

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 12th SEPTEMBER 2006

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## **The Roll was called and the Dean led the Assembly in Prayer**

### **QUESTIONS**

#### **1. Written Questions**

##### **1.1 DEPUTY R.G. LE HERISSIER OF ST. SAVIOUR OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING OPERATING COSTS OF THE STATES ASSEMBLY**

#### **Question**

Would the Chairman inform members of the estimated hourly cost of operating the States Assembly when it is in session?

#### **Answer**

Members will appreciate that it is difficult to give a precise answer to this question as the estimated costs of operating the States Assembly for one hour depend on the assumptions used to allocate overheads etc. For example the Chamber may only be used for States sittings for a maximum of some 40 days per year for 7 hours a day even though the rental recharge needs to be paid for 365 days a year.

For the purposes of this answer matters such as rent have been calculated on the basis of dividing the annual figure by the approximate number of hours the Chamber is used during the year for States meetings.

There are, in fact, very few direct costs that are incurred during a States meeting that would not arise whether or not the Assembly is in session. For example the officers such as the Greffier, the Deputy Greffier, and the recording equipment operators are, of course, paid an annual salary and will undertake other duties if they are not present in the Chamber. Similar considerations apply to the Bailiff, the Deputy Bailiff, the Law Officers, the ushers and indeed to members themselves. The only direct costs that can be avoided if the Assembly does not sit are the hourly costs of paying the tea lady, the cost of the Hansard transcription, the provisions consumed during a sitting and the costs of phone calls made by members in the precincts of the Chamber.

In order to respect the confidentiality of the salaries of individuals PPC does not consider it is appropriate to give the precise breakdown of costs, but the detailed calculations that have been undertaken during the summer recess indicate that the estimated hourly cost of operating the Assembly is £657.90. This covers the following matters –

salary costs for the Bailiff/Deputy Bailiff

salary costs for the Law Officers

an estimated hourly rate for the remuneration and expenses of elected members

salary costs for the Greffier, Deputy Greffier and Assistant Greffier

salary costs for the operators of the recording equipment

salary costs for the tea lady

salary costs for the ushers

the rental of the Chamber (includes utilities such as heating, electricity)

provisions for members

maintenance of IT equipment for electronic voting etc.

phone/fax costs

cost of public entrance security

transcription costs for Hansard.

Although the calculation on an approximately hourly rate has been undertaken as above to enable a written answer to be tabled in response to this question from Deputy Le Hérissier PPC wishes to point out that it is somewhat concerned by the implication that might underlie the question namely that the number of hours members spend debating matters might somehow be 'costed'. In submitting the question to the Chairman of the PPC Deputy Le Hérissier stated that he was 'furious' at spending 3 hours discussing the proposition on the AquaSplash swimming pool. PPC does not believe that democracy, and in particular the ability of private members to bring forward propositions for debate, should be related to cost and would not wish the fact that it has responded to this question to be seen as an indication that the Committee believes debates could in future be 'costed' against a notional hourly rate.

## **1.2. DEPUTY S.S.P.A. POWER OF ST. BRELADE OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING RESTRICTIVE COVENANTS APPLICABLE IN RESPECT OF THE OPERATION OF THE AQUASPLASH SWIMMING POOL**

### **Question**

Would the Minister provide members with full details of any restrictive covenant that has been placed in the contract for the operation of the AquaSplash pool complex and which prevents the operation and/or the re-opening of the Fort Regent Pool and would he also confirm any details relating to the construction of any other large pool within a 3 km distance of the AquaSplash pool complex?

### **Answer**

The agreement dated 23rd August 2001, between the Waterfront Enterprise Board Limited and SERCO Limited includes several general obligations on behalf of the States of Jersey. The relevant clauses affecting operation of swimming pools or reopening of Fort Regent Swimming Pool are as follows -

*'Within the first six months of the Contract Period, time being of the essence, the Authority shall take steps to ensure the complete closure of the public swimming pool at Fort Regent, St Helier, Jersey and shall ensure that subject to proviso hereinafter contained the same shall not subsequently be re-opened during the contract period (20 years) PROVIDED that if the said public swimming pool at Fort Regent shall close prior to the expiration of the said six months it shall be permitted to re-open for any period during such six months (but not thereafter) where the Leisure Pool Unit is unable to operate by reason of -*

*a) mechanical, electrical or other technical failure, or*



*b) public health or safety reasons;*

*but shall be closed upon the commencement or re-commencement of the operation of the Leisure Pool Unit.*

*During the Contract Period the Authority shall not and shall ensure that the States of Jersey shall not within the area outlined on the map maintain or establish or fund in whole or in part, directly or indirectly, the maintenance or establishment of a public swimming pool.*

*For the purpose of the previous clause a public swimming pool shall mean an indoor swimming pool to which the public at large may have access from time to time without charge or upon the payment of a charge either by way of a one off payment or regular subscription or otherwise for the purposes of recreational swimming but for the avoidance of doubt –*

*the use of a swimming pool in the ownership of the States of Jersey and forming part of a school or other educational establishment by pupils of that or another school or educational establishment (or staff or other persons connected therewith) in connection with the education of such pupils at the school or educational establishment in question shall not deem such a pool a public swimming pool and*

*the use of such swimming pool forming part of a school or other educational establishment for organised swimming training (whether or not a charge is levied for such use) by a bona fide swimming club shall not deem such a pool a public swimming pool.’*

## **2. Oral Questions**

### **2.1 Deputy S. Power of St. Brelade of the Minister for Planning and Environment regarding the operation of the fishery protection vessel, the Norman Le Brocq:**

In relation to the operation of the Fishery Protection Vessel the Norman Le Brocq, would the Minister inform Members of the operational hours spent at sea in 2004, 2005 and the first 6 months of 2006; the annual operating budget, including crew, maintenance and operating costs and the estimated budget, if any, for essential maintenance for 2006, 2007 and 2008?

#### **Senator F.E. Cohen (Minister for Planning and Environment):**

I can inform the House that the operational hours spent at sea by the Norman Le Brocq were as follows. In 2004, 108 days were spent at sea totalling 460 hours, 5,400 miles were logged and 426 boardings were carried out. In 2005, 120 days were spent at sea totalling 501 hours, 5,270 miles were logged and 427 boardings carried out. In the first 6 months of 2006, 41 days were spent at sea totalling 233 hours, 2,260 miles were logged and 79 boardings were carried out. During 2006 13 French fishermen and 2 Jersey fishermen have or will be appearing in court concerning issues that have come to light during the patrols at sea. In 2006 substantial sea time was out of normal working hours. The annual operating budgets for the Norman Le Brocq in the recent 3 years are as follows: 2006, £64,380 out of a total fisheries budget of £373,000; 2007, £65,670 out of a total budget of £380,000; 2008, £67,000 out of a total budget of £388,000. In addition to the essential maintenance, periodic service and refitting will occur. A 10-year refit was completed in the spring of 2006 at a cost of £102,000 funded by the minor capital expenditure budget. Unless there is an unforeseen breakdown we do not envisage any other capital expenditure in the period 2006 to 2008.

However, an assessment on replacing the vessel in 2012 will be carried out after 15 years of service.

### **2.1.1 Deputy S. Power:**

The Minister will be aware through complaints and reports to his office, and particularly the Sea Fisheries Inspectorate, of illegal low order fishing, especially ormering around the Ecréhous. Can the Minister ensure that the Norman Le Brocq is sent to investigate these complaints?

### **Senator F.E. Cohen:**

I will do my best to ensure that this is carried out and I will report back to Deputy Power informing him of progress shortly.

### **2.1.2 Connétable M.K. Jackson of St. Brelade:**

Could the Minister confirm that he considers the present budget for the operation of the Norman Le Brocq sufficient in view of the constant, shall we say, pilfering by the French from our waters and in view of the delicacy of the boundaries with the French fishery?

### **Senator F.E. Cohen:**

The current budget is sufficient assuming there are no unforeseen breakdowns. But currently there is no plan in place to replace the boat, the vessel, which, as I reported a moment ago, is expected to have a life of around 2012. Very clearly provision does need to be made. The vessel carries out very important functions. I have been out on the vessel twice myself and on the second occasion we boarded a number of vessels leading to an arrest on one occasion. It is a very important function if we wish to protect our fisheries and needs proper funding. Presently, however, as I have said, barring unexpected eventualities we have sufficient funds.

### **2.1.3 Deputy S. Power:**

Can the Minister also ensure that the Norman Le Brocq does weekend patrols, especially during spring tides, and can he also ensure that the vessel is used more frequently for night time patrols?

### **Senator F.E. Cohen:**

The operational running of the Norman Le Brocq is left to the experts. I am certainly prepared to undertake to discuss the issue with the relevant department officers and I will report to Deputy Power and inform him of the break down of weekend and night vessel usage.

#### **2.1.4 Deputy P.V.F. Le Claire of St. Helier:**

I tried to grasp the answers in the first question but they were quite comprehensive so I did not quite catch the numbers as well as I might have. In any event, I would like to ask; it appeared from the answers that the boardings for this year were 79 which was comparatively low compared to, if one was to take 400 for the other years, could the Minister explain why the numbers appear apparently lower in this year for the number of boardings?

#### **Senator F.E. Cohen:**

I am sorry that I rushed them, I was trying to fit it into the allocated 90 seconds, and I will provide them to Deputy Le Claire later on today, and indeed to all other Members. The figures I gave includes for the first 6 months of 2006 79 boardings; compared to the total of previous years clearly that is significantly less than half, it is approximately a quarter. I am not sure whether this is because the majority of boardings are carried out in the summer. I would expect that is the case but I will find out and report back.

#### **2.2 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the integration of the reduced price milk scheme into the proposed income support scheme:**

Will the Minister inform Members how he intends to integrate the reduced price milk scheme into the proposed income support scheme?

#### **Senator P.F. Routier (The Minister for Social Security):**

The States has approved a proposition on income support - that was P.86 of 2005 - which discontinues the milk at a reduced price scheme along with other benefits and replaces them with one system based on a common means assessment. The budget for milk at a reduced price scheme will be subsumed into the budget for income support. Income support will be based on a series of benefit components with a living component based on the cost of food and clothing. As milk is an important part of people's food basket it will be catered for within the basic living component.

#### **2.2.1 Deputy G.P. Southern:**

Does the Minister accept that the intention of the reduced price milk scheme is to target a completely different group; the elderly, pregnant women and young children, with a completely different earnings limit, currently around £36,000, to that which could be proposed for the income support scheme? Surely the 2 cannot be integrated in a straightforward manner?

#### **Senator P.F. Routier:**

The States have made a decision that all the benefits which have those high income limits would be included in the income support system. It will include elderly people, it will include young people, it will include expectant mothers and the States have made that decision and certainly the amount

of money that will be spent on providing support for people to buy milk will be targeting those most in need.

### **2.2.2 Deputy G.P. Southern:**

Is the Minister saying that those ineligible, because of income limits, for any other form of income support will be targeted by a small amount of support intended to continue reduced price milk?

### **Senator P.F. Routier:**

I think the Deputy will be aware that the income support system is going to provide a phase protection for people who are already receiving the benefits which are going to be integrated into the income support system. So people who are currently receiving the support of milk at reduced rates will receive a phase protection for a number of years.

### **2.2.3 Deputy G.P. Southern:**

Does the Minister not agree that the implication of what he just said is that reduced milk is effectively going to be phased out?

### **Senator P.F. Routier:**

In the current form that is certainly what the States has decided. The existing scheme has already, to a certain extent, been reduced because of the action of the dairy industry in stopping deliveries in the form that they did. So the scheme itself has, by way of that, fallen by ...

### **2.2.4 Deputy G.P. Southern:**

Does the Minister have any evidence that the health needs of these particular targeted groups of people has changed in the past few years to warrant the elimination of reduced price milk?

### **Senator P.F. Routier:**

Certainly the discussions I have had with the new Medical Officer of Health is that the Medical Officer of Health would certainly prefer people to be spending more money on fruit and vegetables rather than milk and that is a clear question I asked in a meeting when we were talking about the health strategy quite some time ago. I asked the particular question, if there was a certain amount of money which was to be spent on health improvements would the money be better spent on milk or would it be better spent on the Grab 5 programme which is carried out in schools? Certainly the indication from the Medical Officer of Health was the Grab 5 programme is a far better programme.

### **2.3 Deputy J.A. Martin of St. Helier of the Chief Minister regarding powers to vet who, from Romania and Bulgaria, may come to live and work in Jersey:**

Would the Chief Minister inform Members whether Jersey will have any powers to veto who from Romania and Bulgaria may come to live and work here after these countries join the E.U. (E.U.uropean Union) and assuming the U.K. will maintain its open door policy?

#### **Senator F.H. Walker (The Chief Minister):**

All U.K. nationals have the right to enter and establish themselves in Jersey by virtue of the Immigration (Jersey) Order 1993, which extends to the Island the Immigration Act 1971 as amended. These arrangements are the legal basis on which Islanders have access to the common travel area of the British Islands and Ireland. In accordance with Protocol 3, Jersey is not permitted to discriminate between U.K. nationals and other E.U. nationals. So, by extension, all current and future E.U. nationals will also have the right to live and establish themselves in Jersey. It is very unlikely that Jersey would be able to introduce any form of border controls which are different from those which the United Kingdom may choose to introduce. It is very likely any differences of substance would lead to the Island having to withdraw from the common travel area, which would not be in the best interests of Islanders generally in my view. The migration policy which the States have adopted recognises these difficulties and is designed to allow for monitoring and some regulation of numbers of immigrants into the Island. I should add that there are very strong indications that the U.K. will not maintain an open door policy, at least in the immediate future, for Romanians and Bulgarians if they become E.U. nationals next year. At this stage though we have no information on what type of restrictions could be applied.

#### **2.3.1 Deputy J.A. Martin:**

It is refreshing to hear that our new immigration policy is a monitoring scheme and not a controlling scheme. Could the Minister inform us when a unique scheme of unique numbers will come into force? Has the Minister considered approaching the U.K. Government to give our concerns about us being a small island and them maintaining their open door policy and the effects that would knock on to this Island?

#### **Senator F.H. Walker:**

The migration policy will be brought to the States next year as always planned and as agreed by the States when we debated the principle. We have not, at this point, so far as I am aware, approached the U.K. Government in relation to the extension of the E.U.. But I take the Deputy's point, it is something that at the next opportunity, which will be in the near future, we can raise. As I have said in my answer, it is very unlikely that any differences will be possible or desirable between Jersey and U.K. controls.

#### **2.3.2 Deputy K.C. Lewis of St. Saviour:**

Recently, Sir, the Minister for Economic Development instructed the building industry to provide proof that they tried to recruit local labour before recruiting outsiders. How does the Chief Minister square this with future laws currently out to consultation making it illegal to discriminate against anyone on the grounds of ethnic origin? Will this mean the phasing out of the 5-year rule and does he not think that the case for work permits is growing?

**The Deputy Bailiff:**

Stretching the limits of relevance for the question.

**Senator F.H. Walker:**

The work permit issue is, of course, going to be debated later in the business plan debate. I believe that what the Minister for Economic Development is doing is entirely what Members of this House would wish him to do which is, while establishing economic growth and while not undermining economic growth, to seek to establish job opportunities and improve job opportunities for local people. I would have thought that would have been entirely welcome.

**2.3.3 Deputy G.P. Southern:**

Does the Chief Minister not agree that under the current system, and under migration policy to be introduced in 2007, we have no control over the population of migrants coming to the Island?

**Senator F.H. Walker:**

I do not. The States approved, as recently as June last year, a new migration strategy which is in the process of being implemented and the States, or a vast majority of the States, considered itself very satisfied with the new measures brought in to control population.

**2.3.4 Deputy J.A. Martin:**

I really must ask the Chief Minister to be clear. Is the immigration policy that is now being worked on a controlling immigration policy or a monitoring device, because you are telling us we have no control over the borders and we must follow the U.K. on their open door policy if they maintain their open door policy, or are you saying we will ...

**The Deputy Bailiff:**

Through the Chair, please.

**Deputy J.A. Martin:**

Sorry, Sir. Or is the Chief Minister saying, Sir, that we can control who comes to live and work here, because he is contradicting himself today?

**Senator F.H. Walker:**

This was all made abundantly clear in a debate. I am sad that the Deputy has obviously forgotten the major points of that debate. The fact is that controls can be implemented through the control of a number of people entering employment in the Island, which is the case now and will most certainly continue to be the case in an enhanced form when the new migration policy is implemented.

**2.3.5 Deputy J.B. Fox of St. Helier:**

Could the Chief Minister give us some assurance that he will bring this subject up at the British Irish Council? There is a lot of concern in other small Island jurisdictions, having just returned from the Commonwealth Parliamentary Conference, on the question of immigration and not just the legal possibilities but the illegal ones as well. I think this needs to have a broader discussion forum on this before anything is likely to hit us in any great numbers. I think it would be useful if I could have that reassurance.

**Senator F.H. Walker:**

I assume the Deputy is referring to potential immigrants from Romania and Bulgaria?

**Deputy J.B. Fox:**

And beyond, Sir.

**Senator F.H. Walker:**

Indeed. Sir, yes, I will raise that at the British Irish Council, although I do not think that is necessarily the most effective body to raise it. I believe there are other more direct ways of communicating our view on this matter than through the British Irish Council but I do agree there might be a valuable debate that would give other small jurisdictions within the BIC the opportunity to express their views as well.

**2.3.6 Deputy J.A. Hilton of St. Helier:**

There is obviously a tremendous amount of concern about the number of people who potentially could enter Jersey and take up employment from the E.U.. Can the Minister clarify for me that under the negotiated agreement on the relationship between the Island and the E.U., as set out in

Protocol 3, the Island has the right and power to introduce controls on E.U. nationals in the way of work permits if it should so choose?

**Senator F.H. Walker:**

We do have that power providing we applied the same controls to U.K. residents as well as other E.U. citizens and I cannot conceive that that would be overall to the advantage of Jersey residents because that would mean reciprocal controls and restrictions applying to the movement of Jersey residents in and out of the U.K., and potentially even Guernsey and the other Channel Islands. We have got to keep a balance in these matters and I believe that at the moment, subject to any changes the U.K. may make, we are in the best balanced position that Jersey can be. To suggest that we should move independently will mean that we are considered to be independent in such matters and the common travel area will almost certainly be closed to us, with huge disadvantages to Jersey residents.

**2.3.7 Deputy J.A. Martin:**

Can I just press the Chief Minister on a date for implementation of our new immigration monitoring process?

**Senator F.H. Walker:**

As I said, it is more than a monitoring process and I am not going to let the Deputy get away with that one. That was, again, debated in the migration debate last year. I cannot give the Deputy an exact date at this point but we are on schedule to bring the detail of the policy back to the States early in 2007 as always agreed.

**The Deputy Bailiff:**

Two final questions from Deputy Le Claire and Deputy Hilton.

**2.3.8 Deputy P.V.F. Le Claire:**

Very interesting answers this morning. I would just like to ask the Chief Minister if in the situation as he sets out, if Jersey decided to adopt work permits across the board for E.U. nationals, we would be restricted from the rights to the common travel area. I am just wondering if the Chief Minister is aware, I certainly am not, if those restrictions currently apply to Guernsey because they have work permits and I am just wondering whether or not they are restricted in their access to the common travel area as he suggests we would be?

**Senator F.H. Walker:**



I believe the question that I answered was addressed on border controls which is a totally different scenario, which Guernsey most certainly do not have.

### **2.3.9 Deputy J.A. Hilton:**

Relating to my previous question, I was just trying to point out that it was my understanding that the Island does retain the right to introduce work permits if it should so choose because Members were questioning whether we could control E.U. nationals, or U.K. citizens if it comes to that, coming in and seeking employment within the Island. Following on from that, I just wanted to say that it is my understanding that the Isle of Man have used a work permit system to control and safeguard jobs for Man's workers since the early 1970s and it is certainly not my understanding that that has affected the rights of Isle of Man residents to access employment within the U.K..

### **Senator F.H. Walker:**

It is important we draw a distinction between work permits and border controls. Work permits are not a border control. Yes, Jersey could have work permits if it wished but the States specifically rejected that idea, that proposal, when it debated the migration strategy just last June. Now, we are going to have an opportunity to debate later an amendment from Deputy Le Hérissier which is to ask for a review of the situation. But I think the States needs to be careful here and remember that we have had a full debate on this issue and the States, by a big majority, agreed the migration policy, as proposed by the then Policy and Resources Committee, was an infinitely better way to proceed in terms of controlling migration than were work permits.

### **2.4 Deputy P.V.F. Le Claire of the Minister for Transport and Technical Services regarding the addition through the compost operation of sewage or effluent of any kind to compost:**

Can I ask the Minister, Sir, if the Transport and Technical Services compost operation has been adding sewage or effluence of any kind to compost and, if so, can the Minister supply details to Members of any consultation with the Department for Health and Social Services, the Parish and the growers, the dates on which such sewage effluent was or will be used, in what quantities, for what purpose and to what land is it being applied?

### **Deputy G.W.J. de Faye of St. Helier (The Minister for Transport and Technical Services):**

Sir, with your permission, and if it pleases the House, I would like to call upon my Assistant Minister Deputy Huet to respond to this question.

### **Deputy J.J. Huet of St. Helier (Assistant Minister for Transport and Technical Services):**

TTS (Transport and Technical Services) undertook small scale trials of mixing quality assured standard compost with enhanced treated sludge cake early in 2006. This trial was to see if an alternative soil conditioner, which would be more akin to the fertiliser, could be produced with the

by-products from 2 of our waste processes. The trial materials were blended at Howard Davis Farm and approximately 40 tons of compost and 25 tons of the sludge cake were used. The resulting material was spread on agricultural land with full consent from the growers concerned, and in line with agricultural consultants, protocols and good agricultural practices. The trials are so far looking very promising, however the department will have to undertake a cost benefit analysis before continuing further production of this material. The department also undertook trials of mixing conventionally treated sludge cake with low grade soil to produce an enriched soil which could sustain growth. The trial was undertaken because of a breakdown in the sludge drying plant and the consequent requirement to dispose of 650 tons of digested sludge which could not be put directly on to crop growing land due to this protocol of agricultural consultants. In March, 37 tons of mixed soil and sludge was delivered to land for amenity in the country that was mixed to create field banks and hedge rows. The remaining 200 tons will be used to cap the La Collette ash pits which will assist with landscaping and allow vegetation to grow in this area. This process has been undertaken following, again, the agricultural consultant protocols with regard to sludge to land. These trials have not been discussed with the Department for Health and Social Services or the Parish representatives as there is no requirement or need to do so. The growers concerned have been fully consulted and made completely aware of what we are putting on their land. The TTS Department have not been mixing any sewage or effluent of any kind to its compost. I have here, Sir, a list of exactly where each bit of sludge and soil has gone if you wish me to read it out.

**The Deputy Bailiff:**

No, I think you have exceeded your limit...

**Deputy J.J. Huet:**

I was a trifle worried, Sir, because I knew that I could not get all that quite in 90 seconds and thank you very much for bearing with us to get it all out. Thank you.

**The Deputy Bailiff:**

I am sure you can certainly do that [**Laughter**].

**2.4.1 Deputy P.V.F. Le Claire:**

My only supplementary was to ask if the Assistant Minister would be kind enough to circulate that to Members after the morning session is finished?

**Deputy J.J. Huet:**

More than happy to, Sir. Thank you.

#### **2.4.2 Deputy F.J. Hill of St. Martin:**

I wonder if the Assistant Minister would inform the House the cost of these trials and how many officers are engaged in monitoring the trials?

#### **Deputy J.J. Huet:**

I will attempt to find out the answers for the Deputy. I obviously cannot give them to him here and now because we have not got the full costs of it ourselves, Sir. But at a later stage, not today, I will. Thank you.

#### **2.4.3 Connétable A.S. Crowcroft of St. Helier:**

Could the Assistant Minister confirm that the Minister previously apologised to the Parish of St. Helier that they had not been consulted when the composting site was moved to La Collette and that, given that, her statement that there was no requirement or need to discuss with the Parish perhaps it would have been helpful to have had that conversation with us when the transport of sewage sludge to La Collette was envisaged? Could she also confirm that any mixing of sewage sludge is not taking place at La Collette but is taking place, as I understood from her answer, at Howard Davis Farm, but that she has confirmed that a certain tonnage of sewage sludge mixed with soil is being used for land treatment down at La Collette?

#### **Deputy J.J. Huet:**

I said it would be. I have not said it has been used as of yet. I am afraid I cannot remember all the rest of the questions the Constable asked. As he knows, we obviously work with him if we need to work with him and if there is anything extra he wants to know if he wants to give me advance. I will make sure he gets the answers, Sir.

#### **The Connétable of St. Helier:**

If I could just remind the Assistant Minister my first question was that in view of the Minister's previous apology to the Parish for lack of consultation does she not think that some consultation about these plans would have been appropriate in this case?

#### **Deputy J.J. Huet:**

Well, Sir, as none of it was done in St. Helier I cannot quite understand where the Constable is coming from but if he really wants to know if we are going to do trials in the future I am more than willing to let him know. Thank you, Sir.

#### **2.4.4 Deputy G.C.L. Baudains of St. Clement:**

I wonder if the Assistant Minister could clarify whether this was, in fact, a planned trial or whether it was merely an expedient means of overcoming a technical breakdown, which the answer is, it seems to me, that it was. Also could the Assistant Minister confirm that, in fact, this sludge cake which has been incorporated is, in fact, compressed sewage and in that case what research has been done to make sure that where it is being placed that there is no danger of run-off affecting our water supplies or anything like that?

**Deputy J.J. Huet:**

Well, Sir, I will give the Deputy the answers to where we have put the sludge and so forth and it also gives what it is and what it consists of and I think that was the only question that you asked but if there is any more I am more than willing to ...

**Deputy G.C.L. Baudains:**

I did start off by asking, Sir, whether this was a planned trial or whether it was merely a reaction to a technical breakdown?

**Deputy J.J. Huet:**

Sorry. Part of it was technical. The first part of my answer was our sludge machine broke and the second part was to see if we could enrich poor soil, which, if we could, would be a good thing.

**2.4.5 Deputy J.B. Fox:**

In the interests of openness and transparency for the future, whether we could encourage departments to share this information in advance, especially maybe I would suggest the Comité des Connétables, the local Parish representatives groups, et cetera, et cetera. I think that these groups might also benefit from the knowledge and be able to put some positive input that might improve a way forward. Could the Assistant Minister give some reassurance that this could be introduced?

**Deputy J.J. Huet:**

We are always willing to work with anybody and we have a fantastic group of workers up at TTS and if anybody has ever got any problems or ever wants any answers all they ever have to do is pick up the phone, but we are more than happy to work with anybody, whatever, for the good of the Island.

**Deputy J.B. Fox:**

A point of clarification, Sir. The point is we need to know about it in the first place to be able to pick up the phone.

**Deputy J.J. Huet:**

Well, if we are aware and if there is time. I would never commit the department to doing something. Emergencies happen and if emergencies happen you have to act on them immediately. You cannot go running around every Deputy and every Constable to say: "Is this okay by you?" But if possible, yes, we will, Sir.

**2.4.6 Deputy C.J. Scott Warren of St. Saviour:**

Would the Assistant Minister agree that the Health Protection Department should have been consulted, or certainly informed, prior to this action? Thank you.

**Deputy J.J. Huet:**

No, Sir, I do not agree with that. As I have already mentioned, and the Deputy, when she gets this, will see that it is not a necessity to inform the Health Department.

**2.5 The Deputy of St. Martin of the Minister for Home Affairs regarding the number of States Police Officers engaged on duty in connection with recent functions, the cost of policing of each event and whether any officers were brought in from outside the Island:**

Will the Minister inform Members of the number of States police officers engaged on duty in connection with the functions at (1) the Royal Jersey Showground and (2) Howard Davis Park on Friday and Saturday, 1st and 2nd of September? What was the cost of policing each event and how many officers, if any, were brought in from outside the Island?

**Senator W. Kinnard (The Minister for Home Affairs):**

On Friday, 1st September 2006 there were a total of 4 officers engaged on duty at no additional cost to the force as rest days were re-rostered. On Saturday, 2nd September 2006 there were a total of 61 officers engaged on duty at a total additional cost to the force of £30,900. Rest days were also re-rostered for this. Nine officers were brought from outside of the Island for the Saturday event and there were no additional costs as rest days were re-rostered.

**2.5.1 The Deputy of St. Martin:**

Can I ask, why was it necessary to have officers from outside the Island and was the Minister's consent required before they came in?

**Senator W. Kinnard:**

The Deputy may well have noticed that there were 2 events going on obviously on the Saturday night and we are a small force that is dedicated obviously to the protection of our community. This is a very large event at Jersey Live and it was felt necessary that we should bring in additional officers from outside the Island with public order specialism. Yes, I was consulted about this and agreed to their being brought to the Island.

### **2.5.2 The Deputy of St. Martin:**

The Minister mentioned there was no cost to the Island that these officers were brought in from outside of the U.K.. What arrangement have we got? Does it mean that when we send officers to the U.K. we pay for them ourselves? Is it just a reciprocal arrangement?

### **Senator W. Kinnard:**

There is a mutual aid agreement that does exist between forces and on this occasion, Sir, that, I believe, was the case.

### **2.5.3 Deputy D.W. Mezbourian of St. Lawrence:**

Will the Minister advise the House ...

### **Senator W. Kinnard:**

Sorry, Sir, can I just correct something I have just said. There was a cost but the cost was to do with travel, hotel and their wages of £27,000. Sorry, Sir, I did miss that. So the cost of the U.K. officers is calculated by that amount.

### **The Deputy Bailiff:**

So you are saying there was a cost?

### **Senator W. Kinnard:**

I am saying that at Jersey Live on 2nd September, the cost of the U.K. officers was £27,000.

### **Deputy D.W. Mezbourian:**

Will the Minister advise the House of the 9 officers who were brought to the Island, were they deployed at all in policing activities or were they retained to be used if necessary?

**Senator W. Kinnard:**

That is an operational question which I do not have the specific answer to, but what I would say, Sir, is that even if I did I am not sure it is a question that I would necessarily wish to answer in open forum. But clearly if it is a question that the Deputy wishes to have answered I am sure that I could get that information to her after this sitting, Sir.

**2.5.4 The Connétable of St. Helier:**

Would the Minister like to acknowledge the tremendous involvement and assistance provided free of charge by the Parishes honorary police?

**Senator W. Kinnard:**

Indeed. In fact, Sir, it was a little line that I was intending to say but unfortunately, I think, got distracted. We, of course, in addition, were very ably assisted by our honorary colleagues and indeed I know that a message that I received in terms of feedback from the Chief of Police the day after the Jersey Live event certainly sang the praises very highly of the contribution made by the honorary police.

**2.5.5 Connétable K.P. Vibert of St. Ouen:**

Just for the avoidance of doubt, the Minister in her first reply quoted £30,900 as the cost of the event and then later pointed out £27,000 for the officers brought in from outside the Island. Is that a total figure of £57,900?

**Senator W. Kinnard:**

No, Sir, it is not. There is an overtime cost to States of Jersey Police at the Jersey Live event which was £3,900 and then £27,000 for travel, hotel and wages of the U.K. officers, which makes a total of £30,900.

**2.5.6 Deputy G.C.L. Baudains:**

I wonder if the Minister would be kind enough to circulate these figures to Members during the day because I am certainly confused. It does appear to me we are paying police officers about £6,000 a day.

**Senator W. Kinnard:**

I am more than happy to distribute the figures and I think it is wrong to assume things off the cuff like that without the detailed information. But I am happy to provide the figures.

