

ST. HELENA
LEGISLATIVE COUNCIL

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

The Honourable Brian William Isaac	-	On sick leave
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CLERK OF COUNCILS

Mrs Carol George

PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Friday, 29th January, 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
(The Rt Reverend Bishop Dale Bowers)

3. ADDRESS BY THE PRESIDENT

Good morning, Honourable Members, ladies and gentlemen, I bid you a very warm welcome to this first sitting of the twenty-first meeting of Legislative Council. I would like to extend my sincere thanks to Bishop Dale for giving us the benefit of prayer and I would also like to extend my sincere thanks once again to Merlin George for his continued support as our Mace Bearer. I would also like to welcome Mrs Carol George to the meeting as she will be standing in for the substantive Clerk of Councils, Mrs Connie Johnson, who will shortly be receiving medical treatment. We wish Connie all the best and hope she makes a speedy recovery. Mrs George is no stranger to our meetings and I'm sure she will give us all the support she can.

Honourable Members, I cannot fail to emphasise the importance that all Members are duty bound 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, for this session, we have six Sessional Papers, eight Questions and one Motion followed by the traditional Adjournment Debate, all of which will have a significant impact on good governance. Without further ado, Honourable Members, I wish you all a successful session and I now call upon the Clerk to announce the next item of business, please?

4.

PAPERS

SP 3/2021 – The Honourable Financial Secretary.

The Speaker –
The Honourable Financial Secretary?

The Hon. Dax Richards –
Mr Speaker, I beg to present Sessional Paper 3/2021 entitled St Helena Government – Loan Balances Recoverable by the St Helena Government as at 31st December 2020.

Ordered to lie on the table.

SP 4/2021 – The Honourable Chief Secretary.

The Speaker –
The Honourable Chief Secretary?

The Hon. Susan O’Bey –
Mr Speaker, I beg to present Sessional Paper 4/2021 – St Helena Government – Proceedings of the Legislative Council, Friday, 26th June 2020, first sitting of the sixteenth 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 the Proceedings of the Legislative Council held on Friday, 26th June 2020 be confirmed.

Question put and agreed to.

SP 5/2021 – The Honourable Chief Secretary.

The Speaker –
The Honourable Chief Secretary?

The Hon. Susan O’Bey –
Mr Speaker, I beg to present Sessional Paper 5/2021 – St Helena Government – Proceedings of the Legislative Council, Monday, 29th June 2020, second sitting of the sixteenth 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 the Proceedings of the Legislative Council held on Monday, 29th June 2020 be confirmed.

Question put and agreed to.

SP 6/2021 – The Honourable Chief Secretary.

The Speaker –
The Honourable Chief Secretary?

The Hon. Susan O'Bey –

Mr Speaker, I beg to present Sessional Paper 6/2021 – St Helena Government – Proceedings of the Legislative Council, Tuesday 30th June 2020, third sitting of the sixteenth 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 the Proceedings of the Legislative Council held on Tuesday, 30th June 2020 be confirmed.

Question put and agreed to.

SP 7/2021 – The Honourable Chief Secretary.

The Speaker –

Mr Speaker, I beg to present Sessional Paper 7/2021 – St Helena Government - Proceedings of the Legislative Council, Friday, 28th August 2020, first sitting of the seventeenth 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 the Proceedings of the Legislative Council held on Friday, 28th August 2020 be confirmed.

Question put and agreed to.

SP 8/2021 – The Honourable Lawson Henry.

The Speaker –
The Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, I beg to present Sessional Paper 8/2021 – St Helena Government – A Bill for an Ordinance – The Merchant Shipping Bill, 2021. Mr Speaker, I have here with the Bill a Certificate of Urgency signed by His Excellency the Acting Governor.

The Speaker –
Thank you.

Ordered to lie on the table.

The Speaker –
Next item of business, please?

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 tell this Council how the current Tourism Office roles and functions will be delivered from 1st April 2021?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you, Mr Speaker, I'd like to thank the Honourable Member for her question. A review has been undertaken this financial year into how to deliver economic development after ESH Phase II funding from the Foreign and Commonwealth Development Office comes to an end on 31st March 2021. On 20th March 2020, a workshop was undertaken with elected members. This workshop considered all economic development objectives and asked the elected members to tell us what economic development activities should we be doing over the next five years related to unblocking the barriers to economic growth. Two potential options for the future delivery of economic development were presented to elected members, one of which proposed a scenario where ESH would no longer exist, but instead the delivery of all economic development activity would be driven by a new Treasury and Sustainable Development function inside the St Helena Government and particular activities would be divested to the private sector. The other scenario presented related to a third phase of the Enterprise St Helena project supported by additional funding from the Foreign and Commonwealth Development Office and also supported by SHG recurrent co-funding whereby activities currently undertaken by ESH would gradually be handed over either to the private sector or to SHG over a period of three years with those activities being outsourced to the private sector where appropriate. During the discussions with Members, it was also suggested that a hybrid option also be developed. At Executive Council on 20th October 2020, the options were discussed and it was decided that the preferred option was the sustainable development option where some of the functions of ESH would come into SHG within a new Treasury and Sustainable Development Portfolio and some functions would be carried out by the private sector. The proposal is for the information service that the Tourism Office currently provides will be delivered by the private sector. On Monday of this week, a request for proposal was published by the St Helena Government asking for the private sector to respond to the proposals by 22nd February. The aim is to have a contractor in place by 1st April. The contractor is being asked to create a wide awareness of St Helena on a global scale in line with the island's tourism strategy and promote St Helena to visitors, including tourists, researchers, business persons, company CEOs and digital nomads. The contractor will be responsible for promoting and maintaining St Helena's Postbox Walks either directly or through sub contract, work with other entities to encourage volunteer and working holidays, develop site brochures and organise events which will attract an international presence. The Visitor Information Service will have an important role in attracting tourists and maximising on-island expenditure. Meanwhile, the

St Helena Government intends to bring the marketing function in house by 1st April. The Marketing Manager will be responsible for our strategic positioning, brand and public relations. They will be the owner of the island's tourism strategy and the branding handbook for tourism and will manage the relationship with PR consultancies. They will be responsible for our marketing budget in order to deliver the island's needs in terms of global exposure. Furthermore, to continue the good work that Enterprise St Helena has undertaken in analysing the island's global online interest and ensuring our social media presence reinforces brand St Helena, we also intend to recruit a digital media officer. It is intended for the Property Portfolio and responsibilities for tourism related signage to be transferred to Crown Estate along with a budget for maintenance. These services are still subject to the final SHG funding allocation, however, after approximate £2m per annum ESH currently receives, the annual contribution from SHG is around £900k. In order to deliver the sustainable development option, £850k is being requested with no additional funding coming from the Foreign and Commonwealth Development Office who have previously funded all of the marketing budget. After this £850k, there is £325k being requested for the marketing budget and £100k for the Visitor Information Service. Thank you, Mr Speaker.

The Speaker –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I thank the Financial Secretary for his response, but will the Honourable Financial Secretary state how it was determined that the splitting of the marketing functions and the information functions is necessarily most likely to be the best economic and most efficient and effective method of going forward?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

This was done also in consultation with the current Director of Tourism and other people within Enterprise St Helena team, but also within SHG as well.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Financial Secretary state whether there was any direct consultation with members operating tourist type services within the private sector in regards to this issue?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Possibly not specifically to this issue, Mr Speaker. However, the Honourable Member will be aware that I did come to the Chamber of Commerce to talk about what the options for economic development would look like post Enterprise St Helena.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

That is correct, Honourable Financial Secretary, but you also indicated at that point in time what the split was likely to be, I was talking about earlier dialogue and engagement before that decision had been taken. Can the Honourable Financial Secretary please elaborate on why it is anticipated that this split is likely to prove the most economic, efficient and effective?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, in terms of what we've learned over a number of years is that the information that is provided in terms of the marketing of St Helena is probably best done to also correlate with the activities of the St Helena Government, so it's about a more joined up approach across the St Helena Government as to how do we issue and how do we manage brand St Helena. That was the biggest driver for the splitting of those two services so that the Tourism Information Service would go into the private sector, but the marketing would realign and co-align with SHG's policies around what we're doing for our future economic development as well.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Financial Secretary state whether consideration has been given to further disaggregating the information services if there are enterprises on the island that would like to take some of those functions onboard but not all?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, that's certainly something we can consider in the future, however, the Member will be aware, of course, that Enterprise St Helena comes to an end in just under two months' time, so the timing of it is to ensure that these activities have a place on the 1st April, but there's no reason why in the future we can't explore the option of what else can be pushed into the private sector. As I've said in my exposition, that would be our first priority to put as much as possible into the private sector.

The Speaker –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Financial Secretary state whether the call for tenders for the Information Services is being published internationally or if local interest is to be engaged first?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you, Mr Speaker. The opportunity has been published on our E platform, which is intend and that has both local and international interest.

The Speaker –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Financial Secretary explain why the call for tenders is being published so late?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you, Mr Speaker. As I mentioned earlier, the decision as to how do we split or how do we take forward the activities of Enterprise St Helena post 2021 in terms of April was only made in October and as I mentioned to you when we came and met with the Chamber of Commerce, I gave you an indication at that stage that by the end of January we'd be putting out the request for proposals and we have been able to meet those timelines. It doesn't mean I don't appreciate the point around the timeliness of it, in an ideal world it would have been good to have done this six months ago, but the reality is we only made this decision, or Executive Council only made this decision in October.

The Speaker –

Alright. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Financial Secretary state what is Plan B in the event that there is either not a suitable tender bid received or the successful tenderer cannot become fully operational within the very short timeframe between the date for submission of the tenders on 22nd February - let alone the date on which the evaluation will be completed - and the 1st April?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Hopefully we won't get to that situation, but in that unlikely event we will have to consider whether we have to manage that service for a short period of time in house.

The Speaker –

Okay, thank you. Any other Member wishes to, the Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Financial Secretary say, as we are not aware of the financial envelope commencing 1st April, if the envelope isn't given by us by that particular timeframe and with this new activity Government is taking over, how will that be funded?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you, Mr Speaker and thank you, Member, for your question. In terms of if there is to be a rollover budget, as you know there is already a budget that exists for Enterprise St Helena of £897 in this financial year, £897,000 I should say in this financial year, if there is to be a rollover budget then we will have to use some of the funding allocated under the rollover budget to take forward some of these activities.

The Speaker –

Thank you. Any other, oh, the Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker. So that the public is absolutely clear, Mr Speaker, could the Financial Secretary state that the funding that was awarded to ESH from FCDO will no longer be available post 31st March? Thank you.

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you, Mr Speaker, yes, I can confirm that there will be no funding available under the Enterprise St Helena Project post 31st March 2021, the only funding that will be available for sustainable and economic development will be that that is approved by this Honourable House.

The Speaker –

Thank you. Any other Member wishes to speak? The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Speaker. Will the Honourable Financial Secretary say what proportion of the proposed marketing budget is dedicated towards increasing our online presence and digital platform?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Sorry, Mr Chair, I don't have that level of detail, but if the Honourable Member would like to send me an e-mail I'd be quite happy to be able to provide it to you.

The Speaker –

Okay, thank you very much indeed. Next question, please?

Question No. 2 – The Honourable Christine Scipio to ask the Honourable Chairman, Environment and Natural Resources Committee.

The Speaker –

The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Chairman of the Environment and Natural Resources Committee tell this House what action has been undertaken by St Helena Government to conserve and enhance St Helena's historic environment?

The Speaker –

The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley – (Chairman, Environment and Natural Resources Committee) -

Thank you, Mr Speaker and I thank the Honourable Member for her question. In January 2017, a sub-committee of the Environment and Natural Resources Committee was set up to review the current and future legislative policy and operational provisions for the conservation and enhancement of St Helena's historic environment. The sub-committee produced a report assessing the current position and made suggestions as to how the current situation could be improved and resourced. The sub-committee also drafted an action plan with allocated action owners and timescales for implementation. The report, which was endorsed by Executive Council in May 2019, included four broad areas of recommendations – the creation of a heritage framework for St Helena, completion and validation of the three heritage databases, which are the historic environment record, national heritage record and a Museum database. There were also improved building regulations and planning policy as well as the creation and implementation of a heritage grant scheme. To date, building regulations have been revised and approved and improvements are being made to St Helena's Land Development Control Plan, including heritage requirements where there is appropriate expertise to advise on this. To progress with most of the work on implementation of the action plan, additional dedicated resources are required. A business case was tabled under the MTEC process for 2020/21 to include both technical support for the planning and building control service to lead on actions and for funding to support some of the required actions. However, the business case could not be supported through this process at the time and a further bid has been made for technical support only as part of the current MTEC process. Attempts are also being made to source other funding streams from international donors to conserve and enhance the historic environment such as through the External Funding Co-ordinator, Mr James Brambell and also through working with non-government organisations. Thank you.

The Speaker –

Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Mr Speaker, may I rise on a point of information?

The Speaker –

Yes.

The Hon. Christine Scipio –

Mr Speaker, I am confused. The Honourable Chairman appears to be referring to the 2013/14 John Barber report that made 22 recommendations of the four different areas. The sub-committee that he referred to did use that report as a basis and that committee, sub-committee made five recommendations. The recommendations were that Environment and Natural Resources Directorate to be tasked with co-ordinating the establishment of the National Heritage Strategy, the Environment and Natural Resources Directorate prepares a draft terms

of reference and calls a meeting inviting representatives of those engaged in the heritage sector for the purpose of agreeing to work together. Another recommendation was to identify finances in 2019 so that a contract be advertised and awarded to co-ordinate the completion consultation and the validation of the historic environment record. The fourth recommendation from the sub-committee was to identify key areas to support that is needed immediately to address the Get? Resources towards enhancing Government's responsibilities for strategic management and the oversight of the protection, conservation and enhancement of the island's historic landscape was asked to prepare conservation management plans to support the historic conservation areas with priority being in Jamestown and to develop a heritage strategy for St Helena to consider the application of the World Heritage status. The fifth recommendation was with the members of the heritage sector were to establish a heritage grant scheme, so, Mr Speaker, I am confused, because it seem as if I'm not being given the correct information.

The Speaker –

Do you have any question, supplementary question?

The Hon. Christine Scipio –

Mr Speaker, I will go back to my original question as to say what has been undertaken by St Helena Government to conserve, enhance St Helena's historic environment?

