



**ST HELENA GOVERNMENT**

**PROCEEDINGS OF THE LEGISLATIVE COUNCIL  
FRIDAY 08<sup>TH</sup> MARCH 2019 – FIRST SITTING OF THE  
NINTH MEETING**

**ST. HELENA**  
**LEGISLATIVE COUNCIL**

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**THE PRESIDENT**

The Honourable John Gilbert Cranfield

**EX-OFFICIO MEMBERS**

The Honourable Chief Secretary	-	Mrs Susan O'Bey
The Honourable Financial Secretary	-	Mr Dax Richards
The Honourable Acting Attorney General	-	Mr Allen Cansick

**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 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

The Honourable Anthony Arthur Green - Away on Conference

**CLERK OF COUNCILS**

Ms Anthea Moyce

## PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Friday, 8<sup>th</sup> March, 2019

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

(The Acting Speaker in the Chair)

### ORDER OF THE DAY

1. **FORMAL ENTRY OF THE PRESIDENT**

2. **PRAYERS**  
(The Right Reverend Bishop Dale Bowers)

3. **ELECTION OF SPEAKER**

The President – (The Hon. John Cranfield) –  
Honourable Members, for the next item of business, which is the election of the Speaker, I will have to declare my interest and vacate my seat. I will call upon Members to nominate a Member to preside for this particular item of business. Do you have a Member or propose a Member?

The Hon. Lawson Henry –  
Mr President, I propose the Honourable Christine Scipio.

The President –  
Thank you very much indeed.

The Hon. Russell Yon –  
Mr President, I second the proposal.

The President –  
Honourable Christine Scipio, would you like to preside for the next item of business, please?

The Hon. Christine Scipio –

Thank you. Good morning, everyone, and good morning to our listeners. I will now call for nominations for a Speaker. Do we have any nominations? Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Madam Chairman. I propose Mr Rodney Garth Buckley.

The Hon. Christine Scipio –

Thank you, Honourable Thomas. Are there any seconders?

The Hon. Lawson Henry –

Madam Chairman, I second it.

The Hon. Christine Scipio –

Thank you. Members, I've just been informed that I need to be referred to as the President, my apologies, I should have mentioned that first thing. Do we have any other nominations? Honourable Brian Isaac?

The Hon. Brian Isaac –

Madam President, I wish to nominate John Cranfield for the vacancy of Speaker.

The President –

Thank you, do we have a seconder?

The Hon. Cruyff Buckley –

Madam President, I beg to second the nomination.

The President –

Okay, do we have any other nominations? Honourable Corinda Essex?

The Hon. Dr Corinda Essex –

Madam President, I wish to nominate Mr Cyril Keith Gunnell for the vacant position of Speaker of this Honourable House.

The President –

Thank you. Do we have a seconder for this nomination?

The Hon. Clint Beard –

Madam President, I beg to second.

The President –

Thank you. Can I ask Mr Rodney Buckley, Mr John Cranfield and Mr Ferdie Gunnell separately, if they accept the nomination, so if we can hear from Rodney Buckley?

Mr Rodney Buckley –

I accept the nomination, Madam President.

The President –

Thank you. John Cranfield?

Mr John Cranfield –

Madam Speaker, It is my pleasure to accept the nomination.

The President –

Thank you, and Mr Ferdie Gunnell?

Mr Ferdie Gunnell –

Madam President, I accept the nomination.

The President –

Thank you. Members, I will ask the three candidates if they could do a short presentation to formal LegCo, they will be allowed five minutes each and I will try to make sure that we do adhere to that, so I will ask in alphabetical order if Mr Rodney Buckley could join us at the table. Okay, you now can address Members.

Mr Rodney Buckley –

Thank you, Madam President. Good morning, Honourable Members. I have not taken the position of putting myself forward for this challenging role lightly. We are all here because we are passionate about our island and our ultimate aim is to contribute wherever we can in making the island a better place to live. I was first elected to Council in a bye election in July 1974 at the age of 27, re-elected to Council at the General Election in 1976. During that time I served as Chairman of the then A&F Department. Serving as a Councillor was voluntary at that time. I did not stand in the 1980 General Election, having earlier been promoted to Assistant General Manager in Solomons. I was further promoted to Managing Director in Solomons in 1984. At that time, the Company employed 280 full-time staff and 125 part-time staff for ship work. After 31 years' service with the Company I took early retirement in 1998. Constitutional changes have been in the making since 1988 and at the turn of the Millennium as Chairman of the Chamber of Commerce I chaired many meetings with Mrs Alistair Quentin-Baxter, Constitutional Adviser, running through the 78-page issues paper on exploring options for Constitutional development. Following on from that work, Mrs Quentin-Baxter, right up to the consolidated folio in 2005 on whether or not the island would introduce a ministerial system I became well versed with the detailed workings of both the ministerial three-tier system and a ministerial two-tier system of government. I also became well versed with the then published Proposed Heads of Agreement for Constitutional Reform. During this period I was engaged by the Constitution Office to give Powerpoint presentations in all work places, both in Government Departments and in the private sector, comparing the then constitution against the ministerial system. I also organised privately and chaired a one-hour live television debate on the pros and cons of both systems. The majority voted against a ministerial system, but other changes could reflect in the current 2009 Constitution. I was elected to Council in a General Election in 2009, served on Executive Council, took the Council a leading role in the MOU tax and land reforms and as Deputy Chair to the Financial Economy Committee, was involved by reason of the MOU issue in all thirteen MOU reforms to meet the four airport conditions. I attended the Ministerial Conference in London in 2011, the week following the starting of the airport contract and was able to thank Ministers on behalf of the people of St Helena for the approval of the airport contract. On the same visit to London, I attended the first International Parliamentary Conference on the Millennium Development Goals reaching for 2015 governance, accountability and the role of Parliamentarians introduced by the Speaker of the House of Commons and Lord Speaker, House of Lords. I chaired a Committee in setting up the minimum wage for the island and led on the proposed constitutional changes in 2013. I did not stand for the General Election in 2013 due to the health of my wife and my interest in Bradleys Camp which had the potential for a conflict of interest with Council. I also stepped

down in 2014 from the Chairs of the Public Accounts Committee and Lands Authority, also due to a potential conflict of interest, but I am currently serving as Coroner, Member of the Media Commission, Member of the Investigative Commission and I have served on various other Commissions, including the Prison Break Commission, thus various Committees, including a number of years as Chairman of the Chamber of Commerce. I am also currently a Director on the Board of the St Helena Hotel Development Limited and a shareholder in Solomon and Company. I have kept myself abreast of local governance and both local and British politics. I have a good understanding of Constitutional issues and familiar with Standing Orders and the Code of Conduct. As Speaker is regarded as a senior authoritative member having control over the legislature I believe I am of the right calibre leadership skills that come with this position with the ability to instruct firmly but fairly and most of all a responsible attitude to act impartially. Honourable Members, I thank you for your keen attention and have every confidence that your candidate selection will be debated in the best interests of the Council and the people it serves. Thank you.

The President –

Thank you, Mr Buckley. Members, I now call Mr John Cranfield to do his presentation.

Mr John Cranfield –

Your Excellency, Madam President, Honourable Members and dare I say, future colleagues? Many thanks indeed for giving me this opportunity to address you on the matter of my nomination for the election to the post of Speaker of the House. The principal Speaker's office is a high profile position and undoubtedly requires substantial leadership skills and having particular qualities, all of which I have achieved throughout my professional career in the public service. I started my career in 1972 as a Customs Clerk and in 1979 was promoted to Senior Customs Officer and Harbourmaster within the then Treasury Department. In 1989 I was further promoted to the post of Information Officer in the Office of the Chief Secretary, being responsible for the editing and distribution of the island's weekly newspaper and the efficient and effective operations of the St Helena Radio Station at Pouncey's. In 1992 I moved to the Economic and Development Department in the capacity as Building Inspector. I was responsible for ensuring the safe erection of all construction work in accordance with the Building Regulations. In 2000, the opportunity arose for me to move into the Public Works and Services Department as Senior Transport Manager, responsible for providing and maintaining an efficient and effective transport service to all departments throughout the Public Service. I held this position until April 2009 when I retired from the Public Service having served in senior management positions which enabled me to gain a wealth of leadership skills and qualities. In November 2009, I was elected to the prestigious House of Elected Members of Legislative Council during which time I was appointed Chairman of the Access and Transport Committee, I was also appointed a member of the Finance Committee, Public Works and Services Committee and the Home and International Committee. It was indeed an honour and a pleasure to serve on all these important Committees. For about ten years I served as a Justice of the Peace, however, in accordance with the Constitution it was necessary for me to resign from this position to enable me to run for the office of Deputy Speaker about two and a half years ago. Without jeopardising its integrity and credibility I now wish to continue to pursue my political career with fervency and zeal by once again becoming an integral part of the administration and operations of the long-standing protocols of this Honourable House and its members. I do understand the importance of having a Legislative House conduct itself in a professional manner and fitting for all to have a say. I care passionately for this island of ours as undoubtedly you all do otherwise you would not be seated here as Honourable Members. I have a happy disposition, I am approachable, I enjoy interacting with my fellow islanders and

I am honest and steadfast in all tasks I undertake. In brief, Honourable Members, being a good listener, responding to put our ear and giving guidance and support to Honourable Members once again will be my mainstay as Honourable Speaker when called upon. Honourable Members, following the sad passing of the then Deputy Speaker, Mrs Cathy Hopkins, following due process I was appointed Deputy Speaker. At first it was a steep learning curve, but by giving total commitment and dedication I soon became conversant with the inner workings of the Constitution, Standing Orders and the Code of Conduct for members of Legislative Council. Honourable Members, just over a year ago we signed a contract with the air service provider and it goes without saying that we desperately need this to work. We need to improve our economy for the benefit of our island and its people. There are many other ventures at our disposal to achieve this so I wish you all every success in your deliberations in taking the island forward. Honourable Members, should you choose me as your Speaker I will endeavour to carry out my duties efficiently and effectively. Honourable Members, there is a lot to be achieved and we can do this as a team together for the future prosperity of our island. Over the past two and a half years I served as your Deputy Speaker, I gained a wealth of knowledge during this time and I was recently appointed Acting Speaker in the absence of the substantive Speaker and presided over two formal meetings of Legislative Council. This involved me conversing with the Constitution, Standing Orders and the Code of Conduct for members of Legislative Council and successfully followed the proceedings of passing Sessional Papers, Questions, Motions and Bills through the House with Honourable Members. The experience I have gained through this process has given me the confidence to put myself forward as a candidate to fill the vacant position of Speaker. Honourable Members, like the saying goes, I have been there, done that and I've got the T-shirt to show, so Honourable Members, thank you very much indeed for giving me this opportunity to address you all. Thank you.

The President –

Thank you, Mr Cranfield. I will now, Members, ask Mr Ferdie Gunnell to join us at the table. Sorry, I should have stated Mr Cyril Gunnell, I do apologise.

Mr Cyril Gunnell –

Ferdie Gunnell, Ferdie sounds better than Cyril anyway, so.

Your Excellency, Madam President, Honourable Members, an opportunity has arisen for becoming Speaker of the Legislative Council. I wish to share some of my experiences from which will emerge attributes that would assist me. The Speaker has enormous responsibility chairing formal and informal meetings of the Council. A strong leader is required and I believe I am up to that task. The main business of the Council is to make laws and pass a budget for the island. The process of the business of the House is guided by a set of rules. I am conversant with the procedures at formal Legislative Council meetings, Standing Orders and the Councillors Code of Conduct. Chairing formal meetings is not something new to me and most people will know that I have a view about most things. However, the Speaker has to be impartial in his or her judgement and I can do that. I believe there hasn't been significant change in the Speaker role since 1988. It would not be beyond me to discuss with Honourable Members any proposed changes I felt would increase the efficiency and effectiveness of the Speaker's Office. My Council experience spans many years. I was first elected in 1991. I came off Council in 2013. Between 1991 and 2013 there were periods working at Radio St Helena, Social Services and Development and Economic Planning Department. Although I left Council work in 2013 when convenient I attend ExCo and Council Committee open meetings and also constituency and public meetings to hear debates and keep abreast of political issues. I am conversant with the Constitution. In 2004, the FCO sponsored the late

Cathy Hopkins and I to the British Virgin Islands to observe ministerial government at work. Some would say it is unfortunate the proposed change to the ministerial system didn't materialise, but it was the view of the people at that time that the island was not ready. The Speaker's Office was regarded as very important in the BVI system. A comment the Honourable Speaker made has always stuck with me, "If you have an incompetent Speaker's Office you will have a failed Government", a powerful statement, but there could be some truths in it. I do know my way around legislation, am familiar with the workings of Government and keep abreast of important changes. I was a member of Executive Council for two terms, chairing Employment and Social Services and Health and Social Welfare Committees and over the years served on various other committees and boards, including Education, Agriculture and Natural Resources, the Eliza Mary Lloyd Trust, Tourism, Finance, Fisheries, to name some and also some ad hoc committees such as Housing. As Chair of Health and Social Welfare, I visited the Devon Health Trust in the UK for high level discussions, forging links between Public Health in St Helena and the Devon Trust in the UK. In 2001 I represented St Helena in London at the Millennium Development Goals Conference. This was to report how St Helena was meeting its MDGs responsibilities leading up to the 2015 target date. A report of my visit can be read on the SHG website. My representation at the CPA Conferences overseas includes Overseas Territories Consultative Council, Small Countries and British Islands and Mediterranean Region of which I chaired a session in Jersey and I also led a delegation to the EU Conference in Bon Aire, Netherlands, Antilles for discussions on an EU funding tranche. My most satisfying successes at formal Legislative Council meetings were causing a complete review of the Constitution, Review of Benefits System and changing policy so that the SHG unestablished workforce became established with pension rights. In Civil Society and Non-Government Organisations, I was part of the Citizenship Commission campaigning for restoration of British Citizenship and we did achieve that, Vice President of Chamber of Commerce for one year and still an active member. I am Chairman of the Public Accounts Committee whose capability involving the public pound is steadily increasing, also Chairman of the Prison Visiting Committee with responsibility for overseeing the welfare of prisoners.

I believe in openness and transparency and accountability, Honourable Members. I am a freelance journalist and I have a radio show. My previous work experience include Inspector and Medical Assistant for Pan American Airways on Ascension Island, in the UK I was an Accounts Clerk for P H Blackmore Ltd, a Progress Control Manager for CSE Aviation at Oxford Airport, the latter was a senior management position in the Aviation industry. In St Helena I was Income Tax Officer, Social Worker, Home Help Supervisor, Investigations Officer, Environmental Assistant and a Radio News Editor. My hobbies are dancing, gardening, reading and writing stories from material researched in the Archives and the Public Library, you may have read some of them.

Honourable Members, I would consider it a great opportunity to be your Speaker, but my fate lies in your hands. Thank you.

#### The President –

Thank you, Mr Gunnell. I'd like to thank the three candidates for their presentation and now I ask if the Clerk of Council could circulate ballot papers so we have three nominations, Rodney Buckley, John Cranfield and Ferdie Gunnell. Members, I'll give you a few moments and then I'll ask the Clerk of Council if she can go and collect, please Clerk of Council, do not forget about me up here in the front because I do have the right to vote, although I'm just filling in for this part of the meeting. Thank you.



The Clerk of Council will now collect the completed ballot papers. So whilst the Clerk of Council is doing the Count, I will ask the Acting Attorney General if he can give me some advice, because I don't have a Constitution in front of me, there needs to be a majority vote to determine the successful candidate as Speaker, can you advise please?

Mr Allen Cansick (Acting Attorney General –

There needs to be a majority, it's not a majority of the lowest candidate.....

The President –

Okay. We have eleven members present today.

Okay, in alphabetical order, I will announce the results –

Rodney Buckley	3 votes
John Cranfield	7 votes
Cyril Gunnell	1 vote

That makes a total of eleven, so with advice from the Acting Attorney General, it's the majority and the majority today eleven members, members present who put their vote is 7 to 4 so we do have a majority vote, Acting Attorney General?

The Hon. Allen Cansick –

That's correct.

The President –

Yes, so I can now confirm that the new Speaker of the House is Mr John Cranfield, so congratulations to you Mr Cranfield. (*Applause*).

Honourable Members, I will now ask Her Excellency the Governor, Lisa Honan, who will now administer the prescribed Oaths to the new Speaker and also, Members, I have already given permission for a photograph to be taken whilst the new Speaker, John Cranfield and the Governor during the administering of the Oaths. So, Governor, come forward and the new Speaker, Congratulations.

The Speaker (Mr John Cranfield) –

Thank you very much.

The President –

Now we have a new Speaker I will now go back to being Honourable Christine Scipio. Thank you, Members.

HER EXCELLENCY THE GOVERNOR, LISA HONAN, ADMINISTERS THE PRESCRIBED OATHS OF OFFICE TO THE NEW SPEAKER, MR JOHN CRANFIELD.

#### **4. ADDRESS BY THE PRESIDENT**

Good morning, Your Excellency, Honourable Members of Legislative Council, Ladies and Gentlemen, I bid you all a very warm welcome to the first sitting of the ninth meeting of Legislative Council. Honourable Members, you have just bestowed upon me the greatest

honour that I have enjoyed in my professional life. I thank you from the bottom of my heart for the confidence that you have placed in me and I am keenly aware of the obligations into which I now enter. The Speaker has a responsibility immediately and permanently to cast aside all of his political views. My commitment to this House is to be completely impartial between members; that is what it's about. I will do my best faithfully, honourably, effectively, efficiently and zealously serve this House in the period ahead. I continue to believe that members of this House are upright, decent, honourable people to have come into politics, not to feather their nests, but because they have heeded the call of public service. For such people I shall always have the highest respect and it is on that basis, in that spirit, with that conviction that I shall seek to discharge my obligation in this House which I regard, as I have said, as the greatest privilege of my professional life to occupy.

Honourable Members, there are a number of very important issues that need to be addressed urgently and I give an undertaking that I will give those issues priority and I look forward to working with you all for the remainder of our term of office. I would like to extend my sincere thanks to Bishop Dale for giving us the benefit of prayer and I would also like to extend my sincere thanks to Mr Tony Leo for stepping in as our Mace Bearer. Honourable Members, I cannot fail to emphasise the importance that all members are duty bound to uphold with respect the inner workings of Standing Orders and the Code of Conduct for Members of Legislative Council whilst in session.

Honourable Members, for this session we have 14 Sessional Papers, 13 Questions and 7 Motions followed by the Adjournment Debate, all of which will have a significant impact on good governance. Without further ado, I know we have a long Order Paper to go through, so without further ado I wish you all a successful session and now call upon the Clerk of Council to announce the next item of business, please.

## 5. PAPERS

*SP 01/2019 - (The Hon. Brian Isaac) –*

The Hon. Lawson Henry –

Mr Speaker, may I indulge and seek permission to remove our jackets.

The Speaker –

By all means, you may remove your jackets. I understand it's quite humid and hot inside so please go ahead.....(*inaudible*).....

The Hon. Brian Isaac –

Mr President, I beg to present Sessional Paper No. 1/2019 - St Helena Public Accounts Committee – Report to the Legislative Council on the Formal Session of the Public Accounts Committee held on the 4th February 2019.

**Ordered to lie upon the table.**

*SP 02/2019 - (The Hon. Brian Isaac) –*

The Hon. Brian Isaac –

Mr President, I beg to present Sessional Paper No. 2/2019 - St Helena Public Accounts Committee – Good practice in the effective oversight of Public Finances in the UK Overseas Territories.

**Ordered to lie upon the table.**

***SP 03/2019 – The Honourable Acting Financial Secretary***

The Hon. Nicholas Yon –

Mr Speaker, I beg to present Sessional Paper No. 3/2019 entitled St Helena Government Response to Recommendations of the Public Accounts Committee in Sessional Papers 38/18, 38/18, 45/18 and 47/18.

**Ordered to lie upon the table.**

***SP 04/2019 – The Honourable Acting Financial Secretary***

The Hon. Nicholas Yon –

Mr Speaker, I beg to present Sessional Paper No. 4/2019 entitled St Helena Government – Loan balances recoverable by SHG as at 31 December 2018.

**Ordered to lie upon the table.**

***SP 05/2019 – The Honourable Brian Isaac***

The Hon. Brian Isaac –

Mr President, I beg to present Sessional Paper No. 5/2019 - St Helena Public Accounts Committee – Report to Legislative Council on the Formal Session of the Public Accounts Committee held on the 29th of August 2018.

**Ordered to lie on the table.**

***SP 06/2019 – The Honourable Acting Financial Secretary***

The Hon. Nicholas Yon –

Mr Speaker, I beg to present Sessional Paper No/ 6/2019 entitled the St Helena National Trust Annual Report and Financial Statements 2017.

**Ordered to lie on the table.**

***SP 07/2019 – The Honourable Acting Financial Secretary***

The Hon. Nicholas Yon –

Mr Speaker, I beg to present Sessional Paper No. 7/2019 entitled St Helena Fisheries Corporation Financial Statements for the Year Ended 31st March 2018.

