

Minutes of the Meeting of Executive Council held on Tuesday, 1st December 2020 at 9.30am
in the Council Chamber

Present: His Excellency the Governor (Dr Philip Rushbrook)
The Hon Chief Secretary (Mrs S O'Bey)
The Hon Financial Secretary (Mr D L Richards)
The Hon Attorney General (Mr A T Cansick)
The Hon C R Beard
The Hon C G Buckley
The Hon A A Green
The Hon L A Henry
The Hon D F Thomas

In attendance: Clerk of Councils (Mrs C C Johnson)
Head of Corporate Support (Mrs C A George)
Head of Governor's Office (Mr Greg Gibson)
Senior Press Officer (Mr Liam Yon)

OPEN SESSION

92.1 Welcome

The Governor welcomed all to the meeting.

92.2 Firearms (Amendment) Bill, 2020 (ExCo Memo 80/2020)

The Museum Director, Mr Adam Sizeland, was in attendance for this item of business.

The Chairman of the Social and Community Development Committee (SCDC) presented the Memorandum asking Executive Council to consider and advise whether the Firearms (Amendment) Bill, 2020 should be printed and published and tabled as Government business at the next formal meeting of the Legislative Council.

The Chairman of the SCDC provided Members with some additional background and Members noted that the SCDC had approved the draft Bill at their meeting on the 14th October 2020.

Members were content to give their support and pleased to see that recognition was being given to highlighting firearms as a part of the Island history but raised some concerns around the safe use and storage of Firearms by the Museum. The Museum Director stated that the Museum would work with the St Helena Police Service to ensure that the correct processes in terms of safety and storage are in place. The Attorney General referred to a clause in the Bill that states "*The Director of Police must not grant a firearms certificate to the Museum of St Helena, unless the Director is satisfied that the arrangements for exhibiting and securing the safe custody of the firearms and ammunition in question are such as not to endanger the public safety or the peace*". Members supported the involvement of the St Helena Police.

The Museum Director explained to Members the history behind the Militia that was also mentioned in the Memorandum.

It was noted that in addition to the Museum licencing amendments the Amendment Bill also excludes from the application of the Ordinance all muzzle loading cannons on St Helena which were manufactured before 1900.

The Attorney General proposed further amendments to remove specific mention of the Museum of St Helena in the Bill and broaden this to include all Museums and/or Exhibitions. This was proposed in order to futureproof the Ordinance. Members agreed the Bill should be amended in this way.

Following discussion, Council advised and the Governor agreed, that subject to the amendments proposed by the Attorney General, the Firearms (Amendment) Bill, 2020 should be printed and published and tabled as Government business at the next formal meeting of the Legislative Council.

(Action: Hon Attorney General/Clerk of Councils)

The Governor thanked the Museum Director for his input and at this point he left the meeting.

92.3 St Helena Populations and Housing Census 2021 (ExCo Memo 81/2020)

The Statistician, Mr Neil Fantom, was in attendance for this item of business.

The Chief Secretary presented the Memorandum asking Executive Council to consider and advise:

- (a) Whether, in accordance with section 2(1) of the Census Ordinance, 1986, HE the Governor should appoint 7 February 2021 as the night for the taking of a Census of the inhabitants of St Helena 'the census night'; and
- (b) Whether the six attached Forms (Annex A – Annex F) of Census Schedule for use in the 2021 St Helena Population and Housing Census, should be approved, in accordance with Section 4(1) of the Census Ordinance, 1986.

Members noted that the last Census was in 2016.

The Statistician explained all the forms to Members pointing out that they had been presented in draft format to all Elected Members at an Informal Legislative Council meeting and a pilot census had also been undertaken. The Statistician elaborated on the changes that had been made to the forms so that they now captured data that would assist with more informed and better decision making processes.

Members were pleased with the good work that the Statistics Office had produced and hoped that by focussing on the important questions the Census could provide the updated data that was needed to inform decision making. The Statistician guided Members and made them aware that the Census could not act on individual information and could only aggregate all data but the Statistics Office would provide a set of analysis and reports which would assist for example in matters such as the Island's ageing population. The Chief Secretary added that the Census data would allow Members to determine whether amendments were needed to current policies.

