

## FORMAL HEARING - SELECT COMMITTEE 1

Wednesday, 9<sup>th</sup> August, 2023

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

### 1. ADDRESS BY THE CHAIRMAN

Good Morning Honourable Members, attending Officials, ladies and gentlemen, and everyone listening via radio or live streaming. Together with my colleagues, we bid you a very warm welcome to this very first Formal hearing of Select Committee one, which I will refer to simply as SC1 from the Council Chamber in the Castle of Jamestown. As this is being broadcast live, may I ask you to ensure that any mobile phones or other equipment are placed on silent mode? With regards to our Constitutional role SC1 is a Select Committee of the Legislative Council in accordance with section 69 A of the St Helena, Ascension and Tristan Da Cunha Constitutional amendment order 2021. And the Select Committees establishment order 2022. The function of SC1 is statutory, its primary function is to objectively scrutinize decisions, policies and activities of the St Helena Government. In particular, SC1 is responsible for review and scrutiny of the following sectors of government, one Health and Social Care, two Environment Natural Resources and Planning and three Education Skills and Employment. SC1 is protected to act independently and is not subject to the direction or control of the Governor, the Executive Council or any other body or authority. And it has the power to compel the Chief Secretary and any Portfolio Director to attend the Committee Meeting in order to give evidence orally. The Chair may also request attendance of any other Public Officers through the Chief Secretary or the relevant Portfolio Director and may invite persons other than the Public Officers to attend and address the Committee with respect to any relevant matter being considered by the Committee. The Scrutiny role of SC1 is seen as a mainstay of good governance in terms of holding the St Helena Government to account.

The composition of the Committee comprises the following five permanent Members:

Myself as Chairman	Councillor, Robert Midwinter
Member	Councillor, Rosemary Bargo
Member	Councillor, Gillian Brooks
Member	Councillor, Ronald Coleman

Committee Support is usually provided through the Clerk, Miss Anita Legg. However, on this occasion, we are being supported by Miss Shanice Phillips. Before moving on to today's program of business. I just wish to acknowledge the fact that this is our very first Formal Hearing as a Committee. And much of what we are doing today is very new to most of our Members. And secondly, I wish to publicly welcome back our Clerk Miss Anita Legg from overseas leave, and to thank Miss Shanice Phillips for her support to the Committee in Miss Leggs absence. Turning now to the program of business. This is our first Formal Hearing of Select Committee 1 for 2023. And the topic that has been selected for scrutiny is Fisheries a Cross Functional Review. As such at this session of the Committee will obtain oral evidence on the application of the St Helena Fisheries Ordinance 2021, The St Helena Fish and Fish Products Ordinance 2010. And any subsidiary policies and processes that relate to those items of Legislation. Responsible Officers have already taken their place at the table. Thank you for attending, and for the benefit of the listening audience. And starting from my left, can you please introduce yourselves and give a very brief overview of your role in relation to the matters that we are discussing today.

## 2. INTRODUCTIONS

Mr Darren Duncan –

Thank you, Darren Duncan Portfolio Director have responsibility for Fisheries and also at the moment standing in as the Statutory Chief Fisheries Officer.

Mrs Tracey Poole-Nandy –

Tracey Poole-Nandy Portfolio Director of Health and Social Care and I'm responsible for Environmental Health.

Miss Kelly Jonas –

Kelly Jonas, Marine Enforcement Officer and I'm responsible for enforcing Marine Regulations.

Mrs Georgina Young –

Georgina Young Senior Environmental Health Officer, Authorised Officer under the Fish and Fish Products Ordinance and Regulations as well as responsible for implementing the provisions of the regulations.

## 3. QUESTIONS

Chairman, Hon Robert Midwinter –

Thank you. The Committee will now scrutinize the aforementioned areas of Legislation and Policy as these are applied in practice. Before moving on to my colleagues, I would first like to ask the Officers present to give an overview of the legal instruments that come under your respective portfolios and any policies that you have in place relating to these.

Mrs Tracey Poole-Nandy –

Okay under the Portfolio of Health and Social Care, we have the Food Safety Ordinance 2016 and the Environmental, Fish and Fish Products Ordinance 2010. And the Policies can be advised by Georgina to my left.

Mrs Georgina Young –

General policies to implement the provisions of the said Ordinance that was mentioned by our Portfolio Director. So, basically we go and inspect premises and vessels or anything pertaining to those issues relating to we are concentrating on fish today to see the adherence and whether we can offer any guidance or any way forward to be able to execute any activities within that Ordinance to ensure food safety and food safety standards.

Mr Darren Duncan –

Okay, the St Helena Fisheries Ordinance 2021. So, this is an Ordinance that defines St Helena's Fisheries limits, and also regulates all fishing activity, and any related activities within those limits, mainly for the purposes of management and protection of St Helena's fisheries resources. We also have a Fishing Licensing Policy that came into effect in 2021, as well, which helps St Helena Government to implement the main parts of that Fisheries Ordinance, as well as allowing fishermen or any members of the public to be able to view and understand what is it that we do in relation to implementing the Fisheries Ordinance. We also have a Marine Compliance and Enforcement Strategy as well. And I'll let Kelly tell you briefly what that is about.

Miss Kelly Jonas –

So the Marine Compliance Enforcement Strategy gives us guidelines on how we enforce St Helena's marine regulations. So to protect our marine environment, so the ways that we do this is by carrying out

landing inspections to inspect fisherman's catch to ensure that they haven't complied with their license conditions. We also carry out boarding inspections so that we can board vessels to ensure that they are complying with the licenses under the Ordinance. And we also carry out surf trips with fishing vessels as well as to ensure that they are complying with their licenses that is created under the law.

Chairman, Hon Robert Midwinter –

Thank you very much. So I would now like to invite Councillor Rosemary Bargo to raise questions regarding the Fisheries Ordinance 2021 and any related policies.

Member, Hon Rosemary Bargo –

Thank you, Chair. Good Morning, everyone and Good Morning to our listeners. The first question I believe goes to you, Darren. The Fisheries Ordinance 2021 is relatively a new Ordinance taking into account that all aspects of Fishing are of national concern, was key state stakeholder input taken into account while formulating this Ordinance?

Mr Darren Duncan –

Yes, it was a very specific working group was set up in order to develop the Legislation so to move from reviewing the old fisheries limits Ordinance to providing a new Ordinance. As part of that process, licensing policy was consulted on was adopted and that was used and to inform the new Fisheries Ordinance. As part of that consultation and as wider stakeholder review as we could take into account. The working group was designed to include members of the public at large, also fishery stakeholders. So for example, I'm the Chair of the fishermen's association was included as part of that working group. And then iterations or versions of the Ordinance, as it was being drafted, was then being consulted on through the working group as well as to targeted stakeholders in the sector. And then finally, a public consultation exercise as well was undertaken.

Member, Hon Rosemary Bargo –

Thank you for that I think you answered my supplementary questions as well all in one. So thank you, can you please provide an overview of the different types of fishing license for St Helena?

Mr Darren Duncan –

Sorry, there's seven licenses that we administer. So sports fishing has two types of license, an angling license as well as a spear fishing license. And then for our commercial license, we have what is known as an inshore license as well as an offshore license.

Member, Hon Rosemary Bargo –

Thank you, can you please give a general description of the different types of fishing methods used in St Helena waters?