**Ordered to lie on the table.**

***SP 08/2019 – The Honourable Acting Financial Secretary***

The Hon. Nicholas Yon –

Mr Speaker, I beg to present Sessional Paper No. 8/2019 entitled Equality & Human Rights Commission - Financial Statements for the period 01st August 2015 to 31st March 2017.

**Ordered to lie on the table.**

*SP 09/2019 The Honourable Acting Financial Secretary*

The Hon. Nicholas Yon –

Mr Speaker, I beg to present Sessional Paper No. 09/2019 entitled Equality & Human Rights Commission - Financial Statements for the Year Ended 31st March 2018.

**Ordered to lie on the table.**

*SP 10/2019 – The Honourable Acting Financial Secretary*

The Hon. Nicholas Yon –

Mr Speaker, I beg to present Sessional Paper No. 10/2019 entitled Enterprise St Helena - Financial Statements for the Year Ended 31st March 2018.

**Ordered to lie on the table.**

*SP 11/2019 – The Honourable Cyril Leo*

The Hon. Cyril Leo –

Mr President, I beg to present Sessional Paper No/ 11/2019 – A Bill for an Ordinance - St Helena National Trust (Amendment) Bill, 2019.

**Ordered to lie on the table.**

*SP 12/2019 – The Honourable Acting Financial Secretary*

The Hon. Nicholas Yon –

Mr Speaker, I beg to present Sessional Paper No. 12/2019 entitled A Bill for an Ordinance - First Supplementary Appropriation (2018/2019) Bill, 2019.

**Ordered to lie on the table.**

*SP 13/2019 – The Honourable Derek Thomas*

The Hon. Derek Thomas –

Mr President, I beg to present Sessional Paper No. 13/2019 - A Bill for an Ordinance – Medical, Dentistry and Pharmacy Amendment Bill, 2019.

**Ordered to lie on the table.**

*SP 14/2019 – The Honourable Acting Financial Secretary*

The Hon. Nicholas Yon –

Mr Speaker, I beg to present Sessional Paper No. 14/2019 entitled First Supplementary Appropriation 2018/19 Estimates.

**Ordered to lie on the table.**

6.

## QUESTIONS

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

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

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

The Speaker –

Okay.

The Hon. Dr Corinda Essex –

Will the Honourable Financial Secretary tell this House.....

The Speaker –

What are the current intentions for the future.....

The Hon. Dr Corinda Essex –

I'm sorry, I was not notified if this question was now going to be directed to the Honourable Chief Secretary? When I submitted it I submitted it for answer by the Honourable Financial Secretary, so my apologies.

Will the Honourable Financial Secretary, sorry, will the Honourable Chief Secretary tell this House what are the current intentions for divestment/outsourcing of St Helena Government's non-core functions and when will these be known to the local private sector?

The Hon. Susan O'Bey (Chief Secretary) –

Mr Speaker, I thank the Honourable Member for her question. SHG is currently in the process of developing a five-year working plan and as a part of this we will review the factors in the internal and external environment that might influence future service delivery. This will help us to identify future service delivery of workforce needs and review the best way to deliver these. As all existing functions will be viewed as a part of this process, a decision will be taken as to whether any of these functions should continue to be delivered in-house or be divested. The divestment strategy will then be reviewed and updated to take account of this work and we anticipate that this will take place during the latter part of this financial year.

The Speaker –

Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Chief Secretary state that the cost improvement plans that were scheduled to be drawn up in 2017 and the associated review of the Divestment Strategy that was also planned for 2017 have, in fact, taken place?

The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O’Bey –  
Thank you, Mr Speaker. I can confirm that this has not taken place in its entirety. There has been some minor adjustments taken place, but we have not done the full cost improvement plans as originally anticipated and this has been as a result of staff resource implications.

The Speaker –  
Dr Corinda Essex?

The Hon. Dr Corinda Essex –  
Will the Honourable Chief Secretary please indicate when it is envisaged that St Helena Government will have an updated Divestment Strategy which can be shared with the public?

The Speaker –  
The Honourable Chief Secretary?

The Hon. Susan O’Bey –  
Thank you, Mr Speaker. As indicated, we anticipate that the Divestment Strategy will be updated during the next half of this year. The Workforce Plan work will actually take place in the first half of the financial year as a part of the strategic planning and budgeting process and so it is likely that it will be post September when we will have the Divestment Strategy updated and at that stage it should be made a public document.

The Speaker –  
The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –  
Will the Honourable Chief Secretary confirm that one of the key policy objectives is that St Helena Government remains, and I quote, “re-balancing St Helena’s economic activity in favour of the private sector” as the substantive Financial Secretary informed this Honourable House in March 2017?

The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O’Bey –  
Thank you, Mr Speaker. Yes, I can confirm that.

The Speaker –  
Dr Corinda Essex?

The Hon. Dr Corinda Essex –  
Will the Honourable Chief Secretary inform this House as to whether the Strategy that is in preparation also pertains to St Helena Government’s wholly owned entities?

The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O’Bey –

At the current time I cannot confirm that that is the case, however, I would assume that as part of the workforce plan it will apply to the state controlled entities and, of course, Members will be aware that there are plans already being um....that plans are already being implemented in terms of divesting and there’s two of the entities, one of these, of course, being the St Helena Hotel Development Ltd.

The Speaker –  
The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Chief Secretary provide an assurance that St Helena Government will work in collaboration with the private sector in order to reduce arguably skewed competition from public funded activities and to provide new and/or enhanced opportunities for sustainable private sector growth where these are made possible from the outputs of divestment and outsourcing of non-core activities?

The Speaker –  
The Honourable Chief Secretary?

The Hon. Susan O’Bey –

Certainly, Mr Speaker, I am very happy to reaffirm that that is, indeed, the intention.

The Hon. Dr Corinda Essex –  
Thank you.

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

The Speaker –  
The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Speaker. Will the Honourable Chief Secretary tell this House if the St Helena Police Force has the use of drones at their disposal?

The Speaker –  
The Honourable Chief Secretary?

The Hon. Susan O’Bey –

Thank you, Mr Speaker and thank you very much to the Honourable Member for this question. I can confirm that, yes, the Sea Rescue Section of the Police Service does have access to a drone which is used for search and rescue purposes. It has also been used by the Police Commander to search for an elderly person who was reported missing.

The Speaker –

The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Will the Honourable Chief Secretary say that the use of such drones have led to any criminal convictions?

The Speaker –

Honourable Chief Secretary?

The Hon. Susan O’Bey –

Mr Speaker, I can confirm that this is certainly the case, there have been no convictions made as a result of the use of drones.

The Speaker –

Thank you very much. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Can the Honourable Chief Secretary say if such drones have been flying in the Cook’s Bridge area near to the Airport, which is a no fly zone?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

I can confirm that no such flying has taken place.

The Speaker –

Thank you very much. The next question?

***Question No. 3 – The Honourable Gavin Ellick to ask the Honourable Acting Financial Secretary.***

The Speaker –

The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Thank you, Mr Speaker. Will the Honourable Acting Financial Secretary explain to this House why persons in receipt of pensions are required to pay tax?

The Speaker –

The Acting Financial Secretary?

The Hon. Nicholas Yon (Acting Financial Secretary) –

Thank you, Mr Speaker, I thank the Honourable Member for his question. The Income Tax Ordinance 2012 states that the taxable income of a person for any tax year is the total amount earned, accrued and derived by that person during the tax year in or from St Helena and it includes any employment income, including monetary allowances, the payment of any amount received at the termination of employment, the payment of any pension, the payment of any benefit from a superannuation or pension fund, the payment of any amount in respect of the



directorship or management of a company or any contract ...?.... or personal services and in determining the tax payable by an individual the total taxable income of a person is taken into consideration. So if a person's total taxable income within a year is over and above the £7,000 personal allowance the amount earned over the personal allowance is subject to income tax at a rate of 26% of the first £18,000 and at 31% for all additional income. Therefore, if a person is paying tax on their pension, this means that their total taxable income from all sources is graded at £7,000 per annum. If their circumstances change during the year and they no longer have the expected level of taxable income they should contact their employer or pension administrator to seek advice on how this change will affect their tax payable for the year or alternatively they can contact the Income Tax Office to see about it.

The Speaker –

Thank you very much. Next question?

***Question No. 4 – The Honourable Cruyff Buckley to ask the Honourable Chief Secretary.***

The Speaker –

The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Speaker. Will the Honourable Chief Secretary confirm to this House, if the St Helena Police recently carried out an exercise involving firearms, in a residential area, at the car park at the Ladder Hill Colonnade?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

Mr Speaker, I thank the Honourable Member for his question. The St Helena Police Directorate has recently carried out a firearms training exercise for the Trainee Firearms Officers. A public announcement was issued on 22<sup>nd</sup> January 2019 informing the public about this six-week training course which commenced on 28<sup>th</sup> January and concluded on 7<sup>th</sup> March. The training in the Ladder Hill area was done at the rear of the Public Service Training Room to minimise concern to the public. Officers were in possession of firearms which were not loaded, the training given was focused on giving the officers practice at containing a building and moving to the point of containment. Every effort was made to minimise the concern of the public by such training. For example, the training was done at the back of the building and not the front, it was done on the sea facing side of the building, there were Safety Officers present to prevent any accidental movement of people into the area. During the time that this exercise was ongoing there was no physical risk to the public, a risk assessment had been completed prior to the commencement of the training and the training was conducted by a highly qualified and experienced Trainer.

The Speaker –

Thank you very much. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Can the Honourable Chief Secretary say if any signage was in place during this exercise and if there was a Press Release prior to inform the public of such an exercise?

The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O’Bey –

Thank you, Mr Speaker. As indicated, there was a public announcement which was issued on 22<sup>nd</sup> January. As the scenario training was taking place in the lower area of the car park in the front of the Fire Station away from the residential area, a letter drop informing the public was not made. If it had been considered that the training would cause concern then the letter drop would certainly have taken place. There was no risk to the public at any time, there was no live ammunition or magazines to hold the ammunition at the training site, each weapon is checked by the Armourer to ensure that it is unloaded prior to coming on to the site, the weapons are again proved clear by the students to each other prior to the scenario. They then make a declaration that they have no live rounds or spent cases in their possession. The weapons were only ever pointed towards the sea and the role actors used in this exercise were Police personnel. The training area was small and only one qualified Safety Officer was required. However, during the late afternoon, the training area extended to the grass area that runs next to the seawall and behind the area where the Fire Engines are parked and during that time an additional Officer was used to assist and act as a second Safety Officer.

The Speaker –

Thank you, Madam Chief Secretary. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Is the Honourable Chief Secretary aware that this training has caused needless anxiety to residents at Ladder Hill due to not having any prior warning or any signage being in place?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

As stated, prior warning was given in the public announcement issued on 22<sup>nd</sup> January and I am not aware of any distress. However, in all situations lesson learning takes place and I would like to reassure the Honourable Member that going forward there will be every effort made to ensure that should an exercise be carried out then there will be appropriate contact with the public, the members of the public who are directly affected and that we will ensure that communication lines are improved.

The Speaker –

The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Can the Honourable Chief Secretary confirm what time of the day was this exercise carried out?

The Speaker –

Honourable Chief Secretary?

The Hon. Susan O’Bey –

Mr Speaker, I can confirm that the times that this took place, the students were working between 07.00 and 17.00 hrs, the scenario took place from around 10.30 to 16.00 following the theory input.

The Speaker –

Thank you. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Is the Honourable Chief Secretary aware that 3 o'clock in the afternoon kids arrive home from school and will have to pass through this residential area whilst this training was ongoing?

The Speaker –

Honourable Chief Secretary?

The Hon. Susan O'Bey –

I am aware that 3 o'clock is when school ends.

The Speaker –

The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Can the Honourable Chief Secretary confirm if the Police have an alternate site to use for firearms training?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

Mr Deputy Speaker, we do have an alternative site, however, we don't have an area that is suitable for containment practice which was the aim of this particular exercise. The training took place in the car park outside the front of the Fire Station and facing towards the sea. No training has taken place within the residential area of Ladder Hill. The advantage of using Ladder Hill is that the students can have the theory lesson and then go outside to practice should the need arise. If necessary they can then revisit the theory, go outside and consolidate the learning. The location allows for minimal loss of training time due to time loss travelling which increases the exposure that the students are getting and also minimises the exposure to the public.

The Speaker –

Next question, please?

***Question No. 5 – 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 and once again I declare my interest as President of the Chamber of Commerce.

Will the Honourable Acting Financial Secretary tell this House what is the latest timeframe for the completion and commissioning of the new Bulk Fuel installation at Rupert's Bay and how many months of slippage have already occurred in relation to this project?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, I'd like to thank the Honourable Member for her question. The fuel systems encompass not just the Bulk Fuel Installation itself, but also all supporting infrastructure in Rupert's from the ship to shore to the gantry to the bay side facility, the pipeline and the storage in the upper valley. There is also the airport fuel facility. Just for background, the original planned completion date for the fuel systems was November 2015, six months prior to the completion of the airport construction and the commencement of flights to St Helena. As challenges emerged in 2015 in relation to the construction of the airport itself and its certification the Airport Project Board took the decision to focus all resources on works to enable commencement of flights. As a result, the St Helena Airport was commissioned in May 2016 and is operating with contingency arrangements for fuel since that time. Once the St Helena Airport was operational, the airport project resources were then refocused on the fuel systems. This included an expanded scope of work primarily due to changes required to meet the latest fuel industry regulations. Basil Read had planned to complete the fuel systems towards the end of 2018. Unfortunately Basil Read entered the Business Rescue process on 15<sup>th</sup> June 2018 after which time progress slowed significantly. The Design, Build, Operate and Hand Back contract with Basil Read was terminated on 2<sup>nd</sup> October 2018. Completion of the fuel systems is now the direct responsibility of SHG. At the point of contract termination the estimate for the completion date was September 2019. Upon initial assessments after the contract termination, numerous issues were discovered which were not previously evident. These included the lack of materials, a disrupted supply chain and significant quality problems and due to these issues a detailed technical assessment of the completed work has begun to highlight the gaps in documentation and uncover all the construction issues. This assessment is ongoing so the extent of the remedial works is yet to be fully determined. During this time, the focus is to complete the civil works and other snags on the wharf and . . . . In parallel, DfID with support from the Airport Directorate, has started a procurement exercise to commission an independent review. This review is to take a holistic look at the fuel systems with a focus on whether the current design meets the island's needs and if any efficiency savings can be made. The review will also examine the governance of the project. A draft programme has been produced based on the current design with time for remedial work which shows final completion of the fuel systems and demobilisation for July 2020. However, this is still preliminary estimated completion date, it is only once the technical assessment and the independent review are complete and analysed that a definitive way forward will be agreed. It is at this point that a reliable programming completion date can be produced.

The Speaker –

Thank you very much. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Will the Honourable Acting Financial Secretary state what are the anticipated financial implications of the slippage?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. Currently the ongoing works are being funded through the existing Airport Project funds. The guarantees linked to the project are – we were called upon termination of the contract with Basil Read. The SHG Airport Project team is still assessing the extent of the rectification works that could be required and it is difficult for us to, for me to be able to comment on the potential costs until all the information is available to us. Alongside this, the independent review will enable the Airport Project team to develop cost effective solutions to ensure the timely completion of works and the Airport Team has committed to bring this information back to elected members and to provide full briefing as soon as it is available.

The Speaker –

Thank you very much. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Will the Honourable Acting Financial Secretary tell this House whether it is intended that any additional expenditure incurred will be recouped through increased fuel charges?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Acting Financial Secretary –

Thank you, Mr Speaker. I am not aware of any proposals for that to happen at this stage.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Acting Financial Secretary undertake that if, indeed, that scenario was likely to present itself elected members and, indeed, the general public will be given forewarning?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. Certainly any decision or strategic decisions such as those will have to come to members.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Acting Financial Secretary outline the benefits to the customer that would have accompanied timely commissioning of the installation, particularly those of bulk storage of diesel and whether these should still be achieved?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. In terms of the impact to the customer we have fuel contingency arrangements in place to address those issues to make sure that there is no impact on the customer. In terms, ..... I might have to ask the Honourable Member for the second part of her question....., please?

The Speaker –

Dr Corinda Essex?

The Hon. Dr Corinda Essex –

If I could just put it in context, Mr Speaker, although I know I should be asking a question, but as the Acting Financial Secretary has asked for clarification I would like to provide it.

The Speaker –

I will allow that.

The Hon. Dr Corinda Essex –

The question is that benefits were anticipated to result from the commissioning of the new Bulk Fuel facility and installation. Those benefits are currently on hold because the commissioning has not taken place. My question is, will those benefits, particularly those that were anticipated to flow from having bulk storage of diesel on a much larger scale than previously available on the island, still be achieved when the project is finally completed?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

At this stage, I understand your question now, at this stage it is anticipated that benefits will come back to customers once the project is completed. As part of the assessment that is being done now by the Airport Directorate and also the independent review, part of that will be taken into consideration of that as well.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Acting Financial Secretary share the terms of reference for the independent review with elected members?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Yes, Mr Speaker, I think that's possible.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Financial Secretary state what, if any, action is being taken to ensure that the Bulk Fuel Station project will deliver value for money?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Mr Speaker, it is a little difficult for me to be able to give an answer in terms of value for money. Obviously that will be an opinion. What I can say is that every effort is being made to ensure that the envisaged benefits that the new Bulk Fuel Installation would have had will be delivered, every effort is being made (*inaudible*).....

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

With all due respect to the Honourable Acting Financial Secretary there are criteria for determining value for money, it is not simply an opinion and I ask him whether this criteria will be applied in the evaluation of this project?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. As I stated in my previous statement, every effort is being made to ensure that those benefits are achieved as part of the project.

The Hon. Dr Corinda Essex –

Thank you.

The Speaker –

Next question, please?

***Question No. 6 – The Honourable Kylie Hercules to ask the Honourable Chief Secretary.***

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Mr Speaker. Will the Honourable Chief Secretary say what is the SHG's policies/procedures for recruitment of Ex-Offenders?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

Thank you, Mr Speaker and thank you very much to the Honourable Member for the question. Under the Code of Management, St Helena Government has an Employment of Ex-Offenders Policy. St Helena Government recognises that a small portion of the working population will have been convicted of a criminal offence at some time. Obtaining a job is an essential part of successful rehabilitation. A number of offenders are in the upper age bracket and failure to obtain paid employment is often a major reason for re-offending. St Helena Government is committed to best practice with recruiting people with convictions to ensure people with convictions do not face unfair discrimination in any role within Government. However, it is important to ensure that we have measures in place to consider the convictions that applicants have so that we can identify what risks may be present and how these risks can be suitably mitigated. Unless the nature of the position allows us to ask questions about the applicant's entire criminal record applicants are only asked about unspent convictions as defined in the Rehabilitation of Offenders Act of 1974. SHG reserves the right to request a DBS disclosure, which is a Disclosure and Barring Service, in certain roles, such as roles that are required or have the potential to work with children under the age of eighteen, young people and/or vulnerable adults and will use the DVS disclosures as part of our recruitment process where it is identified that this is proportionate and relevant to the position concerned. The suitability of employment of a person with a criminal record will vary depending on the nature of the job and the details and circumstances of the conviction. This is not to exact science so an assessment of an applicant's skills, experience and conviction circumstances should be weighed against the risk assessment criteria for the charge. It should be remembered that employing people on the basis of an application form and an interview irrespective of whether they have a criminal record is never risk free. Staff responsible for recruitment will identify what risks might be involved and what precautions have been placed in order to provide satisfactory safeguards. The information that is likely to help assess the suitability of a person with a criminal record for a position is – does the post involve one to one contact with children or other vulnerable groups, such as employees, customers and clients; what level of supervision will the post holder hold; does the post involve any direct responsibility for finances or items of value; does the post involve direct contact with the public. We'll also look at the circumstances that led up to the offence and the length of time since the offence occurred, we'll assess the seriousness of the offence, whether there is a pattern of offences and we'll also assess whether the nature of the charge creates a temptation for the potholder to reoffend in the place of work, and, of course, the action taken by the individual to demonstrate a change in the circumstances which would make reoffending less likely. Whilst each case is considered on its merits, the main posts that are not available to some offenders are outlined in a table in the Code of Management to support Managers in making their assessment of suitability. If I can just state that these posts are – Teachers, Nursery Nurses, Financial and Auditor posts, posts that deal with unsupervised contact with the public, Nurses, Doctors and other clinical professionals in the Health Service professionals, Legal professions, Police, Firemen and Rescue Services, Ambulance men and Customs Officers. Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Honourable Chief Secretary for your response. You mentioned the Code of Management, can I ask if the Code of Management is within the public domain for members of the public to access?

The Speaker –



The Honourable Chief Secretary?

The Hon. Susan O’Bey –

I don’t believe that that is the case, it is obviously the Code of Management that guides officers, it’s currently available on the SHG internet, but I’m not aware that it is in the public domain.

