

ST. HELENA
LEGISLATIVE COUNCIL

THE SPEAKER

The Honourable Eric William Benjamin

EX-OFFICIO MEMBERS

The Honourable Chief Secretary	-	Mr Roy Burke
The Honourable Acting Financial Secretary	-	Mr Nicholas Yon
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 (Absent through illness)

CLERK OF COUNCILS

Ms Lydia Buchanan

PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Thursday, 25th January, 2018

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

Just before we start, good morning, I just want to find out from Honourable Members if they have any objections to photographs being taken, someone has asked whether they could take some photographs, I assume there's no objection? Okay, thank you very much indeed, so those who have cameras, if you'd like to take photographs, please feel free.

Honourable Members, distinguished guests, ladies and gentlemen, welcome to this session, the first sitting of the third meeting of the Legislative Council. First, may I thank the Right Honourable the Lord Bishop of St Helena, who has now left the meeting, for his continued support to attending our Legislative Council meetings to open our meetings with prayer, thank you very much, Bishop.

We extend our thanks to Mr Merlin George also, on my left here, who once more has responded to our call for a Mace Bearer during the absence through ill health of our regular Mace Bearer, Mr Reginald Legg for whom we wish him a speedy recovery.

I welcome back our Deputy Speaker, who recently returned and recovering well from his medical treatment in Cape Town, welcome back home.

This morning I have to report that one of our Honourable Members is unable to attend because of ill health and that's the Honourable Russell Yon so his place is vacant at the far end of the table, I also wish him a speedy recovery.

In our audience today we have among our distinguished guests three members as a resource team from the Commonwealth Parliamentary Association Secretariat, welcome. They are Ms

Meenakshi Dhar, Head of the Private Office, Commonwealth Parliamentary Association, the Honourable Barry House, former President of the Legislative Council of Western Australia, Mr Roger Phillips, Clerk of Tynwald, secretary to the House of Keys and Counsel to the Speaker in Isle of Man, who I am delighted to welcome to our island here and who have, from the beginning of this week, been delivering some valuable training to our Honourable Members. This work has been financed by the Commonwealth Parliamentary Association Secretariat from whom our local branch of the CPA has received other assistance in the past, which we greatly value and appreciate.

Honourable Members, this is the final meeting at which our current Honourable Attorney General, Angelo Berbotto, will be attending as he will be completing his contract with the Government of St Helena soon and is due to leave our island very shortly. His work here has been of great value to the Council and he has been the Mover of updating a large number of our laws. Thank you for that, Honourable Attorney General. On behalf of this Council, I thank him for his valuable input to this House and wish him well in his future activities.

Honourable Members, this brings me to the business of this Honourable House today. There are seven Sessional Papers to be presented, thirteen Questions for oral answer, two Bills and a Motion for debate. Our meeting will conclude with the normal Adjournment Debate. I wish Honourable Members well in their deliberations. I would like to thank the staff of the Castle here for making sure that everything is in place for our deliberations today, they work behind the scenes but they need to be thanked. Without further delay, I will call on the Clerk of the Councils to announce the next item of business. Clerk of Councils?

4.

PAPERS

SP 01/2018 – The Honourable Acting Financial Secretary (The Hon. Nicholas Yon).

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, I beg to present Sessional Paper No. 1/2018 entitled St Helena National Trust 2016/17 Annual Report and Financial Statements.

Ordered to lie on the table.

SP 02/2018 – The Honourable Acting Financial Secretary.

The Speaker –

The Honourable Acting Financial Secretary.

The Hon. Nicholas Yon –

Mr Speaker, I beg to present Sessional Paper No. 2/2018 entitled St Helena Fisheries Corporation Financial Statements for the year ended 31st March 2017.

The Speaker –

Thank you, Sir.

Ordered to lie on the table.

SP 03/2018 – The Honourable Derek Thomas.

The Speaker –
The Honourable Derek Thomas?

The Hon. Derek Thomas –
Mr Speaker, I beg to present Sessional Paper No. 3/2018 – St Helena Government – a Bill for an Ordinance – Port and Aerodrome Health Ordinance 2018.

Ordered to lie on the table.

SP 4/2018 – The Honourable Acting Financial Secretary.

The Speaker –
The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –
Mr Speaker, I beg to present Sessional Paper No. 4/2018 entitled A Bill for an Ordinance – The First Supplementary Appropriation (2017/2018) Bill, 2018.

Ordered to lie on the table.

SP 5/2018 – The Honourable Acting Financial Secretary.

The Speaker –
The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –
Mr Speaker, I beg to present Sessional Paper No. 6/2018 entitled St Helena Government Guarantee to the Bank of St Helena Limited for a loan to St Helena Hotel Development Limited.

The Speaker –
Yes, could I ask if that is Paper No. 5?

The Hon. Nicholas Yon –
I apologise, Mr Speaker, it is in fact Sessional Paper No. 5/2018 entitled St Helena Government Guarantee to the Bank of St Helena Limited for a loan to St Helena Hotel Development Limited.

Ordered to lie on the table.

The Speaker –
Thank you, Honourable Member.

SP 6/2018 – The Honourable Acting Financial Secretary.

The Speaker –
The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, I beg to present Sessional Paper No. 6/2018 entitled St Helena Government - Response to the Recommendations on the Public Accounts Committee Recommendations and Progress Register as at 15th January 2018.

The Speaker –

Thank you, Honourable Member.

Ordered to lie on the table.

SP 7/2018 – The Honourable Acting Financial Secretary.

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, I beg to present Sessional Paper No. 7/2018 entitled The First Supplementary Appropriation Estimates 2017/18.

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 Acting Financial Secretary.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Will the Honourable Acting Financial Secretary tell this Council what is the current situation and future intention regarding the provision of a weekly airmail service to and from St Helena now that regular, scheduled flights are in operation?

The Speaker –

Thank you, Madam. The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, I thank the Honourable Member for her question, members of the public have also contacted us regarding this. Mr Speaker, it is certainly the St Helena Government's intention to offer airmail service from St Helena and that this service is provided to the public in the future, making full use of the air service provision. Unfortunately we are unable to do so at this time and we continue to work to find a reliable and affordable solution and significant

progress has been made over the past month. Mr Speaker, our difficulty has been finding a suitable handler in Johannesburg for our mail and we have now established this contact and our team are now working with our partners on costing the service to commence airmail service from St Helena to South Africa. With regard to airmail services to other destinations via South Africa we are working with our partners to establish an appropriate route that will ensure that mail is sufficiently secure and at the same time affordable and, again, we are working with the South African Post Office in Johannesburg to determine the cost of this service. A trial will take place next month to assess the viability and affordability of the route and if successful this service will be offered to the public. For airmail to and via Ascension Island, we are working with our colleagues at Ascension Island Post Office to establish an airmail service to Ascension Island with the possibility of airmail via Ascension Island to the UK via their current service. These are all ongoing discussions, Mr Speaker, and as soon as we are in a position to make an announcement to the public we will do so. Thank you, Sir.

The Speaker –

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

The Hon. Dr Corinda Essex –

Thank you. Mr Speaker, why are there delays with regard to establishing the service to Ascension Island when, in fact, we have a sea mail link with Ascension Island?, The Post Office in Ascension Island is part of Ascension Island Government and I cannot understand why there should be any difficulties in that regard, perhaps the Honourable Acting Financial Secretary will enlighten this House?

The Speaker –

Honourable Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. It is right that we do have a service to Ascension Island, but I think the logistics was being worked out with the current Post Office. I don't have all the details with me, but I can certainly find out and let everybody know.

The Speaker –

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

The Hon. Dr Corinda Essex –

Mr Speaker, will the Honourable Acting Financial Secretary give an assurance to this House that this matter will be resolved as speedily as possible?

The Speaker –

Honourable Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, yes, I can give that assurance.

The Speaker –

Thank you, Honourable Financial Secretary. Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Mr Speaker, can I ask the Honourable Acting Financial Secretary when the trial takes place next month can he indicate if this is going to be free of charge or what are the likely costs for this trial period, can he give us some more information, because he has indicated it will start next month, so one would assume that discussions has been held about this trial?

The Speaker –

Are you able to respond, Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, I don't have the details of the trial here, but I do know that we will be making arrangements with recipients in the UK, so that we are able to know exactly when and how mail arrive at the destination.

The Speaker –

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

The Hon. Dr Corinda Essex –

May I ask when the negotiations regarding an airmail service to all the destinations that have been mentioned actually started?

The Speaker –

Honourable Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. I'm not sure of the exact date, but it started before the air service started back in last year. The issue has been really to find someone to be able to handle our mail in South Africa, ensure that it is secure and affordable, that has been our difficulty.

The Speaker –

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

The Hon. Dr Corinda Essex –

Given that an air link with South Africa was scheduled to start in 2016, surely negotiations could have taken place on a broad base level at an earlier point in time?

The Speaker –

Is that a statement or a question?

The Hon. Dr Corinda Essex –

I said "Surely".

The Speaker –

Right, the question it is.

The Hon. Nicholas Yon –

Thank you, Mr Speaker. Basically throughout that period those discussions did take place and we had various people lined up and then it wasn't successful so there was a serious inability to be able to establish the service over a period of time.

The Speaker –

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

The Hon. Dr Corinda Essex –

Mr Speaker, why have elected members and, indeed, the public, not been kept informed of progress on this matter?

The Speaker –

Honourable Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. A Press Release did come out, I think it was last month, detailing that we were still working on provisions and this very recent update we were able to establish a contact was just a very, very recent development and we will be able to, as soon as we know details around when these services will start, we will put an announcement out to the public.

The Speaker –

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

The Hon. Dr Corinda Essex –

Mr Speaker, will the Honourable Acting Financial Secretary give a formal undertaking that elected members will be kept informed on a monthly basis on progress on this matter until it is resolved?

The Speaker –

Honourable Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, yes, I can give an update monthly to elected members on progress.

The Speaker –

Thank you. Honourable Christine Scipio O’Dean?

The Hon. Christine Scipio O’Dean –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Acting Financial Secretary indicate when is it likely that the information, the detail regarding the trial, will be put in the public domain?

The Speaker –

Honourable Financial Secretary, can you?

The Hon. Nicholas Yon –

I cannot say, Mr Speaker, at this time the exact date when this will take place, but as soon as the details are confirmed then we will be able to put an announcement to the public, but it will be in sufficient time to allow members of the public to take part in the service if they do so wish.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Acting Financial Secretary indicate what level of priority this issue is being given?

The Speaker –

Honourable Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, this is given priority by the Post and Customer Service Centre and they are working to resolve this issue.

The Speaker –

Thank you, Honourable Member. Next question, please?

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

The Speaker –

Honourable Christine Scipio O’Dean?

The Hon. Christine Scipio O’Dean –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Chairman of the Public Health Committee tell this Council if a contract performance evaluation is going to be performed on the Medical Services Organisation (MSO) contract on South African Hospital Services to ensure that value for money has been obtained since its contract was signed in July 2016?

The Speaker –

Thank you, Honourable Member. The Honourable Chairman of Public Health Committee?

The Hon. Derek Thomas –

Mr Speaker, the short answer to the question is, yes. A contract performance evaluation will be carried out on the contract with Medical Services Organisation, MSO International, for the provision of medical services in South Africa for St Helena. The contract with MSO International commenced on 1st August 2016. Most of the patients supported by MSO in 2016/17 were sent to South Africa under the old arrangement. Currently ad hoc and quarterly teleconferences are conducted with MSO by the Health Directorate to monitor and deal with operational issues as they arise. The current financial year, 2017/18, provides the first full year of data under this contract. An end of year evaluation will be carried out by the Health Directorate and Corporate Procurement once all the data for the financial year have been received, collated and analysed.

The Speaker –

Thank you Honourable Chairman of Public Health Committee. The Honourable Christine Scipio O’Dean?

The Hon. Christine Scipio O’Dean –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Chairman of the Public Health Committee advise if there is a feedback mechanism in place to gauge patient satisfaction and perception and who manages this feedback and what action has been taken to date?

The Speaker –

Right, we've got three questions in one. Off you go, Honourable Chairman, I'll allow you this time.

The Hon. Derek Thomas –

Thank you, Mr Speaker. I can assure the Honourable Member that there is a feedback mechanism in place, patients who return from medical treatment in South Africa are offered to fill in an evaluation feedback form which is carried out by the Health Directorate and once that form is completed then the Health Directorate reviews it and takes action if considered necessary.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Mr Speaker, can the Honourable Chairman of Public Health Committee say what is the total funding paid to date to the Medical Service Organisation, MSO?

The Speaker –

We are stretching the question a bit, but if you're prepared to answer you may answer it.

The Hon. Derek Thomas –

Mr Speaker, I was not aware of this question coming, but I certainly will find out and get back to my Honourable Member.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Can I ask the Honourable Chairperson of the Public Health Committee to put this information in the public domain? Thank you.

The Hon. Derek Thomas –

Mr Speaker, I was just handed that information by my Health Director who is sitting in the gallery and the amount is £890,000 and that information can be put into the public domain.

The Speaker –

Thank you, Honourable Member. Next question, please? Oh, sorry, I apologise to Brian, put your light on and then I'll see, okay?

The Hon. Brian Isaac –

Mr Speaker, I'm a member of the Public Health Committee and I would like to rise on a point of order just to explain to the listening public in relation to the medical service in Cape Town, just on a point of information.

The Speaker –

Right, a point of information.

The Hon. Brian Isaac –

Relating to the.... Mr Speaker, Honourable Members, during my short overnight stay in Cape Town in early December, I was fortunate enough with my colleagues to visit the Panorama Lodge in Cape Town and meet the patients and a particular patient is here in this Chamber this morning, so if I say anything wrong I'm sure I will be corrected. Talking to the patients they were very satisfied with the medical service performed by the Panorama Hospital, they were very happy with the lodges, the accommodation that is available, the combined kitchen in the morning where they all eat breakfast and that's all fine, they're all happy with that and I've raised with my Committee, there are some teething problems with the MSO in relation to very small issues that can be addressed and those concerns were raised with me, but overall the service provided at the Panorama Hospital and the Lodge, the patients there were very satisfactory with what had been provided, but there are some small teething problems and I have addressed it at the Committee. Thank you, Mr Speaker.

The Speaker –

Okay, thank you very much. Next question, please?

Question No. 3 – The Honourable Brian Isaac to ask the Honourable Chairman, Social and Community and Development Committee.

The Speaker –

Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, will the Honourable Chairman of the Social and Community Development Committee tell this Honourable House what measures are being taken to ensure that the Employment Rights Ordinance is being fully applied in the private sector, in particular, how employees making complaints against an employer can be protected with regards to their future employment? Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Chairman of Social and Community Development Committee?

The Hon. Anthony Green –

Mr Speaker, I thank the Honourable Member for his question. The Employment Rights Ordinance was enacted in 2010 and came into force, in part, on 1st August 2012 with the remaining parts coming into force on 1st April 2013. The Ordinance and supporting Regulations make provisions relating to the employment and rights of employees and creates a framework for the enforcement of such rights. The Ordinance provides for the appointment of a Labour Regulating Authority, in other words, a Regulator, who is required, among other things, to promote and protect the rights of employees as set out in the Ordinance and to investigate and determine claims made by employees. Employee rights under this Ordinance also include the right not to be unfairly dismissed. To give an example, an employee should not be dismissed if the sole reason for dismissal is because the employee was taking action to secure the benefit of any statutory right under the Employment Rights Ordinance or any other Ordinance for that matter. So, for instance, if an employee felt obliged to lodge a complaint because he or she was being paid less than the minimum wage and was dismissed because of this then he or she could claim unfair dismissal and refer the matter to the Regulator. There is also recourse through the Courts and the employee can then seek advice from the Public

Solicitor's Office or from Lay Advocates. So, Mr Speaker, the onus is therefore on the employee to lodge a complaint with the Regulator if the employee believes that there is non-compliance with the law and if, following investigation, it is found that there is non-compliance with the law the employer will be required to pay a financial penalty. So, in summary, Mr Speaker, no additional measures are being taken to ensure compliance as the law itself already gives that level of protection to an employee. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Right, thank you, Mr Speaker and I thank my Honourable Friend for his answer and, I stand to be corrected, if I heard correctly you did say that there is a Regulator in place and the Ordinance, if it is in the Ordinance and not in place then could you explain who is the Regulator and how the public can make contact with the Regulator?

The Speaker –

The question really is who is the Regulator, is it?

The Hon. Brian Isaac –

Yes.

The Hon. Anthony Green –

Thank you, Mr Speaker. The Regulator is the Chief Magistrate, Mr Nick Aldridge.

The Speaker –

Thank you, Honourable Member.

The Hon. Anthony Green –

And, I do beg your pardon, and he is located in his office downstairs.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, is the Honourable Chairman aware that in the last twelve months, thirty-seven employees in the private sector have contacted the Equality and Human Rights Commission with concerns about their employment? These issues range from being refused time off for medical appointments, not being paid for Public Holidays and being dismissed without due process?

The Speaker –

Honourable Chairman?

The Hon. Anthony Green –

Mr Speaker, I am somewhat aware that there have been, sort of, comments about contact with the Human Rights, but as I explained before, Mr Speaker, if someone is aggrieved from what has happened to them then lawfully they have recourse of going to the Labour Regulator or through the Public Solicitor's Office, including the Lay Advocates, and if there is a legal process available I would recommend that that be followed.

The Speaker –

Thank you, Honourable Member.

The Hon. Brian Isaac –

Thank you, Mr Speaker and I thank my Honourable Friend for his answer. Mr Speaker, is the Honourable Chairman also aware that whilst members were advised to go to the Public Solicitor's Office only a few did, many felt that they would lose their jobs?

The Speaker –

Yeah, you're going on to read out a statement now. What is the question you're aiming to get out of this? What is the answer?

The Hon. Brian Isaac –

Mr Speaker, will the Honourable Chairman say is he aware how many people has visited the Public Solicitor's Office in respect of their claims?

The Speaker –

Honourable Chairman?

The Hon. Anthony Green –

Thank you, Mr Speaker. Unfortunately I would not be able to have that information at my disposal.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, for the benefit of the members of the House and for supporting my question, is the Honourable Chairman also aware that a high percentage of those employees in the construction industry reported that they have not had a statement of particulars, which is a contract, signed, and none receive pay slips compliant with the Ordinance and the Ordinance which has been in force since 2012?

The Speaker –

Are you aware, Honourable Member?

The Hon. Anthony Green –

I'm not aware, Mr Speaker.

The Hon. Brian Isaac –

My final question, Mr Speaker, if the Chairman could give a commitment to this House that this information that is available through the Regulator to the public, is it working, my concern is the service that's available to the public, is that working for the public, because of fears of dismissal and other issues? Thank you, Mr Speaker.

The Speaker –

Honourable Member?

The Hon. Anthony Green –

Thank you, Mr Speaker. I can only reiterate that the law provides and if anybody's got a grievance or a problem or a complaint there is a statutory provision which allows any employee to apply for their case to be looked at by the Chief Magistrate who is the Labour Regulator and I've also said, and I'll repeat, that there is assistance that can be sought from the Public Solicitor's Office. Thank you, Mr Speaker.

The Speaker –

Okay, Honourable Member? Honourable Attorney General?

The Hon. Angelo Berbotto –

Yes, on a point of information and endorsing completely what the Honourable Councillor Green has said, the law does not need to be amended because the protections exist. The way to avail oneself of those protections is by going through the correct channel and as the Honourable Councillor Green has said that is the Lay Advocates or the Public Solicitor so that these issues can be resolved. If the employers have not complied with the law there is a solution but it has to be heard in the right place which is the Regulator. Thank you.

The Speaker –

Thank you for that point of information. Question? No.

The Hon. Brian Isaac –

Thank you, Mr Speaker.

Question No. 4 – The Honourable Kylie Hercules to ask the Honourable Acting Financial Secretary.

The Hon. Kylie Hercules –

Thank you, Mr Speaker. Will the Honourable Acting Financial Secretary tell this Council what will be the increased percentage cost to customers on cargo freight being transported to St Helena when the MV Helena becomes operational?

The Speaker –

Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker, I thank the Honourable Member for her question. There is a wide range of freight charges that will apply depending on what is being shipped and each has its own rate. Some rates have increased and some have decreased, therefore I cannot give an overall position. However, for some of the most used charges I will be able to give some indication. So, for example, a twenty foot container load from the UK to St Helena, for general cargo there's a reduction of 15% in the cost, for foodstuff and provisions 10% increase in the fees, refrigerated cargo 10% increase in the fees. For twenty foot full container loads from Cape Town to St Helena, general cargo is 13% increase, foodstuff and provisions 5% increase and refrigerated cargo 13% increase. Mr Speaker, thank you.

The Speaker –

Thank you, Honourable Member. Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Mr Speaker and thank you Acting Financial Secretary for your response. In relation to the increases in the food provisions, can you explain if you could to this House how the increase came about?

The Speaker –
Honourable Financial Secretary?

The Hon. Nicholas Yon –
Thank you, Mr Speaker. Basically, as part of the tender process, the tenderer submitted draft fees or fees that were used as part of their tender. We do not have the detail in terms of how those fees were charged, but they would form the part of their proposal, so I cannot say at this time why that specific line has increased, that was part of the overall tender that was submitted.

The Speaker –
Thank you, Honourable Financial Secretary. Honourable Kylie Hercules?

The Hon. Kylie Hercules –
Thank you, Mr Speaker. Will the Honourable Acting Financial Secretary commit to this House to reveal an answer or come back to this House with some further information as to how this increase did occur?

The Speaker –
Honourable Financial Secretary?

The Hon. Nicholas Yon –
Thank you, Mr Speaker. What I can do is to agree to go away and to have a discussion with the contractor to see what information can be shared. It is a commercial contract with the contractor, so I will have to see what can and can't be shared, but I will do that and I will report back to this House.

