

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 20th NOVEMBER 2012

QUESTIONS.....	10
1. Written Questions	10
1.1. THE CONNÉTABLE OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE CONSTRUCTION OF A NEW HANGAR AT JERSEY AIRPORT:.....	10
1.2 DEPUTY S.S.P.A. POWER OF ST. BRELADE OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE INSURANCE LIABILITY FOR CARS AND VEHICLES DAMAGED ON THE CAR DECK OF A CONDOR FERRY:	11
1.3 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE FLOODING RISK TO GREEN STREET CAR PARK:.....	12
1.4 DEPUTY S.S.P.A. POWER OF ST. BRELADE OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE CURRENT HARBOURMASTER:	12
1.5 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HOUSING REGARDING THE ACHIEVEMENT OF AFFORDABLE AND SOCIAL RENTED HOMES TARGETS:	12
1.6 SENATOR S.C. FERGUSON OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE REBATES CLAIMED BY GENERAL PRACTITIONERS:	13
1.7 SENATOR S.C. FERGUSON OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE USE OF THE LIVERPOOL CARE PATHWAY IN JERSEY:	15
1.8 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE USE OF A STORAGE FACILITY AT LA COLLETTE:	16
1.9 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROPOSED LOCATION OF STAFF CAR PARKING NEAR THE GREEN STREET POLICE HEADQUARTERS SCHEME: ...	17
1.10 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE POTENTIAL USE OF PUBLIC CAR PARKS TO PROVIDE STAFF SPACES FOR THE PROPOSED GREEN STREET POLICE HEADQUARTERS SCHEME:.....	18
1.11 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE POLICE INVESTIGATION INTO THE REZONING OF AGRICULTURAL LAND:	18
1.12 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE ROLE PLAYED BY THE BAILIFF IN LIVE POLICE OPERATIONAL MATTERS:.....	19

1.14 DEPUTY T.M. PITMAN OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE PUBLIC’S LEGAL RESPONSIBILITY TO REPORT ALLEGATIONS OF CHILD ABUSE TO THE POLICE:	20
1.15 DEPUTY G.P. SOUTHERN TO ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE DISCLOSURE BY BANKS OF SUSPECTED TAX EVASION:	21
1.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE EXTENT TO WHICH ALLOWANCES OR SUBSIDIES FOR RENTAL/MORTGAGE COSTS HAVE BEEN USED TO RECRUIT OR RETAIN PUBLIC SECTOR STAFF:	23
1.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE CONSIDERATION OF RECOMMENDATIONS MADE WITHIN S.R.3/2011 ‘REVIEW OF BENEFIT LEVELS’:	24
1.18 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE CONSIDERATION OF RECOMMENDATIONS MADE WITHIN S.R.3/2011 ‘REVIEW OF BENEFIT LEVELS’:	26
1.19 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING VEHICLES OWNED AND OPERATED BY THE STATES OF JERSEY POLICE:	27
1.20 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING WHETHER CROWN OFFICERS, OR ANY STATES DEPARTMENTS OR STATES APPOINTED BODIES HAVE BEEN PARTY TO OBTAINING ANY INJUNCTIONS IN THE LAST 3 YEARS:	29
1.21 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE EXTENSION OF THE HISTORIC ABUSE REDRESS SCHEME TO INCLUDE VISITORS TO HAUT DE LA GARENNE AND OTHER CHILDREN’S HOMES:	29
1.22 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE NUMBER AND DETAILS OF PROSECUTIONS BROUGHT BY THE DATA PROTECTION COMMISSIONER UNDER THE DATA PROTECTION (JERSEY) LAW 2005 SINCE THE APPOINTED DAY ACT WAS ADOPTED BY THE STATES:	30
1.23 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF H.M. ATTORNEY GENERAL REGARDING PROTECTIONS AFFORDED COMPLAINANTS WHO CONSENT TO THE USE OF CONFIDENTIAL MEDICAL OR COUNSELLING INFORMATION IN A CRIMINAL TRIAL:	30
1.24 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE OUTCOME OF THE INTERNAL REVIEW INTO PATIENT TRAVEL EXPENSES:	31
1.25 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE IMPLEMENTATION OF STRATEGIC SOCIAL ASSESSMENTS:	31
1.26 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF H.M. ATTORNEY GENERAL REGARDING WHETHER THE EDUCATION (DISCRETIONARY GRANTS – GENERAL) (JERSEY) ORDER 2008 ALREADY PROVIDES THE ABILITY TO TAKE INTO ACCOUNT OF A SEPARATED PARTNERS INCOME OR THAT OF THE NEW PARTNER:	32
1.27 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RIGHTS OF CHILDREN AND PARENTS TO INFORMATION WHEN THE CHILDREN ARE UNDER THE CARE OF	

AND/OR SUPERVISION OF THE HEALTH AND SOCIAL SERVICES DEPARTMENT:	33
1.28 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING PROPOSED CHANGES TO THE SOCIAL POLICY FRAMEWORK:	34
1.29 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE FULL IMPACT OF THE PROPOSAL TO AMEND THE EDUCATION (DISCRETIONARY GRANTS – GENERAL) (JERSEY) ORDER 2008:	35
1.30 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHAIRMAN OF THE ELECTORAL COMMISSION REGARDING THE PROPOSED CHANGES TO ELECTORAL CONSTITUENCIES:	37
1.31 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE OPERATION OF THE EU SAVINGS TAX DIRECTIVE:	37
2. Oral Questions.....	38
2.1 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding the source of the projected £250,000 savings figure for the Managed Print Service solution:	38
Deputy E.J. Noel of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):.....	38
2.1.1 Deputy M.R. Higgins:.....	39
2.1.2 Senator S.C. Ferguson:	39
2.1.3 Senator S.C. Ferguson:	40
2.1.4 Senator S.C. Ferguson:	40
2.1.5 Deputy M.R. Higgins:.....	40
2.2 Senator S.C. Ferguson of the Minister for Health and Social Services regarding the views recently expressed on childhood obesity by the Consultant Obstetrician and Gynaecologist from the Health and Social Services Department:	41
Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):.....	41
2.2.1 Senator S.C. Ferguson:	41
2.2.2 Senator S.C. Ferguson:	41
2.3 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the reduction of the cost of supplementation:	41
Senator F. du H. Le Gresley (The Minister for Social Security):	42
2.3.1 Deputy G.P. Southern:	42
2.3.2 Deputy G.P. Southern:	42
2.3.3 Deputy G.P. Southern:	42
2.4 Deputy T.M. Pitman of St. Helier of the Chief Minister regarding his statement concerning the investigation of allegations against a former Senator in relation to planning corruption:	43
Senator I.J. Gorst (The Chief Minister):	43
2.4.1 Deputy T.M. Pitman:	43
2.4.2 Deputy T.M. Pitman:	43
2.4.3 Deputy T.M. Pitman:	43
2.4.4 Connétable D.J. Murphy of Grouville:	43
2.4.5 Deputy M.R. Higgins:.....	44
2.4.6 Deputy J.A. Hilton of St. Helier:.....	44
2.4.7 Deputy J.A. Hilton:.....	44
2.4.8 Deputy T.M. Pitman:	45

2.5 Deputy M. Tadier of St. Brelade of the Chief Minister regarding the Terms of Reference for the Committee of Inquiry into Historic Child Abuse:.....	45
Senator I.J. Gorst (The Chief Minister):	45
2.5.1 Deputy M. Tadier:	45
2.5.2 Deputy R.G. Le Hérisssier of St. Saviour:	46
2.5.3 Deputy R.G. Le Hérisssier:	46
2.5.4 Senator L.J. Farnham:.....	46
2.5.5 Deputy T.M. Pitman:	47
2.5.6 Deputy M.R. Higgins:.....	47
2.5.7 Deputy G.C.L. Baudains of St. Clement:	48
2.5.8 Deputy M. Tadier:	48
2.6 Deputy J.A. Martin of St. Helier of the Minister for Transport and Technical Services regarding the details of the drainage shaft project at Ann Court:	49
Deputy K.C. Lewis of St. Saviour (The Minister for Transport and Technical Services):	49
2.7 Deputy G.C.L. Baudains of the Minister for Transport and Technical Services regarding the dismantling of the Bellozanne chimney:.....	49
Deputy K.C. Lewis (The Minister for Transport and Technical Services):.....	49
2.7.1 Deputy G.C.L. Baudains:.....	49
2.7.2 Deputy G.C.L. Baudains:.....	49
2.8 Deputy R.G. Le Hérisssier of the Chief Minister regarding the position of the Council of Ministers on the subject of a Channel Islands Confederation:.....	50
Senator I.J. Gorst (The Chief Minister):.....	50
2.8.1 Deputy R.G. Le Hérisssier:	50
2.8.2 Deputy S. Power of St. Brelade:	50
2.8.3 Deputy T.M. Pitman:	50
2.8.4 Deputy M. Tadier:	51
2.8.5 Deputy M. Tadier:	51
2.9 Deputy J.H. Young of St. Brelade of the Minister for Planning and Environment regarding the environmental impact of the development of housing on the headland at Plémont:.....	51
Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):	51
2.9.1 Deputy J.H. Young:.....	52
2.9.2 Senator P.M. Bailhache:	52
2.9.3 Deputy M. Tadier:	52
2.9.4 Deputy M. Tadier:	53
2.9.5 Deputy S. Power:.....	53
2.9.6 Senator P.F.C. Ozouf:.....	53
2.9.7 Deputy J.H. Young:.....	53
2.10 Deputy S. Power of the Minister for Treasury and Resources regarding the funding of infrastructure and capital issues by the Jersey Electricity Company:	54
Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	54
2.10.1 Deputy S. Power:	54
2.10.2 Deputy G.C.L. Baudains:	54
2.10.3 Deputy R.G. Le Hérisssier:	55
2.10.4 Deputy R.G. Le Hérisssier:	55
2.10.5 Deputy M. Tadier:.....	55
2.10.6 Deputy M. Tadier:.....	56
2.10.7 Deputy S. Power:	56
2.11 The Deputy of St. Martin of the Minister for Planning and Environment regarding cases of ash dieback fungal disease in Jersey:	57

Deputy R.C. Duhamel (The Minister for Planning and Environment):	57
2.11.1 The Deputy of St. Martin:	57
2.12 Deputy G.C.L. Baudains of the Minister for Economic Development regarding the employment of consultants to report n the future of the Finance Industry:.....	57
Senator A.J.H. Maclean (The Minister for Economic Development):.....	57
2.12.1 Deputy G.C.L. Baudains:	58
2.12.2 Deputy G.P. Southern:	58
2.12.3 Deputy G.P. Southern:	58
2.12.4 Deputy R.G. Le Hérissier:.....	58
2.12.5 Deputy R.G. Le Hérissier:.....	59
2.12.6 Deputy G.P. Southern:	59
2.12.7 Deputy G.C.L. Baudains:	59
2.13 Deputy M.R. Higgins of the Minister for Treasury and Resources regarding the £23,367 overpayment to Danwood for the Managed Print Service to schools:	60
Deputy E.J. Noel (Assistant Minister for Treasury and Resources - rapporteur):	60
2.13.1 Deputy M.R. Higgins:	60
2.13.2 Deputy R.J. Rondel of St. Helier:	60
2.14 Deputy M. Tadier of the Chief Minister regarding the pursuit of the proposition seeking to acquire the former Plémont Holiday Village (P.90/2012):.....	61
Senator I.J. Gorst (The Chief Minister):	61
2.14.1 Deputy M. Tadier:.....	61
2.14.2 Deputy M. Tadier:.....	61
2.14.3 Deputy T.M. Pitman:.....	61
2.14.4 Deputy R.G. Le Hérissier:	62
2.14.5 Deputy R.G. Le Hérissier:	62
2.14.6 Deputy M. Tadier:.....	62
2.15 Deputy G.P. Southern of the Chief Minister regarding the availability of options for withholding tax as a means of tax evasion:	62
Senator I.J. Gorst (The Chief Minister):	62
2.15.1 Deputy G.P. Southern:	63
2.15.2 Deputy G.P. Southern:	63
2.15.3 Deputy G.P. Southern:	63
3. Questions to Ministers without notice - The Minister for Education, Sport and Culture.....	63
3.1 Deputy S. Power:.....	63
Deputy P.J.D. Ryan of St. John (The Minister for Education, Sport and Culture):	63
3.2 Connétable D.W. Mezbourian of St. Lawrence:	64
3.2.1 The Connétable of St. Lawrence:	64
3.3 Deputy J.A. Hilton:.....	64
3.4 Deputy T.M. Pitman:	65
3.4.1 Deputy T.M. Pitman:	65
3.5 Deputy J.H. Young:.....	65
3.6 Deputy G.P. Southern:.....	65
3.7 Connétable J.L.S. Gallichan of Trinity:	66
3.8 Connétable M.P.S. Le Troquer of St. Martin:.....	66
3.9 Deputy M. Tadier:	66
3.9.1 Deputy M. Tadier:	66
3.10 Deputy S. Power:.....	66
4. Questions to Ministers without notice - The Minister for Health and Social Services	67

4.1	Senator P.F. Routier:	67
	The Deputy of Trinity (The Minister for Health and Social Services):.....	67
4.2	Deputy S. Pinel of St. Clement:	67
4.3	Deputy R.G. Le Hérissier:	67
4.3.1	Deputy R.G. Le Hérissier:	68
4.4	Deputy J.G. Reed of St. Ouen:	68
4.4.1	The Deputy of St. Ouen:	68
4.4.2	The Deputy of St. Ouen:	68
4.5	The Connétable of St. Lawrence:	68
4.5.1	The Connétable of St. Lawrence:	69
4.6	Deputy G.P. Southern:	69
4.7	Deputy R.G. Bryans of St. Helier:.....	69
4.8	Deputy M.R. Higgins:.....	69
4.8.1	Deputy M.R. Higgins:.....	70
4.9	The Deputy of St. Ouen:	70
4.9.1	The Deputy of St. Ouen:	70
4.10	Deputy R.G. Le Hérissier:	71
4.11	Senator P.F. Routier:	71
PUBLIC BUSINESS		71
5.	Ratification of the Agreement of the Exchange of Information Relating to Tax Matters between the Government of Jersey and the Government of the Republic of Austria (P.85/2012).....	71
5.1	Senator P.M. Bailhache (Assistant Chief Minister - rapporteur):	72
6.	Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 5) (Jersey) Regulations 201- (P.86/2012).....	72
6.1	Senator P.M. Bailhache (Assistant Chief Minister - rapporteur):	72
7.	Draft Debt Relief (Developing Countries) (Jersey) Law 201- (P.91/2012)	73
7.1	Senator I.J. Gorst (The Chief Minister):	73
7.1.1	Deputy M. Tadier:	74
7.1.2	Deputy R.G. Le Hérissier:	74
7.1.3	Deputy K.C. Lewis:	74
7.1.4	Senator S.C. Ferguson:	74
7.1.5	Deputy J.M. Maçon:	74
7.1.6	Senator P.F.C. Ozouf:.....	75
7.1.7	Senator I.J. Gorst:.....	75
	Senator S.C. Ferguson (Chairman, Corporate Services Scrutiny Panel):.....	77
7.2	Senator I.J. Gorst:.....	77
7.2.1	Deputy R.G. Le Hérissier:	77
	Mr. H. Sharp Q.C., H.M. Solicitor General:	77
7.2.2	Senator I.J. Gorst:.....	77
STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY		78
8.	Statement by the Chairman of the Education and Home Affairs Scrutiny Panel regarding the Green Street Police Headquarters.....	78
8.1	Deputy J.M. Maçon (Chairman, Education and Home Affairs Scrutiny Panel):.....	78
8.1.1	The Connétable of St. Lawrence:	80

8.1.2 Senator B.I. Le Marquand:.....	80
8.1.3 Senator P.F.C. Ozouf:.....	80
8.1.4 Deputy R.G. Le Hérissier:	81
8.1.5 Senator P.F. Routier:	81
8.1.6 Senator S.C. Ferguson:	82
8.1.7 Deputy T.A. Vallois of St. Saviour:	82
PUBLIC BUSINESS - resumption	82
9. Police station relocation: review of decision (P.92/2012) - deferral of debate.....	82
9.1 Senator I.J. Gorst:.....	83
9.1.1 Deputy J.A. Martin:	83
9.1.2 Deputy J.M. Maçon:	83
9.1.3 Senator L.J. Farnham:.....	84
9.1.4 Connétable J.M. Refault of St. Peter:.....	84
9.1.5 Deputy S. Power:.....	84
9.1.6 Deputy J.H. Young:.....	84
9.1.7 Senator B.I. Le Marquand:.....	85
9.1.8 Deputy T.M. Pitman:	85
9.1.9 Senator P.F.C. Ozouf:.....	86
9.1.10 Deputy G.C.L. Baudains:	86
9.1.11 Senator S.C. Ferguson:.....	86
9.1.12 Deputy M. Tadier:.....	86
9.1.13 The Connétable of Trinity:	87
9.1.14 Senator I.J. Gorst:	87
LUNCHEON ADJOURNMENT PROPOSED.....	88
LUNCHEON ADJOURNMENT.....	88
10. Police Station Relocation: review of decision (P.92/2012) - as amended.....	88
Senator B.I. Le Marquand:.....	89
10.1 Deputy J.A. Martin:	90
10.2 Police Station Relocation: review of decision (P.92/2012) - referral back to Scrutiny	95
10.2.1 Senator B.I. Le Marquand:	95
10.2.2 Deputy J.H. Young:	96
10.2.3 Senator P.F.C. Ozouf:	97
10.2.4 Deputy M. Tadier:.....	97
10.2.5 The Connétable of St. Lawrence:.....	98
10.2.6 Deputy S. Power:	98
10.2.7 The Connétable of St. Martin:	99
10.2.8 Deputy G.P. Southern:	99
10.2.9 Deputy J.A. Martin:	99
10.2.10 Deputy J.M. Maçon:.....	100
10.2.11 Deputy J.M. Le Bailly of St. Mary:	100
10.2.12 Senator B.I. Le Marquand:	101
11. Draft Royal Court (Amendment No. 13) (Jersey) Law 201- (P.93/2012)	102
11.1 Senator P.M. Bailhache (Assistant Chief Minister - rapporteur):.....	102
11.1.1 Deputy M.R. Higgins:	102
11.1.2 The Deputy of St. Ouen:.....	102

11.1.3	Senator L.J. Farnham:	103
11.1.4	Deputy G.C.L. Baudains:	103
11.1.5	Deputy J.H. Young:	103
11.1.6	Deputy T.M. Pitman:	103
11.1.7	Senator B.I. Le Marquand:	104
11.1.8	Deputy M. Tadier:	104
11.1.9	Senator P.M. Bailhache:	105
	Senator S.C. Ferguson (Chairman, Corporate Services Scrutiny Panel):	107
11.2	Senator P.M. Bailhache:	107
12.	Draft Incorporated Limited Partnerships (Annual Additional Charge) (Jersey) Regulations 201- (P.94/2012)	108
12.1	Senator A.J.H. Maclean (The Minister for Economic Development):	108
12.1.1	Deputy M.R. Higgins:	108
12.1.2	Deputy T.A. Vallois:	108
12.1.3	Senator A.J.H. Maclean:	109
	Deputy S.G. Luce of St. Martin (Chairman, Economic Affairs Scrutiny Panel):	109
13.	Draft Separate Limited Partnerships (Annual Additional Charge) (Jersey) Regulations 201- (P.95/2012)	109
13.1	Senator A.J.H. Maclean (The Minister for Economic Development):	110
13.1.1	Deputy M.R. Higgins:	110
14.	Draft Limited Partnerships (Annual Additional Charge) (Jersey) Regulations 201- (P.96/2012)	110
14.1	Senator A.J.H. Maclean (The Minister for Economic Development):	111
14.1.1	Deputy R.G. Le Hérissier:	111
14.1.2	Senator A.J.H. Maclean:	111
15.	Draft Gambling (Ancillary Services and Miscellaneous Provisions) (Jersey) Regulations 201- (P.98/2012)	112
15.1	Senator A.J.H. Maclean (The Minister for Economic Development):	112
15.1.1	Deputy G.C.L. Baudains:	115
15.1.2	Deputy R.G. Le Hérissier:	115
15.1.3	Deputy J.H. Young:	115
15.1.4	Senator A.J.H. Maclean:	116
	The Deputy of St. Martin (Chairman, Economic Affairs Scrutiny Panel):	117
15.2	Senator A.J.H. Maclean:	117
16.	Draft Gambling (Charitable and Membership Gambling Services) (Jersey) Regulations 201- (P.99/2012)	117
16.1	Senator A.J.H. Maclean (The Minister for Economic Development):	118
16.1.1	Deputy J.M. Maçon:	120
16.1.2	The Deputy of St. Martin:	120
16.1.3	The Deputy of St. Ouen:	120
16.1.4	Deputy R.G. Le Hérissier:	120
16.1.5	Deputy M. Tadier:	120
16.1.6	Deputy G.C.L. Baudains:	121
16.1.7	Deputy T.A. Vallois:	121
16.1.8	Senator A.J.H. Maclean:	122
16.2	Senator A.J.H. Maclean:	123

16.2.1	Deputy M. Tadier:.....	123
16.2.2	Senator A.J.H. Maclean:.....	124
17.	Draft Gambling (Jersey) Law 2012 (Appointed Day) Act 201- (P.100/2012).....	126
17.1	Senator A.J.H. Maclean (The Minister for Economic Development):.....	126
18.	Reform Day: 28th September 1769 (P.107/2012).....	126
18.1	Deputy T.M. Pitman:	126
18.1.1	Connétable A.S. Crowcroft of St. Helier:	130
18.1.2	Senator P.M. Bailhache:.....	132
18.1.3	Deputy G.P. Southern:	133
18.1.4	The Deputy of St. John:.....	133
18.1.5	Senator L.J. Farnham:	135
18.1.6	The Connétable of Trinity:	135
18.1.7	Deputy J.H. Young:	135
18.1.8	Deputy S. Power:	136
18.1.9	Deputy M. Tadier:.....	136
18.1.10	Deputy R.G. Le Hérissier:	137
18.1.11	Deputy M.R. Higgins:	138
18.1.12	Deputy T.M. Pitman:	138
	ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS	143
19.	The Connétable of St. Helier (Chairman, Privileges and Procedure Committee):	143
19.1	The Connétable of Trinity:.....	143
19.2	Deputy M.R. Higgins:.....	143
19.3	Deputy J.H. Young:	144
	ADJOURNMENT.....	145

[9:30]

The Roll was called and the Dean led the Assembly in Prayer.

QUESTIONS

1. Written Questions

1.1. THE CONNÉTABLE OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE CONSTRUCTION OF A NEW HANGAR AT JERSEY AIRPORT:

Question

Further to the announcement about the construction of a new 55,000 sq. ft. hangar at the Jersey Airport, would the Ministers explain –

- (a) why it has been decided to build the hangar and who will be meeting the cost of construction, Hangar8 or the States?
- (b) whether the site was offered to Aviation Beauport and, if not why not?
- (c) whether Hangar8 will be paying income tax in Jersey and, if not, what the real benefit to Jersey is?
- (d) how many companies tendered for this hangar and whether the department carried out due diligence searches on all the companies who tendered? Would the Minister give details of all tenders and financial appraisals and, if not, why not?
- (e) whether there is a risk that another operator at Jersey Airport will cause the demise of Aviation Beauport?

Answer

To address the specific questions:

- a) The fixed based operation (FBO) to be developed by Hangar8 provides a new product, an expansion of services and significant growth in this market. Jersey Airport has been approached by a number of operators interested in establishing a FBO and the renewed interest by operators in recent times together with the information supplied by these parties has demonstrated that there is growth potential. Construction costs for the new hangar will be met by Hangar8 and not through Jersey Airport's trading fund.
- b) I can confirm that the existing operator had the opportunity to tender. However, the company was not shortlisted in the process as two other operators provided more compelling proposals.
- c) Hangar8 will become a Jersey registered company and therefore, pay relevant tax and associated payments to the Treasury and Parish authorities. The company plans to recruit local staff and train them in handling and maintenance operations. Jersey Airport will also benefit from increased annual rents for the hangar, as well as landing fees income from growth in this market. It further provides Jersey with another product in the sector, which makes the Island a more attractive place for corporate aviation. As illustrated in our recent

Report & Proposition for Incorporation, it is imperative that the Ports identify and implement commercial projects that diversify its revenue streams and grow the business if it is to meet continuing costs and capital requirements. This is a positive example of the Ports doing just this.

- d) In late 2010, Jersey Airport undertook a formal Expressions of Interest and tender process, resulting in five applications. From this tender process two companies were shortlisted and identified for further negotiation. As part of the tender process and negotiations, the shortlisted operators provided comprehensive financial statements, in line with States of Jersey financial directions and procurement guidelines. All negotiations remain commercially confidential and not for public disclosure. However, I can confirm that Hangar8 were chosen as the preferred operator as they had the most competitive offering, including projections for aircraft movements and growth, their overall business development model as well as the likely rental income for Jersey Airport. Other key factors include:
- It is FTSE listed company, for which financial records are published;
 - It already has a number of bases around Europe, Africa and the Middle East with its main base at Oxford Airport;
 - It currently owns or operates a fleet of over 30 aircraft and has 13% in the UK charter and corporate jet market.
- This process was overseen by the Ports of Jersey Shadow Board, who have also endorsed the recommendations to proceed with Hangar8.
- e) We have been very clear from the beginning of the process that we were not looking to simply bring competition into the market rather we are looking for significant market growth. Both the short-listed companies demonstrated their ability to grow the market in Jersey, with Hangar8 providing the best overall proposition. The new FBO operates in different market sectors. Jersey Airport is of the belief that by creating a new facility it will allow the airport, the existing operator and Hangar8 to explore new commercial opportunities and improve the level of facilities we can offer the private jet market.

1.2 DEPUTY S.S.P.A. POWER OF ST. BRELADE OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE INSURANCE LIABILITY FOR CARS AND VEHICLES DAMAGED ON THE CAR DECK OF A CONDOR FERRY:

Question

Can the Minister confirm the status of insurance liability for cars and vehicles damaged on the car-deck of a Condor ferry service during bad weather and whether the liability for damage falls on the ferry company or the owner of the vehicle?

Answer

Liability is governed by the contract between the passenger and the company, as explained in the company's Terms and Conditions. These are published on-line at www.condorferries.co.uk.

The Terms and Conditions state that they incorporate the International Convention Relating to the Carriage of Passengers and their Luggage by Sea (known as the Athens Convention). The Convention makes the carrier liable under certain conditions unless they prove otherwise, but also limits the liability.

This is a specialist legal area and should properly be a matter on which a claimant or his insurance company should take legal advice.

1.3 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE FLOODING RISK TO GREEN STREET CAR PARK:

Question

Can the Minister advise whether his department still acknowledges that in the event of, for example, severe southerly storms coinciding with a high spring tide (as happened in October 1812), certain southern areas of the Island would become a ‘disaster area’ and, if so, would he further advise whether this area includes the Green Street car park?

Answer

I acknowledge that in extreme weather events which coincide with high tides, areas of the Island are susceptible to coastal flooding which can cause varying degrees of disruption and damage. This most recently happened along the southern coast in March 2008. Whether the results of these events are considered “disaster areas” is subjective and depends on the severity of the event.

The primary cause of coastal flooding is overtopping of the sea defence structures coupled with high flows in the surface water sewers and watercourses, and tide locked outfalls. These problems predominantly affect low lying areas close to the coast.

Whilst it is impossible to say that Green Street car park will never be affected by these types of extreme weather event, the likelihood of this happening is very low as the lower car park level at Green Street is some 4m above highest astronomical tide level so is unlikely to be affected by any overtopping issues. Furthermore, the adjacent sewers are at a high point in the network so are unlikely to cause problems for the Green Street site with regard to surcharging.

1.4 DEPUTY S.S.P.A. POWER OF ST. BRELADE OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE CURRENT HARBOURMASTER:

Question

Would the Minister inform members who Jersey’s current Harbourmaster is?

Answer

The Group Chief Executive Officer (GCEO) for the Ports of Jersey was sworn in by the Royal Court as Harbourmaster in October 2011.

With the approval of the States Employment Board, a number of Acting Harbourmasters have also been sworn in to assume the same powers and functions in the absence of the GCEO.

1.5 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HOUSING REGARDING THE ACHIEVEMENT OF AFFORDABLE AND SOCIAL RENTED HOMES TARGETS:

Question

Has the Minister or the Department given any consideration as to whether a parish-based social housing/affordable housing scheme (perhaps mirroring over 55s schemes) would be a feasible and desirable way of helping to achieve the target of the 1,000 new 'affordable' and 'social rented' homes alluded to in point 7.20 of the 2011 Island Plan?

Answer

I am not sure that the specific reference to the Island Plan in the question is correct, however, the Plan itself clearly demonstrates that the Parishes have an important role to play in the provision of housing. It is notable that we have recently seen very successful schemes being delivered by the Parishes of Trinity, St Peter and St Mary. I know that other Parishes have schemes planned and there are a number of other sites zoned for the development of homes for the over 55s approved in 2008 which are not presently being developed.

I certainly agree that the Parishes have an important role and I am keen to explore means of working collaboratively as we are already doing with the Parish of St Saviour.

Irrespective of who delivers the homes which we very much need; what we must ensure is that the delivery is coordinated and that the affordable homes built are targeted at those in the greatest housing need. That is why I am particularly proud of the Housing Transformation Programme which will place social housing provision on a more sustainable footing. I also look forward to the development in 2013 of the additional components of a long-term cross-tenure housing strategy which will include the provision of affordable homes to purchase.

The Affordable Housing Gateway has been in place for almost 12 months and is now the single waiting list for the social housing administered by the States and the Housing Trusts, ensuring that all social housing vacancies are allocated to applicants on a priority basis. The Gateway has also been used to allocate a tenant to a vacancy in a Parish development.

OTHER INFORMATION

Section 6 of the Island Plan 2011 deals with Housing and paragraphs 6.106 to 6.131 deals specifically with Affordable Housing.

Section 7 of the Island Plan 2011 deals with Social, Community and Open Space

At paragraph 7.20 the plan says:- *' Within existing secondary school provision in Jersey, there is a known deficiency in the extent of playing field provision available to Haute Vallée School: this is also evidenced by the Outdoor Open Space, Sport and Recreation Study(5). To address this deficiency, it is proposed that the western half of Field 1219, immediately to the south of the school and the existing playing field, is safeguarded for this purpose.'*

1.6 SENATOR S.C. FERGUSON OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE REBATES CLAIMED BY GENERAL PRACTITIONERS:

Question

1. How many rebates were claimed by GPs for the year 31st October 2011 until 31st October 2012 and at what cost?
2. How much of the cost was associated to referral letters?

3. What checks and measures were made to ensure only legally allowable claims were made? How frequently have these checks been made in the last 10 years and in what form? Has evidence of other practices been looked for or found? If so, what action was taken?
4. How many, if any, were found to be incorrect claims (e.g. requesting X-rays or “telephone consultations”, etc) during the period October 2011 to October 2012?.
5. Are there any other doubtful claims for rebate payments being made? For example are two claims (one for the prescription and to administer it) being made to give one flu vaccine? If this has happened, what has been the cost to the Health Insurance Fund in total and per signature rebates? What action has been taken?
6. What measures have been taken in relation to false claims and what monies have been recovered?
7. If evidence is found that false claims have been made what action will be taken against such claimants?

Answer

Information has been provided for the period 1 October 2011 to 30 September 2012. Whereas most rebate claims from GPs are submitted and paid within a few weeks of the consultation, a time period of up to six months is allowed for these claims to be submitted. The figures reported below represent rebates that have been processed up to the date of the data extract, and will be subject to change as additional claims are processed.

The rate of medical benefit between 1 October 2011 and 26 June 2012 was £19.59. Since 27 June 2012, the value of the benefit has been £20.28.

Currently, 409,000 claims have been paid at a cost of £8.06 million for the year to 30 September 2012

Of this total, the total costs associated with medical benefits provided for letters of referral was £0.99 million.

Claims are checked automatically using embedded business rules within the Department’s IT system before processing and invalid claims are rejected, according to those business rules. These rules include automatically rejecting multiple claims for the same consultation and alerting the Department if a patient has more than one visit/claim within 24 hours from a single surgery. In the latter scenario, payment is not made unless the surgery can confirm that it is a genuine instance of 2 separate claims. When claims are rejected, this information is provided to the GP, as each batch of claims is paid.

In addition to these automatic checks which are applied to every claim submitted, the Department undertakes periodic random checks on claims by confirming details with the individual patient, by either letter or phone call. The Department also writes directly to surgeries, again on a random basis, to confirm details of claims. Checks are also specifically undertaken in respect of patients with high numbers of consultations.

A Medical Director has recently been appointed to lead the Primary Care Governance Unit and he has already undertaken a number of visits to local practices to ensure that best practice is being followed and has initially focussed upon practices with high levels of consultation or referral letters

Between 1 October 2011 and 30 September 2012 2,438 claims were disallowed.

The claims submitted by GPs include information on the identity of each patient and the date and time of their consultation. If a GP were to falsify claims, this might amount to fraud and could be referred to the Police for investigation accordingly.

1.7 SENATOR S.C. FERGUSON OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE USE OF THE LIVERPOOL CARE PATHWAY IN JERSEY:

Question

1. What are the controls and procedures used for the Liverpool Care Pathway in Jersey?
2. How long has this procedure been used in Jersey?
3. In how many cases has this procedure been used?
4. Have there been any complaints and, if so, how were these resolved?

Answer

- 1) The controls and procedures used for the Liverpool Care Pathway in Health and Social Services are those recommended by the Marie Curie Palliative Care Institute in Liverpool.

The approach is endorsed by 22 separate organisations which include several of the Royal Colleges and National Bodies such as : The Royal College of Physicians, The Royal College of General Practitioners, The Royal College of Nursing, The National Care Forum, The British Geriatrics Society, Age UK and The National Council for End of Life Care.

The introduction of the Liverpool Care Pathway within Health and Social Services has been managed through a range of measures to ensure the correct procedures are followed and appropriate controls are in place to monitor its use, which include:

- **A training programme for clinical staff**, supported by resource packs containing guidance information available in the clinical areas. The training covers 4 main areas which are (in bold) **communication** and the need to discuss and engage with relatives at all times, to support a shared agreement in care, to provide support to relatives, to establish points of contact. To agree and understand advanced care planning, taking into account patient wishes, preferred priorities of care, aiming to support the patient to die in their place of choice. **Medication** - to strengthen knowledge and understanding in relation to the main medications used to manage common symptoms such as pain, agitation, nausea and chest secretions and to ensure medication is prescribed so it can be given when needed in order to minimise any possible suffering to the patient. **Spirituality**, ensuring that the beliefs of the patient are understood by all caring for them and appropriate plans in place. **Continuous review**, this is an important part of the training to ensure staff understand the fluidity and flexibility of the pathway. That care needs are regularly reviewed and appropriate interventions made to ensure that the patient is comfortable and their symptoms are managed.

- **Clinical Guidelines** - the Pathway is supported by number of clinical guidelines, which provide clinicians with information to support their decision making, these are available in the clinical areas.
- In addition to this there is guidance to support the decision making process in diagnosing dying and the use of the Liverpool Care Pathway supporting care in the last hours or days of life. These guidelines are part of the Liverpool Care Pathway package.
- **Monitoring and Audit** - In addition to the above the use of the pathway is monitored and audited.
- **Liverpool Care Pathway Facilitator** – through funding from Macmillan HSSD have been able to employ a registered nurse to fulfil this role. She works as part of the Palliative Care Team and has led on the introduction of the pathway.

The decision to start a patient on the pathway will be made by the multidisciplinary team caring for the patient, in agreement with the patient's family. The recording of this decision is the responsibility of the most senior doctor available and endorsed by the Consultant who is caring for the patient.

Initial and ongoing assessments of the patient will be done by doctors and nurses caring for the patient (i.e. more than one professional).

The pathway is intended as a tool to ensure all care needs are considered and appropriately met, regular reviews of the patient by more than one professional supports appropriate use and if clinically appropriate, patients can/do come off the pathway.

- 2) Health and Social Services have introduced the most current version of the Liverpool Care Pathway during 2012.
- 3) To date 23 patients have been cared for using the Liverpool Care Pathway within the General Hospital
- 4) There have been no complaints since its introduction.

1.8 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE USE OF A STORAGE FACILITY AT LA COLLETTE:

Question

Further to his written answer on 6th November 2012 in which the Minister stated that archive and equipment storage, a garage and command vehicles would be located at the States-owned warehouse unit at La Collette, will the Minister -

- (a) explain what equipment will be stored at this location, state whether the garage at La Collette will be a 'forensic garage' and explain the function of a 'forensic garage';
- (b) clarify the reply that £30,000 per annum has been set aside for the security of this location;
- (c) give the total cost for this extra site;
- (d) explain where all the above functions are carried out at present?

Answer

- (a) The proposal is to locate archive storage, oversized vehicle parking and garage at a States-owned warehouse-type location at La Collette.

This facility will provide a secure forensic examination area for vehicles or other large items; garaging for up to 5 oversized vehicles (command vehicle, large PSV, emergency equipment van); storage for emergency equipment / signage etc; storage for public order equipment / shields etc; space for caged archive storage of papers and large exhibits.

