offence under this Ordinance is liable for a term of seven years, so this 3 (a) only restates, reorganizes the information, but it makes it very clear that if somebody destroys or damages by setting fire commits an offence of arson.

The Chairman –

Okay, it divides into different categories, is that right?

The Hon. Angelo Berbotto –

That's right, it reorganizes.

The Chairman –

Thank you. Any questions? I put the question then that Criminal Damage Ordinance, cap 25, sections 1 to 3, do stand part of the Bill.

Question put and agreed to.

The Chairman –

Criminal Procedure Ordinance, cap 23, clauses 1 to 7. Attorney General?

The Hon. Angelo Berbotto –

Thank you. So Clause 1 clarifies that the powers are given to a person appointed by the Crown Prosecutor as well as to the Crown Prosecutor himself. Clause 2 replaces the outmoded reference to security by a reference to the Police and Criminal Evidence Ordinance provisions on detention. Clause 3 gives statutory expression to the practice about either way offences currently observed in the Courts. Clause 4 makes it clear that an accused person can elect trial by jury if the penalty is an unlimited fine. Clause 5, this is required in view of the change in the Unanimous Verdict rule made by the Juries (Amendment) Ordinance 2015. Clause 6 the commutation of sentence is no longer available in St Helena, so that's removed; and Clause 7 there's no longer such a form of inquiry, that is why this section deletes reference to inquiry.

The Chairman –

Any questions, please? Can you explain the difference to me between a summary offence and an indictable offence?

The Hon. Angelo Berbotto –

Yes, Mr Speaker. A summary offence is one that is heard by the Magistrates Court, an indictable offence is one that is heard by the Supreme Court, so depending, usually indictable offences carry a higher term of imprisonment because it is considered that if it is, a matter heard by the Supreme Court is more serious.

The Chairman –

Thank you. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Chairman. Can I ask under section 5 where it says if “the Trial Judge thinks reasonable having regard to the nature and complexity of the case, and the jury is unable to agree upon a unanimous verdict, section 15 of the Juries Ordinance, 1979 applies as to a majority verdict.”, how would this work then, Attorney General?

The Hon. Angelo Berbotto –

So your question is, section 5, it says in section 212, delete subsection (5) and substitute, so first I’m going to look for section 212 as it is at the moment, alright, so section 212, subsection (5) as it is at the moment deals with retirement of a jury, so this is when the case has been presented to the Chief Justice and the jury and the jury then, the case is closed, there are submissions, then the jury retires and at the moment the law says “if after such period of time as in all the circumstances of the case appears to the Chief Justice or Trial Judge to give reasonable um the jury is unable to agree upon a unanimous verdict the Court shall discharge the jury and shall order a new trial and we want to replace that with the following: “**(5)** If it appears to the court that the jury have had a period of time for deliberation that the Trial Judge thinks reasonable having regard to the nature and complexity of the case, and the jury is unable to agree upon a unanimous verdict, section 15 of the Juries Ordinance, 1979 applies as to a majority verdict.”. So there is provision for a verdict to be by majority rather than unanimous.

(Inaudible)

The Chairman –

Yes.

The Hon. Angelo Berbotto –

That’s right, and this is required in view of the change that was made last year to the Juries Ordinance, so this provision just completes the tidying up that was done. Last year there was a policy change by this House in changing the Juries (Amendment) Ordinance so now we have by majority verdict. This provision just deals with the time, the period of time when the jury have retired as to when, if there’s no agreement unanimous, when the Judge may direct that the majority verdict provisions apply.

The Chairman –

Yeah. Councillor Thomas?

The Hon. Derek Thomas –

Yes, thank you for that explanation and I think the majority, what we’ve agreed last time, was it er, can you remind me, Attorney General, what was the, how would we define majority?

The Hon. Angelo Berbotto –

Unfortunately I didn’t bring that Ordinance, I cannot remember whether it is, I cannot remember whether it is.....

The Hon. Derek Thomas –

Thank you, Mr President, I just want to be familiarized with that, but my colleague seems to think it’s eight of twelve, eight or four, did you?

The Hon. Angelo Berbotto –

I can confirm that in writing once I go back to the office and check the Ordinance.

The Chairman –

But what it says is instead of having a unanimous vote you can have a majority vote, that's it, okay? I put the question then that the Criminal Procedure Ordinance, cap 23, do stand part of the Bill.

Question put and agreed to.

The Chairman –

We'll do the last one and I'd like to adjourn for lunch and then we can come back within an hour's time. The Drugs Prevention of Misuse Ordinance 2003. Attorney General?

The Hon. Angelo Berbotto –

Yes, Mr Speaker, thank you.

The Chairman –

And I think it is clauses 1 to 2, that's all. Can we also take the Drug Trafficking Ordinance at the same time, because that's a very small section?

The Hon. Angelo Berbotto –

Yes, that's perfectly alright. So, the Drugs Prevention of Misuse Ordinance, Clause 1 clarifies the nature of indictable summary and either way offences under this Ordinance and removes the need for a schedule of penalties and Clause 2 is a consequence of replacing section 28, the one that I've dealt with and in relation to the Drugs Trafficking Ordinance the deletion is because the reference to section 28, subsection (2) is meaningless since this has been deleted by the operation of the previous amendment.

The Chairman –

Any questions on that section, please. Then I put the question that the Drugs Prevention of Misuse Ordinance 2003 do stand part of the Bill.

Question put and agreed to.

The Chairman –

What I recommend now is that we take the normal break that we do, lunch hour break, and then we can come through for the following sections.

(Inaudible)....Drugs Trafficking Ordinance...

The Chairman –

Oh, did you do the Drugs Trafficking? You have, and that one I need to put, so I put the Drugs Trafficking Offences Ordinance, 2003 and propose that that stand part of the Bill.

Question put and agreed to.

The Chairman –

Let's remember where we got down to when we come back and I think we should adjourn now for lunch and we come back here at a quarter past one. Yes? Thank you very much. Council is suspended.

Council suspended.

Council resumed.

Council in Committee

THE LAW REVISION (MSCELLANEOUS AMENDMENTS) BILL, 2017

Resumed Debate

The Chairman –

Let's have a look at the next section and here I'm prepared to take the Electricity Ordinance, cap 107 and the Firearms Ordinance, cap 138, we take those two together. Attorney General?

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. The Electricity Ordinance deletes the word "so" in section 5(2). The offence of preventing a meter from giving a correct reading should not require negligence as for injuring a meter, that's the reason. For the Firearms, the deletion simplifies section 10, subsection (2) by removing the reference to a contract of hire etc which adds nothing and the reference to "lawful possession" which is already covered by section 6(2). Clause 2 provides a penalty for the offence of failing to surrender a certificate of registration as a Firearms Dealer, Clause 3 clarifies the nature of indictable summary and either way offences under this Ordinance and removes the need for a schedule of penalties and Clause 4, this is a consequence of replacing section 41 above. I also wanted to clarify, Mr Speaker, that in relation to a majority verdict in a jury, juries are empanelled usually with eight jurors and a majority of seven is valid.

The Chairman –

Thank you for that, thank you, Attorney General. Any questions on that section, those two sections? Then I put the question that the Electricity Ordinance, cap 107 and the Firearms Ordinance, cap 138 sections do stand part of the Bill.

Question put and agreed to.

The Chairman –

Can we take the Gaols Ordinance and the Highways Ordinance, cap 102, so the Gaols Ordinance, cap 133 and 102?

The Hon. Angelo Berbotto –

Thank you. So there are four clauses in the Gaols Ordinance, 1 to 3 rename, first the Ordinance is renamed, it will be now known as the Prisons Ordinance 1960, so clauses 1 to 3 are amendments that give statutory recognition to the change of name from Gaol to Prison, which has been adopted for several years, and No. 4 recognizes that some denominations like Christian, Christian Science etc, don't have ministers as such, but may wish to make Prison visits, so that reflects who may be a visitor to the Prison.

The Chairman –

Any questions? No questions, alright, then....

The Hon. Angelo Berbotto –

Do you want me to proceed or do you want to put it to the Committee?

The Chairman –

No, you want to do the Highways Ordinance, you first.

The Hon. Angelo Berbotto –

So the Highways Ordinance, there's a repeal of sections 14 and 15 and the places mentioned in these sections no longer require special statutory protection according to the Council Committee and the places referred to are, one second, Mr Speaker....

The Chairman –

I was only, out of curiosity, wanted to know why they want to change Gaols to Prison, unless it's better to say you're going to Prison than going to Gaol.....

The Hon. Angelo Berbotto –

Well, it's just modernizing the language, it is the same establishment.

The Chairman –

Oh, it is, is it? I see.

The Hon. Angelo Berbotto –

In relation to 14 of the Highways, that is a very old revision and says that all persons occupying land situated upon the banks of the stream known as The Run between the places known respectively as the Big Waterfall and the Upper Bridge, shall twice in every year in the months of July and December cut down or otherwise destroy and clear away all reeds and bushes growing upon the land in their occupation etc, etc, so that is why, so these services are now provided by the Government, there's no such a requirement, it hasn't been enforced for many years, so that's the reason why we're clearing up these provisions.

The Chairman –

Thank you for that explanation. I put the question then that the Gaols Ordinance, cap 133, clauses 1 to 4 and the Highways Ordinance, cap 102, do stand part of the Bill.

Question put and agreed to.

The Chairman –

Immigration Ordinance 2011, we'll take that one in its entirety.

The Hon. Angelo Berbotto –

Thank you. Mr Speaker, the first clause doesn't alter the law, but clarifies that the ground for a grant of special leave in sub-regulation (1) relating to asylum is separate from the other grounds and it removes item (e) (iv) and creates a new sub-regulation 1 (a). Clause 2 does not substantively alter the law but clarifies the grounds for refusal and brings them into line with best practice relating to the rights of an intending immigrant. The only discretionary power is that of the Governor to declare a person a prohibited immigrant under section 42, sub-section (1) and Clause 3 enables administrative forms to be approved without any need to make regulations to prescribe them.

The Chairman –

Any questions on that section, Honourable Members? Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Mr Chairman, this section relates to regulations and not the primary Ordinance. The primary Ordinance is normally amended through this House, regulations are normally amended through Executive Council, is this the correct forum to be making the proposed amendment?

The Chairman –
Attorney General?

The Hon. Angelo Berbotto –
Thank you for that question. The answer is, yes, remember that this is a special Ordinance, it's a Law Revision Ordinance and under the powers of the Law Commissioner it is, what we're doing is not dealing with the Immigration Ordinance, we're dealing with the law revision and the entire laws of St Helena, be they regulations or Ordinances. Thank you.

The Chairman –
Any other questions? I put the question that the Immigration Ordinance 2011, clauses 1 to 3, do stand part of the Bill.

Question put and agreed to.

The Chairman –
Interpretation Ordinance, cap 3. Yes, now perhaps I just explain on this one how we're going through it, because it's rather complicated. I will take the first one and two, sections 1 and 2 down as far as the end of page 8, so then I will put that sort of section to you afterwards, down to Crown Prosecutor and then we'll go ahead on that, I think that's the only way I can take this, other than taking it in one big chunk.

The Hon. Angelo Berbotto –
So up to the definition of Crown Prosecutor?

The Chairman –
So up to Crown Prosecutor, the definition of that please.

The Hon. Angelo Berbotto –
Thank you. So, firstly, a word about what the Interpretation Ordinance is. It's an Ordinance that defines terms that appear in other Ordinances and Regulations, they are recurrent. It's basically made up like a dictionary or a glossary of terms used in other Ordinances and the first section is Clause 1 makes it clear that the UK Interpretation Act applies for the interpretation of UK Acts that apply to St Helena. Then there is Clause 2, adds definitions of various terms that are commonly used in St Helena's statutes, some are defined in various Ordinances in which case if those definitions have been removed from the Ordinance unless needed for ease of reference other terms are ones generally understood, but they should have a statutory authority if terms defined in the Constitution are not repeated unless they have a different meaning, so under this Clause 2 we have definitions for "Adopted English Law", "alien", "arrestable offence", "Cap.", "Chair", "Chairman" and "Chairperson", "Chief Auditor", "Chief Justice", "Chief Magistrate", "Clerk of the Peace", "Code of Management", "Commissioner for Oaths", "Committee" or "Council Committee", "Consolidated Fund", "Commonwealth", "Court of Appeal", "Crown Prosecutor".

The Chairman –
Right, any questions on the definitions or you're all happy they are just defining various things?

Yes, Councillor Isaac?

The Hon. Brian Isaac –

Thank you, Mr Chairman. Could I just ask the Attorney General, under 2, just to explain the definition of “life partner”, I am aware of it, but for the listening public?

The Hon. Angelo Berbotto –

Of what, Sir?

The Hon. Brian Isaac –

Clause 2, under the Interpretation Ordinance, “Life Partner”, you spoke earlier, I’m clear, but just for the benefit of the public?

The Hon. Angelo Berbotto –

We haven’t been down to “p” yet, we’re just stopped at “c” for Crown Prosecutor, I don’t know whether I can wait.....

The Chairman –

Er, “life partner” under 2.

The Hon. Angelo Berbotto –

So the change to Clause 2 to “life partner” is as follows: I’m just looking for my?....., okay, I can’t find it. So the amendment is to the definition of “life partner” that says that in order for two people to be considered life partners, there must be evidence which is living together for at least a year or other evidence and the evidence, and the reason for this is so that there is some way to define what a person, what a life partner is to avoid situations, for example, where a person meets somebody, gets on for the first two weeks and they are considered life partners. At the moment, there is no requirement in law for any period of cohabitation except for the Immigration Ordinance, but not one at large that includes all provisions and there are many Ordinances that use the term life partners, so the proposed change is that for two people to be life partners there must be evidence of living together for at least a year or some other evidence and this is on a case by case basis.

The Chairman –

The thing which I see about this, or worry about this, is the term “or which is appropriate in circumstances”, so that’s left wide open. What I think is appropriate being the Immigration Officer and what you might think as an Immigration Officer being appropriate leaves us to have differences of opinion, you know, what is that other thing,

The Hon. Angelo Berbotto –

I can understand.....

The Chairman –

At the moment it is twelve months, that is a definite provision, but to say, oh, any other way as well as long as it is appropriate.....

The Hon. Angelo Berbotto –

Yes.

The Chairman –

And so

The Hon. Angelo Berbotto –

The reason for that is so that there's no injustice than to, for example, persons who are in an enduring relationship and which would continue, but for the death of one of them, so, for example, under the Coroners and Presumption of Death Ordinances, someone could have lived with the deceased and during that time also had a child together, but because they haven't been living together for more than twelve months the partner, the surviving partner has no regard as having an interest with respect to the Coroner's Report, so that provision, unless there are other circumstances, would allow the Coroner to take into account, for example, whether there was evidence that the relationship was enduring and hadn't been for the death of one of the partners it would have continued, so it provides that safety net in cases that may be extraordinary cases.

The Chairman –

And this relates only to the Coroner's Ordinance or any Ordinance?

The Hon. Angelo Berbotto –

No, to any Ordinance.

The Chairman –

Any Ordinance.

The Hon. Angelo Berbotto –

There may be other Ordinances where there are,, for example, in the Liquor Ordinance there is a defence, there is a defence in the case of an offence where the spouse, life partner or child supplies liquor to a person with a restriction order, so if I am in a relationship but have been in a relationship for eleven months and my partner is given by the Court a restriction order, but I buy alcohol for my partner, it give, under the definition of life partner at the moment, because I haven't crossed the twelve months in our relationship I cannot be protected under this provision, but there may be reasons why the Court may wish to grant that right and that is why having in normal circumstances of twelve months, but unless there are special circumstances and those circumstances are such that the Court will say, will decide special circumstances so this person is a life partner even if those twelve months haven't lapsed.

The Chairman –

Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I cannot accept this as it stands. The phrase "or in such other way if it's appropriate in the circumstances", although having heard the Attorney General's explanation, I feel is far too wide open and potential for abuse could still remain, which is the very thing that we're trying to remove by this amendment anyway, so I feel that an amendment should be made to indicate exceptional circumstances as the Attorney General has just mentioned and possibly exceptional circumstances as determined by a Court.