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

You mentioned the category of...whereas once one has a conviction there’s such positions which they are not eligible for, could you say what would be the nature of the conviction when not eligible for these posts?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

Yes, I can do that, thank you, Mr Speaker. So in Education, Teachers and Nursery Nurses, that would be for persons convicted of child abuse, sexual offences, serious drug offences and violent offences. For financial and auditor posts, it would be for persons convicted of fraud, theft and burglary. For posts that deal with unsupervised contact with the public, it would be for persons convicted of violent offences. Nurses, Doctors and other clinical professionals and Health Service professions, it would be for persons convicted of child abuse, sexual offences, violent offences and drug offences. In the Legal profession, it would be for persons convicted of fraud, violent offences, serious drug offences and child abuse. In the Police, convictions, cautions and fixed penalty notices when introduced will not necessarily preclude anyone from appointment within the Police Force as a new Police Constable or employment as a member of the Special Constabulary or work in a non-Police personnel role, for example, either a contractor, agency staff, volunteer, partnership working, it will depend on the nature and circumstances of the offence. Fire and Rescue Services, Ambulance men, it would apply to persons convicted of child abuse, sex offences and serious drug offences and similarly Customs Officers for persons convicted of drug offences, child abuse, fraud, burglary, theft and violent offences.

The Speaker –

Thank you, Madam Chief Secretary. The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Mr Speaker. Can the Honourable Chief Secretary say how often SHG reviews this policy?

The Speaker –

Honourable Chief Secretary?

The Hon. Susan O’Bey –

We review all of our policies from time to time and what I can confirm that this particular policy is undergoing review as we speak.

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

I understand that the policy is within the Code of Management, would the policy alone be published for members within the public?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

We can certainly discuss how the nature of the policy could be made available to members of the public.

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you and finally, Chief Secretary, you mentioned that this, in 1974 offenders, the Rehabilitation of Offenders Act, is this where the policy is derived from?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

Yes, I can confirm, Mr Speaker, that the policy does take account of this particular Act.

The Speaker –

Next question, please?

***Question No. 7 – 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 House if St Helena Government will give serious consideration to introducing a higher Income Tax Band for persons in receipt of income exceeding £50,000 per annum?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. I’d like to thank the Honourable Member for her question. The simple answer, Mr Speaker, is, yes, consideration will be given to introducing a higher Income Tax band as part of the work of the Tax and Revenue Working Group this time of year through the Medium Term Expenditure Framework Process. The increase in the higher rate band will be considered amongst a list of potential tax changes as it has done in previous years. The list of options are compared to the tax principles and short-listed options are taken forward for

discussions with the Economic Development Committee. The current tax system focuses heavily on taxing incomes and it is the policy intention to the current tax proposals that SHG should create the right balance between taxing incomes and taxing wealth and will seek to put forward in the tax base. In considering introducing a higher income tax band we will consider the potential impact on disposable income individual's consumer goods and user services within the community and the potential impacts this would have within the economy, example, expenditure in shops, bars, restaurants etc. And we will also consider how this might impact the attractiveness of St Helena from an employment and investment perspective and how the rates of income tax here compare with other countries. It is known that respective applicants within the private and public sector consider the tax implications before considering a job in St Helena or elsewhere for that matter. We also consider how much revenue the upgrading of the band would generate relative to other taxes we could expand or introduce instead. When the higher rate of income tax was considered this year it was estimated that based upon the current tax payers around £10,000 of revenue would be raised for every 1% increase in the higher band and this and a number of other considerations have led to this particular proposal not being short-listed this year. However, we will, of course, look again at this, as we do every year, and considerations will form part of the work of the Tax and Revenue Working Group and the findings reported back through the appropriate channels.

The Speaker –

Thank you very much. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Is the Honourable Acting Financial Secretary aware that an income within that bracket in the United Kingdom would be taxed at 40%?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

*(inaudible)*

The Speaker –

I think you need to speak up, I don't think the answer.....

The Hon. Nicholas Yon –

Oh, sorry. Yes.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Why does the Honourable Acting Financial Secretary and his team then consider that a small increase with 31% would be likely to deter people from obtaining employment in St Helena?

The Speaker –

The Acting Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. It is for the reasons as outlined. As I said, you know, we looked at the impact on disposable income, we looked at the employment and investment perspective and we looked at it in and around with all the other proposals that have come forward this year as part of the tax (*..inaudible..*).

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I ask the Honourable Acting Financial Secretary if it is not also a normal tax principle that those with the broadest shoulders carry the greatest load, i.e. those who are in receipt of the greatest income pay the greatest amount of tax?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. Yes, I agree with that statement which is the reason why we have a higher rate tax already over income over above £25,000 is taxed at 31%. The matter for consideration is whether we tax over and above that. There is, I agree that there is the need to consider that on a regular basis, but also to take a balanced view as to how we should broaden the tax base and get the right balance, as I mentioned earlier, about taxing incomes and taxing wealth, to getting that balance right, so that's part of the considerations of the Tax and Revenue Working Group.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you.

The Speaker –

Right, next question, please?

***Question No. 8 – The Honourable Clint Beard to ask the Honourable Chief Secretary.***

The Speaker –

The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you, Mr Speaker. Will the Honourable Chief Secretary tell this House what the new SHG smoking policy entails?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

Thank you, Mr Speaker and I'd like to take this opportunity to thank the Honourable Member for this question. St Helena Government introduced a smoking ban in public places in

September 2012 and SHG as an employer has therefore clearly defined the restrictions that apply to all SHG employees which must be observed at all times. Smoking, as we know, is the leading modifiable risk factor for cardiovascular disease which causes a substantial burden of illness, disability and early death in the community of St Helena. Smokers and also people who are exposed to second-hand smoke are at substantially higher risk. The rules relating to smoking in Government Directors, Directorates, sorry, smoking is not allowed in any office or working area with Government Directorates, including tearooms, kitchens, staffrooms, corridors, toilets or stairwells, at meetings on SHG premises whether these be inside or outside, smoking is not allowed in any SHG vehicle or on any part of SHG sites which include outside areas such as car parks, gardens, terraces, driveways and the like. Smoking is also not allowed on the outdoor sites of Francis Plain playing field and the Pavilion site. Staff and contractors wishing to smoke before or after work or during lunchtime must leave the SHG site completely and are also requested not to smoke in front of the SHG site. Smoke breaks during the working day are not permitted during working hours except during official lunch breaks when staff/contractors may leave and smoke off site. No smoking signs are required to be prominently displayed inside all buildings and vehicles and no smoking and smoke free site signs must be prominently displayed on terraces and at gateways and entrances to SHG sites. All SHG staff are obliged to support the application of the policy by informing the site visitors that they may not smoke on site and politely requesting that they leave the site to smoke. In the event of an employee who smokes consistently refusing to comply with the policy on smoking or with the restrictions stated above this could result in disciplinary action being taken in accordance with the disciplinary policy and procedure.

The Speaker –

Thank you, Chief Secretary. The Honourable Clint Beard?

The Hon. Clint Beard –

I'd like to thank the Honourable Chief Secretary for quite a comprehensive answering of quite a few questions I've asked about, but will the Chief Secretary advise how these smoke breaks are monitored?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

Thank you, Mr Speaker. As with all things we obviously rely on the goodwill of staff, we have line management processes in place, but largely it's monitored through the consensus of people working in the same area. It's not policed in the broader sense, however, we would rely on everybody supporting the policy and if there is deviance from the policy we would expect that to be brought to the relevant Line Manager's attention.

The Speaker –

Thank you. The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you, Honourable Chief Secretary. With SHG employees being of smoker and non-smokers will the Chief Secretary advise how SHG has made the policy as fair as possible to all employees?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

The policy, yes, that has been made as fair as possible. However, if we agree as an organisation that SHG is a smoke free zone then that applies to everybody regardless of whether they are smokers or not. I can confirm though that there is a support programme in place for SHG employees who wish to quit smoking and as recently published in a recent SHG Press Release the Health Directorate has developed the offering of smoking cessation support for anyone wishing to smoke, there are smoking cessation clinics held both at the Jamestown and Half Tree Hollow Clinics and with effect from this week Clinics in Jamestown now take place at St John's Villa every Thursday between 2 and 4 pm and Clinics in Half Tree Hollow take place every other Tuesday from 2 to 4 pm. SHG employees who smoke and would like support to quit can attend the smoking cessation programme during working hours.

The Speaker –

The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you, Honourable Chief Secretary. With Francis Plain being mentioned before and as a community sporting arena has a designated smoking area been created for Francis Plain?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

Thank you, Mr Speaker. Yes, I can confirm that a designated smoking area has been made available, it's at the back of the car park in the area of the technical block at Prince Andrew School.

The Speaker –

Okay, Honourable Clint Beard?

The Hon. Clint Beard –

Finally, thank you for that answer. Will the Chief Secretary please advise how the smoking policy is put in place in other state controlled entities and organisations that SHG have shares in?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

At the moment, I can confirm, Mr Speaker, that the policy only applies in SHG buildings, however, we are reviewing our relationship and the way we work with our state controlled entities and that could be one of the considerations applied if it is practical to do so.

The Speaker –

The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you, thank you, Chief Secretary.

The Speaker –

The Honourable Gavin Ellick wanted to come in first?

The Hon. Gavin Ellick –

Regards to your answer about Francis Plain having a designated smoking area, over there at the moment we have five fireplaces where we cook and believe me, because I suffer from emphysema, do, what I heard from the doctors in Cape Town, wood smoke is just as harmful, so will we have to stop cooking over there, because it seems stupid, in my opinion, that we have to go right to the back of the car park to smoke while we have, while we cooking. I am not a smoker, I quit smoking with.....

The Speaker –

Can you ask the question, please?

The Hon. Gavin Ellick –

My question is, will we have to stop cooking food over there because coal smoke is worse than, just as bad as cigarette smoke?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

The ban at the moment applies to cigarette smoke.

The Speaker –

Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Is the Honourable Chief Secretary aware that SHG’s policy is just moving the problem elsewhere and that there are now SHG employees gathering in other areas, for example, close to residential properties, and I declare my interest, although I’m glad to say in my instance the situation has now been resolved?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

Thank you, Mr Speaker. Yes, I can confirm that I am aware. In actual effect whenever we are made aware of this we do take steps to address this. We recognised that the ceasing of smoking is a difficult issue and we want to work with all members of staff, but including of course areas which might be impacted as a result of that, so whenever something is brought to our attention we do take steps to address to ensure that we minimise any impact and we encourage staff not to impact on other areas of the public.

The Speaker –

Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Would the Honourable Chief Secretary consider taking a proactive approach to this issue and, in fact, advise the staff that they should be careful that they are not presenting hazards to other individuals and forcing them to become passive smokers simply because they can no longer do that on SHG territory?

The Speaker –  
The Honourable Chief Secretary?

The Hon. Susan O’Bey –  
Thank you, Mr Speaker. Yes, I can give that assurance that we will certainly do that.

The Speaker –  
The Honourable Derek Thomas?

The Hon. Derek Thomas –  
Thank you, Mr Speaker. Is the Chief Secretary aware that it would appear in certain cases SHG staff takes smoke breaks during working hours?

The Speaker –  
The Honourable Chief Secretary?

The Hon. Susan O’Bey –  
Thank you, Mr Speaker. As indicated where we recognise that it is a very difficult situation, whilst we’ve banned smoking we recognise that there will be people who won’t adhere to the ban. When situations are brought to our attention we deal with it through the relevant policies. We try to encourage people to support the policies and to carry out the principles of the policy, however, in situations where this is persistent then this is addressed with the relevant Line Managers.

The Speaker –  
The Honourable Derek Thomas?

The Hon. Derek Thomas –  
Thank you, Mr Speaker. Now that I’ve made the Chief Secretary aware will the Chief Secretary give an undertaking to do something about this?

The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O’Bey –  
I’m sure the Honourable Member, Mr Speaker, will share the details of the particular incident. We don’t have a blanket approach to this, we tend to deal with incidents as they occur and so if the Member is happy to share the information with me we can follow it through.

The Speaker –  
The Honourable Derek Thomas?

The Hon. Derek Thomas –  
Mr Speaker, I’d be happy to share that information with the Chief Secretary.



The Speaker –

Thank you very much. The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Mr Speaker. The Honourable Chief Secretary mentioned that smoking will take place in lunch breaks, are the employees allowed to have a tea break within the work day?

The Speaker –

Honourable Chief Secretary?

The Hon. Susan O’Bey –

Employees are entitled to a lunch break. Whilst there is no entitlement to tea breaks, people are allowed obviously to have breaks but those do not become smoke breaks, so it is only during the official lunch breaks that this is allowed.

The Speaker –

Thank you very much indeed. Next question, please?

***Question No. 9 – The Honourable Kylie Hercules to ask the Honourable Chief Secretary.***

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Mr Speaker. Will the Honourable Chief Secretary say what is SHG’s policies and procedures in dealing with formal complaints?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

Mr Speaker, I thank the Honourable Member for her question, it is most timely given the fact that the Administration has also received concerns about the complaints procedure and asking for it to be clarified, so I think this is a very useful question.

In the event that a member of the public wishes to make a formal complaint or is dissatisfied with the standard of service provided by SHG, they are encouraged to do so in accordance with the published SHG Complaints Procedure. This procedure relates to most areas of SHG, however, there is a separate complaints procedure for Hospital services and both procedures can be viewed via the SHG website. In the event of a complaint about the Police Service complaints need to be submitted in accordance with the Police Service Ordinance 1975. The SHG formal Complaints Procedure has three stages. The first step in the process is for the complainant to complete a general SHG Complaints Form and submit it to the Information and Research Support Officer in Corporate Support at the Castle. Depending on the service area that the complaint relates to the complaint will then be referred to the most relevant SHG official to deal with. That official will then respond to the complainant generally within ten working days of receipt of the completed Complaint Form. In the event that the complainant feels that the response has not adequately addressed their complaint then we move to Stage 2 of the process. Stage 2 requires the complainant to submit a Stage 2 Complaint Form which is the same format used for a Stage 3 complaint and again submit to the Information and Research

Support Officer who will arrange for the Stage 2 complaint to be investigated and who will inform the complainant of which SHG official is dealing with it. A response will be issued to the complainant by the relevant official generally within ten working days of having submitted a completed Stage 2 Form. In the event that the complainant is of the view that the complaint has not been addressed then Stage 3 of the process will apply, the complainant will complete the relevant Form and submit it to the Chief Secretary who will then appoint a Reviewing Officer to deal with the complaint and advise the outcome to the complainant within twenty-eight working days. The procedure to follow complaints related to the Hospital Service also requires complaints to be submitted in writing, although in-patients may also make a complaint verbally to the Hospital Nursing Officer if there are any aspects of their hospitalisation that they are unhappy about. Formal written complaints should be submitted to the Director of Health and response will generally be sent within two weeks of receipt of the complaint. However, if it is anticipated that a response may take longer than two weeks to prepare the complainant will be informed. In the event that the complaint has involved a member of staff and the complainant does not feel that their complaint has been dealt with properly or they are unhappy with the outcome they may write to the Chief Secretary. Any complaints involving possible negligence will immediately be forwarded to the Attorney General's Chambers to deal with and whilst preferring to have the Complaints Form completed and formally submitted, as this ensures that the complaint is traceable, logged and addressed, the Health Directorate does also accept any complaints via any other channels, that is, verbally, e-mail, telephone call, letter, via elected member for any representative of the patient's choosing. Thank you.

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Mr Speaker. Honourable Chief Secretary, you stated that an official of SHG would be appointed to, an appropriate official to deal with a complaint, are there any independent bodies who are appointed by SHG to deal with complaints?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

Initially, no, all complaints are, the officials would be SHG employees.

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

You mentioned the Police Service Ordinance 1975, what are the processes outlined in the Police Service Ordinance and are they different to those which you outlined earlier in your response?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

It might be helpful, Mr Speaker, if I outlined the process for a complaint about the Police Service. Anyone can e-mail the Police Service with their concerns. If it is a process issue it

will be classified as a direction of .....issue. This is reviewed and any recommendations considered and adopted if appropriate to do so. Any complaints about the performance of individual officers can be made in person at the Police Station or via an e-mail to the Director of Police or any other senior officer. These are logged on the O-trix Complaints System, reviewed by the Detective Chief Inspector, who is the lead for investigations, and then allocated for investigation. These must be completed in ninety days unless there are exceptional circumstances. However, the Police Directorate aims to complete within thirty days. When any member of the service other than a senior Police Officer is charged with a breach of any disciplinary regulations made under this Ordinance then any Senior Police Officer may hear and determine the charge or complaint and may, if he or she finds the member of the service guilty, impose one of the following sentences provided for in the Ordinance. This is a formal verbal warning, which is Stage 1, a written warning, which is Stage 2, a final written warning, Stage 3 and then there is dismissal with notice or a dismissal without notice. When any Senior Officer within the Service, other than the Director of Police, is charged with a breach of any disciplinary regulations made under the Ordinance, the Director of Police and Head of Human Resources may hear and determine the charge or complaint and may, if they find such members of the service guilty, impose any one of the above sentences which I just mentioned. If the Director of Police is charged with a breach of any disciplinary regulations made under this Ordinance the Governor must appoint one or more persons to hear and determine the charge or complaint and they become the panel. If the panel finds the Director of Police guilty it may also impose any one of the sentences previously mentioned. The Ordinance also states that in the event of a final written warning, dismissal with notice or dismissal without notice being the outcome of any disciplinary matters, the punishment will not be effective until confirmed by the Governor. In the event of punishment taking the form of a formal verbal warning or written warning, a recommendation can also be made to the Governor for a reduction in rank for the officer concerned. The Ordinance also provides for officers to appeal against any punishments issued.

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Honourable Chief Secretary. How does SHG ensure that the complaints are fairly investigated throughout all of SHG and more specifically the Police Directorate would, as you said, if there's a junior ranking officer the investigation would be held or dealt with by a senior member?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

Thank you, Mr Speaker. The senior officer will carry out the investigation, but assisted and having the Director of Human Resources involved in the investigation.

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Mr Speaker. When you mentioned the Governor, if a complaint is lodged against the Chief of Police, the Governor appoints a panel, can you say if this panel consists of SHG officials or are they independent bodies?

The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O’Bey –  
This is not actually set out in the Ordinance, Mr Speaker, it is up to the Governor in determining what she feels would be the independence of a panel.

The Speaker –  
The Honourable Kylie Hercules?

The Hon. Kylie Hercules –  
Can the Honourable Chief Secretary say if an allegation is made against an SHG employee of a serious nature, what happens to that employee whilst the investigation is ongoing?

The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O’Bey –  
The action, Mr Speaker, that will be taken into account, would depend very much on the nature of the investigation.

The Speaker –  
The Honourable Kylie Hercules?

The Hon. Kylie Hercules –  
Can the Honourable Chief Secretary say how often the complaints procedures are reviewed?

The Speaker –  
The Honourable Chief Secretary?

The Hon. Susan O’Bey –  
Thank you, Mr Speaker. There is no particular timeframe in terms of reviewing the procedures, however, we regularly receive queries or concerns about the process and so when these come to our attention, as we have had in recent cases, then they are reviewed and we usually issue a Press Release to confirm the changes.

The Speaker –  
The Honourable Kylie Hercules?

The Hon. Kylie Hercules –  
Thank you. Is the basis of the review solely on the feedback given or is there some other information of which the review gets made against?

The Speaker –  
The Honourable Chief Secretary?

The Hon. Susan O’Bey –

It would normally, Mr Speaker, take into account the nature of the concerns raised, however, we would take the opportunity at the time to address wider issues as well.

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Would the Honourable Chief Secretary say if any consideration can be given to a Complaints Commissioner, an independent body investigating?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

I can’t give a commitment to that at this stage, I would obviously need to understand the ratifications of such, however, I can investigate whether there is a possibility.

The Speaker –

Next question, please?

***Question No. 10 – The Honourable Clint Beard to ask the Honourable Financial Secretary.***

The Speaker –

The Honourable Clint Beard?

The Hon. Clint Beard –

Will the Honourable Acting Financial Secretary tell this House what arrears and uncollected fees are owed to SHG?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker; I thank the Honourable Member for his question. I can say that at the end of January 2019 the total uncollected or arrears of revenue totalled £419,208 and this included Customs of £138k, Government Landlord Housing of £69k, Port Fees £32k and Medical Fees £31k. I’d just also like to clarify that from our perspective uncollected or arrears of revenue basically means that when a fee is charged anything unpaid after thirty days is considered to be arrears.

The Speaker –

The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you, Acting Financial Secretary. Would the Acting Financial Secretary advise what percentage of this debt is recovered?

The Speaker –

The Acting Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. At this stage, we anticipate that all of this debt is recoverable. There are plans in place with debtors in terms of how it is collected. If at any stage through our assessment, our regular assessment of those debts, if it is of our opinion that it is not collectible then we will make a provision for that debt or consider a write-off of that debt, so at this stage all of that debt is considered to be recoverable.