The Hon. Allen Cansick (Attorney General) –

Mr Speaker, can the Honourable Member provide further information in regard to the first question.

The Speaker –

Yes, okay. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, the AG, for that, so can the Honourable Member can provide further information on what has been undertaken by Government of St Helena to conserve, enhance St Helena's historic environment?

The Speaker –

The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Mr Speaker, if the Honourable Member wishes to have additional information, I'm welcome to take this off line and feed back towards her, but the areas which I broadly outlined were also subject to funding for technical expertise to take forward the additional workstreams and the Member will be aware, because of budget constraints and other pressures, this work has to be put on hold, but it's still happening in the background and also to add that if there are other potential alternatives to be considered if funding streams are not forthcoming from April 2021 restructuring of activities within the Environment and Planning Department could allow funding and staff to be reallocated towards implementing these work streams.

The Speaker –

Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

I'd just like to raise on a point of information, Mr Speaker, because I am confused and I'm certain the listeners are confused. When the Honourable Chairman gave a report, a response, I should say, to my question, from memory, he mentioned the Executive Council endorsed the recommendations in May 2019 and he listed the recommendations, but Governor in Council did not agree those recommendations that he referred to in May 2019. The recommendations that he's been referring to is from the Barber report that was never completed and had never been adopted by a relevant committee, so, Mr Speaker, I will ask a further question, is, the Honourable Member mentioned that attempts had been made, so how successful were those attempts and how many have been fruitful?

The Speaker –

The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Sorry, Mr Speaker, could the Honourable Member repeat her question?

The Speaker –

The Honourable Christine Scipio?

The Hon. Christine Scipio –

Mr Speaker, there is no guarantee I'll be able to say word for word, so I'll have a go, because my little head is all confused here. So, Mr Speaker, will the Honourable Chairman of the Environment and Natural Resources Committee tell this House how successful were the attempts to source other streams of funding?

The Speaker –

The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Speaker, I thank the Honourable Member for her question. On a point of information, Mr Speaker, I have the said Memo which, according to the Honourable Member Executive Council didn't approve, in this case, it would seem that we did endorse and accept the sub-committee's recommendations, which I have previously outlined. To answer the Honourable Member's question, the attempts to source international funding have not materialised to date, but there has been some interest from international donors to support refurbishment of national monuments. Thank you.

The Speaker –

Thank you. Honourable Christine Scipio?

The Hon. Christine Scipio –

Mr Speaker, can I rise on a point of information again? May I? The Honourable Member said that I stated that ExCo did not approve the report, ExCo did approve the sub-committee report, what I stated is that the Barber report of 2013/14 was not accepted by a committee.

The Speaker –

Thank you. Are there any other questions, Honourable Members? Okay, next question, please?

Question No. 3 – The Honourable Gavin Ellick to ask the Honourable Chairman of the Public Health Committee.

The Speaker –

The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Thank you, Mr Speaker. Will the Honourable Chairman of the Public Health Committee tell this House what is the definitive date for the arrival of an Ophthalmologist?

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas (Chairman, Public Health Committee) –

Mr Speaker, I thank the Honourable Member for his question. Mr Speaker, it is not possible to provide a definitive date for the arrival of an Ophthalmologist at this time, or, indeed, the arrival date of any of the medical specialists that normally visit St Helena. The Covid-19 pandemic, particularly the current lockdown in the UK, has affected travel arrangements. As a consequence, we do not have a long-term schedule for flights to the island, this makes planning short-term visits by medical specialists very difficult. Whilst essential travel is still permitted to St Helena, the mandatory requirement is to quarantine for 14 days on arrival remains in place. Alongside this, with the current lockdown arrangements in the UK, there is a requirement for arrivals to self-isolate upon entering into the UK. As a result, Mr Speaker, a visiting medical specialist could find that in a six-week period, they are required to quarantine for four weeks, that is two weeks on arrival and two weeks working time in St Helena and two weeks upon return to the UK. This has been a significant deterrent to the specialists we are in discussion with. Finally, Mr Speaker, across the world non-essential treatments are being delayed or even deferred due to Covid-19. At this point in time, we cannot guarantee the availability of visiting medical specialists, the ophthalmologist included, given competing priorities. These are extraordinary circumstances that not just St Helena, but the entire world is dealing with. Mr Speaker, I regret that I cannot provide my colleague with a definitive date at this time. Please be assured that the Health Directorate is in regular discussion with our medical specialists to find solutions to this and to organise their visits at the earliest opportunity. Mr Speaker, I'm happy to provide a written update to Members as and when information becomes available. Thank you.

The Speaker –

Thank you, Honourable Member. Any other questions on that subject, Honourable Members? Okay, our next question, please?

Question No. 4 – 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 tell this Council what criteria he used to determine if a single business should be given exclusivity over an entire market sector?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you, Mr Speaker, I'd like to thank the Honourable Member for her question. The St Helena Government's first choice will always be to encourage competitive markets. However, depending on the commodity, the market concern, the environmental and the economic conditions, this may not always be possible or in the best interests of the island. Inevitably, this is an economic supply and demand matter whereby St Helena, due to its volume and value of business, will often be in a weaker position regarding services and in order to achieve a competitive solution, it is possible that only an island-wide offering will be acceptable to the market. Therefore, there is no set criteria for determining whether a single business should be given exclusivity over an entire market. Every case should be evaluated on its own merits. The Honourable Member will be aware that SHG ran a number of competitive open tender processes in different market sectors across, such as the sea freight and the air services over the past five years and whilst we did not instigate exclusivity, the market conditions, economics and risks have limited the ability for competition without significantly impacting on the cost to the consumer as high fixed costs need to be recovered over a small customer base. In these cases, the importance of good contract management cannot be overstated. In the event that market conditions require consideration of exclusivity, this will always require the appropriate escalation and will involve approval from key stakeholders such as Executive Council. If the service being provided requires some form of exclusivity, where possible, it is important to have diligent and independent regulation to protect consumers and the economy. The Honourable Member will be aware that recent changes to key policies, such as the communication networks and services, will see the introduction of an independent regulator where there is exclusivity, sorry, whether there is exclusivity over the market or not, adding another layer of consumer protection. The policy also gives an indication of what will be taken into account by the Governor in Council if a decision was taken to issue an exclusive licence. These are – the size of the market and sustainability of competition, both with regards to the operations of the communications network and the provision of subscriber services, the level of capital investment required to meet the European Development Fund milestones and whether this is achievable in a competitive market, the impact of economies of scale and whether there is scope for the market to support more than one operator, feasibility of achieving the universal service obligation in a competitive environment where the higher cost of providing services to the harder to reach customers may not be offset by the number of customers in the more accessible areas, in other words, will there be sufficient cross subsidy of expensive to service customers with those less expensive to serve customers. Also, impact on consumer pricing and the impact on the digital innovation. Thank you, Mr Speaker.

The Speaker –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

I thank the Honourable Financial Secretary for his response. However, will he state if detailed market analysis is conducted before determining if a sector is suitable for exclusive rights?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Where possible, Mr Speaker, yes, we do do an assessment, however, as I said right at the outset, our first choice is always to encourage competition within the market. It is only if that can't be achieved that we will consider exclusivity, and as I mentioned, it will go to the appropriate authorities to be given that authority to commence.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Just on a point of clarification, is the Honourable FS stating that the market would be tested before the granting of any exclusive licence?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

It will very much depend on what part of the tender process that we will be in at that stage, but if that is a consideration, for example, that if we were to present that option in front of Executive Council and they wish us to take that forward, then that is something that we'd have to give consideration to.

The Speaker –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

The Honourable Financial Secretary rightly emphasised the importance of regulation as one of the ways of ameliorating generic risks, what other actions will be put in place to prevent the generic risks of any monopoly actually playing out?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

I think one of the points I mentioned in my exposition, another component as well as the regulation is the issue of good contract management and we, as you know, we recently, also as the St Helena Government, recruited to the role of Contract Manager and hopefully that will start to be filtered out across the organisation as well to with some additional training development on better contract management across the piece, so, in addition to the regulation, the other key component I would suggest is strong contract management.

The Speaker –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Financial Secretary state what legal obligations are included in contracts that are awarded to monopolies?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

In most cases, Mr Speaker, particularly in the case of the telecoms sector, for example, there is a licence agreement that's in place, where possible that licence with the help of the Attorney General's Chambers and some specialist support in specific areas will try to protect the interests of SHG, but also the wider public as much as possible.

The Speaker –

Okay. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Will the Honourable Financial Secretary confirm that it is normal practice to have a break clause in such licence agreements?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Yes, I can confirm that to be the case and obviously if the, in terms of whether or not someone meets the obligations that are required under the contract in terms of the KPIs that will also be an opportunity to issue the need to break a contract if it is absolutely necessary to do so.

The Speaker –

Thank you.

The Hon. Dr Corinda Essex –

Thank you.

The Speaker –

Any other Member have any questions? Next question, please?

Question No 5 – 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 an update on the disposal of St Helena Government's shareholding in Solomon and Company Plc?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Thank you, Mr Speaker and I'd like to thank the Honourable Member for her question. Members will be aware that in November 2020, St Helena Government sought expressions of interest for the purchase of part or all of its shareholdings in Solomon and Company Plc. This expression of interest closed on 31st December 2020. A number of expressions were received from interested parties, including some from existing shareholders. The St Helena Government, through the Finance Committee, will be considering the interest received and the potential options at its next meeting and will provide a direction of travel to the Administration in terms of the next steps. Depending on which option or options are agreed, there is still a considerable amount of work and time required to allow for the disposal of part or all of its shareholding. Members might be aware that if there is to be a disposal of part or all of the shareholdings which amounts to more than 5% of the total shareholding, this will require an amendment to the Articles of Incorporation of the Company by a special resolution. Any amendments of the Articles requires at least 75% of those voting to agree to such amendment. There would then follow the process of the disposal itself.

The Speaker –

Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. I have a smile here, because the Financial Secretary gave me a full answer to my question, which I had prepared with supplementaries, but I will ask the Honourable Financial Secretary, if I may, Mr Speaker, if any professional advice has been obtained on the structuring of the disposable transaction?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, at this time, in terms of independent specialist advice, the answer is no. At the moment we are only looking for expressions of interest.

The Speaker –

Okay, thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Financial Secretary provide an update, sorry, repeating the question, let's start again. Mr Speaker, will the Honourable Financial Secretary state if it's SHG's intention to localise the Company or to try and sell it to the highest bidder?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, that will be one of the things that will be considered by members of the Finance Committee and then ultimately Executive Council as to whether the intention is to achieve best value for the St Helena Government or whether to maintain its shareholding for existing shareholders.

The Speaker –

Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Financial Secretary say why the expressions of interest that he mentioned that was published in November 2020 lead to a Tender Box at the Castle only and electronic means were not offered?

The Speaker –

Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, for the very reason that the Member mentioned earlier about on island existing shareholders, at the moment my understanding is that virtually all of the existing shareholders are already here on St Helena, so, in terms of the tender process, we decided to do that, it didn't preclude other people from outside of St Helena making arrangements through various different offices to have a tender put into the Tender Box.

The Speaker –

Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

May I rise on a point of information, Mr Speaker?

The Speaker –

Okay.

The Hon. Christine Scipio –

Mr Speaker, I am aware that there are some existing shareholders who actually are not on the island, they are in the UK.

The Speaker –

The Honourable Financial Secretary?

The Hon Dax Richards –

Thank you, Mr Speaker, I know it's no question, but as I mentioned before, there was nothing from stopping those shareholders from getting someone else here to put a expression of interest into the Tender Box on their behalf.

The Speaker –

Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Just a point of information, I have the advert here in front of me, Mr Speaker, that does not stipulate in the ad, it say, expressions of interest, including price, should be placed in the Tender Box.

The Speaker –

Do you have a question?

The Hon. Christine Scipio –
No that's all.

The Speaker –
Okay.

The Hon. Christine Scipio –
Thank you.

The Speaker –
Any other Member wish uh The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –
Will the Honourable Financial Secretary state whether when once the way forward has been determined there will then be a formal share offering and members of the public will be able to then determine whether they wish to purchase shares or not?

The Speaker –
The Honourable Financial Secretary?

The Hon. Dax Richards –
Mr Speaker, as I mentioned before, this will be some of the things that will be discussed at the upcoming Finance Committee and after that we will be able to give some clarity on the way forward.

The Speaker –
Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –
Will the Financial Secretary agree that to restrict interest simply to those who expressed interest at the very initial stage would not be very open and transparent as it was not made clear at the initial stage that this would be the only opportunity for individuals to express interest?

The Speaker –
The Honourable Financial Secretary?

The Hon. Dax Richards -
Again, Mr Speaker, I will repeat my response that time in terms of the way forward we will be discussing at the Finance Committee, the Honourable Member's asking me for my opinion as to whether do I agree that something should happen. Again, I'd like to take the advice from members of Executive Council through the Finance Committee on this specific issue.

The Speaker –
Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –
I thank the Honourable Financial Secretary for his response, but I trust that the point that I have raised will be taken into account in the deliberations of the Finance Committee.

The Speaker –

Thank you. The Honourable Finance Secretary?

The Hon. Dax Richards –

Mr Speaker, I can give reassurance that we will definitely take those points to the Finance Committee.

The Speaker –

Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, will the Honourable Financial Secretary state if there is any intention to have a discussion with all elected members about this topic after it's been discussed with the Finance Committee?

The Speaker –

The Honourable Financial Secretary?

The Hon. Dax Richards –

Mr Speaker, if that is the wish of members, I have no objection to have a conversation with all members, but obviously the committee that is responsible for this at the moment constitutionally is the Finance Committee.

The Speaker –

Okay, thank you. Any other Member? Our next question then, please?

Question No. 6 – The Honourable Gavin Ellick to ask the Honourable Chairman, Public Health Committee.

The Speaker –

The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Thank you, Mr Speaker. First, I'd like to declare an interest, I have two sisters currently in the UK who is on dialysis machine and use this on a regular, every day.

The Speaker –

Thank you.

The Hon. Gavin Ellick –

Will the Honourable Chairman of the Public Health Committee tell this Council has the Health Directorate considered procuring a dialysis machine, either portable or permanent?