Mr Darren Duncan –

Yes, so under the Ordinance is a list of methods that you will see all other methods are prohibited. But there's a list of those that we would say are the methods that we would currently imploring or we would employ as part of granting a license. So the first one is fishing by hand line. So that is whether it's a hand line that has been held by hand or retrieved by hand and having a single hook and a line on it. Fishing a pole in line. So that can be handheld or that can be mounted on a pole or right. We are fishing with droppers. So that is a line whether that is retrieved manually or by reel, for example. And that mostly is used or employed for bait fishing, but also employed for ground fishing as well. So that's a single line with multiple hooks. We did have fishing by handheld, what we call a handheld dip net, and then fishing by pot. So often that is used for catching lobster, we have fishing by hand so often, sometimes people go and harvest lobster by hand physically with their hand in a cave. And then finally fishing by use of a spear gun or what we call often refer to a lance as well. So those are the fishing methods that are employed or

are allowed to be or permitted to be used in St Helena's fisheries, all are all other methods outside of those that I've listed are prohibited.

Member, Hon Rosemary Bargo –

Will you be able to provide a fishing method, you know an example of a method that is prohibited.

Mr Darren Duncan –

So for example, a long line so that's a line that is dropped with multiple hooks use mostly for catching pelagic species, fired then or propelled by other means then releasing by hand. So that would be a method that we would prohibit in our waters.

Member, Hon Rosemary Bargo –

Can you please explain more about close season in fishing, and what species this pertains to?

Mr Darren Duncan –

So a closed season is a period of time so for example, if I use the example of what the closed season we do have is for spear fishing, and that is for species are prohibited to be caught on a spear during the period say January to March of each year. So that is used to as a tool to allow species of fish to be able to breed and basically to protect those species for that period of time.

Member, Hon Rosemary Bargo –

Thank you. Spear fishing has become the most sustainable pole fishing method for many reasons, one of the biggest is that it has the most selective catch by species, size and quantity. It also has the least problems for the environment, no by catch, it doesn't need any bait almost no gain or loss, virtually no non targeted species impact and no harm since the surrounding underwater environment. Will there be consideration to reflect close periods to be for species rather than method, so that the method of spearfishing can be only around for species such as tuna, and Wahoo and other pelagic fish? It could also be an added attraction for tourism.

Mr Darren Duncan –

Yes, certainly, we will give consideration we are giving consideration to requests at the moment for pelagic species to be taken off the list for spear fishing during the current closed season and moratorium that we do have. So it will certainly be a consideration. Yes.

Member, Hon Rosemary Bargo –

Thank you that that is good to hear. Can you please explain the meaning of exploratory fishing and what this means for St Helena?

Mr Darren Duncan –

So exploratory fishing is a relatively new fishing license that we've developed. And that is really for St Helena being able to, through a licensee implement research for a particular species, or due diligence exercises in relation to prospecting for commercial purposes. So doing the background were to explore various issues to do with the availability of a species, providing stock assessment, biomass estimation, and also sort of catch per unit effort for a particular species that St Helena might not have available or informed or scientific, or evidence based information for that particular species.

Member, Hon Rosemary Bargo –

Thank you. Do you currently have any means of doing exploratory fishing on the island?

Mr Darren Duncan –

Yes. So we've had various examples of local fishermen being interested in exploratory fishing. Some of its small scale, some of it very specific and time period specific and then we've also had larger proposals for exploratory fishing in a particular area of St Helena's as well for commercial purposes.

Member, Hon Rosemary Bargo –

In your opinion do you, can you see if this exploratory fishing method is vital to enable you to assess quotas or be able to increase or decrease quotas when necessary?

Mr Darren Duncan –

Yes, the exploratory fishing is a very important part of the science, the evidence, the sort of stock assessment. And as I said earlier, the kind of biomass estimation for a particular species that St. Helena requires if we are ever to develop our fishery, whether it is by a particular species or whether it is by a particular area, or part of our fisheries, then exploratory fishing is important so that we make sure that we have the evidence, we have the information. And we're also gathering the science alongside of that to be able to inform policy to be able to inform management plans for that particular species. And also, whether we're able to then develop proposals going forward for a particular species before we get down the road of saying, we've allowed a commercial fishing license for a particular species, before we even have the information that we need to be able to continue to provide a quota or a total allowable catch against that species.

Member, Hon Rosemary Bargo –

Thank you. Are you able to do this effectively now?

Mr Darren Duncan –

Parts of it we were able to do effectively, certainly for some of the small exploratory requests that we've had, people are able to do that. Effectively, we are able to do it effectively from a point of view of scientific observer coverage. If we're talking about the inshore for the offshore, we're not, we can't do any exploratory route effectively at the moment without a dedicated fishing in the offshore fishery. And then also, you might notice that we've advertised for observer coverage services, which has been difficult to date to obtain in terms of service provision. So right at this time, from an effectiveness point of view, we wouldn't be able to say that we can carry out exploratory fishing as effectively as we would like. So without a vessel without observer coverage, and without somebody doing dedicated fishing, we're not able to do it, not for the offshore.

Member, Hon Rosemary Bargo –

Thank you. And just to touch on that, with the offshore exploratory fishing in the absence of it, how does this impact on the island going forward with regards the economy?

Mr Darren Duncan –

Certainly it impacts the fishing sector, in terms of possibly getting the best out of the fishery that we could that obviously, then has a knock on effect in terms of the contribution that fishing would make, both through employment both through on island earnings, as well as potentially for export. So that does have an impact on the economy, as well. And then for us from a scientific and management information point of view. Obviously, we're not able to move further on with discussions on total allowable catch for tuna species, if we're not able to have up to date additional information, to be able to then inform future estimates really, for biomass of those species in order to then be able to decide whether or not changes should be made to total allowable catch for those species.

Member, Hon Rosemary Bargo –

That brings me on to the next question with regards to your method of allocating fishing quotas to fishermen? How do you know, what is your methods on that?

Mr Darren Duncan –

So allocating quotas is fairly new to St. Helena in the sense of in the past, we've just basically had quota allocation related to the grouper. And the introduction of quotas to St. Helena came at a time when all the historic information or data that we had related to Qantas that was landed at the coal store. So there were no logbook returns, people and or fishermen weren't providing data to the extent that they are at the moment or required to at the moment. So really, quotas for tuna's have been based on largely on people's historic catch three years prior to the closure of the coal store. And so we were looking at average, catch us per vessel for that period of time, and then allocating those two pieces of the fishing vessels that go out. And then recreational was allocated a sector wide allocation. And likewise, sports fishing was the only commercial fishing that was allocated a quota per vessel within the overall total allowable catch. So for example, if you take into account yellow fin tuna, that 300 tonne total allowable catch was then broken up into three broad quotas, one for commercial, one for sports and one for recreational within the commercial, then there was quotas, then individually per vessel. So that is the system that we used. We'd like to be able to develop and improve on that but we need the data to be able to even say even now when the cold store is open, and you also have a another fishing business that is retailing fish as to whether people can actually catch those quotas on an annual basis. Or whether we have we can have an improved way or better way of allocating quotas based on need. Right rather than historic trends of catches.

Member, Hon Rosemary Bargo –

Thank you, Darren, and I take it so any new businesses, you know new fishermen coming online commercial, and you will find allocating quotas more difficult because you don't have that data.

