

Feedback from Governance Commission public engagement – September 2020

ANNEX A	
<p>Revised Committee System</p> <ul style="list-style-type: none"> • How easy would it be to make the change to the revised committee system? • Can we operate the revised committee system? • The Chair having autonomy to override decisions [in some circumstances] defeats purpose of having a committee • What happens if the chair of a committee makes an executive decision that the rest of the committee doesn't agree with? Use an existing dispute resolution system? • Discussion on powers of Governor in this system. Will have to accept some power to ensure good Governance. EMs/Minister should report decisions to the Governor, he/she should advise and not overrule [except in defined circumstances]. Is greater constitutional change needed now as well? Should we just be pursuing governance changes or looking for bigger changes now? • Enhance committee system highlights minimal/no constitutional change required to make some changes. This shows we can change things now without constitutional change. If this is the case, why is it not being changed? Who is stopping change? • Is it accountability or responsible for budget expenditure? • What remuneration change to enhance committee system? • More clarity around the Chairs' influence levels in an enhanced committee system i.e. how they would operate? e.g. in ministerial they would sit in the Ministry; would it be somewhat similar if they had enhanced budget control powers? • Why is there no mention of a Chief Councillor/Islander within the revised committee system? One member of ExCo could be the Chief Islander, like on Tristan. The Chief Islander could chair ExCo and be elected by ExCo members. Could put vote of no confidence in Chief Islander, if required. • Why can we not have a 'leader' in the committee/revised system like we would have in the Ministerial system? [Note: A chief islander or similar designation would require a constitutional change.] • Could the Speaker be replaced with a 'leader' for decision making? [Note: Speaker to Legco is not a decision-maker on government policies or legislation.] • Would local/co-opted talent be paid to advise committees under the revised system? [Some people suggested should be paid.] 	
Comments on ministerial system	
<p>Voting for Chief Minister/Ministers</p>	

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- No say in who ministers will be. Need to have a change in how vote as need skills in the right places.
- Public should have a vote on who should be Chief Minister.
- People should elect the CM. It should not be the role of other EMs to elect the CM.
- Alternatively, candidates should declare their interest and the top 3 votes from the public can be used to select a CM by the 12 Legco members.
- Two members of the public strongly disagreed that the 12 members should appoint the chief minister. Conversely, one member of the public felt strongly that the 12 were put there by the people and so should choose.
- Are the councillors (who put themselves up for election) the right people to represent St. Helena? For context, it was asked why people need to put themselves up to be voted for. Why can't the local people put forward people that they would like to see stand?
- Candidates during an election should declare if they would want to stand for Chief Minister if elected.
- Can we vote for who we want to be ministers?
- Must CM be from St Helena or can they come from UK/Cape Town etc? [Note: Only those with St Helenian status can stand for election under existing legislation.]
- How would picking [by Legco from] the top three candidates for Chief Minister work?
- Freedom of association is important, and we shouldn't change fundamental rights – what if there is conflict between a party grouping and the candidate who people voted as CM (e.g. there is a large party grouping vs. one directly-elected CM)?

Capability, capacity and training

- Ministers must be capable. Are there any plans for training for potential legislative members? Elected members need to be educated. Councillors should have a good standard of education and should know about politics. What would be the minimum requirements for ministers?
- There is a fear that the ministerial system will fail if we do not attract the right calibre; some suggesting the calibre does not exist on St Helena and others being deeply offended by this claim. There is a fear though that the calibre is limited and we will leave holes in the economy by taking out the calibre to fit the system. [Participants also discussed succession planning and outlined that this is a natural process anyway.]
- Is there any criteria/qualification to choose a Chief Minister?
- Ministerial roles would appeal to a higher calibre people and how people campaign for election should help the public make their choice
- Has staffing support for ministers been considered?
- It all comes down to the personalities (referring to EMs and civil service senior management) (now and future)
- How would the Chief Minister select the four ministers? Should ministers be required to have relevant qualifications?
- Is there a way to get an EM taken off if not performing?
- What are the 5 ministries?
- Comment made about power of CM and how the roles were better aligned to younger people rather than a retired person's role. Seen as more involved, requiring lots of energy etc.