The Speaker –

The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you. How aged are the arrears in revenue?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. The age of this debt spans a wide range, so from one month through to, in some cases, six years. This is because, in terms of the longer time span, because we have debts, for example, if there is a person who went overseas and they're overseas now and they're not intending to return we still keep that debt, we still monitor that debt and when we can we collect, have provisions to clear that debt from that person, so I would say there is a wide range in terms of from one month to about six years, depending on the type of debt that it is.

The Speaker –

The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you, Acting Financial Secretary. How successful has SHG been in recovering aged debt from the previous financial years?

The Speaker –

The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –

Thank you, Mr Speaker. I would say that we have been successful in collecting debt. Where we can we put in repayment programmes for people, with customers, to ensure that there is a regular repayment of that debt. There have been instances where in the past we had come to the decision that everything has been done to try and recover that debt and where we haven't been able to collect that debt we had to write it off, so we have been successful, but there have been occasions where we had to write off debt.

The Speaker –

Honourable Clint Beard?

The Hon. Clint Beard –

Thank you for that answer. What system does Government employ for recovering debt or what is the debt recovery plan that they use?

The Speaker –  
Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –  
Thank you, Mr Speaker. Our process and our policy in terms of recovering debt or collecting debt is set out in the Financial Regulations, so when a service is provided and a fee is charged, after the thirty day credit period that is given we consider that to be an arrears and a debt, we then issue a thirty day letter to the customer to say you have thirty days in which to pay the debt or to come in and discuss with us how you are going to make plans to repay that debt. If nothing is received within or no plan in place within that thirty day period we then issue a second letter for fourteen days to say you now have fourteen days to do the same process and if nothing happens within that fourteen days we write a letter to say it has been referred to the Attorney General's Chambers and every effort is made to put in place programmes or plans for people for repayment, where the full amount cannot be paid immediately we try and put in a plan of how much they pay in a week or every month, before we consider legal .....

The Speaker –  
The Honourable Clint Beard?

The Hon. Clint Beard –  
Thank you, Acting Financial Secretary. Is there any monies owed from those that are abroad at present?

The Speaker –  
Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –  
Yes.

The Speaker –  
The Honourable Clint Beard?

The Hon. Clint Beard –  
How is SHG attempting to recover that?

The Speaker –  
The Honourable Financial Secretary?

The Hon. Nicholas Yon –  
Thank you, Mr Speaker. So we, so for some of that debt where the person's overseas, we have repayment plans in place where they remit funds to us on a monthly basis. For others where there aren't plans placed currently, we are corresponding with them in terms of how they put in place a repayment plan, so we plan to recover those and where we can we put in those measures that will allow them to remit money back to SHG.

The Speaker –  
The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you for that answer, Acting Financial Secretary. Is there a system for writing off debt?

The Speaker –  
The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –  
Yes, there is a system for writing off debts.

The Speaker –  
The Honourable Clint Beard?

The Hon. Clint Beard –  
Thank you. Who has the responsibility to approve the writing off of this debt?

The Speaker –  
The Acting Financial Secretary?

The Hon. Nicholas Yon –  
Thank you, Mr Speaker. So for, if there is, er, well, Financial Regulations and the Public Finance Ordinance states that if there is a write-off up to £50k the Financial Secretary has responsibility for authority to write off that debt, anything over that amount has to be with the Governor and the Secretary of State.

The Speaker –  
The Honourable Clint Beard?

The Hon. Clint Beard –  
What plans does SHG have in place to recover arrears and overdue fees?

The Speaker –  
The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –  
Thank you, Mr Speaker. So, as I've explained, we basically, we tap or reach .....the debtor, we have a monitoring system, we basically look at each debt and we contact that customer by our letter process, where we can we meet with certain customers or debtors to set in place the proper plans to be able to recover that debt. Like I said, if in the, sort of, worst case scenario, if we have to we take legal action to recover that debt through the Courts.

The Speaker –  
The Honourable Clint Beard?

The Hon. Clint Beard –  
Could you advise what is the criteria for writing off debt?

The Speaker –  
The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –



Thank you, Mr Speaker. There is no set criteria in terms of the Financial Ordinance for the Financial Regulations. However, what would have to be considered is the age of the debt, if it is beyond the legal recovery period and we also consider the value of that debt and the work that needs to be done to collect that in comparison to the value of that debt, we'd have to consider the circumstances that arose with that debt, so, for example, if there is debt that a person died, could we collect that from the person's estate and if it can't be collected that's another, you know, that's another set of circumstances, so then all of these sort of reasons why, but it would have to be a very strong case to suggest that it would be, or it is impossible for SHG to collect that debt for us then to, for the Financial Secretary to be able to consider actually writing that debt off.

The Speaker –  
The Honourable Clint Beard?

The Hon. Clint Beard –  
I thank the Acting Financial Secretary. Is there any way of creating a policy to put in place for collecting debt?

The Speaker –  
The Honourable Acting Financial Secretary?

The Hon. Nicholas Yon –  
Thank you, Mr Speaker. As I said, the policy does exist in the Financial Regulations in the Public Finance Ordinance. However, we are in a process of reviewing the Financial Regulations as part of our regular financial annual processes, so as part of that project we'll consider what other provisions can be made within the policy to make sure that it is as robust as possible.

The Speaker –  
The Honourable Clint Beard?

The Hon. Clint Beard –  
I thank the Acting Financial Secretary for the answer. Just the last one, could you tell this House what do you think would be a better time frame to minimise the owed debt to SHG?

The Speaker –  
I think you're asking for an opinion, but if the Financial Secretary will answer it I will allow it.

The Hon. Nicholas Yon –  
Thank you, Mr Speaker. So from our perspective it is quite difficult for me to say cross the whole of the debt portfolio, what I can say is that a certain type of debt, for example, Customs we anticipate that we will collect that very shortly because of the process that we have in Customs where we don't allow anybody to put anything else through the system but anticipate that that will be collected very quickly, so in a different sense in terms of Government Landlord Housing, for example, some of that debt we anticipate tracking over a longer time period because of (1) the size of the debt, but also what we take into account is the repayment plan, so we put in place, there is one, for example, where there is a two-year repayment plan of a weekly amount, so we know that weekly payment that's paid over a period of time will take

two years to collect. It's difficult for me to say over the whole portfolio but various aspects. I know that there are plans in place as the examples that I've given.

The Speaker –

The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you.

The Speaker –

Next question, please?

***Question No. 11 – The Honourable Clint Beard to ask the Honourable Chief Secretary.***

The Speaker –

The Honourable Clint Beard?

The Hon. Clint Beard –

Will the Honourable Chief Secretary tell this House if there is a policy in place regarding employment initiatives for the island?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

Mr Speaker, I'd like to thank the Honourable Member for his question. There is currently no holistic policy in place regarding an employment initiative for the island, however, within SHG there are various strategies and schemes to retain local staff and upskill our workforce. These include policies relating to training and development, recruitment and retention, reward and recognition and succession planning. We also have and support an Apprentice Programme and, of course, the biennial Careers Fair at which every effort is made to encourage young people to come into public service. SHG has become increasingly reliant on the Technical Cooperation Programme or TC Programme to fill crucial posts, particularly in our frontline services which include Education, Health, Safeguarding and Policing. It is recognised that this is not sustainable in the longer term and our preferred option is to use local staff wherever possible. Succession planning is incorporated in our workplace planning which is part of our annual strategic planning and budgeting process. Succession planning is encouraged to not only reduce our reliance on TC posts, but also for local succession, where, for example, natural wastage could occur and there is a need to retain institutional knowledge. We have implemented professional cadres in all of our frontline services which sets out the competencies and qualifications which staff can acquire in order to progress through the salary scales in their particular areas. We are starting to see the results of this with a number of staff recently achieving international recognised qualifications and over time we will expect to see a reduction in the size of our TC Programme. We are also about to commence work on developing a five-year Workforce Plan which will support the organisation for potential future changes and/or needs against the current profile and will put in place strategies to address potential surplus or shortfall of people and/or skills. Furthermore, SHG is committed to developing a labour market strategy starting in June of this year with the aim to be completed after consultation by April 2020. This strategy will appraise and agree the approach to

unemployment, population skills, attracting St Helenians living abroad and job seeking in St Helena. This strategy will draw on the results of the 2018 Business Survey which was completed by the Statistics Office towards the end of last year which covered all Private Sector businesses with employees. The survey will help by identifying the labour market with frequent and retention constraints and other issues, particularly as they relate to the Private Sector. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Chief Secretary. The Honourable Clint Beard?

The Hon. Clint Beard –

I thank the Honourable Chief Secretary for her comprehensive answers and it might have been answered, but could the Chief Secretary please elaborate if there is a career path for those wishing to progress their careers within SHG?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

Thank you, Mr Speaker. There is a career pathway, as indicated we’ve got cadres, professional cadres in most of the SHG Directorates and where these do not exist we’re looking to implement those. There is also a review of the Cadres planned as a part of the work in its planning process, but these Cadres do set out the progression that people need to go through in order to be able to progress through the service.

The Speaker –

The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you, Chief Secretary. Could the Chief Secretary please advise what systems SHG employ for enticing Prince Andrew School leavers into at least entry level jobs within SHG?

The Speaker –

Honourable Chief Secretary?

The Hon. Chief Secretary –

Thank you, Mr Speaker. We don’t have a systematic policy in place at the moment, we do, as I indicated earlier, work with the Apprentice Programme and as a part of the annual Careers Fair, but it is an area, I think we recognise, where more could be done and as a part of our Workforce Planning Review that will be taken into consideration.

The Speaker –

Thank you very much. The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you. Will the Chief Secretary tell this House that locals with skills living abroad when applying for a job on island, what is the process that is followed?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

Thank you, Mr Speaker. We have an equal opportunities policy which states that it is SHG Recruitment Policy that as between otherwise equally suitable candidates, preference will be given to a candidate who has St Helenian status. This is a form of positive action and would only be legal when two candidates score exactly the same in the selection process, otherwise the highest scoring applicant would be offered the job.

The Speaker –

The Honourable Clint Beard?

The Hon. Clint Beard –

Would the Chief Secretary advise if all State Control entities are using the same form of HR policies?

The Speaker –

Honourable Chief Secretary?

The Hon. Susan O’Bey –

Thank you, Mr Speaker. I cannot confirm that at this point. It is my understanding that the policies vary according to the requirements of the particular entity.

The Speaker –

The Honourable Dr Corinda Essex, you wanted to come in?

The Hon. Dr Corinda Essex –

Will the Honourable Chief Secretary outline how experience is weighted against formal qualifications in terms of scoring for a point?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

Thank you, Mr Speaker. For every role that is advertised, we do have and it is made known to the prospective applicants as a part of the terms of reference, each of the job roles outlined will have the essential skills required, essential skills experience as well as the desired and that’s the criteria that would be used in terms of assessing the suitability of candidates.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Chief Secretary recognise that up until the 1980s it was virtually impossible to obtain formal qualifications on St Helena and therefore there may be older applicants who have demonstrated their ability to perform at a high level in the private sector on St Helena or, indeed, overseas, who may apply for jobs but who, in fact, may not hold a piece of paper to actually state that they have gained a desired or even a required qualification and does this not, in fact, place them at a disadvantage when it comes to competition for posts?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

Thank you, Mr Speaker and being a product of pre-1980 I fully understand where the Honourable Member is coming from on this particular one. We obviously need to consider the individual posts, there are some posts, of course, where it is essential to have qualifications, particularly in Health and in areas, such as the Attorney General’s Chambers, for example, however, we have over time used various means to allow people to be able to come into roles with clear development plans in place to support them to acquire qualifications, we now have the St Helena Community College in place and, of course, Members are aware that we try to support anybody wanting to upskill and take their qualifications through that route as well, but we are reviewing our recruitment processes and there is a piece of work to be done to ensure that we take all of these issues into account.

The Speaker –

Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Chief Secretary please undertake that when that review does take place careful consideration is given to the relevance of the paper qualifications that are expected for specific roles that are being targeted, so, for example, whereas I would fully understand that if someone wishes to go into Corporate Finance they would need to have achieved a high level in Mathematics, if they wished to be engaged as an operative on the Waste Disposal section I would not expect that a high qualification in Mathematics would be required, so will those differentials be taken into account?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

I can assure that that is taken into account, Mr Speaker.

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Mr Speaker. Will the Honourable Chief Secretary say what does succession plan or development plans look like for a designated post holder?

The Speaker –

Honourable Chief Secretary?

The Hon. Susan O’Bey –

Thank you, Mr Speaker. Obviously it would vary depending on the nature of the role that is being understudied. It would usually be in the form of a Personal Development Plan, which is agreed between the post holder and the Line Manager, it would include things such as if there is a need to do additional studies to acquire professional qualifications, it would also include mentoring and it would include other areas of development, such as exposure in another area within SHG, if it’s a leadership role, for example, particularly if it’s a leadership role that would require understanding of, say, finance or HR and, of course, we have got the Future Leaders

Programme in place, which is also designed to help us to encourage younger people to come through the system and become leaders of the future.

The Speaker –  
Honourable Kylie Hercules?

The Hon. Kylie Hercules –  
Thank you, Honourable Chief Secretary. You mentioned Personal Development Plan, would the post holder and the Supervisor know what is required from this plan and would be also in agreement with this plan prior to taking up this post?

The Speaker –  
Honourable Chief Secretary?

The Hon. Chief Secretary –  
All staff are required to have personal development plans as a part of their Staff Appraisal and that plan is actually agreed jointly with the staff member concerned and their relevant Line Manager.

The Speaker –  
The Honourable Kylie Hercules?

The Hon. Kylie Hercules –  
So if a post, a designated post holder needs to acquire specific, formal qualifications they would do so whilst in that post before going up to being the actual post and not the designate?

The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O’Bey –  
I think I understand what the Honourable Member is saying here. It depends very much on the nature of the post, but in most cases that would be certainly the expectation. Thank you.

The Speaker –  
The Honourable Derek Thomas?

The Hon. Derek Thomas –  
Thank you, Mr Speaker. Can the Chief Secretary say why is it necessary that most jobs which are advertised there is a requirement for ‘O’ level in Maths when the job itself does not entail Maths whatsoever, can something be done about this?

The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O’Bey –  
A GCSE in English and Maths generally applies at basic level on literacy and numeracy. Whilst that is the preferred benchmark, if you like, for entry into the Public Service, it is recognised that there are some posts that don’t require that particular level and it varies across the public service but certainly, again, as I said, as a part of the questions raised here today we will review our processes and ascertain what it is that we will be taking forward as a part of the

workforce plan. I think what we want to recognise, however, that certainly whilst we understand that there will be an element across the St Helena community who will not have had access to formal qualifications, certainly since 1987 with the opening of Prince Andrew School, young people are encouraged and we tried to ensure that everything is in place to support people to acquire qualifications, so we need to balance that against up-skilling and improving the overall calibre, if you like, of the workforce in SHG, so certainly we'll take into account the comments that have been made here today and they will be considered as a part of that review.

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. The Chief Secretary said she would take into account the comments raised, but is the Chief Secretary aware that potential good candidates are turned down, not even getting an interview, because they don't have the formal qualification in Maths, which in most cases, like I indicated, is not relevant to the job in question?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

As indicated earlier, Mr Speaker, we have committed to reviewing this, I'm not aware of particular incidents where people have been turned away, however, we do have, as I indicated earlier, benchmarks which establish what would be the minimum requirements for a particular role. If candidates don't meet the minimum requirements then it is possible that a candidate might be denied the opportunity to continue through the recruitment process.

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Even in cases where Maths is not relevant to the job in question?

The Speaker –

Honourable Chief Secretary?

The Hon. Susan O'Bey –

I can't speak for individual cases, but as indicated, we'll take all of this into account and we'll determine what is necessary as a result of that.

The Speaker –

The Honourable Clint Beard?

The Hon. Clint Beard –

I thank the fellow members for their questions, took some of my questions away too. The Honourable Chief Secretary, with the unfortunate Basil Read departure from the island and staff now being employed by SHG, will the Chief Secretary please tell this House if their contracts is the same terms and conditions as SHG employees?

The Speaker –  
The Honourable Chief Secretary?

The Hon. Susan O’Bey –  
This is a point, Mr Speaker, this is a particular set of circumstances and what was agreed was that these members of staff would continue on the terms and conditions as set out in their previous, as committed to them under the previous contract.

The Speaker –  
Councillor Clint Beard?

The Hon. Clint Beard –  
Will the Chief Secretary advise if there is any way in which timeframes are put in place to standardize contracts and to create consistent terms across all of SHG?

The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O’Bey –  
Thank you, Mr Speaker. What I can say that in this particular situation the majority of those contracts are time bound and will fall away and therefore won’t apply going forward once that particular element of the project is completed.

The Speaker –  
The Honourable Clint Beard?

The Hon. Clint Beard –  
I thank the Chief Secretary. Some of my other questions were asked ...?.... Thank you.

The Speaker –  
Next question, please?

***Question No. 12 – The Honourable Cruyff Buckley to ask the Honourable Acting Attorney General.***

The Speaker –  
The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –  
Thank you, Mr Speaker. Will the Honourable Acting Attorney General tell this House, if there are any provisions within relevant ordinances, to enable safeguards against invasion of privacy, with regards to the use of drones by the St Helena Police?

The Speaker –  
The Honourable Acting Attorney General?

The Hon. Allen Cansick (Acting Attorney General) –  
Thank you, Mr Speaker and thank you to the Honourable Member for his question. No such specific provisions exist in Ordinances at present. Section 13 of the Constitution contains the



right to privacy which does contain some protection. Any interference with that right will need to be proportionate to the purpose of the drone used by the Police.

The Speaker –

The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Can the Honourable Acting Attorney General say if should a case arise with a claim to invasion of privacy will UK law apply?

The Speaker –

The Honourable Acting Attorney General?

The Hon. Allen Cansick –

It would be the Constitution that would apply and it will be a claim under the Constitution in these circumstances.

The Speaker –

Next question, please?

***Question No. 13 – The Honourable Kylie Hercules to ask the Honourable Chief Secretary.***

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Thank you, Mr Speaker. Will the Honourable Chief Secretary say what is the roles and responsibilities of the Probation Team within the Police Directorate?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

Thank you, Mr Speaker and thank you to the Honourable Member for her question. The core aim of the Probation Team on island is as follows: - it is to protect the public, assist rehabilitation and encourage and support desistance. There are currently two UK qualified Probation Officers as per the 2013 recommendation of Keith Munns, Prison Adviser to the FCO for Overseas Territories. The team sits within the Police Directorate and they are line managed by a Detective Chief Inspector from the CID. The Probation Officers also receive clinical supervision via a Senior Manager from Her Majesty’s Prison and Probation Services in the UK or HMPPS and they are primarily based at Coleman House with their own office and interview room as well as having an office in the Prison and serving the Courts as required. The roles and responsibilities can broadly be divided into two strands – pre sentence and post sentence. Under pre-sentence, Probation Officers complete pre-sentence reports for the Court. This means that when a person is convicted of an offence the Court may request a pre-sentence report. This includes a risk of harm assessment, a risk of re-offending assessment and other assessments specific to circumstances of the offending, information about the offence and the personal circumstances of the individual. Then a sentencing recommendation is made to the Judge or Magistrate. In the second strand, post sentence, case management, Probation Officers

supervise individuals subject to a Probation Order or Community Service Order. They are also responsible for all individuals serving custodial sentences, both during their time in Prison and following their release on post release licence until the end of their sentence. For all these cases, Probation Officers provide all interventions, reports and risk assessments relevant to risk and need. Probation Officers are additionally required to chair monthly multi-agency protection and arraignment meetings or MAPA which require oversight of all registered sex offenders or violent offenders who have received a prison sentence of twelve months or more. They also attend multi-agency risk assessment conferences for domestic abuse victims and they attend adult and children's safeguarding forums. The Probation Officers are currently in the process of developing a Youth Prevention Service which is hoped will provide a forum where early identification and intervention can be achieved for those at risk of offending. In terms of the interventions that Probation Officers deliver these include work with cases designed to prevent re-offending, whilst also working closely with the individual to identify areas that promote rehabilitation. For the majority this will involve one to one appointments centred in theoretically based models of behaviour. Over the last six months the Probation Officers have also started to deliver therapeutic group work in custody. Thank you, Mr Speaker.

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Can the Honourable Chief Secretary say if the team assesses and provides community service placements?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

Thank you, Mr Speaker. They assist with such schemes, however, we don't have a budget within the Police Directorate to be able to administer such a scheme.

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Can the Honourable Chief Secretary say if there is a budget in any other lines within the Police Directorate for such a scheme to be administered?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O'Bey –

Thank you, Mr Speaker. I understand that that budget has now been dissolved, if you like, within the Prison budget and so it is a shared responsibility between the Prison and the Probation team.

The Speaker –

The Honourable Kylie Hercules?

The Hon. Kylie Hercules –

Can the Honourable Chief Secretary say how placements are determined, if it's shared between Probation and the Prison Service who determines the placements and how is this determined?