### **2.5.7 Deputy J.B. Fox:**

Appreciating the police requirements and numbers are operational and therefore the Minister is unlikely to give me any answers in public, but on the other hand can the Minister give me an assurance that the rest of the Island was appropriately policed and safeguarded, especially as other areas of the Island can become vulnerable when it is known there are special events by the criminal fraternity, et cetera. Thank you.

### **Senator W. Kinnard:**

I am grateful for that question because it is becoming of increasing concern to me that events are being organised without really, I think, due regard to the fact that we on the Island have a police force which is suitable to policing the size of our community. Then on events such as this we have to bring out every single officer virtually to police these events and adequate police the rest of the Island. That includes bringing out, to go out on foot patrol duty, people who would ordinarily work in parts of the States of Jersey Police such the Jersey Financial Crimes Unit, the Firearms Unit, et cetera. I think that I am becoming increasingly concerned, as I have said, at events that are being planned, I believe, in this Island without due regard to the restrictions in terms of the size of the force that we have and the resources that we have to police them.

### **The Deputy Bailiff:**

Final question, Deputy.

### **2.5.8 The Deputy of St. Martin:**

Given the general good behaviour of people in Jersey who attend concerts, et cetera, does the Minister not think that employing so many officers at such great cost to the Island is really an operation overkill and greater consideration should be given to employment or deployment of officers when we have such events?

### **Senator W. Kinnard:**

I have just explained that in these kind of scenarios all the officers that we can get from our local force are on duty. There are moratoriums on taking holidays and so on. All hands are to the deck so to speak. I do not believe that £27,000 to cover the travel, hotel and wages of the 6 officers from outside the U.K. is excessive given their specialism. Indeed, Sir, you cannot win in this situation. If there is a scenario where something goes wrong then I would assume that the Deputy would be one of the first on my back complaining that we had not adequately planned to deal with this situation. Sir, as I mentioned these events are being organised and I am not convinced, Sir, that is...



**The Deputy Bailiff:**

I think if you have mentioned it already you probably do not need to repeat again.

**Senator W. Kinnard:**

...sufficient consultation with the States of Jersey Police in their organisation.

**2.6 The Deputy of St. Martin of the Minister for Home Affairs regarding the publication of a Performance Improvement Plan for H.M. Prison La Moye:**

Following inspection carried out in La Moye Prison in June 2005 by her HM Chief Inspector of Prisons, one of the main recommendations was that a performance improvement plan should be drawn up setting priorities and time targets for action. Will the Minister inform Members when the plan was published, the reasons for any delay in its completion and when will it be made available to States Members?

**Senator W. Kinnard (Minister for Home Affairs):**

I received the final version of performance improvement plan on 18th August and the plan is a very comprehensive document which, of course, had to be completed by senior managers at the prison without any additional resources. It, therefore, took a little longer than was anticipated to complete. Clearly the inspection report and the plan have identified shortages in resources to undertake the current task of running the prison. So, by implication, the completion of the plan was a considerable extra burden on the prison to complete. The plan runs to some 53 pages. The presentation to the staff of the prison, the prison board and visitors and others closely involved with the prison, is to take place on 19th September. A presentation will also be made to the Council of Ministers on 19th October, followed by a briefing to scrutiny and States' Members later in the month. At that point, Sir, the plan could be made available to the press and wider public.

**2.6.1 Deputy R.G. Le Hérissier:**

Would the Minister confirm that in fact a team of officials was brought in from the U.K. in order to lay the groundwork for the plan?

**Senator W. Kinnard:**

We had an officer that we brought over. Originally we wanted him to be seconded, he has replaced the position of the unit manger to assist with the plan and we use our local people to do the plan. We have had advice and so on from colleagues in the United Kingdom but this work has been completed - the hard work of this has been completed - by staff while still trying to run La Moye Prison.

### **2.6.2 Deputy J.A. Martin:**

In a meeting that the Minister had with the Social Affairs Scrutiny Panel she said the plan would be costed in the next few days, and this was 2nd August, but would likely to be in the region of £700,000 to £1 million. Could she confirm these figures and could she also tell the House whether they have been approved by the Council of Ministers? Thank you, Sir.

### **Senator W. Kinnard:**

The plan has been costed and so it is roughly in the region of just over £1 million and the Council of Ministers has not had an opportunity obviously to discuss the details of the plan or the implications of those costs but I believe will do so on 19th October.

### **2.6.3 The Deputy of St. Martin:**

Given the importance of the performance improvement plan, which was really the crucial most central part of the recommendation following a visit made in June last year, is the Minister satisfied that all the right amount of time and consideration was given to it, because it does seem to have taken a long time for such an important document to be made available?

### **Senator W. Kinnard:**

I think it is essential that such an important document is done properly rather than to dash something off because of the impatience of certain members of this House. I will remind Members that in the United Kingdom, in England and Wales, prison governors are given £500,000 and are given someone to lead the drawing up of the performance improvement plan on a consultative basis. It is not the prison governor in England and Wales that has to sit down and compile the plan and cost it, as indeed has been the case here. I think, Sir, that we ought to congratulate the prison governor and the staff of La Moye for their achievement in completing the plan while continuing to run the prison without any of the extra resources I have just described that are available to their colleagues elsewhere. In any case, Sir, I do believe that there are big strategic issues in terms of the funding of the prison and the funding of the performance improvement plan which will take rather longer, I believe, to be sorted out in terms of how the Council of Ministers seeks to deal with it than the next couple of days or weeks.

### **2.6.4 Deputy D.W. Mezbourian:**

Would the Minister not agree that the performance improvement plan, as recommended following the inspection in June last year, is something that should have been produced by the prison management anyway without having it recommended to them?

### **Senator W. Kinnard:**

No, the performance improvement plan is quite a new thing even in England and Wales. It was a recommendation, as we are aware, of Her Majesty's Chief Inspector of Prisons. The existence of a performance improvement plan was not something, I believe, that could have been at all drawn up without the independent inspection and the recommendations thereon for us to act upon. As I mentioned, Sir, the performance improvement plan concept has been something relatively new, even in the prisons of England and Wales.

#### **2.6.5 Deputy I.J. Gorst of St. Clement:**

It is an important piece of work and I personally congratulate it happening even if it is somewhat late in the day. The Minister has just said to us today that the initial costings are looking like being just over the £1 million mark. I would like her to confirm that this money is incorporated into the business plan that we are going to be discussing and that the money will follow the plan. Thank you.

#### **Senator W. Kinnard:**

The money is not incorporated in the business plan. There is no funding identified in the business plan as drafted for the performance improvement plan and that is why a special meeting is to take place with the Council of Ministers to talk through the implications of the funding shortfall. Not just in terms of the performance improvement plan for the prison but the shortfall that generally is apparent in the Home Affairs budget.

#### **2.6.6 Deputy J.A. Martin:**

Just to press the Minister slightly, Sir. The £1 million, or just over £1 million, that it will cost, would that be a one off payment or will this be continual because it is quite a lot of money and we are discussing the annual business plan and into the future today? Thank you, Sir.

#### **Senator W. Kinnard:**

The performance improvement plan, that is an ongoing revenue cost. There are, of course, as we know, capital implications but most of those I believe, or a huge part, is already in the capital programme. Many of the issues have been absorbed or will be absorbed within existing resources but there is still the outstanding of around £1 million ongoing revenue costs to implement the performances improvement plan which, at this stage, I have to say, Sir, is not in the business plan we are discussing today.

#### **2.6.7 Deputy S.C. Ferguson of St. Brelade:**

The Minister has been complaining about the lack of resources. Does the Minister not feel that perhaps the allocation of resources between all the departments that comprise her fief ought to be reviewed? There is evidence with the Fire Department, the activity has dropped but the budget stays the same. There is evidence of spending of remaining budgets being spent in December so

that the budget is used up for the year. Perhaps the Minister should undertake a much closer financial review of the finance in the department?

**Senator W. Kinnard:**

I have to say that the budgets of Home Affairs across the departments has been gone through with a fine tooth comb, not only by myself and my officers but also by officers of Treasury. In fact, I was complimented just recently on the efforts that we have made to stay within budget and, indeed, leaving aside the performance improvement plan, it looks as if Home Affairs will be able to just about stay in budget this year. But we will have severe deficits from next year onwards. As to anecdotal bits of information and evidence, I prefer if the Deputy was to give me firm indications of any concerns or evidence she has because we are absolutely committed to driving out inefficiencies in our department and keeping our costs to a minimum. I believe, indeed, Sir, that we have done far better than just about any other department that you can think of.

**Deputy S.C. Ferguson:**

May I just assure the Minister that we will be in touch with her about this?

**2.6.8 The Deputy of St. Martin:**

I think the general public, and certainly States' Members, myself included, find it very difficult to know that it always seems difficult finding money for the prison yet it is quite simple to find £27,000 plus to bring police officers over from U.K. for events which really do not require it. Has the Minister really got a grasp of the priorities within her own ministry?

**Senator W. Kinnard:**

I really am rather tired of this sort of sniping which really is inappropriate because clearly if we had not policed the event properly and there had been a problem with getting people away from the event I would be standing here being pilloried by the same Deputy for not doing what we did. We assessed risks, we act to protect this community to the best of our ability and to be frank, Sir, the gaping hole in the prison budget is not going to be fixed by the £27,000 that we have spent in order to protect this community. I really think, Sir, that it is about time that some of these Members really, if they do have issues, come to me, explain what they are, give me the evidence and I am quite happy to go through it in detail with them, and with my officers. But to stand here week after week with sniping at my heels over little nit-picking, frankly, bits of questions, I am really rather tired of it.

**2.7 Deputy D.W. Mezbourian of the Minister for Home Affairs regarding implementation of recommendations covering Suicide Prevention and Self Harm Reduction at H.M. Prison La Moye, and priority for funding:**

Which, if any, of the recommendations covering suicide prevention and self harm reduction made in both the 2001 and 2005 Her Majesty's Chief Inspector of Prison reports on La Moye Prison have been implemented by 1st September 2006? Of those recommendations not implemented, if any, what priority has been given to them for implementation and what funding to enable implementation has been included in the proposed business plan?

**Senator W. Kinnard (The Minister for Home Affairs):**

There were a total of 10 recommendations made between both inspections in relation to suicide prevention and self harm, 4 in 2001 and 6 in 2005. Action has been undertaken in relation to all these recommendations although there does remain some outstanding work in relation to the development of new policies and training requirements. This is, of course, a dynamic process. Those at risk are constantly being evaluated and developed. The 2005 report stated that there were reasonable systems for prisoners at risk of self harm or suicide although they were over reliant on health care staff. The recommendations relating to greater involvement of residential staff have been implemented. Work in relation to the correlation between bullying and self harm is dependent on further resources which, of course, have been identified in the performance improvement plan and which will be discussed in due course by the Council of Ministers. But, Sir, there is no funding for that in today's proposed business plan. Of course the tragic events of 2nd September have reminded us of the need to constantly reassess the way that we care for all of our prisoners. I am grateful that the Prison Probation Ombudsmen from England and Wales has accepted my invitation and has agreed to conduct the internal inquiry into the sad death. On receiving his report of course we will want to see what further lessons we can learn and, of course, give priority to any necessary actions that are arising out of that report.

**2.7.1 The Deputy of St. Martin:**

I think the Minister will accept or agree that really there were a number of major criticisms made about the way in which the prison was functioning and there were a number of recommendations made in respect of the concerns around suicide and self harm. We have had assurances this morning that a number of the actions are being addressed but there are funding requirements. Is it not really a time that the Minister would really take it in hand at the prison to ensure that good practice is going on because every time something seems to be going wrong it seems to be there is a cost involved? Surely it must be good practice up there which the people should be doing their job in the first place. Would she not agree that possibly greater concentration should be given to the management of the prison itself rather than just throwing good money after bad?

**Senator W. Kinnard:**

I would never be one to throw good money after bad. Indeed the whole point of inviting over Her Majesty's Chief Inspector of Prisons is, in fact, to identify any shortcomings and recommendations that have been accepted by this Minister. But the bottom line is this, Sir, that prison has been severely under funded for years and years and years. Without extra funding to implement the performance improvement plan, one of the major recommendations of Her Majesty's Inspector, the reality is this, that you cannot turn that ship around unless you have some resources with which to do it. Having said that, Sir, many of the recommendations of the 10 that I have mentioned have indeed been implemented and, as I have already identified, there is the anti-bullying policy and

issues which require extra funding. I am quite happy, Sir, for the reassurance of Members to perhaps circulate a short report I received on what has been implemented. I think, Sir, also we must be very careful not to try to, if you like, guess or try to anticipate any report that we might receive from the Probation and Prison Ombudsmen for England and Wales. I would just say to Members that we will not know what recommendations may be made there and I would really ask them to think in terms of sensitivity to the family and to await that report. I can say now, Sir, that whatever recommendations come through that report I intend absolutely to accept them.

### **2.7.2 Deputy D.W. Mezbourian:**

Would the Minister agree that she accepted the recommendations made in the recent 2005 report and yet they have not been fully implemented? Why is it necessary now for her to wait for the recommendations of another report before implementing the suicide and self harm reduction measures?

### **Senator W. Kinnard:**

We have implemented those suicide and self harm reduction measures that have been recommended by Her Majesty's Inspector where we have been able to. But it is impossible, Sir, to implement strategies and policies that are meaningful and work unless we have the necessary resources to do so. That was the whole point of Her Majesty's Inspector's recommendation for the performance improvement plan. That has been done and that is now going through the process of being discussed by the Council of Ministers as to how it might be funded. So those recommendations have been accepted and we are working to implement them. But you cannot implement everything overnight. Even if we had all of the resources today there takes some time to employ staff, train staff and so on. I think that people who are expecting that these things can happen overnight really have no idea, Sir, of what is involved in running a complex regime like La Moye Prison where we are 4 prisons in 1 at least with an extremely diverse group of prisoners. Much more complex than just about any prison I can think of in England and Wales. I would say to Members that what we should be doing is supporting the prison governor and his staff for the way in which they have taken on board the need for the performance improvement plan and the need to change. In other prisons, Sir, you would sometimes get reluctance to implement these changes. There is no such reluctance up at La Moye and I give due credit to them and for the way they have wholeheartedly got behind the necessary changes, Sir.

### **2.7.3 Deputy D.W. Mezbourian:**

I am sure the Minister would agree that by asking these questions in the House we are not implying criticism of the governor or, indeed, of his staff at La Moye Prison. We are, of course, aware of the funding issues. But I believe, Sir, that the Minister did not fully answer the question that I asked initially and the part that I believe was omitted is what priority has been given to these recommendations for implementation?

### **Senator W. Kinnard:**

Sir, a very high priority because the vast majority of them have been implemented. I could go through them but I am not sure you will give me the time, Sir. Certainly if you take recommendation 100 in the 2001 report: "Steps should be taken to ensure every member of staff appreciates that understanding and reducing the risk of suicide is everybody's concern." That has happened. The profile of suicide and self harm remains very high in the prison. There are relevant meetings. Recommendation 101 has been mostly implemented in terms of the training that is required. Recommendation 102: "All of the reports are critically examined." That one is implemented. Recommendation 103, that has been implemented. You take number 33, that has been implemented.

**The Deputy Bailiff:**

How many are there?

**Senator W. Kinnard:**

I am happy to circulate this to Members ...

**Deputy D.W. Mezbourian:**

May I ask that the Minister does do that?

**Senator W. Kinnard:**

I am happy to do that, Sir.

**The Deputy Bailiff:**

Very well, Minister, you will circulate them.

**Senator W. Kinnard:**

Thank you.

## **2.8 Deputy G.P. Southern of the Minister for Treasury and Resources regarding the appointment of advisers on the proposed privatisation of Jersey Telecom:**

Will the Minister inform Members what progress he has made with the appointment of advisers on the proposed privatisation of Jersey Telecom and when he intends to bring proposals to the States?

**Senator T.A. Le Sueur (The Minister for Treasury and Resources):**

Having advertised last month for expressions of interest my department is in the process of selecting and appointing lead corporate finance and legal advisors in respect of the proposed sale. I can tell Members that detailed proposals have been submitted from a number of the world's leading advisers in this area. The proposals are being evaluated and expanded upon to ensure that the best possible advice is received. I expect the appointments to be made in the week beginning 25th September and that their work should be largely completed within 2 months. This will enable me to lodge a report and proposition by the end of this year and I intend to ask the States to decide upon a proposed sale of Jersey Telecom Group Limited early in 2007. This assumes, of course, that the debate on Senator Shenton's proposition has not been successful.

**2.8.1 Deputy G.P. Southern:**

Will the Minister inform Members who and how many candidates for this position of advisor were on the shortlist?

**Senator T.A. Le Sueur:**

The appointment has not yet been made, Sir, and it may be appropriate to give that information after the appointment has been made. There are sufficient applicants to have a very strong short list and I have no doubt we will appoint people of the highest calibre. Once the process is complete, Sir, then I am perfectly willing to give Members details of successful candidates. It might be embarrassing to the unsuccessful ones to declare those but I can certainly give total numbers involved.

**2.8.2 Connétable D.J. Murphy of Grouville:**

Within the options asked for from the financial advisors you are appointing, is the status quo one of the options?

**Senator T.A. Le Sueur:**

I do not particularly like paying advisors more than I have to, Sir, and we are asking for advice on a proposed sale. If they suggest that the sale is not in the interests of the Island then that will be part of the outcome and that will indeed result in the status quo.

**2.9 Deputy A. Breckon of St. Saviour of the Minister for Social Security regarding the publication of monthly unemployment figures for 2006:**

Would the Minister provide the monthly employment figures for 2006 and inform the Assembly how often they are published, and if not on a monthly basis, why not?



**Senator P.F. Routier (The Minister for Social Security):**

The registered unemployment figures for 2006 are as follows: January 477; February 444; March 402; April 409; May 420; June 418; July 392 and August 430. I would point out that there is no compulsion for any person unemployed to register with the department so these figures reflect those who choose to access the services of the department. The department has not routinely published unemployment figures but from time to time will issue press releases which are often, but not always, reported by the media. However, this situation changes at times of higher unemployment when monthly press releases are issued. We have not routinely published unemployment figures on a monthly basis in the past because we have not observed a demand for such information to be made readily available. However, on reflection, I have decided that in future every month statistics will be published on the States' website so that anybody can see those figures. I have also placed on Members' desks not only the monthly figures for this year but also for the 2 previous years so a comparison can be made.

**2.9.1 Deputy A. Breckon:**

Does the Minister agree that more information is required to those figures, the age group, the gender, the type of work or the qualifications people may have, the length of period of unemployment? As he has given an assurance, Sir, that this information will be available could he give an assurance that this will be provided within those figures on a regular basis?

**Senator P.F. Routier:**

Certainly the department does have those figures. They are very, very detailed and I think the Deputy will recall when he was on the committee we used to have pages and pages of these detailed figures. I do not know how practical it would be to release these as well but I will certainly ask the department to consider that matter. It is very, very detailed figures. But certainly if any Member wants them I am very happy to pass them on to them.

**2.9.2 Deputy A. Breckon:**

Part of the reason I asked that, would the Minister agree that if we are going to target the 18s to 25s then we have to know if we have a problem and where it is?

**Senator P.F. Routier:**

Yes, certainly we do need to be aware of that. As I say, if any Member wants to know those particular details I am very happy for them to have it. It is a matter of a balance between what you put out in the public domain and what Members generally have. We could fill up a web page with all the information that we have. It will be a balance to be struck, but certainly, any Member, I am very happy for them to have that information.

**2.9.3 Deputy R.G. Le Hérissier:**

Given the era of joined-up government in which we are all now proudly playing a part, would the Minister indicate whether his analysis of the figures has led him to the conclusion that jobs are being created at a good rate, but yet, unemployment is rising? What is the correlation between job creation and the gradual rise in unemployment?

**Senator P.F. Routier:**

Certainly, my department works very closely with the Economic Development Committee, and one of the things which I have been trying to impress upon the Economic Development Department is that when they are issuing Regulation of Undertakings licences that they do consider that there are local people who do have a need to have a job, and to ensure that the permits which are given out do reflect that and ensure that the pressure, to a certain extent, is put on the employers to employ local people. The correlation between the figures and the numbers of permits which are given have to be monitored very closely, and my department does work with the Economic Development Committee to ensure that happens.

**2.9.4 Deputy R.G. Le Hérissier:**

The question was not answered. Would he tell me, as a result of that work his department is doing, what conclusions have they come to between this relationship? In other words, if more jobs are being created should unemployment be going down, for example?

**Senator P.F. Routier:**

I would certainly think that would be the wish that that would happen. We recognise that there are people in Jersey - local people - who are unemployed, and if the right types of jobs are made available - it is all about the right types of jobs, and people having the skills to meet the needs of the business community; it is the mismatch that is the problem half the time - so what we have to do is to ensure that the new jobs which are made available do match the workforce's abilities.

**2.9.5 Deputy G.C.L. Baudains:**

We are told that the numbers in these tables are those people who have, in fact, registered with Social Security. Does the Minister consider that those numbers may rise substantially in the future when, under the new low-income support scheme, anybody actively seeking work would be entitled to apply?

**Senator P.F. Routier:**

That may well be the case, certainly.

**2.9.6 Deputy A. Breckon:**

Following on from that, could the Minister confirm that he has observed that the 2006 figures for every month are higher than 2005, and he also mentioned, Sir, that there is no compulsion. Could he give any indication of the hidden unemployed that may be out there in the community?

**Senator P.F. Routier:**

Yes, certainly. We are very aware that the figures are roughly about 25 per cent higher than last year. There is no getting away from that fact. With regard to these people just being the people who have come and registered, and there is no compulsion to respond, I am afraid we do not have any conclusion we can come to with regard to the people who do not register with us. It is not a compulsory thing to do, so I honestly cannot respond to that. The Statistics Unit, they do issue other figures about manpower on a regular basis, and they do occasionally give us more information, which helps us.

**2.9.7 Deputy D.W. Mezbourian:**

Will the Minister advise the House, please, what consideration the department has given as to the reason for the approximate 25 per cent increase in these figures for the first 6, 7 months of this year?

**Senator P.F. Routier:**

Well, there is obviously a mixed bag of reasons for the numbers. Certainly, since the summer, there would have been a cohort of young people leaving education. That is obviously a great concern to us. We know, in the breakdown of age groups, that the 18 to 25 year-old age group, last time, I think it was about 35 per cent of the total figures, which is of concern to us. Sorry, could you just repeat that question?

**Deputy D.W. Mezbourian:**

Certainly. The question was what consideration the department has given to the increase in the unemployment figures for this year, and with particular regard to identifying the reasons why the increase has occurred, and if I may just add another...

**The Deputy Bailiff:**

No. I think you can just repeat the question. There is definitely a bout of short-term memory loss following the vacation.

**Senator P.F. Routier:**

Certainly. I have just had it again. You have interrupted. **[Laughter]** Do I have any idea why the figures are higher? Yes, certainly. Obviously, I think the reasons why, as I said in my introduction to the answer, was that it is varied reasons. Even the construction industry we have seen complaining that there is a concern that they are not getting jobs because perhaps immigrant labour are coming into the Island to take their jobs. I mean, there is a cross-section of reasons, and if we did a complete breakdown of all the people who came into the department and asked them, there is a very wide spectrum of reasons. We could probably work on that detail. It is the same as the types of businesses they are in. There are plumbers, carpenters, delivery drivers, social workers. It goes right across the spectrum of work opportunities, and to delve down a little bit deeper than that and to find out the reason for it, it is a multitude of things.

### **2.9.8 Deputy R.G. Le Hérisier:**

Would the Minister not concede that, given the lack of clarity about the reasons and his inability or his department's inability to draw clear conclusions, how on earth are plans being formulated to address the training and education implications of the unemployment situation on the Island, given that they seem to have no clear idea about why these people are ending up at the department?

### **Senator P.F. Routier:**

Certainly, the department does have a record of all of the types of employment that people are looking for, and are working very closely with the Economic Development Department, and we know that they are meeting on a regular basis and formulating a plan to ensure that the licences that they are being asked to give do try and match the skills of their local workforce. I mean, that work is going on. It is not that we are ignoring the situation. We know that that work needs to be done and it is being done.

### **2.9.9 The Deputy of St. John:**

I wonder if the Minister would agree that the numbers of unemployed is extremely low, and it is quite difficult when you have such a small percentage to try and work out any tangible evidence as to why it is as it is, and also, can I suggest, Sir, that currently, the workforce in the Island has grown; the numbers of jobs have grown, I understand. Consequently, percentage-wise, you are going to have a few more unemployed, so it is perhaps not all gloom and doom. The size of the workforce became bigger, therefore obviously you are going to have maybe a slightly higher number of people that are out of work, and would he agree that that is possibly one of the reasons?

### **Senator P.F. Routier:**

Well, certainly if you think back to the mid-1990s, when we had over 1,000 people that were registered with us, these figures are lower. The Deputy is quite right in making the point that if the overall workforce is growing, the percentage of unemployed is going to follow that sort of natural thing, but the question probably with regard to employment opportunities is really one that possibly should be directed at the Economic Development Department. **[Laughter]** It is their job to ensure that the jobs are there. Our responsibility is to ensure that people are supported in trying to find

jobs. It is the Economic Development Department and the business community who are the ones who provide the jobs. We do not provide the jobs.

**2.9.10 Deputy J.A. Hilton:**

I believe it is doom and gloom for some of the construction workers out there looking for jobs at the moment. I would like to ask the Minister, does he believe that there is any connection between the number of Polish employed in the construction industry in the first quarter of 2005 - which was 143 - and the 375 who were employed in the construction industry for the first quarter of 2006, and the current unemployment figure that has indeed been rising by well over 10 per cent since April?

**Senator P.F. Routier:**

I certainly do not have any hard evidence for that, but I would imagine that would have had some impact on those people, certainly.

**2.9.11 Deputy G.P. Southern:**

Does the Minister consider that the fundamental problem with employment on the Island is that under the new migration policy, we are aiming to have high skilled, high paid jobs and we have a skill shortage on the Island?

**Senator P.F. Routier:**

We certainly have a skill shortage for some of the business opportunities in the Island. I have a particular concern of people who have perhaps lower skills, who do need to have work opportunities as well, and I want to ensure that the job opportunities which are available do give a good cross-section of skill needs for the whole of the population. It is all very well the Island looking at developing the business for high skills, but I keep reminding the Minister for Economic Development that part of the reason for giving out of Regulation of Undertakings permits will also be to ensure that people with lower skills have opportunities as well, and I will continue to bang that drum as long and hard as I can.

**2.9.12 Senator F.H. Walker:**

Would the Minister confirm that the figures of the Statistics Department, which show that there are 700 more locally qualified people in employment in the private sector in December 2005 than there were in December 2004, and would he therefore confirm that it is by no means all doom and gloom for local employees?

**Senator P.F. Routier:**

If my Chief Minister tells me those are the figures, I will agree with him, but I do not have them in front of me, but certainly he is right in saying that it is not all doom and gloom. I think the Deputy of St. John had the same view. It is not doom and gloom across the whole of the community. We have to say, some of the people who register with us may not even want to find a job, so there are those as well. Those figures are figures, is what I would say, but there are people who do want jobs, and we have to ensure that we do give them the support that they need, and hopefully with the help of the Economic Development Committee in giving the correct Regulation of Undertakings permits, we can get that match going. Also, I will drag in the Education Department as well to ensure that our school children leave the education service with the skills that are required for the jobs which are available in the community.

### **2.9.13 Deputy J.A. Martin:**

A question to the Minister of Social Security: he seems to be saying that he is working very closely with the Economic Development Department, and that they work very well in providing the skills to match the jobs. I have real great concerns - and also hearing, Sir, what the Chief Minister has just said - that we have 700 more locally qualified people unemployed than we did before. Under the new migration policy, the licence will pass to the employer, and they will be the person, and it could be a person who has just walked on the Island. Unless they have rewritten the migration policy - I understand it fully - and I would be concerned if I was the Minister of Employment and Social Security, the working relationship they have now with EDD (Economic Development Department) will fall away. They will issue the licences to the employer, the employer will employ the staff without any other say to the department. Well, I sit down, Sir, to have the question ...

### **The Deputy Bailiff:**

Deputy, your question is?

### **Deputy J.A. Martin:**

Is this not the case? Is there not a concern that the licences passing onto the employer will stop the great working relationship between the 2 Ministers of EDD and Social Security?

### **Senator P.F. Routier:**

I am sorry, Sir, but the Deputy's understanding of the new migration policy lacks a little bit of understanding. The 5-year rule stands. It does not go away. It will always be there, so her impression of what is happening with the new migration policy is, I am afraid, a little bit awry. Our close working relationship with the Economic Development Committee will continue and we will ensure that we do all the best we can to ensure the right jobs are available for the skills of the Island.

### **2.9.14 Senator P.F.C. Ozouf:**

Just to underline the Minister's point, would the Minister agree with me that there is absolutely no complacency on the Council of Ministers - or on his behalf or on my behalf - about the issue of jobs and unemployment figures. To underline that point, would he think it helpful to confirm to the Assembly that the Council of Ministers spent a whole half day on the whole issue of skills, where

we debated this whole issue of how to match the requirements of the economy with the requirements of people, and local people having work, and does he think that that is a step in the right direction of unified corporate government in understanding these issues? Would he agree?

**Senator P.F. Routier:**

I can confirm that we did have that whole half-day meeting, and I believe it is the right way forward for the States.

**The Deputy Bailiff:**

Very well. I did say 2 final questions, but Deputy, you were the original question, so if you want to ask another one.

**2.9.15 Deputy A. Breckon:**

I was trying to get in before. I wondered, there has been some comments; the Deputy of St. John and the Chief Minister have made the thing that the numbers are low and perhaps we are doing okay, but I would like to ask the Minister, Sir, what assurance you can give perhaps to someone who is long-term unemployed and feels that nothing is being done for them. These figures do not reflect that, and I would ask that he gives that some serious attention, with the soft questions he is getting from his fellow Members.

**Senator P.F. Routier:**

Certainly, long-term unemployed people are a concern for us. We do take that responsibility very seriously, because we have a section within our side of our responsibilities work-wise, which help to ensure that people have increased their skills to get back into the workforce. There are issues with regard to long-term unemployed, and we believe that we are doing all that we can to assist them.

**2.10 Deputy D.W. Mezbourian of the Chairman of the Comité des Connétables regarding the number of honorary police officers engaged on duty in connection with recent functions and the number of man hours involved:**

Will the Chairman inform Members of the number of honorary police officers engaged on duty in connection with the functions at the Royal Jersey Showground and Howard Davis Park on Friday and Saturday, 1st and 2nd September, and also advise separately the number of man hours involved in the policing by the honorary police of each event?

**Connétable K.P. Vibert of St. Ouen (Chairman of the Comité des Connétables):**

Before I go and try and reply to that question, can I thank the Deputy for having asked the question, because it gives me the opportunity to highlight the work of the honorary police with regard to these events. Jersey Live at the Royal Jersey Showground, some 53 honorary police officers from across the Island were involved over the 2 days of this event. On the Friday, officers started at 4.00 p.m. and finished after midnight, and on the Saturday, honorary officers started at 9.00 a.m. and finished well after 1.00 a.m. on the Sunday morning. During the final hours of the event, 37 honorary officers were on duty. In total, approximately 779 hours of honorary police time were

given to the policing of this event at no cost to the Island or the event organisers. No man-hour figure is available for the numerous pre-event planning meetings which were held, at which honorary officers were also present. The Proms in the Park at Howard Davis Park, a total of 6 officers were on duty that night; 4 officers from St. Saviour and 2 from St. Helier, and gave a total of 28 man-hours. Again, this does not include the time given to pre-planning meetings. For avoidance of any doubt, all the Parishes were still covered by honorary police duty crews, despite the large amount of officers involved in these 2 events, and although all these officers will be thanked individually by the Connétables, I would like to take this opportunity to thank all these volunteers for their service to the Island.