Mr Darren Duncan –

Yes, we had hoped that within the two years, since we had started allocating quotas that we would have had better data based on a cold store operation, as well, as I said, an additional fishing business, as well as one or two additional people coming into the sector as well in terms of requiring commercial fishing licenses. And to be able to see the weather those historic catches, on average catches that per year that boats were achieving, whether that was still achievable, or whether, quota needed to be directed now into areas where there was potential for that quota to be used.

Member, Hon Rosemary Bargo –

So I take it from this that, you know, the exploratory fishing is vitally important for St. Helena. Can you say, you know, how can we what is the holdup on this?

Mr Darren Duncan –

So at the moment for that it is we're still awaiting fishing vessels to be or a fishing vessel to be able to be brought online to be able to do the exploratory fishing in the offshore fishery.

Member, Hon Rosemary Bargo –

And that is the process.

Mr Darren Duncan –

Yes. So at the moment, we are without a vessel to be able to go to the offshore to fish, we can't issue a exploratory license.

Member, Hon Rosemary Bargo –

Thank you. And just too tie up. Does the current fishing fisheries Legislation adequately addresses enforcement that enabled you to perform your duties efficiently?

Mr Darren Duncan –

Yes, as far as we can see, and the need has arisen so far. I'd have to say there are some provisions under the Ordinance that like any Ordinance, we haven't been able to use yet was simply the need hasn't arisen to use that those particular provisions. But we also have additional provisions through regulations provided under the fixed penalties Ordinance as well, that would support enforcement as a as another optional tool that can be used in terms of trying to achieve compliance, then with fishing licensing requirements as well as requirements of the Fisheries Ordinance.

Member, Hon Rosemary Bargo –

And can you just give like explain the various steps went into in an enforcement?

Mr Darren Duncan –

Okay, yes, I can allow Marina Enforcement Officer to provide that information, Kelly.

Miss Kelly Jonas –

So the steps that we take when we carry out enforcement if an offense is committed. So firstly, we would put out and advisory approach so we would speak to the fisherman verbally, as well as send them a letter to just to remind them of what offense they have committed. If the offense is then committed, again, after we've given that advisory approach, we would send out a warning letter. So a warning letter would then reference the law as to what offenses they have committed and the penalty that they could face if they committed again, we would issue approximately three letters depends on how often the offense is committed and how serious it is. As Darren has just mentioned about the fixed penalties, once they are in place, if an offence is still continuously committed, after the warning letters, we will be able to issue a fixed penalty notice against it. If it happens, that their offense is still then committed after the fixed penalty notices been issued, if we have enough evidence, we'll be able to take the case to court for prosecution. And lastly would be a revoking of the license. So if we followed all those steps, and the fisherman still fails to comply, then we'd be able to take away their license.

Member, Hon Rosemary Bargo –

You did touch base on the penalties, she say when they are in place. So they are currently being looked at to be put in place.

Mr Darren Duncan –

Yes, so there's legal provisions for that. But we are working through our process now in terms of being able to make sure that we have the appropriate steps in place to be able to implement that for marine offenses. So it's just going through making sure that whether that is the way a fixed penalty notice the fine is actually collected and the finance system that we operate, been able to then provide communications and a rollout of that. So not just bring it in without actually giving fishermen and the public enough information as to how they would operate before we actually implement that.

Member, Hon Rosemary Bargo –

Thank you. And just lastly, you have a timeline on that to come in place.

Mr Darren Duncan –

Yeah. So we want that to come in place before December this year.

Member, Hon Rosemary Bargo –

Okay. Thank you, Darren, and Kelly, for that comprehensive overview. I don't have any more questions at this time.

Chairman, Hon Robert Midwinter –

Thank you. Just to picking up on two items there. Mr Duncan, you mentioned about adverts for observers and difficult to date. Is there any provision beyond local advertising? Or is there any possibility to bring in observers from outside of St Helena?

Mr Darren Duncan –

Yes. So that is a possibility. We wanted to give local service provision and opportunity fast before we look at bringing somebody in, or a service from outside but doesn't preclude an option to bring in or, or service or that could be even someone local offshore, being able to operate a service.

Chairman, Hon Robert Midwinter –

Okay, and I know historically, there has been support from for example, MRAG. Is that connection still there for the island?

Mr Darren Duncan –

Yes. So MRAG are still providing services for us at the moment, but they don't provide the kind of observer service as we would require, through this service. So that we require the sort of physical presence and observer duties on board vessels to be able to report effectively and for the allows St Helena then to meet our required observer coverage for our fishery on an annual basis.

Chairman, Hon Robert Midwinter –

Okay, thank you. And you mentioned in relation to allocation of quotas, and the need for, obviously, evidence base, if you have a new entrant to the market. So in a new fisherman wanting to start up, and they haven't got the historical data, how would you go about allocating quota in those situations?

Mr Darren Duncan –

So what we've done so far is look at the sort of size vessel and that the applicant has in relation to other similar vessels in the fleet. And also, what the proposed fishing plan is on the application when it comes in. So we've tried to use what we have at the moment in terms of very similar fishing system, whether that's part time or full time, size vessel, and what quote or is available at the time as well.

Chairman, Hon Robert Midwinter –

Okay, thank you, and mindful that the current ordinance is very new. Is there anything that in the since the implementation that Ordinance that has sort of come to mind that you feel needs Particular attention?

Mr Darren Duncan –

Not specifically, the only thing that I think we haven't done or want to be able to do now, as we do have a new science and research plan associated with the adoption of the new Marine Management Plan is to try and bring in our Advisory Committee function under the Ordinance. So we still don't have that at the moment. And I was hoping that we will be able to have a new Officer that would be able to come in and lead that in terms of, but we just haven't been able to recruit to that role as substantive statutory Chief Fishery Officer in post to be able to then start or begin to establish that Advisory Committee.

Chairman, Hon Robert Midwinter –

So and that role, will that be localized role, or would there be an international role?

Mr Darren Duncan –

Yeah, so we've advertised the posts before these, the statutory appointment is a statutory one rather than an administrative one. So the Officer who would hold out posts at the moment, it is still vacant and but we will be recruiting to that again shortly.

Chairman, Hon Robert Midwinter –



Okay, thank you. Anything from either of my colleagues, in which case, I would now invite Councillor Ronald Colman to raise questions regarding the Fish and Fish Products Ordinance 2010 and any related policies.

Member, Hon Ronald Coleman –

Good Morning, everyone. And Good Morning to our listeners on radio. I think my questions will go to the Director of Health and Care, because we're dealing with the Fish and Fish Products Ordinance 2010 which came in in February 2011. So the first question is that under the Fish and Fish Product Ordinance, who makes up the regulatory authority for St Helena?

Mrs Georgina Young –

So the regulatory authority is the Health Protection Board and they are Members, which includes the Chairman of the Board is the Chief Medical Officer. The members are the Laboratory Officer also is the Health and Social Care Portfolio Director, the Senior Veterinary Officer and myself is the Senior Environmental Health Officer and a non-government Member. Mr Hudson, X Senior Environmental Officer.

Member, Hon Ronald Coleman –

Thank you. In the Ordinance states that there are fish landing sites which would be designated by the authority we are these sites?