The Speaker –  
The Honourable Chief Secretary?

The Hon. Susan O'Bey –  
Thank you, Mr Speaker. They're prepared, sorry, they are prepared by the Probation, identified by the Probation team and actioned by both the Prison and Probation team.

The Speaker –  
The Honourable Kylie Hercules?

The Hon. Kylie Hercules –  
Thank you, Mr Speaker. In terms of the community service placements, how are these placements monitored?

The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O'Bey –  
These placements are actually monitored by the Probation Service, Mr Speaker.

The Speaker –  
The Honourable Kylie Hercules?

The Hon. Kylie Hercules –  
How many pre sentence reports are completed annually?

The Speaker –  
The Honourable Chief Secretary?

The Hon. Susan O'Bey –  
Thank you, Mr Speaker. I don't have access to the number, they are completed as and when requested by the Court.

The Speaker –  
The Honourable Kylie Hercules?

The Hon. Kylie Hercules –  
Thank you. In your response you mentioned about rehabilitation, assisting rehabilitation, can you explain further what the rehabilitation would entail?

The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O'Bey –  
Thank you, Mr Speaker. Of course rehabilitation would depend very much on the individual that's being rehabilitated so each programme is a bespoke programme that takes into account the needs of the offender, but also takes into account community pressures and needs.

The Speaker –  
The Honourable Kylie Hercules?

The Hon. Kylie Hercules –  
Are the Probation team involved in the re-settlement of prisoners when they are released from custody into the community?

The Speaker –  
The Honourable Chief Secretary?

The Hon. Susan O’Bey –  
Thank you, Mr Speaker. Yes, I can confirm that that is the case and they also work with other agencies, including Housing.

The Speaker –  
Thank you, Honourable Members. I think this would be an opportune time to adjourn for lunch and I would ask Members to be back here again by half past one. Thank you.

**Council Adjourned.**

**Council Resumed.**

The Speaker –  
Thank you, Honourable Members, I hope you had an enjoyable lunch and ready to go with the other part of the business this afternoon. We will start the afternoon off then with Motions.

## 7. MOTIONS

*Motion No. 1 – The Honourable Acting Financial Secretary.*

### **THE FIRST SUPPLEMENTARY APPROPRIATION (2018/19) BILL, 2019**

The Speaker –  
The Honourable Acting Financial Secretary

The Hon. Nicholas Yon –  
Mr Speaker, before I move the Bill, I beg to move that Standing Order 13, Rule 1 (3) be suspended so that all stages of this Bill can be completed today.

Question that Standing Order 13, Rule 1(3) be suspended so that all stages of the Bill can be completed today, put and agreed to.

The Hon. Nicholas Yon –  
Mr Speaker, I beg to move that the First Supplementary Appropriation (2018/19) Bill 2019 be approved in principle and referred to a Committee of the whole Council. I formally confirm that this Bill is presented on the recommendation of the Governor in accordance with section 73(2) of the Finance Ordinance.

The Speaker –

Do we have a seconder, please?

The Hon. Susan O’Bey –

Mr Speaker, I beg to second.

The Speaker –

The Honourable Mover, you may speak to the Motion.

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 the amount appropriated for the purpose that is its ...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 can still 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 sums necessary to meet the expenditure and appropriation of those funds for the purposes specified in that Bill. The first Supplementary Appropriation (2018/19) Bill 2019 is here for consideration today.

In July, the St Helena Government budget for 2018/19 was approved by Legislative Council. As part of the Government’s financial management processes we require monthly updates from Directorates in service areas on current spend and revenue collection for the month and also their projections for the year end outturn. Throughout the year circumstances change and matters arise that was unexpected when budgets were set at the beginning of the year and as part of this process some Directorates have identified further expenditure needs. Where possible, some of these needs were funded or are funded from within the current Directorate’s allocation, but there are some needs which cannot be supported from within the 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 additional needs are detailed in the supplementary estimates made at this formal meeting today and the expenditure requested is necessary for the effective delivery of public services. For some Directorates this means reallocation of recurrent budget to allow capital expenditure this year and for other Directorates requires an increase in funding. In consideration of this Bill today, Mr Speaker, it will allow Directorates to be able to cover their expenditure within their allocation and there’ll be no need for expenditure in excess. In total, Mr Speaker, the supplementary appropriation is for a total of £884k and this has been requested by six Directorates broken down as £724k for recurrent expenditure, £160k for capital expenditure and this is detailed in the Bill and the estimates.

Mr Speaker, it is planned to finance the supplementary appropriation through existing budget allocations where there are projected under spends or/and through additional revenues which can be 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: Police - £5k; Head 22 – Education - £20k; Head 23 – Health - £63k; Head 26 – Environment and Natural Resources - £74. Mr Speaker, there’s also additional revenue that has been generated under Head 26 – Environment and Natural Resources so this will be used also. And finally, we have made a call on the Contingency Fund provided within the Financial Aid Settlement from DfID mainly to cover the cost of legal advice for SHG during the Basil Read business rescue process, so therefore I can confirm that there will be no requirement for a 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 Finance team for the hard work in pulling together this information to date and I also take this

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

The Speaker –

Thank you very much. Honourable Members, I put the question that the First Supplementary Appropriation (2018/19) Bill 2019 be approved in principle and referred to a Committee of the whole Council. Members, the Motion is now open for debate. Honourable Councillor Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker, I rise in support of this Motion. As the Acting Financial Secretary has already indicated, Members has been very much involved with putting this together, we've had some internal meetings, it is a necessary action that Government needs to do to tidy up our budget and I too would like to thank the Honourable Financial Secretary and his team for bringing it all together for us here today and I fully support this Motion. Thank you very much.

The Speaker –

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

The Hon. Brian Isaac –

Thank you Mr Speaker, I also rise in support of the Motion. As elected members has been briefed and had quite a debate on people's reports today, it is a necessary transaction and I rise with my full support and I would like to thank the Finance Department for their support in keeping the books balanced. Thank you.

The Speaker –

Thank you very much indeed. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Likewise I rise in support of this Bill, the detail we have been through in quite detail which full explanations were given and I would like to commend the Finance as well for the work they've done in putting this together, totally necessary for the public service overall.

The Speaker –

Thank you very much. The Honourable Kylie Hercules? Sorry, I see your mic on. No. Any other Member wishes to speak? Would the Honourable Mover wish to respond?

The Hon. Nicholas Yon –

Mr Speaker, I'd just like to say thank you to Honourable Members for their support and I look forward to discussion during the Committee stage. Thank you.

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

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 –

Do we have a seconder, please?

The Hon. Susan O’Bey –  
Mr Speaker, I beg to second.

The Speaker –  
Thank you.

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

### **Council in Committee.**

The Chairman –  
Honourable Members, as this is a Supplementary Appropriation Bill, the Schedules are considered before the Clauses and that’s special rules of procedure as set out in Order 13, Rule 2. We’ll begin with Schedule I – Head of Expenditure 12 – Corporate Services, Support, Policy and Planning standing in the sum of £113k.

The Hon. Nicholas Yon –  
Thank you, Mr Chairman. Can I just say first of all that it will be probably best if we looked at the estimates as well that is also included as part of the Sessional Papers so that gives the detailed .....behind the numbers in the actual Bill itself. Also, if everybody would be happy, if there is a question that I am unable to answer that the Accounting Officer could come to the table and provide that as well?

So, in terms of the first line, Head 12 – Corporate Services, Support, Policy and Planning in the amount of £113k, if we look to the Supplementary Appropriation estimates you can see that it is all for recurrent expenditure, £54k is the allocation of additional budget for salary changes, vacancy savings that weren’t achieved, an incentive payment that wasn’t included as part of the original budget when it was prepared. There’s £5k for official business travel and subsistence allowance in relation to Fisheries Licensing on the Falkland Islands and then there was £5k for expert legal reports that were required. There’s £19k for the cost of the Supreme Court last month and then the second line - £22k for the second Supreme Court that has taken place this month, then there’s the cost related to Forensic Pathologist cases - £5k and finally delayed travel costs for the Chief Justice of £2k taking it up to £113k.

The Speaker –  
Thank you. Does any Member have any questions on this Head 12? The Honourable Christine Scipio?

The Hon. Christine Scipio –  
Thank you, Mr Chairman. Out of the £55k, if the Acting Financial Secretary could tell us how many staff does the salary changes relate to?

The Hon. Nicholas Yon –  
Thank you, Mr Chairman. Thank you for the question. I’ll probably ask the ..... I understand that it is three.

The Hon. Christine Scipio –  
Three, thank you. Can I ask in relation to the Fisheries Licensing on the Falkland Islands, what Fisheries Licences we are referring to on the Falkland Islands?

The Hon. Nicholas Yon –

I will ask the Accounting Officer to come and assist. Thank you. So, in relation to that, it was to do with the licensing and ship registration for Argos and it is expected that these costs will be reimbursed but not before the end of the financial year.

The Hon. Christine Scipio –

So can I ask, Mr Speaker, is how much do we, that St Helena receive in revenue in respect of these licences for Argos?

The Hon. Nicholas Yon –

I don't have that detail with me, Mr Chairman, but I'd be happy to go away and find that information and provide it to you.

The Hon. Christine Scipio –

I think also provide it to the public. Thank you. Make it known publicly. Can I continue, Mr Chairman?

The Chairman –

Yes, continue.

The Hon. Christine Scipio –

I notice that there is a difference of Supreme Court costing here for the Judge of 19 and 22, I do not want to go into any personal details, but there's a difference of £3k, can you advise what would be the difference?

The Hon. Nicholas Yon –

Thank you. It would really depend on the circumstances of the particular session, so in terms of length of time, what kind of, sort of, travel costs were involved, so sometimes, you know, you can get a flight ticket for a cheaper amount, so it would depend on the case, the timing, etc, as to why there would be a difference between the two sessions.

The Hon. Christine Scipio –

Okay, can I ask if included in the cost would be anyone being accompanied to come to St Helena?

The Hon. Nicholas Yon –

Yes.

The Hon. Christine Scipio –

Okay, thank you.

The Chairman –

The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker. My friend to the right here, she has already asked a question on the travel to the Falklands and what I wanted to get into the public domain is that there is a likelihood that SHG gonna be receiving revenue in relation to the licensing of the vessels which



will outstrip the amount of revenue put in, but also on the following Head, could I ask is it normal in SHG to be paying for family on such visits of the Supreme Court.....

The Hon. Nicholas Yon –

Thank you. So this provision is part of the terms and conditions for the current Chief Justice that was agreed some time ago, so we are obliged to meet those terms and conditions .....

The Hon. Lawson Henry –

I would like to thank the Acting Financial Secretary for that, but in going forward, will Government be looking at buying out those conditions? Thank you.

The Hon. Nicholas Yon –

So the administration of justice is for the Governor and FCO to decide, however, we, based on what we said, we will make that point made known to them.

The Hon. Lawson Henry –

Thank you, Mr Speaker.

The Chairman –

Any Member wishes to speak?

Head 12 – Corporate Services – Support, Policy and Planning - £113k.

Question put and agreed to.

The Chairman –

Head 13 – Corporate Services, Corporate Human Resources - £611k.

The Hon. Nicholas Yon –

Thank you, Mr Chairman. So this £611k is for recurrent expenditure and is additional allocation needs during the year. There was a new post that is under Corporate Human Resources that wasn't approved as part of the original budget, that's £11k additional costs required, there's under the Technical Cooperation Training budget which supports the local staff to be able to develop their skills and abilities for Fire fighter training costs, this costed us £5k more than we anticipated that it would and then under the Technical Cooperation budget the additional cost for legal expertise which was required during the Basil Read business rescue process and what I can say too to help towards this discussion is that it is estimated that this, the additional cost £595k nett figure, it would have costed us more, but because of an underspend under the Technical Cooperation budget we don't need as much, so this is the nett amount of £595k. I mentioned earlier that we have spoken to DfID, we've put a claim in for the amount from the Contingency funding that was approved as part of the financial aid package for 18/19 financial year for this cost.

The Chairman –

The Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Chairman, does that mean then that the Consolidated Fund will be reimbursed for.....

The Hon. Nicholas Yon –

Yes. So basically we've put the claim in and we anticipate to receive that amount to cover that cost. This part of the process is just to allow HR to be able to give us the permission of authority to spend that amount.

The Hon. Lawson Henry –  
Thank you, Mr Chairman.

The Chairman –  
Any other Member wishes to speak?

Head 13 – Corporate Services – Corporate Human Resources - £611k.

Question put and agreed to.

Schedule I – Recurrent Expenditure, Head 12 and 13 - £724k.

Question put and agreed to.

The Chairman –  
Right, we'll move down then to Schedule II which is Capital Expenditure. Head 15 – Police, standing in the sum of £15k.

The Hon. Nicholas Yon –  
Thank you, Mr Chairman. So this is in relation to Capital Expenditure. I referred earlier to the fact that there are some Directorates who have the recurrent amount of money approved, but now is the process of asking can this recurrent budget that was allocated to us now be used for capital purposes, so this would be one of the examples, so the request is for £15k for a P...check machine to calibrate the breathing apparatus used by the Firefighters, this is a capital equipment for the Police Directorate.

The Chairman –  
Any Member wishes to speak? The Honourable Christine Scipio?

The Hon. Christine Scipio –  
Can I just ask for clarity on this Capital Expenditure just generally, Mr Chairman, can the Acting Financial Secretary say if the money has already been spent?

The Chairman –  
Acting Financial Secretary?

The Hon. Nicholas Yon –  
No, the item hasn't yet been purchased.

The Hon. Christine Scipio –  
Okay, thank you.

The Chairman –  
Any other Member wishes to speak?

Head 15 – Police - £15k.

Question put and agreed to.

The Chairman –

Right, we'll move to Head 17 – Corporate Services, Corporate Finance, standing in the sum of £11k.

The Hon. Nicholas Yon –

Thank you, Mr Chairman. This is an additional request in the year. Basically, the yacht moorings that we have following the recent inspection has identified that the mooring chains need replacing at a much earlier stage than we had anticipated due to wear and tear on those chains, we're basically requesting additional £11k to allow us to be able to carry out that procurement so that we can ensure that we replace those chains to reduce liability for SHG.

The Chairman –

Any Member wishes to speak? The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Has that procurement process started yet?

The Hon. Nicholas Yon –

Yes, so we have started it as far as we can to put all of the ducks in a row, so to speak, we haven't pressed the send button yet to press, to ask for the order until I'm certain that we have funding allocated, but all of the ducks are in a row, as I said.

The Hon. Susan O'Bey –

.....

The Hon. Nicholas Yon –

Yes. *(laughter)*

The Chairman –

Anyone else wishes to speak? Councillor Brian Isaac?

The Hon. Brian Isaac –

Will this also include the cost of labour and divers to do the work or is this just specifically for the chains?

The Hon. Nicholas Yon –

This is just specifically for the chains. We will cover those other costs.

The Hon. Brian Isaac –

You are able to cover the additional costs, okay, thank you, Mr Chairman.

The Chairman –

Any other Member wishes to speak?

Head 17 – Corporate Services, Corporate Finance - £11k.

Question put and agreed to.

The Chairman –

Head 22 – Education, standing in the sum of £20k.

The Hon. Nicholas Yon –

Thank you, Mr Chairman. This is an example of where the Directorate has recurrent allocation but they're now requesting that they have permission to spend it as capital. The capital fund required for Prince Andrew School server - £10k and renovation works carried out at Harford Primary School for the workshop to a classroom, conversion of a workshop to a classroom - £8,500 and the retention fee for ...?...that cable installation for the Primary Schools. Basically the retention fee is the residual amount left from that contract, the original, the main part of the contract has already been capitalised.

The Chairman –

Any Member wishes to speak? The Honourable Christine Scipio?

The Hon. Christine Scipio –

Just to provide some further information, especially for our listeners, Mr Speaker, is that in November last year there was a fault in the current server at Prince Andrew School which resulted in the students not being able to access their work by e-mail, so with the advice from the Head of IT it was recommended that we purchase a backup server because we wouldn't want children to be doing examinations and then there is another fault and we don't have a backup plan, because examinations must be taken at a particular time. In regards to the conversion of the woodwork shop at Harford School, Members will know that we're always having challenges in providing the learning support to our students and it was recognised that we need to support the learning needs of our children in school. Harford was quite limited in providing additional space for those children and in order to provide that for the children, so it was proposed to upgrade the woodwork centre to provide the additional space for the school so that every child can, the space would be there for all other children to be able to access to make sure that we are providing the service that we are beginning to provide.

The Chairman –

Thank you very much indeed for the explanation. Any other Member wishes to speak?

Head 22 – Education - £20k.

Question put and agreed to.

The Chairman –

Head 26 – Environment and Natural Resources, standing in the sum of £14k.

The Hon. Nicholas Yon –

Thank you, Mr Chairman. Again this is another example of where recurrent expenditure is allocated in the original budget for repairs and maintenance work, for .....and maintenance work and now they've requested that this money be agreed to be capitalised and so I can give a breakdown of what that means. So cost of materials for works, a buttress wall as requested by Rockfall, specialist, ....specialist not budgeted for in the approved budget of £19k, retention fee for refurbishment of the Government Landlord houses - £4k; retention fee for ANRD office roof replacement of £2k; the replacement of ultra-flooring at the CCC of £35k; line rendering of the front facet of Essex House - £5k; refurbishment of Hospital Admin building - £5k; cost

of pump for the CCC used for pumping rainwater for distribution to the landscaped areas - £8k; installation of ..... rooms at the Deasons - £10k; emergency works to repair rails on Jacob's Ladder - £10; the cost associated with works carried out on the Flagpole section of the Mast at Signal House - £15k.

The Chairman –

Any Member wishes to speak? The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Chairman. May I ask the Honourable Acting Financial Secretary with regards to the refurbishment of Government Landlord Houses, I thought the Government has another pot of money for Government Landlord Housing?

The Hon. Nicholas Yon –

Yes, so there is the Trading Account which covers the day to day running of Housing Service and then there is a special fund called the Government Landlord Housing Receipts Capital Fund and that has allocations for any potential capital works that might take place. In this instance there is a decision of the Directorate to use the building maintenance budget under their recurrent budget to finance the cost of the Government Landlord Housing.

The Hon. Christine Scipio –

So if that decision hadn't been made then possibly, potentially that £4k could have been used for something else within the Directorate that is not a capital expenditure, for instance, filling in of potholes?

The Hon. Nicholas Yon –

Possibly.

The Hon. Christine Scipio –

Thank you. Also, the work for the repairs to the rails at Jacob's Ladder, we've been asked to approve £10k, my understanding that this money will need to be spent by 31<sup>st</sup> March, is that achievable by 31<sup>st</sup> March? Do we have a 'ducks in the row' for this particular project?

The Hon. Nicholas Yon –

I'll have to ask the Accounting Officer to ..... Yes, it is anticipated that it will be completed by the end of the financial year.

The Hon. Christine Scipio –

Anticipated, okay, we will watch very closely to that. And also the Flagpole, I believe that if I look out through the window now I can see some works are ongoing at the Flagpole at Ladder Hill, so that money will be spent as well by 31<sup>st</sup> March?

The Hon. Nicholas Yon –

Yes.

The Hon. Christine Scipio –

Thank you.

The Chairman –

Any other Member? The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Could the Acting Financial Secretary say who will carry out these emergency works to the rails on Jacob's Ladder?

The Hon. Nicholas Yon –

I don't know of the contractor details myself, but there is a contract account that has been contracted out for the job.

The Hon. Cruyff Buckley –

Contract...

The Hon. Nicholas Yon –

Yes.

Head 26 – Environment and Natural Resources - £114k.

Question put and agreed to.

The Chairman –

Okay, we'll move over to the Ordinance. Honourable Members, I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill and I invite anyone to speak to the Title, Enacting Clause and Clause 1.

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Chairman –

I put the question that Clause 2 do stand part of the Bill. Anyone wishes to speak to the Clause?

Clause 2.

Question put and agreed to.

### **Council Resumed.**

The Hon. Nicholas Yon –

Mr Speaker, I beg to report that the First Supplementary Appropriation (2018/19) Bill 2019 passed the Committee with no amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Chairman –

It says that a seconder is not necessary for this so..... I put the question that this Council approves the First Supplementary Appropriation (2018/19) Bill, 2019 and recommends to the Governor that it should be enacted.

Question put and agreed to.

*Motion No. 2 – The Honourable Derek Thomas.***THE MEDICAL, DENTISTRY AND PHARMACY (AMENDMENT) BILL, 2019**

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Mr Speaker, I beg to move that the Medical, Dentistry and Pharmacy (Amendment) Bill, 2019 be approved in principle and referred to a Committee of the whole Council.

The Speaker –

Do we have a seconder, Honourable Members?

The Hon. Cruyff Buckley –

Mr Speaker, I beg to second.

The Speaker –

Thank you very much. The Honourable Mover may now speak to the Motion.

