

**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 Attorney General	-	Mr Allen Cansick

**ELECTED MEMBERS**

The Honourable Clint Richard Beard  
The Honourable Cruyff Gerard Buckley  
The Honourable Gavin George Ellick  
The Honourable Jeffrey Robert Ellick  
The Honourable Corinda Sebastiana Stuart Essex  
The Honourable Anthony Arthur Green  
The Honourable Lawson Arthur Henry  
The Honourable Cyril Kenneth Leo  
The Honourable Christine Lilian Scipio  
The Honourable Derek Franklin Thomas  
The Honourable Russell Keith Yon

**CLERK OF COUNCILS**

Mrs Connie Johnson

## PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Friday, 28<sup>th</sup> May, 2021

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

(The Honourable Speaker in the Chair)

### ORDER OF THE DAY

#### 1. FORMAL ENTRY OF THE PRESIDENT

#### 2. PRAYERS (Fr. Alan Williams)

The Speaker –

Honourable Members, I would like to observe one minute's silence as a mark of respect for the late Honourable Brian Isaac and associate members Raymond Matches Williams and Rodney Garth Buckley.

**One Minute Silence Observed.**

The Speaker –

Thank you, Honourable Members. Honourable Members, if you wish to remove your jackets, you may do so.

#### 3. ELECTIONS

##### **Election of Member of Public Accounts Committee.**

The Speaker –

Honourable Members, there's a vacancy in the Public Accounts Committee and today we're looking for nominations for a member to serve on the Public Accounts Committee. Are there any proposals, please? Councillor Ellick?

The Hon. Jeffrey Ellick –

Yes, Mr Speaker, I propose my Honourable Friend, Councillor Gavin Ellick?

The Speaker –

Are there any seconders to that proposal, please?

The Hon. Dr Corinda Essex –

Mr Speaker, I beg to second.

The Speaker –

Thank you very much indeed, Dr Essex. Councillor Ellick, you've been proposed and seconded to serve as a member of the Public Accounts Committee, do you accept this?

The Hon. Gavin Ellick –

Yes, Mr Speaker.

The Speaker –

Thank you very much. Are there any counter proposals? The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, I'd like to propose Honourable Cyril Leo.

The Speaker –

Thank you. Do we have a seconder for that proposal, please?

The Hon. Russell Yon –

Mr Speaker, I beg to second.

The Speaker –

Thank you very much, Councillor Yon. Councillor Cyril Leo, you've been proposed and seconded to serve as a member of the Public Accounts Committee, do you accept the proposal?

The Hon. Cyril Leo –

I will, Mr Speaker, yes, I accept.

The Speaker –

Thank you, thank you very much indeed. Are there any other proposals? We'll have to do a ballot then, Clerk of Councils, can we do a ballot, please?

The Hon. Allen Cansick (Attorney General) –

Mr Speaker, each candidate has the option, if they so choose, to address the Council for five minutes.

The Speaker –

Oh, okay, sorry. Councillor Ellick and Councillor Leo, you have five minutes if you wish to address the Council. Councillor Ellick?

The Hon. Gavin Ellick –

For me, I've been doing this here since 2017 on a part-time basis, I also have had training for PAC, I also attended a seminar in the Isle of Man, so, therefore, with a few months left to go I would like to be on the PAC to see whatever we can do and my past experience will show forward. Thank you.

The Speaker –

Thank you very much indeed. Councillor Leo, do you wish to address the Council?

The Hon. Cyril Leo –

Thank you, Mr Speaker. I have some experience serving on the PAC as a temporary member filling in and I would like to have more experience from serving on the PAC.

The Speaker –

Thank you very much indeed. I think the Clerk of Councils has gone to get some papers, just give us a few minutes please.

Are we all done now, Honourable Members? Thank you. Clerk of Councils, will you collect ballot papers, please?

Honourable Members, the result of the ballot is, the Honourable Gavin Ellick – 4 votes and the Honourable Cyril Leo – 7 votes. So, the Honourable Cyril Leo you have been duly elected to serve on the Public Accounts Committee. Thank you very much indeed.

The Hon. Cyril Leo –

Thank you, Mr Speaker.

The Speaker –

Thank you.

#### 4.

#### **ADDRESS BY THE PRESIDENT**

Good morning, Honourable Members, ladies and gentlemen, I bid you all a very warm welcome to the first sitting of the twenty-third meeting of Legislative Council. I would like to extend my sincere thanks to Father Alan for giving us the benefit of prayer, I would also like to extend my sincere thanks to Mr Merlin George of his continued support as our Mace Bearer.

Honourable Members, you will be aware that the primary reason for this meeting today was to elect a member to serve on the Public Accounts Committee as a result of the death of the Honourable Brian Isaac. I would like now to congratulate the Honourable Cyril Leo for being elected and I am sure you will carry out the duties of your office with fervency and zeal.

Honourable Members, I would like to reiterate that all Members are duty bound once again 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, we have three Sessional Papers, seven Questions and six Motions followed by the traditional Adjournment Debate on the Order Paper for today, all of which will have a significant impact on good governance, but I will inform you all that it's been requested that the business will go, if we think the business is going to go over 4 o'clock this afternoon, then I will adjourn the meeting until Wednesday morning at 10 o'clock, the reason being that we have the PAC Committee here on Monday and we have ExCo meeting on Tuesday, so the only day that's free will be on Wednesday.

The Hon. Lawson Henry –  
Permission to rise, Mr Speaker?

The Speaker –  
Yes.

The Hon. Lawson Henry –  
As there is another sitting next Friday and because I know er I know how the Council Committee, I would suggest, with Members approval, that if the sitting run over today be adjourned until next Friday.

The Speaker –  
Is that in order, Attorney General?

The Hon. Allen Cansick –  
Yes.

The Speaker –  
With all Honourable Members, sorry?

The Hon. Derek Thomas –  
Mr Speaker, next Wednesday is our regular Public Health Committee meeting as well.

The Speaker –  
Okay, that's fine, I'll be guided by Honourable Members. All Honourable Members, do you agree then that if we do go over time then we will adjourn the meeting until next Friday's meeting?  
Okay. Councillor Ellick?

The Hon. Gavin Ellick –  
On Tuesday of next week I will have an operation, so I will not be available for the Meeting to attend, so.

The Speaker –  
Okay, Honourable Member, we wish you well with your operation, Councillor Ellick. Okay, so without further ado, Honourable Members, I wish you all a successful session and I now call upon the Clerk of Council to announce the next item of business, please.

## **5. PAPERS**

*SP 19/2021 – The Honourable Chief Secretary.*

The Speaker –  
The Honourable Chief Secretary?

The Hon. Susan O'Bey –  
Mr Speaker, I beg to present Sessional Paper 19/2021 – the St Helena Government National Honours and Awards Bill, 2021. Mr Speaker, I do have the prerequisite Certificate of Urgency

in accordance with Standing Order 12 (1) for this Bill to be able to be presented as Government business this morning.

**Ordered to lie on the table.**

*SP 20/2021 – The Honourable Anthony Green.*

The Speaker –  
The Honourable Anthony Green?

The Hon. Anthony Green –  
Mr Speaker, I beg to present Sessional Paper 20/2021 – Police and Criminal Evidence (Amendment) Bill, 2021.

**Ordered to lie on the table.**

*SP 21/2021 – The Honourable Chief Secretary.*

The Speaker –  
The Honourable Chief Secretary?

The Hon. Susan O’Bey –  
Mr Speaker, I beg to present Sessional Paper 21/2021 – St Helena Government – Proceedings of the Legislative Council – Friday, 11<sup>th</sup> December 2020 – First Sitting of the Nineteenth Meeting.

**Ordered to lie on the table.**

The Speaker –  
Honourable Members, in accordance with Standing Order 3 (a) I put the question that the draft record of Proceedings of the Legislative Council held on Friday, 11<sup>th</sup> December 2020, First sitting of the Nineteenth Meeting, be confirmed.

Question put and agreed to.

## **6. QUESTIONS**

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

The Speaker –  
The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –  
Thank you, Mr Speaker. Will the Honourable Financial Secretary provide this Council with an update regarding the PASH renewable energy project?

The Speaker –  
The Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, I'd like to thank the Honourable Member for her question. As previously advised, Connect St Helena Limited and Sustainable Energy 1 Limited, which is a wholly owned subsidiary of PASH Global, entered into a Power Purchase Agreement on 29<sup>th</sup> May 2020. As is usual, there were various conditions precedent defined under the power purchase agreement. A condition precedent means, in contract law, a term in a contract which provides that the agreement would only come into force if and when certain conditions are satisfied. In the case of the power purchase agreement, the failure to complete the condition precedent gives the right to either party to give notice to the other of its intention to terminate the power purchase agreement. Those conditions have been satisfied already, for example, a lease by SHG to Sustainable Energy 1 Ltd commencing immediately for all of the land on which the renewable energy infrastructure would be located for the full duration of the term of the PPA, a licence, a utilities licence from the Governor in Council to Sustainable Energy 1 Ltd and a comfort letter from SHG to Sustainable Energy 1 Ltd regarding the Utilities Licence with Connect St Helena Ltd. The only remaining condition precedent are for both parties to obtain the necessary credit support documents. In the case of Sustainable Energy 1 Ltd, this is a parent company guarantee and in the case of Connect St Helena Ltd, this is a Bank guarantee with the Bank of St Helena. These remaining conditions precedent had an extended deadline of 31<sup>st</sup> May 2021. On Wednesday, 19<sup>th</sup> May, Sustainable Energy 1 Ltd requested variations to the remaining amendments of the PPA before completing their remaining condition precedent and have requested a further two-month extension to the deadline. This request is a matter of commercially confidential negotiation between the parties and consequently SHG cannot at this time provide any further details. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Financial Secretary. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I thank the Honourable Financial Secretary for his response. What is likely to be the impact of the request for variations on the timescale of actual commencement of the project itself, assuming that the variations are agreed?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you, Mr Speaker. The current PPA ensures or allows for two years from the signing or from the contract coming into force for the construction works to be completed for the PPA to come into full force until being provided with a renewable energy source.

The Speaker –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

The response the Honourable Financial Secretary provided indicates the total timescale, my question relates to when it is hoped that the project will actually commence?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

I think at this point in time, Mr Speaker, as I mentioned in my last paragraph, unfortunately until these negotiations are completed on these two specific areas, I would be unable to confirm what the timeframes are.

The Speaker –

Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you. Will the Honourable Financial Secretary give an assurance that St Helena Government will be moving this issue forward as speedily as possible and practicable, please?

The Speaker –

Honourable Financial Secretary?

The Hon Dax Richards –

Mr Speaker, yes, we will, however, I must point out that we aren't really a party in this contractual arrangement, the parties, the contractual agreement is actually between Connect St Helena Ltd and Sustainable Energy 1 Ltd. However, as the procurement was instigated by the St Helena Government, we are doing our utmost to ensure that this is resolved as speedily as possible.

The Speaker –

Thank you. Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Financial Secretary confirm that St Helena Government is still the sole owner of Connect St Helena?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Yes, Mr Speaker.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Financial Secretary then explain, please, why there has not clearly been appetite for St Helena Government to exercise its shareholder rights in actually activating starting the project at the earliest possible time?

The Speaker –

The Honourable Financial Secretary?



The Hon. Dax Richards –

Mr Speaker, at no point did I mention that there's no appetite for SHG for this to be considered. As I mentioned before, we, as this was a procurement run by St Helena Government, we are, of course, wanting for this, to bring this to a swiftest conclusion as we possibly can, however, until we've delved into the details around these requests that have been made it's very difficult to ask them to make any further commitments.

The Speaker –

Thank you. Any other Member wishes. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, could I ask the Financial Secretary that prior to the nineteenth meeting when variations was requested, was there a timeline for commencement of the contract?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, all I can say at this time is that under the contract it allows for two years from the completion of the CPs, which is the conditions precedents being met on those sort of timelines, so I don't have a specific timeline for the Honourable Member.

The Speaker –

The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Financial Secretary say if there will be an impact on St Helena Government's deliverables within the Ten-Year Plan?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, I don't know if there will be any direct impacts, as I said, the individual person who will be able to ascertain as a result of that whether there gonna be any further action.

The Speaker –

Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Just for clarification, I see the Honourable Financial Secretary has stated that there are no direct impacts, could you allow me to reword my question better than previously, Mr Speaker. It's my understanding in the Ten-Year Plan that the Renewable Energy Strategy was supposed to be a hundred percent renewable energy very soon, so that's what I was asking about, the impact on St Helena Government deliverables within the energy strategy.

Thank you, Mr Speaker. Mr Speaker, the Honourable Financial Secretary stated that the final report of the environmental, social and economic assessment will be finalised in mid-June and the findings will be presented to Executive Council, when is it likely that information will be

shared with the community, as they are very concerned. You mentioned earlier about price of fuel, so I'd just like to know when will be the intention to inform the community?

The Speaker –  
The Honourable Financial Secretary?

The Hon. Dax Richards –  
Yes, Mr Speaker, that is actually as she slightly suggested in the energy strategy under the Ten-Year Plan.

The Speaker –  
If there are no further questions, then I'll. Next question, please?

***Question No. 2 – The Honourable Jeffrey Ellick to ask the Honourable Chairman of the Economic Development Committee.***

The Speaker –  
The Honourable Jeffrey Ellick?

The Hon. Jeffrey Ellick –  
Thank you, Mr Speaker. Will the Honourable Chairman of the Economic Development Committee tell this Council what mechanism is in place for controlling the price of freshly processed fish for sale to the public on St Helena?

The Speaker –  
The Honourable Lawson Henry?

The Hon. Lawson Henry –  
Mr Speaker, I thank the Honourable Member for his question. Councillor Ellick's question requested numbered concern about private sector operation of the fish processing plant. Because there is only one fish processing plant the spare providers and costs related to be protected, the operator charge on deposits. The agreements that SHG has made to ensure that fish will be available for the local market. In a Press Release issued by STC Board of Directors on 20<sup>th</sup> May 2021, the Company expressed its aim to ensure that there is no increase in the local price paid by Saints for fish products at the various outlets on island and expressed confidence that this would be possible with cooperation between STC factory staff, fishermen and retailers. It is important to remember that the operator has an incentive to keep prices affordable and thus customers do have options when purchasing fish if the price of freshly processed fish provided by STC is too high, customers might purchase other fish from the small processing unit which will be setting up at the wharf or they might decide to buy imported fish from the shops. This is similar to what we see with local agriculture, local producers compete with each other but also with similar products imported from overseas. If a local product is not available or the price is too high we have to choose to import alternatives to ensure that they can continue to serve their customers. Directly controlling prices charged can be influencing this price, particularly if it results in the fish processing plant losing money. Fortunately, that is not the only option SHG has to support affordable prices for fish, if prices of freshly processed Tuna do become high enough to negatively impact the community. There are a number of policies SHG can and will consider to address this. The price of essential goods and

services are always considered when setting the levels of pension and benefits, so if the price of fish did increase substantially a first step could be to increase pension and benefits to include this higher price. This would ensure the individuals on low incomes doesn't lose access to an important dietary staple. SHG currently has measures in place, such as reduced rates of duty to reduce the cost of imports to agricultural production, similarly, the high operating costs of this will be the impacting the price of fish offered for sale SHG could work with this to implement cost reduction which SHG is already trying to keep possible by investing in the existing building to improve its efficiency and ensure compliance with health and safety rules. These are only two examples of approaches that could be implemented if the price of fish rose to a level that negatively impacted the community. If a problem does arise, I can assure Councillor Ellick that options will be evaluated based on the specific details of the situation.  
Mr Speaker.

The Speaker –

Thank you very much indeed. Councillor Ellick?

The Hon. Jeffrey Ellick –

Thank you, Mr Speaker, thank you to my Honourable Friend for answering this question, he did cover quite a few of my second follow up questions, but considering options, such as increasing, the part about pensions and the BIP, to do so, does he know if we have the budget for that?

The Speaker –

Advice, the Honourable Financial Secretary?

The Hon. Dax Richards –

So, Mr Speaker, if there is a call on or if there has to be a change to the BIP and IRB, payments through the mids then at the moment and that is a direct call on the Consolidated Fund.

The Speaker –

The Honourable Jeffrey Ellick?

The Hon. Jeffrey Ellick –

I thank the Financial Secretary for that. I don't have any further questions at this time.

The Speaker –

Okay, thank you. Any other Member have any questions? No? Okay, next question, please?

***Question No. 3 – The Honourable Christine Scipio to ask the Honourable Financial Secretary.***

The Speaker –

The Honourable Christine Scipio?

The Hon. Christine Scipio –

Mr Speaker, may I rise on a point of information prior to asking the question?

The Speaker –

Okay, I'll allow it.

The Hon. Christine Scipio –

Thank you, Mr Speaker, for allowing me to rise on a point of information. So, Mr Speaker, I have got notice of question in relation to the Blue Hill Field Centre on 14<sup>th</sup> May 2021, I had contemplated withdrawing this question as a recent advert after 14<sup>th</sup> May 2021 for expressions of interest was published in the local newspapers. I decided that this question should remain because the initial closing date for the tender process for the Blue Hill Field Centre was 13<sup>th</sup> May 2019, two years ago.

