

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 23rd JUNE 2010

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**The Roll was called and the Greffier led the Assembly in Prayer.**

[09:35]

**PUBLIC BUSINESS – RESUMPTION**

**1. Draft States of Jersey (Period for Election) (Jersey) Regulations 201- (P.56/2010)**

**The Deputy Bailiff:**

All right, the Assembly now comes to Projet 56, the draft States of Jersey (Period for Election) (Jersey) Regulations and I ask the Greffier to read the citation.

**The Greffier of the States:**

The draft States of Jersey (Period for Election) (Jersey) Regulations, the States in pursuance of Article 6(3) of the States of Jersey Law 2005, have made the following Regulations.

**The Deputy Bailiff:**

Madam Chairman, do you wish to propose the principles?

**1.1 Connétable J. Gallichan of St. Mary (Chairman of the Privileges and Procedures Committee):**

These very brief Regulations give effect to a decision of the States of 10th September 2009 in relation to a single day in every election year. Members will recall that the decision to move all elections other than by-elections to one day in every election year was taken through a proposition lodged by Deputy Le Fondré which was adopted by 47 votes to 0 with one abstention. P.P.C. (Privileges and Procedures Committee) was charged by paragraph (b) of the proposition as adopted by the States to bring forward the necessary legislation to give effect to the decision, and that is what is being brought forward today. I should perhaps stress that when considering the implementation of last September's decision P.P.C. did not seek in any way to reopen the debate on the merits or otherwise of having a single election day. I do not, as a result, intend to reopen that issue during this debate. The policy has come from the September States decision and P.P.C.'s role has simply been to identify the best possible date to ensure that a single election day can work alongside other processes, principally financial processes. P.P.C. contacted the Minister for Treasury and Resources shortly after the September debate to discuss the interaction between the required timescales for the Annual Business Plan and Budget debates and the single election day. It became apparent at an early stage that there was no single date that did not have some disadvantages but the committee was keen to ensure that the date chosen represented the date with the least disadvantages and a date which allowed the financial debates to take place within a sensible timeframe while still providing an appropriate date for an election. The Public Finances (Jersey) Law 2005 requires the States to debate the Annual Business Plan each year before the end of September and the Budget before the end of that year. Each must be lodged for at least 6 weeks before the debate and, as the Budget must take account of the decisions made in the Business Plan, there has to be a period of some 2 to 3 weeks between the debate on the Business Plan and the lodging of the Budget to allow the Minister and his officers time to finalise the Budget proposals and documentation. Another timing constraint is that Standing Orders now provide that the States cannot meet in the 21 day period before an election, meaning that any financial debate must take place before the start of that 3 week period. P.P.C. and the Minister for Treasury and Resources discussed various possible dates for the 2 financial debates in 2011. I do not want to confuse Members by setting out all the various options and the problems with each, and I hope that Members will accept that we have reviewed and rated each option carefully. I would just say in summary that some options allowed the Annual Business Plan and the Budget to both be debated by the old States, but even then the required statutory deadlines meant that there was no way in which the single election day could have been held before November, and P.P.C. did not believe that this was acceptable as the clocks would already have gone back. Having considered all the

options P.P.C. is satisfied that an election day on Wednesday, 19th October is the best compromise. It allows the Business Plan to be debated in September before the 21 day period when the States cannot meet. Unfortunately the Budget will have to continue to be debated after the elections by the old States as happens at present, but P.P.C. and the Minister for Treasury and Resources could not find any other better option to avoid this. In the schedule set out in the report it can be seen that the deadline for Budget amendments will be after elections so that Members who have been busy electioneering will still have time after the elections to lodge amendments if they wish. P.P.C. also believe that the 3 and a half week period between the election and the swearing in and the start of the new States will allow the States Greffe to undertake the induction programme for new Members in a more measured way. At present there are only a few days between the Deputies elections and the swearing in of Members and the election of a Chief Minister, Ministers and Chairman, et cetera. The majority of the induction programme then takes place after Members have taken these important decisions. The 3 and a half week gap is, of course, considerably shorter than the gap of almost 2 months under the current system between the Senatorial elections in mid-October and the swearing in in early December. The proposed new system will allow for the election of all office holders to be finalised by the end of November and in practice there will be more time for Ministers and Scrutiny Members to find their feet before States business commences in earnest in January 2012. P.P.C. is expecting to receive a report in the coming days from the Public Elections Working Party chaired by my Vice-Chairman, the Deputy of St. Peter. I have not yet seen that report but I understand that the working party has considered the practicalities of a single election day with the Jurats as returning officers, the Connétables and the Judicial Greffe. It is clear that there will be challenges and my Vice-Chairman may want to say something about these - he may not, it is up to him - but all involved are, I understand, satisfied that the change can be managed. P.P.C. will also need to consider with parishes and others the necessary education and publicity work that will be needed to ensure that all electors understand the complexities of voting for up to 6 Senators, one Connétable and 4 Deputies at the same time. As I mentioned at the start of this debate, this debate is not about the merits of a single election day, that debate was held last September and Members agreed to the proposition with no Member voting against. I will explain the technicality of how the Regulations work when I propose the individual Regulations, but for now I propose the principles.

### **The Deputy Bailiff:**

The principles are proposed. Are they seconded? **[Seconded]**

#### **1.1.1. Connétable J.M. Refault of St. Peter:**

The only question I have for the Chairman of P.P.C. is, has any arrangement been made to talk to the secretaries of the parishes, principally because currently the Connétables have a very significant role to play in the election process within the parishes. Under the new system in all probability the Connétable will be a candidate and therefore will not be able to play a part. The only parish representative then to be running the polling booth on behalf of the parish will be the parish secretary. Through the Chair, can I ask the Chairman of P.P.C. to look at that as a vital element in the process for 2011?

#### **1.1.2 Deputy R.G. Le Hérissier of St. Saviour:**

This is, in a sense, a R.I.P. (a Rest in Peace) moment in the sense that it says goodbye to any major reform. I can see why. I can see why people have come, in a sense, to the end of the road and we have been engaged in a retrenchment and also a rescue operation to see the best we can get out of this. I have no problem, and I think P.P.C. have argued it well, but it is nevertheless a sad moment. I hope that the working party on elections, when it reports, might have some interesting things to tell us. There was an enormous amount of public disillusionment about, yet again, this hustings format that we are stuck with on Senatorial elections. Yet again with the fact - and of course I speak as I suppose a total hypocrite in this regard - that minority candidates can easily slip in under our system. We do not have anything like the alternative transfer vote system. So let us hope that

we can, it seems, and sadly, move ahead in a very small series of incremental steps. But let us take note that this is the R.I.P. moment and let us just hope that in our rather cautious, small, limited way, we do get some benefits of this reform. R.I.P.

### **1.1.3 Deputy D.J.A. Wimberley of St. Mary:**

It is even worse than the previous speaker said. What these Regulations will do, and I respect what the Chairman of P.P.C. said not to reopen the debate but I just want to put it on record that what we are doing, if we approve these Regulations for a single election day, is we are sounding the death knell of the Island-wide mandate. That is what this is designed to do. When the previous speaker says R.I.P. and this is a little reform, and maybe, you know, it is a step in the right direction.

[09:45]

I am not so sure it is a step in the right direction. I know it is one of the things that the public said they wanted, among a number of contradictory things. Clearly if they are given specific options, they say: “We would like that, we would like that and we would like that” and they do not all fit together. That is fair enough. But top of the list again and again was the Island-wide mandate, and it is quite clear that is what the public want, and it is quite clear that these Regulations will lead to the demise of the Island-wide mandate. There has been some discussion in the paper, in the letters and so on, about the step up and about why people stood in the election we have just had, with the exception of the person who won it. But there were people who ... obviously Deputy Southern, using it as a step up and correctly pointing out that there is a difference between Senators and Deputies. What this reform will do, by having one day, is all the sitting Deputies will think twice before even thinking about the step up because obviously there is no fall back. Another thing the public said they wanted was a single election day and they did not like the idea of people having a second bite at the cherry. But that is inconsistent because if you want an Island-wide mandate you have to the mechanism for people to stand for it who are not just rank outsiders. Some of those will be sitting Deputies who wish to go for the Island-wide mandate. Connected to that is the question of mandates for Ministers. We have not really looked at that but it is odd that ... it would certainly be odd if I was a Minister with 261 votes, and there may be other reasons why that would be odd. **[Laughter]** But there is an issue of the mandate from the people for someone who had in their hands the power to make policy in a specific area. That is something we are ducking all the time, we are not saying how does the public relate to the policies within Transport or within Health and so on, would we rather have better care and pay more and so on. So those issues are not really out there in front of the public at election time specifically in relation to Ministers, and that is at risk if we go down this road because there will not be a step up and, in the end, the people who are standing for Senator will be ... there will be one or 2 in the Senator Le Gresley category and the Minister for Home Affairs category who sail in with an Island-wide mandate but, again, why did they stand? How did they have that recognition? We recognise that in this Chamber, that they do have a different position. So I just say this is a sad moment. It looked like progress, it was sold to us as progress but it is not. It is a very damaging moment. We are going to have to look at all of this again, quite clearly. There is mention in the report of when we come to a later reform package we might look at moving the election date to spring. I notice that, you know, future reforms. But yet again we fudged it, we have taken one little element which is one election day, oh progress! Not in fact, we have gone a step backwards and I am afraid we have not faced the real issues.

### **1.1.4 Deputy G.P. Southern of St. Helier:**

Yes, they are oft repeated words from Clothier who said: “Do not cherry pick.” Indeed we have gone a stage further now, this is the death by a thousand cuts, a little bit at a time. A little incremental cut here, a change there. A botch. I feel deeply sorry for P.P.C. having to try and make a creature that works out of what it has been given. We have cherry picked and the Clothier reform has been abandoned. We are trying desperately to remodel a bicycle from spare parts. The problem is that whatever we do with it the bicycle has square wheels. It is going nowhere. So

fudge and bodge and fiddle as we may, we do not appear to be able to take a wholesale reform and use it properly to produce an effective system. What we have got is just fiddling around the edges. I feel sorry for the P.P.C. Committee in trying to make the best of a completely terrible job. The previous 2 speakers were correct, it is a very sad day. This report goes in the coffin, I think it gets buried tomorrow.

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

I recently submitted a suggestion to a colleague that I lodge a proposition to require all Ministers in the future to have faced a contested election, primarily driven by this proposition this morning. To address the concerns that were raised by the Deputy of St. Mary. At the moment we have a number of very capable Deputies who unfortunately, because of the system that we have, are not challenged at the election time because of the system that we employ throughout the various mechanisms. That is nothing to do with their fault. They have stood, they have not been challenged and they have been elected uncontested. Now we recognise that that is one of the things also that the public has said that it does not like. Not that it does not like the people that have been appointed, we have got very capable Ministers in power at the moment, in Health and Education, who unfortunately, because of that system, did not get an election. I would propose that, although my colleague said that I might be unwise to do this because it might cause unpopularity, I think that thinking about it over the last couple of days that is possibly something we should debate, because if we did have ... along with a single election day, the requirement that everybody that was going to be a Minister had to have faced a contested election then nobody would sit in a position where they would not face an election. They would have to throw their hat into a Senatorial ring to guarantee them that Island-wide mandate to hold that Ministry. So they would have to take their policies to the people around the parishes. I am going to resurrect that proposition, I am going to submit it again today. I realise it might cause unpopularity but otherwise there is no way that I could support this election day which I think is a strand of what we need to do to get the public behind us. So I will support the single election day but I think that we need to empower more people to get their policies out into the public and I think that that is one way of achieving that. I might be criticised by the Chairman of P.P.C. for this suggestion but to bring in piecemeal proposals such as this is exactly what we are always told we should not be doing on everything else.

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

Cherry picking is the word and I voted against Clothier specifically because of this. We were told accept this in principle and the meat would be put on the bones later. Well, I have seen what meat has been put on the bones, very little. I heard the Connétable of St. Peter mention that the secretaries and that should be kept informed and brought into the circle as far as the election was concerned, but each parish have ... and we altered the law some years ago where the Procureur in the absence of the Constable would take on certain responsibilities. This, in fact, has still not been fully implemented and it is time that law in fact was fully implemented but there is also the Chef in the parish, the Chef de Police, who currently holds the reins when the Connétable is not there. So the administration still runs in the absence of the Connétable. But what I do have concerns about, and it still has not really laid out in black and white, how many offices can a person stand for? If the election is all on one day can he stand for Senator, Deputy and Constable if he gets the necessary 10 signatories for the post? It has not really been resolved. So therefore I need to know today that a person can only stand for the one office, not for 3 because it is easy enough to have your nomination done, depending who you are, you might want to be a Senator but if you do not make it there you will have your hat in the ring for the Deputy. So I think that needs to be answered today and has not really been dealt with. You can only stand for one office, not for up to 3.

