

ANNEX C - Comparison between the structure and operations of the Present Committee system with the two alternative governance systems			
	Present Committee	Revised Committee	Ministerial
Legislative Council			
<i>Principal law-making body</i>			
Number of Elected Members on Legco	12 Elected Members are elected on to LegCo at a general election held every 4 years.	Same as Present Committee system	Same
Process for electing Members	The island is one single constituency. . Only those over the age of 17 years, who hold Saint status and are ordinarily resident on St Helena and registered themselves in advance on the Electoral Register are eligible to stand for election to Legco and vote in an election.	Same	Same process for electing Members.
Representation of constituents by Elected Members	All 12 Elected Members represent everyone. They can be approached by any constituent from anywhere on St Helena. Multiple requests by some constituents on the same subject to several Elected Members can occur.	Same	The six non-ministers will be allocated a constituency to which they will be the first port-of-call for constituents in that area.
Plan and vision	There is no requirement for Elected Members to agree a collective vision over the life of a Legco St Helena has a 10-year National Plan with a set of strategic goals for the island. Each year a mid-term review (known as 'MTEF') is made by Elected Members and officials to set the priorities during the next year to endeavour, over time, to achieve the 10-year goals.	Same	Same for the non-ministers sitting on Legco It would be a decision of the Chief Minister and Ministers if the 10-year National Plan and the annual MTEF process are continued and if so, in what form. The Chief Minister would be expected to set out his/her vision within a reasonable timeframe of election.

Functions of Legislative Council	<p><i>Legislative Council is the law-making body:</i></p> <ul style="list-style-type: none"> - Debate motions brought by Elected Members on any topic - Question and scrutinise Committee Chairs and others on performance and delivery of their policies and public services - Amend and approve new legislation proposed by any elected member or committees and which may be prepared by Attorney General's Chambers - Debate and propose changes to policies and existing laws - Approve the annual public sector budget and how it is planned to be used <p>Decisions on motions are made by a majority vote of the Elected Members who are present and voting. If a vote is tied the motion fails to be approved There is no procedure for a casting vote by the Speaker or any other Legco member.</p>	Same	Same mode of operation
Attendees of formal meetings of Legislative Council	All Elected Members, Ex-Officio Members, Speaker, Clerk of Councils and Governor in specified circumstances attend LegCo.	Same	All Elected Members, the AG as an Ex-Officio Member, Speaker, Clerk of Councils and Governor in specified circumstances attend LegCo.
Role of the Speaker	<p><i>Neutral Chair of Legco, not an elected member:</i></p> <ul style="list-style-type: none"> - Chairs Legco meetings - Sets Order Paper for Legco meetings - Upholds the Legco rules on procedures and conduct - Decides on disagreements over procedures, motions and queries made by Elected Members - Leads inquiries into Councillor misconduct claims and decides sanctions. 	Same	
Removing an Elected Member from office	An elected member can only be removed by the Speaker if absent without permission from 3 or more meetings of Legco or disqualified from office.	Same	Same

Governor's role on Legislative Council	<p>The Constitution gives the Governor the right to address Legco on a particular matter. The Constitution permits Legco to request the Governor to attend Legco when they are debating a particular matter.</p> <p>The Constitution gives the Governor the right to address Legco at a time during a meeting of Council fixed by the Speaker at the Governor's request.</p>	Same	Same
Council Committees (Economy, Finance, Health, Social Care, Education, Environment)			
Members on a Committee	<p>Each Committee has a Chair (normally an ExCo member) + 3 or 4 other Elected Members. A Council Committee does not have to be constituted of elected members but, conventionally is comprised of elected members.</p> <p>Sometimes Committees set up Working Groups to concentrate on preparing new policies (e.g. recently WGs on immigration, land development, traffic laws). These comprise Elected Members, SHG officials and sometimes other people.</p>	<p>Each Committee has a Chair (ExCo member) + 1 or 2 other Elected Members</p> <p>Same</p>	Council Committees would no longer be required
Process for Elected Members to become Committee Members	Elected Members vote for the Chair for each Committee. The Governor, after consultation with the Chairman, appoints other members to the committee. Elected Members usually sit on more than one Committee and are appointed by the Governor.	<p>Same</p> <p>Likely Elected Members will be able to specialise if they sit on one Committee only</p>	No longer required