A forensic 'garage' is a dedicated area specially constructed to provide a controlled environment in which the forensic / specialist examination of recovered motor vehicles or other large exhibits can be conducted. The facility should be dry, weather-proof, well-lit and be of sufficient size to enable good circulation space around a vehicle to enable specialist photography and other forensic examinations to take place. The facility will require a laboratory table / bench and cupboard storage for specialist equipment and materials.

It should be noted that the decision to locate archiving off-site was taken in 2009, before the current Green Street scheme had been considered.

- (b) For the sake of clarity, the £30,000 is not an annual sum; it is a one –off capital sum that has been included within the base budget of the scheme to set up the facility, including CCTV, security access control, storage racking and other minor works.
- (c) As a States-owned site, there will be an internal recharge for the facility. With the States of Jersey Police currently looking to reduce its archive storage requirement, it will not be possible to identify the likely level of this internal recharge until the amount of space required has been finalised.
- (d) The functions are currently carried out as follows:
- i) Archive storage is currently located in a number of places, including the basement at Rouge Bouillon, on the top floor of the former factory at Summerland and under the car park at Minden Place.
 - ii) The forensic garage is located alongside the Fire Station garage at Rouge Bouillon
 - iii) Oversized vehicles are located on the Summerland site.

1.9 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROPOSED LOCATION OF STAFF CAR PARKING NEAR THE GREEN STREET POLICE HEADQUARTERS SCHEME:

Question

Further to the statement made by the Assistant Minister at the lunchtime briefing on the proposed Police Headquarters on 7th November 2012 that the Police have been offered 40 dedicated car parking spaces for staff cars within a 100 yard walk of the new site, would the Minister please state where these spaces are to be located?

Answer

On the 1st September, 2012, a private landowner in the area wrote to the Chief of Police with the offer of secure off-road private parking which could be used for staff.

The landowner has requested that the details of this offer, including location, remain confidential for the time being, but has consented to a redacted version of his letter being provided in response to this question.

The attached letter is self explanatory.

An initial meeting has been held with the landowner.

1.10 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE POTENTIAL USE OF PUBLIC CAR PARKS TO PROVIDE STAFF SPACES FOR THE PROPOSED GREEN STREET POLICE HEADQUARTERS SCHEME:

Question

At a lunchtime briefing on 7th November 2012 concerning the proposed new Police Headquarters the Assistant Ministers for Treasury and Resources stated that the Police had now been offered 40 dedicated car parking spaces for staff cars within a 100 yard walk of the new site; will the Minister confirm that these spaces will not be in Green Street or Snow Hill car parks or in any other car park managed by the States?

Answer

I can confirm that the spaces referred to are not within any public car parks administered by TTS.

1.11 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE POLICE INVESTIGATION INTO THE REZONING OF AGRICULTURAL LAND:

Question

- (a) Further to the announcement on 16th October 2012 by the Chief Minister that the States of Jersey Police had concluded their investigation on re-zoning of agricultural land issues and concluded that there was “no evidence to support the allegations” would the Minister state what form the police investigation took and inform members whether -
- (i) key witnesses were interviewed by the Police;
 - (ii) an investigating officer was found to be in e-mail correspondence with one of those allegedly involved in the alleged offences?
- (b) Is the States of Jersey Police aware whether one of those who made a statement to the police in what he believed was his public duty is now being subject to threatening letters by one involved in the alleged allegations and, if so, what comfort does he believe members of the public can have when reporting what they consider to be criminal actions or wrongdoings if intimidations of this type are allowed to take place?

Answer

The investigation was undertaken by officers of Detective Inspector rank reporting directly to the Deputy Chief Officer who was also involved in meetings with a number of witnesses. Legal advice was sought and obtained from the Law Officers' Department at various stages of the investigation and upon conclusion.

- (a)
- (i) Yes, key witnesses were interviewed. This formed a part of the investigation which also saw the police search email accounts and obtain documents from different witnesses in order to reconstruct a detailed history of the relevant land transactions.
 - (ii) Yes, email correspondence had been entered into by an investigating officer with a person alleged of offences; communication between the police and subjects of investigations is not unusual.

(b) A number of people who made witness statements in this case did not provide those statements to the police. Rather, witness statements were made and then kept in a private safe. The police had to ask to see these witness statements when alerted as to their existence. In response to the police request, the witness statements were sent to the United Kingdom. As a result, it took the police a long time to obtain copies of them. This caused significant delay to the investigation.

The States of Jersey Police is not aware of any witness in this case being subject of threatening letters or similar. Should any complaints of such activity or similar forms of harassment or threat be received, the States of Jersey Police would investigate fully as they would with any other such complaint.

1.12 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE ROLE PLAYED BY THE BAILIFF IN LIVE POLICE OPERATIONAL MATTERS:

Question

Can the Minister clarify what role, if any, the Bailiff may play in live police operational matters and state whether there are any police procedures that would permit a complaint relating to allegations of corruption sent directly to the Chief Officer of the States of Jersey Police to be passed by the police to the Bailiff?

Answer

The Police Procedures and Criminal Evidence (Jersey) Law 2003 makes provision for the States of Jersey Police to, when deemed necessary during the course of an investigation, apply for search warrants and production orders. Production orders are required when the police need private information on an individual whom they are investigating and which is held by a company or other organisation. Search warrants and production orders require the authorisation of the Bailiff which may or may not be granted following a representation by the investigating officer. This is the only role played by the Bailiff in live police operational matters.

All complaints against police are overseen by the Deputy Chief Officer of Police and are investigated by the Professional Standards Department. Any complaint sent directly to the Chief of Police will be referred to his Deputy for consideration.

Criminal allegations of corruption are investigated the same as any other criminal offence. Neither the Chief Officer nor his Deputy are aware of any procedures which would permit complaints of corruption sent directly to the Chief being passed by the police to the Bailiff.

1.13 DEPUTY T.M. PITMAN OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING SO CALLED ‘WILL KITS’:

Question

Will the Attorney General inform members whether the ‘will kits’ that are widely available from retailers and used regularly in the United Kingdom are legal in Jersey and, if not, given that many older people do not have the disposable income to afford paying expensive legal fees to engage the services of a local lawyer yet still wish to put their affairs in order, what aspects of the law in Jersey would have to be altered to give Islanders the same rights and reduced expense available to their mainland counterparts?’

Answer

Jersey residents, as elsewhere in the British Islands, are at liberty to draft and execute a will without resort to a lawyer if they so choose. It is understood that the Jersey Citizen’s Advice Bureau provides basic advice in respect of making a will. On 15th March 2011, Sir Philip Bailhache delivered a lecture “*Making a will – a practical guide*” as part of the Institute of Law’s “Law Made Simple” series of public talks. The lecture can be downloaded (in either written or audio format) from the Institute’s website.

There is no legal barrier per se to the sale of a ‘will kit’ in Jersey. It is a potential commercial product like any other. Obviously, any such product would need to accurately reflect Jersey inheritance law which is materially different to the UK law.

It is notable that the ‘will kits’ sold in the United Kingdom often feature a caveat and the purchaser of the kit is expressly advised to take legal advice from a lawyer. That is because the making of a will can often require careful and particular drafting in order to give full legal effect to the intentions of the maker. Moreover issues such as the mental capacity of the maker of the will or domicile might arise.

1.14 DEPUTY T.M. PITMAN OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE PUBLIC’S LEGAL RESPONSIBILITY TO REPORT ALLEGATIONS OF CHILD ABUSE TO THE POLICE:

Question

In the light of the revelations around the late entertainer Jimmy Savile and notwithstanding the fact that education and social institutions in Jersey now have in place policy guidelines explaining what employees’ responsibilities in reporting suspected child abuse to the police authorities are, will the Attorney General outline whether actual legislation is in place to require employees or other members of the public to report allegations of abuse to the police and, in addition, what potential offences, if any, may be committed should people fail to do so?

Answer

There is no legal obligation on an employee in an educational or other institution to report suspected child abuse to the police. It follows that no criminal offence is committed in the event that someone does not report their suspicions.

As the questions acknowledges, employers place responsibilities on their employees and have established guidelines and best practice in terms of reporting suspected criminal conduct.

The Health and Social Services Minister has a statutory duty pursuant to the Children (Jersey) Law 2002 to investigate any reported concerns that might give reasonable cause to suspect that a child is suffering or is likely to suffer significant harm.

1.15 DEPUTY G.P. SOUTHERN TO ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE DISCLOSURE BY BANKS OF SUSPECTED TAX EVASION:

Question

Does the Minister accept that the Jersey Financial Services Commission's (JFSC) implementation of the "highest standards of regulation" is reliant on disclosure by banks of suspected tax evasion, and that any UK resident who declines to have the interest sent to H.M. Revenue and Customs (HMRC), without evidence of declaration of total income, must be suspected of tax evasion and should be reported to the JFSC?

Will the Minister inform members when he expects to receive reports from the JFSC on the extent of breaches of Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) regulations reported in the recent US Senate investigation into the activities of HSBC Middle East and the reports in the Daily Telegraph on HSBC accounts?

Will the Minister give members details of:

- a) JFSC's 66 on-site AML unit investigations reported in the 2011 Annual report, and
- b) The shortcomings in prudential reporting, outlined on page 24 of the Report?

Will the Minister commission an independent enquiry into the powers and resources of the JFSC to investigate whether Jersey has delivered the highest standards of AML/CFT enforcement, not just on paper but in practice, and to make recommendations to improve future practice, and if not why not?

Answer

Each element of the question will be taken in turn:

Does the Minister accept that the Jersey Financial Services Commission's (JFSC) implementation of the "highest standards of regulation" is reliant on disclosure by banks of suspected tax evasion, and that any UK resident who declines to have the interest sent to H.M. Revenue and Customs (HMRC), without evidence of declaration of total income, must be suspected of tax evasion and should be reported to the JFSC?

As evidenced by the IMF assessment in 2009, Jersey has been found to have high standards of regulation. Defrauding the tax authorities is a criminal offence and the provisions of the Proceeds

of Crime (Jersey) Law 1999 (POC Law) apply to tax fraud. Where a client is suspected of committing tax fraud, institutions are required under the POC Law to make a report to the Police and Customs Joint Financial Crimes Unit (JFCU). The JFCU can and does share such reports with the JFSC to assist the JFSC in examining the anti-money laundering systems and controls of regulated and registered businesses. In addition, the reporting rates of such businesses are also monitored.

Will the Minister inform members when he expects to receive reports from the JFSC on the extent of breaches of Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) regulations reported in the recent US Senate investigation into the activities of HSBC Middle East and the reports in the Daily Telegraph on HSBC accounts?

It is too early to give an indication when the investigations being undertaken by the JFSC will be concluded. However, based on previous evidence, we can be confident that the regulator will act properly and decisively in accordance with its mandate.

The regulatory laws do not permit the release of an investigation report to Members or to the public. At the conclusion of an investigation the JFSC can, and frequently does, exercise a statutory power to issue a public statement setting out its findings, and these can be found on the JFSC's website at:

http://www.jerseyfsc.org/the_commission/general_information/public_statements/public_statements.asp.

Will the Minister give members details of:

- a) JFSC's 66 on-site AML unit investigations reported in the 2011 Annual report, and
- b) The shortcomings in prudential reporting, outlined on page 24 of the Report?

The following additional information has been published and is therefore in the public domain.

a. The summary findings of the themed on-site examination programme conducted by the AML Unit of the JFSC between 2008 and 2010 have been published on the JFSC's website and can be found at:

http://www.jerseyfsc.org/pdf/2008_-_2010_AML_On-site_examination_findings_Sept_2010.pdf

b. The reference in the question should be to page 26 of the 2011 Annual Report – first section on Banking. This referred to the summary findings of the themed on-site examination programme on prudential reporting conducted by the Banking Division of the JFSC. The details of the findings of the Report are published on the JFSC's website at:

http://www.jerseyfsc.org/pdf/2011_Prudential_Reporting_Summary_Findings_March_2012.pdf

The conclusion section of that document concluded that, "Overall, the Commission was pleased to note that banks generally were operating within the requirements of the relevant legislation, Codes and guidance. That said, this exercise has highlighted some potential areas for improvement and the Commission would therefore encourage all deposit-takers to consider the findings in this report in the context of their own business."

Will the Minister commission an independent enquiry into the powers and resources of the JFSC to investigate whether Jersey has delivered the highest standards of AML/CFT enforcement, not just on paper but in practice, and to make recommendations to improve future practice, and if not why not?

There is no intention to commission an independent enquiry into the powers and resources of the JFSC because that took place in the IMF assessment in 2008. In that review the IMF found that Jersey was largely compliant or fully compliant with 44 of the 49 FATF recommendations.

With respect to the powers and resources of the JFSC in relation to specific investigations, in addition to an Enforcement Division that has eight investigatory members of staff, the JFSC has the power to call upon external resources by appointing reporting professionals or Inspectors with a particular specialism in the field under investigation. Such powers are exercised on a regular basis and it is regarded as a valuable and effective means of calling upon sufficient resources when a specific need arises.

1.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE EXTENT TO WHICH ALLOWANCES OR SUBSIDIES FOR RENTAL/MORTGAGE COSTS HAVE BEEN USED TO RECRUIT OR RETAIN PUBLIC SECTOR STAFF:

Question

Will the Chief Minister inform members of the extent to which allowances or subsidies for rental/mortgage costs have been used to recruit or retain public sector staff over the first 6 months of 2012 to include -

- (a) the totals paid, by department;
- (b) the numbers and grades of employees concerned;
- (c) the monthly sums paid in each case, and
- (d) the periods over which the allowance was expected to last?

Answer

Set out below are the answers to the specific questions asked by Deputy Southern concerning rent subsidies/ allowances (employees are not entitled to receive subsidies or allowances specifically in relation to capital mortgage costs).

- (a) totals paid, by department;

rental subsidies/allowances (for the period 01/01/12 to 30/06/12)	
Department	Total Paid
Education, Sport & Culture (ESC)	£981
Home Affairs (HA)	£2,724
Health & Social Services (HSS)	£15,760
Treasury & Resources (TRY)	£3,557
Chief Ministers Dept	£12,000
Grand Total	£35,022

- (b) numbers and grades of employees concerned;

rental subsidies/allowances (for the period 01/01/12 to 30/06/12)	
Grade/ Pay group of Employees	Number of employees
Teacher	1
A Grade	2
Civil Service grade 9	1
Civil Service grade 10	4
Civil Service grade 11	5
Civil Service grade 12	1
Civil Service grade 13	1
Civil Service grade 14	2
Grand Total	17

(c) monthly sums paid in each case, and

rental subsidies/allowances (for the period 01/01/12 to 30/06/12)	
Lowest payment within the period	£82
Highest payment within the period	£2,000
Average monthly payment	£389

N.B The average for the 17 employee's has been calculated in order to prevent individuals from being identified.

(d) periods over which the allowance was expected to last?

- For five of the employees; the subsidy/ allowance has ceased
- For eleven of the employees; the subsidy/ allowance will cease at the end of their contract or at the end of an agreed period specified within their contract

1.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE CONSIDERATION OF RECOMMENDATIONS MADE WITHIN S.R.3/2011 'REVIEW OF BENEFIT LEVELS':

Question

Further to the joint answer from three Ministers given on 6th November 2012, will the Minister, advise members what consideration, if any, has been given to recommendations 14, 16 and 17 of SR.3/2011 "Review of Benefit levels"?

Will he further state when he will publish his own report into the impact of Income Support over the first four years of its operation?

(for information –

Recommendation 14 (Page 95)

The Minister for Social Security, in his own review of Income Support, must examine the interaction between the level of the minimum wage and the overall cost of Income Support.

Recommendation 16 (Page 101)

The Ministers for Social Security and Treasury and Resources must work together to reduce the overlap between Income Support levels and Income Tax thresholds at the lower end of the earnings distribution in order to correct inefficiencies and report their findings within 12 months.

Recommendation 17 (Page 101)

The Ministers for Social Security and Treasury and Resources should pursue the potential benefit from improved modelling of the tax and benefit system to produce profiles similar to that produced by the UK Government entitled “Tax Benefit Model Tables” and report their findings within 12 months.)

Answer

Recommendation 14: The response of the previous Minister to Recommendation 14 identified the lack of evidence within the Scrutiny Report in respect of income support claimants receiving the minimum wage. The response also noted “... it is known that the minimum wage is principally used in industries employing migrant labour. Seasonal workers are not eligible to receive income support. As accommodation is often included in the remuneration package, local residents often do not take up work in these sectors.”

The Statistics Unit included information on minimum wage earners in its 2012 average earnings survey. This estimates that 6% of jobs filled in the last week of June (a seasonal peak) were paid at the minimum wage. The two sectors that showed the highest proportion of minimum wage jobs were agriculture and fisheries (29% of all jobs in that sector) and hotels, restaurants and bars (22% of all jobs in that sector).

The response to the scrutiny report also drew attention to the impact of minimum wage levels on youth unemployment. The Employment Forum undertook a review of this subject earlier in 2012 including consultation with employers, employees and young people and concluded that there was not sufficient evidence to support a separate, lower, youth rate.

The Employment Forum has recently recommended that the period during which the trainee rate may be paid to a new trainee should be extended from one year to two years. Its recommendations would provide the following rates to apply from 1 April 2013: a trainee rate of £4.90 per hour for the first year of training, £5.71 per hour for the second year of training and £6.53 per hour for the standard minimum wage.

These measures should improve the prospects of employment for, in particular, young local residents and the long-term skill base of islanders. The Department continues to look for opportunities to increase incentives to work and reviews income support levels for the unemployed against total household income levels for those that take up employment.

Recommendation 16: Since the Scrutiny Report was published in March 2011, lower earners have benefited from an increase in the earnings disregard within the income support calculation. This has increased from 16.5% (plus 6% for Social Security contributions) to 20% (plus 6% Social Security contributions). This increases the incentive for low income families to take up and stay in work, whether or not they pay income tax.

Inevitably there are differences between income support and income tax as the two systems are based on different principles. For example, both systems acknowledge the number of adults and

children in the household, but the income tax system treats unmarried couples as individuals whereas the income support system treats unmarried partners as a single household.

More significantly, the income tax system makes no allowance for the cost of rental accommodation, compared to the income support system in which the cost of rented accommodation is a major factor. Likewise, the income tax system does not make any additional allowances for individuals with disabilities whereas these are taken into account within the income support system.

These differences between the tax and benefit systems at the margins, which are far from unique to Jersey, are bound to result in an overlap between the two systems in a minority of cases.

Recommendation 17: The last publication of the UK government tax benefit tables was in November 2010. The UK government undertook a consultation exercise at that time to determine the public demand for these tables. There was a nil response to the exercise and the government took the decision to cease these publications. An Excel spreadsheet was published in 2010 providing details of UK benefits current at that time, but this has not been kept up-to-date.

The Social Security Department has issued an Excel spreadsheet in respect of income support calculations to interested States Members. This is kept up to date and is reissued following every change in benefit parameters. A web-based version of the calculator is currently undergoing testing and will be available shortly.

A full report on income support claims for 2011 was published on 19 October (R.126/2012). This report will now be published on an annual basis.

1.18 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE CONSIDERATION OF RECOMMENDATIONS MADE WITHIN S.R.3/2011 ‘REVIEW OF BENEFIT LEVELS’:

Question

Further to the joint answer from three Ministers given on 6th November 2012, will the Minister inform members what attention, if any, has been paid to recommendations 16 and 17 of SR.3/2011 “Review of Benefit levels” as part of his review of the tax system and, if none, state why?

(For information –

Recommendation 16 (Page 101)

The Ministers for Social Security and Treasury and Resources must work together to reduce the overlap between Income Support levels and Income Tax thresholds at the lower end of the earnings distribution in order to correct inefficiencies and report their findings within 12 months.

Recommendation 17 (Page 101)

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A full report on income support claims for 2011 was published on 19 October (R.126/2012). This report will now be published on an annual basis.

1.19 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING VEHICLES OWNED AND OPERATED BY THE STATES OF JERSEY POLICE:

Question

Will the Minister list in tabular form each vehicle owned and operated by the States of Jersey Police, stating the year it was purchased, the make and model, original purchase price, use (patrol car, CID, Crime Prevention, Senior Officer Transport etc), mileage, anticipated replacement date and anticipated cost of replacement?

Answer

The States of Jersey Police currently has forty nine vehicles, a reduction of ten since last December. We anticipate a further reduction in the coming year. Of the forty nine vehicles, twenty eight are marked and twenty one are unmarked. The unmarked vehicles comprise of six vans, three bespoke dog vans and 12 cars, which are utilised by departments including firearms, roads policing, crime scene investigation and plain clothes units such as CID and financial crime. For obvious operational reasons, the Chief Officer is unwilling to disclose any further details of the unmarked vehicles. The Chief Officer does not have a private vehicle for transport, he utilises the roads policing vehicle for this purpose when required. The States of Jersey Police also has six marked police pedal cycles which are used by uniform 24hour response departments.

Obtaining mileage for each vehicle is possible, however not within the time frame provided. The Fleet Manager has stated that on average marked vehicles usually do between 18,000-20,000 miles per year. Due to the recent decision of centralised procurement of all States vehicles to be the responsibility of TTS, it may be more appropriate that the issue of anticipated cost of replacement be directed to them. Below is a table containing the details of the marked police fleet:

Marked Cars:

Reg No	Make	Model	Department	Purchased	Replacement date	Total Cost (£)
J79899	Skoda	Octavia Estate	24 hr Response	01/01/2012	01/06/2015	19,500
J64211	Skoda	Octavia (140)	24 hr Response	14/12/2011	14/12/2013	19,500
J16252	Skoda	Octavia (140)	24 hr Response	12/12/2008	12/12/2012	19,500
J55013	Skoda	Octavia (140)	24 hr Response	08/01/2009	08/01/2012	19,500
J58944	Skoda	Octavia Estate	24 hr Response	01/01/2012	01/06/2015	19,500
J69155	Skoda	Octavia Estate	24 hr Response	01/01/2012	01/06/2015	19,500
J84506	Skoda	Octavia (140)	24 hr Response	08/01/2009	08/01/2012	19,500
J15577	Skoda	Octavia (140)	24 hr Response	14/12/2011	14/12/2013	19,500
J40948	Skoda	Octavia (140)	24 hr Response	08/01/2009	08/01/2012	19,500
J26649	Skoda	Octavia (140)	24 hr Response	12/12/2008	12/12/2012	19,500
J119410	Skoda	Octavia (140)	24 hr Response	14/12/2011	14/12/2013	19,500
J95174	Mitsubishi	Shogun	24 hr Response	14/03/2011	14/03/2018	19,500
J118391	Land Rover	Discovery 4	Armed Response	14/03/2011	14/03/2018	19,500

Marked Vans:

Reg No	Make	Model	Department	Purchased	Replacement date	Total Cost (£)
J38577	Volkswagen	Caddy Maxi	24 hr Response	26/10/2011	26/10/2015	23,000
J119444	Volkswagen	Transporter (140)	24 hr Response	14/12/2011	14/12/2016	27,000
J119555	Volkswagen	Transporter	24 hr Response	01/01/2012	09/06/2017	28,000
J30766	Volkswagen	Transporter (130)	24 hr Response	16/03/2009	16/03/2014	15,600
J108570	Volkswagen	LT 46 (158)	Public Order Unit	28/12/2006	28/12/2016	25,000
J97780	Volkswagen	Crafter CR50	Public Order Unit	14/03/2011	14/03/2021	35,000
J80706	Mercedes	Sprinter	Firearms	17/11/1998	01/11/2012	25,000
J86893	Mercedes	Sprinter	Prison Van	13/06/2000	01/06/2010	100,000
J12604	Volkswagen	Transporter 130	Collision Investigation	15/08/2011	15/08/2021	15,600
J119994	Volkswagen	Crafter CR50	Silver Command	01/01/2012	01/01/2027	92,000

J119997	Volkswagen	Crafter CR50	Major Incident	01/01/2012	01/01/2017	45,000
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Motorcycles:

Reg No	Make	Model	Department	Purchased	Replacement date	Total Cost (£)
J19211	Honda	NT700	24hr Response	26/10/2011	26/10/2018	9,500
J53622	Honda	NT700	24hr Response	26/10/2011	26/10/2018	9,500
J57133	Honda	NT700	24hr Response	26/10/2011	26/10/2018	9,500
J116444	Honda	NT700	24hr Response	26/10/2011	26/10/2018	9,500

1.20 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING WHETHER CROWN OFFICERS, OR ANY STATES DEPARTMENTS OR STATES APPOINTED BODIES HAVE BEEN PARTY TO OBTAINING ANY INJUNCTIONS IN THE LAST 3 YEARS:

Question

Will H.M. Attorney General advise the Assembly whether or not the Crown Officers, or any States Departments or States Appointed Bodies, have been party to obtaining any injunctions of any type over the last three years, and if so, would he advise when, to whom and to what they related and the cost of these injunctions?

Answer

It is not clear to what extent, if at all, this question seeks information that is materially different to the answer provided by the Attorney General on 6th November 2012 in response to the Deputy's earlier question in respect of injunctions.

In so far as the question does seek additional information, it is assumed that the Deputy seeks only information that will not subvert any court order that might exist. Having regard to that understandable desire, the answer is as follows:

The Solicitor General is seeking an injunction to prevent a convicted defendant from contacting a member of the jury. The proceedings are ongoing.

1.21 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE EXTENSION OF THE HISTORIC ABUSE REDRESS SCHEME TO INCLUDE VISITORS TO HAUT DE LA GARENNE AND OTHER CHILDREN'S HOMES:

Question

In relation to Historic Child Abuse allegations will the Chief Minister:

(a) explain whether he will be extending the abuse redress scheme to cover visitors to Haut de la Garenne and other children's homes and also to those children in foster care and, if so, when;

(b) explain whether or not he was aware of allegations that staff allowed people to stay in accommodation at Haut de la Garenne who were neither employed by the States of Jersey nor children referred to the home and under the protection of the States of Jersey and, if so, will he consider extending the redress scheme to cover these people should they be accused of child abuse?

Answer

(a) & (b)

A report from the Historical Abuse Redress Scheme lawyers is due to be considered by the Council of Ministers. The report is in relation to a number of claims for financial compensation that may not strictly fall to be dealt with under the terms of the Scheme currently in place. Those claims include allegations of abuse that took place away from the residential care home and/or where the alleged abuser was neither an employee nor a child-resident in the care home.

The Council of Ministers is meeting on 29 November 2012 to discuss the report.

The Council of Ministers will be reviewing whether the Scheme should be extended to abuse suffered when in foster care. The Council of Ministers is advised that different legal tests and considerations apply to foster care when compared to full-time residential care.

1.22 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE NUMBER AND DETAILS OF PROSECUTIONS BROUGHT BY THE DATA PROTECTION COMMISSIONER UNDER THE DATA PROTECTION (JERSEY) LAW 2005 SINCE THE APPOINTED DAY ACT WAS ADOPTED BY THE STATES:

Question

Will the Chief Minister list for the Assembly the number of prosecutions brought by the Data Protection Commissioner under the Data Protection (Jersey) Law 2005 since the Appointed Day Act to date giving details of each case, its cost and its outcome?

Answer

Prosecutions for offences contrary to the Data Protection (Jersey) Law 2005 can only be brought by and require the consent of the Attorney General. In those cases into which the Data Protection Commissioner has conducted an investigation and which might be appropriate for a prosecution, the files are forwarded to the Law Officers' Department for their consideration. The Police may also conduct investigations and refer files to the Attorney General for consideration. It is not appropriate to provide details in relation to investigations which did not lead to prosecutions.

Details as to the numbers of prosecutions and any costs incurred arising from such prosecutions would be a question more appropriately directed to the Attorney General.

1.23 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF H.M. ATTORNEY GENERAL REGARDING PROTECTIONS AFFORDED COMPLAINANTS WHO CONSENT TO THE USE OF CONFIDENTIAL MEDICAL OR COUNSELLING INFORMATION IN A CRIMINAL TRIAL:

Question

What protections, if any, are afforded a complainant who consents to the use of confidential medical or counselling information in a criminal trial?

How are they made fully aware of the implications of agreeing to the use of such information?

Answer

The Attorney General has already answered oral questions relating to this matter on 6th November 2012.

The prosecution has a duty to disclose material that might undermine its case or assist the defence. This duty of disclosure is key to providing a defendant with a fair trial pursuant to Article 6 of Human Rights Law. A failure to discharge this duty can result in an acquittal.

In order to discharge this duty, the prosecution will typically need to review any medical records that may relate to a complainant in order to determine what, if any, of that material undermines its case or assists the defence. The complainant will be informed, when consent is sought, that the material may be disclosed to the defence and used at trial.

The prosecution lawyers will consider the medical records having regard to the disclosure test. If (and only if) the test for disclosure is satisfied, then the prosecution must either provide the documents to the defence or offer no evidence and thereby stop the case.

There are limits to the discussions that can be had with a complainant on this issue. A complainant can be properly informed that the material might be used by the defence during the trial. What the prosecution must not do is highlight particular parts of the medical records to the complainant and warn them as to what questions might be put in cross examination.

1.24 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE OUTCOME OF THE INTERNAL REVIEW INTO PATIENT TRAVEL EXPENSES:

Question

When is the internal review into patient travel expenses and related matters currently underway expected to be presented to her, will this be made public and what action, if any, does the Minister intend to take in relation to the findings?

Answer

HSSD Officers are currently reviewing the existing patient travel policy. It is anticipated that, depending on the outcome of the review, an updated policy will be introduced in early 2013.

HSSD recognises that the costs associated with patient travel are a matter of concern for all Islanders. Our updated policy must support those in need of a travel subsidy whilst ensuring appropriate use of public funds for patient care is prioritised.

HSSD will therefore clearly set out both the changes to the policy and the basis on which those changes have been made.

1.25 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE IMPLEMENTATION OF STRATEGIC SOCIAL ASSESSMENTS:

Question

Could the Chief Minister advise whether the creation of a Strategic Social Assessment (as per Social Policy Framework 2007) which reviews social issues and trends and predicts their impact on services in the short and long term was ever implemented and, if not, why not and will he look at implementing this in the near future?

Further to page 31 of the Social Policy Framework 2007 which states that “Policy makers are less well placed to understand how economic growth impacts on social policy objectives”, could the Chief Minister advise how the recommendations for action to rectify this statement have in fact been implemented?

Would the Chief Minister advise whether he is satisfied with the results and whether any improvements need to be made?

Answer

A Strategic Social Assessment has not been implemented as per the recommendation set out in 2007 Social Policy Framework.

However, the Chief Minister’s Department will be reviewing and refreshing the 2007 Social Policy Framework, in partnership with all other Departments, during 2013, and an emphasis will be placed on ensuring actions are delivered.

As to the balance between economic policies and social policies, in many ways it is a false distinction, as is illustrated by our present issues with unemployment which is both an economic and a social issue. Indeed, as alluded to in the question, the objective should be to get the right economic policies to deliver both social and material well being. The 2012 Strategic Plan does this, most notably by emphasising priorities aimed at delivering improvements in areas like unemployment, health, families and children, housing and immigration, all of which have both economic and social impacts.

1.26 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF H.M. ATTORNEY GENERAL REGARDING WHETHER THE EDUCATION (DISCRETIONARY GRANTS – GENERAL) (JERSEY) ORDER 2008 ALREADY PROVIDES THE ABILITY TO TAKE INTO ACCOUNT OF A SEPARATED PARTNERS INCOME OR THAT OF THE NEW PARTNER:

Question

Could H.M. Attorney General provide advice as to whether Article 4(1) of the Education (Discretionary Grants – General) (Jersey) Order 2008 already provides the Education, Sport and Culture Department with the ability to take into account a separated parent’s income or that of the new partner?

Answer

Article 4(1) permits the Education, Sport and Culture Department [the Department] to take into account the relevant income of both the student’s parents, even if separated unless a parent cannot be found or it is not reasonably practicable to get in touch with the parent.

Article 4(5) provides a discretion and the Department may disregard the income of a parent if the family circumstances are such that it would be unfair to the student not to do so.

Article 4(1) does not allow the Department to directly take into account the income of a new partner's income. The potential relevance of a new partner's income is limited only to a consideration of the family circumstances for the purposes of Article 4(5).

1.27 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RIGHTS OF CHILDREN AND PARENTS TO INFORMATION WHEN THE CHILDREN ARE UNDER THE CARE OF AND/OR SUPERVISION OF THE HEALTH AND SOCIAL SERVICES DEPARTMENT:

Question

Will the Minister outline to the Assembly -

(a) the rights of children and parents to information when the children are under the care of and/or supervision of the Health and Social Services Department and in particular when the children reach the transitional ages between being classed as children or adults, under the various laws covering children and young adults that affect the Department;

(b) the rights of children and young adults under the care or supervision of the Department who are in the transitional age ranges between being classed as children or adults, to independent advice when various care or medical plans are being suggested to them by the Department's officers or clinicians;

(c) the problems faced when sharing information relating to children in care or under the supervision of the department between –

- (i) internal departments such as the hospital, children services and medical disciplines relating to mental and physical health;
- (ii) external agencies such as social services and police relating to their welfare;
- (iii) parents or guardians;

(d) what, if any, action she intends to take to resolve the problems identified.

Answer

The Minister recognises the complexity in dealing with issues relating to young people who are in the transitional stage to adulthood. This complexity is not unique to Jersey, it is a challenge in most jurisdictions.

The common theme which runs through these issues is one of 'capacity' of the young person to make informed decisions about their care/treatment. When considering this in Jersey due to lack of relevant legislation professionals refer to best practice in the UK. Clinicians for example would specifically take account of General Medical Council guidance; Mental Capacity Act; and 'Gillick' competency principles. There are also HSSD policies relating to consent and confidentiality.

The General Medical Council has issued guidelines for doctors working with children and young people up to the age of 18, which would indicate that a young person can be presumed to have the

capacity to consent once they are over 16 years of age and that those under the age of 16 may have capacity depending on assessment.

Within the context of this guidance, therefore, the Minister would respond as follows:

- a) The amount of information shared with younger children would be assessed on their ability to understand the information and the impact that it is likely to have on them. This decision would be made by the professionals and the parent/carer and any other relevant parties.

A young person who has been assessed as having capacity to make decisions regarding their care or treatment would have the right to be provided with all relevant information.

The parents' right to information is dependent on the capacity of the child. For younger children information would be shared with the parent. Once a young person is deemed to have capacity their consent is required to share their information with others including their parents. However young people are encouraged as far as possible to allow their carers to be informed and involved in their care and treatment.

When there are child protection or criminal issues there is specific guidance that professionals would follow to cover this which may over ride issues of confidentiality. Depending on the circumstances of any particular case and process in place, this guidance may be generated by the Courts or the police.

- b) When a young person has been assessed to have capacity and a complex decision about care and treatment is required then there are opportunities for the young person to discuss their decisions and/or concerns with a range of appropriate professionals across the social care and medical fields. In some situations e.g. mental health and learning difficulties there could be opportunity to access independent advocacy services if appropriate.
- c) The Minister would wish to highlight that there is an information protocol, developed by the Jersey Child Protection Committee, which outlines the duty of professionals to share information when a child or young person is at risk. Otherwise information sharing between both internal and external departments would be governed by the principles above.
- d) The Minister would indicate that there are plans for a Jersey Mental Capacity act which will give greater clarity over issues of capacity.

1.28 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING PROPOSED CHANGES TO THE SOCIAL POLICY FRAMEWORK:

Question

Further to his confirmation at the States meeting of 6th November 2012 that the Council of Ministers is currently working to the social policy framework produced by its predecessors in 2007 and that he would be changing this during his term of office, could the Chief Minister provide details of what changes are being made?

When can the public expect to see a new social policy?

Which Ministers are involved in the development of this social policy?

Answer

The Social Policy Framework was approved by the Council of Ministers in March 2007. Since then the previous and current Council have done much that accords with the aims and key principles of that policy. The 2007 Social Policy Framework will be reviewed and refreshed by the Chief Minister's Department in 2013, working with all Departments.

It should be stressed however, that the current Strategic Plan seeks to deliver the right balance of economic and social policies - most notably, around unemployment, health, families and children, housing and immigration - and that this Council of Ministers is focused on delivering these priorities, within a refreshed social policy framework.

1.29 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE FULL IMPACT OF THE PROPOSAL TO AMEND THE EDUCATION (DISCRETIONARY GRANTS – GENERAL) (JERSEY) ORDER 2008:

Question

Will the Minister advise the Assembly whether his consideration of the likely effects of the proposal to amend the Education (Discretionary Grants) Order, took full and careful account of the following issues -

Whether the imposition of an additional financial liability for the education of a child of a single parent upon a new partner, whether married, cohabitee or civil partner, is consistent with Jersey's family and other legislation;

Whether the liability of a natural parent to contribute to the maintenance of their natural children, including the cost of education until age 25, is proposed to become an optional liability in future:

In the event of either a natural parent or new partner declining to contribute to the cost, the availability of alternative student loan finance.

If the Minister did take account of the foregoing, would he provide the Assembly with the rationale for his proposal in respect of each issue, and if not, provide his proposed solutions to ensure that the further education of young people whose natural parents are either divorced or separated, is not unreasonably prejudiced in the future and his proposal does not have divisive unintended effects on their families?

Answer

It is vital that we support our students to go to university but this must be achieved within the funds allocated to ESC for that purpose. Funding for university is a partnership between the States, the student and the family.

The rationale for this change is based on creating a system that is fairer overall for the majority of people who would wish to apply for a States grant. The aim is to achieve a more equitable balance between parents who struggle financially to support their children through a university education and those who can afford to make a greater contribution.