#### **1.1.7 Senator S.C. Ferguson:**

A number of speakers have said what do the people want? From my election platform, reverting to back to yesterday, cost-cutting. They talk of the Island-wide mandate but if you talk to people they can see the impracticality of an election form with 53 names on it to sort of plough through. So those people near the top of the alphabet might well do better than those at the bottom. But that is just a cynical observation. One of the things we have noted is that with 2 election days there is election fatigue. By the time the Deputy elections come people are up to here with policy, counter policy, counter counter policy. So I think one election day does relieve the election fatigue. I wonder perhaps if we ought to go a bit further and say elections at a weekend rather than on Wednesday but that is a matter for another day. With all the mentions of Clothier, do not let us forget that Clothier was a civil servant from the U.K. (United Kingdom) imposing a U.K./European Union solution on Jersey based on the regional assemblies which in the U.K. have turned out to be a very expensive dead loss. I am told that even one of the Clothier panel now doubts the wisdom of following Clothier and sort of says: "Well, it has not worked." That is another story and something for another day. We desperately need people in the States with a genuine experience of achieving something and with the Senatorial and Deputorial elections, we have still got that opportunity. We may need to look at a deposit system where you lose your deposit if you get below a certain number or percentage of the vote. I think this is something we need to look at seriously. Then finally we know that the public perception of the abilities of Members does not necessarily equate with their actual abilities. I am therefore very cautious about direct public election for all Ministers. We may need to review the whole concept of corporation sole and collective responsibility but this again, I think, is one of these matters for another day, but I flag it up as something necessary. I think that one election day may well turn out to have a better turn out - I am sorry about that - than we have had in previous years and I look forward to seeing the results.

#### **1.1.8 Deputy M. Tadier of St. Brelade:**

There have been several points raised and I am sure that the Constable of St. Mary should be able to address many of them. I could probably reassure the Deputy of St. John myself that the issue of being able to stand for 3 roles has been addressed by the Election Working Party. Clearly it would be a nonsense having decided on a single election day to then have candidates being able to stand for 3 elections, getting elected for one and possibly having to resign from the other role which they may have also been elected for. So that has been addressed and that will come out. I am sure other speakers can embellish on what I have just said if necessary but that has been taken care of. Now clearly there are issues right across the board with the elections and we are not really here to discuss all of those today but I would like to pick up on a couple of things that have been said. First of all by Deputy Le Claire, the issue about Ministers, or any of us in fact who do not face an election, is not so much to do with timing, I would suggest that it is to do with the single seat constituency. That is the real reason. If we want to have contested elections throughout the Island, get rid of the single seat constituency and we will always have an election in that particular area. Look at St. Brelade, for example, where Deputy Power and I stand, there is always 6, 7 or 8 people contesting for 2 seats. Similarly in town we know that there is always going to be an election, in certain other areas there will not be, it really depends on the geography and the demographics of that particular area. So that is the way to solve it I would suggest rather than trying to contrive it too much. We know that in past I believe Deputy Shona Pitman did bring proposition that the Chief Minister should have to face a fresh mandate. That was something that I was considering resurrecting. I did not know it had been done and it seems to have no support at all from across the Chamber unfortunately.

[10:00]

It seems like a very good idea. There is disillusionment from the public. On the one hand we realise that the Chief Minister has to be somebody that we can all work with, that can command a majority and a respect in the Chamber but there is a tension between how to satisfy us in here and the public outside. I think that would certainly be a way forward if any Senator or Deputy - it

would probably have to be a Senator I imagine - who wanted to stand for the position of Chief Minister face a fresh mandate, made it very clear before a certain deadline that was the case and he or she could be elected with the public knowing that. That seems probably the best halfway house and I would hope if and when that comes back that there would be more sympathy for that particular proposition. What I feel sad about, and I obviously was on P.P.C. for part of the time that this report was being made, is that we have not resolved a couple of the major issues. First of all it seems to me, and to many members of the public, completely unacceptable that Ministers, or any of us indeed Back-Benchers, who may have been voted out at an election can then carry on in office and make decisions, and make very high profile decisions, while they no longer have a mandate. I can give 2 examples of this that happened in 2008. The first one that came to mind is that of the incinerator. We know we had a Minister for Transport and Technology who had been kicked out fairly decisively, I would say, by his St. Helier constituents, who nonetheless was able to remain in power and force through the incinerator at the last moment. That may be incorrect but I think that there was certainly ... The other example that I can think of was that of the Deputy of St. John at the time, Andrew Lewis, who remained in post to make the decision about the Chief Officer of Police who has now been suspended. A decision that we are still having to deal with, a decision that the Minister for Home Affairs is still facing questions about week in, week out and no doubt will continue to do so.

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

Perhaps the Deputy will give way. I am not sure if it is my memory that is failing me or his, but I do not believe that either of those 2 cases he has just cited were signed in the period between an election result and the end of the term of office. Certainly the Deputy of St. John did not stand for re-election and therefore his mandate expired on the day that the present Deputy was sworn in. So I do not believe that either of those cases are correct.

**The Deputy Bailiff:**

I am grateful for that interjection but whether it is so or not I am struggling to bring it back to the relevance of the proposition which is a single election day.

**Deputy M. Tadier:**

I think it is relevant because we are looking at the periods for elections, this is the issue I am talking about. We are looking at the timing for an election date. First of all I thank the Deputy for that clarification. Obviously it was before I was in office, either way they happened very much towards the end of the tenures but nonetheless the possibility still remains for these kinds of things to happen and they do happen because Ministers do remain in power, they do take decisions when they have been voted out of office. That is simply a fact, there is no need for people to sigh, that is simply a fact. It seems unacceptable certainly to myself, I know we discussed that on P.P.C. and that reason that it is significant is because it is all to do with the timing. What really needs to be addressed, I would suggest, is that there be a proper recess during elections so that no States Members are sitting, we can all campaign and I would suggest it cannot be that difficult at some point to just reorganise the annual timetable so that we can have a spring or summer election, which seems to be desirable inside the House and outside the House. Firstly because it is a lot more pleasant to campaign in fine weather as some of us have found out recently and, secondly, we get a higher turnout. But of course that last reason is probably the reason that we will never do it because, of course, let us not kid ourselves, we do not want higher turnouts here in Jersey. Deputy Le Hérisssier raised an issue about the transferable vote and he is quite correct. This is something that I did bring up with P.P.C., it is something that I did bring up on the working party and I have got an undertaking from the Chair of the working party that although we would not be looking at it on the working party itself, it is something that would be brought up at P.P.C. That, of course, means that it will be discussed on the agenda at P.P.C. and rejected, and it will not go any further than that. But Deputy Le Hérisssier raises a very salient fact, and this does not take away in any way



from the feats that have been achieved by newly elected Senator Le Gresley but I have got this calculator here, quite a large calculator, in fact it is probably the same size as a small laptop. In fact I am sure I could bring a slightly larger calculator in and it would probably be allowed. But let us do the rough stats on it, shall we? So I think Senator Le Gresley was elected with roughly 27 per cent **[Interruption]** Okay 37 per cent of the vote and I think the turnout throughout the Island was 27, shall we say 27.5 ...

**The Deputy Bailiff:**

This is not a conversation in the Assembly, Deputy. You are to make a speech.

**Deputy M. Tadier:**

It is rhetorical. I am not having a conversation, it is a rhetorical ...

**The Deputy Bailiff:**

It does not appear to be a rhetorical matter.

**Deputy M. Tadier:**

So that works out at 10 per cent of the vote, and this does not take away from the Senator in any way, but he topped the poll with 10 per cent of the vote. Imagine what happens when there are 6 candidates. It is very important that anybody who be elected be done so with a proper mandate from people and this part of the reason that we need to look at the voting system.

**The Connétable of St. Mary:**

I wonder if the Deputy will give away. I am listening to what he is saying but I would remind the Deputy that we are talking about Regulations to the States of Jersey Law so nothing to do with the Public Elections Law and I really am finding it very hard to relate one law to the other.

**The Deputy Bailiff:**

The Deputy has no doubt heard what you had to say.

**Deputy M. Tadier:**

If it has been brought up by other speakers and it was allowed to be brought up then, then I think it is only pertinent that I be allowed to address that, even though obviously it is not popular and certain Members do not like to hear certain facts. I will give way for Senator Le Main. **[Interruption]**

**The Deputy Bailiff:**

Deputy Tadier, can I suggest you resume your speech.

**Deputy M. Tadier:**

I will resume. I find it strange though when I give Senator Le Main the opportunity to speak he does not put his microphone on. If he wants to tell me that I am speaking a load of rubbish and that he does not understand then he should at least put his microphone on and tell me that. I simply stated a fact that it is possible for Senators to get elected on a very small proportion of the vote. Now I can explain that to the Senator afterwards if he likes but I suspect it will be a waste of time. Clearly this is the issue, though, there is no appetite in the States Chamber to address these issues. I would suggest that perhaps Deputy Le Claire, Deputy Le Hérissier and anybody else who is interested in reform, we go and have a chat afterwards and we come up with some ideas. But this is the kind of Jersey we live in, we are not interested in listening to these kind of issues, we are quite happy for low turnouts at elections, we are quite happy to have an election system like the U.K., the first past the post which is broken and which is not going to engage the public and it will not change so let us leave it at that and let us not pay lip service any more. We are okay, we voted for a system that is going to make it even more likely that we will get elected so that is fine.

### **1.1.9 Deputy J.A. Martin of St. Helier:**

I just want to spend a small bit of time on what has been said about the single day election and then I will have, which I have aired in P.P.C., my actual concerns about the single day impracticalities of the election. I think what the previous speakers have said is very, very relevant and I get quite annoyed when I look at the Constables who laugh at, say, when the Deputy of St. Mary speaks, because I know none of them will be standing up. I presume none of them are going to leave their Constable seat, which is a completely different job, and go for Senator next time. Also there are a few good Deputies and I have been in for 10 years and people will say to me, and other Deputies: "Are you going to go this time?" I have to ask myself the question: "Am I prepared to walk away if I come seventh after the Monster Raving Loony Party candidates?" Because that is exactly what will happen. Now when Senator Breckon, then Deputy, said if he did not get in he would walk away, he was totally prepared to do that. So will I be going for Senator on a single day election, I very much doubt it. I have talked to a lot of people who have been in for the amount of time I have who are not prepared to walk away. That is what it would be, walking away. So where are we next time, we know we have got at least one definite resignation in the Senator benches, I am rumoured we have 2 maybe 3, so we have 3 clear seats for the new people ... this is what we are voting for, really understand this. There are people who came in with a very few votes in the last ... you will get more people standing, they will have no experience and they will be sitting for 6 years on the Senatorial seats. If we do not connect ... and I think Senator Ferguson misunderstood Deputy Le Claire's proposition, not the people to vote for the Ministers but to only be able to stand for a high important role if you have a mandate from the people. That will probably be Senatorial but who is going to stand for Senatorial? As I say, we are where we are, I think Deputy Le Fondré was trying to agree with some of the people who banged their feet and said we must have a single day election, which in a way we have, except for 6 Senators who will be elected in 3 years' time. So I am on P.P.C., I know where we are, I just want everybody to realise who will be standing and who will be sitting there, 3 complete vacancies. I should be going for it, I doubt very much if I will be. That is another story. Getting back to the election day, and I have aired this very, very vociferously - and I cannot say that word - on P.P.C., first of all the financial statement. We are going from completely 2 different elections to one day and I think more people may stand against maybe the sitting Constables or sitting Deputy, it may help. But what I do not want to be faced with is what happened at St. Clement 3 years ago when they did have a Senator and Constables' election. Not blaming the Constable, they did not realise the turnout. They had 2 ballot booths, they had queues and queues and queues, there was confusion. Now there is recommendations that the Constables get together, and now I am even more concerned hearing the Constable of St. Peter - because his name is John I was always get mixed up, is he Constable of St. John or St. Peter. I am sorry, but I have got it right. But I can understand their conflict. You know, they are going to want to stand back from this because a lot of them will be facing election so I want to know not the day before, I want to know in a few weeks' time that they have come to some uniformed balloting arrangement. Different colours, clear indications of how many you can vote for. It is all recommendations but I do not think it has been finally agreed yet. As I say, I worry when I hear that the Constable wants to find a way of the Constables sort of backing back. But I understand exactly where they are coming from. Our financial statement, and I have contested this many, many times, we need to be advertising that ... people will come along after the election day and say: "When is your election day then, Judy?" and I say: "Well, it was last week when the Senators went and the Constables went" because it is the way it has always been done. The publicity is always for the Senatorials because they are on one day and it is Island wide and the Deputies sort of drip along with the Constables, in and out, all different months of the year. I worry also ... Senator Ferguson mentioned election fatigue, this may stop election fatigue. Well, I do not know what St. Helier hustings are going to do for the Deputies because 2 years running I have been locked out of the Senatorials and dragging people in. Now, if we are day behind the Senatorial hustings, well I think there would be me and my ... you know, the man with the one-legged dog or something sitting

there. So I do think we have really ... we have got what we deserve because nobody listened, really had a debate on it. Who could vote against a single day election? Was it not a lovely idea, and especially when Deputy Le Fondré says: "Please do not mess about with this. Please just bring it back and make sure we have a one day election. The rest of it will fall into place." No, I am sorry, it will not. We have the worst of both worlds. I am on P.P.C., we have done what we said we would do. I totally agree that is what we were asked to do, but in times gone by we should have maybe thought of what we were doing and basically we are where we are.

[10:15]

But I really do think next year's election, one day, will have to be advertised, it will have to be out there, we will have to spend money on it, which I cannot see anybody doing. Just finally, just because my neighbour and friend the Deputy of St. Mary missed it but Deputy Tadier was bringing it up, he thinks it is even worse and this does need addressing for the people out there who are standing in an election, we still have, on 8th November the 2012 Budget, old States Members - and not necessarily in age - a week allocated for debate. That is not right. These people have then got to live with that Budget for the next 3 years and it is still there ... the Deputy of St. Mary had missed it and I pointed that out to him. So there is a lot more work needs to be done. We had to do this on P.P.C., I fully agree with the Constable of St. Mary, we have done what we were asked, we had to fit in with the Business Plan debate, the Budget debate and also bring a single day election, which it will be October next time but hopefully it will be a summer 3 years later. I am not happy about it and I will probably be laughing on the other side of my face, it will not be a real belly laugh but it will be a real fun laugh to see who we do get, one, 2, 3, 4, 5 and 6 in the Senatorials next year.