The Hon. Derek Thomas –

Mr Speaker, I thank the Honourable Cruyff Buckley for seconding the Medical, Dentistry and Pharmacy (Amendment) Bill, 2019. Mr Speaker, Honourable Members, you will be aware that currently under the Medical Practitioners Ordinance 1910 the Pharmacy and Poisonous Ordinance 1937 and the Dentist Ordinance 1955 relating to the qualifications to practice medicine, pharmacy and dentistry in St Helena, the Governor is required to publish a notice in the Gazette approving a person as being qualified to practice which is currently based on a list of approved countries contained in the respective regulations. Each time a person who is qualified to practice and the country is not listed in the regulations then the regulations need to be amended to add the relevant country before the appointment of any Doctor, Dentist or Pharmacist. Mr Speaker, Honourable Members, their qualifications are scrutinised and if the Director of Health was of the opinion that they have the appropriate qualifications to practice then the Director of Health will make a recommendation to the Governor for such appointment. Due to the onerous process of keep having to add these countries, it is proposed that the countries listed in the regulation now be removed. Mr Speaker, Honourable Members, this amendment also covers the..... it also currently er, it makes provision for a certificate of indemnity where a medical practitioner who holds the appropriate qualification but who does not possess a qualification from a listed country practices medicine in St Helena either inadvertently or at the request of the Senior Medical Officer. This could happen, for example, where a tourist who happens to be a doctor assists in some medical emergency while visiting St Helena. This certificate ensures that the Doctor does not contravene the Ordinance thus becoming liable to penalties. It is now proposed in this new Ordinance that similar provision be made in respect of Dentists and Pharmacists. Mr Speaker, Honourable Members, you will be aware that when the draft Bill was presented to elected members there were concerns about having in place written policies to strengthen the procedures and I can say that a policy is being formalised which will be presented to the Public Health Committee as required and it will strengthen the current process. It will include, as we currently do, set minimum requirements for a post, check experience and qualification of candidates against specific minimum criteria, interview candidates and test for clinical skills, communication skills, adaptability and English

proficiency, gaps in employment are also checked and clarified. Where a preferred candidate is identified then the Health will obtain all certificates and checks, check the reference for last three years, check current or last registration document, criminal vetting clearance and will do the medical clearance. A new addition to this process will check evidence of good standing with current or last registration authority. These points, Mr Speaker, Honourable Members, will be embedded in the policy which is now at present being formalised. Thank you, Mr Speaker.

The Speaker –

Thank you very much. Honourable Members, I put the question that the Medical, Dentistry and Pharmacy (Amendment) Bill, 2019 be approved in principle and referred to a Committee of the whole Council. Honourable Members, the Motion is now open for debate. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker, I rise in support of this Motion. I am pleased to hear my colleague to the right saying that the issues that we raised during the ExCo process of this Bill is now going to be taken into account and will be in... into a policy that underpins the Ordinance, I am very pleased to hear that. The only thing I didn't hear a mention of and it was raised previously was that the policy should be subject to external audit. That's another assurance for us in going forward, so I thank my Honourable Friend for that and I support this Motion.

The Speaker –

Thank you very much. Councillor Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. I would just ask the Honourable Mover in his summing up if he could indicate if this policy, that's a work in progress at the moment, will include the criteria, the minimum criteria will be UK qualified and that the practitioners will speak fluent English. Thank you, Mr Speaker.

The Speaker –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you. In principle, I can see that this legislation could be a step forward, but I do have a number of concerns about it as it stands which I hope I can get clarified satisfactorily during this debate. First and foremost I note that it doesn't make provision for the development of regulations and I believe that for a subject like this there may well prove to be a need to develop regulations and I would suggest that, within parts of this Bill, if indeed there was a provision for future development of regulations should that prove necessary or advisable otherwise it would mean the then Ordinance having to come back to this House for formal amendment to make provision for the development of regulations. Secondly, although the Honourable Chair of the Health Committee has stated very clearly that policies are being developed and I do not doubt his word at all, because I know that his word is his bond and he can be reliable totally, further downstream he may not be in post, neither may the current members of his senior staff within the Directorate and policies can be very easily changed at committee level and that is a matter of concern to me. Some of the issues that he said will be dealt with in policy I personally think would be more appropriate to be done by regulation because of the importance of ensuring that St Helena gets the best possible quality health care that can be provided. Also,



in section 2, I think it is, it says that the Director of Health would make the decision regarding whether someone is fit for practice or not after he is examined for qualifications and also evidence of good standing with the previous licensing authority. I would like to see some kind of benchmark applied. I know that full licensing to UK standard isn't really an option because it's too cumbersome, it would be off-putting and it would delay processes, but I do think that at least the actual international reputation of the training institutions that have provided the qualifications should be taken into account and that institutions that have been barred by the general Medical Council in the UK should not be entertained and I think that is an important safeguard for the island and its population going forward. I am also concerned that there is only a penalty of six months imprisonment for a person who practices medicine or surgery without being appointed under section 2. That seems a very light penalty. A person could come here, state that they are practising medicine or even undertake surgery without having been appointed, that person might not meet the benchmarks for being appointed and if someone with inadequate qualifications and experience and skills started attempting to practice medicine or surgery on St Helena that could have disastrous consequences and I think quite frankly a fine of £10,000 or a maximum of six months imprisonment is not an adequate deterrent to protect this island from the possibility of that eventuality occurring and I have similar concerns with regard to also Pharmacists and Dental practitioners for similar reasons. I also ask why it is considered necessary to have a Dental Board when it is not considered necessary to have a Pharmacist Board nor Medical Practitioners Board. I'm not saying necessarily we need all three, but I'm just questioning why one has been singled out and not the others, but as I stated at the outset I can see that this is an attempt to improve current processes and procedures and from that perspective I welcome it. Thank you, Mr Speaker.

The Speaker –

Thank you. Any other Member wishes to speak? The Honourable Mover wishes to reply to the debate?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I'll try and cover the points raised from those Members who did speak and I'd like to thank them for their support. Councillor Henry mentioned in developing the policy by an external review of the policy outside the Health Service. This is already done in conjunction with Human Resources. The policy process which is being implemented as I previously described, but it will be formulated in writing. Councillor Christine Scipio mentioned about UK qualification and I don't know if she was present when the draft was presented but Members raised that and we explained in quite detail that that wouldn't work in practice and for a number of reasons. Licence to practice in the UK, and for the benefit of the listening public, I would repeat this again, licence to practice in the UK is based on UK laws and regulations for the UK. There are specific steps that practitioners wishing to be licensed in UK need to undertake and this is an undertaking that will cost them money and time. Were St Helena to put licensed in the UK as a requirement for practitioners to work here then we are likely to reduce the pool of applicants seeking to take on roles on the island, which is already a challenge in itself. This is either because of the time and financial cost involved for practitioners, not only licensing in the UK or is likely to restrict the pool of applicants only to those practitioners currently licensed in the UK. Challenges with recruiting practitioners already exist, as I alluded to, and such proposed additional requirements, especially for qualified practitioners who do not have any intention of being licensed in the UK is likely to result in the decision not to apply for job positions here within the Medical Department on island. In the UK, practitioners who are international graduates from the, bear with me Mr Speaker, from the European Economic area, apart from Croatia, can apply to be licensed in the

UK once they show evidence of acceptable primary medical qualifications, evidence of one year post qualification clinical work and declare English language proficiency. Non EEA practitioners not trained in the EEA or UK need to show evidence of acceptable primary medical qualifications, evidence of English language proficiency, evidence of one year post qualification, clinical work, evidence of good standing with their most recent regulatory body and may either have to take a professional test or be sponsored by the Royal College for their particular speciality. Without taking the test there will also need to be visa and immigration requirements. Therefore, a proposal to have only practitioners that are licensed in the UK on St Helena will require applicants who are non UK and non EU citizens to either go and take the professional tests of which one of them requires physical presence in the UK and to ...?...the attained licence to practice in the UK first before being considered for a job here. This is likely to be difficult to achieve because of time, costs, immigration constraints for such practitioners, so I hope this clarifies UK licensing doctors. The other point the Councillor Essex alluded to about regulations. Regulations already exist, they are in place and if it's necessary these regulations can be reviewed by the Committee. Talk about a benchmark process, a benchmark process is already in place in reviewing medical qualifications. No qualification from a medical school, not in the world directly will not be and is not accepted. There was a mention about, Councillor Essex, about the penalty, of the time of imprisonment. The Committee discussed the penalty and made a proposal to the penalty, including the time within prison and this came to Info LegCo as a draft, no, none of the members challenged or queried it then hence the reason the recommendation stands as the Committee recommended. Councillor Essex also mentioned about the Dental Board. The Dental Board was already in current legislation and therefore was not removed. The purpose served by the Board will be part of the policy development process for other practitioners, so Mr Speaker, I hope I've covered the points that members raised and like I say those who speak and to thank them for their support. Thank you.

The Speaker –  
Thank you.

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

The 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 –  
Do we have a seconder, please?

The Hon. Cruyff Buckley –  
Mr Speaker, I beg to second.

The Speaker –  
Thank you.

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

**Council in Committee.**

The Chairman –

Honourable Members, I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill. Any member have any questions?

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Chairman –

I put the question that Clause 2 do stand part of the Bill. Any questions on Clause 2?

The Hon. Dr Corinda Essex –

Mr Chairman, I still think there needs to be more clarification regarding benchmarking of submitted qualifications.

The Chairman –

Are there any proposals? The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Chairman, I was going to ask when going through the details of the Bill, I have the Director here with me, would it be appropriate for him to come to the table and perhaps lend some support and assistance to Members?

The Chairman –

By all means, yes.

The Hon. Christine Scipio –

Could I ask something, Mr Speaker?

The Chairman –

Yes.

The Hon. Christine Scipio –

We do have members of the public listening and in referring to Clause 2, but the listeners don't know what is in Clause 2, so the normal practice is the AG's Chambers will say what the clause is all about.

The Chairman –

That's the normal practice, yes, do you want to take us through.....

The Hon. Allen Cansick (Acting Attorney General) –

The Chairman would normally read the clause....

The Chairman –

Assist the Chairman .....

The Hon. Mr Allen Cansick –

.....read the clause and I'd .....(*inaudible*) ..... Mr Thomas is asking me to.....(*inaudible*)....

The Hon. Derek Thomas –

Explain the various clauses and then if there's questions then I have the Director here with me.

The Chairman –

By all means, yes.

The Hon. Derek Thomas –

So if you're talking about Clause 2, Mr Chairman, it's the Medical Practitioners and section 2 of the Medical Practitioners Ordinance 1910 other than the heading is repealed and the following is substituted, which reads as follows: The Governor, on the recommendation of the Director of Health, following the examination of submitted qualifications and evidence of good standing with a previous licensing authority may appoint a person who possesses appropriate qualifications for the practice of medicine and surgery to practice medicine and surgery in St Helena. Subsection (2), section 3 of the Medical Practitioners Ordinance 1910, other than the heading, is repealed and the following substituted: Section 3 a person who practises medicine and surgery in St Helena without being appointed under section 2 commits an offence and the penalty a fine of £10,000 or imprisonment for six months or both. (3) Section 4(1) of the Medical Practitioners Ordinance 1910 is repealed and the following is substituted: (1) If the Governor is satisfied that a person who possesses the appropriate qualifications for the practice of medicine and surgery has contravened section 3 either inadvertently or at the request of Director of Health or any person acting for the Director of Health, the Governor may issue a Certificate of Indemnity in respect of the contravention.

You want me to pause there, Mr Chairman, to see if Members have any concerns and before I proceed?

The Chairman –

Yes, does any member have any concerns on Clause 2?

The Hon. Dr Corinda Essex –

Yes.

The Chairman –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

As I have stated, I am still concerned about this question of benchmarks and I'm wondering if the Acting Attorney General could suggest an amendment which could amplify what it says about examination of submitted qualifications to ensure that such qualifications need some benchmark.

The Hon. Allen Cansick –

You could set up provisions for regulations which given those regulations could set out minimum criteria.

The Hon. Dr Corinda Essex –

Yes.

The Chairman –

....*Inaudible*.....

The Hon. Derek Thomas –

May the Director come in?

The Chairman –  
Yes.

Dr Akeem Ali (Director of Health) –

This was discussed at the Public Health Committee as well and with the advice of the Attorney General and ..... Council this was a matter for the regulation and the regulatory elements of the Ordinance, because actually for each....what we are trying to uphold really I think for this amendment is not to have to come back to change the Ordinance every single time we have a different scenario to deal with, so we have to be careful that what this Ordinance allows with the policy and the ....tary elements behind it to change as required. Fundamentally, an examination of somebody's qualifications would involve ensuring that the, first .....what the address is and then that is checked against the world record for medical schools, that is the reason that we have ..... all that process is what we currently do now, anyway, the only difference is that at the moment the regulations pertaining to this Ordinance has a list of countries that the ....have to come from and if you do that then anybody who does not come from that country cannot practice on the island and so we deal with that with this amendment, and, secondly, the only difference between this Ordinance as it stands now and before is that the Accountable Officer in the Health Service is actually making the conditions ..... so that allows all the processes ..... to be completed before a recommendation is made to the .....

The Hon. Dr Corinda Essex –

I don't have any problem with that explanation providing that the regulations then cover what you have just stated and the regulations presumably .and the amendments would still exist under the 1910 Ordinance?

The Hon. Allen Cansick –

Under the 1910 Ordinance the only provision for regulations in any event was to specify countries. The 1910 Ordinance itself doesn't have any power to make regulations under it, you'd have to add ..... to the amendment if there's a power in the 1910 Ordinance to make regulations.

The Hon. Dr Corinda Essex –

Right, but I would be content to support this provided that I have an assurance that that could be the procedure.

The Hon. Allen Cansick –

Really you would be looking for a clause saying the Governor in Council can make regulations in regard to a specific, in regard to minimum requirements for medical practitioners.

The Hon. Dr Corinda Essex –

And the process that Dr Akeem just outlined with regard to checking the validity of the qualification, the international record of the medical school awarding the qualification and so on, those are really perfectly satisfactory benchmarks, but I would just like that process to be defined and stated, it's not here in the regulations to protect St Helena going forward. Our key aim must be to protect St Helena going forward and to ensure that medical care on the island continues to be delivered to the highest possible standards, so I'm content on that.

Mr Chairman, I would like to propose an amendment to section 2 and the similar sections pertaining to Pharmacists and Dental Practitioners that the penalty should be doubled to a fine of £20,000 or imprisonment for one year.

The Chairman –  
£20,000 you said?

The Hon. Dr Corinda Essex –  
£20,000 or imprisonment for one year.

The Chairman –  
That is under subsection 2?

The Hon. Dr Corinda Essex –  
That is subsection 2 (2), yes, and the subsequent sections that relate to penalties for Pharmacists and Dental practitioners who similarly might not be registered but would be performing.....

The Chairman –  
We'll do that as we come to those clauses, right now we'll deal with the.... an amendment has been proposed for the fine to be increased to £20,000 and imprisonment for one year. Anyone wishes to.....

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

The Chairman –  
Honourable Members, there's been an amendment to Clause 2, subclause (2) for the fine to be increased to £20,000 and imprisonment for one year.

Question on amendment, put and agreed to.

The Chairman –  
Subclause 3, nothing on subclause 3?

The Hon. Derek Thomas –  
Mr Chairman, we did say that for the benefit of the listening public that we would go through it.

The Chairman –  
Okay.

The Hon. Derek Thomas –  
So....

The Chairman –  
Sorry, no, subclause (3), not Clause 3.

The Hon. Derek Thomas –  
I finish that er

The Chairman –

Oh, you finished subclause 3.....

The Hon. Derek Thomas –

We go to Pharmacist now, Mr Chairman.

The Chairman –

No, we haven't put the question yet.....

The Hon. Dr Corinda Essex –

We still have some more queries with regard to 2 and here I seek the Acting Attorney General's advice. Is the word 'inadvertently' the correct one in subclause 3(1). To me 'inadvertently' means without knowledge, without not knowing that you're doing so and I would submit that it would be pretty hard for someone to practice medicine without knowing that they were doing so. If it means, as I think it's intended to mean, if they're called upon to do so in an emergency or something of that nature then I think that probably needs clarifying.

The Hon. Allen Cansick –

When you have the or at the request of the Directorate to ...(*inaudible*)... that would allow for the circumstances to be that maybe you wanted to take out the word 'inadvertently' and just leave 'at the request of the Directorate' out, if .... appropriate .....

The Hon. Dr Corinda Essex –

I would certainly feel much more confident about that.

The Chairman –

And what have you agreed, Attorney General?

The Hon. Derek Thomas –

Again, Mr Chairman, the Director here would perhaps like to speak on that before we take the vote?

Dr Akeem Ali –

Considering that this was drafted by the Drafting Solicitor I actually read that clause differently. What I actually read it as is somebody who says well, I didn't know you had any .....discretion or authority, I didn't even .... process, so even if you asked me to .....because you asked me to, I am doing it rather than anything else, so, I mean, I didn't write this, I think this is about actually I can easily as a doctor .....special .....whilst I am here on the island and I do think, you know, because they've asked me for assistance, so .....so actually you should have had an appointment in your hand, even though I was trying to help, actually I would have ..... I think that's what I.....first place.

Mr Allen Cansick –

I think the difficulty Counsellor Essex House has is that, she's suggesting that if there was a medical practitioner here who had to work in an emergency they would know they're not licensed to here, so they wouldn't inadvertently contravene the law, I mean, that's what's being suggested.

The Hon. Dr Corinda Essex –

And if they're not responding to the medical emergency and they haven't been requested by the Senior Medical Officer then they shouldn't be practising unless they have been appointed.

The Chairman –

So you're asking for an amendment?

The Hon. Dr Corinda Essex –

I think the Acting Attorney General suggested that the word 'inadvertently'.....

The Hon. Allen Cansick –

I mean, it could be that 'inadvertently' is changed to 'in exceptional circumstances' or 'at the request of the Director of Health'.

The Chairman –

In exceptional circumstances. Okay, Honourable Members, subclause 3(1) there's been a proposed amendment to delete the word 'inadvertently' and replace it with 'in exceptional circumstances'. Anyone wishes to speak on that? So I'll put the question then.....

The Hon. Dr Corinda Essex –

The amendment requires a seconder first.

The Chairman –

Sorry?

The Hon. Dr Corinda Essex –

The amendment requires a seconder.

The Chairman –

Oh, sorry, yes.

The Hon. Gavin Ellick –

I beg to second, Sir.

The Chairman –

Thank you very much. Then I'll put the question that subclause 3(1) where it says 'inadvertently', remove that and replace it with 'in exceptional circumstances'.

Question on amendment, put and agreed to.

The Chairman –

Is there anything else on Clause 2?

The Hon. Allen Cansick –

Mr Chair, I'm just concerned in regard to subclause 1 of the Clause 2 if any amendment has been proposed or have we got to the issue regards regulations?

The Chairman –

No, I didn't hear.....



The Hon. Dr Corinda Essex –

No, no formal proposal, Mr Chairman, because I've had an assurance that this matter will be picked up in regulations.

The Chairman –

Regulations, that's the way .....

The Hon. Dr Corinda Essex –

And I was watching that spot.

The Hon. Allen Cansick –

The Honourable Councillor Essex had informed me that at present there is no provision in the 1910 Ordinance to make regulations so unless there's an amendment to allow regulations it can't. It can be by policy, as has been suggested by Dr Ali, not by regulations.

The Hon. Dr Corinda Essex –

But the amendment would then have to be made .....

The Hon. Allen Cansick –

It can be made through this I would say because there is ..... for amendments to .....

The Hon. Dr Corinda Essex –

So we could add an additional clause to make provision for the development of regulations, but we would need the advice of the Acting Attorney General as to the wording of that clause.

The Chairman –

Yeah.

The Hon. Allen Cansick –

It may be that we'd need a five-minute adjournment to discuss that with Dr Ali and Councillor Thomas.

The Chairman –

Okay, Honourable Members, it's been requested for a five-minute adjournment, I will accept that and we'll adjourn for five minutes.

**Council adjourned.**

**Council resumed.**

The Chairman –

Thank you, Honourable Members and we will resume our debate now on the Clause 2.

The Hon. Allen Cansick –

Councillor Essex, in regard to Clause 2, subclause 1, I was going to add a provision to suggest a .....information I would need more time.....if that's to be the case I would propose putting this off until the next LegCo when that could be done as we agreed. However, having discussed the matter with Dr Ali and also with Councillor Thomas it may be that I've misunderstood the issue somewhere, it can be covered in policy and then if there is a problem it could come back for an amendment to ..... but we'll now.....

The Hon. Derek Thomas –

Thank you, Mr Chairman, we did discuss it during the break and we will .....defined by policy. Members feel that it should be then embedded with regulations if we can come back with an amendment to the Ordinance, but it would be amiss to ..... without giving it thought at this time, but, you know, once we've done the policy, the policy can be shared and if we still want to see that regulation we can really ..... an amendment to the Ordinance to allow for regulations to cater for details that we outlined in the policy.