The Speaker –

Can I have your question, please?

The Hon. Christine Scipio –

Thank you, Mr Speaker, now my question. Mr Speaker, will the Honourable Financial Secretary provide to this House an update on the tender process for the leasing of the Blue Hill Field Centre?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you Mr Speaker and I'd like to thank the Honourable Member for her question. The Blue Hill Field Centre, a Crown property, was put out to competitive tender in April of 2019 by the Crown Estates. The main objectives in releasing this property is to secure a long-term management and to ensure its maintenance and satisfy the public interest. Tenders were welcomed from organisations and individuals for the lease of the premises. Prior to the tender process, the building was used for indoor camping. The property was offered as a ten-year, hold repairing ground lease with the rental price to be negotiated on condition that the shared parking area is to remain, with the maintenance costs shared between the Field Centre and the adjacent Blue Hill Community Centre. Tenders were processed and the successful applicant was informed in January 2020. The successful applicant informed the Crown Estates in January 2021 that they were no longer able to continue the work on this project and as the Honourable Member quite rightly said, the Centre has now been re-advertised on 20<sup>th</sup> May with the bids closing on 20<sup>th</sup> June 2021.

The Speaker –

Thank you very much, Financial Secretary. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Financial Secretary say what's the normal time period that interested parties are informed of the outcome of the tender process, because you mentioned January 2020, it closed on 13<sup>th</sup> May 2019, so what is the normal period for that process?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you, Mr Speaker. I take the Honourable Member's point, it should be a lot shorter than the period time that was. Just to say that actual evaluation of the tender process wasn't actually completed until September 2019, but there was still five months between then and the letting

the individuals know who was successful and we have looked at that in house and we recognise that it is unacceptable and the Crown Estates teams have made every effort now to ensure that that won't happen going forward.

The Speaker –

Thank you. Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Financial Secretary say what maintenance has been carried out to the property for the period 13<sup>th</sup> May 2019 to date?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, I don't have that level of detail here, but I'd be quite happy to find out and provide the Honourable Member with that information from the Development Office.

The Speaker –

Any other questions, Honourable Members? Next question, please?

***Question No. 4 – The Honourable Dr Corinda Essex to ask the Honourable Chairman of the Economic Development Committee.***

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Will the Honourable Chairman of the Economic Development Committee tell this Council what progress has been made in developing a policy framework relating to competition between the public, state owned and private sectors?

The Speaker –

The Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, I thank the Honourable Member for the question. As a first step, the draft policy related to competition between the public and state owned and private sectors has already been discussed in the Economic Development Committee and it's been recognised that this is a complex issue and requires further work. As a further step, work is being developed to identify the issues and examine the case and scope for a competition policy. In the meantime, the draft policy options paper is being prepared for presentation to the Economic Development Committee in June on the hire of SHG plant and equipment to the private and state owned sectors. This would previously have been the remit of the Environment and Natural Resources Committee, however, competition is very clearly a economic development matter and that is why the Economic Development Committee will take this work forward.

The Speaker –

Thank you, Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I thank my Honourable Friend for his response. Can he please advise the timescale for when the review of the draft policy and the identification of the other issues that it needs to address is likely to be concluded?

The Speaker –

The Honourable Lawson Henry?

The Hon. Lawson Henry –

I thank the Honourable Member for her further question. I cannot commit to a time because the work that needs to be done is being done outside the scope of my Committee, but I can tell you there will be a progress report following the presentation of the options paper that will be presented to the Committee in June. Thank you, Mr Speaker.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Chairman indicate at what point there is likely to be involvement of other key stakeholders, for example, the Chamber of Commerce and other organisations, public offices to consider. Options?

The Speaker –

The Honourable Lawson Henry?

The Hon. Lawson Henry –

Yes, I can confirm that that will be the inclination and the policy as it is agreed, but it will happen under the Development Committee, we will then send it for consideration.

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

The intention is that during the actual development of the options that we will consult with all relevant stakeholders, so it will be prior to and then also once the policy has been planned.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I thank the Chief Secretary for that clarification because that was what I was just about to request, because I think it is very important as stakeholders want consultation to take place sooner rather than later and that input is able to be made at the earliest point possible. Thank you.

The Speaker –

Are there any other questions, Honourable Members? We move on to our next question, please?

***Question No. 5 – The Honourable Derek Thomas to ask the Honourable Chief Secretary.***

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Will the Honourable Chief Secretary inform this House how many years has it been since there has been a full review of the Public Service remuneration and when is it planned for the next review to take place?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

Mr Speaker, I thank the Honourable Member for his question. The Public Service commissioned a review of pay and grading by the Institute of Employment Surveys in late 2016 with the outcome implemented in April 2017. As a result of this review, a new pay scale was adopted in 2017 which included additional steps on each grade to accommodate flexibility and progression through the pay scales. On 1<sup>st</sup> April 2017, those in existing cadres received an approximate 2.5% increase in their salary, the progression through achieving competencies that had been separate to this and of course continues now to be processed as per relevant competency framework. Those not on a cadre received an incremental step as per the pay scales which equated to a approximate 2.5% increase and then continued to receive their annual increment automatically. Those at the top of their scale received a cash bonus of approximately 2.5%.

Mr Speaker, a pay policy is currently in development, which is looking to address the complex pay issues of Public Service as an employer basis. This policy work is looking holistically at issues such as pay, qualifications, experience and market forces, both on and off island, to create a road map for how pay points within the pay scale can be increased and how pay can be set across the Public Service within a transparent framework without advantaging or disadvantaging different population. This work is complex and has to be done holistically rather than piecemeal as we have seen the piecemeal approach in the past to address one set of issues has led to later problems down the line. There have been delays to this work, Mr Speaker, due to the impact of Covid-19 last year, but this is a priority for us to complete and is being taken forward as part of the future reviews.

Mr Speaker, if I may, I would like to take this opportunity to update Members and the listening public on work that is currently taking place as a part of the pay policy works.

Succession planning. Since 2016, there were thirteen succession plans for TC posts that were completed with one person who subsequently left SHG and there are a further ten plans in progress. As part of the 2020 to 2025 workforce plan, some of the areas we are actively targeting for future succession are Social Workers and currently the Director of Children and Adult Social Care is doing work to develop an on-island qualification; Nurses that is real there, that we’re currently running a Nursing Campaign; Police Sergeants and Finance roles and, in addition, as an employer, the Public Service is working with Education to move to a supplying basis model for both apprenticeships and scholarships. This means that we will be using our workforce planning data to provide education and information on vacancies which we have available with types of roles that are or will be in high demand and the TC posts that we would

like to see localised to ensure apprenticeships and scholarships lead to jobs, localisation of TC posts and the filling of vacancies.

If I may, Mr Speaker, I'd like to point out some general, make some general points. Wages on St Helena we recognise are lower than the UK, but it is not just within SHG, this is across the whole of the island and it's important to recognise that this is not just an SHG Public Service prob-problem, it is an issue that everyone on the island, no matter who employs them. It is also worth noting that to look only at the Public Service will not solve the underlying issues or problems presented by a weak economy. Indeed, we have seen in the past that the Public Service rates, pay rates, the Private Sector has to compete and this has the potential to create a negative impact and negative consequences. While we are the largest employer, we also recognise that there are more people who work outside the Public Service than within the Public Service. However, just to reassure Members, as an employer, the Public Service is reviewing levels of remuneration for all staff to ensure that they are competitive within the St Helena pay market in the same way that employers in the private sector have to also review levels of remuneration. All employers, Mr Speaker, will have to take action to seek to retain staff and all face the difficulty of being unable to compete with the UK, Falklands and Ascension pay markets. The reality is unfortunately that St Helena pay market is not the same as the UK or other pay markets and we are focusing on addressing that through the work of the minimum wage, the Labour Market Strategy, through our Social Policy, the Sustainable Economic Development Plan and so on. However, we recognise that it won't be resolved overnight and it won't be solved just by changes to our pay policy, it is an all employer issue and not just a Public Service issue.

The other point to remember with all this is that part of any review on pay an issue has to be affordability of the Public Service and also, or the private sector, to ensure that the Public Service does not impact on the private sector's ability to attract employees and improve businesses. Thank you, Mr Speaker.

The Speaker –

Thank you. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker, I thank the Chief Secretary for her comprehensive response to my question. Can the Chief Secretary say when this work, which is a priority, the timelines of when it will be completed?

The Speaker –

Honourable Chief Secretary?

The Hon. Susan O'Bey –

Thank you, Mr Speaker. This work has already started and it is a priority and we aim to have it finished within this current financial year.

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Can the Chief Secretary say whether this work will be completed in time enough for consideration under this upcoming MTEC process?



The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O’Bey –  
Yes, that is the plan, the MTEC process that starts usually around June/July this year will look at implications on budgets and plans for the next financial year.

The Speaker –  
The Honourable Derek Thomas?

The Hon. Derek Thomas –  
Thank you, Mr Speaker. Will the Chief Secretary say whether this will include the review on the pay and grading of our carers within our PH institutions as well?

The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O’Bey –  
Thank you, Mr Speaker and as I stated earlier, this is a holistic review and so it will look at all posts across the Public Service.

The Speaker –  
The Honourable Derek Thomas?

The Hon. Derek Thomas –  
I thank the Chief Secretary for her response to my questions. Thank you.

The Speaker –  
The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –  
Will the Honourable Chief Secretary state whether the creation of additional cadres, for example, a technical cadre, will form part of the options that are considered within the exercise she described?

The Speaker –  
Honourable Chief Secretary?

The Hon. Susan O’Bey –  
All options are being considered and, of course, evaluated and then a decision will be taken in terms of what will be best for SHG to go forward, but we recognise that a technical cadre has been on the cards for some time now and so that is one of the issues that we’re also reviewing. Thank you.

The Speaker –  
Are there any other questions, Honourable Members? Okay, we move on to the next question.

***Question No. 6 – The Honourable Christine Scipio to ask the Honourable Financial Secretary.***

The Speaker –

The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Financial Secretary provide this House with an update on the social, environmental and economic impact assessment on the recommended changes to the method of fuel delivery to the island and to the design of the bulk fuel installation project?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you, Mr Speaker and I'd like to thank the Honourable Member for her question. The original request design for the new bulk fuel installation encompassing the bay side facility, pipeline, bulk fuel installation and the airport fuel facility predates the start of the airport project and was produced by Atkins in 2006. There have since been numerous developments which could not have been foreseen at the time, for example, the introduction of renewable energy facilities, the significant advance in technologies thus reducing the amount of fuel required to a power generation. The termination of the design, build, operate and hand back contract with Basil Read allowed for a pause in the construction works to determine the completing the new fuel infrastructure to the current design is still the best solution for the island. An independent review was undertaken by Arup, which recommended changes to the method of fuel delivery and subsequent design changes. Whilst recommendations were accepted by the Airport Project Board, it was agreed more work was required to ensure the full impact of the proposed changes are known. To this end, with the support of the St Helena Government, the Foreign and Commonwealth Development Office, permission for social, environmental and economic impact assessment. This assessment was focused on how the differing methods of fuel delivery could impact on the price of fuel to the community, including any subsequent impact on the cost of generating electricity. The final report on this exercise is expected by mid June, but once the report is received the Airport Project Board will discuss the findings and along with Executive Council, agree the next steps. Thank you, Mr Speaker.

The Speaker –

Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Financial Secretary say that, is, will St Helena be able to receive fuel from ship to shore in the next couple of months, because I believe there is some fuel that is coming, so could we still accept fuel delivery?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, yes, it is still our intention to be able to accept ship to shore fuel using the Stolz arrangements, it might be slightly later for the next shipment, but we're making arrangements for some contingency fuel to arrive on the next call of the MV Helena.

The Speaker –

The Honourable Dr Corinda Essex, sorry, the Honourable Christine Scipio, I do beg your pardon?

The Hon. Christine Scipio –

That's fine, Mr Speaker. Mr Speaker, the Honourable Financial Secretary mentioned about contingency plans, can he share that information for the next consignment?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, I said we will be bringing in a contingency amount of fuel, I never say anything about a contingency plan.

The Hon. Christine Scipio –

My mistake, Honourable Financial Secretary. Thank you.

The Speaker –

Any other questions, Honourable Members? The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, the Honourable Financial Secretary stated that the final report of the environmental, social and economic assessment will be finalised in mid June and the findings will be presented to Executive Council, when is it likely that information will be shared with the community for those who are concerned, you mentioned earlier about price of fuel, so I'd just like to know where the intention to inform the community?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you, Mr Speaker. At this point in time I wouldn't be able to give a definitive time as to when we can inform the community, we obviously need to understand what the report will recommend and work through the mitigations that will potentially need and then from there we will take a firm view and decision on which direction of travel that we need to take and at that point in time we will be able to inform the public, but I don't have a specific timeline at this very moment.

The Speaker –

Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Can the Honourable Financial Secretary say if there has been an adjustment to the method of receiving fuel at Ruperts currently?

The Speaker –  
Honourable Financial Secretary?

The Hon. Dax Richards –  
Mr Speaker, yes, there has been some amendments to the way that we have received fuel. There's been some works that have been undertaken at the latter part of last year where we started the commissioning part of the fuel line that was installed under the new BFI project to allow the transport of fuel from the ship to shore facility to the available tanks.

The Speaker –  
The Honourable Christine Scipio?

The Hon. Christine Scipio –  
Thank you, Mr Speaker. Will the Honourable Financial Secretary say where did the funding come to finance these amendments that he just mentioned?

The Speaker –  
Honourable Financial Secretary?

The Hon. Dax Richards –  
Yes, Mr Speaker, I can confirm that funding came from the BFI replacement fund.

The Speaker –  
Any other questions, Honourable Members? The Honourable Cyril Leo?

The Hon. Cyril Leo –  
Thank you, Mr Speaker. Five elected representatives serve on the highest body of the St Helena Government, will the Financial Secretary tell this House if there was any political oversight or involvement to the design of the new Bulk Fuel Installation and the phase by phase progress of this project?

The Speaker –  
Honourable Financial Secretary?

The Hon. Dax Richards –  
Mr Speaker, I think that will be the subject of a PAC conversation on Monday where that issue is being brought up. In terms of the involvement in the design, no, Executive Council nor SHG had any involvement in the design of the new facility in Ruperts. In terms of the oversight, this was overseen by the Airport Project Board, there were no, none of the five political representatives were members of the Airport Project Board at that time and I think this has been brought up on a number of occasions by elected members.

The Speaker –  
Councillor Cyril Leo?

The Hon. Cyril Leo –  
Mr Speaker, can I make a point of information before my question? Some twelve months ago, Audit St Helena carried out an investigation of the Bulk Fuel Installation project. The following statement is taken from the report. "Whether the new fuel system's value in use for

every crate to the £78m spent with millions more to come is highly questionable and indicates that value for money will not be secured from this significant investment of public funds.” So, will the Honourable Financial Secretary confirm if that statement from the Audit Report is turning out to be correct?

The Hon. Dax Richards –  
Mr Speaker.

The Speaker –  
We have to keep our supplementary questions in line with the original question.

The Hon. Cyril Leo –  
I believe that is.

The Hon. Dax Richards –  
I believe you’re asking me for an opinion, Honourable Member, and I won’t be giving that opinion.

The Speaker –  
Councillor Cyril Leo?

The Hon. Cyril Leo –  
Mr Speaker, I would expect the Financial Secretary to be updated on the corrosive, for instance, corrosive possible progress-

The Speaker –  
On a point of information?

The Hon. Cyril Leo –  
Yes, and I just wanted to make my question relevant to the primary question of my colleague and therefore he would know whether there is any adverse effects on this costly project that will now lead to what the predictions of the audit.

The Speaker –  
Do you have any further questions then?

The Hon. Cyril Leo -  
Yes, so over a year ago, the Audit Report concluded that it is very likely that much of the costly installation work carried out at the new BFI will be dismantled without ever being used, so will the Financial Secretary tell this House if that predicted waste of significant public funds is turning out to be correct?

The Speaker –  
The Honourable Financial Secretary?

The Hon. Dax Richards –  
Thank you, Mr Speaker. Just to be fair, in terms of the Honourable Member’s question, but the question from the Honourable Scipio is about the impact assessment and that, as I say, hasn’t been done, so in terms of the way forward it can’t be determined until we know the outcome of that recent impact and that will be determined whether you use ship to shore facility

or you use the tanker and irruption and as a result of that, Councillor Leo, that's when you will know whether some of the infrastructure there will be used or will not used, so I won't be able to give you an answer until such time the impact assessment is completed.

The Speaker –

The Honourable Cyril Leo?

The Hon. Cyril Leo –

But, Mr Speaker, can I just say that my question, in my opinion directly relevant to the primary question of my Honourable Colleague and the question and the response to my question are both in the interests of this Council and the public.