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas (Chairman, Public Health Committee) –

Mr Speaker, I thank the Honourable Member for his question. Mr Speaker, the Health Directorate is concerned by the number of cases at present at the General Hospital that might in the longer term require the use of dialysis machine. However, merely procuring a dialysis

machine does not resolve this problem. First and foremost, the case of chronic kidney disease on St Helena frequently have a basis in capabilities, such as diabetes and hypertension. Managing these underlying conditions is an important consideration. It is the view of the Health Directorate that our focus needs to be on prevention, not just on cure. To this end, Mr Speaker, there are a number of initiatives to support the members of our community who have been diagnosed with diabetes and hypertension. I would encourage anyone who has concerns to speak to their doctor or to a member of the Community Nursing Team. Mr Speaker, there could unfortunately be cases in the longer term where prevention is not enough and dialysis is the only option. In this scenario, the Health Directorate needs to consider all possible options to provide this service, taking into account, for example, the demand for services, the equipment required, maintenance, staffing and facilities. If it transpires that this is a service that the Health Directorate needs to provide on island then our aim must be to provide a quality and sustainable service. This is more complex than simply procuring a dialysis machine. Mr Speaker, at this point in time, the Health Directorate does not have the capacity to provide a dialysis service on island. This is something that the Directorate will investigate so that a business case can be prepared to inform future discussions. However, Mr Speaker, you will be aware that the Health Directorate's focus at this time is on improving its existing services and on the island's Covid-19 response. The Health Directorate, therefore, does not expect to review issues around dialysis until at least six months' time. Mr Speaker, I am content to provide Members with an update as and when information becomes available on this matter. Thank you.

The Speaker –

Thank you, Honourable Member. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Can the Member tell this House what is the cost currently for sending people to UK for such treatments?

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I don't have that cost available, but certainly I can provide that to the Honourable Member.

The Speaker –

Thank you. Any other Member have any questions? Okay, our next question, please?

Question No. 7 – The Honourable Dr Corinda Essex to ask the Honourable Chairman of the Environment and Natural Resources Committee.

The Speaker –

The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. Will the Honourable Chairman of the Environment and Natural Resources Committee inform this Council of what action is being taken to investigate current claims that one or more bats are on the island?

The Speaker –
The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley (Chairman, Environment and Natural Resources Committee) –
Thank you, Mr Speaker and I thank the Honourable Member for her question. No official reports have been made to the Environment and Natural Resources Directorate that one or more bats are or could possibly be on the island. The news item aired by the media reporting that some individuals claim that they saw a bat in the Jamestown and Ladder Hill area before and during the Christmas period was brought to the attention of the Biosecurity Section on 6th January 2021. The Biosecurity Officer contacted the newsreader to confirm these eyewitness accounts and to confirm if any further reports have been made. A further report has been made to the radio station concerned, but the newsreader declined to share the sources involved in the sightings and so this remains unknown. Information obtained from unofficial sources during the course of investigations by the Biosecurity Section has led to two persons being identified that they felt that they had seen some form of bird. One person saw a blackbird the size of a mynah bird which was making a noise that in their opinion was not an unusual noise and the other saw a light brown bird with shiny wings and indicated it was making a noise like a dolphin would make. The sightings took place in December 2020, one at the wharf and the other in Ladder Hill with the creature flying towards the wharf. From research undertaken by the Biosecurity Section and keeping with the information provided by both persons, it would appear that their sightings did not fit with the possibility of a bat or bats being present on the island. Checks have been made with the Customs staff and workers involved with the unloading of containers at the wharf, but no-one has seen any creature resembling a bat or any unusual bird during the operations. The wharf has been visited by the Biosecurity Section on occasions during the hours of darkness without any sighting or confirmation being able to be made that a bat or new species of bird might be present on the island.

The Speaker –
Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –
I thank the Honourable Chairman for his response. Will the Honourable Chairman undertake that a Press Release is issued to inform the public of what action has been taken, because there has been considerable public concern following the announcements on the radio and the public perception is that these are just being ignored and as clearly work has been undertaken can this please be communicated to the public as quickly as possible?

The Speaker –
Thank you. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –
Thank you. Mr Speaker, I shall give that undertaking to assist the Honourable Member, although her exposition has now perhaps gone island-wide and the public will be much more informed. No biosecurity notices have been placed at the initial event as such could cause more concern than is necessary as this could essentially be seen as confirming the presence of a bat and the two persons spoken to in respect of their sightings cannot confirm such a presence.

The Speaker –
Thank you. Any other questions? Our next question, please?

Question No. 8 – The Honourable Gavin Ellick to ask the Honourable Chief Secretary.

The Speaker –

The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Thank you, Mr Speaker. Will the Honourable Chief Secretary give this House an update on progress with the St Helena Government restructuring?

The Speaker –

The Honourable Chief Secretary?

The Hon. Susan O’Bey (Chief Secretary) –

Mr Speaker, I thank the Honourable Member for his question. The Fit for the Future Programme was launched in July 2020. The Programme has been designed to respond specifically to the challenges which St Helena is either currently facing or will face in the future. For example, we know that it is highly unlikely that UK aid will increase and similarly St Helena Government revenues are unlikely to increase which means that we could see a reduction in funding available for the future. We have changing demands for the services that we deliver; our ageing population will place greater demands on our Health and Social Care services. As a public service, we recognise that we need to be more efficient in our processes and how we use our resources and, of course, St Helena, although Covid-19 free at this present time, is affected by the pandemic and we need greater flexibility to respond to the island’s needs, especially during these unprecedented times, so these are primarily the reasons why we have implemented such a programme.

We recognise that good public services are vital for an inclusive economy, a fair society and for people to live fulfilling lives. Through this programme we want to create a public service on St Helena that is equipped to deal with present and future challenges and provides a solid foundation for a fair economy and society and is able to make the most of potential opportunities. As a part of this, we need to ensure that there is not an over-reliance on the public service, that we improve the experience of our customers and employees, that we identify efficiencies and better ways of working and that we are fit for the future and whatever that may bring.

The Fit for the Future Programme therefore is a long-term programme of change that will be split into a number of phases. It is the first phase that is due to conclude on 31st March with formal implementation on 1st April 2021. Under the first phase, members will recall that seven prioritised reviews were undertaken between August and December 2020. These reviews were of – (1) how we deliver strategic projects and project management across the Public Service; (2) how we deliver administration services in Directorates and the potential centralisation of HR Finance and Procurement administration; (3) how maintenance or groundskeeper activities are undertaken across the Public Service; (4) how we provide emergency responses, which include sea rescue, fire and rescue and ambulance services; (5) how we deliver skills and employment services to our community; (6) how we deliver Customs and Immigration services; and, (7) how we deliver economic sustainable development activities.

Well, during the period of review, there was a lot of engagement and activity, engagement with staff and we’re very grateful for the contribution of every single person who filled out questionnaires or timesheets or helped to map processes and who attended one to one and group meetings, focus groups and workshops to help ensure that the voices of our staff and our customers or service users were heard about what works well alongside ideas for improvement

or different ways of working. I'm pleased to report, Mr Speaker, that with the exception of the Admin review, these reviews have now been completed and the Review Teams and Directors have met with all staff within scope of these reviews to provide an update on the outcomes and next steps. In the most part, the reviews have identified how services could be delivered more efficiently and these findings are now currently being incorporated into the new structure, which will be implemented from 1st April this year. The Admin Review, which was the biggest of all the reviews, highlighted a number of the inefficiencies and frustrations shared by staff across the public service. It also demonstrated that there were a number of efficiencies that could be made through improved processes and reducing the number of handovers between teams. After looking at potential options, the principle of centralising Administration, HR, Finance and Procurement was supported, but it was agreed that further work was required to determine what any final structure should look like. This means that there is a second part to this particular review which is focusing on developing the proposed service delivery models. Staff within Directorates and within HR, Finance and Procurement are involved and engaged in this work and will continue to have opportunity to influence the final proposed model. Any proposed changes that require staff consultation are being managed in line with our changed management policy and procedures that has been implemented following collective consultation during November and December 2020 with the Employee Representative Committee. We also ensure that the Employee Representative Committee is kept fully up to date on all aspects of the programme which have an impact on staff.

Phase One of the programme also considered the structure of the Public Service and the most visible change will be the restructure of the Public Service from eight Directorates to five Portfolios plus a central support service. This involves rearranging our functions to ensure that we have a much more streamlined structure with functions that have a shared or similar purpose being grouped together. This means that we are reducing the number of Directors and moving some functions into different Directorates. Alongside this we have also completed a review of our senior management function and the new portfolio structure will be in place by 1st April 2021.

Future phases of the Fit for the Future Programme will take place over a longer time and will focus on efficiency reviews of all of the remaining functions which haven't been carried out under Phase One, a smoothing of the lift and shift, identifying commonality, economies of scale, new management or delivery structures between functions within the new Directorates, ongoing delivery of actions outlined in the prospectus for change and the development and delivery of a staff help, safety and wellbeing strategy and plan and at this point, Mr Speaker, I would like to take this opportunity to publicly express my thanks to staff for the sterling work which has been carried out to date under this transformation programme and at a time when members will all be aware that we've also been actively engaged in trying to ensure that we have the robust systems and processes in place to combat the challenges that are apparent and in place as a result of Covid-19. Change is never easy, Mr Speaker, however, in order to survive I think we all recognise that it is vitally important that we don't become complacent, that we listen to the public whom we serve and that we strive to become the best that we can within the resources which we have at our disposal. Thank you.

The Speaker –

Thank you. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

I thank the Chief Secretary for that comprehensive answer, whatever supplementaries I had done gone out of my head because it was too much, but we say talk about streamline for, will this apply for locals and expatriate officers as well or just locals?

The Speaker –
The Honourable Chief Secretary?

The Hon. Susan O’Bey –
It applies to all staff, all systems, all processes.

The Speaker –
Okay.

The Hon. Gavin Ellick –
Thank you.

The Speaker –
The Honourable Derek Thomas?

The Hon. Derek Thomas –
Thank you, Mr Speaker. Can the Chief Secretary say whether the outcome of the reviews will be shared and discussed with elected members?

The Speaker –
The Honourable Chief Secretary?

The Hon. Susan O’Bey –
Yes, once the implementation plans have been finalised, then, yes, certainly those will be shared with elected members.

The Speaker –
Okay, thank you. The Honourable Derek Thomas?

The Hon. Derek Thomas –
Can the Chief Secretary say if we have a timeline on that?

The Speaker –
The Honourable Chief Secretary?

The Hon. Susan O’Bey –
We’re in the process of doing that work now, we anticipate that that should be ready by at least the middle of February and certainly in good time before the portfolio changes happen from 1st April, we’ll make sure that Members are fully engaged and fully up to date. Members are aware though that there is an elected member who sits on the Programme Board who represents elected members and who is also, I am aware, providing feedback to members in the interim.

The Speaker –
Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –
Thank you, Mr Speaker. Mr Speaker, will the Honourable Secretary say with the new structure that will be implemented from 1st April 2021, what would be the total number of employees across Government, will it be reduced or will it be increased?

The Speaker –
The Honourable Chief Secretary?

The Hon. Susan O’Bey –
I don’t have that total, I don’t have that level of detail to hand, it is certainly not envisaged that we are looking to actively reduce staffing, what we are doing is, there are a number of functions that we’re not currently carrying out, which have been identified as gaps within the service, and, of course, there will be every effort made to re-deploy staff into those areas, so whilst I don’t have figures available at this point, because the work hasn’t been finalised in terms of implementation plans, I can ensure that Members are given that once it’s completed.

The Speaker –
Thank you. The Honourable Christine Scipio?

The Hon. Christine Scipio –
Thank you, Mr Speaker. Mr Speaker, may I ask the Honourable Chief Secretary if an undertaking could be given to inform the public about if there are changes and people are working in different areas, give an undertaking that adequate notice is given to the community so that it won’t happen on 1st April and people are ringing around and saying I can’t find this person, I need assistance, and they don’t know where to go?

The Speaker –
The Honourable Chief Secretary?

The Hon. Susan O’Bey –
Yes, that is certainly part of the plan.

The Speaker –
Thank you.

The Hon. Christine Scipio –
Thank you.

The Speaker –
Any other questions, Honourable Members? Thank you, Honourable Members, our next item of business, please?

6. MOTIONS

Motion No. 1 – The Honourable Chairman of the Economic Development Committee.

THE MERCHANT SHIPPING BILL, 2021

The Speaker –
The Honourable Lawson Henry?

The Hon. Lawson Henry –

Mr Speaker, I beg to move that the Merchant Shipping 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. Cyril Leo –

Mr Speaker, I beg to second.

The Speaker –

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

The Hon. Lawson Henry –

Mr Speaker, Honourable Members, the Bill before us, that is, the Merchant Shipping Bill, 2021, is a bill to regulate merchant shipping for connected and incidental purposes. In principle, I recommend the bill to this House. St Helena has merchant shipping law and has had in various forms for more than one hundred years. Although it is the law of St Helena, it has to date been largely comprised of laws made for us and adopted by us from the United Kingdom. The advantage of this Bill is to put into our laws a framework for modern regulation of merchant shipping both of ships on our ship register and in exercise of our responsibilities as a coastal state and as a port state open to international shipping and to do so in a way and in a scale proportionate to our jurisdiction. As a matter of approach of principle, this Bill aims to state in our locally made legislation much of what is already our law but extension for application of laws made in England. To that extent, the focus of the Bill is not new law, but will be an important contribution in having our law clearly stated and maintained here in St Helena. A second advantage will be giving ourselves a first step to providing our maritime regulation locally. This will put it more readily into our own hands to maintain the standards expected of our ship registry. Subsequently it will be possible to implement for ourselves regulations that are or will be necessary to meet our international maritime obligations and to put ourselves into a position to have other international conventions extended to us if we so wish, all matters which stand to protect our island and our seafarers. Mr Speaker, the principles of the Bill are seen in and delivered in respect of parts of the Bill. Keeping in mind the principles of the Bill, I remark that the specific areas within it are- registration requirements for St Helena ships, provisions of employment in St Helena ships, safety of ships and navigation and distress measures, prevention of pollution, aids to navigation, provision for wrecks, enforcement officers and borrows, accident investigation and inquiries, matters connected to legal proceedings. Mr Speaker, I beg to move and commend the Bill to the House. Thank you.