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- How popular is the Ministerial system in other OTs? How well has it worked there? [Note: Observed that no other OT with a ministerial system is known to be contemplating changing to another system.]
- What if nobody wants to be CM?
- You could have a situation where a minister does not do or know anything, and they just say yes to everything. [Note: It was also mentioned the same situation could also apply to the Committee system.]

Roles and responsibilities

- Ministers must have clear lines of responsibilities including between the Chief Secretary and ministers.
- Some felt the Chief Minister Should the Chief Minister have a portfolio? Some content he/she should have a portfolio, some thought the person should not have a portfolio, despite the recognised need for strong political oversight of finance. Some thought the workload would be too much. Another suggestion was for six ministers not five, i.e. the CM should not have ministry but should have an oversight of all.
- Will the ministerial system still have Directors in SHG?
- Who would be responsibility for direction of funding – CM or UK government? [Note: Unclear if this refers to the allocation of funding from the appropriated St Helena annual budget or reference to the level of annual budgetary support received from the UK.]
- If someone was invited to advise a ministry in decision making, would that person be able to vote?
- Who would be accountable for mistakes under a Ministerial system?
- What happens to ministers if they commit a crime?
- Generally accepted the Chief Minister needs to be someone other politicians can work with.
- What if nobody wants to be Chief Minister?

Remuneration and cost

- Many felt the pay structure did was not sufficient. Discussions gravitated towards a CM at £50K; Ministers at £30K-£40K and Councillors at £20K. [Presenters observed there is a misunderstanding of what the expectation of some roles entails.]
- Generally accepted, there must be decent money as it will be a huge responsibility for CM and affect CM and family in a small community, so they must be rewarded properly. Why are people worried about the cost of the ministerial system?
- Councillor salary needs to be higher otherwise good councillors might drop out after an election. Councillors should be paid more – why would good people stand if they only end up on £15k? Where would be find people from to sit on the new system? Councillors should earn more than £15K since they will be doing a lot of the hard work in reaching out to the public in their constituency districts and going out to communities to take their views back to the table. They will also have to scrutinise the decisions of the Ministers and CM and hold them accountable, therefore their salaries should be closer to the Ministers salary band.
- Would ministerial system cost more? Is it value for money?

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- c. £110k extra for ministers is small fry when compared to the rest of government expenditure.

Executive power and checks and balances

- Feeling that too much power is given to one person and personal biases could be brought into decision making on subject areas and minister appointments.
- What checks, and balances are there in place to ensure that Chief Minister is not showing favouritism?
- Is there the ability to limit the term of the CM?
- Who votes on the vote of no confidence?
- What will the system in undertaking the process of removal of office by vote of no confidence? Discussion that you wouldn't want to see the Chief Minister/Minister changing too often.
- If a person has been voted out will they still be a part of LegCo?
- What will the system/mechanism be for the Chief Minister to change ministers?
- Discussion re PMQs. Ministers should be able to answer questions if they have made the decisions. Needs to be visible, less closed sessions, debates more visible. Looks like things are being hidden. What classes as confidential? When of national interest, people should be informed.
- Example of other islands situations and committees; they receive funding, not aid and are in control; they have scrutiny committees. We don't have effective opposition here, need the power to review and remove.
- People can have too much power if given executive powers. People want checks and balances so the scrutiny committees were seen as an important feature.
- People want to see government in action. Scrutiny committees should be held in public.
- How long could a Chief Minister be in post after an election?
- Could Chief Ministers have a second term or more?
- Should there be any limitations on the number of votes of no confidence by the majority of non-ministers in Legco?
- Will there be confirmation hearings for ministers?
- Should we put a limit on how many consecutive terms people can stand for CM?
- We need a system where we can involve the public to scrutinise decision making, be privy to the debate and able to fire questions at Minister at live events.

Role of Councillors and purpose of constituencies

- Was highlighted that Councillors will represent public views and constantly scrutinise decisions.
- Is a Councillor a full-time job still? What if they wanted to be CM and didn't get it and paid less?

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- Need responsibility of one person for each area, not going to every councillor and getting different answers. Need feedback from constituents to one person.
- Feel that elected members could become too involved in the work and might not represent the people well enough.
- How will geographical post-election representation districts be allocated? Some prefer to have the option to go to a Councillor of their choice. Need to describe further why constituents can no longer go to whomever they choose.
- Legislators should have a paid assistant.
- A mechanism is needed for interaction with the politicians e.g. constituency surgeries should be mandatory. Access to politicians is important and the current system is too easy to hide in. Constituency meetings don't provide us with answers.