The change in policy does not exclude natural parents. Although the first point of assessment will now be the household, the divorced or separated natural parents can still opt to have their income taken into account. If they choose to do this, the department will use the biological parents' income

even if it is lower than the household income. The majority of people (approximately 62%) who apply for a grant do live with their natural parents and will therefore see no change.

The complexity of family relationships means that no system of income assessment will cover every eventuality. However, the move to household income is regarded as a pragmatic solution that will create the greatest equity for the largest number.

The decision to base grant assessment on household rather than parental income was taken after consideration of other options and research from other jurisdictions. Using parental income has proved harder to administer and less likely to be reliable or successful because of the difficulty of tracing absent parents. The Isle of Man abandoned the parental income method for higher education grants after a year and the UK Child Support Agency was unsuccessful in pursuing a parental income system and was dissolved.

The Minister's decision is consistent with existing legislation on household income, which bases any financial assistance on the calculation of this figure. The Social Security Department uses household income in their assessment of need. The Income Support (General Provisions)(Jersey) Order 2008 Paragraph 5(1) defines household as:

A person who normally occupies the same dwelling as his or her principal residence as another person is treated as being a member of the same household as that other person for the purposes of Article 2(2) of the Law if –

- (a) they are married to each other (unless they are living separately in the dwelling under a formal agreement) or are in a marriage-like relationship (whether or not both persons are of different sexes);
- (b) they live together as part of a family unit and the circumstances set out in paragraph (2)(a) or (b) apply; or
- (c) one of them is a child and the other has parental responsibility for, or otherwise cares for, him or her as part of a family unit.

Further consultation will take place with the Law Draftsman to ensure that amendments to the Grants Order are in line with existing legislation.

The grant is discretionary. Parents can choose to apply and if they do not provide the necessary information they are regarded as maximum contributors for the purposes of the grant assessment and will not receive States funding. The department has the ability to exercise discretion in the application of the funding formula to ensure a fair solution that is in the students' best interests. Every applicant has the right of appeal if their individual circumstances mean that the application of the policy could result in them being unable to attend their higher education course.

A loan of £1,500 for Jersey is currently offered through commercial banks. They have been reluctant to extend the current scheme because the take-up has been limited and the scheme, a non-standard service, is an administrative burden for them. The UK government's student loans scheme is under financial pressure because of the level of default and long repayment period. Requests for Jersey to join have been turned down.

Initial research with the Treasury indicates it would be difficult to create an extended government student loans scheme that would be affordable for Jersey. The cost of underwriting the scheme and the level of repayments needed from graduates are likely to be prohibitive. There is also concern that it could deter graduates from returning to the Island.

1.30 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHAIRMAN OF THE ELECTORAL COMMISSION REGARDING THE PROPOSED CHANGES TO ELECTORAL CONSTITUENCIES:

Question

Given that the table contained within the Electoral Commission's interim report sent to all households relating to the second option of a reformed States Assembly (namely one containing 30 Deputies and 12 Constables) could be seen as being misleading as it does not provide the ratio figures for the number of electors per large constituency set against both Deputies and Constables in each, will the Chairman agree to publish a table showing the statistics for each of the six large constituencies with the Constables per constituency included, so that the public can easily understand the Commission's statement in the leaflet that retaining the Constables would make "inequality of representation even worse than under the present system?"

Answer

The Commission wishes to make it clear that, under its provisional recommendations, if the Constables were to remain in the States they would be elected by their individual parishes and would not represent the proposed districts in any way.

The Constables would be elected on an entirely separate basis to those representing the large districts and would not form part of the district system. In District 5 the Constable of St. Ouen, for example, would not represent the people of St. Lawrence, St. John or St. Mary. The Constable of St. Ouen would be solely elected by, and representative of, the parishioners of St. Ouen.

In the same way, all voters in St. Helier would elect and be represented by a 'whole' Constable, not half of a Constable. The fact that the parish would be divided into two districts for the Deputies elections would have no bearing upon the election, or representation, of the Constable. Under the present system, for example, there is no misconception that the electorate in St. Saviour District No. 3 is only represented by one third of a Constable. They are represented by the Constable of St. Saviour and their elected Deputy.

To publish a calculation with the number of electors divided by the total number of Deputies and Constables in each proposed district would therefore be misleading.

1.31 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE OPERATION OF THE EU SAVINGS TAX DIRECTIVE:

Question

If, as stated in the statement by the Ministers of Economic Development and Treasury and Resources on 9th November 2012, Jersey does indeed "*meet the highest international standards of financial regulation, including anti-money laundering and 'know your customer' regulations*" and "*the Jersey Financial Services Commission (..) is equipped with all the necessary powers and resources to ensure compliance*" will the Chief Minister explain why Jersey financial institutions, and HSBC in particular, have been involved in allegations of money laundering/countering of the financing of terrorism (AML/CFT) for known criminals and terrorists twice in the last 3 months?

Does the Chief Minister accept that the operation of the European Savings Tax Directive withholding tax, whereby tax on savings held in Jersey bank accounts is deducted at 35% meets the needs of those seeking to use the island for tax evasion as this rate is less than all the UK higher rates of tax, and the UK HMRC are not told anything about the account?

Does the Chief Ministers accept that the purpose of the European Savings Tax Directive is to tackle tax evasion and, if so, given that Jersey does not fully comply with it, the island is effectively assisting in tax evasion?

Answer

No international finance centre is able to avoid entirely the risk of being used by those determined to engage in money laundering. The media is often referring to cases that have been identified in London or New York. What is important is the measures in place to deal with such cases and how they are dealt with by the relevant authorities. Jersey has a proven track record of cooperating with other jurisdictions and acting on suspected criminal activities. This has been favourably commented on by the IMF and others. A US government spokesperson, on presenting a cheque for £2million to the Attorney General, commented "I look forward to continuing our strong partnership with the Bailiwick of Jersey — along with our other law enforcement partners throughout the world — in disrupting and dismantling criminal organizations".

I am fully confident that our high standards will be maintained by the Jersey Financial Services Commission through the exercising of its considerable powers.

I agree that the purpose of the EU Savings Directive (EUSD) is to tackle tax evasion. We recognised this when in 2002 we agreed voluntarily to enter into agreements with all 27 EU Member States to help them achieve their objectives. Through those agreements we have made a significant contribution through the transfer of retention tax payments. Also it should be recognised that of all the interest payments that are paid to individuals resident in the EU Member States which are in the scope of the EUSD, the lion's share is reported under the voluntary disclosure option. We have made it clear that we are committed to engage in automatic disclosure of information as soon as the EU Member States themselves have reached agreement that this will apply to all the Member States.

In the light of our actions to-date, not only on the EUSD but also through the negotiation of tax information exchange agreements and our response to requests for information, I cannot agree with the Deputy's suggestion that Jersey is currently effectively assisting in tax evasion. Quite the opposite.

2. Oral Questions

2.1 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding the source of the projected £250,000 savings figure for the Managed Print Service solution:

Can the Minister state the source of the projected £250,000 savings figure for the Managed Print Service solution, advise whether Danwood are contractually bound to deliver this level of savings, and whether he still considers that the States of Jersey are getting the best value for money under this contract?

Deputy E.J. Noel of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):

Yes, the figure of £250,000 is based upon a minimum saving of 15 per cent on the estimated baseline expenditure of £1.6 million. 15 per cent is prudent and at the lower end of the industry average savings of 10 to 30 per cent and was agreed in consultation with the contractor. The baseline figure was determined by a full site survey of more than 225 sites. The service provider is

contractually committed to assist the States to achieve the savings target. Data from the sites where the project has been implemented indicates that the savings target can and will be achieved. Treasury will continue to monitor the implementation of the contract and ensure that the savings continue to be delivered. This is the fourth sitting that the Deputy has asked questions on this matter and I am pleased that Deputy Higgins has now agreed to come in and to be briefed by the procurement team. I would remind him and Members of the following that has happened during this contract: 23 sites have been implemented out of a total of 126, which is some 18 per cent. At these sites, there were 426 devices. There are now only 155, a reduction of 63 per cent in the number of machines. From 2.5 million pages printed each month, this is now reduced to 2.12 million pages printed per month. This is a reduction of 15 per cent. The previous costs at these sites were some £91,000 and this now has been reduced to £62,000, a substantial and worthwhile saving.

[9:45]

2.1.1 Deputy M.R. Higgins:

We have heard the usual waffle from the Assistant Minister. Let me just make a few comments first and then ask. The Deputy was deliberately evasive in answering the question. The £250,000 saving was derived from Danwood's own view of the savings that could be done. There was no independent assessment of the £250,000 in that contract. Secondly, clause 5.3 of the contract says: "Danwood shall endeavour to provide a minimum saving of 15 per cent." It is also agreed by the Corporate Procurement Department that Danwood would not agree contractually to deliver the 15 per cent as savings because they depended on the States of Jersey taking the optimum solution in most cases. It also requires them to have few single function devices. Danwood were also aware that the States of Jersey did not have accurate baseline data. What we have here, and I ask the Minister again to tell the States, first of all does he agree with the statement I just made from the contract, that Danwood are not contractually bound to deliver the savings and secondly, where is the accurate baseline data that has been derived from and from what date?

Deputy E.J. Noel:

To take the second of the Deputy's many points there, he is right. The baseline data has been difficult to pin down exactly. That is because prior to this contract being procured, we had some 2,600 machines out in various States departments for a total workforce of 6,500. That is quite a staggering amount of printers. Treasury have worked in conjunction with the contractor to provide what we believe to be, and I am advised that it is, a realistic savings target of £250,000. We have nothing to hide and I know that Deputy Higgins has now agreed to come in to put his slide rule through our figures and we look forward to him coming in.

2.1.2 Senator S.C. Ferguson:

The Assistant Minister talks about I think it was 2,000 devices. How many of the devices are, in fact, photocopiers and how many are printers as we know them because, of course, photocopiers pay a fee of, I do not know, a halfpenny, a penny a page for every bit of printing whereas printers, it is merely the variable cost of the paper that goes through. What is the split and what is the cost and when will he be able to give us the actual genuine savings?

Deputy E.J. Noel:

I believe that the good Senator is slightly out of date in terms of how printing and photocopying is carried out. Time has moved on. The number of devices out of the 2,600, I have no idea how many were old-fashioned photocopiers and old-fashioned printers but many would have been combined machines as most are now and the good Senator, as I have just said, is slightly out of date

in terms of the print per copy charges. It is an integral part of printing and photocopying now that paper costs and toner costs are included.

The Deputy Bailiff:

The last part of the question was when the actual savings will be available.

Deputy E.J. Noel:

We are seeing savings already, as I have indicated, on the 18 per cent of sites that have been implemented and the savings indicate from there, if you extrapolate them out, that we will be on target to meet the £250,000 and that is scheduled to be carried out in the rollout of the programme, which is due to take place in the rest of this year and into next.

2.1.3 Senator S.C. Ferguson:

I think I have confused the Assistant Minister. It is a very serious matter, Minister for Treasury and Resources, and I am sorry if I muddled the Assistant Minister up with my figure for machines. I am asking how many of the new machines are photocopiers and how many are printers and I am not aware that the sort of royalty charge per page printed for photocopiers has changed.

Deputy E.J. Noel:

We are reducing the different types of machines down to, I cannot remember the original figure but it was in the hundreds, down to 15 different types of machine, the majority of which will be multi-function machines. That will be that they can be fax machines, printers, copiers and the like. I do not have the exact breakdown in front of me of the 15 different types of machine but I will get it and I will forward it to the Senator.

2.1.4 Senator S.C. Ferguson:

Would the Assistant Minister also be so kind as to give me the cost per page as is used on these multi-function machines too, as is charged by the supplier of the machine?

Deputy E.J. Noel:

I will naturally provide this information to the good Senator. We have nothing to hide in Treasury.

2.1.5 Deputy M.R. Higgins:

I was going to act a moment ago and say that the Assistant Minister is in danger of misleading the House in the sense that the reduction in the number of printers and, in fact, even the reduction in the number of copies made are not necessarily attributable to the Danwood contract. The actual contract does not cover that. It is one of the consequences of States employees knowing the cost of colour and black and white print. However, the question is will the Assistant Minister again just confirm that he has no contractual guarantee that he is going to get the savings from this contract and... in fact, sorry, I will drop that one, if I can ask another one which I meant to ask. Is it not the case that Danwood are no longer on the official U.K. (United Kingdom) Government list of suppliers of multi-function devices and, in fact, it is likely that the costs that we are seeing in the States at the moment will result in us paying at least 50 to 100 per cent more than U.K. prices?

Deputy E.J. Noel:

Reductions in costs and in volumes that we are seeing come about because we have gone on to a managed print contract. The Deputy is correct that it is not necessarily related purely to this particular contractor. We would have got similar savings, probably not as much, from other contractors that provide a similar service but what we are doing in the States is getting good value for money for the taxes that taxpayers pay. The Deputy appears to be hung up. I wonder sometimes which side the Deputy is on. Here in Treasury, we are trying to procure better to drive

down costs of the public sector and I do wonder sometimes if the Deputy takes that into account because some of his questions and the way that he is leading on this implies that we are doing exactly the opposite. That is simply not the case.

The Deputy Bailiff:

Are you going to deal with the part of the question which asked whether Danwood is still on the U.K. approved list?

Deputy E.J. Noel:

I have no idea if Danwood is on the U.K. approved list or not. I am quite happy to find out and I will let Members know.

2.2 Senator S.C. Ferguson of the Minister for Health and Social Services regarding the views recently expressed on childhood obesity by the Consultant Obstetrician and Gynaecologist from the Health and Social Services Department:

Was the Minister aware that the consultant obstetrician and gynaecologist from the Health and Social Services Department was being featured on the front page of the local paper before the article on childhood obesity and health risks was published?

Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):

I can be very brief. The answer is no, I was not aware that the consultant had spoken to the local media prior to the publication of the article.

2.2.1 Senator S.C. Ferguson:

Would the Minister like to explain what action is being taken in this regard?

The Deputy of Trinity:

I think it is worth noting that any member of the public, including hospital consultants, has the right to approach the media about an issue that concerns them in their capacity as a private citizen. There is always a risk that the 2 lines can get blurred in speaking in a private capacity and their own knowledge and outlook and an individual speaking in their professional capacity. This is one of those cases where the lines were blurred. We will be reissuing all staff with our guidelines on speaking to the media.

2.2.2 Senator S.C. Ferguson:

I do not want to stop free speech, I am all in favour of it, but is it really appropriate to attempt to enforce behavioural change with the implication that it should be done through fiscal policy?

The Deputy of Trinity:

The consultant in question feels very passionately about this issue and, as I said, he wrote a letter to the *J.E.P. (Jersey Evening Post)* which any Islander is permitted to do. The last thing I would want to do is gag any member of my staff but behind it all there was a health message.

2.3 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the reduction of the cost of supplementation:

Can the Minister explain why, despite measures designed to reduce the supplementation bill by £7 million by raising additional contributions above the standard earnings limit in 2012, estimates

indicate that a lower return with the 2015 estimate returning to the 2011 sum of £65.3 million and would he outline what further actions, if any, he is considering to reduce the supplementation bill?

Senator F. du H. Le Gresley (The Minister for Social Security):

The amounts allocated in the Medium-Term Financial Plan for the States contribution towards supplementation reflect both the reduced cost of supplementation to the States following the introduction of the additional 2 per cent rate and the move to a 3-year timetable. As the Deputy indicates in his question, the contribution to be made by the States in 2015 will be £65.3 million which is the same as that paid in 2011 before the 2 per cent rate was introduced. Without the additional 2 per cent rate, the cost in 2015 would be well over £7 million above this value. The contribution of the States towards the cost of supplementation is now fixed for the 3-year term of the Medium-Term Financial Plan. The next Medium-Term Financial Plan will be agreed in 2015 and will cover the years 2016 to 2018. Next year, the U.K. Government Actuary will be undertaking comprehensive reviews of both the Social Security Fund and the Health Insurance Fund and providing additional advice on possible strategies for the next 10 or 20 years. Based on the actuary report, I plan to produce a set of options for public consultation during 2014 with decisions being taken in early 2015 to be incorporated into the next Medium-Term Financial Plan. These will include the contribution to be made by the States towards the cost of supplementation.

2.3.1 Deputy G.P. Southern:

Does the Minister have an explanation for the new figures for supplementation in 2015? When he says those figures would be £7 million greater without this move, would that be down to an increase in numbers of low-paid workers?

Senator F. du H. Le Gresley:

Approximately 70 per cent of all employees in Jersey benefit from supplementation of their pension records. To try and assist the Deputy, I have figures here for the first 2 quarters of 2011 compared to 2012 and I can inform Members that in the first quarter of 2012 compared with the 2011 quarter, the amount of supplementation needed to increase by £800,000 and in the second quarter, compared to 2011, by £650,000. Therefore over the first 6 months of this year, the cost of supplementation will need to go up by £1.45 million.

2.3.2 Deputy G.P. Southern:

Among the options that the Minister will consider over the coming years, will he consider a substantial rise in the minimum wage which would automatically reduce the supplementation bill pro rata?

[10:00]

Senator F. du H. Le Gresley:

As the Deputy is well aware, the minimum wage is reviewed every year by the Employment Forum and they have already made their recommendation for 1st April 2013, which I am considering. The Deputy makes a valid point but I do not necessarily agree that I would be making significant increases in the minimum wage.

2.3.3 Deputy G.P. Southern:

Will the Minister pledge to examine the widest range of options when he considers his review?

Senator F. du H. Le Gresley:

Yes.

2.4 Deputy T.M. Pitman of St. Helier of the Chief Minister regarding his statement concerning the investigation of allegations against a former Senator in relation to planning corruption:

Would the Chief Minister explain why he made the statement on 16th October 2012 concerning the investigation of allegations against a former Senator in relation to planning corruption and on what basis was the statement made?

Senator I.J. Gorst (The Chief Minister):

My statement on 16th October this year was made on the basis of the confirmation by the States of Jersey Police that there was no evidence to support the allegations against the former Senator. As the issue was referred to the States of Jersey Police by the former Chief Minister, it was only right that I should make a brief statement to put closure to the matter.

2.4.1 Deputy T.M. Pitman:

Is the Chief Minister nevertheless satisfied that the Deputy of Grouville acted correctly in forwarding a constituent's complaint and then answering questions on oath in court?

Senator I.J. Gorst:

Yes, I am. As I understand it, the Deputy of Grouville initially passed the complaints to the States of Jersey Police and as I believe any constituent that comes forward to a Member of this Assembly, that is the right course of action. She was then put in a position where she was asked details under oath and, as I understand it, she answered those appropriately.

2.4.2 Deputy T.M. Pitman:

Is the Chief Minister aware when he looks at the written answers that there seems to be some disparity in opinion on whether people who should have been, and you would have expected to have been, interviewed in this case were contacted and interviewed by the police? If he is aware of that disparity, is he concerned by it?

Senator I.J. Gorst:

If the Deputy is asking me to comment on the investigation process that the police undertook, then I am not prepared to do that. That is an operational matter for the police.

2.4.3 Deputy T.M. Pitman:

If I can help the Chief Minister by clarifying, it is written in black and white there from the Minister for Home Affairs that people were interviewed. Now, clearly my information from the Deputy involved is that certainly key figures were not interviewed. So it cannot be both is what I am saying. Surely that is a concern?

Senator I.J. Gorst:

It obviously would appear I have not yet had time to read the written answers that have been on Members' desks this morning. It would appear the Deputy is indicating that the Minister for Home Affairs is perfectly satisfied with the police investigation.

2.4.4 Connétable D.J. Murphy of Grouville:

Much was made that when this complaint was made that, in fact, there was evidence which was hidden away somewhere. Was this evidence ever produced and did it, in fact, exist?

The Deputy Bailiff:

This is not really an area for the Chief Minister's responsibility. He has been asked the questions because he has made a statement so he can be asked about why he made the statement, which is

why the questions have been allowed but details of the police investigation are really not part of the Chief Minister's responsibility.

2.4.5 Deputy M.R. Higgins:

I will try and give the Chief Minister a question he can answer perhaps. There has been much speculation of the need for a Minister for Justice, perhaps for his Assistant Minister who is sitting beside him. Would this provide a better oversight of the police and perhaps police prosecutions and whether they do sufficient investigations because there are at least 4 cases that I am aware of where complaints have been made of the police being less than diligent in following up complaints, especially when they relate to former police officers.

The Deputy Bailiff:

You mean police investigations rather than police prosecutions, Deputy, do you not? The police are not responsible for prosecuting.

Senator I.J. Gorst:

As I understand it, there is a Police Complaints Authority to which Members of this Assembly or the public can go. I am not certain exactly the timing of the details but I believe that the Minister for Home Affairs has brought forward legislation for a new Police Authority and that is in process.

Deputy M.R. Higgins:

Could the Chief Minister answer if he is in favour of a Minister for Justice?

The Deputy Bailiff:

I am not sure that that arises out of this question which is about a former planning corruption investigation.

2.4.6 Deputy J.A. Hilton of St. Helier:

This situation is most unsatisfactory. What I would like to know, I believe the Chief Minister said that the reason he gave the statement he gave was because there was no evidence to back up the allegation. Can the Chief Minister confirm that the evidence that the Deputy of Grouville gathered and deposited in a safe place with an advocate in St. Helier was considered by the police before he made the statement that he did?

Senator I.J. Gorst:

I have got no reason to doubt that the police did not appropriately investigate and review evidence as they found appropriate.

2.4.7 Deputy J.A. Hilton:

Is the Chief Minister confirming that that evidence gathered by the Deputy of Grouville was considered by the police and if the Chief Minister cannot answer that question specifically, would he please go away and establish whether the evidence was considered by the police? I think it is most important that Members are made aware of this fact.

The Deputy Bailiff:

Deputy, these are questions which are more appropriately put to the Minister for Home Affairs. The Chief Minister is being questioned about why he made the statement and he has given his answer. Now if there are more detailed questions about the investigation - if it is appropriate indeed to answer them at all - it will be for the Minister for Home Affairs who has responsibility for police matters. Do you wish to answer, Chief Minister?

Senator I.J. Gorst:

I do not necessarily wish to answer directly. My statement, I believe, was quite clear and the police confirmed to me prior to making the statement that there was no evidence to support the allegations and I would have thought that the Member would be satisfied with that from the police.

2.4.8 Deputy T.M. Pitman:

I think for the Chief Minister written question 12 is quite helpful here perhaps. Could the Chief Minister explain was he aware at the time when he made that statement - as I know he certainly was a few weeks ago when I spoke to him - that the Deputy in question states that she was summoned into the former Bailiff's office regarding this complaint to the police and, indeed, was shown an email which was sent as a direct complaint to the police and should have had no business being in the hands of a Bailiff, I would suggest, from what the answer says in number 12?

The Deputy Bailiff:

I do not see how that arises out of the question but Chief Minister, if you wish to answer it, you may answer it.

Senator I.J. Gorst:

Nor do I. I quite clearly made the statement having asked the police to confirm that their investigation was completed. My statement was short but I believe quite clear and to the point and I do not wish to get drawn into the police investigation. As you have rightly advised, that potentially is an issue for the Minister for Home Affairs but of course it is an operational matter.

2.5 Deputy M. Tadier of St. Brelade of the Chief Minister regarding the Terms of Reference for the Committee of Inquiry into Historic Child Abuse:

With reference to the proposed Committee of Inquiry into Historic Child Abuse, will the Chief Minister confirm that paragraph 10 of the proposed terms of reference will allow the committee to review the suspension of the former Chief of Police of the States of Jersey Police and whether the suspension was because of concerns relating to the prosecution of offenders?

Senator I.J. Gorst (The Chief Minister):

Paragraph 10 of the proposed terms of reference refers to the process by which files submitted by the States of Jersey Police were dealt with by the prosecution authorities. The intention is to establish whether there was any attempt at any level to politically influence or interfere with decisions of prosecutors. Neither Verita nor Andrew Williamson recommended a specific review of the suspension of the former Chief Officer of the States of Jersey Police. Accordingly, a review of the suspension of the former Chief Officer of Police is not specifically covered within the terms of reference. However, as Members will be aware, the terms of reference are sufficiently broad that if the Committee of Inquiry found evidence of political interference which related to the former Chief Officer of Police and his suspension, then it would be able to investigate further.

2.5.1 Deputy M. Tadier:

The reason I asked the question is because the suspension of the former Chief of Police is a matter of high public interest and also high continued public controversy and the question is, it seems to me, that paragraph 10 as drafted seems to focus, as the Chief Minister alluded, on the files which were submitted to the Jersey Police but not specifically or even peripherally to the suspension of the States of Jersey Chief Officer of Police. The simple question is if members of the public and the States refer to the suspension and the issues surrounding it such as the allegations that the former Minister for Home Affairs, Andrew Lewis, lied to this Assembly during an in camera debate and misrepresented the position to States Members, those are very serious allegations and will the

Committee of Inquiry be able to look at that? Will the Commissioner look at those issues if he is asked to and what assurances can we have that he or she will do that?

Senator I.J. Gorst:

This is a Committee of Inquiry into Historic Child Abuse and we must remember that that is its main purpose. One of the reasons that the previous Council of Ministers requested Verita to come and do the work that they did and the reason that I requested Andrew Williamson to come and do his review was to try and remove this from the political arena and I believe that the terms of reference which are now before the Assembly and the process for appointing the Committee of Inquiry do just that. Therefore, those 2 independent reviews, as I have quite clearly said, did not propose that specific terms of reference along the lines that the Deputy is now indicating should be included and therefore were not included in the terms that he has outlined. I think it is worth remembering that the Napier Report found no evidence of improper motive for the initial suspension of the then Chief of Police and I believe that the decision was judicially reviewed and the decision to suspend was upheld.

2.5.2 Deputy R.G. Le Hérisier of St. Saviour:

Would the Chief Minister not concede that in the unravelling of this whole incident, there were in the end, inconsistent statements from the Minister for Home Affairs at the time, particularly in that he reported to the Wiltshire Inquiry that there was no issue? Then, he suddenly became aware of an issue and he also reported that there were matters of concern in the Met. interim report that there were matters of concern but it subsequently was discovered, of course, that the Met. interim report did not report on these issues. In other words, there were fairly major inconsistencies in the statements that emanated from the Minister for Home Affairs which do leave very serious doubts in people's minds. Does the Chief Minister agree?

Senator I.J. Gorst:

I am not sure that I do.

2.5.3 Deputy R.G. Le Hérisier:

I wonder if the Chief Minister could outline why he has taken that position?

Senator I.J. Gorst:

As I understand it, this is a question about the terms of reference for the Committee of Inquiry, not what my thoughts are about either the Napier Review, the initial suspension, the subsequent upholding of the suspension by a judicial review and what was or was not said in this Assembly by previous Ministers for Home Affairs.

2.5.4 Senator L.J. Farnham:

I might be stretching my luck a little bit with this question but as we are asking about the terms of reference of the Committee of Inquiry, I was hoping the Chief Minister would be able to answer, if he knows, whether members of the public who wish to give evidence but not in public may be compelled to do so and if not, what would be the consequences?

The Deputy Bailiff:

Can I just say to Members that this question is about whether paragraph 10 of the proposed terms of reference will allow the review of the suspension of the former Chief Officer, questions about that, and whether the suspension was because of concerns relating to prosecution of offenders. It is not a question generally about the Committee of Inquiry. If we allow supplementary questions on the Committee of Inquiry, we could be here all day but Chief Minister, do answer this one if you wish to do so.

Senator I.J. Gorst:

I thank you for that clarification because perhaps it goes some way to satisfying the Deputy's concerns that if it were the case that it came to light as part of the Committee of Inquiry and they started to consider that perhaps that suspension was because of what was happening with regard to the prosecution, then of course it would be covered.

[10:15]

2.5.5 Deputy T.M. Pitman:

I think, to be fair, the Chief Minister is in danger of confusing himself because surely if, as Napier did say, there was evidence of secret meetings around the removal of the Chief of Police, then all these matters are interrelated and in support of what Deputy Tadier is calling for, that this matter should be considered within those terms of reference. Does the Chief Minister not think it is a fact of great importance that we now know that the former Minister for Home Affairs, I am afraid, did mislead the House? That is a reality. Now, surely that shows some political machinations, however they came about.

Senator I.J. Gorst:

Just because a meeting is held in private does not mean it is improper. The Napier Report, as I have said, found that there was no evidence of an improper motive for the initial suspension. This is a States proposition and I believe that the Council of Ministers has listened to arguments across the community and brought forward an appropriate terms of reference after proper and due independent advice and research. Of course, it is a States proposition. If Members remain dissatisfied with that and dissatisfied with what the independent reviews are suggesting, then they can amend those terms of reference if they so wish and that is part of our democratic process. But I think it is quite clear why the Council of Ministers are proposing what they propose and one of the important things is that we try and remove this from the political arena.

2.5.6 Deputy M.R. Higgins:

The Chief Minister may be very aware that the view of many people in the public is that there has been a cover-up. This is a cover-up that we have had before. Many people feel that the officers were removed because they were pursuing the perpetrators, and those who were assisting them, by covering up their activities. Now, in terms of the statements to do with the removal of the Chief of Police and former Minister for Home Affairs, Andrew Lewis...

The Deputy Bailiff:

There is absolutely no need to name the former Minister for Home Affairs. The former Minister for Home Affairs we know was concerned in this, particularly in the context of the allegations which are being made against him, which he is not here to answer.

Deputy M.R. Higgins:

I am just trying to make it clear that I am not talking about the current Minister for Home Affairs. I am talking about...

Deputy M. Tadier:

It could also have been Wendy Kinnard, I think, whose very closely timed departure might... the members of the public who are not so aware and current States Members might also get confused.

Deputy M.R. Higgins:

The point I am trying to make in asking the Chief Minister is that there are these views out there in the public that the removal of the Chief of Police and the attack on the officers who were

conducting the inquiry is linked with the Historic Abuse. Therefore we need to get to the bottom of this because, as has already been said, the former Minister for Home Affairs made statements to this House which he totally contradicted in his evidence to Wiltshire. Either he was giving false information to Wiltshire or he was giving false information to this House and it needs to be brought out.

The Deputy Bailiff:

Is there a question?

Deputy M.R. Higgins:

Does he not think that this should form part of the inquiry?

Senator I.J. Gorst:

I have tried to very carefully rely on the independent advice and reviews that were undertaken and not just come from my own preconceived political standpoint. I would though, however, say that the last questioner referred to the “removal” of police officers. While it is fair to say that the former Chief of Police was suspended from office, the lead investigative officer, the Deputy Chief of Police, as I understand it, retired at the end of his term of office and therefore I do not think we can use that terminology. If there are concerns with regard to the way that the police investigated this report and that had an effect upon child abuse in our community, then I have no doubt that - as I have said - the terms of reference are drafted widely and the Chairman of that committee rightly will be able to consider those.

2.5.7 Deputy G.C.L. Baudains of St. Clement:

Would the Chief Minister agree with me that by continually focusing on the procedural niceties surrounding the suspension of the Chief Officer and other related issues, we endanger being diverted from the real issue; that of child abuse and the victims involved?

Senator I.J. Gorst:

The Deputy makes a very good point. As I said right at the start in answer to supplementary questions, this is a Committee of Inquiry, an independent inquiry into Historic Child Abuse in our community and it is important that we understand what happened and it is important that we learn from the past so as to endeavour to try to ensure that it does not happen in the future.

2.5.8 Deputy M. Tadier:

The Chief Minister and others would like to think that the potential - and I would say probable - political suspension of a Police Chief who was investigating child abuse was linked... or he would like to believe it was not linked in any way to child abuse or the investigation into child abuse and I would say that is a very naïve position to take. Does the Chief Minister agree that the suspension of the Chief of Police and child abuse will never be removed from the political arena because they are inherently political issues? Nonetheless, if the Chief Minister does wish for these to stop being sources of questions at question time and be put to somebody who can make an independent and impartial assessment of whether the suspension was political or not, then we must at all costs come together to make sure that these allegations are looked at one way or the other. Whether this means that they are accepted under the current terms of reference and if not, whether they require an additional amendment so that the Committee of Inquiry can look at these things. Does the Chief Minister agree with all of those statements?

Senator I.J. Gorst:

There are so many it is difficult for me to recall them. This is very difficult. I understand that and that is one of the reasons why it took the Council of Ministers and me so long to come to a settled

position on an appropriate set of terms of reference. Perhaps the one thing I would say to the Deputy is that there have already been investigations into these particular issues and, to some extent, some I suppose are saying that they did not like the findings of those investigations and therefore wish for them to be reviewed again, which is why it is important that I believe that this Assembly approves the terms of reference as drafted because they are broad-based and based on independent research and advice from independent individuals.

2.6 Deputy J.A. Martin of St. Helier of the Minister for Transport and Technical Services regarding the details of the drainage shaft project at Ann Court:

Now that work has started on the drainage shaft and cork, can the Minister give a completion date and the full cost of this project please?

Deputy K.C. Lewis of St. Saviour (The Minister for Transport and Technical Services):

The completion date of the works is programmed for the end of 2013. The full cost of the project is £5.6 million.

2.7 Deputy G.C.L. Baudains of the Minister for Transport and Technical Services regarding the dismantling of the Bellozanne chimney:

Would the Minister explain why it is planned to dismantle the Bellozanne chimney gradually instead of by explosive demolition and would he advise the cost differential between the 2 methods?

Deputy K.C. Lewis (The Minister for Transport and Technical Services):

Specialist advice obtained prior to going out to tender confirmed that the proximity of the chimney to existing offices and other structures would preclude the use of explosives for its demolition. To confirm this advice, the demolition contractors were able to submit their preferred methodology for demolition of the chimney, including explosives if they thought this was a viable option. All of the tenderers priced on the basis of gradual demolition. Accordingly, no prices were received for demolition using explosives. As such, no cost differential can be supplied.

2.7.1 Deputy G.C.L. Baudains:

Could the Minister advise how much thought went into arriving at the conclusion that explosives could not be used, given that it is possible these days, and has been for some time, to drop a chimney wherever you like, including within its own footprint? Are the structures surrounding it of such value that the extra cost involved was deemed worth it?

Deputy K.C. Lewis:

Yes. Directly in front of the chimney, we have the sewerage plants. To the left of that, we have the 2-storey offices. To the south, we have the old Energy from Waste Plant, which must be dismantled safely and to the east of that, we have a housing estate so obviously it was crucial to take it down incrementally.

2.7.2 Deputy G.C.L. Baudains:

He might not have the figures with him at the moment but I would be grateful if the Minister could give me the distances of these properties that he is talking about because I am not convinced that the chimney could not be demolished by explosives. The amount of time involved in taking it down virtually brick by brick, I think the cost is going to be excessive.

Deputy K.C. Lewis:

The Deputy is more than welcome to come down and have a look.

2.8 Deputy R.G. Le Hérissier of the Chief Minister regarding the position of the Council of Ministers on the subject of a Channel Islands Confederation:

What is the position of the Council of Ministers on the subject of a Channel Islands Confederation?

Senator I.J. Gorst (The Chief Minister):

The Council of Ministers is committed to maintaining positive relations with the Bailiwick of Guernsey and, where appropriate, co-ordinating on matters of mutual interest in external relations and working with Guernsey to deliver common services for the benefit of the people of the Channel Islands. The Council of Ministers has not considered the subject of a Channel Islands Confederation. However, as I have said, the Council of Ministers remains committed to the shared initiatives that are in place between Jersey and Guernsey and continues to look for opportunities where joint working is to our mutual benefit.

2.8.1 Deputy R.G. Le Hérissier:

As the Chief Minister is aware, the idea of a confederation was indeed floated at a recent conference. Would the Chief Minister define for the House how foreign policy is made in the Council of Ministers and when they will be formally considering the idea of a confederation?

Senator I.J. Gorst:

As the Deputy knows, I have called Members to a briefing later this week because the Chief Minister's Office and the Council of Ministers have, in effect, brought together all the various tenets of our existing international relations work into one document so that this Assembly can be aware of it and hold the Chief Minister and his Assistant Ministers to account along the lines of that particular brought-together foreign policy. I have no plans at this point that the Council of Ministers would formally consider the confederation of the Channel Islands but I must say that the conference was extremely interesting and enlightening and it is right that both governments and both communities think about the future.

2.8.2 Deputy S. Power of St. Brelade:

Would the Chief Minister not agree with me that on the matter of any future confederation of the Channel Islands that it must be based on the attraction of Channel Islanders to the concept of confederation rather than it being proposed?

Senator I.J. Gorst:

If by that the Deputy means it must be the will of Channel Islanders as a whole, then he is absolutely right.

2.8.3 Deputy T.M. Pitman:

The Chief Minister explained that it is pretty tentative at the moment but could he advise if any consideration has been given to perhaps using a confederation of the Channel Islands to put out a united front perhaps when allegations of financial scandals come to light as they regularly do now? Would there be a spokesman for the whole Channel Islands? Would that be a positive thing?

Senator I.J. Gorst:

There are many positives that can be gathered from working together from the greater value for money, one organisation in various fields that works across the Channel Islands and my Assistant Minister and I agree that working together with regard to foreign policy is probably a very good first step with regards to putting in place an appropriate institution that is pan-Channel Islands. We

do certainly already try to work in a joined up approach when issues that affect not only ourselves and Guernsey but also other Crown dependencies come on the horizon because we recognise that in the world in which we exist, we are stronger together than we are apart and also the rest of the world tends to see us as Channel Islands and not as individual Islands.