The Hon. Angelo Berbotto –

My comment is that by having the provision as it is, and I will read it again, "a person (a) means life partner, life partner of a person (a) means the person (b), the partner, sorry, life partner of a person (a) means the partner (b) of (a) to whom (b) is not married but with whom (b) lives in a heterosexual or homosexual relationship which is akin to marriage and which is intended by

(a) and (b) to be permanent as evidence by their having lived together for at least twelve months or in such other way as appropriate in the circumstances. So if we stayed twelve months and we do not provide for the Court to assess in what circumstances a person, two people that have been together for eleven months, but not twelve, are life partners, if we don't provide for that there is potential for injustice for the situations that I have already described, there are the Coroner's and Presumption of Death Ordinance, the Elections Ordinance where the, the Liquor Ordinance and there are other circumstances. The way that we have drafted this provision allows for, firstly, that two people need to meet the criteria, they have to be living together in a relationship that is akin to marriage with the intention to be permanent, there has to be evidence of that living together. At the moment, if we look at the Ordinance we don't have that definition. Just allow me, Mr Speaker, to find the...."life partner" at the moment says in relation, this is the law as it stands at the moment, "in relation to a person means the partner of such person to whom he or she's not married but with whom he or she lives in a heterosexual or homosexual relationship and where such relationship is intended by the parties to be permanent". So at the moment in the law life partner is a very fluid thing because as long as there's the intention for it to be permanent that is life partner. What we're introducing is that one year of cohabitation, there has to be evidence and what we are saying is that evidence by their having lived together for at least twelve months or in such other way as is appropriate in the circumstances. What that allows is that if there is no evidence of the twelve months that the Court or the decision maker may look at the other circumstances because there may be, as I have explained, a case in which two people are together, they are intending to continue being together and there is a fatality, one of them dies, but the intention was that but for that incident they would continue. If we delete that provision two people, the surviving partner may not be able to be a person with an interest in the Coroner's Inquest, so my legal advice is that as we have drafted this provision sufficiently provides for guarantee. At the moment there are none, at the moment if two people say we are two life partners, we've been together for two weeks, but we intend to be permanently life partners, at the moment there's nobody who can disagree with that because of the law being expressed in very vague terms. What we're proposing is sufficient to narrow the definition without creating injustice and in relation to the Honourable Councillor's suggestion, we can simply not anticipate the circumstances in which somebody will need to rely on other evidence except for the twelve months, so in my humble opinion and my legal advice as your Attorney General this definition of life partner is sufficient enough to provide clear the limitations to what makes two people life partners without being in a position to leave anything that may be a life partner, two people who intend to, but for some unforeseen incident.

The Chairman –
Councillor Henry?

The Hon. Lawson Henry –

Thank you, Mr Chairman. I can fully understand where my Honourable Colleague coming from, because it does seem a bit wide and I just wondered if the Attorney General might be able to form that last paragraph slightly different to make it clear that it is the Authority who determines what the other appropriate circumstances might be.

The Hon. Angelo Berbotto –

Well, it may be, but that's a very good point, Councillor, but it may be that the Authority may be Immigration Authority, the Authority may be the Court, the Authority may be the person at the Customer Service dealing with benefits. What can be put at the end, for example, of this provision to make it very clear that the twelve months is the norm, is that adding the word

“exceptional”, for example, for at least twelve months or in such other way as is appropriate in any exceptional circumstances, I think that would cover the fact that when we’re dealing, that the norm, the rule is the twelve months, but if you cannot prove the twelve months, well, this must be circumstances that are out of the ordinary and I would say that a fatality, for example, that the truncation of the relationship is because one of them died prematurely, that would be covered.

The Chairman –
Dr Essex?

The Hon. Dr Corinda Essex –

I am happier with what the Attorney General is proposing now, I think it certainly needs to be made very clear that it should be exceptional circumstances and I would personally like the authority that can determine that to be at the level of the Court and not at the whim of a Immigration Officer or some other, you know, relatively minor official because otherwise there is still a danger of abuse and of inconsistency in how exceptional circumstances, in fact, get interpreted.

The Hon. Brian Isaac –

Mr Speaker, following circumstances, determined by the Court. Sorry, Mr Chairman, Mr Attorney General, would it help to say appropriate in the circumstances determined by the Court.

The Hon. Angelo Berbotto –

The difficulty with that is, remember that we’re dealing with the Interpretation Ordinance, we’re not dealing just with the Immigration Ordinance.

The Hon. Brian Isaac –

Sorry.

The Hon. Angelo Berbotto –

And let’s, let’s put an example that, let’s say, for example, that I want some benefits because of my, I am in a life partnership so I claim a benefit because my life, my status of life partners, but the decision maker is not the Court, is the Benefits Office. The Benefits Office will ask, okay, do you have evidence of being life partners and I will say, well, we’ve been together for ten months and, but we have exceptional circumstances. The Benefits Officer will ask, well, what are those exceptional circumstances and then I will need to provide evidence for that decision, but if the Benefits Office rule, makes a decision that I don’t like, I may take that officer to Court and put my arguments to the Court, but it will not be a, the Court will not always be the first one that decides the case, so if you add the word “Court “ there you will, in effect, prevent this provision, this definition being used in any other context that is not the Court. I can assure you that the Judiciary, the Courts in St Helena, are very scrupulous when they have to grant an exception to something, so that why, in my opinion having the term “in any exceptional circumstances” highlights to the Court that, okay, it is for the applicant to put the evidence to show that it is exceptional. Having said that, so one of the main challenges is that when you set down the law you need to be able to be in such terms to encompass all potential situations and that is why I am reluctant to add anything extra that may then not be applicable, cannot be used in a particular situation in the future, so if the Honourable House accepts this amendment, it would read, “life partner of a person (a) means the partner (b) of (a) to whom (b) is not married but with whom (b) lives in a heterosexual or homosexual

relationship which is akin to marriage and which is intended by (a) and (b) to be permanent as evidenced by their having lived together for at least twelve months or in such other way as is appropriate in any exceptional circumstances”.

The Chairman –

Okay, before we put the amendment, Councillor wanted to come in on that?

The Hon. Derek Thomas –

Yes, Mr Chairman, having heard what the Attorney General had to say I can see the importance of it, because the circumstances changes, but I do, I feel that if adding the word “exceptional” circumstances in this particular case would suffice, because if you put Court then it’s only going to be relating to the Court, there’s gonna be other areas where that need to be determined, so twelve months is the norm, but there will be cases that’s gonna be slightly fall out of that, so I would think that appropriate, adding the word “exceptional” circumstances, in my view. Thank you.

The Chairman –

Thank you, Councillor, for your comments. Okay, Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Could some other word be added to indicate that the individual would then have to provide conclusive evidence?

The Hon. Angelo Berbotto –

It is there already, Councillor, because if you read the definition, it says, “a relationship which is akin to marriage and which is intended by (a) and (b) to be permanent as evidenced by their having lived together for at least twelve months or in such other way”, so that means to the evidence, “in such other way as appropriate in any exceptional circumstances”. So the fact that they need to provide evidence is there, either you provide evidence of living together for twelve months which can be the date when people got the lease in the name of both persons or any other, or the evidence, or evidence in such other way as is appropriate in any exceptional circumstances.

The Chairman –

Yes, it’s the provision of evidence there.

The Hon. Dr Corinda Essex –

Yes.

The Hon. Angelo Berbotto –

Would you be happy with that?

The Hon. Dr Corinda Essex –

Yes.

The Hon. Angelo Berbotto –

Thank you.

The Chairman –

Yes, alright, who is going to make the proposal for the amendment, who’s gonna propose the

amendment?

The Hon. Dr Corinda Essex –

I can propose the amendment, I'd like to propose the amendment.

The Chairman –

Attorney General, in some satisfactory words, the proposal is that.....

The Hon. Angelo Berbotto –

In the last line...

The Chairman –

In the last line....

The Hon. Angelo Berbotto –

After the expression “appropriate in” the word “the” be deleted and replaced by “any exceptional”.

The Chairman –

Any exceptional circumstances.

The Hon. Angelo Berbotto –

Yes, the word “circumstance” is still there.

The Chairman –

Is there a seconder for that proposal? Alright, Derek Thomas, I saw your hand go up first there, seconded by the Honourable Derek Thomas. I put it to the Council, the Committee, that the amendment proposed is that the word “the” in the last line is deleted and the words included are, inserted are “any exceptional”. Yes?

Question on amendment, put and agreed to.

The Chairman –

Thank you very much for that. Alright.

The Hon. Anthony Green –

Mr Speaker?

The Chairman –

Sorry?

The Hon. Anthony Green –

Mr Speaker, thank you, another point arises out of that before you take a vote on it and I'm struggling to think what my question is, but I know one exists and I do apologise Mr AG for not having to it previously, but coming out of this, if we agree this provision, and I was thinking along the lines that, my recollection is that there's no right of inheritance for common law partners if there is no will, that's my understanding. If we agree this change, will that have an impact to that situation that I just mentioned?

The Hon. Angelo Berbotto –

No, thank you for the question. What this refers to is how we need to read every time that the expression life partner appears in any other Ordinances, so in the Immigration Ordinance there is a reference to life partner, in the Liquor Ordinance there is a reference to life partners, so now by narrowing this definition we know what that expression life partner means in those Ordinances, but it doesn't create any new rights. Unless there are already rights in some Ordinance that I'm not aware of in relation to inheritance, no, we're not creating new, we're just defining what already exists and say, okay, you are not life partners if you two are not together for twelve months and you don't have evidence of that, that's, we are just limiting ourselves to undertaking that exercise. It is a very good point that you are raising, Councillor, and it may be that this Honourable House in the future may want to see whether there needs to be legislation in relation to any succession rights of life partners, but at the moment my understanding is that that's not the law.

The Hon. Anthony Green –

Thank you, Attorney General, I just wanted clarification on that so it could be revisited, but this doesn't make an automatic change of what already exists in other Ordinances?

The Hon. Angelo Berbotto –

That's correct, the only thing that, the effect of this change is that now we know what two people calling themselves life partners need to establish and they need to establish that they've been together for twelve months, so if person (x) comes off the RMS with somebody today, we knew person (x) has been single, now after a holiday in Cape Town, person (x) comes with person (z) and says, okay, here is my life partner, well, we say, wait a minute, have you been living together for twelve months and person (x) says, no, we say, well, you're not life partners yet, when you have evidence of being together for twelve months you at that point become life partners, at the moment you're still dating.

The Hon. Anthony Green –

Thank you, Attorney General, I'm sure there's some issue that I probably will need to follow up separately, thank you.

The Hon. Angelo Berbotto –

Thank you.

The Chairman –

Right, now where have we got? There was a proposer and a seconder, I haven't taken the vote on that, have I? I have, okay, thank you. Anything else on that page then?

The Hon. Angelo Berbotto –

I was, say, going through the list of what other terms are defined, Mr Speaker. We left at Crown Prosecutor I think.

The Chairman –

Crown Prosecutor, that's right. Okay, so any more questions on that section?

The Hon. Lawson Henry –

Yes, Mr Speaker, if I may?

The Chairman –

Sure.

The Hon. Lawson Henry –

Mr Chairman, sorry. Where it defines Adopted English Law, Mr Speaker, recently when in discussions with the Attorney General when we first became aware of restorative justice we were concerned how it could just be implemented and there was no apparent public process and one of the things the Attorney General said then was that maybe we should legislate with that process now, I'm concerned by now just adopting this or perhaps it is for another time, but I just want to raise it here now, because in going forward I do believe very strongly, and I know other colleagues too, that when we adopting English Laws there ought to be a process.

The Chairman –

There is a process, isn't there, Attorney General?

The Hon. Lawson Henry –

And that process need to be publicly done or there got to be a process where the public becomes aware.

The Chairman –

But I believe it should be done through the Legislative Council.

The Hon. Lawson Henry –

Well....

The Chairman –

Any laws of the UK to apply here has to be done through Legislative Council, am I wrong?

The Hon. Angelo Berbotto –

There are two procedures, Mr Speaker, so firstly, thank you, Honourable Councillor, for raising this. This provision doesn't add anything new, it's just the definition was in the English Law (Application) Ordinance and we're just bringing that definition to the Interpretation Ordinance, which is like a glossary. Now, in relation to adopted English Law, there's a procedure. Well, there are two issues. Firstly, what we have is that any, up to 1st January 2005/6, 6, thank you, if there is no enactment on St Helena in a particular issue we can rely on English Law as long as it is suitable to the circumstances, etc, etc. Now, there is, and you will recall that seminar at the beginning of Council where I went through how complex the system of laws in a British Overseas Territory is, so there is a procedure also under the Executive Council, not the Legislative Council, where Orders can be made establishing clearly what is applied or not applied to St Helena and there is an Order, it's in the same, at the bottom of the interpretation of the English Law Ordinance that has a list of about fifty English Acts that says clearly that it applies or doesn't apply. In respect of what we have here, there is nothing new, we're not altering any rights, what we're saying is just putting the definition of Adopted English Law into the Interpretation Ordinance because it wasn't spelt out properly. I don't know if that answers the Honourable Member's question.

The Hon. Lawson Henry –

Yeah, thank you, Mr Chairman, so what is the process now of getting to where we want to be in relation to the issue of restorative justice? How do we have some controls in applying new laws?

The Hon. Angelo Berbotto –

The laws that are in force before 1st January 2006 in England can apply here, for example, if you look at the Sex Offences Act 2003, that is English law and we apply it all the time in our Courts here, so I think that perhaps what I can do is I can go through that seminar again and look at, because that's something that I covered very superficially, but is something that perhaps we can have a session dealing with, okay, this is the process to disallow English law so that it doesn't apply here, for example, this was done with the Human Rights Act 1998, that doesn't apply to St Helena and we can use that process more often, but the reason why we have the English Law Application is because with only 160 Ordinances in St Helena we cannot cover all the potential legal issues that we have, so that is the reason why we have this system of application of English law where there is a vacuum. Having said that, at the rate of legislation that we're working it looks like the number of Ordinances on St Helena will soon increase from 160 to 200.

The Hon. Lawson Henry –
I'm content, Mr Chairman.

The Chairman –
Tell me, the English Law (Application) Act, that doesn't apply English law to St Helena?

The Hon. Angelo Berbotto –
Yes, so er....

The Chairman –
And that's being applied through the Legislative Council process?

The Hon. Angelo Berbotto –
Executive Council can make Orders.

The Chairman –
Executive Council?

The Hon. Angelo Berbotto –
Yes, and I don't have the provision at hand, Mr Speaker, but if you wish to adjourn I can get that information or if you wish I can in the next session of Legislative Council I can refer to that to clarify that point, but unfortunately I don't have the Ordinance in front of me now, so I wouldn't like to speak

The Chairman –
Is that going to affect any decision making on this or not?

The Hon. Angelo Berbotto –
No, no, because what we're doing here is only putting all the definitions that we're missing, so we're not touching the adoption of English law, what we're saying is there is something called Adoption of English Law, well, that definition should be in the Interpretation Ordinance.

The Chairman –
Okay, Councillor, that answers your question?

The Hon. Lawson Henry –
Thank you, Mr Chairman, it does, but I think it is something that this House really needs to

come back to on how we adopt English law, because that particular case certainly threw up some real concerns within the community.

The Chairman –

I understand. Thank you. Now, where did we get, I'm trying to think where I am now.

The Hon. Dax Richards –

We got to the end of Crown Prosecutor.....

The Chairman –

Right, but I haven't put the whole passage at the moment, so we got down to there, perhaps can I put these sections like that. Can I put the sections that the Interpretation Ordinance, Cap. 3 down to Crown Prosecutor, the definition of Crown Prosecutor, I put the question that this is accepted.

Question put and agreed to.

The Chairman –

That puts that behind us. Now can we, we're still on to the same chapter. From Customs down to, if you don't mind, Public Prosecutor?

The Hon. Angelo Berbotto –

Thank you. So the same section includes definitions used elsewhere in other Ordinances, for example, for "Customs" and "Customs Officer", "Enactment", "Entered" in relation to a judgement or Order, "Financial Regulations", "Government", "Government Printer"...

The Chairman –

Yes, I was just wondering if anybody got any concerns or worries in that area, because they're definitions mainly?

The Hon. Angelo Berbotto –

"Harbour Master", "Infectious Disease", "Islander", "Judge", "Judgement", "Justice of the Peace", then "Life Partner" which we dealt with, "Magistrate", "Mental Disorder", "Police" or "Police Service", "Police Officer", "Public Prosecutor".

The Chairman –

Okay. I'll put the question then, unless there's any questions on it, that the section on page 9 on the Interpretation Ordinance from "Customs" down to "Public Prosecutor" do stand part of the Bill.

Question put and agreed to.

The Chairman –

Over the next page now, we're looking at "Public Solicitor" down, forward.

The Hon. Angelo Berbotto –

That's right, so the final section....

The Chairman –

Goes to, can we do that down to "Supreme Court"?

The Hon. Angelo Berbotto –

Yes, so it includes, these definitions are found already in some Ordinances but are defined now in the Interpretation Ordinance, so we have “Public Solicitor”, “Rules of Court”, “Secretary of State”, “Sheriff”, “Speaker” means the person elected as such under section 55 of the Constitution; “St Helenian status”, “Statutory Body” and “Supreme Court”.

The Chairman –

Any points? Sorry, Brian?

The Hon. Brian Isaac –

I don’t see the Magistrates Court in the Interpretation, the Supreme Court, I don’t see Magistrates Court, does it need to be in?