Mrs Georgina Young –

The fish landing site that was designated under the ordinance of 2010 is Rupert's bay with a provision of Jamestown landing steps as a landing site in case of rough seas.

Member, Hon Ronald Coleman –

Thank you, and what type of license you would normally issue as an authority?

Mrs Georgina Young –

As an authority, the license issued will cover processing establishments or vessels what we call regulated units. So that will be the main license we issued and as a regulatory authority.

Member, Hon Ronald Coleman –

And can this license be revoked or suspended at any time?

Mrs Georgina Young –

There's a section in the Fish and Fish Products Ordinance and suction section five, six or something, you can be revoked or suspended.

Member, Hon Ronald Coleman –

And what would be the reasons for this type of thing?

Mrs Georgina Young –

We haven't done this anyways, but um, the reason will probably be non-compliance but then it will be have to be a very intimate risk to health.

Member, Hon Ronald Coleman –

Thank you. Then the Ordinance also mentioned Authorized Officers, who are the Authorized Officers in the Ordinance?

Mrs Georgina Young –

During the years we have several Authorized Officers which has left the department now. So the only Authorized Officer at this present moment is myself and we are in the process of authorizing another one.

Member, Hon Ronald Coleman –

And then they are appointed by?

Mrs Georgina Young –

They are appointed by His Excellency the Governor.

Member, Hon Ronald Coleman –

Who make those recommendations?

Mrs Georgina Young –

The recommendations are made through the through the Health and Social Care Portfolio

Member, Hon Ronald Coleman –

What are the main duties and powers of Authorized Officers?

Mrs Georgina Young –

So the authorized Officer according to the Legislation can enter a premise at any reasonable hour during the time their premises is actually in operation. So that's under Section nine of the Ordinance. They can examine any fishery products if they feel they in any regulated unit within to in which the officer believes in my apply they can stop and search your vehicle or whatever if there's any it's all defined in the Ordinance. Stop search or detain any vehicle vessel or aircraft in which the Officer believes or fishery product to which the Ordinance applies have been conveyed. It's not necessarily we'll do that because you will feel Did you work properly from the start you wouldn't really be needing to be doing they're open and any open any package and examine the goods and get tested if necessary. We can also look at the box and documentation.

Member, Hon Ronald Coleman –

Thank you how many fish processing establishments are there on the island?

Mrs Georgina Young –

At present there are two there are the STC establishment at Rupert's which have a license to process fish for local and export market. And there is the happy days at the wharf which has a local license and there's other units such as the market store all and who actually sells fish.

Member, Hon Ronald Coleman –

So how often would you make inspections for compliance?

Mrs Georgina Young –

The normal procedures to do an annual year inspection and if there's any reason to enter the building because of any complaints had been come to light that we can enter anytime but the normal procedures to go once a year.

Member, Hon Ronald Coleman –

So do the fishermen have any compliance under the Ordinance where the selling of fish or given away fish?

Mrs Georgina Young –

So the fishermen they are the boats are regulated because they have to also regulate the will has to also license their boat under this Ordinance in order to although they get a fisheries license from the ENRD, they also get a license from us to be able to deal with the fish on board. So and then when we had a change of when the STC, not STC but the building establishment group is closed down there was license given to the fisherman to actually sell the fish from their vessel or from their vehicle which is also registered with us.

Member, Hon Ronald Coleman –

You talking about the interim arrangement?

Mrs Georgina Young –

Well the interim arrange it was called interim arrangement. But there was no time limit on it and after that the people in the boat the boatman was still actually carrying out the activity which was license

Member, Hon Ronald Coleman –

And that will continue for any time in the future?

Mrs Georgina Young –

That we will continue with that until we are told otherwise because that was a decision taken by people high up.

Member, Hon Ronald Coleman –

Thank you, can the fishermen sell the fish anywhere?

Mrs Georgina Young –

So fishermen according to the regulations, they can put the fish on the open markets which basically is what they do to fish for STC doesn't pacifically say you have to go it has to go to a regulated unit. But the way it was interpreted that whole fish can be sold from their boat, which basically is what happens when they goes to say one of the processing units buy it anyway. So it's like so it's actually they can sell it from their boat and sell it from as I say from the vehicle providing they with the hygienic conditions. But they really can't cut up the fish on the boat or could they license say they only can head, Gill or Gut on your boat if it's for commercial sale so they can sell it providing you get the right license.

Member, Hon Ronald Coleman –

So what is the difference between process and whole fish?

Mrs Georgina Young –

Well, whole fish is what we know what whole fish look like. So we know exactly how the appearances were processed fish when you process because you basically cut you basically cut slice and dice I would say in essence or mince. So, that's how we call process especially when you change the actual the form is actually in so you know it could be little bits of All Mixed Up.

Member, Hon Ronald Coleman –

Okay. So, when we have retail places like shops and stores which sell Fish and Fish Products, do they have to satisfy any requirements by law before they can sell such products?

Mrs Georgina Young –

So, technically the so when you go to shops and stores we they have to sell I would say fish that has been processed in the processing unit, because it is done in such a way that as all due regard is given to the hygiene requirements and all the Hazard Analysis Critical Control Points are taken into account. So, when we get it as a customer, we are we have the guarantee that all the processes standards are

followed so basically, yes, they have to comply pretty much with a hygiene management plan. So be sort of sort of the best ways to do is to buy it from a processing unit because that will be the compliance.

Member, Hon Ronald Coleman –

And then we have the transportation of fish. Is there any compliance or requirements for the type of vehicles that fish is transported in? Or fish products.

Mrs Georgina Young –

The main thing with fishes that when it is caught, it is actually dealt with in a way that it actually is put on ice or within ancillary ice to bring it down to temperature of zero degrees because certain types of fish produce certain types of organisms that are harmful to human health. If exceeding certain values so, transporting a fish we require that they also are carried out in a manner that will support or suppress the growth of microorganisms that can affect human health. So most transports are, you know have to be clean, obviously presentable and have a facilities where the fish are kept in such a temperature that it doesn't evaluate in temperature basically on ice or in icy water.

Member, Hon Ronald Coleman –

Thank you. So, the vessels now local vessels, how many are currently licensed to process fish?

Mrs Georgina Young –

Well, they're not licensed to process fish a special license with us is to two they are regulated to catch fish and keep it on board, we'll show an ice and there are 15 we have on our books to date.

Member, Hon Ronald Coleman –

And the inspections for these boats? How often are they carried out?

Mrs Georgina Young –

Once a year or whenever the person applied for the license the onus is on the actual person who actually got the boat.

Member, Hon Ronald Coleman –

Thank you for that. The other thing is carrying out monitoring programs and inspection programs. do you'll produce annual reports for this?

Mrs Georgina Young –

So when we inspect so for instance, I don't really be want to be so specific but basically, when an establishment would be looking establishment we do our annual report on our findings there. When we go to the inspection, we also monitor their fish that goes through the report. By taking samples on a regular basis, we also monitor the water quality on a regular basis through our sampling program. So it's been done, I mean, it needs to be to be done. If I honest about it, we need to probably do more of it. But we only do more of it if we find that some of the results go out of out of control. And then we need to obviously move in there and ask the establishment or whatever to do the necessary corrective actions until retesting, so we do, do monitoring programs, and report unless included as part of the process of guarantees that they are in compliance with certain provisions.