[10:30]

2.8.4 Deputy M. Tadier:

Does the Chief Minister envisage that under a confederation, Jersey might have to speak out on behalf of financial scandals that take place in Guernsey and Guernsey may also have to be well-versed on how to rebut the many scandals that seem to be taking place in Jersey at the moment?

Senator I.J. Gorst:

I am not sure where to start with that question, the inaccuracies in the question or trying to answer the question itself. There seems to be a belief by some in this Assembly that any jurisdiction can ensure that there is no wrongdoing at any point. That is just simply unrealistic. We do have strong laws in place. We have a strong regulator in place and it is right that when things perhaps do not go as we might wish, that they properly investigate and people are held to account under the law. As I have said in answer to earlier supplementaries, I believe that together we are stronger and we are seen by the rest of the world generally and certainly as well in relation to the financial services sector as Channel Islands.

2.8.5 Deputy M. Tadier:

Does that mean that we would need to make sure that Guernsey apply the same sniff test, the rigorous sniff test that we ask our industry to voluntarily submit to, because there is a risk that if Guernsey had a more robust system that it could make Jersey look very foolish when it applies its own sniff test to the industry?

Senator I.J. Gorst:

I am not sure. The Deputy seems to have accepted that confederation is the way forward and now wants me to discuss the details of what confederation might be. As I said, it is important that we do consider the future and we do consider how we can work together and we are making good steps in that general direction but also to think about in the next 10 or 20 years what would be the institutions that might be required in order to enable ever more closer working. But I think, as Deputy Power rightly said, it must be the will of the people that drives a closer working to that sort of extent rather than necessarily this Assembly in the first instance.

2.9 Deputy J.H. Young of St. Brelade of the Minister for Planning and Environment regarding the environmental impact of the development of housing on the headland at Plémont:

Would the Minister explain why in his public comments he has described the development of housing on the headland at Plémont as an environmental improvement when a Planning Inspector's report concluded that housing at Plémont conflicted with the Island Plan's spatial strategy and required cogent exceptional justification? How will he prevent his advocacy of the proposal having a damaging effect on the future integrity of the Island Plan?

Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):

The Inspector did indeed conclude that housing at Plémont conflicts with the Island's spatial strategy and therefore requires cogent exceptional justification. However, the Inspector continued as follows in paragraph 219: "On a finely balanced assessment, I consider that the proposals taken

as a whole do accord with policy NE7 Green Zone provided that the 28 houses, well designed and laid out in themselves, are treated as enabling development to bring about removal of the existing eyesore and create more and better located and landscaped open land. Also that when the application is considered as a whole its overall balance would meet the aims of the 2002 law Article 2.” In considering any application, I take into account all of the Island Plan policies and other material considerations to arrive at a balanced judgment. In that respect, I concur with the Inspector’s view that the Plémont proposals will lead to a substantial environmental improvement. I understand that others may not agree with me but I believe that my conclusions have been properly made and are reasonable. No one can dispute that the existing buildings at Plémont are a blight on the landscape and I remind Members that the existing structures could be refurbished and brought back into use to last another 50 years or more. The scheme I have approved offers a significant reduction in the building mass and floor space area compared to the existing complex. By splitting the development into 3 traditional hamlets located away from the most sensitive coastline area, the scheme also breaks up the perceived bulk of the existing structures. Furthermore, the ceding of substantial areas of land to an appropriate body with full public access is of enormous value to the community. In addition, because of the unique circumstances of this particular site, I do not consider that it will set any precedents which would likely weaken the objectives of the Island Plan in the future.

2.9.1 Deputy J.H. Young:

I thank the Minister for confirming that the Inspector’s recommendation relied entirely on enabling development. Can the Minister justify departing from the Island Plan underlying principles of enabling development that first of all, such development should be outside the normal business of the applicant; secondly, that enabling development should be the minimum necessary in order to offset the environmental cost the developments took to damage and thirdly - probably most importantly - that the financial gains should not exceed the environmental benefit and are therefore profit neutral. Those are Island Plan principles. I ask the Minister to explain why the Island Plan principles of enabling development, including those within policy ERE3 paragraphs 54, 146, why those have been overridden?

Deputy R.C. Duhamel:

In terms of profit or financial gain, that is not a material consideration. The application was not considered under those terms as to the profit that will be made or not made by the owner. The other 2 points I think are straying close to any perhaps legal appeal that might be able to be brought or to be made. I am not sure that I could answer those without further legal advice.

2.9.2 Senator P.M. Bailhache:

Given that the Planning Inspector’s conclusion on planning grounds was finely balanced, would the Minister agree that, in principle, an even greater environmental improvement would take place if there were to be no building at all on this exposed headland on the north coast of our Island?

Deputy R.C. Duhamel:

That would be the case but that was not the application that was before me to be considered.

2.9.3 Deputy M. Tadier:

Would the Minister explain whether there were any planning conditions attached to the approval of the site which took into account the provision of social housing and affordable housing as a percentage of the overall scheme and if not, why not?

Deputy R.C. Duhamel:

As the Deputy will know, the requirements for social housing in terms of the Island Plan conditions are under consideration at the moment and would not apply until they are brought back to this Chamber for further agreement. In those terms, social housing is not one of the planning conditions that has been applied to this particular permit.

2.9.4 Deputy M. Tadier:

So is it not the case then that there is a tacit understanding that this site is too good for social or affordable housing and therefore it will only be available for luxury housing, which is probably of no benefit to those in solving the massive affordable housing problem that we have in Jersey?

Deputy R.C. Duhamel:

No, I do not think so. I think one man's meat is another man's poison. I am not at all sure that those persons who will be fortunate enough to purchase one of these units, should they be built, would suit everybody. Some people prefer living in coastal situations, some prefer living in town situations. There is a whole range of reasons why people purchase property but certainly the comment that the Deputy makes does not apply. The site should be good enough for anybody albeit you may have to have deep pockets.

2.9.5 Deputy S. Power:

Would the Minister agree with me that the hamlet type scheme that is now approved at Plémont does in some ways bear a resemblance to the Poundbury scheme outside Dorchester in Dorset that is associated with His Royal Highness the Prince of Wales and would he consider letting His Royal Highness know that this scheme has now been approved and does have similarities to his scheme?

Deputy R.C. Duhamel:

I think my Chairman is being unduly provocative there [**Laughter**] bearing in mind that he does know that I have been offered an invitation to go and visit Poundbury tomorrow with His Royal Highness, Prince Charles. So at the moment, I am not in a position to judge whether or not the scheme does have any similarities with Poundbury but I shall come back and inform the House once I have put the question.

2.9.6 Senator P.F.C. Ozouf:

I just wanted to confirm that is the Minister aware that Poundbury is in the middle of the countryside not on a coastal part?

Deputy R.C. Duhamel:

I think the difficulty with arguments about building in the countryside is that once you have built, it is not in the countryside.

2.9.7 Deputy J.H. Young:

The Minister has told the Assembly in his answers that he did not take into account the question of financial gain, which is an explicit requirement of the enabling development policy we have in the Island Plan. Given the potential major implications on all other sites in the Island where potentially we may see sites allowed to lapse into a dilapidated condition while owners wait and let them rot until they obtain a benefit from enabling development, would he not accept that we need to see from him, because he did not of course publish the Inspector's report before he decided, an explanation of cogent exceptional reasons as to why that policy was considered sufficient justification?

Deputy R.C. Duhamel:

I am happy to speak to the Deputy and, indeed, go through the Inspector's report and, indeed, give him further insights into the material considerations that I made in arriving at the decision.

2.10 Deputy S. Power of the Minister for Treasury and Resources regarding the funding of infrastructure and capital issues by the Jersey Electricity Company:

Further to the recent announced price increase at Jersey Electricity of 9.5 per cent, more than 4.5 times the rate of inflation, does the Minister, as the shareholder representative, consider that the damage to the undersea cable that provides a link to electricity generated in France is an infrastructure and capital issue and that the cost of repairing and replacing this should not be tariff-based and applied indeed to any price increase?

Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

I am advised that the electricity price rise is not to recover the costs of the repair or replacement of the failed undersea cable to France. It is to recover a proportion of the extra £8 million that it will cost to generate electricity at La Collette using oil rather than importing cheaper electricity from France. I am further advised that the company is only seeking to recover some 75 per cent of these additional costs. Full recovery, of course, would mean that the tariff increase was even higher. All Members are concerned about the issue of rising energy prices but I believe to a great extent this is not an issue which we should criticise the J.E.C. (Jersey Electric Company) for. I believe the J.E.C. have acted properly and they have acted reasonably, given all the circumstances.

2.10.1 Deputy S. Power:

My question in no way implies any criticism of the J.E.C. It was a simple question. Would the Minister not agree therefore that the press releases that were released on or about the time of the announcement of this price increase directly referred to damage to the undersea cable and that the tariff increase was directly linked to repair or replacement of that undersea cable?

Senator P.F.C. Ozouf:

I have the press release that was issued from the J.E.C. and, of course, it is absolutely right. The Deputy is right that the reason why Jersey Electricity is suffering additional costs was because of the failure of the undersea cable. The Deputy will know that the J.E.C. have worked tirelessly in order to secure Normandie 3, which will be the long-term solution of ensuring that the Islands continue to be able to import cheap power. It is regrettable that the Normandie 1 failed and that is the reason - because we cannot import such large amounts of imported power from France - that we have to generate our own and there is an additional cost that the company is incurring that it has to recover in that period of time.

[10:45]

2.10.2 Deputy G.C.L. Baudains:

Given that the longer the delay in repairing the extension lead from France, the more it is going to cost in fuel and consequently in tariff, could the Minister update us on the progress because I believe there was some hold-up with regard to a planning consent from France?

Senator P.F.C. Ozouf:

That is a very good question. The undersea cable at Normandie 3 is expected to be ready and operational by 2015 but that, of course, will depend on supplies and third parties. I am advised by the J.E.C. that there has been quite understandably a protracted planning application process in relation to Normandie 3. I think this has gone on for some 7 years and they have made their best endeavours in order to resolve this and certainly the Commission Amicale, the arrangements that

we have in France, the Bureau de Jersey, will continue to give all the possible support that we can to the J.E.C. in securing these final permits that the J.E.C. needs.

2.10.3 Deputy R.G. Le Hérissier:

Given that this cable was apparently well past its sell by date, will the Minister for Treasury and Resources tell the House what steps were put in place by Jersey Electricity to anticipate the fact that this cable was undoubtedly going to malfunction imminently?

Senator P.F.C. Ozouf:

As I mentioned earlier, the J.E.C. started over 7 years ago in order to commence the process of replacing Normandie 3. I think that everybody involved in that process within the J.E.C. certainly will say that that has been a very long process and if Normandie 3 would be operational earlier, then the J.E.C. would not be in the position that they are. But I do not think that we can ascribe any criticism to the J.E.C. on their ongoing diligent work to try and secure Normandie 3, and indeed also the work that they have done in order to try and find a solution to Normandie 1, either repair or otherwise, which has also been the subject of discussions that the J.E.C. have had with the French authorities.

2.10.4 Deputy R.G. Le Hérissier:

Supplementary and admittedly near to micro management. Would the Minister for Treasury and Resources tell us whether monitoring of the condition of that cable was indeed undertaken by the J.E.C. as one would expect?

Senator P.F.C. Ozouf:

The J.E.C. has got a very good track record in managing and running infrastructure. I think that this is one of those unfortunate issues where a cable that was coming to the end of its life has now come to the end of its life. I know that there are discussions about repair but I do not think that that is going to be a short-term issue that is going to be able to be dealt with. The only thing that I would say to the Deputy and other Members is that I think that we can take some comfort. Nobody wants to see a 10 per cent rise in electricity but it is worth pointing out that notwithstanding this rise, the J.E.C. does compare extremely well with benchmarks of other electricity providers in Islands. The J.E.C. is still significantly lower than Guernsey who have obviously been affected by this too, lower than the Isle of Man and indeed lower than an average of EU-15 countries. The Minister for Economic Development has also asked SiCrA (Singapore Credit Rating Agency), the Competition Authority, to look at the J.E.C. and that report is due to be published shortly I understand.

2.10.5 Deputy M. Tadier:

Does the Minister for Treasury and Resources agree that the 9.5 per cent price hike of Jersey Electricity is a slap in the face for many Islanders and workers who are not getting a pay increase this year, the pensioners who are seeing their incomes dwindling? As the majority shareholder, will the Minister for Treasury and Resources go back to Jersey Electricity and ask them to reverse this price hike of 9.5 per cent and take a hit because they have had many profitable years while the States have been taking their money as shareholder?

Senator P.F.C. Ozouf:

No. I do not think politicians are serving their communities well when they effectively try and pretend that there is an easy solution for something. I am advised that Scottish Power has increased their tariffs by 25.9 per cent since November 2010; British Gas has increased their tariffs by 29 per cent; npower by 21 per cent and EDF by 22.8 per cent. We are kidding ourselves if we are saying that somehow we can insulate people from price rises. What we can do is we can invest in

insulation like we have done with many hundreds of homes across the Island by the Department of the Environment in order to reduce energy costs and that is where we are going to be putting our energies, if you will pardon the pun. We need to help people reduce their energy costs to deal with the unfortunate inescapable fact that energy prices have risen and are likely to rise as we see further issues in terms of the global demand for energy.

2.10.6 Deputy M. Tadier:

Of course, the Minister for Treasury and Resources would agree that if we insulate homes and we are successful at insulating homes, that will lead to Jersey Electricity being less profitable so there will be less of a return back to the States and they will have to put their prices up, of course, even more, because people will not be using as much electricity. Hopefully the Minister for Treasury and Resources has got a plan for that but he, I am sure, will confirm that he did write to Jersey Electricity telling them not to give their staff such a pay increase because ostensibly it would have embarrassed the States sector workers who are facing a pay freeze. So would the Minister for Treasury and Resources not accept the fact that he is quite within his rights to go back there because, unlike the other companies he named, they are not partly or entirely States-owned. This company is and there must be a link between policy of what the States of Jersey is setting out and as the majority shareholder, the States of Jersey should have more of a say. Does the Minister for Treasury and Resources not agree?

Senator P.F.C. Ozouf:

First of all, I would encourage the Deputy to read the recently published energy policy which has been published in the name of the Council of Ministers but led by the Minister for Planning and Environment. That is an excellent document that sets out the future of energy requirements in Jersey and electricity is likely to dominate energy consumption in Jersey and energy use in the longer term. Electricity, in fact, is probably going to be rising in terms of market share and the Deputy is right. He was probably in the Assembly when Senator Breckon brought forward a proposal under the Electricity (Jersey) Law 1937 where this Assembly was asked to intervene as we could do in electricity prices but that would be unwise. We cannot kid ourselves from the reality that the J.E.C. is, for a period of time, going to incur increasing costs because of on-Island generation because of oil costs. Those will abate in the longer term. We need to work to make sure that the J.E.C. delivers on their third interconnect and we need to deliver on the Minister's policy for a competitive energy market and use the J.C.R.A. (Jersey Competition Regulatory Authority) when we have concerns. I think there are concerns of other energy providers in Jersey in addition to just the J.E.C. I think there are real issues with some of the other issues as there has been media coverage over the last couple of weeks.

2.10.7 Deputy S. Power:

I will have a final supplementary and it is this. The Minister has confirmed that the operating cost of generating electricity through the J.E.C. has increased because of the failure of the undersea cable. When Normandie 3 is commissioned, will the Minister be able to confirm whether the temporary operating costs, as he has alluded to, will be examined, re-examined and perhaps adjusted downwards so that the consumers of Jersey who are now having to pay an extra 9.5 per cent can be comforted by the fact that the French link will again provide an affordable amount of electricity at a reasonable tariff to Islanders?

Senator P.F.C. Ozouf:

I think the Deputy raises an absolutely legitimate question and it is of course going to depend on the prices of electricity that are going to be imported from France but what we do know and experience has shown that in the foresight of the J.E.C. in putting down cables to France - which by the way also liberalised the telecommunications market with fibre optic wrapped around them - that

the J.E.C. have a history of forward thinking, investing in infrastructure and delivering value to Islanders. I appreciate the concerns that the Deputy raised. He is absolutely right. Our electricity prices are still lower than that of comparative places and let us hope that that third interconnect will, as he asks us to do, see falling prices of electricity. The J.C.R.A. and other regulatory authorities do have an oversight. While we do not regulate prices in the way that we do in other markets because that is not deemed necessary, we hope that prices will in turn be falling back to their pre-cable failure rates and we wish the J.E.C. well in their endeavours to solve this problem.

2.11 The Deputy of St. Martin of the Minister for Planning and Environment regarding cases of ash dieback fungal disease in Jersey:

Can the Minister confirm if any cases of ash dieback fungal disease have been discovered in ash trees in Jersey and if so how many?

Deputy R.C. Duhamel (The Minister for Planning and Environment):

There have been no confirmed cases of ash dieback fungal disease in Jersey to date.

2.11.1 The Deputy of St. Martin:

Is the Minister aware of the percentage of the Island's total trees that are made up by ash and what procedures has he put in place should this disease be discovered?

Deputy R.C. Duhamel:

The actions that have been taken so far to date include: July 2012, all nurseries and garden centres were supplied with symptom guides and information so they could see what the disease looked like and identify plants that might be contaminated; 26th October, Ministerial decision prohibiting ash imports and logs for fuel; 29th October, surveys of ash trees begun including nurseries; 5th November, ongoing correspondence with Danish experts at the University of Copenhagen; 12th November, symptom guide available from the Department of the Environment to the public; 7th November, further Ministerial decision allowing importation of ash logs. In addition, the disease, if confirmed, there are 2 different courses depending on the number of trees that might become infected. It is not intended at this particular point in time that there be a total eradication of all ash trees because some ash trees will develop a specific resistance which might well be of use for further plant breeding purposes so the interventions that took place with respect to Dutch Elm Disease will not be copied in that respect.

The Deputy of St. Martin:

Could I just thank the Minister for his response and the work his department has done in this regard.

2.12 Deputy G.C.L. Baudains of the Minister for Economic Development regarding the employment of consultants to report on the future of the Finance Industry:

Is the Minister employing consultants at a cost of £950,000 to report on the future of the finance industry and if so, why when a person has just been appointed as Director of Financial Services Policy with the same remit?

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

The Minister is not employing any consultants. However, he does support the 4 key aims of the Economic Growth and Diversification Strategy approved by this Assembly. One of the key aims is to grow and diversify financial services sector capacity and profitability. I therefore support Jersey

Finance Limited who have appointed consultants to undertake comprehensive research in order to safeguard the finance industry's contribution to the overall prosperity for the Island. To facilitate this work, the government has provided £990,000 from central reserves to Jersey Finance Limited to fund this project. The technical and specialised nature of the research required should not be underestimated, nor should the benefit of a network of resources and contacts, both here and, importantly, globally. This research will be critical to the success of the new Director of Financial Services who will utilise the findings to co-ordinate the development of a new Financial Services Strategy, a strategy that will better rely on the activity of government, the J.F.S.C. (Jersey Financial Services Commission) and industry. Ministerial colleagues and I expect the outcomes from this project will prove invaluable in ensuring that Jersey continues to differentiate itself in an increasingly competitive marketplace.

2.12.1 Deputy G.C.L. Baudains:

I am always impressed by the Minister's salesmanship. It does seem curious to me that there is a person being employed via a third party but apparently that does not count as being employed by the first person. Can the Minister explain why there is not seen to be sufficient expertise within the industry already to save this financial outlay?

Senator A.J.H. Maclean:

I think there was a compliment in there so I thank the Deputy for that initially. As far as expertise is concerned, I do not think we can underestimate what the particular firm that is being employed to provide this research work and the extent of its global network is something that adds an additional benefit above and beyond what is available locally. Clearly, there is a lot of local expertise and indeed that is being tapped into, as the Deputy and other Members would expect, but we should not underestimate the extensive network that the consultative organisation has and the value that they will bring to this project.

2.12.2 Deputy G.P. Southern:

Will the Minister name that company and state whether he has had any input into the remit, the terms of reference, of the piece of research that is being engaged in?

Senator A.J.H. Maclean:

Yes, in fact, I am pleased the Deputy asked the question because there is a very limited number of firms globally that can undertake this level of research. The company that was successful through the tender process was, in fact, a company called McKinsey and yes, there has been an oversight group who were involved in the terms of reference for this project.

2.12.3 Deputy G.P. Southern:

Will the Minister release those terms of reference?

Senator A.J.H. Maclean:

No, but what I will undertake to do at the end of this process, as I have already pointed out, the valuable research that is going to be undertaken will feed into the new Financial Services Strategy that is being developed and indeed that strategy itself, which will be of interest to Members and indeed more widely to the Island community, will indeed be published.

[11:00]

2.12.4 Deputy R.G. Le Hérissier:

I wonder if the Minister has considered whether all the existing expertise and the expertise being brought by the new super appointment could have led to a different use of consultants? The appearance has been given that the whole exercise is a massive handholding exercise when we

within the system have considerable resources and have employed people who for years and years have been telling us we must follow their advice, we must follow their assessment, *et cetera, et cetera*. What is happening to all that background information and that background advice which we have been told for years is indispensable?

Senator A.J.H. Maclean:

If the Deputy is referring to the extensive expertise that exists within the Island within the financial services industry and if indeed that expertise being utilised, yes it is. As part of this particular project and indeed McKinsey have had, and continue to have, extensive dialogue with industry experts in order to formulate their advice.

2.12.5 Deputy R.G. Le Hérisier:

Is the Minister saying that we are paying a large part of McKinsey's fee in order to obtain advice from people who already know the basic facts about the situation?

Senator A.J.H. Maclean:

No, but the Deputy would clearly expect that anybody undertaking a valuable piece of consultancy work would need to understand the views of industry locally. That is perfectly understandable and perfectly acceptable and that is exactly what McKinsey are doing. It is only one small part of what they are doing. Clearly they add extremely additional value from their global networks and contacts that I have referred to already.

2.12.6 Deputy G.P. Southern:

Since the Minister is aware of the terms of reference but will not publish them, will he state whether they stretch to an investigation of the pros and cons as signing up to the automatic disclosure agreement under E.U. (European Union) Savings Tax Directive?

Senator A.J.H. Maclean:

No, I will not.

2.12.7 Deputy G.C.L. Baudains:

Would the Minister remind me of the contract of this person, the length of the contract and how we will eventually determine that the financial services industry has received value for money, by which I do not mean an increased turnover by the financial services industry but something which is directly linked to the terms of reference of the person involved?

Senator A.J.H. Maclean:

Can I clarify if the Deputy is referring to the consultancy firm?

The Deputy Bailiff:

Yes.

Senator A.J.H. Maclean:

Yes, the length of the contract, they are going to report in January so it is effectively a 12-week contract. The ultimate aim is that from the results from this work, a Financial Services Strategy will be delivered and that will seek to sustain the financial services industry employing 12,500 people, as Members know, and contributing more than 60 per cent of our tax revenues. I want to see that we maintain the jobs in the industry, 90 per cent of which are local jobs and indeed that those revenues continue to be maintained and grow in the future.

2.13 Deputy M.R. Higgins of the Minister for Treasury and Resources regarding the £23,367 overpayment to Danwood for the Managed Print Service to schools:

Can the Minister advise whether the £23,367 overpayment to Danwood for managed print services to schools has now been recovered and whether the company has supplied all the figures necessary for the Treasury's internal auditor to reconcile the cost differences between Hautlieu, Le Quennevais and the supplier under the contract and to ascertain the true cost of the contract overall?

Deputy E.J. Noel (Assistant Minister for Treasury and Resources - rapporteur):

The overpayment was highlighted in the Treasury's internal audit report and I can confirm that it has been agreed that a credit note will be issued. Departments were not recharged and there has been no loss to the States. Internal audit have confirmed that they have been provided with all the details necessary to consider and compare the predicted costs and volumes for the 2 schools. The final draft internal audit report has gone to the Public Accounts Committee and will go to the Audit Committee in line with normal practice. In addition, the final internal audit report will be published. The audit report was not intended to cover the whole of the contract. However, I can confirm that the Treasurer has commissioned, at my request, BDO to undertake an audit of the whole of the contract and the findings of this report will also be published.

2.13.1 Deputy M.R. Higgins:

First of all, I would like to welcome the last statement by the Assistant Minister because Members should be aware of the fact that the internal Treasury report said: "Given that the commercial portion weighting of 50 per cent of this contract was integral to the award of the contract, it is inappropriate that no effort was made to validate the cost per print rate contained in the contract to the original commercial bid. If commercial data in the contract document is not confirmed to that used in the competitive tendering process, there is a risk that the value of money element assessed by the tender may not be attained." So it is absolutely vital so I welcome that and I also welcome the fact that he is going to publish the report. Can the Assistant Minister tell us when this report is due by and when it will be published?

Deputy E.J. Noel:

It was originally requested in the scope on 2nd November. The audit was due to commence on 12th November. There has been a slight delay; I believe it is commencing next week. The audit is for 40 man-days and will be completed probably shortly before Christmas. In that respect, then, it will be going in the normal channels to the Public Accounts Committee and to the Audit Committee and then subsequently will be published to all Members.

2.13.2 Deputy R.J. Rondel of St. Helier:

Would the Assistant Minister please advise the Assembly as to when the actual managed contract with Danwood does end, whether he would be concerned if Danwood are no longer on the U.K. suppliers list and maybe whether there is a get out clause with the contract if the Treasury should have concerns?

Deputy E.J. Noel:

Those are detailed questions that I do not have the answers to in front of me. I will get them and I will reply back to the Deputy.

Deputy R.J. Rondel:

I thank the Assistant Minister for his answer.

2.14 Deputy M. Tadier of the Chief Minister regarding the pursuit of the proposition seeking to acquire the former Plémont Holiday Village (P.90/2012):

In the light of last week's decision by the Minister for Planning and Environment to grant planning permission for 28 homes to be built on the site, will the Chief Minister be persisting with his proposition seeking to acquire the former Plémont Holiday Village?

Senator I.J. Gorst (The Chief Minister):

Yes.

2.14.1 Deputy M. Tadier:

Does the Chief Minister agree that there has been a very organised campaign with these green hearts letting us know which members of the public wish us to vote for the proposition although, of course, it does not tell us how much money they wish us to pay for that. In the absence of a counter lobby - because we are not receiving any little black hearts from members who do wish to buy Plémont and build on it - does the Chief Minister agree that this could very well be the subject for a referendum because it is a subject of political interest and it also appears to be a very controversial subject at a time where we are facing austerity and massive questions about how vast sums of money should be spent in the best interests of the Island?

Senator I.J. Gorst:

I am not sure how a supplementary arises out of a simple yes to a question that has been tabled but there we are. The Deputy raises a very good point. It does and has been quite a difficult issue and the public are, without doubt, split over the issue. However, I suspect that he is being a little bit disingenuous in that while the National Trust have been engaging in a "Love Plémont" campaign, those who are against my proposition have had no qualms about making their position equally well known in strong and strident terms. I think that we are having a good strong robust debate, so I do not think the Deputy needs to concern himself on that front.

2.14.2 Deputy M. Tadier:

The actual question, of course, although it was very well camouflaged in that way, was should there be a referendum on this issue? First of all, are there good grounds for a referendum and should we have a referendum and that is not a supplementary, that is just the same question as I asked before.

Senator I.J. Gorst:

I thought the Deputy seemed to be indicating in light of the fact that he did not feel that those who were against the proposition were making their voice heard, there was therefore a need for a referendum which is why I answered in the way that I did. I do not see that there is a need for a referendum. We in this Assembly are elected to make difficult decisions and that is what this proposition calls upon this Assembly to do.

The Deputy Bailiff:

I remind Members that the purpose of question time is to seek information under Standing Orders and not to have a debate through questions of what we are going to be debating in a few weeks' time.

2.14.3 Deputy T.M. Pitman:

As the Chief Minister moves through his tenure, he seems to see less and less relevance in any supplementary questions it has to be said. What I would like to know, could he enlighten us, has the impact of the decision of the Minister for Planning and Environment to grant consent had an impact - which I am sure it must - on increased cost and has that not affected the Chief Minister's outlook on continuing with his proposition?

Senator I.J. Gorst:

The Deputy raises a good point about valuation of the site and, as we will be indicating at lunchtime, and I think probably the Minister for Treasury and Resources has already indicated, that we have asked for a further valuation from the Property Holdings Department so that this Assembly can be fully informed before it comes to make a decision in due course.

2.14.4 Deputy R.G. Le Hérisier:

On the back of Deputy Pitman's question. Although many argue or some argue that there can be no price put upon natural beauty, would the Chief Minister tell the House, were he a pragmatist, what would be the limit of the sum he would be putting forward to this House?

Senator I.J. Gorst:

I think that is a hypothetical question and I do not think, being a pragmatist, that he would expect me to answer it without sight of the new valuation.

2.14.5 Deputy R.G. Le Hérisier:

Could the Minister inform us, looking at the budgetary situation of the States, what does he think is the absolute stress and amount that can be placed upon that budget were he to advance his proposition?

Senator I.J. Gorst:

Obviously the Deputy is trying to ask me the same question in a slightly different way. **[Laughter]** I stand by the answer I have just given.

2.14.6 Deputy M. Tadier:

I might have another go at asking that question because I do not accept from the Chief Minister that it is a hypothetical question. The question is I think the Chief Minister, along with some of his Ministerial colleagues, has said that he wants the Plémont area to be returned back to nature, i.e., with no properties on that area. What is the price that the Chief Minister will go to to secure that area for future generations or is it a limitless figure?

Senator I.J. Gorst:

I feel like I am in some sort of auction. Sadly, it is not a silent one. As I have said, it is right and proper in light of the planning application now having been approved by the department that extra work is done on the valuation of the site and it would be premature for me to stand up and comment further about valuations outside of sight of that new work.

2.15 Deputy G.P. Southern of the Chief Minister regarding the availability of options for withholding tax as a means of tax evasion:

Were the almost £1 billion of deposits from E.U. Nationals in HSBC recently published covered by the European Union Savings Tax Directive which is designed solely to tackle tax evasion and if so, why is the option of choosing withholding tax, which enables depositors to hide their identities from their home authorities to evade tax, still available in Jersey?

Senator I.J. Gorst (The Chief Minister):

Interest payments made to individuals resident in E.U. Member States are covered by the Savings Tax Agreements. We have entered into this agreement voluntarily with all of the E.U. Member States. What we do not know is what the makeup is of the figures quoted in the media concerning HSBC. They may well include accounts not subject to the agreements such as corporate accounts

or accounts of those exempt from tax. We have made it clear that we are committed to engage in automatic disclosure of information as soon as the E.U. Member States themselves have reached agreement that this will apply to all Member States.

2.15.1 Deputy G.P. Southern:

Will the Chief Minister give Members an estimate of what he calls “the lion’s share” in answer to question 31 earlier submitted?

[11:15]

Senator I.J. Gorst:

I am not able to do that.

2.15.2 Deputy G.P. Southern:

Could the Chief Minister inform Members why he does not have that figure? How much is subject to voluntary disclosure and is told to home countries from Jersey and how much is subject to the withholding tax? That is a significant and important factor in deciding whether it is worth sticking with withholding tax.

Senator I.J. Gorst:

Surely the deciding factor is a level playing field. Until the E.U. Member States themselves can agree a date when they can all comply with that, then our position has been that we will reserve our position until such a time.

2.15.3 Deputy G.P. Southern:

It is significant because if the lion’s share which is disclosed is of the order of 99 per cent. There is absolutely very little reason why we should not sign up to automatic disclosure for the sake of that 1 per cent. If we lost 1 per cent, it would not make much difference so the size of the lion’s share is quite important. Will the Chief Minister investigate and find out what that lion’s share is? How big is it?

Senator I.J. Gorst:

I do not agree with the Deputy’s supposition that that is the important thing as I have detailed what I think is the important issue and that is the level playing field when the E.U. Member States themselves have agreed. We have said that we would reserve our position until then.

3. Questions to Ministers without notice - The Minister for Education, Sport and Culture

The Deputy Bailiff:

Very well. That brings that part of question time to an end. We now come to questions to Ministers without notice. The first question period is to the Minister for Education, Sport and Culture and I call on Deputy Power.

3.1 Deputy S. Power:

The Minister will be aware of the excellent standards that are achieved by Les Quennevais School, both by students and by the management and it is one of the best regarded State Public Schools in the Island. Can the Minister advise the Assembly as to how far plans have progressed on a feasibility study to either replace the existing school with a new building or extend the existing school?

Deputy P.J.D. Ryan of St. John (The Minister for Education, Sport and Culture):

I thank the Deputy for his question. The situation with Les Quennevais School is one of my priorities. It is an excellent school and does very well, as he says. How far have we got with the feasibility study? It is ongoing. I cannot tell him exactly where it has got to as yet but what I can say is that unfortunately in this Medium-Term Financial Plan, there is no capital application for Les Quennevais School so we do have a little bit of time but I can reassure the Deputy that it is one of my main priorities.

3.2 Connétable D.W. Mezbourian of St. Lawrence:

Does the department undertake risk assessments at all primary schools with regard to children's safety during the significant build-up of traffic at drop off and pick up times? If the department does not undertake risk assessments, why does it not do that?

The Deputy of St. John:

I know the department carries out through the head teachers a whole raft of risk assessments at primary schools and I am 95 per cent certain that that will be included in that list of risk assessments. I would need to confirm it specifically about the question that the Constable is asking me and I will get back to her.

3.2.1 The Connétable of St. Lawrence:

Is the Minister aware of the problems in most primary school areas of the build-up of traffic and if so, how is his department working with road authorities to alleviate those problems?

The Deputy of St. John:

Yes, I am definitely absolutely aware, particularly as the Constable mentions in her own Parish, there is a particular problem with St. Lawrence School but there are also problems at Trinity School and St. John's School in my own constituency and several others. We are working with the police and the local honorary police in each case and doing our very best to resolve them but it is not always the Department's responsibility. There is a shared responsibility with the Parishes as well and also with the honorary police.

3.3 Deputy J.A. Hilton:

Last week, the Minister's department released some figures relating to G.C.S.E. (General Certificate of Secondary Education) passes and my understanding is that the foreign language pass rate far exceeded the pass rate currently in the U.K. What is of more concern is that literacy rates appear to be falling and our English pass rate is now lagging behind the U.K. pass rate. In light of this evidence, does the Minister believe that that money that was agreed by the Assembly 2 weeks ago to pay for foreign language support in classes would be better directed at those town primary schools that are struggling in particular in getting their literacy rates up among those students?

Deputy M. Tadier:

Can I raise a point of order because I think the Deputy is not only mistaken but is also misleading the House because there was no sum that was agreed by the States Assembly. That is the whole point and she voted against it.

The Deputy Bailiff:

Deputy, it is a question and the Minister will deal with it.

The Deputy of St. John:

It is a very interesting question and one that I find quite difficult to answer. First of all, the Deputy is absolutely correct. The statistics for modern languages are considerably ahead of the U.K. at an overall pass rate of 77.9 per cent for modern foreign languages as opposed to the U.K. 71.2 and the

Deputy is correct in that we are slightly behind the U.K. in terms of English passes for students passing 5 G.C.S.E.s A*-C, including English and Maths. That is a concern. Let me address the second part of the question. That is a concern to us and, as the Deputy will know, we have initiated an English review to continue that we are scoping at the moment. It will go out to tender in the early part of next year. With regard to modern foreign languages, I was left in a position where the proposition or the amendment by Deputy Tadier was voted down although during the debate I did agree that I would find the money for £25,000 to do that. It is slightly confusing. At the moment, I am of the opinion that the majority of the House wished me to spend that money in that way and that is the route that I am taking unless, of course, I am told otherwise by the House.

3.4 Deputy T.M. Pitman:

As a former professional educator, I was very disappointed to see that the Minister said he cannot support a couple of the items in my 28th September proposition. Could I just ask him to explain does he not accept that when he cannot support the creation of an award of £1,000 relating to writing or drama or whatever around political history and that in the Island, that that is quite different to what is already on offer, as he says, from the Jersey Arts Trust? We are talking about something specific here and deliberately so. Does he not accept that?

The Deputy of St. John:

I think that I understand the Deputy's wish to try to reinforce his upcoming "Reform Day" proposal but I can confirm, as the comment says, that there is already money in place for at least 2 out of the several parts of his proposition. So I cannot support his proposition because the money is already there in respect of that. I think, as a general comment, there are many days and events in our local history that are deserving of recognition but with regard to the overall curriculum in schools, I would certainly be happy to bring it up with them in the future but the Curriculum Council has a statutory responsibility for covering the curriculum.

3.4.1 Deputy T.M. Pitman:

Could I just push that because really I asked if the Minister accepted that this is asking for something specific and it is not a general thing as currently supported by the Jersey Arts Trust? I am not criticising that in any way. This is something specific. Does he not see the difference?

The Deputy of St. John:

I am afraid I do not really see the difference, no.

3.5 Deputy J.H. Young:

Given the Minister's very wide portfolio of responsibilities, would he not agree that there is a danger that local culture could be rather overshadowed? He will be aware in that role that Guernsey has secured Island Hospital TV series, Sark has secured Island Parish TV series, and could he tell the Assembly what his initiatives are to promote Jersey's valuable special local culture? [Aside] [Laughter]

The Deputy of St. John:

There are various things that we do in schools and it is quite extensive. There are things to do with Lé Jërriais, for example, that we do but my Assistant Minister, Deputy Bryans, has responsibility for that and I know that he is constantly looking for areas to expand our activity in this area.