The Speaker –

Thank you. Honourable Members, I put the question that the Merchant Shipping Bill, 2021 be approved in principle and referred to a committee of the whole Council. The Motion is now open for debate. The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, this is about the fifth time that I have sat in particular forum to discuss this lengthy Bill in which I do support as it provides a framework for modern regulation of merchant shipping in relation to our ships as a port open to international shipping. Mr Speaker, I must compliment all officers involved with this drafting of this Bill as well as having the patience to answer my one hundred and one questions in different debates as it does

contain a lot of legal jargon to be compliant with international standards. Thank you, Mr Speaker.

The Speaker –

Thank you. The Honourable Derek Thomas?

The Hon. Derek Thomas –

Mr Speaker, I rise in support of this Bill, it is a good Bill, it will make provision for regulations to deal with vessels within our waters for the safety of passengers travelling on such vessels, so I give my support to this Bill.

The Speaker –

Thank you. The Honourable Gavin Ellick?

The Hon. Gavin Ellick –

Thank you, Mr Speaker. I rise in support of this Bill, I think it is overdue and I think it is about time it be implemented.

The Speaker –

Thank you. The Honourable Clint Beard?

The Hon. Clint Beard –

Mr Speaker, I support this Bill, I think there's been a lot of discussion, a lot of hard work done around this and I think now we will, we have to tackle this and we won't take too long.

The Speaker –

Thank you. The Honourable Russell Yon?

The Hon. Russell Yon –

Mr Speaker, I rise in support of the Motion. This legislation, once approved, will demonstrate St Helena's commitment to the International Maritime Organisation, IMO. Given St Helena's location, it has and will continue to provide support to international shipping and other maritime users. St Helena itself has for centuries and continue to do so depend on shipping as our lifeline. It has been our way of life and quite honestly, we could say that anything related to maritime activities is in our genes, so it would be prudent to have the correct legislation in place for the changing world around us. Mr Speaker, this legislation will also provide comfort to seafarers knowing that St Helena has become a member of the International Convention for the Safety of Life at Sea so thus it will also have provisions of having to deal with issues at sea, especially within our international waters, in particular, environmental concerns and maritime accidents; let's hope we don't have them, and most of all it will provide for shipping companies and individuals to have the opportunity to continue to register their maritime vessels here in St Helena. This, Mr Speaker, will hopefully provide much needed funds for the island's revenue. I support.

The Speaker –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker, I also rise in support of this Bill, I think its provisions are ones of importance for the future development of St Helena, I think particularly meeting the full

requirements of the IMO will be a major step forward, but as always, I will flag a note of caution about resources, because if we are going to be able to fully apply this legislation it's essential that we have the resources at our disposal to enable us to do that.

Thank you, Mr Speaker.

The Speaker –

Thank you. Any other Member wish to speak? The Honourable Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker. I support the Bill. This Bill obviously has had a good examination at various sessions of the Economic Development Committee. This legislation is necessary as we need to get ourselves compliant to the extent necessary because as an overseas territory there are certain obligations that extend to us as the UK's a signatory to the International Convention. We need to do our bit as the UK Government is due to be audited shortly by the International Maritime Organisation as to its compliance with the various international obligations. It also has to consolidate existing legislation and will provide for future changes. This is also enabling legislation that will provide a regulatory framework which undoubtedly will lead to further legislation. Mr Speaker, I support the Bill.

The Speaker –

Thank you very much indeed. The Honourable Cruyff Buckley?

The Hon. Cruyff Buckley –

Thank you, Mr Speaker, I, too, rise in support of this Bill, it's yet another piece in the puzzle to protect St Helena's maritime environment and our long-standing history. I, too, am concerned about the enforcement provisions and resource allocations, but I think the spirit of this Bill and our international duty has spoken out loud. Thank you.

The Speaker –

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

The Hon. Lawson Henry –

Thank you, Mr Speaker, I would like to thank the Honourable Members for supporting this Bill. My Honourable Colleague on the other side of the House mentioned about resources and I think that's a very good point to raise. Thus far, I can say we have been supported by the MCLA and whilst there's no guarantee that that will continue I'd like to believe that it will because some of the conventions we are signed up to has been signed up to by the British Government and we have to comply with that, so I think that's a good thing to remember in going forward. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Mover. I put the question that the Merchant Shipping Bill, 2021, be approved in principle and referred to a committee of the whole Council.

Question put and agreed to.

The Speaker –

Honourable Mover.

The Hon. Lawson Henry –

Mr Speaker, I beg to move that this Council do resolve into a Committee to consider the detailed provisions of the Bill, the Merchant Shipping Bill, 2021. Thank you.

The Speaker –

Do we have a seconder, please?

The Hon. Cyril Leo –

Mr Speaker, I beg to second.

The Speaker –

Thank you.

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

Council in Committee.

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.

The Hon. Allen Cansick –

Mr Speaker, it's a sizeable Bill of 62 pages and I propose to present the Bill in its parts, so that will be in 12 parts and the Schedule, unless there's any objection to doing so.

The Chairman –

You will let me know what parts?

Mr Allen Cansick –

Yes, I will do.

The Chairman –

Okay, thank you.

The Hon. Allen Cansick –

Also, Mr Speaker, in Council today in attendance we have the Maritime Policy Lead and Legislative Council and Marine Crown Counsel, all of which I may need to refer to from time to time, so excuse me if I have to turn my back on Council to do so.

The Chairman –

That's alright, thank you. Okay, so I'll put the question then that the Title, Enacting Clause and Clause 1 do stand part of the Bill.

Title, Enacting Clause and Clause 1.

Question put and agreed to.

The Hon. Allen Cansick –

Mr Speaker, Part 1 of the Bill addresses preliminary matters and includes Clauses 1 to 3. We've already dealt with Clause 1, so if we deal with Clauses 2 to 3, I'll take Members through.

The Chairman –

Okay, Honourable Members, I put the question then that Clause 2 to Clause 3 do stand part of the Bill. You may speak.

The Hon. Allen Cansick –

Mr Speaker, Clause 2 provides the meanings of specified words and terms used in the Bill and Clause 3 specifies that the Bill does not apply to ships belonging to Her Majesty or Her Majesty's Navy.

The Chairman –

Okay. Any other Member wishes to speak?

Clauses 2 to 3.

Question put and agreed to.

The Hon. Allen Cansick –

Mr Speaker, Part 2 addresses British and St Helena ships and includes clauses 4 to 7.

The Chairman –

Okay, that's where you propose to go?

The Hon. Allen Cansick –

Yeah.

The Chairman –

Thank you. Honourable Members, I put the question that Clause 4 to 7 do stand part of the Bill. You may speak to the Bill, Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Clause 4 replaces the provisions of the United Kingdom Merchant Shipping Act 1894 to 1995 in respect of the application of those Acts to the registration of ships, the registration of St Helena ships.

Clause 5 makes provision for what is to be considered as a St Helena ship.

Clause 6 specifies the flags/standards that may be flown on St Helena ships and

Clause 7 places an obligation on the Master to make a declaration as to the name of the jurisdiction to which a ship belongs and also provides the procedure to be followed by a Customs Officer in respect of that declaration being made.

The Chairman –

Thank you. Honourable Members, I put the question then that Clauses 4 to 7 do stand part of the Bill and you may speak to the Clauses. No?

Clauses 4 to 7, -

Question put and agreed to.

The Chairman –

Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Part 3 addresses registration requirements and includes Clauses 8 to 19.

The Chairman –

Okay. Honourable Members, I put the question that Clauses 8 to 19 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Clause 8 specifies the port for the purpose of registering ships in St Helena is to be Jamestown.

Clause 9 specifies the criteria to be used to make a determination as to where a ship may be registered as a St Helena ship.

Clause 10 continues the register of ships and the appointment of a Registrar in St Helena. The Clause further details the manner in which the Register of Ships is to be maintained and makes provision for the Register to be inspected by the public.

Clause 11 provides for the process for application for registration to be placed in regulations and specifies the conditions to be satisfied before a ship can be registered. The Clause also provides that if a ship is registered in St Helena, is registered in another territory, then the ship must be deregistered in that other territory. The Clause also creates an offence and a penalty for the contravention of the provision relating to deregistration.

The Chairman –

Okay.

The Hon. Allen Cansick –

Clause 12 prohibits the use of a Certificate of Registration of a ship to secure a private right or claim.

Clause 13 makes provision for the Registrar to record the tonnage of a ship and the manner in which the same is to be recorded. The Clause also makes provisions in certain circumstances for tonnage already noted to the ships to be taken rather than measuring again.

Clause 14 provides for the Schedule of the Bill which makes provision for mortgages in relation to ships. The Clause also provides that the owner of the ship and a person with a beneficial interest in the ship are both liable in respect of a pecuniary penalty imposed on the registered owner of a ship and at the termination of the registration of a ship would not affect a registered undischarged mortgage of the ship.

Clause 15 creates an offence in relation to supplying false information to the Registrar and provides a penalty for that offence.

Clause 16 provides for regulations in respect of the registration of ships to be made and the contents that can be put in such regulations.

Clause 17 provides for regulations to be made relating to the determination of the tonnage of a ship.

Clause 18 provides for regulations to be made in respect of a bareboat charters, essentially agreements dealing with the hire of vessels without crew or provisions.

Clause 19 prescribes the circumstances under which a person is permitted to disclose confidential information and would prohibit a person from disclosing information attained pursuant to such circumstances and creates an offence and a penalty for doing so.

The Chairman –

Thank you very much indeed. Honourable Members, I put the question that Clauses 8 to 19 do stand part of the Bill. You may now speak to Clauses 8 to 19 if any Member wishes to do so?

Clauses 8 to 19. –

Question put and agreed to.

The Chairman –
Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Part 4 addresses employment on St Helena ships and includes Clauses 20 to 53.

The Chairman –

That's what we propose to be dealing with?

The Hon. Allen Cansick –

Yeah.

The Chairman –

Okay. Honourable Members, I put the question that Clauses 20 to 53 do stand part of the Bill.
Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Clause 20 details the application of Part 4 of the Bill.

Clause 21 interprets certain terms used in Part 4.

Clause 22 enables Governor in Council to make regulations to manage crew agreements.

Clause 23 enables the Governor to make regulations, sorry, I apologise, enables the Governor in Council to make regulations to manage the process regarding how a seafarer is discharged from a St Helena ship.

Clause 24 enables the Governor in Council to make regulations to manage the wages for the seafarer who leaves a St Helena ship or is discharged from a St Helena ship.

Clause 25 enables the Governor in Council to make regulations to manage the accounts kept in respect of the wages of a seafarer.

Clause 26 enables Governor in Council to make regulations to authorise deductions from the wages of a seafarer who breaches the seafarer's obligations under the crew agreement.

Clause 27 enables Governor in Council to make regulations to detail the procedure to be followed regarding disputes over the wages of a seafarer.

Clause 28 prevents the wages of a seafarer from being subject to attachment.

Clause 29 enables Governor in Council to make regulations to manage the way in which a seafarer may allot seafarers wages to a person.

Clause 30 enables Governor in Council to make regulations to ensure the entitlement of a seafarer to wages if the seafarer is terminated due to no fault of the seafarer and the circumstances to which those regulations will apply.

Clause 31 enables Governor in Council to make regulations to ensure that a seafarer is liable for claims for financial support for the dependents of a seafarer.

Clause 32 provides that the Master has the same line for Master's remuneration and for disbursements.

Clause 33 provides that a ship's owner, the Master and an agent responsible for loading the ship, preparing a ship and sending a ship to sea must use all reasonable means to ensure the seaworthiness of the ship.

Clause 34 enables Governor in Council to make regulations to ensure that the crew of a ship is provided with appropriate accommodation onboard the ship.

Clause 35 enables Governor in Council to make regulations to provide for how complaints made by seafarers in respect of provisions of water provided onboard a ship are dealt with.

Clause 36 enables Governor in Council to make regulations to manage the medical treatment of a seafarer and the course of action to be taken if the seafarer dies.

Clause 37 provides for the application of Clauses 38 and 39.

Clause 38 enables the Governor in Council to make regulations specifying the professionals that are required to operate a ship.

Clause 39 enables Governor in Council to make regulations to provide for the course of action to be taken in the event that a member of the crew of a ship does not speak or understand English language.

Clause 40 prohibits a person who is not a professional who is required to be onboard a ship from purporting to have qualifications that that person does not possess and it creates an offence and a penalty for contravention of such.

Clause 41 enables Governor in Council to make regulations to provide for the employment of a person under eighteen years of age on a St Helena ship.

Clause 42 provides for the conduct of a person onboard a ship and how that conduct endangers the machinery used on the ship or individuals and creates an offence and penalty for contravention.

Clause 43 prohibits a seafarer from disobeying lawful commands or neglecting the duties of a seafarer or doing anything that would impede the progress or navigation of a ship and creates an offence and penalty for contravention of such.

Clause 44 enables Governor in Council to make regulations to ensure the discipline onboard a ship is maintained.

Clause 45 enables Governor in Council to make regulations for the procedure that would obtain if an officer on a ship is unfit for duty.

Clause 46 enables Governor in Council to make regulations to provide for the procedure to be followed regarding any allegations made as to the fitness of a person to function in a capacity in which that person is certified.

Clause 47 details the contents of regulations that can be made under Clauses 45 and 46 in regard to inquiries and appeals.

Clause 48 enables Governor in Council to make regulations to provide relief for persons who have been left behind or shipwrecked.

Clause 49 enables Governor in Council to make regulations to specify the manner in which the official log book of a St Helena ship is to be maintained.

Clause 50 enables Governor in Council to make regulations regarding the manner in which a record of the crew of a St Helena ship is to be kept.

Clause 51 enables Governor in Council to make regulations to provide for a seafarer's card with particulars to be detailed on the card and the issue and surrender of such a card.

Clause 52 enables Governor in Council to make regulations to provide for a seafarer's discharge book; and Clause 53 requires the Master to hand over documents in hand relating to a ship or the ship's crew to the Master's successor and will provide a penalty for non-compliance with this requirement.

The Chairman –

Thank you, Attorney General. Honourable Members, I put the question that Clauses 20 to 53 do stand part of the Bill and you may now speak to Clauses 20 to 53. The Honourable Anthony Green?

The Hon. Anthony Green –

Thank you, Mr Speaker, I fully support the Bill, I just wonder, this seems to be a massive amount of potential legislation and I know it's going to be very necessary in certain circumstances, but are we going to be able to or need to do this as and when, and I'm thinking about costs and timescale and other work and can we cope? All answers that perhaps you can't give us, but we are, we will, presumably enable all this to be possibly done and it does look like we'll be doing nothing else for the next ten years, so.