Member, Hon Ronald Coleman –

Thank you. The other thing is to do with the giving away of fish, fishermen who give away fish for use or for charity or whatever. Do they have any different requirements to this fisherman who fish to sell?

Mrs Georgina Young –

It is quite complicated if I can make my say because, in essence when we when we were formed how to how to apply certain rules. When we look at fish, we just look at fish and we look at Fish under the Fish ordinance. But generally as a food safety officer that we should really look at it as food generally, which means that if you read a Food Safety Ordinance that anything would profit where the profit or not should be, should is a form of sale. So I would say that from a food safety point of view and from an Environmental Health Officer point of view, even from the public health inspector point of view, that all people should take due regard of providing safe food to them. Doesn't matter if as to giving it away selling it. You should follow one procedure.

Member, Hon Ronald Coleman –

Thanks, Georgina. The other thing I want to touch on is penalties if someone is convicted of offenses. What is the type of penalties that could be imposed by the court?

Mrs Georgina Young –

So if someone who's committed under the food under the Fish and Fish Products The penalties is in Sorry. Because the penalties Yeah, you take away the license, you can't take away the license. You can. Sorry, I just trying to find it. Haven't had need to do it. So basically defined as offenses committed. A person who commits an offence under Section 11 of the actual ordinance is liable for summary conviction of a fine of imprisonment of 500 pounds or imprisonment for 18 months. But we haven't it has to be investigated by the police because this will be obviously a criminal offence and have to go to a magistrate court so it will be decided at a court but that will be the maximum penalty would say and then under the food safety We wouldn't really take anything related to fish on a food safety because we were told when we deal with fish we deal with food safe deal with the Fish and Fish Product Ordinance.

Member, Hon Ronald Coleman –

Thank you. So 12 years on now, would you say that the Fish and Fish Products Ordinance is working satisfactory?

Mrs Georgina Young –

There's so many layers to that question. And it's a good question, I must admit. So if I can give some background to the whole fish in the birth of it, as I can remember. So in 1999, we wanted to I was the export fish to, to EU. So I, we had implemented had to device legislation, and we had the 1999 - 2000 fish legislation implemented, and then in following that, you know, we raised the flags on the EU radar, as such. So we had a visit from the FEO Office, the EU office that does an inspection of territories to see were they in compliance with or equivalent to compliance to the director better time, which is 91 or 93. So then, arising from that we had a report, and we saying that, Oh, you know, there was some sort of lacking in legislation. So in 2005, we're just implement the 2005 update on the 1999 original legislation. And they say there was some lacking even with that for the 2005 one, so it gave birth to the 2010 one, because we had, obviously give the guarantees that we would implement legislation equivalent to the director at the time. So in essence, we have legislation in place that is pretty much equivalent to the directive at a time. And so now we find our self in a position now where we have a split, so it was easy at that time to apply the legislation because all fish when was caught in the boats, as registered with us, went to an approved establishment at a time of was the ARGOS establishment. So everything went through the two establishment, which was the ARGOS establishment and the Fisher fish, the fisheries establishment, which was listed in the EU establishment list. So, you know, everything worked very well, for compliance for even for us as inspectors. So you went to one place that one thing, and all good, you know what I mean? So then there was a change of heart and where the, you know, not out of, obviously, whatever, whatever comes to be, but it was a change of heart in the previous Council. And then if, and then or you probably all know the history, so I don't want to repeat all that. But basically, the idea gave back to the fisherman is like as if he was a farmer, you go you fish for your product, and you sell your products. So hence why we had and I think your questions was pertaining to that previously, why if a

fisherman allowed to sell their fish, so fisherman was at that point allowed to sell the fish what they caught obviously, following hygienic rules, of course. And then now we in a position now where we've got two streams, if I might say so. So we've got the, we call the local stream, we got fish, now fishermen are catching fish for the export stream. So obviously, we want high standards for the export stream, because our fish gonna be longer sitting somewhere to ensure quality as well as safety for the local stream, we now got some people just going out fishing and then selling home fish say from the backup their vehicles that obviously have to be registered with us as a requirement. And then, and that is all done within I would say six to 12 hours. So you know, in essence, this consideration needs to be given to are we still gonna go have the divide their equally is safe. And don't get me wrong. The product can it can be safe as for the local stream, just as safe as what going into the export stream but there is some, I would say some issues with that.

Member, Hon Ronald Coleman –

Thank you very much, Georgina for those answers. And I'm sure people now better understands the providing our fish and fish products in St. Helena. Thank you.

Chairman, Hon Robert Midwinter –

Councillor, Gillian Brooks.

Member, Hon Gillian Brooks –

Thank you, Mr Chair. Can I just ask, I think you mentioned that inspections of boats was done once a year, or when they were licensed? Am I correct? So there's no unscheduled checks made?

Mrs Georgina Young –

They can be at some stage. But now that to be honest, now that we have the Marine Enforcement in at one time, we didn't have the enforcement working at the wharf or whatever. But since they need any legislation we did, we actually were depend on if there anything you need to highlight the new comes to us. Yes.

Member, Hon Gillian Brooks –

So the highlight comes from the enforcement?

Mrs Georgina Young –

Yeah, we obviously have conversations if we have problems. Yes.

Member, Hon Gillian Brooks –

And with reinforcement that highlight comes from a member of the public or

Mrs Georgina Young –

No, what I'm saying is that the Marine Enforcement will do their job at the wharf. So we take it as if that they are doing a very good job. So at the end of the day, we still will, we'll go to our annual inspection of the boat, because there's a requirement on our law to make sure they are in compliance with at least six of the provisions set out in the regulations. So we still do that. Yeah, I think there's maybe some confusion on what I think the, to be honest about the people listening to boatman listening, I think they'll say, Well, I already got a license from ANRD, why do I need a license from health protection, but you do need a license for health protection if you're selling your fish commercially, or even generally, if you're selling your, or giving away your fish, so basically, to ensure safety of the food product that is actually offered to the customer or your friends. So I think that there is some confusion with that. And they think that they can long as they got a fishing license from ANRD, they're happy, but they we still need to check their boat. So sometimes we boats pop up on the radar that we don't have on our list. So we have to go in and, you know, catch up as such.

Member, Hon Gillian Brooks –

Okay, thank you. So, you may have mentioned this, but if I can just ask, when we spoke about the interim arrangement? Has there been sort of any need for any? Has there been any interventions by officers in any of the processes under this arrangement?

Mrs Georgina Young –

So we had, I would say, lots of issues relating to other establishments, we're saying that people are selling fish on the street or black market fish. But you know, that's open to interpretation by black market, what is black market fish that obviously don't go through the, I would say through the processing establishments sold on the street out there. But then, at the end of the day, people were given license to be able to fish from the fish in their boat, providing they follow the rules and regulations there, and then take the fish and sell it at the at the landing site. There might be a little bit of stretch in the landing site in terms of how big the landing site is when it goes up to the middle of Jamestown. Or there might have been a regard and say, Well, I can't stand up to Jamestown, so basically, was safer to quickly take it to my customers in the country. You know, it. It do need some tidying up now. I would say.

Member, Hon Gillian Brooks –

Thank you. Thank you, Mr Chair.

Chairman, Hon Robert Midwinter –

Okay, thank you. I have two questions, again, in relation to some of the things that you've responded to. Georgina. So, firstly, you mentioned about there was no time limit on the interim arrangement. But there was an instruction, you mentioned instruction. Was that documented? And is it possible to share a copy of that with this committee?