3.6 Deputy G.P. Southern:

It has been a year now and the Minister has settled into his job. I thought I heard a promise to see the results of the consultation on the way forward for education a month ago, was it? Has the Minister missed another deadline?

The Deputy of St. John:

Unfortunately, yes, the Minister has missed another deadline and it is because I am afraid that we have within the department had a quite serious accident to one of our Project Managers that has ended up with that particular Project Manager being off duty until probably the new year. However, I have been successful in reallocating some time to the question that the Deputy is talking about and I am told that although we have slipped slightly, we should be publishing all of those results next month and before Christmas.

3.7 Connétable J.L.S. Gallichan of Trinity:

I thank the Minister for confirming that there is a problem with traffic at Trinity School. If the Parish would supply land to alleviate the problem, would the Education Committee finance the forming of a car park?

The Deputy of St. John:

We do not have any particular budget allocation set aside for that but I am hopeful that it should not be too expensive but we will have to wait and see but the Constable is right. We have got a meeting with the Parish authorities lined up in the very near future where we will discuss it. We will have to see.

3.8 Connétable M.P.S. Le Troquer of St. Martin:

Will the Minister advise the Assembly if there has been an investigation carried out to see if the department's procedures are satisfactory following the incident earlier this year when a teacher from Les Quennevais School, who was still teaching, was on bail for fraud offences in the U.K.?

The Deputy of St. John:

I am afraid I am not familiar with this case. I cannot really answer the question properly but I will investigate it and get back to the Connétable.

3.9 Deputy M. Tadier:

Will the Minister be taking the opportunity during the visit of His Excellency Al-Motawi, the Ambassador of the United Arab Emirates, to discuss the opportunities for Arabic tuition in secondary schools in Jersey or if not, the discussion of human rights education in both countries?

The Deputy of St. John:

That would be the responsibility of the Chief Minister's Department, I think, who has responsibility for international relations of all kinds.

3.9.1 Deputy M. Tadier:

Sorry, just to reiterate the question. So the question of Arabic tuition in secondary schools in Jersey is the responsibility of the Chief Minister? Is that what the Minister for Education, Sport and Culture is saying?

The Deputy of St. John:

There were 2 parts to the question and I perhaps answered the other half. As far as Arabic tuition is concerned, I know that our department officers and our Curriculum Council that I have already mentioned are focused on the different kinds of modern foreign languages that would be appropriate so we do not necessarily need to take it up with the Ambassador but it is on our radar screen.

3.10 Deputy S. Power:

I want to thank the Minister for acknowledging the excellent standards of education at Les Quennevais. Can he explain to the Assembly what happened to his capital allocation of about £8 million prior to the Medium-Term Financial Plan that was in the States accounts?

The Deputy of St. John:

From memory, it was in previous capital allocations and there was work done to refurbish the existing school in the not too distant past. I cannot remember exactly what happened to it but I do know that it is earmarked for being in the longer-term capital plan and I am guessing but I think it is around 2017 or 2018. That is as far as I can go with that answer, I am afraid.

[11:30]

4. Questions to Ministers without notice - The Minister for Health and Social Services

The Deputy Bailiff:

Are there any further questions for the Minister? Very well, then, we come on to questions to the Minister for Health and Social Services. There are no questions for the Minister?

4.1 Senator P.F. Routier:

Could the Minister give us any indication of whether she is able to offer bowel screening programmes to men and women in the near future?

The Deputy of Trinity (The Minister for Health and Social Services):

Yes, I can. I know there was quite a concern about it not being offered this year but it is within our financial plan for next year, and it will be a flexi-scope type of screening and it will be calling everybody under the age of 60 for a one-off screening process. At the moment, we are recruiting staff to be able to do that and I understand that there is a development presentation by our Medical Officer for Health to all G.P.s (General Practitioners) and consultants this Friday regarding it.

4.2 Deputy S. Pinel of St. Clement:

Respite care was discussed at length in the Health paper, *A New Way Forward*, and addressed in the M.T.F.P (Medium-Term Financial Plan). Can the Minister please inform the Assembly as to the progress and direction of respite care especially in the area of home carers?

The Deputy of Trinity:

Yes, it is progressing and it is part of one of the work streams in the outline business cases leading up to the full business case. Most Members know that we had some additional one-off funding from the Minister for Treasury and Resources last time regarding respites, I think it was £200,000, especially in the region of providing respite for carers with patients who have dementia. That has worked extremely well and that is progressive, and we will go forward to a full business case in the new year.

4.3 Deputy R.G. Le Hérissier:

There is continuing public concern about waiting lists. Would the Minister tell the House in which areas the department is desperately or is trying very hard to bring down the waiting list?

The Deputy of Trinity:

Our target for waiting lists, because all waiting lists are a challenge, is 3 months from the date the patient is added to any surgical list and another 3 months waiting for the operation. There are some specialities mostly ophthalmology, orthopaedics, dermatology, diabetes, bariatric and neurology that do unfortunately have long waits. We have a review of the specialities underway and these include additional clinics. One thing that has proved quite effective is text messaging because there

is a certain proportion of patients who come for outpatient appointments who do not turn up. These are called D.N.A.s, (Do Not Arrive), and therefore by texting them the day before, that has helped significantly and the number of D.N.A.s that do not turn up I think has fallen by 8 per cent last month. Because there are thousands of people that go through Outpatients Department each month, whether it is physiotherapy or one of the clinics or whatever, therefore every patient that does not turn up becomes a cost and also it could be filled by somebody who actually wants that appointment.

4.3.1 Deputy R.G. Le Hérisier:

Supplementary, can the Minister tell us the areas where the General Hospital is making a strong effort to reduce waiting lists? What are those key areas?

The Deputy of Trinity:

I think I have mentioned that. It is pain, ophthalmology, orthopaedics, dermatology, diabetes, bariatric and neurology. These have long waits and I am sorry about that but we are trying to put additional clinics in place by consultants and senior doctors.

4.4 Deputy J.G. Reed of St. Ouen:

Could the Minister tell this Assembly when will the Action for Children report on respite services commissioned by her department be published and what is the reason for the delay?

The Deputy of Trinity:

As the good Deputy knows, there was a delay because there was a delay with Action for Children themselves I think. One of the officers that did the report was off sick or whatever so the Children's Policy Group had the Action for Children report at its last meeting, which was about 10 days ago. From that, there will be recommendations put in place, which will come very soon and it will be forwarded along with the recommendations and along with the report to Scrutiny.

4.4.1 The Deputy of St. Ouen:

Could the Minister confirm to this Assembly that she received the draft report in July this year?

The Deputy of Trinity:

I cannot remember exactly when we received the report. There were some questions that we had to go back to Action for Children so that they could clarify certain points within that report. As I said, that did take time and it went to the Children's Policy Group about 2 weeks ago or something like that.

4.4.2 The Deputy of St. Ouen:

The original question was when will the Action for Children report be published and I am not sure we got the answer from the Minister.

The Deputy of Trinity:

I think as soon as Scrutiny has had it and we have the recommendations to go alongside it.

The Deputy of St. Ouen:

Which will be when?

The Deputy Bailiff:

As soon as Scrutiny has got the information, I understood the Minister to say.

4.5 The Connétable of St. Lawrence:

Will the Minister confirm whether there is an end-of-life strategy and, if there is, will she make it public?

The Deputy of Trinity:

Just for clarification, there is an end-of-life strategy but is the Constable looking at the Liverpool Care Pathway?

The Connétable of St. Lawrence:

I am asking, first of all, whether there is an end-of-life strategy because I recall hearing at one time that one was being progressed.

The Deputy of Trinity:

Yes, one is being progressed and it is part of the outline business case as well, because there are many issues regarding end-of-life and it will be published in due course.

4.5.1 The Connétable of St. Lawrence:

May I follow that question because the Minister referred to the Liverpool Care Pathway so it seems that I should ask a question on that. I gather from her written answer today that the Liverpool Care Pathway was introduced this year during 2012 and I would like the Minister to advise the Assembly what the previous care pathway was and how it differs from the Liverpool Care Pathway?

The Deputy of Trinity:

The Liverpool Care Pathway is a framework. It is all of assessment of patients who are unfortunately getting towards the end of their life. Regarding an end of life pathway, I am not too sure what is in place but I can come back to the Constable with that information.

4.6 Deputy G.P. Southern:

In relation to written question 24 on patient travel expenses, is the Minister aware that many people on low incomes, especially on income support, cannot afford to lay out the cost of travel off Island to receive treatment and is she prepared in the new policy, which is now in preparation, to advance money to those who have this hardship?

The Deputy of Trinity:

I know it has been an issue which the Deputy has brought up to me and it is one of the points that we are looking at with the travel policy, but regarding his particular issue about giving patients money up front for their accommodation, as it stands, if it is booked through the Travel Department, that should not happen but I am happy to come back to the Deputy to confirm.

4.7 Deputy R.G. Bryans of St. Helier:

I wonder if the Minister could explain to the Assembly if there is still a differential between the deep cleaning process which happens in the U.K., which consists of steam cleaning, and the one I personally witnessed here in Jersey, which consists of a bucket and a cloth?

The Deputy of Trinity:

If he is thinking of deep cleaning after an infection, because I think it is M.R.S.A. (Methicillin-resistant Staphylococcus aureus), or a similar infection, there are policies in place and I think they have a new machine, for want of a better word that they can close off the ward or the room or whatever and it steam-cleans everything that is inside it, if that makes sense.

4.8 Deputy M.R. Higgins:

I would like the Minister to follow up on her answer to written question 27 where I was asking questions about the right of children and parents to information. The Minister has gone into some detail talking about guidance and practices of the department. Will she publish this information so that we all have it and we can all read it, and not only to myself but also to the public, because this is an absolute minefield and I do not think it is good enough that the department says: “We have our own policies and guidelines” when nobody knows what they are?

The Deputy of Trinity:

If it is appropriate, yes, I can do that but some of it - I could be corrected - is on the J.C.P.C. (Jersey Child Protection Committee) web link as well, but I will confirm that and come back to the Deputy.

4.8.1 Deputy M.R. Higgins:

Supplementary to that, I just want to take the Minister up on the word “appropriate”. What we are talking about are young people and whether parents have a right in being involved in their treatment, whether it be for mental or physical health, and equally the rights of the children. I think it is important that we get these rules clear so everybody understands what they are rather than hiding behind statements made by the department that we are following the law, which obviously it is not in this case because there are no laws.

The Deputy of Trinity:

But also you have to think that everybody aged 16 or over can be presumed to be competent to give consent for themselves, unless the opposite is demonstrated, and the courts state that if a child under 16 has sufficient understanding and intelligence to enable him or her to understand fully what is proposed, then he or she will be competent to give consent because at age 16, as we know, you can vote and you can get married.

Deputy M.R. Higgins:

The question was, I have been told that it is in law. It is not in law. Is it not right that the information is fully published so we all understand exactly what the rules are?

The Deputy of Trinity:

As I have said, if appropriate, I will do it.

4.9 The Deputy of St. Ouen:

Would the Minister tell this Assembly when will the public know who will be responsible for delivering the improved range of services as described in the White Paper and the proposition as contained in the outline business cases?

The Deputy of Trinity:

As the Deputy knows, we came to Scrutiny the other day. Outline business cases are being worked up into full business cases. There is a task and review group, which includes the voluntary and community sector, G.P.s, other health professionals and they are very busy because I think with the 4 streamlines, between now and the end of the year there are well over 100 meetings to try and put everything into full business cases, and then when it is worked up, it will go to the next stage of what can be achieved with extra money, and then if it is a new service and if it is appropriate, it will go out to tendering and commissioning and with a service level agreement attached to it.

4.9.1 The Deputy of St. Ouen:

I did ask the Minister when will the public know who will be responsible for delivering the new range of services. An approximate answer or a date would be useful.

The Deputy of Trinity:

I would have thought the first quarter of next year if everything goes according to plan.

4.10 Deputy R.G. Le Hérisssier:

A few months ago, there were allegations that an addiction unit was not receiving its normal number of referrals and it was announced that peace talks would take place. Could the Minister confirm that normal service has been resumed and that referrals to this agency are now moving at a normal rate?

[11:45]

The Deputy of Trinity:

Yes, everything is working extremely well. Our officers are sitting down with the officers of that unit. The service level agreement, I think if not signed, is just about to be signed for 3 years and, yes, everything is good.

4.11 Senator P.F. Routier:

Can the Minister advise on whether any talks have been recently held with Brighter Futures to resolve the issues they had with future funding and future delivery of service?

The Deputy of Trinity:

With the future funding, Brighter Futures have been part of the Full Business Cases alongside other agencies. I know that they have written to various Ministers and departments looking for further funding and that has been co-ordinated with the Children's Policy Group, of which he is a member, and just to confirm that the grant for 2013 for Brighter Futures is still there.

The Deputy Bailiff:

That brings questions without notice to an end. There is nothing under J. K, Statements on a Matter of Official Responsibility. Deputy Maçon, I understand that as the Chairman for Education and Home Affairs Scrutiny Panel, you wish to make a statement?

Deputy J.M. Maçon of St. Saviour:

I do not think the Greffe staff are quite ready to distribute it yet. I wonder if it could be deferred after a couple of items of business before Deputy Martin's proposition, if that may be possible.

The Deputy Bailiff:

I have misunderstood the Greffier's note.

Deputy J.M. Maçon:

I will point out that it is totally my fault and not any fault on the Greffe staff.

PUBLIC BUSINESS

5. Ratification of the Agreement of the Exchange of Information Relating to Tax Matters between the Government of Jersey and the Government of the Republic of Austria (P.85/2012)

The Deputy Bailiff:

Thank you very much. Very well, we now come to Public Business and the first item on the agenda is P.85, Ratification of the Agreement of the Exchange of Information Relating to Tax Matters between the Government of Jersey and the Government of the Republic of Austria lodged by the Chief Minister. 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 ratify the agreement between the Government of Jersey and the Government of the Republic of Austria on the exchange of information relating to tax matters as set out in the appendix to the report of the Chief Minister dated 11th September 2012.

Senator I.J. Gorst (The Chief Minister):

I would like to ask my Assistant Minister Senator Bailhache to act as rapporteur for this and the next item please.

5.1 Senator P.M. Bailhache (Assistant Chief Minister - rapporteur):

This proposition relates to a tax information exchange agreement with the Government of the Republic of Austria and is a continuation of a programme of negotiating T.I.E.A.s (Tax Information Exchange Agreement) with members of the O.E.C.D. (Organisation for Economic Co-operation and Development), member countries of the O.E.C.D., the G20 and the European Union. Austria is a member of the E.U. and of the O.E.C.D. The agreement is in familiar standard form and I will be glad to answer any questions that Members might have. I make the proposition.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wishes to speak? Nobody wishes to speak. All Members in favour of adopting the proposition, kindly show. Those against, the proposition is adopted.

6. Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 5) (Jersey) Regulations 201- (P.86/2012)

The Deputy Bailiff:

We now come to the Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 5) (Jersey) Regulations lodged by the Chief Minister. I will ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 5) (Jersey) Regulations - the States, in pursuance of Article 2(1) of the Taxation (Implementation) (Jersey) Law 2004 and following the decision that the States taken on the day these Regulations are made to adopt Projet 85 of 2012, have made the following Regulations.

6.1 Senator P.M. Bailhache (Assistant Chief Minister - rapporteur):

This is the necessary legal sequel to the resolution that the Assembly has just adopted. It amends the taxation exchange of information with third countries regulations in order to include the Republic of Austria and the taxes to which the agreement refers, and I move the principles.

The Deputy Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak? Members in favour of adopting the principles, kindly show. Those against, the principles are adopted. Do you wish to propose the Regulations?

Senator P.M. Bailhache:

Sir, I propose Regulations 1 and 2.

The Deputy Bailiff:

Senator Ferguson, do you wish to scrutinise the Regulations?

Senator S.C. Ferguson (Chairman, Corporate Services Scrutiny Panel):

No. Thank you, Sir.

The Deputy Bailiff:

Proposed are Regulations 1 and 2. **[Seconded]** Does any Member wishes to speak? Members in favour of adopting the Regulations, kindly show. Those against, the Regulations are adopted in Second Reading. Third reading?

Senator P.M. Bailhache:

I propose the Regulations in Third Reading.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak? Those Members in favour of adopting the Regulations in Third Reading, kindly show. Those again, the Regulations are adopted in Third Reading.

7. Draft Debt Relief (Developing Countries) (Jersey) Law 201- (P.91/2012)

The Deputy Bailiff:

Now we come to the Draft Debt Relief (Developing Countries) (Jersey) Law, P.91, lodged by the Chief Minister and I ask the Greffier to read the citation in the draft.

The Greffier of the States:

Draft Debt Relief (Developing Countries) (Jersey) Law; a law to make provision for or in connection with the relief of debts of certain developing countries.

7.1 Senator I.J. Gorst (The Chief Minister):

The Draft Debt Relief (Developing Countries) (Jersey) Law intends to limit practices that could undermine international debt relief efforts in support of some of the poorest countries in the world. It is intended to stop creditors, including so-called vulture funds, from pursuing inequitable payments through Jersey's courts. In deciding to adopt this law, Jersey will be demonstrating its commitment to play its part in the global effort to support debt relief to assist the world's most heavily indebted poor countries. The fundamental problem that sits behind this law is that in the years leading up to the millennium, some of the poorest countries in the world borrowed money from other countries and from institutions such as the World Bank, which they later found impossible to repay. This so-called sovereign debt has since proved a major hindrance to their development and in securing a route out of poverty. In response, the richest countries of the world have sought to provide for this sovereign debt to be written down or written off as and when the poor countries showed evidence of their commitment to and progress in their own development. A practice has since emerged whereby companies often referred to, as I have said, as vulture funds buy sovereign debt at a substantial discount on the open market and then pursue private legal actions against the poor country to recover the full sum. Preventing this practice is the issue that this law is seeking to address. As you will be aware, the richest countries in the world have sought to channel their debt relief efforts through something called the Heavily Indebted Poor Countries Initiative and this law relates to that initiative. The United Kingdom has a similar piece of legislation and we in Jersey have consulted on this legislation throughout the course of the last year. The law will, when enacted, prevent Jersey courts being used to seek to enforce in full the debts of poor countries to which the governments of other countries, multilateral lenders and commercial creditors have provided relief under the Heavily Indebted Poor Countries Initiative. The law will prevent creditors from recovering an amount in excess of that consistent with the Heavily Indebted Poor Countries Initiative. The law also encourages the negotiated settlement of those debts on

terms comparable with the initiative by excluding from the scope of the legislation debts where the country does not offer to settle on such terms. As I have said, the U.K. has a similar piece of legislation and in fact it is the only country in the world to date to have enacted a law to limit practices that could undermine that international debt relief. The Isle of Man has recently agreed equivalent legislation and Guernsey has stated their intent to do likewise. As I have said, this law, should we adopt it today, will stop vulture funds from pursuing inequitable payments through the Jersey courts. I hope therefore that Members will approve the principles of this law and therefore send a clear and positive message that Jersey is a well-regulated co-operative and transparent jurisdiction, and we are committed to being at the forefront of actions to limit practices that could undermine international efforts to provide debt relief for the world's poorest countries.

The Deputy Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak?

7.1.1 Deputy M. Tadier:

I will not speak for long but I think this is such an important proposition and so many, not simply inside this Chamber but outside this Chamber, have been applying pressure lobbying from a whole cross section of society, whether they be religious church groups or secular interests who recognise that this is a very serious problem, what happens with the way courts can be used and what are commonly called vulture funds. So it is really just to acknowledge the work that has been done by other people in their persistence in lobbying not just in Jersey but other jurisdictions and to also acknowledge the work from the Chief Minister's Department in putting this together. Certainly, it is an area we have to be ever vigilant in I think. It is obviously more complex, third-world debt is, due to very many differing and various reasons but I think this is a good step which we can all be rightfully proud of.

7.1.2 Deputy R.G. Le Hérisier:

As they say, the devil is in the detail, and I congratulate the Chief Minister on bringing this forward and hopefully it is a pioneering bit of legislation. I wonder if he could explain the last paragraph. It strikes me that it could well be read in 2 ways. Is he saying in the last paragraph or is it being said that where an international instrument says that there must be full payment, there must be? If so, that seems to contradict the first sentence of that paragraph.

7.1.3 Deputy K.C. Lewis:

This has been a long time coming and, as the Chief Minister has alluded to, it is not just the debt, it is the huge interest that these vulture fund companies mark up. This has my full support and I urge Members to support it.

7.1.4 Senator S.C. Ferguson:

It does seem to me that we are overlooking the fact that the money raised by these countries, stick to the fingers of those processing them and therefore end up in private bank accounts around the world. Is it fair that the taxpayers' money, which is propping up international institutions such as the World Bank, is stolen in this way because obviously if there is a written down debt, somebody has lost money, which is in most cases, according to the Chief Minister, the World Bank. So it is all right doing this end of the deal and dealing with that, but what is proposed to be done with the people who are stealing the money in the first place?

7.1.5 Deputy J.M. Maçon:

The Chief Minister talks about, as I understood it, the lack of this type of legislation around the world. I wonder if he could expand upon what consultation was taken in order to make sure that this mechanism is going to be fit for purpose. Is there any contributor to it so that we know what

we are approving is going to be worthwhile and is not perhaps going to create more loopholes in what we are trying to achieve?

7.1.6 Senator P.F.C. Ozouf:

Just to follow Senator Ferguson. Senator Ferguson probably will not be pleased to hear this but I believe that one of the best reports that were ever written on the developing world and how we can help the developing world was the *Commission on Africa*, which was by the former Prime Minister Gordon Brown and Sir Bob Geldof and others. In that report, among others, was very clearly set out what one needs to do to improve the plight of many nations that borrowed millions of pounds that was squandered. The Jubilee proposals that were brought in order to forgive certain countries from debt were designed to effectively wipe the slate clean from the indebtedness which had been incurred and which had been, without a doubt Senator Ferguson is right, effectively stolen by despots and dictators from around the world. The international community does have in place protections and indeed this jurisdiction has a proud record of dealing with despots and those that seek to steal resources. I think that that is a separate issue and a past issue. The Commission on Africa has moved the debate on about how to deal with the developing world. This is a global initiative to help the developing world beleaguered by debts move on and it has my full support. While there are some extremes of the political perspective that will not do that, I was lobbied on this issue by a number of individuals on this and I spent quite a lot of time examining the issues of debt forgiveness, and I have to say that I agree with the U.K. Government's leadership on this and I also agree absolutely with what the Chief Minister is proposing.

[12:00]

The Deputy Bailiff:

Any Member wishes to speak? If not, I will call upon the Chief Minister to reply.

7.1.7 Senator I.J. Gorst:

I thank Deputy Tadier for his comments and he is quite right. A number of not only local interested parties but also from the United Kingdom... in actual fact the Jubilee debt campaign that helped to deliver the reduction and the H.I.P.C. (Heavily Indebted Poor Countries) Initiative in the first instance is now campaigning for this type of legislation and has been involved in the campaign getting as to where we are today, so I thank him for those comments. Perhaps if I could come to Deputy Maçon. It is a strange fact that this, if we are absolutely honest, is a law crafted in such a way so that we hope that it will never be used. It is basically we as a jurisdiction saying yes, we support the Heavily Indebted Poor Countries Initiative and we do not want our courts to be used to be able to recover any amounts from those countries outside of what the international bodies have agreed is an appropriate amount of recovery. Therefore, what we are saying is we stand together with the international community. If there are assets that might wish to be recovered through Jersey, we are not going to let you recover more than that H.I.P.C. Initiative allows. There are all sorts of marking down factors which have to be applied to that debt. Therefore, it is very much saying to people, if the States approve it, we have this law in place which means you have to first of all go away and arbitrate between the country and the person looking to recover the debt. If you have not arbitrated, you cannot use our courts. If you have arbitrated and you are still not satisfied, what we are saying is the amount that you can recover is the amount that is in the Heavily Indebted Poor Countries Initiative, and I think that is an absolutely right and appropriate place for us to be. Deputy Le Hérissier asked about Article 9. I am not sure whether to address it now or when we come on to the Articles. Perhaps we will address it now because hopefully we will not need to go through the Articles one by one. He is right to draw our attention to the fact nothing in this law... in effect what we are saying is it mirrors what the United Kingdom has done and says that there is an exception for decisions under European law, and we cannot make a law which is not compliant

with our international obligations, which when you think of it like that, is absolutely common sense. Why would we want to create a law which was not compliant with obligations that we have elsewhere? We would not and therefore he is right to draw attention to that. We are in this case following in the footsteps of the United Kingdom. I know it is not something that we like to do as a rule but they have shown leadership and this will, if we approve this today, set us right at the forefront with this particular issue, and it will be aligning us with what the other rich nations of the world have decided is an appropriate recovery rate for debts to these highly indebted poor countries and I ask that Members will give it their wholehearted support this morning.

The Deputy Bailiff:

All Members in favour of adopting the principles, kindly show. The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt these principles of P.91, Draft Debt Relief (Developing Countries) (Jersey) Law, and I ask the Greffier to open the voting.

POUR: 41	CONTRE: 0	ABSTAIN: 1
Senator P.F. Routier		Senator S.C. Ferguson
Senator P.F.C. Ozouf		
Senator A. Breckon		
Senator A.J.H. Maclean		
Senator B.I. Le Marquand		
Senator F. du H. Le Gresley		
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Martin		
Deputy R.C. Duhamel (S)		
Deputy R.G. Le Hérisssier (S)		
Deputy J.A. Martin (H)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy of Trinity		
Deputy S.S.P.A. Power (B)		
Deputy S. Pitman (H)		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy T.M. Pitman (H)		
Deputy E.J. Noel (L)		
Deputy T.A. Vallois (S)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy G.C.L. Baudains (C)		
Deputy of St. John		
Deputy J.P.G. Baker (H)		
Deputy J.H. Young (B)		
Deputy of St. Mary		

Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Deputy Bailiff:

Senator Ferguson, does your panel wish to review this legislation?

Senator S.C. Ferguson (Chairman, Corporate Services Scrutiny Panel):

No, thank you, Sir.

7.2 Senator I.J. Gorst:

I would like to propose the Articles *en bloc*. I do not propose to say anything about them but I will do my best to answer any questions arising, and I look to the Solicitor General to see if he wishes to add anything with regard to Article 9 and the comments made by Deputy Le Hérissier as well at this point.

The Deputy Bailiff:

Are the Articles seconded? [**Seconded**] Does any Member wish to speak on any of the Articles?

7.2.1 Deputy R.G. Le Hérissier:

I thank the Chief Minister for that. I wonder if he could give us an example of where Article 9 would override the intent of this law?

The Deputy Bailiff:

Does any other Member wish to speak? Chief Minister.

Senator I.J. Gorst:

If I could address that particular question to the Solicitor General.

Mr. H. Sharp Q.C., H.M. Solicitor General:

There are a number of bilateral treaties that are called Investment Promotion and Protection Agreements that have been entered into by the United Kingdom with other countries and some 33 of these agreements have been, in fact, extended to Jersey. The purpose of the agreement is to provide a higher level of protection to the person providing the money to the country concerned and, therefore, given that the purpose is to protect the investor so as to get the capital into the country, those particular agreements fall within Article 9 and are the sort of exception that the law has in mind.

7.2.2 Senator I.J. Gorst:

Can I just make my closing comments there? The Solicitor General of course raises a good point and the counter-argument to a law such as this is that we equally know that developing countries do require inward investment from the richer world and what we must ensure - which is why there are those exceptions - that we are still encouraging that flow of inward investment. Therefore, it is right and proper that agreements are made to some extent outside of this particular piece of legislation for which this does not impinge upon and therefore stop that capital flow into those developing countries.

The Deputy Bailiff:

All Members in favour of adopting Articles 1 to 11, kindly show. Those against. The Articles are adopted. Do you propose the law in Third Reading?

Senator I.J. Gorst:

If I could, Sir, thank you.

The Deputy Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak in Third Reading? All those in favour of adopting the law in Third Reading, kindly show. Those against. The law is adopted. Very well, we now come to the statement to be made by the Chairman for the Education and Home Affairs Scrutiny Panel, which has just been circulated.

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

8. Statement by the Chairman of the Education and Home Affairs Scrutiny Panel regarding the Green Street Police Headquarters

8.1 Deputy J.M. Maçon (Chairman, Education and Home Affairs Scrutiny Panel):

May I thank the speedy efforts of the Greffier, I am most grateful. Members will have received a copy of the panel's report, Relocation of the Police Headquarters to Green Street Car Park. I would like to explain the reasoning and the process that the panel undertook during this review. Conscious that Deputy Martin had lodged her proposition, the panel decided to take a proactive approach to provide States Members with information from an operational policing perspective. We decided not to include the greater planning aspects raised in Deputy Martin's report as the planning process will deal with these issues. We did not want to duplicate that process and would like to remind Members that the Scrutiny code of conduct discourages duplication of work. While not doubting the professionalism of the officers involved, nevertheless the panel were conscious that these officers would be compiling the comments to respond to Deputy Martin's proposition and no independent perspective would be provided. Therefore, my panel sought to produce independent comments to assist Members. I would like to take this opportunity to point out to Members that my panel was operating under a very tight timescale in order to produce a report and we delivered on time. Under normal circumstances, we would have liked to have had more time to refine our comments and dig deeper. We have produced several recommendations in our report and while we acknowledge that the police could operate out of the Green Street site in the short term, we are unable to say that we believe that the proposed Police H.Q. (Headquarters) will be fit for purpose in the longer term as we do not accept that enough room has been left for growth. We are not convinced that this proposal is therefore good value for money. In our report, we highlighted issues regarding parking provision for visitors and staff. Looking at the evidence, particularly the graph provided on page 42 of the report, this illustrates the concerns of the panel that due to the number of visitors to the current police H.Q., we were unable to say that 3 visitor parking spaces located at Snow Hill are sufficient, especially when considering the visits to the police H.Q. during peak times and the lack of provision of car parking spaces in the area for commuters, and that is without factoring the extra demand that any extra police staff may add to the current situation, as illustrated on page 43 of our report. Matters have further changed since the publication of our report in the last 24 hours and I have to apologise to Members as I have to point out there is one section of our report which appears to be incorrect. This refers to page 19 of our report and this concerns the attitude of the Police Association. During our evidence gathering stage, we questioned the then President of the Police Association and the panel was under the impression that the Association, bar some minor matters, were supportive. I have attached a timeline to explain the contact that the panel had with the then President of the Police Association for Members so that they can understand how we progressed. During the presentation yesterday, my panel members informed me that the new President of the Police Association was not in a position to give the same commitment as the former President. I am embarrassed to say that it would appear that my Scrutiny Panel has been misled. Sadly, I was ill yesterday and was unable to

attend the presentation. Nevertheless, I did manage to contact the new President and clarify some matters. I am informed that at the Police Association's A.G.M. (Annual General Meeting), the former President did not seek re-election. Thus, the then-Vice President was appointed as the new President. Following the A.G.M., various police officers mentioned their concerns about the proposed police H.Q. and the new President decided to contact the membership of the Association to seek any concerns. I would point out that by implication, it could be argued that the former President had not done this though my panel has not had time to look into this matter. This action has created approximately 21 written submissions from Association members. This figure of course does not include any verbal concerns that the membership might have expressed. Further to this, we have been provided last night with the anonymised comments from police officers. My panel has not had time to analyse the comments. These comments have also been sent to Members and, at initial consideration, Members will note that despite Deputy Noel's email, the concerns expressed are not all minor issues. The concerns are at all levels. Some of the concerns expressed by the officers are in sync with the overall concerns of the panel. Who best to know whether this proposed site will be fit for purpose other than those officers who will have to work there? I see the Assembly has 3 options going forward: (1) Members may consider that they have enough information and decide to carry on with Deputy Martin's proposition; (2) Members may wish to defer the debate to another sitting and wait for the Police Association to form and present their views or (3) Members may choose to refer Deputy Martin's proposition to my Scrutiny Panel to carry out further analysis of the Police Association's view should they deem this key information from coming to a decision. While I note that an extraordinary meeting of the police has been called at 5.00 p.m. this evening to agree its position on the project, I am unsure if this is just the Committee or all of membership. Thus, I would therefore be surprised if the Association would be free from political pressure to respond by the end of today. The response does not guarantee that all issues raised will be resolved within the timeframe and that they are not somehow tested. Should a Member of the States wish to refer the proposition to my panel, we can give the Assembly the undertaking that we will carry out the work requested though we will take the time we deem necessary and in line with the procedures under Standing Orders.

[12:15]

I insist that this must be a States decision for this action to take place as Scrutiny is sometimes maligned by some quarters for delaying debate and for daring to do their job to the best of their ability. The wider issues of consultation was pointed out in our report and is a concern to the panel, and we would highlight that the Honorary Police have not been consulted at the design stage and are expected to be consulted at this stage. The panel question this approach and do not believe it to be satisfactory. The panel wishes to express its desire for the police to have new, fit for purpose facilities that will last into the longer term. We are aware of the damage to morale of the police that the current sites are having though we, as States Members, must provide good value of taxpayers' money. My panel has worked very hard on our report. We have delivered on time and I would like to thank panel members and our Scrutiny officer for their contribution. **[Approbation]** We commend our report to the Assembly and encourage Members who have not yet had the chance or taken an opportunity to read our report to do so.

The Deputy Bailiff:

Members have 10 minutes to put questions to the Chairman of the Scrutiny Panel.

Deputy J.A. Martin:

Mine was just a clarification. It is not a question. It literally is a point of clarification. On point 2 the way I am reading it: "Members may wish to defer the debate to another sitting and wait for the Police Association to form and present their views." Would the Deputy clarify that the new

association is formed and have already balloted the members. I am not clear about that. If you could clarify.

The Deputy Bailiff:

Forming their views, as I understand it.

Deputy J.M. Maçon:

Yes.

The Deputy Bailiff:

It is forming their views, Deputy.

Deputy J.A. Martin:

Forming the views, thank you.

8.1.1 The Connétable of St. Lawrence:

Mine is also a point of clarification but the question I put to the Chairman is, is this statement his statement or his panel's statement because he refers to "we", "I" and "my panel" and it is not clear to me whether these are the Chairman's opinions alone or whether they are opinions that have been sought and agreed with his panel.

Deputy J.M. Maçon:

I can inform the Constable that I did meet with my panel early this morning to discuss the matters that had arisen, which explains why this particular statement is so time sensitive. As the Connétable will be aware given the mechanisms that have happened today I have not been able to pass this statement exactly under the noses of my panel for approval word for word though I believe that the sentiments within that were communicated accurately from the meeting from my panel. Therefore, I am happy to say that these are an accurate reflection of the members' views when taken in consideration with the report that members of course had input on. I hope that clarifies the situation for the Constable.

8.1.2 Senator B.I. Le Marquand:

To ask a question in relation to the fourth paragraph of the statement, which is dealing with future proofing, and the question was this, I wondered whether Deputy Maçon and his panel in making the statement contained there had considered the fact that there is going to be, at some stage in the future, there are estimates between 7 years and 20 years, a rebuild, a reconstruction of the Green Street car park and whether you have in fact considered the fact that that might give an opportunity for them to review the situation and indeed to build an extension if they are right and numbers are increasing.

Deputy J.M. Maçon:

I can be honest and inform the Minister that no my panel has not been able to consider that opportunity. Of course, that is in the distant future and will be subject to States available budgets at the time for which I am afraid I do not believe any party can say there is a guarantee of anything at the moment.

8.1.3 Senator P.F.C. Ozouf:

I do realise the Chairman is in a difficult position. However, in his statement he made a remark about not being convinced of value for money. Value for money can only be assessed against other options. I did hear him on the radio this morning and he said that he had not assessed any other

options. How can he say that it does not represent value for money when other options have not been considered?

Deputy J.M. Maçon:

While I would like to make it very clear again that my panel restricted its terms of reference to the operational policing matters and therefore, the wider planning matters such as different sites fell, we felt, outside of our terms of reference and therefore we did not include them. We are aware, however, that there has been a long history of different sites that have been considered but the remark over good value for money is reflected in the longer term and growth aspects which we are unable to sign up to. Therefore, the term value for money we believe is wider than the assertion of the Minister for Treasury and Resources as he sees it.

8.1.4 Deputy R.G. Le Hérisier:

Is the Chairman saying that in his judgment because he was inadvertently or his panel were inadvertently misled his panel is now missing a vital piece of evidence in coming to its conclusions? Is that what he is saying?

Deputy J.M. Maçon:

What I can say is certainly one of the key bits of information that the panel requested immediately when we started this process was to seek the views of the Police Association because we very much do feel that any decision taken their views clearly are going to be key as they are the workers who will have to provide the service within these facilities. Yes, we would suggest that that is a key and vital bit of information which needs to be properly considered and analysed which we would hope other Members would sympathise with that view.

8.1.5 Senator P.F. Routier:

The Chairman expressed his opinion that “I am embarrassed to say that it would appear that my Scrutiny Panel has been misled”, it is comparing what was said by the previous leadership of the Police Association and saying that perhaps because the new leadership of the Association is saying something different that the panel was misled. Does he appreciate that it is quite possible for different people to have different views and hold those views validly and not to be misleading? Also, the views that were being expressed yesterday at the briefing were views I believe from 10 per cent of the force and not the other 90 per cent of the force.

Deputy J.M. Maçon:

To answer his first question, yes and no, and I would like to explain. When an individual is responsible for the representation of a body of people, it strikes myself and I believe my panel that to have such a different position to say: “We are fully behind these proposals” to: “We are unable to state a position at this current time”, we feel that because in that role of being representative to hold different positions, I express the concern that I do feel that the panel has been misled. That is my reasoning. If the Senator could just remind me of the second section of his question please.