The Speaker –
Thank you, Honourable Member. Thank you. Next question, please? Alright, somebody has pressed the button, a little bit late for me, but carry on. Honourable Lawson Henry?

The Hon. Lawson Henry –
Thank you, Mr Speaker. Could I ask the Acting Honourable Financial Secretary if the information is already in the public domain about freight rates and if not would he undertake to put it in the public domain?

The Speaker –
Honourable Financial Secretary?

The Hon. Nicholas Yon –
Thank you, Mr Speaker. The freight rates are with the Shipping Agents and the freight rates have been discussed with merchants. Yesterday AW launched their website and those rates will go on their website as well, so those rates are out there already, but they will go on a specific website where people can go and view the rates.

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

The Hon. Dr Corinda Essex –

Mr Speaker, is it not also true that the withdrawal of the subsidy for the shipping service to St Helena and the adjustment factors built into the contract, which would have applied whatever bidder was successful, for the review of freight charges and the specific circumstances relating to oil prices, exchange rates, etc., etc., have also impacted on the increases in freight?

The Speaker –

Honourable Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, yes, that is, I would say, partly true, because what I showed in the answers to the question was the difference between the current RMS price and the new rates, so the increases or the factors alluded to by Honourable Dr Corinda Essex is how the original tender price changed and uplifted, so it is, I would say it is partly true.

The Speaker –

Okay, thank you. Next question, please?

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

The Speaker –

Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Will the Honourable Chief Secretary tell this Council what is the forecast total cost relating to the relocation of the Police Headquarters and what are the expected benefits to justify such expenditure?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. I'd like to thank the Honourable Member for her question. Again, the short answer to the first part of the question is the total cost in terms of relocation is £246,000. As to benefits, Honourable Members will be aware that the move of the Police Service to the building which was formerly known as AVEC is part of a bigger picture of relocations across Government. When I came here four years ago or thereabouts there was a large programme of relocations in place for St Helena Government which, on review, we concluded was not representing value for money and therefore the programme was pared down, but this particular move is predicated on changes to Judicial Services so the requirement for the Police Service to move out of the Police Station, in particular, is as a result of a decision made some time ago and on representations from the Chief Justice that the current situation for the Court House and Judicial Services was far from acceptable. So looking at the benefits to be gleaned from this particular move they are multi-faceted, so benefits for the Judicial Services team who will locate to what will be the old Police Station and it made sense at that time that the Police Headquarters should move with it. Members will be aware and will remember that at the time these discussions started Ogborn House and the Prison were being considered as suitable venues for a hotel which subsequently never happened, but the discussions continued

and the Police Services, all of the Police Services, will therefore move to AVEC. Finding a suitable location for services for Government is particularly difficult, as Honourable Members will be aware, we still haven't found a suitable venue for the Community College, for example, and there is always pressure on the Government Estate, but specifically in relation to the Police Service, current offices for Police Officers are limited, they don't promote confidentiality, they don't promote a good team ethos and as a result the morale of staff is hindered. There's insufficient storage space. The new move will provide dedicated Incident Rooms, which are not available and accommodation for Officers in the Reception area in the Police Station which is, as Members will be aware, far too small and lacks the facility to enable confidential discussions for any member of the public walking off the street into Reception. The Senior Management team are separated from Operational Teams, which doesn't promote good team ethos and the move to the new building, which I understand will be renamed Coleman's Building in honour of the Police Officer who lost his life, will promote that good team ethos. A further benefit would be that Police vehicles are currently parked in the square, they will move to the complex freeing up, a small number admittedly, of parking spaces in lower Jamestown. At the moment only the Chief of Police has a dedicated office with all other staff sharing their offices in circumstances which do not promote a professional service for the Police Service. The move will ensure that space is provided for the full complement of officers working in that environment. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Dr Corinda Essex –

Thank you. Will the Honourable Chief Secretary explain why there has been a change in stance on this issue from the answer that he gave to this House in July 2015 when it was stated, and I quote, that "the current premises are operationally preferable to relocation to the AVEC Centre"?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. Operationally preferable versus operationally convenient is two different things. The Police Office, the Chief of Police at that time was quite keen to remain in Jamestown for operational reasons, it became quite apparent that remaining in the Police Station was untenable, the pressures on the Government Estate, particularly from Judicial Services, meant that decisions had to be taken, so at that time the discussions with the Chief of Police were while we appreciate that you would prefer to remain in Jamestown the pressure on the Government Estate is such that we have to move out of the Police Station and therefore AVEC, as I've said already, was the only available building for us to move into.

The Speaker –

Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I thank the Honourable Chief Secretary for that explanation. Would the Honourable Chief Secretary please give a breakdown of the very large sum of £246,000 for the relocation, please?

The Speaker –

Are you.....

The Hon. Roy Burke –

Mr Speaker, I don't have that information in front of me, I can undertake to put that information in the public domain though.

The Speaker –

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

The Hon. Dr Corinda Essex –

Thank you. Can the Honourable Chief Secretary indicate when the Police are likely to actually relocate to the new premises, please?

The Hon. Roy Burke –

Thank you, Mr Speaker. The voices off tell me February.

The Speaker –

Thank you. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Can the Honourable Chief Secretary also include in the information that he provides to this Honourable House how many contract variations have been applied to this particular contract?

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

Mr Speaker, I'm happy to do that.

The Speaker –

Thank you.

The Hon. Dr Corinda Essex –

Thank you.

The Speaker –

Next question, please?

Question No. 6 – The Honourable Brian Isaac to ask the Honourable Chairman, Economic Development Committee.

The Speaker –

Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, will the Honourable Chairman of the Economic Development Committee give a progress report on the newly established Pack House and related infrastructure in Longwood in the ex ADA fields and the costs of the project to date? Thank you, Mr Speaker.

The Speaker –

Honourable Chairman of Economic Development Committee?

The Hon. Lawson Henry –

Mr Speaker, I thank the Honourable Member for his question. The fit out of the Pack House is complete and this has a total cost of £38,892. The fit out has included the installation of two chill storage units in the main Pack House, the installation of bulk vegetable storage unit and a retail space. Minor works have been undertaken to protect the building against the elements. In order for operations to commence, this new facility awaits completion of a formal sub lease agreement between the preferred operator and Enterprise St Helena. A meeting is due to take place on Monday, 29th January to move this forward. The ENR Agricultural Protection and Storage Project in the ex ADA fields saw the establishment of covered production units in the form of sixteen polytunnels and involves four agricultural partnership projects with twelve producers operated on the direct soil planting and four operated on the hydroponics system. The hydroponics unit is awaiting a vital component from South Africa before becoming fully operational. The cost of this element of the project is £158,000 to include the procurement, establishment and set up of the covered units. The storage unit element of the project saw the establishment of seventeen storage units and an equipment bay. Hard surfacing at the back of the units and the provision of a small toilet will be undertaken when funding becomes available. The storage units have been established to assist producers with requirements for seed, produce, equipment and machinery storage as ENRD strives to meet the enhanced supporting infrastructure needs as close to the arable estate as possible. All units, except one equipment unit, has been allocated to producers. The total cost of this element of the project is £166,000. Thank you.

The Speaker –

Thank you, Honourable Chairman. Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker and I thank my Honourable Friend for his reply. Is there any other reasons, my Honourable Friend, why the other units has not been occupied in the fields? You said one is occupied, is there any reason why the others are not occupied?

The Speaker –

Honourable Chairman?

The Hon. Lawson Henry –

Thank you, Mr Speaker. There had been no interest of the units that's not occupied, but we hope that from April these will be. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker. Will the Honourable Chairman say if this apply with the business case?

The Speaker –

Honourable Chairman?

The Hon. Lawson Henry –
What is the question, Mr Speaker?

The Speaker –
Honourable Brian Isaac?

The Hon. Brian Isaac –
Is there any mention in the business case of these units and the proposed occupation of them, in the business case?

The Speaker –
Honourable Chairman?

The Hon. Lawson Henry –
Yes, it is in the business case when capital funding was agreed.

The Speaker –
Thank you, Sir. Honourable Brian Isaac?

The Hon. Brian Isaac –
Thank you, Mr Speaker. My final question is whilst sums of money has been mentioned for the investment and construction of these units and everything else, will the Chairman say has this been value for money?

The Speaker –
Yes, you're beginning to ask a hypothetical question, I think at this stage you'll be giving an opinion at this stage. You want to rephrase your question?

The Hon. Brian Isaac –
Mr Speaker, if I could just ask has this project been value for money? Is that the same question or...?

The Speaker –
Yes, it is the same question.

The Hon. Brian Isaac –
I will leave the question then, if I can or maybe the Attorney General could assist with a question in relation to that?

The Speaker –
No, you have to ask the question. I think there's another member there willing to ask a question.

The Hon. Derek Thomas –
Thank you, Mr Speaker. Will the Honourable Member of the Economic Development Committee say what action is being taken to attract interest from the public in leasing these units?

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

The Hon. Lawson Henry –

Thank you, Mr Speaker. As I mentioned, all sixteen units have been allocated, apart from one, which we are seeking interest from.

The Speaker –

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

Question No. 7 – The Honourable Christine Scipio O’Dean to ask the Honourable Chairman, Social and Community Development Committee.

The Speaker –

The Honourable Christine Scipio O’Dean?

The Hon. Christine Scipio O’Dean –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Chairman of the Social and Community Development Committee tell this Council what are the standards of social care set out in policy and is there any independent verification that the services provided meet these standards?

The Speaker –

Thank you, Honourable Member. The Honourable Chairman of Social and Community Development Committee?

The Hon. Anthony Green –

Thank you, Mr Speaker. Honourable Members will be aware of the approved legislation which sets out the parameters for policy and practice standards within social care. To confirm, these are the Welfare of Children Ordinance 2008, the Mental Capacity Ordinance 2016. Now, in terms of the adult’s services, the following policies have been approved by the Social and Community Development Committee and are published on the St Helena Government website. These are the Home Care Policy of 2017, the Safeguarding Adults Procedures 2016, the Better Living Allowance Policy 2017 and Planning and Prevention Procedures 2016. Children’s Services Policy and Practice are derived from the key legislation and that is the Welfare of Children Ordinance 2008. The following policies are currently in place – The St Helena Safeguarding Children Board Practice Guidance Child Protection Policy of 2016 and section 30 of the Welfare of Children Ordinance 2017, sorry, Welfare of Children Ordinance Payments 2017, Looked After Children 2016, Child Protection Guidance 2016, Bruising Policy 2017, Information Sharing 2016/2017 and On Call Policy 2015 and amended in 2017. In addition, there are draft policies relating to Leaving Care Policy and Children Residential Home Policies and these are awaiting the Regulations to be approved and also Fostering Assessment and Support Standards. The protection and support for vulnerable adults and children should not be seen as the responsibility of the Safeguarding Directorate in isolation. Safeguarding vulnerable adults and children should be regarded as the responsibility of the whole community and all professionals working with these people. To reflect this in St Helena, we have a Safeguarding of Children’s Board and an Adults Safeguarding Board. Both of these Boards have the responsibility for ensuring the strategic planning of safe practice for vulnerable adults and children across all key Directorates and I refer to the Health, Education, Police and Safeguarding and all represented at NGO level. In terms of independent verification, there are no current systems in place providing outside regulatory oversight. The Directorate has two

off island arrangements that provides independence for the following issues: Allegation of abuse against a professional. St Helena has access to a UK based Local Authority designated Officer. Care Proceedings. If St Helena Government seek a Care Order in respect of a child, the Court provides independent oversight and scrutiny and will also appoint a Children's Guardian to independently represent the child's wishes and best interests. It is standard practice in the UK to have a number of regulatory systems in place, such as Care Quality Commission, an Ofsted Education, Social Care and Regulatory body. It is important to know that Ofsted and the CQC inspect from a multi professional basis, therefore, any regulatory system that is developed for St Helena should not only focus about regulating social care in isolation, but take a broad approach of all services being provided to a vulnerable adult or child, such as across the Police, the Education and Health Directorates. The Directorate are exploring these issues in a number of ways. Foreign and Commonwealth Office Child Protection Unit to provide an industry expert to visit St Helena and review current practice standards based upon a self-audit of Child Protection Systems across all Directorates. Also, working with other British Overseas Territories, we are exploring areas of potential independent scrutiny such as providing an independent Reviewing and Child Protection Adviser to chair Looked After Children reviews and Child Protection meetings as well as to explore what independent oversight can be set up within St Helena which will be able to provide scrutiny and oversight of the services provided to vulnerable children and adults. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker and I'd like to thank the Honourable Chair of the Social and Community Development Committee for such a detailed response. Mr Speaker, may I ask the Chairman of the Social and Community Development if there is any intention of setting up a Quality Care Commission as he referred to as QCC on St Helena as currently practiced in the United Kingdom?

The Speaker –

Thank you, Honourable Member. The Honourable Chairman? Honourable Chairman?

The Hon. Anthony Green -

Mr Speaker, I do apologise for the delay, I would need to take advice. There is no intention of doing that immediately, but work is going on with the Safeguarding Board to work towards making sure that these measures are taken, but there are no immediate plans for what the Honourable Member has asked.

The Speaker –

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

Question No. 8 – The Honourable Gavin Ellick to ask the Honourable Acting Financial Secretary?

The Speaker –

The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Thank you, Sir. Will the Honourable Acting Financial Secretary tell this House what progress has been made to develop the St Helena Government Exit Strategy for the St Helena Hotel Development Limited?

The Speaker –

Thank you, Honourable Member. Honourable Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, I thank the Honourable Member for his question. It remains the intention of this Government to divest itself of the investment in St Helena Hotel Development Limited, but only when the time and conditions are appropriate and right to do so. In May 2017, Executive Council agreed the principles of a draft exit strategy for St Helena Hotel Development Limited to be used in determining the final exit plan and these principles include that SHG should seek to at least recover the amount of its investment, that the Hotel operator should be offered equity to ensure the Hotel continues to be operated and maintained to a high standard, there should be a majority local ownership, that's in the offering of shares, SHG should continue to encourage inward investment to take a stake in the business, the timing of the exit should start after the first year the Hotel is schedule to make a profit and lastly, a discussion with the Bank of St Helena as to when the SHG guarantee might be released. Executive Council approved those principles so that further work could be carried out to develop the actual exit plan for implementation. Focus has been, since the principles were endorsed, has been on completing the project and preparing for the opening of the Hotel, which has been open for about two months now, and SHG will continue to monitor the financial performance of the Company over the financial year ahead to identify the opportune time for divestment of its shares and begin the work on finalizing the exit plan in accordance with the principles agreed by Executive Council. Thank you, Sir.

The Speaker –

Thank you, Honourable Financial Secretary. Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Thank you, Sir and I will apologise now if I have to ask the same if you've already told me the answer for these questions. What is the reason for the St Helena Government Development Exit Strategy and what is the Exit Strategy in time bound, can you explain what that means in reality?

The Speaker –

Honourable Financial Secretary?

The Hon. Nicholas Yon –

I think, Mr Speaker, I've already answered those questions, but just to clarify that the Exit Strategy is the plan in which we will divest our shares of the Company and also around timelines, as I've explained, the timing, one of the principles that Executive Council agreed was that timing should start after the first year of the Hotel, after the Hotel is scheduled to make a profit.

The Speaker –

Thank you, Honourable Member. Any further questions?

The Hon. Gavin Ellick –

Financial Secretary, has there been any formal expression of interest in acquiring a stake in the Hotel from any foreign or local investors?

The Speaker –
Honourable Financial Secretary?

The Hon. Nicholas Yon –
Mr Speaker, I am not aware of any, Mr Speaker.

The Speaker –
Thank you, Honourable Member. Any further questions? Next question, please?

Question No. 9 – the Honourable Kylie Hercules to ask the Honourable Chairman, Environment and Natural Resources Committee.

The Speaker –
Honourable Kylie Hercules?

The Hon. Kylie Hercules –
Thank you, Mr Speaker. Will the Honourable Chairman of the Environment and Natural Resources Committee tell this Council what procedures are currently in place to ensure maximum use of appropriate Crown land for arable and pasture requirements?

The Speaker –
The Honourable Chairman of the Environment and Natural Resources Committee? Alright, we have the Deputy Chair I think here in the absence of sickness for Mr Russell Yon.

The Hon. Dr Corinda Essex –
Mr Speaker, as a result of the sickness of the substantive Chair, I'm answering this question. However, I would like to give notice of the fact that I only received notice that I would need to do this this morning....

The Speaker –
Yes, understandable.

The Hon. Dr Corinda Essex –
And therefore I've not been able to prepare as fully as I would have liked. However, with a little help from my friends, both around this table and the Directorate staff present in the Chamber, I will attempt to provide the information that's required.

The Speaker –
Thanks for that information.

The Hon. Dr Corinda Essex –
Licenses and leases are used as formal agreements with tenants of arable and pasture lands in order to manage use once land has been advertised for arable or pasture use. Maximum use of land has to be weighed up against sustained use of land for a type of production when deciding how licenses or leases are constructed to ensure land is able to be continued to be let. Monitoring visits to both arable and pasture land are conducted as a minimum on a quarterly

basis. When considering continued use of a Crown asset by a tenant, visits consider such issues as the following: the size of the plot and whether it is let for full-time or smallholder activity against the successful applicant's proposal for the land; whether it is irrigated by SHG and therefore whether an applicant can reasonably be expected to have it cropped all year around; whether crops are being rotated to prevent or minimize soil problems; whether plots are being rested to ensure soils are not depleted of nutrients where appropriate organic matter cannot be accessed by a producer; whether invasive weed is being managed to enable the majority of the plot to be cropped.

Pasture land monitoring visits consider – size of the plot and whether it is let for full-time or smallholder activity against the successful applicant's proposal for the land; whether stocking density as set in a licence or lease is being upheld and livestock is being rotated as they should to prevent damage to the land; whether invasive weeds are being maintained to enable pasture productivity. I think that should be whether clearance of invasive weeds is being maintained to enable pasture productivity.

Where land is not being used as agreed under the letting arrangements, then this is raised verbally with the tenant and then in writing, and then in writing with subsequent warning notices that can end in the termination of a licence or lease. The Environment and Natural Resources Directorate have begun a review of letting arrangements for Crown agricultural land and resulting changes to policy and procedure will be brought before the Farmers Association, Chamber of Commerce and elected members for their thoughts and comments and then on to the Economic Development Committee for their approval. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any further questions? Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Mr Speaker and I thank my Honourable Friend for that response. Due to land being quite precious on the island, are there any collective work being carried out between Crown Estates and ANRD to recognise all possible land for such use?

The Speaker –

Thank you, Honourable Deputy Chairman?

The Hon. Dr Corinda Essex –

Currently a review is being undertaken of the Land Development Control Plan and that work includes looking at potential land use for different use on the island. I am aware that there has also been some considerable review relating to plots that were previously identified for agricultural or forestry purposes with a view to those that are not suitable for those purposes any longer actually being excised for building or commercial use, so the sort of review that the Honourable Member is referring to is underway and I will undertake to ensure that her points are included as part of this overall piece of work. Thank you.

The Speaker –

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

Question No. 10 – The Honourable Christine Scipio O'Dean to ask the Honourable Acting Financial Secretary.

The Speaker –

Honourable Christine Scipio O’Dean

The Hon. Christine Scipio O’Dean –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Acting Financial Secretary tell this Council what benefits were obtained from the aided funded water design project completed by Fairhurst Consulting Limited in the amount of £665,000?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. I thank the Honourable Member for her question. This expenditure referred to form part of a project dating back to 2013. Under this project there were three work packages for technical services. Work Package A was around Sustainable Water Management, Work Package B – Water Infrastructure Upgrading and Work Package C was Site Supervision Services. The deliverables of the contract were met by the contractor, as detailed in a Project Memorandum and we received the necessary reports and design work from the contractor. The contractor carried out further work on the Work Packages B and C which included design work of the new water infrastructure identified such as Pounceys, Rose Hill, Model Cottage, Jimmy Lots Tanks, including their pump stations and associated infrastructure. They also carried out the technical assessments and designs of the refurbishment works required on the four water treatment plants which was completed by another contractor but under their particular supervision. Now, Connect St Helena Limited have the deliverables under Work Package A and this includes the 20 year Water Resources Master Plan, Asset Management Plan and Business Restructuring Plan with the outputs under the other two packages being the water infrastructure that has been developed such as the tanks and pump stations I mentioned earlier and the various manuals that accompany those. So, Mr Speaker, the benefits obtained from this aid funded project are substantial and valid with the reports, plans and manuals and designs having been used and are currently being used by Connect St Helena Limited to inform further decision making on water resource management and also the newly-developed water infrastructure being used on a daily basis. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Acting Financial Secretary. Honourable Christine Scipio O’Dean?

The Hon. Christine Scipio O’Dean –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Acting Financial Secretary tell this House if Connect St Helena accepted or did not accept this project as forming part of their transferred capital at the divestment of the Company?

The Speaker –

Thank you. Honourable Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, unprepared for that question because the question, as I say, slightly different, but what I can say is that the issue around the benefits of the expenditure is a slightly different issue to the shareholding issue. The shareholding issue is about what assets were transferred to Connect St Helena to give SHG shares in the Company and in developing or understanding what assets were transferred these were for technical services and designs so not necessarily assets that were transferred under definition of accounting standards. Thank you, Mr Speaker.

The Speaker –

Okay, thank you. Any further questions? Next question, please?

Question No. 11 – The Honourable Brian Isaac to ask the Honourable Chairman, Social and Community Development Committee.

The Hon. Brian Isaac –

Mr Speaker, will the Honourable Chairman of the Social and Community Development Committee please update this Honourable House on the progress towards the previous recommendations of this House that a review would be instigated on the Social Benefits, in particular, the Household Income Regulations? Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Chairman of Social and Community Development Committee?