The Hon. Allen Cansick –

The Honourable Councillor Green we are, sort of, in the process of making sure that in time for the audit we have in place the regulations that must be there, but a lot of these regulations would have to come into effect over a much wider period, so they wouldn't, although there will be a significant number of regulations that need to come in before the audit, I would not foresee that everything here will need to be in place at that date, it will take place over a much longer period of time.

The Hon. Anthony Green –

I anticipated such, but I thought it was a point worth making. Thank you, Mr Speaker.

The Chairman –

Thank you.

Clauses 20 to 53.

Question put and agreed to.

The Chairman –

Attorney General, Part 5?

The Hon. Allen Cansick –

Part 5 addresses safety and includes Clauses 54 to 69.

The Chairman –

Okay. Honourable Members, I put the question that Clauses 54 to 69 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Clause 54 enables Governor in Council to make regulations to give effect to Chapter 5 of the Annex to the International Convention of the Safety of Life at Sea 1974, commonly known and referred to as SOLAS.

Clause 55 enables Governor in Council to make regulations to provide for safety at sea with respect to the operation of ships and the lives of persons on such ships.

Clause 56 enables Governor in Council to make regulations to make provisions for the operation of submersible apparatus and provides definitions of submersible apparatus for this section.

Clause 57 enables Governor in Council to make regulations to specify the responsibilities of persons in charge of a Wireless Telegraphy station where capable of receiving the signal specified in the safety regulations relating to dangers of navigation.

Clause 58 places an obligation on the Master to provide assistance to another ship in the case of a collision and provides an offence and penalty for non-compliance with the obligation.

Clause 59 places an obligation on the Master to provide assistance to another ship in distress and provides an offence and penalty for contravention of this obligation.

Clause 60 enables Governor in Council to make regulations for the management of ships considered to be dangerously unsafe.

Clause 61 requires the Master to operate a ship in a safe manner and will provide a penalty for non-compliance of this requirement and a criminal offence.

Clause 62 enables Governor in Council to make regulations to provide the procedure to be followed if a ship structure or other thing is wrecked, damaged or falls into distress in St Helena's waters or its exclusive economic zone, this includes prohibiting or restricting access to areas.

Clause 63 would detail the offence that may be committed by a person in relation to a passenger ship.

Clause 64 prohibits a person from going to sea without consent and will provide a penalty for non-compliance with this prohibition and a criminal offence.

Clause 65 prohibits a person from going onboard a ship without consent and provides for a criminal offence and penalty for prohibition, also non-compliance with the prohibition.

Clause 66 enables the Master to restrain a person for safety reasons or for the preservation of good order or discipline on a ship.

Clause 67 details that Clauses 42 and 43 apply to somebody who goes to sea without consent of the ship's Master as if they were a seafarer.

Clause 68 enables Governor in Council to make regulations to provide for returns to be made in respect of passengers on a ship.

Clause 69 enables Governor in Council to make regulations to provide returns to be made by the Master in respect of births and deaths occurring on a ship.

The Chairman –

Thank you, Attorney General. Honourable Members, I put the question that Clauses 54 to 69 do stand part of the Bill. You may now speak to Clauses 54 to 69.

Clauses 54 to 69. –

Question put and agreed to.

The Chairman –

Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Part 6 of the Bill addresses the Prevention of Pollution and includes Clauses 70 to 87.

The Chairman –

Honourable Member, I put the question that Clauses 70 to 87 do stand part of the Bill. The Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Clause 70 details the application of specified conventions to St Helena and how they can come into effect and enables the Governor in Council to make regulations to give effect to those conventions.

Clause 71 enables Governor in Council to make regulations to provide for the transfer of specified cargo between ships within St Helena waters and the exclusive economic zone of St Helena.

Clause 72 enables the Governor in Council to make regulations to provide for the use of waste reception facilities and would require the regulations to be in compliance with the Convention referred to in Clause 70.

Clause 73 details the responsibilities of a Master in respect of oil spills and provides a criminal offence and penalty for non-compliance.

Clause 74 prohibits the transfer of oil to or from a ship at night and provides an offence and penalty for contravention of the prohibition.

Clause 75 details the circumstances under which the contravention of Clause 74 would be considered justified.

Clause 76 enables the Governor to give directions in the event of an accident to prevent hazardous pollution or the risk of hazardous pollution.

Clause 77 enables the Governor to give directions to a person in control of coastal land or premises in the event of an accident to avoid or reduce pollution.

Clause 78 enables the Governor to give directions in addition to the directions provided in Clauses 76 and 77 to secure the safety of a ship, a person or property or to prevent or reduce the risk of pollution. This clause also enables the Governor to prescribe a substance to be a hazardous substance.

Clause 79 enables the Governor to take additional steps to ensure the execution of the direction.

Clause 80 places an obligation on a person to whom a direction is given under Clause 76, 77 or 78 to comply with the direction and establishes an offence and penalty for non-compliance.

Clause 81 requires a direction to be varied or revoked when the need for the direction no longer exists and would enable a person to whom the direction is given to make representations to the Governor in respect of that direction.

Clause 82 enables a person who suffers loss or damage as a result of complying with the direction to apply for compensation for such loss or damage and provides the circumstances under which such loss or damage could be claimed.

Clause 83 enables a person who incurs expense as a result of complying with the direction to be reimbursed for such expense.

Clause 84 specifies the ships in respect of which a direction under Clause 76, 77 or 78 may be given and the ships in respect of which a direction may not be given.

Clause 85 enables Governor in Council to make regulations detailing how records are to be kept in respect of the transfer of oil.

Clause 86 enables the Governor to appoint a person to board a ship to retain the oil record book for the ship; and

Clause 87 enables the Governor to exempt a ship from the requirements of Part 6.

The Chairman –

Thank you very much. Honourable Members, I put the question that Clauses 70 through 87 do stand part of the Bill. Honourable Members, you may now speak to Clause 70 through 87. The Honourable Derek Thomas?

The Hon Derek Thomas –

Thank you, Mr Chairman. In relation to expenses, section 83, it says the Governor, should that be the Governor or Governor in Council?

The Hon. Allen Cansick –

It's Governor.

The Hon. Derek Thomas –

Sorry?

The Hon. Allen Cansick –

It's the Governor.

The Hon. Derek Thomas –

The Governor, should be the Governor?

The Hon. Allen Cansick –

Yeah.

The Hon. Derek Thomas –

Okay, thank you.

The Chairman –

Any other Member wishes to speak, the Honourable Anthony Green?

The Hon. Anthony Green –

I just wanted to ask the Attorney General if what we're looking at now is mainly what already exists, but is now being consolidated or there some significant changes with any significant implication?

The Hon. Allen Cansick –

These are the obligations that we have through the UK being part of Conventions that already exist in international law and we're now putting them into our own law to meet the obligations that we have ourselves.

The Chairman –

Thank you. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Can I raise the same issue again about the resources and enforcement, because it appears that every one of these sections would require a considerable level of monitoring and a considerable measure of enforcement if anything is then seen to be not in keeping with the legal requirements I know my Honourable Friend mentioned earlier that MCA is currently providing that level of support, but going forward is St Helena Government confident that it can really meet these obligations without additional resource requirements?

The Chairman –

Honourable Chief Secretary?

The Hon. Susan O’Bey –

We recognise that, as the Honourable Member pointed out, that there are considerable resource requirements. We also recognise that it will obviously place some burden on the St Helena Government, however, we have raised this issue with both the MCA and also the Foreign and Commonwealth and Development Office and to date we have received considerable support, particularly for things like training development, pollution kit and so on. What we will have to do obviously is once the various regulations come into play is to be able to look at how they can be accommodated under the Fit for the Future and the efficiencies that we are able to achieve as a result for that.

The Chairman –

Thank you.

Clauses 70 through 87. –

Question put and agreed to.

The Chairman -
Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Part 7 addresses aids to navigation and includes Clauses 88 to 92.

The Chairman –

Thank you. Honourable Members, I put the question that Clauses 88 to 92 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Clause 88 requires aids to navigation to be established in St Helena waters.

Clause 89 enables Governor in Council to make regulations to specify charts, directions or information necessary for the safety operation of ships.

Clause 90 prohibits persons from unlawfully destroying or altering an aid to navigation and creates an offence and penalty for the contravention of that provision.

Clause 91 enables the Harbour Master or an Agency under Section 83 to detain a ship which cause damage to an aid to navigation until the costs of the repairs of that aid to navigation are settled.

Clause 92 prohibits a person from using light to mislead a ship and provides an offence and penalty for contravention of such.

The Chairman –

Thank you, Honourable Attorney General. Honourable Members, I put the question then that Clauses 88 to 92 do stand part of the Bill. You may speak now to Clauses 88 to 92. The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Going back to the point made by my Honourable Friend earlier, in some cases I see reference to the Governor, in other cases I see reference to the Governor in Council, for example, in Clause 88, where one part of it pertains to the Governor and another part relates to Governor in Council. Will the Honourable Attorney General please explain the distinction?

The Chairman –
Attorney General?

The Hon. Allen Cansick –
Turn my back for a few moments.

The Chairman –
Okay. Thank you, Attorney General.

The Hon. Allen Cansick –
The Honourable Councillor Essex, Section 88 is an administrative function, that's why it says either the Governor or a Government designated by the Governor to do so, so that's the reason for that. Going back somewhat, we would have talked about the Governor in regard to the prolusion provisions, when we were referring to the Governor there rather than Governor in Council, the reason for that was because it was almost having to act instantly in the case of emergencies, so that's why those powers there were given to the Governor rather than Governor in Council. Here it's because it's an administrative function.

The Hon. Dr Corinda Essex –
With all due respect, Honourable Attorney General, I would say that 88, establishes within the coastal areas aids to navigation, it, would be more than an administrative function. I agree it wouldn't be a regulatory function.

The Chairman –
Attorney General?

The Hon. Allen Cansick –
Because the Governor is establishing an agency, it is ultimately an administrative function, but if we wanted to change that to Governor in Council, it would, in effect, mean that he just has to consult and act on the advice of Governor, of Council for who he appoints, but it would seem difficult when power of the appointment is normally reserved for the Governor, I'd, sort of, be inclined not to go down that route when we think of the, sort of, constitutional powers of appointment.

The Hon. Dr Corinda Essex –
I'm not referring the constitutional powers of appointment, because it says the Governor or agency of Government designated by the Governor, the point about an agency of Government designated by the Governor I haven't got an issue with, I can see that it would be the Governor's prerogative to designate an agency be appropriate, I don't have an issue with that, it's just the concept that the Governor, assuming that he didn't designate a agency of Government, would have to establish the aids to navigation necessary to facilitate safe navigation of St Helena's waters.

The Hon. Allen Cansick –
So rather than an agency or the Governor doing that you would want Governor in Council to do that rather than a designated agency?

The Hon. Dr Corinda Essex –

Governor in Council or agency designated by the Governor. This is just one example. I'm just looking for consistency. I know that all the references to regulations are Governor in Council, which it should be anyway, but, and I know at this point in time shipping is a constitutional responsibility of the Governor, but I also know that there's debate about whether that's likely to remain so when we move to a different model of governance and so on, so I would just like a steer on the stance that's being taken.

The Hon. Allen Cansick –

My view is, as an administrative function it should be with the Governor or an agency appointed by the Governor, I wouldn't want to suggest the Governor in Council should be in the role of setting up the aids for navigation, I just feel this is an administrative function, it's correctly with the Governor or an agency appointed by the Governor.

The Hon. Dr Corinda Essex –

There was an earlier example where what was being specified for the Governor to do had more of a policy element as well as a operational element, which is one of the examples that my Honourable Friend pointed out earlier on, but fair enough. Thank you.

The Chairman –

Yeah? Any other Member wishes to speak?

Clauses 88 to 92. –

Question put and agreed to.

The Chairman –

Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Part 8 addresses Wrecks and incorporates Clauses 93 to 99.

The Chairman –

Thank you. Honourable Members, I put the question that Clauses 93 to 99 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Clause 93 enables the Governor to appoint a Receiver of Wrecks and would provide that the Receiver of Wrecks is entitled to recover expenses incurred by the Receiver. Clause 94 details the duty of the Receiver of Wrecks and prohibits a person from refusing to comply with an instruction from the Receiver and the clause provides an offence and a penalty for contravention of such.

Clause 95 enables Governor in Council to make regulations to manage the payment of compensation for damage caused by riot to the cargo or the equipment of a ship.

Clause 96 enables Governor in Council to make regulations to manage the procedure as to what would have obtain if a wreck was discovered in St Helena waters.

Clause 97 details the offences with respect to the recovery of a wreck.

Clause 98 enables a Receiver to apply for a search warrant to locate a wreck that is being concealed.

Clause 99 enables the Harbour Master to take possession of a ship sunk, stranded or abandoned in St Helena waters.

The Chairman –

Honourable Members, I put the question that Clauses 93 to 99 do stand part of the Bill. Honourable Members, you may speak to Clauses 93 to 99. Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Just as a tidying up exercise, there seems to be something a bit strange with the English in parts of the section, because in some cases it says that the Governor, for example, this is in 93 (2) may, by notice in the Gazette, appoint a person to be the Receiver of Wreck, I would assume that should be Wrecks?

The Chairman –

Wrecks, yes.

The Hon. Dr Corinda Essex –

And further on there are a number of occasions where it just says wreck instead of a wreck. Yes, in 96, for example, the Governor in Council may make regulations to provide for the course of action to be taken if a person finds or takes possession of wreck in St Helena waters or finds or takes possession of wreck elsewhere and brings the wreck within St Helena waters.

The Hon. Allen Cansick –

Honourable Councillor Essex, I'm informed by Legislative Council that is correct. Wreck is being used there in the plural in the same way that fish would be used in the plural and you'd have when you're using wrecks you'd be referring in the same way as when you're referring to fishes, so I'm told this is correct and it is not a drafting or grammatical error.

The Hon. Dr Corinda Essex –

Fair enough.

The Chairman –

Attorney General, just from my own information, isn't the Harbour Master not or no longer the Receiver of Wrecks, because I remember when I was Harbour Master, I was also the Receiver of Wrecks?

The Hon. Allen Cansick –

It would depend if he is appointed or not at this point in time.