The Hon. Angelo Berbotto –

I’m just checking whether Magistrates Court is already here. Yes, at the moment, there is in the Interpretation Ordinance, there is no definition of Magistrates Court. What we’re adding is a definition of “Magistrate” and that definition is “Magistrate” means a Justice of the Peace. If there is a proposal to enter a definition of “Magistrate’s Court” I am not, I haven’t come prepared to draft it here, but I can certainly work on that so that at the next Legislative Council we have a Bill putting in a definition of Magistrate’s Court” in this Ordinance.

The Chairman –

Yeah, both Magistrates and Justice of the Peace has its roots in the Magistrates Court Ordinance. If you look at it you see “Magistrate” means a Justice of the Peace, “Justice of the Peace” means a person under the Magistrates Court Ordinance, so it has its roots in the Magistrates Court Ordinance, 2011?

The Hon. Angelo Berbotto –

Yes, just let me refer to that again. “Magistrate” means a Justice of the Peace and “Justice of the Peace” or Justice means a person appointed under, yeah, so basically there is a definition of “Magistrates Court” because it sends you from “Magistrate” to “Justice of the Peace” and under Justice of the Peace you have the reference to the Ordinance, so my conclusion is that you don’t actually need to define Magistrates Court because you can get to that definition by going to Justice of the Peace.

The Hon. Brian Isaac –

Thank you for that and is there a need for a “juvenile”, because under “Life Partner”?

The Hon. Angelo Berbotto –

In order not to take your time now, I undertake to look at this and see whether we need to add the definition later on, but also, by the same token I would ask you...

(Inaudible)

The Hon. Angelo Berbotto –

Once I complete this, Mr Speaker.....

The Chairman –

What are we looking at? Juvenile?

The Hon. Angelo Berbotto –

Yes.....(*inaudible*). Thank you. There is a definition of juvenile, there's no definition of juvenile court. I undertake to see whether we need to bring a definition for, as an amendment, here for next session if the Honourable Brian Isaac is content with that?

The Hon. Brian Isaac –

Thank you, Mr Attorney General.

The Chairman –

Alright, can I put the question, oh, sorry, Tony?

The Hon. Anthony Green –

Mr Speaker, just a clarification. For example, St Helenian status, it says has the meaning given by Part 3 of the Immigration Ordinance, 201. If next year we amend the Immigration Ordinance and still be Part 3, but it's 2018 Ordinance, will you have to make a change to the Interpretation Ordinance or is there something that automatically makes that applicable?

The Hon. Angelo Berbotto –

Usually when the Rule of Interpretation is that if you have something pointing at this and then this is replaced by something else the new, the original provision that points there is still valid, but you take whatever has replaced it.

The Hon. Anthony Green –

Fine, thank you, that covers the point.

The Hon. Angelo Berbotto –

That is, for example, why you have, for example, many Ordinances that refer to the Chief of the Department and although now we don't have Departments, we have Directorates, it's still valid and when you interpret Chief of Department or Department we interpret that as Directorate.

The Chairman –

Alright, can I, sorry?

The Hon. Dr Corinda Essex –

Mr Chairman, on that point, I'm a little confused by what the Attorney General has just said, because if a new Ordinance actually changes the definition, then the circumstances that he's just described wouldn't necessarily apply, although now we interpret a Head of Department to be the same thing as the Head of Directorate, that's because there's just been a change in the nomenclature, if we're going to have a actual definition within an Ordinance changed and this document is still pointing to the old definition, surely there would need to be a further revision made to this Ordinance?

The Hon. Angelo Berbotto –

If I can take you to section 11 of the Interpretation Ordinance, it deals with construction of amended Ordinance and it says, where an Ordinance amends any other Ordinance the amended Ordinance may in the amended Ordinance be referred to as the principal Ordinance, so, no, this is not the section I wanted to share with you. The rule stands for those that are called to deal with the interpretation of the Ordinances, that's the Court, the Lay Advocates, Public Solicitor.

When they find in an Ordinance a reference to something that no longer exists they will replace it with what has replaced that thing that no longer exists, so, for example, in the Welfare of Children Ordinance it refers to decisions of the Chief of the Department. Now, there's no longer a Chief of the Department, there is a Director of a Directorate, but because of that change that doesn't mean that you don't ascribe the responsibilities to that same person, so those are what they're called, Rules of Construction, interpretation rules. I don't know if I'm making myself clear, because we're getting into a bit of technical round of statutory and interpretation. At this stage, in relation to this particular provision, I don't see a problem.

The Hon. Dr Corinda Essex –

Mr Chairman, may I be allowed, as we're in Committee, to give a hypothetical instance to illustrate this point? If, for example, the definition, I know it is not, but say the definition of a St Helenian was somebody who has been on the island for a hundred years under the current Immigration Ordinance and this interpretation clause here would be pointing directly at that definition of what a St Helenian is, if then a new Immigration Ordinance is passed or an amendment is made to the current Immigration Ordinance, which states, and again, this is certainly not the case, that the new definition for St Helenian is someone who is only..., the only person who can be classed as a St Helenian is someone who has been born on St Helena. That is a totally different interpretation, so to my mind, in order to move from the one primary Ordinance to the next a change in the actual wording of this Interpretation Ordinance would be required if it's not a case of, you know, one thing having disappeared and something else that's basically the same being put in its place, in this instance it would be a totally different provision,

The Hon. Angelo Berbotto –

Yeah, but that is not what I was saying, because if you look at the definitions here they don't give you a substantive definition, they just tell you where you'll find the definition.

The Hon. Dr Corinda Essex –

Yes.

The Hon. Angelo Berbotto –

So if you look at St Helenian status has the meaning given in Part III of the Immigration Ordinance 2011. It doesn't tell you whether you have to be here for a hundred years or have been born here.

The Hon. Dr Corinda Essex –

Right.

The Hon. Angelo Berbotto –

So it just points where it is.

The Hon. Dr Corinda Essex –

Yes.

The Hon. Angelo Berbotto –

So if you want to change what is the definition of St Helenian, what you do is you just replace, repeal Part III and replace it with something different. This will not need changing in the Interpretation Ordinance because the Interpretation Ordinance is not actually telling you what St Helenian status is, it's just pointing at where the definition is and that is the function of Interpretation Ordinances in general, just to serve like a glossary. So what is a year in law,

well, it might be a definition, I go to the Interpretation Ordinance. What is St Helenian status, well, the definition says, I go to the Interpretation Ordinance, it tells me where the definition is, so the actual definition is not here. The other rule of, in such a ..?.. of interpretation is, whatever is, if there is conflict between two provisions, the one that is more recent prevails over the older.

The Hon. Dr Corinda Essex –

Okay, that's answered my concerns. Thank you very much.

The Chairman –

Councillor Isaac?

The Hon. Brian Isaac –

Mr Chairman, can I just ask and I'm sure there's a genuine reason for it, why is the Speaker included in this interpretation?

The Hon. Angelo Berbotto –

Because it wasn't before. So, for example, if somebody wants to know what Speaker means, now we'll go to the Interpretation Ordinance and it will say Speaker means the person elected as such under section 55 of the Constitution, so you can go to section 55 to understand what Speaker, what the job of the Speaker is, so that wasn't in the Interpretation Ordinance, that's why we wanted to add it, to put as many definitions as possible and to make it more user friendly, so the Interpretation Ordinance is if somebody is looking for a law on something in St Helena where a definition or something is, like Public Solicitor, what is the meaning of Public Solicitor, oh, now we have it here and I know where to find the actual definition, so this Ordinance, Interpretation Ordinance, is like where to find things, just tells you where you can find definitions.

The Hon. Brian Isaac –

Thank you for your explanation, Attorney General.

The Hon. Angelo Berbotto –

Thank you.

The Chairman –

I think the definition of Speaker is needed otherwise you might be picking up a musical instrument or something.

Can I then put that section? I put that section from the Public Solicitor down to Supreme Court, that it stands part of the Bill.

Question put and agreed to.

The Chairman –

Clause 3, 4, 5, 6, 7.

The Hon. Angelo Berbotto –

Thank you.

The Chairman –

I think that's right, clauses 3 to 7.

The Hon. Angelo Berbotto –

Thank you. Clause 3 I think enables, in the definition of writing is amended to enable e-mail, website or texting to be used for creating written documents unless a statute expressly provides otherwise. Clause 4 are supplementary provisions about the interpretation of terms, which is self explanatory. Clause 5 increases the maximum penalty that can be prescribed by regulations for offences created by regulations from £2,000 to £5,000. Clause 6 makes it clear that a change of title has to be effected by the Governor before being published in the Gazette. Clause 7 displaces the common expression “may appoint by notice in the Gazette” so the appointment will be made and then published in the Gazette. Sorry, until what clause, Mr Speaker?

The Chairman –

Until 7, that’s where you are now, 7. Any questions on that section?

Clauses 4, 5, 6, 7.

Question put and agreed to.

The Chairman –

Clauses 8 to 10, at the end of 10, end of the section.

The Hon. Angelo Berbotto –

Clause 8 makes it clear that traditional notice is to be taken of notice in the Gazette so that the maker of the notice doesn’t need to be called to prove it. Clause 9 commonly found the provision Gazette as evidence is found in Interpretation Ordinance says it makes it clear that a delegator or a power can exercise the power if the delegation is withdrawn, sorry, I mixed up two things. Clause 9 says, “the delegation, under a power conferred by a written law, of a power or duty to another person does not prevent the person who made the delegation from exercising the power or performing the duty upon the withdrawal or expiration of the delegation.”, so this provision commonly found in Interpretation Ordinances makes it clear that a delegator or a power can exercise the power if the delegation is withdrawn. Clause 10 indent provides a simpler way of stating a penalty. Indent I now adopted by many Commonwealth jurisdictions, so section 10 says, Clause 10 says, if a penalty is set out at the foot of a section or subsection of an Ordinance it means that a contravention of the section or subsection, whether by act or omission, is an offence punishable by a fine or a term of imprisonment not exceeding the amount or period stated, so this means that now every time we read penalty three months imprisonment or £5,000 or both, now we know that that means not exceeding that amount or period stated.

The Chairman –

Good. Any questions?

Clauses 8 to 10.

Question put and agreed to.

The Chairman –

Juries Ordinance. You can deal with the Juries Ordinance, that little section?

The Hon. Angelo Berbotto –

Thank you. The first change, Clause 1 is to remove an otiose and outdated term in relation to potential jurors. Clause 2 is to update the language of the law in relation to persons suffering from insanity, so rather than calling them mentally disordered, sorry, rather than using the old term, we're now using the term mentally disordered. Those are the two changes.

The Chairman –

Any questions on that? I put the question that the section on Juries Ordinance, Clauses 1 and 2 do stand part of the Bill.

Question put and agreed to.

The Chairman –

Land Planning and Development Control Ordinance.

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. So at the moment, section 66 says that a public officer cannot provide drawings for anybody; it's a **blank** prohibition. A public officer is guilty of an offence if in expectation of any fee or reward payable to him or any as..... person in relation to him he assists or applies, so basically if you have, as a part time job, drawing blueprints but you work for SHG, you commit an offence. We are changing that by narrowing this to....

The Chairman –

Yeah, could I declare an interest here, I think I got a grandson in that Department, so I just let you know.

The Hon. Angelo Berbotto –

Oh, thank you, thank you, Mr Speaker, but you don't vote, so.

The Chairman –

No.

The Hon. Angelo Berbotto –

I'm sorry to have to tell you. Your interest is normally now on record. So, Mr Speaker, this will allow a public servant who is not engaged in any way with the plain decision to undertake this part-time job in their own time, with their own resources.

The Chairman –

Alright. I put the question that the Land, unless there's any questions on that? I put the question that the Land Planning and Development Control Ordinance 2013 section be included as part of the Bill.

Question put and agreed to.

The Chairman –

Liquor Duty 2014.

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. These two amendments make it clear how Liquor Duty is to be paid which is only implied at the present time.

The Chairman –

Liquor Duty Ordinance, any questions? Any questions? No questions on that? Then I put the question that Liquor Duty Ordinance section 1 and 2, clauses 1 and 2 do stand part of the Bill.

Question put and agreed to.

The Chairman –

Can we take Medical Practitioners Ordinance and Mental Health and Mental Capacity Ordinance together?

The Hon. Angelo Berbotto –

Yes, thank you. The amendment to the Medical Practitioners Ordinance is to give the Governor express power to make regulations which is only implied at present, sorry, to the Governor in Council to give express powers to make regulations because at the moment it is only implied. And Clause 2 is to delete the reference to “in a civilized country” which perhaps is not politically correct anymore. In relation to the Mental Health and Mental Capacity Ordinance, the amendments remove the requirement for an Order approval in a hospital. Approval is an administrative act and should not require formal Order, which is legislative.

The Chairman –

Okay, any questions? I put the question that the Medical Practitioners Ordinance, Cap. 50, the Mental Health and Mental Capacity Ordinance 2015 do stand part of the Bill.

Question put and agreed to.

The Chairman –

Money Laundering, we’ll just have to do on its own if you don’t mind, Attorney General and then I’ll tie some others up for you?

The Hon. Angelo Berbotto –

The Money Laundering Ordinance is amended by deleting sub-section (8) and substituting “Notice of an order made under subsection (2) must be given to persons affected by it.” The present order of section 15 (a) requires an order to prove to provide for notice, so this amendment imposes obligation directly.

The Chairman –

Thank you. Can I put the question, unless there’s a question, there’s a question, no, that the Money Laundering Ordinance do stand part of the Bill.

Question put and agreed to.

The Chairman –

Taking three sections – Motor Vehicles (Third Party Insurance) Ordinance, Cap. 103; Petroleum Ordinance, Cap. 139 and Pharmacy and Poisons Ordinance, Cap. 53. Attorney General?

The Hon. Angelo Berbotto –

Thank you. Under the current Motor Vehicles (Third Party Insurance) there’s an exemption for the US Government. The exemption is directed at Ascension rather than St Helena, so the Ascension version will retain it, but the St Helenian version will do away with an exemption

for the Government of the United States.

In relation to the Petroleum Ordinance makes clear that importation of petroleum contrary to the Ordinance is an offence and provides a penalty; and in relation to the Pharmacy and Poisons Ordinance, the reference to “a local authority” is no longer appropriate in St Helena. We don’t have local authorities except for SHG which is a national authority and also proceedings and by the Governor, but by the Attorney General, so that’s the second change.

The Chairman –

Any questions? Then I put the question that the Motor Vehicles, Petroleum Ordinance, Pharmacy and Poisons Ordinance do stand part of the Bill.

Question put and agreed to.

The Chairman –

Police and Criminal Evidence Ordinance, can we take that to the end of the section on Arrest without Warrant Police Officers?

The Hon. Angelo Berbotto –

So Clauses 1 and 2?

The Chairman –

So that’s Clauses 1 and part of 2, and 2, Sir, yes.

The Hon. Angelo Berbotto –

Now, Clause 1....

The Chairman –

That’s part, okay. Alright, do the whole Clause 1 and 2.

The Hon. Angelo Berbotto –

Okay. So there is a deletion of the definition of “designated Police Station” because there is only one Police Station on St Helena, so we don’t need a definition of designated Police Station. Indent (b) adds definitions of terms used in the Ordinance that are not defined elsewhere, for example, “designated detention center; “imprisonable offence, “juvenile” and then sections 22 and 23 are outdated and do not reflect the practice in the UK and of the Criminal Justice Act 2003 which applies to St Helena by virtue of the English Law Application Ordinance, so the new sections are in line with the UK law and practice and are wanted urgently by the Police Service. The new provisions about arrest are based on sections 24 and 24 (a) and other provisions of Part III of the Police and Criminal Evidence Act 1984 as amended by the Serious Organized Crime Police Act 2005. I’ll continue?

(Inaudible)

The Chairman –

Arrest without warrant, other persons as well?

The Hon. Angelo Berbotto –

Yes, I just dealt with that.

The Chairman –

You've done that?

The Hon. Angelo Berbotto –

Yeah. The cluster of provisions that are in the UK were updated in 2005, but here haven't and because we nearer criminal law and criminal procedure in the UK we were having a gap that was getting bigger just because of the lapse of time.

The Chairman –

Okay, thank you. Unless there's any questions, can I put the question that Police and Criminal Evidence Ordinance, clauses 1 and 2, do stand part of the Bill?

Question put and agreed to.

The Chairman –

Now we're gonna do sections, from clause 3 down to 15.

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. So clause 3 to 6, the reference to a "designated police station" is not appropriate or required so we're deleting those sections. Clauses 4 to 8 the "custody and review officer will be based at Jamestown Police Station and these sections are amended accordingly. Clause 9 is a reference to a person to whom the section applies and that is meaningless if there is no such person stated, so we're removing that; and clauses 10 to 13 same comment as above. Clause 14, the reference to a Chief Officer isn't appropriate so it should be removed and replaced with "a Police Officer" and Clause 15, the Court directs itself about such confessions, any confessions, whether it consist of a Judge or the Chief Magistrate or Lay Justices, that's why we are amending that provision in that way. Unless there are any questions?