Mrs Georgina Young –

Well, the public notice interim arrangement. Well, we didn't have a retraction on the public notice of the interim arrangement so that the only thing that I can say.

Chairman, Hon Robert Midwinter –

Would you be able to provide a copy of the public notice to the committee?

Mrs Georgina Young –

Well, we'll have a look at that. Yes.

Chairman, Hon Robert Midwinter –

Thank you. And then just to be clear, because you mentioned processing units. You also made reference to regulated units when you were talking about of the vessels and obviously then being able to sell whole from the vessel. But then you, you also mentioned in terms of retail of processed fish in shops, and you said specifically processing units, just to be clear that that is the two processing units that you made reference to, in terms of both STC and happy days. Is that correct?

Mrs Georgina Young –

So the fish retailed at shops is from the processing units and shops, as I say they need to see where they get their fish from a reputable supplier. So I would say that the reputable supplier would be the ones that actually have the good traceability one, like the two processing units, the two establishments, happy days and STCs. Yes. If that makes sense.

Chairman, Hon Robert Midwinter –

Yeah. Okay. Thank you. And I would just before I do, I just wanted to come back to Miss Poole-Nandy. I, I'm really sorry that I put you on the spot here, because it has already been mentioned that it's the Chief

Medical Officer that would normally be Chair of the Health Promotion Board. And because we had to delay the Select Committee hearing, he's unfortunately not here. In his absence. Is there anything else that you wish to add to what Georgina has said?

Mrs Tracey Poole-Nandy –

Yeah, thank you. I think the Chief Medical Officer has clearly outlined as part of the as the Chair of the Health Protection Board, and to Georgina, and to the wider public, that the current legislation is really ambiguous and really difficult to define. So it's not clear to anybody what the rules are. And I think there are many, many loopholes that make it very difficult to follow. So it's really difficult from a health protection perspective, to undertake investigations, what such as following up leads on black market sales, etc. Because it's so ambiguous. And it's really difficult to sort of pin our colours to the mast, if you will, because we haven't got the clear guidance to follow. So he's really clear that I think, from the Chairs perspective, that he would prioritize this piece of legislation in terms of requiring an update so that it becomes much more clear for us as a regulatory board, to be able to then enforce the, you know, the requirements of the legislation. As we speak, it's incredibly difficult when you read through it, it doesn't determine what an institution is anything could be an institution. So in essence, under this legislation, anybody could define themselves as an institution and process and have fit on their premises in the same way cafe, etc. So it's really difficult to sort of implement the regulations.

Chairman, Hon Robert Midwinter –

Thank you very much for that. I will now invite Councillor Gillian Brooks to raise questions regarding the policies and procedures are in place relating to compliance and handling of complaints, which will sit between both ordinances.

Member, Hon Gillian Brooks –

Thank you, Mr Chair. If I can direct this to Darren, can you advise this committee has there been any complaints within the fishing industry? That has been reported to the Directorate over the past two years?

Mr Darren Duncan –

Yes, I can report that there has been a number of complaints that had been made. Some of those have an evidential basis for us to be able to follow up. Some of those have also had no evidence base or no willingness to provide any evidence for us to be able to follow up as well. So normally, if somebody sent us a complaint, we would ask for any evidence if we don't have that evidence ourselves. So for example, if someone says, a fisherman is overfishing a particular species of fish, there's no fisherman that has a particular quota for a inshore species they have for yellow fin, or the pelagic species. But often we will get reports and saying, well, you know, somebody's brought in X amount of ground fish and their overfishing the species but nobody has a particular quota. But for example, if you were present on the wharf to see that it would be good to be able to say to us, though, here's a photograph of the amount of fish of that species that was brought in by that fisherman, we're able to then go and say, Look, you know, collectively across the sector, there's a quote or a fax for that species if you're catching it all or, you know, bringing it all in or something Besides, we have the sort of evidence. So we're only able to then go and say to that particular person as a follow up that fishermen that, yes, we've went, we've gone to that fishermen, we have made them aware that it's a collective quota. And you know, it's for all of the fishermen. But we can't enforce something simply because we don't have evidence or it's not something that we can take that particular enforcement action on, really. So if it was like bringing an undersized fish, and you have that evidence, we can prove that then go to the fishermen and say, well, you know, we didn't find this in our checks of your fish landings. But someone said, when we weren't there, or our Enforcement Officer left, you came up the landing steps with fish of a size like this, and it's, it's clearly under sized, then we can take that enforcement action. So there's some that we can take action on. And some that is just basically, fishermen not understanding our role, also. And then that is a role for public health. So our roles are quite distinct, we operate under two different Ordinances. One is the fishing one



is for the use to which that fish put when it is caught and when it is landed. So we're not always able to take enforcement action based on a complaint unless it is reliable, and it's providing some evidence base or somebody's willing to actually go that little extra bit and help us then to provide that enforcement.

Member, Hon Gillian Brooks –

Thank you. You sort of gave a few examples here, because there's actually thank you carefully examples, I was actually going to ask you, if you could sort of just give us an explanation as to the nature of the complaints received? Just a general.

Miss Kelly Jonas –

So like Darren, have mentioned, some of the complaints that we have received is that people are bringing in a lot of cut up fish and selling it on the market. So this is more of a complaint for public health to enforce, then, then Marine Enforcement. So what we would do with that kind of complaint, like Georgina mentioned before was that we would pass that information on to Georgina. There is a condition in the license that states that a fisherman is not able to sell, make profit of any recreational fish. So if this was the case, then we would use our enforcement approaches to deal with it. So advising them off what offense they have committed or sending them letters. But in this case, we pass it on to Public Health. Another complaint that we have received is that we only check a few boats, we don't check all of them. So what we can do in this case is actually show we have proof we have documents, spreadsheets off what boats we do check every day. So if someone comes and say that we don't check certain boats, then we can provide them with that information of what boats we do check every day.

Mr Darren Duncan –

And then we also have one of a nature where we often get a complaint about we're not allowed to check fish once it's in a vehicle or if it has already come from the vessel as well. But we have to keep reiterating to that person that we have powers or Enforcement Officer. Our Fishery Protection Officers have powers under the ordinance to be able to check fish at various places. If the suspicion that a fisherman has avoided our Enforcement Officers or avoided all forms of checks that we have in place, then we may also exercise those powers as well. So we often have to keep going over those sorts of complaints to say what to help educate, particularly individuals as to our responsibilities as well.

Member, Hon Gillian Brooks –

Okay, thank you. So if I may say then should a member of the public have a complaint on fisheries related matters? Can you explain what the process is, they need to follow in order to raise this concern?

Miss Kelly Jonas –

So if there was an issue regarding the Marine Enforcement, then the process that we have in place at the moment, which is to report it to either myself or Peter, the Marine Compliance Enforcement Officer and then we will deal with it.

Member, Hon Gillian Brooks –

So may I ask would this be a report by telephone? Or is there a form? Or if there's some if you could explain just that for me.

Miss Kelly Jonas –

So we don't have any complaints forms that anyone can fall in, but we take complaints over the phone or via email.

Member, Hon Gillian Brooks –

Thank you, you do have a complaints policy in place, am I correct?