The Speaker –

Thank you. Are there any other questions? Councillor Lawson Henry?

The Hon. Lawson Henry –

Just rise on a point of information, Mr Speaker, and that is about leadership and the way forward. Some members around this table know that right from the onset that I was concerned as an Executive Council member that there was no political oversight of the airport the airport project uh I did I believe it is unconstitutional, I raised many questions and I took it to the Minister and what I am saying now is that the St Helena Government has to take the impact now of the fallout of just one part of the Airport Project for which the peoples representing had no political oversight. However, through constant complaining, and now that the genie is out of the bottle, I am pleased to say that we now do have political oversight and I look forward to the Member who has been nominated from the Economic Development Committee sitting on that Board with in the future. Thank you.

The Speaker –

Thank you, thank you for your point of information, Honourable Member. We move on to our next question, please?

***Question No. 7 – The Honourable Dr Corinda Essex to ask the Honourable Chairman of the Economic Development Committee.***

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Will the Honourable Chairman of the Economic Development Committee tell this Council what action is planned to tackle the invasive species that are constantly encroaching on productive land and presenting an increasing threat to food security?

The Speaker –

The Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, I thank the Honourable Member for her question. The ENRD are awaiting approvals through the EDIP programme for funding to tackle invasive species on SHG owned agricultural land. This funding, once approved, will allow the programme of invasive weed

control across key pastures where this is increasingly becoming a problem and a small amount of fencing to support rabbit control on arable land. As part of this strategic bid for operating of the SHG agricultural estate, approval for a reform of policy for recent management of the SHSA will be sought and implemented to help with the encroachment and spread of invasive species. This reform proposes longer periods of tenure for Crown land which enables tenants to have security of tenure through long-term leasing to help incentivise increased efforts and investment in controlling the invasive species and strengthen compliance and enforcing provisions to better manage invasive species and leasing conditions. In support of this capital investment and policy reform, ENRD proposes to seek additional funding above their agricultural allocation where this is possible to the impact process from 2023 through to 2026 to assist tenants to maintain clear areas through implementation of a small annual grant. In the meantime, ENRD will continue to provide a small maintenance grant and herbicide support provision for targeted pastures and advice on control methods to control invasive species, support rabbit control measures by assisting producers to maintain rabbit proof fencing on arable plots with an annual agricultural funding allocations allowed, continue to enable permissions to be granted through collaboration with the Police Directorate to allow tenants who own agricultural land with both pasture and arable gardens to control rabbits through shooting if their risk assessments allow. With respect to the control of invasive plants from spreading on to agricultural land from neighbouring farm land in particular, ENRD will continue to seek additional recurrent funds for control actions where impact provisions allow, otherwise control methods will continue annually on forest land and through road clearance activities available annual recurrent fund will allow. The Saint Helena National Trust is currently leading a 3-year Darwin Plus counter Invertebrate Project with ENRD, RSPB and community stakeholders. An important output proposed through this project is to provide evidence of effective control methods for invasive Invertebrates on St Helena with the best practices reduced for mynah bird and rat control. Training will be offered through the project for agricultural staff, producers and the community members for control of both species. Mr Speaker.

The Speaker –

Thank you very much indeed. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you. Will the Honourable Chairman state whether the business case for EDIP funding to which it was referred has been finalised?

The Speaker –

The Honourable Lawson Henry?

The Hon. Lawson Henry –

I thank the Member for her further question. The answer is yes, final requirements have been completed to inform the business case which is ready to go to you know and that.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

When is it expected that this will be presented to the high level panel?

The Hon. Dax Richards –

Mr Speaker, maybe if I spoke on behalf.

The Speaker –  
The Honourable Financial Secretary?

The Hon. Dax Richards –  
Just to say, Mr Speaker, that we've now been informed of what our budget allocation is for the EDIP for this financial year and as a result there's going to be reprioritisation, so when we do that reprioritisation exercise this will be taken into consideration so.

The Speaker –  
The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –  
On a point of information that is extremely disappointing news because a project has been run and has been given a very high priority by the private sector, and particularly farmers. For a number of years and it looked as though they were starting to get close to something constructive dealing with that. That said, I would ask why it is that the cross stakeholder working group that was set up during Gillian Key's last period of time on island, which was working extremely well from co-ordinated thinking, particularly about invasive species such as Whiteweed and how best to control it, how to make sure that when one cuts it, this is done without exacerbating the problem with spread and so on, has not been reinstated, despite the process for that to be done?

The Speaker –  
The Honourable Lawson Henry?

The Hon. Lawson Henry –  
I thank the Member for her further question. I understand that it hasn't been stopped, but it would have been commenced when from the particular pause.

The Speaker –  
The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –  
Will the Honourable Chairman agree that it's still advantageous to have dialogue and discussion around these topics before the funding becomes available, such dialogue should be able to assist with the finalisation of the required business cases and development strategies going forward?

The Speaker  
The Honourable Lawson Henry?

The Hon. Lawson Henry –  
Mr Speaker, I thank the Honourable Member for her question. Yes, I agree, we can recommence the meeting, but the main issue is the funding to get action.

The Speaker –  
Are there any other questions? Thank you, then our next item of business, please?



7.

**MOTIONS*****Motion No. 1 – The Honourable Chief Secretary.*****THE NATIONAL HONOURS AND AWARDS BILL, 2021**

The Speaker –  
The Honourable Chief Secretary?

The Hon. Susan O’Bey –  
Mr Speaker, I beg to move that the National Honours and Awards Bill, 2021 be approved in principle and referred to a Committee of the whole Council.

The Speaker –  
Do we have a seconder, please?

The Hon. Dax Richards –  
Mr Speaker, I beg to second.

The Speaker –  
Thank you. Honourable Mover, you may now speak to the Motion.

The Hon. Susan O’Bey –  
Mr Speaker, it was agreed by Executive Council on 3<sup>rd</sup> November 2020 that a proposal for the recognition of exceptional services by non St Helenians should be taken forward by the local Honours Committee in consultation with the Attorney General’s Chambers and the Foreign and Commonwealth Development Office. A proposal for two new awards was endorsed by Executive Council on 30<sup>th</sup> March 2021, one being the Badge of St Helena and the other being the symbolic Freedom of the City of Jamestown award. The Badge of St Helena would be an alternative for those who don’t qualify by faith, by birth or residence for the Badge of Honour that is currently awarded solely to residents of St Helena who were born on the island or those who have been ordinarily resident for not less than ten years before the date of the award. The Freedom of the City of Jamestown award would be available to all, irrespective of place of birth or residence. At the same time, Executive Council also endorsed the nomination criteria for both awards and directed that provision for the granting of honours and awards to recognise exceptional service and take significant contribution to the island and its people should be enshrined in legislation, hence the National Honours and Awards Bill, 2021, is before this House today.

Mr Speaker, this Bill makes provision for the Governor to appoint a National Honours and Awards Committee. It also sets out the eligibility and broad criteria for both awards and provides for nominations and confirm Members. There are offences and penalties in relation to the unauthorised use of the Badge and any abuse in connection with the grant of the awards. The Bill further provides for the relocation of the awards if the awardee is convicted of an offence or he or she engages in acts or behaviours that brings St Helena and the Honours system into disrepute. Finally, Mr Speaker, the Bill will allow supporting regulations to be made that can and in certain cases describe the insignia and regalia with the Badge of St Helena as well as further criteria for the awards and procedures. Mr Speaker, I beg to move.

The Speaker –

Thank you. Can I put the question that the National Honours and Awards Bill, 2021 be approved in principle and referred to a Committee of the whole Council. Honourable Members, the question is now open for debate. The Honourable Jeffrey Ellick?

The Hon. Jeffrey Ellick –

Mr Speaker, can I speak first before we discuss.

The Speaker –

Yes.

The Hon. Jeffrey Ellick –

Thank you, Mr Speaker. Mr Speaker, I rise in opposition to this Bill. As it currently stands, this Bill, in my opinion, violates our primary law and Constitution, protection from discrimination. I know the Attorney General might have different views, but that's his views and this is my views.

This Bill allows for one of the awards to be given to persons who are non-Saints and not resident on St Helena, it does not allow for Saints or residents of St Helena to be eligible for such an award. It only allows for Saints and residents of St Helena to be eligible for a lower award which non Saints or persons without residency are also eligible. Therefore, I would like to ask the Honourable Chief Secretary to withdraw the Bill and then I give you the aforementioned issue before bringing it back to this House so as not to offend this House and the people of St Helena.

Mr Speaker, previously there was a clause in the Bill which equates the Badge of St Helena with the current St Helena Badge of Honour. This clause was removed as the St Helena Badge of Honour, which is approved by Her Majesty the Queen Elizabeth, it falls within the Badge of Honour in the order of wear for British medals and is a much higher award and honour than that of the Badge of St Helena proposed in this Bill. Therefore, if we are to approve Bills that recognise exceptional and extraordinary services contributed to St Helena, including contributions to public life, research, philanthropy, literature and the promotion and support provided to the culture, heritage or development of the island, for which an award of a lower precedence to that of the St Helena Badge of Honour is to be awarded, then surely the National Honours and Awards Bill should include Saints and residents as being eligible for all awards within the Bill. I'm not adverse to non-residents or non-Saints being given a St Helena award, but I am adverse to the Saints and residents being excluded from such awards. What I am suggesting is that Saints and residents are put on an equal footing as others, nothing less, nothing more. We simply cannot have a Bill that has elements in it that blatantly discriminates against the people of St Helena. The purpose of laws is to reinforce and protect the rights of individuals, this Bill is doing quite the opposite. I researched other Territories' legislation on national awards and found that these specifically provide honours and awards to the people of that particular territory. No doubt my Honourable Friend, the Attorney General, like I said before, will give or have a different opinion which he's entitled to have, however, I do not agree with him.

The Hon. Allen Cansick –

That's not.

The Speaker –

Let's keep it to the uh motion, please and leave out the opinions and the power of the Attorney General, please.

The Hon. Jeffrey Ellick –

Furthermore, Mr Speaker, we have only had the Memos today, we should have had time to read, digest and scrutinise these matters before bringing it to the House. Mr Speaker, I beg to move.

The Speaker –

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

The Hon. Susan O'Bey –

Thank you, Mr Speaker. I thank the Honourable Councillor Ellick for his contribution to the debate, I fully take to account of obviously the concerns that he's raised, however, I have been assured by the Attorney General that the Bill is not discriminatory as it is in accordance with the Constitution. So, I don't have anything further to add on that point, it is a matter of course for Members themselves to decide whether you wish to continue with the Bill, given the other points raised in relation to the amount of time that people need to have for all to consider the amendments which are being proposed by the AG's Chambers.

The Speaker –

Honourable Members, I put the question that the National Honours and Awards Bill, 2021 be approved in principle and referred to a Committee of the whole Council.  
The Noes have it.

### **Division Called.**

The Speaker –

Do we go around the table or just let the persons have the decision.

Councillors –

We go around the table.

The Speaker –

Okay, Councillor Yon?

The Hon. Russell Yon –

Aye.

The Speaker –

I beg your pardon. I am informed that we have to go this way around and this will be called by the Clerk of Councils. Thank you, Carol.

Ayes

The Hon. Lawson Henry  
 The Hon. Cruyff Buckley  
 The Hon. Derek Thomas  
 The Hon. Anthony Green

Noes

The Hon. Clint Beard  
  
 The Hon. Gavin Ellick  
 The Hon. Jeffrey Ellick  
 The Hon. Dr Corinda Essex

Abstentions

The Hon. Cyril Leo –

Mr Speaker, before I decide, post my decision, can I ask or can you ask the Attorney General if he will explain, according to what my colleague on the left said, this is not a breach of the Constitution?

The Speaker –  
 Attorney General?

The Hon. Allen Cansick –

Mr Speaker, as I've provided once already, to the Honourable Councillor Ellick, I'm happy to share with the Committee today that it wouldn't be discriminatory under section 21 of the Constitution, it's justifiable age of this Bill is of those in St Helena of and or about ten residents given the opportunity to cover and all. The creation of the Bill is also appportionate to Act A. This is the same way as having the Badge of Honour only for those born outside of St Helena or with the ten years of residence is probably not considered to be approved, so what is being raised to apart today are policy problems which is totally entitled to have, but it is not correct to exercise and address under the Constitution.

The Speaker –  
 Councillor Leo, can we have your Yay or Nay, please?

The Hon. Cyril Leo –

Mr Speaker, I am concerned that it is more than Councillor Ellick raising concern about this and therefore I don't support it, but as I would like it to be uh spoken through further, discussion and debate between Members.

The Speaker –  
 So, it's Nay?

The Hon. Cyril Leo –  
 Nay.

The Speaker –  
Councillor?

Ayes

Noes

Abstentions

The Hon. Russell Yon

The Hon. Cyril Leo  
The Hon. Christine Scipio

The Speaker –

Honourable Members, the outcome after voting is Ayes – 5, Noes – 6. Attorney General, the Motion will fall away?

The Hon. Allen Cansick –

Yes.

The Speaker –

Honourable Members, the Motion falls away. Thank you. Sorry, next item of business, please?

***Motion No. 2 – The Honourable Anthony Green.***

**THE POLICE AND CRIMINAL EVIDENCE  
(AMENDMENT) BIL, 2021**

The Speaker –

The Honourable Anthony Green?

The Hon. Anthony Green –

Mr Speaker, I beg to move that the Police and Criminal Evidence (Amendment) Bill, 2021 be approved in principle and referred to a Committee of the whole Council. Mr Speaker, I have in my possession a Certificate of Urgency from the Governor to enable this Bill to be presented as Government business at the meeting today.

The Speaker –

Thank you very much indeed. Do we have a seconder, please? The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I beg to second.

The Speaker –

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

The Hon. Anthony Green –

Mr Speaker, the Police and Criminal Evidence Ordinance 2003, which is referred to as PACE, in addition to duties of Police Officers in other Ordinances, makes provision for the duties of a Police Officer regarding the arrest of a person with procedures to be followed by a Police Officer upon the arrest of a person, the treatment of a person under Police detention and the procedure for charging a person for an offence after the person has been arrested on suspicion

of having committed an offence. At present, the Police and Criminal Evidence Ordinance 2003 requires a person who has been arrested and detained to be charged within twenty-four hours of arrest. In accordance with the provisions of PACE, a person may be placed on conditional bail after being charged and not before. In England and Wales, it has been the position for a considerable time that the Police have the authority to impose pre-charge conditional bail, sometimes referred to as Police bail. The St Helena Police Service recently requested that a Bill be brought forward urgently so that pre-charge conditional bail may be imposed in St Helena. Pre-charge conditional bail is essential in facilitating the thorough investigation of matters and the protection of both victims and alleged offenders. The Bill, which is informed by the provisions contained in the Police and Criminal Evidence Act 1984 of the UK, not only makes provision for the imposition of pre-charge conditional bail, but includes the requisite safeguards, checks and balances to protect persons, subject to the application of such regimes as was drafted, after consultation with the Police Service in St Helena. This Bill would enable a Police Officer after the satisfaction of specified criteria to release a person with or without bail after the person is arrested but before the person is charged. Such bail may be subject to specified conditions, which, as provided in the Bill, could be varied on the request of the person on bail to a Police Officer of a specified rank or to the Magistrates Court. As already stated, the provisions of this Bill are informed by the provisions of the Police and Criminal Evidence Act 1984 of the United Kingdom and the necessary modifications have been made to ensure the operation of a pre-charge conditional bail capability in St Helena. The Bill inserts Clauses 28(a) into PACE. Upon the passing of the Bill and the enactment of the amendments to PACE, this new section would establish for a Police Officer the ability to release a person arrested without bail or to impose conditional bail to a person released after arrest where adequate consideration is given as to whether it would be necessary and proportionate in the circumstances to impose bail. This clause also details the conditions to which the imposition of the bail must be subject. The Bill would also insert Clause 28(b) into PACE which would specify the notice required to be issued in respect of bail and the contents of such notice. This clause also requires that a bail ending be specified to ensure the prevention of a person being placed on bail indefinitely. Clause 28(c) of the Bill would permit the re-arrest of a person in the event that new evidence with respect to the person on bail is brought to light. Clause 28(d) would specify that bail conditions may be varied by a Police Officer and the circumstances applicable for such variation. Clause 28(d) would specify that bail conditions may be varied by a Court and the circumstances upon which such application may be made to the Court. Clause 28(f) would set out the consequences of failure to answer bail or to a breach of the conditions of bail. This Bill also includes consequential amendments required to be made to the Ordinance as a result of the insertion of the aforementioned clauses. The Bill would also make provision for additional protection, as the case may be, for the victims of crime, witnesses and the general public. It will also provide an alternative for the placement of persons in Police custody where appropriate. So, Mr Speaker, in summary, this Police and Criminal Evidence (Amendment) Bill, 2021 makes provision for the imposition of pre-charge conditional bail, where appropriate, for the imposition of same in St Helena. I commend the Bill to the House. Mr Speaker, I beg to move.