The Chairman –

Any questions? Then I put the question that Clauses 3 to 15 do stand part of the Bill.

Question put and agreed to.

The Chairman –

Police Service Ordinance, Cap. 132, we just take that little section.

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. So this deals with fingerprints and the taking of fingerprints is now governed by section 25 of the Police and Criminal Evidence Ordinance, so we are removing those from the Police Service Ordinance. In Clause 2, all aspects of promotional exams should be conducted by the Board and not the Chief of Police, so we are changing that in Clause 2.

The Chairman –

Thank you. Any questions? Councillor Thomas?

The Hon. Derek Thomas –

Yes, I beg your pardon,(*Inaudible*).

The Chairman –

Alright. I put the question that the Police Service Ordinance, Cap. 132 do stand part of the Bill.

Question put and agreed to.

The Chairman –

The next one, Port Health Ordinance, Cap. 62 and Public Health Ordinance, Cap. 49, two together.

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. For the Port Health Ordinance, the offence is phrased too widely in section 36 as not all obligations create an offence, so this amendment identifies those that do and also certain contraventions should attract higher penalties and so the provisions are divided into two groups, one attracting a penalty of £500 and the other one attracting a penalty of £5,000. In relation to the Public Health Ordinance, there are requirements to provide privy accommodation is outmoded and replaced by the Land Planning and Control Regulations 2000. Also, the prohibition on defecting is inappropriate and is covered by other legislation. In Clauses 3 to 7 there's no Medical Officer as such, so we're substituting the expression "Medical Officer" by "Senior Medical Officer".

The Hon. Derek Thomas –

Can I ask a question here, Mr Chairman? The leading Medical Officer and substituting it by Senior Medical Officer, I'm just concerned, there's only one Senior Medical Officer, what happens if the Senior Medical Officer is not available at the time? There are a number of Medical Officers, Doctors, complement is up to about seven, but there's only one Senior Medical Officer and by deleting Medical Officer and substituting Senior we might getting ourselves in a bit of a trouble if the Senior Medical Officer is not available?

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. There is always an er, where the office holder is not able to perform duties, there's always an acting officer, but the provision here in the Public Health Ordinance in relation to section 3, it relates to notification of infectious disease and it says that when inmate of any building used for human habitation is suffering from an infectious disease the following provisions shall have effect – (a) the head of the family to which such inmate, and this part referred to as the patient, belongs and if she's the ...?...the nearest relative of the patient present in the building or be in attendance on the patient and in default of such relative every person in charge or in attendance on the patient and in default of such person the occupier of the building shall as soon as he becomes aware that the patient is suffering from an infectious disease send notice thereof to a Medical Officer. Now, the notice should be sent to the Senior Medical Officer because that is a post that is defined, so that is the only change here. If the Chief Medical Officer is not acting as such because he's out of island or because of incapacity of any type there will be somebody acting up in that role, so there's always somebody that will be performing those functions.

The Chairman –

Okay? Any other questions, please? I put the question that Port Health Ordinance, Cap. 62 and Public Health Ordinance, Cap. 49 do stand part of the Bill.

Question put and agreed to.

The Chairman –

Road Traffic Ordinance, 2016 in its entirety I think, clauses 1 to 17.

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. Clause 1 corrects a syntax of the existing definition. Clause 2 clarifies the nature of the offence which relates to any functions conferred on an officer by the Ordinance. Clause 3 deletes words that limit the type of disability which are unnecessary. Clause 4 – speed measuring devices do not need to be prescribed, but only approved as with breathlysers in section 49. Clause 5 – this rationalizes the penalty for causing death by driving, the fine is unlimited to match life imprisonment and makes it an indictable offence. The disqualification is for a maximum of ten years and no other power need to be mentioned. Clauses 6 and 7 – the disqualification period are a maxima and no other powers need to be mentioned. Clause 8 – this allows for the fact that a trial might or might not be with a jury at the election of the accused. Clause 9 - clarifies the nature of the offence of driving an overloaded motorbike. Clause 10 – this removes the anomaly of having imprisonable offences and all offences mentioned in the same provision. Clause 11 – this provides a penalty for the offence of driving while unfit through drink or drugs. Clause 12 – the offence relating to traffic signs is in section 78, so this offence can be limited to directions by a Police Officer. Clause 13 – this makes it clear what the exception is. Clause 14 – clarifies the nature of the offence which is to obstruct a Police Officer, the offence of not obeying direction is in section 75. Clause 15 – provides a penalty for the offence of preventing the removal of a vehicle. Clause 16 – corrects an anomaly of having the 1985 Road Traffic Ordinance repealed before the new one comes into force. Clause 17 – brings sections 10, sub-section (2) and (11) of the Motor Vehicles (Third Party Insurance) which are still needed. That’s all for me.

The Chairman –

Yes?

The Hon. Derek Thomas –

Thank you, Mr Chairman. There’s a definition of “driving”, what about being in charge of a motor vehicle, Attorney General, is there a definition in the principal Ordinance that still stands or is there to be a new definition when it comes to being in charge of a motor vehicle?

The Hon. Angelo Berbotto –

Sorry, which clause are you referring to?

The Hon. Derek Thomas –

Number 1 – Driving, the definition of driving, I don’t see anywhere mentioned about being in charge and what I’m asking is the definition of in charge in the current Ordinance or is there to be an amendment for being in charge, because I do see you have where necessary as well, being in charge of a motor vehicle?

The Hon. Angelo Berbotto –

Thank you, I’m just checking the Road Traffic Ordinance. So section 2 deleted the definition of “driving” which at the moment says “driving” “where a person has control over the vehicle’s movement and direction” and substitute with the following “driving” “in relation to a vehicle means a person has control over the vehicle’s movement and direction”, and your question is, what is the meaning of being in charge of a vehicle?

The Hon. Derek Thomas –

Yes, what is the definition of being in charge of a motor vehicle?

The Hon Angelo Berbotto –

It's not a problem for us, that's why it's not here. I can, I will have to look at the definition, there is an offence of being in charge of a motor vehicle, which usually is when you are inside a motor vehicle but it is not, the engine is not on, but I can't remember, oh, here, section 45 says "driving or being in charge of a vehicle while under the influence of alcohol or drugs" and it says that, sub-section (1) a person who while driving or attempting to drive a vehicle on a road or other public place is unfit to drive through alcohol or drugs commits an offence. So section 2, without affecting sub-section (1) a person while in charge of a vehicle which is on a road or other public place is unfit to drive through alcohol or drugs commits an offence and the definition of being in charge is not specified in this Road Traffic Ordinance, but the definition of what in charge means is dealt with in section 45. Is that, are there any questions or is there a proposal for amendment?

The Hon. Derek Thomas –

Yeah, I'm just concerned that, I mean, a person could be drunk and in charge of the vehicle, that's why I'm raising it, where is the definition of being in charge?

The Hon. Angelo Berbotto –

Well, yeah, if a person is not driving because the engine is not on, but is in charge of the vehicle, meaning he's there sitting at the steering wheel, although he's not moving anywhere, that is what in charge means.

The Chairman –

Yes?

The Hon. Brian Isaac –

So that stands, so if I'm in the pub, I've locked my vehicle, I've got the keys in my pocket, I got no intentions of driving my vehicle, I'm going to get a taxi home and someone collided with my vehicle, I'm then called out of the pub, this has happened in the past to members of the public that have been in that position. Now if they're gonna drive the vehicle or not, that's an arguable....

The Hon. Angelo Berbotto –

So you're in the pub?

The Hon. Brian Isaac –

Yeah, come town like Friday night....

The Hon. Angelo Berbotto –

And what happens next, you're in the pub?

The Hon. Brian Isaac –

I've locked my vehicle and my intentions of getting home is to get a taxi, but I'm in the pub, I'm having a good time and Eddie comes down the road and collides with my vehicle when the Police will come and get me and say is this your vehicle, I say yes and then, you know, people have been breathlysed before and have lost their licence....

The Hon. Angelo Berbotto –

But you don't get in, if you don't get inside your vehicle to try to move it, then you're not in charge of it. You cannot, it's not an offence if you're not in the vehicle and you're not driving

it and if somebody just crashes you just because your vehicle is parked there. It is different if you are in the vehicle, you may not turn the engine on, but you are in the vehicle, you're in charge.

The Hon. Brian Isaac –
Okay.....

The Chairman –
I think the interpretation has been

The Hon. Lawson Henry –
.....constitutes a road traffic accident you will be in charge? If it's on the road?

The Chairman –
Councillor Thomas and Councillor Green?

The Hon. Derek Thomas –
Yes, that's the point I'm making, if a person, like Councillor Isaac said, if the vehicle is on the road and you responsible for that vehicle and you're in the pub having and drunk, it has happened before where you're deemed as being in charge.

The Hon. Lawson Henry –
Because the vehicle is on the road.

The Hon. Derek Thomas –
That's why I'm asking, you know, is there a definition.

The Chairman –
Councillor Green?

The Hon. Anthony Green –
Yeah, Mr Speaker, I have a feeling that there is a definition of "in charge" if you look at section 39 (4) of the Road Traffic Ordinance, it actually gives a definition.

The Hon. Angelo Berbotto –
Section 39 what, sorry?

The Hon. Anthony Green –
39 (4) of the Road Traffic Ordinance.

The Hon. Angelo Berbotto –
Are you referring to the old Traffic Ordinance because what is changed is the Road Traffic Ordinance 2016.

The Hon. Anthony Green –
Oh, okay, I may have the wrong one, but it would have been incorporated in the subsequent Ordinance as we discussed earlier?

The Hon. Angelo Berbotto –
Could you tell me what the heading says?

The Hon. Anthony Green –

Well, may I just read it so's that I can understand, Mr Chairman, if I'm on the right road?

The Chairman –

Yes, of course.

The Hon. Anthony Green –

It says, without prejudice to sub-section 2, a person who is in charge of a motor vehicle on the road, no, sorry, I'll go to 5. A person shall be deemed for the purpose of this section not to have been in charge of a motor vehicle if he proves that at the material time of the circumstances of such that there was no likelihood of his driving the vehicle while the level of alcohol in his blood exceeded the prescribed limit; and, (b) that he had not driven the vehicle on the road or a public place between the time of his consumption of the alcohol and material time. So there seems to be a definition and whether that's been reflected in the replacement Ordinance I don't know.

The Hon. Angelo Berbotto –

Yeah, it is under section 45 (3). A person is deemed not to have been in charge of a vehicle if such person proves at the material time the circumstances were such that there was no likelihood of his or her driving the vehicle so long as he or she remained unfit to drive through alcohol or drugs. So if your vehicle is parked outside the pub, somebody crashes it and you had no intention of getting on the vehicle to drive off, you wouldn't be charged for the purpose of this definition.

The Chairman –

The difficulty in that one is that he has to prove that he didn't intend to drive.

The Hon. Angelo Berbotto –

Yeah, but it is a question that would arise only if in a situation where there are concerns that the driver was driving or was in charge of a vehicle while under the influence of alcohol or drugs, so, yes, it would be a question of that. I don't know how this assists us with the original question which was, do we need a definition of "being in charge"? If we need a definition, I will ask you that we provide me the time to look into it.

The Chairman –

Otherwise you could do that, couldn't you do that as an amendment to the?

The Hon. Angelo Berbotto –

I wouldn't be prepared to amend it now.

The Chairman –

Not now, no, not now, at some later stage you could amend the particular Ordinance, could you, because nothing here you do now is gonna change that unless you insert a definition now. Yeah?

The Hon. Derek Thomas –

Yeah, I'm quite content with that, Mr Chairman, but there ought to be a clear definition of "being in charge of a motor vehicle".

The Chairman –

There's some doubt about the management of that, yeah.

The Hon. Derek Thomas –

There ought to be one, is the point I'm making.

The Chairman –

Yeah. A pause on that section. Who looks after Road Traffic Ordinance? A&NRD? Something for you to take away with you, my friend? Okay.

(Inaudible)

The Hon. Brian Isaac –

.....Corinda is up her house, drunk, someone comes down the road and crashes into her car. Is she in charge of that vehicle?

The Hon. Angelo Berbotto –

We're asking for legal advice.

The Chairman –

Yes, it needs clarification.

The Hon. Angelo Berbotto –

At the moment, under section 3, no, because Corinda was at home watching TV, whether she had no intention of using her vehicle....

The Hon. Brian Isaac –

No, but she had a few drinks watching TV.

The Chairman –

You'd have to prove that.

The Hon. Angelo Berbotto –

Yeah.

The Chairman –

She has to prove that she had no intention.

The Hon. Angelo Berbotto –

That's right.

The Chairman –

So she'll say till the cows come home that I didn't have any intention, how is she going to prove that?

The Hon. Angelo Berbotto –

Well, because she will say I was watching Eastenders and I was having a lovely time, I had no intention of leaving my home, that is what she will tell the Police Officer and I believe that they will write it down. As I've said, the provision here says, a person is deemed not to have been in charge of a vehicle if a person proves that a material time the circumstances were such that there was no likelihood of his or her driving the vehicle so long as he or she remained unfit

to drive through alcohol or drugs.

The Chairman –
Okay.

The Hon. Brian Isaac –
You'd get away with.....

The Hon. Derek Thomas –
Yes, Mr Chairman, and it ought to be that way as well, because if you look for town now, I mean, people got their vehicles parked on the road, they intend to have a relaxing time and they drink in their own private homes, they're not going to drive, you see.

The Hon. Lawson Henry –
...that is why the proviso.....it doesn't take away the fact that they're in charge. If it's an accident then the person is still the owner and in charge of the vehicle, but that's why the proviso is there.

The Hon. Gavin Ellick –
So if I in my house and I got Brian and Corinda in there with me, right, and somebody come down and hit my car outside and I wasn't intending to leave it because those two got to go my house, so that means that I go be, they can come and breathalyse me in my own house. Now, I can't see that there, I think that is something that gotta be done about that there, because if you in the privacy of your own house you can do just about anything in privacy in your own house and one of the things here, because it has happened in the past, where somebody was at home, sitting down watching TV, as we alluded to, somebody went along and hit their car, they Police came and breathalysed them within their own house, so you like you not free for nothing here.

The Hon. Angelo Berbotto –
I would be very careful, as using anecdote or information without knowing what case we're talking about and the particulars of each case. I cannot give my opinion on just what has happened, because I don't know what has happened. What the provision says here is that if you are, if your vehicle's involved in some sort of accident and you had no intention, and you can prove that, and there's no reason why the Police will not believe you if you say, well, I was home, I was having a beer, Mr X just drove in to my car, I wasn't going to go anywhere and Corinda and Brian can say, well, we were playing cards there, he wasn't going anywhere, because he was losing and he wanted to win.

The Chairman –
Maybe that's something for another time under the Road Traffic Ordinance, that you should take onboard, okay? Can we move on? How far did we get? We've been through that whole section. Road Traffic Ordinance then, question from Councillor Green?

The Hon. Anthony Green –
Yes, we've had the opportunity of having at least two sessions with the Honourable Attorney General, but just for the public's information, if you look at Clause 11 it talks about a penalty of a fine of £5,000 or imprisonment of eighteen months or both, but what we teased out during that discussion that any figures that exist in the law with regard to fines are maximum and that, I think may be important for the public to realise that they're not just talking about £5,000, it depends on the circumstances and now the Attorney General may be able to couch it in much

more succinct terms?

The Hon. Angelo Berbotto –

Yeah, that's right and the Court uses sentencing guidance so where, for example, somebody pleads guilty at the earliest opportunity they are credited with one third and usually the entry point is not the maximum, so it's somewhere in the middle, so yes, this is, it must be one of the worst case scenarios for the Court to go directly to the maximum of imprisonment of eighteen months or a fine of £5,000. That's right. Okay?

The Chairman –

So I put the question that the Road Traffic Ordinance, 2016, Clauses 1 to 17, do stand part of the Bill.

Question put and agreed to.

The Chairman –

Clauses, St Helena National Trust Ordinance 2001, Stamp Duties Ordinance, Cap. 152, Summary Offences Ordinance, Cap. 24 and Rates and Measures, Cap. 123. We'll take those sections.

The Hon. Angelo Berbotto –

Thank you, Mr Chair. In relation to the St Helena National Trust Ordinance, the amendment is to give the management plans teeth which they don't have at present, although section 12 gives officers enforcement powers. Under the Summary Offences, this is an increase of the penalty for drunk in a public place. At the moment it's £40.00 where we want to increase it to £100.00 and the penalty for behaving in a riotous or disorderly manner at the moment is £100.00, we want to increase it to £150.00. In relation to the Stamp Duties Ordinance, the change is that the offence carries three years imprisonment, it shouldn't be an indictable only offence, so it should be an offence that can go to the Magistrates Court as well so that's why. Summary Offences Ordinance, there is no longer any reason for offences under this Ordinance to be made indictable because it's called Summary Offences, so we're just reflecting that and the Weights and Measures Ordinance, the standard weights and measures are kept at the Police Station, not at the Magistrates Court, so we're changing that to reflect.