Functions of a Committee	<p><i>Council Committee functions:</i></p> <ul style="list-style-type: none"> - Debate the contents of new policies, considers public views and professional advice - Scrutinise and modify existing policies - Prepare requirements for drafting new laws - Decide on changes and developing new public services - Decide on priorities if insufficient resources available 	Same	No longer required
Attendees of Committees	<p>Through the Chairman, Elected Members can ask SHG officials to attend a meeting. Elected Members can ask other people with a relevant contribution to make to attend a meeting The Chief Secretary, Financial Secretary and Attorney General have the right to attend any Council Committee meeting – either personally or by proxy. They can speak but cannot vote.</p>	Same	No longer required
Decision-making processes within Committees	<p>Committee decisions are made using advice from its own Working Groups, Sub-Committees, from officials and third parties. Also, if a public engagement has occurred, the outcome of public meetings and written submissions, are taken into consideration The preference is for Committee members to agree unanimously. It may take time to get full agreement for some proposals. Alternatively, majority voting for decisions can be taken</p>	Same	No longer required
Committee Chairs	<p><i>Chairs and their Committees:</i></p> <ul style="list-style-type: none"> - Have no direct responsibility for the standards or performance achieved in the delivery of services by a Directorate - Have no direct responsibility for the distribution of funds and resources allocated by a Directorate to the services a Committee wants it to achieve - Chairs may determine a matter that is to be determined by a Committee if the Chair is of the opinion that, given the circumstances of the matter, it is unlikely to be determined in a reasonable time; this action may only be taken by a Chair after consultation with the Governor and the relevant Head of 	<p><i>Chairs and their Committees:</i></p> <ul style="list-style-type: none"> - Chairs will be given a direct responsibility for the standards or performance achieved in the delivery of services by a Directorate - Chairs will be given a direct responsibility for the distribution of funds and resources allocated by a Directorate to the services a Committee wants it to 	No longer required

	<p>Department. It is then the responsibility of the Chair to report back to the Committee at its next meeting explaining that a determination has been made and give the reasons for it. Committee members who may disagree with the determination made by the Chair have the right of appeal to the Governor to quash the determination</p> <p>- Chairs may act on behalf of the Committee between meetings of a Committee on matters which are of a routine nature or are of such nature that to convene a meeting would be convened by the time in which the Chair needs to act. The Chair is then required to report the action taken at the next meeting of the Committee.</p>	<p>achieve</p> <p>- Chairs will be given a greater role in prioritising the objectives a Directorate should follow</p>	
<p>Processes for policies and legislative changes within a Committee</p>	<p>Committees adopt minor government policy within their mandate. Proposals from a Committee for major new policies and legislation are often sent out for public comment after being presented by a Chair to Exco for cross-government approval.</p> <p><i>Policies</i> - Once agreed by Exco, policies become the responsibility of the Chief Secretary and Directorates to follow.</p> <p><i>Legislative changes</i> - Once agreed by Exco, the Attorney General prepares a draft ordinance or regulation. It is then debated by Legco before voted upon for acceptance. The final version of an ordinance goes to the Governor (as the representative of the Crown) for signing before it comes into effect on a prescribed commencement date</p>	<p>Same</p>	<p>No longer required</p>

Public Accounts Committee (PAC)			
Membership of the PAC	Two Independents (including the Chair) , 3 Elected Members The Chief Auditor is an advisor to the PAC (s69 Constitution).	Same	Same Non-minister Elected Members, not Ministers, would serve on the PAC
Role of PAC	Reviews the financial statements, quality and value for money of individual public services and publicly owned organisations	Same	Same
Outputs of PAC	Holds meetings and questioning of officials and Elected Members in public Publishes a report on its findings into each subject or organisation	Same	Same approach to question senior officials and Ministers