The Speaker –

Thank you very much indeed, Honourable Mover. Members, I put the question that the Police and Criminal Evidence (Amendment) Bill, 2021 be approved in principle and referred to a Committee of the whole Council. Honourable Members, the question is now open for debate. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Mr Speaker, I rise in support of the Police and Criminal Evidence (Amendment) Bill, 2021. I see this Bill as being necessary and relevant for the Police. When investigating potential criminal offences, it is essential for the Police to have adequate powers in order to protect victims, witnesses and preserve evidence. In order to do this, they will need to have the powers readily at their disposal to impose reasonable and sensible bail conditions on potential alleged offenders. Furthermore, there will be occasions when it will become necessary for the Police to send exhibits to the United Kingdom for further examination in order to obtain further evidence. Mr Speaker, I give my full support to the Bill. I beg to move.

The Speaker –

Thank you, Honourable Member. Any other - The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker. I, too, rise in support of this Bill, which I think is a very important amendment to our Police and Criminal Evidence Act. Mr Speaker, this is a very necessary power for the Police to have, which not only protects witnesses, but it also protects to some extent alleged offenders. As my Colleague said, that it is critical for the Police to carry out their duties, protect the people efficiently, to protect the public and this piece of legislation goes some way in supporting that. I also commend my Honourable Colleague, the Mover for his detailed exposition which clearly sets out why the Police need this additional power. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, I only received this Bill late last Thursday, just before the holiday period and a meeting was held this Tuesday, just a few days ago, to discuss this Bill to go through clause by clause, but the Bill had already been presented earlier to ExCo for enforcement. So, Mr Speaker, in my opinion, this is a very technical Bill, I don't have the expertise in policing, so, for me, I would need more time to read, to digest, to scrutinise, to understand what I'm being asked to do today and I believe, I strongly believe that I haven't been given that adequate time to at the end of the day come here to represent the community. I need to make a decision representing the community. If I haven't had the adequate time to do that, how can I be expected to endorse the Bill here today? Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. The Honourable Cyril Leo?

The Hon. Cyril Leo –

Thank you, Mr Speaker. I voiced my concerns at Committee level and I will repeat that again. On one hand we have a responsibility to maintain people's dignity if they are innocent and until proven guilty and on the other hand, we have a responsibility to ensure potential victims their protection according to law. I have decided to support the Bill in favour of protecting potential victims and accordingly trust that the Police will be professional, responsible and proportionate in the application of the law, because domestic reconciliation is also important to the process of achieving possible outcomes. I support the Bill and beg to move.

The Speaker –

Thank you. Any other Member wishes to speak? The Honourable Jeffrey Ellick?

The Hon. Jeffrey Ellick –

Thank you, Mr Speaker. Mr Speaker, I support the principle of the Bill, but I don't actually support the Bill, because I believe there's other ways that it could be done, but what we're doing is doing what is done in the UK, this is not the UK, Mr Speaker and I think things need to be done here to suit St Helena, so, Mr Speaker, as it stands, I don't support the Bill like this one presented

The Speaker –

Okay, thank you. Any other Honourable Member wishes to speak? The Honourable Clint Beard?

The Hon. Clint Beard –

Mr Speaker, I just, I looked at this Motion, I believe to myself to see if its fit to put in St Helena context and the more I see the more I wonder how far away we are moving from community policing and rather to be more proactive than reactive to the climate of law and order, so I share the sentiments of my Colleague across the table that I would hope that the Police would use appropriate measures and not overstep because at the end of the day we have lots of issues, problems and responsibilities. Thank you.

The Speaker –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker, I rise in support of the Bill. I think it is important that we have this type of provision in place. As my Honourable Friend has already said, both to protect victims and, indeed, to provide appropriately for the treatment of alleged, potential possible offenders, so I fully support the concept behind the Bill. I do share concerns of my Honourable Friend on my right about the length of time that we've actually had to study it and discuss it and I would ask that in future Bills are not brought to this House until all elected members have had plenty of time given to consideration and to think about their further implications, but that said, I am satisfied in my own mind that this Bill is constructive and should benefit St Helena if it is passed today. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Speaker. Mr Speaker, I think public protection should be paramount in any society, but I think it's a balance that needs to be struck here when it comes to ones liberty, Mr Speaker, and whatever we put in writing and in law sometimes is not always carried out in practice and it really worries me, Mr Speaker, that we are giving, in fact, more power to the Police. We hope it does not lead to an abusive of such power and I do think that this Bill offers appropriate safeguards within it to eliminate any abuse of power. I will be asking some questions anyway in the Committee stage. Thank you, Mr Speaker.

The Speaker –



Thank you. Are there any other questions, Honourable Members? The Honourable Mover then you may reply to the debate.

The Hon. Anthony Green –

Thank you, Mr Speaker and I wish to thank all those who spoke, also particularly those who supported the principles of the Bill. I fully understand the comments that have been made and I think my Committee and the supporters of the Bill do recognise that in all these very important matters you do need more time, but it was certainly felt that because this Bill protects all parties involved, and to touch on a particular point that was made, it was made clear to me that in drawing up this Bill the modifications, as I said in my exposition, have been made to ensure that these pre-charge conditional bail capabilities are very much applicable to St Helena without them just being cut and paste exercise from the UK law, so I do take all those points onboard, but I think the overriding issue really is the protection of law and the need to get this issue sorted as quickly as possible for the protection of everybody who maybe involved in any in a position of justice, so thank you for that, Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Mover.

Question that the Police and Criminal Evidence (Amendment) Bill, 2021 be approved in principle and referred to a Committee of the whole Council, put and agreed to.

The Speaker –

The Honourable Mover?

The Hon. Anthony Green –

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 Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I beg to second.

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

### **Council in Committee.**

The Chairman –

I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Speaker, in going through the clause by clause, with your leave, I propose to deal with Clause 1 as you just requested, however, following that I propose to deal with Clause 5 next. The reason for that is because the volume of the insertion that comes from the amendment therein to the principal Ordinance is in Clause 5. Clause 5 is also the establishing clause for dealing with that and I intend breaking it down into its separate inserted clauses, so going from

5 28A up to 5 28I one at a time after which we continue going through the Bill, Clause 6, 7 before returning to 2, 3 and 4 and the reason for that is just so it makes sense as it's presented in that order.

The Chairman –

Okay. So, you want me to go through the clauses as you've got it on your list?

The Hon. Allen Cansick –

Yes.

The Chairman –

Thank you.

The Hon. Allen Cansick –

So, Clause 1, Mr Speaker, nothing unusual about that, it contains the short title and the Interpretation clause, nothing new.

The Chairman –

Honourable Members, I put the question that the Title, Enacting Clause and Clause 1 do stand part of the Bill, you may speak to the Title, Enacting Clause and Clause 1.

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Chairman –

We move to Clause 5, Attorney General?

The Hon. Allen Cansick –

Yes, Mr Speaker, dealing with Clause 5 inserting subclause 28A first and then after section 2?? of the principal Ordinance. 28A permits a Police Officer in respect of a person suspected of committing an offence while an investigation is being conducted to either release that person with a account bail or not it's made clear in there that unless certain coition's satisfy the Police Officer must release that person under 28I, there's an assumption, so you see in there that a Police Office has to be satisfied that it is necessary and proportionate to release the person with account bail must be authorised by another Police Officer of the rank of Sergeant or higher. The clause also makes provision for recent person in jail subject to conditions which must satisfy criteria specified in there.

The Chairman –

If I read you right, Attorney General, you want to delete subclause 28G (1) and (2)?

The Hon. Allen Cansick –

Yeah, but we haven't got to that yet, but when we get to G, I'll make that proposal, as we need to decide Clause 5.

The Chairman –

Okay, fine, thank you very much.

Honourable Members, I put the question then that Clause 5 do stand part of the Bill, you may speak to Clause 5. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Okay, I said when we had this uh Committee, because, like I say, I know how the so here now when you commit offence you get arrested. I know from previous that you got twenty-four hours of being put in jail they let you go and they give you a, they tell you not to come back, go to whoever, so what what is the difference?

The Hon. Allen Cansick –

Councillor Ellick, this is allowing the Police to be able to impose pre-charge bail conditions. At present, there's bail conditions can only be imposed by the Police post charge, so difference is now have the authority to do this pre-charge while an investigation is taking place.

The Hon. Gavin Ellick –

So would that be actually more power for the Police, because right now, the way I see it is that the Police can do just about anything and we can't do nothing about it and here we trying to give them more power, so, like to me, cause like, I always thought that you do the leg work and do the work which find that I need to be charged, not just right away when I be arrested then I be put on bail instantly, so that's why I still getting confused even though I had talk with the captain as well.

The Hon. Allen Cansick –

Like I said, Councillor Ellick, we're moving away from this particular Clause going back to the general policy behind them which has already been addressed by the Mover, so it's a bit difficult for me on a clause by clause going to detail inside in that clause, however, you'll see in the Bill numerous protections are there, there's applications vary up to a certain time, I suppose and out of respect of the role and then after that it has to go to the Court for further application we'll get to that as we progress clause by clause of the Bill but to avoid that application is treated as an variant.

The Hon. Gavin Ellick –

Thank you.

The Chairman –

Any other Member wishes to speak to Clause 5?

The Hon. Allen Cansick –

So moving on now to Clause 5, subclause 28B as this part is quite big.

The Chairman –

Sorry?

The Hon. Allen Cansick –

Mr Speaker, I'm happy if you want to go through the whole of Clause 5 in one go if that's easiest for you.

The Chairman –

Yeah that's save all the confusion, Attorney General.

The Hon. Allen Cansick –

Yeah, I will propose one amendment before I go through each section, so if I deal with an amendment to subclause 28G and (1) and (2) and the whole of the amendment is to delete those current clauses and substitute them with the following –

- (1) A relevant officer at a police station at which a person released on bail under section 28A(1) is required to attend, may at the request of the person, vary the conditions of the person's bail followed by -
- (2) A request for the variation of the conditions of bail subsequent to a request made pursuant to subsection (1) must be based on information that was not available to the relevant officer to whom the request for the variation of bail is made at the time when the conditions of bail were imposed or when the initial request to vary the conditions was made pursuant to subsection (1).

The reason for this amendment was the previous draft incorrectly effected the way it was previously drafted meant that a person could only request a review of the initial imposition if there had been a change in the circumstances and only then to move on, so an application to vary it to the Magistrates Court, what this in effect does is allow the individual who then has a proposal to straight away ask the Police to consider limiting condition of bail and then go straight to the Magistrates Court, so basically clears up the drafting error that was in the initial draft.

The Chairman –

Do we have a seconder for the amendment?

The Hon. Anthony Green –

Mr Speaker, I beg to second.

The Chairman –

Thank you very much indeed. Honourable Members, you may now speak to 5 28G as amended.

Question amendment, put and agreed to.

The Hon. Allen Cansick –

Mr Speaker, returning then to the insertion of subclause 28 clause 5 of the Bill, subclause 28B, this provides that a person released on bail must be provided with a notice that specifies in the Bill laying out the criteria must be given to them. Subclause 28 A to C provides meaning of service it turns in use sections 28 D, E and F.

Subclause 28D has provisions subject to the specified provisions for the bail given a person be extended by a Police Officer of the rank of Inspector or above. The extent of that extension is always up to a maximum of three months since the original bail commenced that's as far as you go and again the criteria is listed there.

28E makes provision for the extension of bail period by period to a person by the Magistrate's Court. Before the grant of such application the Magistrate's Court must again be satisfied with certain conditions specified in the Bill. This particular clause gives the Magistrate's Court the power to extend the period up to twelve months institution bail.

Subclause 28F provides that a person may be re-arrested if new evidence in relation to an offence in respect to which a person is released on bail comes to light.

Subclause 28G to which we have made the amendment makes provision for conditions of a person's bail to be varied by a Police Officer.

Subclause 28H makes provisions for a person's bail to be varied by the Magistrate's Court, so this is where an application to vary bail to the Magistrate's Court is contained and subclause 28I makes provision for the arrest of a person who fails to answer the bail for the breach of any of the conditions or the terms of bail. It's important to note there that doesn't gives the offense it just gives the power of arrest of breach bail conditions of the bail.

The Chairman –

Honourable Members, I put the question that Clause 5, subclauses 28A, B, C, D, E, F, G, H and I do stand part of the Bill and you may now speak to those subclauses. The Honourable Anthony Green?

The Hon. Anthony Green –

Mr Speaker, I just wonder if uh I can just please, the Attorney General just to confirm my understanding that when a person is arrested the default position unless there are circumstances uh then the person will be released without bail?

The Hon. Allen Cansick –

Yes, we also made that amendment to the Ordinance requested following an amendment in this House which would make that clear. In Clause 5, insertion of subclause 28A, subclause (2) where it states Unless subsection (1)(b) is satisfied, a Police Officer must release a person arrested in accordance with section 28(1) without bail, so it makes it clear.

The Chairman –

The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Speaker. Can I ask the Honourable Attorney General if this will be the default position if bail was continually breached and is it that imprisonment would be not an option?

The Hon. Allen Cansick –

The breach of bail is always an arrestable offence. The breach of bail itself in certain circumstances would be an offence, but that's separate to the original bail. The breach of bail is normally just a normal offence in itself.

The Hon. Gavin Ellick –

But continual breach of the conditions of pre-bail, won't that lead to a sentence of imprisonment?

The Hon. Allen Cansick –

It could lead to an assessment made to warn the person should be granted bail for the previously breach of bail as I earlier stated it allows the police to power further investigation.

The Hon. Cruyff Buckley –

Pardon my ignorance, but is it not a futile exercise if the convict kinda continues to breach bail unless you charge?

The Hon. Allen Cansick –

Now is the power of arrest as the case commands taken into account the bails been breached the assessment of previously charged will kind of be exchanges so again taking that with the assessment of the charge so that can be based.

The Hon. Cruyff Buckley –

I think this is likely to get the money and I say this because even if a person was imposed such bail conditions, after all, there are alleged for that and subsequently breaks bail, is re-arrested, further point of liberty conclude the investigation doesn't found to be any circumstantial evidence, the question I would ask is what liability does this then put back on the Government.

The Hon. Allen Cansick –

The Police continue under their obligation they already have which is the only way they can charge somebody if there's sufficient evidence unless the conviction moves to the next stage, so this doesn't change that. Breach of bail doesn't change that test in any way it just means when you look at the charge now rather than after the investigation.

The Hon. Cruyff Buckley –

That's the point I want to make, so I do not have further to speak on Thank you, Mr Speaker.

The Chairman –

Thank you. The Hon. Jeffrey Ellick?

The Hon. Jeffrey Ellick –

No, just for clarification, Attorney General. When people breach bail there are other offences that you can consider, so once bail is breached administration of Justice.

The Hon. Allen Cansick –

Absolutely, Councillor, that's what I wanted to explain, it says breach of bail is an offence, conduct which they intentionally do makes out that breach of bail can also be an offence, depending on the circumstances so you are exactly right.

The Hon. Jeffrey Ellick –

Yes, so in the long run, the person is accused of the original offence or convicted.

The Hon. Allen Cansick –

That wouldn't be as a result of breach of bail, that would be a result of committing the offence itself and again I will emphasise breach of bail itself is not an offence, it with the action itself it was an offence.

The Hon. Jeffrey Ellick –

Thank you.

The Chairman –

Anything further on Clause 5, subclauses 28A, B, C, D, E, F, G, H and I?

Clause 5, Subclauses 28A, B, C, D, E, F, G, H and I.

Question put and agreed to.

The Chairman –

We're going on to Clause 6 now, Attorney General?

The Hon. Allen Cansick –

Yes, Mr Speaker, the remaining clauses, clauses 6 and 7.

The Chairman –

Can I deal with them one at a time?

The Hon. Allen Cansick –

Yes, if we can deal with them one at a time. All of these five remaining clauses are all in regard to consequential amendments or substantive amendments, so what none of them do is create a new matter, they just allow current provisions that already there to apply in the circumstances of 28 which would be concerns that allow the police to put in measures towards the provision of bail, they already exist and it's also making provisions bail.

The Chairman –

Okay then, I'll put the question that Clause 6 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

So, Clause 6 amends the section 31 of the principal Ordinance, so that's attention of a person arrested on bail applies in respect of a person released on bail pursuant to section 28A.

The Chairman –

Honourable Members, I put the question then that Clause 6 do stand part of the Bill. You may now speak to Clause 6. Any Member wishes to speak to Clause 6?

Clause 6.

Question put and agreed to.

The Chairman

Honourable Members, I put the question that Clause 7 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Clause 7 amends section 37 of the principal Ordinance, but the meaning of the term 'relevant time' in respect of a period of detention also applies in respect of a person granted bail pursuant to section 28A.

The Chairman –

Okay, thank you. Honourable Members, you may speak to Clause 7.

Clause 7.

Question put and agreed to.

The Chairman –

And now, Honourable Members, we'll go back to Clause 2.