The Chairman –

Okay. Are Members happy with that?

The Hon. Dr Corinda Essex –

Honourable Acting Attorney General, is it possible to just have an enabling clause inserted here to facilitate development of regulations without specifying content of those regulations?

The Hon. Allen Cansick –

I think it would be difficult without having more expert drafting of this, I wouldn't want to put something in which needs to be changed.....

The Chairman –

Okay, Honourable Members, we'll continue.

Clause 2 (as amended) –

Question put and agreed to.

The Chairman –

We'll take Clause 3 – Pharmacist.

The Hon. Derek Thomas –

Thank you, Mr Chairman. Clause 3 sets out the appointment of a Pharmacist which is the same principle as the appointment of the Medicine and Surgery, however, this clause for the Pharmacist does make provision for £10,000 and six months and I think Councillor Essex alluded earlier that it should be consistent and I wonder if ..... consider proposing an amendment.

The Hon. Dr Corinda Essex –

Thank you.

The Chairman –

Okay, thank you.

The Hon. Dr Corinda Essex –

So I propose for the penalty be changed to either a fine of £20,000 or imprisonment for one year or both.

The Chairman –

Do we have a seconder for that proposal, please?

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

The Chairman –  
Thank you very much.

Question on amendment, put and agreed to.

The Chairman –  
Anything further on Clause 3 you wish to bring to Members' attention?

The Hon. Derek Thomas –  
No, Mr Chair.

The Chairman –  
Do Members have anything else on Clause 3?

The Hon. Dr Corinda Essex –  
Mr Chairman, obviously the issue relating to the need for regulations is essential, so the need for regulations would apply to this section as well, and, indeed, to the General Practitioners, but that's a matter which will be dealt with when we proceed to the relevant clauses.

The Chairman –  
Yes. Okay, thank you very much for that, Dr Essex.

Clause 3 (as amended).

Question put .....

The Chairman –  
Sorry?

The Hon. Allen Cansick –  
Mr Chairman, if you go up to subclause (5) it would require again a change of 'inadvertently'  
.....

The Chairman –  
Ah, yes.

The Hon. Dr Corinda Essex –  
Mr Chairman, we haven't been through Clause 3 section by section.

The Chairman –  
That's why I asked the Members.....

The Hon. Dr Corinda Essex –  
So I thought we were just voting on 3 (1), you know we were just discussing 3(1) and voting on the proposed amendment before 3(1)(3).

The Chairman –

That's the question I asked the Head of that Department if he were to take us through the others, but I thought he said there wasn't anything else.

The Hon. Derek Thomas –

If the Members wish for me to go through section by section then I will, if that's the intention of Members.

The Hon. Dr Corinda Essex –

The sections 3.1 and 3.1 (a) are different to what we've discussed earlier on in relation to the Medical Practitioners.

The Chairman –

Yes.

The Hon. Dr Corinda Essex –

So in the interest of the public maybe it would be good to explain

The Hon. Derek Thomas –

Thank you, Mr Chairman. In relation to 3 3.1, the Director of Health must keep for the purpose of this part a list of persons who have not been authorised to sell poisons included in Part A of the Poisons List are subject to this Ordinance authorised to sell the poisons included in Part E of the Poisons List and must subject as hereinafter provided enter in the list the name of any person who makes an application in the form prescribed by rules to have his or her name entered in the List as a person authorised to sell such poisons on those premises.

3 (1A) the Director of Health may refuse to enter in or may remove from the list required by subsection (1) the name of any person who fails to pay the fees prescribed by rules or who in the opinion of the Director of Health or in delegation to the Senior Medical Officer is, for any sufficient reason relating either to him or her personally or to his or her premises, not fit to be on the list.

Subsection 4 – section 14 of the Pharmacy and Poisons Ordinance of 1937 is amended –

- (a) by deleting the amount “£50” in subsections (2) and (3) and substituting “£10,000” therefor;
- (b) by deleting the amount “£10” in subsection (3) and substituting “£1,000” therefor;
- (c) by deleting the amount “£5” in subsection (4) and substituting “£10,000” therefor.

The following section is inserted in the Pharmacy and Poisons Ordinance 1937 after section 14

–

The Chairman –

Okay, there's been a proposed amendment to keep it consistent with the other sections to delete “inadvertently” and include “in exceptional circumstances”. Does anyone wish to propose that amendment and second it?

The Hon. Dr Corinda Essex –

I wish to propose that amendment, Mr Chairman.

The Chairman –

Thank you. Do we have a seconder?

The Hon. Gavin Ellick –  
Yes, Sir.

The Chairman –  
Thank you very much indeed. That is that we propose that in Clause 3, subsection 5 15 that we delete the word “inadvertently” and include “in exceptional circumstances”.

Question on amendment, put and agreed to.

The Chairman –  
Do you wish to go through anything else, Mr Chairman?

The Hon. Derek Thomas –  
Yes, on the Certificate of Indemnity, it is where the section was, but got it again there now, so I was going through section by section I thought, but now it look like as if we ahead of the game so I take the section 15 (1), (2), Members are content with that, with the amendment “inadvertently” “in exceptional circumstances”?

Various Members –  
Yes.

The Hon. Derek Thomas –  
So I go on to now, Mr Chairman, is the Dental Practitioners.

The Chairman –  
Well we haven’t come to that one yet. We need to vote on Clause 3 at the moment.

Clause 3 (as amended) –

Question put and agreed to.

The Chairman –  
We move on to Clause 4 – Dental Practitioners.

The Hon. Derek Thomas –  
Thank you, Mr Chairman. Clause 4 – Dental Practitioners. (1) Section 3 of the Dentists Ordinance, 1955, is amended by repealing subsection (2) and substituting the following:

“(2) The Dental Board consists of—

- (a) Director of Health (Chief Medical Officer);
- (b) the Senior Medical Officer;
- (c) the Lead Dental Officer;
- (d) the Clinical Governance Officer; and
- (e) one other member to be appointed by the Governor.”

(2) Section 4 of the Dentists Ordinance, 1955, other than the heading, is repealed and the following is substituted:

“4. The Governor, on the recommendation of the Director of Health or in delegation to the Senior Medical Officer or Lead Dental officer following the examination of submitted qualifications and evidence of good standing with previous licensing authority, may appoint a person who possesses appropriate qualifications for the practice of dentistry, to practise dentistry in St Helena.”.

(3) Section 5 of the Dentists Ordinance, 1955, other than the heading, is repealed and the following is substituted:

“5. A person who practises dentistry in St Helena without being appointed under section 4 commits an offence.

Penalty: A fine of £10,000 or imprisonment for 6 months, or both.”

(4) The following section is inserted in the Dentists Ordinance, 1955, after section 5:

The Chairman –

I think there's gonna be an amendment to be consistent with the others. Can someone make the amendment?

The Hon. Dr Corinda Essex –

I would like to propose under Section 4, subclause (3) and (5) that a fine of £20,000 or imprisonment for one year, or both, should be substituted for the penalty currently stated.

The Chairman –

Do we have a seconder?

The Hon. Gavin Ellick –

I beg to second, Sir.

The Chairman –

Thank you.

Question on amendment, put and agreed to.

The Hon. Gavin Ellick –

Can I just ask a question, Sir? So we've got a Dental Board, but we don't have no other Boards there, why you only got the Dental Board and no other Boards? It seems strange, I don't know, so please enlighten me?

The Chairman –

The Honourable Mover wish to....

The Hon. Derek Thomas –

Yes, I did give an explanation earlier on in my response to Councillor Essex, I said the current Ordinance makes provision for that.

The Hon. Gavin Ellick –

Thank you, Sir.

The Chairman –

Thank you. Do you wish to continue with subsection (4)?

The Hon. Derek Thomas –

Thank you, Mr Chairman. Certificate of indemnity

**5A. (1)** If the Governor is satisfied that a person who possesses appropriate qualifications for the practice of dentistry has contravened section 5 either inadvertently, or at the request of the Director of Health, or of any designated medical or dental personnel acting for the Director, the Governor may issue a certificate of indemnity in respect of the contravention.

**(2)** A person to whom a certificate referred to in subsection (1) has been issued is not liable for any penalty under this Ordinance, nor to any civil action to which the person would not be liable if he or she possessed the qualifications prescribed by this Ordinance.”

The Chairman –

Does any Member wish to speak on that?

The Hon. Dr Corinda Essex –

To be consistent once again an amendment needs to be made to remove “inadvertently” and to replace it with “in exceptional circumstances”.

The Chairman –

Yes. It’s been proposed for an amendment to remove the wording “inadvertently” and replace it with “in exceptional circumstances”. Do we have a seconder to that proposal?

The Hon. Gavin Ellick –

I beg to second, Sir.

Question on amendment, put and agreed to.

Clause 4 (as amended) –

Question put and agreed to.

### **Council Resumed.**

The Hon. Derek Thomas –

Mr Speaker, I beg to report that the Medical, Dentistry and Pharmacy (Amendment) Bill, 2019 passed the Committee with six amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

Do we have a seconder, please?

The Hon. Cruyff Buckley –

Mr Speaker, I beg to second.

The Speaker –

Thank you. The Honourable Mover may wish to speak to the Motion?

The Hon. Derek Thomas –

Only to say, Mr Speaker, I’d like to thank the Members for their support to this Bill.

The Speaker –

Honourable Members, I put the question that this Council approves the Medical, Dentistry and Pharmacy (Amendment) Bill, 2019 as amended and recommends to the Governor that it should be enacted. Honourable Members are open for invitation to speak? Does the Honourable Mover wish to wind up the debate?

The Hon. Derek Thomas –

Nothing further to add, Mr Speaker.

The Speaker –

Thank you very much.

Question that Council approves the Medical, Dentistry and Pharmacy (Amendment) Bill, 2019 and recommends to the Governor that it should be enacted, put and agreed to.

***Motion No. 3 – The Honourable Cyril Leo***

**THE ST HELENA NATIONAL TRUST (AMENDMENT) BILL, 2019**

The Hon. Cyril Leo –

Mr Speaker, I beg to move that the St Helena National Trust (Amendment) Bill, 2019 be approved in principle and referred to a Committee of the whole Council.

The Speaker –

Do we have a seconder, please?

The Hon. Kylie Hercules –

Mr Speaker, I beg to second.

The Speaker –

Thank you. And Honourable Mover now wish to speak to the Motion?

The Hon. Cyril Leo –

Thank you, Mr Speaker. Mr Speaker, Honourable Members, changes to the St Helena National Trust Ordinance 2001 were initially recommended by the Public Accounts Committee in 2015. The Public Accounts Committee suggested that the principal Ordinance be amended to provide for a six-month reporting window for the Trust's audited accounts to be laid before Legislative Council as opposed to three months as currently prescribed for. In seeking to implement this change the Trust Council agreed that further adjustments to the Ordinance were necessary to reflect the current operations of the Trust which had grown considerably since the enactment of the principal Ordinance in 2001. As per advice from the Attorney General, a mandate from the St Helena Government was sought for these changes. The Trust Council reached a consensus on a set of amendments. These amendments were then presented to the Office of the Attorney General by the President and the Director of the Trust for legal advice prior to presentation to the Social and Community Development Committee. The Bill seeks to clarify the powers of the Trust by explicitly allowing it to borrow, provided that in doing so there is no risk to assets that are of heritage value for the island. The revised Bill will permit the selection of an external auditor; this change permits the Trust to select an auditor on a more



equivocal and commercially competitive basis. The Bill amends section 12 of the existing Ordinance by removing wording that prescribes for Members to constitute to the Trust Council. The formalities for the appointment of the Trust Council will be prescribed in regulations. If this Bill is enacted by Legislative Council the change will enable the Trust Council to have a broader membership which will include ordinary members of the National Trust who will be able to actively participate in the business of the National Trust. At present members are restricted to six named organisations. The Bill takes account of recommendations from the Public Accounts Committee and the representations received from the St Helena National Trust Council. The St Helena National Trust (Amendment) Bill, 2019 will further ensure organisational good governance.

Mr Speaker, I beg to move.

The Speaker –

Thank you very much. Honourable Members, I put the question that the St Helena National Trust (Amendment) Bill, 2019 be approved in principle and referred to a Committee of the whole Council. The question is now open for debate. Anyone wishes to speak to the Motion? The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Mr Speaker, I rise in support of this Bill. The National Trust plays a vital role in our society and it's clear to see that it's going from strength to strength. These amendments to the Bill will add value and support in what the Trust is trying to achieve. They are sensible amendments and I give my full support.

The Speaker –

The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker; I too rise in support of this Bill. It is pleasing to see that these amendments are being made to strengthen the Trust and also to give them the ability to be able to move forward. As my Honourable Colleague said, they provide a vital role in preserving our past, and our future, I hope, and more importantly for generations to come, so I fully support these amendments. Thank you.

The Speaker –

Thank you very much. The Honourable Brian Isaac?

The Hon. Brian Isaac –

Thank you, Mr Speaker; I rise in support of this Bill. It is pleasing that the recommendations made by the Public Accounts Committee, of which I'm a Member, have been brought to this House today, it will strengthen and support the Trust in providing a vital role in our community in the protection of our heritage and all other related stuff. I support the Bill.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. It is pleasing that this Bill has finally come before this House, it's been around for a long while and it's good to see it has actually reached the point of coming before us. I'd like to echo what my Honourable Colleague has said about the fact that it's

pleasing to note that the Public Accounts Committee recommendations are being taken onboard, however, at some point I would like further clarification regarding 3 – ‘Power to enter into agreements restricting the development of land’ and the rationale for change and the implications of the proposed change. Thank you very much.

The Speaker –

Thank you, Honourable Member. Any other Honourable Member wishes to speak? The Honourable Mover wish to reply to the debate?

The Hon. Cyril Leo –

Just to thank my Honourable Colleagues for their participation, Mr Speaker.

The Speaker –

Thank you.

Question that the St Helena National Trust (Amendment) Bill, 2019, be approved in principle and referred to a Committee of the whole Council, put and agreed to.

The Hon. Cyril Leo –

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 –

Do we have a seconder, please?

The Hon. Kylie Hercules –

Mr Speaker, I beg to second.

The Speaker –

Thank you.

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

### **Council in Committee.**

The Chairman –

I believe that the Attorney General has some amendments or.....

The Hon. Allen Cansick (Acting Attorney General) –

Yes, I will ..... clause by clause, Mr Chair.

The Chairman –

Okay. I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill. Anybody wishes to speak?

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Chairman –

We move on to Clause 2 – Financial Year. Who’s taking .....

The Hon. Allen Cansick –

Mr Chairman, I believe ..... Councillor Leo was going to propose that I take you through, if he’s happy to propose, I’m happy to do so.

The Chairman –

Yes.

The Hon. Allen Cansick –

Could I ask that Mr Harris, the Director, be allowed to join me in case there’s some specific questions and he can assist me.

Yes, Mr Chairman, Clause 2 states section 2 of the principal Ordinance is amended by inserting the following definition before the definition of “general meeting”: “**financial year**” means any year commencing on 1st April and ending on 31st March of the following year”. That amendment’s been made in respect of the recommendation of the Public Accounts Committee to make clear what the financial year is.

The Chairman –

Anyone wishes to speak on Clause 2?

Clause 2 – Financial Year.

Question put and agreed to.

The Chairman –

Now, there is a problem is that two section 2’s, two Clause 2’s.

The Hon. Allen Cansick –

Mr Chairman, I’m not sure if it’s a printing error or it’s gone wrong, we’re going to need to amend every clause now.

The Chairman –

Every clause now, okay.

The Hon. Allen Cansick –

The second clause 2 will become clause 3, clause 3 will become clause 4.

The Chairman –

How will we play that, do we do it clause for clause or can we do it.....

The Hon. Allen Cansick –

I think we’re going to have to do it clause by clause.....I think .....Councillor Leo has ..... proposing the amendments on ..... currently in regards to what is labelled as Clause 2 in the second line propose that it’s changed to Clause 3.

The Chairman –

There’s been an amendment proposed, Honourable Members. Do we have a seconder?

The Hon. Kylie Hercules –

I beg to second, Mr Chair.

The Chairman –

Thank you very much. It has been proposed now that all the Clauses will change as we go through, so Clause 2 now will be Clause 3.

The Hon. Allen Cansick –

Clause 3 states Section 3(1) of the principal Ordinance is amended by inserting the words and characters “borrow,” after the words “of whatever kind”. This amendment has been made to allow the Trust itself to .....

The Chairman –

Any member wishes to speak on Clause 3? Honourable Christine Scipio?

The Hon. Christine Scipio –

Could I just ask for clarification Acting Attorney General? It’s in words, I only see one word, which is “borrow”?

The Hon. Allen Cansick –

Yeah, well, after the words “of whatever kind”.

The Hon. Christine Scipio –

Inserting the words, but there’s only one word “borrow”? You’re only inserting one word, is that correct?

The Hon. Allen Cansick –

Yes, Councillor.....

The Hon. Christine Scipio –

Okay.

The Hon. Allen Cansick –

Or perhaps we can propose an amendment for that...?.....

The Hon. Christine Scipio –

And then if we insert the word “borrow” after the words “of whatever kind” it then reads “has power to acquire, hold, dispose of movable and immovable property of whatever kind “borrow” and to enter into contracts enter into contracts immovable. This one, thank you.

The Chairman –

Are we proposing an amendment that the ‘s’ comes out of the word, removing the ‘s’, yes? Somebody want to make that proposal? Do we have a seconder to that proposal?

The Hon. Kylie Hercules –

I beg to second.

The Chairman –

Thank you. If there’s nothing further on that then I’ll put the question that Clause 3, as amended, stand part of the Bill. Oh sorry, sorry.

Clause 3 (as amended) –

Question put and agreed to.

The Chairman –

We move on to now what is Clause 4. You wish to make an amendment?

The Hon. Allen Cansick –

Mr Chairman, I propose that what is currently named as Clause 3 is amended to say Clause 4.

The Chairman –

Thank you. Honourable Members, do we have a seconder for that proposal?

The Hon. Kylie Hercules –

I beg to second, Mr Chairman.

The Chairman –

Honourable Members, it is proposed that Clause 3 be replaced with Clause 4.

Clause 4 (as amended) –

Question put and agreed to.

The Chairman –

Do you wish to take us through Clause 4?

The Hon. Allen Cansick –

Mr Chairman, Clause 4 states Section 8 of the principal Ordinance is amended by deleting the words “the Trust may, subject to the approval of the Governor in Council,” and substituting “the Trust Council may by resolution”. The reason for this is to mean that every time the Trust chooses to .....of land they can do so by resolution rather than each time having to come to the ..... Council.

The Hon. Dr Corinda Essex –

Just for the benefit of the public, Mr Chairman, I would be grateful if the Attorney General could read out Section 8 of the principal Ordinance.

The Hon. Derek Thomas –

Mr Chairman, I find it a bit difficult to hear, are the mics being used?

The Hon. Allen Cansick –

Section 8 of the principal Ordinance as it stands states Section 8 subsection (1) that any person that .....to agree with the Trust for any land is so far as the person’s interest in the land enables a person to bind it be made subject to any restriction for its development be a restriction in conformity with the principle objects of the Trust the Trust may, subject to the approval of the Governor in Council enter into agreement with that person the donor under this section.

The Chairman –

Okay, Dr Essex?

Clause 4 (as amended) –

Question put and agreed to.

The Chairman –

We move on to what will be now Clause 5 – General Meetings of Trust.

The Hon. Allen Cansick –

Yes, again there's a problem....., it currently states Clause 4 I ask that it be amended to Clause 5.

The Chairman –

Do we have a seconder to that proposal?

The Hon. Kylie Hercules –

Mr Chair, I beg to second.

The Chairman –

Thank you. It's been proposed that Clause 4 be read as Clause 5.

Question on amendment, put and agreed to.

The Chairman –

Will you take us through Clause 5, please?

The Hon. Allen Cansick –

Mr Chairman, Clause 5 reads Section 11(1) of the principal Ordinance is amended by deleting the words “each year” and substituting “each financial year”. I think that speaks for itself, any General Meetings of the Trust takes place now after each financial year rather than each year.

Clause 5 (as amended) –

Question put and agreed to.

The Chairman –

And we move to Section 6 – Trust Council.

The Hon. Allen Cansick –

Yes, currently labelled as Clause 5, I would ask that it be amended to Clause 6 please, Mr Chairman?

The Chairman –

Thank you very much. Do we have a seconder, please?

The Hon. Kylie Hercules –

Mr Chair, I second it.

Question on amendment, put and agreed to.

The Chairman –  
Take us through.....

The Hon. Allen Cansick –  
Clause 6 reads Section 12 of the principal Ordinance is amended (a) by repealing subsection (2) and substituting the following: “(2) The Trust Council is to be constituted and its procedures are to be regulated as prescribed by the Governor in Council in regulations made under Section 14; and (b) by repealing subsections (3) to (9).

The Chairman –  
Any member wishes to speak? The Honourable Christine Scipio?