The Hon. Anthony Green –

Mr Speaker, I thank the Honourable Member for his question and it may be useful, to start with, to put the matter into context as the Honourable Member who asked this question actually was the Chairman of the Social and Community Development Committee up until early August 2017 and it was on 14th of March 2017 that the Honourable Member gave an undertaking to give high priority to the review of the Social Benefits system and to report back to the Council members as progress was made. However, Mr Speaker, this matter is one of priority for the Social and Community Development Committee and officers are currently collating information which will help to determine the best approach to undertaking a full review. This will include consideration as to whether we have appropriate expertise on island and whether we will need to bring in outside assistance. In this regard, an options appraisal will need to be completed so that there is an understanding of the associated costs and changes to the existing benefits system and about adopting a new and modified system. Having said that, however, Honourable Members will be aware that very soon after being elected last year, the Social and Community Development Committee took action to identify and understand the issues and difficulties that the existing system posed, especially those relating to household policy. A Working Group was then established, comprising Committee members and officers, to consider ways and means of addressing the issues in the short term. As a result, and as an interim solution pending a full review, Executive Council agreed last October not to change the household definition but to amend the Social Security Regulations to change the way in which household poverty line is calculated. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker. Will the Honourable Chairman say that in October 2017 changes have been substantially made in assisting those in the household where young people of the age of 21 years and under working age and others being paid benefits, we still have households where young children are suffering because their own siblings cannot afford to support them, in some cases family members being evicted from their homes in order that the household can be claimed from the benefits they need to live on.

The Speaker –

What is the question, please?

The Hon. Brian Isaac –

Mr Speaker, the question was are the Honourable Chairman aware...

The Speaker –

Are you aware...?

The Hon. Brian Isaac –

Some amendments in October, but these amendments did not address the household allowance.

The Speaker –

Are you aware that in October there was some amendments made?

The Hon. Anthony Green –

Mr Speaker, I was aware that in October because it was my Committee and myself that actually initiated these changes which these problems have been existing for a few years and what we did undertake to do was to provide some emergency measures over a raft of recommendations which ExCo agreed in October to alleviate the immediate problems and working with all the civil servants and, like, Making Ends Meet and the Salvation Army and Human Rights we were able to identify all the cases of urgent need and these regulations that have been put in place is to give us time to allow us to look properly and fully at being able to review the Ordinance and that is in hand, the new Committee has only been in existence four months and we already have the initial work being undertaken to take this forward, but we have managed to alleviate the more serious issues immediately.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

I thank the Honourable Speaker for his question and ask that when this information becomes available if the public can be informed that it is, the progress that has been undertaken. Thank you.

The Speaker –

Honourable Chairman?

The Hon. Anthony Green –

Mr Speaker, the progress that will be made continually from here on, we will, of course, feed that into our Honourable Members and we also will make public as and when we get to points where it's information that will be suitable for the community.

The Speaker –

Thank you, Honourable Member.

The Hon. Brian Isaac –

Thank you, Mr Speaker.

The Speaker –

Thank you, Sir. Next question?

Question No. 12 – the Honourable Dr Corinda Essex to ask the Honourable Acting Financial Secretary.

The Speaker –

Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Will the Honourable Acting Financial Secretary tell this Council what work has been or will be carried out on the MV Helena before she commences regular service to St Helena and if this would increase the vessel's ability to discharge cargo safely?

The Speaker –

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

The Hon. Nicholas Yon –

Thank you, Mr Speaker, I thank the Honourable Member for her question. I have confirmed with the Contractor that no major work has been carried out or will be carried out on the MV Helena before she commences regular service to St Helena. However, following the vessel's last call to St Helena, the Contractor has made some minor installations to assist the vessel in discharging cargo. I don't have the technical knowledge to be able to know exactly what all of this means, Mr Speaker, but what I can say is that the Contractor has indicated that some of the minor works include lashing points or bull horns is fitted to the RMS St Helena and is fitted alongside the hatch comings for lashing points, so this will improve the way in which cargo is discharged from the vessel. Other than this, Mr Speaker, as stated, no major work has been done or will be done and the Contractor has confirmed that the vessel is ready to commence work on the scheduled date. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Dr Corinda Essex –

Has any work been done on the extremely poor condition of parts of the vessel which were rusty and in some instances looked extremely unsafe?

The Speaker –

Honourable Financial Secretary?

The Hon. Nicholas Yon –

As I said, Mr Speaker, I'm not aware of perhaps the very specific issues, but the Contractor has said that, you know, general maintenance work has been done on the vessel and I'm not sure if that, you know, the specific issue was included in there, but they have done maintenance work on the vessel to ensure it is ready for the start of the new schedule. Thank you, Sir.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will consideration be given to having the vessel inspected by the Shipping Officer and other interested parties on its next call to St Helena so that we have a baseline with regard to its condition?

The Speaker –

Honourable Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker, the MV Helena is being used by the Contractor under a contract with SHG and I will need to check the details in terms of that contract to see what can and can't be done, Mr Speaker, but I can let Members know.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Acting Financial Secretary also undertake to ensure that the vessel has the necessary Lloyds clearances and all the rest and the necessary insurance for it to be seaworthy and to operate safely?

The Speaker –

Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, that's all a part of the contract and the terms and conditions of the contract, so the Contractor will have to comply with those.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Acting Financial Secretary ensure, - well, give an undertaking that he will ensure - that these aspects of the contract are considered and that compliance is established and that the necessary actions are taken if the vessel is found to be non-compliant in any aspect?

The Speaker –

Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Yes, Mr Speaker, I can do that.

The Speaker –

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

Question No. 13 – The Honourable Gavin Ellick to ask the Honourable Chairman, Public Health Committee.

The Speaker –

Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Thank you, Mr Speaker. Will the Honourable Chairman of the Public Health Committee tell this House if he proposes to take an independent review of the standards of service within the Health Directorate due to the public concerns expressed?

The Speaker –

Thank you, Honourable Member. The Honourable Chairman of the Public Health Committee?

The Hon. Derek Thomas –

Mr Speaker, ideally it would be good to obtain the type and range of public concerns expressed. If these expressed concerns can be shared they can be looked into rigorously and appropriate action taken. The Health Directorate monitor complaints and feedback. The process for managing and responding to feedback has recently been strengthened with the recruitment of a dedicated officer dealing with Clinical Governance in the year. From 1st April 2015 to 31st March 2016 no official complaints recorded. From 1st April 2016 to 31st March 2017 no official complaints recorded. From 1st April 2017 to date four formal complaints recorded and investigated. In the current financial year 2017/18 there have also been twenty incidents of meetings, relatives, patients, their representatives and elected members to discuss issues regarding overseas medical referrals with members of the public who either had concerns because there was perceived delay in sending them or other relatives overseas or a decision had been made not to send them overseas for medical treatment despite their preference and they would like the decision overturned. Work is ongoing to define, draft and implement care standards. There are guidelines, protocols and policies for the Directorate. This will create a transparent mechanism for monitoring care delivered against agreed local standards. There is no immediate plan to undertake an independent review.

The Speaker –

Thank you, Honourable Member. No further questions? Honourable Gavin Ellick, are you asking a question? Well, I call the next question, Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Chairperson of the Public Health Committee consider a review of the current complaints procedure as a number of constituents have conveyed to me that they're very reluctant to go through the present formal complaints procedure because they are afraid of being targeted and they feel that it is a ..., it gives them too much exposure as individuals?

The Speaker –

Honourable Chairman?

The Hon. Derek Thomas –

Mr Speaker, a review of the current complaints procedure can be reviewed by the Committee in conjunction with the Health Directorate.

The Hon. Dr Corinda Essex –

Thank you.

The Speaker –

Thank you, Honourable Member. Any further questions? No further questions. That ends our question period. Thank you, Honourable Members. Now we're moving on to Motions.

6. MOTIONS

Motion No. 1 – The Honourable Derek Thomas.

THE PORT AND AERODROME (HEALTH) BILL, 2018

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I beg to move that the Port and Aerodrome (Health) Bill, 2018, 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. Brian Isaac –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member. Mover, you can continue and don't forget you must mention the full title at least once during your Motion.

The Hon. Derek Thomas –

Mr Speaker, Honourable Members, you will be aware that the current law in force dealing with health matters at the port is the Port Health Ordinance and associated Regulations. These deal with hygiene and sanitation requirements on ships only. That Ordinance provides for Public Health personnel acting as Health Officers to inspect the vessels, inhibit landing, destroy contaminated items or require disinfection. Now that we have an operational air service, there is currently no legal authority for the Health Officers to inspect aircrafts, make measures to control the spread of infection or contamination, inhibit disembarkation, require disinfection at airports. This presents a danger to public health. The Port and Aerodrome (Health) Ordinance makes provision for Health Officers to perform these duties should it become necessary. The Bill allows for up to date methods to tackle modern day diseases and epidemics that are prevalent in the world today. Mr Speaker, I trust Honourable Members will give their support to this Port and Aerodrome (Health) Bill, 2018.

The Speaker –

Yes, before I allow you to sit down, will you read the full title of the Ordinance please, that's the first section, so that everybody, members of the public will know what's the aim?

The Hon. Derek Thomas –

This Ordinance may be cited as the Port and Aerodrome (Health) Ordinance, 2018.

The Speaker –

Yes, I would like you to read the full title as at the top of your Ordinance. A Bill for an Ordinance to regulate, can you read that section?

The Hon. Derek Thomas –

Okay, Mr Speaker. A Bill for an Ordinance to regulate port and aerodrome health in St Helena and of ships and aircraft therein to make provision for the introduction of health protection measures for safeguarding public health and preventing the spread of infection or contamination by means of ships and aircraft arriving at or departing from St Helena and for connected or incidental purposes.

The Speaker –

Thank you very much, thank you very much, Councillor. I put the question then that the Port and Aerodrome (Health) Ordinance, 2018, be approved in principle and referred to a Committee of the whole Council. The question is now open to debate. Anybody like to speak? The Honourable Christine Scipio O’Dean?

The Hon. Christine Scipio O’Dean –

Thank you, Mr Speaker. Mr Speaker, can I ask the Honourable Mover if the Sessional Paper 03/18 is the correct Paper, the Bill in front of us today, because there is reference to Clause 32 duty of Master or Aircraft Operator to have regard to guidelines but I, it seem to be missing from the Bill.

The Speaker –

You can bring it up as you speak to it, you can criticize it as you speak to the Motion. What you’re asking him is a question.

The Hon. Christine Scipio O’Dean –

Mr Speaker, I’m asking for clarification because you ask if to go into Council Committee. Would we want to go into Council Committee if I’m not certain that the Bill that’s being presented today is or not the correct version?

The Speaker –

Well, you can criticize that in your debate.

The Hon. Christine Scipio O’Dean –

Okay, thank you for your advice.

The Speaker –

Take that on board, Chairman, whether it’s correct to come to the Committee today, okay? You can take that on board.

The Hon. Derek Thomas –

Yes, Mr Speaker.

The Speaker –

Any other speakers, please, to the Motion? Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker. I rise in support of this Bill, it is a very important piece of legislation now to take account of St Helena having an aerodrome and I fully support it. Thank you.

The Speaker –

Honourable Brian Isaac? Thank you, Sir.

The Hon. Brian Isaac –

Thank you, Mr Speaker, I rise in support of the Bill. The Mover has covered a lot of the contents and as has been said it is a very important Bill to protect our borders. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I rise in support of the Bill. I hope very much that it will gain full support in this House today and be able to go into full operation, because, to be quite frank, it should have been in place before the airport started operating on a commercial basis, so we're playing catch up once again, but I'm glad that we've reached the point that we have. Thank you.

The Speaker –

Thank you very much. Any other Honourable Member wish to speak to the Bill? Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Yes, Mr Speaker, I fully support this Bill and to concur on Dr Essex I feel it should have been enacted way before the airport started in operation and I understand that whilst this is enshrined in legislation the practical procedure regarding how we're going to enforce this Bill I understand is not quite in place, there are quarantine areas at the airport would have to be established and how we actually deal with infectious diseases and therein has to be sorted out at ground level. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the Bill? Honourable Attorney General?

The Hon. Angelo Berbotto –

I don't wish to speak to the Bill, but ask for a very short adjournment before we actually go into Committee so that I can double check the matter that has been raised by Councillor Scipio O'Dean?

The Speaker –

Yes, I will allow that, I have taken note of that already.

The Hon. Angelo Berbotto –

Thank you very much. Any other Honourable Member wishes to speak to the principles of the Bill at this stage? No? Alright, Honourable Mover, your turn to reply?

The Hon. Derek Thomas –

Mr Speaker, I would like to thank those members who rise in support of the Bill. The issue about quarantine areas at the airport came up when the Bill was up for discussion and we were

given assurance that if necessary areas at the airport can be made available for quarantine if necessary.

The Speaker –

Okay, thank you very much indeed. I will put the question at this stage, but taking note of the Attorney General's remarks.

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

The Speaker –

Right, I think at this time, before we go into Committee stage, we'll have an adjournment. Do we take our lunch break at this time now? I think we take our lunch break at this time and come back at 1 o'clock is a good time, we'll come back at 1 o'clock to finish off the proceedings as well and any matters that you have to clear up at that time, speak with the Attorney General. Thank you very much. Council is suspended until 1 o'clock.

Council suspended.

Council Resumed.

The Speaker –

Good afternoon, Members, we're back to continue where we last left off and I thought we were down to the place where we have to put the Council into Committee. Honourable Derek Thomas?

The Hon. Derek Thomas –

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

The Speaker –

Thank you, Honourable Member. Is there a seconder?

The Hon. Brian Isaac –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Member.

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

Council in Committee.

The Chairman –

So I'm now down in Committee stage at the moment. Right, Honourable Members, we have to work through the clauses of the Bill in Committee stage now. Yes, Honourable Member?

The Hon. Derek Thomas –

Yes, Mr Chairman, I will ask if the Attorney General take us through the detail of the Bill here as the legal, technical knowledge on this?

The Chairman –

Yes, I'll put the various questions and the clauses and the Attorney General can then give his interpretation of the clauses. So first is the Title, the Enacting Clause and Clause 1.

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Chairman –

Clause 2, we're on Interpretation. Attorney General, is there anything you wish to comment on that?

The Hon. Angelo Berbotto (Attorney General) –

This section contains the definitions of the terms commonly used in the Ordinance.

The Chairman –

Members have any questions to ask on that section? Can I also take Clause 3 as well and 4 on the same section?

The Hon. Angelo Berbotto –

Thank you. Clause 3 deals with the Responsible Authority which is the Health Protection Board and Clause 4 states that the provisions of this Ordinance don't apply to a vessel or an aircraft of Her Majesty's Armed Forces.

The Chairman –

Right. I put the question, unless there's any... Yes, Councillor?

The Hon. Gavin Ellick –

Can I ask why, Sir?

The Hon. Angelo Berbotto –

The provisions of this Ordinance deal with civilian activities. The Armed Forces have their own provisions and policies.

The Chairman –

Any further questions?

Clauses 2, 3 and 4.

Question put and agreed to.

The Chairman –

Part II, Clause 5.

The Hon. Angelo Berbotto –

This clause deals with the requirement on a pilot of an aircraft or the master of an inbound voyage to notify if they suspect that there's infection or contamination on the aircraft or vessel.

The Chairman –

Any questions, please? Yes, Sir?

The Hon. Gavin Ellick –

When aeroplanes leave from one airport to the other, do they get sprayed down for insects and stuff like that, because one of the things when we left, the last time when we came on the plane, I didn't see anybody doing stuff like that there, so I wanted to know that, because, as you know, insects have got a way of hiding on anything where they can until they land and then they disperse into the air which means that we bring more insects which is bad for the island.

The Hon. Angelo Berbotto –

I'm afraid that that question doesn't really relate to the provision, Mr Speaker, because this provision is in relation to notification, so if the pilot of the plane has reason to believe that somebody is suffering from an infectious disease what this provision says is that that has to be notified to the authorities here on St Helena.

The Chairman –

Yes. Any other questions, please?

Clause 5.

Question put and agreed to.

The Chairman –

Clause 6. Attorney General?

The Hon. Angelo Berbotto –

Yes, this clause deals with the requirement to submit a maritime declaration of health on any inbound ship. This provision is required in order to ascertain the risk of any ship in terms of health risk for the population of St Helena.

The Chairman –

Any questions, please?

Clause 6.

Question put and agreed to.

The Chairman –

Clause 7.

The Hon. Angelo Berbotto –

This is the same as Clause 6 but in relation to aircraft.

The Chairman –

Okay, this refers to aircraft in particular, okay? Any questions?

Clause 7.

Question put and agreed to.

The Chairman –

Clause 8 – Securing Safe and Convenient location for inbound ship.

The Hon. Angelo Berbotto –

Yes, this clause gives the proper officer the power to request that the Harbour Master or the Aerodrome Operator ensures that the ship or aircraft is in part of the port or aerodrome which will limit the risk of spreading any infection or communicable disease which is suspected to be present. There is a penalty if the Harbour Master or the Operator fail to do this.

The Chairman –

Any questions? No questions.

Clause 8.

Question put and agreed to.

The Chairman –

Clause 9 – Securing of passenger and crew information.

The Hon. Angelo Berbotto –

That's right. This clause deals with passenger and crew information in circumstances where declaration is required. If the proper officer requests that the Master of a ship or pilot in command of an aircraft provide information about the passengers or crew who are or were at risk of being infected or contaminated and their contact information that must be provided.

The Chairman –

And there's a fine for that of £5,000, yes?

The Hon. Angelo Berbotto –

That's right. There are penalties. If any of the provisions are not complied with, these are sanctions that apply usually to the Master of the ship or the Pilot because the entire Ordinance deals with preventing any contamination, any infection, to spreading on to the residents, so if there is suspicion that somebody has a communicable disease the entire Ordinance deals with maintaining that and dealing with those situations.

The Chairman –

Thank you and I recall in earlier legislation that you say a fine is a maximum fine?

The Hon. Angelo Berbotto –

Yes, that's right.

The Chairman –

What is the legislation have provides for that, do you.....?

The Hon. Angelo Berbotto –

The Interpretation Ordinance.

The Chairman –

Okay. Any questions?

Clause 9.

Question put and agreed to.

The Chairman –
Clause 10 and 11.

The Hon. Angelo Berbotto –

Clause 10 sets out the circumstances where a proper officer can prevent a ship or aircraft from getting passengers or crew on or off board, discharging or loading cargo or taking on fuel, water and supplies; and, Clause 11 – Compliance with hygiene and sanitation requirements require the Master of a ship on an international voyage to produce a valid ship's sanitation certificate if this is requested by a proper officer. A ship sanitation certificate means that the ship has undergone a comprehensive and detailed inspection by personnel who are trained in Public Health issues.

The Chairman –
Any questions?

Clauses 10 and 11.

Question put and agreed to.

The Chairman –

We're looking at Part III. It says Notifying next port of call or destination aerodrome of risk or infection or contaminations, section 12.

The Hon. Angelo Berbotto –

Yes, thank you. This clause sets out when a proper officer must notify another authority responsible for preventing the spread of infection or contamination and what the notification should contain and this, just as an explanation, is because these provisions in this Ordinance are heavily influenced by World Health Organisation guidelines so is best practice that if you know that a ship contains somebody with a communicable disease that you know that that ship is going next to Brazil, that you contact the authorities there, so it is standard.

The Chairman –
Okay.

Clause 12.

Question put and agreed to.

The Chairman –

Part IV – Risk assessment of persons by proper officer. Clause 13.

The Hon. Angelo Berbotto –

Thank you. This clause sets out when a proper officer can carry out a risk assessment. For the risk assessment to take place, the proper officer must have reasonable grounds of believing that

a person presents or could present a risk. For example, a risk assessment may take place when the responsible authority, so the Health Protection Board, has received notification from a Master of a ship or Pilot in command of an aircraft that a passenger or a crew member is suffering from or may be suffering from an infectious or communicable disease.

The Chairman –

Thank you. Any questions?

Clause 13.

Question put and agreed to.

The Chairman –

Clause 14, which is quite a lengthy one there – detention for purposes of risk assessment.

The Hon. Angelo Berbotto –

Yes. This deals with the circumstances where detention of a person may be necessary in order to carry out a risk assessment. The clause sets out the procedure and the process of detention, sets out the responsibilities of the Public Health Officer and the time limits if detention is necessary and this is up to six hours. And there are a number of penalties if this is not complied with.

The Chairman –

Any questions? Yes, Sir?

The Hon. Clint Beard –

Point 10.

The Chairman –

Point 10.

The Hon. Clint Beard –

May not.

The Chairman –

May not. Mine says a person may not be detained if.

The Hon. Clint Beard –

Can you just explain that?

The Hon. Angelo Berbotto –

So Clause 10 reads – a person may not be detained at the port or aerodrome by a proper officer under this section where that person is to be taken directly to a Hospital as most practicable by ambulance or other mode of transport agreed with the proper officer, so if there is reason for somebody to be taken directly to the Hospital they cannot be detained under this. There may be situations where somebody has fainted on the plane, in the plane when it landed and the humane thing is for that person to receive medical treatment rather than be detained in the aerodrome.

The Chairman –

Okay. Yes, Councillor Ellick?

The Hon. Gavin Ellick –

So if I faint, but I got an infectious disease I can't stay there, I can't be detained there?

The Hon. Angelo Berbotto –

Well, the thing is that there has to be a reasonable suspicion, but somebody may, people faint for different reasons and it may not be that you have an infectious or communicable disease.

The Hon. Gavin Ellick –

(Inaudible)

The Hon. Angelo Berbotto –

Yes, so what these provisions allow is if, for example, there is a passenger that it turns out comes from an Ebola affected area, but doesn't cooperate with the proper officer when asking these questions, so it provides for detention in those circumstances. Is that clearer?

The Hon. Gavin Ellick –

Thank you.

The Chairman –

Any further questions?

Clause 14.

Question put and agreed to.

The Chairman –

Clause 15 which is Continued Detention.