Senator P.F. Routier:

It has been expressed that people who do have concerns, 10 per cent of the force currently have expressed an opinion, but there are 90 per cent who have not expressed any concerns.

Deputy J.M. Maçon:

That is not necessarily true, as I point out in my statement, because we know that if only 10 per cent have submitted written concerns that does not mean to say that other officers might have been involved in compiling those written responses, it does not mean to say that there have not been other verbal responses which have been compiled. This is the problem which I am trying to explain

that we do not know how representative these concerns are at this current time and we do not know whether now that this avenue seems to have opened up whether there may be more which at the moment have not been viewed. The point is, what we are trying to say is, we do not know the extent to these concerns and therefore we do not know how representative or not representative they may be at this stage. We have not had the opportunity to be able to assess that.

8.1.6 Senator S.C. Ferguson:

Would the Chairman like to confirm that in fact the most valuable part of the police force, the actual members of the force, the frontline staff, have not been consulted on the new station?

Deputy J.M. Maçon:

Which is the most important cog in a machine? I would not want to place one member above another and that is because I am a very diplomatic person, but I can say that obviously those working at the coalface, those who do deal with the frontline issues, of course their issues and their concerns and their views are incredibly important when it comes to the delivering of facilities and when it comes to whether they have been consulted. In our report we do point out that a high level of consultation did appear to have been conducted with higher ranking officers than necessarily frontline staff. We have raised concerns about the consultation process and we do think it is something which, if had we the time, we would have considered further and given a better response to but we were constrained by the time factors.

8.1.7 Deputy T.A. Vallois of St. Saviour:

Has the Chairman been provided with the final response from the Police Association which was sent to the Assistant Minister for Treasury and Resources last night which he has chosen not to provide in the email to all States Members today?

Deputy J.M. Maçon:

While it is not my role to defend the Assistant Minister for Treasury and Resources, as I have read that particular email I understand the situation to be that at the moment the Police Association have yet to form a final view and therefore have been unable obviously to provide that. I have expressed the concern in my statement that given the hurried nature I do have concerns whether they are being pressured into producing a response. I am sorry for going on but thank you.

PUBLIC BUSINESS - resumption

9. Police station relocation: review of decision (P.92/2012) - deferral of debate

The Deputy Bailiff:

That then ends the question period. We now come to P.92 Police station relocation: review of decision lodged by Deputy Martin. You have also lodged an amendment to the proposition.

Deputy J.A. Martin:

Yes, Sir.

The Deputy Bailiff:

I assume you would like to propose it as amended.

Deputy J.A. Martin:

Yes please, Sir.

The Deputy Bailiff:

Members would be in agreement with that.

9.1 Senator I.J. Gorst:

I wonder if before we formally move to the item whether it might be appropriate for me to, in light of the Chairman's statement, propose that we do seek to defer this item at least for 2 weeks. The Chairman can get more information. The Police Association can meet. I know that the police have waited a long time and I would be keen to give them confirmation that we are taking their concern seriously but I do think, Sir, in light of that statement it would be in everyone's interest if we were to defer it for 2 weeks at least.

The Deputy Bailiff:

That is the formal proposition.

Senator I.J. Gorst:

Yes, Sir.

The Deputy Bailiff:

Is the principle seconded? **[Seconded]** Does any Member wish to speak? Deputy Martin.

9.1.1 Deputy J.A. Martin:

It is a shame that this has come up at the last minute because me, myself and my office manager, who is also me, have been working the last 40, 50 hours. All the papers have been distributed. My problem is - we have all the issues on the table now - there are fundamental issues. You can either deal with them today and you can either know that they will be resolved or they are going to go ahead with this site and they will not be resolved. It is a straightforward debate and if you listen to Scrutiny, Deputy Maçon, he is not saying they can do this in 2 weeks. He is asking if someone wants to refer it back to them, refer it back, it will be the 4 sittings, we will have this debate in January. It is not going to be clean and dirty, there is not going to be any pressure put on the police force to come out and say what you want them to say. This is going to have to be done properly. I do not want the Bobbies on the beat intimidated, it was anonymous. How are you going to deal with this in 2 weeks? The Scrutiny cannot do it. Have the debate today, I am ready. I have got the mighty force of the Council of Ministers. Are they ready? They should be. It is absolutely mad. It will not be put back 2 weeks. I can wait to the New Year.

[12:30]

I can wait to the New Year but be assured it will be the New Year. It will be a full report because I have got more things in these papers which need to be looked at, drainage issues, environmental issues. It needs to all be done. Do a full Scrutiny report and we will come back in the New Year. That is where we are and Scrutiny have said that themselves.

9.1.2 Deputy J.M. Maçon:

I did try to indicate this in my speech when I highlighted the options for Members. It depends what Members expect to have. If they just want the views of the Police Association by next sitting potentially we might have them although we may not because at the moment they have had a response and it is for their Membership to decide whether they need further clarification of matters or whether they will be happy with the response that they have got. There is no guarantee that they will be ready by that time. That process has to happen regardless. If Members also want the Scrutiny Panel or some other body to look at those responses, to test them, to check whether they are ready, we will not be able to do that following our protocols, to have a hearing, *et cetera*, to do that, we believe, by the next sitting. I would advise Members, as I tried to do in my statement, if they feel that they would prefer the Police Association to form their views and have the time to form their views and put them together and for the Scrutiny Panel to be able to test those views as

well then I think Members should oppose option 3 and not support option 2. That is a matter for Members but I think that clarifies matters and makes sense.

The Deputy Bailiff:

I have got 4 Members indicating they wish to speak. It is only a question of whether we are debating the main issue today so I hope that the debate on whether to adjourn or not can be contained.

9.1.3 Senator L.J. Farnham:

Of course I think it is completely inappropriate to use the Police Association as a bat to knock this issue around, which is undoubtedly what would happen were we to go ahead with the debate. The views of the Association are very important and I think the Association is a good association. They need to be consulted with properly and we need to get the consensus from them and only then can we have a debate taking into account their view. I would support delaying this for a couple of weeks at least.

9.1.4 Connétable J.M. Refault of St. Peter:

I think this is very unsafe where we are right now. We have heard at the eleventh hour that the Police Association are now saying they are very uncomfortable or they have concerns about this proposition going forward today. Personally I think that they have raised concerns and I believe they do need to be listened to. They are real concerns. I do not know how representative the representatives were last night in so much did they represent the whole of the Association or just a part of that? I think we must remember this is a £21 million project we are entering here and if it needs to be delayed another month then let it be delayed another month. Let us have the right information on the table. It is very unfortunate the Association came out very late last night with this information. Having said that, it does have a great bearing on the decision because there will be Members in this Chamber today, if we go ahead, that will vote against the police station because they will be waiting the Association's possibly negative views rather than listening, is there some real weight in those views before coming to a decision. I am very uncomfortable about going ahead with this today.

9.1.5 Deputy S. Power:

I will be brief. I do not think anyone doubts the integrity of Deputy Maçon or his report. Nor do we doubt the deep seated concerns that Deputy Martin has about this location. I think also as an Assembly we owe it to the States of Jersey Police to deal with this properly. My suggestion now, I am going to propose that we go for option 3 and I formally suggest that we refer Deputy Martin's report back to Scrutiny without a time limit so that Deputy Maçon can deal with this properly and he can come back to us when he sees fit and not for us to decide what the timeline is. I am formally suggesting that, Sir.

The Deputy Bailiff:

We are not debating that at the moment. We are debating putting it off 2 weeks.

Deputy J.M. Maçon:

A point of clarification, I thank Deputy Power for his comment but of course it is not my report, it is not what I say, it was a panel collectively that have put this together.

Deputy S. Power:

I am corrected, Sir.

9.1.6 Deputy J.H. Young:

I do not think the discussion on the substantive proposition if we get to it is only about the comments of the Police Association either as a group or collectively. I think there are major planning issues which appear certainly throughout Deputy Martin's report and certainly from what I found there are very substantial issues of urban planning for St. Helier, none of which, I think, fall within the purview anyway of the Corporate Services Scrutiny Panel. I think we should still, and I do not think that the information that we were given in the 21 comments, which the Minister chose to publish to us yesterday, is undermined in any way. They exist, it is what people have said and I think we have got a lot of the information on the table and I think we should really proceed with the debate.

The Connétable of St. John:

Point of order, please. I think the wording of the Chief Minister's proposition was 2 weeks at least not just 2 weeks.

The Deputy Bailiff:

I understood that it was 2 weeks.

The Connétable of St. John:

I stand corrected, Sir.

9.1.7 Senator B.I. Le Marquand:

This is a very unfortunate situation. There is no doubt whatsoever that the Scrutiny Panel has been misled as to what the views were of membership of the Association. There is also no doubt whatsoever that the Minister for Home Affairs was similarly misled. I could not have been more surprised to find the direction things have gone after assurances from the President over a long period that they were fully supportive. The moment this happened yesterday or once the meeting had finished I went across and spoke to 2 panel members who were there and immediately suggested to them that the right thing was going to be for this to now be referred back for further Scrutiny. Indeed, I do not want to break confidences but one of the panel members was really saying: "Well, I do not think we've been able to complete our Scrutiny properly in the light of this additional information." I think I accept that. My Chief Minister may not love me for this but I think it has got to be done properly. I also hope the Scrutiny Panel will take the opportunity to look at the counter issue which I have put before to the Deputy, which has not be considered, namely the possibility of looking again at a further extension at a particular time in the future because it seems to me that is relevant. I have to support this being put back otherwise we are going to have an incredibly messy debate. I have seen some of those before in the past in this Assembly. They always end up after a period of unnecessary wastage of time referring it back anyway. I think that is bound to happen here. The precise details as to what date, I perhaps slightly differ from the Chief Minister. I would personally put it back for 3 weeks initially but on the basis if Scrutiny cannot do it within that time it would go back further.

The Deputy Bailiff:

I remind Members that what we are considering is whether we are going to debate it today and we have already had 7 Members speak. I have another 7 Members wishing to speak and really the issue should be relatively straightforward, are we going to debate it today?

9.1.8 Deputy T.M. Pitman:

I will be short and sweet then. If we are not going to debate it today it seems to me that the Scrutiny Panel has got to be given absolutely as long as they need and it seems quite clear to me that 2 weeks is not going to be realistic. What we are probably saying is come back in the New Year and let us do it properly. All I would add to that is it seems to me, my suspicion is that the

Chief Minister and his Ministers are getting worried that Deputy Martin may win this debate. That is a sad state of affairs because we should be focusing on what is right for the community.

9.1.9 Senator P.F.C. Ozouf:

The police relocation has been an issue for all the time that I have been in this Assembly, 13 years. I remember discussing it with the former Chief Officer of Planning trying to find a solution then when I was Planning President. Deputy Martin may speak of the work that she has done but there have been specialist police architects, a Property Holdings team that have spent many years on making sure this... I would just remind Deputy Martin that I put off a trip to Montreux because she would not put the debate off for a day. There have been issues raised. We have to make decisions with the full confidence of people like the Police Association. We do not have that today. I do not want to put the debate off and I would support it certainly being put off for 2 or 3 weeks. I do say to Members that this issue has been knocking around for 13 years and it has got to be... we find it difficult to make decisions sometimes. At some point we are going to have to make a decision but forcing a decision through today in the light of the Police Association's report, as much as it pains me to say, would be the wrong thing to do.

9.1.10 Deputy G.C.L. Baudains:

It does seem to me that while I appreciate that the Chief Minister is trying to be helpful with his proposition that it is really neither fish nor fowl. It does seem to me the 2 choices we should have is either to debate it today or defer it so that Scrutiny can do a proper job of it, in which case, on a point of order, is it possible to amend the Chief Minister's proposition so that it does allow for a longer period than 2 weeks?

The Deputy Bailiff:

That is not really an amendment to the Chief Minister's proposition in my view. On the other hand, if Members are of the view that a full Scrutiny review would be appropriate then there is no reason why they should not vote for the 2 week adjournment and over the next 2 weeks no doubt Members will have further discussions as to what is the best timetable to take this forward.

9.1.11 Senator S.C. Ferguson:

I think probably it is much more straightforward to say: "Right, let us give it to Scrutiny and let us get on with it." I would make a slight clarification that it is not the Corporate Services Scrutiny Panel, it is the Education and Economic Development and there is no reason why the panel should not co-opt the Chairman of the Environment Panel on to the panel for planning matters.

9.1.12 Deputy M. Tadier:

I am just coming from a procedural point of view and I think we all agree that this should not be passed today because there is so much doubt out there already. I think what I would see as the best way forward, because we should not be tying Scrutiny's hands as to a time limit... We have had 2 or 3 weeks bandied about. We do not know if that is appropriate at all. Once the Police Association have come forward it may well be we need 4 weeks, 6 weeks, 7, 5 weeks, whatever. The point with this is that the discretion should always be with the Scrutiny Panel once they have pulled it in. What I would suggest and I think what would normally happen is that we debate this today, we start the debate today, and then that is immediately pulled in by Scrutiny so that they can take as much time as they want to look at that. I think that would save any debates about shenanigans afterwards about when Scrutiny have to come back because there is nothing to stop the Ministers or for this to be debated in 2 weeks' time if it is desired that is the case and that does not mean that Scrutiny will have done their work. I think the correct process here is to continue with the debate and only to have it pulled by Scrutiny immediately and then it is to their discretion

whether they take as much time as they need to, to do that. I am seeking, I guess, direction from the Chair here as well, Sir, but that seems like what I would see as the normal way forward.

The Deputy Bailiff:

I understood you to be encouraging Members to vote against the proposition on the basis that there will be a subsequent proposition which refers it to Scrutiny. That is a matter for Members.

9.1.13 The Connétable of Trinity:

I just highlight part of the report that the Honorary Police have not been consulted at the design stage. Personally I do not think the Honorary Police should be consulted on designing the police headquarters for the States Police but obviously their views could be sought. I just do not want to widen the remit of scrutiny by going to the Honorary Police which are 12 in number. Which Honorary Police will they go to? Most Honorary Police are run out of their Parish Halls. All I want to say is do not go right back to designing again please.

The Deputy Bailiff:

Do you wish to reply, Chief Minister?

9.1.14 Senator I.J. Gorst:

I have got to say I thought that your ruling, Sir, was indeed very helpful because I was trying to be helpful in light of the Chairman's comment. Personally, I would rather get on and debate it today but I sense that Scrutiny have raised an issue which I think the Assembly would like to have considered certainly about the Police Association's views and just getting that firmed up and understanding exactly what that is once it has been formed. I recognise that once that has been received I think Scrutiny might wish to do further work on that but I am not sure that they are quite in that position without that information.

[12:45]

Therefore, I do think that deferral for 2 weeks is a sensible, pragmatic and reasonable way forward because it will allow for everyone to consider the position and if Scrutiny wish to undertake a subsequent review it will allow them the time to see that information and make that decision which I think is appropriate.

Deputy J.A. Martin:

Just on a procedure matter, I think the Council of Ministers are confused, it is my proposition and to be helpful to Scrutiny and the rest of the House. Before they do vote, I personally, if it is debated today, I will put the debate off to 15th January. I will ask for it to be on the Order Paper then so it will give Scrutiny plenty of time. So...

The Deputy Bailiff:

Deputy, if you are saying you wish to withdraw it from today...?

Deputy J.A. Martin:

No, no. I am being fair, Sir. If Members vote, it is not going to be for 2 weeks because my proposition will go back on the Order Paper for 15th January. Thank you.

The Deputy Bailiff:

The proposition before Members is whether to adjourn for 2 weeks. What may or may not happen in 2 weeks is a different issue, but the proposition before Members is to adjourn for 2 weeks. All Members in favour of adopting that proposition?

Deputy M. Tadier:

I am sorry, Sir. I understood and I think other Members understood that the proposition was not to have the debate today or to have the debate today. Is that correct?

The Deputy Bailiff:

The proposition, as I understood it was to take the matter off today's agenda and put it on the agenda in 2 weeks' time.

Deputy J.A. Martin:

It is not their proposition. Can we have the appel, please, Sir?

The Deputy Bailiff:

The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting. If Members have voted, I ask the Greffier to close the voting.

POUR: 20		CONTRE: 23		ABSTAIN: 0
Senator P.F. Routier		Senator A. Breckon		
Senator P.F.C. Ozouf		Senator S.C. Ferguson		
Senator A.J.H. Maclean		Connétable of Trinity		
Senator B.I. Le Marquand		Connétable of St. Clement		
Senator F. du H. Le Gresley		Connétable of St. Lawrence		
Senator I.J. Gorst		Connétable of St. Brelade		
Senator L.J. Farnham		Connétable of St. Martin		
Senator P.M. Bailhache		Deputy R.C. Duhamel (S)		
Connétable of St. Peter		Deputy J.A. Martin (H)		
Connétable of St. Ouen		Deputy G.P. Southern (H)		
Deputy R.G. Le Hérisssier (S)		Deputy of St. Ouen		
Deputy of Trinity		Deputy of Grouville		
Deputy S.S.P.A. Power (B)		Deputy J.A. Hilton (H)		
Deputy K.C. Lewis (S)		Deputy S. Pitman (H)		
Deputy E.J. Noel (L)		Deputy M. Tadier (B)		
Deputy G.C.L. Baudains (C)		Deputy T.M. Pitman (H)		
Deputy of St. John		Deputy T.A. Vallois (S)		
Deputy J.P.G. Baker (H)		Deputy M.R. Higgins (H)		
Deputy of St. Mary		Deputy J.M. Maçon (S)		
Deputy R.G. Bryans (H)		Deputy J.H. Young (B)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy R.J. Rondel (H)		

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is proposed. The States will now stand adjourned until 2.15 p.m.

[12:47]

LUNCHEON ADJOURNMENT

[14:16]

10. Police Station Relocation: review of decision (P.92/2012) - as amended

The Deputy Bailiff:

Very well. That vote having been taken, we now turn to P.92, Police Station Relocation: review of decision. Deputy Martin, are you going to propose this as amended?

Deputy J.A. Martin:

Yes, I propose this as amended. Is that accepted?

Senator B.I. Le Marquand:

I wanted at some point, I do not want to stop Deputy Martin from making her opening speech if that is appropriate, but I just want to give notice, Sir, that at some point, I will want to make an application under Standing Order 79(1) for the debate to be suspended and for the States to request the relevant Scrutiny Panel to consider having the proposition referred to, which is of course the Education and Home Affairs Panel. I do not want to cut across Deputy Martin's opening speech if that is the normal practice, Sir.

The Deputy Bailiff:

Do you wish to make the proposition now?

Deputy J.A. Martin:

It has to be done...

Senator B.I. Le Marquand:

Well, as soon as I properly can, Sir, but I do not want to prevent her from making an opening speech if she wants to.

The Deputy Bailiff:

The Standing Order provides for a circumstance in which a Member of the States may propose that the proposition be referred to Scrutiny. It anticipates that the debate must have opened, in which case the proposer will have to have made the proposition and it would have to be seconded. So under Standing Order 79, you would be too early to make the proposition. However, if you wish to make the proposition and ask the Chair for permission to make it before the debate is opened, that would fall within the later part of Standing Orders. Standing Order 167, a matter not provided for, and it would be then up to the Chair to decide whether it is appropriate to make a ruling to allow you to do so. That is why I asked you whether you wished to...

Senator B.I. Le Marquand:

I do not want to do that, Sir. I want to allow Deputy Martin to make her opening speech, if she so wishes.

Deputy M. Tadier:

Could I ask you to read out the wording, Sir? My understanding of it... I will sit down, Sir.
[Laughter]

The Deputy Bailiff:

Is that a general undertaking, Deputy? [Laughter]

Deputy M. Tadier

I defer to her authority, Sir.

Deputy J.A. Martin:

Sir, I have a very, very bad cold. I have been up and down like a yo-yo and I kindly thank the Minister for Home Affairs because I do think once I have made a few points - it is not a long speech - if it is referred to Scrutiny and accepted, there are points in here that should be looked at.

The Deputy Bailiff:

Deputy, I just wonder whether we might follow the usual process and I will ask the Greffier to read the proposition. [Laughter]

The Greffier of the States:

The proposition as amended by the Deputy's amendment, the States are asked to decide whether they are of opinion (a) to request the Ministers for Treasury and Resources and Home Affairs not to proceed with proposals for the development of a new Police Headquarters in Green Street car park, St. Helier and to request the Minister for Planning and Environment, (b) subject to the results of the consultation process to take the necessary steps to bring forward for approval a revision to the Island Plan 2011 to provide that the open area of car parking between Route du Fort, Green Street Cemetery, the car park in Lime Grove be safeguarded for the future redevelopment and/or expansion of car parking, (c) to review the various master plans for which he has responsibility and to identify a larger and more suitable site for the development of a new police headquarters.

10.1 Deputy J.A. Martin:

Thank you. I was getting ahead of myself. Just before lunch there was a small bundle of papers circulated to Members. They will not all be referred to but there are just some points that I think make it easier. So why are we here today? I have been accused of not wanting the Police to have a new headquarters and this is absolutely not true. I have brought this proposition to the Assembly because I want the police not only to have a new headquarters that is future proof, but I want the new police station to be for the whole of Jersey. It is the first purpose-built police station and it is not a St. Helier project. It is for the whole of the Island. Obviously there is a big concern on the impact of the town's most important car park with lots of parking from the east, but surprisingly, I spent a couple of mornings there last week between 7.00 a.m. and 9.00 a.m. and it is well-used by the whole Island. Absolutely talking to people, a lot of them are young mums doing a few hours' work from probably 8.00 a.m. until 12.00 p.m. or 8.00 a.m. to 11.00 a.m., dropping their child off at child minder in a hurry, dashing down from Green Street to Colomberie to get to the office and who told me that also, on the way back, they might do some shopping. It has already been established by the Minister for Economic Development on the new town team group that commuters are the biggest shoppers in town. It is just unbelievable that we want to get rid of more shoppers in town. If they go to Pier Road, they will not pass Colomberie. Total death for the traders of Colomberie. Do not be fooled that the police being there will bring more shoppers. If you cannot park, you go to Pier Road and you change your route. Once that is lost, that is lost. Getting on to Pier Road, we are always told that Pier Road has capacity. In the comments, it did not used to have capacity. Has anyone considered that we have over 2,000 people unemployed at the moment? The Social Security figures and the extra mum who used to work those 4 hours who has lost her job. So I would say probably more than 2,000. Where are they going to park? See, there is always a reason why some of these places are now empty. You will also see from the Council of Ministers comments that I am accused of wanting another 500 spaces at Green Street. This is not true. I want what was planned. If Members now can turn to page 17 of my little bundle, there are handwritten little circled numbers in the bottom because there are all different numbers. You will see the written response from T.T.S. (Transport and Technical Services) and in the answer in the second paragraph; the feasibility was to make an extra total of 288 spaces, therefore being a total of 197. They say that they are ready to lose 91 spaces and then there will be the take up from the police and the people needing to use the police station. Snow Hill, I am sorry, those 3 spaces at Snow Hill just will not do it. The Island Plan says that we should have in St. Helier 400 spaces and we are already under that amount. They want to lose these 91 and, as I have already said, there will be staff parking there. These are people who work in a shift pattern. This has not been even taking into account in the Arup report. They say evenings and weekends will not be affected. That is not true. I am also accused very heavily in the comments from the Council of

Ministers that I voted for the Sustainable Transport Policy. In that vote I also voted for a hoppla bus and in the Medium-Term Financial Plan, I was told that was aspirational. Aspirational. So who do you believe? Was it an aspiration to have the S.T.P. (Sustainable Transport Policy)? A lot of it in it was aspirational. I need to see it come into fruition. We have also been told Snow Hill could be developed for a shoppers' car park. Again, shoppers are commuters and with this new gold-plated scheme, you can stay as long as you like, your number plate I.D. (identification) and everything, but again, it is all jam tomorrow. Other people in the briefing say: "Oh, are you going to... I could support this if you are going to develop Snow Hill." When? I am telling you now, it is the most gold-plated scheme I have ever seen and it will not be going through on those prices unless they are made of gold, I am telling you now, because they need to be. It is a terrible site to work and that is why they have never developed Snow Hill. Why would you spend £4 million or £5 million doing 90 spaces in one car park when you are losing 91 just 50 yards away? Lunacy. On top of this, I still maintain that the Island Plan... we had this debate, we begged them to wait another year until the census figures had come through but they did not. So the Island Plan car parking spaces are based on old census figures and my graph on pages 5 and 6 of my proposition show we have nearly 5,000 homes, probably 12,000 to 15,000 people already living in town, with more offices planned in the area and homes planned for the future of St. Helier. In that area alone we have nearly 200 planning permissions on the Metropole site, Wesley Chapel and there is the low rise at La Collette. Bring it on. And the Minister for Home Affairs can find 40 private spaces in that area. Well, I wish my Constable would have found them. A long time ago we may have got residents parking in the area who have to walk... if you go down there at the evening as well, you will see the people coming home in the evenings parking on the low part of Green Street, where you want to put this future proof police station, walking up the steps, going down Havre de Pas and I asked some of them how far they go. It is Havre de Pas Gardens, which is practically in St. Saviour. Practically, not quite, but it is. So do a little bit of research, find out who parks there and how far they are walking. But no, this is the best place. I mean, again, we saw the email and good job he did not have his hand operated on because the Minister for Housing is in good health and he is very concerned that we might lose some housing, but what about Ann Court? We are told that when we disbursed the town park, we were going to have parking in Tunnel Street, Le Masurier at Bath Street, Ann Street Brewery and Ann Court. Again, jam tomorrow. Not one has been built. Ann Court is a flat car park and you are going to have trouble... this is in States ownership. You are going to have trouble getting rid of that where it should be already being built and as soon as the shaft is finished, we should be getting on with that. Where do you disburse this parking to? The town is getting smaller and smaller and smaller.

[14:30]

I have never said that the T.T.S. Arup report proposed that the pedestrian crossing at the end of the tunnel should be removed. They did say they thought this caused a lot of congestion, and these are in the comments from the Council of Ministers. I never said that but at the 2 briefings I have been to, the Council of Ministers say they are now going to put another crossing from Snow Hill across Green Street to help enable public access to the police station. This will cause more congestion. We are also a little bit confused between the Minister for Transport and Technical Services and the Assistant Minister for Treasury and Resources who... the ongoing costs to the taxpayer and if you look here in my bundle at page 12 and 13, you will see answers to oral questions and basically it is £100,000 a year, although the Assistant Minister for Treasury and Resources got confused because I had asked for it under capital cost. But again, they have not taken into account the loss of the other 200 spaces that should be there in this highly dense area with more housing to come very shortly. I am also being accused of not coming up with an alternative site and so has my Roads Committee. Unlike the Minister for Treasury and Resources, in my hours spent, I only have the knowledge that I have and from speaking to the people in the area. But, again, on page 19 of my

bundle - and it is not my option, it is not my alternative option - last year in early 2011, when they planned to purchase Lime Grove House, they decided - Property Holdings, Treasury, whomever, Home Affairs – that the best solution then was to refurbish or provide custody and operation facilities on the Rouge Bouillon site. Again, this solution would result in Summerland being released for affordable houses, so I am not stopping the building of houses. This was their option. There are problems with the offices so the solution is get offices refurbished on the site. The Maritime House has been mooted, it is under-occupied. There is a car park there that it could be added to. That is in our ownership. So although it is not in my remit, although I have not got property advisers coming out of my ears, I have come up with at least one solution, which last year was good, good, good. Even in their comments, where did the Green Street site car park come in? In the Scrutiny report at page 10, the Minister for Home Affairs states if Green Street car park site had been available earlier it would have been the preferred option. This site has been here for as long as I have been here, 30-odd years, and in States ownership so why was it not considered before. It would appear to me that when somebody was visiting Lime Grove House offices, and then, you know, somehow that did not materialise, somebody said: “We will build it here. Look, there is a hole in the ground at Green Street car park and you will fit it in and you will bring it in on budget and even if you have to compromise on many aspects like any concerns a Bobby on the beat might have. Do not worry about the public or the Island getting there. And do not worry about how many parking spaces you are going to affect, how many people who are disrupted in their daily work routine, just do it. Get it done quickly and bring it back.” This police station is only to be attended for walk-in access only. I hate to disillusion Members here, but it is not just the poor residents in St. Helier who have reasons to attend a police station. There are other people in other Parishes who get arrested and are victims of crime, so why is it only walk-in? It is nearer this side of town than the Rouge Bouillon site is the other side of town. Absolutely not the public building that I was looking forward to for our police. On page 16 of the Council of Ministers comments, at 5, they talk about accessibility and they go into the argument that the police have 80 visits a day, much less than Social Security, but then if you really see what they are saying, the average detainee is 9.5 hours... people could be detained at the police station and there are interpreters, our children, vulnerable adults, all need the appropriate adult to spend all those hours with them, these are all volunteers, a lot of them. Where are they parking? So I am sorry, 80 visits a day, detained for approximately 9.5 hours, this is not good maths and it does not add up. I will leave more of the public access to the members of Scrutiny, if we get there, who may have concerns that this is not a public friendly building. The response from the Minister, and it is the Minister for Home Affairs and I normally do have a lot of respect for him. In the comments, when asked about public access, it is sort of an aside, it is just sort of like: “It does not matter. They will get there somehow.” Well, I do not think that is good enough. They will get there somehow. Not even reading between the lines, the public are the last people to be thought of and I must mention... I would like you to turn... now it is my proposition and I am going to have to read this because either I am wrong or they are wrong and it is on page 20 and 21. It is my appendix but it is T.T.S.’s proposition and it is heavily relied on in the Council of Ministers comments. It is heavily relied on, it cannot be wrong. Let me read about disabled access. The first comment, and there are only 2 comments, comes under Servicing Arrangements, which is the penultimate paragraph on page 20: “Servicing Arrangements. A short servicing lay-by is proposed adjacent to the police building, parallel to La Route du Fort. The lay-by will be located behind the footway, *et cetera, et cetera*. The area will be managed carefully by police staff.” Do you want your highly trained police staff acting as traffic wardens? Not for me. “The lay-by facility will also be available (not my report) on a pre-arranged basis for visitors who are in particular need to park close to the building, e.g. disabled persons.” Again, under Disabled Parking on page 21, second heading, they state that there is disabled parking at Green Street, *et cetera, et cetera*: “... but also, as stated above, the new lay-by facility directly adjacent to the building will also be available (on a pre-arranged basis) for disabled visitors who

have a particular need to visit and need to park close to the police station.” I could not make this up and I did not make this up but I heard the Minister for Home Affairs on the radio when this was reported saying this is wrong. Disabled people are catered for. Are you catered for? Do you want to be involved in crime and have to ring up and say: “Is the bread man not delivering? Are you not having your boiler serviced? Is something else not on that day and can I come along? When can I come?” I say I would not make this up. The Minister for Home Affairs said I am wrong. Their report. Their report, not mine. This was on the radio last night. If anyone does stand up and say Arup did not mean this, Arup is wrong, everything else about the traffic impact study must be wrong as well. So you cannot have it both ways. I just wish people would get their brief. I would like you to turn also to pages 8 and 9 in my bundle. This is supporting or not supporting the planning argument and it is from T.T.S. dated 21st August this year. I have checked and nothing has been put in since. Following comments based on those letters from - I will not say the name - of Jersey Property Holdings Department dated 11th November 2011: “No drainage details have been provided with this application.” I have highlighted the bits you need to see. You can read it all, there is nothing I am trying to hide and I am not paraphrasing. I am just picking out the worst. “The foul sewer to the west of Green Street crosses under La Route du Fort roundabout in a north-east to south-west direction and is approximately 85 metres from the western boundary. Providing any new service and connecting the existing sewer infrastructures will cause traffic disruption at either the roundabout or La Route du Fort or leading down to Rosehill Street. Although this will only be for a short term, it should be noted that La Route du Fort is a main arterial road between the east and west of the Island and is a main feeder. Current vehicles... [this is the one, remember that lay-by? Remember that lay-by?] due to the depth of the site below La Route du Fort, this may require foul water to drain pumping systems before connecting to either of the 2 public sewers. Any such insulation will be at the base of the new structure and would require to be serviced by a large vehicle in the case of an emergency. A P32 plate tanker will be required to do so that the slump of the pumping station could be emptied. Current vehicle access in this area is via Green Street car park where height restrictions prohibited any access by large commercial vehicles. Servicing the pumping, therefore, requires to be undertaken, even from the vehicles parked on La Route du Fort - I would imagine in the all-singing, all-dancing service bay - but the real telling is on the next page where it says... and there was a written question today by Deputy Baudains, which the Minister basically... the answer is dismissive, if nothing else. Now, this is up to date from his own offices. This system does not cope well under rainwater. There is no surcharge during extreme rainfall events, this area is known to flood to the depth greater than 5 foot 6, severely damaging parked vehicles.” Well, I would be under water now. I think the Minister for Transport and Technical Services is in very hot water, which is correct. The 1840 storm or his comments now. So we have the Minister for Home Affairs, who has not got the brief on who can park. We have the Minister for Transport and Technical Services whose officers are saying: “Very bad location, cannot get my tanker in. We might need a new shaft.” What was the shaft at Ann Court? £5.6 million it was quoted this morning in an oral question. Someone might need a shaft. **[Laughter]** I would not say it in the House but I am getting a real strong feeling. Anyway, it is all self-explanatory. Again, they are making it up as they go along. The panel comments seem to say that... I will leave this one alone because the meeting yesterday... there were concerns in the Scrutiny report and I think Deputy Maçon expressed them very well and it did say that basically, they had to take the word of the higher ranking police and were told that there were no problems with the bobbies on the beat. Everyone is happy.

[14:45]

If they want to expand on that, I will let them. I will quote just from the pertinent point at the very end but I would point out that on page 38, they say: “Centeniers would have benefited from the provision of a dedicated room within the custody suite so they can review paperwork in privacy

prior to charging.” Further down Scrutiny say: “After having discussions with the Chef de Police of St. Helier, revealed that the Honorary Police had not, at this stage, been consulted or included or asked for their operational requirements.” Again, the new purpose-built police station for Jersey. Do we have a purpose-built police station in Jersey that does not include our Honorary Police? The man from the architects yesterday said he had never been consulted on a matter so much as a police station and he has built police stations all over the U.K. I do not even think he knew we had an Honorary Police. We have got 200 Honorary Police. I have asked most of the Constables and I have asked the Chef de Police and nobody - for your information - has been consulted. That is not what I call consultation. There was a long-term concern about Centeniers and who could not park in the basement and it is quite clear in Arup report that it is only for the police, but since then, Deputy Noel has come out and said: “There will be a minimum [I must quote him correctly] of 5 spaces in the basement for official use.” I have received mixed comments about this and basement parking and - being that I have the audacity - I emailed the Home Office. So if you would like to turn to page 16, you will see an email from the Home Office. It is quite straightforward. At the end of the day, it is down to us but they say: “Judith, this is a matter for false policy. Home Affairs guidance is not to have parking underneath police buildings because of the potential risk from vehicle bombs, *et cetera*.” Well you might say that will not happen here. Could we be a soft target? Do we follow best guidelines? “Your project, site specific, means you have chosen to include this in your parking facility.” Meaning we have gone for basement parking. “The issue of who may park there is totally up to your force but I would expect this issue to be risk assessed properly by your C.T.S.A. (Counter Terrorism Security Advice) with a final decision being made and signed off at the appropriate senior levels.” So will it get built and will we then find out that we cannot have these officials... and the officials are only Centeniers. Many more people work and help... as I go back to my appropriate adults who sit with the vulnerable, who sit with the children. I am nearly there. I have had great concerns about needing this 275m² at La Collette. Again, Scrutiny also has a similar problem. 2 weeks ago there was a question over the £30,000 and I asked the Minister for Treasury and Resources to please assure me that it would not be for some outside security firm to look after this very, very important forensic equipment, scene of crime archives, vehicles... very expensive vehicles and in a written question today, it is not for... it is a one-off build cost. It is for C.C.T.V. (Closed Circuit Television) cameras. Even more reassuring that all forensic scene of crime archives are being guarded by is C.C.T.V. See someone breaking in there, let us hope we have a car dispatched down at La Collette because that is what you need. Why this site now? I mean, I have basically finished because I... I just do not think anything has been answered. Access to the public is absolutely dismal, but as I said, if you read some of the Ministers... absolutely for the first purpose-built police station is compare it to Social Security. I just would mention has anyone ever been down La Motte Street between 9.00 a.m. and 5.00 p.m.? We are trying to get traffic wardens... everyone thinks we just have to pop in. Well, we know you are not popping into the police station if you have got to make a statement or you have to pick up a drunken teenager or something like that. You have got to be there and you have got to be right outside, but you do not just park across the road. Are the Bobbies on the beat happy? Well, I will leave that one for a minute and read what they say. Has there been any real consultation with the Honorary Police? No. I just have to re-emphasise about the parking for those with a disability. I have got here: “Totally unsatisfactory.” I do not think that covers it. I find it quite embarrassing as a Member of this Assembly who can put in on new public building disabled access by prior arrangement. Absolutely embarrassed. I really cannot let the comments of the Chef de Police go unchallenged. Yes, he is embarrassed about the state of it. I am embarrassed about the state of the police buildings. Are the police embarrassed? Probably, yes. Can they work in them? Of course they do. He has never worked with a finer police force in his 32 years of service. So our boys are doing a good job but our boys and girls are not happy and that only came to light... the policemen and the policewomen who do a fantastic job under circumstances and do you know what, since I

have lodged this proposition, I have been waiting. I have been waiting for the phone calls. I have been waiting for when I speak to them in the street, for the abuse: "How dare you do this, Deputy?" "How dare you try and stop this police station at Green Street." I have only had compliments. Not all from police, from all over the Island. I have never had so much response but not one of them has said: "How dare you?" Some of them have said: "Thank God you have." And why? Because at the last minute, there is everything I have done in the top paragraph. Their concerns about lack of space for the fleet. Public and police parking, major emergency equipment, large vehicles being kept at La Collette, which is in the blast site at La Collette and if they cannot get there to get the equipment, who is getting there? Absolutely cannot make it up. I am not going to go on because all Members have had this, but I do think, if this is referred to Scrutiny, there are many more issues. Arup need to be questioned because the Minister for Home Affairs says they are making it up. T.T.S. need to bring forward some proper plans for drainage that did not just flood in 1840, but floods regularly and damages cars regularly. Then there is an environment thing on the page after that in my bundle that needs to be addressed. I will leave it there. I do agree, we need a new police station. Is this the wrong place? Read what the people on the coalface say and what Senator Routier said today: "Is that not only 90 per cent of the workforce?" Is this only the 10 per cent of the workforce who have listened to their colleagues who now feel that if they do not speak up now, they will end up - and I will quote this with what exactly one of them - it is a personal comment: "I may well be retired at the time a police station is built and it will therefore not affect me as much as some of the current serving officers, however, I still believe that just for once, Jersey should get something right from the beginning and this is not the site." Thank you.