#### **2.10.1 Deputy R.G. Le Hérisier:**

I thank the Connétable. Would the Connétable confirm that planning is indeed a joint equal partner endeavour, and that when the style of policing has been considered, it has been considered with full input from the honorary police and not sort of imported notions: for example, of riot squads and so forth; and secondly, Sir, would he confirm that, perhaps contrary to what we were informed earlier, that if people do have concerns about the size of events, there are bodies like the Bailiffs Advisory Panel - which are in place and under the broad remit of health and safety - so, for example, these matters can be fully considered and that there is no reason for large events to go ahead which appear to be almost uncontrollable or are deemed as such in certain quarters?

#### **The Connétable of St. Ouen:**

The easy answer is yes and yes, but I can confirm that honorary officers were involved in the pre-planning of these events, and yes, I think it is an issue which we are going to have to face in the future, where the policing of these large events is going to call more and more on honorary police time.

#### **2.10.2 Deputy J.A. Martin:**

Is the Chairman able to confirm whether in fact the honorary officers really provided the frontline policing of some of these activities, and the States' police were being held in reserve?

#### **The Connétable of St. Ouen:**

The effort was a joint effort, although I think that what the Deputy is asking is whether the honorary officers were standing outside doing the controlling, and that is in fact what happened, yes.

#### **2.10.3 Deputy C.H. Egré of St. Peter:**

Would the Chairman of the Comité des Connétables also confirm that honorary officers were heavily concerned with the recent air display, and that was another addition to the task that they offer this Island?



**The Connétable of St. Ouen:**

I can confirm that honorary officers are involved in every event which occurs across the Island, and I was merely asked questions about these 2 events, which are the ones I answered, but certainly ...

**The Deputy Bailiff:**

I do not think anyone is encouraging you to go wider.

**The Connétable of St. Ouen:**

Well, exactly. But on the other hand, I will take the opportunity of saying, Sir, that the Island owes an incredible debt of gratitude to all these people who give freely of their time to serve their fellow Islanders.

**The Deputy Bailiff:**

Very well. On that note; question time ...

**2.11 The Connétable of St. Helier:**

Could I raise a matter relating to questions that have been answered this morning? It is a good time to do that?

**The Deputy Bailiff:**

Yes.

**The Connétable of St. Helier:**

I note that neither the Minister nor the Assistant Minister of Transport and Technical Services are in the Chamber at the moment. During questions about the use of sewage sludge, I believe that it was stated to the Assembly that sludge is not being used; it is of no concern to St. Helier because it is not being deployed in St. Helier, but is being spread in St. John, St. Martin and Trinity, and it is being processed at Howard Davis Farm. I have been given, Sir, a copy of the briefing notes, where it says quite clearly that the mixing process was undertaken at La Collette, and I believe that the House has been misinformed, and I think a correction would be appropriate from the Minister or Assistant Minister.

**The Deputy Bailiff:**

Well, as neither of them is here, perhaps you would like to raise it at a convenient moment when they are. Very well. We come next to questions without notice, and firstly questions to the Minister for Education, Sport and Culture.

### **3. Questions without notice - The Minister for Education, Sport and Culture**

#### **3.1 Deputy S. Power:**

My question is a follow-on question to the reply to my written question. If, for whatever reason, the Serco pool - which we call the AquaSplash pool - had to close or was closed for public health, safety or financial reasons, does the Education, Sport and Culture Department or the Minister have the ability to re-commission the Fort Regent pool, and are there any structural problems related to the pool?

#### **Senator M.E. Vibert (Minister for Education, Sport and Culture):**

If the AquaSplash pool was closed obviously we would have to look - if it was going to be any length of closure - how we could alleviate people's requirements for swimming. Re-commissioning Fort Regent: the reason the States - one of the reasons - decided to build a competition pool alongside the leisure pool at the AquaSplash was the fact that the Fort Regent pool has reached the end of its useful life. It has structural problems, and it would be a rebuild, not a re-commission, which would be a very extensive, expensive and quite long-lasting; I should imagine 2 or 3 years from the concept, to bring it back as a swimming pool, because it would need a rebuild, because the body of the pool itself is past its usable date.

#### **3.2 Deputy S. Power:**

The first part of my question was does the States, the Education Department, have a contingency in the event that the AquaSplash pool closes?

#### **Senator M.E. Vibert:**

I am not sure - contingency for what, Sir? If the AquaSplash pool, as with any of our pools, had to be closed, we would take steps: (1) to try to make sure it could be reopened as soon as possible; and (2) to put in place what alternatives we could. On occasions we have to close pools, for example, the Les Quennevais pool, when we changed the filtration system, and no doubt there are occasions when this has to happen, and we put in appropriate safeguards to ensure that both pools are not closed at the same time and so on. If the AquaSplash pool, for some reason - I cannot imagine what - had to be closed on a permanent basis, one would hope we would have a lead-in time to consider the needs of the Island for pools in the future, but I have no indication that there is any reason why the AquaSplash pool should close.

### **3.3 Deputy R.G. Le Hérisier:**

Now the unused part of the d'Hautrée site has been, I should say, well tidied up, is it the intention of the Education Department to now embark on development plans, or will it be putting the unused remainder of the site into the central property pool?

### **Senator M.E. Vibert:**

The d'Hautrée site, I am pleased, has been tidied up. It needed tidying up. It is remaining at present under the auspices of my department because, as we were talking about earlier, with the skills development, and if the States approve the business plan today, then there will be some funds available for skills development. Working closely with the Economic Development Department, we are going to be looking at what we can do, and I think because of the strategic importance of the d'Hautrée site, next to HautliE.U. School, next to Highlands College, at the moment, we want to ensure that it is still available in case we find we have a need, a demand, to meet in that area.

### **3.4 Deputy D.W. Mezbourian:**

We have heard earlier the Social Security Minister advise us that the unemployment figures have, of course, increased due to the school leavers over the summer months, and I would like the Minister to advise us, Sir, of the co-operation that exists between both departments to give careers advice to those school leavers who do attend at the Social Security Department, notwithstanding the fact that the Education Minister has responsibility for their education only to the age of 16.

### **Senator M.E. Vibert:**

I have responsibility past the age of 16, because we have a responsibility to offer suitable courses up to the age of 19 and beyond, but yes, we do work very closely together with the Social Security Department. My Career Service Department works very hard trying to ensure that anyone who is not going on to further or higher education has a job lined up for when they leave school, and a career path. At the moment we are going through a position where we have a bulge, a demographic bulge, going through our 16 to 18 year-olds, and so, unfortunately, we do have the situation where we have higher numbers - not a higher percentage - of people who are looking for work and have not been successfully placed. It is an issue that we take very seriously and are working on, and I am working very closely with the Economic Development Department. It is not only providing the skills, but trying to match up what skills have been provided with the jobs that are available. We discussed it, as was said, to the Council of Ministers; we had a substantial paper on it. We laid out the very many things we are doing; what more we should be doing and how we are going to work much more closely with businesses in future, so as we get a much better idea of what is required in the future. I think that, unfortunately, we went through a period with what has to be regarded as ...

### **The Deputy Bailiff:**

I think, Senator, really, that is quite a long answer, and we need to make sure there is enough time.

**Senator M.E. Vibert:**

I was only trying to help the Deputy.

**The Deputy Bailiff:**

Deputy, do you want a follow-up question?

**3.5 Deputy D.W. Mezbourian:**

I would like to, Sir, please. I did ask what co-operation there is between both departments, and bearing in mind that school leavers will presumably be going to the Social Security Department to look for work and to register perhaps as being unemployed, will the Minister advise what they will access when they get there? Will he advise whether there is perhaps someone from the Careers Office who is there and available to point them in the right direction?

**Senator M.E. Vibert:**

We work very closely, as I said, with Social Security, and what we try and do is if the difficulty is a lack of skills, we try to advise - where possible - that the young person may find a suitable course at Highlands to improve their skills, to make them more marketable on the job scene. So we work with Social Security. It is not just about the jobs, it is about what is on offer to improve the marketability of a young person so that they can then acquire a job. Was that short enough, Sir?

**Deputy D.W. Mezbourian:**

Sir...

**The Deputy Bailiff:**

Sorry. No, you have had your 2 questions now, Deputy, I am afraid. Deputy Martin?

**3.6 Deputy J.A. Martin:**

When the Minister was interviewed by the Social Affairs Panel on 2nd August, he said that he anticipated receiving a draft copy of the youth strategy by September 2006 and that he would have no problem passing it on to the panel when he received it. Could I ask the Minister, Sir, if the strategy is ready, and is it fully costed in the business plan that we are about to discuss? Thank you, Sir.

**Senator M.E. Vibert:**

I have not seen the strategy yet, but it is not the end of September, but I have been pushing for it as soon as possible. There have been problems with some illnesses and people off work in the Youth Service, but the strategy will have to be costed once it is approved, and the costings will be there. We have a budget for the Youth Service, which is obviously in the reports we are looking at today, and I am pleased to say that of course under my previous committee - and under myself as Minister - we have managed to increase the budget of the Youth Service over a number of years quite substantially, but we have to balance against it all the other services we have to provide.

### **3.7 Deputy S. Pitman of St. Helier:**

How does the Minister foresee his department working with Home Affairs to improve the education in provision and after provision education?

#### **Senator M.E. Vibert:**

Very closely, Sir. We have already indicated to Home Affairs that we will make available a senior teaching post to co-ordinate future education policy at present. As in the U.K., the situation is that the prison authorities buy in the services from the local education authorities. Highlands College is already closely involved, and the Council of Ministers is committed to improving the education facilities at the prison, and my department of course will co-operate wholeheartedly in ensuring this is done as well as possible.

### **3.8 Senator J.L. Perchard:**

Further to that, would the Minister tell the Assembly or inform the Assembly as to which department does he deem to be responsible for the educational and vocational training of prisoners at H.M. Prison La Moye?

#### **Senator M.E. Vibert:**

Up to present, the responsibility for the funding of educational provision has been the Home Affairs Department, which runs the prison, as it is responsible for every other aspect of the prison as well. We have acted as the provider of that through agreement with generally Highlands College, the main provider, but I think it is an issue - as I say, it involved the Council of Ministers - we should not be siloed on this. We all need to work together to ensure that we are providing a proper education provision at the prison, and I think we have nothing to be proud of in the past, because there has not been good enough educational provision, and I want to work with Home Affairs to ensure that we have much better provision in future.

### **3.9 Senator J.L. Perchard:**

I am sure all Members - I certainly will - echo those words, but I would like to ask the question again: which department, Sir, is responsible, in the Minister's opinion, for the educational and vocational training of business at La Moye?

**Senator M.E. Vibert:**

I thought I answered that, Sir. I said that Home Affairs have the funding responsibility for all aspects of the prison, including educational provision, and that we act as a provider for the education that we are asked to provide.

**3.10 Deputy A.D. Lewis of St. John:**

I wonder if I could ask the Minister, what, if any, progress has been made for the setting up of a student loan scheme in preparation for the proposed changes in university funding?

**Senator M.E. Vibert:**

The whole of our education funding is still under review. We went out to consultation and we have recently completed that consultation and are now considering the responses. As part of the preparation for any possible changes, we have worked very closely with the Treasury on any aspects of a type of loan scheme, and we have also worked closely with the local clearing banks to see what help they could give. We originally had a meeting with the people concerned, we have asked them some more questions, and they will be coming back to us very shortly.

**3.11 Deputy G.P. Southern:**

What measures, and more importantly, what additional resources does the Minister have in place to reduce teacher workloads to U.K. equivalents in order to ensure recruitment and retention levels over the coming 3 years?

**Senator M.E. Vibert:**

I am not sure about declaration of interest. My wife is a teacher, as I understand Deputy Southern's is as well, so I will declare that interest, and I am sure she would be pleased if I could reduce her workload. We have regular meetings with the teachers' unions and so on. The situation is that in the U.K. things have developed differently and that certain duties done by teachers in Jersey are not done by teachers in the U.K.. These include certain lunch duties and other duties, but to balance that, of course local teachers were given pay rises at the time to continue with doing these duties. Having said that, we are very concerned that all teachers have a reasonable amount of non-contact and preparation time, so as they can deliver the best possible education to our children, and we are working with head teachers, and we have, if you like, asked head teachers to come up with schemes for their schools so that at least the minimum non-contact time is available to all teachers in future.

**3.12 The Deputy of St. John:**

Just regarding HautliE.U. and Highlands, has the Minister any plans to improve the access roads to these educational establishments, as I have received many complaints - and I know my colleague, Deputy Breckon has also - regarding the access roads, namely Bon Air Lane, being completely overloaded with traffic.

**Senator M.E. Vibert:**

We have recently finished - or just about - completely the redevelopment of the area around HautliE.U. with the new sports centre. We are constrained, as every other department is, by what we are allowed to do with roads with planning. If there are particular concerns, and I have not been inundated with complaints, and let me assure you, the public are not backward at coming forward to complain to me about anything to do with the education service in other areas, but if there are particular concerns, obviously we will look at them and try to alleviate them where we can, but we do have schools and Highlands in that area, and they have to be approached somehow.

**The Deputy Bailiff:**

I am afraid the time for questioning of the Minister has now expired. Connétable of St. Helier, would you like to take this opportunity now that Deputy Huet is back in the Chamber?

**The Connétable of St. Helier:**

As I stated, during the answer to a question put by me, I believe it was clearly stated that there was no need to consult the Parish of St. Helier about the use of sewage sludge, because it was not happening with the Parish. I understand from a copy of a briefing note that the sewage sludge is being transported down to La Collette composting site, is being mixed there, being stored there - for I do not know how long - before it is being transported to the other parishes, and it seems to me that this is incomplete with her earlier answer. I would like her to clarify the situation, please.

**Deputy J.J. Huet:**

I am afraid, Sir, I cannot clarify. I give my apologies, and I will make enquiries and come back at a later time. That is all I can say, Sir.

**The Deputy Bailiff:**

I think, Deputy, you should come back today on a matter like this.

**Deputy J.J. Huet:**

Yes, of course, Sir. Thank you.

**The Deputy Bailiff:**

So perhaps you would look into it and revert at the appropriate time. Very well. So we come next to questions of the Chief Minister.

**4. Questions without Notice - The Chief Minister**

**4.1 Deputy J.A. Martin:**

Would the Chief Minister like to inform the House on his feelings to the comments on P.101 from Her Majesty's Attorney General, and would he inform the House, Sir, if the Council of Ministers are going to produce written comments, because this is quite damning on the Code of Practice for scrutiny panels and public accounts. I would like the Chief Minister to show some leadership and tell the House where they stand on this.

**Senator F.H. Walker (The Chief Minister):**

I thought I had done that by emailing all States' Members, I think a week ago, but certainly the Council of Ministers have still yet another meeting to consider the position, and the Council of Ministers will be lodging an amendment for the debate on the Scrutiny Panel's protocol.

**4.2 Senator J.L. Perchard:**

On 18th July this year, the Minister for Transport and Technical Services informed the States that he will be presenting his new sustainable travel and transport plan to the States in the next few weeks, and certainly by the next session. Those dates have of course passed, Sir. Will the Chief Minister confirm that implementing a sustainable travel and transport plan is an extremely important strategic priority and will he accurately inform Members as to when a plan will be brought the States?

**Senator F.H. Walker:**

I do confirm it is an extremely important matter of Island policy. The transport strategy will be coming to the Council of Ministers later this month, and I would anticipate it would be put to the House, or at least go out for consultation, immediately thereafter.

**4.3 Senator B.E. Shenton:**

Can the Chief Minister confirm that the Council of Ministers is charged with delivering the strategic plan as passed by the States Assembly and not alter it in any way?



**Senator F.H. Walker:**

Yes, and that of course includes the amendments that were approved to the strategic plan during the debate.

**4.4 Deputy G.P. Southern:**

Will the Minister give more details of the amendment that the Council of Ministers is proposing to bring to P.101, because it seems to me that there is a fundamental difference of opinion between the AG (Attorney General) and the Council of Ministers and scrutiny as the role of legal advice to scrutiny?

**Senator F.H. Walker:**

I cannot divulge details of the amendment until the amendment is finally agreed. When it is finally agreed, it will be put forward in the normal way.

**4.5 The Connétable of St. Helier:**

In the dim and distant days when he was a St. Helier Deputy, the Chief Minister was an advocate of residents' parking schemes. I am very grateful to him for having interceded on my behalf with the Minister of Transport and Technical Services, who recently refused to allow the Parish to roll out any more schemes within the Parish. However, I have yet to have that new willingness from the Minister put in writing. Would the Minister confirm to me that he recognises the importance of residents' parking and that he will be pressing and encouraging his Minister to put that in writing to the Parish as soon as possible?

**Senator F.H. Walker:**

I do recognise the importance of residents' parking, and I am grateful for the Constable's gratitude, but yes, there is no doubt that the scheme will be able to go ahead, and I will indeed press the Transport and Technical Services Manager to advise the Connétable of that in writing.

**4.6 Deputy R.G. Le Hérisier:**

On that theme, I remember, Sir, when the final occupant of the Presidency of Public Services spoke. He forever - and rightly - went on about road cleaning trucks going down different streets from the States in the Parishes, and there were great plans put forward about stronger liaison between St. Helier and Public Services, as it then was. Can the Chief Minister tell us, Sir, what progress has been made and whether there has been a flowering of co-operation?

**Senator F.H. Walker:**

I cannot tell the Deputy or the House this morning of significant progress. I can tell the Deputy of a meeting that took place just, I think, about 3 weeks ago on this very topic, because I agree with him entirely. This is something that requires some detailed attention. There are some complex issues, not least with unions and workers involved in this, which need to be addressed before any changes can be implemented, but the will is there, and in my view, where there is a will, a way will be found.

#### **4.7 Deputy G.P. Southern:**

Sorry to press it, but I do not see the reason for any secrecy around the broad thrust of the amendment that the Chief Minister is attempting to bring to P.101. Will the Chief Minister please outline the broad thrust of what he sees as a solution to the fundamental differences over P.101?

#### **Senator F.H. Walker:**

No, Sir, I will not. In accord with normal procedure, the amendment will be distributed to States' Members when it is agreed. It is not yet agreed, and I am not going to circulate anything which is not finally agreed. It is work in progress at this point.

#### **4.8 The Deputy of St. John:**

I would like to perhaps take this opportunity to thank the Chief Minister for a comprehensive written response that he gave me to questions that I have raised on a number of occasions regarding extradition arrangements that we have in the Island. In his response, he stated that the Council of Ministers would review current arrangements in full consultation with the U.K. Government. Therefore, could I ask if he has any timescales in mind for this process, or will it simply be dictated by any moves made by the U.K. Government?

#### **Senator F.H. Walker:**

I am grateful to the Deputy for pointing out that he was given a full response. I cannot give him a specific date on the review, suffice to say that it is a locally induced review, induced by us, and will be conducted as such and will be concluded as such, but I will revert to him and the House at the earliest possible opportunity.

#### **4.9 Deputy J.A. Martin:**

I would like to press the Minister. I am not going to ask what is going to be in the amendment, but I have concerns, reading Standing Order 26(5)(a) and (b); the minimum lodging period for an amendment is, on a 2-week proposition, one week, and for an amendment, it is 2 weeks. Under a 6-week lodging period - which I think P.101 was a 6-week lodging period - which is the minimum lodging period that he envisages we need?

**Senator F.H. Walker:**

I do not think the question stands, does it? With the revised date for debate, I do not believe we have encountered a problem.

**4.10 Deputy R.G. Le Hérisier:**

Notwithstanding the excellent work the Chief Minister performed when he was for many years President of the Postal Committee, would he not accept that the application of a pricing policy, for example, in removing all concessions on parcels of a very rigid user-pays all pricing policy - particularly in regard to parcels - has entirely undermined the postal business, and the very thing, and the very cross-subsidisation, and the retention of a good infrastructure are now at risk? Pricing policies are put into place, which have the effect, for example, with small traders like eBay traders, Sir, of chasing away a lot of business from the Post Office. Would he not say that the rigid application of that policy is utterly counter-productive?

**Senator F.H. Walker:**

The simple answer is - I would suspect in common with the Deputy - I do not know, because if he has figures which show that the parcel business has been completely undermined in Jersey, certainly I have not had access to those figures. If he does have such evidence, then I would be grateful to receive it, although this is, of course, very directly, a matter for the Economic Development Minister, under whose remit post falls.

**4.11 Deputy D.W. Mezbourian:**

Will the Chief Minister endorse the recommendations covering suicide prevention and self harm reduction, as made in the recent H.M.C.I.P. (Her Majesty's Chief Inspector of Prisons) reports, and advise whether the Council of Ministers will give consideration to finding the funding to fully implement those recommendations?

**Senator F.H. Walker:**

As I believe the Home Affairs Minister said earlier in answer to questions posed to her, the Council of Ministers recognises that there is a very serious issue on the funding of the prison generally. We recognise an extremely serious issue, and at the appropriate time - and the appropriate time will be very, very soon - we will be sitting down as an entire Council of Ministers to consider how best we can meet the funding needs, and I would classify them as needs as opposed to wishes; the funding needs of the prison.

**4.12 Deputy D.W. Mezbourian:**

I believe the Chief Minister omitted to answer the first part of my question, which was whether he endorses the recommendations made in the report.

**Senator F.H. Walker:**

Until I see the full report, I cannot give an answer to that question. All I can do, I think, is reaffirm what I said to the Deputy, that we are taking this issue as seriously as it needs to be taken, and it is very near the top of the Council of Minister's agenda at this point.

**4.13 Deputy R.G. Le Hérisier:**

The Chief Minister has always been associated with public service reform, but there is a feeling growing up in the Island that there is a bit of a smoke and mirrors approach to that whole subject. Would the Chief Minister inform the House how he and the Council are convinced of the fact that real public service reform, which sadly involves cutbacks, particularly at management level, is occurring? What information does he receive on these matters, and is he sure that the methodology upon which this information is based is the right methodology?

**Senator F.H. Walker:**

The Deputy is adept at picking up the slightest whiff of rumour or misconception around the Island. The fact is, as I have repeatedly said - and I think is clear from the business plan - we are on track to save the £20 million a year that the Council of Ministers committed itself to at the beginning of the year, and that I thought was very clearly covered in the debate on the strategic plan, so I accept that the perception, as always, is that the government is not cutting back seriously on expenditure. I would say that perception is quite wrong, because we are, and if necessary I can answer more detailed questions on that during the business plan debate.

**4.14 Deputy J.A. Martin:**

In May this year, I asked a question of the Chief Minister in respect of share transfer - and I have asked this question before of the Minister of Finance and Economics, and also the current Treasury - and in the answer the Minister gave, I asked why was the delay, he said: "I do accept this is an important matter, and I have asked the Treasury to ensure that the work in this area is given a high priority." Can the Minister say why, in the law drafted, there is no mention of the share transfer law or anything being mentioned in the current business plan as part of legislation programme for 2007?

**Senator F.H. Walker:**

I am afraid the answer is no, I cannot. I wish I could, but I cannot. I will get the information for the Deputy.

**4.15 The Deputy of St. Peter:**

During the last session, the Chief Minister discussed developments within the emergency planning of Jersey. Can he outline what has happened since we first discussed those movements?

**Senator F.H. Walker:**

I can. The chairmanship of the Council of Ministers, as I think the Deputy knows, has passed from the Bailiff to me, and one of the first steps that we took was, following the departure of the emergency planning officer, to advertise for a new emergency planning officer, and I am pleased to inform the Deputy and the House that an appointment was made some 3 weeks ago, and I am very optimistic that we will now see a robust and essential emergency plan and emergency planning procedures, adding to those that have been in place for quite some time.

**4.16 Senator J.L. Perchard:**

I will just ask one, if I may. Firstly, could I congratulate the Chief Minister on the announcement of his recent engagement and ask him when the 52 of us will be receiving our invitations to the wedding? **[Laughter]**

**Senator F.H. Walker:**

I am grateful for Senator Perchard's congratulations.

**4.17 Deputy S.C. Ferguson:**

Apropos the emergency planning officer, I was informed that it is, in effect, a secondment, not a permanent posting, and also, that the emergency planning officer is located within the police force. Would the Chief Minister please confirm where the emergency planning officer is located; if this is a permanent appointment and not a secondment, and give some indication - I know he cannot go into details - some indication of the experience of the appointee?

**Senator F.H. Walker:**

The position is now permanent. There was a secondment to fill a temporary gap. The position is now permanent and the emergency planning officer does indeed sit within the police force, and I can assure the Deputy that the new appointee is a highly experienced individual in emergency planning and emergency planning procedures.

**4.18 Deputy J.A. Hilton:**

Could I ask the Minister, is the appointment a local resident, or is it someone outside the Island?

**Senator F.H. Walker:**

It is someone outside the Island. The shortlist was drawn up and the most appropriate applicant was someone with, as I have said already, very considerable emergency planning experience within local authorities in the U.K..

**4.19 Deputy J.A. Hilton:**

I do not know if the Minister is able to answer the question, but would the Minister consider that possibly the location of the officer may in some way compromise his position as independent, the emergency officer, if indeed he works at the police headquarters?

**Senator F.H. Walker:**

I do not. Surely, the most important requirement is the emergency planning officer is as effective as possible, and after much consideration, it has been agreed that the location is the right one. It will provide more and better opportunity for co-ordination between the emergency services, and that of course is vital to any response to an emergency. I am happy with the current plan.

**PUBLIC BUSINESS**

**5. Annual Business Plan 2007 (P.92/2006)**

**The Deputy Bailiff:**

Very well, that concludes the questioning of the Chief Minister. Now, there are no matters under (j) or (k), so we come to public business, and before we come to the business plan, there is one preliminary matter which is referred to on the Order Paper, which is that under Article 11 of the Public Finances Jersey Law. Although most amendments have to be lodged at least 14 days before the start of debate, the Chief Minister may lodge an amendment, and it may be debated forthwith if the States agree. Now, the Chief Minister has lodged 2 amendments to amendments, and therefore I think it is necessary for the States to consider whether it does agree that they may be debated during the course of this debate, and it seems convenient to deal with this at the beginning, so that everyone knows where they are. Chief Minister, do you wish to say anything about that?

**Senator F.H. Walker:**

Well, yes, Sir, as you have said, the late lodging is in accord with the States' Standing Orders, providing the States agree that the amendments to the amendments can be debated. The reason they are late, of course, is that the amendments themselves were received late in the day, and the Council of Ministers has moved as quickly as possible to review those amendments and to come up with a considered reaction to all of them. We found that the best way forward to propose amendments to 2 of those, and I very much hope in the interests of doing business in the best way, that the States will agree that those amendments to the amendments can be debated today.

### **The Deputy Bailiff:**

Yes. Does anyone else wish to say anything, or shall we simply consider it? Do Members agree that the 2 amendments to the amendments should be taken? I take that as agreement. Very well. So then we come to consider the Annual Business Plan. The proposition is a lengthy one. Are Members content that it should be taken as read? Very well, I will not trouble the Greffier and will simply call upon the Chief Minister then to propose his objectives.

### **5.1 Senator F.H. Walker:**

Before proposing the specific objectives for my department, I think it is necessary just to put a few things in relation to this debate, with your permission, into context. Over the past few months, I and my fellow Ministers have become increasingly aware of concerns among some Members that it would appear to them the States is no longer the Island's government's decision-making Body. Once again - for I have said this on a number of occasions in the past - let me make it clear: the States Assembly is unquestionably the Island seat of government and remains paramount; thus all States' Members and all parts of the States are parts of the government of Jersey. The current system, a Strategic Plan followed by the Business Plan and so on, gives all Members and the States at least as much responsibility, and arguably more, than it had in the past. We have seen how the Strategic Plan gave the States the opportunity to set out the direction for the Executive, and therefore effectively instruct Ministers what to do. This has been recognised by the Council of Ministers, (and I responded to a question from Senator Shenton to this effect,) who has immediately undertaken to implement the amendments to the Strategic Plan as agreed by the States. Now, this Annual Business Plan gives the States an even greater ability to determine the way forward. Never before - never before - has the States been asked to set the objectives for Ministers, or previously, Committees, and I have also made it clear that the Council of Ministers will continue to bring all major policies to the States for decision, so again, the States remains paramount. Of course, the act of implementing new policies or laws has to be vested in a legal entity, and that is the Minister, but again, that is not diminishing the power of the States. The new performance and financial reporting requirements means that Ministers and departments will be held to account, as I have already said, in a way that we have not before seen in Jersey. I, in common, I think, with all Members of the States, always understood that the States of Jersey Law, which was brought to the States by the Privileges and Procedures Committee in November 2004, had fully implemented P.122, which was not just the proposition but the report, which made it abundantly clear, again - and Members, if they wish to double-check on that, without me reading it - that the Island seat of government, the States Assembly, remains paramount. So that is to put the debate in context. The States decided on the Strategic Plan; the Council of Ministers have accepted in every case the decision of the States, as we must. They were the House's instructions to the Council of Ministers. The same will apply today to the Business Plan. Now, turning to the business at hand, which is the Business Plan, this is the first, as I have said already, Annual Business Plan under the Public Finances (Jersey) Law 2005, and the first under Ministerial Government, and the States will today consider the detailed proposals in respect of States' resources. During the Strategic Plan debate, I promised that States' Members would have further opportunity in the Business Plan to amend and approve the objectives being proposed by the Council of Ministers. Today is that opportunity. If I may, just turning to the Strategic Plan amendments for a second, we have already - "we" being the Council of Ministers - put work in hand to deliver the Prison Education Service, Third Party Appeals and also a Winter Fuel Allowance for the elderly. We do, of course, have an issue to debate on the Business Plan in relation to the timing of the latter. We have not yet been able to provide specific estimates for them, but as soon as we have firm figures, the Council of Ministers has undertaken to reallocate

resources to fund them. This is a firm promise, which we will keep. Turning to the objectives, each Minister has set out what they intend their department should deliver, and for the first time ever this allows States' Members to have a further say in the objectives which each department will be working towards, and thus how resources are used, which I know, quite rightly, is a major requirement of all States' Members. Of course, as we have already agreed, this will be an annual process, thus ensuring that the States can, and no doubt will, exercise control over the use of resources at every stage. Now, in addition, the Council of Ministers have introduced entirely new procedures which will enable all Members to clearly see - again, for the first time - how Ministers have performed in achieving their objectives and in carrying out the instructions and the wishes of the States. Under the new systems Ministers stand accountable to the States in a way in which committees never did in the past. I think that is a very important point of principle. It will go further: the annex to the Business Plan today contains for each department a costed service analysis to which the department's main objectives have been allocated. This is a first step towards associating delivery of objectives with the financial implications, and we should be pretty well there in time for next year's Business Plan. There is further work to do, but we are making very considerable progress. Finally - and again, for the first time - an annual performance report will be published, which will coincide with the financial reporting accounts, so every Member will be able to see how each Minister has performed against their objectives, as approved by this House, and hold them to account if and when they have under-performed or not delivered. The remainder of the proposition in front of us today is a more familiar structure, largely reflecting the proposals from previous years, but now also, as I have said, reflecting the requirements of the new finance law. The way it is intended this should be played is that after the debate of part A - which is, of course, the objectives of the proposition and the associated amendments - I will hand over to the Treasury and Resources Minister, Senator Le SuE.U.r, who will lead the Assembly through the various financial propositions, which this year includes the property plan. I will then present the final part of the proposition in relation to the legislation programme, but before moving on to the objectives, to part A of the proposition itself, I would like to take this opportunity to warmly and sincerely thank and congratulate all those who worked so well together to produce the Business Plan and all the associated detail. That of course includes the Council of Ministers and Assistant Ministers; those Scrutiny Panels which have contributed; the Greffier and his team; and not least, Treasury officers and officers in my department, who have worked long hours in recent months; finally, the Corporate Management Board, so ably led by Bill Ogle and their respective teams. I would now like - and thank you for your forbearance in allowing me to make that introduction - to move to part A of the proposition regarding the objectives and priorities of individual departments, and explain briefly how this will be handled. Each Minister will propose their own department's objectives, and sum up the debate on their own areas. An order of play has been produced, in conjunction with the Greffier, to handle the various amendments which have been received to part A. Now, I will start by proposing the summary key objectives and priorities of the Chief Minister's department, as detailed on pages 8 to 10 of the annex. The main thrust of the Chief Minister's department for the coming year will be ensuring that the Strategic Plan is implemented efficiently and effectively, in accordance with States' decisions, and that Jersey's international reputation and standing is improved. Ministers and their departments have been set challenging targets in terms of both timetables and resources constraints, and as I have already said, performance against the objectives, agreed by the States in the Strategic Plan, will be reported back to the public at large in a performance report, which will be published annually with the annual accounts. This makes the continuing programme of change in the public sector - for which my department is responsible - for better, simpler and cheaper services even more crucial, to ensure that the ever-improving services that customers want - and indeed, demand - are delivered efficiently and effectively and represent value for money, and we remain on track to deliver the overall target savings of at least £20 million by 2009. Key to this is the transformation - and it is a transformation - of the corporate support services of Human Resources and IT, which are well on schedule to deliver their target savings of £700,000 and £940,000 per annum respectively, and the continuing drive to simplify processes and



cut red tape. Both of these functions are key to our operations as a well-managed organisation, and these departments have been set particularly challenging targets to achieve our corporate success, and improving performance at all levels will be a prime goal for my department, and across the entire organisation. We have responsibility for HR, and the States is a good employer. A well-motivated workforce is our most important asset. In 2007, we will be implementing an organisational development programme to ensure that we develop our local employees to their maximum potential and offer local graduates stimulating career opportunities in the public service, and also provide - which we have not always been so hot at - succession planning wherever possible. This will, of course, reduce our reliance and our need for imported expertise. We will continue to raise our profile in the outside world to protect our constitutional autonomy and develop our economy, and we will achieve this objective firstly by negotiating, in our own right, at international level. In 2006, we ratified a tax information exchange agreement with the US, and agreements are pending with several other OECD (Organisation for Economic Co-operation and Development) jurisdictions, and secondly, we will do this by ensuring government and other international bodies continue to regard Jersey as a responsible, co-operative and highly respected member of the international community. In 2007, as we have heard already this morning, the States will consider new migration laws, which will follow those principles approved by the Chamber in June 2005. This will enable migration to be effectively managed and regulated and promote social inclusion. We do of course have an amendment to consider later this morning, but I would also like to mention 2 other areas which sit within my department: firstly, the Statistics Unit. Government cannot function without good information about the economy, society and many other aspects of our Island life, and over recent years, the Unit has made great improvements to the scale, scope and coverage of the information they produce and which is available to Members. They are tasked to continue this process and to deliver that information in a truly independent and open way, which I would ensure continues. Secondly, the Communications Unit is now recognised as providing good, open and transparent information about the working of the States to the public. That too will continue. Finally, although this part of the debate is about objectives, I would just like one or 2 words on the resources of my department. The overall budget of £14.1 million shows an increase of approximately £8 million since 2005. However, as I will give details on in response to any questions, if one takes out all the transfers into my department as a result of centralising, IT and HR activities, and also transfer of PECRS (Public Employees Contributory Retirement Scheme) responsibility, then the actual budget has shown a reduction of £570,000, or 10 per cent since 2005. Looking forward to 2008, the department will have achieved service cuts of £800,000 and will have delivered efficiency savings of more than £1.6 million. So the detailed objectives of my department are, as I have already said, clearly laid on pages 8 to 10 of the annex, and again, the service objectives, in even more detail, are laid out on pages 14 to 19. So, Sir, I move the objectives for the Chief Minister's Department, and I will of course be happy to answer any questions that Members may have,

## **5.2 The Deputy Bailiff:**

Are those objectives seconded? **[Seconded]** Now, we have a number of amendments to those objectives, and the first one is amendment 11.1(i) from the Deputy of St. Ouen. Before I ask the Deputy to read that, it occurs to me Members have been informed that a number of amendments are being accepted. It seems to me, if Members agree, it would be helpful if immediately after the amendment is read, but before the proposer of the amendment proposes it, I should ask the Chief Minister simply to confirm whether it is being accepted. We have a heavy agenda, and I would hope that proposers of amendments would tailor their speeches according to whether it is being accepted or not. I will ask the Greffier first of all therefore to read the amendment to the Deputy of St. Ouen, amendment 11.1(i).