The Hon. Allen Cansick –

Yes, Mr Speaker, Clause 2 amends section 17 of the principal Ordinance, so that the power of a Police Officer to enter certain premises applies in circumstances also a person's released on bail in accordance with section 28A.

The Chairman –

Honourable Members, you may now speak to Clause 2.

Clause 2.

Question put and agreed to.

The Chairman –

I put the question that Clause 3 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Clause 3 of the Bill in section 27A of the Ordinance so that when a person is placed on bail before the person is charged with an offence, conditions may be attached to such bail.

The Chairman –

Thank you. Honourable Members, you may speak now to Clause 3.

Clause 3.

Question put and agreed to.

The Chairman –

I put the question then that Clause 4 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Clause 4 of the Bill amends section 28 of the principal Ordinance except the requirement for a person to be taken to a designated detention centre does not extend to a person released on bail in accordance with section 28.

The Chairman –

Thank you. Honourable Members, you may now speak to Clause 4.

Clause 4.

Question put and agreed to.

The Chairman –

That's it, Attorney General?

The Hon. Allen Cansick –

That's it Mr Speaker.

**Council Resumed.**



The Speaker –  
Honourable Mover?

The Hon. Anthony Green –  
Mr Speaker, I beg to report that the Police and Criminal Evidence (Amendment) Bill, 2021 passed the Committee with one amendment and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –  
Thank you. Do we have a seconder, please? Honourable Derek Thomas?

The Hon. Derek Thomas –  
Sorry, Mr Speaker, I apologise. I beg to second.

The Speaker –  
Thank you. Honourable Mover, you may speak to the Motion now.

The Hon. Anthony Green –  
Only to say, Mr Speaker, to thank everybody for their support in passing this very important and urgent piece of legislation. Thank you.

The Speaker –  
Thank you very much indeed. Honourable Members, I put the question then that this Council approves the Police and Criminal Evidence (Amendment) Bill, 2021, as amended, and recommends to the Governor that it should be enacted. Honourable Members, you may speak. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –  
Thank you, Mr Speaker. Mr Speaker, I will support this Bill, although I have some concerns about how it's going to be delivered, after all, we need to protect vulnerable members of society. I will ask though that the Honourable Mover sees to it that the Police Directorate is given some training in the light of this new Bill and a revisit to the operating procedures to ensure that there's no liability, or unintended liability or there's any infringement on anyone's liberty.  
Mr Speaker, I beg to move.

The Speaker –  
Thank you. I'm sure that the Police will do everything in their power to carry out their duties responsibly in accordance with this Bill. Any other Member wishes to speak? Honourable Mover, you may respond to the debate.

The Hon. Anthony Green –  
Just to further thank everybody, I note the comment, but I'm sure there are procedures in place to address any issues that might arise from implementation in the application of the law. Thank you.

Question that the Council approves the Police and Criminal Evidence (Amendment) Bill, 2021 as amended, and recommends to the Governor that it should be enacted, put and agreed to.

The Speaker –

Thank you, Honourable Members and I think this would be an opportune time to break for lunch and we will resume business at a quarter past one. Thank you, Honourable Members.

**Council Suspended.**

**Council Resumed.**

The Speaker –

Good afternoon, Honourable Members and welcome back. We move straight into our next item of business, please?

**Motions Resumed.**

*Motion No. 3 – The Honourable Derek Thomas.*

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. The Motion, that this House resolves that urgent consideration be given to withdraw monies from the Consolidated Fund to replace essential equipment and furniture at the Community Care Complex.

The Speaker –

Thank you, Honourable Member. Is there a seconder, please?

The Hon. Dr Corinda Essex –

Mr Speaker, I beg to second.

The Speaker –

Thank you, Honourable Dr Corinda Essex. Honourable Mover, you may speak to the Motion.

The Hon. Derek Thomas –

Mr Speaker, I thank the Honourable Member, Dr Corinda Essex, for seconding my Motion, that this House resolves that urgent consideration be given to withdraw monies from the Consolidated Fund to replace essential equipment and furniture at the Community Care Complex, CCC. Mr Speaker, this Motion has come about as a result of the Council recently making an official visit to the CCC. I will say here, this visit had been planned quite a while back, but due to other pressures, issues with Covid-19 preparedness and the CCC Manager being off island for a period of time there were delays. Having received an official briefing from the CCC Manager and a tour of the entire premises, I was rather shocked and I am sure my colleagues share a similar view, they saw what I saw, to see the state of some of the essential equipment and the many challenges staff and clients have to face. I am aware that the Council could prioritise some funding from our budget allocation for this year, but given the many priorities it will be extremely difficult to allocate a sensible and reasonable amount of money to properly address the key and essential requirements of the Community Care Complex. About two years, two to three years ago, the Social and Community Development Committee, which I am a part of, made a visit to the CCC and was struck to see the state of the facility then.

Clients rooms were smelly due to carpet tiles being on the floors, not ideal at all, bad planning. Over a period of time, funds were found in the General Maintenance budget to replace flooring in the rooms with the proper type of flooring which can be easily cleaned and a lick of paint to some of the bedrooms. It is unfortunate that some of the equipment at the CCC were not suitable in the first place. For instance, the chairs, you need chairs at the CCC which can easily be cleaned. Other equipment has really done its time and passed its sell by date. I have been provided with a list from the Manager at the CCC on the essential equipment and furniture requirements. It ranges from special beds and mattresses, pressure care prevention support, wheelchairs, essential equipment, specialist seating, shower chair, commodities, essential furniture, medical and clinical equipment, PPE and kitchen main catering. Whilst we were also doing the visit, it was pointed out that it was a specialist chair, only one of its kind, that one of the clients would only use and it is unfortunate that this chair had to be sent off for repairs, replace the covering and it was pointed out to us at the time that the individual client who used this chair would have to remain in bed for the period the chair was being recovered. This is totally unsatisfactory, there is the need for additional chairs of this type. I was also saddened to hear from many of the clients when visiting the various blocks that they haven't been out of the building for about two years or more due to the blue bus not being in service. Again, this vehicle has done its time. Some smaller types of vehicles are in place, which is good for the service for short runs to places like the General Hospital etc, but these vehicles can only carry one wheelchair. Many of the clients have to rely on the wheelchair. We need a suitable replacement vehicle; it is not fair that the clients should be stuck in the Community Care Complex for such long periods of time due to no suitable vehicle being in place. Staffing is another issue, the staff at the CCC do a wonderful job in difficult circumstances. They are highly committed, have to work unsociable hours, which was fully recognised by many of the clients who commend the staff for the work they do there. They had nothing else but praise to the staff. Until such time a salary review is carried out, and it was pleasing to hear today from the Chief Secretary that that is a priority, and will be in time for consideration at the budget MTEC process, but in the meantime we should be looking now at what incentives we can put in place to reward our staff.

Mr Speaker, Honourable Members, I am aware of the state of our Consolidated Fund, I'm aware the Consolidated Fund has commitments and we will need to keep a reasonable amount in hand in the event of unforeseen circumstances, however, taking all of this into account, we should be able to use a reasonable amount of funding to deal with the key priorities facing us at the Community Complex Care Centre now, our clients and staff need to live and work in comfort. Thank you, Mr Speaker. I beg to move.

The Speaker –

Thank you, Honourable Member. Honourable Members, the Motion is that this House resolves that urgent consideration be given to withdraw monies from the Consolidated Fund to replace essential equipment and furniture at the Community Care Complex. The Motion, Honourable Members, is now open for debate. Any Honourable Member, oh, the Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, before commencing, I would like to declare an interest as my stepson works in the facility and I would also like to explain that for that reason I'm not making any reference to staffing related issue.

The Speaker –

Okay, thank you.

The Hon. Dr Corinda Essex –

...because it would be unprofessional to do so. Mr Speaker, I fully support this Motion as I believe prompt and extensive action now is not only going to improve the quality of life of the residents in the Community Care Complex, but also save St Helena Government significant additional expenditure in the long term. The CCC has been open now for some thirteen years and it is only to be expected that most kitchen equipment and household items, especially things such as mattresses, are going to need replacements. They would need to be replaced in a family home within this timeframe. The life of such furniture and equipment is inevitably shorter when it is in a facility with a throughput of different residents all having personal needs that are likely to put additional wear and tear on furniture and fittings as well as the structure and condition of the building itself. There has been some investment in the facility since it was opened, but budget constraints have resulted in most of this being reactive and piecemeal. As a result, opportunities for economy to scale and achievement of cost effectiveness have been diminished. We are all very aware that the Department for International Development, which funded the project, did not provide any specific uplift to the recurrent annual budget for the upkeep of the facility, so what has been spent to date has had to be squeezed from an already inadequate financial allocation that only addresses the tip of the iceberg in terms of the repair, maintenance and replacement costs required across all St Helena Government Directorates. There is a need to spend now to save later by making a significant investment that will allow for, in particular, essential asset replacement and in order to bring the facility up to the standard it required to greatly reduce demand for further capital input in the short to medium term. Without such investment, there will be a grave risk of litigation as it will become increasingly difficult to meet essential health and safety standards. Mr Speaker, I beg to second.

The Speaker –

Thank you very much indeed. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker. I rise in support of this Motion and I commend the Mover for bringing it before the House today. Two weeks ago, Councillors were given the opportunity to visit the Community Care Complex to see first-hand the service provided for our senior citizens and to meet the staff and management. I was impressed by the dedication and commitment of those staff that we met and how cheerful and well looked after the residents was, given the difficult circumstances that are having there. I found it difficult to comprehend that given that this purpose-built facility to care for the elderly, some of the problems that's experienced there. It clearly reflect on the poor design. There are no hand based or hand basins for water in the living quarters, staff have to carry this from the bathing places from the bathrooms for the residents to wash their hands and face in the morning. The resident part of the building faces a stone bank, not affording any view for the residents from back from their rooms. There are other flaws that could have been avoided with better planning. It is another fundamental and serious flaw in the design to which I will not mention here in this session, but have done so in closed session, that is so serious that it warrants immediate attention and an urgent risk assessments to be carried out and mitigation measures put in place. There is a lack of basic and specialist furniture and equipment that is needed, better facilities for transporting food from the kitchen and the resident part of the building so that residents meals are kept hot by the time they receive them. Other issues, such as the kitchenettes where snacks and washing up is carried out needs a complete overhaul, appropriate stainless steel equipment installed to maintain high levels of hygiene and make it easier for the staff to keep clean and is better suited to such a facility. The whole of the inside of the building needs decorating. The shower units

need to be redesigned into back rooms with appropriate materials for such a facility. A specialist vehicle that was assigned to the facility that was used to transport clients to outings needs to be replaced. We were told that it has been a long time since the residents had an outing. This is not acceptable. The kitchen needs a complete overhaul and the specialist appliances there needs replacing as most of it is not working. There is an urgent need to reduce staffing levels and terms and conditions with which staff there are employed. When I was leaving the Complex on the day of our visit, one of the staff handed me a little note setting out the concerns of the staff. They explain how much they enjoy working there with the residents, they love their jobs, but they feel undervalued in the work they do is not conducive to the level of salary and conditions they face working in such a facility. The Manager spoke highly of the staff and pointed out the risks, because over fifty percent of the staff are approaching retiring age and they cannot get younger people to work there. There needs to be an urgent review of terms and conditions and a recruitment campaign to attract younger people to work there as the current position is of high risk for SHG. I would even suggest that even though we were told by the Chief Secretary earlier today that a review of this facility be brought forward as a priority. On the design of the building is that because there are no wash facilities in the resident's rooms means that staff have to carry water daily which means additional wear and tear on footwear for which they are not compensated. This needs to be taken into account in a review of terms and conditions. Given that this is a demand-led service, the operational running costs must be considered and kept under review to reflect this and where necessary increase such a revenue is overdue. Urgent work and equipment is also needed to create infection control centres within the facility in addition to much needed PPE. There are a whole raft of small jobs that need doing at the facility and these could be done by employing a handyman on a full-time basis. This would facilitate and prevent some of the maintenance issues that now prevail and more sustainable as much more of the work done by the handyman could be preventative maintenance. I would urge that a complete review of the facility is carried out urgently by Senior Management within SHG. A company is judged by the way they care for their elderly citizens. I believe we can do what is needed at this facility within the realms of our Consolidated Fund. This would make the end of years of those residents much more comfortable than it currently is and show the world that we care. The staff there do an excellent job and we need not only to recognise this, but to ensure they are appropriately compensated. I congratulate the Management and staff at the CCC who do an excellent job and now is the time for this Government to act and rectify urgently the faults that exist at the facility. Mr Speaker, I support this Motion and beg to move.

The Speaker –

Thank you very much. Councillor Jeffrey Ellick?

The Hon. Jeffrey Ellick –

I just want to clarify something, Mr Speaker. The Financial Secretary perhaps you could help here, what is the position of the Consolidated Funds?

The Speaker –

You may not question; you're speaking to the Motion now.

The Hon Jeffrey Ellick –

I was just want clarification so I can make a full decision, we only had our papers quite late, Mr Speaker, so, you know, we had late papers.

The Speaker –

This is the Order Paper now.

The Hon. Jeffrey Ellick –

Yeah, the Order Paper we had late, so I still do have questions.

The Speaker –

Yeah, this is the debate now on the Motion, it's not question time.

The Hon. Jeffrey Ellick –

I understand that, I just want some clarification so we know what money we got here, then I can support the Motion.

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

I might be able to assist the Honourable Member. I said in my submission here that I've made a check with the Consolidated Fund and I'm aware that there are commitments within the Consolidated Fund, we're also expected as a Government to keep a reasonable contingency amount in the event of unforeseen circumstances and, nevertheless, taking all of this into account, we should still be able to take a considerable amount from the Consolidated Fund to address the issues at the CCC.

The Hon. Jeffrey Ellick –

Thank you for that clarification.

The Speaker –

Any other Member, the Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, we do owe to our elderly people who have over a number of years supported the island to make it what it is today for which the younger generation appreciates. We do need to ensure that they are in a safe and enjoyable environment. What I will ask, the Honourable Mover can say in his summing up if he has explored other funding streams to replace equipment and the furniture and also can the Mover say, he did mention a list of items, but can he say how much funding is required to replace such essential equipment, because I'm just conscious that I don't have a priority list in front of me and for me to be able to give a commitment and not know how much I'm committing to, I would just need to be a little cautious, so if the Mover could say how much funding is required to replace these essential items that he did mention. Thank you.

The Speaker –

Thank you. The Honourable Tony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker. I support the Motion and I'm pleased that the Honourable Mover, a member of my Committee has got political oversight for the CCC and others so it quite fitting to bring this motion on the table which I fully support, and based on the visit that the Committee and all other Members were invited to and I recall that at the end of the afternoon when we

gathered we were all very interested to support that the need for an injection of funds, but first let me pay tribute because I'm aware that the Manager is here about the excellent presentation that she gave to us that day not only for that but the Director but also for the past uh continued and future support for our elderly and vulnerable. I not sure if anybody here wants to uh sorta declare any interests but certainly we all benefit from it and I also want to reiterate that we all have a reason to protect to protect the future but uh the sort of people talking 'bout the furniture and equipment and the maintenance, and it's certainly uh there needs to be a better plan to do that accommodation may provide funding. But I'm sure the Financial Secretary will tell us about that amount that will come out the the Consolidated Fund available so we can prioritize to the budget and then the balance and check the justice from the Consolidated Fund but we also must remember how to do that. But we also have to show priority but I have no doubt that here's an opportunity that we would have political support to be able to take forward the needs of the um of our Community Centre because we also have vulnerable but not only in the Community Centre itself but also in other areas like for instance Cape Villa. But I mean I must also say that the Director has also been making valiant efforts uh through current limitations of the limited budget to try and keep er the place going also there's been such a good discussion in addition to what we spoke about when we met with someone previously in the afternoon of the 13<sup>th</sup> of May with the Finance Committee and other members that was really where there is at this moment tremendous support trying to do our upmost and particularly taking all this into account as we move ahead and plan prioritization of our budget. I am very grateful to the Honourable Mover as it's so important for this motion to galvanize the support of all Honourable Members and supporting that additional funding however, that includes improvise that the CCC should be given priority. Mr Speaker I totally support the Motion.

The Speaker –

Thank you, Honourable Members I call on Jeffery Ellick.

The Hon. Jeffrey Ellick –

Mr Speaker, I support the Motion but the reason I asked for clarification 'cas we don't wanna be here putting peoples hopes up and come to find there is no available funding. So that was my concern, but I fully support the motion as we need to do something. Thanks.

The Speaker –

Thank you, the Honourable Clint Beard?