The Hon. Angelo Berbotto –

Yes, this clause sets out the provisions for continued detention, so a person has already been detained and where there is a medical examination as part of their assessment and their risk assessment has been completed for the proper officer can also detain a person where the proper officer has reasonable belief that an application under Clause 16, which we'll see next, is immediately required. This Clause also gives powers to any Police Officer to take a person into custody or return them to the place of detention if they have absconded from such detention. The Clause also creates an offence of absconding, penalty £1,000, so if an authorised officer tells somebody you need to stay here, well, that person needs to stay there, they cannot leave. The entire Ordinance is to prevent disease from spreading.

The Chairman –

Thank you, Attorney General. Any questions?

Clause 15.

Question put and agreed to.

The Chairman –

Clause 16 – Power to make orders in relation to persons.

The Hon. Angelo Berbotto –

Yes, this clause gives power to the Magistrate to make an Order in relation to persons and as long as the Chief Magistrate is satisfied that the grounds in Clause 6 (1) to (d) exists, those are the person may be infected or contaminated, the infection or contamination is ones which presents or could present with significant harm to human health, there is a risk that this person might infect others and it's necessary to make the Order to remove or reduce the risk, so if the Chief Magistrate finds that those grounds are met the Chief Magistrate can order and put restrictions to the movement of a person.

The Chairman –

Yes, Sir?

The Hon. Gavin Ellick –

Could I remove my jacket, please?

The Chairman –

Alright, you may remove your jackets if you wish. Any further questions on Clause 16?

Clause 16.

Question put and agreed to.

The Chairman –

Clause 17 – Provision of information by persons subject to risk management assessment.

The Hon. Angelo Berbotto –

So this clause deals with the proper officer that may request the person who is subject to a risk assessment to provide information and that person must comply with the request for information and if that person fails to comply commits an offence and there's a fine of £1,000.

The Chairman –

Any questions?

Clause 17.

Question put and agreed to.

The Chairman –

Part V – Risk assessment by proper officer, Clause 18. Attorney General?

The Hon. Angelo Berbotto –

Yes, this clause explains when a proper officer can carry out a risk assessment of a ship, aircraft or anything on board those two. Reasonable grounds for believing that the ship or aircraft presents a risk of spreading infection can include any notification made to the Health Protection Board by the Master of a ship or Pilot in command of an aircraft that there may be incidents of infectious or communicable disease on board.

The Chairman –

Any questions?

Clause 18.

Question put and agreed to.

The Chairman –

Clause 19 – Inspection as part of carrying out risk assessment.

The Hon. Angelo Berbotto –

Yes, this clause says that the proper officer can carry out an inspection as part of the risk assessment and has the power to enter the premises and to seize, detain or remove things that may spread infection or can help to establish the cause of the infection.

The Chairman –

Okay.

The Hon. Angelo Berbotto –

This is necessary otherwise the proper officer may be trespassing.

The Chairman –

Yeah.

Clause 19.

Question put and agreed to.

The Chairman –

Clause 20 – Power to enter premises.

The Hon. Angelo Berbotto –

Yes, basically this provision gives power to the proper officer to enter the premises at all reasonable hours and for various purposes connected with the job of carrying out a risk assessment.

The Chairman –

Any questions?

Clause 20.

Question put and agreed to

The Chairman –

Clause 21 is a supplementary to the power of entry.

The Hon. Angelo Berbotto –

Yes and this section, this clause deals with other situations in relation to entry and lists the purpose for which entry may be authorised like searching the premises, carry out measurement or tests etc.

The Chairman –

Any questions?

Clause 21.

Question put and agreed to.

The Chairman –

Clause 22 – Power to require the Master or Aircraft Operator to carry out health measures.

The Hon. Angelo Berbotto –

That's right, this clause gives the proper officer the power to require the Master or Aircraft Operator to carry out health measures and if the Master or the Aircraft Operator fails to comply with a notice he or she commits one or more offences and the penalties range from £5,000 to £20,000 depending on the seriousness.

The Chairman –

Yes. Any questions? No questions?

Clause 22.

Question put and agreed to.

The Chairman –

Clause 23 – Power to charge in connection with health measures.

The Hon. Angelo Berbotto –

Yes, this clause gives the Health Protection Board, which is the responsible authority, the ability to charge a fee to the Master or Aircraft Operator if the proper officer carries out the health measures in Clause 22 where the health measure doesn't relate to a passenger's baggage. And also the Executive Council may set tariffs for those charges and the payment should be made before the start of the health measure.

The Chairman –

And will you take 24 as well with that?

The Hon. Angelo Berbotto –

Yeah.

The Chairman –

Avoidance of delay.

The Hon. Angelo Berbotto –

That's right. When carrying out the functions of sections 18 to 22 in relation to a ship or aircraft, the proper officer must have regard to the need to restore the ship or aircraft to use as quickly as possible, so it's a no delay clause.

The Chairman –

Yes. Any questions on clauses 23 and 24? No questions.

Clauses 23 and 24.

Question put and agreed to.

The Chairman –

Clause 25 – Power to inform and advise under Part VI.

The Hon. Angelo Berbotto –

Yes and this clause gives the proper officer the power to provide information and advice to passengers, for example, how to protect against infection or contamination, symptoms, appropriate steps to take etc.

The Chairman –

Any questions?

Clause 25.

Question put and agreed to.

The Chairman –

Clause 26 is the power to carry out health measures in respect of people. Attorney General?

The Hon. Angelo Berbotto –

Yes, Clause 26 applies where a person requests the proper officer to carry out a health measure specified by the person in relation to a person at the port or aerodrome or other premises and the proper officer may carry or arrange for the health measure to be carried out.

The Chairman –

Any questions? No?

Clause 26.

Question put and agreed to.

The Chairman –

Clause 27 – Power to request information.

The Hon. Angelo Berbotto –

Yes, where a proper officer has written grounds to believe that a person, ship, aircraft or other thing could present a risk of spreading infection, the proper officer may request information if there are reasonable grounds to believe that there is information to assess, remove or reduce the level of risk presented. This clause details the information that the proper officer can request in relation to the person, ship or aircraft or other thing and if a person doesn't comply with the request that person commits an offence and the maximum penalty is a fine of £5,000.

The Chairman –

Thank you. That's Clause 27, any questions on Clause 27?

Clause 27.

Question put and agreed to.

The Chairman –

Clause 28 – Power to request accommodation.

The Hon. Angelo Berbotto –

Yes, this clause states that the Harbour Master must comply with any reasonable request made by a proper officer for suitable accommodation within the port to be made available to the proper officer for the purpose of exercising his or her functions under the Ordinance; and also the Aerodrome Operator must make available suitable accommodation, for instance, a room for quarantine and there is a penalty of £5,000 if the Harbour Master or the Aerodrome Operator fail to comply.

The Chairman –

So the Harbour Master is working for the Government, who pays the fine?

The Hon. Angelo Berbotto –

I can see why you, where you're getting.

The Chairman –

The penalty for the Harbour Master not providing accommodation is £5,000, the Harbour Master is employed by the Government of St Helena, who pays for the fine?

The Hon. Angelo Berbotto –

It depends if the Harbour Master is following the directions of the Government or if the Harbour Master is going on a frolic of his own, hopefully that is not a situation that will happen, the same with the Operator, at the moment the Operator is an independent, but he's contracted to provide services to St Helena in totality. The provisions need to be there because there may be an issue of emergency where there is, I don't know, a yacht or an aircraft chartered and there needs....., there are reasonable causes to suspect there is communicable disease and it may be necessary to carry out the checks of the entire aircraft or the entire yacht and that's why the provision, and that may be inconvenient because there's no space at the port or there's no space in the aerodrome, but by giving this power the Harbour Master or the Operator need to comply. Now if we give a power but we don't give a sanction we wouldn't be legislating effectively, so that is the reasons, that is the reason why the provision is there, because it needs to be very clear that if the officer, if the appropriate officer says we need to put this yacht there or here, we need to carry out this risk assessment, well, that has to be complied with. The consequences, if there is communicable disease on a yacht or on a private charter, for a small population like St Helena where one hospital only and we, in this piece of legislation, we're dealing with any communicable disease, it could be Avian Flu, it could be the Ebola virus, it could be something new that will affect some part of the world, so that is the reason for this provision, Mr Speaker.

The Chairman –

Thank you, Attorney General. Any questions on that? Councillor Lawson Henry?

The Hon. Lawson Henry –

I think we all know the location of the wharf, Mr Speaker, I'm wondering if any consideration been given now to the allocation of a suitable room where this function can be carried out, not let it happen and then be scrambling for somewhere for this work to be carried out. Thank you.

The Hon. Angelo Berbotto –

In relation to how the provision is drafted, accommodation may be interpreted as a space, not necessarily a room or premises, so my advice would be that we work with the wording as it is and then we ask the port authority what arrangements, if there are any, or what arrangements they propose to do.

The Chairman –

Yes, Councillor?

The Hon. Derek Thomas –

Yes, Mr President, the Health Officer can liaise with the Harbour Master to ensure that suitable accommodation is identified in the event it is needed. Thank you.

The Hon. Dr Corinda Essex –

Mr Speaker?

The Chairman –

Yes, Ma'am?

The Hon. Dr Corinda Essex –

On a point of information, room was identified within the current passenger terminal when the project was developed for the wharf for this purpose. I believe now it's been put to other use but I feel sure that it could be returned to the use for which it was originally constructed.

The Chairman –

Okay. Thank you. Any further questions on 28 and can we do 29 at the same time, please?

The Hon. Angelo Berbotto –

Yes, clause 29 provides that the proper officer must inform a Customs Officer where that proper officer exercises any functions under sections 8, 12, 13, 18, 22 or 26 in relation to a person or thing which affects the exercise or functions of the Customs Officer, so it's a reporting duty.

The Chairman –

Any questions on 29?

The Hon. Lawson Henry –

Just an observation, Mr Speaker. Throughout the Bill, most of its headings is on the bottoms of pages and the actual sections doesn't start on the following page and I think it might be convenient when they reprint that that is correct. Thank you.

The Hon. Angelo Berbotto –

Thank you.

The Chairman –

Okay, thank you.

Clauses 28 and 29.

Question put and agreed to.

The Chairman –

Part VII – False and misleading information, and we’ll take 30 and 31 together – Obstruction.

The Hon. Angelo Berbotto –

Thank you. So this part says that a person who intentionally or recklessly provides false or misleading information to a proper officer commits an offence and the fine is £20,000 and a person who obstructs, wilfully obstructs a proper officer who is carrying out a function under the Ordinance commits an offence and also it’s £20,000 fine and the reason why these are so high is because everybody will appreciate that if there is a risk of a communicable disease and somebody is either lying or not checking their facts properly when being asked for information will actually obstruct the prevention of the spread of disease, well, those have potential harm for the rest of the population, so that explains the high penalties.

The Chairman –

Yes.

The Hon. Gavin Ellick –

So, can I ask you a question? What happens if a person doesn’t have that, but is perceived to have a disease and the officer uses excessive force?

The Hon. Angelo Berbotto –

Sorry, can you say that again?

The Hon. Gavin Ellick –

What happens if a person who supposed to have a disease but doesn’t have a disease, but on the hearsay of somebody else the Officer suspects that he supposed to have a disease and the officer uses excessive force, what happens then?

The Hon. Angelo Berbotto –

Well, okay, so no Officer will use excessive force if the person cooperates, what....

The Hon. Gavin Ellick –

That aint quite true but then that’s alright, that’s your opinion, but that aint quite true.

The Hon. Angelo Berbotto –

Well, the procedure that is established under the Ordinance, let’s say that, for example, I am on a plane, I’m coughing a lot and the steward, the stewardess are concerned, they communicate that to the pilot, the pilot notifies St Helena because that’s what the Ordinance says. When I get off the plane I am greeted by the proper officers or health personnel and I said no, I’m fine, I’m fine and I don’t want to help with their risk assessment, well, and that, or I lie, well, in that case I would be liable, potentially liable under these provisions, but if there is a concern, especially if I checked, that I am coming to St Helena from an area that was affected by a disease, like, for example, the Ebola virus, so the expectation is that if the proper officer interacts with any passenger is that the passenger will cooperate, because it would be far too late if I carried the virus and then whoever I enter into contact with then gets ill because of my cause, that’s what these, that is why the penalties are so high, people need to help because the prevention of some disease, like I understand that Ebola can be carried, can be communicated very easily, other diseases are not, but the purpose of the entire Ordinance is to prevent a health issue on St Helena.

The Chairman –

Any further questions?

Clauses 30 and 31.

Question put and agreed to.

The Chairman –

Part VIII – Regulations and Clause 33 and 34 – Repeal of Legislation. Sorry, Derek?

The Hon. Derek Thomas –

Yes, thank you, Mr President. Here I will ask for an amendment to be made with the sections. In the index there is a mention of section 32, it's not contained in the body of the Ordinance, my understanding from the Attorney General's Chambers that section 32 will be incorporated in the Regulations, so there's no thirty..... that part in the index does not apply to the Ordinance here, so I'm asking, recommending an amendment that under Miscellaneous, 33 be 32 and where we have 34 that be 33 and under the Index under Miscellaneous what is section 32 be deleted from the Ordinance and the Regulations be replaced by section 33 and the Repeal of Legislation be replaced by, sorry, the Regulations be replaced by 32 and the Repeal of Legislation be replaced by 33. I think that's right, yes.

The Chairman –

Okay. You've got the amendments, everyone else has the amendments, there's no problem with the amendments, it's mainly on the figure side, is it?

The Hon. Derek Thomas –

Yes.

The Chairman –

Okay. Alright, how many amendments, is that one amendment or that's....

The Hon. Derek Thomas –

No, there's two here and if you're going to remove it from the Index it will then be three, Mr President.

The Chairman –

Okay. Any seconder for the amendments, please?

The Hon. Brian Isaac –

Mr Speaker, I beg to second.

The Chairman –

Thank you. Okay. So can I put the proposal to the floor then that these amendments as suggested, and I think you've got the amendments, 33 Regulations, Clause 33 be amended to 32, 34 be amended to 33 and the relevant measures taken in the Index, that's correct?

The Hon. Derek Thomas –

Yes. Mr President, just for clarification when I report back on the amendments, I know it is two as it stands, but the Index, if we take an Index it then becomes three, is it correct that we perhaps disregard the Index or we need to include the Index, because when I report back....

The Chairman –

Alright, the question is the index part of the Bill? It might not be, it might just be a lever into the Bill?

The Hon. Angelo Berbotto –

Yes, the changes are two, the Index is to assist the reader, but is not part of the Bill per se, so two amendments and.....

The Chairman –

Two amendments, it's two amendments, the Index is just adjusted accordingly.

Question on amendments, put and agreed to.

The Chairman –

Thank you, we resume into Council.

The Hon. Angelo Berbotto –

Now we need to actually cover what 32 and 33, now we actually have to cover what the clauses contain because we haven't done that, Mr Speaker.

The Chairman –

Oh, sorry, trying to jump the gun, I'm trying to push you on, but can't do that. Alright, so let's look at the clauses then, 32 and 33.

The Hon. Angelo Berbotto –

Clause 32 deals with the power to make regulations by the Governor in Council in relation to implementing this Ordinance and 33 repeals the Port (Health) Ordinance 1905 which is the law that currently regulates port health issues.

The Chairman –

Yeah. Alright, any questions on that? No questions?

Clauses new 32 and new 33.

Question put and agreed to.

The Chairman –

I'll go back into formal Council and the Bill is to be reported.

Council Resumed.

The Speaker –

Honourable Chairman?

The Hon. Derek Thomas –

Mr Speaker, I beg to report that the Port and Aerodrome Health Bill 2018 passed the Committee with two amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

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

The Hon. Brian Isaac –
Mr Speaker, I beg to second.

The Speaker –
Thank you very much. Honourable Mover, you may speak.

The Hon. Derek Thomas –
Mr Speaker, I'd just like to thank the Members for their support to this Bill. As we know, it is a necessary Bill to enable the Health Officers to carry out their work at the Aerodrome, that is necessary for the island, I would like to thank the Attorney General for going through the detail to the Bill and to Mr James Kellett and the Chief Environmental Officer, Georgina Young, who is in the gallery here, for their valuable contribution and support in putting the Bill together. Thank you, Mr Speaker.

The Speaker –
Thank you, Honourable Member. I put the question that this Council approves the Port and Aerodrome Health Ordinance, 2018, as amended, and recommends to the Governor that it should be enacted. Honourable Members, you're entitled to speak on the Bill and debate on the Bill at this time. Any further debate? No further debate. Honourable Mover, do you want to say anything further?

The Hon. Derek Thomas –
Mr Speaker, nothing further to say.

The Speaker –
Thank you very much indeed.

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

The Speaker –
Right, thank you, Honourable Members. Clerk, call the next item of business, please?

Motion No. 2 – The Honourable Acting Financial Secretary

THE FIRST SUPPLEMENTARY APPROPRIATION (2017/2018) BILL, 2018

The Hon. Nicholas Yon –
Mr Speaker, I beg to move that the First Supplementary Appropriation (2017/2018) Bill, 2018 be approved in principle and referred to a Committee of the Whole Council. I also formally confirm that this Motion is presented on the recommendation of the Governor in accordance with section 73(2) of the Constitution.

The Speaker –
Thank you very much, Honourable Member. Just looking after my papers. Okay, I have it. Thank you, Honourable Member. Okay. Is there a seconder to the Motion, please? Oh, sorry, you're giving me the paper, confirmation. Please put it on the table. Thank you.

Ordered to lie on the table.

The Speaker –

Thank you. Yes, now can I ask for a seconder?

The Hon. Angelo Berbotto –

I beg to second.

The Speaker –

Thank you. Okay, lost my track here a little bit. Thank you, Sir. I put the question, yes, where am I now? Speaker will speak to the Motion. Thanks very much, Roy.

The Hon. Nicholas Yon –

Thank you, Mr Speaker. Mr Speaker, the Constitution of St Helena provides that if in the course of a financial year it is found that the amount appropriated for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated, supplementary estimates showing the sums required shall be laid before the Legislative Council. The Heads of Expenditure contained in that estimate shall be included in a Bill which shall be introduced into Legislative Council to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure and the appropriation of those funds for the purposes specified in the Bill. The first Supplementary Appropriation 2017/2018 Bill, 2018 is here for consideration today. The 2017/2018 St Helena Government Budget was approved by Legislative Council early in this financial year and as part of the St Helena Government's financial management processes we require monthly updates from all Directorates and service areas on current spend and revenue collection for the month and their projections on their year-end position and throughout the year circumstances change and matters arise that was unexpected when budgets were set and as part of this process some Directorates have identified further expenditure needs. Where possible, some of these needs are funded from within current Directorate allocations, but there are some which cannot be supported from their current allocation, therefore, a need has arisen for expenditure for a purpose for which no amount has been appropriated as provided by the Constitution. These needs are detailed in the Supplementary Estimates laid at this formal meeting and the expenditure requested is necessary for the effective delivery of the public services. In total, Mr Speaker, the Supplementary Appropriation is for a total of £1.21m has been requested by six Directorates broken down as £879,000 for recurrent expenditure and £142,000 for capital expenditure and this is detailed in the Bill and the Estimates. Mr Speaker, it is planned to finance this Supplementary Appropriation through existing budget allocations where there are projected underspends or additional revenues have been generated for a specific purpose. To finance the Supplementary Appropriation, we plan to cover the additional expenditure through withdrawal of budgets from other budget heads as follows: Head 13 – Corporate Human Resources - £721,000; Head 19 – Economic Development - £115,000; Head 20 – Pensions and Benefits - £75,000; Head 22 – Education - £50,000 and also, Mr Speaker, there's additional revenue that is being generated under Head 26 – Environment and Natural Resources of £62,000 thereby covering the appropriation. So, Mr Speaker, I can confirm that there will be no withdrawal from the Consolidated Fund or the reserves to finance this appropriation. Mr Speaker, I would like to thank the Corporate Finance team, Directors and their teams for their hard work in pulling together this information to date, the appropriation, I'd like to thank our colleagues in DfID for their continued support to the financial aid and I also take this

opportunity to thank the Honourable Members for their consideration of this Bill and look forward to their support. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. I'm not too sure whether I put the question to suspend the Standing Orders to allow it to be held today, because under an Appropriation Ordinance you have to adjourn for another day and you should ask me that it's suspended. I think you did, but I did not put it to the Members. Do you wish this here to be suspended to deal with in the one day?

The Hon. Nicholas Yon –

Yes, Mr Speaker, I wish it to be suspended to deal with it today. Thank you.

The Speaker –

Okay, so Honourable Members, it means to lift the Standing Orders, to set Standing Orders aside so that the Bill can be dealt with in the same day.

Question on suspension of Standing Orders, put and agreed to.

The Speaker –

Thank you, Honourable Members, the Motion is now open to debate. Honourable Christine Scipio O'Dean?

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Mr Speaker, my understanding of a Supplementary Appropriation Bill is to appropriate funds for expenditure that is unforeseen for the financial year. The Estimates that has been presented to us, Mr Speaker, I have some concerns with. Mr Speaker, it appears that the Police Directorate did not budget for the transport recharges for a fire tender amounting to £18,000. Surely one must know that if you purchase a vehicle there will be associated running costs. The Police Directorate also made no provision for internet charges totalling £12,000. Mr Speaker, this is the core expenditure. What was the Police Directorate's intention as to how to communicate to the community without appropriate internet package? An additional £3,000 is being requested to ensure that the crane at Ruperts is operationally ready. Can the Honourable Mover advise what needs to be purchased to make this crane operational as I recall that when funding was approved by Executive Council reassurance was given that this crane will be certified and operationally ready prior to final payment. Mr Speaker, the Honourable Acting Financial Secretary mentions Head 13 of £721,000 as to say how the estimates will be funded. My understanding that Head 13 – Corporate HR is projected underspend on TC posts. May I ask the Acting Honourable Financial Secretary if there are any other Trading Accounts that is in deficit in relating to the TC posts? Mr Speaker, I do support the Appropriation Bill in principle but I have concerns which I hope that can be addressed at Committee stage.