**The Greffier of the States:**

In paragraph (a)(i), after the words: “pages 8 to 10 at the annex” insert the words: “except that.” In objective 1 on page 8 of the annex, after: “Existing performance success criteria” insert the following new items: “The development of any new initiatives, policies or strategies supported by all cost and revenue implications; new policies prioritised within approved revenue and manpower and resources; States’ income and expenditure maintained within the financial constraints; cash limited agreed in the annual business plan.”

**The Deputy Bailiff:**

Now, Chief Minister, is this an amendment which the Council is going to accept or not?

**Senator F.H. Walker:**

It is indeed, Sir.

**5.2.1 Deputy J.G. Reed of St. Ouen:**

I am pleased to note that the Council of Ministers have accepted all parts of my amendment, and I hope that other States’ Members will be equally able to support. The States have a duty to ensure that all public funds are wisely managed, and this is the main reason for all of the parts of the amendment. The recently approved strategic plan clearly underlines the requirement for the Council of Ministers to work within a strong financial framework and these amendments enable those words and priorities to be translated into action. In proposing all the parts of my amendment, I will - as you have already said, Sir - endeavour to be brief and keep to the point. With regard to amendment to amendment 1(i), the aim of the Chief Minister’s Department, as stated on page 7 of the annex to the draft business plan, is to firstly support and advise the Chief Minister and the Council of Ministers in establishing, co-ordinating, communicating and implementing States’ approved policies and objectives; secondly, to provide direction and leadership to the public service to ensure that policies and programmes are delivered in accordance with the agreed priorities. It is therefore only right that the performance measures reflect some form or some of the priorities of that plan. One of the top priorities was to ensure that in the development of any new initiative, policy or strategy, consideration would be given to all cost, revenue and manpower implications that may arise from the proposal. It went on to say that priority will be given to those which can be achieved within approved revenue and manpower resources. By including these new performance measures, it will allow progress in this area to be monitored in a clear and transparent manner. The third performance criteria reflects a priority, which is to ensure that States’ income and expenditure is maintained within the cash limits agreed in the annual business plan. As stated in my report, I have included these performance criteria, not only to underline the importance for the States as placed on financial discipline, but to provide clear direction to those responsible for overseeing the overall management of all States’ departments. As the Chief Minister’s Department is responsible for the Corporate Management Board, it is only right that performance measure is included under this objective. Thank you.

### **5.3 The Deputy Bailiff:**

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? All those in favour of adopting the amendment, kindly show; those against. The amendment is adopted. We come next to amendment 3 proposed by Deputy Le Hérissier, and I will ask the Greffier to read that amendment.

#### **The Greffier of the States:**

In paragraph (a)(i), after the words: “pages 8 to 10” of the annex, insert the words: “Except in objective 2.” On page 8 of the annex, after: “Existing performance success criteria” insert the following new item: “Report by the end of 2007 on the situation facing Jersey residents who do not have the automatic right to work and settle in E.U.uropean countries with recommendations.”

#### **The Deputy Bailiff:**

Chief Minister, is this a matter which Council is going to accept?

#### **Senator F.H. Walker:**

Yes, Sir.

#### **The Deputy Bailiff:**

Very well. I call upon Deputy Le Hérissier to propose the amendment.

#### **5.3.1 Deputy R.G. Le Hérissier:**

As people know, this has been an issue that has been rumbling in the background for a long time, and there are certain people - number unknown, but estimated 5,000 - who have a burning sense of grievance about this, and certainly, given the way the E.U.uropean Union has developed, given the way immigration has developed within the Union, we have obviously ended up with a very bizarre situation. I know legally, Sir, it is a very difficult situation, and I am very grateful previously to have had the chance of speaking it through with the Attorney General. Nevertheless, it is one we need to take seriously, and I hope there is a slight tinge of exasperation in the remarks: “We have been there before.” I sincerely hope it is approached with an open mind, Sir, and I move the proposition.

#### **The Deputy Bailiff:**

Is the amendment secondment? **[Seconded]** Does any Member wish to speak on the amendment?

**Senator M.E. Vibert:**

Only, Sir, to say I declare an interest. It is in my passport, therefore I would not wish to be included in the decision on this.

**Deputy R.G. Le Hérissier:**

That probably applies to most people in this Chamber.

**5.4 The Deputy Bailiff:**

I would not myself consider that a matter which debars Members at all. Does any Member wish to speak? Very well, all those in favour of adopting the amendment, kindly show. Those against? The amendment is adopted. We come next to amendment 11(1)(ii) of the Deputy of St. Ouen. I will ask the Greffier to read that amendment.

**The Greffier of the States:**

In objective 5 on page 9 of the annex, after “the existing performance success criteria” insert the following new items, “An improved management reporting risk management and overall accounting systems to support transformation project established. All public sector pension obligations properly monitored and accounted for, annual business plan delivered and monitored within financial constraints.”

**The Deputy Bailiff:**

Chief Minister?

**Senator F.H. Walker:**

Yes, Sir, we accept this as well.

**The Deputy Bailiff:**

Very well.

**5.4.1 The Deputy of St. Ouen:**

As I highlighted in the first of my amendments, one of the aims of the Chief Minister's Department is to provide direction and leadership to the public service to ensure that all policies and programmes are delivered in accordance with agreed priorities. The important word here is "delivered". The additional performance criteria will ensure that delivery will be supported by clear, hard financial information that can be used to track the progress of savings generated from the transformation project. The financial information should include all costs and benefits associated with this project. The information will, in turn, help to identify exactly where savings are being made and in what particular area. Equally, it could also help to produce further efficiencies within the public sector. The second bullet point focuses on all public sector pension obligations. The Council of Ministers are right to emphasise that the States have recently approved certain propositions to address past pension liabilities and current pension deficits. However, this part of the amendment is designed specifically to cover all aspects of the public sector pension obligations, both now and in the future. The aim is to ensure that a complete picture of the overall financial implications relating to the States' pension obligations are provided and monitored in a clear and transparent manner. Finally, the third performance criterion is linked to the delivery of the annual business plan. It is extremely important to be able to maximise the efficiency and effectiveness of our public service within agreed financial constraints. Regular monitoring will allow this to happen and improve overall management of the States' finances. It is worth pointing out that under the new public finances law the annual business plan, once approved, will set the expenditure limits for all States' funded bodies for 2007. It is, therefore, even more important that departmental spending is closely monitored to ensure that those expenditure limits are managed efficiently. Thank you.

**The Deputy Bailiff:**

Is the amendment seconded? **[Seconded]** Does anyone wish to speak on the amendment?

**5.4.2 Deputy G.P. Southern:**

Under the third bullet point of this particular amendment in 1(ii), the Annual Business Plan delivered and monitored within financial constraints. I wondered why it is that, particularly, 3 Members in the House cannot see the elephant which has already been noted earlier on in debate. The elephant in the House is £1 million, plus, required for the prison, and it is not there. It is not in any one of these 300 pages. Yet, we are told that this is fairly urgent reform and urgently needed financing to make sure that our prison service works. Well, it is not going to be delivered - according to this - within these constraints for 2007. It points out, I believe, the ridiculousness of what is in here when we are saying we have got £1 million, in addition, that needs spending probably needs spending now, this year, but certainly needs spending next year, but it is not there. Why not? Where is it? £1 million, what is that? Is that loose change? Is that the sort of terms we are dealing in now days? "We can find that out of, you know, under spends or something". No. Where is it? I would ask that we have that issue addressed at some stage during this debate.

**The Deputy Bailiff:**

Does any other Member wish to speak on this amendment?

### **5.4.3 Senator F.H. Walker:**

I think that position needs clarifying. We are aware - and indeed I will add to it and I know the Treasury and Resources Minister and the respective Ministers will be referring to this later as well ... but we have another issue, and that is the question of higher education funding which is going to need to be addressed, as well. The fact is we cannot put precise resources against those problem issues at this point, but if any changes are necessary to deliver those services then we are obligated to come back to the States to put those to the States for their approval. Sir, that remains the position. We cannot include them in the Business Plan today because we have not got the specifics resolved as yet. This is bound to happen from time to time when major issues occur which you cannot specifically allocate resources to immediately. But the point is that the States will remain in control and if it is decided that more funding is necessary - as I think we believe it is for the prison and higher education - then it will be a matter for the Council of Ministers to come back to this House. So, Sir, could I say that we are in complete accord with the Deputy of St. Ouen's amendments on this. This is exactly the way we believe the management of public finances should be undertaken and we are working very much towards the exact objectives that he has outlined in his amendment, and we willingly accept it.

### **Deputy G.P. Southern:**

Could I ask for a point of clarification from the Chief Minister, Sir, I believe it is? Could the Chief Minister outline whether or not the same constraints apply to any proposition that he brings back to the States, as applied to any Member who wished to amend the business plan, to identify precisely where such monies are coming from and, thereby, identify what services will be cut out of this plan in order that the prison service can be properly funded?

### **5.5 The Deputy Bailiff:**

Very well. Does any other Member wish to speak on the amendment? All those in favour of adopting the amendment kindly show. Those against. The amendment is adopted. I am sorry, Deputy, I did not ask you to reply but I take it there is no need for you to reply. Very well, the amendment is adopted. So, we come next to amendment 5 in the name of Deputy Le Hérissier, and I will ask the Greffier to read that amendment.

### **The Greffier of the States:**

In objective 7 on page 10 of the annex, after "the existing performance success criteria" insert the following new item, "Investigation and report upon the feasibility of work permits as a way of regulating the local labour market as an alternative to the proposed migration policy approved by the States in 2005."

### **The Deputy Bailiff:**

Now, Chief Minister, is this matter accepted?

**Senator F.H. Walker:**

No, Sir. I am afraid on this occasion it is not.

**The Deputy Bailiff:**

Very well.

**5.5.1 Deputy R.G. Le Hérisier:**

It was stated, I think, in P.25 of 2005 that the new Migration and Monitoring Policy will not lead to an immediate transformation of the Housing and Employment markets; any changes will be gradual and carefully managed. It will not fuel an unmanaged influx or exit of people to or from Jersey, and it will not disadvantage any existing inhabitants with regard to either their housing or employment rights. As we know, Sir, that policy which is now being worked on was a very difficult balance to achieve. A lot of it, of course, placed emphasis upon the equity issue of people who were struggling for housing, for example, in rather poor circumstances. What I think it never did, Sir, was understand what was happening on the broader immigration front and how this was likely to impact on the Island because it was very involved with, as I said, remedying injustices, and remedying the absence of rights in terms of accommodation. A lot of it, if you analyse it, Sir, is about rationalising the administration system rather than analysing or coming forward with an analysis of a fast changing situation. It is, Sir, with some trepidation I approach this subject. It is not one that I have usually been associated with, but I thought we all went away at the end of the summer where we were all going to pull the plan apart and we would all be flooded out with amendments. I was approached about this and I said, "Well, it needs to be discussed". Because quite frankly, Sir, I feel the policy which is being put forward is a whistle and bell solution to everything, albeit under rather general phrases of the kind I have just alluded to. I think the policy is, quite frankly, going to be found wanting. So, I have brought it forward, Sir, in a spirit of testing out the policy; teasing out its inconsistencies, perhaps, as was mentioned at Question Time, and ensuring, Sir, that we are well informed as to its implications. Because, quite frankly, I do not think in some respects we are. I am not, Sir, a work permit dogmatist. I do not think it necessarily is the solution but in order to gain attention, in order to focus the debate, I looked at the various alternatives, I looked at the administrative solutions that we have committed ourselves to and I am, quite frankly, in the way they are phrased in all the assurances we keep getting given, I was not terribly reassured. I have to say, Sir, what really sent me nearly off the edge was when the situation did arise with the Construction Industry, and the publicity it received in the summer. Of course, it was ironical; it was a previous generation of immigrants voicing those concerns, which they admitted to. **[Laughter]** I thought it was ironical that they admitted to them, but they were being honest. I thought they were drawing attention to a wide problem, of which I was hoping the Minister of Social Security would be aware. But, obviously, his figures do not allow him to delve that deeply, even though I think he has got a sense that something is building up. I do realise the Minister of Economic Development was perhaps rushing off on holiday but, Sir, what I was particularly worried by, I was surprised that his solution was simply to write a letter to the Construction Industry saying, "You know you must employ more local people". There has been a drip of other solutions fed through I have noticed. I am sure he will tell us that he is bang on top of the issue and that there are failsafe mechanisms that are going to deal with this. But I was, like some Islanders, rather shocked that here is this emerging problem and we are going to write this little letter of persuasion. What I felt, Sir, was happening, was that that industry - on behalf of other industries quite frankly - was drawing attention to a major phenomena which has the potential to undermine major assumptions about our migration policy. As I said, Sir, I do feel a bit funny being

on this side of the issue but that is the way these things sometimes play out. Large-scale immigration, Sir, such as we have had since the post-War, has always been oriented to supplying, quite frankly, low cost labour. It has been needed because it has been oriented to labour intensive industries where, because of the way our labour market has developed, we simply did not have the labour and they were not the sort of industries - tourism and agriculture - which, of course, could be mechanised. By their very nature they are people-focused industries, or they were perhaps less so, certainly, in terms of agriculture. This of course worked well to a point, particularly when people were on clear permits. People came in. They got accommodation. They did the job. They left. We all know in that simple world, you know, it all moved along fairly happily. Then we entered ... or certain countries like Portugal, entered the E.U.. It led to a different mix of the population and so forth. What we are seeing now, Sir, of course is **[Interruption]** - and you are seeing it in other countries as well - that this low cost labour, of course, is moving forward into other industries. I have certainly had anecdotal information. As the Minister of Social Security has indicated, it is very hard, of course, to get clear information for all industries. I have certainly had anecdotal information that the low cost labour phenomenon is moving into other industries. You may say, Sir, and people - the free marketeers among us - may say, "Wonderful! That will drive down costs. That will start coping with inflation. Wonderful. Let more of it happen". But, of course, it has social and economic consequences which look less attractive as the initial advantage wears off. We have seen that in other places and I suspect you will see it here. Also, there is, quite frankly, the ethical issue about using groups of people who will, relatively speaking, do very well in these other industries, like finance obviously; they will do very well relative to what they were earning in their home or original countries. But, of course, you are still using them as low cost labour and you are not giving them the advantages of secure conditions of work. Because, quite frankly, that is one of their advantages, other than the fact they are very good people in other respects: they are skilled people, educated, literate, and so forth. So, we have got this real problem where the assumption upon which we base the use of people and the use of labour is changing quite dramatically. The other way it is changing, Sir, which is not necessarily any credit upon us, you have got this phenomena - which I tried to bring out in questions this morning with the Minister - which you have got in England; for example, unemployment rising past 1 million and different figures about the East E.U.uropean influx, about 500,000 to 750,000. Of course, it raises the inevitable question, obviously, "Well, what are the people on unemployment doing? You know, why are they not moving into the jobs? Are they being displaced?" The more important issue, of course, which I want brought out in this special report is, "Well, what is happening to our education and training?" Again, on one of these half-baked rumours, which I spend my life hearing about, I am very pleased to hear, Sir, that the Chief Minister is heading up a task force looking at training and education. Because for years we have - not deluded ourselves, but for years we have convinced ourselves we have got a proper education and training system and, of course, the 2 are by no means the same thing. Quite rightly we have done that but, of course, that does not mean you have got the fit right. It does not mean you have got the fit between education training in the workplace right, as the Minister of Education, Sports and Culture mentioned this morning. Again, I think we are going to face real, real problems. In Britain you have got what they call, "The tail of the labour force". This big group of people, who, as I said, are often ending up in the unemployment quE.U.es because they have skills apparently, or their motivation, depending on how you want to read that situation, does not fit in with what the economy demands. I think we are starting to experience it here, quite frankly. It is very nice to know that people are turning their attention to it. I want to see a very, very determined approach to it because we could really lose our way and we could find ourselves in the kind of position that Britain finds itself in at the moment, and which is obscured by, sort of, the fairly rapid economic growth which is still going on and, no doubt when Mr. Brown takes over, might still go on. Why I am proposing this, Sir, is not because I am dogmatically seeking work permits but because, quite frankly, on the policy put forward, having reviewed that policy in the light of the Minister of Economic Development's comments, I felt I had better go and look at this a bit more closely because I am clearly missing a trick. I think the reassurances we have had for a



very, very long time, which - as I mentioned in my paper - has led unfortunately to this ideological resistance to work permits. I think these reassurances, Sir, quite frankly, are wearing a bit thin. There are major things happening with the labour force. Sir, I will just mention, for example, we have got this notion and it comes out in the comments, you will notice there are no figures used in the Chief Minister's, there were just 2 percentages inserted. It is very cleverly presented. There are no figures of absolute numbers of people involved in these various categories. I have to suspect that has been done deliberately. But, no doubt, the Chief Minister might be able to apprise us of these figures. But the notion, Sir, for example that the 5 years was some kind of sound barrier through which people had to break and through which few people were meant to break. Because the short term and the particular needs of the industries meant that they often were not here for 5 years, or that the labour force is churning, as they say, in these places; was turning over all the time. I think that notion, itself, is not so changing, Sir, because obviously more people are seeking to break through the sound barrier. They are seeking quite rightly - and good luck to them I say under the current system - because a lot of them are qualified so to seek, and they are seeking to stay. As such, the very problem which I have heard referred to time and time again in the House, the pressure on infrastructure, that will start impacting even more. It has always been a problem but I sense it is now going to be an even more major problem. This notion that the 5-year rule somehow acts as a great sieve with very fine holes through which very few people move is quite clearly utterly incorrect. The events are now moving ahead very, very fast. It is leading to a quite different situation in our labour force, which I do not think, Sir, has been dealt with in the paper. I do not think little letters from the Minister of Economic Development, appreciated though they are, I do not think they are going to be the solution because there has got to be a much firmer grasp on what is happening to the labour force. Why is training and education not providing the results that we clearly want from it? As I said, I applaud the setting up of the task force. I think that is excellent. What are we doing, Sir, before the 5 years? As it says in the Chief Minister's comments, we are creating lots of positions. But by creating positions we expand, of course, the size of the labour force which allegedly is not to expand more than one per cent, I think, a year was the migration policy's claim, or the proposal's claim. We are expanding the size of the labour force. So, we now have this big labour force ready to make the big jump at the 5-year point. How was that thought of? How were the consequences of that thought of? It puts me, Sir, in the rather embarrassing position of perhaps being somewhat protectionist, which I have never really wanted to be but I think I am, perhaps maybe with the wrong kind of logic, moving to that position. I certainly do not want to protect people who are inefficient. I do not want to protect labour forces that are not producing the goods and particularly, Sir, in a small jurisdiction. It is much different, as I said in my notes, in a large country. Although even in countries like Britain and France who have an aversion, for example, to Polish plumbers and have not opened their borders in the way that Britain and Ireland have; it is much more difficult, Sir, in a small society to absorb the ebbs and flows of massive immigration than it obviously is in a big society where you can cope with these things much more, and so forth and so on. That is why I do think we have to take a much stricter look at these issues and why this sort of half-baked notion that you can somehow run a free market in labour with certain kinds of control has to be, Sir, re-examined. So, Sir, I move the proposition that there should be, and I say, a report. I emphasise a report before people get too excited and say, "We are moving next year to work permits". A report. Because I do not think, Sir, that the implications of what is happening now have been fully thought through.

#### **The Deputy Bailiff:**

Is the amendment seconded? [**Seconded**]

#### **5.5.2 Deputy J.J. Huet:**

Well, Sir, Deputy Le Hérissier said that he could see real problems and I can say now the real problems are here; we are not just going to see them, they are here. I can only speak because I get involved in this very much in St. Helier. I sit on the Community Board in St. Helier and we help everybody, all nationalities, if they have been here 5 years. Now, this means no difference whether they are Jersey born, U.K. born, Italian, Irish, Welsh, Portuguese, Indian - whatever. If they have been here 5 years they are perfectly entitled to come to the Community Board if they need assistance. What is happening, Sir, is that I have noticed that we are now getting all these people into the Community Board. They have been laid off, put out of work, and cheaper labour taken on, and it is fine to say, "Oh, well, they will take a different one or they will move around" or so forth; it does not happen. Because what is happening - now this is just a pretend situation because obviously one cannot name - is a man that earns £400 a week as a plasterer, okay, maybe he earns more but I am saying £400, his job is being taken by a man who is willing to work for £200 a week. So, this gentleman then comes into us and then, because he has got family and commitments, we are having to pay out £300 a week. So, immediately the ratepayer or the Parish, whichever, is paying out this £300. But we are also having to pick up doctors, dentists, clothing, furniture, and anything else this person might have. Now, while this gentleman **[Interruption]** was out earning £400 a week, he was standing on his own 2 feet. He was supplying this for his family. But the point is now he cannot because he is now on the lowest of what he can get which is, say, £300 a week, and he has got no extras for that. So, this problem is here. It is not just one or 2 it is a great many. It is people that I have never ever seen in the Community Board before. It is people who are tradesmen who have never ever been out of work and they are now out of work. Not because they are bad; not because they cannot do the job; not because they do not produce anything. The reason they are out is because there are people out there that are coming into the Island who are willing to work for half the price. Now, I call that a real problem. Maybe some people do not think it is a real problem but I believe it is because, at the end of the day, it is going to cost us a lot more money. It has to, with health. It is fine to say, "Ah, but they cannot get proper accommodation". But, just as the last bit, let me remind people that the law stands that a private landlord can take up to 5 lodgers without anybody breaking any law. So, there is plenty of room for people to stay. That is not going to stop by having a housing law. That is not going to help you. But we have got a real problem, Sir, and it is here. Please, do not bury your heads in the sand. The problem is here now. Thank you very much, Sir.

### **5.5.3 Deputy K.C. Lewis:**

While I applaud the Minister for Economics and Development's initiative in instructing construction companies to provide proof that they tried to get local labour, I think possibly it does not go far enough. We have just had 9 countries joining the E.U.uropean Union, to which we have one foot in and one foot out. We have Romania and Bulgaria just down the road, and not too far away we have Turkey. This is just to investigate and report on the feasibility of work permits. It is not asking for work permits. It is just for the feasibility. I myself have had several phone calls of late from constituents asking if I can find them a job. They say they cannot work for £200, as they have mortgages to pay and they need a decent liveable wage. As I say, this is just to investigate and report the feasibility. It is not asking for work permits. We just need another string to our bow and I will be supporting this amendment. Thank you, Sir.

### **5.5.4 Senator F.H. Walker:**

This is, as always, a very emotional subject and an extremely difficult one to get to grips with. I think what we have got to do here is focus on what the amendment is seeking, which I will come on to in a second. But I think we have got to be very careful and I absolutely accept what Deputy Huet

has just said. I think we have got to be very careful that where there is a problem that we do not seek a knee jerk reaction in how to address that problem. Again, I will come on to that in a minute. We have, for example, heard stories in recent weeks - and again it is anecdotal evidence such as Deputy Le Hérissier is so good at bringing forward - that there are something like 10,000 Polish workers in Jersey displacing local people. It is just not true. The numbers in the first quarter of 2006 were round about 3,500 and they were doing, in the main, important jobs which traditionally migrant labour have undertaken in the tourism sector and agriculture sectors in particular. It is, in fact, interesting that 88 per cent of the people who work in construction are still local people, 88 per cent are local people. Again, another myth, I think, which possibly needs correcting. Of course, migrant groups do wax and wane over time. We saw a huge influx from the Portuguese community a number of years ago who, in turn, largely displaced migrants from the U.K. or Ireland, and now we have seen a shift in that again. So we are not talking here hugely increased numbers, we are talking much more, merely a shift in nationality. Of course, what is vital to remember - and here I think is one of the nubs of the argument - is that the new migration policy, which was approved by the States overwhelmingly in June of last year, I think there were 4 votes against it finally; overwhelmingly approved only in June of last year, will enable us, for the first time ever, to monitor everyone who is coming into the Island. We have never ever had that ability before. That was something that was seized on by the vast majority of Members in that debate as a very important step forward. I fear that many Members now may have forgotten what was in that migration ... Deputy Martin shakes her head. She has not forgotten, Sir, she totally misunderstands. **[Laughter]**

**Deputy J.A. Martin:**

I will explain myself later, Sir.

**Senator F.H. Walker:**

I think that was pretty clear from her questioning earlier. There are other facts, which we need to bear in mind. Do not forget that that migration policy has not even been implemented yet. So, what we are suggesting here is, despite all the reports, that all the work that was put into work permits and other means of controlling the population, which was resoundingly rejected by the States, should now be undertaken yet again. Now, what is it that was capable of convincing all but 4 Members of the States previously that work permits were not the right way forward and the new migration policy was? Before that policy has even been implemented what is it exactly that has changed? Well, there may be shifts. There are shifts in the employment pattern, but you cannot say the new migration policy is ineffective because the new migration policy has not even been started yet. What we are talking about here; yes, it is only a review, but the review if it is to be done properly - and the States would not have it done any other way - will take up many man hours of people, who are currently devoting their time to implementing the States' wishes in bringing forward the necessary legislation for the approved migration policy. Now, where is the sense in that? All it will do is delay the monitoring of everyone who comes into Jersey. All it will do is delay the new controls that were agreed under that migration policy. For what? To regurgitate work that has already been done, not once but in fact a number of times, and resoundingly rejected by the States just in June of last year. Now, I clearly cannot see how the arguments, which were clearly convincing at that time, should now again be brought into question and we should divert ourselves into a review of something the States have rejected at the cost of bringing in, as quickly as possible, a policy the States have overwhelmingly approved. Sir, there is clearly a problem. It is still a small problem in terms of the overall workforce and population of Jersey. There is clearly a problem. I do not dissent from what Deputy Huet said at all. But work permits will be no more effective in resolving that problem. In fact they will be less effective and much more bureaucratic

than the measures this House agreed to under the new migration policy. They will be less effective and more bureaucratic. What is the point of turning the wheel around again and showing, again, total inconsistency? We took a decision 15 months ago. For heaven's sake, let us not look at changing direction now, even before that decision has been implemented. What messages does that send out about whether or not we know what we are doing? All it displays is uncertainty, a lack of confidence in our own decisions and a lack of our ability to deliver on those decisions. That simply is not a message that I believe we should send out to the people of Jersey at all. We have got to address the skills and the skills match between young local people and jobs available, and that is top of our priority list. But changing tack now and wasting our resource on yet another review, when we need that resource to deliver, will not solve that problem. That problem has to be solved in other ways. The introduction of work permits, instead of the policies already agreed, will not solve that problem. It is skills development among young local people to fit the jobs available that will solve that problem, not work permits, and that is exactly where the Council of Ministers is heading. So, Sir, all the amendment will achieve is not more effective migration controls, not at all, all it will achieve is dragging away essential resource in implementing the essential migration controls this House has already agreed. All it will achieve, therefore, is additional cost and additional delay. In addition to that - in fact it will achieve one more thing - it will achieve a position where we are sending out, to the people of Jersey, a message that we do not know what we are doing. We take a major decision by an overwhelming majority in June of one year, and then we bring it seriously into question in September of the next year, even before it has come into place. Now, is that good government? I really, really do not think so. So, what I would ask Members to do is, where necessary, refresh themselves on what the migration policy approved by the States entails and what it covers, and what it gives us for the first time ever; refresh themselves on that; ascertain whether in their minds the controls are any less effective than work permits, because I assure Members they are not; and, Sir, give the new migration policy, as agreed by this House, a chance to come into being. Give us a chance to approve the legislation. Give us a chance to implement it, rather than going round in diversionary circles, which is what this amendment will achieve. So, Sir, I urge Members to reject this - what I consider to be - untimely and ill thought through amendment.

