

## EXCO TOP LINES – TUESDAY 22 JULY 2021

### **Customs (Export and Import Control) (Amendment) Regulations, 2021**

- **Council advised that the draft Customs (Export and Import Control) (Amendment) Regulations should be approved and brought into force on 1 November 2021.**

### **At the Meeting**

- This paper was presented by Chairperson of the Finance Committee, Councillor Clint Beard, supported by the Deputy Chief Secretary and legal drafter
- The draft Regulations had already been discussed at Finance Committee and will complement the previous amendment to the Environmental Protection Ordinance (EPO) which makes provision for the regulation of the use of artificial light at night
- The proposed Regulations are required to support St Helena's endeavours and application to achieve Dark Skies Community Status by prohibiting the import of certain non-compliant lighting (fittings or sources) with exceptions
- Members noted that the Regulations reinforce our efforts to achieve Dark Skies Community status and that these Regulations would be added to the evidence needed to obtain this status
- Members asked for clarity on sports and recreation lighting especially regarding flood lighting for sporting events and whether this should be specifically added to the Regulations. Council was advised that this is provided for in the EPO where exceptions and temporary permissions can be granted to use dark skies non-compliant lighting
- Members gave their full support for the Regulations to be approved noting that, should the need arise, there would be opportunity to amend the Regulations to take account of future developments
- The Regulations will come into force from 1 November 2021 to allow sufficient time to inform the public and to ensure that customs officers are made aware that non-compliant lighting can no longer be imported from this date.

### **Background**

- The Environmental Protection (Amendment) Ordinance, 2021 makes provision for the regulation of the use of artificial light at night for the protection of the natural environment and the night sky and for the reduction of energy waste and carbon emissions generally
- These draft Regulations support the EPO
- Exceptions where non-compliant lighting can be imported are for:
  - Lighthouse and navigation lighting used for safety at sea
  - Air navigation lighting, including runway lighting, exterior lighting and security lighting in respect of the surroundings of the airport
  - Sea navigation lighting and lighting used by a ship for safety at sea
  - Interior lighting which does not shine outside of a property
  - Temporary festive Christmas exterior lighting in the lighting zones prescribed for a period not more than eight weeks before and four weeks after the date of the day on which Christmas day falls
  - Exterior lighting needed for emergency purposes
  - Construction site exterior lighting
  - Exterior lighting used for security
  - Exterior lighting used for public safety purposes

- Exterior lighting necessary for the satisfaction, in St Helena, of any international obligation
- Exterior lighting for the illumination of the national flag of a country or territory required for a formal or ceremonial purpose
- Exterior lighting required by any other Ordinance

Full ExCo memo available here: <https://www.sainthelena.gov.sh/wp-content/uploads/2021/07/42-2021-Customs-Export-and-Import-Control-Amendment-Regulations-2021.pdf>

## **Social Security (Amendment) Bill, 2021**

- **Executive Council approved the Social Security (Amendment) Bill, 2021 to be printed, published and presented as Government business at the formal Legislative Council meeting due to be held on 30 July 2021.**

### **At the meeting**

- This paper was presented by Chairperson of the Social & Community Development Committee, Councillor Tony Green, supported by the Strategic and Social Policy Coordinator
- The Bill:
  - Replaces the use of 'household' in IRB legislation with 'family' which includes an adult and their spouse, cohabiting partner or life partner and their dependent children under the age of 16, or 18 if in full time education. A family can also consist of a single adult
  - Means tests families, not households. However, it also ensures that costs for rent, or loan repayable, utilities and household goods and services are considered proportionate to the household through a Shared Household Deduction (SHD)
  - Allows families in full-time employment with a family income below the IRB threshold to apply for IRB because being in full-time employment does not mean that a family is not living in poverty
  - Introduces a category of job readiness, whereby conditions are attached to each category to better monitor the reasons for claiming IRB, e.g. whether through disability, medical or unemployment.
- The finer details of these changes will be set out in Regulations which will include:
  - The IRB family rate - the base rate for adults and rates for children
  - The application of the SHD to be applied to adults
  - The disregard – how the income level of a family is to be calculated
  - Job readiness – conditions attached to whether unemployed; not job ready (e.g. for temporary health reasons); permanently unable to work (e.g. for permanent health reasons) and when the family income level is below the IRB family rate.
- Extra budgetary provision of £205, 000 has been made available to support this amendment and going forward will form part of the recurrent budget that will be reviewed to meet requirements
- Clarity was provided on SHD which means that applicants for IRB will pay only a share if living in a household with non-relatives
- Members noted the challenges that people have faced previously under the 'household' definition and really want to get this legislation through as it will benefit so many people in the vulnerable category especially those who depend solely on IRB