The Chairman –

Any questions? I put the question that the St Helena National Trust Ordinance 2001, the Stamp Duties Ordinance, Cap. 152, Summary Offences Ordinance, Cap. 24 and Weights and Measures Ordinance, Cap. 123, stand part of the Bill.

Question put and agreed to.

The Chairman –

Welfare of Children Ordinance.

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. This provision, clause 1 corrects an anomaly in the title of the Board when it was set up, so rather than being the Safeguarding Children's Board, from now on it will be known as the Safeguarding of Children Board. Clause 2 allows for the fact that consanguinity is mentioned in other Ordinances, as well as the Marriage Ordinance and that the concept of a familiar family member might appear as well too and that's why we're making

that clearer. Clause 3 provides a penalty for the offence created by the sections, a penalty of imprisonment for two years. Clause 4 increases the conviction for encouraging a child into prostitution from two years to five years; and finally, clarifies the relationship between a request by the Court and the appointment of an advocate in relation to a child, which is the role of the Attorney General.

The Chairman –

Alright, any questions on that section? Then I put the question that the Welfare of Children's Ordinance 2008, Clauses 1 to 5, do stand part of the Bill.

Question put and agreed to.

The Chairman –

Now, Honourable Members, I'm in your hands, would you like a few moments break before I go into finishing the Bill off or do you want to finish the Bill first?

Members –

Finish the Bill off first.

The Chairman –

Thank you very much indeed. I shall move back into formal Council and ask the Mover to make a report of the Bill?

Council Resumed.

The Hon. Angelo Berbotto –

Yes. Mr Speaker, I beg to report that the Law Revision (Miscellaneous Amendments) Bill, 2017, passed the Committee with three amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

Members –

One amendment.

The Hon. Angelo Berbotto –

Yes, thank you, yes, it's a deletion and two new words, but yes, it's one amendment, thank you. I apologise. Would you like me to repeat that or is that alright?

The Speaker –

Pardon?

The Hon. Angelo Berbotto –

Would you like me to say that again or not?

The Speaker –

Pleased if you do.

The Hon. Angelo Berbotto –

Thank you. So, Mr Speaker, I beg to report that the Law Revision (Miscellaneous Amendments) Bill, 2017, passed the Committee with one amendment and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

Thank you very much. Is there a seconder?

The Hon. Dax Richards –

Mr Speaker, I beg to second.

The Speaker –

Thank you very much. Honourable Member, you may speak to the Bill again if you wish?

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. I am very pleased that this Bill has now been recommended for enactment as it will allow us to complete the Law Revision and we expect to have the new website with the revised Ordinances up and running in December this year. Thank you, Mr Speaker.

The Speaker –

Thank you very much. I put the question that this Council approves the Law Revision (Miscellaneous Amendments) Bill, 2017, and recommends to the Governor that it should be enacted. Honourable Members, you may speak to the Bill on principles. Any Member wishes to speak? No. Mover, do you wish to have any further reply or not?

The Hon. Angelo Berbotto –

Only to thank all Honourable Members for their patience through going through a very unusual Bill, because it covers a lot of different topics and also to the public at large for their patience, I know that sitting through this, listening to me going through all these sundry list of Ordinances and Bills may not have been as pleasant. Thank you, Mr Speaker.

The Speaker –

Thank you very much indeed. I put the question that this Council approves the Law Revision (Miscellaneous Amendments) Bill, 2017, and recommends to the Governor that it should be enacted.

Question put and agreed to.

The Speaker –

Now, Honourable Members, do you have a break now? Thank you very much, we suspend Council for fifteen minutes. Thank you. Council is suspended.

Council Suspended.

Council Resumed.

The Speaker –

Right, Honourable Members, that was a lengthy Bill we went through that time, there's no more at the present time so we can get on with the other business now. Where are we? Right, Clerk of Councils?

The Hon. Dr Corinda Essex –

Mr Speaker, before we recommence, I've been requested by the males present to ask if they

can remove their jackets?

The Speaker –

Yes, they tried to do it before and now they go through the ladies to do it. Yes, please, you can remove your jacket. Thank you. Okay, Clerk of Councils?

Motion No. 2 – The Honourable Derek Thomas.

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Mr Speaker, I beg to move that in view of the costs of sourcing goods from South Africa, options for sourcing goods from other destinations such as Walvis Bay or Brazil should be considered.

The Speaker –

Is there a seconder to the Motion?

The Hon. Cruyff Buckley –

Mr Speaker, I beg to second.

The Speaker –

Thank you very much indeed. Honourable Mover?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Mr Speaker, I thank the Honourable Cruyff Buckley for seconding my Motion. Mr Speaker, Honourable Members, we are well aware that the island is facing a critical time in the rising cost of goods. In 2014, a procurement exercise was undertaken in order to identify a suitable vessel to continue to provide freight services to the island once the RMS is taken out of service. The successful tender was awarded to AWS where we now have in place the MV Helena. Mr Speaker, Honourable Members, I do appreciate and understand the challenges the island would face if, for instance, Walvis Bay was to be established as the hub, mainly due to the fact that transshipment of cargo from the UK would need to continue and the most efficient route for this would be via Cape Town. Also, not all of the goods the island requires would be able to be sourced in Namibia. However, in view of the unfavourable Rand exchange it would be cheaper to source certain goods from Namibia or even South America at better prices. Due to the scheduling of the MV Helena, it should be possible for the vessel to make calls at Namibia without the time span between its call to St Helena having to be extended. South America would represent greater challenges but the range of goods would extend beyond what Namibia can provide and in relation to South Africa, the prices of many goods in South America are much cheaper. It might be beneficial to the island if the vessel were to make occasional calls to South America ports to source some of the island's essential goods. I am aware that in order for this to happen importers would need to establish links with agencies, possibly with the support from Enterprise St Helena. Mr Speaker, Honourable Members, I trust there will be general support to this Motion and if so I would suggest that the next steps should be the establishment of a Working Group with the relevant agencies which I, as the Mover of the Motion, I would be quite happy to facilitate in order to carry out research and consider the options. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. Honourable Members, the Motion is that in view of the costs of sourcing goods from South Africa, options for sourcing goods from other destinations such as Walvis Bay or Brazil should be considered. Honourable Members, the Motion is now open to debate. Honourable Cruyff Buckley.

The Hon. Cruyff Buckley –

Mr Speaker, I support the Motion presented by the Honourable Derek Thomas, I feel it is an avenue which we as a Government have to explore. Mr Speaker, the food prices on St Helena are ever increasing and are amongst the highest in the world. A good proportion of this is attributed to the cost of importation. Other factors like economies of scale don't come into play because of our demographics, i.e. our small population. There are drawbacks, however, in terms of biosecurity, but I feel they pose no more of a threat than that of the current port in Cape Town. We have seen how the recent outbreaks of Avian Flu can dramatically affect our supply chains, namely, eggs and poultry products. The recent decision made by the UK to leave the European Union is also having an adverse effect on the pound versus the South African Rand. We can notice this increase amongst local merchants. The cost, however, is borne by the consumer and the noose is tightening. Recent proposals to increase utility charges don't help the situation. We are squeezing more and more revenue out of a stagnant tax base that isn't likely to increase any time soon although air access might change all that. To use the phrase "all our eggs in one basket", if we don't get our shipping right we literally won't have any eggs to put in that basket. The real objective of this shift is to obtain good quality goods at a cheaper price, but more importantly, to relay this to the consumer at an affordable price which will benefit the whole island. Mr Speaker, I support the Motion.

The Speaker –

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

The Hon. Lawson Henry –

Thank you, Mr Speaker. Mr Speaker, Honourable Members, I rise in support of this Motion and commend the Honourable Mover for bringing this to the House today. The cost of living on island is escalating and as we only have one source for importation of goods we have no control over the costs, therefore, in going forward, we should be looking at alternatives, the Government should explore other ports from which the ship could call giving our merchants further options for sourcing goods that will perhaps be cheaper than we now have. I therefore support this Motion.

The Speaker –

Thank you, Honourable Member. The Honourable Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker, I have no reservations in supporting the Motion as it actually asks for the sourcing of goods to be considered, so I don't have any problem with that and any consideration would not only be looking at price, but look at quality and standards, the political situation and any other unknown for the moment, but as the Motion is worded I have no problem of supporting it. Thank you, 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 this Motion, it's at a time where the island is facing dramatic rises in the cost of living on the island. From South Africa we import a lot of stuff, but a lot of that produce is coming from South America currently now, we do have South American goods on our markets here which is transshipped to Cape Town and then on to us. If we can direct the shipping or sourcing these goods from South America it would be another feather in our cap because we don't have to go through the middle man, and as my colleague said and the Mover said, it's asking to be considered, to explore the possibility and I think we can do that and the benefits are positive then we have a way forward. Thank you, Mr Speaker, I support the Motion and thank the Honourable Mover for bringing it to this House.

The Speaker –

Thank you, Honourable Member. Honourable Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker, I also rise in support of the Motion. I think that the circumstances in South Africa are changing quite rapidly, both in terms of the actual availability of certain types of goods, the Rand exchange rate and the general political climate there and consequently I think that it is an opportune time for St Helena Government and, indeed, the private sector and all key stakeholders to be considering other options and noting what is likely to be the most effective and efficient way of sourcing goods at a reasonable price going forward, so I thank my Honourable Colleague for bringing this matter to the House today and I do not hesitate to support the sentiments that he's expressed. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member? The Honourable Russell Yon?

The Hon. Russell Yon –

Thank you, Mr Speaker, I rise in support of this Motion. Some Members in this House will remember that as recently as two years I s..?... a letter to these Members concerning the transshipment of goods to this island. I had dug in deeply with information that was sourced for myself, by others and by myself to the concerns of the extortionate prices that this island would be faced with, not only for goods for local merchants but also for our construction field. Sourcing of goods must already be in place by the merchants and I assume they will be in a very good position to undertake further sourcing. The sourcing of goods lies with the merchants. However, I support Honourable Thomas here in asking SHG to explore every avenue that is possible so that the shipping can be pushed to every avenue that we can be able to source to bring goods back to this island that will be feasible to all involved. Thank you, I support this Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the Motion? Honourable Mover, would you wish to speak? Honourable Kylie Hercules?

The Hon. Ms Kylie Hercules –

Thank you, Mr Speaker, I raise in support of this Motion as well and I thank Honourable Derek Thomas for raising this. It is a critical time on St Helena in relation to prices and how our island is coping. I think this Motion is a sensible Motion which could potentially have positive

benefits for the community in its entirety. If this could mean cheaper and better products then I think we should explore this option. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Derek Thomas –

Thank you, Mr Speaker. I would just like to thank those Members who rise and spoke in support of the Motion. Thank you.

The Speaker –

Thank you, Honourable Member. The Motion is, Honourable Members, that in view of the costs of sourcing goods from South Africa, options for sourcing goods from other destinations such as Walvis Bay or Brazil should be considered.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Next item, please?

Motion No. 3 – 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 resolves that urgent action should be taken to utilize the funding available for the construction of Government Landlord housing units in order to reduce the number of persons facing serious housing problems.

The Speaker –

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

The Hon. Lawson Henry –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. Honourable Mover, would you like to expound?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Perhaps, Mr Speaker, I should clarify at the outset that when construction is mentioned in the wording of this Motion this should not be interpreted to be referring directly to the building of new units as it is also intended to relate to conversions, extensions, renovations, etc. Mr Speaker, lack of housing is an increasing problem on St Helena which must be addressed as a matter of urgency as it has already reached the point at which it is causing serious social problems and forcing a relatively high number of persons to

live in inappropriate living conditions. This is a serious issue which will inevitably become worse and affect more households if prompt action is not taken to increase the number of Government Landlord housing units available. The Directorate of Safeguarding has indicated that shortage of appropriate, affordable housing is a matter of concern so the negative impacts of the current situation are fully evidenced based. It has been identified by the Directorate that the following are some of the key issues, and I quote, “overcrowding resulting in a large number of family members residing in one bedroom.” Families being pushed to seek accommodation via private landlords with unaffordable rents, which means that they can afford little else and so are struggling or getting into debt. This is as a result of the fact that Government Landlord housing is not available for them. Again I quote, “there are instances of adults who are homeless and unable to afford private rent costs which leads to overcrowding or staying in unsuitable situations”. Again I quote, “some adults have physical disabilities and there is a lack of suitable disabled access housing which has resulted in people either having to remain at home with family carers and/or living in accommodation that restricts their independence”. Again I quote, “discharge from the Safe Haven is often delayed due to lack of appropriate social housing for people, normally women, who are unable to return to the home environment they fled”. No new housing units have been constructed for some five years and currently the number of applications for units stands at 73 and relevant officials indicate the demand is growing rapidly. I am fully aware that some plots at the Half Tree Hollow Comprehensive Development Area have been earmarked for the construction of Government Landlord housing units and that this has been delayed by a number of unforeseen issues relating mainly to the layout and servicing of the site so building is still unlikely to be able to start until 2018. Furthermore, it was envisaged that these units are likely to be primarily needed for persons who would need to be relocated from the Ladder Hill Complex if development takes place there. If this is still the case, the situation is even more worrying. Mr Speaker, there is an immediate need that has to be addressed urgently because it is already causing individuals and families to suffer and further delay is only going to make the situation worse. It is essential that St Helena Government promptly develops a co-ordinated and time bound action plan that identifies precisely when, how and where it is intended that construction of further Government Landlord housing units will take place and the delivery of this plan is given a high priority. I also feel very strongly that the contents of this plan, once it has been completed and approved, should be made widely known to the public. During the previous Council, there was often concern about measures that were being taken within Government being made public until it was absolutely certain that they could be delivered because there was fear that expectations would be raised that couldn't then be fulfilled. That is one side of the argument. The other side of the argument is that the last Council was heavily criticized because it was perceived by the public that things were not going on within St Helena Government which, in fact, were going on within St Helena Government and that a number of the actions that were taken were just never made known to the public and I think we need to move forward from that situation. It is also essential that before the action plan is developed, informed decisions are taken following inter-agency discussion regarding the actual size and types of the units that are most urgently needed. I am aware that some information is being drawn from the Census for this purpose, but I believe very strongly that there is still a need for wider consultation and research, including detailed analysis of the applications that are currently on the waiting list. In 2012 a special fund was set up known as the Government Landlord Fund, Government Landlord Housing Fund, I beg your pardon. There is money within this that can be used to start to tackle the increasingly serious issue that is facing us. Even if it will not go very far, a modest start is much better than no start at all. The public, and, indeed, elected members, get tired and frustrated by being constantly reminded that key matters have to be delayed or that actions which are clearly necessary cannot be taken. Often the situation cannot be avoided for reasons

beyond the control of St Helena Government, usually relating to lack of resources. In this case, there are land, buildings and some funding available so it should be possible to get some quick wins relating to additional Government Landlord Housing if there is a real will to make this happen. Mr Speaker, a responsible Government cannot ignore the current serious housing problems which an increasing number of our people are facing, urgent action is required to tackle the shortage of Government Landlord housing units before the situation deteriorates further. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. Honourable Members, the Motion is that this House resolves that urgent action should be taken to utilize the funding available for the construction of Government Landlord housing units in order to reduce the number of persons facing serious housing problems. The Motion is now open to debate. Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, Honourable Members, I rise in support of this Motion and wish to commend the Honourable Mover for bringing it before the House today. It saddens me that as a Government we have to bring a Motion to the House in an attempt to focus on such an important issue as housing. Over a year ago, this issue was debated in Executive Council and the importance of SHG using the funds available to do what my learned colleague seeks to do in her Motion. In that debate, ExCo decided that because of the number of issues surrounding the Comprehensive Development Area, CDA, in Half Tree Hollow and given the urgency of moving forward to build some social housing it was agreed that work on the CDA at Bottom Woods would be prioritized and some plots would be allocated to social housing. It was also agreed that ExCo would be given regular updates by the officer responsible at that time. Updates were given, but only when they were requested and very little progress had been made and there were no signs that plots had been allocated to social housing nor have any building works started. Mr Speaker, I pause here to reflect on us as a Government as there have been great emphasis placed upon elected members by officials, including our Governor, that Councillors need to be more open and transparent and I welcome this. This call for openness and transparency should not only be for Councillors, but for officials too. I would like to today, Mr Speaker and Honourable Members, for us all to agree to add another important element to the drive for openness and transparency and that is accountability. Yes, accountability. Given that over a year ago ExCo agreed that priority should be given to starting the process of increasing social housing stock and the fact that directions given had not been complied with to the extent that they should have been and whilst accepting that some work have been done to the Bottom Woods CDA, given the importance the previous debate had given to this matter, progress should have been much further advanced. I also accept that SHG may not yet have the funding to put in the services for the CDA, however, given the serious shortage of social housing, no attempt seems to have been made to allocate other pockets of land to at least start a programme of building. We have the building that previously housed Radio St Helena. The funds available could have been used to convert this building into a house. Why this has not been done or considered. I submit to the House today we are in this position because there have been very little or no accountability flowing from the directions given by Executive Council. This needs to change and in going forward I hope our Administration will be looking into this and appropriate action taken. My wish is that by highlighting this in the House today and in going forward not only those of us who are here today take responsibility, but those individual officers who are charged with carrying out the directions of elected members are held to account. Too often this is not happening and as elected members we have been far too lenient. This cannot go on or be accepted. Too many officers who have responsibility for carrying out this task have not been