#### **5.5.5 Deputy J.A. Martin:**

I am glad you have allowed me to speak directly after the Chief Minister, as he says I do not understand the immigration policy that we approved in June last year. I, and Deputy Southern, was one of the 4 who did vote against it because we scrutinised it. Today, Sir, the Chief Minister has said, "If we do not implement the immigration policy we are stopping monitoring the population". There is no control, Sir, in the new migration policy and really, Sir, the Senator for EDD (Economic Development Department), keeps telling me I am wrong. Now I must quote and I luckily had this with me - it is from Housing - it is their new policy on (j) categories under the new migration policy. This is why they are doing away with time limited days, Sir. It says: "The migration policy recognises that businesses are the best place to decide who is an essential employee. As businesses are handed the decisions on allocating licences it seems reasonable to include that time limits will become obsolete as decisions become focused on pure business grounds." Now if, Sir, through you, I have interpreted that totally wrong, that licences will be given to businesses to be passed to the employer, it goes exactly back where Deputy Huet was coming from, the employer will take the person who will do the job and will probably do the job with the same skills but may work for less money. I asked the question today, Sir, on what controls we have when Romania and Bulgaria join the E.U.? I was told if the U.K. keeps their open door policy we have none. I knew that would be the answer, Sir. But to look at work permits again. See, the Chief Minister assures us this will be a complete turnaround, Sir, from where we were last year but we will get the tapes, myself and Deputy Southern, because many a time in that debate

Deputy Southern asked if this was a control or a monitoring process and we were told, "We will have controls". Today the Chief Minister has carefully stood up and not once used the words "we have controls", either in questions answered this morning, Sir, or in this House in his last speech. So, I do think everybody - especially the new politicians in the House - who thinks that the implementation of holding up an immigration policy which, basically, Sir, is just a means to find out who is in the Island because everybody will have to re-register. The Chief Minister sits there shaking his head and he also tells us that Deputy Le Hérisier ... sorry about your name. **[Laughter]** You will have to get rid of one of the "Le's" or the "Hérisier's". I cannot do "Ls" and "Hs" together, Sir. **[Laughter]** But what I was saying he says - the Chief Minister tells us - that we do not have 10,000 Polish. But he assures us that we have around 3,500 and that 88 per cent of people working in construction are still locally qualified. Where does he get all these figures from? When I am phoning around, Social Security cannot even tell me how many Polish people are registered in the Island. The main person might be registered but their family or their dependents are not registered to work. So, if the Chief Minister tells the House that something is untrue, and he gives us other figures, I really wish he would substantiate with some sort of evidence and not ask us again to take on his word that we are introducing an immigration policy, Sir, that does not have any teeth; it will not control population; it will monitor. I accept that. That is why I voted against the so-called immigration policy because its description is not an immigration policy, at all. It is a monitor for who is coming in and out of the Island. I say, Sir, it is under review and I strongly urge people to support Deputy Le Hérisier, even if we only get to the bottom of who is already on the Island now before we introduce another 2 countries, and further Turkey down the line, or Turkey for Christmas. **[Members: Oh!]** Thank you, Sir.

**Senator T.J. Le Main:**

Could I correct the Deputy who has misunderstood the (j) category licence?

**Deputy J.A. Martin:**

I have it in front of me. I do not know which part he needs to tell me I do not understand.

**Senator T.J. Le Main:**

The Deputy quite clearly said that Housing are doing away with time limited (j)s. Sir, that is incorrect. **[Interruption]** There always will be time limited (j)s. The policy change has been that those businesses have continued to have permanent (j)s, and renewable (j)s are permanent. There will be no time limit on those but everybody else will have time limited (j)s on short and medium term.

## **LUNCHTIME ADJOURNMENT**

**Male Speaker:**

I propose the adjournment.

**The Deputy Bailiff:**

Well, the adjournment is proposed, Senator, do you want to respond?

**Senator F.H. Walker:**

Yes, very quickly just to answer a point made by the Deputy about where I get my information from, it is readily available to all Members of the House in published reports from the Statistics Unit, and/or on application to the Statistics Unit. That is where all my information is derived.

**The Deputy Bailiff:**

Very well. The adjournment has been proposed so we shall reconvene to continue this debate at 2.15 p.m.

**PUBLIC BUSINESS (continued ....)**

**The Deputy Bailiff:**

So, the Assembly is debating the amendment for Deputy Le Hérissier.

**Deputy J.J. Huet:**

Might I talk first - would you mind - about this morning, Sir?

**The Deputy Bailiff:**

Very well. Yes, I did say that that could be raised at a convenient moment. So, if Members agree we will take it now. This is the point raised by the Constable of St. Helier about your question.

**Deputy J.J. Huet:**

If I got my wires crossed and I did not make myself very clear to the House, I do apologise. So, I have got it written out now so I cannot get the wires crossed. Okay. **[Laughter]** What it was, Sir, was that the question that was asked earlier today referred to adding sewage, or effluent, to compost and the answer given was: that the trials of mixed enhanced treated sludge cake, with compost, were carried out at Howard Davis Farm and not at La Collette. The answer given also went on to mention trials of mixing conventionally treated sludge cake with low grade soil to produce an enriched soil. This trial was carried out at La Collette and this is stated on the supporting papers that I offered to circulate to Members but I did not read out. As stated, some of the material was used on amenity land and to create field banks and hedgerows, and some of it has been retained to be used to pack the La Collette ash pits which will assist with the landscaping and allow vegetation to grow there. Thank you very much, Sir. My apologies.

**The Deputy Bailiff:**

Very well. Thank you, Deputy. So, now does any other Member wish to speak on Deputy Le Hérissier's amendment 5?

#### **5.5.6 Deputy S.C. Ferguson:**

This morning it was mentioned that it was only 15 months ago that we debated the migration policy. Well, a lot can happen in 15 months and I think the mark of a flexible adaptive government is that minds can be changed, or approaches mutated. We talk about the advantage to business of low paid workers but I think it must also be understood that the tax take from the low paid, does not cover the extra required for the infrastructure which they will use. Business may benefit but it is at the cost of the rest of the population. I refer to the comments made by Deputy Huet. I think we have got to remember that if you are a 56 year-old man who has been laid off, under the current climate in the world, you have very little chance of finding another job, so that this is effectively discrimination against the locals. I would also refer to comments made to me by a developer recently who was commenting, perhaps anecdotally, but possibly this is a straw in the wind, that they were finding that houses that used to be £700,000 to £800,000 are now fetching over £1 million due to the increased number of highly paid (j) cats. coming into the Island, due to the relaxation. I think Deputy Le Hérissier is asking for a report on this and I do not think it would hurt to have an extra look at it, if only to demonstrate how agile and flexible, as well as determined on their objectives, our Government is.

#### **5.5.7 Senator P.F.C. Ozouf:**

There is something which is said on local radio on phone-in programmes, that if you mention chewing gum on streets in a morning where there is no callers that the very mention of chewing gum on streets will give a barrage of calls to the local radio station. There is one thing that I have learned in this Assembly; that the word "immigration" and "population control" sparked the attention of Members and as a result of that there were contributions made from all sides of the House, of all different views, on this issue. I understand why, because it is important and it has affected the politics and it has affected debates of this Assembly since certainly probably the turn of the century, but certainly since 1946. This Assembly has analysed, debated, examined in microscopic detail the ways and the wherefores of population control forensically certainly in the last 6 years that I have been in this Assembly. I do not think he is here today, but in 2001 we debated and we examined and there were numerous propositions on the issues of work permits which the then, and now returning, Deputy Le Claire put forward. The history of debates on immigration and population in this Assembly started in 1946. Effectively, you can control population by doing 3 things: you can control houses; you can control jobs; or you can control people and/or all 3 of them. In 1946 a housing law was brought in and I am sad enough to have looked at this in quite a lot of detail myself, having chaired the migration working party over the last couple of years. With the arrival of Mr. Colin Powell in the 1970s we decided to move from the control of housing to the control of jobs. Throughout the 1960s, 1970s, 1980s and 1990s, as the economy goes up and down and the cyclical normality of the economic cycle, the brakes were put off and put on, and normally at the wrong time and 2 years too late or 2 years too early. This Assembly has got within its number, and within the offices that support it and in the files that are within the different departments, forests of information on this whole issue of work permits, and this is not something which can be simply debated in one or 2 hours. There is a difference where we find ourselves in September 2006 compared to virtually at any other point in post-Second World War history in Jersey. In the past, controls were put in place that were thought to work, and sometimes they did more effectively than they did not, they were put in place when the economy went up. When the inevitable recession, sometimes because of the controls but sometimes because

of other things, then slackened off, the controls were effectively lifted and the controls of the housing law and Regulation of Undertakings were effectively put on the back burner and not used at all. In the period of the early 2000s that we have experienced recently we did something different. We took the controls and we brought them into the garage. We looked at them and we serviced them. We did not stop putting in place the controls. I hear Deputy Martin speak about this issue of monitoring versus controls. I would ask her to come and see the daily work of the Population office, which is now the joint responsibility of the Housing Department and the Chief Minister's Department, or under the Chief Minister's Department with Deputy Gorst and Reg. of Uns., about just how we are controlling population because we do control population. Why? She shakes her head, Sir, but if we do not control population what are we doing signing on a daily basis quotas for the amount of staff that people can employ. That is a control. That is not monitoring. That is the 6-monthly manpower return. I do not know how to explain to Deputy Martin the difference between control and monitoring, but we are controlling. At the heart of the migration strategy is an improved control environment; a conjoined controlled environment and an improved monitoring of the results of those controls. The fact is that we have done the work. This Assembly has debated ... and I do understand the position that some Members may find themselves in because they might not have been here in 2001 when there were forensic debates about the whys and wherefores of work permits, the advantages and disadvantages of Reg. of Uns. versus the Housing Law. I understand the Members' position that they might not be fully apprised of these issues. But I can assure Members that the work has been done. This Assembly approved last year, after an enormous amount of work and 2 debates - and I do not know how long the debate took - and a Scrutiny Panel report, which agreed with some things but did not agree with other things. This Assembly approved a way forward for migration: approved a way forward of controlling migration. I am interested to return back from a couple of weeks' holiday to hear Deputy Le Hérisier's suggestion that I simply wrote a letter to people in the construction industry. I invite Deputy Le Hérisier to come into my office and to look at the work that we did. Perhaps the media, understandably, will say that we wrote a letter. But I can assure Deputy Le Hérisier, and I can assure other Members of this Assembly, that we do in Regulations of Undertakings rather more than just simply writing a letter. We review, in detail, individual industries; we look at the comparison of non-local versus local and we are alert to the issues of the changing world that Deputy Ferguson highlights. There are, of course, trade-offs and there is the issue of construction workers which appears to be the catalyst for Deputy Le Hérisier's particular concern, which we are looking into; and, yes, I have written to the construction firms and, yes, we are looking and bringing them in for discussions about how they are using their allocation on their case-by-case allocation for different work for different projects. We will tighten-up those rules if the construction companies do not abide by the rules that we have set out; yes, we are going to be also employing some additional resource in enforcement to ensure that the numbers of people that are put on the manpower returns are the actual numbers and working with our colleagues at Social Security in order to ensure that there is proper compliance. So, any suggestion that there is somehow a complacency, that there is somehow a lack of attention, that there is simply a walking into a situation that we know, that there is certainly pressure from E.U. countries; I need to tell Members that far is the case from that bid. We are doing an enormous amount of work and, indeed, are working with Senator Le Main and Deputy Gorst on the migration working party. In fact, I will take one slight issue with what one Minister said, namely that the migration strategy had yet to be implemented. Of course, we are already implementing it because we are now working seamlessly together with Housing, with companies having a one-stop shop of getting their (j)s and their Regulation of Undertaking licences together. If we need to tighten up the numbers we shall do so, and we shall do so without any hesitation. I can also say, and I would remind Members before they listen to the comments - whether it be a phone-in or whether it be a letter or correspondence in the *JEP (Jersey Evening Post)* - to take, with a pinch of salt, some of the numbers that are put about of the numbers of migrant workers, whether they be from any of the new accession countries. Deputy



Gorst did send an email round, I think, to all States' Members giving a pretty good analysis and a pretty good estimate of precisely the amount of people that we thought ...

**Deputy I.J. Gorst:**

Sorry, if I could just correct that. It was just to the Senators who had been asked a question specifically about that point.

**Senator P.F.C. Ozouf:**

Then maybe that is a lesson that we should learn; that we should circulate that estimate of those numbers. Certainly I have committed this morning in a note to the Chief Minister that I will circulate Members a more detailed note of exactly what we have been doing in relation to the Construction Industry in order that we can show Members that we are on top of this issue. Members are going to have many opportunities to debate, and to discuss, and to analyse, and to advise, and to suggest amendments and additions to the Migration Strategy as it comes forward in its new statute. That is going to be the important work of the Scrutiny Panels in examining what is possibly going to be one of the most important pieces of legislation that this session will consider in the next 2 years, a complete replacement of the Regulation of Undertakings Law and the Housing Law in a new statute. But that is the instrument. That is the machine. It is the way that you work the machine is important. I can give Members assurance that the way the machine is being worked with the existing tools, is in a dramatically different way than ever we have previously. I personally am reasonably content that we will be able to have a debate on the Migration Strategy and that we will be able to prove to Members - with appropriate scrutiny - that we have the appropriate controls in place and that the way in which the new statute, which will be the combined Regulation of Undertakings. and housing in a composite law, will be the solution to deal with the challenges that the economy faces but, also, that the Island faces with inward migration. I am confident that this Assembly will have an opportunity of debating and agreeing that, and have confidence that that is going to be the right way to proceed. I do not think that there is merit in re-visiting from the starting point, which is effectively what Deputy Le Hérissier has asked us to do, basically on the basis of one article it seems in the *JEP* about Polish workers and the suggestion that we just wrote a letter, because that is, effectively, what his argument appears to have been. I do not think he has made a case. But if Members want to be re-informed and, certainly, you Members of this Assembly, in respect of the substantial amount of work that has been done on this whole issue of work permits and immigration controls and the migration polices, maybe that is something that the Chief Minister would want to provide in any case because it may well inform the debates that we will be having over the next months in this Assembly. But, certainly, Deputy Le Hérissier is a clever individual. He is an academic. I listened with great interest to the arguments that he put forward for another approach in relation to work permits and he did not convince me. I will say one final thing; I would be extremely concerned if this Assembly sent out a message that we were somehow going to be diverted from the course that we have set in relation to Regulation of Undertakings. and housing reform. We need to give employers, and we need to give investors, and we need to give companies that are employing people and securing long-term positions and long-term businesses in Jersey, certainty. We need to give some certainty of the administrative arrangements that we put in place. It is not appropriate that one minute we start talking about one approach and the next minute we start talking about another. That is instability. This Assembly - and this Island - has a reputation of consistency. It has a reputation of making an agreed approach and then going ahead and implementing it. That is the approach which the Assembly has made in relation to migration. It is going to be tough. It is tough because we give controls on construction workers and we give controls on banks and we say, "No" to people; and,

yes, tomorrow morning I have got Regulation of Undertakings decisions to make and the answer is going to be, “No” on some cases. I would not wish there to be a message going out from this Assembly that somehow we are going to change the rules again and start putting a different approach in relation to migration. I tell Members that it is difficult enough sometimes to say, “No” and to say, “No” in relation to the way that we have the current arrangements. I am happy for reports to be given but I would not want a message to go out that we are somehow going to start reinventing, again, from the good work, from the detailed work that this Assembly has carried out and approved over the last 2 years. So far I remain unconvinced.

#### **5.5.8 Senator M.E. Vibert:**

I would like to go back to something Deputy Huet said. She said the problem is here now and I totally and utterly agree. It has been here and now since the 1960s. It comes up in different ways but it is a problem that we have wrestled with for a long time. I finally think we are getting close to getting a real way of having much better control over that problem. What I do not want to see is that delayed in any way. So, the question to me is not the problem. I think we should all accept there is a problem. The question is how we deal with it. Really, it is interesting that ... and I apologise for those Members who were not in the States at the time but we have had numerous debates on this and a lot of information. Can I say - and I am not trying to be too critical - I only like the very short report with Deputy Le Hérisier’s amendment. If the new Members want to see all the information that we made available at the times of the debates, including a critique of why work permits will not work which was accepted by the States of the day - and that is only 18 months ago - it is all available and will be made available to them. It is a shame Hansard was not working then. But it is interesting to know that, of course, the Minutes of the States are and I have run them off. That debate on 22nd June 2005 makes very interesting reading because one of the arguments at the time was that more work needed to be done, particularly on work permits and Deputy Hilton brought a proposition that the matter be referred back to the then P and R (Policy and Resources) Committee for more work to be done. That was rejected by 35 votes to 11. It is interesting to read those in favour of not doing more work at the time include one Deputy R.G. Le Hérisier. Very useful these States’ Minutes I find. We then went on to debate the substantive proposition and what is interesting is that if you read what the States approved, the proposition ... and I mention this because Deputy Martin earlier seemed convinced it was only about monitoring. If I may, Sir, I will read the actual proposition that was approved by this House only on 22nd June 2005. That is: “The States adopting a proposition of the Policy and Resources Committee as amended, referred to their Act [so on and so-and-so] and bring forward for approval detailed proposals on migration policy and supporting regulatory systems, and agreed in principle that the States should monitor and regulate the factors that govern migration in the context of the overall population to ensure a balance between economic growth and the demand for and supply of labour, accommodation, infrastructure and resources of the Island and promote greater social inclusion as set out in section 3 of the report of the Policy and Resources Committee.” “To regulate”. There is the control. “Monitor and regulate”. It is in the minutes of the States; it is a proposition that was approved. The proposition goes: “(b) agreed in principle to (1) integrate the policy for housing consent, monitoring employment and regulation of undertakings and development.” Again, the regulation: “To simplify and streamline the process as involved” as detailed in another section of the report. Again, in part 5: “Monitor migration and regulate the factors that govern migration through a system of job licensing for employers and overall control of employment.” That is what the States, just 18 months ago after giving great thought and study and a 2 or 3 day debate to this issue - including much discussion on work permits - decided was the best way forward. Much work has been done since then. As a matter of interest, the actual vote was 37 for, 5 against. We had 8 Deputies, 9 Constables and the rest of the Deputies voting in favour; need I add that one of the Deputies voting in favour was Deputy R.G. Le Hérisier. There were 5 against. They are

Senator Syvret, Deputy Martin, Deputy Southern, Deputy Bernstein and Deputy Hilton. So we have a situation where the States gave real consideration to this, agreed that we should come forward with a the system that monitors and regulates migration and that is what we have been working on ever since. As Senator Ozouf said, really the last thing we want to do is to confuse people - to delay - when we are getting close to be able to introduce this new system. We are reopening the debate again and I really do think if we are going to reopen the debate it should be on something more substantial than a *JEP* report and half-page report attached to a proposition on an amendment. I think what we should be doing is concentrating our efforts on introducing the agreed new migration policy; overwhelmingly agreed by this States after consideration of all the papers and all the information that was put before them. I think, Sir, what I want to see is delivery not delay. It is difficult for the new Members but I hope they have faith in the previous States' Members who went before them who studied and had all the papers in front of them at the time and overwhelmingly voted for the current migration policy that has been developed, and what I believe we should introduce as soon as possible.

#### **5.5.9 Senator S. Syvret:**

I am minded to support this proposition. When he was speaking, Senator Ozouf said that there were forests of information available on this subject. If that is the case presumably then we will not have to reinvent the wheel and a great deal of the work will be there, for the report Deputy Le Hérissier was seeking, to be drawn upon and drawn from. I do not think that the task the Deputy is asking to be done is so onerous, burdensome or time consuming as perhaps some people have suggested. After all, the Deputy is simply asking that there be a report on the subject. I think especially in the comments of those who have spoken against the amendment there is really a quite startling lacuna. Most people have spoken about population growth and whether work permits are or are not an appropriate mechanism for controlling population growth. That is not what work permits are about. Work permits work in most countries around the world and they are employed and used for the purpose of protecting job opportunities for the indigenous population, not as a mechanism of controlling population growth; protecting employment opportunities for the indigenous population. I remember in the 1990s many debates we have had in this Assembly where it was often said by people on all sides of the debate that work permits are not a control mechanism on the overall level of population. If you carry on issuing work permits as you might Regulation of Undertakings, our population will continue to grow. That is certainly true, but work permits were recognised then - and it remains the case today - are an important means of protecting employment opportunities for local people, and they fulfil that role very effectively in probably most jurisdictions around the world. Now quite why they should somehow be incapable of fulfilling that role in Jersey - perhaps uniquely on the face of the planet - I just do not know. The fact is, the economic circumstances we find ourselves in are changing and people who have been in the Island for a very long time, including people that have been here all their lives, are now finding it hard to compete in the job market with migrant labour. That is hardly surprising when people who have lived here for many years have rent to pay, families to maintain and look after, mortgages to pay, school fees and who knows what other expenses, whereas some young person, single without any dependents or any kind of great demand on their finances, can come here and take jobs for half the rate of the local people. I have to say that I suspect if .. I do not think the situation is disastrously bad at the moment but it might get that way in a couple of years' time. In any event, any kind of significant economic downturn in the Island that we might suffer from in the future would need to be addressed through - quite quickly - the introduction of work permits because if we started to get significant increases in unemployment in Jersey we would need to protect those shrinking employment opportunities for the local population, not for migrants. We would have to do that. I see Members, some of the free marketeers, shaking their heads in barely concealed rage

but the fact is contrary to their assertions that most jurisdictions around the world use work permits quite successfully to employ tranches of employment opportunities for their local population. I do not think it is asking too much on behalf of the population of Jersey for this Assembly, in today's circumstances, to ask for a report to be prepared on the subject.

#### **5.5.10 The Deputy of St. John:**

A few years ago I would have been a great supporter of the concept of work permits but I was part of the consultation process when the Government went out to consultation on the migration strategy and as a chairman of one of the local business organisations we were consulted at great length about this because we were being vilified. For many years businesses had been quite upset by the Reg. of Uns. policy by and felt it was not working terribly well. So when we looked at this particular strategy we looked at it very closely and were very encouraged by it, and felt that perhaps this is the way to go. Because one of the other arguments for work permits was of course - wearing my new Home Affairs hat - that it also helps us control our borders. There have been incidents in recent times where undesirables have come into the Island to work and, perhaps, if they had been checked out properly they may not have been allowed here, and I can have some sympathy for that train of thought. However, there is a bit of a downside in that if we were to have a work permit then it is quite possible that other countries, particularly in the E.U., would demand that Channel Islanders had work permits to work in those countries, which I think is quite ironic when you consider that one of the amendments on our desk today is to get rid of this anomaly whereby certain members of our community have a stamp in their passport that prevents them from working in the E.U.. But of course if we have work permits here E.U.uropean countries would have every right to demand that we have work permits to work in their country thus restricting the opportunity for us to work in other countries, particularly in E.U.urope. The mobility of our workforce, I think, is paramount in the success of our economy and I believe that the migration strategy goes a long way to address that. It is not perfect by any means but it is certainly better than the Reg. of Uns. policy as it currently stands. I think it also gives us much more flexibility than a work permit regime may have. There are calls at the moment ... many of you may have read in the press recently, about calls for work permits in the hospitality sector whereby they wish to employ more people from non-E.U. countries, particularly Kenya. There is perhaps an underlying reason for the Hospitality Association wishing to do this because quite often work permitted people are cheaper because they cannot move very easily from the job that they are currently in because the work permit is issued to that person to work for that particular employer. They cannot then suddenly move to another job, and that is quite common in many other countries that have work permits. So you have a less flexible and mobile workforce, so consequently they are a little bit cheaper. They cannot move to a hotel next door who is prepared to pay them a little bit more. So work permits are nowhere near as flexible as the policy that the government of last year proposed in the guise of the migration strategy. So I would urge Members, having studied this issue very closely as a member of the business community, that please just give the migration strategy, as it stands, a chance before starting to look again at work permits. It is not perfect but give it a chance to work before you start inventing something else, but it sounds like it has been raked over many times already in the past.

#### **5.5.11 Deputy P.V.F. Le Claire:**

I can understand Members wanting to allow the approved policy to go before us to see what job it will do when it is implemented, after all we do not really know what it is going to do. We know what we aspire it to do but we have no idea what it will do. As Senator Syvret pointed out, the issues with work permits are fundamental in as much as they protect job opportunities for local

people. The areas in relation to work permits are quite extensive and I have been involved in researching them for a number of years and have brought propositions and question upon question to the Assembly to determine whether or not we could have them, and in what way we could use them and with what application we could apply them. Through my determination and through the question and answer sessions that we have endured in the Assembly, and through the reports and propositions that have been placed before the Assembly, we have determined quite rightly that the States of Jersey can employ a work permit system if it should wish to choose to do so across the board and apply equally and fairly to all members of the nations that apply. But currently we have a system where we are putting forward an unknown and we have a work permit system running in tandem with that. The statements of the Deputy of St. John were quite right. The Hospitality Association is seeking to achieve a greater inclusion in work permits for people outside of the E.U.uropean Union and I would concur that that is possibly perhaps because of the fact that they want to apply for those people who are willing to work at lesser rates or have their accommodation and food tied into that work. But that is not necessarily the kind of place I want to be in. If I had wanted to belong to a society like that I would be playing on the cruise ships right now and not standing in the Assembly. The clear *juris prudencia* of the Commission within the E.U.uropean Court of Human Rights however makes it certain that there is no economic and social right under the Convention for work. This has been confirmed in reports to propositions I have tabled from the Law Officers' Department and in letters from the Attorney General in relation to these issues and quite a substantial amount of legal opinion has been put forward since the Law Officers first issued their memorandum of 2nd August 1999 in respect of my work permits. An interesting aside was that that information which was put to us was handed to me with the front page removed, the back page removed, the page numbers removed, the conclusions removed and the top of the second page removed, which all pointed to the fact that there was no problem with work permits. They released the information that vaguely skirted around the issues where there might be problems and the *JEP* published the fact that it was legal. That is the problem with partial legal information and it is an interesting aside. However, as has been pointed out, some recent decisions in the States Assembly were taken in respect of a population control mechanism, or an employment control mechanism - that had lengthy debate in the Assembly and was well aired at the time. At the time the Shadow Scrutiny Panel, of which I was a member had spent long and tortuous hours listening to evidence on the issue of immigration and when it came time to debate that issue and when the time came for the Shadow Scrutiny Chairman, Deputy Southern, and myself to speak on the issue the guillotine motion was brought in and we were silenced. So to suggest that there has been enough talk about all of this is nonsense. I can think of 2 other occasions where I was denied the opportunity to address the Assembly in relation to work permits, including the first occasion I brought work permits when I was debarred from speaking on the issue because we were told we would need to see the Law Officers information and it would be foolhardy to proceed with work permits unless we had that. That information - the front page, the back page, the page numbers and the conclusion which all pointed to the fact that there was not a problem with work permits - appeared 30 minutes later on everybody's desks. Deputy Le Hérissier is trying to get us to look at whether or not we should have a report into if we want work permits. No one is being asked if we should employ work permits. What Deputy Le Hérissier is asking is should we update our information and our understanding of them? Now in a brief conversation with the Chief Minister I pointed out to him that we had agreed in a proposition brought by Senator Syvret, which was voted unanimously by the Assembly, that all of that information would be relevant and provided to us prior to the debate on the issue of the new population control mechanism. So the information was done; it was agreed by the Assembly. It was done and it was laid before the Assembly. All of the alternatives were put before the Assembly and they were available. In the brief discussion I had with the Chief Minister it was pointed out to me, quite fairly I believe, that, yes, but that was then and now we would have to update all that information. That was not so very long ago: that was 2003. In 2003 we had an informative view as to how we could apply work permits and in what form and in what manner. In Guernsey and the Isle of Man it has been mentioned already, they do employ work permits and they

also apply in those work permits links to their housing and links to their social security, and they can, and they have, make note and declare and decline applications for people who have got criminal records. So a mechanism for employing people in a work permit is possible and perhaps this debate, which is unfortunately so extensive, should be put off until such time as somebody has the courage to bring a work permit proposition again. I brought one and I got 4 votes with it. Not a lot. More than usual. I do not believe there are many more that would support it if it was brought today because I do believe quite firmly that the Council of Ministers is arguing correctly that we should look at giving the new system an opportunity to show its teeth. Well, I am only agreeing with the Council of Ministers because it is a States' decision - a decision I did not agree with - but it is a decision that has been taken. However, the caveat is this, Sir, and it is unfortunate I have to speak for so long but if Members would care to look at the forest of paper I have on this issue they would see that I have spent many, many hours on it. The issue is this: with 2 new member countries coming into the E.U.uropean Union and with the 10 that have just joined, not applying the 7-year restriction - as was exercised by other E.U.uropean Union states - Jersey together with the United Kingdom is opening up its borders to a huge amount of people who are inevitably going to be, because of their breadth and depth, in the vast majority - people who are eager to work; eager to work long and hard, because there is no employment where they come from and, in the main, who are extremely well educated people. Those people are coming and they are proving a benefit to society in Jersey but they are also proving a tremendous competition for those people that are leaving our schools, many of whom have decided to stay on in education so that they can achieve better results so when they enter the workforce they have those opportunities. This is where I split with the Council of Ministers in supporting them and waiting to see if the teeth emerge. Senator Ozouf is talking about writing to departments and companies and asking them to employ local residents or he will exercise policy options. It would be interesting to know what those policy options could or would be in those circumstances and what could we do to require them to employ local people. We generate licenses on a 3-year term in some instances with a proportion of local and non-local staff, so it would be difficult, in my view, to ascertain how those policy options could be implemented. No doubt the Senator can tell us but ...

**Senator P.F.C. Ozouf:**

If he gives way I will tell him.

**Deputy P.V.F. Le Claire:**

I would rather finish if I may and maybe the Senator can tell us at this stage when he is going to do it because I am not really too interested to be honest in what he has to say [**Laughter**]- I had not finished my sentence - at this stage. But what I would like to see is cognisance of the fact that the U.K. Government is looking again at the issue of work permits and it is looking at them because it is considering whether or not it should be one of the options among a whole raft of options that it is going to look at to extend the 7-year delay in these 2 new countries accessing the employment pool within the United Kingdom. Immigration is a very hot topic in the United Kingdom at the moment and it is quite right that we take this time this afternoon and this morning to debate it. But I think that Deputy Le Hérissier's suggestion is a prudent approach. Most of the work has been done. Most of the work will need updating but if the U.K. Government decides to implement a work permit of its own, and if we slavishly follow the U.K. Government, how can we catch-up in all those areas that we need to catch-up on from a legal perspective - an analytical perspective - given all the complexities that we have in relation to our housing laws and our rights to occupying those properties, which convolutes the situation. Out of one of the letters of the hundreds that I have got

at home I was drawn to this one from 1999: "Opposition to the introduction of work permits is gaining momentum with pressure group concerns saying that permits have no role in controlling the size of the Island's population, quite rightly. The proposals have been put forward by St. Helier Deputy Paul Le Claire [and that time I was a Deputy the first time round] who believes permits are the only way to control population but he has already come up against Policy and Resources who have reaffirmed their opposition. Vice-President Senator Frank Walker has also called for Deputy Le Claire to delay the debate on his proposals until the major immigration debate in the autumn. [That was the autumn of 1999]. In a letter to opine our concern to Chairman Chris Perkins, it is not practical or desirable to limit the period of residence of immigrants rather than the size of the population. This policy would lead to a further unacceptable growth in the population. Population cannot be limited without controlling the level of economic activity and the number of job opportunities he says. We see no alternative to the strict application of the Regulation of Undertakings Law within the public and private sector. However Mr. Perkins believes permits should be further investigated as a possible additional weapon in the population control armoury. We see no role for work permits in controlling the size of the population but do feel that the 1988 work permit legislation should be redrafted as proposed by the Defence Committee in 1992." The Defence Committee - the Home Affairs Minister's department - recommended that they be redrafted and updated in 1992: "So that the Island is in a position to look after the resident population when the next recession is upon us." Well, perhaps there may not be another recession and let us hope there never is, but there is going to be an issue about whether or not we have access to these jobs for the people that we are educating, and that is emerging at the moment. It is a pity really that I have spent so many hours in looking into this and have got so many opinions from the Law Officers down to the Attorney General, and whenever I stand up to talk about it other Members put their heads in their laps and start tutting and coughing and denigrating the whole issue. The reality is that they do not want work permits; that is fine. Then let us not have work permits. But when they want them - and I am talking directly about the people in charge, we should be in a position to be able to make sure that the work permits we are applying in this Island are up to scratch, and that is what Deputy Le Hérisier is asking us to do; as the Defence Committee analysed in 1992. I personally have called for them for many years. I am a die-hard work permit supporter. I believe that they give opportunities for people that are already in employment as well, but I also believe that it would be prudent if the work has already been done to update that work. Let us go hand in hand with the Council of Ministers; let them show us how their new system will work, but if it does not work let us have something in our back pocket.