The Hon. Clint Beard –

Mr Speaker, I support this motion it just seems that this should have been done ages ago our elderly community has been the key purpose of what we have discussed today. We should and must put our elderly on a pedestal and we are those who need to be accountable of all the provisions that are in place. There's no proof needed the Centre has proven that 1,087 is over the age of 65 years which is 26% of the population and almost 80% more than in 2016 after a visit at the CCC I hope that, I can see that funding is needed for maintenance both outside and inside fridges and stoves need replacing the delivery of food is inclement weather is problematic that's why this needs to be pushed in at worst weather conditions. I've also been to the positive side there has been work done at the CCC. There has been changes in the rooms the flooring, there been a concrete slab as well so there has been little moves that in advance that facility. To me what was mentioned on that day which was dishwashing was not 100% impotent replacement was needed a list of important people bedspreads, mattress's there needs to be important purchases that is fit for purpose and accountable there needs to be of the best we can provide and the omnipotent falls with us to make the settle. Even if it is they say this

but changes needed to be made. I'll also mention here how those embassy remain in measure, how hard the carers work and attend to them they are and to that I say just a huge thank you, and just to mention we're taking so much away because of budget constraints and even those working at the CCC even their true allowance have been taken away over the years and surely they will be out back in place the positive side also shows another fact to look at it and that is the committed staff throughout and how with the limited resources they still thrive to offer the best services they can. Mr Speaker, I Support the Motion.

The Speaker –

Thank you, The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I stand in support of the motion I don't wanna keep to what everybody else say and I got a question for everybody after 30 years of maintenance I wonder how we do it, so I'll leave it with that question as the place look really run down. Thank you.

The Speaker –

Thank you, The Honourable Russell Yon?

The Hon. Russell Yon –

Mr Speaker, I rise in support of the motion I won't echo the um the force of my other Members who collectively went on that visit that day um it's such a shame to see that such a facility of this nature has been allowed to run down the way it has, just to give you a figure in the last four years 1,008 has been spent on the CCC for maintenance alone equivalent to sum of £28,000 per year. Are our aging population valued at this cost? I don't know it is unfortunate that because of the exterior and the care of the facility it's allowed to go in such a way that the upkeep of the interior is also sliding in the same troubled direction it needs to be addressed and I would hope that the Members in support here today and the support of our other officials here within Government some consideration will be given to this motion. I support it.

The Speaker –

Thank you very much indeed, The Honourable Cruyff Buckley.

The Hon. Cruyff Buckley –

Thank you Mr Speaker, I also rise in support of this motion. I think uh obviously our elderly have been under an unacceptable resting place of the conditions up the uh CCC and hopefully we can address this I am concerned about the matter we do to use this procedure and I think the uh question at the end of the day I think we just have to plan better and we have to provide allocations to suit the important allocations for maintenance cost but I also have to address this uh Mr Speaker.

The Speaker –

Thank you, Honourable Cyril Leo.

The Hon. Cyril Leo –

Thank you Mr Speaker, it is an undeniable reality that the St Helena Government is desperately dependant on financial aid for some 17% of the recurrent budget. The priority financial demands on the little bit recurrent budget I mean as a Member of public services provided by SHG will be impacted and the has to be decided by the operant financial constraints. Uh during



Uh previous walk through at the Community Care Centre I was shocked in particular by the appalling state of the 10 year old tiling flooring in the residents rooms. Accumulating sufficient funding to replace the flooring became at the urgent priority and my last visit to the CCC it was pleasing to be informed there were 45 rooms that now have suitable and proper tiling in place for special ultra-order and I take this opportunity to-to extend a special thank you to all who concerned the project. It is dear that more than a few we're urgently required to enhance the quality of our senior citizens residing in the CCC. However, the financial constraints of the current budget will very likely have a very negative impact of what can be progressed and achieved to go about the necessary improvements that are urgently required at the CCC but if however, the consolidated fund is an available option and we do not have excessive to provide the funding for improvements at the CCC. Will we will be in effect with the most vulnerable people within our community therefore I support the use of the funds of the consolidated fund for the residents of the Community Care Centre. I beg to move.

The Speaker –

Thank you, Honourable Chief Secretary?

The Hon. Susan O'Bey –

Mr Speaker I also rise in support of the sentiments expressed in this motion. I am very pleased that Members were finding to take advantage of the invitation to the CCC. I know that the uh director has raised concerns on numerous occasions um both in the committee forum and but also with the previous budget uh were in insufficient uh if people recalled it. Members have rightly raised that the operating the very constraint budget um however, of course in this I look to you it's in your hands and in terms of how funding is allocated and I am very pleased to hear today that you have been given a commitment today in to make such a uh allocation um to be able to take forward this very important work of course what you see at the CCC you will also see across the whole of SHG um all of our buildings with the exception of the Hospital which also fortunately is able to have some very crucial work following the meet it all to the Members um all of our buildings are in various stages of disrepair and this has come about in part to do to core planning over the years but also because very often there will be big projects to take forward significant pieces of work we don't necessary have the relevant then the current budget to be able to upkeep the maintenance so I'm very pleased to hear that this um remitted today find solutions in order to be able to do this it is long overdue and of course I-I'd like to also add my thanks I know that the Director in particular constantly uh brings to the attention of Elected Members the uh state not just of the CCC but also the difficulties that they experience due to increasing pressures that we have with the raising the uh the-the rising aging population that we have and this of course uh as you know with the recent census. I'd like to thank Members with this.

The Speaker –

Thank you Chief Secretary, any other Member wishes to speak? The Honourable mover you may wish to respond to the debate.

The Hon. Derek Thomas –

Thank you, uh Mr Speaker and I extend my thanks to those Honourable Members who rise in support of this Motion including the Chief Secretary. Uh Mr Speaker the Honourable Christine Scipio asked if we had a look at other ways for funding uh the only other way I would suggest from our budget allocation uh and members will know the uh amount of priority is facing us

within our budget delegation never-the-less when you down with this Council you decide you allocate a certain amount uh when we do get our uh budget to uh meet some of these needs uh the Consolidated Fund in terms of the amount that we use obviously depend on the review. I have a certain preview list but there are a lot of things that are not on there uh like for instance the bus and etc. So I will see now uh that the review uh of uh bring forward the key priorities that the Community Care Complex needs uh with costs uh and then Members can decide uh whether they going to value precautions under the current budget and some from the Consolidated Fund and they would obviously uh decide on the amounts but um I'm very please uh as the mover uh I will ensure that this process is taken forward uh taken forward so we can get a quick outcome um on these uh issues of their and make a difference to the Community Care Complex. Thank you very much Mr Speaker.

The Speaker –

Thank you, Honourable Mover. Honourable Members, the Motion is that this House resolves that urgent consideration be given to withdraw monies from the Consolidated Fund to replace essential equipment and furniture at the Community Care Complex.

Question put and agreed to.

The Motion is carried.

The Speaker –

Next item of business, please?

***Motion No. 4 – The Honourable Anthony Green.***

The Speaker –

The Honourable Anthony Green?

The Hon. Anthony Green –

Mr Speaker, I beg to move that this House resolves that the St Helena Government considers taking urgent action to document and appropriately safeguard all electronic recordings. other relevant material and equipment that previously was the property of the St Helena Government Broadcasting Station.

The Speaker –

Thank you. Do we have a seconder, please?

The Hon. Gavin Ellick –

I beg to second.

The Speaker –

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

The Hon. Anthony Green –

Mr Speaker, in the twilight of the life of this Council I feel that it is necessary to highlight once again the likely situation of audio material that exists, which is the property of Government that originated from the St Helena Government Broadcasting Station, I say it once again as I'm sure this matter has come up before. The idea of this Motion arose about two weeks ago,

shortly before the closing time for us to give notice of questions and motions for this meeting, hence it was put together rather quickly. This Motion refers to electronic recordings, so for clarity, this is about audio recordings both analogue and digital. The St Helena Government Broadcasting Station opened around Christmas 1967 and closed, I believe, on 25<sup>th</sup> December 2012, a lifespan of approximately 45 years, a period during which the Station played a key role in keeping the island entertained and provided a source for the airing of some local news, announcements and advertisements. This Motion is simply about ensuring that the audio recordings for that period of our island's history is not lost. Before the St Helena Government Broadcasting Station took to the airwaves and aside from broadcasts made by a very talented engineer who did so from his home in Half Tree Hollow, the island mainly relied on shortwave transmissions from other parts of the world, particularly listening to the BBC and as we know, shortwave reception could be vary greatly. Once local broadcasting came regularly from Radio St Helena they were very much looked forward to and wherever recordings were kept will paint a picture of life on St Helena during that period of 45 years, nearly half a century. My understanding is that particularly from the mid-seventies, much of the recording material was logged in alphabetical order, assigned a storage number and originally noted in a register. It has been suggested that the register may now have been lost. At the time of the Station closing down on Christmas Day 2012, there apparently existed thousands of recordings. I'm personally aware that many interesting recordings of the very early years before the mid-seventies won't exist since those days tapes for recordings were not plentiful and had to be re-used time and again. It has been said that after the Station closed down at the end of 2012, at some point much of the material was placed unceremoniously in a storeroom; I've decided not to use the word dumped. The recordings that have survived need to be safeguarded, cleaned, preserved and catalogued and become part of our historical records for the public to eventually have access to, where necessary perhaps converted into a format that would ensure it could be accessed by new technology and to be available to future generations. In taking the opportunity to expand something on this topic, I have heard it mentioned that it might have been a good idea to have left the Radio Station building at Pounceys intact and let it be a museum to showcase nearly half a century of radio history of the island, alas not much equipment remains, I believe, although a good, sound building is still there, but perhaps that aspect of this Motion is unlikely to be relevant now. So, Honourable Members, let me turn to the nub of the Motion. I seek your support in asking for a commitment for the Government to consider that the rich history captured by audio recordings be appropriately documented and safeguarded so that they can be readily available for future generations to have a glimpse of the impact of life in St Helena as portrayed through material generated by the St Helena Government Broadcasting Station during its time on the air. Mr Speaker, I beg to move.

The Speaker –

Thank you. (*End of Part 2 Recording*)

(*Beginning of Part 3 Recording – Note: Audio quality restored*)

The Hon. Gavin Ellick –

Which I was a part of and I wanted to see if it was still surviving, so therefore I really support this Motion.

The Speaker –

Thank you. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Mr Speaker, I commend the Mover for bringing this important Motion to this Honourable House. The material at the Radio Station is obviously island's history and we can ill afford to lose the amount of material that's dating back since 1967. I see this as one of our components to drive economic growth, so it's very essential that we are able to properly safeguard and secure the wonderful material that we have in the Radio, the old Radio Station so I give this my full support. Thank you.

The Speaker –

Thank you. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, I too rise in confidence of this Motion and would also like to commend the Mover for bringing it before the House today. I do not think we can place a value on the many recordings that must exist from those early days of this facility, which, in those days was one of the main means of communication on the island to its people. I recall the recordings from the Golden Trunk, they must be priceless and must be preserved. These were programmes of the interviews with islanders and visitors and programmes done by voluntary producers. A favourite of mine was "From My Collection", even I was persuaded to do one or two of those years ago. The collection there must be preserved and I hope that this Motion is carried forward today and acted upon in a timely manner. Mr Speaker, I support the Motion and I beg to move.

The Speaker –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker, I also rise in support of the Motion, the material that is held, or should still be held within that building is an invaluable part of the island's history and heritage, but as well as preserving it, I would also like to see some attempts made to re-use some of it in a more up-to-date format and media, because, for example, there were large numbers of educational programmes which were designed for Primary school age children, which I think they would enjoy today and would, in fact, add to the amount of resources that were available to our schools and there were other programmes which similarly could be utilised not just across SHG, but across the island as a whole and put to good purpose as well as being a relic of a bygone age and a record of a bygone age. Thank you, Mr Speaker.

The Speaker –

Thank you. The Honourable Russell Yon?

The Hon. Russell Yon –

Thank you, Mr Speaker. I guess I have to declare my interest here first, because I spent several years working at the Radio Station.

I appreciate that the Mover brought this to the House, because from my experience at the Radio Station and knowing what is in the Library or what was in the Library, it has a very good interest for our public to be able to touch back in times in the near future or when we move on and someone else is in the radio field, so, again, once again I think it is a necessity that we should be safeguarding this amount of history that lies in the Archives and is a value to broadcasting over the years. Many of us spent multiple times of making recordings with individuals like we've mentioned who came to the island, I remember myself having to spend

twenty-seven hours on the top of the Barn trying to find the Giant Earwig, so all of those interviews are part of the collection within the Radio Station Library, it would be great if we could have this digitally recorded and put in place so that in time it would be a valuable asset to the island. Thank you and I support the Motion.

The Speaker –

Thank you. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Speaker. I commend the Honourable Member for bringing this to the House, it's obviously a very thoughtful Motion and it's nice to see some of us are thinking about the island's heritage as these assets are truly invaluable and, Mr Speaker, also I'm aware of some other work, similar work being done to copy some of our Archives documents, also for preservation and it would be nice to see if we can populate a database of both audio and copies of historical documents within the Archives not only for keepsake purposes, but also perhaps as a potential revenue earner, Mr Speaker, in the near future, for scholars and international students to be able to have access to, you know, a rich history that St Helena has to offer, so, again, I commend the Honourable Mover for bringing this to the House and I fully support the Motion. Thank you.

The Speaker –

Thank you. Any other Member wishes to speak? The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, I'm scratching my head here, because in the last nine years I have been a Member of Legislative Council, I do recall discussions about this and my understanding was that action should have been taken and I'm just wondering why that action wasn't taken when it was discussed during the last nine years and this is why I'm a little baffled as to why it didn't take place, because our history, St Helena is so important to generations to come, so that's why the Mover did say once again, as it seem as if an undertaking was taken a while ago, but it didn't happen, so hopefully the Mover will keep his eye on it and make sure it does happen. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Member. Does the Honourable Mover wish to respond to the debate?

The Hon. Anthony Green –

Thank you, Mr Speaker. I do wish to thank all those who rose in support and I will make the assumption that those who haven't said do really support it even more, but I like the suggestion that the Honourable Corinda Essex mentioned about re-using material, because, you know, in this day and age and particularly in the recent weeks where we've been talking much about diversity and I recall that one of the series of programmes made by Mrs Barbara George was about the history of St Helena and I'm sure that one of those that she covered was about the 600 indentured Chinese labourers and those parts of history, the Chinese and others makes it very important for all of us to bear in mind where we've come from and how we need to deal with issues today and it would be good to be able to resurrect some of those recordings and actually air them, so I am grateful for that reminder, but I have, I am very pleased to note the support from my Honourable Colleagues. Mr Speaker, I beg to move.

The Speaker –

Thank you. Honourable Members, the Motion is that this House resolves that the St Helena Government considers taking urgent action to document and appropriately safeguard all electronic recordings, other relevant material and equipment that previously was the property of the St Helena Government Broadcasting Station.

Question put and agreed to.

The Motion is carried.

The Speaker –  
Next item, please?

***Motion No. 5 - The Honourable Cyril Leo.***

The Speaker –  
The Honourable Cyril Leo?

The Hon. Cyril Leo –  
Thank you, Mr Speaker. I move that the relevant Council Committee consider prioritising the following matter: To carry out research to determine the viability and potential economic benefits of offshore commercial fishing of lobster and crab; the research to include the seamounts within St Helena's 200-mile Exclusive Economic Zone.

The Speaker –  
Thank you. Do we have a seconder, please? The Honourable Derek Thomas?

The Hon. Derek Thomas –  
Mr Speaker, I beg to second.

The Speaker –  
Thank you. Honourable Mover, you may speak to the Motion.

The Hon. Cyril Leo –  
Thank you, Mr Speaker. St Helena desperately relies on financial aid from the United Kingdom for some 70% of the local government's recurrent budget. The island is far too dependent on the United Kingdom for financial aid. The St Helena Government and the people of St Helena must become more ambitious, more creative and more adventurous, with the ultimate aim of developing a healthier and thriving local economy.  
The Preamble of the Constitution specifically highlights the 'resourcefulness of the people of St Helena.' The collective resourcefulness of the people of St Helena is important to maintaining essential community economic and social activities. But we must ask ourselves, 'What more can we do to help ourselves?'  
Lord Ahmad, the FCDO Minister, recently told elected representatives: 'I urge Councillors and officials to do all they can to drive up local revenues whilst identifying efficiency savings and having value for money front and centre in the decisions you make.'  
So this Motion is basically calling on local government to take a "speculate to accumulate" approach to locating and utilizing possible land and marine resources, land and marine resources that can be sustainably be exploited to provide additional revenue generation and economic benefits for the local community.

Mr Speaker, I will share this photo with you of Prince Andrew School students at Harper's. This is probably the first time a photo has been presented in formal Legislative Council to acknowledge our children's keen interests, passion and progress in agriculture. So just for a moment, let the students of Prince Andrew School, who constructively work the vegetable gardens at Harper's be an example. Allow our children to help us to see what could be achieved, on a much larger scale, throughout St Helena.

The late Prince Philip advised the people of St Helena as far back as 1957: and I quote "no island community can rest easy with all its eggs in one basket" unquote.

The 1982 United Nations Convention on the Law of the Sea permits St Helena special rights for the exploration and use of marine resources within its 200-mile Exclusive Economic Zone. Therefore, research to determine the potential viability of offshore commercial fishing of stumpy lobster and crab, and the possible economic benefits it could have for the island, must be explored by the St Helena Government without delay. Mr Speaker, I beg to move.