**Deputy J.A.N. Le Fondré of St. Lawrence:**

Could I just make a slight note to Members about what is being circulated at the moment? There should be a cover sheet, I am not too sure where it is, it is a copy of what has been emailed to everybody this morning in relation to the proposition by Deputy Le Claire on the Post Office at Central Markets. I shall endeavour to ensure that the cover sheet is covered, what is being circulated is a letter that has been sent to the Jersey Post Office.

**1.1.10 Connétable L. Norman of St. Clement:**

It shows how naive you could be, I thought what we were doing this morning was putting into legal effect a decision that we made in September. **[Approbation]** Not only made the decision but made the decision absolutely unanimously I think with only one Member abstaining, but there you go. I am beginning to get depressed. I started to get depressed in this debate after the first 3 speakers, Deputy Le Hérissier, the Deputy of St. Mary and Deputy Southern. In fairness, I always get depressed when those 3 speak but this morning it was particularly depressing because Deputy Le Hérissier in particular is so, so wrong. This is not, by a long chalk, the end of reform but rather, I think, the beginning, the start, of meaningful reform of the composition and election of the States which as Deputy Martin pointed out is really so necessary. Because it does bring one step nearer to a general election. What I mean by general election, as I have said many times before, is all Members being elected on the same day on the same basis and for the same term. Now, this does not achieve that but it is a small step on the way. It has to be done in small steps, as Deputy Southern was bemoaning we cannot do it all in one go, because we have tried and tried over the last decade or so to make major reform and we just will not accept it for all sorts of reasons. So the only way we are going to achieve anything is by this piecemeal approach. Because the Deputy of St. Mary is absolutely right and I am convinced that within a generation the role of Senator will have disappeared because it will no longer be what it traditionally was meant to be and has been in general terms, the senior Members of the States, the majority of whom have promoted themselves or been promoted by the public from the Deputy benches, because no self-respecting Deputy - as Deputy Martin intimated - with a relatively safe seat or feel they have got a relatively safe seat, ended up taking the risk of moving to the Senatorial benches. So all your new Members will be

sitting here once this lot have passed through the system. We are simply not capable, not capable, **[Laughter]** of making the reforms in one go so we have got to do it step by step. Quite honestly, I embrace and I encourage Members to embrace this reform within enthusiasm because it certainly gives me hope for better representation, more honest representation in the future.

**1.1.11 Deputy T.A. Vallois of St. Saviour:**

I just want to direct a question to the Chairman of P.P.C. I have read through the report a few times and do not see any mention of consultation with Scrutiny with regards to timelines of looking at the Budget and the Business Plan around this and how that will work because I know we currently have problems in looking at the Business Plan and the Budget, and I am not being funny but I would be very reluctant to fit in a very tight timescale at the request of the Minister for Treasury and Resources to go over something that is so important. The fact that I may not be in here the next time, so we need to get it right. The fact that Scrutiny has not been mentioned, it worries me. The fact that Ministers are allowed to be consulted on this and the Chairmen's Committee have not been consulted on it, not even been mentioned in the report, is to me shocking because we are all part of government and to ask us to reform and expect the 2 sides to work together to make the right thing for Jersey and only consult one side I think is appalling.

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

Along the lines of the Constable of St. Clement, I got the feeling that the debate this morning is the sort of thing which is liable to bring this Chamber into disrepute because we have spent meeting after meeting discussing principles about electoral reform without coming to much of a satisfactory conclusion. Eventually we agree on one principle and ask P.P.C. to implement it or in fact instruct P.P.C. to implement it. We have made that decision and now it strikes me that some Members are trying to revisit the whole electoral reform debate, when this is simply a matter of agreeing that a date needs to be fixed. Indeed, although I do not normally disagree with Deputy Vallois, as far as the date is concerned that is a matter for the Articles and it may well be that the Regulations do need to be referred to Scrutiny, but we are discussing the preamble or the principles of a decision which the States made some time ago. I think we do nothing but bring disrespect or disrepute on ourselves if we try to use it as an excuse to reopen the whole debate ...

**Deputy T.A. Vallois:**

Could I just make a point of clarification? I was referring to the timetable of the Business Plan and the Budget for 2012 not the actual Regulations.

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

I appreciate that, but what I was saying was if the timetable is wrong and the date has to be a different date that is something to be debated under Article 1. But going back, if I have not lost my train of thought too much, what we seem to be doing here is trying to have any excuse we possibly can to delay things which some people dislike. I can see, if this change continues, the next thing we will do, we will have debates on Appointed Day Acts which reopen the whole debate on the legislation itself. So we have to accept ourselves the need for some self-discipline and to run this Assembly in an orderly fashion. I think we should be begin by thinking about that this morning and accepting these Regulations for what they are, which is no more and no less than implementing an agreed States decision.

**1.1.13 Deputy T.M. Pitman of St. Helier:**

Deputy Martin has really stolen a lot of my thunder in what was an excellent speech so I just want to add a couple of points to that. I do agree with my depressing colleague, Deputy Le Hérissier - I will buy him a drink later and we can drown our sorrows - for me the fact that I supported this perhaps flags up the danger of having a manifesto and having the guts and the decency to stick to it because I have always supported a general election. I voted for this, I have to say, seeing that there would be problems I felt that I had to do so anyway. It is almost like a Catch 22 position. But it

has to be said, and Deputy Martin has really done the thought on this, this will result quickly in a weakening of the case of Senators. Some might add that the case for Senators is on its death bed now. I think we have got 7 who do not even hold Ministerial positions. I have been one of those young people - I wish I was a young person now but I am not - who followed politics for a long time. Traditionally senior politicians seemed to get the major committee positions. Now you look around us and, with due respect, that does not happen any more, and under this Government led by Senator Le Sueur, let us be honest, it has collapsed. It seems to be that in appointing a Minister what really matters to the Chief Minister is that the group think outlook, whether it is right or wrong, right to left, is maintained. So what is the point of an Island-wide mandate? We have had some very, very popular Senators, you would think that the public trust them, whether we all agree with them or not, and they have no role. You look at Senator Breckon who is there, he had a very big vote, Senator Shenton had a very big vote when he got elected. So ultimately if we look at the bigger picture the unavoidable consequence of what we have agreed to do, and I fully understand what the Chairman says that it is not to open up that debate, this will lead to an undermining of the quality in the States because, as Deputy Martin said, why - let us face it there are good Deputies and good Constables on the right and left of the party - would any one of us stand for election now as Senator and come seventh unless you have considerable capital or you have got other income. Many of us have not got that. I took a pay cut to stand for election, I have no longer got a pension, whether people support my politics or not, I am here for the right reasons and I do my best, I know I work hard and I know an awful lot of other people who work hard. What good would it be to me with a mortgage that continues until I am 72, heaven forbid, to come seventh? Whether we like Deputy Southern or not, and I see Senator Le Main smiling, Deputy Southern works really hard, whether you like him or not, he is definitely there for the people, what is the point of coming seventh and getting a pat on the head, well done, but now you literally cannot pay to stay in your home. This is what we are doing here and the result of this, as Deputy Martin - and I think to be fair the Constable of St. Clement - has touched, quality in this House will very quickly, as a result of this if we pass it, be replaced by how much money someone has. That has got to be damaging and it does not matter whether it turns around and this House is dominated by the centre left, the Greens or whatever. If you replace quality with people who are there because the opportunities were made possible because they had money then ultimately democracy is going to suffer. I could be more blunt and say what we will get, I am afraid, instead of that quality, a working class quality - and I do not like using that term - is quite possibly property speculators, developers and assorted Hooray Henrys with more money than brain cells. Now, that cannot be good for the long term future of the Island. I do not know many shop stewards who have lots of money. Perhaps if you can point me to one he can help me out. But I think that is the damage of what we are doing and I wish P.P.C. could have done something about this but, as I say, they are almost in an impossible position here. But I think we have to be fair with the public and flag this up that this is what they are going to get.

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

If I could just re-emphasise the focus that was laid down by the Constable of St. Clement and also the Chief Minister about what we are trying to achieve within P.P.C. We are trying to implement what this House voted for. Just to touch on the 2 working groups I have chaired recently, it concerns me somewhat to hear some of the debate that goes on in this Chamber. My working groups asked Members of this Assembly to please give us information, to talk to us on both those reviews. One review was tied to the Public Elections Working Party and the other one was to do with government. The response was pathetic, absolutely pathetic. Now, when it comes to debate in this Chamber, people suddenly saying: "We do not like what you have said." If you do not say it how can we action it? Just to cover the Election Working Party Group, the report is almost complete. I hope to present it to the P.P.C. in its entirety on Tuesday of this week and then it will be available for all of you to read. Next week, sorry.

[10:30]

### **1.1.15 Deputy J.M. Maçon of St. Saviour:**

I welcome these Regulations as there is often some criticism towards the Deputy benches citing the lower turnouts. I do feel that by removing an election in November will lead to more representative Deputies and remove that criticism. Humans are creatures, their activities are influenced by light and temperature. Of course I still prefer a spring election and we have just had one so it shows this can work. I encourage P.P.C. to move forward and bring forward this possible reform as I think it is desired by the House and the public, and if we need to change how we do business in this House then I do not believe that we cannot do that. I support the Regulations.

### **1.1.16 Senator B.I. Le Marquand:**

Again, with the issue which are most important to the general public in relation to this, I believe that there are 2 of these, if not 3. The first is a clear desire to have a single day election. Very clear desire and that desire is coupled together with a desire to stop the practice of people having 2 bites of the cherry as has happened in the past. Now the single day election, although it will mean that the Parish Constables and those assisting them will be very busy on the particular day, it may mean the Senatorial count is not completed the same day in St. Helier or other larger parishes but it will have the effect of increasing the turnout. That also is a third aim which is desirable, one which Members have very often spoken about. That was demonstrated very simply at the Senatorial elections in 2008 by what happened in parishes where there were also contested elections for Connétable. The percentage turnout went up. It was higher in those parishes. Clearly some people in the parishes were more excited by the election for Connétable than by the election of Senator, but whatever their motive may have been that was undoubtedly a desirable effect. There is also the factor, just mentioned by Deputy Maçon that we will be having an election one month earlier for Deputies therefore people are more likely to turn out. The 2 bites of the cherry issue. The fact is that those who went down the Senatorial election route in 2008 had a significant advantage in relation to the subsequent Deputy elections. I have a list of those who did, I am not going to read it out because I am not pointing the finger at them, what they did was entirely proper. But the fact is that they had practice. In the case of the Senatorial elections they had 14 goes at the hustings and they also were able to massively raise their public profile. In my view that is simply not fair as against a person who only wants to be a Deputy, knows they only want to be a Deputy and simply stands as a Deputy. That person may have to go in to their first husting and it may be their only husting and they may make a complete mess of it, as indeed I have to say did many of us at our first husting in the Senatorial election, and I do not exclude myself from that. So simply it is not fair, and I think that is what the public have picked up. I want to deal with points raised by various Members, the Deputy of St. Mary first of all, in relation to what effect these changes will have. I want to point out that in recent years a number of Senators have come directly into the House from outside. We have quickly forgotten the 2005 elections at which Senators Cohen, Shenton and Perchard came directly in. Notable that all 3 of those at different times have held ministerial office and all are effective Members of the House who regularly contribute in all sorts of different ways. In 2008 of course it could be argued that I was the only one who fell within that category, although of course Members may have forgotten that Senator Breckon indicated that if he failed at the Senatorial hurdle he would not stand again as a Deputy. In other words he had made a career choice change in relation to the role that he wanted to play in future. Then of course we have seen more recently last week Senator Le Gresley. So we already have seen a situation in which people of quality have been coming directly in. Now although I would accept that some Deputies with safe seats may be discouraged from, as it were, giving up those safe seats to try for Senator, the fact is that in my view they are 2 quite distinct roles. I see the role of Senator as quite different from that of the role of Deputy. Now this is particularly so, of course, if you have a Senator who becomes a Minister early on because a Senator who is a Minister is freed up by virtue of their Senatorial role from having to be involved in constituency matters or representative matters. They can do so if they so wish, those who are not Ministers very often do so, but they are then able to take up Island-wide issues, even if they are not Ministers, in a more detailed way because their time

has not been taken up with other matters. Whereas those Members who are Deputies, and we have many good constituency Deputies, people who are very well-respected in the parishes or parts of parish because they work very hard for their constituencies. They see that as part of their role. That is what they want to do. They do not want to be freed up from that. So we have different roles and I believe that we need to understand that. It is not automatic that a good constituency Deputy is going to want to move up in any eventuality to become a Senator because they lose the contact and so on and so forth. My hope is that these changes will further bring about a situation in which we see new candidates, people like Senator Le Gresley or like ... I certainly hope we can see more Senator Le Gresleys, more Senator Perchards, more Senator Cohens and more Senator Shentons. I would not wish more Senator Le Marquands on anybody, of course. But I want to see more people of good quality who have proved themselves already outside the House being drawn in. My hope is that with there being more apparent vacancies available in the Senatorial ranks, because people know that people are standing down, and with the public having recently very wisely recognised service outside the House, public service outside the House, as ranking highly in their priorities, that we will see more people of quality coming ...

**Deputy M. Tadier:**

Can I raise a point of order? Is it satisfactory for people to stray from the point if one happens to be a fellow lawyer for a long time without getting pulled up by the Chair?

**The Deputy Bailiff:**

I do not think that is a point of order, Deputy.

**Senator B.I. Le Marquand:**

Have I strayed, Sir?