**Senator P.F.C. Ozouf:**

I know that Deputy Le Claire does not like to get facts in the way of a debate but I just wish to make a point of correction in what he said, because he said that it was not possible for construction workers to be controlled by the Reg. of Uns. Construction workers are controlled on a contract by contract basis, not on 3-year licences. So every time a contract comes up they are given an allocation of locals versus non-locals and that is the reason why we can with the existing tools that we have, control the amount of non-locals and secure job opportunities for local people, and that is a fact.

**Deputy P.V.F. Le Claire:**

Point of order, Sir, I did not mention construction workers.

### **5.5.12 Deputy G.P. Southern:**

How nice it is to hear the word “control” being used again. And how nice it is to have a report of mine and my Panel from last year mentioned so often in a debate. It was recommended by the Chief Minister - and I believe others - that they should go and have a look at the Scrutiny report from June 2005: Migration Monitoring and Regulation. Note the title, “Monitoring and Regulation”. We can count them and we can make rules around them and we can know how many we have got, but the control is not in the policy; it is migration monitoring and regulation, and that is all. That is the clear argument that we have time and time again and we have at the time. Before I refer to this document, because I think it is important particularly in the light of this debate ... can I just say too that I, like Deputy Le Hérisier, am somewhat of a work permit virgin. I am not a convert to work permits and in the past I have not particularly supported such moves. However when hearing that we have had - and the Chief Minister said we have had - an extensive debate on work permits in 2001: no we did not, because I have been here since 2001 and we have not had a debate on work permits. We had a debate on then Senator Le Claire’s proposition to bring in work permits back in 1999/2000. So it has been 6 or 7 years since this topic has come up. He also said, “What has changed since then? Surely nothing has changed. We rejected it then and we should surely reject it now.” What has changed - and I hesitate to point out the obvious to him even though he is not in the Chamber, I am sure he can hear me - what has changed is this House. And this House needs to send that message to the population of this Island to say that population policy and immigration policy is a concern of ours and we are taking it seriously. That is the message that should come out of this House today. Now the Chief Minister ... Senator Walker ... repeatedly - I wish he would not do it - repeatedly suggested that Deputy Martin misunderstands the migration policy. That is far, far from the truth. When I first came into the House he used to try that line on me. Time and time again I would hear him say: “Deputy Southern misunderstands this particular policy. Misunderstands that particular policy”. I am glad to say that by and large he stopped doing that to me. I do wish he would stop doing it to Deputy Martin because, let me assure the House, Deputy Martin is worth any 3 of his Ministers rolled up into one and she understands in a very fundamental way many issues. **[Laughter]**

### **Senator W. Kinnard:**

I hope, Sir, that he is making an exception to me as another woman.

### **Deputy G.P. Southern:**

I name no names and there is no pack-drill in there. Before I go on to the migration policy, because that is what we are talking about, and we are talking about alternatives to that ... and it is a very simple step to do the research. Let me just mention about the (j) categories and refer to Hansard - it has been mentioned already, what a joyful thing it is - refer to the answer of the Housing Minister when I asked him about (j) categories and the removal of time limits on (j) categories this is what he said: “Of the 271 private sector (j) applications processed and approved in 2005, 27 per cent were in the legal financial sector, 18 per cent were in banking and 12 per cent were accountants.” Add those up you get to 57 per cent. Almost 60 per cent of (j) cats. in, essentially, finance and related sectors. That is where we need workers. That is where (j) cats. go into the private sector. He then went on to say in answer to question B: “Whether as a result of the new (j) category housing policy an additional 600 non-time limited consents will be produced and if so whether this number is increased by dependents?” He said: “This change to non-time limited (j) consents does not create essential employment and therefore will not lead to more essential (j) employees. It will



of course increase the proportion of unlimited consents from 10 per cent currently to 60 per cent approximately.” It then goes on: “That does not equate to 600 extra people.” Not much it does not. You can do the maths. If you, under government control - States control - allocate time limited (j) category consents to particular companies, then after 3 years or 5 years those particular people leave and are replaced, but not permanently. Not permanently. But they are never likely to qualify for housing; they are never likely to retire here. If you replace those with non-time limited (j) consents, 60 per cent of them approximately are going to be non-time limited. Sooner or later people will stay in that job; they will not be replaced. They will stay in that job and they will retire. They will get their housing qualifications; they will buy a property; they will stay here. That effectively is what will happen. As sure as eggs is eggs that is an increase in population. That is what is going to happen under the new regulations. But let us go back to the migration policy that we are so dependant on, as a tool to control population or migration. Let us refer to the Chief Executive of Jersey Finance; this is what he had to say in evidence to the Scrutiny Panel: “In effect, the Government is having to manage the economy around bulkheads of regulation and as a result is not able to respond quickly and effectively to the changing needs of the Island. It is imperative therefore that these bulkheads be removed and economic policy should be reviewed and reset in accordance with current demands and future objectives.” What are those current demands and future objectives? To grow the economy by 2 per cent per annum with consonant growth in jobs of one per cent or up to 500 jobs. The Economic Development Committee President of the time then said: “If the States wishes to see consistent growth in the financial services sector in the Island over the next 5 years it is likely to need a revised policy approach in terms of facilitating such growth both in financial and non-financial terms and to generally exhibit more direct support of financial services than has been the case in the past.” That is what we are doing. He went on further to say: “There was a need for as much liberalisation as possible in the area of importation of key financial services, knowledge and capability.” As much liberalisation as possible. That is what we have got in our migration policy. We have got a monitoring policy; we have got a regulatory policy; we have not got a control policy - it is going to grow. At the time we were reassured that, of course, this up to 500 jobs would come they would be locals by in large. The current Chief Minister said at the time there is a considerable pool of local people already resident in Jersey who will be able to drive a very considerable part, if not all, of the staff requirements to fuel economic growth. That is what he said. That is his article of faith. But it is only an article of faith. When the then President of Economic Development was asked about research to back that up, and I quote again: “Have you done any research to indicate what sort of numbers these local sectors can supply to go towards the 500 job vacancies, the new jobs that you are attempting to create, and thereby what is the balance that you see between the number of high skilled immigrants and local job opportunities?” Deputy Voisin: “No, we have not done any research.” Me: “Despite the reservations that I expressed over a year ago concerning the numbers you have not done any further research?” “No, we have not done any further research.” The current Minister for Economic Development says we have done the research; we know what we are doing. The research was not done this time last year and I doubt very much indeed that any further research has been done since. It is an article of faith that these 500 jobs are going to be for local people. It has not been shown; it has not been proven. When you look at the figures as to what happens in the major drive of our economy - the financial services industry - what happens? Recruitment of staff in the financial services industry 2001 to 2003, at a time of relative, effectively, very low growth: staff recruited from outside the Island 2001 340; 2002 320; 2003 265. Substantial numbers recruited from outside the Island and each one of those staff coming with 1.8 dependants. That is your 500, done and dusted. Recruitment from school or university?

**The Deputy Bailiff:**

Deputy, I am sorry to interrupt. I appreciate the line is rather grey but nevertheless this is a debate on whether to have an inquiry about work permits not about the whole question of migration.

**Deputy G.P. Southern:**

Agreed, Sir. But the alternative being put forward is that we already have a migration policy which is as solid as a house, and I am suggesting it is not; therefore the case for Deputy Le Hérisier is strong, I believe. But thank you for the advice and I shall try and get to the point more quickly. Recruitment from school or university? Local jobs, essential. School or university: 2001 275; 2002 160; 2003 75. Where is the balance? 265 versus 75. Where is the balance? Where is the control? There is no control. Given the policy that we have under migration policy and economic growth policy of driving the economy by 2 per cent, we concluded - only last year - that a wish to grow the economy by 2 per cent was driven largely by financial services, which faces a shortage of staff with required skills. The migration office has no choice; either it lets through more highly skilled people to grow the economy - which means population growth - or it does not. If it does not, that leads to wage-led inflation growth. That is the reality it is facing, as that is the prop we have to rely on currently. I do not believe - I did not believe at the time and I do not believe now - that that prop is sufficiently robust. I believe it is entirely appropriate that Deputy Le Hérisier's proposition gets support and I urge every Member to support the proposition; and I just remind Members that investigation and report upon the feasibility of work permits as a way of regulating the local labour market as an alternative to proposed migration policy approved by the States in 2005 is the only sensible way I believe to proceed at this time. Again, I urge Members to vote for this proposition.

**5.5.13 Deputy G.W.J. de Faye:**

I am quite concerned: a number of Members in the Chamber seem to be exhibiting clear signs of short and medium term memory loss which I understand is a clear indicator of early-onset senile dementia. In fact, such is the level of short term memory loss you have in fact had to intervene to remind some Members what we are discussing. We are not debating work permits and migration policy, we are debating Deputy Le Hérisier's amendments to whether we want an investigation and report into work permits. Quite clearly, from the level of debate we have had on work permits so far, there seems to be no need for any extra information. Many Members clearly are very well briefed on this subject, and not surprisingly because we have done it to death over several years and we have in fact decided, as a body, not to pursue work permits but to pursue a migration policy. Quite frankly, I would like to see it in operation for a few months before we decide to go back down the road of work permits. So let us devote our minds, I suggest, to; do we want an investigation report into work permits so soon after we have made a decision on that subject? I say quite clearly, no; and for more than just the reason that we have already made a decision. It is because there is concern, both on the Executive side - and I understand particularly from Scrutiny - to pay a great deal of attention to the matter of waste of resources. I know that Deputy Le Hérisier is very well-intentioned because he burdened me only a year or so ago with the production of an interim report on a report I was attempting to carry out. I can assure the Deputy from my own personal experience, interim reports when you are trying to construct a report are a pain in the neck and absolutely divert officer resource from what you are trying to do. So do we really want to do that again in this particular instance because all we are going to do is divert officer resource to a subject we have already decided upon and really to no great advantage; if any? Why is there no great advantage? Because the situation has not changed and I suggest to Members that while an investigation and report into work permits may be valid at some occasion in the future it is not

worth pursuing at this moment in time. So let us sit back and watch what happens as the United Kingdom decides how it will deal with further accession countries, such as Bulgaria, because it may well be that the United Kingdom, itself, will adopt new policies which we can then monitor and carry out investigation reports at the due time. But this is not the due time to carry out further investigations, and I think if we look at this coldly, as we should do with our concern as to how monies and resources are spent and used by government, we have to come to the single and clear determination that now is not the right time for another investigation and report into work permits, and if we carried it out it would simply be a waste of resources, and that is not something that we should entertain.

**5.5.14 Deputy C.J. Scott Warren:**

The increasing numbers of people from the E.U.uropean Union countries now entering Great Britain, including the British Isles, are an important consideration when looking up work and job opportunities during the years ahead. A report may well confirm that work permits are not right and are not necessary for Jersey. However, it will mean that we are better informed on this very important subject therefore I do support the investigation and production of this report and will therefore support the amendment.

**5.5.15 Deputy A. Breckon:**

I would like to give notice that I would have liked to ask a question of either the Attorney General or the Solicitor General; perhaps if I address that it might be picked up in another place. It was in reference, Sir, to the Protection of Opportunities (Jersey) Law 1988, and the question I would like to ask is what relevance does this have to our situation and, indeed, perhaps to this debate? Perhaps if I could do that and then continue?

**The Deputy Bailiff:**

We will ask the Greffier to get a message to the Attorney General's office.

**Deputy A. Breckon:**

In that circumstance, Sir, is it okay for me to continue?

**The Deputy Bailiff:**

Yes.

**Deputy A. Breckon:**

Deputy Ferguson mentioned a couple of issues I would like to pick up on. One was that we had agreed some 18 months ago, or thereabouts, and we were looking at it again. It was about the agility of government, and I was reminded, Sir, that I was in Cyril Le Marquand House the other day and I spoke to the Chief Minister who he said the Council of Ministers were fairly fit and were agile and that was not because of any regime, it was because the lift does not work, and they have their meetings on the 9th floor. I am not looking very far away where they are, lean and fit and able and, getting the benefit of that. I thought, well, if we can apply that to the Council of Ministers then perhaps people can think outside the box and do other things and maybe give this consideration with an open mind. The other thing Deputy Ferguson said, and it was with some alarm that I heard this, Sir; she talked about a 56 year-old man with limited job opportunities. Now I am not quite there yet but at the end of this term I will be, Sir, and I wondered then what are the prospects for a 56 year-old man. I think she was talking about limited job opportunities and perhaps even being unemployable, so that is something perhaps that some of us have to look forward to. With the amendment it is again, as I have mentioned, about investigation and a report, and there is history; there are statistics; there are reports. I would have thought it is a matter of somebody pulling this together and I do not think that should be too much of a problem for the Chief Minister's Department or anybody else who is knowledgeable or has access to the information; and it is an investigation and report to be considered and perhaps have an ongoing debate. I think we owe the population that debate. Deputy Le Claire's mentioned how there has been a cut-off, perhaps, when others were wanting to get in full flow about some of the issues that were never debated. I am reminded, Sir, of a story I heard the other day about somebody who has gone to Australia for 12 months and they needed a permit and the permit is for 12 months. It allows them to travel but it also allows them to work. But within that permit if they work 3 months in the agricultural industry they get another 12 months. Now Australia is a little bit bigger than us but they have a system that they regulate and people know the rules and that is how it works. So perhaps - I am not saying we could consider that exactly - maybe we have to think about some of the issues, because bigger and smaller areas do things in a different way. They have rights to live and rights to work; not very far away across the water they have had a similar system for many years. Senator Ozouf mentioned the Regulation of Undertakings and under Part 3 my understanding is that permissions are given for construction and development but numbers are given, without being too specific, so you can employ 60 people for a 2-year period, and I think that is where some of the problems are coming from. Now if he is telling me that is what he said, Sir, that has changed and there is a ratio of more than 5 year and under 5 years then I would be interested to see some proof of that and some figures of how that has changed. But I think the work permit system would bring in controls. It would also monitor effectively and I can support this and I can support it because I think it is worth investigation and I think it is worth a report. It would not affect anything that the Migration Department are doing at the moment but what it would do, it would inform Members as we go along and hopefully we can get some meaningful figures from Social Security to add to the debate to see if indeed we do have a problem or if it is anecdotal. I would prefer to do it on knowledge, Sir, rather than finger in the wind and media reports and anecdotal stuff. So I certainly can support this and I hope others will do the same.

#### **5.5.16 Senator T.A. Le Sueur:**

At the start of a long debate on a business plan it is tempting to look at a Member like this and say, "Well, it is just calling for a report, let us bat it off for a day and say, yes, go on and so what".

#### **The Deputy Bailiff:**

Forgive me a moment. I think it might be a more productive use of time if, now that the Attorney General has arrived, to ask Deputy Breckon simply to pose the question. The Attorney may need some time in which case you can continue. Deputy Breckon, would you perhaps pose your question to the Attorney General?

**Deputy A. Breckon:**

My question of the Attorney was in reference to the Protection of Opportunities (Jersey) Law 1988, and its relevance perhaps to this amendment debate and, indeed, things that we are already doing - if we are doing things that are ultra vires - or its standing.

**5.5.17 Mr. W.J. Bailhache, Q.C., H.M. Attorney General:**

I am sorry, Sir, I am not sure I understand what the question is. I know it is about the Law which I have brought with me but I was not sure I know what the question is.

**Deputy A. Breckon:**

The question is, Sir, we are looking at work permits and what has been mentioned in the debate is protection of opportunities for people who are already resident locally, and my question relates to that in respect of that Law and this debate. I do not know if that is clear, Sir.

**The Deputy Bailiff:**

In other words, in relation, I think, to the amendment which is that there should be an investigation report upon the feasibility of work permits as a way of regulating the local labour market. The question is the relevance of that particular statute to that amendment. Is that the question, Deputy?

**Mr. W.J. Bailhache, Q.C., H.M. Attorney General:**

Could I have just a moment please?

**The Deputy Bailiff:**

Yes.

**Deputy P.V.F. Le Claire:**

May I just offer an observation, Sir? That actual piece of information was contained in the advice given to me by the Law Officers on a previous occasion in relation to the fact that any permit, I was instructed, would not be able to be retrospective in its application.

**The Deputy Bailiff:**

Thank you. Senator, if you would like to carry on.

**Senator T.A. Le Sueur:**

I was prefacing my remarks by saying that it is seductive simply to accept this amendment on the basis we get another report and so what difference does it make? But I think Members need to be a bit smarter than that because I think what we need to do is to see exactly what the amendment is setting out to do and in fact what the business plan itself is setting out to do. The business plan is setting out to put the agreed Strategic Plan into operation and the agreed Strategic Plan included the delivery of a migration strategy, and the objectives of the Chief Minister's Department go on to flesh-out how that should be done, and it sets out as the final objective a balance between economic growth and the supply and demand of labour and so on. What the amendment is asking us to do is to insert another success criterion or performance criterion into delivering the migration policy. The success criterion that Deputy Le Hérissier is suggesting is that its success should be measured by producing another report. If there is going to be another report, why do we need to do it? Apparently because we can update all the existing reports we already have. We can update the fact that whereas at present there may be 400 million people throughout the continent of E.U. rope who are eligible to work in Jersey, next year it could be 450 million. Well, that may be a relevant figure to some people but to me what is important are the principles of work permits and whether those principles have changed since June last year; whether those principles have changed since June 2000. Because if the principles are the same this year as they were last year and they will be next year then what the devil are we doing commissioning another report and wasting officers' time instead of getting on with the job. So I think this may have been a well-intentioned or maybe not so well-intentioned excuse to have another look at migration policy. If that is the case then let the Deputy have the courage of his convictions and bring a debate to rescind the existing migration policy, but at the moment to try to dress it up and say that this should be a success criterion for the Chief Minister to deliver the migration policy is being, not necessarily economical with the truth, but just distorting the whole situation and, in that respect, totally irrelevant. So I say to Members, do not be seduced by the fact that another report might help us. It will not change the principles; it will not alter the arguments. What it will do is divert resources to no good effect and so let us not be seduced by suggesting it is a solution; this is not a solution, and even if it were a solution it is a solution to a problem that is not being addressed in this particular proposition. So for all those reasons, Sir, I suggest that this misguided amendment be rejected.

**The Deputy Bailiff:**

Mr. Attorney, are you ready to respond to Deputy Breckon's question?

**H.M. Attorney General:**

Yes, Sir. The Protection of Employment Opportunities (Jersey) Law 1988 is an enabling law which allows the States to make Regulations to require that persons shall not take up employment in particular categories of employment without the consent of the Minister. So the Regulations cannot

apply to people who are Jersey born and who have attained school leaving age and have been ordinarily resident in Jersey for at least 10 years. There are various other exemptions in the Regulations as well. The States could therefore, theoretically, introduce Regulations pursuant to this legislation to introduce a work permit system. The advice which I have given, and my predecessor may have given as well, is that there are unquestionably some human rights considerations which would need to be taken into account very carefully indeed, both in the way that such Regulations were framed and in the way in which they were implemented. There are people, for example, who have been living in the Island for less than 10 years who nonetheless have, in human rights terms, established themselves in the Island and where it would be quite wrong to consider for a moment that it would be appropriate not to give them a work permit to continue in the job they already do. But there may well be other considerations - human rights considerations - applying to spouses of people who come to the Island who would not otherwise normally be entitled to a permit but because their spouse is here it would be unthinkable on human rights grounds - the rights with respect for their private and family life and other rights as well - that they should be able to get employment as well. So there are some quite difficult human rights obligations which need to be taken into account when the Regulations are framed. Having said that, the legislation provides, as I say, a framework for introducing that system and if that is the will of the States then it can be done.

**Deputy P.V.F. Le Claire:**

May I beg your liberty to ask the Attorney General a question?

**The Deputy Bailiff:**

We will see what it is, but it is quite clear that his answer to this piece of legislation is not relevant to the debate before the Assembly today.

**Deputy P.V.F. Le Claire:**

I will try it, Sir, and then you can decide whether or not. If the United Kingdom were to decide that it wanted to apply a 7-year retention on the access of the rights to the new accession countries of the E.U.uropean Union against those of the already accessed countries - so those 10 already that are operating, but the 2 new ones are put on a 7-year hold - would we be able to follow this lead or would the fact that we have complications in respect of our housing qualifications preclude us from doing so?

**H.M. Attorney General:**

I suspect that if the United Kingdom were to introduce restrictions on the right of the incoming E.U. member states' nationals, to establish themselves in the United Kingdom, it is almost inevitable that similar provisions would be promoted for consideration in the States of Jersey to enable the same rules to be applied here. That follows from the fact that we have one common travel area and it just would not be appropriate - would not make sense - to have different rules in

different parts of the same travel area because there is, as it were, a ring around the whole of the common travel area.

**Deputy A. Breckon:**

If I may just ask the Attorney General for his confirmation of something; and that is that no legislation following that enabling Law was ever enacted?

**H.M. Attorney General:**

No, none has been enacted. There was an Act which designed the Home Affairs Committee of the day to be the administering authority for the purposes of the Protection of Employment Law and that now devolves on the Home Affairs Minister.

**The Deputy Bailiff:**

Does any other Member wish to speak on the amendment?

**5.5.18 Deputy S. Power:**

I will be very brief. Some weeks ago Dr. John Reid, the Secretary of State for the Home Office, revised the U.K. estimates as to the number of people who had come in from Eastern E.U. from the low 10,000s to 600,000 and he regarded that as a conservative estimate. They simply do not know how many people have come into the U.K. in the last 3 years. Now if you were to take as a very rough example - and it is a rough one - 600,000 represents approximately one per cent of the U.K. population and that is what has come in, he estimates, in the last 2 or 3 years. If we were to apply that statistic to Jersey's statistic where we have approximately a ballpark figure of 90,000 people, I do not think many people would dispute that. We may have a little more. That would say then that by the U.K. model of East E.U. people arriving in the U.K. we should have about 900 East E.U. people, or people from the Eastern bloc, and we probably know we have got 4 times that as a loose estimate. Now I think the reason that Deputy Le Hérissier has brought this request for an interim review of where we are right now is because some of the parameters of patterns of statistical change and immigration change have changed in the last 15 to 18 months. I think the other reason he has probably brought it is that the composition of this Assembly has changed in the last 15 to 18 months: in the last 10 months. So there are 2 fairly significant variables to what we are looking at in terms of this report. The other thing that concerns me as a new Member of the States is that this has been brought in under objective 7 of the Strategic Plan and, briefly, objective 7 deals with the balance between economic growth and the supply and demand for labour. It also deals with accommodation, infrastructure and resources. But I want to deal with the supply and demand for labour. Now we are proposing on this Island to change the whole way we do business from a tax point of view. We are changing from what we regarded as a direct tax system to an indirect tax system and that is going to increase the cost of living on the Island and the cost of sales on the Island and the cost of doing business on the Island. Now when you increase the cost of operation to a business, because it is now paying, for instance, I.T.I.S. it is paying a different tax structure and there are proposed tax structures coming in, it is going to look to reduce its cost of



sales. One of the ways to do that is to have a lower cost of labour. It is easy to regulate labour in what I call the respectable aspects of Jersey's industries, which are the finance industry, entertainment industry, tourism industry, hospitality industry and so on, but it is not so easy to regulate the supply of labour and the cost of that labour in what I would call the lower strata of Jersey's economy, which is not so much the contractors and the catering companies and things like that, but the sub-contractors who work below that industry. There are many examples. Senator Ozouf said earlier on that we can regulate the contractors but we cannot regulate the sub-contractors. We cannot regulate a whole swathe of industry who are in here and who hire people for 6 weeks, 3 months, 6 months and to a large extent that is unregulated. Senator Ozouf also said there are 3 ways that we can control immigration; through housing, jobs and people. I suggest there is a fourth way and that is the first one and that is the frontier or the border. We do not know how many people have arrived on the Island in the last 2 years, or the last 40 years. We estimate. If the pattern of change in the U.K. is as significant as Dr. Reid is indicating then I suggest that what Senator Walker said earlier on, that we know roughly who is in the construction industry or other industries and how many people have arrived: I would suggest we do not. We do not know and Senator Walker does not know. So, I would suggest that we should give serious thought to Deputy Le Hérissier's amendment because I think there is merit to it. I think it is a short amendment. I think it is easy to understand and I will also be supporting it. Thank you.

#### **The Deputy Bailiff:**

Does any other Member wish to speak?

#### **5.5.19 Senator P.F. Routier:**

When I thought about this proposition in the first place I could have quite easily thought, "Well, perhaps we could support this", but looking carefully at the wording I backtrack on that a little bit. Firstly, when you look at the first part where it talks about work permits as a way of regulating the local labour market; that is only part of the problem. Part of the problem is that people will still be able to come to the Island. They may not want to work. They could just come on to the Island. They could live here because under our current migration policy the housing things are changing and everything is changing under the migration policy which is being promoted at the present time. So, I think that it fails on that because what this proposition is assuming to do is that the work permits become an alternative to everything else in the migration policy. It is very clear. The wording is "as an alternative". It does not say, "as an add-on" or "in addition to"; it is an alternative and I cannot see that the appropriate thing to do is to support this proposition because it is so narrow in its reading. If we were to go along with this on the impression that if the reports came out that work permits were a useful kind of thing, it is so narrow that it would not give us the opportunity to have other options which the migration policy, having been debated very fully, has many strings to its bow. I believe it would be a backward step and it would open up more loopholes in our system of trying to control the population than we have with the migration policy. It would have been different if the wording of the proposition had been to investigate the work permits idea as an add-on to the migration policy. Perhaps then it might have been a different proposition to have supported but because it talks about it as an alternative I find it very difficult to support the proposition. I think we should let the migration policy come in, settle down, and then look at it again after it has been in operation for a year or so. So, on that basis I am afraid I am unable to support the proposition.

**5.5.20 Senator T.J. Le Main:**

I follow the last speaker because I totally agree with the last comments about letting the migration policy settle in. Deputy Fox, the Connétable of Grouville and myself, with the Greffier in attendance, have just come back from a conference in Nigeria and one of the main subjects on both the Small Countries Conference for 2 days and the main plenary sessions were the huge problems faced by ...

**Deputy G.P. Southern:**

Sir, has the Minister not already spoken in this debate? I believe he has.

**The Deputy Bailiff:**

I do not think so.

**Senator T.J. Le Main:**

No, I did not. I clarified a situation of misunderstanding again by Deputy Martin. **[Laughter]**

**The Deputy Bailiff:**

No, he has not spoken previously. It was a point of clarification.

**Senator T.J. Le Main:**

I will continue to say, Sir, that the Small Countries Conference was fully attended because this inward migration is a major concern to countries around the world and around the Commonwealth. In fact, there were some very highly influential speakers at the conference who have all sorts of issues with inward migration, and the issue is that places like the Bahamas, Cyprus, Malta and many other small countries have major issues and all of these countries - particularly in the Caribbean - have work permit systems in place. They are in real difficulty with the amount of migrating individuals into their countries. Although I will not go into the details in great depth I managed to put across the proposals that this Assembly has agreed that we should put in place in May or June 2007: the migration policy. The interest was such that we have 7 commonwealth countries who would like to see our proposals and, in fact, it was so well received that we are going to send them on some information. Even the Greffier suggested that perhaps we should have some kind of Small Countries Conference next year or so on the issue about migration. It really is a major issue in all countries and I would rather hope that this Assembly would allow the current migration policy as proposed, which is now slowly being worked upon and implemented in many areas, to start up and to allow it to get going. Sir, when I was elected in 1978, with Deputy Le Claire and others, I shouted from the rooftops of this Assembly about work permits. I remember in 1988 I asked as many questions probably as Deputy Le Claire. I remember in 1988 taking a proposition to this Assembly which instructed the Home Affairs, or the Defence Committee at that

time, to look at having photographs and social security cards. I have tried everything in the past. But I believe, Sir, looking back on the history of all this, that the migration policy is getting rid of the Housing Regulations and making it fairer for everyone. The ability - the ability - to regulate the kind of people we need to come and work and contribute, and the kind of businesses that are going to be paying decent wages and decent salaries ... they are going to be paying taxes, and they are going to have the income that we need to generate. If I see that the migration policy next year is not going the way I thought it should be going then I would certainly support a move to look at other options, no question about it. I would be the first to support this kind of re-look at the situation, but I urge Members in the best interests to allow this migration policy to be put into operation. It has a lot of good things in it. Everywhere you go it gives businesses a sense of stability, far more than work permits would give to the business community at the time. So, Deputy Le Hérisier, at the end of next year, come back if you are not going well but please, at this present time, refrain from going down this road. Allow the stability to continue. We are doing rather well, all of us, and I urge Members not to support this proposition at this present time.

### **The Deputy Bailiff:**

Does any other Member wish to speak? Very well, I call upon Deputy Le Hérisier to reply.

### **5.5.21 Deputy R.G. Le Hérisier:**

It has been a long debate and I suppose in a way I committed the fault of thinking we could discuss the report and not the principle but we have ended up with both. I would like to thank Members. There have been some excellent contributions. I thank everybody. I will not go through every line of every speech, just every second line. Just a few points; I wanted to make it clear - I am afraid those who are saying, "Give it a chance" have not taken on board the words of Deputies Power and Ferguson. The world is changing. We could indeed have the U.K. Government coming to us and saying: "Look, we are going to do a bit of a u-turn on this issue. It may involve work permits and, as the Attorney General said, you have to assess the implications of your own system for that." So, in other words, we will be forced into it. I think also, Sir, the role of low cost labour and what it does to an economy as it moves through that economy has not been discussed today and that is a major issue which we have not wrestled with and which is starting to hit other countries in the face and will hit us in the face as we get this massive influx, and good luck to these people under our present rules. They are wonderful people but we have to think about what is happening as we get this massive influx which will start affecting industries that traditionally have thought themselves privileged and have only seen low cost labour as people doing gardening and house cleaning, so they are going to have a bit of a shock. I do not think we have ever seen large numbers on this scale. That is a different phenomena and one that requires different thinking. I am glad to see that training and education has been looked at but I do sense a sense of urgency and, who knows, a little bit of panic around that. I also have to say, Sir, to the Minister for the Treasury why it is a success criteria. I wanted, in a sense, to let the Council of Ministers down gently. What I am saying is that this is an emerging issue and I would have thought one of the skills of a good visionary politician is to say: "These are the issues that are developing and this is how we are going to start dealing with them." If the world is changing and if it is changing faster than we thought then we are going to react to that. We are not going to panic but we are going to look seriously at it. That is the sign of it. Not to constantly come out with all these tired anti-work permit arguments which we have heard again and again and again. So, in a way I was offering people like Senator Le SuE.U.r and Senator Walker a gentle let-out because if this issue starts to hit them in the face and they have not done the thinking and it is much deeper - I should answer to Senator Vibert and Senator Ozouf - than my

comments on a single half page article in the *JEP*. It is much deeper than that. There are clearly issues bubbling and I do get the sense, Sir, that the Minister for Economic Development - energetic though he is and obviously we pay tribute to that - that he has been caught slightly on the hop and he has quickly had to pull some tools out of his tool kit, so to speak, to try to deal with this. This is a big issue. It has major implications for all aspects of policy and this idea, Sir, where we were almost led to tears by the overwork that it would bring about in the Chief Minister's Department. Surely a good department, as I have mentioned at the political level and let us now look at the administrative level, would be up to speed with these issues and saying the world is changing. We could well ask for comments if the U.K. Government starts changing in this regard and in any case things seem to be happening in the labour market that we had not fully anticipated. Let us do something about it. That is all I am asking, but this idea that the Chief Minister's Office is going to be ground down spending weeks, months, writing reports and diverted from otherwise urgent ideas is just not laughable, Sir, but it is highly questionable.