Manifesto

- When will you know about the manifesto?
- Suggested that when campaigning each candidate should be clear about what their intentions are.
- Issue with CM and Ministers setting out policy once elected. Electorate need to know this before voting and know what they are voting for.
- If the Ministers was chosen – what would happen to all the “plans” (SEDP, 10-year plan) if the manifesto of the ministers are completely different?
- A manifesto should be made before an election [Note: Unclear how a single manifesto binding a future CM and ministers could be issued before an election in the absence of a party system. Individual manifestos of intent if elected would be possible.]
- Manifestos should bind ministers together – collective responsibility. They need to stick to their manifesto.

Public perception and timing

- Feel that St. Helena is just too small and that a lot of the older generation who have not been exposed to the “big world” will hold as back on change because they are not prepared to take risk.
- A minority of views suggested Ministerial System should be put on hold and come back in two years' time with a better-informed plan. [The significance of a delay of two years duration was not explained.]
- Conversely, others, including some youth participants, argued for getting the change to a ministerial system made now as it is their future.]
- Good thing about Ministerial System is that it would get the community to think collectively.
- A Minister would be a local and know people; this would mean public interests will be represented.
- Are these structures set in stone or can they be tweaked?
- Would there be an opportunity to revert to the current system if the ministerial system was not successful? The decision more comfortable for people if there was a review point in four-eight years and an opportunity to make any further changes. [Note: To revert to the Committee system would require a future constitutional amendment.]

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- Is St Helena ready for a ministerial system? Are the right processes in place? People will have more control under the ministerial system – we are all backbenchers.
- If the ministerial system becomes an Old Boy's Club, then that's an issue.
- Will we get the opportunity to see the final details before we vote? Need time to see it and digest it.

Age limits

- Should there be an age limit to stand for election? [Note: It would be unconstitutional to set an upper age limit presuming someone was not incapacitated from performing the role.]

Other comments/questions

Constitution and legislation

- Wider changes to the Constitution have been requested in some quarters since way back in 2004 but are not being addressed.
- Oath of Confidentiality should be removed. Constitutional rights have to be honoured. [Note: Not clear which right(s) are being referred to.]
- Some felt constitution should be amended first before a decision on governance. [Note: Presumed this refers to other constitutional changes.]
- Lot of other legislation and regulation needs changing to fit and that SHG does not have the capacity to do this work. [Note: Not mentioned which other legislation participant(s) thought would need changing.]
- Important to get sight of draft constitutional arrangements required [for the governance system?]
- People asked for the details (wording) of the amendments to the constitution which are required to accommodate a ministerial form of government.
- One written submission received suggested the ministerial system will not work unless the Constitution is reviewed as a whole package and not tinkered with bit by bit.

Role of Governor

- What powers will the Governor have in the new system?
- One view expressed was the Governor should not chair the Exco; he can be present but not chair. Another view was there should be no need to attend, CM to report to Governor, CM/Ministers to make decisions and tell Governor rather than him attend ExCo.
- [Note: This is a topic that would need to be discussed with the UK government.]

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- Some misunderstanding of Governor's special powers and the need for this e.g. the Police and security
- Where would the Governor physically sit? Would he work from Castle or from Home? If from home keeps the Governor more separated and impartial. Apparently, this was done in the past and happens in some other OTs.
- Some did not agree with the idea that the Deputy Governor could be the Chief Secretary. Should remain as it as provides impartiality.
- Explain further the way a Governor as a neutral chair would operate?
- There were also views about wanting the Governor to take more control in the current system where it is believed the politicians don't seem to have focus and drive.
- Involvement of the governor in any future version of Exco under a ministerial system, relations (power balance) with the Chief Minister and the oath of confidentiality (in its present wording) not sitting well with the proposed responsibility and accountability accorded to the Chief Minister and his/her ministerial team.
- Could the Governor devolve some of his responsibilities to ministers under this system?
- Several comments did not support the Chief Secretary to be the Deputy Governor.