**The Deputy Bailiff:**

I do not think you have strayed.

**Senator B.I. Le Marquand:**

I did not think I had strayed either. Thank you for confirming that. **[Laughter]** I have now strayed from my flow though. I have virtually come to the end of my speech. I am not negative about this. I think we are going to see a change of understanding of the roles and I look forward to more people of quality coming in directly as my other colleagues have.

**The Deputy Bailiff:**

Does any other Member wish to speak?

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

I shall be supporting the P.P.C. motion on this. It is obviously, as one Member did say, a faltering step forward. However, I do understand that there are considerations here from other Members and I think there may be a way around this in that if we then go forward further and equalise the term for all Members to say 4 years, including Senators, that would then keep us with an Island-wide mandate, which I think is very, very important, it would also put the Senatorial contenders or successful contenders in a position where they should, in fact, get perhaps preferment for senior positions. The Constables and Deputies of course stay in exactly the same position they are now and it would make the risk slightly slighter if they wanted to improve themselves and go for a Senatorial position. I think that there is a genuine worry from the benches, the Deputies' benches, that they do not have this opportunity now to go ahead without taking a big risk. I think that would mitigate the risk. If they were wanting to go for a senior position in the States then they might in fact welcome this, I think, and go for an equal 4 years for every single Member.

**1.1.18 Connétable M.K. Jackson of St. Brelade:**

Just briefly, I think reform is an evolutionary process and we have to accept that the changes may not be as much as we wish and to some they may be more than we wish. I think I detect from a lot of Members apprehension at change, which is perfectly natural but we are often accused of navel gazing in this House. This is the culmination of one navel gazing process and I would urge Members to support the proposition so that we can move forward and allow P.P.C. to develop the next process in the reform movement.

**The Deputy Bailiff:**

Does any other Member wish to speak? I call upon the Connétable of St. Mary, the Chairman of Privileges and Procedures to reply.

**1.1.19 The Connétable of St. Mary:**

I will just find the relevant bits of paper, I would hate to leave anybody out. As I said when I began this speech, the whole point was to implement what the States had already decided. We have done no more, we have done no less because P.P.C. felt that with such a clear States decision, 47 Members voting in favour, no Member voting against, one abstention, that we had been given an absolutely crystal clear guidance of what this Assembly wished and so P.P.C. debated on its committee whether it should encompass any other reform. We were, of course, aware of a tight timescale and we decided, as I have already indicated in written question answers that this should come forward for debate exactly as the States ordered. So that is exactly what we have done. I would just like to pick up on a few things that some Members said because I think there might have been some lack of clarity. Firstly, as I mentioned when I made an interjection, we are dealing here with Regulations under the States of Jersey Law, this is not the reform of public elections. The Public Elections Law is being reviewed by the working party and the working party will report very soon, as we have heard probably next week and so further reform may be coming as a result of that. There were several Members who spoke, I think, just to air their concerns. They felt they needed to do that. I respect that but I do not see a need to respond to those. One thing Deputy Le Claire said, he said, that the Constable of St. Mary might not welcome any proposition he would make. I would just like to set him straight on that. What I would welcome is a considered proposition, not one that has just been dashed off because of something that has arisen in the Chamber. Because I think the Deputy must understand that something along the lines of what he has proposed is not new or original thinking. It is something that will have been addressed by the committee before. Certainly one of the first things I did when I joined the committee way back in 2005, we were tasked to bring forward what we thought, to - I think it is - blue sky think what we felt could be a reform, and one of my personal things was perhaps we should have Ministers only coming from the Senators. There is work that has been done on that so I would be happy to talk to Deputy Le Claire and perhaps give him some weight to add his proposition.

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

May I ask the Chairman to give way for a second? I will take up that offer. Hold on that proposition and take up the invitation, thanking her.

**The Connétable of St. Mary:**

Having done that I move back exactly to this pertinent piece of work. A couple of points raised that need to be addressed. The Deputy of St. John asked about people wanting to stand for more than one post, one position, one status. There is currently a restriction on standing both as a Senator and as a Connétable on the same day and that is found in Article 18(2) of the Public Elections (Jersey) Law 2002. Basically if you want I can read it, it says: "Where in a year there is both an ordinary election for Senators pursuant to Article 5(1) of the States of Jersey Law and an ordinary election for Connétables pursuant to Article 2 of the Connétables (Jersey) Law 2008 a person may be admitted either as a candidate for election as a Connétable or as a candidate for election as a Senator but not both." The Regulations cannot include Deputies, these particular



Regulations we are debating today, because that would require a change to law. It cannot be done by regulation. Once P.P.C. has received the report of the Public Elections Working Party I am sure they will have addressed that issue in their workings, then that may be the time to bring forward separate legislation. But, as I say, unfortunately that cannot be embodied in these Regulations but it is not something that will be overlooked. I hope that satisfies the Deputy of St. John. Various other points were made. Deputy Martin again espoused concerns.

[10:45]

The concerns were raised during the debate we had before but we are moving on with that decision. Deputy Vallois raised a valid point about why Scrutiny had not been evidenced as being consulted in the report. She is absolutely right, scrutiny of the timing of the Budget and Business Plan is a very important thing. In this particular case we are looking at the election for 2011 and we had a very tight timeframe to bring forward Regulations to make sure everything could work. The real work will need to be done, and a couple of Members have talked on this, if we move them forward - which I think we all hope to do - to a spring election. This election day is not necessarily the election day for any other year, we are looking at the 2011 because I think we are all looking to a spring election. That will require much more radical adjustment to the timing of the Business Plan and the Budget. That is when the real body of work needs to be done. It could not be achieved in one foul swoop. Things had to be nudged along in the financial cycle. By the time we come to that spring election we will need to do the full belt and braces. That is when Scrutiny are going to need to be involved right from the word go. Of course the Regulations were lodged over a month ago and I have not had any call back from Scrutiny. I would have been happy to discuss it. I acknowledge that it will be important that this is done. Of course the lodging period for the Annual Business Plan and Budget will not be affected by these Regulations, this is simply dealing with the election day, therefore the actual Business Plan and Budget themselves will have enough time for scrutiny of the proposals contained in those later on. I do not know if there is anything that I need to respond to. Yes, the Constable of St. Peter. I did say in my speech that P.P.C. would be needing to look at connecting with the parishes, with the Autorisé, et cetera. Of course it is the Autorisé who is in charge of the public election not the Constable in the parish, although the Constable of course is responsible for making sure that everything is available for the Autorisé to run a smooth election. There are officials in the parish, he has mentioned the Parish Secretary and of course we also have procurers in each parish who have very responsible positions. It will be Island wide, for everybody, a re-education of what will happen when because of these Regulations. But that is something we have anticipated and it will have to be undertaken. Having said that, I think I have spoken far too long as it is and I recommend the principles to the House.

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

Very well, the principles have been proposed and debated upon. The appel is called for. I would ask Members to return to their seats and I would ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I will ask the Greffier to close the voting.

<b>POUR: 45</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 1</b>
Senator T.A. Le Sueur		Deputy G.P. Southern (H)		Deputy of St. Mary
Senator T.J. Le Main		Deputy T.M. Pitman (H)		
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				

Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

### **The Deputy Bailiff:**

The Chairman of the Corporate Services Scrutiny Panel is not here, is the Vice-Chairman? You are obviously speaking for your entire panel there, Deputy. Very well. Then, Chairman, if you would like to propose the Regulations presumably *en bloc*.

### **1.2 The Connétable of St. Mary:**

Yes, *en bloc* if I may. All 2. Regulation 1 amends the period within which the election for Deputies must be held so that this election falls on the same day as the Senators and Connétables elections. I should perhaps explain to Members the way in which the relevant legislation operates at present. The period for the Senatorial election is set out in Article 6(1) of the States of Jersey Law 2005 which specifies that the election must be held in the 7 day period beginning on 15th October in every third year. That means that the election must be held between 15th October and 21st October. This must be read alongside Article 17(2)(a) of the Public Elections (Jersey) Law 2002 which specifies that elections are held on a Wednesday. So for 2011 when 15th October will be a Saturday, the relevant Wednesday during the 7 day period will be Wednesday, 19th October 2011. An identical provision specifying this 7 day period beginning on 15th October 2010 for the election date for Connétables is found in Article 2 of the Connétables (Jersey) Law 2008, so that date is already identical to the Senators' date. I would remind Members that by October 2011 all

transitional arrangements for Connétables will have finished and all 12 Connétables will be due for election on the same day. The purpose of Regulation 1 is simply to amend Article 6(2) of the States of Jersey Law 2005 so that the elections for Deputies must also be held within the same 7 day period. In practice because of the requirement to hold elections on a Wednesday this means that all 3 elections will be held on the same day. Regulation 2 is simply the standard citation and commencement. I propose Regulations 1 and 2.

### **The Deputy Bailiff:**

Are Regulations 1 and 2 seconded? **[Seconded]** Does any Member wish to speak?

#### **1.2.1 Deputy J.M. Maçon:**

Very simply to say that I believe the turkeys have voted for Christmas, the Deputies have lost a month in their election term.

#### **1.2.2 The Deputy of St. Mary:**

It is just that Christmas has come early. No, just one point that I suspect P.P.C. may this on board, just to make sure, I am looking ahead to 2014 when hopefully there will be a spring election. That will have an impact on the terms of election and in here I see quite clearly set out in the report the problems with terms of election. Once they are set you cannot extend them because people have only been elected for x years so they cannot be extended, I think, legally at all and shortening them also creates problems. So that has to be addressed before we get to 2011, it has to be addressed, in fact, now so that when the next election, the 2011 general election happens we are already in the right place for a spring election the following time. I hope that is clear but it is a question of the terms and work needs to be done on that.

#### **1.2.3 Deputy M. Tadier:**

Again I will keep it brief. It seems that if we move towards an election in March-April-May time then we will go from being turkeys to spring chickens, which I am sure will be a welcome change. Members can laugh, do feel free. I understand that ideologically you may not be able to laugh at my jokes. **[Laughter]** But on a positive note I just want to say it is a positive thing that we have ... at least one of the Senators is laughing. He is new, he has not been ground down yet. **[Laughter]** It is positive that we have moved from 23rd November to 15th October, I certainly remember campaigning during both campaigns and it was certainly ... there was a marked difference ... there was pleasant weather in October on that occasion and then only 4 or 5 weeks later it was pouring with rain and I know many of us were campaigning in the rain, so that is certainly welcome. I think part of the frustration has been, as the Deputy of St. Mary said, that there is this idea that we would like a spring election. Clearly it has not been possible on this occasion. I am not so sure we should be fixated about whether it is spring or not. I know traditionally in the U.K. they have the 1st May elections but another possibility, and it is for us to discuss in due course, is looking to a late summer election with the recess in the middle so that there can be, as I mentioned before, a clear separation. The old States would finish, let us say, some time June-July or whenever, you have a proper period in the summer where we are in recess, there are no States Members, I do not know if that is what happens anyway but it should not be a problem then. People can campaign September time and we start again September-October, around that time. That would be something that I would look forward to but it is a positive thing, there has been some negativity but I put that down to frustration. But this should be welcomed and I would like to see something like that, a different date, perhaps on a Saturday where members of the public can come out in finer weather and where we can campaign during the fine weather and long evenings.

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

Since I have been in the House, a long time back in the middle 1970s when I first tried for Senator in 1975 and against Deputy Le Main and others in 1978, the Deputy elections in fact was in the middle of December. We have gradually come back and back and back and we have tried all sorts

to increase the numbers of people going to the polls. Unless you have it mandatory that you have to vote, I cannot see it is going to make a ha'penny of difference other than the weather. Just look at all other elections where it is not mandatory, there is always a poor turnout. There is apathy at all elections. So I do not know that moving things around and all this additional work is going to make a ha'penny of difference. That said I do not have a problem with this but I am just flagging up that we are putting all this extra work to try and increase the people at the polls and I do not see it happening.

**The Deputy Bailiff:**

Does any other Member wish to speak? I call on the Chairman to reply.

**1.2.5 The Connétable of St. Mary:**

In that case I would like to thank all of those who have not spoken. **[Laughter]** For those who have, I take the comments on board. As the Deputy of St. Mary has pointed out, the term of office for States Member is again another Article in the States of Jersey Law so it could not be done by regulation. But P.P.C. continues to have various things under review and so I do not think this is the end, Deputy Le Hérissier, but we will see. I have nothing really to add, just to commend the Regulations.

**The Deputy Bailiff:**

Very well, Regulations 1 and 2 are put, would those Members in favour kindly show? Those against? The Regulations are adopted. Do you now move the Regulations in Third Reading?

**1.3 The Connétable of St. Mary:**

Yes, sir.

**The Deputy Bailiff:**

The Regulations are proposed, and seconded? **[Seconded]** The Regulations are proposed and seconded in the Third Reading. Deputy Le Fondré.

**1.3.1 Deputy J.A.N. Le Fondré:**

I would just like to ... as I have not said anything in the entire debate - quite deliberately. It was getting very gloomy at one point, just to thank the Chairman of P.P.C. for bringing this through exactly as we asked for and I really do think it is a forward step on the road to reform and I thank her for bringing in my proposition.

**The Deputy Bailiff:**

Does any other Member wish to speak?

**1.3.2 Senator J.L. Perchard:**

I am aware the Chair is not wanting to be accused ever of stifling debate and the sensitivities around any such accusation, but I believe on this occasion the Chair has been far too tolerant to those Members who have deviated from the core substance of the proposition. This has been an hour and a half of debate and very little of it has been anything to do with the proposition. I hope you will accept my observation with the best of intentions.