The Hon. Christine Scipio –  
Can I just ask something for clarification? In Clause 12 of the substantive Ordinance it refers to, Section 2 refers to the composition of the members of the Trust Council. In the proposed, revised amendment, it makes reference to what has been made under section 14. When I looked at section 14 of the substantive Ordinance I don’t see the composition of the Trust Council included. I was wondering if it referred to regulations, 14, but I was wondering if the reference supposed to be to 14 as well, so clarification..... if the Attorney General could just direct me to the where in the Ordinance that this refers to or how does the composition of the Trust Council is made up if it is deleted, repealed?

The Hon. Allen Cansick –  
Certainly it would fall under the category of (f) there, generally for the better carrying out of the provisions of this Ordinance, it would also fall into (b) as to the conduct of business and affairs of the Trust.

The Hon. Christine Scipio –  
What section are you referring to?

The Hon. Allen Cansick –  
Section 14 which compounds the powers for the Governor in Council to make regulations.

The Hon. Christine Scipio –  
Section 14 under Governor can make Regulations?

The Hon. Allen Cansick –  
Yes.

The Hon. Christine Scipio –  
So where’s the composition of the Trust Committee?

The Hon. Allen Cansick –  
It wouldn’t need to specifically state the composition of the Trust; it would fall under the provision of (f) “generally for the better carrying out of the provisions of this Ordinance.”

The Hon. Christine Scipio –  
So what the section is asking is to removing any detail as to the composition of the Trust Council?

The Hon. Allen Cansick –

That's correct and it will allow the composition then to be controlled by regulations through Section 14.

The Hon. Christine Scipio –

Which just states (f) in referring to generally for the better carrying out of the provisions of this Ordinance?

The Hon. Allen Cansick –

Yes.

The Hon. Christine Scipio –

So who determines the composition of the Trust Council if the wording is “generally for the better carrying out of the provisions of this Ordinance”?

The Hon. Allen Cansick –

The Governor in Council.

The Hon. Christine Scipio –

Okay. I'm still not clear.

The Hon. Allen Cansick –

Okay. So at present the Ordinance specifies the composition of the Trust Council.

The Hon. Christine Scipio –

Which is?

The Hon. Allen Cansick –

Which is under Section 12. It states, the .....are each entitled to appoint one member of the Council. What's been decided is that the composition of the Trust Council should be now decided by regulations rather than specified by ..... so that it can change from time to time. Therefore they've referred to Section 14 which is where in the Ordinance the Governor in Council has the powers to make regulations. A formal question was where does it specify under Section 14 that she can do this and I would say it falls under Section (f) of 14 “generally for the better carrying out of the provisions of this Ordinance”. The power now to make regulations for the composition would be found .....that Ordinance being Section 12.

The Hon. Christine Scipio –

So my next question is that further work needs to be done to regulations to agree this?

The Hon. Allen Cansick –

Yes.

The Hon. Christine Scipio –

That's the point I was trying to make.

The Hon. Allen Cansick –

Yes.



The Hon. Christine Scipio –

Okay, thank you.

The Hon. Allen Cansick –

.....no regulations .....

The Hon. Christine Scipio –

Certainly, that's what I would clarify on to establish if do so we need to make an amendment to the regulations. Thank you.

The Chairman –

Any other Members wish to speak on Clause 6?

Clause 6 (as amended) –

Question put and agreed to.

The Chairman –

We move on to Clause 7 – Powers of Trust Council.

The Hon. Allen Cansick –

Mr Chairman, again there'd be a proposal to change what is Clause 6 at the present to Clause 7, but as there are other amendments to this Clause I propose to suggest that we move it at the end of the ....., but currently the section, Clause 7 currently states section 30 of the principal Ordinance is amended by repealing subsection (3) and substituting the following. After each of these I'll give an explanation in turn rather than reading all in one go.

“(3)(a) The Trust Council may appoint a Director of the National Trust who will be responsible for the day to day functioning of the Trust.” During public information a question arose in regard to how the Trust Council after appointing a Director would have any control, either his salary and his terms and conditions of service. The answer to that was that he would .....through his contract of employment. However, further discussions thought it was best to put this on a statutory footing so that it's clear in the Ordinance that they would take ....., so an amendment is suggested there to say “The Trust Council may appoint a Director of the National Trust and fix his or her salary and terms and conditions of service. The Director will be responsible for the day to day functioning of the Trust.” That would be the second proposed amendment in addition to the change of the numbering of the Clause.

3(b) reads “The Director of the National Trust may appoint such officers and servants as the Director from time to time considers desirable and may fix their salaries and conditions of service.” The reason for that amendment is that when it used to be the Trust Council .....this there was one or two employees and we're informed that now it is more than thirty employees and the Director needs the ability to be able to fix those contracts when hiring .....seven. Within the regulations there would be stuff referring, I believe, to the Council's policy on remuneration; and (c) states “If at any time the post of Director is vacant, the functions...?.... of the Director must be.....” and this came up again as a result again of part of the information, it was suggested that the Director could appoint other Directors or appoint his successor and he would ultimately have chosen the salary, the Trust Council would lose control. It was thought that even though this was unlikely in practice it will have specified again that the Director can't do this, so an amendment was proposed after (a) and (b) to state “The Director may not appoint other Directors”. (c) states if at any time the post of Director is vacant the functions of the Director must be performed by the Trust Council, so if something

happens to the Director or he resigned the powers would go to the Trust Council to continue the operation of the Trust. Subject to those three amendments there will actually only be one amendment because it's in one particular clause and I've given explanation to that clause.

The Chairman –

Can we have a proposal then for the amendments?

The Hon. Allen Cansick –

I'll propose those amendments, Mr Chairman.

The Chairman –

Do we have a seconder?

The Hon. Kylie Hercules –

I beg to second, Mr Chair.

The Chairman –

Thank you very much indeed.

The Hon. Derek Thomas –

Mr Chair, I think with clarity now, I mean we call it amendment, but should we draw up an amendment, there's a number of amendments here?

The Chairman –

Yes, that's what I'm, that's why I asked for a seconder, because then I'm going to open it up to all members now to talk on the amendments and if you have anything to discuss then you can.

The Hon. Derek Thomas –

Yes, but what I'm saying is each section is going to be amended, different words and I think you need to capture this accurately because each word is an amendment, so there's a number of words put there and we can't bring them altogether the way I see it.

The Chairman –

Okay.

The Hon. Derek Thomas –

Each word is an amendment and for recording purposes it needs to be accurately recorded and reported, so I would suggest, Mr Chairman, we take each amendment word by word so we got proper recording here and then the record is straight.

The Chairman –

Firstly I propose that Clause 6 be changed to Clause 7.

Question that Clause 6 be changed to Clause 7, put and agreed to.

The Chairman –

Right, Clause 6 3(a) after the word National Trust include the words “and fix his or her salary and terms and conditions of service. The Director”. Or you want to propose a seconder to the proposal for each one?

The Hon. Allen Cansick –  
 .....Mr Chairman, after National Trust.

The Chairman –  
 Oh sorry, okay. Do you want to put a proposal for each item, is that what you're asking?

The Hon. Dr Corinda Essex –  
 Yes.

The Hon. Derek Thomas –  
 Yes, Mr Chairman, you need to get a seconder for each one because it needs to be documented correctly.

The Chairman –  
 Okay, fine.

The Hon. Christine Scipio –  
 Excuse me, Mr Chairman, before we ask if we agree to the amendments, is there any opportunity to have a discussion about it?

The Chairman –  
 That's what I was giving members, to discuss it.

The Hon. Christine Scipio –  
 But Mr Chairman, you had just indicated that you would like a proposer and seconder for the amendments but we haven't discussed the proposed amendments

The Chairman –  
 Ah, sorry, I do apologise.

The Hon. Christine Scipio –  
 That's fine.

The Chairman –  
 Do you wish to er talk now?

The Hon. Christine Scipio –  
 I'd like to ask a question for clarification, if I may. If the Acting Attorney General can provide clarity proposed amendment, is there any rationale that this proposed amendment need to be in any way included in the regulations? This is a general question for the entire Section 3, Clause 3 or is there any need , is it going to be revisit that any amendments to regulation will be required to include these proposed amendments?

The Hon. Allen Cansick –  
 Mr Chairman, it's not considered there will be a need for amendments to the regulations.

The Chairman –  
 Okay.

The Hon. Christine Scipio –  
Sorry?

The Hon. Allen Cansick –  
It's not considered there will be a need for amendments.

The Hon. Christine Scipio –  
A need, that's fine, thank you. Thank you.

The Chairman –  
Okay Members, then I put the question then that after the words "National Trust" and delete the word "who" we insert "and pick his or her salary and terms and conditions of service." And continue with "The Director will be responsible for the day to day". Do we have a seconder for that amendment?

The Hon. Kylie Hercules –  
I raise to second, Mr Chairman.

The Chairman –  
Thank you very much.

Question on amendment, put and agreed to.

The Chairman –  
We move down to subsection (b). After the word "conditions of service" we include the words "The Director may not appoint any other Directors". Do we have a seconder for that proposal?

The Hon. Allen Cansick –  
Other Directors, not any other Directors, Mr Chairman.

The Chairman –  
The Director may not appoint other Directors?

The Hon. Allen Cansick –  
Hmm, hmm.

The Chairman –  
I thought that was what I said. Sorry.

The Hon. Allen Cansick –  
.....inadvertently added the word "any".

The Chairman –  
Do we have a seconder for that proposal?

The Hon. Kylie Hercules –  
I second it, Mr Chairman.

The Chairman –  
Thank you very much.

Question on amendment put.

The Hon. Dr Corinda Essex –

Are we going to be able to speak to this Clause?

The Chairman –

I thought we'd already agreed, sorry, I thought you agreed the amendment. Okay, Members ....

The Hon. Dr Corinda Essex –

We've agreed the amendments but we need an opportunity to speak to them.

The Chairman –

Members may wish to speak to the amendments, sorry.

The Hon. Dr Corinda Essex –

And I wish to speak to the amendments.

The Chairman –

Go ahead.

The Hon. Dr Corinda Essex –

Because it says the Director may not appoint other Directors. As far as I'm aware there can only be one Director of the National Trust as the legislation stands, so if it is his or her successor then I think that wording should reflect that. This implies that the Trust could have a varied number of Directors which is not what the substantive Ordinance actually indicates.

The Chairman –

Acting Attorney General?

The Hon. Allen Cansick –

On the point of Councillor Essex, the only point on to the Director when the Trust Council is in ..... limits the Trust Council to only appointing one Director, that doesn't mean this would .....problem paying if you have a Director in place, he could have led under (b) start appointing other Directors .....Director of Finance or the Director of Operations, so it's to make that clear. It's already clear the Trust Council can only appoint one Director, this was to make it clear the Director has no power to appoint ..... his successor and other Directors.

The Hon. Dr Corinda Essex –

But the Directors are to report to the Trust Council already?

The Hon. Allen Cansick –

Yes, that's it.

The Hon. Dr Corinda Essex –

So therefore the Trust Council can only appoint a Director who will be responsible for the day to day functioning of the Trust, then there's no provision for further Directors anyway.

The Hon. Allen Cansick –

(b) where it says the Director of the Trust may appoint such officers and servants as the Director from time to time considers could have been construed as other officers and servants being other Directors.

The Hon. Dr Corinda Essex –

So should the amendment then possibly be “The Director of the National Trust may appoint such officers (excluding Directors)”?

The Hon. Allen Cansick –

If you and other Councillors prefer it to be that way it could be changed to read that way, you’ll have the same effect.

The Hon. Dr Corinda Essex –

Because that does, it actually implies that there is room for other Directors, as the wording as it stands now suggests that there are possibilities for other Directors, it basically goes against the actual structure of the Trust Council and the organisation, so I would like to propose a further amendment, an amendment to the amendment, Mr Chairman, to say “The Director of the National Trust may appoint such officers (excluding Directors) and servants as the Director may from time to time consider desirable and may fix their salaries and conditions of service”.

The Hon. Allen Cansick –

Honourable Dr Essex, it might go better after “servants” rather than “officers”.

The Hon. Dr Corinda Essex –

The Director would be an officer.

The Hon. Allen Cansick –

If you prefer it that way.

The Hon. Dr Corinda Essex –

I hardly think that a Director could be termed a servant.

The Chairman –

So we have a proposal, the way the proposed amendment, an amended proposal then to read in Clause 6 subsection 3 (b) “The Director of the National Trust may appoint such officers (excluding Directors) and servants as the Director from time to time considers desirable and may fix their salaries and conditions of service”. Is that the amendment?

The Hon. Dr Corinda Essex –

Yes.

The Chairman –

Do we have a seconder for that amendment?

The Hon. Gavin Ellick –

I beg to second.

The Hon. Christine Scipio –

Sorry, Mr Chairman. We've already got that in Section 13, the Director of National Trust may appoint such officers and servants, so what are we asking to change again down the bottom or have I just lost it?

The Chairman –

.....

The Hon. Christine Scipio –

You just want to put the brackets in as the entire whole section.

The Hon. Allen Cansick –

Yes, Councillor Essex thinks that will be ..... bit more sense so you couldn't draw.....

The Hon. Christine Scipio –

Okay, I understand that. It's been a long day.

The Chairman –

Is it the same as I've read, just that we're including, excluding Directors?

The Hon. Councillor –

Yeah.

The Hon. Kylie Hercules –

The amendment, ....., because we've already proposed and seconded the amendment the Director may now appoint other Directors?

The Chairman –

Yes, that one now will fall away now. Can we have a proposer for that?

The Hon. Kylie Hercules –

I propose to delete the Director may now appoint other Directors.

The Chairman –

Thank you. Do we have a seconder?

The Hon. Gavin Ellick –

I beg to second.

The Chairman -

I put the question then that the Director may not appoint other Directors be deleted from Clause 6, subsection 3 (b).

*(Inaudible)*

The Hon. Allen Cansick –

There shouldn't be any suggestions to delete because the amendment hasn't been made. The amendment is now ....., that is the amendment being passed.

The Chairman –

Okay.

The Hon. Dr Corinda Essex –

But if that one gets passed, Mr Chair, then the previous one will automatically fall away.

The Chairman –

Yeah.

Clause 6 (as amended) –

Question put and agreed to.

The Chairman –

We move on to Section 7 which is now Clause 8 – Financial Provisions.

The Hon. Allen Cansick –

Yes, the problem with the labelling, I propose that 7 is amended to be 8.

The Chairman –

There's been a proposal then to have Sections amended from, Clauses amended from 7 to 8, do we have a seconder?

The Hon. Kylie Hercules –

I beg to second, Mr Chair.

Question on amendment, put and agreed to.

The Chairman –

You want to take us through the Financial Provisions, Attorney General?

The Hon. Allen Cansick –

Yes, Mr Chair. It reads –

Section 15 of the principal Ordinance is amended—

(a) by inserting the words “, or by an auditor approved by the Chief Auditor,” after the words “the Chief Auditor of the St Helena Government” in subsection (4);

(c) by inserting the words “or approved auditor” after the second reference to “the Chief Auditor” in subsection (4);

(d) by inserting the words “or approved auditor” after the words “the Chief Auditor” in subsection (5).

It largely speaks for itself, it's to allow for when the Trust chooses .....bound by the St Helena ....., it follows the same procedures that ESH has ....?.....

The Chairman –

Any Honourable Member wishes to speak to the Clause 8?

The Hon. Allen Cansick –

Mr Chair, there's one further amendment, I note that it says (a), (c) and then (d). I propose that (c) be changed to (b) and then (d) to (c).

The Chairman –



We have an amendment to change the subclause (b) and (c) to, sorry, they're the opposite way around so you're just changing it to (b) and (c). Are there any seconder for that proposal?

The Hon. Kylie Hercules –  
I second the proposal, Mr Chairman.

The Chairman –  
Okay, anybody wishes to speak to the amendment, please?

Clause 8 (as amended) –

Question put and agreed to.

The Chairman –  
We go to Clause 9 – Annual Report of the Trust. Attorney General?

The Hon. Allen Cansick –  
Yes, Mr Chairman, again the same issue we've made that the Clause 8 be changed to Clause 9.

The Chairman –  
There's been an amendment to change Clause 8 to Clause 9, do we have a seconder, please?

The Hon. Kylie Hercules –  
I second the amendment, Mr Chairman.

The Chairman –  
Thank you. You wish to er.....

The Hon. Allen Cansick –  
This, Mr Chairman, reads - Section 18 of the principal Ordinance is amended by deleting the words "3 months" in subsection (1) and substituting "6 months". This just allows the Trust an extra three months to prepare their annual report from the end of the financial year. Currently an annual report takes place three months later and this gives the extra time that is needed.

The Chairman –  
I put the question, Honourable Members, or do you wish to speak to that, Honourable Members?

Clause 9 (as amended) –

Question put and agreed to.

The Chairman –  
We move on to Clause 10, the Transitional provision. Attorney General?

The Hon. Allen Cansick –  
Once again and this is your final time of..... A request for amendment.....Clause 9, I propose that the correct ..... is 10.

The Chairman –

Honourable Members, it has been proposed that Clause 9 be amended to Clause 10. Do we have a seconder?

The Hon. Kylie Hercules –

I second it, Mr Chair.

The Chairman –

Attorney General wishes to take us through?

The Hon. Allen Cansick –

Thank you. Transitional provision states - Notwithstanding the amendment by this Ordinance to section 12 of the principal Ordinance, any person who was a member of the Trust Council by virtue of section 12(2)(c) or (d) of the principal Ordinance immediately before this Ordinance comes into force, remains such a member until the first annual general meeting of the Trust Council held after the commencement date of this Ordinance. Members, that means that in regard to the earlier change of the Constitution of the Trust Council which will be eventually led by regulations, that those who are already based won't be affected until the next Annual General Meeting.

The Chairman –

Any Honourable Member wishes to speak?

Clause 10 (as amended) –

Question put and agreed to.

### **Council resumed.**

The Hon. Cyril Leo –

Mr Speaker, I beg to report that the St Helena National Trust (Amendment) Bill, 2019, passed the Committee with twenty-one amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

Do we have a seconder, please?

The Hon. Kylie Hercules –

Mr Speaker, I beg to second.

The Speaker –

Thank you. Mover, you may speak to the Motion.

The Hon. Cyril Leo –

Mr Speaker, I'd just like to thank my colleagues for their meticulous scrutiny of the Bill, but in particular the Attorney General for his assistance and my colleague for her seconding so many times. Thank you, Mr Speaker.

The Speaker –

Thank you very much.

The Hon. Allen Cansick –

I do apologise, Mr Speaker, I think we've .....but you've had amendments to one, two, three, four, five, six, seven, eight clauses.....There's eleven amendments, but eight clauses.

The Speaker –

Eleven in eight.

.....

The Speaker –

Honourable Members, I put the question that this Council approves the St Helena National Trust (Amendment) Bill, 2019, as amended, and recommends to the Governor that it should be enacted. You may wish to speak, any Members wish to speak? The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, I would like to ask the Honourable Mover if he could indicate that prior to the enactment of the substantive, revised Ordinance, if the regulations could be also brought in place so that the regulations and the Ordinance could be enacted at the same time?

The Speaker –

Honourable Mover?

The Hon. Cyril Leo –

Mr Speaker, I would like to take legal advice from the Attorney General, please?

The Hon. Allen Cansick –

I see no reason why that needs to be the case, there is Transitional provisions for those regulations that will come into place, those regulations ..... to be composition of the Trust Council and there has been a transition made in regards to that ....being affected.

The Hon. Christine Scipio –

I'm only allowed to speak once, Mr Speaker.

The Speaker –

Any other Member wishes to speak? The Honourable Mover wishes to speak?

The Hon. Cyril Leo –

Thank you, Mr Speaker. I thank my Honourable Colleagues for speaking in support of the Bill. I would like to take this opportunity to acknowledge the special and specialized work that the staff of the St Helena National Trust undertakes on behalf of the people of St Helena. With some thirty-three staff our National Trust is responsible for administration, the LEMP, Landscape and Ecological Mitigation Project, invertebrates, invasive species, Millennium Forest, conservation, built heritage and marine. The new Bill, if passed, marks a new chapter for the Trust. I believe the journey of the National Trust will become even more exciting and fulfilling and on behalf of the island I wish the Director, the staff, job satisfaction and enjoyment in all their endeavours. Thank you, Mr Speaker.

The Speaker –

Honourable Members, I put the question that this Council approves the St Helena National Trust (Amendment) Bill, 2019, as amended, and recommends to the Governor that it should be enacted.

Question put and agreed to.

The Speaker –

Honourable Members, we have three more Motions to go through and the Adjournment Debate and it's now a quarter past four so I would like to recommend that we adjourn this sitting for today until I believe two o'clock on Monday afternoon if it is in favour of all Honourable Members? Yes?

Councillors –

Yes, Mr Speaker.

The Speaker –

We adjourn the meeting until Monday afternoon at two o'clock. Thank you, Honourable Members.

**Council Adjourned.**