The Speaker –

Yes, you did make a few questions inside there and this is not question time, but I take it that you're challenging the principles, so I accept it on that grounds. Any other person wishes to speak, please? Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, I welcome the Supplementary Appropriation Bill because supplementary appropriation is the correct procedure to follow as soon as any potential overspends or unexpected amounts of expenditure become known. Therefore, it is very encouraging that this has been brought before this Honourable House at this very relatively early point in the financial year and not right at the end of the financial year when we're starting to move towards looking at the appropriation for subsequent years. There are some issues within it which I think could have been identified and perhaps should have been identified by Directorates when they were doing their initial budgets, but that is a learning process and I hope that the relevant Directorates will learn the lessons and not repeat the same difficulties during the next round. I'm also very relieved that the Acting Financial Secretary has explained how the funding required to cover the supplementary appropriation is going to be derived. There are all sorts of rumours floating around at the moment, including the fact that St Helena Government is having to take out a loan from the Bank to the tune of £1.21m. These rumours are totally erroneous and they do a great deal of damage because they raise public concerns, they confuse constituents who are not aware of whether they should believe these rumours or not and they damage morale, so I commend the Honourable Acting Financial Secretary for clarifying the situation here this afternoon. Thank you.

The Speaker –

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

The Hon. Lawson Henry –

Thank you, Mr Speaker, I rise in support of the Supplementary Appropriation. I would also like to pay tribute to our Acting Financial Secretary for bringing it to the House at such an appropriate time. I take the points what my Honourable Friend to the right said, but these situations happen and there may be a number of reasons for it happening, one I can think of there was a change in the Head of Directorates in the last year and the important thing is it's been picked up now and now is the time for it to be done, so I fully support this Supplementary Appropriation Bill. Thank you.

The Speaker –

Thank you very much, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I, likewise, rise in support of the Supplementary Bill, this is the right way to go about this business. Looking at the detail, there are a number of items within the Bill that was beyond anybody's control and we simply couldn't, have no choice but couldn't avoid it and this is the proper way to deal with these issues, so I give my support to this Bill.

The Speaker –

Thank you, Honourable Member. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Mr Speaker, I rise in support of the Bill before the House today. I'm aware of the work that has been undertaken to bring it to this stage, I understand the Acting Financial Secretary are filling big shoes of the substantive holder whilst he's away, but it's not an easy task when you have to slip into that situation, but from my previous involvement with this build up to this Bill I would like to thank the Financial Secretary and his team and elected members who have supported this Bill. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Cruyff Buckley –

Mr Speaker, I rise in support of this Bill. It's been a long process with members trying to allocate and identify funding and some sacrifices were made, Mr Speaker. I would like to outline them at a later stage when we discuss the Bill. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak to the principles of the Bill? No-one wishes to speak to the principles of the Bill. The Honourable Mover?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. I thank Honourable Members for their comments and their support. I would just like to say, in terms of it being unforeseen expenditure, the supplementary appropriation process doesn't just provide for unforeseen expenditure, it covers any expenditure that's identified; it is the Special Warrant that covers unforeseen and urgent expenditure. There were other comments or questions that were raised, but I prefer to cover those in the Committee stage as each piece comes up. Thank you.

The Speaker –

Thank you, Honourable Member. I put the question that.....

The Hon. Gavin Ellick –

Excuse me, I try to say something....

The Speaker –

You had your chance before.....

The Hon. Gavin Ellick –

No, I was, but you didn't look up this way, you look that way so you didn't see me.

The Speaker –

You're telling me I missed you?

The Hon. Gavin Ellick –

Yes, Sir.

The Speaker –

Alright, if you told me I missed you I accept you telling me that.

The Hon. Gavin Ellick –

No, it's just that I

The Speaker –

Alright, I allow you to get in.

The Hon. Gavin Ellick –

Alright, I'm just quite confused. For the last....

The Speaker –

Will you stand up, please, and address the Council? This is principles, speaking on principles.

The Hon. Gavin Ellick –

Right. For the last four years, when we were doing Bills and monies and all that, I thought that these Bills were for unforeseen circumstances and I had that in my head all the time. Now to hear that it's not only for unforeseen circumstances this here has me worried, so we could, at any stage, decide that if we want any extra money for doing anything with, like helping old people, etc., we can say we need extra money because it will be about expenditure, so I rest my case.

The Speaker –

Thank you, thank you, Honourable Member. Alright, I put the question that the First Supplementary Appropriation (2017/2018) Bill, 2018, be approved in principle and referred to a Committee of the whole Council.

Question put and agreed to.

The Speaker –

Honourable Mover, move it for Council going into Committee, second page, top.

The Hon. Nicholas Yon –

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

The Speaker –

Thank you, Honourable Member. Is there a seconder?

The Hon. Angelo Berbotto –

I beg to second.

The Speaker –

Thank you very much, Honourable Member.

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

Council in Committee.

The Chairman –

The Speaker has moved into Committee. Because this is a money Bill, Appropriation Bill, we do it a little different to the ordinary Bills and we start with the Schedule first.

The Hon. Nicholas Yon –

Excuse me, Mr Chair. I'd just like to say that as we go through the Bill and different Heads, Accounting Officers are here so if there are any specific questions that I cannot answer then we might ask the Accounting Officer to come to the table. Thank you.

The Speaker –

No, that's very good. Please, you can ask them to come to the table. Right, so we start. I'll call the Heads. Heads of Expenditure, that's on your Schedule, Schedule I we're looking at now, we're dealing with Head 12 – Corporate Service – Support, Policy and Planning – standing in the sum of £47,000.

The Hon. Nicholas Yon –

Can I suggest, Mr Speaker, that Members also turn to Sessional Paper No. 17, it was laid today, those are the First Supplementary Appropriation Estimates.

Clerk of Councils –

Actually it's No. 7.

The Hon. Nicholas Yon –

Did I say? Oh, sorry, it's 7, I apologise with my numbers and if we can look at both documents at the same time then that will help to give the detail or the basis for each of the amounts requested.

The Chairman –

Yes, of course, good suggestion. Alright, so you want to explain then the Corporate Services – Support, Policy and Planning?

The Hon. Nicholas Yon –

Yes, thank you, Sir. So £47,000 is requested and this is due to the additional appropriation required to fund the legal representation costs associated with SHG appeal to the Privy Council and the Judgement given by the Court of Appeal of St Helena in a recent medical negligence case, so these are the costs of legal representation that has been requested of £42,000 and also expenses for the visit by a delegate of the St Helena All Party Group of £5,000 making a total of £47,000.

The Chairman –

Thank you very much indeed. Any questions on Head 12?

Head 12.

Question put and agreed to.

The Chairman –

Head 15 – Police, in the sum of £72,000.

The Hon. Nicholas Yon –

Thank you, Mr Chair. The amount requested under Recurrent Expenditure, £19,000 for salary increases and cadre increments that were approved after the initial budget was approved; there has been under budgeted for one fire tender under Transport Recharges of £18,000; the number of cases this year, this financial year, requiring overseas forensic analysis was higher than what was expected as part of setting the budget and the nature of those cases also dictate the extent of the analysis, so an additional £11,000 required. Original costing did not take account of the central internet charges of £12,000 and the costs associated with the crane MOT training visit to the island of £12,000. Thank you.

The Chairman –

Thank you. Happy now, Councillor Scipio O’Dean or?

The Hon. Christine Scipio O’Dean –

No, Mr Chairman, because I haven’t been given any explanations and I do know that the Acting Financial Secretary stated that the Director is in the building so I hope that the Director will be able to provide the questions I’ve already raised, Mr Chairman, unless you’d like me to repeat the questions at this stage?

The Chairman –

You can repeat the question to the Financial Secretary.

The Hon. Christine Scipio O’Dean –

Okay, my first question, my concern is the transport recharges for the Fire Tender of £18,000, if an explanation as to why that was not budgeted for knowing that a request had been put in for a fire tender?

The Chairman –

Yes, you may bring your chair up and assist the Financial Secretary.

The Hon. Nicholas Yon –

Thank you, Mr Chair. In answer to the question, basically when preparing the budget this wasn’t taken into account, taking into account also the fire tenders that were purchased as well, I think there is an error in the calculation that was used to be able to build the budget, so this really is just an error that occurred at the budget stage which now needs to be corrected.

The Chairman –

Thank you, Honourable Member.

The Hon. Christine Scipio O’Dean –

My next question, Mr Chairman. Thank you for reminding me that my mic isn’t on. The next question, Mr Chairman, is the internet charges of £12,000, it’s stated here in front of me that original costing did not take into account of central internet charges of £12,000, so does this mean that no budget at all was included for the internet or is this, was this under forecasted?

The Chairman –

Financial Secretary?

The Hon. Nicholas Yon –

Thank you. There is a budget that exists so it was budgeted for, but with the new service that was provided with the fibre optic cable through the street there is additional expenditure required to have that internet service provided to the Police Directorate.

The Hon. Christine Scipio O’Dean –

Can the Police Directorate advise what the total charges for internet was then if we need to add £12,000 to it, what is the total?

The Chairman –

I think that might be difficult to ask the Police Office at the moment, what is the total, this is now supplementary, we're asking for more money than the total so he'll have to go back to his main budget to be able to give you the total, maybe? Maybe it's a difficult question, but if you can answer it, answer it.

The Hon. Nicholas Yon –

No, I agree, Mr Chair, that it is difficult for us to say without the detailed Police budget here with us.

The Chairman –

I expected it to be.

The Hon. Christine Scipio O'Dean –

Out of respect, Mr Chairman, I had already highlighted to the Acting Financial Secretary that I had concerns about this particular Head, if you're asking for £12,000 extra, surely you'd know what the original is, how did you determine extra £12,000 if you don't know what the original budget is?

The Hon. Nicholas Yon –

Still, Mr Chair, I don't have that information to hand.

The Chairman –

You've answered. Yes?

The Hon. Christine Scipio O'Dean –

I will move on then, Mr Chairman, if I may?

The Chairman –

Yeah.

The Hon. Christine Scipio O'Dean –

Mr Chairman, I've been asking since November what was the total crane MOT Trainer's visit, I contacted the Police Directorate, Enterprise St Helena, I also contacted St Helena Community College. The request made by the Police Directorate is £12,000 but I had asked what the total cost of the Trainer's visit was?

The Chairman –

Can you answer?

The Hon. Nicholas Yon –

Thank you, I can answer that. This is the total cost for the Trainer's visit that is their fees for training, but also travel costs and accommodation etc.

The Hon. Christine Scipio O'Dean –

Mr Chairman, my understanding that Enterprise St Helena was making a contribution to the total cost, so, for instance, if the total cost is £12,000, because I believe, Mr Chairman, that individuals from the private sector participated in this Crane MOT training and that Enterprise St Helena, I do have it in writing, that Enterprise St Helena is part funding this Trainer's visit, so if the total is £12,000, then why are we asking for £12,000 here?

The Chairman –
Financial Secretary?

The Hon. Nicholas Yon –
At this moment we do not know how much will be refunded, that discussion is still ongoing.

The Chairman –
Okay.

The Hon. Christine Scipio O’Dean –
For public information, Mr Chairman, I’ve been asking this information since November last year.

The Chairman –
Right. Any further questions? No further questions.

Head 15 – Police - £17,000.

Question put.

The Chairman –
Have I gone wrong? £72,000, yes, sorry, £72,000, yes, that’s the figure on your book, I want to make sure that’s right, £72,000. Head 17, that’s where I’m getting mixed up.

Head 17 – Corporate Services – Corporate Finance, £169,000.

The Hon. Nicholas Yon –
Thank you.

The Hon. Christine Scipio O’Dean –
Sorry, Mr Speaker, Mr Chairman, with the Head 15, the Police, I heard some Yea’s and some Nay’s, could I ask for a division?

The Chairman –
Well, I didn’t hear a division when I called it, it was just.....

The Hon. Christine Scipio O’Dean –
Well, I heard some Noes.

The Chairman –
Okay, well put up your hand and let me hear you next time. Was there a division on the Police estimate?

The Hon. Christine Scipio and Others –
Yes.

The Chairman –
There was a division, there was a division. Those in favour say Aye, let me hear you. Those of contrary opinion No. The Ayes have it unless you call a Division.

The Hon. Christine Scipio O’Dean –
I asked if I can call a Division.

The Chairman –
There is a Division being called, take stock, please?

Division Claimed

Ayes	Noes	Abstentions
Hon. Lawson Henry	Hon. Christine Scipio O’Dean	
Hon. Derek Thomas		
Hon. Anthony Green	Hon. Clint Beard	
Hon. Cruyff Buckley	Hon. Gavin Ellick	
Hon. Dr Corinda Essex	Hon. Kylie Hercules	
Hon. Brian Isaac		
Hon. Cyril Leo		

Clerk –
That’s seven Yes’s and four Noes.

The Chairman –
The Ayes have it, the Ayes have it.

Clause 17 – Corporate Service Corporate Finance, standing in the sum of £169,000. Financial Secretary?

The Hon. Nicholas Yon –
Thank you. So under this particular Head, if I can just explain that in Corporate Finance budget there has been, in addition to projected overspends on certain budget lines, it’s also been projected underspends on certain budget lines and therefore we have requested the difference in the Supplementary Appropriation today. To help Members understand which lines are over we’ve also provided in the Supplementary Appropriation Estimates a little detail as to which lines are over, so if I can just talk through those. So the ASSI, which is the Air Safety Support International Regulatory fees of £270,000; there is Public Sector Pensions, that’s the pension contributions that SHG makes on behalf of employees, requires an additional £105,000 this year; there’s additional subsidy requirement for Connect St Helena following the six-month delay in the implementation of revised water tariffs of £73,000; an additional funding required for the Fibre Optic Link that is a contribution to the cost centrally from Corporate Finance; there’s also increased Audit Fees, MOU Audits and Value for Money and Performance Audits for the year of £18,000; there’s salary increases and allowances for Corporate Finance staff that were approved after the budget was set of £23,000; an additional Security Officer at the wharf of £7,000 and works required on the crane at Ruperts to ensure that it’s operationally ready of £3,000, so all of that expenditure, Mr Chair, less the underspends that we have projected in our budget means that we require an additional £169,000.

The Chairman –
Any questions, please? No questions, then I put the question.

The Hon. Christine Scipio O’Dean –

I had a question earlier, Mr Speaker, about the Crane. There is a request for £3,000 to ensure that it is operationally ready, if the Acting Financial Secretary can explain what is meant by, what is required, I should say, Mr Chairman, to ensure that the Crane is operationally ready?

The Chairman –
Financial Secretary?

The Hon. Nicholas Yon –
Thank you. We had to be able to spend some additional monies to get it operationally ready, so we installed rooster sheave and this now allows us to use two hooks without the hooks getting tangled and also installed a big hook block and this has increased the lifting capacity from 23 tons to 90 tons and we also installed a new, longer, hoist rope to enable us to use the big hook block. Those costs, some of them were covered from within certain budgets within the Directorate budget, but there's an additional £3,000 that we require to make sure that we cover all our costs, so that's the works that were done.

The Chairman –
Okay, Councillor? Kylie?

The Hon. Kylie Hercules –
Thank you, Mr Chair. Just an observation, Mr Chair, this is the second time now that we've been through a salary increases which was after the budget had been set, I wonder if, in going forward, if we can ensure that if there are to be salary increases that this is taken into consideration prior to the budget being set so as we don't have to do this time and time again, Mr Chair? Thank you.

The Chairman –
Thank you for your question.

The Hon. Nicholas Yon –
I can answer that, Mr Chair. This is a necessary process because when the budget is set during the year, so, for example, if I use the next financial year as an example, we're going through that budget process now, so we look at our current staff complement, where they are and what those costs are, but if during the year there was a review of the job and the salary had to increase, for example, or there was something of that kind of nature then that is infected in as part of the overall Directorate budget at the beginning of the year. Corporate Finance holds a central pot for other employee costs and so if there is an amendment required to salary budgets then we'll take that from the central pot, so I understand your point, take your point, but in some cases it is necessary that we have to do these changes. Thank you.

The Chairman –
Thank you. Honourable Lawson Henry?

The Hon. Lawson Henry –
Just so's we understand the term 'central pot', Mr Chairman, perhaps for the benefit of us and particularly the listening public, perhaps the Acting Financial Secretary should explain 'central pot'.

The Hon. Nicholas Yon –

Thank you, I can do so. So in the year we anticipate that there will be staff costs or other employee costs that need to be funded throughout the year, so, for example, the Cadre reviews, so we don't know at the beginning of the year, so Corporate Finance holds a, I call it a central pot, but there's a central budget then, that we hold centrally to cover all Directorates, any changes for all Directorates and that's released as and when required, so rather than each Directorate inflating their budgets with salary provisions that might not be used we hold a central budget line in Corporate Finance and this is then distributed through the Supplementary Appropriation process throughout the year.

The Chairman –

Alright, thank you very much for that. Any further questions? Councillor Buckley?

The Hon. Cruyff Buckley –

Yes, Mr Speaker, I don't know if it's been missed by the Acting Financial Secretary as capital expenditure under Head 17 which.....

The Hon. Nicholas Yon –

Thank you, we will....

The Chairman –

We will deal with that later. Capital Expenditure.....

The Hon. Nicholas Yon –

Schedule I deals with the Recurrent and then we'll come to the Capital.

Head 17 – Corporate Services, Corporate Finance - £169,000

Question put and agreed to.

The Chairman –

Head 21 – Shipping.

The Hon. Nicholas Yon –

Thank you. This additional cost, budget provision, sorry, is made for the additional cost of the recent dry-dock works to the RMS St Helena over and above the budget that has been approved this year. The additional work related to the prop shaft and thrusters and also to painting works. Though this expenditure has been incurred now, the benefit will be received when the sale of the RMS takes place and a better price is received, achieved as a result, so it is necessary expenditure in this financial year to cover those costs of the dry-dock.

The Chairman –

Okay. Any questions?

Head 21 – Shipping – £320,000.

Question put and agreed to.

The Chairman –

Head 26 – Environment and Natural Resources in the sum of £159,000.

The Hon. Nicholas Yon –

Thank you. The £159,000 requested is broken down as follows:- there's localization of a post - £45,000; there's the cost of works carried out by the Roads Section for Connect St Helena and this will be funded through additional revenues received, which I alluded to earlier; there were emergency repairs to roads at Ladder Hill and Sandy Bay that has required £33,000; the Airport Met Forecasting Services required over and above the contracted requirements was an additional £19,000 and the costs associated with LEMP activities also is additional costs but will be funded by additional revenues received. Thank you.

The Chairman –

Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Chair. Just for clarity here, under the costs of works carried out by the Roads Section for Connect St Helena, will be funded through additional revenue received - £48,000, how is it envisaged that this revenue will be received?

The Hon. Nicholas Yon –

Thank you. So basically, Connect had a project whereby works were required to repair some roads and so the Roads Section completed that work for them. As part of the St Helena Government processes we have to, even though we've received revenue from Connect to cover this cost, under our law we have to appropriate that money from the Consolidated Fund or get permission to appropriate money from that Consolidated Fund, so the revenues have been received or will be received, but this is the process by which we get permission to take that same money and to spend on that project.

The Chairman –

Yes, Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Just a question on that, Mr Speaker, will that ring true for all external companies?

The Hon. Nicholas Yon –

Thank you. I think in this particular piece it mentions Connect St Helena in particular because they made up most of that cost, but I believe that there were also some other smaller ones as well, so it would apply across the board, yes.

The Chairman –

Thank you. Any further questions before I put the question?

Head 26 – Environment and Natural Resources - £159,000.

Question put and agreed to.

The Chairman –

Head 29 – Safeguarding - £112,000.

The Hon. Nicholas Yon –

Thank you. The majority of this amount requested of £90,000 relates to the Cadre Review that took place in Safeguarding during the year and this is the additional funding that they require

to implement that Cadre for CCC staff. Also, an additional £22,000 is required for Home Helpers and Carers allowance over and above the approved budget.

The Chairman –
Any questions?

Head 29 – Safeguarding - £112,000.

Question put and agreed to.

The Chairman –
So let's put that whole section, Schedule I.

Schedule I - £879,000.

Question put and agreed to.

The Chairman –
Schedule II – Head of Expenditure – Capital Expenditure. Head 15 – Police, the sum of £40,000, now you're dealing, Councillor Buckley, with the Capital Expenditure. Head 15 – Police - £40,000.

The Hon. Nicholas Yon –

Thank you. This request for capital expenditure is that the current passport system is now obsolete as the blank passports used by the system is no longer made, therefore a new passport system is required, the software needed to link St Helena Immigration with World Reach and associated IT Hardware to link St Helena Immigration with World Reach and HM Passport Office in the UK as the requirement of £40,000.

The Chairman –
Any questions? No questions.

Head 15 – Police - £40,000.

Question put and agreed to.

The Chairman –
Head 17 – Corporate Services – Corporate Finance - ££53,000.

The Hon. Nicholas Yon –

Thank you. This capital expenditure is required as a contribution towards the Swimming Pool Refurbishment and Upgrade works. The cost for the refurbishment/upgrade works were covered from a number of areas, from the local contribution to the capital programme, also later on we'll be looking at Environment and Natural Resources and also there's a contribution centrally from Corporate Finance of £53,000.

The Chairman –
Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I was wondering, Sir, I keep hearing about more money for the Swimming Pool, so I'm wondering that it's now open that we have a first class Swimming Pool that can do just about anything for us, because every time I turn round look you're always getting additional funds for the Swimming Pool and I don't see no great, I see that they've done a good job on it, what all this money is allocated for, because I wonder if the Swimming Pool, they say it's got heating and everything else in it, I've never seen a Swimming Pool like that before, so is this true, that all this money goes into this here, or can you give me an outline what the Swimming Pool is finished and what it looks like now?