**The Deputy Bailiff:**

If you come and sit up here, Senator, you will find it not as easy as you might think. **[Laughter]** **[Approbation]** Deputy Le Claire.

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

On the contrary I think you are doing a great job, Sir. **[Laughter]**

**The Deputy Bailiff:**

Of course you may speak any time. Very well, the appel is called for. Would Members kindly return to their seats if they have left them? I ask the Greffier to open the voting. If all Members have had the opportunity of voting, I will ask the Greffier to close the vote.

<b>POUR: 45</b>	<b>CONTRE: 1</b>	<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur	Deputy of St. John	
Senator T.J. Le Main		
Senator B.E. Shenton		
Senator F.E. Cohen		
Senator J.L. Perchard		
Senator A. Breckon		
Senator A.J.D. Maclean		
Senator B.I. Le Marquand		
Senator F. du H. Le Gresley		
Connétable of St. Ouen		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. Brelade		
Connétable of St. John		
Connétable of St. Saviour		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Mary		
Deputy R.C. Duhamel (S)		
Deputy of St. Martin		
Deputy R.G. Le Hérisser (S)		
Deputy J.B. Fox (H)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy of St. Peter		
Deputy J.A. Hilton (H)		
Deputy P.V.F. Le Claire (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy S.S.P.A. Power (B)		
Deputy S. Pitman (H)		
Deputy K.C. Lewis (S)		
Deputy I.J. Gorst (C)		
Deputy M. Tadier (B)		
Deputy A.E. Jeune (B)		
Deputy of St. Mary		
Deputy T.M. Pitman (H)		
Deputy A.T. Dupré (C)		
Deputy E.J. Noel (L)		
Deputy T.A. Vallois (S)		
Deputy M.R. Higgins (H)		
Deputy A.K.F. Green (H)		
Deputy D.J. De Sousa (H)		
Deputy J.M. Maçon (S)		

## **2. Jersey Red Ensign: optional use for ships registered in Jersey (P.59/2010)**

### **The Deputy Bailiff:**

We now come to Projet 59, Jersey Red Ensign: optional use for ships registered in Jersey and I ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion - to note the approval of Her Majesty The Queen to display the Arms of Jersey (the Royal Arms of the House of Plantagenet) on the Red Ensign for use on ships registered in Jersey, being a Flag Gules with the great Union in the canton and defaced by an Escutcheon also Gules thereon 3 Lions passant guardant Or (being the Royal Arms as used and borne by the Island of Jersey) ensigned by an ancient Crown (as attributed unto Her Majesty's Royal predecessors being of the House of Plantagenet) of Gold (as shown for illustrative purposes in the Appendix) and to authorise, under Article 4(1)(b)(ii), of the Shipping (Jersey) Law 2002 the use of the Red Ensign displaying the said Arms of Jersey on ships registered in Jersey.

**The Deputy Bailiff:**

Minister, would you like to propose the proposition noting the pronounciation which the Greffier has clearly applied to the language of the proposition.

[11:00]

**2.1 Senator A.J.H. Maclean (The Minister for Economic Development):**

Indeed. In fact I would like to congratulate the Greffier, I think he did a splendid job. I hope Members will share my view that this in fact a good news story and I hope that have the support of Members on that basis. It is, I might add, a day of, I hope, further good news so all around it is an encouraging start this early in the day. With regard to the background to this particular proposition, ships registered in Jersey are British ships. As such they are automatically entitled to fly the Red Ensign, this is written in both U.K. and Jersey law. It is a right that also applies to all other Crown Dependencies and U.K. overseas territories. As part of developing a separate identity, international identity, many of these places also have an alternative, an ensign with a recognisable crest or badge which is associated with its history and character. Jersey has over 2,000 pleasure craft currently on its shipping register. Many of these are based away from the Island. They can be found throughout the world and they include 28 which are over 24 metres in length. The Jersey register also has a fleet currently numbering 63 of small commercial ships, such as work boats and charter yachts. In spite of these significant numbers we have not to date had our own Red Ensign. We were approached some years ago by those who would like to have the ability to fly a special Jersey ensign. Research was carried out by Fisher Associates in 2007-2008 on the possible expansion of the shipping register and included within that research was an assessment as to whether or not there would be value in including a special Jersey ensign. They confirmed that pleasure yacht owners would indeed like to fly a special Jersey flag and concluded that such a move would not only add value in promoting Jersey and its ships register but would also be consistent with what many other jurisdictions have already done. Since then we have been working on the legal and constitutional grounds. These have now been settled and under the Shipping (Jersey) Law 2002 Members are being asked to support this modified Red Ensign as an alternative option to the undefaced Red Ensign that currently exists. I believe it is now a good time to give the Jersey fleet the option of a clearer sense of identity and I certainly hope that Members share this view. The advantage of flying a Red Ensign, plain or otherwise, is that the ship is straight away seen as British. There is a sense of security and the knowledge that the register is one of quality. In particular, compliance standards for safety, protection against pollution, employment and security are known to be high. If it is a plain Red Ensign with no special badge then it does nothing to help Jersey express its own identity. So a special ensign promotes greater international awareness for us and, indirectly, it will also have a benefit to business. Quite apart from local boat owners offshore owners are frequently the same people as those who also want a reputable jurisdiction, for example, for fund and asset management. In Jersey's case the Island's excellent reputation for such matters provides an

obvious link between these 2 areas. This proposal will grant a privilege to all registered Jersey vessels without distinction. At the same time it will be a voluntary change and anyone wanting to carry on flying the plain undefaced Red Ensign can, of course, continue to do so. The badge on the proposed new flag should carry with it a sense of real history, credibility and permanence. In this respect we have followed a similar model to other jurisdictions. It must not be a simple logo or fashionable symbol if it is to be worthwhile, respected and last perhaps as long as centuries. The use of the Jersey flag itself on Jersey vessels would not be possible. Under U.K. and Jersey law the flag has to be a Red Ensign defaced or otherwise, however the Arms of Jersey, which received Royal approval in 1981, can be used. As a result of consultation various comments have been received. Some opinions were offered as to the detail, for example, whether a white disc should be placed behind the arms or whether the Arms of Jersey should include the Plantagenet Crown or not. However, the responses have all been complimentary regarding the proposal in principle. The use of the Arms of Jersey provides a direct link with the British Crown and Jersey's historic allegiance dating back to the time of King John. The design has been prepared by the College of Arms and accords with acknowledged heraldic standards. This proposal will allow a wide range of ships, small boats and luxury yachts the chance to fly this flag. All that really matters is to make sure that it is flown by genuinely Jersey registered vessels so the least restrictive requirement is that of registration under the Shipping Law. For local residents, a boat can go on the small ships registered for a sum of £50; this lasts for 5 years and is already essential for boats going across to France. An alternative for any owner, whether living in Jersey or abroad, is to put their vessel on the full register which currently costs £302 and lasts for a period of 10 years. This provides proof of ownership and allows a mortgage to be taken out on the vessel. I expect that these basic requirements alone will be sufficient to identify ownership. They will allow the registrar to follow up any wrongful use of the ensign. Under our Shipping Law owners can be fined for carrying improper colours, confiscation of the flag is also possible. There are no new resource of manpower implications for the States with this particular proposition. Those owners of unregistered vessels who live locally can continue to fly the plain undefaced Red Ensign at no extra cost. Owners of registered vessels will have the choice and they will only have the additional cost of a new ensign if they want to fly it. Depending on the size of the ensign typically this might range from £45 for a one yard printed ensign to £100 for a 2 yard sewn one. I maintain the proposition and ask Members for their support to allow Jersey registered vessels to also fly a defaced Red Ensign, in effect a Jersey Red Ensign.

### **The Deputy Bailiff:**

The proposition is made, is it seconded? [**seconded**].

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

Could I firstly congratulate the Minister before asking him a few questions. This is good news for the Island because at some time in the future ... unfortunately we have a different Government in the U.K. at the moment but in the past we had been talking of possibly having to move to full independence. The more building blocks we have in place the better. This work has been done over the last several years by the harbour authorities and maybe when the Minister is summing up he can tell us how much it cost. Fortunately it was done in the good times because if it was done now it probably would not happen. It is important that our Jersey boats are known around the world and having travelled extensively and seen many Jersey registered vessels around the world, and they are flying a Red Ensign, it always stuck in my throat that we should have had our own Red Ensign. Guernsey have had it for a number of years and Jersey have had several ... had another Red Ensign which was defaced that is the St. Helier yacht club ensign which was battle honours gained through the part they took in the evacuation of St. Malo. With that I congratulate the Minister for Economic Development and I will sit down.

#### **2.1.2 The Deputy of St. Peter:**

In the past E.D.D. have been criticised for lack of detail in their reports. I think we can put those concerns to rest.

### **2.1.3 The Connétable of St. Brelade:**

Would the Minister in his response just let Members know what the maximum tonnage the registry can now deal with in Jersey because obviously that will have effect on the number of commercial vessels which may be registered over here. I know there was an indication that we were hoping to develop the registry to the full status. Secondly, is this focus for purely the commercial market because my understanding is that all private individuals can, of course, identify themselves through their St. Helier Yacht Club or Channel Islands Yacht Club ensigns at present and those systems, of course, are administered by the yacht clubs at no cost to the public. I was a bit concerned about the policing aspect in that I just wondered whether the department would be sending its officers overseas to confiscate ensigns which are wrongly flown and how far they will be travelling to achieve that.

### **The Deputy Bailiff:**

Does any other Member wish to speak? Only if relevant, Senator. **[Laughter]**

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

I think you will find this terribly relevant. I wonder if the Minister could confirm if there is any truth in the rumour that Jersey vessels when displaying the Jersey ensign will be required when entering and leaving Jersey Harbour to play *Island Home*? **[Laughter]**

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

I continue to say you are doing a great job; I cannot say the same for Senator Perchard.

### **2.1.5 The Deputy of St. Mary:**

I will be brief. Just to pick up very briefly on the point that the Deputy of St. John made, it is an important point about independence. If we are truly interested in cutting costs we would possibly move in the opposite direction. Doing every little thing for ourselves is very, very expensive but that is a debate for another day. On this Red Ensign, I have 2 questions for the Minister and I hope he can answer them; or they are concerns, really. The first is we read here: "The immediate advantage of flying a Red Ensign, plain or defaced, is that the ship is internationally recognised as British." Well, that is fine. Could the Minister explain to us who is entitled to own a vessel registered in Jersey and whether there is a requirement to be a British citizen, as that is mentioned elsewhere in the report in relation to something else? So, what is the requirement with relation to citizenship because this ensign identifies the vessel as British? My second question is about risk and reputation and it is to do with who owns boats on the register and what checks there are on people who desire to put their boat on our register. Clearly, if we do have a Pink Lady in the harbour owned by Curtis Warren that would not do any good to our reputation, so I just want to be clear from the Minister that we do not get our reputation and our relationship to the Crown, indeed - because that is what this is about - damaged by such matters.

### **2.1.6 Deputy A.E. Jeune of St. Brelade:**

While I too welcome this proposition, what I do not think I saw was what would be the penalties of inappropriate use and are they set down in law?

### **2.1.7 Deputy M.R. Higgins of St. Helier:**

I welcome this particular proposition but I hope that the department will also look at extending Jersey's reputation further by bringing in an aircraft register which would also bring in funds to Jersey.

### **2.1.8 Deputy M. Tadier:**



I thought that was a very interesting idea from Senator Perchard and maybe we could have a dynamic ensign so that when people visit Carteret in their boat it changes from 3 leopards to 2 leopards and it starts playing *Ma Normandie* as an alternative. I do have a couple of questions. I would like to know who will be producing the flags, whether it will be done by the States and whether they will be sold by the States. If that is the case presumably there is a cost implication to produce them if there is not enough uptake of the flags, although I am sure that there will be, or the ensigns, as I should call them, rather than flags. Was there any consultation necessary with the U.K. for example, the Privy Council, and could the Minister just flag that up for us: whether it was necessary to talk to the Privy Council or other bodies in the U.K.; how they felt about it. Presumably they were okay about that. With regard to penalties, I do not think we need to worry too much if somebody who is not from Jersey; it is not their boat, I doubt that they will necessarily want to fly a Jersey flag, and if they do, good luck to them. I would hardly think that it is appropriate to imprison a Guernsey boat-owner simply because they want to fly our flag. So I do not really think that is an issue, although as the Constable of St. Brelade has raised, perhaps we could send some Honorary Police over to Gibraltar and to the Caribbean to make sure that all the flags are being flown correctly.

[11:15]

**The Deputy Bailiff:**

Does any other Member wish to speak? I call on the Minister to reply.

**2.1.9 Senator A.J.H. Maclean:**

I am always nervous when the Deputy of St. John stands up and says: “I would firstly like to congratulate the Minister.” **[Laughter]** But in fact I do thank him for his words and I hopefully can answer his question which was a pertinent one in these times of austerity regarding cost. There has in fact been very little cost associated with progressing this particular proposal: officer time within the department, Law Officers’ time and a direct cost with the College of Arms in terms of the preparation of the particular design which amounted to around about £100. So the cost has been relatively low, I am pleased to say, although this has been ongoing for some while. The Constable of St. Brelade asked some questions about tonnage. Currently, Jersey operates under a Category 2 which means that vessels up to 400 tons which accommodates, of course, the fairly well known Tickled Pink which I believe from memory was around about 360 tons; 400 tons and 350 tons. The difference: one is the commercial category; the other is for pleasure craft. The policing overseas, the Constable was also concerned about. I am pleased to say there are various agreements where other registries would deal with issues that arise elsewhere in the world. There are memorandums that exist, Memorandums of Understanding, for example, in Paris which many States have signed up to. It deals with largely European issues. There is a similar memorandum in the U.S. (United States) and a similar one in Japan. So, no, we would not have members of our registry flying all over the world, I am pleased to say. It would be disproportionate from a cost perspective. Senator Perchard, thank you, the answer is no, I am sure, unless of course somebody chose to do so, which is entirely down to the individual. In all seriousness, the Deputy of St. Mary raised some good points concerning risk and he is absolutely right. Of course, whether it is the Jersey register or indeed whether it is the U.K. registry, in terms of assessing an application for the use of an ensign, each individual would go through rigorous checks which would, I would hope, pick up any areas of concern with people that would cause reputational damage either to the U.K. or indeed to Jersey for that matter. The register does go through quite severe, significant and robust checks to ensure that individuals are applicable.