The Speaker –

Thank you, Honourable Member. The Motion is that the relevant Council Committee consider prioritising the following matter: To carry out research to determine the viability and potential economic benefits of offshore commercial fishing of lobster and crab. The research is to include the seamounts within St Helena's 200-mile Exclusive Economic Zone. Honourable Members, the Motion is now open for debate. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I rise in support of this Motion and commend the Honourable Member for bringing this Motion to the House. Mr Speaker, given our financial constraints, we should be exploring all possible avenues which could generate financial opportunities. I am aware that the St Helena Government is completing a Darwin Plus study to expand our knowledge of key commercial lobster species. Potting for lobsters at the seamount would require additional research work and we would need the resources to do this. However, we should be exploring funding opportunities for such work to be undertaken which could result in real business opportunities for our fishing industry which could lead to good economic benefits and growth for our island. Mr Speaker, I beg to move and I support the Motion.

The Speaker –

Thank you very much indeed. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, I rise in support of this Motion and thank the Honourable Member for bringing it before the House. I also recognise he has a passion about our natural resources having been a lobster fisherman himself many years ago. I would, however, like to point out what the Government's position is and as Chair of the Economic Development Committee, I am duty bound to do so. Mr Speaker, Honourable Members, the St Helena Government is completing a Darwin Plus onward study to expand our knowledge of key commercial lobster species, Spiny Lobster, an endemic red slipper Lobster around St Helena, to understand more about their abundance, distribution, movement, size and maturity and seasonality of reproductive cycles. The results of this study that is currently awaited will allow us to review our current management practices and make recommendations to ensure long-term sustainability of populations and also to assess the viability of our fishery. More specifically, that it be used to revise the total allowable catch, the tap limits and normal landing size as set out under the Fishing Licensing Policy. Given that the project is near completion, it would be prudent to await the results of this study first before moving on to try and explore the viability of other

locations. Potting for lobster at the seamounts is a different activity to near shore work. We know very little about the seamount habitats and how they function. Potting could very well lead to impacts and destruction of a current pristine habitat which could raise concerns in relation to the management of our IUC and Category 6 sustainable use of protected area. Given this is a developing area geographically as part of the Tuna fishery, it could create conflict on what is already a very small habitat. The processes via the St Helena Marine Research Institute and Fishing Licence system exist to promote and allow for an investor to prospect for these species should they so wish, it may even be an avenue that a local fisherman or business may wish to explore. There has not been sufficient resources, boat fishers to undertake this research work for our primary targeted species, such as Yellowfin and Bigeye Tuna, so it's likely to be even more difficult for a species that is not currently targeted, there is simply not the resource or funding or capacity within SHG to undertake this type of project unless it was done under a dedicated funding bid or additional funds was approved by elected members to undertake the work. If research is to be undertaken forward for the pole species, it would be for desk based analysis first following the completion of the current Darwin Plus study undertaken by ENRP's Marine Section to assess the feasibility of such a project as currently St Helena's Marine Management Plan does not carry a priority for offshore exploration for these species as part of the development of our MPA, so whilst I support the Motion, such research, given our current position, I do believe the timing is not right. Having said that, I do believe that once the report for the current inshore research is completed, I think SHG should look if there are funds available from within, or, indeed, to bid for funds from other sources. Mr Speaker, I support the Motion and commend my Colleague for bringing it before the House today. Thank you.

The Speaker –

Thank you. Any other Member wish to speak? The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, I rise in support of this Motion, I think all avenues for potential increased economic activity should be explored as and when the opportunities and the funding becomes available and I think every effort should be made to try and identify potential sources of financial support for the type of research that would be required to provide the level of data necessary to inform decisions further downstream. As I've always been a great proponent of the fact that we shouldn't rely solely on tourism for our economic growth and given the current pandemic that's added even more fuel to my concerns about the dangers of relying too heavily on tourism alone, I believe that fishing and farming are areas where there is potential for growth and expansion generally and therefore I am very relieved that my Honourable Friend has decided to air this matter in this Honourable House today because it has, I think, raised the profile of the need for further exploration and further attempts to diversify the number of areas that we are targeting in terms of economic development. Thank you, Mr Speaker.

The Speaker –

Thank you very much, Honourable Member. The Honourable Clint Beard?

The Hon. Clint Beard –

Mr Speaker, I support this Motion and in context with all other priorities it is critical that we look at how this proposal could possibly enhance our global footprint as well as also allow the possible economic growth, so I think this proposal needs to be clearly looked at and like everything else we need to understand where we can put this in our listing and how we can accommodate funding if we can on those priorities. Thank you.



The Speaker –

Thank you. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I stand in support of this Motion. One of the things I worry about if we exporting something like this here is that we keep talking about our lack of commodities, so if this would be a natural commodity and it is really good, please can it stay on the island, not let somebody else take it, because we want to upgrade our island, we want to upgrade our own resources, we want to have our own revenue, so if something like this here turns out to be positive, let it remain on the island so we can have a positive effect of it. Thank you.

The Speaker –

Thank you. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Speaker, I commend my Honourable Friend for bringing this to the House and as pointed out by other members, it is actually essential we tap into all avenues to increase our revenue. However, my intuition tells me that a project such as this will incur not only funding, but also capacity and as my Honourable Friend to my left pointed out here, I think whilst we do struggle to acquire funding we have been successful in certain areas to attract external funding in our marine environment, what worries me is the capacity to deliver it, Mr Speaker and if we can, indeed, secure a project which allows us to acquire additional capacity and I will fully support the Motion my Honourable Colleague brings to the House today. Thank you, Mr Speaker.

The Speaker –

Thank you. Does the Honourable Mover wish to respond?

The Hon. Cyril Leo –

Yes, Mr Speaker. I want to thank all those rose in support of the Motion. My Honourable Friend to the left, who I always affectionately refer to as my encyclopaedia, she raised a very valid point that all avenues for sustainable exploitation of our resources for economic benefit should be explored and I hope this Motion will encourage the public in general, not just SHG or elected members, but the public in general to put forward their ideas, no matter simplistic or, you know, valuable it may be, big or small ideas, put it forward so's we can develop this island together. Thank you, Mr Speaker.

The Speaker –

Thank you. Honourable Members, the Motion is that the relevant Council Committee consider prioritising the following matter: To carry out research to determine the viability and potential economic benefits of offshore commercial fishing of lobster and crab, the research to include the seamounts within St Helena's 200-mile Exclusive Economic Zone.

Question put and agreed to.

The Motion is carried.

The Speaker –

Next item, please?

***Motion No. 6 – The Honourable Lawson Henry.***

The Speaker –

The Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, Honourable Members, the Motion today is that the Legislative Council resolves to make a recommendation to the St Helena Government that an investigation be conducted –

- (a) regarding the localisation of Technical Cooperation posts; and
- (b) to explore why Saint Helenians whose professional education and qualifications are facilitated and funded by the St Helena Government, are either not returning to St Helena to work or are returning to St Helena but working in areas which are not in or are not related to the field of study in which their professional qualifications were obtained or of those persons employed, why there is a discrepancy in the rates of remuneration for St Helenians and what would be necessary to remedy this apparent trend.

The Speaker –

Thank you. Is there a seconder, please?

The Hon. Cyril Leo –

Mr Speaker, I beg to second.

The Speaker –

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

The Hon. Lawson Henry –

Mr Speaker, Honourable Members, the Motion before the House today, as I've just read out, but I am required to read again is that the Legislative Council resolves to make a recommendation to the St Helena Government that an investigation be conducted –

- (a) regarding the localisation of Technical Cooperation posts; and
- (b) to explore why Saint Helenians whose professional education and qualifications are facilitated and funded by the St Helena Government, are either not returning to St Helena to work or are returning to St Helena but working in areas which are not in or are not related to the field of study in which their professional qualifications were obtained or of those persons employed, why there is a discrepancy in the rates of remuneration for St Helenians and what would be necessary to remedy this apparent trend.

Mr Speaker, Honourable Members, at the last sitting of Legislative Council, in the Adjournment Debate, I drew attention to the current plight of those SHG employees who hold international qualifications, the main criteria for recruitment of Technical Cooperation posts in SHG and the disparity between salaries of these two groups. I also told the House this disparity runs further as SHG does pay some of their locally employed staff who hold international qualifications at international salary rates. Does this demonstrate fairness, integrity and teamwork which are the published values of the Public Service? My Motion today is a follow-

up to that exposition and is inspired by many messages and discussions I have had with some of those impacted and the sheer level of support I have had to bring this Motion. This Motion is not and must not be about salaries paid to TC Officers by our Government as these officers are required on the island for the skills they bring with them and they do a great job. The purpose of the Motion is to draw attention to and to seek remedy, not only the disparity with which SHG treats St Helenian employees who hold international qualifications, but to also understand that unless this changes then there is really no future for young Saints who have aspired and worked so hard to gain international qualifications. To illustrate the extent of the salary disparity I am referring to, there are fifty-three St Helenians employed across SHG that hold international qualifications at degree level or higher. Of this number, only five, yes five, are paid at international rates or what SHG would term spot salary. Some forty of the fifty-three gained their qualifications through SHG funding, twenty-one were gained through the Technical Cooperation training budget and nineteen were, I understand, through the SHG Scholarship Programme funded locally from the Education and Employment Directorate budget. The cost of the scholarship to the taxpayer on St Helena is approximately £70,000 per scholarship. The total cost from the Technical Cooperation Training budget was around £451,445, on average £21,000 per employee. Of the fifty-three mentioned earlier, who hold international qualifications at degree level or above, thirteen are classified as senior managers, more are in general middle management positions and they all hold degree level or higher international qualifications. Three of these are paid at an individual rate or a spot salary which is higher than the SHG pay spine. None of our locally paid staff are paid the international supplement or allowance, nor should they, but I highlight this to illustrate that given the level of this supplement is pitched it exceed the salary of some of our graduate scales. This alone demonstrate the extent of the problem this Motion is highlighting. The House will be familiar with the sheer number of our young people that have left the island to take up employment elsewhere. Many of those have been sponsored by SHG to acquire the international qualifications that they held. No one really knows why they left, but antidotal evidence suggests that they have done so because they felt they were not properly recognised and valued by SHG and could not afford to live and work on the island, work here, having gained international qualifications under the terms and conditions of it. Each time this happens, our investment in these young people is lost, so are our people we have invested in. The end result in that SHG in particular goes down the TC route to recruit replacement staff costing even more money. We need to change this trend. I believe St Helena is at the crossroads, I'm not suggesting we are at the crossroads of life. The recent population statistics with regard to an ageing population with more deaths than births each year and fewer people of a working age is alarming. If we do not take decisions now that will reverse this trend qualified young people will continue to seek employment offshore. Employers which offer salaries that enable them to have a better standard living, they will not remain on the island. There is a sweeping tax base and one of the reasons for this is more working age people are leaving. Some of the younger people who have been talking to me and are employed by SHG who hold international qualifications are telling me that they want to remain on the island, but they cannot afford to do so. These young people, like us, and those whom SHG has chosen to recognise and pay international salaries have aspirations too, they want to purchase land, they want to build a house, get married and raise a family on the island. This is what we want our young people to do. This is not, however, possible on the salary that we are paying the majority of our international qualified people, some not so young. This situation is exacerbated by the fact that they work alongside of internationally recruited staff earning up to six times more salary plus allowance, in some cases the allowance alone exceeding the salary of local counterparts, but yet they hold the same qualifications. So, what does the future hold for our young people? SHG is going through a reform programme Fit for the Future, whose future may I ask? If we

do not change the current trend, we will then be losing more of the very people we invested so heavily in. The only way to change this trend is if SHG change the way it is treating the very people they have invested in and who are the future of this island. The Motion seeks to change this trend by drawing attention to this now before it is too late, if we need to do more to attract young people to return to the island and to retain those who we have invested heavily in to remain, something needs to change. Just recently I learned of the plight of one of our scholarship students who spent a significant number of years studying and returned to the island having achieved a First Class Honours Degree paid for by SHG. I understand that like others before her, this employee there was no plan in place to charter this bright young person's future career path in SHG nor initially to recognise and value the achievements. Any review that follows this Motion must look at the path of our scholarship students reintegration and the career path and conditions with which they will be employed. We cannot continue to treat our young people in this way. What message are we sending to future scholarship students?

If SHG is serious about Fit for the Future Programme, then we must spell out what the future holds for our young people who have worked so hard to gain international qualifications. This current situation where SHG has a two-tier pay system policy on how they reward their local qualified staff who hold international qualifications must change. I was pleased to hear of some of the work that is ongoing that the Chief Secretary made mention of earlier today. As I said last month, SHG is disenfranchising their own employees. We are not looking after our young people who have achieved international qualifications, there is a feeling among this group that SHG does not care and there is an attitude with some senior managers in SHG if you don't like it, leave it. If the trend continues, then we will lose more people, the end result is that SHG has to recruit more TC officers at huge expense. I mentioned previously that it seemed all too easy for SHG to go down this road. This is not, however, the answer, it is not sustainable, nor will it attract more St Helenians to remain here or return. We talk a lot about getting young people to return, but this is not translated sufficiently into actions or policies that make the conditions attractive enough for young people to remain or return. More needs to be done to retain those who are already here and making a significant contribution to the services across SHG's portfolios. What message are we sending our young people? We must do more to protect the investment we made in those fifty-three staff and all those who have sadly left. I am aware that SHG has a succession plan where I believe there are eleven, plus the extra one the Chief Secretary mentioned earlier, which was after I got this data obviously, succession plans in progress, all due to be completed between 2021 and 2025, I welcome this initiative. I understand there are twenty-nine posts that are being focused on through the workforce plan to identify how they could be localised through a succession plan. This is good news, but this work needs to be prioritised to put local people in these posts who are qualified.

Mr Speaker, Honourable Members, this situation that I have highlighted today has been allowed to happen for far too long, the writing is now on the wall, this island needs our young people, we need to increase our population and we need to broaden our tax base and we need more people of working age to do this, therefore, the Government must be doing all it can to attract our young people to not only remain on island, but to get those who have left to return. This is what this Motion is about and seeks to achieve, that is to treat our locally qualified staff fairly and recognise that they are the future, we need them. If we do not put plans in place now I foresee an exodus of more young people which will put even more pressure on this Government to provide services as it will need more recruitment from overseas costing twice as much. I look forward to working with officials to ensure that this trend is changed and that we work together to ensure that we not only retain those bright St Helenians who are working in SHG, but by treating them fairly and with equal salary and terms this is likely more to return with qualifications that can accelerate even more of SHG's succession plan and reduce the

number of TC posts by creating employment for local people, but also making it more sustainable for Government and the island as the whole.

So, Mr Speaker, I beg to move and look forward to the support of the whole House for the future of this island depends on the retention of young people and a drive to attract those who have left to return. I beg to move.

The Speaker –

Thank you, Honourable Member. Honourable Members, the Motion is that the Legislative Council resolves to make a recommendation to the St Helena Government that an investigation be conducted –

- (a) regarding the localisation of Technical Cooperation posts; and
- (b) to explore why Saint Helenians whose professional education and qualifications are facilitated and funded by the St Helena Government, are either not returning to St Helena to work or are returning to St Helena but working in areas which are not in or are not related to the field of study in which their professional qualifications were obtained or of those persons employed, why there is a discrepancy in the rates of remuneration for St Helenians and what would be necessary to remedy this apparent trend.

Honourable Members, the Motion is now open for debate. The Honourable Cyril Leo?

The Hon. Cyril Leo –

Thank you, Mr Speaker. I fully support the Motion, but excuse me if I pre-empt such an investigation and tell you what I believe some of the findings will be. The investigation will reveal that many St Helenians who are determined to work hard and gain a good primary and secondary education and then successfully progress through further and higher education are simply feeling let down. We have highly qualified and experienced Saints, however, the lack of relevant local employment opportunities on offer and the current financial returns on their invested time, effort and dedication are discouraging and demoralising. I do not believe one quick fix can be found to solve the problem, there are various contributing factors and gaps that will first require addressing, not least the limited financial resources available. The UK Government's controls and conditions that are currently attached to the £8m Technical Cooperation budget should be reviewed. The investigation must find ways of synchronising the £8m TC budget and the ongoing financial support required for local succession achievements. A TC system that provides vital support to the development of St Helena but is not allowed to fund the success of local succession planning is really undermining and defeating local government objectives. Unless this conflicting financial discrepancy is addressed, many of our most qualified Saints, trained to international standards, will continue to reluctantly leave St Helena and choose not to permanently return home. The future development of St Helena is largely dependent on (a) all St Helenians being positive, inspired and motivated to work to be the very best they can become; and, (b) on a Government helping to provide decent local incentives to accommodate and satisfy the positive ambitions of each St Helenian. Mr Speaker, I thank my Colleague for bringing such a Motion to the table, I fully support the Motion and accordingly look forward to the results of the investigation. I beg to move.