The Hon. Nicholas Yon –

Thank you. The works on the Swimming Pool have finished, I'm not sure what you mean by the heating, but I don't think there's any heating in the Swimming Pool. A lot of the works were to do with actually the piping and the filtering system that was required. In addition to that as they uncovered the issues with the piping works were then done to the paving around the Swimming Pool and also to the Changing Rooms, also to upgrade that all at the same time to make sure that when it does open, as it is now, then it will be ready for the public to use.

The Hon. Gavin Ellick –

Okay.

The Chairman –

Okay. Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Yeah, I share Councillor Ellick's concerns as well. I was wondering, Mr Chair, the sum of £53,000 under Corporate Finance and also another sum of £49,000 which is just around £100,000 it seems quite wayward from the original predicted budget, I don't know if the Acting Financial Secretary can tell me how much to date has been spent on the Swimming Pool and how far in percentage terms was it of the proposed budget?

The Hon. Nicholas Yon –

I can, I'll just get my papers. So to date over the financial year 16/17 and 17/18 we have spent £181,000 on the refurbishment, pipeworks and for the Swimming Pool and it was estimated to be more than that amount, so it hasn't come in as high as we expected it to and as the project developed various parts of the project had to be done, or additional works then had to be done to ensure we were able to open the Swimming Pool now.

The Hon. Cruyff Buckley –

Thank you.

The Chairman –

Yes, okay. Any other questions? Councillor Scipio O'Dean

The Hon. Christine Scipio O'Dean –

Thank you, Mr Chairman. Acting Financial Secretary, I believe that there is still some work that is ongoing, still needs to be completed at the Swimming Pool, so can you advise if those associated costs is already included in the £181,000 or do we need additional funding for this other works to be completed?

The Hon. Nicholas Yon –

Thank you. No, those costs aren't in the £181,000, because the £181,000 is expenditure to date, so the other elements of that will be paid out as and when those parts are completed, but the request being made now in the Supplementary Appropriation and the budget that has already been approved, as far as I'm aware, will cover those costs.

The Hon. Christine Scipio O'Dean –

Thank you, Mr Chairman.

The Chairman –

Thank you. Honourable Gavin Ellick?

The Hon. Gavin Ellick –

So it would be safer to say that if we had a new built swimming pool we can do it for less?

The Chairman –

Is that a wild statement?

The Hon. Gavin Ellick –

I think it can go down as that, but that's the way I feel about it, Sir.

The Chairman –

Alright, I know how you feel, but you have to make your statement set within, especially in Council like this. Alright.

Head 17 - £153,000.

Question put and agreed to.

The Chairman –

Head 21 – Shipping - £49,000.

The Hon. Nicholas Yon –

Thank you, Sir. I'd like to say now that there is an error in the Bill in that we've requested money under Head 21 – Shipping of £49,000 actually should be Head 26 – Environment and Natural Resources of £49,000 that corresponds with the Estimates, therefore, Mr Chair, I propose to reduce Head 21 – Shipping of £49,000 down to zero as an amendment.

The Chairman –

Down to zero. Are you doing anything else or...

The Hon. Nicholas Yon –

Or I'm not sure if it can be deleted and I would like to add in another line, Head 26.

The Chairman –

Why don't you delete that line and then insert another?

The Hon. Nicholas Yon –

I change my proposal, Mr Chair, and I propose that we delete line in 21 – Shipping - £49,000 in its entirety.

The Chairman –

Okay. The proposal is that the Shipping Head 21 be deleted in its entirety and?

The Hon. Nicholas Yon –

And substitute it by Head 26.

The Chairman –

By Head 26.

The Hon. Nicholas Yon –

Environment and Natural Resources in the amount of £49,000.

The Chairman –

You put in the same amount, is it?

The Hon. Nicholas Yon –

Yes.

The Chairman –

Okay.

The Hon. Nicholas Yon –

Thank you.

The Chairman –

So, is there a seconder to that amendment?

The Hon. Angelo Berbotto –

I wish to second.

The Chairman –

Thank you very much.

Question on amendment, put and agreed to.

The Chairman –

So we have amended that and now I'll take that Head, Head 26 under Schedule II – Environment and Natural Resources standing in the sum of £49,000. Financial Secretary?

The Hon. Nicholas Yon –

Thank you. This cost, very similar to the one for Head 17 – Corporate Services – Corporate Finance, this is the cost of materials for the works at the Swimming Pool that was not budgeted as part of the approved budget.

The Chairman –

Okay. Honourable Councillor Ellick, yes?

The Hon. Gavin Ellick –

Did the Financial Secretary say, is this for the central heating for the winter?

The Hon. Nicholas Yon –
No, Mr Speaker.

The Chairman –
Honourable Christine Scipio O’Dean?

The Hon. Christine Scipio O’Dean –
Thank you, Mr Chairman, can the Acting Financial Secretary tell us what is the total cost, previously he mentioned about cost expenditure to date, but there are works that’s ongoing, what is the total budget for the Swimming Pool renovations?

The Hon. Nicholas Yon –
Thank you. The total budget requested is £208,000 for all the different elements – Corporate Finance, local element of the Capital Programme and ENRD.

The Chairman –
Alright. Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –
Thank you, Mr Chair. I will ask an associated question. What steps does St Helena Government have in place to ensure that costs are fair and competitive and that we are not being charged over the odds for any elements of the projects that have been delivered?

The Chairman –
Honourable Financial Secretary?

The Hon. Nicholas Yon –
Thank you. We have Project Managers in place for those projects. There is also the tendering process that we go through to ensure that we achieve best outcome for the project.

The Chairman –
Okay.

The Hon. Dr Corinda Essex –
Are bills of quantity and detailed cost estimates drawn up at the outset?

The Hon. Nicholas Yon –
Yes, these are required as part of our processes. I can’t speak for this particular project because I haven’t been involved, but that is part of our processes.

The Hon. Dr Corinda Essex –
What further evaluation is taken on the completion of projects to ensure that value for money has been achieved?

The Hon. Nicholas Yon –
Thank you. We make sure that we look at the deliverables, so whatever was required to be delivered and the outcomes that we put as part of the business cases we assess whether those outcomes and deliverables have been achieved.

The Chairman –

Okay.

The Hon. Dr Corinda Essex –

Although I will not vote against the Supplementary Appropriation request that is before us today, I do have concerns about the controls on project expenditure and on their application and that's a matter that I will be raising in Public Accounts Committee at the appropriate time, so I give due notice.

The Chairman –

Thank you. Any other questions?

Head 26 – Environment and Natural Resources - £49,000.

Question put and agreed to.

The Chairman –

I put the total of £142,000 under Head of Expenditure – Capital Expenditure in the sum of £142,000.

Question put and agreed to.

The Chairman –

Alright, Honourable Members, now you tell me if you need a break or whether you can finish this off first? I'll finish this off, I finish it off you say? Yes.

Right, then let's go back to the main thing, I will return to the table and the Bill is to be reported.

Council Resumed.

The Chairman –

Alright, Honourable Mover? Oh, sorry, there is one part I see you worrying about, I see we have to go back to the original. Well done, yes, we go back to the original while I'm still back in Committee, please, if you don't mind, I omitted to give you, thank you, Clerk, give you a bit of exercise to do. We're taking the main Head of the Bill, so I got to put to you now the Title, the Enacting Clause and Clause 1, I put the question that they do stand part of the Bill.

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Chairman –

Clause 2. Just want to make a mention on Clause 2 or you want to comment any more on Clause 2?

The Hon. Nicholas Yon –

Just to say that Clause 2 is the total of the Schedules I and II.

The Chairman –

The total of both sections, Clause 2.

Clause 2.

Question put and agreed to.

The Chairman –

Thank you. Now, do you want a break at this stage or continue? The next one will take us a short time, is it? We got Adjournment Debate coming. Oh, sorry, haven't I finished. Oh no, you have to report back. Yes, of course. Okay, Nicholas, will you do the reporting, sorry about that.

The Hon. Nicholas Yon –

Mr Speaker, I beg to report that the First Supplementary Appropriation (2017/18) Bill, 2018 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. A seconder is unnecessary in this one. So the question is to be put. Question that the Council approves the First Supplementary Appropriation (2017/18) Bill, 2018 and recommends to the Governor that it should be enacted, put and agreed to.

The Speaker –

Alright, now we can adjourn for a little break. Thanks for that. Council is suspended, ten minutes please.

Council suspended.

Council Resumed.

The Speaker –

Thank you. Yes, Clerk?

Motion No. 3 – The Honourable Acting Financial Secretary.

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, I beg to move that this House approves the terms and conditions of the St Helena Government Guarantee to the Bank of St Helena Limited as laid before Legislative Council. I formally confirm that this Motion is presented on the recommendation of the Governor in accordance with section 73(2) of the Constitution.

The Speaker –

Please, ordered to lie on the table.

Ordered to lie on the table.

The Speaker –

Honourable Members, on this guarantee which Honourable Members have been through and have had copies of it, I propose to proceed on this as an ordinary Motion. Right, Sir. Secunder?

The Hon. Angelo Berbotto –
I beg to second, Mr Speaker.

The Speaker –
Thank you very much indeed. Thank you, Mover?

The Hon. Nicholas Yon –

Mr Speaker, in December 2017, St Helena Hotel Development Limited approached St Helena Government requesting support in the form of a guarantee for a loan application of £500,000 that they made to the Bank of St Helena Limited. The guarantee requested from St Helena Government is for a value of £500,000 thereby guaranteeing the entire loan. The Company's Loan Application to the Bank was a business decision made by the Company to ensure that they had the finances to meet their business needs and their application to the Bank is a business transaction between the Bank and the Company. Section 14 of the Public Finance Ordinance provides that a guarantee can be provided by St Helena Government so long as the terms and conditions of the guarantee is laid before Legislative Council and have been approved by a resolution of the Council. The terms and conditions of this proposed guarantee as being laid as Sessional Paper No. 5/2018 and details the value, duration and other terms of the guarantee. Mr Speaker, I would like to clarify and correct for the record a recent media report on this Motion. I would like to clarify that the St Helena Government has been requested to provide a guarantee to the loan from the Bank. This is not a request to withdraw funds from the Consolidated Fund, neither is this additional investment in the Company by SHG and neither is this a loan from SHG. Mr Speaker, a guarantee is essentially a promise, a promise to the lender that if and only if the borrower is unable to make a repayment then St Helena Government will cover that repayment amount. It is only in this event, Mr Speaker, that there is a call on the revenues of St Helena and will be covered through either the budget process or the Consolidated Fund where appropriate. Mr Speaker, I would like to also emphasise that the loan application made by St Helena Hotel Development Limited is pending a decision by the Bank of St Helena Limited who has their own internal processes, procedures and regulations to follow around the consideration of loans, including this loan application. I would like to confirm that a guarantee will not be signed unless confirmation is received from the Bank of St Helena Limited through the Company that the loan is approved in principle, subject to the guarantee. If the Bank does not approve the loan a guarantee will not be required. Mr Speaker, back in May 2016, St Helena Government took the decision to support the building of a hotel in the absence of any investor, international or local, coming forward to do so and signed a guarantee on behalf of St Helena Hotel Development Limited for £1m loan from the Bank of St Helena. Also, in December 2017, St Helena Government signed a guarantee on behalf of St Helena Fisheries Corporation in respect of future debt with Connect St Helena Limited of up to £100,000. This brings the total value of guarantees against the Consolidated Fund up to £1.1m. I can confirm that to date neither guarantee has been called upon and remains a promise against the Consolidated Fund with no funds having been withdrawn from the Consolidated Fund to date in respect of those guarantees. Mr Speaker, Honourable Members are understandably concerned about the risks of agreeing the terms and conditions of this guarantee and the impact that this could have or potentially could have on the finances of the Government. These are legitimate concerns. However, St Helena Government will be putting in place mitigating measures to manage this risk with the Directors of St Helena Hotel Development Limited and will put in place measures and conditions on the Company which will be developed with and agreed by elected members as part of this process. Close monitoring of revenue projections must take place as the hotel develops and the business grows and the hotel begins to make the revenues that can support the repayment plan for their debt finance, the risk

of this guarantee being used is lowered and eventually eliminated when the loans are fully repaid. Apart from the risks to Government finances, there are equally significant risks to the future viability, financial viability and liquidity of the Company if the guarantee is not given. The risk is that the hotel could potentially close with the loss of jobs that have been created there and the investment made to date could potentially be lost. This will have significant economic implications for St Helena in building a sustainable economy and taking full advantage of the benefits of air access. Mr Speaker, as stated earlier today, it remains the intention of this Government to divest itself of the investment in St Helena Hotel Development Limited when the time and conditions are appropriate and right to do so. Mr Speaker, I would like to thank Honourable Members this afternoon for their consideration of this Motion and look forward to their support. Mr Speaker, I beg to move.

The Chairman –

Thank you, Honourable Acting Financial Secretary. The Motion is, Honourable Members, that this House approves the terms and conditions of the St Helena Government Guarantee to the Bank of St Helena Limited as laid before Legislative Council. Honourable Members, the resolution or the Motion is now open to debate. Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker. Mr Speaker, Honourable Members, I rise in support of this Motion and I would like to thank the Honourable Financial Secretary for his detailed exposition outlining the history of the development and where we are to date. I should also like to begin by paying tribute to the three Directors of the Hotel, because they have shouldered the responsibility of this difficult decision over a number of years. They have done so without any remuneration, they have done so because they, like many of us, saw the gap in the market that needed to be filled if St Helena has to benefit from the huge investment made in the airport. I will be looking for the Financial Secretary to respond to some of the issues that have been brought, at least to my attention, by members of the public. I'd like to acknowledge here today the concerns of the public, it is right to do that. I also thank the Honourable Acting Financial Secretary for the way he explained how the guarantee will operate. I think members of the public has been totally misled by a certain press report over how this guarantee will work in practice, there is no money exchanging hands. No-one wants to see this hotel close; it needs to fulfil the purpose for which it was initially agreed for and that is because there was a gap in the market. However, in going forward, I think there is some lessons that need to be learnt. I start this exposition by paying tribute to the three Directors, but I do believe that the public's concerns over the closeness of these key posts, in particular the position of the Financial Secretary to the hotel and subsequently as a member of the Board of our St Helena Bank. This is not a criticism, I believe this is legitimate concerns that the public have. I believe that as elected members we have raised these concerns too, these concerns have likewise been raised by the Public Accounts Committee. The time is right now for SHG to correct this to allay many of the rumours and accusations that has been put towards these Directors. We are putting them in a position of conflict and we should now address that and I would ask the Acting Financial Secretary to respond to this. These are legitimate concerns that has been raised by the public. I also think that in the spirit of openness and transparency and to protect those three Directors that at a stage in the future or, more importantly, perhaps to be done soon, that there should be a full, independent audit of the processes and the management of the hotel so far. This should be done to give transparency and impartiality to the Directors. I think it is also very important, Mr Speaker, that the exit strategy, the basis of which was agreed by Executive Council in May last year, should be finalised and made public to give the public the confidence that such a strategy is in fact in place and I do, however, recognise that the implementation of

this strategy is about careful timing, but I believe that if the strategy was approved and published it will take away some of the concerns that the public is allaying about SHG's real intention.

Mr Speaker, I mentioned earlier about a gap in the market. The Acting Financial Secretary also raised the risk. When we were asked to provide the loan and the guarantee previously we were in a different place with the island's Consolidated Fund. We are in a very different place today with this Consolidated Fund and I do see that the risk for SHG is higher because of the amount that we got in the Consolidated Fund. When the business case was signed off for our airport there was a gap about enabling infrastructure. We went to the market to see if anybody would build a hotel or hotels in St Helena. The message back from all the big and the key players was that St Helena is a remote, isolated island and it is untried and untested. What they were telling us was that if you're going to spend a huge amount of money on an airport you cannot do that if you do not put the enabling infrastructure such as hotels. There was a conversation between the former Council and a former Minister in DfID about this issue. We took the decision initially on the basis that we would be supported by DfID. So far in the whole of this process we have not had any conversations with DfID at a ministerial level to report back that we rose to the challenge when there was a gap in the market, we expect them now in the spirit of the partnership values in our Constitution to give us the support that we need. If the Bank do not approve the loan, SHG have to have a plan how we going to provide funding for the hotel. I believe at a very early stage after today that we should have those ministerial talks with DfID, it is absolutely important. This little tiny island and its Government rose to a challenge and a gap in the market left by the weakness in the original business case for the airport, so I will expect now that the support that we lend when the gap was in the market that we have filled, that we will get the support now from them in the spirit of partnership. Thank you, Mr Speaker, I beg to move and support this Motion.

The Speaker –

Thank you, Honourable Member. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. First of all, I declare my interest, I'm in the rental business, although my business is not associated with this request. Nevertheless I will declare it.

Mr Speaker, I give my support to this guarantee, the decision to construction a five-star rating hotel in 1, 2 and 3 Main Street was taken on the basis of our airport. We all know that a concentrated effort was made by all relevant stakeholders to try and attract an investor to engage in such an essential facility. No-one was willing to come forward and take up this offer hence St Helena Government took the decision to invest to a hotel, 1, 2 and 3 Main Street. With the airport, the intention is to stimulate and grow our economy through tourism and possible investment. With that in mind we expect tourists from all ranges, those seeking the cheaper type of accommodation to the high end tourists who will expect to see a five-star rating hotel. The costs of building the hotel were hit by Brexit and the consequent exchange rate fluctuation which is beyond anybody's control. Nobody expected this to happen and as a result there is the outstanding bill to be paid to the construction company of the hotel. What is important, this amount of money is not coming from St Helena Government. St Helena Government is not being asked for any money, this is a guarantee, a promise, to pay the loan repayments should the hotel find itself in position in not being able to make the loan repayments. There is a risk we have to manage and mitigate, the risk part of which is to work harder to get more people to visit St Helena which will not only benefit our hotel but also other business operators on the island who have invested heavily as well. The hotel has only been operating for a relatively short period, it is still a brand new company and we have to allow for

growth like any new business, we are not going to see results straight away. At this time, we should be supporting the hotel and giving it sufficient time to develop, we cannot expect to attract high end visitors without a high end hotel facility. What we should be doing is working with the British Government to push for more flights than the weekly flight bringing more tourists to the island which will benefit not only the hotel but other business as well.

Finally, Mr Speaker, there is a level of public concern surrounding this issue which should not be ignored. The concern should be evaluated and addressed and where necessary the public made aware. Mr Speaker, I give my support to this Motion, to the guarantee to the Bank of St Helena Limited for a loan to St Helena Hotel Development. Thank you.

The Speaker –

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

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I first declare my interest as President of the St Helena Chamber of Commerce. The extent of public concern regarding the whole 1, 2, 3 Main Street hotel project should not be underestimated, and note that I do not refer to the Mantis Hotel, because I was never in favour of that title because it implies that Mantis owns the hotel which we all know it does not, so I will continue to call it 1, 2, 3 Main and the current undesirable financial situation however justifiable it may be has only fanned the flames of public opinion once again. It cannot be denied that St Helena Government should not usually be competing directly with the local private sector and this is a key reason why a clear exit strategy has been developed to ensure that the hotel situated at 1, 2, 3 Main Street transfers to private ownership as soon as is viable. Honourable Members do not need reminding of comments that I've made previously in this House about the need for an exit strategy and I am very pleased that progress has been made on that front. There is also much bitterness, particularly within competing businesses that 1, 2, 3 Main has been established at what is perceived to be an unfair advantage because Government is currently the sole owner. These concerns are understood. However, St Helena Government had little option. As the Honourable Acting Financial Secretary and my Honourable Friends have already indicated, no local or inward investor was prepared to invest in such a venture at the time and, indeed, they had some justification for not doing so, because of the very high risk factors, but St Helena Government was thus placed under considerable pressure to ensure that St Helena was airport ready in terms of quantity of high quality hotel accommodation. A very difficult decision had to be made in which the ultimate risks and benefits to St Helena as a whole had to be weighed up. Mr Speaker, there will always be those who believe that that decision was wrong and this depends greatly on their personal interests and perspectives, we must respect their views and we should also respect the views of others. On the flip side, St Helena now has a valuable asset at 1, 2, 3 Main Street that has the potential to make a positive impact on our economy and is already adding value to our tourism product. It is also offering employment to Saints, buying in goods and services from other local businesses and enhancing the island's international reputation, which can only be positive. The investment already made has not had a chance to bring much return, but has the potential to do so, although those who point out that there is considerable risk are correct in their view. Unfortunately none of us has a crystal ball so we cannot foretell what is going to happen in the ensuing period, but we can only hope for the best and do what appears to be most likely to achieve a positive outcome for St Helena as a whole. The guarantee that is before us for our deliberations today does not involve an immediate withdrawal of significant funds from the Consolidated Fund, even in a worst case scenario, if it did I would be opposing it vociferously. However, it must be recognised that the guarantee, if approved, will create an ongoing commitment until such time as any loan from the Bank of St Helena is fully repaid and as such

will present a financial constraint going forward. However, to effectively pull the plug on such a new venture at this point in time is convincingly not in the best interests of St Helena as a whole, therefore, I support the Motion. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Speaker. Mr Speaker, I did show a lot of concerns about this undertaking which Members have to consider today, but my main concern is the public perception. As ever, I'm here because of the people who put me here and they expect me to act in their best interests. Mr Speaker, it has been perceived that the hotel is in direct competition with many accommodation providers here, but they have no safety net under their belts when they invest their hard-earned cash, unlike St Helena Hotel Development, so that fact is always going to be thrown in Councillors' faces and it's an undeniable fact. I'm not gonna stand here and preach in the opposite direction, I am going to support this guarantee, I feel I have no choice, bearing in mind of the thirty-two people that are working at the hotel and that is the sole reason why I am supporting this guarantee. Mr Speaker, although in the event of the crystallization of things going wrong may not result in a half a million pounds actually changing hands there will be some budgetary evaluation which will be to the detriment of this Government. If the loan gets repaid over ten years, it's fifty thousand pounds a year minimum and on a place like St Helena that is a lot of money, so to downplay any repercussions of what we're about to do is not only misleading, it's unrealistic and we have to be honest. Mr Speaker, our exit strategy upon when I first saw it entering this Council I didn't take it as with optimism, I didn't have a real optimism about it, I shared a lot of concern about the number of tourists that were actually going to visit the island to be able to sustain such a venture, especially it being in the high end market and the high prices which tourists have to pay before they come here and I've already had comments by certain individuals who have stayed in the Mantis and they told me and another member around this table that had they known there were other accommodation they wouldn't have been in the Mantis, so there's always the tourist who's looking to save money and perhaps have a better deal, if you like, coming to the island, so it is very crucial that we maintain the numbers. I suppose the second flight will go a long way to addressing that issue. How we implement our strategy is very crucial going forward, Mr Speaker, I would rather see it develop much faster than it's currently being developed as there are a lot of Saints that are showing interest in purchasing shares in this hotel and I myself would like to see St Helenians have a controlling interest in our own hotel.