The Chairman –

I see, so who at this moment in time is the Receiver of Wrecks?

The Hon. Allen Cansick –

I'm informed there's currently no appointment.

The Chairman –

Okay. Thank you, no, just for my own curiosity. Thank you. Any other Members have any questions?

Clauses 93 to 99. –

Question put and agreed to.

The Chairman –
Attorney General?

The Hon. Allen Cansick –
Mr Speaker, Part 9 addresses Enforcement Officers and their powers and includes Clauses 100 to 106.

The Chairman –
Thank you very much. Honourable Members, I put the question that Clauses 100 to 106 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –
Mr Speaker, Clause 100 enables the Governor to appoint a Superintendent, Inspector or Surveyor.
Clause 101 details the functions of an Inspector.
Clause 102 enables a Custom Officer to request to see the official log book containing details of the crew or ship and creates an offence and penalty for contravention of such.
Clause 103 enables a Surveyor or Superintendent to board a ship for inspection purposes and creates a relevant offences and penalties in regard to that.
Clause 104 enables an Inspector to serve an improvement notice and details an offence and penalties for contravention of such.
Clause 105 enables an Inspector to serve a prohibition notice and creates relevant offence and penalty.
Clause 106 enables Governor in Council to make regulations to provide for the process by which an improvement notice or a prohibition notice may be queried.

The Chairman –
Thank you. Honourable Members, I put the question that Clauses 100 to 106 do stand part of the Bill. You may now speak to those clauses, Honourable Members?

Clauses 100 to 106. –

Question put and agreed to.

The Chairman –
Attorney General?

The Hon. Allen Cansick –
Mr Speaker, Part 10 addresses Accident Investigations and Inquiries and includes Clauses 107 and 108.

The Chairman –
Thank you. Honourable Members, I put the question that Clauses 107 to 108 do stand part of the Bill. You may now speak to those Clauses, Honourable Members?

The Hon. Allen Cansick –
I'll just give it a skim through quickly.

The Chairman –
Sorry, Attorney General.

The Hon. Allen Cansick –
Mr Speaker, Clause 107 enables Governor in Council to make regulations to provide for the investigation of accidents in respect of a ship.
Clause 108 enables Governor in Council to make regulations to provide the procedure to be followed for inquiring into the death of a Master or a person employed on a St Helena ship.

The Chairman –
Thank you, Attorney General. Honourable Members, you may speak now to Clauses 107 to 108. The Honourable Christine Scipio?

The Hon. Christine Scipio –
Can I ask a general question, not necessarily relating to these clauses? Okay, I'll ask the AG if it is the Governor's remit to make regulations or is it always Governor in Council?

The Hon. Allen Cansick
In most circumstances it would be Governor in Council that would be the correct.

The Hon. Christine Scipio –
Okay, because I just sent a note around to Catherine about, which I missed, because in section 24 where it say the Governor may make regulations in respect of the wages and I'm querying.

The Hon. Allen Cansick –
Yes, Councillor, that's very well spotted. When I last turned my back, Legislative Council brought that to my attention and I was going, at the end of the reading clause by clause, going to ask Mr Speaker to come back to that to make that well spotted error, amend that well spotted error to Governor in Council.

The Hon. Christine Scipio –
Thank you.

The Chairman –
Thank you.

Clauses 107 to 108. –

Question put and agreed to.

The Chairman –
Attorney General?

The Hon. Allen Cansick –
Mr Speaker, Part 11 addresses legal proceedings and includes Clauses 109 to 118. There's an error in Section 114 so the way I propose to deal with this section is first of all to deal with Clauses 109 and 113.

The Chairman –

Okay. Honourable Members, I put the question that Clauses 109 through to 113 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Clause 109 makes provision for specified officers of a company to also be culpable if a company commits an offence.

Clause 110 provides that a person who wilfully assists with the commission of an offence may be tried as the principal offender.

Clause 111 provides for the jurisdiction of the Court when dealing with offences.

Clause 112 provides for the jurisdiction of the Court when dealing with the offences which occur on a ship in specified circumstances; and

Clause 113 provides for jurisdiction of the Court for offences occurring outside of St Helena.

The Chairman –

Thank you. Honourable Members, I put the question that Clauses 109 to 113 do stand part of the Bill. You may now speak to those clauses.

Clauses 109 to 113. –

Question put and agreed to.

The Hon. Allen Cansick –

Mr Speaker, I propose to address Clause 114 and an amendment to that section individually.

The Chairman –

Okay.

The Hon. Allen Cansick –

Clause 114 enables the Governor in Council to make regulations to provide a proper officer with the authority to investigate complaints. Important to know that this is not the same proper officer under the Port and Aerodrome Health Ordinance and also used under the Covid Regulations. In regard to Clause 114, at 1 (a) on the third line it currently reads “three” followed by again “3” in the form of the symbol 3 and it should read “to within three months”, so the proposed amendment is to delete the symbol 3 on the third line of 1 (a) and replace it with the word “months”.

The Chairman –

Okay, so you want to take out 3 before that time no? Oh, just the 3, okay. Within three months before that time, okay.

The Hon. Allen Cansick –

Mr Speaker, I apologise, could we have the amendment done by deleting the word “three”, leaving the symbol 3, so no need there and placing the word “months” after the symbol 3?

The Chairman –

Okay.

The Hon. Allen Cansick –

I'm informed by Legislative Council that is the convention in all of our legislation to use the symbol.

The Chairman -

Okay, so, "before that time" remains?

The Hon. Allen Cansick –

Yes.

The Chairman –

Okay, thank you. Do we have a seconder for that amendment, please?

The Hon. Dax Richards –

I beg to second.

The Chairman –

Okay, thank you very much. Honourable Members, you may speak to the amendment?

Clause 114 (as amended) –

Question put and agreed to.

The Chairman –

Attorney General?

The Hon. Allen Cansick –

Mr Speaker, I propose to deal with the remainder of Part 11, clauses 115 to 118 together.

The Chairman –

Okay, thank you very much. Honourable Members, I put the question that Clauses 115 to 118 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –

Mr Speaker, Clause 115 enables Governor in Council to make regulations to provide the procedure to be followed if a ship is detained.

Clause 116 provides for distress to be levied against a ship and the equipment of a ship for unpaid fines or costs.

Clause 117 enables Governor in Council to make regulations to provide for depositions made outside St Helena and for the inspection of records in the Registrar's custody; and

Clause 118 provides for the service of documents.

The Chairman –

Thank you, the Honourable Attorney General. Honourable Members, I put the question that Clauses 115 to 118 do stand part of the Bill. You may now speak to those clauses. Any Honourable Member wishes to speak?

Clauses 115 to 118. –

Question put and agreed to.

The Chairman –
Attorney General?

The Hon. Allen Cansick –
Mr Speaker, Part 12 addresses general provisions and includes Clauses 119 to 124.

The Chairman –
Okay. Honourable Members, I put the question that Clauses 119 to 124 do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –
Mr Speaker, Clause 119 provides that the Governor has the general superintendence of matters relating to shipping and seafarers.
Clause 120 enables the Governor to require a Superintendent to provide returns in respect of seafarers or ships.
Clause 121 enables the Governor in Council to make regulations to make provisions for adapted vessels to be treated as ships for the purpose of this Bill.
Clause 122 enables the Governor in Council to make regulations to provide for forfeiture under the Bill.
Clause 123 enables the Governor to publish notices to regulate navigation and would provide a penalty for contravention of the notices, and
Clause 124 enables Governor in Council to make regulations to give effect to the Bill.
Thank you. Honourable Members, I put the question that Clauses 119 to 124 do stand part of the Bill. You may now speak to those clauses.

Clauses 119 to 124. –

Question put and agreed to.

The Chairman –
Attorney General?

The Hon. Allen Cansick –
Mr Speaker, there is a Schedule to the Bill, Private Law Provisions for St Helena made pursuant to Clause 14. I intend to deal with that Schedule in its entirety and it encompasses Paragraphs 1 to 14, so, Mr Speaker, its paragraphs that we're dealing with here rather than clauses.

The Chairman –
Okay, thank you very much. Honourable Members, I put the question that Paragraphs 1 to 14 under the Schedule do stand part of the Bill. Attorney General?

The Hon. Allen Cansick –
Mr Speaker, Paragraph 1 provides that the registered owner of a ship or the registered owner of a share in a ship has the power to dispose of a ship and to issue receipts in this regard, but this power is subject to any other rights registered in respect of the ship or contractual rights in respect of the ship.
Paragraph 2 provides that the transfer of a ship must be effected by a bill of sale and must satisfy any prescribed requirements unless the transfer results in the loss of a St Helena connection in respect of the ship.
Paragraph 3 makes provision for the transfer of a ship to be registered.

Paragraph 4 makes provision for the Supreme Court to make an order in respect of the sale of a ship and would specify certain conditions in respect of that order.

Paragraph 5 provides that where the Supreme Court makes an order for the sale of a ship the order for sale must contain the name of the person in whom the right for the transfer of the ship is vested.

Paragraph 6 provides that the Supreme Court may make an order for a specified time to prohibit any dealings with a registered ship.

Paragraph 7 provides that a registered ship may be mortgaged, i.e. used as security for the repayment of a loan.

Paragraph 8 of the Schedule provides for the manner in which mortgages are to be ranked if there is more than one mortgage made in respect of the ship.

Paragraph 9 provides that a registered mortgage has the power of, registered mortgagee, sorry, has the power of sale over the ship and would specify that a mortgagee's powers of sale is subject to the manner in which mortgages are ranked.

Paragraph 10 provides that a mortgagor may for the purposes of a mortgage and in respect of a mortgage of a ship be treated as the owner of a ship.

Paragraph 11 provides that a registered mortgage may be transferred in the manner prescribed and that such transfer must also be registered in the manner prescribed.

Paragraph 12 provides that a transfer of a mortgage by operation of law must also be registered, and

Paragraph 13 provides that a discharge of a mortgage in respect of a ship must be registered, and, finally,

Paragraph 14 provides the definitions for the words and terms used in the Schedule.

The Chairman –

Thank you, Attorney General. Honourable Members, I put the question that Paragraphs 1 through 14 do stand part of the Bill. You may now speak to those paragraphs.

Schedule, Paragraphs 1 to 14. –

Question put and agreed to.

The Hon. Allen Cansick –

Mr Speaker, before we conclude this part, I'd like to return to an earlier clause and propose an amendment if you'll just bear with me, I'll turn my back again to speak to Legislative Council. Mr Speaker, if we could return to Clause 52 of the Bill and if I can propose an amendment to Clause 52, sub clause 2 where it states at the very beginning, "The Governor" that should instead state "The Governor in Council".

The Chairman –

In Council, yes. Do we have a seconder for that amendment, please?

The Chairman –

Thank you. Honourable Members, you may wish to speak to the amendment?

Clause 52, sub clause 2, as amended. –

Question put and agreed to.

The Chairman –

Is that it, Attorney General?

The Hon. Allen Cansick –

That is it, Mr Speaker, thank you.

The Chairman –

Thank you.

Council Resumed.

The Speaker –

The Honourable Mover?

The Hon. Lawson Henry –

Mr Speaker, I beg to report that the Merchant Shipping Bill, 2021, passed the Committee with three amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Speaker –

Do we have a seconder, please?

The Hon. Cyril Leo –

Mr Speaker, I beg to second.

The Speaker –

Thank you. Honourable Mover, you may speak to the Motion if you wish?

The Hon. Lawson Henry –

Mr Speaker, I would just like to wind this up by thanking the Members of this House, as my Honourable Colleague, a member of the Economic Development Committee, who sponsored this Bill, said, we have met up to five times and I'm still very surprised that we only found three amendments in such a huge Bill and finally I would like to thank the Attorney General and all the team, including our Marine Officer, Mia Henry, for all their support to the EDC and, in particular, to me in having to move the Bill before the House today. Thank you.

The Speaker –

Thank you. Honourable Members, I put the question then that this Council approves the Merchant Shipping Bill, 2021, as amended, and recommends to the Governor that it should be enacted. Honourable Members, you may speak to the Motion.

Honourable Mover, you wish to respond further?

The Hon. Lawson Henry –

Nothing further, Mr Speaker.

The Speaker –

Thank you.

Question that Council approves the Merchant Shipping Bill, 2021, as amended, and recommends to the Governor that it should be enacted, put and agreed to.

Council suspended.

Council resumed.

Note – Councillor Gavin Ellick is excused from final part of meeting due to a prior commitment.

The Speaker –

Okay, welcome back, Honourable Members, hope you had a nice lunch and raring to go again. So, I'll ask the Clerk of Council to announce the next item of business, please?

7. **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 sine die.

The Speaker –

Thank you. Is there a seconder to the Motion, please?

The Hon. Dax Richards –

Mr Speaker, I beg to second.

The Speaker –

Thank you. The Motion is that this House do now adjourn sine die. The Motion is now open for debate. Anybody wishes to speak? The Honourable Dr Corinda Essex?

The Hon. Dr Corinda Essex –

Thank you, Mr Speaker. I will first declare my interest as President of the St Helena Chamber of Commerce and, as always, I welcome this opportunity to highlight some of the issues that are currently of concern to constituents in general and, in particular, to the private sector.

First, I wish to raise once again the issue of the continuing lack of qualified staff within the Public Solicitor's Office. The situation is deteriorating as demand is increasing and existing staff is struggling to avoid the development of a serious backlog. As I have stated previously, part of the growing demand is because St Helena Government is putting increased requirements upon businesses and private individuals to take matters forward through a Solicitor. Indeed, I know that at least one business has been informed that it can only engage with SHG on a lawyer to lawyer basis. This would be acceptable if the Public Solicitor's Office were fully staffed. The increasing delays and frustrations for clients are inevitable if the current situation continues, let alone the adverse pressures that are being put upon the remaining staff members. The Attorney General's Chambers has four times the qualified staff of that within the Public Solicitor's Office and it is hard to see how the fundamental right to equality of representation can be upheld in such circumstances, except in the case of criminal matters where obviously barristers and Counsel are brought in to defend the case and to provide the same level of assistance as is given to the prosecution. This issue needs to be addressed as a matter of urgency. On the one hand, St Helena Government is actually encouraging local investments

and, indeed, all investment, while on the other obstacles are emerging that impede investors from progressing within a reasonable timeframe. I'm not suggesting that checks and balances are not essential, but expectations need to be realistic, articulated upfront and consistent. No investor should be faced with new and unexpected hurdles every time it appears that a final resolution might be in sight. If any investment is to be successful there must be enabling environment. Some significant progress has been made in this regard by, for example, establishing Approved Investor Status and associated incentives, but when project implementation is then delayed excessively all parties lose out and so does economic development of St Helena. I would be extremely happy if St Helena Government committed to giving a high priority to getting outstanding issues resolved and enabling investment to move forward. This may be by means of streamlining processes, improving communications or whatever it takes, but it is critical to the development of the island that that is done.