Scrutiny Committees			
<p>Role of scrutiny committees</p>	<p>While not a requirement, all Legco Elected Members are on more than one Council Committees.</p> <p>The Public Accounts Committee is a scrutiny committee under system.</p>	<p>All Legco Elected Members are on at least one Council Committee. No Scrutiny Committees possible in Revised Committee system of Council Committees as they would be scrutinising their own actions and decisions.</p>	<p>Scrutiny Committees made up of non-ministers are possible in the Ministerial system</p> <p>A Minister has responsibility and accountability, through the public service, for all policies and services delivered by their Directorate (Ministry).</p> <p>Ministers should justify to Legco the effective use of public funds appropriated to their responsibility. This responsibility and accountability would be exercised by Legco-run Scrutiny Committees and the whole House.</p> <p>The six non-minister Legco Elected Members would have a formal role to scrutinise the performance of Ministers and their Directorates (e.g. ministries)</p> <p>Two Scrutiny Committees are proposed:</p> <ul style="list-style-type: none"> - Committee 1 would scrutinise the two largest Directorates - Committee 2 would scrutinise the other three Directorates <p>Each scrutiny committee would have three non-minister Legco Elected Members. Non-minister Elected Members would agree themselves on which committee they will serve</p>
<p>Procedures of scrutiny committees</p>	<p>All Legco Elected Members are on more than one Council Committees. No Scrutiny Committees possible in Present Committee system of Council Committees as they would be scrutinising their own actions and decisions</p>	<p>All Legco Elected Members are on at least one Council Committee. No Scrutiny Committees possible in Revised Committee system of Council Committees as they would be scrutinising their own actions and decisions</p>	<p>Each scrutiny committee would publish a forward programme of individual issues it sought to scrutinise, meet regularly (monthly?) and be able to require senior officials and ministers to attend (and invite not compel non-public sector parties to attend)</p>

<p>Minister Question Time</p>	<p>There are no Chief Minister or Ministers to be the basis of a Ministerial Question Time in the Present Committee system.</p> <p>However, there is currently a mechanism under the current system for written and oral questions to be put and answered.</p>	<p>There are no Chief Minister or Ministers to be the basis of a Ministerial Question Time in the Revised Committee system.</p> <p>However, there is currently a mechanism under the current system for written and oral questions to be put and answered.</p>	<p>A regular forum (e.g. Question Time) will be held for non-minister Elected Members to question the Chief Minister and Ministers.</p>
<p>Executive Council (Exco) Principal policy-making and senior decision-making body</p>			
<p>Number of Elected Members on ExCo</p>	<p>The five Elected Members who chair each of the Committees are normally members of ExCo. The Chairs are voted on to ExCo by all elected members</p>	<p>Same</p>	<p>A Chief Minister and five Ministers would be the elected members of ExCo. The Chief Minister would be chosen by all Legco Elected Members. The Chief Minister would then choose the five Elected Members from Legco he/she wanted to serve as Ministers</p>
<p>Process for joining ExCo</p>	<p>Elected Members are voted by Legco to sit on Executive Council for 2 years after a general election. They are re-elected or replaced for a further one year at the start of year 3 and again at the beginning of year 4. This arrangement is described in Section 36(2) of the 2009 Constitution. By convention the Governor appoints those elected to ExCo to be chairs of the council committees.</p>	<p>Same</p>	<p>The Elected Members on Legco who become the Chief Minister and Ministers would each serve a term on ExCo of up to four years.</p>