Mr Speaker, inadvertently rising out of this matter questions have to be asked about our Financial Secretary and his role and also his position on various Boards which play vital roles in different areas of St Helena's development, namely the Bank of St Helena, the St Helena Hotel and also Connect St Helena. This Council has to ask itself if this is conducive to public perception of neutrality. Moreover, the actual capacity of the human being to deliver enough focus in one's primary role which is pertaining to the finances of the St Helena Government. This has been evident in certain shortcomings which could have been mitigated by opinion such as fluctuations in currency exchange, financial mechanisms that are available to mitigate against such measures could have been better implemented or better forecasted. Mr Speaker, I stand here to ask for endorsement of a guarantee to facilitate supplementary funding to enable our hotel to progress. I will endorse this proposal. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak? The Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker. For a relatively new Council and for this matter to be with us I can simply say we are where we are, but I certainly have no reservations in supporting the guarantee and that is mainly because I simply believe that we cannot possibly allow the hotel to fail. Not only would there be financial costs, there would also be a considerable negative impact on how any future development for the future of St Helena that anybody would then have confidence, so I do believe that there'll be extremely high financial cost to simply not supporting it and should it fail the overall high impact would be greater than just simply allowing an entity to fail. It would also demonstrate or show that there would be a lack of confidence in any future business venture and I think that it was a very brave decision and I think we need to make an equally brave decision to make sure that we go forward. I think in times of relatively new air service I think that if the amount of passengers does increase, as we anticipate, then so will our possible obligations be lessened. We do live in high risk times and I think it's right that at the moment, given our circumstances, that, we as a Government, do have to take brave decisions and we have to take risks for the whole, long-term future of the island and for our future economic needs, so I do believe that the hotel will eventually become a success and therefore, Mr Speaker, I fully support the guarantee.

The Speaker –

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

The Hon. Brian Isaac –

Mr Speaker, I rise in support to speak to the principles of the Motion and listening to the healthy debate around this table this afternoon I have no fear that this Bill will not proceed through the House today, but I speak here, Mr Speaker, on the principles and it was touched on by my Honourable Friend, Dr Essex, that we should not forget to listen to the views of the people in the community and I think that is very important. Listening here this afternoon, everyone has expressed their own opinion, which is the right thing to do, they are making decisions on the best decision making process that's on the land, that is this particular House, and it is proposing a big challenge on the St Helena Government Consolidated Fund if things do not work out and that is the fear that the public has, the risk of the Motion before the House today. Mr Speaker, I've received lots of correspondence and I've received one this morning, I received one yesterday and I've got loads of e-mails where the public are expressing their views and I've politely explained to most of them who I was able to the principles of the Bill, what it hope to obtain and the risk that it carries, but they need their voice heard, this is what they're saying, they need a representation around this table of their views and I stand here today, Mr Speaker, to represent the views of the people who put me here in this House today to represent their views and it will be left to the democratic process at the end of the day how we cast our vote. Mr Speaker, one of the concerns that they are raising is Government's involvement, we all know, I don't want to go down the road and explain why there's Government's involvement because that has been explained clearly here today, but the involvement is not, Government is not a level playing field for others out there. If this Bill is passed today, will it set a precedent for the private sector, or other private sector developers of this sort of calibre of development, get the same support? That is the question to be worked towards if that is the case. Mr Speaker, I understand the need for this here, but I also stand here and I will not vote on this Bill today on the principles of the people who have lobbied me over the last couple of weeks. I know

there's been a negative press release out which has probably stirred the people to think this way, but I must listen to the people as well. I'm also expected to make unpopular decisions, which I'm not afraid to do, but in this position, unpopular decisions are made all the time and we are expected to do what is best, but I'm also speaking this afternoon on the voice of the people who cannot be heard in the wilderness. Thank you, Mr Speaker, I will not support this Motion.

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Leo?

The Hon. Cyril Leo –

Thank you, Mr Speaker. We have a four-star hotel project one hundred percent owned by the St Helena Government costing some £4.4m and the hotel project requires more financial assistance to settle an outstanding account with the contractor and to maintain the running costs of the hotel for the next twelve months. Mr Speaker, unfortunately the failures by DfID in delivering air access to St Helena, according to the DfID consultation document, has created a handicap to economic progress for St Helena and particularly for business ventures and investments. The following extract is from the summary of the House of Commons Committee of Public Accounts on the St Helena Airport 2016/17 and I quote – “The Department for International Development has spent £285.5m of taxpayer's money on building an airport in St Helena. There is doubt though whether the airport when operational will lead to St Helena becoming financially self-sufficient due to the significant uncertainties of projected figures tourist growth figures and a lack of progress towards attracting investment. Thus far the Department has unquestionably failed the residents of St Helena and the British taxpayer”.

Mr Speaker, taking into account DfID's initial projected benefits of air access to St Helenians and the fact that there were no private interest in establishing a must have luxury hotel in St Helena, I accept that the decision that was taken for the St Helena Government to fund a hotel was in good faith and good intentions in the best interests of St Helena. However, I have profound reservations about supporting the guarantee, mainly because of my responsibility to the local taxpayers, the risks for the St Helena Government Consolidated Fund and, of course, when will the requests for financial assistance end, but we must consider the consequences of the alternative options i.e. shutting down the hotel and we must also maintain some faith and optimism in the long-term possibilities for the hotel, therefore, at this period in time I will give the hotel and the hotel staff the benefit of the doubt and I will therefore support the provision of the guarantee. Mr Speaker, on behalf of the local taxpayers I request the St Helena Government, or better still, an independent body carry out an urgent, thorough investigative review of the hotel project oversight, the project spin and the running costs of the hotel to determine the value for money for the St Helena Government and accordingly provide a detailed report to elected members. I have here a four-page letter from a member of the public relating to many aspects of the hotel project. I will forward a copy to St Helena Government officials and officers for a detailed reply to elected members. Thank you, Mr Speaker.

The Speaker –

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

The Hon. Christine Scipio O'Dean –

Thank you, Mr Speaker. Mr Speaker, at formal legislative proceedings in May 2016, members were informed that the total funding for the hotel development at 1, 2, 3 Main Street amounted to just under £3m with an additional £700k for the pre-opening and the working capital budgets making the overall project cost at £3.7m. Mr Speaker, one would assume that knowing the

remoteness of St Helena that some sort of contingency would have been included into these figures. The financial model of the hotel based, on assumptions used, St Helena Hotel Development Limited expected that the hotel to be profitable in year three of operations and that St Helena Hotel Development Limited cash flow projections indicated that the hotel development project will be cash positive throughout. Once more, Mr Speaker, the business plan appears has turned out to be a dream without much practical realization and here we have to once more pick up the broken pieces. Mr Speaker, can the Honourable Mover advise this House how much funding Enterprise St Helena has provided to the hotel project in forms of grants and loans? In May 2017, PAC recommended that St Helena Government should evaluate the range of skills on St Helena Hotel Development Limited Board, especially in terms of engineering and legal expertise so as to mitigate any risk coming from the hotel project and to consider clearly the question of conflict of interest of the present Directors of St Helena Hotel Development Limited. Can the Honourable Mover provide an update on these recommendations? Mr Speaker, I'm pleased that the Honourable Mover has indicated that mechanisms need to be put in place to monitor the expenditure of the hotel project and I look forward to these discussions. Mr Speaker, I am aware that there is criticism and concern in the public arena as there is a huge risk that the guarantee may crystallize into a liability for St Helena Government. I beg to move.

The Speaker –

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

The Hon. Gavin Ellick –

Thank you, Sir. I will repeat what everybody say because all the concerns is genuine, but I will ask the Financial Secretary to give me some answers to these questions.

The Speaker –

This is not question time, but he could probably sum up, okay?

The Hon. Gavin Ellick –

Okay, to sum it up. One of the things is I find it hard that we're going to have this exit strategy in place even though we said we were gonna get it, is the hotel currently at a risk of defaulting on repayment of their loans? Can somebody provide the value of money and assets that St Helena Government has invested in the hotel development to this stage? A few months ago, we were in the red, we didn't have enough money to run our own island, we were always in the red, what happens if we do a guarantee of £500k, that money can be used for something very more, things like the old people for health, their bit of money, helping to build their houses, but, no, we doing this for the hotel again. What happens if another hotel development comes and it's under the same category, do we go along and put the same money into it? Are we helping our local people with their hotels, are we making that available for them? I don't see this forthcoming, maybe we are, but therefore I cannot support this Motion. Thank you very much, Sir.

The Speaker –

Alright. Attorney General?

The Hon. Angelo Berbotto –

Yes, on a point of clarification, Mr Speaker, there is no, no, half a million that is required. The guarantee means that it's a promise to the Bank that if the hotel doesn't pay the instalments

then St Helena Government will pay the instalments, but there's no risk that the whole amount will crystallize in the one go, I just wanted to clarify that, Mr Speaker.

The Speaker –
Thank you.

The Hon. Gavin Ellick –

I know that, so maybe a slip of my tongue, but what I am saying is this here, we are guaranteeing £500k, right? If the hotel does not make its payments, I reiterate what Honourable Buckley said before, we will have to make these payments, meaning we will still be taking money out of our funds, what we don't have. When it comes to making budget again, this year Directors will have to be making their money budgets at an assumption that we can get this money, if not we'll be back in the same square, so I understand what you're saying. Thank you.

The Speaker –

I guess that's a point of order, otherwise you're going to have two bites of the cherry, you can't have that.

The Hon. Gavin Ellick –

It was a point of order.

The Speaker –

Okay. Honourable Clint Beard?

The Hon. Clint Beard –

Mr Speaker, the one good thing about the hotel is that it employs Saints and in this day and age that's where we want to be. Furthermore, economically, it comes down to how we look at business, how we look at the best for everybody on the island, what will benefit everybody and, again, the only side that I see the hotel as is it offers a up to a four-star grading hotel, but it hasn't been graded as four stars, but it's operating as a four-star hotel, but the main thing, it offers employment and therefore our economy benefits, so all that I can say is the one good thing that this hotel has created is employment, which I rate very highly, that I will be addressing in my term in office and I'll always be looking at that. Thank you.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wish to speak? No other Member wishes to speak? Honourable Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker, I'd just like to address some of the issues that were raised about members of staff being executive or non-executive Directors of posts and to assure Honourable Members that the Governor and I have been reviewing that issue, we're aware of the recommendations of the PAC, it's important to ensure wherever possible that we protect members of staff from those allegations, those perceptions of conflicts of conflict, which in many cases, and, in fact, I would say in all cases, are grossly unfair; however, you would say I would say that wouldn't I, so we are reviewing those posts as recommended, everybody will know we're fishing in a very small pond here and when we have individuals who shine, as I would say, and sparing his blushes because he's not here, the Financial Secretary certainly does, it's inevitable that those individuals get put forward for those posts. You will see that we've got a very healthy succession plan in place for the current Financial Secretary with the

Assistant Financial Secretary who's done a fabulous job today, I have to say, and once again, when you're looking round for people to sit on the Boards you inevitably turn to those excellent people, so we are aware of those issues and we will take action to protect our staff from those allegations and find a different way in which we can put members of SHG, and I talk about SHG in the very global term, that's everybody in this room as well to give the opportunity for people to sit on those Boards and make sure that we look after our state controlled entities in a much better way than I think we have done in the past. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Financial Secretary, you'd like to wind up?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. I'd like to thank Honourable Members for their comments and their questions and their support and I'd like to try and summarise as much as I can all of the points that have been raised. The Honourable Chief Secretary has addressed some of those, but there was a call for an independent audit or review and this could be done through the PAC and that's the option for members that's available to members if they so wish. In terms of the strategy, the principles have been agreed, the principles have been made public because it was an open session of ExCo that that took place in, however, the principles were read out publicly again this morning and if necessary we can let those principles be known again as to the principles of what the strategy will look like, what the exit plan needs to cover. I'm trying to make out my notes. Just to highlight a point around support to other local businesses during this time, Enterprise St Helena in conjunction with the Bank of St Helena and St Helena Government put in place a business support initiative that is available to local businesses should they choose to come and speak with them to voice their concerns around their business and how they can be helped, so that was available and still is available to local businesses. There's also a question around contingency and contingency was built into the case for the hotel development, so a contingency was built in, but this is in addition to that contingency, so it was built in and as far as the Directors could see into the future they tried to project and to forecast what the future might look like, but, again, those are all assumptions, Mr Speaker. Also, there is mention or question around what support did ESH give, ESH gave a loan, working capital loan of £100k and that was repaid in full by the Company and then a further £175k has now been made into equity share in the Company. There was a mention about what the total investment to date is by SHG that is £2.1m invested to date. There was also a word around SHG being in the red, SHG is not in the red, so I'd like to clarify that and also the Company is not in default of their loans at this current time, so I just want to also make that clear as well. I think that covers, Mr Speaker, most of the points raised by Members, I hope that I've covered it, again, I'd just like to thank all Members for their comments and their consideration this afternoon, thank them for their support. Mr Speaker, I beg to move. Thank you.

The Speaker –

Thank you for that. Honourable Members, the Motion is in the name of the Honourable Financial Secretary and the details of the guarantee has been issued to Members. The Motion is that this House approves the terms and conditions of the St Helena Government guarantee to the Bank of St Helena Limited as laid before Legislative Council.

Question on Motion put.

The Speaker –

I'll take a Division.

Division Claimed.

Ayes	Noes	Abstentions
The Hon. Lawson Henry		
The Hon. Christine Scipio O'Dean		
The Hon. Derek Thomas		
The Hon. Anthony Green		
	The Hon. Clint Beard	
The Hon. Cruyff Buckley		
	The Hon. Gavin Ellick	
The Hon. Dr Corinda Essex		
	The Hon. Kylie Hercules	
	The Hon. Brian Isaac	
The Hon. Cyril Leo		

Clerk –

7 Yes's and 4 Noes.

The Speaker –

The Ayes have it, the Ayes have it.

The Motion is carried.

The Speaker –

Right, Honourable Members. Clerk of Councils, Adjournment Debate.

7.

ADJOURNMENT DEBATE

The Speaker –

Honourable Chief Secretary?

The Hon. Roy Burke –

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

The Speaker –

Thank you, Honourable Chief Secretary. Is there a seconder?

The Hon. Angelo Berbotto –

I wish to second the Motion.

The Speaker –

Thank you very much indeed. Right, the Motion is this Council do adjourn sine die, is there anybody who wishes to speak to the Motion? Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex –

I thought you were promoting me to Honourable Chief Secretary that time, Mr Speaker. Thank you, Mr Speaker. Mr Speaker, first I wish to declare my interest as the President of the St Helena Chamber of Commerce and also as an importer.

Mr Speaker, at the last sitting of this Honourable House over a month ago, I tabled a Motion that was carried unanimously regarding the grave concerns caused by the continuing absence of a capital programme for St Helena and I requested the Acting Chief Secretary to communicate the Motion and its contents to Her Majesty's Government. When the Honourable Chief Secretary responds to this debate, will he please inform the House whether this action has been taken as I have not received any feedback? Also, could the Honourable Chief Secretary inform the House as to the current position relating to the capital programme, and I'm very relieved that the Speaker was not trying to promote me to that post! Constituents are becoming increasingly frustrated and worried by the deterioration of key infrastructure that there is currently insufficient funding to maintain and repair - let alone improve or extend. Roads are a case in point. In every meeting of the Environment and Natural Resources Committee attention is brought to roadworks that are badly needed, but which have to be delayed due to the pressure on an already inadequate budget. Mr Speaker, these delays cause the cost of actually undertaking the work to increase due to price rises and further deterioration having occurred before the job can actually be started. The increased costs then put further pressure on the budget and a vicious circle is established which results in even fewer outputs being able to be successfully achieved within the available resources. This situation, Mr Speaker, is counterproductive and detrimental to the sustainable development of St Helena. In the next budget prioritisation process, we all need to be mindful of this and I will be looking for the support of my Honourable Colleagues in ranking infrastructure related expenditure more highly than it has been in recent years. Another major concern to constituents at this time is the not insignificant increase in freight costs that will impact as soon as the RMS St Helena is withdrawn from service. It is accepted that freight would increase following the removal of the subsidy of the shipping service, and unfavourable exchange rates and fuel prices as well as other factors are exacerbating the situation. However, as a result, a related significant increase in the cost of living is feared. Mr Speaker, the social and economic impacts of this situation need to be carefully assessed and monitored and are likely to have influences on matters such as the minimum income standard and other elements of the social safety net, the delivery cost of key Government services and the volume and value of imports and therefore the level of Customs revenue generated. These will in turn place further pressure on the recurrent budget, both as a result of increased expenditure and also reduction in revenue. It is imperative that the knock on effects of increased freight charges are quantified as far as is possible and borne in mind in all financial projections or considerable embarrassment could well arise in the future. It is sad, but not unexpected, Mr Speaker, that the anticipated level of economic growth associated with air access is not yet being experienced. It is early days, but it would be foolish and irresponsible to be complacent, St Helena is in a critical transitional phase in which the support and understanding of its partners, in particular, the Department for International Development, is absolutely crucial and I can assure this Honourable House that I will be doing all I can during the negotiations next week to ensure that such support will be forthcoming. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker, I support the adjournment, I just have three brief points. The first is that I would like to recognise, as everybody else will do, is the forthcoming cessation of the RMS St Helena service and I think I really would like to pay tribute to the owners, operators and particularly the Saints who have really done us a good service and I think that St Helena owes a debt to them and it will be something that will be remembered for many years to come.

We must remember that not only we have the RMS St Helena as a ship that will depart our waters, but it will also make forty years that we've had an RMS, there was a first RMS in 1978, I think it was, and then in 1991 we had the current RMS so that's forty years, but also it's the end of a shipping service, a shipping service that started one hundred and fifty-eight years ago and prior to that there was no regular shipping, so as from the sailing of the RMS in a few weeks' time, whenever that is, it will be an end of an era which will never, in my opinion, be repeated again and I think we are greatly indebted to the people who have made it a great success.

My second point is that I've spoken to Members, because I think that with all that we've had to do over the last few months with the urgent legislation and other activity, we have been unable to actually go out and consult the public and as Members have agreed we will be looking at that very seriously soon, but I think I wish to assure members of the public that if there are issues that they wish to discuss with me personally, or I'm sure with any of us, please do get in touch with us because it is a question that they, sort of, pressure on us to be able to take advantage of our training and next week we have a full programme with the Financial Aid Mission, all essential to the needs of the island, then I do trust that we will be able to, you know, deal with any matter that the public would want us to.

And finally, and thirdly, I just really want to say thank you to our Attorney General, not only has he been a staunch supporter and helper over the last few months, but I did have the pleasure of working with him as a member of the Financial Service Regulatory Authority and I just wanted to say thank you, and so, Mr Speaker, I support the Motion.

The Speaker –

Thank you very much indeed. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I rise in support of the Adjournment Debate. Mr Speaker, Honourable Members, I mean, this week has been a busy week for us, we've seen the visit of delegates from the Commonwealth Parliamentary Association delivering post seminar training to us as elected members and I have to say that the presentations have been of tremendous benefit to the Council and I'm sure it will assist the Council and elected members in carrying out their duties, but also there is an opportunity to be able to branch out once they leave and receive further assistance and support in a number of areas, so I mean, that is good for us as a parliament.

Next week we will see the visit of the FAM team and we will have serious discussions to be made, we already see in the impact that Brexit is having on the island here, we were no part of the decision making as an overseas territory, but it has impacted upon us with the devaluation of the pound, we've seen an increase in basic essential goods and with the RMS going offline the MV Helena we know that there will be increases in freight charges, which, again, we can expect further increases in our basic essential goods. As a Government, we are trying to do as much as we can in terms of looking at the lower end people who are on Income Related Benefits and the Basic Island Pension, but that is not sufficient and I think we really need to be pushing for our uplift in our budgetary aid, the public out there are really frustrated with these increases and they're at a stage when they can't really take much more, so there will be serious talks to be held and I'll certainly do my best in these discussions, but I think it need to go further than that, I think we need to be having further talks at ministerial level if we are to receive any significant uplift in our budgetary aid. It's not only the budgetary aid, it's also our capital programme, like my Colleague alluded to, we don't have a capital infrastructure programme and our infrastructure is in a very poor state, so, you know, we really need to be putting the cards on the table and pushing as hard as we can and we really need to see change.

And finally, like my Colleague, I would like to thank the Attorney General for his valuable input to this Council and wish him well for his future endeavours. Thank you, Mr Speaker.

The Speaker –

Thank you very much indeed. Honourable Christine Scipio O’Dean?