Process / timelines

- More details are needed in order to make a decision. Timelines too short?
- What will be the next steps; more particularly, what will happen with the feedback from the public meetings
- Everything needs to be widely publicised before any consultative poll is organised. Would like to see a robust roadmap to each proposed change.
- There was no consensus for how long a new system should be discussed. Some said they were not averse to the timetable shown. Other suggested times ranged from 6 months to 2 years. No one considered it acceptable that the present committee system should go on for another 4 years. A suggestion by some was to have the next council dissolve after 1-2 years. [Note: There is apparently no constitutional power to shorten the four-year period for Legco other than if Councillors chose to resign voluntarily.]
- Will there be more consultation?
- Should be phased in. Won't change overnight or be immediately perfect. [Note: Unclear how a change of governance system to one with ministers could be phased in alongside a partially operating committee system.]
- Surprised by the high level of engagement.
- Concerns were raised about the tight timeframe for making changes within the Privy Council window.
- Why can't the current council be extended by six to eight months to allow more time to decide on changes? [Note: The AG is considering this point but it does not seem possible given the present wording in the constitution on fixed term Legco.]
- Who will pull all this together if the public choose the ministerial system? When can we vote on this?

Consultative poll

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- Should there be a minimum of votes to ensure we reflect the will of the public e.g. at least 20% of the population should have to vote to make a change? [Note: Not all of the population are registered or permitted to vote.]
- People want choice on ballot.
- On turnout; concern that decision will be made based on comments of small percentage of population. [Note: With a general election the election result is based on the turnout of those who chose to vote on the day. Voting is not mandatory on St Helena]
- Whatever decision is made, people will vote with emotions rather than intellectually
- Do you have to be on the electoral role to vote in a poll?
- An estimated majority of participants stated there should be a consultative poll. A poll on the type of system would be preferred.
- The ballot paper could have three options: present; revised; ministerial.
- Several indicated that voter registration should be compulsory but what would be the penalty if you didn't register? Jury service confirmed as the deterrent
- There is appetite for a separate poll-only register to allow a poll.
- Some participants did not like the idea of registration for the electoral register being compulsory

Current System

- One person stated that the current system is lacking accountability. There was some discussion and 3 different understandings of who everyone thinks the Government is. People would like to understand clearly who the government is.
- Who is in charge? Councillors say, "it's Government", who is Government? Attendee didn't know, others suggested councillors, Governors, departments, no consensus. No consensus of understanding.
- Under the current system, why is it that elected members do not manage the budget?
- No transparent decision making or open debate. Several participants did not understand the role or need for caucus, chairpersons' assembly.
- Some people felt there was nothing wrong with the political system; they attributed all the blame to a slow and inefficient civil service. Suggestion that a restructuring of SHG is all that might be needed. Make the system we've got now more robust. [Note: No details provided on what the participant(s) regarded as being needed to change to make the present system more robust.]
- Current system seems to be administration driven and this is where bottlenecks happen, civil service is responsible. Where does the power lie? Elected members may not always get the information they need (although they have the power to ask for more information) and this leads to delays – issue is what/how information is fed through. Tail wagging the dog.
- No one has ever said the current system is perfect.
- How is it possible for elected members on committees to make decisions on very different areas (e.g. Health one day and Education the next)? May contradict on issues like budgets.
- Don't make change for changes sake.
- Can anyone tell us why the system isn't working?

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- Feel that people just don't understand the current system and communication should be better.
- Where do current elected members sit on this matter of governance?
- Why retain twelve councillors?
- Too many Councillors are hung up at present on minutiae and do not get things done.
- Why do the Councillors blame the SHG all the time?
- Why do the Councillors not represent people fully on what they wish to have addressed e.g. they say something to the public and then go into a meeting and say something completely different?
- Why has the current system gone so bad? It would seem Councillors are not bothered anymore. Public participation happens too late, as by the time it gets put to the public, it has already been debated behind closed doors and decisions are more or less already made.