Functions of Exco	<p><i>Principal policy-making body:</i> <i>Executive Council gives the Governor binding advice in respect of all matters, except in certain circumstances (of law, urgency etc) and except in areas that are the Governor's Special Responsibilities in which Executive Council's advice does not bind the Governor. When given binding advice the Governor must act accordingly unless the Secretary of State or other special circumstances allow.</i></p> <ul style="list-style-type: none"> - Sets national strategy for national development and legislative programme - Approves policies of national importance - Final decider on difficult island decisions that cannot be resolved by the Committees - Takes matters forward with the UK and other governments 	Same	Same
Attendees of ExCo	<p>Governor (but not compulsory) & Non-voting SHG officials:</p> <ul style="list-style-type: none"> - Chief Secretary - Financial Secretary - Attorney General <p>- Other SHG officers attend on request</p>	Same	<p>Governor & Non-voting SHG officials:</p> <ul style="list-style-type: none"> - Chief Secretary - Attorney General - Other SHG officers attend on request <p>Finance Minister covers role of Finance Secretary</p>
Change in ExCo membership	<p>Elected Members are free to step down at any time. Ordinarily, Elected Members of Executive Council require re-election for further terms on Exco at the end of year 2 and 3.</p> <p>There can also be a no-confidence motion in Exco members.</p>	Same	<p>The term for each person could be shorter than four years if the Chief Minister resigns or an individual Minister resigns or asked to leave their post by the Chief Minister.</p> <p>Legco non-ministers can also bring a motion of no confidence in the Chief Minister, which if passed, he/she and all Ministers would be expected to step down</p> <p>This might trigger a general election if Legco cannot find another Councillor to be the Chief Minister and who could command the approval of a majority of Legco Elected Members</p>

Governor's role	<p>The Governor chairs formal meetings of ExCo.</p> <p>In most circumstances the Governor must consult and act on the advice of ExCo.</p> <p>The Governor has a number of special responsibilities under the constitution. These are:</p> <ul style="list-style-type: none"> - Defence - External/international affairs - Internal security - policing - Overall Administration of Justice - Shipping - Finance - Appointments to the St Helena Public Service 	Same	Same responsibilities and chairing, although expected the majority of discussion on the substantive business of government would be led by the Chief Minister.
Caucusing			
Purpose of caucusing	The 5 Committee Chairs on Exco often hold a political meeting (no officials present) to which other elected members are invited to discuss and receive their views on topics on the agenda for the next Exco meeting. No minutes are taken at caucusing meetings.	Same	<p>No formal requirement</p> <p>Could be continued at the discretion of the Chief Minister or liaison with non-Ministers may be undertaken in another form</p>
Chairperson's Assembly			
Purpose of Chairperson's Assembly	The 5 Committee Chairs on Exco meet periodically themselves to discuss the progress of policy and legislative matters they want to complete in the foreseeable future. Officials may attend if requested	Same	No formal requirement. It would be at the discretion of the Chief Minister if he/she wished to discuss in a ministerial forum the political aspects of Exco agenda items without SHG officials present
St Helena Public Service ('SHG')			

<p>Number of SHG Directorates (as at November 2020)</p>	<p><i>Eight Directorates:</i></p> <ul style="list-style-type: none"> - Corporate Services - Children & Adult Social Care - Health - Education & Employment - Environment & Natural Resources - Infrastructure & Transport - Air Access - Policing 	<p>Same as at November 2020</p>	<p>Same as at November 2020</p>
<p>Future structure of the public service (from 2021)</p>	<p>The intention before the end of the 2020/21 financial year is to slim down to 5 Directorates + central services, each led by a Portfolio Director:</p> <ul style="list-style-type: none"> - Health & Social Care - Education, Skills & Employment - Environment, Natural Resources & Planning - Safety & Home Affairs - Treasury & Sustainable Development <p>+ Central Support Services</p>	<p>Same as from 2021</p>	<p>Same as from 2021</p>
<p>Relationship between Directors and Committee Chairs</p>	<p>An advisory and reporting interaction exists between a Director and a Committee Chair. Directors and Chairs are not co-located in the same places</p>	<p>Same</p>	<p>Ministers would be co-located to work from an office in their corresponding Directorate The Director and other specialist staff would be required to develop a productive working relationship with the Minister and meet frequently to:</p> <ul style="list-style-type: none"> - advise and brief the Minister on the policies and legislation being pursued or developed - advise on the implementation of activities - seek decisions on issues and resources relating to the delivery of services - report on achievements by the Directorate