held to account. At least three TC Officers who have been involved with the CDA has not delivered, but they have not been held to account either. Thank God they are no longer here, but at least one of them, we are told, is still working for SHG remotely. I question this and seek assurance that this really is value for money for our island given the financial challenges we are now facing. I question too why elected members were not fully appraised of this decision. Far too often decisions are taken in respect of TC posts and elected members are not kept abreast. We only get to hear about this after, not consulted before. This too needs to change. I would also like to commend the current team at ENRD under the direction of the current Director. I recognise the importance of our TC Officers and the majority who come to our island does a great job. The situation in relation to housing, however, and those charged with it failed. This happened because there was no accountability. The consequences of this sheer lack of accountability is that those people who are living in overcrowded conditions and others in serious need to have social housing have been let down. As an elected member I feel responsible for this, so too should this Administration for not holding those responsible to account. I therefore call upon the Government today to reflect and let us all sign up to accountability. As a Government, we have not increased the stock of building new houses since 2013. In the previous debate that I have referred to, we agreed to look at a rolling programme of at least increasing the stock by building a minimum of one house per financial year. Other members of this House and myself have on many occasions reminded the House that because so many Saints have over a great number of years strived to build their own homes and a large percentage of islanders own their own homes this alone has taken considerable pressure from the Government to build social houses, but, however, there will always be those who cannot afford to or have the ability to build their own homes and we have a duty to those people as a Government to provide homes for them. I recognise that SHG have been able to upgrade existing stock over recent years and considerable work have been done in backlog maintenance. I also acknowledge that the funding for this have been provided by DfID. In the case of building new homes, we have a budget available from the special funds set up for this very purpose many years ago. This being the case there is strong arguments for us to have a rolling programme for building new homes. Mr Speaker, Honourable Members, I beg to move and support this Motion, but let us all remember accountability. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker and I thank the Honourable Mover for bringing this very important Motion to the House and Councillor Henry for his exposition.

Mr Speaker, following the enquiries by the Sascha Wass team, SHG was criticized for some of the overcrowding conditions and the conditions that our people were living under and some of the other issues. DfID poured millions of pounds into Safeguarding to rectify this position. Social housing has moved on very slowly since those days. I understand that there is money, and I stand to be corrected by the Financial Secretary, quite a substantial sum of money, sitting in one of the pots within Government for social housing, but, again, depending on the CDAs that this money will be utilized. Mr Speaker, there is a serious need for housing, I have been confronted, and I'm sure that my colleagues will be confronted from day to day as they walk, only today, Mr Speaker, in Jamestown when I went to the Star, someone said to me about housing and there is a need for housing, the overcrowding, I am dealing with a case through the Housing Officer of a mother who is living in a room with her twenty-one year old son. In this day and age that should not be happening, but it's a reality in the community. This is just one person, but there are loads of other people in overcrowding conditions. You don't see it,

you don't notice it, as you drive by everything looks nice, but in reality at night these nasties creep out and you have to share overcrowding conditions. It is not suitable in this day and age and we should not be encouraging that, we should be, and I remember, and I don't need to be corrected, I was the Chairman of the Social and Community Development Committee of the last Government and this was something very high on our topic, but we need to continue and I know my Honourable Friend will do so. We talked a lot in this House for first time builders, making land available for first time builders. If that was a reality, Mr Speaker, we would alleviate some of the Government Landlord houses because there are people out there who want to build their own homes, they have money, they are able to obtain a loan, but land is the problem at the moment and I know some work is undertaking at the moment but it is very slow progress. We have an ageing population, there are people who are living in flats, who in their younger days would run up and down the stairs, as we all get older this is not possible, there are people who have disabled setbacks who cannot maneuver the stairs in flats and we have seen incidents where people have become homeless because of this and have to be housed in other conditions, costing Government money which we don't have. Mr Speaker, I went on a visit just two weeks ago with the Chairman of ENRC to the fields in Longwood and he will stand and support me on this one, there are some beautiful cladded buildings being built in the fields in Longwood, which is agricultural, related to the development of agriculture. These buildings are cladded, they are beautiful, they are tiled, they have beautiful light fixtures, all they need is toilet facilities and people could live in these building, but I know they were not built for that, but these buildings are sitting vacant in the fields, one has been occupied and my Honourable Friend will support what I'm saying here, the others are sitting dormant at the moment. I'm sure that there are plans for farmers to use these buildings, but the standard of these buildings are of a very high quality and I know that it was different funding which was used for that, but at the end of the day there's one lot of money coming to this island and it's how we allocate this money and set our priorities. That's just digressing from where I need to be, but these buildings really need to be looked at and could house at least, how many families you would recommend my friend, at least three, four families, at a reasonable standard, bachelor quarters it would house more. The island needs more bachelor flats because we have older folks living in three-bedroom houses, which is their right, but they cannot move to a smaller accommodation to allow the larger families to move into the three-bedroom flats because there's nowhere for them to go. It would make life much easier for some elderly person living in a three-bedroom house to live in a smaller flat, it would be less, cost effective on all the utilities, upkeep and everything else, we don't have that facility, but we do need that facility, more bachelor quarters. Mr Speaker, I'm sure that my Honourable Friends around this table feel the need and will support this Motion. 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 and I commend the Mover for bringing this to the House. Lack of social housing on St Helena is a serious issue with a large number of people waiting on the Housing Register and we heard here today there's over seventy persons waiting. Mr Speaker, St Helena Government needs to do more in order to address this problem. There is funding available in the Government Landlord Housing Capital Fund which should be used as a matter of urgency in order to create and improve our stock of Government Landlord houses. We should be looking at not only building new houses but where possible conversions, renovating and developing Government property into housing units and I say this because over a year ago in this House I raised the issue of what was the

Longwood Junior School, presently being occupied by Basil Read, that being converted into Government Landlord housing bachelor type quarters, a number of people could accommodate and I was told there's a business interest in the property, a business interest and I don't know what and I don't wish to know what, but where is our focus and the balance on this? And I will ask that these issues be properly addressed, the balance don't seem right. We should be looking at existing Government properties, which can be converted into accommodation, which, no doubt, will present value for money in terms of going forward. Mr Speaker, although we have been pushing for the past years on the development of the Comprehensive Development Areas in order to make land available for house building, there have been progress but there's also been challenges and these challenges will continue to present themselves on the way, mainly when it comes to funding on key infrastructure which generates a high level of frustration to those persons who want to build their homes and in order to speed up this process we should be looking at ways where certain areas can be really released in order for house building to the public and also perhaps building some Government Landlord housing. Mr Speaker, I support the Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member, the Honourable Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker. I welcome this Motion because the lack of social housing creates a lot of other social issues and I've already had very informal discussions with my Honourable Friend, Chairman of the ENRC and I would say that this Motion gets my full support and so thank you very much, I support the Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member, the Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I stand in support of the Motion, Sir, and I'd like to thank Dr Essex for bringing it to the House, but again, just like in the last four years, we've already talked about social housing, but we don't seem to be getting things right and even if we got seventy-one people who are without houses, are we still gonna talk about it or are we gonna really go out there get some actions and get it done, because the people, out of everything on this island our biggest threat is our social problems and if we don't nip that in the bud, Sir, we will be back to square one. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Members wish to speak to the Motion? The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Mr Speaker, I rise in support of this Motion as well. I myself know that there is huge implications in relation to the lack of social housing in St Helena which causes a whole variety of problems thereafter. The private rent, as we all know, is way too high for most people on island on a general wage to be able to afford, so I fully support my colleague, Dr Essex, in her Motion. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish.... The Honourable Russell Yon?

The Hon. Russell Yon –

Thank you, Mr Speaker, I support this Motion and I thank Councillor Essex for bringing this forward. I understand the frustrations surrounding this Motion. In light of this, I, as Chairperson of the ENR Directorate will make it my responsibility to work with the Directorate to see that a preferred comprehensive plan will be put in place and that the secured funding will be disseminated correctly and efficiently to allow for the speedy construction and development of the much needed social housing. I support this Motion. Thank you.

The Speaker –

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

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, I would wish to thank all the Honourable Colleagues who have voiced their support for this Motion and it's extremely encouraging that there's a clear level of serious commitment to actually moving this matter forward. In the past we have faced many challenges and many setbacks, although we have been struggling to try and move this issue forward. Let us hope that that is now in the past and that we can now develop an action plan which can be carefully compiled, drawn up, formally approved, made available to the public and above all, actually put into operation as soon as is practicably possible. Obviously any form of construction, even if it's just conversion or something of that nature, requires planning permission, procurement procedures have to be followed and so on, so whatever we resolve to do today it's not going to be able to be achieved overnight, but at least if we make a firm commitment to get the wheels properly in motion and speedily in motion we should be able to see progress within not too far distant future and that, Mr Speaker, will give a lot of reassurance to the public and would ease a lot of the burning social issues that are starting to become more and more severe as a result of the current lack of an adequate number of Government Landlord housing units. In particular, I wish to thank my Chairman of the ENRC Committee for his commitment to spearheading moving this forward, that is very much appreciated and I give him my assurance that as a member of his Committee I will do all in my power to support him and I am confident that the other members will do exactly the same. Thank you Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Motion is that this House resolves that urgent action should be taken to utilize the funding available for the construction of Government Landlord housing units in order to reduce the number of persons facing serious housing problems.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

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 prompt action be taken to develop a consolidated overarching policy relating to recycling on St Helena and prepare the necessary legislation to support this.

The Speaker –

Is there a seconder to the Motion?

The Hon. Gavin Ellick –

I beg to second, Your Honour.

The Speaker –

Thank you, Honourable Member. Honourable Mover?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, I wish to declare my interest as President of the St Helena Chamber of Commerce.

Mr Speaker, an options assessment was undertaken in 2015 in relation to the future of waste management on St Helena. Its findings indicated that effective recycling would bring about the following benefits in return for comparatively little investment. I quote – “Reduce short to medium term capital expenditure by increasing the life of the landfill; provide cost efficiencies to St Helena Government and private sector for substitution of recycled waste for imported, new, raw materials and enable the Waste Management Service to be more financially self supporting”. I would suggest two further potential benefits – these are bringing small amounts of new money into St Helena’s economy from export of recyclable materials; and, preventing another large portion of valuable land having to be set aside for use as a new landfill site in the not too far distant future. We are all aware of the increasing financial pressures that St Helena is experiencing and although economic growth is hoped to follow the introduction of commercial flights, this will not happen overnight and the lean times are likely to continue for some while. Consequently there is considerable need to reduce costs wherever possible and establish sustainable activities that reflect best practice. It is pleasing to note that some actions to boost recycling have already taken place, such as procurement of bins that have a separate compartment for glass and private sector involvement in using such glass for building purposes, but these are only scratching the surface of what could be an important money saver and modest money maker for St Helena. Despite the considerable amount of research and resulting recommendations that have been made that relate to recycling there is currently no overarching policy and supporting legislation specifically in this area. Indeed, there is not even a clear strategic direction that has been agreed by St Helena Government and all key stakeholders. This situation needs to change as soon as possible if St Helena is to be able to reap the benefits of comprehensive and appropriate recycling measures and justified bids for the initial funding likely to be required to put these in place. Such expenditure, I believe, would be very much in the spend now to save later category. Mr Speaker, already two years have elapsed since the options assessment was undertaken so it is clear that a policy is long overdue. The Chamber of Commerce has received representations as local businesses wish to have clear direction regarding future likely developments in order for them to be able to make realistic business plans. The Environment and Natural Resources Directorate is coming forward with bids for

associated capital funding, but it is difficult to prioritise these on a piecemeal basis in the absence of a clear policy. It will be essential that the development of the policy involves all stakeholders, including the general public, so considerable engagement and consultation will be necessary. The draft policy will then have to go through the usual approval processes and the drafting of legislation can then follow. All this is time consuming. Therefore, Mr Speaker, if the process is not started shortly we will find that another two years have passed and we are only marginally further forward. What a sorry situation that would be. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. Honourable Members, the Motion is that this House resolves that prompt action be taken to develop a consolidated, overarching policy relating to recycling on St Helena and prepare the necessary legislation to support it. Any Honourable Members wish to speak? The Honourable Brian Isaac.

The Hon. Brian Isaac –

Thank you, Mr Speaker, and again, once again I support my Honourable Friend for bringing this very important Motion to this House. Recycling, in my opinion, Mr Speaker, is what is one man's rubbish is another man's treasure. I frequently go to the tip in Longwood and I'm surprised of what is disposed there, from computer consumables to all types, the glass recycling is very much moving on, that's one component there for the recycling of glass and, in my opinion, it is working very well and whenever I visit the tip there are always other people there and it's just looking, because there's lots of good stuff there and I'm often criticized by my wife because I take a load of rubbish to the dump and I bring a load of stuff back home again, because when I see these opportunities as a country boy I know I can make use of some of these materials and I'm often criticized for that. The public sees recycling as a very important issue for the island and what I've often heard say is there are containers going back empty to South Africa, why don't we use this space? I understand this has been explored and it comes with a cost. It's not easy just to fill a container up and put it on the ship. I understand there is a small enterprise who are doing some recycling, but I'm not sure at what scale that is, but recycling globally is something we need to do and one of the major factors what we would have in recycling is not locally, is to get the stuff off the island and what we could get for the price, it would probably be South Africa, would be very low to cover the labour here and the labour of getting it off the island, but taking that to one side, recycling is something we have to do. I mean, we look at the amount of beer bottles that comes to the island, the amount of cans, aluminum cans, they can be crushed and it would make a very small dent in what the landfill offers. Recycling is something very important and I fully support it and I wish that Members would support it and I look across at the Financial Secretary and I know we're going through very difficult times when it comes to Finances, but there is something we need to do, we now have our own ship travelling up and down once the RMS, the RMS is also our ship, there might be opportunities on this ship, it is not a passenger carrier, to be able to take some of our stuff off the island and we must be able to get South Africa to accept our rubbish, but this is issues that we have to address. Recycling is very important and I support it, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, Honourable Members, I rise in support of this Motion and I too would like to commend the Honourable Mover for bringing it to the House. Not only is it the right thing to

do to protect our environment, but importantly, to preserve land. As the island develops, we will produce more waste for the landfill site. We are already short of land, therefore it is in our interest to develop more innovative ways in which to dispose of our waste. Recycling is one which could have considerable benefits. By recycling our waste it would also prolong the life of our landfill site. Developing a policy and enabling legislation is a first step for the island in honouring our commitment to protecting and preserving our environment and leaving a legacy for future generations of Saints to enjoy. I hope that in doing so this will also be the first steps in changing the culture of some on island who continue to throw litter on our roads and leave it wherever they go. Such legislation should also recognise fly tipping on the island as there are people who constantly dump waste on Crown land where they can and do and disguise this in the growth. Mr Speaker, I support this Motion and again commend the Mover on raising awareness and hope that in the not too distant future we'll have the necessary policy and legislation in place to start this development. Mr Speaker, I beg to move.

The Speaker –

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

The Hon. Cruyff Buckley –

Thank you, Mr Speaker, I rise in support of this Motion, Mr Speaker, for the reasons outlined by my fellow members, I feel if we are to achieve our goal within the Ten-Year Plan of Altogether Greener it is a vital step to achieve that objective. Recycling, Mr Speaker, I feel, should be within someone's job role within the Government, ideally linked to Waste Management, there's so many different materials that can be recycled, Mr Speaker, bottles, cans, green waste and also precious metals, Mr Speaker, as done so throughout the world, I think because of our nature of our small island materials could be stockpiled until they reach a certain threshold, Mr Speaker, and then they could be exported to at least cover the cost of the containerized shipping, Mr Speaker. I support the Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member? The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Mr Speaker, I stand in support of the Motion, commend Dr Essex for bringing it to the House. The amount of paper and glass and tin and plastic that we bring to our island, therefore in another ten year's time we won't have a Ten-Year Plan, we'll have ten years of rubbish, so by recycling this will really help us. I mean, we keep bragging that we got the best environment and our island is clean and green, but if we allow this to continue we won't have all this here and our environment is very unique, our little ecosystems are so fragile, so if we have to put up with this here for another ten years we might as well just put the bomb in and Thank you, Sir, I beg to move.