Mr Darren Duncan –

We follow the same SHG complaints form that for any areas of ERNP, yes.

Member, Hon Gillian Brooks –

Can I ask when was this implemented? Again? Do you know or? The complaint policy?

Mr Darren Duncan –

The complaints system we follow basically, for SHG is the same, if it is that sort of nature, but we most because we know how often difficult it is for people to fill in forms. We take any complaints by email or verbally, because sometimes that is the only means that people will provide complaints. But in most cases, it is it is the only way that people will provide. So sometimes people go to the police because they think it's a criminal matter rather than a Marine Enforcement matter. And then the police provide that to us by email, or mostly people will provide their complaint by telephone. There's some that also go into the Marine office, to Kelly as well and provide them verbally.

Member, Hon Gillian Brooks –

So in regards to complaints that have been coming through over recent time, do you consider that this policy is fit for you now? Is there a need to review? Update?

Mr Darren Duncan –

I think there's always a need to review or update any policy, the practices so far, have worked in that we keep a log of all of the complaints or issues that arise as well. So sometimes they don't come in as a complaint, but somebody might raise it to me as the Portfolio Director, I just want to make you aware of something or I just want to raise something with you. But we treat it as an issue that we log it. So that we can then trace whether there was any action that we were able to take in that respect in terms of resolving an issue, or it's just an issue that we need to keep an eye on in which case then Kelly is able to follow that through.

Member, Hon Gillian Brooks –

Thank you. I know we touched earlier on black market sales. And we may have covered the process as you follow. But can I ask you in what, have there been representations I was going to say, but they have been I gather? And if so how are these been progressed.

Mrs Tracey Poole-Nandy –

So every complaint or concern that's raised either with Environmental Health, the Minister, Health Protection Board, myself, or via the police is formally addressed. So it may warrant an investigation. So if somebody is not compliant with their licensing conditions, so we would do spot checks on their premises, we would review all of that under the Health Protection Board. And in terms of complaints in regards to the sale of fish, whether legal or otherwise, we followed each and every one of those cases where it's very, very difficult as Darren spoken about to establish evidence really clear, tangible evidence in regards to that. And because the legislation is so ambiguous, it's difficult to define what's legal and what's not legal.

Member, Hon Gillian Brooks –

Thank you. The Fishing Licensing Policy came into effect in April 2020 and was updated in August 2021. So has there been any further updates to this policy since that time?

Mrs Tracey Poole-Nandy –

At this time no answer was transcribed due to a silence on the recording 1:14:05

Member, Hon Gillian Brooks –

That was going to be my next question. So when notification has been given on a decision for a license, what is the timeframe for an appeal to be lodged and the procedure that needs to be followed in order to do so?

Mr Darren Duncan –

So, we would have a two week period normally from the time of application for a license to that time is to then a Licence is provided or a responses provided on that, if it's for sort of offshore Commercial Fishing License, then that might take up to a month before we were able to fully consider that and provide a response to that. So, an appeals process would the procedure would be to make that appeals process that appeal to the Chief Fisheries Officer. And that would then be considered within a one month period, if that is not able to be done then an interim response will be provided on any appeal.

Member, Hon Gillian Brooks –

Can you talk us through what systems of gathering intelligence is in place for unlicensed fishing vessels?

Miss Kelly Jonas –

So, for unlicensed vessels offshore, do you mean? So, we follow you our AIS tracking so every day we monitor the offshore vessels with big ocean data. So, we would monitor the website every day to see what vessels are within our buffer zone. And we will track their fishing trackers, so to see what what trails they are, they are doing so if we happen to see something suspicious or even see a vessel come into our NPA, then we would report it to the Marine Management Office in the UK. And they would investigate further with the company that the vessel is owned by.

Mr Darren Duncan –

Also, just to say that we have a facility in place from the Marine Management Organisation in the UK that helps us with offshore fishery. Not just in St Helena, but in other UK Overseas Territories as well, where they provide a level of confidence that there's no illegal fishing within St Helena's fisheries within our 200 nautical miles. And if there are any suspicious fishing or activity within the fishing zone, so then they report that to us as well. So we get a monthly and a quarterly coverage of St Helena's fishery, including the offshore fishery, as well provided through the resources of the blue belt.

Member, Hon Gillian Brooks –

So have there been confirmed reports where IUU fishing, which is the illegal unregulated and unreported fishing have been identified within our 200 nautical mile Exclusive Economic Zone. They've been confirmed reports?

Mr Darren Duncan –

There haven't been any confirmed reports. Over the last few years, since we've had that facility available through the blue belt program, we have had cases where there was suspicion that there might have been an activity because for example, a vessel had stopped for a period of time, a couple of hours. And, but when that was investigated, it was found that the vessels weren't fishing or illegally fishing within our fishing zone. So there have been opportunities to have been occurrences where we might have got a report that says a particular vessel looks suspicious, and it would be investigated then by MMO on our behalf, but there's been no confirmed cases of illegal fishing in our waters since this facility has been available.

Member, Hon Gillian Brooks –

Well, that's good to hear. I note in this report, there's a mention of a flag state prosecution. Could you just explain what is a flag state prosecution?

Mr Darren Duncan –

So for ourselves as the flag state, we have certain responsibilities for vessels that are flagged in St. Helena. So we may be asked at some stage to contribute to an investigation or where there was non-compliance for a vessel that was flagged in St Helena, which we may have to then contribute to. So for example, there's vessels, there's three vessels that are flagged as fishing vessels on St Helena's fishing registry and we may be asked to contribute to issues around the non-compliance in a in an fishing on the high seas or fishing in another jurisdiction to which they've been granted a license.

Member, Hon Gillian Brooks –

Thank you, the license for fishing on the yacht moorings states that you cannot be within 100 meters of another boat. But I understand the moorings are less than 100 meters apart, which, depending on the number of boats using the moorings, it is not always possible to meet this condition. Now, can you tell me if this information I have is correct?

Miss Kelly Jonas –

So, yes, I think that is a condition within the license. However, as you mentioned that the boats are not the distance between the moorings are not 100 meters. So, we would we would never pull a yacht in for committing that offense as this this, this wouldn't really be their fault.

Member, Hon Gillian Brooks –

Okay, thank you. So, are there any plans to better manage this?

Miss Kelly Jonas –

Yes. So, we are in the middle of reviewing the licenses at the moment. So, this would be a condition that would be taken into consideration to make sure that the distance are relevant to the space between the moorings.

Member, Hon Gillian Brooks –

And may I ask who will be responsible for undertaking this.

Miss Kelly Jonas –

So this would be undertaken by the Chief Fisheries Officer who at the moment is Darren as well as myself.

Member, Hon Gillian Brooks –

If I can turn to Health and just ask this sort of for patterns of question, but have you then had any complaints over the past two years in regards to fishing?

Mrs Tracey Poole-Nandy –

Yeah, we've had complaints in regards to as we've spoken about before, alleged black market fishing and the sale of fish, not fishing, and all of which have been responded to either by Georgina and Georgina's team, and overviewed by the Health Protection Board, or if they're in regards to the Environmental Health Team, then we review them as a Portfolio.

Member, Hon Gillian Brooks –

Thank you. So, again, from your perspective, how does a member of the public lodge a complaint with Environmental Health?