The Deputy Bailiff:

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

10.2 Police Station Relocation: review of decision (P.92/2012) - referral back to Scrutiny

The Deputy Bailiff

Now, Senator Le Marquand, you indicated that at some stage, you would wish to ask the States to refer the matter to Scrutiny.

Senator B.I. Le Marquand:

Yes indeed, Sir.

The Deputy Bailiff:

The effect of that proposition, if adopted, will be to have, when it comes back, the debate starts again. So there seems little point, it seems to me, in having a long debate now and then have you ask for reference to Scrutiny at later stage. If you wish to ask for reference to Scrutiny, this seems a good time.

Senator B.I. Le Marquand:

I will make my proposition now then, Sir.

The Deputy Bailiff:

Is it seconded? **[Seconded]** Right. Senator Le Marquand, were you going to speak to it or...?

10.2.1 Senator B.I. Le Marquand:

I think the short speech I made before covered the point. Once it became clear that there were issues in relation to the Police Association that Scrutiny would need to look at matters again. It would need to take those into account. As I said, one of the panel members indeed indicated at the meeting that he was concerned that they had not been able to properly complete Scrutiny. Now, I am aware that the effect of this proposition is that things get put off initially for 2 weeks until the

next meeting in 2 weeks' time. The Scrutiny Panel will then come back, as I understand it, and indicate whether they want to defer the Scrutiny and what they propose to do. It seems to me that that is absolutely the right way forward and I would ask the Members of this Assembly to support that route.

The Deputy Bailiff:

Does any Member need to speak on this?

Deputy G.P. Southern:

Sir, as a matter of clarity, will the Greffe indicate, if Scrutiny does take this on board for fresh Scrutiny, when it will arrive back on the floor of the House?

The Deputy Bailiff:

Pursuant to Standing Order 79, the Scrutiny Chairman will indicate at the next meeting, I think, in 2 weeks' time whether he wishes to have the proposition referred to his panel.

Deputy G.P. Southern:

But then, under Article 79(5) it says: "The debate must be listed... which is not later than the fourth meeting, disregarding any additional meeting day." I just wonder what date that would be, the fourth meeting, the limit?

The Deputy Bailiff:

Perhaps I can ask the Chairman of the Scrutiny Panel. Are you in a position to say today whether you would wish to scrutinise the matter, or do you wish to consider that with your panel? It has an impact on the date by which the matter is to be listed for resumption.

Deputy J.M. Maçon:

Option (b), Sir. I would want to be able to confer with my panel to be able to decide. I was going to ask this anyway and I have had a note from the President of Scrutiny about what exactly we will be looking at and we would be grateful for a steer from the Assembly because obviously that will then have an impact upon what we do.

The Deputy Bailiff:

It appears to be, I am advised, 19th February, Deputy Southern, it will be listed for resumption. Does any other Member wish to speak?

10.2.2 Deputy J.H. Young:

I am sorry, to put a spanner in the works but this proposal certainly needs an in-depth review. I think when you look at the proposition, particularly part (b), about the need for the Minister for Planning and Environment to do a very substantial review of urban planning matters, I think this is a major task and I think Scrutiny have done an excellent job so far [**Approbation**] but I really would like to have very good reason as to why we should not proceed to discuss a proposal to ask the Minister for Planning and Environment to do the task that needs to be done to bring this matter to a conclusion. So I think, in essence, that is it. I think it needs a review but I think this is the wrong body. There are huge issues and if I can go through those issues to make the point that this is a planning study, I think we have got the user part of the study covered very well indeed. But issues such as traffic, parking, urban regeneration, alternative users, issues of drainage, archaeology; major issues there. Alternative uses of site. I think what has happened, this proposal to go for this site and abandon other sites, particularly the Summerland site, has jumped the planning process. We have an Island Plan that says that the Minister for Planning and Environment

should produce a development plan for the eastern gateway area, proposal 12 to guide development, particularly if it includes major public sector projects.

[15:00]

This is exactly what happens when we bypass that procedure and of course a key point about that is consultation. We have got bags of evidence here that there has not been enough consultation with stakeholders. We have got substantial objections from neighbouring properties with very substantial complaints, including from architects in practice. I think we should listen to those warnings, discuss it and if Members agree, proceed with a decision whether or not to refer this to the Minister for Planning and Environment to do the job that the Island Plan allows him to do. Obviously, having said that if the States Assembly does not accept that and they want the Scrutiny to do so, I will do my best. But I think this is a major task and requires big resources to do that and answer those questions comprehensively. For that reason, I am not persuaded at the moment to go with the Scrutiny referral. Not of the planning issues anyway.

10.2.3 Senator P.F.C. Ozouf:

I understood the proposition from Senator Le Marquand to be a reference to the Education and Home Affairs Scrutiny Panel.

Senator B.I. Le Marquand:

Yes, I was just about to rise to clarify that. That was indeed my intention.

Senator P.F.C. Ozouf:

I think the last intervention is, if I may say, a little unhelpful and a little unfair to the Scrutiny Panel that is having this referred to it. We are here today... there are some people in this Assembly who are never going to be convinced that Green Street is a suitable site. We have to be honest about that. There are others that are going to listen to the debate and what we have been faced with is a very unfortunate situation, which is absolutely not the fault of the Scrutiny Panel Chair and his colleagues, that effectively questions are being raised about the Police Association issue. It seems to me that many of the questions... the proposer in her speech has made a number of issues, it is perhaps a shame that the Assistant Minister has not been able to make his speech this afternoon because he has been working on this. He has been close to the issue right the way through. I think the issue is... the Chairman asked for guidance. I think the issues and the real concerns that need to be answered by the Police Association need to be investigated and responded to. I think to widen the debate into the matters that Deputy Young raises, and he knows well the planning process and what he is asking this Assembly to do is to be a planning committee and that is not wise. There is a planning process and a planning determination, there is a planning application before the Minister for Planning and Environment and he can determine this against his policies. For my part, I will agree for the delay. There are huge consequences with this delay, cost, construction industry, the police not having a home, all these issues. Nobody has come up with an alternative. I think the Scrutiny Panel do need, however, to be just dealing with the narrow issues which they are not able to report to us in relation to the Police Association, then get back to the substantive debate and all the issues that Deputy Martin raises and the other people who will never be convinced but want to put, effectively, other issues into this Assembly can be dealt with. The issues of the Police Association, they are the ones I think the panel should be focusing on and reporting as quickly as they are able to do so.

10.2.4 Deputy M. Tadier:

I rise really to bolster the comments of my St. Brelade No. 1 colleague, Deputy Young. I get the feeling now that this really is beyond Scrutiny and I think if we look at the proposition, we are at risk of being caught up in some kind of groundhog spiral scenario whereby, okay, this goes to... we

refer this to Scrutiny today. First of all, we do not know whether Scrutiny wants to look at this. We do not know whether this Scrutiny Panel has the manpower or resources to look at this. That cannot be decided today so we risk first of all referring something to Scrutiny which either they are... which already, of course, they have looked at and congratulations to them in having looked at it to a certain extent, but if we look at the proposition on the table before us today, which we can resolve many of the issues I think that we all have concerns about, especially part (b), which talks about being subject to the results of the consultation process. That is key for me because there is a consultation process which is being provided for here as a way forward and that consultation process goes beyond Scrutiny. It will be one that needs to be taken on board by the Minister for Planning and Environment but it will receive feedback from the likes of the Police Association, of the various Members of the States Assembly, of the Scrutiny Panel, anyone who has concern will be able to feed into that approval and ultimately it will be, of course, for the Minister for Planning and Environment anyway. So it seems to be that this is just a way of getting to the decision quicker. If the Minister for Treasury and Resources is correct in saying that we cannot afford to delay this anymore, which I think is probably, if we are honest, an element of shroud waving here, to delay the cost of delay... I would say: "Come on, Minister, this needs to be done properly" and I do think this will delay it if we go more directly to the Minister and ask him to engage in a proper consultation process. I do not think the argument that we would be acting as some kind of planning committee is correct. It would not be a planning committee; this is the Island Plan we are talking about. This is asking the Minister to engage in a meaningful consultation programme based very firmly on the Island Plan, which is what is being asked for. So I think, balancing this up, given the doubt that we have heard from the Scrutiny about their capability of looking at this, I think the correct way forward to find an expedient and more efficient way forward is to just adopt this proposition. Of course, if the consultation proves that the Lime Grove site, with a little bit of tweaking, is absolutely the right thing to do and that we can safeguard parking by keeping the police station there, that of course can be reviewed. But this is, I think, the most direct way of doing it. We cannot simply refer it back just as a stalling mechanism while the other side perhaps gets their arguments into order.

10.2.5 The Connétable of St. Lawrence:

I was concerned when I heard the Chairman ask for a steer for his panel on what they should be considering. Concerned because Scrutiny should not be led by the Assembly and should certainly not be told by the Minister for Treasury and Resources what to review. So my words to the Chairman are please, Chairman, consult with your panel, make your own decisions, set your own terms of reference, be the critical friend that we need Scrutiny to be but do not be told by the Minister for Treasury and Resources that you should look only at the comments of the Police Association. **[Approbation]** So, if this is referred back to Scrutiny, I implore the Chairman, please be critical. Please be a friend, but do not be steered by the Assembly. Make your own decisions.

10.2.6 Deputy S. Power:

I will be very, very brief. I could not agree more with what the Constable of St. Lawrence has just said. I would strongly advise the Chairman of this panel to go back with his panel, discuss the terms of reference with his panel and come back to the Assembly and say that this is what they are going to do. I think most of us have listened to Senator Ozouf's comments and he made some comments about the delays that this may cause to the States, the police and all this kind of stuff. I would say to Senator Ozouf, we have had Lime Grove 1, we are running the risk of having Lime Grove 2, or the son of Lime Grove, and we really do not want that again. So I think, you know, that those comments by the Minister for Treasury and Resources were inappropriate. The Scrutiny Panel needs to set the terms of reference and come back and tell the Assembly what they are going to do, rather than asking the Assembly what they are going to do. Finally, we heard the comments

from Senator Ozouf about the Police Association. It is not just about the Police Association; there are others and Deputy Maçon is man enough to know that if he needs to widen his terms of reference, he can do it. Finally, Deputy Young made a comment about the whole planning process. I am not quite sure I agree with everything Deputy Young said but I will say this. Where we are today is an example of where the Ministerial oversight did not reflect the planning function and it has been said that the Minister for Planning and Environment might have been conflicted had he come in on this, but too late in the day, a senior officer at the Department of the Environment was brought into this process and it was too late. The problem we have now today is because the whole process was not correct from the start. So let us deal with the police in the manner they should be dealt with. It is not about another delay, it is about getting a police station that works. Not for the 10 years that Deputy Martin talked about, for the next 20 years or 25 years when most of us are long gone and retired. Let us do it properly and let us do it correctly and the first stage of that process now is Deputy Maçon.

10.2.7 The Connétable of St. Martin:

I spent considerable time last night, into the late hours and early this morning, writing a speech and obviously I will not be using that speech.

Deputy G.P. Southern:

Save it.

The Connétable of St. Martin:

There was, however... the concerns that were raised yesterday that shocked, I think, quite a few people at the presentation yesterday lunchtime when the recently elected President of the Jersey Police Association was questioned at the presentation to States Members. I think it is very difficult to place that officer and his 2 Association committee members that accompanied him in the difficult position, asking their views and that of their members when their senior managers are very supportive of the proposals for the new site. I believe the President spoke very sincerely but guarded and cautiously about the proposals for the new station. I am not sure whether it is right that we put the Association in such a position. They cannot make the decision and likewise they cannot override the decisions made by their senior officers. However, obviously that meeting did set off a chain reaction with emails, phone calls and additional documents being circulated into the late evening. We must remember, however, today that Deputy Martin has also raised many other issues and I think that the Chairman of our Scrutiny Committee may have to change the scoping from our original scope. That is all I wish to say at the moment. Thank you.

10.2.8 Deputy G.P. Southern:

Just briefly, I would encourage Members to come to a vote here. It is very straightforward. We are going to pass this on to Scrutiny, they are going to come back in a fortnight's time and tell us the extent of which they wish to scrutinise and by 18th February, at the very latest, we will be back here debating this proposition again and depending upon the new evidence that we have got, we may be accepting or rejecting this particular proposition. Let us get on with it.

10.2.9 Deputy J.A. Martin:

It was really more procedural under 79(1)(a) and (b) because... and (b) said the States request the relevant Scrutiny Panel to consider having the proposition referred. Well, I am not a ministry... with the extended remit, I am asking probably for your guidance, who do you see? It seems to me the Council of Ministers is determining the relevance of which Scrutiny Panel. I am not a department so I could be scrutinised by anyone, thank you, and hopefully I would stand up to it but I just would like clarification on where we are going here. It is not quite clear who is relevant. It seems to be with the more issues a lot of Scrutiny Panels.

The Deputy Bailiff:

The proposition to relocate the Police Headquarters to the site at Green Street is, as I understand it, the proposition of the Minister for Home Affairs and therefore the relevant Scrutiny Panel would be the Education and Home Affairs Scrutiny Panel. It may well be that that panel will want to consult or liaise with members of other panels and that is a matter for the Chairmen's Committee and the Chairman of this panel to discuss and consider it appropriately over the next weeks, if indeed the panel wants to examine the matter further.

Deputy J.A. Martin:

Sir, you said it is relevant because it was asked for by the Minister for Home Affairs. There was any one of 10 people who could have got your attention first and many of them were Back-Benchers. It is not relevant that it was directed by the Minister for Home Affairs, it was the Education and Home Affairs Panel, and that is why I am asking for clarification. After the issues that I have raised and other people have raised, who is relevant to refer this back to? It is a Back-Bencher's proposition.

The Deputy Bailiff:

Deputy Martin, I am sorry if I did not make myself clear. It is not that the proposition to refer to Scrutiny is coming from the Minister for Home Affairs, it was the fact that the proposed relocation of the police station to Green Street is the Minister for Home Affairs' proposition and of course there are a number of other matters that are canvassed within that. At some stage planning matters will be involved as well but it is because it is the Minister for Home Affairs' responsibility to see the proposition to relocate to Green Street that it is the Education and Home Affairs Scrutiny Panel that applies and indeed that is invested in Standing Order 79(7). Does any other Member wish to speak?

10.2.10 Deputy J.M. Maçon:

I do speak purely in a response to a point of clarification so I hope I am not overstepping the boundaries. But very quickly on that point, if it is referred back to Scrutiny we will need to consider the best way forward. If we have to adjust our terms of reference that will probably require some form of sub-panel pulled from different aspects of the Scrutiny function to respond to the comments of the Constable of St. Lawrence. If we refer this proposition we have to scrutinise the proposition and what is contained in the report and while I totally agree with all her comments about how Scrutiny should set the terms of reference and how we should not be told what to do by Ministers, I totally agree and endorse those comments, but I do not necessarily want to be producing information for which there is absolutely no relevance to Members in this Assembly, and I am cautious of that and we do go out when we form our terms of reference for other Members to be able to input into that process as well.

[15:15]

Again, Deputy Tadier touched on this and it is very much what is the remit going to be? But in considering that I appreciate this Assembly is probably not the place to discuss that; it is a matter for Scrutiny to discuss and therefore if Members wish to refer it back we will crack on and do it as soon as we can and I hope that is helpful to Members.

10.2.11 Deputy J.M. Le Bailly of St. Mary:

One of the most contentious issues with regard to the project appears to focus around the loss of parking. I have been told by an authority on the subject that it would be possible to construct a steel deck system to the top floor of the existing car park which would accommodate practically all of the spaces that will be lost with this new build. The cost of this work I am told would be

approximately £1 million, which equates to about 5 per cent of the total cost of the project. Has this been considered? If not, why not? This is an independent item but could have an important effect to the result of the proposition. Maybe Scrutiny could evaluate that at the same time.

The Deputy Bailiff:

If no other Member wishes to speak I will call on the Minister for Home Affairs to reply.

10.2.12 Senator B.I. Le Marquand:

In answer to the last question, that was considered at some point. Initially it was thought that the cost would be of that order but subsequent information we received was that it was much higher. I do not carry the full details on that. So, I do not think it is necessary for me to respond with any particular direction. I would simply urge Members to vote in favour. In reference to Scrutiny I am happy to leave it to the Scrutiny Panel to determine their terms of reference.

The Deputy Bailiff:

The appel is called for. I invite Members to return to their seats. The vote will be on whether to refer P.92 to the Education and Home Affairs Scrutiny Panel. I ask the Greffier to open the voting.

POUR: 39		CONTRE: 5		ABSTAIN: 0
Senator P.F. Routier		Deputy J.A. Martin (H)		
Senator P.F.C. Ozouf		Deputy S. Pitman (H)		
Senator A. Breckon		Deputy M. Tadier (B)		
Senator S.C. Ferguson		Deputy T.M. Pitman (H)		
Senator A.J.H. Maclean		Deputy J.H. Young (B)		
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				

Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

11. Draft Royal Court (Amendment No. 13) (Jersey) Law 201- (P.93/2012)

The Deputy Bailiff:

Very well, we now come to the next item on the Order Paper which is the Draft Royal Court (Amendment No. 13) (Jersey) Law lodged by the Chief Minister and I ask the Greffier to read the proposition.

The Greffier of the States:

The Draft Royal Court (Amendment No. 13) (Jersey) Law - a law to amend further the Royal Court (Jersey) Law 1948. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

Senator I.J. Gorst (The Chief Minister):

I would like to ask my Assistant Minister to act as rapporteur please.

11.1 Senator P.M. Bailhache (Assistant Chief Minister - rapporteur):

This is a simple but important amendment to the Royal Court Law which will allow Jurats of the Royal Court of Guernsey to sit in cases in the Royal Court in Jersey when there is a need for them to do so. The proposal has been the subject of consultation of course with the Bailiff and also with the Bailiff of Guernsey who has, I understand, given his approval to the proposal. The number of cases when it may be necessary for a Guernsey Jurat to sit in the Jersey Royal Court may be very limited but it is possible that from time to time they might arise and it is important that for every case which comes before the Royal Court it is possible to convene a court which is independent and impartial and seen to be impartial. The report of the Chief Minister sets out some examples of circumstances when it might be necessary to employ the services of a Guernsey Jurat if, for example, a Jersey Jurat was bringing proceedings in the Royal Court for damages arising out of a motor traffic accident or something of that kind or indeed a Jurat or indeed a member of a court were to be a witness in any proceedings before the court and it was not possible to find Jurats who felt comfortable about sitting in a case of that kind then it would be necessary to employ this procedure and to ask the Bailiff of Guernsey whether he could recommend Guernsey Jurats to sit. It is, as I say, a simple amendment but an important one. I am very happy to answer Members' questions and I propose the principles of the Bill.

The Deputy Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

11.1.1 Deputy M.R. Higgins:

It is a question more so than anything else. I question why it is that we have to go to Guernsey for Jurats and why we did not look at widening the pool of existing Jurats within the Island. So, in other words, you would avoid the idea of possible conflicts of interest the more people who you could select from. Also, at the same time, it would enable us to perhaps widen the socioeconomic grouping from which the current Jurats are taken and would also perhaps make people feel that the people who are trying them are from the same wider grouping in a sense within the Island rather than a small grouping that many people feel the Jurats are taken from.

11.1.2 The Deputy of St. Ouen:

Can the Assistant Chief Minister confirm whether this particular legislation has been properly scrutinised?

Senator P.M. Bailhache:

I am sorry, I did not hear.

The Greffier of the States (in the Chair):

Has it been properly scrutinised I think was the word.

11.1.3 Senator L.J. Farnham:

I think that probably in the interests of ensuring justice is delivered fairly, broadening the pool from which judges could be sought is a good idea. Could I just ask - not that it is particularly relevant - will Guernsey be enacting a similar legislation so they can draw from Jersey Jurats if necessary?

11.1.4 Deputy G.C.L. Baudains:

An intriguing amendment. I notice it is brought by the Chief Minister, the Assistant Chief Minister as rapporteur and it is signed by the Minister for Home Affairs. It seems interesting. One question: I am fairly relaxed about this amendment but what I would really like to know is how many occasions in the past has it appeared that this was necessary or would have been helpful?

11.1.5 Deputy J.H. Young:

I am sure there were occasions where for various reasons that have been explained why we would need and benefit from additional Jurats but I turned up the States of Guernsey roll call pages and I just flagged up a couple of questions. Perhaps if the Assistant Chief Minister could answer them. First of all it says there is no jury system in Guernsey. Does that mean that unlike Jersey where we have jury trials and we have Jurats, do they do a different role? Also, they are elected by a wider electoral college in Guernsey which includes... well, perhaps if I rephrase what I have said and if the Assistant Chief Minister could confirm that there are no differences in that. I also notice that in certain circumstances - which I am not quite sure - that in Jersey, Jurats have to retire at 72 where in Guernsey I read that there may be different rules, but if I have it wrong I am sure you will put me right. They are really just questions I would like to have answers to before we approve this.

11.1.6 Deputy T.M. Pitman:

Just a few points. Certainly it was one of my saddest moments in the States to have to be accused of bringing an issue for inappropriate motives and I was pleased that 3 Members complained about that but sadly the Chair, for whatever reason, did not intervene. This issue of Jurats I welcome this but it is not nearly enough. It is not nearly enough and, as I say, while I support enlarging that pool I will be lodging a proposition in about 10 days that will look at this whole aspect of how Jurats' are elected, how Jurats' actions and behaviour is monitored because that clearly does not function at the moment. I would like to know that the proposer takes on board some of the things that Deputy Higgins has said about ethnicity, about that wider cross-section that people need to be drawn on. Under Article 6 Human Rights, you are meant to be able to have a trial by your peers, I believe; a good random cross section and sadly our Jurats, because of the way it has grown up, do not provide that. To suggest otherwise is a complete and utter myth. It is easily demonstrable. I look back over 25 years. It is a system that is in dire need of an overhaul and that is not to say that everyone who is a Jurat is a bad person because of course they are not and it takes up a lot of time to be a Jurat; I acknowledge that but the system is deeply flawed and I would like to hear the Assistant Minister's thoughts as to whether he thinks just this Guernsey initiative will make that right because it is quite clear to me and many others that it will not. It is a full review of this and that is what I will be proposing. So, rather than go into a lot more that I could say I will leave it there.

11.1.7 Senator B.I. Le Marquand:

This is a very logical proposition. We already for some time have had a situation in which the Bailiff can appoint commissioners who can be judges from outside the Island in order to sit as the judge of law in relation to cases. This is extending that principle so that we can have one or more judges of fact which is what Jurats are; they are involved with sentencing to sit alongside. Now, other jurisdictions do not have Jurats other than Guernsey so it is perfectly logical to avoid the sort of conflict that has been mentioned where there might be a case involving a Jurat either as a litigant or as a witness or whatever, that we would look to our sister Island for this purpose. So, I speak in support of that. I can answer Deputy Young's query about Guernsey. One of my more interesting experiences when I sat as a part-time magistrate or assistant magistrate in Guernsey, where they had a similar problem of trials which involved members of the court, or people who worked in or around the court or people that they lived with and indeed they swore me in specifically for that purpose, I had the peculiar experience, not having visited the court before entering it, of starting down this line. I went past 1, 2, 3, 4, 5, 6; only the 7th chair was where I was sitting and there were 6 chairs beyond. That is because in Guernsey their new modern court is 13 people wide so that the 12 Jurats can sit with the Bailiff in order to try a criminal case and they act as a sort of jury there, there being 12 of them or as many as there can be. That answers that technical question but I do very much support this.

11.1.8 Deputy M. Tadier:

I think this is a good step. I think there have been lots of things said, some of which I would agree with and I think there are some of us who think that this does not go far enough but I think it is important to acknowledge that when the change does happen, albeit incremental change, that comments and practices have been taken on board and modified accordingly. I do have a few questions though, or just points to make. The first one is that I think one of my colleagues, Deputy Higgins, raised the point about the way in which Jurats were elected. Of course historically Jurats used to be elected by direct suffrage, by universal suffrage, by the entire population of the Island, albeit through a different role; it was a dual role and which we are very familiar with and I suspect that in changing that we have lost something of the role of the Jurat and we have heard the accusation which I guess we have to take to a certain extent on board that Jurats tend to be from a very closed socioeconomic demographic of the Island, which I do not think we can dispute. That is not to disparage them in any way; it is just a statement of fact and that does need to be looked at. Of course if there were perhaps more of an open system we might not be in the situation where we would need to necessarily import Jurats from Guernsey who I think also have a very strange electoral college system, albeit different to what we have in Jersey.

[15:30]

I think there is also the question of the Board of Visitors where we are talking about a conflict of interest here.

The Greffier of the States (in the Chair):

Let us not get to the Board of Visitors here.

Deputy M. Tadier:

I think it is germane.

The Greffier of the States (in the Chair):

It may be relevant but...

Deputy M. Tadier:

I think it is germane because Members might like to reflect on how it compares. The Board of Visitors are made up of Jurats and they may feel that if there are not corresponding changes to the Board of Visitors that they may not wish to vote for this because it might be a contradiction that they could not necessarily intellectually stack up in their brains, tenuous as that link may be. I think it is worth making the point that if there are conflicts of interest, are we going to get to the point where we bring over Guernsey Jurats? Because the Jersey Jurats will have all been involved if someone has been in the Royal Court of sending them to La Moye Prison and clearly it seems that we need to review it again. Remember it was not one but it was a tied vote the last time I think, so there needs to be an appetite for change there. I think the biggest question of course that must be on all of our minds is that when Guernsey Jurats come to Jersey they have their own robes; will they be wearing their own purple robes or will they be wearing the red robes of the Royal Court?

The Greffier of the States (in the Chair):

I will call on the Assistant Minister to reply.

11.1.9 Senator P.M. Bailhache:

I am grateful to Members for all those contributions. Deputy Higgins raised an interesting point as to why a decision had not been made as in Guernsey to increase the number of Jurats. I suppose there are a number of answers to that question because it was considered some years ago when Guernsey decided to increase the number of Jurats from 12 to 17, I think, whether this Island should follow suit. The decision was taken that if it should be at some stage in the future necessary in terms of the amount of work that the Jurats have to do then that would be something that could be considered. But 12 is a traditional number. It is a good apostolic number. It is a number which has served its purpose for 800 years and while there is no pressing need to increase the number and, as the Deputy Chief Minister has said, the number of seats available in the Royal Court at the moment accommodate 12 Jurats and one would have to think what one would do if there were to be 15 Jurats. There are a number of practical reasons why unless there is a pressing necessity in terms of justice to increase the number it was not thought right to do that. So far as this proposition is concerned I hope that I have made it clear that the occasions upon which a Guernsey Jurat might be expected to sit in the Jersey Royal Court will be limited and certainly there is no need in terms of the process of justice for a larger number of Jurats at the present time. I was asked whether the proposition had been subject to proper scrutiny. I can only say that it was the subject of consideration on the Legislation Advisory Panel which made a recommendation to the Chief Minister and all the members of that panel thought that it was a sensible proposal. Deputy Young asked a number of questions about the Guernsey Jurats, not all of which I am afraid I am able to answer. It is true, as I understand it, that they do not have a jury system in Guernsey and therefore the Jurats are much more heavily involved in the criminal process than the Jersey Jurats are. We do have a jury system and the most serious cases are tried before a jury and not before the Jurats. So far as the retirement age is concerned I am sorry, I will need to get that information for the Deputy. I understood that it was the same but I would need to check that for him. So far as the wider Electoral College is concerned I understood that the college of electors was quite similarly constituted but again I will have to check that information for him. I am sorry that I do not have that information available this afternoon. Deputy Pitman said that he would be bringing a proposition to look at the appointment of Jurats or the constitution of the Royal Court. I think I can only say that we must await that proposition and then deal with those points as they arise. I do not accept that the Jurats are not representative of the broader society. They contain and have contained teachers, accountants, lawyers, insurance agents, former policemen, former civil servants, a whole range of people who have given service to the broader community and who have been found suitable to exercise the discretion and judgment which is required of a Jurat of the

Royal Court. I remind Members that it is open to any Member of this Assembly and indeed any member of the electoral college to propose a person who meets the qualifications in terms of age and so on and there is no question to my mind that this is some sort of a closed shop which is open only to a particular socioeconomic group. Deputy Tadier asked whether the Jurats of Guernsey would wear their purple robes. I must confess that I am not absolutely sure about this but I would think that the answer is no because once a Guernsey Jurat has taken the oath prescribed to sit as a Jurat in the Royal Court of Jersey he will be for all practical purposes a Jurat of the Jersey Royal Court and he will wear a red robe rather than the customary purple, so far as he is concerned. I hope Members will agree that this is a pragmatic and sensible move and I make the proposition.

Senator L.J. Farnham:

I did just very briefly ask a quick question of whether Guernsey were planning to extend the same opportunity to a Jersey Judge. Can I just make an observation? I would like to observe very quickly, the Senator is very comfortable working with the number 12 and I just said coincidentally it is the number of Constables we have but oddly it is the number of Senators we used to have.

Senator P.M. Bailhache:

You do not wish me to remind the Senator that there are now only 10 Senators.

Senator L.J. Farnham:

There should be 12 but I accept...

The Greffier of the States (in the Chair):

There is the point about whether Guernsey is planning to do the same.

Senator P.M. Bailhache:

I think that question has been put to the Bailiff of Guernsey and there may be reasons in terms of working more closely together and confederal ideals that might motivate the authorities in Guernsey to think of doing that. From a practical point of view I think that they, having increased their number of Jurats to 17, would probably find that they have enough for the purposes of justice in the Royal Court of Guernsey.

Deputy T.M. Pitman:

Can I ask for clarification? I do not think the Assistant Minister picked up he was telling us about how he felt it was a very wide cross-section but he did not touch on the matter of how many Jurats we have had from ethnic minorities; whether that be Portuguese or whatever in the Island.

Senator P.M. Bailhache:

I am all in favour of a very broad cross-section of Jurats, just as I would be in favour of a very broad cross-section of ethnicity in this Chamber which unfortunately we do not seem to have, but I can only repeat that there is no bar to any member of a minority community in Jersey being put forward for election to the bench of Jurats and I hope that perhaps in the future someone will be. I move the proposition.

The Greffier of the States (in the Chair):

Very well. I took the principle. Those Members in favour of adopting kindly show. The appel is called for. If Members could return to their seats, the vote is for or against the principles to the law. I will ask the Greffier to open the voting.

POUR: 35		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Deputy S. Pitman (H)		
Senator A. Breckon		Deputy M.R. Higgins (H)		

Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy S.S.P.A. Power (B)				
Deputy M. Tadier (B)				
Deputy T.M. Pitman (H)				
Deputy T.A. Vallois (S)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Greffier of the States (in the Chair):

Senator Ferguson, does your panel wish to review this matter?

Senator S.C. Ferguson (Chairman, Corporate Services Scrutiny Panel):

No, thank you, Sir.

The Greffier of the States (in the Chair):

Rapporteur, do you wish to propose the 2 Articles together?

11.2 Senator P.M. Bailhache:

If I may I propose the 2 Articles together. Article 1 will substitute a new Article 9A of the Law as set out in the draft projet and Article 2 is the commencement and coming into force provision. I move those 2 Articles.

The Greffier of the States (in the Chair):

Are the Articles seconded? **[Seconded]** Does anyone wish to speak on either of the Articles? I put the Articles, those Members in favour of adopting them kindly show. Against. The articles are adopted. Do you propose the Bill in Third Reading?

Senator P.M. Bailhache:

I propose the Bill in the Third Reading.

The Greffier of the States (in the Chair):

Is that seconded? **[Seconded]** Does anyone wish to speak in Third Reading? All those in favour of adopting the Bill in Third Reading kindly show. Against? It is adopted in Third Reading.

12. Draft Incorporated Limited Partnerships (Annual Additional Charge) (Jersey) Regulations 201- (P.94/2012)

The Greffier of the States (in the Chair):

We come now to Projet P.94 in the name of the Minister for Economic Development. The Draft Incorporated Limited Partnerships (Annual Additional Charge) (Jersey) Regulations. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

The States in pursuance of Article 26 of the Incorporated Limited Partnerships (Jersey) Law 2011, have made the following Regulations.

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

I see Members running for the exit, which is rather disconcerting. P.94 is the first of 3 propositions that are effectively happy to draft legislation with the same singular aim of introducing an annual charge on the structures to which they refer. P.95 and P.96 will follow immediately and have the same objective. Each of these product laws relate to partnership structures and each allows for an annual administration fee which is published and collected by the Jersey Financial Services Commission and paid to the Treasurer of the States. They also allow for a payment of an annual additional amount determined by the States through Regulation. On 10th October 2011 the Commission issued a consultation paper on the annual administration fee for all 3, namely, Incorporated Limited Partnerships, the I.L.P.s, that is P.94; Separate Limited Partnerships, S.L.P.s, P.95 which we will come to in a moment, and Limited Partnerships, L.P.s, that is P.96 also shortly to debate. That consultation paper further indicated the States would look to set the additional charge at £115. This would set the total annual fee for all 3, namely I.L.P.s, S.L.P.s and L.P.s at £150, bringing the proposed fee into line with that which is already charged for other structures such as companies and foundations in Jersey. Industry response through Jersey Finance on 15th November 2011 was positive. P.94 asked the States to set the annual additional amount for I.L.P.s at £115. P.94 does the same for S.L.P.s and P.96 for L.P.s. The level of fees was consulted on during October 2011 and this position was supported by, as I have mentioned, Industry and also the Taxes Office. If the States approve this draft package of legislation today it is anticipated that the fee will be in place to be collected by January 2013. I propose the principles.

The Greffier of the States (in the Chair):

Are the principles seconded? **[Seconded]** Does anyone want to speak on the principles and Regulations?

12.1.1 Deputy M.R. Higgins:

It is just a question. We have mentioned the £115 increase in fees. Can the Minister for Economic Development give the Assembly an indication of how many of these structures there are and what the actual take will be for each one of them?

12.1.2 Deputy T.A. Vallois:

Could the Minister just clarify as to why £115 and whether there was any negotiation between the structures and whether it was to be increased or decreased, what particularly we are looking in the current climate?

The Greffier of the States (in the Chair):

If no other Member wishes to speak I call on the Minister to reply.

12.1.3 Senator A.J.H. Maclean:

Yes, to answer Deputy Higgins' question, there is approximately 1,000 structures all together and the anticipated fees amount to around about £115,000. Deputy Vallois, the choice of £115 was simply in line with existing structures, companies and foundations and also taking into consideration the competitive position with competitive jurisdictions.

[15:45]

We believe that it has been pitched at a level that will not dissuade business from Jersey. I maintain the principles.

The Greffier of the States (in the Chair):

I put the principles. Those Members in favour of adopting kindly show. Any against. The principles are adopted. Deputy of St. Martin, these 3 fall within your remit of your panel, so I perhaps just ask you once for all 3?

Deputy S.G. Luce of St. Martin (Chairman, Economic Affairs Scrutiny Panel):

No, thank you.

The Greffier of the States (in the Chair):

Very well. I take that for all 3. Do you wish to propose Regulations 1 and 2?

Senator A.J.H. Maclean:

Yes, sir.

The Greffier of the States (in the Chair):

Seconded? **[Seconded]** Does anyone wish to speak? All Members in favour of adopting Regulations 1 and 2 kindly show. Any against? The Regulations are adopted. Do you propose the Regulations in Third Reading?

Senator A.J.H. Maclean:

Yes, sir.

The Greffier of the States (in the Chair):

Seconded? **[Seconded]** Does any Member wish to speak? All those Members in favour of adopting the Regulations in Third Reading kindly show. Those against. They are adopted in Third Reading.

13. Draft Separate Limited Partnerships (Annual Additional Charge) (Jersey) Regulations 201- (P.95/2012)

The Greffier of the States (in the Chair):

We come next to the segment of the similar propositions. I will ask the Greffier to read the citation of P.95.