**The Deputy of St. Mary:**

Can I ask for a point of clarification on that? Thank you for giving way. It is just a little email conversation I had with the Deputy of St. John just now raising the question of not just private

ownership but ownership by vehicles and trusts, how far down do you go to find out who the beneficial owners are?

**Senator A.J.H. Maclean:**

I am not certain if I can give an accurate answer to that particular question but I am happy to get back to the Deputy of St. Mary and give him the exact detail of the checks if that is what he would like to know. I am happy for other Members to be circulated with information if they are also interested. With regard to Deputy Jeune; she asked about penalties. There are penalties under the law but of course there is an escalating process depending on the offence or the deemed offence. Of course, the colours or the vessel could be confiscated or impounded and that could escalate up to a fine which could be introduced as well. But it would depend very much on the severity of the case. Deputy Higgins, I very much welcome his comments about an aircraft registry. He is absolutely right. There is significant potential benefit in so doing and we have been working in conjunction, I am pleased to say, with Guernsey. It demonstrates one area where the Islands can work together and some research is reaching conclusion at the moment about the potential of a Channel Island registry which would be to the benefit of both Islands and I think that has some considerable merit. Deputy Tadier also touching on cost, I believe, about the production of the ensign. The ensign was produced locally. It is down to individuals, they can apply, so it is not something that would be manufactured by the department on a wholesale basis and retailed out; it is down to the individual. I do, incidentally, have an example of the ensign here. I am afraid it is a bit big so I cannot hold it out but if Members would like to have a look at it, it is available. Deputy Tadier also asked about consultation with the U.K. Yes, absolutely. Of course, in order to get approval, we had to get Her Majesty's approval for the use of the Plantagenet Crown so it went through all the necessary processes: through the Ministry of Justice and obviously to Her Majesty. I think I have answered, hopefully, all the questions that have been raised and I maintain the proposition.

**The Deputy of St. John:**

Is it possible for the Minister to have that hung up outside in the Members' Room later on so we could see it?

**The Deputy Bailiff:**

I understood it could only be hung from a ship. Now, the proposition is made. All Members in favour of adopting the proposition kindly ... **[Interruption]** The appel is called for. Would Members kindly return to their seats? I will ask the Greffier to open the voting. If all Members have had the opportunity of voting, I will ask the Greffier to close the voting.

<b>POUR: 41</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		
Senator T.J. Le Main		
Senator B.E. Shenton		
Senator J.L. Perchard		
Senator A. Breckon		
Senator A.J.D. Maclean		
Senator B.I. Le Marquand		
Senator F. du H. Le Gresley		
Connétable of St. Ouen		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. Brelade		
Connétable of St. John		
Connétable of St. Saviour		
Connétable of St. Clement		
Connétable of St. Lawrence		

Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

### **3. Delegation of functions by Ministers: review of reporting procedures (P.65/2010)**

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

We now come to Projet 65: Delegation of functions by Ministers: review of reporting procedures and I ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion to request the Council of Ministers to review the current system of reporting delegations of functions by Ministers and to report back to the States within 3 months setting out how a new system could be introduced to allow for a clearer and more readily understandable reporting of all such decisions in the future.

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

The Council of Ministers has issued comments on my proposition suggesting that they are willing to look at this and I am very grateful for them to take that approach. They have been very kind to me this week; the Chief Minister also. I do not mean to be unkind to the Chief Minister but I have noted in the comments where they accept the proposition to review the process, there is no reference to the comment I made in my report which was: "Has the Chief Minister complied with his duty under Article 30 of the States of Jersey Law 2005 [to maintain a list] and where is the list to be found?" Now if you look at my report on page 3 underneath the emboldened part: "Extract from Draft States of Jersey Amendment Law" it says: "During the above Machinery of Government Review, the sub-committee noted confusion as to who was responsible for general and statutory functions during the temporary, or longer term, absence of the Minister." Going over the page it says: "The publication of delegation of functions is not very straightforward." At bullet points on page 4: "Under Article 30 of the States of Jersey Law 2005 as currently drafted, the Chief Minister has a duty to maintain a list of responsibilities carried out by Ministers and Assistant Ministers and the functions exercisable by them. This report is an overarching report [and this is

where it concerns me] which is not detailed, and which might not be up-to-date as time wears on in the life of the Assembly.” Now I have brought the proposition because I am not thick, but I am not the smartest cookie in the Chamber either. I have been open about it; I have had trouble with this because I have not really been able to grasp many of the decisions and the delegations of functions. With the greatest respect, Sir, I am pretty sure that you had one heck of a task in your former life getting all of these transfers ready for the change that was made. While I applaud the changes, I think that many of them have come and have whizzed underneath our noses because they have just been so technical that they have maybe lost us. I cannot speak for other Members but it has certainly lost me. I would like to say to the Chief Minister I do not need to make this a long debate. I would like to thank him very much and hope that Members can accept they are going to look at it but I do not know if the requirement under Article 30 in that draft law is still a requirement under the current law, whether or not the Chief Minister has maintained that list, whether or not it has drifted in time, whether or not he has published it and whether or not it is being updated and where it can be found. So I would like to keep it short, if the Chief Minister could maybe rise to answer that question maybe we can keep it short and just move straight to the appel.

**The Deputy Bailiff:**

The proposition is made; is it seconded? **[Seconded]** Does any Member wish to speak?

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

I confirm that, as the comments say, we have accepted this proposition. I did not comment on the report because it is the proposition that is up for debate and we have accepted that but in order to assist the Deputy, I believe I am complying with the duty under Article 30 and I believe that Members can find the delegated functions on the States website for the appropriate department. If there is any doubt about that I would be more prepared to listen to Members but that is the list I have and that I am indeed compliant with Article 30. On that basis we are prepared to look at the system, although it was reviewed a couple of years ago, as we say, by P.P.C. and if there are amendments that can be made they will be done.

**Deputy R.G. Le Hérisier:**

As it would give comfort, no doubt, to Deputy Le Claire and the House on a matter of clarification, could the Chief Minister just confirm how frequently the update of that website is carried out? That seems to be the issue.

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

Basically every time a function is delegated but the delegations of functions are not that frequent. They can happen more so at the start of a new session or at the appointment of a new Minister.

**The Deputy Bailiff:**

Does any other Member wish to speak? Deputy Le Claire to reply if he wishes to do so.

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

I do take on board the Chief Minister’s comments and thank him that he is going to look at this but there is a duty under the Chief Minister, and I appreciate he has a lot of duties, but there is a duty under the law for him to make sure the list is maintained. So, with the greatest of respect, there probably is a place where it is being maintained. I certainly could be pointed to it because I am not certain where it is and perhaps maybe the Chief Minister might undertake with his officers to make sure that they brief him as to its whereabouts, as it is one of his duties under the law. I do not mean to embarrass him, I know he has a lot to do, and ask him to forgive me for that, but I do think it is important that these things are kept up to speed because there may be a time in the future where we need to make sure we are on the ball. I would like to ask for the appel and thank the Chief Minister and the Council of Ministers for having accepted my proposition.

**The Deputy Bailiff:**

The appel is called for on Projet 65. I invite Members to return to their seats and I will ask the Greffier to open the voting. If all Members have had an opportunity of voting, I ask the Greffier to close the voting.

<b>POUR: 36</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		
Senator T.J. Le Main		
Senator B.E. Shenton		
Senator J.L. Perchard		
Senator A. Breckon		
Senator A.J.D. Maclean		
Senator B.I. Le Marquand		
Senator F. du H. Le Gresley		
Connétable of St. Ouen		
Connétable of Trinity		
Connétable of St. Brelade		
Connétable of St. Saviour		
Connétable of St. Lawrence		
Connétable of St. Mary		
Deputy R.C. Duhamel (S)		
Deputy of St. Martin		
Deputy R.G. Le Hérisssier (S)		
Deputy J.B. Fox (H)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy P.V.F. Le Claire (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy S.S.P.A. Power (B)		
Deputy S. Pitman (H)		
Deputy K.C. Lewis (S)		
Deputy I.J. Gorst (C)		
Deputy M. Tadier (B)		
Deputy A.E. Jeune (B)		
Deputy of St. Mary		
Deputy T.M. Pitman (H)		
Deputy E.J. Noel (L)		
Deputy M.R. Higgins (H)		
Deputy A.K.F. Green (H)		
Deputy D.J. De Sousa (H)		
Deputy J.M. Maçon (S)		

**4. P74/2010/Amd. Central Market: Sub Post Office facility – petition (P.74/2010) – Amendment - Request of Deputy S. Pitman that, under S.O. 26(7) the lodging period should be reduced**

**The Deputy Bailiff:**

We now come to Projet 74. Before asking the Greffier to read the proposition I note that there is an amendment lodged to Projet 74 but this cannot be debated until tomorrow because the 2-week period has not yet elapsed.

**4.1 Deputy S. Pitman of St. Helier:**

Under Standing Order 26(7) may I ask that the lodging period be reduced? I do believe it is very relevant because many thousands of Islanders use the market. Market traders are very anxious that a right decision is made so I do think it is very relevant to that Standing Order.

**The Deputy Bailiff:**

Deputy, the Standing Order says: “The States may reduce a minimum lodging period if they are of the opinion that the proposition relates to a matter of such urgency and importance that it would be prejudicial to Jersey to delay its debate.” That is the basis upon which you are asking Members to agree?

**Deputy S. Pitman:**

Yes.

**The Deputy Bailiff:**

Have you finished what you were saying?

**Deputy S. Pitman:**

No, I was just outlining why I thought it was relevant to the Standing Order.

**The Deputy Bailiff:**

I wanted to remind Members of the terms of the Standing Order that they will vote on in a moment. Please carry on.

**Deputy S. Pitman:**

Obviously I was not aware of this latest move this morning that the market post office is now going to close in October but I do feel that my proposition is very relevant. It is complementary to this as it will allow time for a proper study to be carried out before a closure is decided upon. Thank you.

**The Deputy Bailiff:**

Is that proposition seconded? **[Seconded]**

**Senator B.E. Shenton:**

Before we vote on this, although I do not have a conflict of interest as defined under Standing Orders, I think perception is very important and obviously with my position with the Co-op I would like it noted that I shall withdraw from the debate.

**Deputy J.A.N. Le Fondré:**

I just want to say, if I may, a couple of words on the matter in front of us.

**The Deputy Bailiff:**

The matter in front of you is whether the States should treat the matter as one of urgency and importance that it would be prejudicial to Jersey to delay its debate.

[11:30]

**4.1.1 Deputy J.A.N. Le Fondré:**

Yes, exactly. I have to say personally in terms of the relatively short notice of the lodging of the proposition; it was lodged last Thursday, as a personal view, I take the view that it is not of such urgency. However, to be helpful to Members, as Members will note from the information on their desks this morning, we have obviously accepted Deputy Le Claire’s original proposition and we have written to Jersey Post in fairly clear terms as to what the position of Jersey Property Holdings is as landlord on behalf of the States of Jersey and the public of Jersey. There are some legal matters that tie into how leases work and how you give notice on leases, wherever there is a lease, and what you can do with it, which we may need to clarify if we get into the debate. What I will

say to Members is that we are also already performing a review; an agent has been appointed. It was in hand anyway and has been brought forward as a result of Deputy Le Claire's proposition and that is a fairly wide-ranging review on the impact to the market. I will also say there is a danger of micro-management of this kind of situation. We have given various commitments in terms of being open and transparent, the requirements to advertise, et cetera, et cetera, which, again, I will expand upon if we get to the debate but in terms of the matter in front of us we have done quite a lot of what is being asked for already. I do not personally think that it is necessary to bring the amendment forward.

**The Deputy Bailiff:**

Can I say that we are not going to debate the amendment; we are only debating whether or not the lodging period should be reduced. Does any other Member wish to speak on that?

**4.1.2 The Deputy of St. Mary:**

Yes, briefly. Well the first thing is that the key words are "prejudicial to the Island of Jersey" which, clearly, I would suggest, this whole issue is prejudicial or favourable, so it does meet that criteria. The second point is that it really does make sense to take the 2 things together, if we take them at all. The third point is, as the Deputy has just said, in charge of Property Holdings, I really wonder whether it is just wise to simply delay this for the next sitting and see how the balls that seem to be in the air fall. It really does not seem to make sense to debate this especially with a World Cup match pending. **[Laughter]**

**4.1.3 Deputy M. Tadier:**

It is really just to echo the last sentiment of the Deputy of St. Mary. To be honest, I would be hard-pushed to vote for a reduction in the scale of time. It is not of such prejudicial urgency and I have to say that I have to be consistent here. I would not vote for a reduction if it was coming from the ministerial benches and I will not vote for it in this case. There are other post offices; the Island is not going to collapse in the space of 2 weeks. What I would ask, though, from Deputy Le Claire would be if this could be delayed for another 2 week period. We know that we are in a transitional stage at the moment and I think that would be the best way to do it. I would support the amendment as well, so I would ask Deputy Le Claire if he could postpone it for another 2 weeks; bring it back with the amendment. I think we will also be better informed in 2 weeks' time to know where we are.