The Speaker –

Thank you very much indeed. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, I give this Motion my fullest support and with that I would have brought this matter to the Honourable House myself if my Honourable Colleague had not done so, he pipped me to the post, but I feel no resentment about it because he's got it on the floor before us today for debate.

I have stated in this Honourable House on many occasions that St Helena's most valuable natural resource is its people and that they are the key to its sustainable development. Therefore, the personal and professional development of our people must be a priority objective for St Helena and it also a moral obligation. I have previously put forward a Motion that was passed unanimously regarding the importance of retaining local skills and encouraging Saints working offshore to return. It is pleasing that this has borne some fruit in the objectives of aspects of the Labour Market Strategy and of the soon to be adopted Immigration Policy, but more positive action and more widespread action is still needed. All that is feasible should be done to enable our people to reach their full potential and reap the benefits that are commensurate with the skills, knowledge and competences that they work to attain. We have shining examples of academic success, of success in non-academic fields where individuals have still achieved international qualifications and right across the piece, the vast majority of our scholarship students achieve very high classifications in their degree studies and we have a number of post graduates who have performed exceptionally well. There are many aspects of the Motion before us now that are worthy of detailed debate, but particularly, as the Speaker has indicated that he wants to conclude at 4 o'clock, time will not allow me to develop on many of these themes, but I have focused on the one which to me is most important and this is the issue of equity. I strongly believe that all persons performing the same or equivalent duties within SHG who possess the same level of qualifications should receive the same level of core salary. If this is not the case, it is arguably discriminatory and there is a fundamental social injustice occurring. Such injustice has existed on St Helena for years and that is a key reason why we have lost so many of our brightest and best to offshore employment for most, if not all, of their working life. If we had been able to retain even 50% of our graduates over the past forty years, we would not be so heavily reliant upon Technical Cooperation input, which is important as a quick fix and we would not be able to operate effectively without, but is unsustainable.

Mr Speaker, some progress has been made towards paying some internationally qualified local staff at international rates, but again, this does not go far enough. We are now almost a quarter of the way through the 21<sup>st</sup> Century and it's surely time that historic inequalities and injustices are eradicated.

Before closing, I would like to make one further point. Salary levels are key and central to the issue, but there are other forms of recognition and appreciation that do not come with a price tag; but at least make individuals feel that their achievements have not been taken for granted or overlooked or even ignored. A simple 'thank you' or 'well done' can do a tremendous amount to boost morale and to make staff feel valued. At times, even this type of encouragement is sadly lacking. I trust that as the Honourable Chief Secretary indicated earlier, the Fit for the Future Programme will contribute to the creation of a largely new and positive ethos in which our young people and also the not so young who still make the effort to develop professionally will be rewarded appropriately. Thank you, Mr Speaker, I support the Motion.

The Speaker –

Thank you very much indeed. Any other Member wishes to speak? The Honourable Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker, I rise and fully support the Motion, but in doing so I'd probably just like to have a quick comment on the various aspects of the Motion from a personal point of view. This investigation, this deep dive into actually trying to understand why people are not returning, I think that would be very useful to know that; I certainly think that there could be a multitude of reasons. I suppose for me personally I've never been too phased if the people's personal choice has been that they didn't want to remain on the island for the time being because I always feel that at some stage they always come back, but it would be good to understand, and I would be concerned if, of course, the reason for anyone not wanting to return is because the island itself is creating barriers for them to do so.

There is a comment in the Motion about people working in areas where they're not related to their field of study. Personally I have to confess I'm unaware of those examples, but I only got to see this Motion very, very recently and if I'd had an opportunity I would have discussed it with the Mover or with other people, because it would be good to actually understand the reasons, whether it's personal or whatever.

The Motion also refers to about discrepancy in the rates of remuneration. Now, I think that's quite a complex one because I do always believe that adequate remuneration should always be paid, but I think we need to also be aware that becoming formally qualified is perhaps just one part of the makeup in order to fit a particular salary grade. Gaining experience and proving that the knowledge and skills learned can actually be put into practice is also a consideration, I've always been taught that it's knowledge, it's skills and it's attitude that make up what one puts into a job, but, however, the whole pay and grading structure for people working in the Public Service I do believe need to be more visible so's that, you know, we are quite clear that the funding of salaries which come from our budget which always come from taxpayers money, that is done in a fit and logical framework within the grading and pay structure, so I also accept that where current TC Officers, I know it's not about them, but when they do come here it's because we ask them to, but there's also an issue where they do actually incur additional costs for relocation and other costs that would not be endured by them and there's also the element of inducement, but I really fully support the Motion because I feel that the outcome of the examination will inform us in how to move forward better, so, Mr Speaker, I support the Motion.

The Speaker –

Thank you. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Speaker, just a quick word. I fully support the Motion and I find it quite unfathomable that here we are in 2021 and still discussing issues of equity, which is a principle I hold in very high esteem as a Councillor and in life in general and I do hope that this piece of work can be accelerated and we can correct this long-standing issue. Thank you.

The Speaker –

Thank you. The Honourable Clint Beard?

The Hon. Clint Beard –

Mr Speaker, I support this Motion, I think my Colleague on my left and there's lots of others around the table think it's time that this is brought to the table. I think it's also high time that we get our house in order and we change with the way we deal with people and make sure we deal with them fairly. We have to remember that remuneration is a key driver to having a stronger economy, but it seems that this has been a driver for people to leave and apply their skills elsewhere and get levels of remuneration that is fair and appropriate to their skill levels

and also those who hold graduate levels are sometimes not paid accordingly. Qualifications and studies should be rewarded appropriately and also those who have skills in their particular trade or job should have a fair reward. It sometimes amazes me when you hear we are looking after them, but when talking to some of these employees there seems to be the disbelief, no appreciation. In any organisation, to gain high levels of morale will only increase productivity, but mainly will take into account the wellbeing of all employees. Do we want to keep people here or do we want to turn people away? That is what we need to figure out and soon. Look after our local employees, it is important and remunerate them appropriately. SHG employs about 700 local employees and today, like I said before, I will mention and state that you all do an amazing job and remember, you are appreciated. Thank you, Mr Speaker.

The Speaker –

Thank you. Any other Member wishes to speak? The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I stand in support of this Motion, any chance for us to make our St Helenians, put them up there on a pedestal, is really good in my book and with this here, long years and years ago everybody was kept down and now today with the world's economic low level, we as Saints, we suffer, so I support this Motion, I'm glad that Lawson brought it to the House and I hope that everybody gives it good support. Thank you.

The Speaker –

Thank you. The Honourable Chief Secretary?

The Hon. Susan O'Bey –

Thank you, Mr Speaker. Once again, I'd like to say that I rise in support of the sentiments expressed in this Motion and, of course, Members will recall from the exposition I gave in response to Councillor's Thomas's question earlier this morning, is that this is very much on our agenda as part of the Fit for the Future Programme. We fully recognise that salaries on the island generally are low and I look forward to Elected Members support in terms of allocating the level of funding required to be able to support increased salaries. Thank you.

The Speaker –

Thank you very much indeed. Does the Honourable Mover wish to respond to the debate?

The Hon. Lawson Henry –

Thank you, Mr Speaker. I would like to thank those Members who rise in support of the Motion and I hope that those who did not will also support the Motion. I agree with those Members who mentioned about the difficulty and the financial position of SHG, but I want to refer to my colleague, Councillor Leo, because therein what he raised about the TC budget lies the solution. I do not believe that we as a Government is making that budget work sufficiently for this island and in my view that is the root to achieving some of our objectives in relation to being able to raise not only the profile of our highly-qualified local people, but also a way to finance it and I believe that there needs to be a whole re-look at that, including high level discussions with HMG, because I don't believe or the UK Government is really aware of the situation that we face with our local people. If they were aware and discussions were held at that high level I don't believe that they will want this trend to continue, because part of the drive is that we should be looking at how we can better fund ourselves. Investing in our own people is one of those, just one of those issues, so I hope that all Members will support this Motion. Thank you.



The Speaker –

Thank you. Honourable Members, the Motion is that the Legislative Council resolves to make a recommendation to the St Helena Government that an investigation be conducted –

- (a) regarding the localisation of Technical Cooperation posts; and
- (b) to explore why Saint Helenians whose professional education and qualifications are facilitated and funded by the St Helena Government, are either not returning to St Helena to work or are returning to St Helena but working in areas which are not in or are not related to the field of study in which their professional qualifications were obtained or of those persons employed, why there is a discrepancy in the rates of remuneration for St Helenians and what would be necessary to remedy this apparent trend.

Question put and agreed to.

The Motion is carried.

## **8. ADJOURNMENT DEBATE**

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey –

Mr Speaker, I beg to move that this House do now adjourn until Friday, 4<sup>th</sup> June 2021.

The Speaker –

Thank you. Do we have a seconder, please?

The Hon. Dax Richards –

Mr Speaker, I beg to second.

The Speaker –

Thank you. Honourable Members, the Motion is that this House do now adjourn until 4<sup>th</sup> June 2021. The Motion is now open for debate. The Honourable Cyril Leo?

The Hon. Cyril Leo –

Mr Speaker, here we are, two months after the Governance Reform Consultative Poll, and the debates continue on the reasons for the low turnout. In various Council discussion forums, through the local media and through correspondence – not least with UK Members of Parliament and the then DfID Minister, elected members expressed concerns on the serious undemocratic aspects and the weaknesses of the current system of local governance. On close observation, local democracy within the confines of the current system of local governance could be shrewdly manipulated at will by unelected parties. Accordingly, as elected representatives, we did our very utmost to inform the public and encourage public interest in the important matter of reforming the current system of governance. In the process, we made a special effort to reach out to the public in prearranged public meetings; through the local media and local radio; helped to compile public information handouts and provided individual contact details for people who needed one-to-one assistance. Now, except for informing, and thereby risk influencing members of the public how I intended to vote, there was nothing more that I

could do to focus public attention on how important it was to ‘Have Your Say’ in the recent consultative poll. I can disclose now that my preference of revising and improving the current Committee system, as opposed to changing to the Ministerial system, was made known to Professor Sarkin. However, the result of the consultative poll was a majority vote for the Ministerial system of governance. Accordingly, I decided, in Formal Legislative Council, to respect and support the democratic majority vote on local governance reform regardless of my personal preference. The day after the poll, Professor Sarkin emailed me saying: ‘I saw the info on the Poll. I am surprised by the low turnout.’

Improving local governance and achieving greater democracy in St Helena depends on the involvement and the action of all stakeholders within the community. Community complacency and apathy will never address public dissatisfaction with a local system of governance. If the electorate would like to achieve greater democracy within local government but fail to be proactive leading up to the next general election, it will mean yet another important opportunity lost. Debates and criticisms may well follow the next general election, but that will be after the opportunity to have one’s say at the ballot box has passed.

Mr Speaker, during the recent round of constituency meetings, constituents told their elected representatives that they did not vote in the recent consultative poll because not enough was done to help them understand what they were voting for. Consequently, we must do even more to better inform the public leading up to the next general election.

Now, subject to Privy Council approval, it is very likely that the unfamiliar Ministerial system of local governance will be implemented. Accordingly, the electorate must be sufficiently informed on all the details and in a timely manner. So, let us work to encourage greater involvement of the people of St Helena in charting their own destiny, and accordingly enhance the future of an island that has so much potential.

Mr Speaker, I beg to move.

The Speaker –

Thank you very much indeed. Any other Member wishes to. the Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Mr Speaker, within the next eight weeks St Helena’s budget for 2021/22 has to be finalised and approved by this Honourable House unless there are to be seriously negative ramifications. However, thus far, non-Executive Council members have had no opportunity for direct involvement in the process of fine tuning the original budget proposals submitted to Her Majesty’s Government to bring these in line with the approved ceilings. Although some relevant papers presented to Finance Committee where they’re relating to aspects of the budget process have been shared with us for information, we have not discussed issues such as prioritisation and consequential budget line reductions either collectively or at Committee level, certainly not within the Committees on which I serve. Mr Speaker, this concerns me as time is running out and we are getting very close to the wire and the responsibility for deciding whether or not to pass the budget falls upon all of us, not just the members of Finance Committee. Therefore, it is imperative that we all have a chance to input into the budget before the eleventh hour and to endeavour to reach a consensus before the Appropriation Bill is presented to this Honourable House. We are all aware that some difficult choices will have to be made, but there is a far higher risk of objection if we are not included in the process at an early stage.

Mr Speaker, I am fully aware of the amount of background work that needs to be undertaken by the Honourable Financial Secretary and his team to enable them to provide informed advice to elected members and I recognise that this is extremely time consuming, however, it is also

crucial that we as the decision makers all have time to work collectively to obtain the best outcome for St Helena. Therefore, I ask that all elected members are given, as a matter of urgency, an indicative timeline leading to the finalisation of this year's budget and making clear at what point non-Finance Committee members will become directly involved in the process. Thank you, Mr Speaker.

The Speaker –

Thank you very much indeed. Any other Member wishes to join in the debate? The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Firstly, Mr Speaker, once again I'd like to say thank you to the New Horizons team for arranging another St Helena's Day Celebration and appreciation to all who participated to make it a successful event.

Mr Speaker, it is pleasing to note that the funding for micro projects from the last financial year has provided a safe area for students at St Paul's Primary School to play and the residents and visitors to Longwood a designated walkway.

Over a year ago, I had a fall at the Castle entrance steps, which I was advised will be dealt with immediately to make it safe for staff and visitors; a handrail will be installed. To this date, this has not happened. Forty-eight hours ago, with the intention of capturing images of the poor state of public access, I tripped and fell at the Longwood Enterprise Park vicinity. It would appear that I am accident prone, having a greater than average number of mishaps. I hope that the repairing of the potholes in this area will not take as long as installing a handrail.

Mr Speaker, on a number of occasions I have raised in this House about the disposal of St Helena Government Shareholding in Solomon and Company Plc. Expressions of interest for the purchase of shares was published in local newspapers in November 2020. In this House on 29<sup>th</sup> January 2021, the Financial Secretary had advised that a report was submitted to the Finance Committee, but to date there has been no feedback despite it was raised at a constituency meeting last month. Mr Speaker, in my role as a Councillor, representing the entire community, it is expected that I have a responsibility to be well informed, especially about diverse local views. It should not be assumed that I represent the interests of my electors without consulting them first in areas of specialised topics. I am certain that it is recognised that I will not have every single detail of the business of Government at my fingertips, hence I do rely on members of the public to share information, especially the old lady down the hill. Mr Speaker, grateful if you could give the assurance that going forward that when Bills are presented to this House for endorsement, adequate notice and discussions are undertaken.

My old lady down the hill has now enquired if it is St Helena Government's intention, being the only shareholder, to reopen Mantis St Helena Hotel in December 2021. Does this mean that there will be weekly flights to and from St Helena in December 2021? They continue to ask will the fourteen-day quarantine be terminated. Don't know, don't know, don't know, was my response. Thank you, Mr Speaker.

The Speaker –

Thank you. Any other Member wishes to join in the debate? Okay. The Honourable Mover, do you wish to respond to the debate?

The Hon. Susan O'Bey –

Thank you, Mr Speaker. Given the desire to obviously finish in reasonable time this afternoon, I'll keep my response brief, a lot has been said, perhaps just a few things. Councillor Essex

referred to a wider Council involvement in the budget. You are absolutely correct, Councillor, there is a lot of work that's going on in the background so that relevant evidence and information can be provided to all elected members and my Honourable Colleague on my right has assured me that a timetable is being finalised and will be shared so that all members can understand and see the various engagement points. One of the things we had hoped was to have a conversation with all Portfolio Directors this next week, but, unfortunately, we've had to put that back simply because of the Legislative Council meeting that has now been scheduled for next Friday.

In terms of the handrail, Councillor Scipio, I will apologise for that, that has been a piece of work that I know is ongoing. There have been issues I understand with Planning, however, we will continue to press for that and we will ensure that we do something in place, I hope, before you finalise your term of office, it would be very embarrassing if I have to stand here again and make another apology. You know, clearly, safety is paramount and I do fully take onboard your point there.

A lot has been said today generally, Mr Speaker, and, of course, elected members know that budget is going to be key to be able to achieve all of this. We all know that we were very fortunate this year in receiving at least a flatline budget, but, of course, a flatline budget also does represent a decrease in real times and that is something that we have to obviously be working on now to see how it can be prioritised and as Members have rightly pointed out, it is going to be an extremely difficult job to do in order to be able to fit in Members' priorities that you would like to achieve before you complete your term of office, so it's not going to be an easy task for everybody, but I'd like to thank everybody for their support for the Adjournment Debate, and, Mr Speaker, I beg to move.

The Speaker –

Thank you. Honourable Members, that concludes our business for this session. I now put the question then that this Council do adjourn until Friday, 4<sup>th</sup> June, 2021.

Question put and agreed to.

The Speaker –

Thank you all, Honourable Members, I wish you all a good weekend.

**Council is adjourned until Friday, 4<sup>th</sup> June, 2021.**

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**Honourable Speaker**

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**Date**