The Speaker –

Thank you, Honourable Member. Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I rise in support of this Motion, it is a sensible Motion, we all know the benefits to be achieved in recycling. As a responsible Government, we must be seen to be doing all we can in protecting the current site. A substantial amount of funding has been placed

in the new site and unless we have recycling there will be a sooner rather than later we will have no choice but to be looking at alternative site, land which we can ill afford to use, such land could be put to other essential purposes and funding is always going to be a challenge, but with a overarching policy relating to recycling with a clear direction will provide value and strength in addressing the recycling programme which will stand to benefitting the island and add further years, we heard Mr Durnford in his introduction, if the funding was put into recycling we could get another twenty plus years of the current site, so it is a sensible and responsible way to go. I support the Motion. Thank you.

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. Again I wish to thank my Honourable Colleagues for their support. It is clear that there is recognition that recycling is potentially very beneficial for St Helena going forward, particularly given the constraints that we're having to face with financial support and resources in general and I strongly believe that an overarching policy is essential if we are really going to be able to make progress on this topic, so I hope very much that over the next few months the actions that Honourable Members have said they support today will actually translate into actions on the ground and before too many months have elapsed we will have a recycling policy that is in place and we'll be starting to embark on ensuring that we have the necessary legislation in place to support this. I trust that Members will maintain the level of commitment and interest that they've expressed in the House today in actually seeing that this matter gets moved forward. Thank you.

The Speaker –

Thank you, Honourable Member. The Motion is that this House resolves that prompt action be taken to develop a consolidated, overarching policy relating to recycling on St Helena and prepare the necessary legislation to support it.

Question on Motion, put and agreed to.

The Motion is carried.

The Speaker –

Thank you, Honourable Members. Clerk?

7.

ADJOURNMENT DEBATE

The Speaker –

Honourable Chief Secretary?

The Hon. Mrs Gillian Francis –

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

The Speaker –

Thank you, Honourable Member. Is there a seconder?

The Hon. Dax Richards –
Mr Speaker, I beg to second.

The Speaker –
Thank you, Honourable Member. The Motion, Honourable Members, is that this Council do now adjourn sine die. The Motion is open for debate. Honourable Cruyff Buckley.

The Hon. Cruyff Buckley –
Mr Speaker, I rise in support of the Adjournment Debate. Mr Speaker, I am thankful today, thankful that I live on a place such as St Helena. With all its problems and economic complications it is still the place to be. When one turns on the TV and sees the world's catastrophes, natural disasters and man-made problems we ourselves create one can feel relatively safe knowing we are isolated, isolation then becomes a good thing. Irma, Jose and Katia are names which we won't forget in a hurry. The devastation and lasting social impact these storms will have on millions is a stark reminder that nothing should be taken for granted and in times of need monetary value doesn't compare to human life. Mr Speaker, many Saints have family and friends in Florida and these events hit a touch too close to home, we pray that those close to us remain safe. Mr Speaker, I would urge my fellow St Helenians to also be grateful for what we have here on this island, it could be a lot worse. We must look out for each other and support each other. A chain will only be as strong as its weakest link. Mr Speaker, I like to use famous quotes to enlighten this Council and this one is from the famous physicist, Albert Einstein. "Try not to be a man of success, but rather to be a man of value". Mr Speaker, I hope that in the coming years, through my work, I can be a man of value to this Council. Thank you, Mr Speaker.

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

The Hon. Lawson Henry –
Thank you, Mr Speaker. Mr Speaker, Honourable Members, I rise in support of this Adjournment Debate and would first like to pay tribute to all of our Directorates for hosting the new Council through an induction to their Directorates and seeing some of the good work that is being done on behalf of the people of St Helena. I would also like to say that in less than a month we will all be looking forward to the start of our commercial air service. It has been a long time coming and whilst the tickets have not yet gone on sale I hope these will be available soon. We hope that by having the air service it will provide the stimulus for economic growth. I hope our people will embrace this new service and that we all get the chance to prosper from it. I would like to thank all those who were involved in the tender process. I would also like to say that this Council is very much aware of some of the pressures facing our economy and in particular in relation to the Cost of Living. This is particularly impacting on those on benefits and the lower income bracket. I can assure the public that the Committee who have political oversight of the benefits is working hard with officers to bring about some much needed changes. I should say that this is going to cost money and whilst the Government will do all it can we have some very serious financial challenges ahead. I would like to commend the Committee for the work they have done in such a short time given that the problems had been identified for some time. I would also ask the Mover to advise the House what action is being taken on the much needed social impact assessment that was to take place this year. Such an assessment on the back of the planned Household Expenditure Survey would be timely and is overdue. Mr Speaker, I beg to move and support the Motion.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member? Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker and I rise in support of the Adjournment Debate. I would like to thank my Chairman of the Social and Community Committee for the statement made earlier that work is being continued on the review of the Social Security Ordinance. Only on Wednesday it was brought before his Committee and with officials there seem to be some positive moves in the right direction. I understand that this will take some time to be implemented and passed and those less fortunate people in the community will reap the fruits of what has been sown by the Committee.

Mr Speaker, I am very disappointed as well that only yesterday I seek the support of the Safeguarding Directorate in securing some financial support for people that has fallen through the safety net because of the Ordinance and the household allowance that has impacted on these people and I was told, well, they can go to Making Ends Meet and they will help. I don't see Making Ends Meet as the safety net for Government when policies fall by the wayside, I see Making Ends Meet as giving people a better lifestyle to what they have, but not to be the core main supporter of those who don't have any financial income. I'm very disappointed of that and I'm sure I will speak with the Chairman sometime to explain the frustration. A matter of fact, I actually copied the Chairman in on the e-mail I returned to the official in the Safeguarding Directorate. Officials of Government are also sending those less fortunate people to Making Ends Meet during the working hours of the Directorate and that's not appropriate. SHG officials are seeing Making Ends Meet as the safety net because we can't help because of the cumbersome issues with the Ordinance, but go to Making Ends Meet, they will give you £10.00, don't come back to us, that's the attitude I've picked up and it's very sad for this island, but, you know, I commend the Chairman for the work that's being undertaken and hope that, we have tourism on the horizon, we have lots of good things happening in taking the island forward, but it's our people who have fallen by the wayside, it's our people who we need to nurture and bring up to standard, not only our activities and accommodations and everything for those coming to the island, but first of all we have to support our own people and as I've said in my campaign manifesto, there are people out there who are really suffering. Only today I was able to secure some financial assistance through Making Ends Meet for someone who has nothing, who has nothing because they live in the home with their son who's building his own home and has two kids. He is expected to keep his Mum. The lady was crying to me on the phone saying, look, I don't have nothing, can you help me and it's my instinct, my thinking, that I cannot just let it slide so I do what is best for these people and I know, and I hope, that within the near future we will see that this is not happening to our people. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Clint Beard?

The Hon. Clint Beard –

Mr Speaker, I rise in support of the Adjournment Debate. I'd like to thank the people of St Helena and my fellow Honourable Members for allowing this transition to be as educational as possible with debates and discussions which has rendered beneficial points and lots of food for thought, taking into account what constituents have also spoken to me about and how they feel they have been treated. We need to create an inclusive environment as this, I feel, will create a better means of creating a more sustainable future. I have not posed any questions to

this House as there has been very little committee time and as we had an induction period which proved to be beneficial to me as it gave me oversight of how the records are managed and how they see the future and plans they might have and with this being a new Council I would like everyone to get to grips with this, but from now on it will be getting all the concerns to the relevant committees and getting answers and communicating it back to constituents about their concerns and questions. Less words and more actions and just a feeling that people of St Helena's concerns are being addressed and the best possible solutions with trying to attain the least negative implications to the lives of people on the island as decisions made will have implications not only now but for the future generations. On St Helena, we need to strive to better respect each other and views, others and views, but also understanding that your view counts and can go a long way to addressing issues and understanding how the community feels about items that should be addressed bearing in mind that all feedback will get needs to be addressed, but letting constituents know that we are dealing with it. Communication is key to letting people know that you're trying to get answers and hopefully answers that will be sufficient, be it good or bad, to reveal, but with clear justification how this outcome was reached and how I explored all options in dealing with it. Access has become available through the signing of the Comair contract. That, itself, has not been an easy flow as there are still people questioning prices. I admit there is a review once service starts to address this and hopefully this will make sure that the service delivery to the people is affordable to all and tries to best meet the needs and requirements of access. That is what people want to hear, the truth and how it affects them in their daily life, be it socially, financially, that is where the openness and transparency comes to the front, we need to give more factual accounts and just review what is happening. People would appreciate this and it would create a better way to alleviate rumours and a general feeling of hiding information which should not be the intention, but to create an inclusive involvement. There are lots of items that have come up for discussion and as a team we are looking at what they are and how we make sure these are explored and decisions are made for the betterment of the island and its people. We need to be positive and create the island that will be sustainable and where people are looked after and no false expectations are created.

I say finally that we have a term that we will need to work hard, think out of the box and as a team we will need to rely on each other to create the best for St Helena and its future and strive to deliver the best possible outcomes. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker, I support the adjournment. If I may, just to touch on a question that was mentioned just a few minutes ago about the Social Security Benefits. My clarification is that I mentioned this morning that it is the intention to have the draft regulations submitted to ExCo in early October. If I remember correctly, I think the date is probably the 3rd. There is no intention, as indicated, that this will take time. Subject to ExCo agreement and an early indication, which I think we probably have got whiff of, subject to the Financial Secretary's any overriding comment that he may make, it does look possible that subject to ExCo approval we should be able to implement anything that is agreed very, very quickly.

I turn now to just one other subject and since the new Council have come into operation it's become very obvious to me that there are many, many big issues that need to be addressed, some of them quite serious and I was just thinking and share with Members that there must be a way, we, as Councillors, need to crystallize those ideas, because we don't have the wisdom of everybody and I was just wondering whether the thought would be that if we could have

some sort of debating forum where members of the public, those interested, other stakeholders, could sit round the table and debate all these wider issues. It would help us to more fully understand the issues that we face, because, for instance, it's not, or I may just add that, it's not for that to replace the Council's obligation to provide information sessions and consultation sessions, I merely refer to another forum where it may be possible to really get a better understanding before we make a decision, but it would not be for us to waiver from our normal obligations of full consultation. Thank you, Mr Speaker, I support the adjournment.

The Speaker –

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

The Hon. Dr Corinda Essex –

Mr Speaker, as usual, I am taking this opportunity to highlight issues that are of importance to constituents and which they have brought to my attention.

Serious concern is escalating regarding the absence of a capital programme, agreed with the Department for International Development to address St Helena's key infrastructure needs going forward. Mr Speaker, we heard of the key risks associated with the situation and that the contents of the next business case are not yet known, let alone approved. This is very alarming as it is clear that unless a settlement is reached soon St Helena is likely to suffer considerably. Elected members have brought this matter to the attention of the Minister of State for International Development, Lord Bates, and he has undertaken to discuss it with officials following the Parliamentary recess. Let us all hope that this discussion will assist in moving the matter forward as the current situation becomes more detrimental with every day that passes.

It is very much hoped that the proposed amendment to Section 21 of the St Helena, Ascension and Tristan da Cunha Constitution Order 2009 can make specific provision to allow for the prioritization of persons with St Helenian status will soon be submitted to the Foreign and Commonwealth Office for consideration by Her Majesty's Government. This proposal has a high level of public support and there are growing concerns regarding why it has not yet been submitted.

There is also concern about the length of time it takes to move almost any matter forward, including even the resolutions and undertakings given in this Honourable House. The response received today to my written question regarding political oversight of Connect St Helena is a typical example. The relevant Motion was passed last December, but to date nothing has actually been put in place although some preliminary action has been taken. Another December is almost here. I know that I sound like a scratchy record on this topic, but I will continue to raise it until there is clear evidence of marked improvement.

There have been some recent actions instigated by Her Excellency the Governor to speed up processes and improve communications with the public, which are very welcome and should help towards outcomes being reached more speedily, or at least constituents being informed in a timely manner as to why this is not possible.

Whilst it is understood that the Department for International Development has every right to set parameters for the provision and use of the Aid it provides to St Helena, and, indeed, to monitor this, there are concerns that the level of autonomy to make local decisions regarding budget and operational issues is becoming eroded and that this is likely to prove detrimental to the sustainable development of St Helena. Again, I will quote from the response I received to a written question this morning, this time regarding the future use of Barn View as it illustrates to what I am referring. "It will also be important to ensure that DfID are informed and supportive of any long-term plan that is agreed". This implies that if DfID does not agree with

the long-term plan thought most appropriate by the relevant officials and Committee on St Helena it may not be taken forward. This is disturbing. Surely DfID would not wish to second guess the recommendations of highly trained professionals that have also been endorsed by the elected representatives of the people of St Helena in the first place? If they did this would amount to what is arguably inappropriate micromanagement. Elected members are already seeking greater clarity regarding the inter-relationship between St Helena Government and DfID going forward with the hope that there will then be less room for misconceptions and a more positive perspective and understanding of the expectations of both partners can be established. We have written to the Secretary of State to ask her support in this regard which will hopefully reduce some of the current tensions.

Mr Speaker, in conclusion, I wish to congratulate the new members of this Honourable House for the enthusiasm and commitment that they are showing. They were elected at a very difficult time for St Helena and certainly had to hit the ground running. Although for some the sheer volume of work required must have come as a bit of a shock, they have risen to the challenge so far and the team work that existed within the previous Council continues to exist so that we all pull together to try to achieve what is best for St Helena. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member wish...the Honourable Russell Yon?

The Hon. Russell Yon –

Thank you, Mr Speaker. I rise in support of the adjournment debate. I would like to first say that I take this opportunity to thank SHG officials and supporting staff that has been instrumental and exceptional in putting together the Induction Programme for this Council. I'm sure every member found this programme very beneficial and informative, especially for the first-timers to this House and that includes myself.

I have mulled over the idea of making this speech and somehow every time I decided to put pen to paper I became distracted by current affairs that are causing so much discord amongst our population. Not even the forthcoming air service seems to brighten up the day. When I first arrived home four years ago everyone seemed relaxed, morale was high and not even the vulnerable within our society were talked about as they are today. It seemed that the contract to build the airport had come at the right time and had lifted everyone's spirits, put a little spring in their steps, so to speak. Today we are in despair, even as we sit on the brink of our first, long-awaited aircraft to arrive with our St Helenians and tourists onboard, the dawn of an era, or so we should think. I'm optimistic about this whole new transition but even as I speak there is some vulnerable person within our society looking for the next penny to spend. Gone are the days when they could rub shillings together, now they struggle to find a penny and here we are almost begging these people from within our society to prop us up as we struggle to justify it all. Every day we enter the shops we look at prices, they are not increasing by pennies, but by fifty pence and pounds. If we find it hard to accommodate these prices, then for one moment think of those who are least fortunate than we are. The systems in place to support most in this category is not working suffice and should it be revamped please don't look at situations where we take it back for something else by raising prices, we are continuously creating problems, not solving them. I can't ask our Government to lead by example as we too are forever robbing Peter to pay Paul. Over the past five years or so, we have demanded from ourselves and within our financial constraints every spare penny to develop our island and push the boundaries for economic development. However, we forgot what will drive our economy and that is our infrastructure. Our infrastructure is our arteries; it carries the heart and soul of any development. Today we hear nothing else but complaints of how bad our roads are. I will

be first to acknowledge that, yes, we do have a problem, but I have seen worst. However, we as a Government has let that fall to the wayside, so much so that in the current state we will need at least ten years of a very good, sound structured, financially backed contract to bring our roads back to the respectful network that we, as Saints, and tourists can enjoy.

Our social housing development scheme has hit rock bottom and this is coming from the Chairperson of the Directorate who now oversee these developments. With a good team in place and working in sync we hope to be able to release properties for home builders and would be landowners soon at affordable prices in two CDAs at Half Tree Hollow and Bottom Woods. This will be the start, as we would like to source more areas around the island that can be used for CDAs, which will help alleviate the problem we are faced with in the affordable housing programme. Together with this will be the development of the services that will accommodate every housing development. Let's hope the prices for these will be a lot more affordable than they have become. Whichever way we look at it we must remember that although the supplier might seem to be just hiking the prices they too are bound by a contract in the form of being able to eventually operate without subsidy from SHG.

I know this forecast in the increase in our water could not have come at a worst time, but we must look at ourselves how long can SHG continue to subsidize them. When that moment comes, we will have to keep in place a procedure not to allow them to raise prices if and when they choose. Every penny counts, that is why we must become resourceful.

Our future developments must focus on renewable energy. Why is it that St Helena Government funded a hotel being built with no forms of renewable energy or waste recycling in place? We will also have great expectations when hopefully our new digital strategy programme will come this way. This project will deliver digital technology to every home on the island at affordable prices and also allow our Government, local enterprises and investors the opportunity to communicate with the outside world in seconds. The future for our youth will be bright and they too will become more orientated with the outside world and learn how education has evolved around communications.