**The Deputy Bailiff:**

Do you wish to respond to that, Deputy?

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

Well I am in a difficult position because I have been given this information this morning and last night I was given some other information. This morning I have had a discussion with the Assistant Minister for Treasury and Resources, Deputy Le Fondré, and I have also had a discussion with Deputy Pitman. While I appreciate the World Cup is on and England has a chance of at least staying in until the end of the game **[Laughter]** I think people's jobs are more important.

**The Deputy Bailiff:**

Deputy, the short point, do you wish to defer or not? If you could get back to the point.

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

My short point is if Members are not willing to debate with the amendment then I am prepared to defer. But I think the thing is that we do need to have this debate. I would have liked to have had this debate today with the amendment because I am concerned people's jobs are going to go. It is not my amendment. I am trying to be as democratic as I can and give Deputy Pitman the

opportunity to debate her amendment but I am also as concerned as she is that we get this debated today.

#### **4.1.5 The Connétable of St. Mary:**

I would just like to say, I am sure I do not need to explain to Members, but the Standing Orders regarding lodging of propositions and amendments, et cetera, were crafted very carefully to enable everybody to have time to reflect on, not only the original proposition, but the amendments, et cetera. This provision in Standing Order 26(7) is quite clearly only for such urgency and importance that it would be prejudicial to Jersey. I respect what Deputy Pitman is saying, however, I am very conscious that Members must bear in mind that if we accept a shortening of the proposition for this we may in future find that we have set the bar too low for future consideration and I would warn Members to consider that.

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

I am going to come to Deputy Trevor Pitman and Deputy Southern just in a moment and after that I would invite Members not to speak any further. It is a very short point as to whether or not this provision of Standing Orders should be adopted to reduce the minimum lodging period.

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

My only contribution to this is to state that very often, on many occasions, the Chief Minister himself has brought, on less excuse than this, short-notice propositions under the 2 weeks' lodging and, notwithstanding the words of the Chairman of P.P.C., the precedent has already been set by Ministers.

#### **4.1.7 Deputy T.M. Pitman:**

Much the same and very quickly. I think I recall since I have been in here the Chief Minister trying to amend something on the very day it was debated. It does seem rather churlish if we can take this sort of approach where it is okay for one and not the other. As Deputy Le Claire said it is an important issue. He thinks that it will be improved by having the amendment debated; I know he discussed it with Deputy Pitman yesterday. These are jobs. I think it is very important that we put that at the forefront of what is important. I think it would be really churlish if we cannot do this today. It has happened in the past and I am afraid I do not recall the Chairman of P.P.C. making objections then.

#### **The Connétable of St. Mary:**

As a point of clarification, I have done on many occasions.

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

Yes, I do not want to spend too long with it but just give 2 words: common sense. This makes sense to debate it in whole so I would ask Members to make the exception on this occasion. Common sense should prevail. Let us have a full debate and let us have a full debate now.

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

Common sense would lead me in precisely the opposite direction. I think it makes much more sense to have the report and I hope the Assistant Minister frames it in the terms that Deputy S. Pitman has asked for it to be framed and then we could have a more meaningful and well-informed debate.

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

I am very shortly going to adopt an unusually draconian approach from the Chair and cut short the debate. Senator Maclean and then Deputy Shona Pitman can reply.

#### **4.1.10 Senator A.J.H. Maclean:**



Yes, just very briefly: consistency. You will remember, and Members will remember, at the last sitting I was asking Members' consideration for bringing the supply of Goods and Services amendment forward. Quite rightly, Members indicated they did not want to do that because it was not going to be prejudicial to Jersey and I do not see that this is either. But I do accept that these should be debated together; the obvious conclusion is that they probably should be deferred. I do not think that that would make a significant difference.

**The Deputy Bailiff:**

Deputy Shona Pitman, do you wish to respond to this question of Standing Orders, please?

**4.1.11 Deputy S. Pitman:**

Yes, thank you. I will just explain why it is late. Members will know of Deputy Southern's election campaign and being part of a party I was heavily involved with that, so that is why it has come late and I do apologise. But rightly, as has been said, the Council of Ministers, including the Chief Minister, have often brought amendments very late in the day. Also, again, we hear from the Members of the Council of Ministers that they are doing a review; they have just announced it today. Well, funny, because as far as I am concerned they have had plenty of time to do this. It is only when a back-bencher comes out and said: "No research has been done" they then announce that they are doing it themselves. I do not believe that this review will cover what I am asking, particularly with market traders. Thank you and I call for the appel.

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

Just before that happens, can I just say I believe we have been misrepresented here in respect of amendments? The Council of Ministers and myself comply with Standing Orders fully and any amendments which have been accepted, have been accepted by the Chair for the right reasons and are not contrary to Standing Order 26(7).

**The Deputy Bailiff:**

Thank you. The appel is called for. The issue before Members is as to whether to reduce the lodging period to allow the amendment to P.74 to be debated today ...

**Deputy M. Tadier:**

A point of clarification, I believe that Deputy Le Claire said that he would be deferring it and it would be helpful for the Deputy to reiterate it because that may affect how people vote. Because I believe that it is important that the 2 be debated together.

**The Deputy Bailiff:**

That sounds suspiciously like a second speech, Deputy. The appel is called for. The decision is whether to reduce the lodging period to allow this amendment to be debated today. All those Members wishing to vote please do so and I will ask the Greffier to open the voting. If all Members have had the opportunity of voting, I will ask the Greffier to close the voting.

<b>POUR: 11</b>	<b>CONTRE: 30</b>	<b>ABSTAIN: 0</b>
Deputy of St. Martin	Senator T.A. Le Sueur	
Deputy J.A. Martin (H)	Senator T.J. Le Main	
Deputy G.P. Southern (H)	Senator J.L. Perchard	
Deputy P.V.F. Le Claire (H)	Senator A. Breckon	
Deputy S. Pitman (H)	Senator A.J.D. Maclean	
Deputy of St. Mary	Senator B.I. Le Marquand	
Deputy T.M. Pitman (H)	Senator F. du H. Le Gresley	
Deputy T.A. Vallois (S)	Connétable of St. Ouen	
Deputy M.R. Higgins (H)	Connétable of Trinity	
Deputy D.J. De Sousa (H)	Connétable of Grouville	
Deputy J.M. Maçon (S)	Connétable of St. Brelade	

	Connétable of St. Clement		
	Connétable of St. Peter		
	Connétable of St. Lawrence		
	Connétable of St. Mary		
	Deputy R.C. Duhamel (S)		
	Deputy R.G. Le Hérisier (S)		
	Deputy J.B. Fox (H)		
	Deputy of St. Ouen		
	Deputy of Grouville		
	Deputy of St. Peter		
	Deputy J.A. Hilton (H)		
	Deputy J.A.N. Le Fondré (L)		
	Deputy S.S.P.A. Power (B)		
	Deputy K.C. Lewis (S)		
	Deputy I.J. Gorst (C)		
	Deputy M. Tadier (B)		
	Deputy A.E. Jeune (B)		
	Deputy E.J. Noel (L)		
	Deputy A.K.F. Green (H)		

## **5. Central Market: Sub Post Office facility - petition (P.74/2010)**

### **The Deputy Bailiff:**

We now come, therefore, to P.74. Before I ask the Greffier to read the proposition, Deputy Le Claire do you wish to proceed with it today? I understood you to say that you might be inclined not to ...

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

I am concerned that there is a job at stake if I delay. I do think it is important that we have this amendment but I am going to request that the Minister for Treasury and Resources speaks to Jersey Post if I delay this to try to secure that job in the interim of these 2 weeks, because over 1,900 people have asked me to debate this prior to the close of June. Because of a technicality and to try to be helpful to the Assembly, I am going to be failing in that duty. I would like to request now the Assistant Minister for Treasury and Resources to speak to Jersey Post about the possible holding-off of any action in that regard. If he can just talk to them, then at least that way I can close that area off in my mind which is causing me concern.

### **The Deputy Bailiff:**

While the Assistant Minister is thinking about these matters, I will ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion to note that 1,922 petitioners wish that the Sub Post Office in the Central Market remains open, and to request the Minister for Treasury and Resources, as representative of the shareholder in Jersey Post, to take the necessary steps to request Jersey Post to reconsider its position relating to the presence of a Sub Post Office facility in the Central Market.

### **The Deputy Bailiff:**

Before I invite the Deputy to open, do you have any statement to make, Assistant Minister, or not?

### **Deputy J.A.N. Le Fondré (Assistant Minister for Treasury and Resources):**

That has taken me slightly on the hop, that one. The reason I am frowning rather considerably is I am not too sure quite how the role of the Minister for Treasury and Resources as shareholder in Jersey Post extends to requiring them to keep a job in abeyance until the States have had a debate. My understanding as well is that there is a difference between the responsibility of landlord, which is what this debate is about, it is about a lease on the Central Market, and the responsibility of the Minister for Treasury and Resources as shareholder in a Plc. Therefore, I am not too sure I can give that undertaking in that period.

**The Deputy Bailiff:**

Assistant Minister, if you cannot give the undertaking that the Deputy is seeking, then I would invite the Deputy to open his proposition.

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

I am going to press on because I have concern and I have sympathy for Deputy Pitman's amendment and I have voted for it. On going over things last night and early this morning; I was on the phone with the Assistant Minister this morning about this, I would like to say, first of all, I am grateful he has accepted it. That is the first thing. So it should not really have been, and there does not necessarily need to be, a prolonged and protracted debate but the amendment has made it such. I have asked the Minister for Treasury and Resources to note the 1,922 petitioners who wish that the Sub Post Office in the Central Market remains open. I have requested him as a representative of the shareholder in Jersey to take the necessary steps to request Jersey Post to reconsider its position relating to a presence of a Sub Post Office facility in the Central Market. Now there may be issues with the lease and there may be issues with the competition and, indeed, the licensing and the J.C.R.A. (Jersey Competition Regulatory Authority) et cetera, et cetera, but the requirements, as I understand it, is that they have a lease until the end of October. So the Property Holdings have written to Jersey Post setting out their requirements under that lease to maintain a facility in that location. For this to have been led predominantly by the media up until I got involved is a little bit disconcerting.

[11:45]

One would have wished that had there been proper flow and process that I understand should have occurred, then there would not have been the need for me, or other people, to jump up and start to worry and complain about the post office and, indeed, the post office itself looking to close in June. I do not need to go into the reasons why. I do not believe Members need me to go into the reasons why, do they? I ask them through you, Sir: do they need me to go through the reasons why the Central Sub Post Office ... postal services in the market are important and a long, protracted debate upon something that has been accepted is not going to win me any votes. So I ask Members just to give their support to the people who work there, the businesses that go there to use those services and support me with their vote.

**The Deputy Bailiff:**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak?

**5.1.1 Deputy J.A.N. Le Fondré:**

Yes, I would thank Deputy Le Claire because we have had a number of, I think, quite constructive discussions on a whole variety of matters in the last few days and this is obviously one of them. I think it is probably useful to set out a little bit of the process that has been taking place. Jersey Property Holdings was informed of the termination of the lease by Jersey Post officially on 30th April and this was after we first heard about it in the media. We immediately got back in touch with them to inform them they had various obligations under their lease and that it was not acceptable to indicate their intention to close, I think at that point it was on 14th June. The position, as I understand it, it is very much an issue about, from our perspective, landlord and tenant obligations. Essentially, the tenant has given notice to the landlord and if you look at the letter that

has been circulated to everybody this morning we bring to their attention that, having served a notice of termination, J.P.I. (Jersey Post International) are no longer in a position to seek to assign the lease, nor has the lease at any time been permitted to be sub-let, et cetera, et cetera. That is the position that has always been there. We had a couple of meetings with the market traders. In fact, the Minister for Treasury and Resources was very insistent and we immediately met with the market traders to discuss the issues that arose out of this and that was occurring in April and May. We have given very strong undertakings that we will be as open as we normally are on these processes, that it has to be advertised and that we are also committed to maintaining postal services in the market. Jersey Post has also undertaken at those meetings to work with anybody who wants to provide those services. Therefore, I think we are all going in the same direction. What we have also undertaken to Deputy Le Claire is that we will write to all States Members during the course of this week, hopefully, to outline the various steps and measures that we are taking. As relates to the market review, unfortunately, it is not just one of those quick-fixes. One of Jersey Property Holdings' responsibilities is the Central Market. As Members may know - in fact we have had a number of very complimentary comments on the matter - we have just spent over £1 million in doing the Central Market roof there. We are looking at various issues; the next one is the flooring. As part of that process we were already going to do a review of the market, a quite wide-ranging review, which I will touch on in a minute, and all we have done as a result of the closure of the Central Post Office is brought that review forward. It is not a political expediency; it was something that we would do as business as usual. Just to touch on the terms of the review, it is wide-ranging, we have emphasised there are to be no sacred cows at this stage although it is recognised that certain decisions may be swayed by social rather than a financial need. It will cover everything from security of tenure, reconfiguration of non-retail areas, whether we need to provide public toilets, parking and storage provision, legacy items, marketing and connectivity with the community and other retail units in St. Helier. That is just an example and I would be very happy to relay that to States Members more formally during the course of this week. So, we are doing what we should be doing. We are perfectly happy to accept Deputy Le Claire's proposition and I would hope we will continue to work with him and any other political representatives on this matter. I think that is all I probably need to say on this matter.