### **The Deputy Bailiff:**

The Appel is called for on the amendment of Deputy Le Hérissier and therefore the vote is pour or contre for that amendment. The Greffier will open the voting.

#### **POUR: 21**

Senator S. Syvret

Connétable of St. Peter

Deputy R.C. Duhamel (S)

Deputy A. Breckon (S)

Deputy J.J. Huet (H)

Deputy of St. Martin

Deputy G.C.L. Baudains (C)

Deputy P.N. Troy (B)

Deputy C.J. Scott Warren (S)

Deputy R.G. Le Hérissier (S)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy S.C. Ferguson (B)

Deputy of St. Peter

Deputy J.A. Hilton (H)

#### **CONTRE: 29**

Senator F.H. Walker

Senator W. Kinnard

Senator T.A. Le Sueur

Senator P.F. Routier

Senator M.E. Vibert

Senator P.F.C. Ozouf

Senator T.J. Le Main

Senator B.E. Shenton

Senator F.E. Cohen

Senator J.L. Perchard

Connétable of St. Ouen

Connétable of St. Saviour

Connétable of St. Mary

Connétable of St. Clement

Connétable of St. Helier

#### **ABSTAIN: 0**

Deputy P.V.F. Le Claire (H)	Connétable of Trinity
Deputy D.W. Mezbourian (L)	Connétable of St. Lawrence
Deputy of Trinity	Connétable of Grouville
Deputy S.S.P.A. Power (B)	Connétable of St. Brelade
Deputy S. Pitman (H)	Connétable of St. Martin
Deputy K.C. Lewis (S)	Deputy J.B. Fox (H)
	Deputy of St. Ouen
	Deputy P.J.D. Ryan (H)
	Deputy G.W.J. de Faye (H)
	Deputy J.A.N. Le Fondré (L)
	Deputy A.J.H. Maclean (H)
	Deputy of St. John
	Deputy I.J. Gorst (C)
	Deputy of St. Mary

### **The Deputy Bailiff:**

That concludes the amendments so we now return to the debate on the Chief Minister's objectives. Does any other Member wish to speak? Very well. All those in favour of adopting the Chief Minister's objectives kindly show. Those against? The Chief Minister's objectives are adopted. We then come to paragraph (a)(ii) which is the objectives of the Ministry for Economic Development which will be proposed by Senator Ozouf.

### **5.6 Senator P.F.C. Ozouf:**

Before proposing I should say that there is one area within economic development which Members will be aware I have a declaration of interest and I do not take any part on; that is dairying and agriculture. So, I hope the Assembly will understand that I will be presenting the whole of the objectives of my department but on the understanding that the dairy industries are delegated to particularly the Constable of St. Lawrence and overseen by the Chief Minister. Sir, the Economic Development Department's overriding objective is to achieve the States' strategic planning objective of attempting to put in place conditions that grow the economy in real terms by 2 per cent per annum in a sustainable manner remaining, however - as we have been discussing - robust controls on population and within the context of low inflation. To do that we have to grow and sustain existing businesses from all sectors of the economy, but at the same time where there are opportunities - and there are real opportunities out there for Jersey - develop new sectors for our economic base. Our objectives, of course, are at the heart of the debate we have just had, and are to

ensure that we are alert to the employment situation in the Island. We are constantly engaging in making opportunities for the employment of locals to ensure that there is employment opportunity and that everybody who wishes to work has the opportunity to work in the sectors that they wish, but of course within the agreed population levels that have been agreed within this Assembly. All of the objectives of economic development are of course listed in pages 22 and 25 of the business plan and the Chief Minister has given an instruction that Ministers should keep their remarks to about 3 minutes, as I understand, in terms of the objectives. I will however just draw Members' attention to a couple of the, perhaps, more important issues within our proposals. Economic Development shares responsibility with the Chief Minister's Department for financial services. This is the game in town as far as the economy is concerned. It is not the only game in town but it is important and at the end of the day it is absolutely vitally important if we are to achieve our objective of achieving 2 per cent economic growth. We are, in part of this business plan, increasing the grant for enhancing and expanding the role of Jersey Finance and that is of course against the backdrop, as Members will be aware, of strengthening the arrangement that Economic Development has with Jersey Finance Limited. There are, I am pleased to say to Members, numerous opportunities for initiatives - new initiatives and new sectors - particularly in the fund industry within the finance industry. Tourism, or perhaps as we probably should better call it these days, the visitor economy, remains a high priority in our objectives. There are, as Members will be aware, unprecedented levels of investment going on we have not seen, certainly in my lifetime, in tourism. However, notwithstanding this investment we cannot be complacent. I am in the process of visiting, I hope by the end of October, every hotel and visitor location in the Island and I am seeing a mixed picture of hotels and guest houses in the Island. Some are performing very well, some are investing, others are not. We are conducting ... and in this Strategic Plan we are required to carry out a root and branch review of the way the Government deals with the tourism sector. There is an awful lot of work for us in the year ahead in tourism or the visitor economy. We want to develop new products, we want to develop our U.K. market, we want to open more E.U.uropean markets and we want to make sure that this Assembly's investment in the tourism economy delivers absolutely the best economic result for Jersey. I would say the branding project and the universal approach to branding of agriculture, tourism and finance is absolutely essential for getting the best value for money for all of the advertising spend that we are making. We are going to be working much more closely, and this is a reversal of the previous Committee's position on event-led tourism. I strongly support, as Members will know, the Battle of Flowers, the International Air Display and I am going to look forward to an ever-closer working relationship with Education, Sport and Culture - Senator Vibert, and, in particular, Deputy Labey - to deliver a much more unified approach with culture and event-led tourism. It is difficult to say sometimes whether some of our events are culture or whether they are tourism but what I do know, and at the heart of this objective and business plan, is a commitment to deliver reasons for people to continue and to revisit Jersey in a way that they have not done in the past. Agriculture remains an important employer. It has a vital role in preserving our environment. Investment in this sector is going to continue but we will be having a different emphasis on the way that we show, particularly, diversification. The rural initiative scheme is at the heart of this and is set out in our proposals. Also, we want to see a bigger focus on the whole issue of skills and in 2007 we will see a 74 per cent increase in the budget for enterprise and business development funding, focusing on mainly 3 areas; increasing the number of business start-ups and growing; secondly, developing international trade in broad base, a much more focused focus of inward investment and key to all of the activities; thirdly, with education, with social security, with Ministers and other Ministerial departments, enhancing the training and development agenda. That is where the new £1 million is going, as far as the Economic Growth Plan. It is developing more skills and equipping the Jersey economy for the competition that is ahead. We are going to use our budget to deliver growth objectives through projects such as small loan guarantees. We want to allow small business to access finance at an earlier stage in their development. I would like to just focus a little more on this skills agenda because as far as we are concerned, in the light of this changing world which we are seeing in terms

of the economy, it is absolutely more important that E.D. (Economic Development) works even more closely together than it has perhaps done in the past with education to develop programmes, to deliver into the workforce the output of the education system in a way that we have not done before. That is underlined by the comments that I made earlier this morning that the Council of Ministers spend a whole half day on the issue of skills. We need to join up the skills agenda and I am now confident that we are doing that. One of the things which we will be doing next year, which is in our objectives, is to expand something which I am very proud of and very pleased about which is the pilot project that we did for the internship programme when we had 50 young undergraduates working in non-finance companies over the course of the summer. We want to expand that provision to other undergraduates. We want to give the opportunity for school leavers to take part in that and also give students that are having their year-out in terms of enterprise, an opportunity of working in the economy. This is the kind of effort and the kind of objectives that are at the heart of additional investment and skills. We have in Economic Development harbours and airports within our portfolio. Deputy Maclean, who has responsibility for these areas, will be addressing these issues separately but I am pleased to say that there is now a much more close working relationship between harbours and airports and economic development which is important to deliver economic activity and economic growth within the Island. I believe that Economic Development's business plan sets a clear direction for the future. Our priorities and objectives are based on the States' Strategic Plan and the already agreed Economic Growth Plan, which was passed by the Assembly this year. We want to target all of our resources entirely designed to deliver that 2 per cent economic growth. I think there is a sense of renewed confidence in Jersey but there is absolutely no complacency. The world is changing. It is becoming more competitive, particularly more competitive in the world of small jurisdictions. Standing still and not investing and not doing anything, as far as economic development is concerned, is not an option. My department's job is to ensure that we deliver jobs, that we deliver taxes for other Ministers to spend. Bluntly, the better we do the more money this Assembly is going to have to spend on the things that it likes to spend. I hope this Assembly will agree these objectives for economic development in 2007 and I believe that being successful we can be at the start of another period of unprecedented levels of real growth that will benefit all of our community in the way that we have seen in the past. Thank you, Sir.

**The Deputy Bailiff:**

Are those objectives seconded? **[Seconded]** Does any Member wish to speak on those objectives?

**5.6.1 Deputy P.V.F. Le Claire:**

I just wish the Minister well in his endeavours to increase the cash in the pot for us to spend and ask that in considering increasing the broad base of transport that we look into the south and into the main parts of E.U.rope where access to alternate flights within the E.U.ropean area is much neglected, to our detriment.

**The Deputy Bailiff:**

Does any other Member wish to speak?

### **5.6.2 Senator P.F.C. Ozouf:**

Apart from to apologise; apparently I was 11 minutes rather than 3. **[Laughter]** I apologise to the Chief Minister for that but just to respond to Deputy Le Claire's point. We are looking, and indeed Deputy Maclean and the new Airport Director and the Harbour Master, together with the team at E.D., are looking at this whole issue. Bringing people from different destinations is absolutely key and indeed what we are learning about the whole way in which the incentive scheme works with new locations is going to be absolutely central to the thinking - but no doubt Deputy Maclean will have some things to say about the harbour and airport side of that - but absolutely more routes and particularly opportunities as far as the northern coast of France is concerned. Manche Iles Express is a spectacular example of more people in to Jersey this year. So, yes, a focus on that. I can give the Deputy the assurance of that.

### **The Deputy Bailiff:**

All those in favour of adopting paragraph (a)(ii) of the proposition, kindly show. Those against? Paragraph (a)(ii) is adopted. We then come to paragraph (a)(iii) Education, Sport and Culture which is to be proposed by Senator Vibert.

### **5.7 Senator M.E. Vibert:**

I will try not to be 11 minutes. Education, Sport and Culture's overall objective is to maintain existing high performance and develop and improve where possible. As Members know, there are a number of issues demanding attention, higher education funding, skills development among Island training, early years' education and childcare, developing and implementing the cultural strategy, developing a new sports strategy and a new youth strategy. But we should not let these issues needing to be dealt with overshadow and diminish the excellent work and achievements in all 3 areas of education, sport and culture that have occurred. Staff in all 3 areas - and particularly in sport and culture, the voluntary efforts alongside those staff - should be recognised for how well the Island is served by them. In education, not only have we recently had the best public examination results ever, which bear comparison with the highest performing U.K. local education authorities, we also have staying-on rates both at 16, for those going on to 'A' level or further education studies; and at 18, going on to a higher education that are the envy and the target for other authorities. Our methods of teaching critical skills and assessment for learning are being recognised as a world leader and if any Member wishes to find out more about these initiatives please contact me or the department and we will explain them in great detail. But these are not trendy new teaching methods. They are ways of ensuring all our children are developed to their fullest potential by concentrating on teaching them how to learn as well as providing the content of their learning. Another area we are looking at is we are strengthening the citizenship curriculum in our schools to ensure that our young people develop an even better understanding of their Island. But we must not be complacent. We must not accept that these improvements just happen on their own. We have to continue to maintain investment and continue to work hard to maintain these incredibly high standards we have set ourselves. In sport we are now seeing the results of our investment in sports development officers, among other things. More people are playing sport, keeping healthy, and enjoying the benefits that this involves, as well as producing competitors of the very highest calibre. We just missed out on 3 bronze medals at this year's Commonwealth Games which, if the rules had not been changed from 4 years previously, would have been bronze medals and they would have been won. One area I am particularly pleased with, we are also successfully reaching out to successfully involve those who are traditionally hard to reach. It has



been very satisfying to see the success of recent initiatives such as attracting young people - who normally congregate in Liberation Square - to playing football on the beach and in the park. With the Youth Service we have seen considerable progress involving the Parishes in partnerships to improve what we can offer in this area and I am open to any Connétable who wishes to come forward. We are always willing to do business and improve by working with you what we can offer in your Parish. We have also established the Prince's Trust; again, to address those who are traditionally hard to reach. In culture we are now pressing ahead with implementing the cultural strategy approved by this Assembly, and in appointing a first class officer to co-ordinate this, for the first time I believe, great strides will be made in this area under my Assistant Minister, Deputy Labey, in the coming years. But I will return to the outstanding issues so as we can address them. I will be coming to the States with plans for how we deal with higher education funding in future before the end of the year and let me make my intention quite clear; no young person should be prevented from entering higher education because of financial restraints but we, as an Island, need to address how we deal with the increasing costs imposed on us from outside. If this business plan is approved there will be extra funds available for skills development and further education training on the Island, as mentioned by the Minister for Economic Development. We are working very closely together with Economic Development and with business to achieve this. I am pleased to be able to confirm that Jersey Finance Limited have agreed with us and are now advertising for someone to act as a liaison officer on secondment for 2 years so that we can improve the links between the finance industry and Education and Economic Development, and can ensure we are providing the very best co-ordination between the Island's main industry and our young people. I look forward to working with other industries and businesses in the Island so that we can be assured that we are co-ordinating and understanding the demands of business. We are also introducing changes to the 14 to 19 curriculum to make it more relevant to the workplace and we are doing everything we can to ensure our young people get the best possible chance and start to their working life. Early years' education and childcare is a vitally important area for the Island. It is a long-term investment. It also produces short-term benefits, particularly if we are going to generate the economic growth from our indigenous workforce that is required. Work is currently being undertaken in this area and the Council of Ministers agreed that we should extend the original review of 3 to 5 year-olds to include 0 to 3s, as well as regards early years' education and care. Again, I will be bringing proposals to this Assembly before the end of the year. Sir, Education, Sport and Culture has a lot to do and is getting on and doing it. I hope the summary of key objectives and key performance criteria for next year included in the annex of the draft business plan - all linked to the Strategic Plan approved in this Assembly - meets with the approval of Members and we will seek to answer any questions and take note of any comments Members may wish to make. Thank you.

### **The Deputy Bailiff:**

Is paragraph (a)(iii) seconded? [**Seconded**] Does any Member wish to speak on paragraph (a)(iii)?

### **5.7.1 Deputy of St. Martin:**

I speak with 2 hats; that as Deputy of St. Martin and also that as the Chairman of the Social Affairs Scrutiny Panel. I was pleased to see that the Minister did come and meet with us, as he did the other Ministers, and I think we all had a cordial meeting. I think there is not a lot that we would really disagree with what education is about. The only thing I would ask is to use this opportunity for the Minister to explain to other Members also and give us an update on where he is now with the youth policy and youth strategy and, indeed, when it is likely to come to the House. We heard this

morning something about September. I do not know if he is able to give us an update as to a possible date there. Also, we are pleased to hear that the Council of Ministers is taking on board the wider area of early years' education and no doubt there will be now a report coming soon to the House looking at the age from 0 to 5. I think it is excellent news because we have to look at the broader picture and it is welcome news that it will be expanded and, indeed, as part of Scrutiny we are looking forward to seeing what has been prepared. One other question I was going to ask this morning, and I am sorry if I am going to put this as a question without notice but I had one down this morning, Sir, but we ran out of time. We heard about the excellent results achieved by our young citizens. Indeed we have heard the best ever and again, well done to all those; but I think in society there are some of those who do not achieve what is expected of them and yet we never hear about those who do not achieve. Maybe we could get some indication from the Minister as to the numbers of those young people who do leave school without any qualifications. Thank you, Sir.

### **5.7.2 Deputy G.P. Southern:**

I will ask the question I asked this morning and did not get answered really. Where, in this report and business plan, is any resource dedicated towards reducing the workload of teachers in order to attain parity with the U.K. and thereby ensure recruitment and retention rates?

### **The Deputy Bailiff:**

Does any other Member wish to speak?

### **5.7.3 Deputy P.V.F. Le Claire:**

This debate is very interesting because it is almost like the 'State of the Nation' where you can ask the different Ministers, based upon their views, what is going on in their departments, unlike some of the more heady debates - like the budget - where you really do not have much of an opportunity. I was very pleased to hear in his speech - I do not believe was 3 minutes, more like 12, but nevertheless very informative - that the schools are adopting a citizenship approach. I believe that that is something that we should encourage, as States Members to the Minister, and give him our support wholeheartedly. In adopting a citizenship approach we not only point out the rights of the individual, what we also point out is the responsibilities and the duties of the individual, and in doing so we ensure that the community we live in is the one that we were used to when we grew up in it. Just a couple of questions, if I may, getting away from the accolade - perhaps it is not the right place to ask but nevertheless I will ask. I notice in supplying people with support for financial affairs, the Education Department is - across the board - very supportive. I myself was chosen to go to sing in the Albert Hall and I did not have any money to do it and the school, through the Education Department, paid for my fare and I went and represented the Island at that time and I did not even know anything about it. We did not ask for it. It was just sprung on us. When I said I could not go and did not give any reason they found out that it was a financial hardship and they came forward. Recently in the *JEP* - and, as I say, perhaps this is not the right place but I will ask anyway - I noticed to my disappointment that there was a young girl who said that she was not going to be pursuing a course in teaching because she was unable to access the additional funds she required in relation to the top-ups that were needed for her education. In his speech today the Minister has made a pledge to the Assembly that there will be no one left behind through lack of financial support and I am wondering whether or not, while we are in that interim period of

deciding how we are going to fund these initiatives, if those people are being picked up, like I was, by the department when they appear in the newspapers, or when made known to them and they are given that opportunity. We heard there in that article of a young lady in the Island who was obviously disappointed in not being able to pursue a career in teaching and I feel we have probably lost something of an asset there. It would be nice to see if we could pick that up. That was it really, just to encourage the Minister to keep on supporting the young people. They are the future after all.

**The Deputy Bailiff:**

Does any other Member wish to speak?

**5.7.4 Senator J.L. Perchard:**

The Minister, Sir, quite rightly highlighted in his speech the huge problem of student grants and the onward problem that the excellent education that our students are getting is causing him in having to find more monies to assist them with their further education overseas. I would like to ask him a question regarding that, and perhaps he could help me; is the joint income, Sir, of divorced parents of a student applying for a student grant hoping to go to university always taken into account when calculating the level of support afforded to that student? It is of concern to many people who contact me that it is not and perhaps the Minister could help me there, Sir.

**The Deputy Bailiff:**

Does any other Member wish to speak?

**5.7.5 Deputy J.G. Reed:**

I would just like to pick up one point. Under objective 10, third bullet point under “Performance Success Criteria”, it speaks about the future of sport and leisure facilities currently located at Fort Regent being determined. I would like to ask the Minister could he provide more detail into what he would regard a successful outcome? Thank you.

**5.7.6 Deputy S. Pitman:**

I would like to ask the Minister once he has a university fee strategy completed where the funding for that will come from.

**The Deputy Bailiff:**

Does any other Member wish to speak? Very well. I will call upon the Minister to reply.

### **5.7.7 Senator M.E. Vibert:**

I thank all those Members who have taken part. I will try to deal with them in the order they raised the questions. The Deputy of St. Martin asked about the youth strategy and, as I said, I am chasing that up. I want it as soon as possible and hopefully that will be coming very soon but I mentioned this morning there has been some illness and some staff off in the Youth Service and, of course, our first priority is always to maintain the front line staffing. So, I am hoping there will not be any, or too much, delay on that. As regards early years; yes, if I can give some more information on that. At a recent Council of Ministers meeting a couple of weeks ago, the Council of Ministers agreed that we would set up a group to develop an early years' strategy for the 0 to 5 age range by the end of 2006 and this group will - and this is the terms of reference: "Bring forward recommendations for a comprehensive strategy for supporting early years' childcare in education in respect of the 0 to 5 age group; consider the appropriate arrangements for financial support for the parents and carers of this age group, including the benefits and tax allowances; take account of the potential impact of any proposals on existing provision; ensure that any recommendations or options for development are fully costed; ensure that the recommendations balance the interests of private and public sector provision to create choice as far as possible within an efficient system of provision and work within the current strategic and business plan framework." So, this review is underway. It is being headed up by an officer in my department and it will be delivered before the end of 2006. The Deputy of St. Martin also asked about those who leave without qualifications. Thankfully, Sir ... and this is why I referred not just to 'A' level and public examination results - I referred to people going on to further education as well as to 'A' levels - in my speech because we have an incredibly high rate of take-up of people going on to either take 'A' levels or to further education at Highlands College. In fact, it is a very small percentage, in single figures. It does vary slightly from year to year of students who leave at 16. Of those that leave at 16 most of them have some qualifications already. It is very few that leave without any qualifications and the vast majority - well over 90 per cent of our students - go on to study after 16 and end up with qualifications, either through Highlands or through taking public examinations. What we try and do is ensure that every young person reaches their potential and that potential may be in academic work but it may also be in much more practical matters through vocational qualifications, and Highlands College is the normal delivery vehicle for that. Deputy Southern returned to his theme of this morning about where is the budget for trying to make sure that we match the U.K. in the workload of teachers because of recruitment and retention rates? There is no specific budget included in the whole budget and, as I said this morning, head teachers have been asked with their staff to develop plans as to how at least the minimum non-contact time can be achieved, and we also have ongoing talks with the representatives of the unions about duties and so on. But as I said before, if things do have a cost attached to them, that cost has to be met in some way and as I happened to be, Sir, the President of the Jersey Teachers' Association at the time, against my advice, certain deals were done of the day - and I know it is a long time ago now - but extra payments were made for duties and those duties are still continuing and we need to resolve that issue and we are doing our best to do so at present. We do not have a problem generally with recruitment and retention rates. I recently attended a meeting where I was introduced to 40-odd new teachers, some from Jersey and some from the U.K. who are starting in our schools this year and, apart from the subjects that are usually difficult to recruit in, we have in our primary sections very good responses because of our high reputation to any adverts we put out. Deputy Le Claire - and I agree with him - praised us for our citizenship approach about rights and responsibilities and we are developing that. We seconded a member of staff - a teacher - to work on that towards the end of last term and that report is being worked on and we are translating it into how it is going to be delivered through the curriculum. As for the young lady saying that she was unlikely, or she was not going to pursue a course in teaching, I very much regret that - and we did reply to her. I think she has been very premature because we have

not come out with our proposals for higher education funding so if she does make a decision like that she is making a decision without knowing what the situation is, and I think there are a number of things to be taken into account. As I said, my intention is that no one should be denied access to higher education because of financial restraints and it is interesting to note we have about 1,400 students away at any one time in higher education from the Island and they roughly divide into thirds. Under our current system about a third of the students get a full maintenance and tuition fee paid and no demand of any sort is made on the students, or the parents, for any contribution whatsoever. A third of parents pay the maximum contribution; and a third - who are in between the 2 - pay a greater contribution which is means-tested according to their gross income. But I repeat that anyone looking ahead - and this young lady does not have to make up this decision yet - should wait and see: in the very near future we will be bringing proposals. It is a very difficult issue because costs are outside of our control but the intention is there and I would urge that young lady, and any other young person, to wait and see before making any premature decisions about their future. Senator Perchard asked another question about student support - a very vexed question - and he asked about whether the joint income of both parents was always taken into account in assessing student support. That is a difficult issue, Senator, which I have asked to be looked at again, and we appreciate it is a very difficult issue, and it is an issue which can cause some consternation to parents. One of the difficulties, of course, is whether we are talking about both biological parents or both parents; if they have remarried; have they adopted the children? There are a lot of issues involved in this but certainly we are concerned that there are cases where it appears that more support could be given and that the settlement is of a certain amount, and it is the settlement that we currently take into account as the income of the parent with the responsibility. But I am aware that we need to re-examine this and it is currently being re-examined as part of our review of higher education funding. The Deputy of St. Ouen asked about the issue of Fort Regent and the sports and leisure facilities concentrated currently there. That is in as well because there is a review of the whole of the town area, including Fort Regent, at the moment which is to be completed by the end of the year. Fort Regent is included in that review and as far as I am concerned I want to see the sports and leisure facilities stay at Fort Regent. I believe it is the best place for them. It is fantastically used. We now have in excess of 4,000 active card members between Fort Regent and Les Quennevais and we are also opening another gym at Springfield due to demand in that area, and the more facilities we can provide for people to keep fit and healthy the better for the Island. Deputy Pitman, I am sorry, I have funding for students. Sir, could I ask the Deputy to reiterate her question?

**Deputy S. Pitman:**

Does the Minister know where the funding would come from to fund his university fees strategy?

**Senator M.E. Vibert:**

I have been working very closely with the Treasury but as the Chief Minister said earlier in reply to questions about prison education and prison reforms and so on, we cannot - because we do not know - write-in sums, and it is an issue we will have to deal with - the Council of Ministers - and also the States will have to decide. We cannot do that until we finalise the plans and know what it would mean. So, at the moment we are developing proposals for funding and it will be coming back to the States, and the Council of Ministers will have to give its views as to where, if any, extra funding that is required is going to come from and the States will have to approve, if any extra funding is required, where it will have to come from. Sir, I hope that has answered the questions. I

have made a note of them so I can keep their comments, and I propose my part of the annual business plan, Sir.

**The Deputy Bailiff:**

Very well. All those in favour of adopting paragraph (a)(iii), kindly show. All those against? Paragraph (a)(iii) is adopted. We then come to paragraph (a)(iv), the Health and Social Services objectives to be proposed by Senator Syvret.

**5.8 Senator S. Syvret:**

The information relating to Health and Social Services is to be found on pages 47 to 57 of the annex and the particular objectives for the department are on pages 49 and 50. I will try and be brief, as that request has been made. By far the most important task facing the Health and Social Services Department at the moment is to develop and produce the long-term strategic plan for health and social care delivery in the Island. This is going to be perhaps one of the most fundamental root and branch examinations of health and social care structure and delivery in the Island that has ever been undertaken. It has been a long process, longer than I would have wished but for reasons outside of my control. Nevertheless I think the Assembly and the community can look forward to a very detailed, comprehensive and far-looking strategy for health and social care in the Island. That strategy will have to equip the Island in the coming couple of decades to deal with such issues as the demographics - the aging population – and the ever-increasing cost of healthcare delivery. No matter which jurisdiction you care to look at health and social care is expensive to deliver and I do not see that changing in Jersey. How will it be funded? How will we, as a community, pay for this degree of care that we have in the future? Health and Social Services in Jersey has delivered over the decades an extremely good service. Anyone who has perhaps experienced some of the lesser developed and funded hospitals in the United Kingdom in the NHS will know how remarkably well the health service in Jersey compares to that. Also, we have recently had tremendous success in reducing the waiting times for various procedures within the hospital and virtually all are now within our 3 month maximum wait target, which is something which the NHS could only dream of. Frankly, it is not even on the radar screen of achievability in the United Kingdom, so I would pay tribute to all of the staff who have worked very hard to achieve that. But we have to build upon the good works that have taken place in health and social services over the years and make sure that the service is fit for purpose and is equipped to deal with the challenges that are going to come upon us in the next couple of years. That is what we are working at and, hopefully, the strategy will be ready for publication towards the end of this year. There are a number of challenges that the Island faces and there will be some hard choices. I do not imagine that necessarily everything we have to say will be popular but I am confident that we will be addressing the issues that we need to in order to make sure that our health service can deliver the degree of care that the community expects and needs for the next couple of decades. I propose the objectives, Sir.

**The Deputy Bailiff:**

Is it seconded? **[Seconded]** Here we have an amendment. First of all, amendment number 2 from Deputy Le Hérissier and I will ask the Greffier to read the amendment.

**The Greffier of the States:**

Accept that under Objective 2, on page 49 of the annex, after: “The existing performance/success criteria” insert the following new item: “Introduce independent complaints process by January 2007.”

**The Deputy Bailiff:**

This, I think, is a matter not accepted because the Council has proposed an amendment to the amendment.

**Senator F.H. Walker:**

That is correct, Sir.

**5.8.1 Deputy R.G. Le Hérissier:**

I do not think there is too much difference between us but just to make the point I have always been, as people well know, a long-term advocate of a proper complaints system. It is not a question that there are only X number of complaints. It is a question that in any system, I am afraid, there always accumulates a certain number of intractable complaints which ultimately either cannot be resolved or they can only be resolved by the intervention of an independent person, and I know that the Independent Healthcare Commission is not functioning well. In fact, there was a news report last week that it is simply not dealing with complaints on a properly timed basis. So, it is no accident that it has had to withdraw from a proposal to offer its services to Jersey. What I would ask the Minister, Sir - and he may have some thoughts on this - in the discussions I have had with the Chief Executive on this matter somehow there seems to be the need for medical involvement in the second level of dealing with complaints but, of course, there are complaints about a health system that go in front of courts, there are health complaints that could go in front of the Administrative Tribunal. So these bodies do develop mechanisms for dealing with expert evidence and I do not quite see - and perhaps the Minister can enlighten me - why it has to be a health affiliated body looking at them. In fact, you could well argue, because of what we know to be the incredible strength of professionals in the health system, you need people who are very strong and outside the kind of structures that we know are quite difficult to manage sometimes in health. So, I do not quite understand why we have to have involvement with a health body and there are not other ways of moving it on; but that being said, Sir, I wish it was coming a lot earlier. There are people to this day who for various reasons - nobody's fault in particular - but there are complaints sadly that have developed into larger complaints and it would have been better if intervention had occurred at an earlier stage, mediation perhaps and the whole thing could have been calmed down and not led into some kind of semi-open warfare. Because I know, Sir, the Minister has used an independent person from time to time in resolving one or 2 of these complaints and it would be nice to see if we could set something up within the Island, perhaps with Guernsey, as mentioned, without the involvement of health bodies.

**The Deputy Bailiff:**

Is the amendment seconded? **[Seconded]** We have an amendment to the amendment lodged by the Chief Minister and I will ask the Greffier to read the amendment to the amendment.

**The Greffier of the States:**

For the words: “by January 2007” substitute the words: “by December 2007.”

**Senator F.H. Walker:**

May I ask that the Health Minister acts as rapporteur on this amendment?

**The Deputy Bailiff:**

Very well.