Mrs Tracey Poole-Nandy –

It's exactly the same. As Darren's outlined, most of the complaints we get are via email, or telephone in the first instance, we don't get a huge amount from the SHG complaints process. People are quite

confident making complaints to the service. And we take every single one of them at face value and we'll look into this seriously.

Member, Hon Gillian Brooks –

What training does staff undertake to responsibly identify the nature of complaints on food products?

Mrs Georgina Young –

Such as staff and my team, they undertake just a general training of how to take a telephone call how to log it and then to basically if they can answer the problem at that time they will, but if there's need for it to go further up the chain and then they understand what they need to do in terms of that. So we have a Complaint Register Form which I think I supplied as part of our documentation. And then we will fill that in and then we'll take it and investigate that.

Member, Hon Gillian Brooks –

So may I ask who deliver this training and is it compulsory?

Mrs Georgina Young –

We deliver the training is as I deliver the training, most times it is part of the Head of the Environmental Health Officer. But basically, training is, is part of being part of the parcel of working within our office. So and I imagine all government institutes have the same sort of format on job training really.

Mrs Tracey Poole-Nandy –

In public health as well, we've also got a Governance Team. So the complaints concerns are also logged with the Governance Team. So every complaint that we get across the whole of Health and Social Care is logged and addressed, so that there's a track of everything that we do. And so it helps us to learn to improve, etc. in terms of service delivery.

Member, Hon Gillian Brooks –

Okay, thanks. So your complaints policy makes mention of a board of trustees, can you advise who sits on the board?

Mrs Tracey Poole-Nandy –

I think in terms of any complaint that comes into the service now would revert to our Advisory Board. So any complaints and concerns are considered there? I think that documentation that you've received probably needs updating to reflect the changes in the Ministerial Government. But all complaints and concerns or incidents, accidents, etc. are all discussed at Advisory Board. And they're collated by the Governance Team. And there is a report that's completed for the Advisory Board.

Member, Hon Gillian Brooks –

Which actually would have brought me on to my subsequent question was about updating that policy. So who's responsible for ensuring compliance is followed in relation to food safety.

Mrs Georgina Young –

The responsibility lies with us Environmental Health Officer's, as well through with we go discuss issues if we have any with our Public Health Counterpart, which will be their Senior Medical Officer. And then further up the chain, we'll bring it before the Health Protection Board. So the initial the initial investigation, or whatever you want to say, concern is with us? Is the Environmental Team.

Member, Hon Gillian Brooks –

Who makes checks around on food safety? Who makes the actual checks? And how often are these checks made?

Mrs Georgina Young –

Are you just particularly focusing on fish products now food in general, food in general? So food in general, all the checks are made by my team and myself as a member of the Food Authority, yeah.

Member, Hon Gillian Brooks –

How often are these checks made?

Mrs Georgina Young –

Checks are made depending on the degree of risks we see within the premises. So for instance, if you have a small little shop out, in a country where just selling canned or packaged goods, there was probably will be made once every two to three years. If you have a place like the supermarket up in this town, those are probably made, you know, depending on how often people complain about something. But basically, it's ran about a year to 18 months or so. But if you're focusing on fish, we definitely check them quite often. I know they don't like seeing us all the time. But we do check them quite often. Yes. And that can relate from six months to a year.

Member, Hon Gillian Brooks –

So in relation to that, if compliance is not being met, what is the process to be followed?

Mrs Georgina Young –

Most times, you know, we have a conversation with the with the people, if we see something out of order, even when we do ad hoc visits, we mentioned them to them and tell them that they need to fix this or try to think alternative ways to do something. So we actually do when we do our checks, we actually advise at the same time. So in the set so that they are actually on top of it by the time we get to them next time. Yeah.

Member, Hon Gillian Brooks –

And the Food Safety Ordinance was implemented in 2016?

Mrs Georgina Young –

2016. Yeah, so still and fairly new Ordinance in respect of responsibilities stuff, and understanding of it. So I would say 2016. It was implemented, but it's still we're still learning through the process now.

Member, Hon Gillian Brooks –

Thank you, Thank you Mr Chair.

Chairman, Hon Robert Midwinter –

Okay, thank you very much. I only have one further for Georgina. And it really comes back to the training aspect. You mentioned earlier that at the moment, you're the only Authorized Officer. But if somebody was taking undertaking compliance checks in relation to say, for example, a restaurant that selling fish products, what sort of background or training would they be required to have as an Authorized Officer?

Mrs Georgina Young –

So I'm the only Authorized Officer of fish at the moment. So basically, anybody operating under, in my team, they actually come to me with what are their problems, and then they will go, but we have a general standards that have to be competent or understanding of food safety issues. And they read, they normally do a basic online course with that. And then they continue to grow as we, as we do our work beside each other. But for myself, now, I've been in the department. Perhaps I shouldn't say how long, because then it will be hard to say how long I've been there. But basically, I was trained in the UK, and with food safety, and I also worked alongside Enforcement Officers in the UK as part of my on the job training.

Chairman, Hon Robert Midwinter –

Thank you. And I'm aware that so historically, there have been trainers brought to the island to work with local businesses, and establishments to assist them into the health and hygiene and I know, your department itself has also offered that as a service. Is that still being provided as their ongoing support to local businesses?

Mrs Tracey Poole-Nandy –

No, I think I think the Environmental Health as it stands is, as you've just heard, Georgina is the only Authorizing Officer. So the issue for us as it becomes a single point of failure, we do have somebody that's been trained and sort of grown into the role and is receiving support and training from the UK HSA as we speak. However, it was one of my bids for TC funding was to have somebody from the UK to come work with us for 12 months, just to support and grow the team and add some resilience really, however, budgetary constraints are such that we're struggling to achieve that as we speak. So it would greatly benefit from some additionality. But we have to work within the budget that were given at this stage. And maybe it can be reviewed at a later date.

Chairman, Hon Robert Midwinter –

And one final question for me, because you, you regularly hear this, the whole point of this is as bad as you said, making sure that we have safe products that also conform to certain international standards, but also that that we are protecting the public. And so you often hear that nobody's ever got sick. So what's all this big issue? But is that actually correct or not?

Mrs Georgina Young –

As far as, as far as I know that at the moment. We don't have any reports we might have had a suspected case of histamine poisoning, I believe from my, my boss man, but whether that was linked to black market fish or fish from normal processing unit, I mean, it's quite a common thing. So basically, it is, you know, quite a common thing to have some food poisoning cases that it doesn't matter we come from but we haven't had anything to my knowledge of anyone reporting that they have, you know, got sick from eating fish, such.

Chairman, Hon Robert Midwinter –

Okay, thank you, before we wrap up, or does any of the Officers wish to add anything further?

#### **4. CLOSING REMARKS BY THE CHAIRMAN**

Chairman, Hon Robert Midwinter –

Okay, in which case, that concludes the Select Committee's questions and our program of business for today. And I would like to thank all of the Officers for attending and giving evidence related to the questions asked. The Committee will now evaluate today's proceedings. We will consider if we need to request further information. And then ultimately, we will submit a report to the Legislative Council together with any recommendations shortly thereafter. In closing, we thank you the listening public for your interest in the work and the activities of this Select Committee and we express our gratitude to the South Atlantic Media Services for providing this live radio coverage and just to close to say take care and enjoy the rest of your day thank you very much.

Approved by Chairperson:



25<sup>th</sup> September 2023