**The Deputy of St. Mary:**

Can I ask for clarification of the Assistant Minister? On the timetable that he has told us was followed, in April and May there were discussions between the Assistant Minister and the market traders and then there was a letter saying: "This is not acceptable to just terminate on the end of April." Or there was notification. But this letter that has just been plonked on our desks is dated 21st June and I cannot reconcile that timeline. It seems very, very odd that the discussions were in April and May and we get a letter on 21st June on our desks, the day before the debate.

**Deputy J.A.N. Le Fondré:**

The notification from Jersey Post was received on 30th April. I do not know the exact day but very shortly thereafter a phone call was made to an individual to tell them that they could be required to adhere to the strict form of their lease. I will have to check the title of the person as I have forgotten it but I do have the name and the title. That has generally been our position all the way through and then we have put that formally into writing on the dates that have been said. But it was communicated to Jersey Post very early on.

**The Deputy of St. Mary:**

It would have helped the whole debate and the whole process here if that had been early.

**The Deputy Bailiff:**

I am sorry, Deputy, a point of clarification is one thing; you are about to go into a speech. You will be able to have that opportunity in a moment.

**Deputy G.P. Southern:**

A second point of clarification, if I may? I believe it is. What is the timescale in which the Assistant Minister intends to report and will he report back to the States?

**Deputy J.A.N. Le Fondré:**

Could I just clarify on what?

**Deputy G.P. Southern:**

The question is you say you are doing a report; it has already been set up, in what time timescale are you intending to produce that report and when will you bring it to the States?

**Deputy J.A.N. Le Fondré:**

Firstly, I will obviously give the exact details of when I write to Members later on but the timescale at this stage, the summer months, which I would anticipate to be shortly after the end of August when we would receive the details back.

**Deputy J.A. Martin:**

Yes, I think it is a point of clarification. Maybe I am missing something here but was it Property Holdings' proposition to Treasury or the other way around that the lease for the Sub Post Office be discontinued in the first place?

**Deputy J.A.N. Le Fondré:**

No, this was nothing to do with Jersey Property Holdings; it was a notification by the tenant to us as landlords. It was the tenant's decision to terminate its lease; the tenant being Jersey Post

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

I just wanted to say that Deputy Le Claire's proposition is very straightforward. The Assistant Minister has given assurances and therefore I do not see why we cannot just make a decision. **[Approbation]**

**The Deputy Bailiff:**

Does any other Member wish to speak? Very well, Deputy Le Claire.

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

I would like to thank the Assistant Minister for Treasury and Resources for his support. I would also like to thank the petitioners and Mr. Alvin Aaron, who, with his colleagues, and also my fellow Deputies of St. Helier, came and supported the retention of the post office. All I would like to say before asking for the appel is there may be issues around who gave notice when and who gave notice where and what the law says but there is a competitor looking to move into the marketplace in a public facility potentially against the public utility or a private limited company now. In accepting this proposition I expect there to be a real opportunity, and I mean this, a real opportunity for Jersey Post to have the opportunity to continue in some respect in the Jersey market in St. Helier with some form of service. I would like to see and assure Members that unless they have a real opportunity this is a sham today. So I expect them to have a real opportunity. If they do not have that real opportunity I will be bringing another proposition. I have been given assurances that this is accepted, I take it on board that it is accepted; the Treasury Ministry is going to go away with Jersey Property Holdings and talk to Jersey Post. I would like to see real meaningful, constructive discussions and dialogue and I am certainly willing to be a part of that if I am able to. I ask for the appel.

**The Deputy Bailiff:**

The appel is called for and I invite Members to return to their seats. I will ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I will ask the Greffier to close the voting.

<b>POUR: 41</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Connétable of St. Brelade		
Senator T.J. Le Main				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

## **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

### **The Deputy Bailiff:**

Now the Arrangement of Public Business, Chairman.

### **6. The Connétable of St. Mary (Chairman, Privileges and Procedures Committee):**

The arrangement for Public Business will be as on the lavender sheets with the following amendments. From 6th July Projet 48 the Island Plan 2002: Field 622, St. Ouen - rezoning in the name of the Connétable of St. Ouen moves to 14th September. To be added to 6th July the Havre des Pas Pool: retention of lifeguard service in the name of Deputy Le Claire, P.88. Machinery of Government: amended structure P.70 moves to 12th October. On 19th July I would like to remind Members to begin with, 19th July will be a Monday start, a 2.30 p.m. start to enable questions, et cetera to be taken in advance of the 4 days of debate we have scheduled for that day. From that date P.78 Planning and Building Law: repeal of Minister's power to grant permission that is inconsistent with the Island Plan lodged by Senator Shenton we are moving to 28th September. The 14th September sitting, as I have said, has the addition of P.48. On 28th September there will also be Projet P.87 Jersey Financial Services Commission: Companies' Register in the name of Deputy Le Claire and P.78, which I have just mentioned, in the name of Senator Shenton. On 12th October we will see the P.70 Machinery of Government: amended structure. I believe Senator Breckon may have something to say about the reason for moving that.

### **6.1 Senator A. Breckon:**

If I may? Regarding P.70 which was down for debate in 2 weeks' time, on Monday I met with the Chief Minister and the Chairman of Privileges and Procedures Committee. Deputy Vallois was also present. The reason for that was Part (b) of my proposition asked to charge the P.P.C. in consultation with the Council of Ministers. In effect, if this House had debated it in 2 weeks and agreed it or rejected it in part or whatever, then that would have been a function that would need to happen. So, as a result, I have agreed to a deferment but in the interim period a working group will be set up including those persons and others who would work on the substance of the proposition which may come forward with some sort of composite or amalgam that the House would see hopefully by the end of September and debate in October. So that is the reason for it and can I give that assurance that any Member who wishes to add to that will get the opportunity to do so and that is the reason for it.

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

May I speak, please? This is a request to defer the proposition to move to a new set of government with smaller Ministries and Assistant Ministers, is that correct?

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

Yes, on P.70.

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

I just wondered ... Senator Breckon has just agreed to defer that while he makes moves to build a sub-group that will bring forward some revised procedure and he stands to voice his willingness to take other Members on board. I had no knowledge of this: no email, no discussion and no contact whatsoever. Yet, I have had what I considered to be quite a substantial amendment on this; I had emailed the Senator. If he is being serious about having true consultation and real involvement, does that extend to people like myself, I ask him?

### **Senator A. Breckon:**

If I can respond to that; it has been moved to October. As I have just said, perhaps the Deputy did not hear, the opportunity is there to everyone - everyone - in this House and perhaps even outside to contribute. He is not excluded from anything and I am aware of the amendment.

[12:00]

### **6.3 The Deputy of St. Mary:**

P.57 which is down for 6th July, the North of Town Masterplan, I do not think the Chairman mentioned that but my knowledge on the grapevine is that that has been put off but I do not know until when. Could we please have clarification on that important debate?

**The Deputy Bailiff:**

The Greffier tells me the Minister would like that put off until 19th July.

**The Connétable of St. Mary:**

Sorry, I obviously was not aware of it. I agree, we will move P.57 to 19th July also.

**6.4 Deputy I.J. Gorst:**

I know this is going to be an unhelpful comment but it occurs to me with the moving that has just been possibly discussed we now have a relatively short agenda for 6th July and will have an ever-growing one for 19th July. I wonder if the Chairman could perhaps look down the list of business tabled for 19th July and see if anything could be brought forward and noted by Members as quickly as possible for possible amendment because otherwise we are going to not get all our business in in the 4 and a half days. Thank you.

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

If it is helpful I would request that maybe P.84, Human Rights Law: statements of compatibility could be brought forward to 2 weeks.

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

I was in close discussion with the Chairman of P.P.C. (Privileges and Procedures Committee) then, prior to the Deputy of St. Martin standing up, saying that I would be willing, if it was acceptable, to debate P.82 as well on 6th July.

**6.7 The Connétable of St. Clement:**

I rise to mention Projet 49 Samarès Nursery site, St. Clement: removal from draft Island Plan - petition which is down for 6th July. I rise to talk about it but I am not quite sure what to say because, as I say, this was lodged on 20th April and under Standing Orders the appropriate Minister, in this case the Minister for Planning and Environment, is required (as I say, by Standing Orders) to produce a report on the petition within 8 weeks of the petition having been lodged. That 8 weeks was up on 15th June and despite much prompting by me and the Deputies of St. Clement we have been unable to penetrate the Minister's vacillation on this subject. **[Members: Oh!]** This is unfair, not only to the Member presenting the petition, but also to the petitioners and also to the owners of the site which is under question. Now I do have, and my fellow Deputies have, assurances from the Minister that he is going to accept the prayer of the petitioners. I have this by email; I have it verbally. But I feel very uncomfortable about going forward with the debate until the Minister has produced his report which he should have done, at the very latest, 8 or 9 days ago. I would like to have his assurance on 2 matters: one that he is going to produce the report as required by Standing Orders - well he cannot do it as required by Standing Orders as he is already too late - and also that he is going to honour the commitment he has made to me and my fellow Deputies verbally and in writing that he is going to accept the prayer of the petitioners.

**The Deputy Bailiff:**

Minister, are you able to help the Assembly on this, no doubt having regard to Standing Order in the Schedule 1, Clause 5(6) which requires the report within 8 weeks of the referral?

**6.8 Senator F.E. Cohen:**

I must apologise to the Assembly. My officers were not aware of the requirement to respond to a petition within 8 weeks. They now are aware of this and we are responding today. I can give the Connétable and the House the assurance that I gave to the Connétables when I met them over a year



ago and that is that I do not believe that any significant development should be brought forward by the Minister for Planning and Environment that does not have the wholehearted support of the Connétables. However, that does not mean that the owner of a site that is proposed for development should not have some right to respond. However, I am prepared to give a firm commitment that I will not be bringing forward any sites of any type that do not have the wholehearted support of the relevant Connétable, in this case it is the Connétable of St. Clement, in relation to the Samarès site.

**The Deputy Bailiff:**

Minister, in your absence I reported the view attributed to you that you wished to delay the North of Town Masterplan until 19th July.

**Senator F.E. Cohen:**

That is correct.

**Deputy I.J. Gorst:**

I know it was the Connétable that raised this issue in the first instance. I wonder if I could just press the Minister for a slight clarification of what he just said: he would be providing the report obviously as quickly as he now can. If I heard him correctly, I think he also gave an undertaking that he would be removing the site.

**Senator F.E. Cohen:**

That is not what I said. **[Laughter]** What I said was that I would not be bringing forward any site that does not have the wholehearted support of the Connétable for the purposes of development. However, with regard to all the sites that are currently in the plan we must leave them in the plan for the purposes of the assessment by the independent inspector to enable the owners of the site, or members of the public, to respond accordingly. But from my perspective I have given an absolutely clear commitment to all the Connétables that I will not bring forward for development any significant site, in any parish, that does not have the full support of the Connétables. **[Interruption]**

**The Deputy Bailiff:**

Deputy, one moment, please. We are not going to have a debate about the Samarès Nursery site today. The only issue is whether or not it should have been debated on 6th July and the Minister has said that his report will be filed today, as I understand it, so there is no reason why it should not be debated on 6th July. Can I remind Members that the only matter we are now talking about is the Arrangement of Public Business.

**Deputy I.J. Gorst:**

Yes, but the Minister has made a statement and I just wanted to clarify, if I hear him correctly, he has said he will not therefore bring this site forward. I appreciate there is a subtle difference between what I initially interpreted him as saying but he is saying he will not bring this site forward.

**The Deputy Bailiff:**

Deputy, this is a matter which you are able to take up with the Minister privately. It is not a matter before the Assembly.

**Deputy J.A. Martin:**

I know this is slightly playing on words because it is the Constable at the time and the site, but I do hope that the Minister for Planning and Environment is extending that offer to the Constable of St. Helier right now in this House. **[Approbation]**

**The Deputy Bailiff:**

Deputy, it is still not within the matter which is being discussed at the moment [**Members: Oh!**] but I was getting the impression you did not care. [**Laughter**] If I may say so “do not care” can be made to “care”. Now, the Arrangements for Public Business for 6th July and following.

**6.9 Senator J.L. Perchard:**

I am in a bit of a dilemma and I need to ask a Member something through the Chair with regards to P.73 listed for debate on 19th July: Property and Infrastructure Regeneration: the States of Jersey Development Company Limited. I am in a dilemma because I am considering an amendment to this proposition but I do know that it has been called by Scrutiny, and Scrutiny are looking at the proposition. Is it realistic for them to be supporting the proposed date of 19th July? If they can conclude their report I will bring an amendment; if they cannot I will hesitate until they have reported. It is a difficult one. I wonder if they could confirm that they are happy with 19th July schedule.

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

I have already spoken today with the Chief Minister in this regard. We are starting our review hopefully within the next few days. Based on the initial findings I will express any concerns that I may have with the Chief Minister. He has already given me the assurance that if it needs to be delayed, it will be delayed.

**The Deputy Bailiff:**

Chairman, it seems from what has been said so far that there is a possibility of P.82 and P.84 moving to 6th July. Is that something that you would be proposing?

**The Connétable of St. Mary:**

You are adding physic powers to your already huge abilities. [**Members: Oh!**] I was just rising to clarify that, following the Deputy of St. Martin’s and Deputy Le Claire’s offers, we could add P.82 and P.84 to 6th July.

**The Deputy Bailiff:**

Are Members content to adopt those arrangements? There being no other business for this Assembly the States stand adjourned until 6th July at 9.30 a.m.

**ADJOURNMENT**

[12:09]