**5.8.2 Senator S. Syvret:**

I have tremendous sympathy with what Deputy Le Hérisier has said. He will know full well because he had experience of health and social services, but I have always had the view that there needed to be a more robust and independent complaints procedure - what is called a second level complaints procedure - for health and social services and I would like to apologise for the fact that we do not yet have that in place. It is unsatisfactory and we would very much have liked to have done it. We were planning to do it, as the Deputy has alluded to, via the Healthcare Commission but also, as he correctly says, the Healthcare Commission in the United Kingdom is itself in some turmoil at the moment. It has had a variety of very high level personnel changes and also the Government is going to restructure it fundamentally, combine it with the Social Care Commission and completely remodel the organisation. For that reason we had a letter from them in August of this year saying that we could absolutely forget them fulfilling the second level complaints procedure for health and social services in Jersey, and they probably would not be able to do the external inspection we were seeking either. Indeed 2 senior offices from Health and Social Services are going to London next week, I believe, to meet with senior figures in the Healthcare Commission to try and persuade them of the importance of engaging in external inspections in jurisdictions such as Jersey, Guernsey and the Isle of Man. There is no question that we have to go down that path. I think while the health care service in Jersey is clearly a very good one, nevertheless it is always useful to get that external view of things. So, hopefully we can salvage the external review. But as far as the second level independent complaints system is concerned; we are having to go back to the drawing board. We might have to look at doing it with Guernsey. We might have to look at other solutions and indeed it is entirely possible that the kind of solution suggested by the Deputy might be what we alight on. It needs to be pointed out in response to what he said that already of course people can, and do indeed, access the courts to ultimately resolve complaints, but the courts themselves when dealing with matters of medical alleged failings do themselves call upon expert witnesses. Either side will call upon other health care experts to give an independent view as to the merits, or otherwise, of the allegation. So, I do not think you are really going to deliver a system of complaints procedure for health and social services that can



always be done completely independently of anyone involved in health. I do not think that is a feasible outcome. But it is a complex matter and we have to make sure we get it right. Unfortunately, because of the letter we had from the Healthcare Commission in August this year, which threw a spanner in the works of our plans, we are not now realistically going to be able to get the independent second level complaints procedure in place by the end of this year, as Deputy Le Hérissier is asking in his amendment. That is why the amendment is being proposed by the Chief Minister which seeks to delay that for a few months to give us more opportunity to go back to the drawing board, as I said, and make sure that we are getting the correct procedure in place. So, Sir, I would ask Members to accept the amendment proposed by the Chief Minister and indeed I would like to ask Deputy Le Hérissier if he may be minded to accept it, Sir.

**The Deputy Bailiff:**

Is the amendment seconded? **[Seconded]** The Deputy accepts it. Does any other Member wish to speak?

**5.8.3 Deputy P.V.F. Le Claire:**

On the principle of the issue in relation to the medical expertise, that is not necessarily going to be absent in any event. On the Ill Health Sub-Committee we employ the services of the B.M.I. Organisation that makes an adjudication in relation to people's physical well being or otherwise so that we determine an ill health application under the pension scheme, and I wonder whether or not the Minister and the department has given thought as to whether or not there might be somebody who has the expertise currently that could perhaps undertake this function.

**5.8.4 Deputy S.C. Ferguson:**

In a former life, to quote one of my colleagues, Sir, in my experience people's complaints about the handling of their finances and money often come a close second to complaints about the way they have been dealt with in health. Now, in the private sector, most complaints are dealt with extremely quickly and efficiently. In fact, I introduced a simplified complaints procedure as a model for the Health and Social Services Department when I was on the Committee. This should have been able to deal with a multitude of complaints. Perhaps the Minister would like to tell us what has happened to that particular procedure.

**The Deputy Bailiff:**

Does any other Member wish to speak?

**5.8.5 Deputy A. Breckon:**

I am pleased to see that this matter is being addressed because it is always a problem if people get into a dispute and this can probably be a very emotive area. I think if we are looking at the end of next year then perhaps things could move on quicker than that. There must be other areas that we

could reference in local health authorities about the way they deal with issues and levels of reference and who deals with it. Also, if sometimes decisions could be reconsidered or investigated in brief, rather than getting into legal proceedings, and try and resolve matters there. But any complaints procedure, of course, needs to have transparency. I think it is always difficult in a small community where people who may have been involved in decisions earlier, or whatever happened earlier, are still dealing with an issue, then I do not think that is a good practise, and you need to move on from that, but give those people the opportunity to contribute and not get into a conflict. People can feel frustrated by this, but we must not have a system that takes years to resolve. It is interesting when you look through some of the stuff; the Machinery of Government Review said we should have a public sector ombudsman. There is a chapter included on that; I think it is chapter 9. Of course, people who have swallowed Clothier wholesale have never mentioned that. Of course, it is an area where if we are going to resolve disputes between the public and departments or Ministers then perhaps we should set up a framework that deals with other issues as well, whether it is education, or public services, or whatever else it may be. I think this could be used as an example of how we could proceed, although our procedures would be different. Then we can adopt it as a practise of how the public access it, because this is what it is about really. If people do feel aggrieved then they want somebody to listen to them and in some cases they want people to act on that. So, I hope if this does proceed it will be an example for others to follow because we have to be accountable, and I think it is embarrassing if people who have made a decision, or are involved, have to deal with it again, and people feel rightly or wrongly that they have a mistrust of that, "They would say that, wouldn't they?" So, I think we have to learn from this perhaps. We can do that and move on.

### **The Deputy Bailiff:**

Does any other Member wish to speak? Very well, Senator Syvret, do you wish to reply?

### **5.8.6 Senator S. Syvret:**

Just to address a couple of the questions I was asked. The simplified complaints procedure that Deputy Ferguson helped to establish is still in place, and it is still working within the organisation. That does not address the problem of when complaints cannot be resolved or agreed between the complainant and the service, moving to that second level of an independent body or person to look at the complaints, which is what this particular issue is about. It is that second level of complaint that we have to deal with, and that is the objective of the amendments. Deputy Breckon mentioned the possibility of an ombudsman service in Jersey. Indeed, that could be a model that might be useful in respect of health and social care. The difficulty, I think, is in that you do need people with at least a degree of working knowledge of understanding precisely what it is health and social care does and how it functions. Whether a general ombudsman could fulfil that role, I am not sure - perhaps not without at least taking on board professional advice and guidance in the field. In any event we have a *de facto* ombudsman kind of scheme at the moment through the Administrative Decisions Review Board. But that is in many cases a kind of weapon of last resort to people, prior perhaps to going to court because it is time-consuming, unwieldy, and indeed often adversarial. So, I do think the kind of second level complaints procedure we are looking at hopefully would be superior to the mechanisms the Deputy suggests. Deputy Le Hérissier has indicated he is accepting the amendment, and I thank him for that, and I maintain the amendment, Sir.

**Deputy P.V.F. Le Claire:**

Would the Minister acknowledge my suggestion at least that he would undertake to investigate whether or not B.M.I. might be one of the people that were capable. They do have doctors. They do act independently of the States at the moment.

**Senator S. Syvret:**

I am not sure off the top of my head, in fact I doubt it, whether B.M.I. would be the appropriate body, because it is not uncommon - and I know this through personal experience of having represented constituents - for B.M.I. themselves to have complaints made against them. So, whether they are necessarily the appropriate body to act as an independent complaints authority, I am really not sure, Sir.

**The Deputy Bailiff:**

Very well. All those in favour of adopting the Chief Minister's amendment to Deputy Le Hérisier's amendment kindly show. Those against? The amendment to the amendment is adopted, therefore we return to the debate on Deputy Le Hérisier's amendment. Does any Member wish to speak? Very well. All those in favour of adopting Deputy Le Hérisier's amendment, kindly show? Those against? The amendment is adopted. So we now return to the debate upon the proposition of paragraph (a)(iv) as amended. Does any Member wish to speak? I beg your pardon, thank you. The Greffier has reminded me there is another amendment. That is amendment number 7 in the name of Deputy Le Hérisier, and the Greffier will read the amendment.

**The Greffier of the States:**

Accept then objective 3 on page 49 of the annex for the words: "Financial balance is both a key objective and a legal requirement to States' departments. It provides the essential platform on which to manage and develop services." substitute the words: "Financial balance achieved and in the process the costs of each defined service area and relevant overheads identified so that meaningful comparisons can be made year to year and with other jurisdictions."

**The Deputy Bailiff:**

Chief Minister, is this one which you accept?

**Senator F.H. Walker:**

Yes, Sir, we are fully in accord with what the Deputy is trying to achieve, not just within the Health and Social Services Department, but indeed across the States as a whole.

**The Deputy Bailiff:**

Very well. I call upon the Deputy to propose the amendment?

**5.8.7 Deputy R.G. Le Hérisier:**

There is a little thing in business schools called S.M.A.R.T. It is an acronym for how to write objectives: short, measurable, achievable, relevant and, I think, targeted. I must admit I did choke on my cornflakes when I read that particular one; it was exceptionally general. So, I am very pleased it has been sharpened up and that it has been accepted. Thank you, Sir.

**The Deputy Bailiff:**

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? Very well, all those in ... I do beg your pardon.

**Senator S. Syvret:**

Just to say I welcome the amendment and we are very happy to work with it.

**The Deputy Bailiff:**

All those in favour of adopting the amendment kindly show. Those against? The amendment is adopted. Now, we return to the debate upon paragraph (a)(iv). Does any Member wish to speak?

**5.8.8 Deputy P.V.F. Le Claire:**

The Health Ministry now is embarking upon its future under a Ministry. I think the achievement of reducing the waiting lists down to 3 months, as indicated, is indeed to be applauded. I would like though just to ask 2 questions in relation to health. One is; where are we with the tobacco strategy and the forthcoming measures in relation to that that are so integral to providing a healthy society? And also, secondly, I asked the Chief Minister to circulate to me - and it was copied later onwards to other Members - a list of all of the things that fell off the wish lists of the Ministers. One of significance was the extension within the hospital. I would like to ask the Minister if he would care to explain, as I will ask other Ministers in the future on this debate, how relevant that is to progress being made in the future, and whether or not it will come forward next year? Does it present problems? What are the circumstances behind that issue and how much will it affect his delivery of good health to the Island, the fact that the extension within the hospital was not granted to the Health Minister? So, those 2 issues: where is the tobacco strategy? What is happening to all the measures? The second one was how badly did that affect, or will it affect, the Health Minister and the services he will deliver?

### **The Deputy Bailiff:**

Does any other Member wish to speak? Very well, I will call upon the Minister to reply.

### **5.8.9 Senator S. Syvret:**

To take that last question first, it is certainly true that significant amounts of the proposed Health and Social Services Capital Programme were effectively surrendered back to the centre, and I think some other departments - Committees, as they were - made similar sacrifices. The reason this was needed was to fund the new incinerator, and moneys would be needed regardless of what particular route of waste disposal we chose to go down. I do not propose to get into that at the moment. **[Laughter]** Nevertheless, the plain fact is Bellozanne requires, as a matter of great urgency replacing and it is a very substantial cost. So, that is where the capital moneys went. In actual fact, as far as the proposed major extension of the hospital was concerned, it is not a problem to us, because we have, in fact, the fairly considerable extension work underway at the moment which is going to create a variety of new facilities; better administration, diagnostics will be able to move along the ground floor, thus expanding further the areas available for accident and emergency and also the creation of a new day surgery. So, we have got plenty to be going on with in terms of capital works at the hospital. In fact, given that we are working on the new direction strategy, it may be no bad thing in fact to see what the outcome of that strategic process is, what it is that we finally agree, and then to decide what the capital programme is required to support and deliver that into the future. So, the hospital extension: no, it is not a big problem for us at the moment. As far as the smoking cessation is concerned, that is an on-going process. We have got the funding. We have targeted the funding to help in the smoking cessation programme, which we are going to really be driving-out in a major way towards the end of this year and early next year. There is going to be much greater opportunity for people to get support and advice in helping to kick the habit of smoking. So, we are confident that that is going to work. I am on the verge of being ready to lodge the Regulations, the principle of which the Assembly has already agreed, to ban smoking in all enclosed work places. I am virtually ready to lodge those. They should be lodged shortly, and debated and approved by this Assembly some time before Christmas, hopefully, assuming the Assembly agrees, Sir. So, that is where we are with the tobacco strategy. I think that answers all of the questions that were proposed, Sir, and I maintain the section.

### **The Deputy Bailiff:**

Very well. All those in favour of adopting paragraph (a)(iv) of the objectives kindly show. Those against? Paragraph (a)(iv) is adopted. We come next to paragraph (a)(v), the Home Affairs objectives, and I invite the Minister to propose them.

### **5.9 Senator W. Kinnard:**

In the opening statements today - many of them - the Chief Minister in particular alluded to some of the budgetary pressures that were being felt in various areas, particularly in the Home Affairs area, due to the pressures at the prison which have been well documented. We have yet unfortunately to reach a position where the gap between the budget and the expenditure has been closed. The revenue budget for Home Affairs in 2007 is £39 million. The department will continue to work hard to reduce costs where it can. Indeed it has been particularly successful in

reducing the number of prisoners serving their sentences in England and Wales for whom we pay, and also in reducing the amount of overtime having to be worked at the prison. Implementation of the Prison Performance Improvement Plan will require additional funding, which the Council of Ministers has yet to consider. There are several factors which give rise to funding pressures in the Home Affairs area, but I will reserve specific mention of those, Sir, until we come on to discuss some of the specific amendments later on in the debate. The department will be receiving additional funding over the period as a result of the resource allocation process and the Strategic Plan review. An additional £262,000 is being made available in 2007 to help us meet the costs of the Jersey Field Squadron. Implementation of the Regulation of Investigatory Powers Law will be fully funded in 2008 in the sum of £323,000. In 2007, however, implementation will be partly funded by revenue growth, but mainly through a grant from the Drug Trafficking Confiscation Fund. During 2007 we will play our full part in our contribution to efficiency saving. This will focus on a review of the department's accommodation requirements, its vehicle replacement policy, and the cost of benefits paid to new members of the uniformed services. If Members wish to turn to the department's key objectives on page 61 and 62 of the annex, I will be able to draw their attention to a very important objective which concerns public confidence in the services provided for the safety, protection, and security of our community. The police provide a round-the-clock response to calls for assistance and visible reassurance patrols, and address particular areas of concern, such as supporting victims of domestic violence, and intervening to prevent re-offending. We have a range of targets which are challenging and measurable in all of our areas of work. In the particular area I have just mentioned during 2007 we will want to reduce the number of recorded repeat domestic violence assaults to fewer than 61 per annum. The advent of biometric passports will improve the protection and security of the travelling public and the Human Rights (Jersey) Law, when it is brought into force, will again enhance public confidence. Public confidence in the services will be measured through public satisfaction surveys and the monitoring of complaints. This information will continue to be used to further inform policy and service delivery in 2007 and beyond. The effect of policing of offences that pose the greatest threat to our community safety will be addressed through effective anti-smuggling controls designed to disrupt the availability of illegal drugs in the Island, and through the policing of offending behaviours that again pose great threat to public safety; that is serious traffic offences, dealing in illegal drugs, repeat offending, street violence and anti-social behaviour. All these again will be measured against previous years' standards, and we want to further deliver the downward trend on serious violent offences and youth crime. These actions will be underpinned by implementing key policies, such as building a safer society, and the criminal justice policy, once it has been approved by the States. The department will help to maintain and enhance the Island's reputation as a financial centre of integrity. Our contribution to this is through an effective financial crime investigation service, which is manned by police and customs officers. Protecting the public through reducing re-offending is of course a very high priority for us, and actions here particularly will be concentrated upon the prison and its ability to contribute to this important task through sentence planning and resettlement; the improved educational facilities that are so much needed; and assistance to prisoners to integrate back into society. Members will be absolutely aware that the biggest risk to this particular aim is the lack of additional resources which could compromise our ability to put the performance improvement plan into effect. An on-going key action is, of course, to improve the living conditions within the prison which will be achieved so long as the staged project which we already have in the capital programme remain in the programme. Frontier protection is essential for the Island's security, its social and economic integrity, and the confident business environment that we so enjoy. This will be achieved through the maintenance of controls at the Island's ports of entry; the introduction, as I have mentioned earlier, of biometric passports; effective intelligence gathering; and maximising the collection of customs and excise revenues. The customs area will also take on the additional responsibilities of working with the Income Tax Department to implement the Goods and Services Tax. Our final key objective on those pages, Sir, will aim to further reduce the risks to life, property, and the environment, from fire and other emergencies.

Through a process of integrated risk management planning, based on the principles of prevention, protection and intervention, the fire and rescue service will aim to improve still further community safety by reducing the incidence of deaths and injuries from fires and other emergencies. We shall also ensure that the emergency services are sufficiently equipped and prepared to deal with the risks posed by major incidents, terrorist-related or otherwise, which can of course have a detrimental effect upon our economy and our way of life. Thus, Sir, the business plan does provide a very challenging remit for my area of work, and I am certainly happy to answer any questions and take on board any points or comments that Members may wish to make.

**The Deputy Bailiff:**

Is paragraph (a)(v) seconded? **[Seconded]** We have an amendment to paragraph (a)(v), that is amendment number 12 of Deputy Le Hérissier, so I will ask the Greffier to read the amendment.

**The Greffier of the States:**

Accept that in objective (iv) on page 62 of the annex after the words: “Sentence planning and other programmes”, insert the words: “which will have a demonstrable impact in reducing offending behaviour.”

**The Deputy Bailiff:**

Chief Minister, is this one which you propose to accept?

**Senator F.H. Walker:**

It is, Sir, yes.

**5.9.1 Deputy R.G. Le Hérissier:**

This is just a little bit of tweaking. In fact, when I said we need S.M.A.R.T. objectives, what it stood for went out of my mind. I got about 4 out of 5 right, but I have been corrected. “S” equals specifics, so all I am saying is let us be a bit more specific, thank you.

**The Deputy Bailiff:**

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? Very well, all those in favour of adopting the amendment kindly show. Those against? The amendment is adopted, so we now return to the debate on paragraph (a)(v). Does any Member wish to speak?

### **5.9.2 Senator J.L. Perchard:**

The Minister highlighted the problems she has in allocating a limited budget to her large portfolio of responsibilities. In fact she said a lack of additional resources threatens some of the Strategic Plan initiatives. Could I ask her, through the Chair, if Members turn to page 70 of the annex - the 2 I am particularly interested in, the 2 Strategic Plan initiatives are 3.3.4 and 3.3.5. Members will remember that these were added to the Strategic Plan in the debate before the recess. I would like to ask, Sir, through the Minister if I may, does she not consider point 3.3.4 and 3.3.5 to be more important than points 3.1.3, because I do?

### **5.9.3 Deputy P.V.F. Le Claire:**

I will continue while Members are trying to figure that one out. I think it is a shame that we do not give the Minister for the Home Affairs Department a little bit more support in the Assembly because she has been doing a difficult job, and with a whole host of difficult circumstances, and I would like to see us giving her some more support. It definitely is one of the sorts of areas that you do not turn up to look at what is happening in your department and get handed a bunch of flowers by a bunch of chewing kids. It is a totally different set of circumstances that she is involved in. However, I would like to ask, as I have asked in relation to the funding that was not made available, certain things did attract my attention - and that was why I asked the Chief Minister to supply me that list and I thank him very much for doing so - I think it is an important part of the process to know what was not successful. The Minister has mentioned that a lack of funds threatened the initiatives or could threaten the initiatives, and some of those initiatives involved are the safety, security, and protection of the Island. In that regard, in relation to the funding that did not make it, I would like to ask that point, which is in relation to C.C.T.V. (closed circuit television) cameras, and what impact the lack of that funding will have on delivering the safe, secure, and protected society that we have been looking to build; how she plans to address that and what is going to be done about it in the future? Because I believe that the C.C.T.V. set of cameras in Jersey needs expanding and working upon, rather than letting it gather dust and perhaps fade away completely. I would like to ask her if she could give us an indication as to whether or not she considers that unsuccessful portion of her bid something that we need to be concerned about, or whether or not it will be addressed in future years, and in particular how. Just really 2 asides, not going into every area, because I do realise I am talking a lot on all the other issues anyway, but I would like to say there has been a root and branch review in England of the immigration services and they have looked to do such things as issue uniforms in the future as one of the things that they are looking to do. I wonder whether or not Jersey is going to be looking at the review that took place and drawing upon that for our own benefits? One last thing which is just something that I thought perhaps maybe I could mention now and get the Constable of St. Helier to think about, along with the Transport and Technical Services Minister, I noticed the other day. I was walking through Parade Gardens and having been involved in security most of my working life, one of the things that we were taught was a well-lit area deterred the undesirables from hanging around. Bright light makes people move on. I believe that the lighting in the Parade Gardens is not sufficient at night, and I wonder whether or not the Minister would undertake to look at that, with the Constable, and see whether or not some improved lighting conditions could be applied to that area, because I believe it is in some circumstances a little daunting to have to walk through that area at night.

### **5.9.4 Deputy of St. Martin:**



Yes, Sir, I for one do not underestimate the difficulty that the Minister of Home Affairs has, but sometimes one could almost say sometimes it is one of one's own making. **[Laughter]** But could I say we met with the Deputy of St. John when Home Affairs met with the Scrutiny Panel, and there were a couple of issues we discussed, and one of course was the Territorial Army - the T.A. - and I believe there is a shortfall of £65,000. Could I ask what the reason for that shortfall was? There is also, I gather if one looks at the amendment 10, which we will be debating later on, a shortfall of £350,000 from the prison. Again, why was this shortfall there? If we look at the Criminal Injuries Compensation Board, and I do accept that these things are outside the remit of Home Affairs, but again we are looking possibly at an increase up to around £500,000 from around £200,000 maybe to £350,000, a large increase; where is this money going to come from? Again, I do express it is difficult for the Minister, but again if we are talking about money, the money has to be found. Also this morning we have mentioned, or it was discussed, about the amount of money needed to police 'Jersey Live' and also the event in Howard Davis Park. We heard, and in fact, I am waiting - I am sure other Members are - for the figures that the Minister said she would make available to other Members, but it is mentioned again on amendment 10 about the exceptional commitments for unplanned tasks. We see the World Cup policing, Jersey Live Aid event, and Bouley Bay headland; that comes to £170,000. So, it seems a lot of money, and possibly the Minister could give us some idea as to how this expenditure arose. When we look to seeing about paying for overtime, *et cetera*, do the police and the fire service still operate a time off in liE.U. basis, because again I would have thought that may well again reduce the cost? But all in all, of course, I do wish the Minister well and look forward to her answers.

#### **The Deputy Bailiff:**

Does any Member wish to speak? Very well, I call upon the Minister to reply.

#### **5.9.5 Senator W. Kinnard:**

There is quite a lot of detailed questions there, some of which I had anticipated would come up in later amendments, but I will do my best to deal with them now. I will begin with Senator Perchard who was concerned about the objectives which really are dealing with the amendments that he brought successfully to the Strategic Plan around the funding for education and training within the prison. I believe that Senator Perchard, and indeed this House, has received the message, if you like, from not just the Chief Minister but also from the Council of Ministers, that that £250,000 will be found somewhere, somehow, to go towards delivering the education and training objectives. This perhaps goes back to a point that was raised earlier - I did not really respond to the point - on the amendment by Deputy Le Hérisier about being very sure about what we are going to deliver in that area; are we going to achieve its objectives? We have recently undertaken a review of the needs for the prison in terms of education and training and I have to perhaps say to Members at this point that the estimated cost of that is some £400,000, and not £250,000 as we perhaps had allocated through the process of the Strategic Plan. I do consider these initiatives extremely important. I was advised also by Senator Perchard that it was his personal view that he did not particularly value the Strategic Plan initiative to develop and implement anti-discrimination legislation commencing in 2007. Well, he is entitled to his view. This House has on a previous occasion decided that it will bring forward legislation to do with race relations. The other areas, of course, will be also coming back along with the race relations proposal to this House once the consultation period has been completed, and taken on-board the comments. A proposition will be coming to this House, so he will have ample opportunity on that occasion to debate it. But I will just say I think, Sir, that we should not be in a position here where we are doing an either/or, and in

fact I have deliberately worked out the scenario - again, for a later debate, perhaps in more detail on the amendment - where the balance of the funding for the anti-discrimination legislation is to be put towards the hole in the budget at the prison. Indeed I will go into that in more detail when it comes to the amendment. I do believe that in a modern-day society, Sir, where we are trying to hold our head up as a community that can not only communicate, but sign agreements with other functioning democracies - modern democracies - that we also have to abide by the same level of standards and human rights in terms of the way in which we seek to protect the rights of our own citizens, but that is perhaps a debate for another day. I thank Senator Le Claire for his kind words about sport.

**Deputy P.V.F. Le Claire:**

I got sacked, I am a Deputy. [Laughter]

**Senator W. Kinnard:**

But basically I do find it quite difficult that sometimes when I do come to this House that I find myself in a position where there are particular individuals who seem to have a bit of a problem with me, and I just wish they would deal with the issues rather than the personality. I will say that in terms of clarifying the funding issue, where Home Affairs is very concerned about what is going to be put in jeopardy, in particular, is the fact that we do not have any funds in this plan for the prison performance improvement plan, and clearly that is a very high priority and that is yet to be debated, as we have said earlier, by the Council of Ministers. The particular problem that Home Affairs is in at the moment is that we were working towards coming in on budget, and we may hopefully still do that for the end of 2006. But we were trying to build up some savings, and I have to say these have not been without pain. For instance, I have had to do things like tell my Chief of Police that he cannot recruit any more people next year, and this sort of thing, until he can tell me he has the right number of leavers, so we are very hands-on in trying to work the budget to our best advantage. The idea is this: we were trying to, if you like, build-up a little bit of a cushion to take us through into 2007 because we knew that we were not going to have sufficient funds in 2007 and beyond for, for instance, the Jersey Field Squadron. We knew there was going to be a huge shortfall on the prison budget and other things. We have had a number of instances, which have already been mentioned, that we could not budget for. The huge Furze fire which virtually destroyed the headland at Bouley Bay, when all resources had to be brought out, including all of the retained fire service officers. Things like that do happen in emergency services, and we do not have a contingency amount of money. So, where we were trying to build-up a bit of a cushion going into 2007, that has not now been achievable because there have been overspends in areas of the budget where Home Affairs does not have control. One is the Criminal Injuries Compensation Scheme where we do not have control over the finances of that, which is coming out at twice the budget that has been allocated for it. So, that money will have to be found. So, we are going into 2007, we know, with problems ahead of us.

**Deputy P.V.F. Le Claire:**

May I ask on a point of clarification something, please? Last week I was listening to the news and the police in England had attended a rather large organised disturbance at a power plant and they had incurred a huge amount of expense, but that had been planned for in a contingency fund. The Minister has just said that the Furze fire was something that drew upon her department extensively

even to the point where retained fire fighters were called in and there was no contingency fund. I just wonder at what stage when these incidents happen that they are not part of the Emergency Committee, or whatever it is, with the Chief Minister. Surely that contingency should have come out of a separate resource allocation? Is that not the case? Are we drawing upon emergencies from our own budget that we had not planned for?

**Senator W. Kinnard:**

I think the Emergencies Council hitherto has not had a budget, but that is a matter perhaps for another day. Clearly the point is that, if I give an indication to Members: if we look at 2004, I can say that the gap between funding and expenditure was about £2 million. In 2005 it was £1.2 million. We have been reducing it. In 2005 we reduced it down to £550,000. In 2007 it is looking about £350,000 on these things, but then the Defence overspend is about £450,000. We are closing the gap, but the reality is that there has been a sustained and systematic strategic problem with the Home Affairs budget for a great many years, and I think that message is beginning to be understood. So, where we had planned very carefully and anticipated a lot of these issues so that we would come within budget - and, as I say, I think we still could do by the end of 2006 - we have got no cushion now going into 2007. So we know we have got problems. My department has been tasked, and in fact has delivered, a potential savings plan of what we would have to cut if we do not get further assistance with the budget, and that is even without talking about the prison performance improvement plan. That work has been done and again that is something for the Council of Ministers to discuss when we next meet. I was also asked by the same speaker about the unfunded elements, for instance, the C.C.T.V. cameras, and why was that not funded. Well, of course, there is a prioritisation procedure and some things did not get funded. All the departments suffered that particular scenario. But what we have done within Home Affairs is there are other things. So, for instance, we have put more police officers on the streets at the times when we know there is most likely to be crime, and we have done that through a change in the shift system. So, that in fact we have got on some occasions double the number of police officers on the street than we, perhaps, had before the change on to the shift system. So, we are all the time saying: "Well, you know, if we cannot do it this way, can we do it another way?" But having said that there is an element of the minor capital budget which is yet to be distributed and obviously we will be looking at some of those areas that were not funded. Whether or not C.C.T.V. cameras will win the case will be a matter of prioritisation against all the other demands that might be upon that budget. In terms of immigration reviews, there have been some, of course, in the U.K. and, in fact, what we are doing within Home Affairs is that the Customs and Immigration Services are going further towards integration of the services in 2007 and beyond so that we can achieve synergy, and they will receive each other's training and will be able to be much more flexible as a service. So, we are doing all of that sort of thing as it is. Street lighting, I agree, is a good way of preventing crime and certainly we are very happy through the 'Safer St. Helier' initiative which officers of my department are working very closely with the Constable of St. Helier to see what we can do in that area, and no doubt that will come up on their agenda next time that they meet. The Deputy of St. Martin asked about the Jersey Field Squadron, and again there has been a systematic problem with the budget there. That is mainly again because we do not control it ourselves; what happens is that we are in a situation where we have, as a community, signed-up to the Defence Contribution, but the Defence Contribution that we have signed-up to has been significantly a problem for Home Affairs because where we have had a budget that has not been adequate we have still had to fund the Defence Contribution. This has meant that all of my other departments have found themselves in a situation where they have had to trim their budgets because I have needed to put this money to the areas where there has been immediate pressure where I do not have control. That is not to say that I am criticising the Jersey Field Squadron in any way. It is not that they are overspent. It is

just that the budget that Home Affairs has for that area of work has not been adequate to the tasks that we signed up to in terms of that. Certainly we have already ... the Chief Minister has notified the Ministry of Defence that we wish to review the way in which that budget is calculated in the future. The prison shortfall, again, what we have found there is that systematically there has been a huge piece of work done on the prison budget, and what we have discovered is that it is not adequate to the task that we are required to perform in the modern day. We are just about able to, at the moment, maintain the level of rather poor service that we can deliver at the prison, and we cannot improve that without further injection of funding into that area. That is despite the prison making its own efficiency savings. We have made full contributions in the area of efficiency saving. They have cut their overtime bill very significantly because we have been able to employ more staff of the support grades instead of paying out on overtime. We have cut the cost of sending prisoners to the United Kingdom by half. There has been an awful lot of work to do what we can to make that prison budget work harder for the amount of money it has available, but at the end of the day Members must be left in no doubt that the budget in the Home Affairs arena is not adequate to do more than just about stand still. If we really are going to move forward on the H.M.I. recommendations and have a set of emergency services that we can continue to be proud of into the future then Members must know that there has to be some reallocation of resources. Thank you, Sir.

**The Deputy Bailiff:**

Very well. All those in favour of adopting paragraph (a)(v), kindly show. Those against? Paragraph (a)(v) is adopted.

**ADJOURNMENT**

**Senator S. Syvret:**

Before I propose the adjournment I was just asked by Senator Le Main whether he could get his Housing Department's stuff out of the way before we adjourn. **[Members: Oh!] [Laughter]**

**The Deputy Bailiff:**

Members of the Assembly? **[Laughter]**

**Senator S. Syvret:**

I think by gauging the mood of the Assembly I will propose the adjournment, Sir. **[Laughter]**

**The Deputy Bailiff:**

Very well, the adjournment is proposed. So, the Assembly will reconvene at 9.30 a.m. tomorrow morning.