Still in relation to investment, the past year has been an extremely difficult one for local fishermen. They've risen to the challenge and invested in larger vessels for use offshore. The restrictions placed on the amount of catch that can be taken at Ruperts Cold Store until it is refurbished has meant that these individuals have not been able to catch the volumes of fish necessary to make their investment pay. The current uncertainty about the details of how the new fishing venture relating to inward investment will operate if approved still brings no comfort to those who are not part of the proposed Company. Currently there is more Tuna to be caught than the Cold Store facilities and local market can handle, so St Helena is losing out on the key income stream at a time when our economy is struggling. This is a really sad and ironic situation. It is of the greatest importance that all those who've invested in our fishing industry are able to reap the benefits of their input. They've already demonstrated their commitment to this island and its sustainable development. We are told that the new fishing Company should be able to move the sector forward and address many of the current issues, I hope for the sake of the fishing industry and St Helena that this proves to be the case and that it will deliver what is best for St Helena and not just what is best for the Company itself. The latter is always a risk of any commercial venture and the necessary steps must be taken to reduce this risk as far as possible. In any event, SHG's commitment to upgrading the Cold Store and keeping this in Government ownership is a very important step forward.

Businesses that have invested in other sectors or are intending to do so are also concerned by the closure of Enterprise St Helena as there is currently no clarity regarding how the business development and support functions, currently provided by ESH, will be delivered going forward, and, indeed, if any will have to cease. The clock is ticking and the 31st March is not far away. Mr Speaker, the private sector needs as much information and reassurance as possible as a matter of urgency. Thank you, Mr Speaker.

The Speaker –

Thank you, Honourable Dr Corinda Essex. Any other Member wishes to speak? The Honourable Christine Scipio?

The Hon. Christine Scipio –

Thank you, Mr Speaker. Mr Speaker, as you know, I put in a question earlier on today about our historic environment. It is disappointing that it appears that no substantive action has been undertaken by St Helena Government since 2019 to conserve and enhance St Helena's historic environment. Our island's history environment is rich and diverse and we need to avoid generating perceptions that heritage is a potential barrier to development. St Helena was on the tentative list with UNESCO for World Heritage status and we must do our utmost to protect our historic environment if St Helena Government decides to submit a full application for consideration.

Mr Speaker, as you are aware, as you were present at the meeting of Friday, 22nd January 2021 when trying to find a suitable time that was convenient for all members to meet to discuss a topic week commencing Monday 25th January 2021 Legislative Council members, the backbenchers, accidentally found out from an Executive Council member that a meeting had been scheduled for Tuesday, 22nd January that had included closed agenda items. Documentation for Executive Council meetings is mainly circulated on a Wednesday prior to the meeting day if it is on Tuesday, which provides two working days for the backbenchers to read, digest and scrutinise in readiness for caucusing. I have stated, Mr Speaker, accidentally, as whilst discussing a suitable date to meet, Honourable Derek Thomas made a statement that Tuesday, 26th January 2021 had to be avoided as Executive Council meeting had a rather long agenda which would likely meant an all-day meeting. Bearing in mind that documentation is circulated on a Wednesday, two days later, I had not been issued with an agenda, not been told that there were closed items on this agenda or invited to have a caucus session about the topics on this closed agenda for an Executive Council meeting. I questioned Executive Council members why information had not been shared with all elected members and Honourable Lawson Henry's response was, it's not my responsibility to circulate documentation. I was appalled by this response as in my humble opinion it does not show working collectively, being transparent or as Honourable Cyril Leo has publicly stated, meeting of minds to find common ground for the common good to achieve best outcomes for the electorate who we represent. Approximately five months ago, after the investigation of an apparent leak of information contained in confidential Executive closed agenda documents to the media, the substantive Chair of Executive Council meetings gave an undertaking that all documentation for Executive Council meetings will be circulated to all elected members. Since this undertaking, as far as I'm aware, we have been receiving all documentation until now. Executive Council members also reassured the backbenchers that all information will be shared. This I find to be so disheartening that elected members of Executive Council are happy to make empty promises, so, Mr Speaker, I beg the question, why all the documentation for Executive Council's meeting of 26th January 2021 was not circulated to all members as previously agreed. I was informed by the old lady down the hill that certain members of the public were fully aware of an item that was discussed on the closed agenda of Executive Council meeting of Tuesday, 22nd January as they had written to Executive Council members referring to the said meeting. I continue to question myself, why does this old lady know what is the business of Government? She knew what items are being discussed behind closed doors, but as for me, an elected member, is being treated like a mushroom. In my opinion, in my humble opinion, this is corruption and it appears that elected members of Executive Council are content with this dishonesty. After writing to the Acting Chairman of Executive Council late Monday afternoon, I received an agenda and scanty information on a particular topic from the Clerk of Council for the closed meeting of Executive Council, the date of the meeting had been changed to a Wednesday. I had provided adequate notice to the Chairman of the month, Honourable Cyril Leo, that I had commitments on Tuesday, 22nd

The Hon. Lawson Henry –
Point of order please, Mr Chairman?

The Speaker –
Okay, thank you.

The Hon. Lawson Henry –
Executive Council is being accused of corruption, that's totally out of order, unless the Member can provide the evidence and I resent that in our open session.

The Speaker –

Thank you very much. The Honourable Member, can you rephrase, please?

The Hon. Lawson Henry –

It should be struck off the record.

The Hon. Allen Cansick –

Laws of Debate, Order 14 (1) (a).

The Speaker –

Under?

The Hon. Allen Cansick –

Laws of Debate, Order 14 (1) (a).

The Speaker –

Okay. Thank you, Attorney General. Can you rephrase, please?

The Hon. Christine Scipio –

Can you remind, Attorney General, the listening public, what is that clause?

The Hon. Allen Cansick –

It will be for Mr Speaker.

The Hon. Christine Scipio –

Oh, sorry, yes. Mr Speaker?

The Speaker –

I don't have that with me, can I?

The Hon. Allen Cansick –

And also (g) as well.

The Speaker –

Right, under Order 14 (1) (g) and (l), it says no Member shall impute improper motives or dishonesty on the part of any confidence on any member except as so far as may be necessary in the context of a Motion of no confidence in the person concerned, that's (g) and (l) the conduct of Her Majesty, members of the Royal family, the Governor, members of the Council and Judges or other persons engaged in the administration of justice shall not be raised except upon a substantive Motion and in any amendment, question or remarks in a debate on a Motion dealing with any other subject or reference to the conduct of the persons aforesaid shall be out of order.

The Hon. Christine Scipio –

Thank you, Mr Speaker, for providing the listeners with that information.

The Speaker –

Thank you.

The Hon. Christine Scipio –
So, I'll go back to my sentence.

The Hon. Lawson Henry –
Can I ask for an apology on the floor, please?

The Hon. Christine Scipio –
Mr Speaker, I asked if I can go back to that sentence and I was interrupted.

The Speaker –
They're asking for an apology.

The Hon. Christine Scipio –
I'll go back to the sentence, yeah?

The Speaker –
Okay.

The Hon. Christine Scipio –
If I may?

The Speaker –
Yeah.

The Hon. Christine Scipio –
If I find it, okay? So, Mr Speaker, if the Honourable Lawson Henry's referring to, and when I get, say, a confirmation, if I may, Mr Speaker, on the sentence that I mentioned, in my opinion, in my humble opinion, I think I said, this is corruption and it appears that elected members of Executive Council are content with this dishonesty. Are you referring to that particular sentence?

The Speaker –
The Honourable Lawson Henry?

The Hon. Lawson Henry –
Yes, Mr Speaker and the Honourable Member should apologise and I would like to read out the Code of Conduct 6.4 on civility. Members shall treat each other, the Council, Officers of the Public Service and members of the public with respect, dignity and courtesy.

The Speaker –
Thank you very much indeed.

The Hon. Lawson Henry –
And you should apologise on the floor of the House now.

The Speaker –
The Honourable Member?

The Hon. Christine Scipio –

So I will go back to my sentence, if that is the correct sentence that Honourable Lawson Henry is referring to – in my humble opinion this is corruption and if I apologise, I will apologise to elected members of Executive Council if this is out of order, so that will now be on record.

The Speaker –

Thank you.

The Hon. Christine Scipio –

Okay?

The Hon. Lawson Henry –

Thank you.

The Speaker –

Thank you.

The Hon. Christine Scipio –

May I continue, Mr Speaker?

The Speaker –

Yes, so long as you know now that these (g) and (l) is out of order.

The Hon. Christine Scipio –

Yes, and like I said, it was in my humble opinion.

The Speaker –

Okay.

The Hon. Christine Scipio –

Because I hope that the courtesy and respect is also shown to me. So, I'm not sure, Mr Speaker, where I was when I was interrupted, so I do apologise to the listeners if I'm going to be repeating myself and also to everyone who is present here today.

I had provided adequate notice to the Chairman of the month, Honourable Cyril Leo, that I had commitments on Tuesday, 26th January so I was unable to make myself available from 4 to 6 pm for meetings bearing in mind that I have a young family. Elected members had agreed to meet at 4 pm on Tuesday, 26th January to discuss another topic, hence the Chairman requested members to caucus on the closed items of Executive Council meeting directly after this meeting. In my opinion, scanty information was provided on the particular topic and time was against me, I had to use my limited knowledge that I had gained from being in a particular role as a politician to scrutinise the scanty documentation in readiness for my back to back meeting on Tuesday, 26th January commencing at 4 pm. Upon reaching the meeting place just before 4 pm, I had found out the caucusing session had commenced at 3 pm. Once again, I question myself, why am I being treated in this manner? Firstly, all documentation was not circulated, secondly, why certain members of the public knew about the business of Government when, in my opinion, they shouldn't, and, thirdly, why am I being excluded from a meeting? Was this deliberate? Do we have double standards within St Helena Government? Honourable Cyril Leo stated on 15th January publicly, elected representatives should work more collectively through positive debate and that delivering caucusing by all twelve elected members can make a positive contribution to Executive considerations and deliberations. How

am I going to represent the people of St Helena if I don't receive all the documentation or not being included in meetings? I have since shared my observations and questions with members of Executive Council electronically and to date I have not received a substantive response. Mr Speaker, I have been accused publicly by a senior official that I have refused to attend a particular meeting where actually it appears that history is being repeated. Late afternoon on Monday, 9th November, 2019 I had received correspondence from Honourable Derek Thomas inviting all elected members to a meeting for the following morning at 9 am to consider options for a particular topic. I had written to him requesting documentation in relation to the unknown options so that I can adequately prepare for the discussion and had also informed him that due to the short notice the timing of the meeting had clashed with my commitments. I had also stated in writing that it will be best to consult with members if the date and time is convenient or arrange a meeting date that is convenient for all. In the same correspondence, I also pointed out to Honourable Derek Thomas that as elected members always meet on a Friday it would have been more convenient to meet on the previous Friday as we had a very short agenda for that particular day. If members will remember we went to visit the airport. If a meeting request, Mr Speaker, with other commitments, how can this be seen as refusing to attend, as stated by the senior official? Does this mean that as the timing of the meeting of the 26th January, 2021 had been changed without my knowledge that I had refused to attend? I've also been called a disgrace to the people of St Helena by that senior official. It appears that the Foreign and Commonwealth Development Office is content for an elected representative to be name called and shaking fingers at the people of St Helena. Does that mean that we continue to live in a colonial era whereby we are subjected to the Master's demands? A lot of time, energy and expense has been spent on governance review and a lot of more time is still needed to be done, but may I hasten to add that any form of government can only be effective if the will of the people prevail.

The Speaker –

Sorry, can I just ask if you were referring to the Governor by the shaking of fingers, who you were referring to?

The Hon. Christine Scipio –

I said a senior official, I didn't mention no names.

The Speaker –

Okay. Thank you.

The Hon. Christine Scipio –

The people of this island deserves a government that is fair, efficient and effective and this can only be achieved if elected representatives are prepared to be diligent custodians of our Constitution. Change for changes sake is not an option, Mr Speaker, we must ensure that it will be timely and everyone has been given the right information to assist them with their decisions. I beg to move.

The Speaker –

Thank you. The Honourable Cyril Leo?

The Hon. Cyril Leo –

Thank you, Mr Speaker. In defining the true meaning of democracy, someone once famously said, it is government of the people, by the people, for the people. The people of St Helena, through democratic process, elected twelve representatives to serve on Council and work in the

very best interests of the island. The decisions they are taking are the people's elected representatives, through democratic process, cannot be expected to please all the people every time. However, in following our convictions for the greater good of the island, elected members must endeavour to satisfy the needs of as many people as we possibly can, but there is clear evidence that democracy within the current system of governance remains underdeveloped. Accordingly, governance reform for improvements is being progressed. Consequently, the people will soon have the opportunity to decide if the island should have a revised committee system or ministerial system. However, creditable improvements at Council level will only be possible if the people's elected representatives receive loyal, reliable and efficient support from FCDO and SHG officials and officers. We cannot continue to have a over-riding interest of FCDO and SHG officials circumnavigating the people's elected representatives at will and discreetly dictating the parameters of local democracy. Such serious underlying flaws and gaps within the current system of governance only serve to undermine democracy and therefore must be addressed and corrected. Mr Speaker, as we strive to reform the local system of governance and attempt to enhance our community and island, we all, the Governor's Office, SHG officials, public sector, private sector and elected representatives may want to reflect and question ourselves on (a) what could we have done differently and (b) what can we do better for our island and our community. I beg to move, Mr Speaker.

The Speaker –

The Honourable Derek Thomas?