Members raised the following queries and concerns:-

- 1) whether the question on Vehicles could be revisited so that it distinguished clearly between vehicles that were licensed and insured and those that were not
- 2) if the Church of England (Anglican) on Form A could be amended to state just Anglican
- 3) if the instructions for the completion of Form B, for households in absentia, could be

reviewed to be more precise

- 4) if the instructions for the completion of Form E1, for those households of more than five persons, could be made clearer on Form A

The Statistician advised that he would address the issues that Members had raised before the final forms were issued. He also made Members aware that the possibility of the Census being completed online was being looked into.

Following discussion, Council advised and the Governor agreed, that subject to the changes suggested to the forms being addressed the forms should be approved and the 7th February 2021 was approved as the night for the taking of a Census of the inhabitants of St Helena.

(Action: Hon Chief Secretary/Clerk of Councils)

The Governor thanked the Statistician for his input and asked that thanks also be conveyed to the team, and at this point he left the meeting.

92.4 Criminal Procedure (Amendment) Bill 2020 (ExCo Memo 82/2020)

The Chairman of the Social and Development Committee (SCDC) presented the Memorandum asking Council to consider and advise whether the Criminal Procedure (Amendment) Bill, 2020 should be printed and published and tabled as Government business at the forthcoming formal meeting of the Legislative Council which had been deferred to the 11th December 2020.

The Attorney General explained the reason behind the draft Bill highlighting that it would correct a drafting error made in the 2017 Law Revision in Section 164A of the Criminal Procedure Ordinance. The Attorney General advised that this section as currently drafted was inconsistent with the Magistrates Court Ordinance 2011, Section 19(1) and stressed the importance of correcting and clarifying the matter urgently.

Members expressed their frustration and disappointment that this inconsistency was made in the Law Revision process in 2017 but recognised the error could have detrimental consequences so gave their approval for the necessary changes to be addressed.

Following discussion, Council advised and the Governor agreed, that the Criminal Procedure (Amendment) Bill, 2020 should be printed, published and presented as Government Business at the next formal meeting of the Legislative Council.

(Action: Clerk of Councils)

92.5 Any Other Business

92.5.1 Public Consultation Meetings on the Draft Immigration Policy

The Hon Derek Thomas gave an update on the Public Consultation Meetings on the Draft Immigration Policy advising that the meetings were generally well attended and those in attendance supporting the recommendations except for the Fast Track Residency whereby the principle was supported but the public would like to see more details on this. The Land holding issue had not yet been progressed and would be dealt with separately so that the changes to the Immigration legislation were not held up; the Attorney General advised that there could be a transitional provision in the Immigration Bill to deal with that issue if there was not new landholding legislation at

that point. The Hon Derek Thomas would report the outcome of the consultation to the Social and Community Development Committee.

92.5.2 Home Quarantine

The Hon Derek Thomas asked whether Members would agree to meet with the team after ExCo to discuss some home quarantine issues; Members agreed.

92.5.3 Budget Submission and Meetings

The Financial Secretary advised that the Budget Submission had been submitted on time. The Head of Governors Office (HOGO) confirmed this and advised provisional virtual meetings dates with FCDO officials on the 15th and 17th December 2020; Members noted both dates.

92.5.4 International Labour Organisation Violence and Harassment Convention


The Head of Governor's Office informed Members that the International Labour Organisation had adopted a Violence and Harassment Convention seeking to eliminate that in the work place and asked whether it should be extended to St Helena. Following discussion, Members agreed that this information should be sent to the Employment Rights Commission, Labour Regulating Authority and the Chamber of Commerce for their views and they should report back to the Education and Employment Committee in the first instance.


(Action: Chairman, Education and Employment Committee/Head of Governors Office)

92.5.5 Capacity issues in the Public Solicitors Office

The Head of Governors Office gave Members an update on the capacity situation within the Public Solicitors Office advising that a locum had arrived the previous day and remote assistance was being provided to Lay Advocates. The new Public Solicitor would arrive in January 2021, so going forward, the office would be restored to near full capacity. Commercial and Civil matters were priority areas of work at this time.

There was no any other business for discussion in Open Session.


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Clerk of Councils
20.01.21


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P.P. Governor
20.01.21
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Date