Public administration

- Within any of the changed structures, will this mean that people will lose their jobs to give councillors more money?
- Some discussion on the point that any operation private or public must constantly change to efficient.
- Within any system, can there be the ability to hold top public servants into account through performance-based management and that there be no assumption of "jobs for life"?
- Better administration needs quicker response to letters. Sometimes not get acknowledgement
- Attendee said he read we have the British Administrative system on SH. Will the new system be British administrative system too? Elected members refer people to departments who refer them back to elected members. Needs greater democracy, responsibility and accountability. [Note: Unclear what 'administrative system' the participant would prefer to see on St Helena.]
- Is the SHG restructuring to suit new system? [Note: The five-directorate model is intended to be aligned to either the five existing Committees or possible five ministries.]
- Where will Chief Secretary (CS) sit under ministerial system and who will they be responsible to? How much power would CS have?
- Where does finance sit? Financial Secretary (FS) role and where they fit? Discussion whether CM would have finance ministry or would this be too much work. Would CM need financial background?
- Discussions re salaries. Compare to civil service salaries and private sector salaries. Should not have directors earning more than Ministers who make the decisions.
- Any consideration for Ombudsman? Previously agreed by LegCo, nothing happened, raised in 2019, Gov Honan said it wasn't necessary.
- If Ministers are elected every four years, should directors also be chosen/elected with short term contracts so they can be removed if they don't perform? They can also stand to be elected.
- Public has no control over director salary.
- Previously SHG had way less Directorates, why do they have so many now?
- Would like to see info graphics and organogram included in presentation on how public service will look

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- Believe that the planned change will be good but if the system same people (Public service) are in the changed system it will not be any better.
- There was some discussion on the current public service restructure, feel that “they” should look at private sector and international organisations to inform the restructure.
- There was some discussion about segregation of an impartial public administration from elected Government.
- Please be careful of acronyms (SHPS) could add a I and it is associated with ships passing in the night etc.
- Who appoints the Chief Secretary? [Note: Under the Constitution the Governor appoints the Chief Secretary. The decision would be based on the response to a published job advertisement and the subsequent outcome of a fair and open competition for the role.]
- Top civil servants should be judged on performance. Important to let new talent through and let others have a chance. If top civil servants perform well, then they should be allowed to stay in post.

Cost

- What is the difference in cost of the current system, the revised and the ministerial system?
- If you don't pay people you won't get the right calibre or people with the vision to think on a wider scale.

Accountability

- Concern if a Chief Minister could sack a civil servant. [Note: This is not the current situation and no change is foreseen for either of the alternate governance systems.]
- Key that accountability is addressed, and issues not brushed under carpet.
- When non-SHG public bodies given money, someone needs to have control and be accountable, public interests need to be protected. Not regulators, they aren't accountable

Skills / Training / Code of Conduct

- Important to get right people in roles, including speaker role. They need guidance and training on what to do and how to fulfil the position.
- Training for Ministers in code of conduct, constitution, legislation.
- Need stricter code of conduct for Ministerial system.
- Need checks and balances in place so done properly
- What qualifications (or experience) would be appropriate for a Chief Minister?

Legal advice

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- A participant suggested AG's Chambers was biased. Should have independent advice, utilised support from CPA.
- Ministers should have their own legal advisors. There should be another legal body to scrutinise what the AG's Chambers is saying.

Communication and transparency

- Need better system for informing people (e.g. up to date LegCo minutes). Administration to blame (but EMs should have clout). Transparency – e.g. why media not allowed in the Castle for recent petition presentation.
- People go to elected members, either referred to directorate or told it will be looked into but never get an answer.
- Need to understand community involvement. Elected members would take more seriously if more people contributed. But it depends on the character of the elected members – need to elect considering this. People have lost interest as elected members don't get back to you; "Waste of time" trying.

Role of the Speaker

- Discussions held on how Speaker is appointed. Elected? Community? Nominations?

Public apathy and representation

- Disconnect. People don't bother attending meetings because they won't be listened to and aren't getting anywhere.
- Discussions regarding people being responsible; being stuck with bad people coupled with people not voting, therefore it is down to the people. People not voting due to lack of faith, no one is taking away their liberties, it's their choice.
- Concerned about getting the younger generation involved. It's important, it is their future. Plantation event for younger participants was good. What forums are there for youth to get involved?
- Hopefully more women in politics.
- How much is the younger generation being informed about this?
- Was suggested that current affairs should be taught at school.
- How would younger people get involved in government?
- Some participants content with the voting age should be 17. Others would like to see voting age decreased to 16 years.