The Hon. Christine Scipio O’Dean –

Thank you, Mr Speaker. Mr Speaker, I’d like to thank the Attorney General for his valuable advice and support that he has given to me in my role as a member of Legislative Council and also in my role as Children’s Champion. I wish him safe travels, Attorney General.

Mr Speaker, I also would like to convey huge thanks and admiration for the Acting Financial Secretary’s performance, not only for today, but also leading up to our sitting today. I am certain that he has had a lot of sleepless nights, so hopefully he can have a really good sleep tonight.

(Members: Hear, hear)

Mr Speaker, in March 2017, the Honourable Chief Secretary stated in this House that the Union Jack and St Helena’s Flag will be flown at St Helena Airport once the airport becomes officially opened. Mr Speaker, can the Honourable Chief Secretary advise this House what date is planned for the official opening of the St Helena Airport to enable St Helena’s Flag to be flown at the airport.

Mr Speaker, can the Honourable Chief Secretary also advise if there is any intention to erect a plaque of the names of the St Helenians who worked so hard and the dedication that they gave at the St Helena Airport during the construction phase.

Mr Speaker, a constituent has raised concern about whether it is appropriate to use Plantation House for fundraising events. I must admit this questioning has been supported due to a recent incident.

Mr Speaker, the public was informed a few years ago that the ASYCUDA system would be the source for up to date and reliable statistics. Can the Chief Secretary advise how much has been spent on this system to date.....?

The Speaker –

Better watch we don’t turn it in to question time, that’s all.

The Hon. Christine Scipio O’Dean –

I thought my adjournment debate I can rant and rave and say whatever I want, Mr Speaker.

The Speaker –

No, you can’t ask questions, you won’t get any answers, you can talk, you can make your statements. Carry on.

The Hon. Christine Scipio O’Dean –

That’s fine, Mr Speaker, I’d like the opportunity.....

The Speaker –

Carry on.

The Hon. Christine Scipio O’Dean –

..... to ask questions and it's entirely up to the Chief Secretary who's like to respond and when we will see benefits of this investment.

Mr Speaker, I'd like to take this opportunity to thank the Post-Election Seminar Delegation for their valuable advice and their patience for the last few weeks. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Thank you, Sir. I stand for the adjournment debate. I'd just like to thank the Attorney General for his hard work during the last few months, well, years. I know we had a really good time and some arguments, but you were very valued and thank you very much and I wish you and your partner the best of luck for the future. Thank you, Nicholas, for being a good Saint and keeping up our good work and keeping the money going and to you and the rest of the Members, for all the hard decisions what we make for the population and I would leave it there. Have a nice afternoon. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Cruyff Buckley, then the Honourable Lawson Henry.

The Hon. Cruyff Buckley –

Thank you, Mr Speaker, I support the adjournment debate. I'd just like to start by thanking the Honourable Scipio O'Dean for acknowledging my hard work at the airport. Nine months with a forty tonne truck aint no joke when you're working seventy-two hours a week, Mr Speaker. I would also like to reiterate what Councillor Thomas has said in thanks with the CPA for our CPA members for their invaluable contributions during our discussions. They've added a lot of value to this Council. Their experience has shone through and they've demonstrated and highlighted certain outcomes that perhaps wasn't so obvious to Members at first in regards to various pieces of legislation which are in our pipeline. Hopefully we can learn from their advice and guidance and practice regarding to Standing Orders and their applications therein. One lesson I have taken away, Mr Speaker, which I knew along and that is the fact that we have to do things our way, the St Helena way. There are only so many templates and frameworks and law applications we can fit into, we have to find our own bespoke solutions to St Helena's unique circumstances. We can prove to be a test bed for many small developing nations, but also can provide leadership to larger countries and states with similar needs in regards to many different challenges with Energy being one of the biggest. Despite critical mass and economies of scale we have to adapt and innovate, but more importantly, we must unite. Together we will be stronger.

I would also like to jump on the bandwagon with thanks to the AG for his invaluable contributions, it's been a real ride, a rough ride, but I think we got there in the end and there's a new level of respect. Thank you, Sir.

It is with regret, Mr Speaker, that we within ESH there has been a reallocation of some funding which was dedicated to sports, Mr Speaker, and as the Sports Champion I have to express my disappointment, but being in this Council and considering other important priorities I can understand why this funding had to be reallocated.

And, again, Mr Speaker, I come to speak of our partners in DfID, it was a recent strategy document that highlighted how they were going to direct their overseas aid. There was not one mention of the Overseas Territories and I think it is telling, Mr Speaker, of how much recognition is given to St Helena at ministerial level and it's been a topic of discussion within

our CPA meetings and perhaps if we can have better representatives to present St Helena's case in the gravity it should be held and where we sit in regards to Britain and its responsibilities. We are grateful, Mr Speaker, for the recent release of our ring-fenced budget to help replenish our much depleted Consolidated Fund, but just as a child is grateful for his parents providing his meals our situation is just the same, there is a fundamental obligation and I refuse to see it any other way. If you are not a responsible parent you shouldn't have children and just as in raising a child you must nurture them and ensure they are ready to stand on their own two feet before you can expect them to be able to walk or run and run we will, Mr Speaker, and that day is closer than you may think. St Helena's destiny is already written and will come in our own sweet time, but as we move forward we can only progress at the pace of the slowest person, therefore, we must move together and ensure equal treatment and just treatment for all society. The gap between rich and poor must not become disproportionate. A recent report by a visiting FCO official suggested Saints lack capitalistic instinct. Whilst this could be argued is not far from the truth you must consider its evolution. What has replaced this trait? And the answer is compassion and with that substitution we have created a nation of people that considers those around them and then form unbreakable bonds of friendship that makes St Helena the place it is today. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Lawson Henry.

The Hon. Lawson Henry –

Thank you, Mr Speaker, I'll be very brief. I'd like to commend my Colleague on his exposition. I too would like to add my congratulations and thanks to our Attorney General who will be leaving our shores shortly and would equally like to thank him for his support to me during his time here as Attorney General and myself as an elected member and I'd like to wish you and your partner all the very best for the future.

I would also like today, Mr Speaker, like other speakers that said to commend our Acting Financial Secretary here, I think his performance in the House today has been outstanding, so you get star ... (Inaudible)...Sir.

And finally, Mr Speaker, I too would like to add my thanks to the CPA delegation that's here today, I have to say it's been a real pleasure not only to have them but to listen to the responses and the wealth of knowledge that they have imparted to us over the last three days has been clearly outstanding and I too would like to place on record our thanks and appreciation. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker. As the previous speaker, I'm going to be very brief as well, but firstly I would like to thank Mr Nicholas Yon for his professional performance leading up to today's session and all his other related work that has supported the Council. Secondly, my Honourable Friend across from me, the Attorney General, during his term in office we've had serious disagreements, but we took the challenge and we met and we put our differences to rest and I do wish him well, and his partner, in their future endeavours.

And thirdly, Mr Speaker, to welcome back our Deputy Speaker who has been off on medical treatment.

Mr Speaker, in the community I've been very much consulted by constituents who have been very concerned about the recent increase in fuel prices, which has really dampened their hopes

for the future which they are expecting, because they understand that these increases will impact throughout the island's future. Also, Mr Speaker, the increase in freight once the RMS has been withdrawn from service, these are concerns that are affecting, will affect our people and they are very much concerns that they are seeking answers to which at the moment under the economic climate that we are faced with, it's difficult to give any supporting information other than that we will do our best to see what we can do and on that note I would ask the delegation that's going to be working with the FAM team next week to really emphasise the needs of those who are less fortunate in the community, the impacts the fuel increases are gonna have and the impacts and I know that these issues are very dear to the members who are going to be taking these issues forward, but we are not able to address these issues and have positive outcomes for all issues, but we must try collectively to do what is best and I know that they will do and I wish them very well for that.

And finally, Mr Speaker, I would like to thank the CPA delegation who has spent their week with us and sharing their experience and from my own personal experience I found their input very beneficial and I do wish them well as they leave the island next week and endeavour on their own political careers. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Is there any other Honourable Member wishes to speak in the Adjournment Debate? No other Member. Alright, Honourable Members, oh Cyril, Councillor Leo? Sorry my dear, I'm looking at red buttons all the time. Thank you. Okay.

The Hon. Cyril Leo –

Oh sorry, it's been up for over an hour.

The Speaker –

Oh, dear me.

The Hon. Cyril Leo –

Thank you, Mr Speaker. Soon the RMS St Helena, our lifeline from the rest of the world for some twenty-seven years will call at St Helena for the very last time, a fantastic service from ship and crew and we are most grateful to the taxpayers of the United Kingdom. Sea access is crucial and fundamental to life on St Helena. The United Kingdom's Department for International Development has had more than enough time to assist St Helena in being fully prepared for an adequate replacement shipping service and to have in place the required facilities and infrastructure. Just how prepared we really are will soon be revealed. Is the cargo handling facilities and infrastructure at Ruperts ready for purpose, will the replacement ship be fit for purpose and is the main road from Ruperts to Jamestown prepared for the increased workload?

One of the Governor's special responsibilities, according to the Constitution, is shipping. I therefore appeal to Her Excellency to ensure by rigorous official scrutiny that all increases to the freight rates imposed on the people of St Helena by the Andrew Weir Ship Management Limited are principled and justified.

There are serious concerns within our community because of the anticipated knock-on effects the inevitable increases to the freight rates will soon have on the island in general and I am particularly concerned for those less fortunate within our society, the St Helenians who are already struggling in life on St Helena to make ends meet, but Mr Speaker, I want to end with a few words of encouragement. Yes, we have major mistakes of the past to contend with, many obstacles and hurdles to overcome and numerous issues to address, but elected members are also working for a new approach to ensure St Helenians will have more control over our own

destiny and the future development of St Helena. We want all St Helenians to remain determined, to make good progress, take ownership, be empowered and be successful. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Honourable Attorney General?

The Hon. Angelo Berbotto –

Thank you, Mr Speaker. It's my last LegCo so I wanted to thank you....

The Speaker –

I'll give you forty-five minutes, it's alright.

The Hon. Angelo Berbotto –

I will not take much of your time, I wanted firstly to start thanking you, Mr Speaker and Mr Deputy Speaker, the Clerk of Councils, the former Clerk of Councils, Ms Gina Benjamin as well, all elected members, past and present, although more the present and the past I must say as well. Mr Speaker, I came here 2015 to spend one year on St Helena as Child Protection Lawyer, that's what I had been doing for most of my career as a lawyer and one sunny and hot day in December 2015 I found myself Acting AG and I am not a good actor, I must confess, so the challenge was considerable and I am very grateful to the Chief Secretary, the Financial Secretary, Corporate Services, Governor Capes at the time, Sean Burns and all the people that really helped me, because I only, I had to learn how to be an AG on the way, on the go and I don't know whether I have been successful in learning how to be an AG, but what I want you to do is, I've tried to do the best I could and my objective has always been to look at the law and apply the law in the way that I thought it should be applied and along the journey we have had good times and not so good times. This is my opportunity to ask for your forgiveness if I have offended you inadvertently and on purpose, (*laughter*) and I say that with much humbleness, I am human and I have defects, faults like anybody else, but for me this has been a journey and a time here that I wouldn't change for anything. I take the cue and I go, not for personal reasons, but because it's the right time to go. The seat of AG is a very...has a lot of expectations from every side and I must confess at times I felt under pressure. It's perhaps er, and that is why it is appropriate that you get a rotation of people that come with the energy because St Helena deserves the best and I came very young and now I'm going with grey hair, so I wanted to thank you all. We have done over thirty Ordinance and amendment Ordinances in this two and a half years, some easier than others, some full of?..... Not for a moment I doubt that in this debate all of you, the twelve of you, had the best interests of St Helena at heart, so for that I respect you. So what did I want to leave behind when I took the responsibility, or actually when it was given to me? Firstly, when I made that application to be AG and it was an open competition I thought, oh basically I have no chance, but why not try and after all the worst is over, those four months of hard work, so the first thing is I want to say thank you for this opportunity and for the vote of confidence to Governor Capes and to Governor Phillips, it was Governor Phillips who interviewed me just before coming here. Secondly, to all the people that work behind the scenes, I mean Corporate Services and today my thoughts are with Carol George whose husband passed away very recently, because she has, she did so much, especially working with me here in Corporate Services and everybody else that keep the mechanism ticking, this clock of SHG ticking. Of course, to all the lawyers in Chambers who when I arrived were three, four, because Cilla Isaac, my personal assistant, she does so much, so my tribute to those, to Nikita Crowie, Aine Hurley and Cilla Isaac. Now we are a full Chambers and one of the things that I wanted to do is invest on local talent and I

am so glad that we have Alwyn Thomas and Nikita Crowie and their careers are thriving and I am very proud of all the lawyers in Chambers.

So, Mr Speaker, I do hope that now moving on I will keep in touch and learn what is happening on St Helena, Honourable House this job has changed my career and actually after leaving St Helena I've been given a scholarship so I'm going back to University to specialize in parliamentary law, so hopefully I'll be doing a similar job in the future, we'll see, but first I have to go to school and learn it properly so I won't make the same mistakes I've made here. The tribute, to wrap up, that I want to, is my partner, **Schuman**, because without his support I couldn't have done it. St Helena is a beautiful place, but there is a lot of work for a little island and without his support and understanding and patience with me I think I would have left for personal reasons, so thank you so much for this opportunity, thank you to all of you and you may hear from me in the future, distant or not so distant. Thank you again.

The Speaker –

Yeah, thank you. (Applause)

The Speaker –

Yeah, before I allow him to close I want to thank you too, Attorney General, for the time that you've been here and you tell me what is wrong with grey hair, you look more beautiful. (*Laughter*) There's nothing wrong in grey hair, the quicker you get grey hair the more mature you look. No, thank you very much.

Before I let the Chief Secretary propose the Motion, I just want to say thank you very much, it's been a long week for you and there's more to come tomorrow morning, don't forget you have to be back here again for further training and I think you are enjoying it, the level of debate is increasing, is rising, which is very good indeed and, as I said, the training will go on again. We had good times and we had bad times, according to the Attorney General, but the times that were good times outweigh the times that you have bad times, isn't it, yeah, so thank you very much for your contribution here to the island, Attorney General, travel safe and we'll look to hear from you in the future sometime. Thank you. Chief Secretary?

The Hon. Roy Burke –

Thank you, Mr Speaker. Follow that, as they say, never invite a lawyer to make a speech, a farewell speech, it goes on forever.

Dealing with the points that have been made as quickly as I can, bear in mind the time, Honourable Members.

Honourable Dr Corinda Essex asked about the Motion, it has been forwarded to DfID. The issue about the capital programme is well known by our colleagues in DfID, however, the absence of the Infrastructure Adviser is a problem for us because a lot of the DfID officers have gone to the Caribbean to help with the reconstruction effort. We are in contact with him but that's obviously difficult given that his time's spent in Montserrat as I understand it, but the current position on the capital programme, as Members know, and for everybody's information, is that there is no capital programme for St Helena as I stand here today. The most recent capital programme ended at the end of 2017 and Honourable Members will be aware that that capital programme was merely a carryover from the previous financial year anyway, for 2017/18 there was no additional funds allocated to St Helena to invest in capital programme, which I think is a dreadful position for us to be in, it's a point that we've made regularly to our colleagues in DfID and will be made to them I'm sure again next week when they come to visit us.

I fully agree with the Honourable Dr Corinda Essex about short-term quick fixes, they never work, there is always a big cost to pay at the end of that and we see that all the time.

A number of Members have mentioned freight costs which are a concern to all of us, as the Honourable Members recognise and there are, in fact, a number of factors at play here. I will speak to the Government Economist after today's session and discuss with her whether or not she can provide the information or the forward looking information that the Honourable Member has suggested to us, I think that's a very good idea. She may have already done that, I don't know, but I will work that through with her.

We are currently exploring other agencies who might be able to help us to access funding streams, but as the Honourable Member will know, she's probably tried that over many years and we will continue to try that. Sometimes UK Government policy shifts a little bit and we are currently in conversation, for example, with UKEF so that's the export guarantee people, who are not there to provide funding as such, but are there to provide guarantees for financing for capital projects and that at the moment is looking positive, but who knows, we'll continue those conversations.

The Honourable Tony Green paid tribute to the RMS, its staff, crew and all associated people and I'd like to join those tributes. We're all looking forward to the farewell party and I'm sure the whole island is so. Just as a point that occurred to me as you were discussing that, the Financial Secretary is, of course, one of those people who act as Director of St Helena Line so he'll be grateful not to have to do that anymore, so maybe a very small, silver lining for that particular cloud.

Consultation is crucial and we must, I think, redouble our efforts and I'm sure lots of the discussions that have been had with the CPA resource team this week have contributed to that and maybe it's time for us to look again at the way in which we consult internally and externally in St Helena Government. We can always do better and I think it's high time. I know my colleague, Paul McGinney, the Assistant Chief Secretary (Performance) did some work a little while ago on that and it's time I think to blow the dust off that and have another look.

The CPA Conference that the Honourable Derek Thomas mentioned, has been a great success, I'm sorry I couldn't attend as many sessions as I would have liked, but the bits that I did see clearly demonstrates how valuable reaching out to other jurisdictions is and getting the experience of other people to come along and just to share that with us and to see whether or not we are doing it appropriately or whether we can find a different way and better way to do the work that we do.

The Honourable Derek Thomas mentioned the impact of Brexit, Members will be aware of a submission that was made to the International Development Committee on development assistance, now, one of the issues that we've raised regularly with our colleagues in DfID is the impact of Brexit on St Helena, it's not just a, obviously, it's not just the UK, it applies to all the Overseas Territories and the funding streams in particular, a crucial for us. We're asking, we will be asking, I think next week, our friends in DfID to re-evaluate or to consider re-evaluating the way in which our relationship works, not just with DfID but with Her Majesty's Government generally and if you do get the opportunity to look at the International Development Committee's website, megabytes allowing, you'll find there's a lot of submissions there from UK Government Departments talking about overseas development assistance, not specifically in Overseas Territory terms, more in the, sort of, like the generality of overseas development assistance, but I think we can tap into that and start to use some of the Government Departments in the UK better than we have done before.

The Honourable Christine Scipio O'Dean asked about the Flags, when is the opening ceremony, can I tell her. The answer, I'm afraid, is no, I can't tell you when the opening ceremony is because it hasn't been discussed recently I have to say, an official opening ceremony. It's a fact that the Airport Project is not yet finished and although we are operating commercial aircraft at the moment there's still a lot of work to do in Ruperts, there's still work actually to do at the airport, so, for example, the airport fuel facility at the airport has to be

completed, so I don't know whether we need to wait until the airport's actually finished before we have a ceremony, but there's some thought being given to it, but you're right, it should happen sometime soon, probably after May.

Is there a plaque at the airport for St Helenians who worked there? The answer is no, there isn't. Should there be? It's not a bad idea and it's something perhaps we should take forward. I suspect that list will be very long, I don't know whether you'd get, I can't remember the numbers, at one point it was certainly hundreds, three or four hundred people at some point, St Helenians who were working there. That would be very small writing or a very big plaque.

ASYCUDA, I can't tell you how much it costs at the moment. I had a quick word in the ear of the Assistant Financial Secretary and nor can he, so we will, (not of the top of his head anyway) so we'll have a look at that and will come back to you if that's okay.

Some of the other comments and I'm sorry if I'm skipping over you. The Honourable Cruyff Buckley mentioned the sports field project specifically, that project continues, despite the fact there's been some shifting round of the funds doesn't mean to say the project's stops, so that continues, so we're hopeful that that will be completed next year. Yeah, yeah. The Honourable Assistant Financial Secretary has learned very quickly not to be committed when it comes to funds.

Release of ring-fenced funds I think you mentioned, again Honourable Cruyff Buckley, it's not there to replenish the Consolidated Fund, it's there simply to shift around allocated money in year, so the Consolidated Fund balance remains the same. What it means actually is that we don't take money out of the Consolidated Fund, it doesn't mean to say that the money's gone in there and that might be a nuance, but it's the truth. And then you talked about DfID's relationship. I don't see our relationship with DfID as parent and child, I think that gives DfID, I'm assuming you mean DfID as the parent and we're the child, but I think that gives DfID a status which is not appropriate in the partnership that exists between us and I think we're on a level playing field in that respect, is my view, and bear in mind, of course, you said something about that you shouldn't have children if you can't look after them and not all children are ...?....

There's a couple of other points that were made, fuel price increases which clearly not within our control, although I'm certain that the Assistant Financial Secretary has done all that could be done to mitigate the increases in those costs, but, of course, they've still gone up. We need to look very closely at cost of living so fuel prices, freight increases as well, both of which will impact on the disposable income of St Helenians, but it is a case that St Helena has support mechanisms in place to take care of those people in need, the minimum income supplement is a wonderful thing I think and unlike many places in the world it exists to look after some of those people who are most in need, but we must do everything that we can as a Government to mitigate those costs.

I think I've covered most points and if I've forgotten you, I'm sorry. I've just then in closing like to add my thanks to the Attorney General, it's been quite a blast hasn't it these last couple of years, don't forget that I was on that interview panel as well, so if you're handing out the thanks I was there as well and I can't tell you whether I recommended to the Governor that you should be appointed, but I'll tell you when we get outside. I don't think you were particularly young when you were appointed, so if you think that you were young then and you're leaving with grey hairs I'd quite like to buy that mirror of you that you've got in your hall.

And also to add my thanks to Nicholas who's proved to be a very capable Acting Financial Secretary, not just here today, but in Dax's absence and I will make sure that Dax knows that when he comes back, but bear in mind there is no money in the budget for bonuses or anything else. Mr Speaker, I beg to move.

The Speaker –

Thank you very much, Honourable Chief Secretary. Honourable Members, it's time to adjourn. The Motion, standing in the name of the Honourable Chief Secretary is that this Council do adjourn sine die.

Question put and agreed to.

Council Adjourned.