- It was also noted that 'poverty line' has been replaced as 'family rate' which is the universally accepted definition in this case
- The chairperson was commended for his efforts in getting the law amendment to make this happen to ensure we look after those who need support
- The Strategic and Social Policy Coordinator, Ann Muir, was thanked for her wealth of experience on the core issue that has caused considerable hardship in the community
- It was noted that this amendment is also linked to the new Career Access St Helena Service and getting people into work. People should be continuously encouraged to actively look for work
- There was unanimous support from Governor in Council for the Bill to go forward to formal Legislative Council for approval
- Regulations also need to be approved before any changes can be implemented. If approved the changes will come into effect from 1 October 2021.

## Background

- In May 2018, the Social Security Review Working Group met to begin the process of reviewing the Social Security System. The Terms of Reference required the Group to scrutinise the 2011 Social Security Ordinance and recommend improvements and amendments in relation to providing more appropriate, justified, fair and proportionate financial assistance and support for vulnerable people. This provided a review of current welfare benefits including Income Related Benefit (IRB)
- The consequent IRB Policy was endorsed by ExCo on 15 December 2020

Full ExCo memo available here: <https://www.sainthelena.gov.sh/wp-content/uploads/2021/07/43-2021-Social-Security-Amendment-Bill-2021.pdf>

## Protection of Animals (Amendment) Bill, 2021

- **Executive Council approved the Protection of Animals (Amendment) Bill, 2021 to be printed, published and presented as Government business at the formal meeting of Legislative Council to be held on 30 July 2021.**

## At the Meeting

- The paper was presented by Chairperson of the Economic Development Committee (EDC), Councillor Lawson Henry, supported by the Portfolio Director of Environment, Natural Resources and Planning
- This Bill had been endorsed by EDC on 12 July and caucused with the whole of Legislative Council earlier this week
- The Bill seeks to amend the Protection of Animals Ordinance, 1969. The purpose of the Bill is to reform the law in respect of the protection of animals and the statutory authority which may be exercised in respect of the humane protection of animals
- Except for minor amendments made in 1972 and 2001, the current Ordinance is considered by St Helena's Veterinary Authority to be out of date and in need of thorough revision as some practices allowed under the Ordinance are no longer considered humane, such as ages for castration without anaesthetic and other activities which affect animals' welfare are completely absent from the Ordinance, including animals fit to travel. Furthermore, it focuses mainly on acts of cruelty and omits certain acts of neglect which can cause significant suffering in their own right

- Members noted that the proposed amendments addresses these major issues, modernises the language and also includes the rights to appeal certain actions by the authorities
- Members were happy to give support to the Bill to update the Ordinance in the best interest and protection of our animals on St Helena
- The ENRP team was commended for putting this to the House
- There was unanimous support for the Bill to be passed to Legislative Council for final approval.

Full ExCo memo available here: <https://www.sainthelena.gov.sh/wp-content/uploads/2021/07/45-2021-Protection-of-Animals-Amendment-Bill-2021.pdf>

### **Fisheries Bill, 2021**

- **Executive Council approved the Fisheries Bill to be printed, published and presented as Government business at the formal meeting of the Legislative Council to be held on 30 July 2021.**

### **At the meeting**

- This paper was presented by the Chairperson of the Economic Development Committee, Councillor Lawson Henry, supported by the Portfolio Director and officers from the Environment, Natural Resources & Planning Portfolio
- The Bill had been endorsed by EDC and caucused with all members of Legislative Council earlier this week
- Members remarked that this piece of legislation had been a long time coming but we are going in the right direction with this piece of work. Thanks were extended to all who had made this possible which displays good stakeholder involvement
- Noting the sensitivities around cultural values, clarification was sought on 'recreational fishing' where the Portfolio Director advised that under the Bill traditional rock fishing is allowed without the need for licence but fishing from a vessel will be licenced. There are safeguards in place so that people cannot sell for commercial gain fish caught from the rocks. Members were glad that a compromise had been reached
- It was noted that under offences there would also be an opportunity to have Fixed Penalty Notices
- Council noted that a supporting letter had been received from the International Pole and Line Foundation which stated that this Bill will position St Helena as an important role model in the industry
- Council was encouraged to see powers for Enforcement and Fisheries Protection Officers
- It was felt that through this legislation people will be much more informed where they stand with the law and it was necessary to control fishing activities in our waters
- The Regulations will be taken forward to the new Council
- Members were pleased to support the Bill which is a fair and sensible piece of legislation that is fit for St Helena.