The Hon. Derek Thomas –

Thank you, Mr Speaker. Once again, it's very disappointing and in my view, opinion, for Executive Council to be criticised unfairly. Mr Speaker, the items for closed agenda, Executive Council, I can tell you, Executive Council went out of their way to ensure that what information could be made available to members of Legislative Council was made available. Members of Legislative Council must accept that matters of commercial in confidence clearly cannot be shared, clearly cannot be shared and, you know, to be criticised today, unfairly, in my view, when Executive Council had an emergency meeting to ensure that the information under closed session that could have been made available to members were made available to members. Furthermore, Executive Council delayed the ExCo on these particular issues from the Tuesday to the Wednesday to allow the information to be made available to the elected members and allow the caucus session to take place so they could make contributions in relation to these particular issues, and I will say certain members of Legislative Council made valuable contributions in my view to assist with the process, so, it is so disappointing, Mr Speaker, that, you know, we went out of our way to ensure that this happened and to be criticised in this Honourable House today, in my opinion, is totally uncalled for and unfair, but I will leave it as that, Mr Speaker.

What I will say is that given the crisis that the world is experiencing with the pandemic Covid-19, travel is extremely difficult, as we all know, and will be the case for the foreseeable future. As we continue to invest in our youth, which we all hope will aspire to be our future leaders, should we not be looking at further investing in our community college to provide our youth with the tools where possible to do more distant type studies and courses since at this time we are unable to send our students to university in the United Kingdom? This source of funding could perhaps better benefit our young people with additional investment in the community college and I will encourage the Education Directorate to take this onboard and explore what other options can be made available to assist our youth. Thank you, Mr Speaker.

The Speaker –

Thank you. Any other Member wishes to speak? The Honourable Clint Beard?

The Hon. Clint Beard –

Thank you, Mr Speaker. Just as a matter of information, when it comes down to studies, we do encourage the community college to be utilised, but when it comes down to specialised studies it's not always that the community college can be used, so we need to bear that in mind. When it comes down to the Education side of things, I believe that our teacher training is still ongoing and very successful, very effective in delivering high level of skill in that element. There was also a consultation meeting last night with regards to the process for exams for Year 11, 12 and 13, which was attended by parents, facilitated at Prince Andrew School and there was some good feedback that came back from that. I believe that when it came down to the Covid 19 and the home quarantine, I'm sure we'll be getting a update which will be forthcoming and then we can provide this to make sure that and to see what worked and so far I believe that everything was well and there was no incidents, but, of course, as it is with everything else, we need to improve if we can.

The budget is coming up, I believe we shouldn't be fooling ourselves, I think we're gonna be in for a tough year and we need to really pull together, think hard and have a real partnership approach when we're dealing with these matters, because whatever we do now must not be taken in any personal context, it must be done for the benefit of this island, so we need to look at it in that light.

Where it comes to, there was a point in a question today about the Fit for the Future, I'd like to just, and I was thinking about it that there was a answer about the redeployment and I hope that redeployment will involve training as well, because I think if you're looking at an effective government way forward it makes sense to redeploy, but it also makes sense to have somebody trained when they are redeployed, because you don't want to just have anybody in a position, because that will not be effective use of a skill. I also hope that the element of the TCs and the skills that they will be transferring will be one element that will be utilised within this Fit for the Future so that succession and upskilling can happen and we can see a workforce that is up to the challenge to take St Helena forward. There will also be forthcoming the, as Employment Rights falls under Education and Employment, will be going out for consultation in the next few, er, from Monday and I hope that members of the public will attend these consultation meetings, there's a press release is out with dates and then finally I think we need to say that access is still available and we're still using UK as our point and I believe this is an appropriate approach as well as the best possible way to travel at the moment, I don't believe that South Africa should be looked at presently, because I think the pandemic is just way out of control in South Africa, so I'm happy to say that the UK is still our access point, so thank you very much.

The Speaker –

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

The Hon. Anthony Green –

Thank you, Mr Speaker, I support the adjournment. Just very briefly, just to remind the public particularly that at the last meeting this Council agreed that there would be a consultative poll at the end of the month and want to remind people that really there will hopefully be lots of information that will come out shortly. The outcome of the consultative poll really will determine how politics is played out over the next five to ten years and really that is so, so important. So, for me, I would like to encourage everybody to really take part and interest in the information that will come out and also in the consultative poll. I particularly would like

to see a lot of more young people and women really get interested in politics. It doesn't matter what other system we have, we can only be successful if we work together.

The other point I just want to make a mention of relates to isolation and Covid-19, because I really think we need to pay tribute to everybody, the whole of St Helena who have contributed to, up to the moment, keeping St Helena Covid free and it's the efforts of all that really is important and particularly, as I stand here today, to say, you know, home isolated and also those at Bradleys, we are only as strong as our weakest link and everything is not done by politics, it's every single one of the community has to do its bit in order for us to continue to do that, so please don't just rely on IEG, it is everybody's responsibility to do that, but today I just wish to pay tribute to everybody on the island who has done whatever is necessary to bring us to this point, which is probably quite unique in the world, and so our isolation really is our blessing.

Thank you, Mr Speaker, I support the adjournment.

The Speaker –

Thank you, Honourable Member. The Honourable Lawson Henry?

The Hon. Lawson Henry –

Thank you, Mr Speaker, I rise in support of this adjournment debate. We have made history today in this House, Mr Speaker, but really for the wrong reasons. Our forefathers will not be very happy of what was allowed to happen in this Chamber today. We have specific rules of debate and even though this was called to order, the member continued to rebuke members of the public service and Council. We have a Code of Conduct, Mr Speaker, the enforcement of these rules rest with you and if anything at all comes out of this debate today, you must, you must enforce the rules of this House, because rules were forth, lives were lost to give us the kind of freedoms we got today, but they come with integrity, civility, honesty and relationship with each other and it is getting bolder and bolder. You cannot allow this, because the rules of democracy will fall away and I urge you today to look at this transcript and consider appropriate action. Thank you.

The Speaker –

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

The Hon. Jeffrey Ellick –

Thank you, Mr Speaker. I rise in support of the adjournment. A couple of things I need to say, Mr Speaker. Firstly, Mr Speaker, I notice when some of my colleagues believe that their colleagues have acted inappropriately they are quick to pounce, let's hope they have the same vigour towards others who feel that they can behave inappropriately towards elected members. Carrying on, Mr Speaker, I remember seeing an advert from the Equality and Human Rights Commission, this is what it said – Have you ever felt you have been treated unfairly because you are a Saint or because you are not a Saint? Do you think there is unfairness, racism, xenophobia on the island? I would just like to comment on this. I've not been to the Equality and Human Rights Commission to make any point on the aforementioned matters, but what I will say is if anyone in our society feel that this is happening, I would encourage you to speak with the Equality and Human Rights Commission, stand up and speak out. If you do, only then it can be addressed. As a politician, I would advocate that this Government lead in enabling St Helena to be altogether fairer. St Helena has the primary laws that underpin equality and fairness in our society. The real questions are – are main decision makers implementing the relevant laws when decision making? Do they understand this particular type of law and the consequences of not following the laws that afford people the basic fundamental rights and

freedoms? Mr Speaker, I've been on Council for just over a year and I've not been happy with some of the decisions that have been made by this Government as I believe such decisions were not in line with equality and put particular groups above others. I highlighted the decisions in my exposition at the formal LegCo where a Motion of No Confidence and in the last formal LegCo in my adjournment debate. Just to remind people, decisions from this Government to exempt FCDO and staff and families as well as the French journalists from home isolation and prioritisation of persons travelling to St Helena where Saints who wanted to return for holiday were on a very low priority and non-Saints going for a holiday was of a higher priority. Mr Speaker, when Governments make such decisions, it sparks and causes a xenophobic effect and some people don't understand that it's not the groups who have been elevated above other groups who are to blame, but the people who make the decisions to allow such group or groups to be elevated. What doesn't help is the position of the FCDO who doesn't seem to take such matters seriously and how they choose to deal with, or more to the point, not to deal with the behaviour of one of their employees. Mr Speaker, I do hope that.

The Speaker –

Yeah, you can't talk about the Governor like this please.

The Hon. Jeffrey Ellick –

I never say the Governor.

The Speaker –

You're making.

The Hon. Jeffrey Ellick –

I said employees.

The Hon. Allen Cansick –

You may say it, Councillor.

The Speaker –

Please keep it, keep your decorum with, treat the whole of this House with the greatest respect, please.

The Hon. Jeffrey Ellick –

Yeah. Mr Speaker, I do hope that going forward our primary decision makers are mindful of their past decisions and do not repeat these decisions, but ensure that when decisions are made it allows people to be treated in a fair and equitable way and allows the people of St Helena to exercise their fundamental rights and freedoms and the FCDO also play their part in supporting democracy and the rights and freedoms of individuals on St Helena. Mr Speaker, St Helena has always had a reputation where the people are welcoming, friendly and peaceful, our reputation is our selling point, you cannot afford to lose it. Let's hope going forward that the topic of xenophobia does not become a hot topic and this Government does all it can to prevent xenophobia.

Mr Speaker, I support the adjournment.

The Speaker –

Thank you very much. Any other Member wishes to speak? Okay. The Honourable Chief Secretary, do you wish to respond to the debate?

The Hon. Susan O’Bey –

Thank you, Mr Speaker, I will respond to elements of the debate this afternoon and I thank Members for raising pertinent issues. I’d like to just perhaps first of all to thank Honourable Corinda Essex for raising her concerns in relation to the support in the Public Solicitor’s Office. First of all I would like to say that the new Public Solicitor is due to arrive at the end of February and, of course, SHG continues to provide financial support to the Public Solicitor’s Office for resources, so, in addition to the full-time staff, the Public Solicitor’s Office also have access and have been drawing on support from three other lawyers who are currently off island when needed. I would point out, however, that comparing the Public Solicitor’s Office to the AG’s Chambers is perhaps not a good or fair comparison, because, of course, Members will be aware that the AG’s Chambers does not just work on matters that involve the Public Solicitor’s Office, they are the legal advisers to LegCo, ExCo and SHG and the Governor and the work of half of this staff has a little to do with work of the Public Solicitor’s Office, so I just wanted to draw that comparison. However, I would like to take this opportunity to share the concerns in relation to that have been raised by the Private Sector, I understand how the Sector individuals feel, but I would like to say that I hope that the new structure of government, including the establishment of a Treasury and Sustainable Development Portfolio will allow SHG to be able to more holistically address these issues. We are aware that there are continuing to be obstacles, unfortunately they’re not deliberate obstacles, but there are obstacles sometimes because of inconsistencies in policies and processes and parts of the Fit for the Future Phase 1 reviews has actually looked at where those gaps are and have made recommendations in terms of how we can address that, so I’d like to give my assurance to the House today and to the members of the public and the Private Sector in particular that we will continue to address these, I will ask people to continue to draw to our attention where there are inconsistencies, it’s not plain sailing in terms of being able to might have a magic start on 1st April, but that is one of the principles of the transformation programme and that is that we want to make it easier to interact with SHG, so we understand how frustrating it is and we are taking measures to address this, and, as I said, we hope that we will be able to work with the private sector, with members of the public, to be able to make it a lot easier to work together.

I also understand that there are uncertainties and concerns in relation to what happens when Enterprise St Helena finishes and I, again, will say that as we start to phase out Enterprise St Helena, wind up businesses there, we will make sure that we make the public and particularly the private sector aware of what new arrangements are going to be in place to support them going forward.

I’d like to also just mention, I know that Councillor Thomas spoke about exploring options for allowing our students to continue to work particularly at this time of difficulties within relation to travel and also the difficulties in relation to study, physical study abroad and I am aware that the Education Directorate and the Education Committee continue to make that a priority and that they are exploring options, particularly for how they can broaden access to higher education, access to not just academic courses, but also non-academic courses, particularly in relation to skills and development and they’re looking at, obviously, developing the scholarship trust which will be broad and won’t just be focusing on a narrow group, so I just wanted to give you assurance on that.

We have, of course, mentioned here today about home quarantine and I can confirm that a new evaluation has taken place. The findings from that evaluation are being drawn together now and will be shared with all members, but the early, emerging findings are that the home quarantine arrangements generally went very well and of particular note, it was noted that the new roving security acted in a very professional and comforting manner and that was recognised by both the Health Directorate and also by the Police, because they work very closely with them, so as soon as that evaluation is finalised I will certainly share this with all

members and, of course, any lessons arising out of this current round will be fed back into the loop and standard operating procedures will be updated to incorporate those lessons.

Mention was also made in relation to the Fit for the Future Programme and redeployment. We do have our redundancy and redeployment policy and part of redeployment will certainly involve making sure that appropriate training and development is offered to those staff so that they go into roles and they are equipped to be able to deal with those. Indeed, upskilling and training and development is also built into the terms of reference for all of our Technical Cooperation staff and a number of those staff are participating in SHG's mentoring programme, so I think that sort of sums up the majority of things that were raised that I can respond to on behalf of the administration and all that remains for me to say, Mr Speaker, is to thank members for their contribution and to thank you for this useful debate this afternoon.

The Speaker –

Thank you very much indeed. Honourable Members, I would just like to, before we close, I would just like to bring your attention to my address this morning and what I said was Honourable Members, I cannot fail to emphasise the importance that all Members are duty bound to uphold with respect the inner workings of Standing Orders and the Code of Conduct. Now, please, in future if you've got business to bring to this House, I want it to be in accordance with the inner workings of Standing Orders and the Code of Conduct please. Anybody stepping out of line, I will either ask you to sit or I'll definitely ask you to be removed from this Council if you step out of line, please. So please, make sure that any business you bring to this House it is in accordance with the Standing Orders and the Code of Conduct please. Now I can't make it any clearer than that and I will certainly enforce this if this, if we have any reoccurrence of this that took place here this afternoon, so I hope that Members now will be assured that I will be diligent and take this seriously. Councillor Henry, Councillor Thomas, you wanted to say something? No? Okay. Oh, Councillor Essex?

The Hon. Dr Corinda Essex –

Just on a point of information, Mr Speaker, you said you would remove from the Council, I assume you mean this House.

The Speaker –

Sorry, sorry, I mean remove from this House, I do beg your pardon, remove from this House, I beg your pardon.

Okay, Honourable Members, I think we're all clear on this now and that concludes the business for this session, Honourable Members and I now put the question that this Council do adjourn sine die.

Question put and agreed to.

The Speaker –

Thank you very much, Honourable Members.

Council adjourned sine die.

Honourable Speaker

Date