Hopefully our economy will kick start soon, but everyone must be working in tandem. Our farmers must communicate between themselves and others in the industry and we must in turn look, listen and learn. It is at this most vulnerable time that they need our support, not just financially but reaching out and offering assistance in many other ways to develop another industry that is on the downward spiral. We have some who have been very inspiring and have moved on, developing new methods and trends, where and how to market their produce, however, we still have the majority who farm old school and without them we wouldn't be able to have goods that would struggle to grow in the new age way. These are the folks who need support to put in place plans to succeed. Our fishermen are becoming more vulnerable to the elements and some now venture further offshore to take their catch. For this we must be thankful. They need the support, not just only financially at times, but morally too. I would like to see all these farmers and fishermen secure an insurance, this would give them support when things go wrong, especially when mother nature takes over and they have no control over it. For some it was so disheartening to hear the recent stories of lost crops and animals during the recent drought.

Mr Speaker, I know I have been rambling on for a while, however, I will ask you if you can bear with me for just a few more moments to comment on my first few weeks in this capacity. I know it has not been easy for myself to do as I had wished and that is to get out amongst our, get out with as many constituents in every district as possible, but time is of an essence and the work schedule would just not allow this to happen as frequently as I would like. Now that the busy induction programme is almost completed, I would like to inform them that I will be out and about and will become available to have discussions with them. Their input will be vital in how I will make judgements in the future. In fact, it was heartening to hear today that

Councillor Thomas tabled a Motion seeking different ports for our cargo ship to call at from which cheaper products can be sought to help compensate for the more expensive goods coming to the island from Cape Town. Some members and most constituents will remember that I proposed this almost two years ago when St Helena Government was seeking a replacement for the RMS St Helena. The NP Glory 4 was a warrior in our waters, performing her duties for the airport project. If only some in the powers that would have had the vision then and not now maybe, just maybe, we would have already been able to see cheaper goods arriving to our shores, but wait and you will all be surprised to know that there is even more to come from suggestions I made not long ago. Our economy should be based on what we can afford, not what we can afford them, in fact, too many times it seemed as if St Helena has always been held ransom and end up getting a far cry from what we paid for. Maybe now we can start evaluating a lot more, understanding where the next penny will come from before we sign on the dotted line. We need to understand our values, respect and not allow others dictate our future. For me, openness and transparency will fall into place, but as a good friend told me just recently, honesty is my threshold. Mr Speaker, I beg to move and support this debate.

The Speaker –

Thank you, Honourable Member. Thank you. Any other Honourable Member wishes to speak to the Adjournment Debate? Honourable Cyril Leo?

The Hon. Cyril Leo –

Mr Speaker, yes, St Helenians are deeply disappointed with the major failures of the airport in the air access development. Major mistakes that could have been easily avoided were made by civil servants of United Kingdom's Department for International Development. However, thanks to the UK taxpayers and the UK Government, St Helenians still have an unprecedented opportunity to strive for the progress and prosperity as promised in the UK's 1999 White Paper entitled "Partnership for Progress and Prosperity". Mr Speaker, Article 73 of the United Nations Charter places on the United Kingdom an obligation to promote to the utmost the wellbeing of the inhabitants of St Helena. The United Nations Charter states that the UK Government must ensure political, economic, social and educational advancement and that it must also promote constructive measures of development. The facilities and infrastructure development of St Helena is in desperate need of further funding to enable sustained progress. There are growing concerns that the UK Government will actually reduce the funding that is critical to drive the essential requirements and objectives, thereby the failure by DfID to provide adequate funding will undermine and curtail Councillors' efforts to make any real progress on behalf of the people of St Helena. If this proves to be the case, then the UK Government may well insist that we work towards St Helena becoming economically self sufficient, but in reality that objective will prove unrealistic and therefore unattainable. Since the recent General Election, I know elected members are determined to work towards a better future for all St Helenians, but without additional, adequate support and financial assistance from the United Kingdom, our efforts will largely be ineffective. However, Mr Speaker, as a people we must remain positive and find ways of overcoming the obstacles and the barriers that currently have direct control over the pace of our progress on St Helena. To help avoid future setbacks, failures and frustrations as we attempt to move forward, it would be prudent to find more ways of attracting inward business interests and financial investment that will have a positive, sustained impact on St Helena's economy. I would therefore encourage St Helena to produce a suitable, promotional package for each of the 193 sovereign member states of the United Nations. Mr Speaker, under the heading "Links with the Wider World" the UK's 2012 White Paper entitled "Security, Success and Sustainability" encourages St Helena to

pursue a direct link with the United Nations.

If you will allow me, Mr Speaker, I will close this statement by using the words of a member of our Royal Family. Many St Helenians will probably be hearing these words for the first time because they were not born when the letter was written to the people of St Helena, and I quote, "I have heard a lot about this island from the Queen so I am very happy to be here and I am looking forward to seeing as much as possible in one short day. I'm very concerned to learn that your flax industry is having grave difficulties, but whatever happens no island community can rest easy with all its eggs in one basket or if it is entirely dependent on the outside world. I am happy to learn therefore that your Government, with the help of the Government back home, is working hard to find a variety of activities suitable for St Helena. I hope their efforts will be successful and I can assure you that the Queen and I will watch your progress with interest and sympathy. I wish you all good luck and good fortune for the future. Philip, 22nd January, 1957" Honourable Speaker, here we are today, sixty years on and St Helenians are more than ever relying on the St Helena Government, the Government of the United Kingdom and, in particular, DfID's civil servants, to maintain a mature, focused and effective working relationship and partnership that will deliver comprehensive progress and prosperity for all the people of St Helena, especially for those St Helenians who are currently struggling to survive on or below the bread line through no fault of their own, St Helenians who are desperately struggling with the high cost of living on St Helena, struggling with the growing cost of fuel and utilities and struggling with the rapid price increases for items that are essential to sustaining human life.

Mr Speaker, my last statement is one that elected members can have full control over. A senior citizen asked me if a zebra crossing can be provided near the Canister in Jamestown. According to my observations a fully fledged zebra crossing in such an area will first require lengthy and serious consideration as to the practicalities in the interests of both the pedestrian and vehicular activity. However, as an interim measure in the interests of safety I would suggest two crossing points be appropriate established to each side of the Canister and make it clear to everyone that pedestrians cross here and motorists would know they have to take this into account. Mr Speaker, the elderly lady rest her little hand on mine and gently asked, lovey, are we going to wait for a serious accident to happen first? Mr Speaker, I would like to reassure her that I will urge my Honourable Colleague, the Chairman of the ENRC, Councillor Yon, to give the proposal of demarcating two crossing points urgent consideration. I have here a hard copy of the proposal for Councillor Yon, Councillor Yon, and I will also deliver a hard copy to that elderly lady. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the Adjournment Debate? The Honourable Attorney General?

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. During the term when Council was dissolved, I thought long and hard as to how to help this new Council in relation to the very ambitious reform programme, legislative reform programme, and I was very pleased when after doing the research, preparing presentations and drafting different forms, this Council endorsed them and adopted a, and I am very pleased to see that now over thirty members of the St Helena Government have gone through the training to understand that it is not the Attorney General who makes laws, it is these twelve individuals, this Honourable House, who have the power to decide whether a policy needs to become law and I was very pleased to have received the paperwork from the Health Committee, from the Social and Community Development Committee to see how these clarification of existing policies and procedures are now being embedded into practice, so I

thank you all, elected members, all Councillors, for your support, because, in my humble opinion, this will really streamline and save a lot of time not only to myself as Attorney General, but also to organisations, NGOs and also different part of Directorates that find the problem with existing Ordinance or Regulation, but so far didn't have clarity as to how to go about that.

I am very pleased and very happy that this Honourable House has also given me a clear mandate as to the pieces of legislation that I am going to work on refining and presenting Bills on for early 2018 which are the Immigration (Amendment) Bill and the Freedom of Information and Data Protection Bills. I do encourage this Honourable House to start thinking about the next batch that they want to prioritise because working in this fashion it is the most efficient way of working. The Bills and Regulations that have been presented to the CDC and to the Health Committee were work that we carried out during the dissolution period, now they're ready, they have gone through Committee, now it is the time for consultation, which is the responsibility of the elected members and in this the interim we are starting working on the new ones so that later in the year they will be ready also for consultation, so working in this methodical way means that we are all making the most of the resources that we have.

I commend the Honourable Dr Essex on her Motion and I would encourage that clarity of policy and affordability of the policy is studied before any legislative reform, because if there is law of that, penalizes behaviours or activities, but there's no way to prevent that. We're going to end up with additional problems, but I am sure that there is goodwill and that those policies can really be agreed and finalised and the resources found in order to make St Helena a more recyclable place and send all the rubbish to South Africa, as Councillor Isaac has proposed.

Finally, earlier in 2017 there was consultation in respect of an amendment to the Constitution Order of St Helena. The Constitution of St Helena is and Order of Her Majesty in Council, it's not a document that we can change here in this Honourable House. I provided legal advice in relation to the text that was suggested. The text that was suggested was provisions from the Falkland Islands Constitution. That was consulted among the population and there were some submissions in favour, but there were also some submissions against, although the numbers are not quite equal. The matter went to ExCo before the Council was dissolved and I was asked by ExCo to go away and draft a provi, er, take instructions, which means understanding what is the motivation for changing the Constitution, which I did and then I provided legal advice with an alternative text that, in my humble opinion, but my qualified opinion as a lawyer, would meet the needs that had been indicated to me about what the change of the Constitution is. I have since circulated my legal advice to the twelve members of this House and the reason why I'm saying this is because in order to ascertain where we are in the process is that I have not received the instructions so far as to the, what is proposed to do with my legal advice. If nothing is proposed to be done, my legal advice will accompany the submissions made and in my opinion that may not be the ideal thing and the reason for that is because before London considers changes to the Constitution they would want to know that full consultation has taken place, so that is my update in relation to the Constitutional amendment. Thank you, Mr Speaker, and I beg to move.

The Speaker –

Thank you, Honourable Member.

The Hon. Dr Corinda Essex –

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

The Speaker –

Clarification, yes.

The Hon. Dr Corinda Essex –

I am very concerned that the Attorney General has stated that he did not receive any feedback, we discussed his recommendation as a full, old Council shortly before the Election and a formal response was submitted, so I would ask if that response could be traced please, because I am extremely alarmed that it has not reached the Attorney General. Thank you, Mr Speaker.

The Speaker –

Thank you for that point made.

The Hon. Angelo Berbotto –

I will undertake to find that response. However, the matter remains that there is an alternative and there are cogent, if I may say that myself, about the legal advice, views as to why the term, the cut and paste from the Falklands Constitution is not suitable to what is intended to be achieved by changing the Constitution. I just want to flag the fact that if the members are happy for the submission as it was made earlier, before my legal advice, goes to London, my legal advice will accompany that as well, which is not a, it doesn't endorse that step, because in my legal opinion, the cutting and pasted those two paragraphs from the Falklands Constitution does not assist in providing clarity as to the first Saints first policy. Thank you, Mr Speaker.

The Speaker –

Okay, thank you very much, indeed. Any other Honourable Member wishes to speak at all for the Adjournment Debate? Then I wonder if the Move will wind up?

The Hon. Mrs Gillian Francis –

Thank you, Mr Speaker and I thank Honourable Members for raising very important and topical issues here this afternoon in this Honourable House.

Honourable Members need not be reminded of the processes and procedures we have in place already that can help ensure desirable and effective outcomes. One such procedure is our Strategic Planning and Budget Planning process where all Council Committees are involved and through which all of us, everybody can be held to account. Much of what has been said will depend on funding and we all know the pressures on our budget at this current time. Mention was made of inward investment and we will, which all Members will agree, have to pursue all opportunities to encourage inward investment and in some cases when we encourage inward investment we should seek to ensure that, you know, things like partnerships can be arranged with potential inward investors so that islanders reap full benefit. We will, of course, have to prioritise our expenditure bearing in mind our long-term socio economic sustainability that will benefit the people of St Helena. We all have to work together to achieve sustainable outcomes that will benefit everyone, especially those who are currently facing hardships, and we've heard quite a bit about people facing hardships this afternoon. People are our greatest resource.

The Honourable Cruyff Buckley mentioned the difficulties that are being experienced by other Overseas Territories who have been hit by the hurricanes. We often on St Helena take for granted the life we live and as the Honourable Cruyff Buckley said, we have a lot to be thankful for.

The Honourable Lawson Henry paid tribute, as did other Councillors, to the work that Directorates are doing and the work that has been put into the Induction Programme for Honourable Members. I too would like to add my thanks to the Directorates and the officers

in Directorates who have actually ensured that Councillors did receive a good induction.

The Honourable Lawson Henry asked what action has been taken in terms of carrying out a social impact assessment and I understand the Honourable Lawson Henry might have been referring to the Social Impact Assessment on the Memorandum of Understanding actions that was taken back in 2012. I will personally undertake, Honourable Henry, to actually find out what, if any, action has been taken to date in terms of moving that assessment along.

The Honourable Brian Isaac referred to some things that have been going on in the Safeguarding Directorate. He mentioned that officials have been approaching the Making Ends Meet non-government organisation. I wasn't aware of that, but I will find out whether that has indeed been going on.

The Honourable Tony Green, Chairman of the Social and Community Development Committee actually informed Council this afternoon about the work that he is undertaking in his Committee in terms of addressing issues arising from current provisions of the Social Benefits legislation.

Communications was mentioned this afternoon, the importance of communications. I agree entirely, the Honourable Clint Beard mentioned that we need to ensure that we let the public know, let our people know what actions are being taken to address their needs and if we say we're going to do things then we must try to ensure that they are followed up.

Dr Essex, she mentioned about the absence of a capital programme and, indeed, that was the subject of a question asked earlier this morning and my Honourable Friend, the Financial Secretary has given this House an account of where we are with the capital programme, but I do agree that without a capital programme we cannot progress in terms of infrastructure related developments and we must do all we can to continuously remind our friends in DfID that we really need to have a capital programme as soon as possible.

Openness, transparency and accountability have been referred to by different members this afternoon and I am pleased to say that a paper will be brought to the Executive Council meeting next week where we will look at more ways and means of improving what we already have in place in terms of ensuring that the public is kept informed. We're already having some meetings, such as this one, in open, Executive Council meets in open sessions, Council Committees have open sessions, but there's a lot more we can do and I'm sure Members will agree, to improve what we already do in terms of having open meetings, perhaps changing times, changing venues and ensuring that a lot more information is actually put out there for the public to see.

Renewable energy, digital strategy, all of these things are good and positive things that are happening within Government and we have given quite a lot of publicity about what has been happening in that regard. Housing has come up and, yes, I agree that we certainly need to do more to improve housing so that people do not suffer from overcrowding in houses and I was pleased to hear that the Chairman of the Environment and Natural Resources has taken it upon himself to come up with a plan to address this issue.

The Honourable Cyril Leo mentioned something which was said by a member of the Royal Family in 1957 about not putting all our eggs in the one basket. He mentioned inward investment, and, as I said, we should be doing all we can to attract inward investment so that we can move forward with developing our island economically.

The Honourable Attorney General has addressed some of the issues that Councillor Essex raised, in terms of the amendment to the Constitution, so I will not say anything more on that, but I also would like to give the Honourable Corinda Essex an undertaking that we will ensure that undertakings and resolutions are followed up in a more timely manner than what it has been done previously. I thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Before I put the question, I just want to say a few words of thanks for a long day, that you had a very interesting day, the standard of debate at this first meeting was very good and look forward to much more of that. Thank you for preventing me for having to intervene at any stage at all in the proceedings or rapping you over the knuckles for any mistakes, you did very well, extremely well at this meeting and it's a very good first meeting of this Council, so we can progress and help each other as we go along to improve our standards more and more and more and I'm quite impressed. I'd like to say thank you to all the people who are involved in preparing for this session, particularly staff in the Castle here, clerks and the Acting Chief Secretary herself was involved in this and I would like to say that, to wish the Deputy Speaker well because I understand he is going off for some medical treatment in Cape Town when the ship returns here. He has to sit quietly in the corner there and listen to us all, it must be agony because he probably wants to say something, but when he comes back well again, I'm going to share some workload with him, so that he'll get well into taking over the Committee stage while I can have a rest below and then come up again and see you all, but it needs to be done at the right time, the right type of legislation, some is quite complicated as was this one this time, but thank you Attorney General also for explaining that and I think together we can. I must also say thank you to the Radio chaps over there, SAMS, for sitting very patiently, quietly and behaving like a good lad and no sound from you whatsoever, thank you very much indeed, we appreciate all the help that you do. All I need to do now is to wish you all a very good evening, speedy evening, enjoy yourself and relax this evening. So the question I need to put is that this Council do now adjourn sine die.

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

Council is adjourned sine die.