### **Background**

- The setting of fisheries management priorities at the start of the Blue Belt Project identified that St Helena's fisheries law was in need of reform in a number of areas in order to improve the regulation of fishing and related activities within St Helena's fisheries limits. As a result, this key action was carried in St Helena's 2017-2025 Fisheries Sector Strategy for implementation.
- A Sub-committee was appointed by the Governor under the Economic Development Committee (EDC) to lead revision of St Helena's fisheries legislation. The group comprised an EDC member, Environment, Natural Resources and Planning (ENRP) officers, fisheries stakeholder representatives and a representative from the Attorney General's Chambers to support the group
- The Bill seeks to replace the St Helena Fishery Limits Ordinance, 1977 rather than simply making changes to it as originally envisaged in 2017. The purpose of the Bill is to provide a framework for modern regulation of fishing and related activities within St Helena's fisheries limits.

Full ExCo memo available here: <https://www.sainthelena.gov.sh/wp-content/uploads/2021/07/44-2021-Fisheries-Bill-2021.pdf>

### **Report of the Independent Body on a Review of Remuneration and Allowances for the Elected Members of Legislative Council, the Speaker and Deputy Speaker**

- **Executive Council considered the report of the Independent Body in advance of the Bill being printed and published and presented as Government business at the formal meeting of the Legislative Council to be held on 30 July 2021**

#### **At the meeting**

- The Attorney General confirmed neither the Governor nor any other party has the authority to change or add to the report of the Independent Body
- There were mixed comments on the Report from Members
- Generally, Members felt that the remunerations within the report were too low for the scope of work that is covered by Council
- Council felt that the remuneration should be agreed by the outgoing Council so that the new Council coming in would clearly know what the remuneration is
- It was felt that the process for collecting the data used to inform the final report was flawed as Legislative Council was not given the opportunity to explain their workloads as only members of Council could explain the sheer level of expectation from the public
- Remuneration needs to be reflective of the collective responsibility and individual responsibility that a ministerial government will have
- Questions were raised on the Independent Body's Terms of Reference. The Governor states that this process is a democratic approach as detailed in our Constitution and one that we are constrained with
- Members did not feel it was appropriate for allowances to be added to salaries responsibilities as incorporating what are currently paid as allowances into the overall salary level means that the income tax is paid on them, whereas now allowances are tax free when they are paid separately. Setting salaries is a special piece of work and there is no breakdown of how these rates were reached
- Members wanted further clarification from the Independent Body
- The majority view was that the Bill should go to Legislative Council with a caveat that further clarification would be sought from the Independent Body

- In the intervening period Members would provide to the Governor points needed for clarification and the Governor would send to the Independent Body
- Responses will be sent to ExCo to inform their discussion and the formal Legislative Council meeting. It was noted that pending comments from the Independent body there might be an addendum to the report

## **Background**

- The Bill seeks to amend the Legislative Council (Remuneration and Allowances) Ordinance 2010 in line with the recommendations of an Independent Body duly set up under clause 72(2) of the St Helena, Ascension and Tristan da Cunha Constitution Order, 2009 “the Constitution”. The purpose of the Bill is to put in place a revised Schedule of remunerations and allowances for Elected Members and Speaker’s Office operating under a future Ministerial system of government.
- This Bill will replace a previous amendment to the 2010 Ordinance that came into effect in 2018
- The Bill translates the recommendations in the final report of the Independent Body into legislation

Full ExCo memo available here: <https://www.sainthelena.gov.sh/wp-content/uploads/2021/07/46-2021-Report-of-the-Independent-Body-Remuneration-and-Allowances-Elected-Members.pdf>

## **AOB**

- **Graduate Scheme** – Members discussed the importance of developing a Graduate Scheme to ensure that our Scholarship students can return to the Island and have the opportunity of pursuing a career path in St Helena Government. The Chief Secretary advised that this is currently being worked on
- **Chevening Scholarships** - The Governor noted to Council that applications for postgraduate study under the Foreign, Commonwealth & Development Office’ Chevening Scholarship programme would be open in early August.

## **ExCo**

**22 July 2021**