The Deputy Greffier of the States:

Draft Separate Limited Partnerships (Annual Additional Charge) (Jersey) Regulations 201-. The States in pursuance of Article 33 of the Separate Limited Partnerships (Jersey) Law 2011 have made the following Regulations.

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

I did cover the points in relation to this in my first introduction. I maintain the principle is identical; it is just a different partnership structure.

The Greffier of the States (in the Chair):

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

13.1.1 Deputy M.R. Higgins:

Same question. If the Minister could tell the Assembly how many of these type partnerships there are and again, the income that is going to be received from them.

The Greffier of the States (in the Chair):

If no other Member wishes to speak I will call on the Minister to reply.

13.1.2 Senator A.J.H. Maclean:

I did a disservice to the Deputy when I spoke a moment ago. He asked the question of how many structures there were. I was in fact referring collectively to all 3; that is P.94, P.95 and P.96. If he wants a breakdown, I am covering the other propositions as well: Limited Partnerships are those that have the bulk because that has been the situation since 1994. I.L.P.s and S.L.P.s there are approximately 15 I.L.P.s and 4 S.L.P.s. The reason for that is they were only introduced at the end of 2011 so they are relatively new structures; the I.L.P. and S.L.P. I maintain the principles.

The Greffier of the States (in the Chair):

Would those Members in favour of adopting the principles kindly show. Any against? The principles are adopted. We know the Scrutiny Panel does not wish to scrutinise these 3, so do you propose Regulations 1 and 2, Minister?

Senator A.J.H. Maclean:

Yes, Sir.

The Greffier of the States (in the Chair):

Seconded? [**Seconded**] Does any Member wish to speak? Members in favour of adopting Regulations 1 and 2 kindly show. Any against? The Regulations are adopted. Do you propose the Regulations in the Third Reading, Minister?

Senator A.J.H. Maclean:

Yes, Sir.

The Greffier of the States (in the Chair):

Seconded? [**Seconded**] Does any Member wish to speak? Members in favour of adopting the Regulations in Third Reading kindly show. Any against? They are adopted in Third Reading.

14. Draft Limited Partnerships (Annual Additional Charge) (Jersey) Regulations 201-(P.96/2012)

The Greffier of the States (in the Chair):

We come to the final in these 3 sets of Regulations, P.96. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Limited Partnership (Annual Additional Charges) (Jersey) Regulations 201-. The States in pursuance of Article 38 of the Limited Partnerships (Jersey) Law 1994 have made the following Regulations.

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

As I have already said, I think I have made all the relevant comments. I maintain the principles.

The Greffier of the States (in the Chair):

Seconded? **[Seconded]** Does anyone wish to speak on the principles?

14.1.1 Deputy R.G. Le Hérisier:

Very quickly, could the Minister explain the difference between these limited partnerships?

The Greffier of the States (in the Chair):

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

14.1.2 Senator A.J.H. Maclean:

I can always count on Deputy Le Hérisier. The limited partnership is a partnership with no separate legal personality, so the general partner for example, has to enter into contracts on behalf of the limited partners. The S.L.P. has the legal personality but it is not a body corporate and so can enter into contracts; and the I.L.P. has the legal personality as a body corporate. So there are different structures; originally we had just the limited partnerships. By having all 3 we come into line with other jurisdictions and have the suite of arrangements to ensure that all options are covered.

The Greffier of the States (in the Chair):

I put the principles. Those Members in favour of adopting them kindly show. Any against? The principles are adopted. We heard there is no Scrutiny, so I invite you to propose Regulations 1 and 2, Minister.

Senator A.J.H. Maclean:

Sir.

The Greffier of the States (in the Chair):

Are they seconded? **[Seconded]** Does any Member wish to speak? All Members in favour of adopting Regulations... The appel is called for on Regulations 1 and 2. Members are in their designated seats, the Greffier will open the voting. I

POUR: 27		CONTRE: 0		ABSTAIN: 0
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator P.M. Bailhache				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				

Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Greffier of the States (in the Chair):

Do you propose the Regulations in Third Reading, Minister?

Senator A.J.H. Maclean:

Yes, Sir.

The Greffier of the States (in the Chair):

Is that seconded? **[Seconded]** Does anyone wish to speak in Third Reading? All Members in favour of adopting the Regulations in Third Reading kindly show. Any against? They are adopted in Third Reading.

15. Draft Gambling (Ancillary Services and Miscellaneous Provisions) (Jersey) Regulations 201- (P.98/2012)

The Greffier of the States (in the Chair):

We come now to the Draft Gambling (Ancillary Services and Miscellaneous Provisions) (Jersey) Regulations P.98, also in the name of the Minister for Economic Development. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Gambling (Ancillary Services and Miscellaneous Provisions) (Jersey) Regulation 201-. The States in pursuance of Articles 8, 23, 24 and 56 of the Gambling (Jersey) Law 2012 have made the following Regulations.

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

Before I address in detail this proposition it is perhaps important to clear up some potential confusion over what these Regulations do not do. These Regulations have nothing to do with Sunday trading; they have nothing to do with opening hours. The element of commercial gambling *per se* is limited to services offered by one business to another, or B2B, as is often referred. They do not apply to consumers. At this stage, these Regulations will only apply to approximately half a dozen businesses in a supervisory capacity. They are however important to ensure the protection of Jersey's reputation. Incidentally, charitable and membership gambling is the subject of P.99 which follows this proposition and which seeks to broadly simplify how money can be raised for good causes. Now to this proposition. As gambling is an emotive subject, I will give Members a greater explanation than usual for this somewhat straightforward proposition. As the title of this legislation suggests, the Regulation serves 2 purposes. The first or ancillary element establishes a regulatory

framework for the governance of business to business commercial services that either service, maintain or enhance a licensed commercial gambling operator. The second, the miscellaneous provisions, cover 2 main technicalities that I will come to later. The new gambling law agreed by this Assembly last year introduces rigorous regulatory controls. It includes several tiers of licence conditions compulsory through to supplementary which must be applied to commercial gambling activity. However, there are areas of business to business or B2B activity that still require control. However, because they do not involve interaction with an individual client or customer they are not covered by the main law. It is these types of activity that will be captured and supervised through the adoption of this Regulation. Not all business services will require a permit. A distinction is made between those types of ancillary services that are dedicated to the operation of gambling and general services such as accounting, financial and legal services. These are required by any company in the course of running a business. Other obvious cases that would not be caught are internet cafes where a customer happens to use a gambling site, the shop that sells or rents outdoor computer equipment, ordinary computer equipment, which could then be used by a person for example to gamble, or the landlord of premises where current tenant happens to run a bookmaker's office. The Regulation therefore identifies those commercial undertakings that specifically provide services to gambling operators both remote and terrestrial and insist that if they are to be provided in or from within Jersey they must have a permit. If a service is provided to a commercial operation in Jersey from a business outside of the Island, then they too will be subject to approval. This will be managed and achieved by imposing a condition on the licence of the Jersey-based commercial licensee. To further ensure that the regulatory net is not cast too wide, the applicable businesses must be services that have some electronic component. I will address the key areas that are captured in a moment, but it is important to make clear that makers of dice or playing cards or the producers of Crown and Anchor equipment such as the baize tablecloths would not be subject to permits, because they could legitimately be used for non-gambling purposes. This is not all new and in fact it should be noted that some B2B functions were captured under previous Regulations, but permission was given in the form of a licence. The thrust of the new gambling law reserves licensing for the commercial sector dealing directly with the punter, but it is worth remembering that a permit can attract all or some of these licence conditions demanded for by commercial operations. The rights of former licensees and their transition to the new permit regime are covered in the transitional provisions of this Regulation. For clarity, the Regulation categorises service providers. The electronic element remains the touchstone for a permit when it comes to the activity of manufacturing, importing, selling or leasing gambling equipment. This category also includes the creation of software, hardware and machines. In certain circumstances it is possible that these games are not for the local market, but sold or licensed externally. The fact that they are gambling games designed in the Island, however, catches upon the Gambling Commission Law ethos to protect the Island's reputation and integrity. It is therefore proportionate to allow the creation of gambling games to continue in the Island, but under a permit ensuring they comply with technical standards issued by the Commission. These standards exact fairness and transparency from all gambling operators. Jersey also has long-established firms that supply, own and maintain a range of gaming machines. These firms have voluntarily submitted to vetting in the past, but the opportunity to formalise this relationship with the Commission is presented by this Regulation. A permit will establish accountability and allow the Commission to examine and monitor the extent of game distribution, the types of machines on offer and where they are offered across the Island. The Commission will also be able to ensure these machines comply with technical standards. Another category relates to the importation of machines and this is an important control mechanism. A link needs to be established between importation of machines and the requirement to have a testing certificate linked to the Commission approval of certain machine types. This requirement would not apply to private purchase for non-commercial use. Permits for headquartering overseas companies is a new category requested by representative of legal and

financial services' firms. Essentially this is a management arrangement for gambling operations happening elsewhere. Under this category, if the Jersey business is a principal or associate of an overseas commercial operator, which is not just a branch of a Jersey incorporated body and it provides a service that facilitates gambling by the overseas operator, the Jersey business will need a permit. Under the new gambling law, if the Jersey business can be defined as doing business directly with the public, even if it only deals with complaints or inquiries from customers of the gambling arm of the business, it would need a commercial licence. This managed company model is further explored under the miscellaneous provisions and I will address these specific requirements shortly. Advertising and supplying fiscal hosting services will continue to be a regulated activity. However not all data centres will require a permit; only those businesses advertising for and consequently hosting remote gambling companies within Jersey will need a permit to do so. Requirements placed on hosting providers under the current licensing regime will be transferred to the new permit scheme. These hosting companies have a number of duties and obligations placed upon them and it is anticipated that most of the current licence conditions will transfer to the new permit scheme. At a minimum therefore, they will have to report gambling activity to the Commission or any approaches by gambling firms for their services in order to ensure that only licensed activity takes place. The protection of current hosting licences also forms part of transitional provisions of this Regulation. It should be noted that some business models may have operational crossovers. These are generally referred to as platform providers and, with reference to the Regulation, catches on the permit type headed Supply and Gambling Specific Services to an Operator who Gambles Electronically.

[16:00]

The most common form of B2B is what is termed a turnkey service which is the provision of a complete product or service that is ready for immediate use. A turnkey service can also be an umbrella term for various other services such as managing networks. This is done by undertaking, for example, player collusion checks or offering a constant level of technical support and data analysis. Advisory services, other than the general excluded areas I mentioned earlier, would fall under a requirement for a permit. If a company is established to primarily offer business advice to gambling companies on gambling matters, for example in respect of wager processing, risk management and market performance, then this by any measure is a dedicated professional service and would therefore require a permit. There are other examples of ancillary services and some business models may cross over the various areas outlined in the Regulation. That is not to say that each exact service requires a separate permit for activity. Multiple activities can be regulated by conditions outlined in a single permit, rather than a selective and over-bureaucratic approach of mandating several separate approvals. There are of course circumstances where a business may require more than one permit; for example, a hosting provider diversifying into manufacturer or software creation. In this case there would be 2 clearly separate specialist activities, data hosting and game creation governed by different compliance regimes. As unlikely as this business model is, a company would need a permit for each activity. Introducing this permit regime should not be perceived as adding yet more red tape to enterprising Jersey businesses. Members may recall an amendment introduced to the Gambling Commission (Jersey) Law 2010 imposing a duty on the regulator to ensure that no unnecessary burden is placed upon the industry that it regulates. For that reason the Commission would not blanket apply all conditions outlined under Articles 16 to 20 of the Gambling (Jersey) Law 2012, but only those required to fulfil the appropriate level of regulatory oversight. This would be decided on a case-by-case basis and for the reason all permit conditions are discretionary rather than mandatory. In the case of a suspected breach, enforcement powers for a permit mirror those detailed by the commercial operator in the law, including directions, notifications and civil penalties. While some provisions require the Commission to apply to the Royal Court for an intervention there are also appeals to the Court against the

Commission's powers where appropriate. To conclude, the proposed permit regime only extends to those firms who palpably offer services to gambling operators. This captures firms that offer services to other gambling businesses, business to business, but not directly to the consumer. The permit system introduces accountability to certain sectors to ensure that what they do and how they do it meets the standards introduced by this Assembly through the Commission and the Gambling Law and, where necessary, those protections are observed by the Ancillary Service. I of course refer to those licensing principles of verifiably fairness, protection of the vulnerable and of course legitimacy of ownership and beneficiaries, all of which align to the general protection of Jersey's reputation. I maintain the principles.

The Greffier of the States (in the Chair):

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

15.1.1 Deputy G.C.L. Baudains:

Some while ago the Minister mentioned in his speech the words "for clarity". I am grateful for that, but I am afraid it did not help a lot. Having studied the proposition about a week ago I came to the conclusion, and I hope in summing up he may be able to assist me, but it seemed to me that this has more holes in it than a sieve. I really cannot see how it is going to be possible to enforce this. It seems to me even a cursory attempt at doing so would require an army of people and even then it seems to me there is an awful lot in its electronic area that is going to slip through the net. I wonder, but I am tempted to oppose it because frankly I cannot see that it is going to work.

15.1.2 Deputy R.G. Le Hérissier:

I wonder if the Minister could say why it has been necessary to impose a separate regime. For example, in the importation of machines, why is it a licence from the manufacturing country, particularly if it is in the U.K. or the selling country, not sufficient? Why does the Commission have to do its re-inspection of machines? Why is the control of businesses confined to those, and it is a very odd definition, with an electronic connection? For example, there is an exemption for lawyers and accountants. But surely it could be argued, and I would not for a moment cast aspersions upon those 2 highly esteemed professions, but we know where gambling is rife in some countries they capture professions. So I find it very odd that professions like that have been exempt, but yet there is this almost minute control over the nature of the machines that you are bringing here. I want to see if the Minister could tell us, where has the push come for this law? Although there is a statement, could he outline what are the additional manpower and financial resources required?

15.1.3 Deputy J.H. Young:

I confess not to having gone through this in a great of detail, but a number of questions on what you might call things I expected to see were there, if the Minister could respond in his summing up. I am used to having worked in a regulatory framework and there are some elements that were missing. For example, I could not see any reference to whether or not these permits and so on and the various information that are required of people to obtain permits are all in some kind of public register; because that is obviously an important element of regulation that people can see it, and to know what has been approved and what has not. Then I was a bit puzzled about these permits, whether they are one-time permits or whether they are a time period or annual or what? Because obviously services change and I wondered, for example, if as a company one has to do an annual return which is an opportunity where you make a declaration and there is a record on the record that is searchable and so accepting all the difficulty of enforcing things there is at least some record of it that can provide a framework for registration. I wondered - and I thought this must be in the principal law which obviously I do not have - whether there are fees? If we are going to provide this service I could not see that we are going to be charging a fee. Presumably there must be some

work involved in performing this regulation and I know that we have introduced fees for all sorts of things for members of our community that have to do with really quite modest things and have to pay a fee. But here I could not see any evidence of that. So perhaps if any Minister could please respond to those things.

The Greffier of the States (in the Chair):

Does anyone wish to speak? Very well. I call on the Minister to reply.

15.1.4 Senator A.J.H. Maclean:

I was disappointed with the rather negative comments from Deputy Baudains with regard to enforcement. I think I made the point in my opening remarks about the number of businesses that this involves. He was concerned about the ability to enforce; enforcement was his key concern. Currently there are only about 6 businesses, half a dozen or so businesses that are involved in the B2B sector. This does not involve consumers at all; it is purely B2B, so it is not a big burden on the existing team to enforce the Regulations that are being proposed. I hope that will satisfy the Deputy. Deputy Le Hérissier asked a string of questions and I think he was basically driving at: “Are we being overly bureaucratic here? Are we reinventing something that has already been dealt with in other jurisdictions?” He started in particular with regard to importation of machines. I think the problem is that standards do vary from place to place and it is important that we set up our stall to ensure that we meet international standards as far as regulation is concerned and as such we want to make certain that (a) the machines coming in meet those standards and (b) probably more importantly at the moment, machines are coming in; we do not know what is coming in or indeed where they are going. On that basis it is thought to have some sort of monitoring mechanism in place. All of it is based around protecting the Island’s reputation and that is what was a key fact to this particular push. I think the Deputy also asked what was the push behind this. We have an independent Commission, an independent regulator, who is there to look after specifically the reputation of the Island. They have looked at other jurisdictions, the standards that are being held internationally in other jurisdictions and believe that this is a fair and proportionate response taking into consideration our requirements of having good regulatory standards in this area. I should point out to Members that we have not regulated gambling previously. We have a gambling industry. Many sort of forget that, or overlook the fact, we have 29 licensed betting offices and a number of other activities which are termed gambling, none of which were effectively regulated until the Gambling Commission was put in place. Indeed, our gambling laws were modernised, the 1960 laws which have stood us in reasonable stead but frankly are so out of date now that they needed to be updated. Deputy Le Hérissier also asked about additional manpower and resources. The Gambling Commission was set up initially with a grant from Economic Development. The final element of that grant is being paid this year, 2012, which is approximately £38,000 or £39,000. They are self-funding and they get their funds from the fees that they generate from industry. So from next year they are entirely self-funding, which is the way we set them out to be when we established them in the first place. Turning to Deputy Young, he asked about permits and in particular a public register. My understanding is that the permits will be available at the Commission; they will form part of the Code of Practice; they will be available I understand for review should anybody so desire. The permits were, I think, also questioned from the Deputy about the frequency. They are, I understand, annual permits and will attract a fee. Indeed there is a fee to be attracted but again that is a matter that is being consulted on at the moment, but it is not thought that the fee will differ very much from the existing arrangements which are relatively light, relatively small and I can supply further details to him in due course. He might wish to become a party to that particular process as time passes. I maintain the principles.

The Greffier of the States (in the Chair):

I put the principles. All Members in favour of adopting kindly show. Those against. The principles are adopted. The Deputy of St. Martin again; does your panel wish to look at it?

The Deputy of St. Martin (Chairman, Economic Affairs Scrutiny Panel):

No thank you, Sir.

The Greffier of the States (in the Chair):

Very well. Do you wish to propose the Regulations, Minister?

15.2 Senator A.J.H. Maclean:

I would like to if I may. They are in 3 parts. I would like to propose them *en bloc* and I will just speak very, very briefly because I have covered most of the details.

The Greffier of the States (in the Chair):

Yes, very well. So you propose Regulations 1 to 10. Do you wish to make any remarks? No. Very well.

Senator A.J.H. Maclean:

No, Sir. I just wanted to briefly say the first part provides the interpretation of provisions and defines the relevant services; that is Regulations 1 and 2. Part 2 of the Regulation introduces a scheme for permits of the Ancillary Services; that is effectively dealing with the business to business element. Part 3 contains the Regulations on Miscellaneous Matters relevant to the Ancillary Permits; that is all the conditions in the Gambling Law to the permit regime and deals with Regulations 7 to 10.

The Greffier of the States (in the Chair):

Are the Regulations seconded? **[Seconded]** Does anyone wish to speak on any of the Regulations? I put the Regulations. Those Members in favour of adopting kindly show. Any against? The Regulations are adopted. Do you propose the Regulations in Third Reading, Minister?

Senator A.J.H. Maclean:

Yes, sir.

The Greffier of the States (in the Chair):

Seconded? **[Seconded]** Does anyone wish to speak in Third Reading? I put the Regulations in Third Reading. Those Members in favour of adopting kindly show. Any against? They are adopted in Third Reading.

16. Draft Gambling (Charitable and Membership Gambling Services) (Jersey) Regulations 201- (P.99/2012)

The Greffier of the States (in the Chair):

We come now to the Draft Gambling (Charitable and Membership Gambling Services) (Jersey) Regulations, P.99, and I will ask the Greffier to read the citation.

The Assistant Greffier of the States:

Draft Gambling (Charitable and Membership Gambling Services) (Jersey) Regulations 201-. The States in pursuance of Article 25, 26 and 56 of the Gambling (Jersey) Law 2012 have made the following Regulation.

The Greffier of the States (in the Chair):

I should, Minister, in the interest of transparency, just mention I am chairman of a charity that will benefit from the Regulations. I do not think it precludes me. There is no financial benefit unfortunately.

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

I am delighted that indirectly you are a beneficiary though. [Aside] Well, in theory. I think it might be fair to say that gambling matters have brought their fair share of conjecture, diverse views and passionate debate even, I might add, within the Council of Ministers at times. But I hope that this Regulation will see Members unite in supporting a change in the law that will deliver 3 essential points.

[16:15]

This Regulation reduces red tape, which is a passion of mine. The Regulation [Interruption]...

Senator L.J. Farnham:

I wonder if the Minister would not stamp while he is speaking. [Laughter]

Senator A.J.H. Maclean:

I am rather disappointed at the lack of all-round support on that particular comment; perhaps I should repeat it. The Regulation reduces red tape. [Approbation] Thank you. The Regulation also reduces costs and, dare I say it, this Regulation moves the focus of the Jersey Gambling Commission from chasing small scale and innocent fundraising by charities and allows them to scrutinise the one or 2 events that operate in Jersey on a commercial basis. The Gaming and Lotteries Regulations were passed in 1965 and while no one remembers the reasoning behind them, it is probably fair to say that they have more to do with making it difficult for charities to use raffles for fundraising than they do for any form of public protection. Effective legislation has 3 core components. It should be clear and unambiguous; it should fulfil a social need; and it should be respected by the populace. The 1965 Regulations no longer stand the scrutiny in this regard. They are hopelessly confusing; they add cost and generally hinder good works to aid worthy causes and consequently they are not respected. Dealing with membership issues first, there is a need to regularise the growth in the formation of membership clubs, most notably poker clubs. These are currently allowed as private gambling through Regulation 5 of the current Gambling and Lotteries Regulations 1965. That Regulation also provides for the playing of card games in liquor licensed premises for small stakes where the gaming is of equal chance and where there is no levy or other charge to pay. Most importantly, such gambling must exclude anyone under the age of 18. These stipulations remain important in order to preserve a palpable difference between the private membership gambling and any commercial equivalent. In considering the reform of membership gambling, I was minded to allow greater flexibility in the conditions while preserving the overarching principles, but differentiate it from the commercial model. To that end it is necessary to revert to the definition in the Gambling (Jersey) Law 2012 when a membership gambling service is interpreted as a service that is provided by a group of persons or on behalf of such a group by a member of the group; is provided to members of that group and to no other person; is not provided with a view to the profit of any person other than the members of that particular group. I am going to move on to the proposed membership provisions in the Regulations which are short, but coupled with the powers of the Jersey Gambling Commission in the new law they represent a proportionate and modest change to the present regime. Turning to the charitable provisions, it would be apparent to Members that these are long overdue for change. Currently a society is not allowed to hold more than one lottery at a time. This means that if they wish to hold a 100 Club with monthly draws over a year they are forbidden from holding a lottery at any other time. This type of inflexible, and it is but one example of many, has forced the staff overseeing charitable gambling to ask charities to give themselves a different name so that draws can be done simultaneously. Thus

we have the ridiculous situation of a Good Cause draw and to have a second lottery they reinvent it to the Friends of a Good Cause and the Good Cause Special Appeal and so on. The slavish compliance with the rules is made worse because they have to reregister with the Jersey Gambling Commission each time, paying a fee each time and filling in different paperwork for each draw. If they think the 2 lotteries are too different and the plan is said to hold cinema racing or charitable bingo, the result is exactly the same. Different forms, different registrations, more fees, more bureaucracy, all to the detriment of those working so hard to raise valuable funds for good causes. I have asked the Jersey Gambling Commission for their views on the public risk involved in charitable gambling. The answer was quite simple: keep the focus on proportionate regulation; proportionate regulation. There are a small number of large scale lotteries; the Jersey Hospice Million Pound Draw is an example most Members will be familiar with, which by size warrants proper scrutiny. The same is not true of the £20 bingo cards done by the small clubs or in Parish Halls across the Island. The Jersey Gambling Commission tells me that for some of this charitable gambling the cost of filling in these forms at £20 a time is a real burden. In the Jersey Gambling Commission's own words, it is a disproportionate burden and is one they wish to have removed and I wholly support them. The draft Regulation if adopted will place a proportionate level of Regulation on charitable gambling and it will give the Jersey Gambling Commission the flexibility and discretion that it needs to ensure that charitable gambling is undertaken safely, and that it also succeeds in its main aim of raising much needed money for worthy causes. It does this by placing charitable gambling into 3 bands and these are exempt, registered and by permit. The exempt category is designed to facilitate *ad hoc* charitable gambling and is limited to 3 occasions per year with a maximum prize of £1,500 per occasion with a cap of £5,000 per year. According to the Gambling Commission records this covers about 70 to 75 per cent of all charitable gambling. Although qualifying as exempt, charitable gambling at this level must still be well run, keep proper records and be subject to scrutiny of the Jersey Gambling Commission in the event that there are any irregularities or complaints. However, given the fact that most events in this category cover things like Parish Hall bingo and raffles, supporters of a good cause are generally well aware of the prizes on offer and the likelihood of any problems is low. The registered category is designed to cater for regularly held but generally small to medium-scale fundraising, and this requirement is specifically in Regulation 4(5). These are events greater than 3 a year or with a prize pool on offer greater than £1,500 and up to a total of £12,000 with a maximum in any one year of £30,000. For this category a charity will have to register with the Jersey Gambling Commission and the detail is noted in the Jersey Gambling Commission's published codes. The Jersey Gambling Commission believes, and I agree, that this represents a significant increase in deregulation, but it will be monitored to ensure that this category is set at an appropriate level. There is also the abolition of the current small scale fee permit fees and this again will see a reduction in cost to charities of approximately £10,000 per annum. There is going to be a consultation by the Jersey Gambling Commission with regard to fees and all relevant stake holders in order to make sure that all are fully involved in the process. The strength of the new regime is that once adopted, the Commission will be fully engaged. They will also be consulting on the change to the code, the Code of Practice which is also required. So to sum up, the Regulation is very good news; very good news for charities and represents a major deregulation as I pointed out. It also ensures more money goes to the good causes rather than unnecessary administrative and regulatory costs. It allows the Gambling Commission to refocus its priorities according to its risk assessments, and indeed to cut unnecessary red tape. As with all regulatory activity, the Gambling Commission must still follow its guiding principles and act in a manner that does not create unnecessary burdens. The new Regulation therefore seeks to achieve a modern, reasonable and proportionate framework for membership in charitable gaming. I maintain the principles.

The Greffier of the States (in the Chair):

Are the principles seconded? **[Seconded]**

16.1.1 Deputy J.M. Maçon:

I would like to make a similar declaration to yourself. I regularly help with the St. Saviour's Battle of Flowers Association bingo nights which are held at 8.00 p.m. at Springfield Stadium and the next one is on Wednesday, 28th November for a Christmas special; thank you Radio Jersey. I do welcome this. I think it is a welcome change. But I am conscious that much of the charitable side of it is a voluntary side and just to check: can the Minister please explain what communication has gone out to the various groups in order to make them aware of the changes in the legislation so that they are aware of these changes and how they will need to operate going on forward?

16.1.2 The Deputy of St. Martin:

I just wanted to take the opportunity to thank the Minister and his department for bringing this long overdue, important and very welcome work to the Assembly.

16.1.3 The Deputy of St. Ouen:

I wonder if the Minister could explain what assurances he can give to this Assembly that these new Regulations will be effective and enforced where necessary.

16.1.4 Deputy R.G. Le Hérisier:

I wonder if Deputy Maçon could tell us whether he is taking bets on the location of the police headquarters.

16.1.5 Deputy M. Tadier:

I have a few points to ask and I did have a quick chat there with the officers because that is probably the best way to get information. No disrespect, but clearly they have obviously been working hard on this. The first point I think is that I do have a slight concern about whether there is a lacuna in the law between what will pass as a membership gambling and what technically is not membership gambling. I will explain what I mean, because there seems a vast difference between a smaller club which does not meet the criteria of membership gambling, but also is not a fully blown casino/betting shop which is a vastly more commercial venture. I do have to say though, I was quite interested to read the first paragraph when it says that they cannot involve children and may not include games of unequal chances as it seems to infer that children would have an unequal chance if they were gambling against adults, which is probably true, so that may be why it has been included. The point I want to make with regard to gambling clubs: I will give an example of the type of poker club which I think the Minister is speaking of. They exist, and they seem to have sprung up in the last few years, poker clubs which may be at the back of a pool hall or a snooker club where, as far as I know, no licence is required for that but they do not fulfil the idea of membership gambling because there is an equal chance. Because what happens is that, of course, the individual poker players are gambling against each other, but the house would normally put forward a dealer, and a certain percentage of each pot that is won, usually 5 per cent but with a minimum sum, is always taken from that pot. So clearly, in that kind of situation, the house, if you like, is taking a small amount from the pot so it would not qualify under membership gambling because there are not equal odds and not everybody in that is getting the same odds back. If it were to be equal odds, you would not be playing against the house and the house would not be taking a percentage back of your pot. My concern is that that is a world away from a betting shop, for example, whose *raison d'être* is to make profits, probably fairly large in order to be sustainable, to keep their business going whereas in these kind of clubs, it is simply a way to get people in there to cover perhaps the cost of the dealer, but they make their real money from selling alcohol and from providing pool and snooker facilities. I am concerned about this because I would not want... first of all, if they are going to be classed as membership gambling, and that is not technically correct in

the law that they are not fulfilling the correct criteria, and if they are going to be classed as commercial gambling, I would ask the Minister whether or not there are going to be different types of licences because it would seem strange that a very modest undertaking like this, which is essentially social in nature rather than commercial, should be having to be penalised with what I would imagine are fairly hefty licences that are quite rightly charged to those who can afford it. On page 5, I am interested to hear that there will be a voluntary model for membership for gambling services and they will invite such clubs to discuss their activities and procedures with the J.G.C. (Jersey Gambling Commission) to ensure compliance. So, I am just questioning how you can ensure compliance if you have a voluntary model which relies on an invitation which a club does not have to accept. I understand that the Minister wishes to reduce red tape but it seems like, basically, an oxymoron potentially if we are saying we are inviting people to talk to us so we can ensure compliance. If it is voluntary and if you are inviting clubs rather than compelling them to talk to you, you cannot ensure compliance.

[16:30]

I have got a question, which relates to Regulation 4. I do not know whether I should raise that now or subsequently?

The Greffier of the States (in the Chair):

Maybe later, when we get to the Regulations. It would be best to wait until we get to the Regulations.

Deputy M. Tadier:

Okay, I will wait for that. In that case, I think the rest do relate to Regulations so I will leave those for now but the main points have been made. If the Minister could just give me some peace of mind because I think it seems to me, we have tried to create a 2-tier system here... well, 3 tiers: we have got commercial gambling outright, we have got charitable gambling and obviously there is private gambling at home. I think there is potential here for a lacuna in the law which hopefully will be addressed because I would not want to see these kinds of clubs being shut down or being... due to excess regulation. Similarly, I think it is important that there is a distinction that is maintained so they operate legally which I am not sure if that is the case at the moment.

16.1.6 Deputy G.C.L. Baudains:

I am intrigued by page 4 where on Article 25(2) we were told in the report that: "For the purposes of this Law a membership gambling service is a gambling service that is provided - by a group of persons all of whom are natural persons." I presume if they are an unnatural person, then they are not a member. But seriously, following on from Deputy Tadier's comments, can the Minister convince me that it will be possible to differentiate between private and commercial gambling because I am not sure it is going to be possible.

16.1.7 Deputy T.A. Vallois:

It is just a clarification, I believe, in terms of the charitable membership gambling services P.99. I just want clarification from the Minister as to whether this would apply to areas such as parent/teacher associations and how that would work in terms of interpreting the law because they are not doing it for private gain, the public sector, and some associations use the money to provide things within the school that the Education, Sport and Culture Department, or should I say the States, will not provide. So, could the Minister just clarify that for me please?

The Greffier of the States (in the Chair):

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

16.1.8 Senator A.J.H. Maclean:

I will start with Deputy Maçon and his very skilful promotion of his own interest but that is fine, a good opportunity. He asked about, in all seriousness, communication and the Gambling Commission have communicated. One of the main sources of communication is through the Association of Jersey Charities and there has been communication. Clearly, there is more to come as the system evolves but yes, there is an awareness of what is proposed.

Deputy J.M. Maçon:

If the Minister would give way?

Senator A.J.H. Maclean:

I am happy to give way.

Deputy J.M. Maçon:

I wonder, considering all these groups happen to be registered with the Gambling Commission, considering they have all that information, perhaps it might be advisable to just send out a letter to all those addresses anyway. That might be an easy way of ensuring that everyone who is involved in such matters might receive a direct communication. That might be the best way forward, if the Minister would like to comment?

Senator A.J.H. Maclean:

I am happy to pass on the comments of the Deputy to the Gambling Commission. I am sure they will find the most effective way to communicate. It is important, obviously, that they ensure that they have an effective channel of communication with those that are likely to be affected. So, moving on, the Deputy of St. Ouen sought assurances. Yes, I do believe that what is proposed is going to be effective and also enforceable but, more importantly, it is a matter for the Gambling Commission themselves and they will continue to monitor to ensure that what is proposed is proportionate and effective. If it needs change, then it will propose changes and I think that is as it should be. It is a moveable feast, in many respects. I do not think the Deputy of St. Ouen heard what I said because he is deeply involved in a conversation but I am sure when he reads the Hansard in the future, he will see his question has been answered in detail. **[Laughter]** Deputy Tadier raised quite a number of points but there was a common thread among them. He was particularly concerned about membership clubs and the definition of them, in effect. They are defined as “not for profit” so money can clearly only circulate among members of a particular club and not to the general public and, as such, there is not a requirement for them to be licensed but it is important that the Gambling Commission knows exactly what is going on. In particular, the Deputy referred to poker clubs. By having the voluntary system that is proposed, by having the requirement for information, it is much easier to monitor what is happening in these organisations and ensure that they comply with the code of practice that is being proposed. If there is any change required with regard to future changes in the makeup or shape of the industry, then the Commission will be monitoring and adjusting accordingly as they get a greater feel for exactly how indeed the various structures operate and they will be looking very closely to ensure compliance is adhered to. With regard to licences, there are different levels of licence and, indeed, different conditions that are applied as are appropriate. Membership clubs, incidentally, apply to a whole raft of different areas: sports clubs, pubs and so on, and indeed, there can be private clubs at private addresses. Membership clubs specifically tend to operate from, for example, licensed premises and hence the various conditions on age groups and so on and so forth. Deputy Baudains asked about - I cannot read my writing as to what he asked and he only just asked - private and commercial. I think the difference - and hopefully, I have covered that with the comment I made - if it is for profit, then it is

going to be commercial and a licence is required; if it is a membership club and the money is simply circulating between the members, then it is not.

Deputy G.C.L. Baudains:

Sorry to interrupt. The thrust of my question was how is it going to be possible to tell the difference? If you go into a room at the back of a pub and there are 30 people playing cards, how do you know if it is a commercial enterprise or not?

Senator A.J.H. Maclean:

I think as far as the Commission is concerned, it is often the case that if a particular club is operating in a commercial fashion, then other members are being drawn in and it becomes pretty obvious, I understand from a compliance point of view. But I am happy to get more detailed information from the Commission to the Deputy to inform him as to exactly how they fulfil their obligations from a regulatory perspective. Finally, I think Deputy Vallois asked about parent/teacher membership. As far as I am aware, there should be no impact on them from the proposals that are here within these Regulations. It is light touch; it is largely voluntary. They are not doing it for gain, they are doing it simply for the benefit and so I do not believe there is any impact at all on an organisation such as that. I believe that has answered all the questions. I maintain the principles.

The Greffier of the States (in the Chair):

I put the principles. Those Members in favour of adopting them, kindly show? Any against? The principles are adopted. Deputy of St. Martin, your panel?

The Deputy of St. Martin (Chairman, Economic Affairs Scrutiny Panel):

No, thank you, Sir.

The Greffier of the States (in the Chair):

Very well. Do you wish to propose Regulations 1 to 9?

16.2 Senator A.J.H. Maclean:

Yes, Sir. *En bloc*, if I may.

The Greffier of the States (in the Chair):

Are they seconded? **[Seconded]** Does anyone wish to speak on any of the Regulations?

16.2.1 Deputy M. Tadier:

I have got a question about Regulation 4 which talks about the types of charitable gambling services requiring registration or a permit and it is just that the question is in part (c). It says when gambling relates to: "... the game known as Crown and Anchor", why has that been singled out there? It also talks about electronic communication. So it says: "For the purposes of this Regulation, a charitable gambling service is exempt from applying for this permit unless it involves Crown and Anchor" and I just wonder why that is. So, if a charity wanted to set up a Crown and Anchor stall, that is not allowed but if they want to hold a raffle, then that is allowed. That seems a bit strange but there is no doubt a reasonable explanation for that. Under 5(2), it says, and this is to do with the registered charitable gambling service, the Commission may refuse to register a person if it appears to the Commission that the person's conduct of gambling - this is presumably the other person applying for the licence - is likely to contravene a code of practice under Regulation 4(2). I am guessing that this code of conduct has not been set up yet so it would be drafted but irrespective of that, how does one know whether an individual is likely to contravene a code of practice which has not even necessarily been written up yet? Maybe it is to do with whether they have had

previous offences in the past but I am a bit worried about that because it seems to prejudge the fact that somebody is guilty before proven innocent, if you like, and I suppose the real question is, what does “likely” mean? How likely does one have to be? What is the probability of contravening the code in order to meet the requirement of being likely to do something? Is it more than 50 per cent? Is there a 20 per cent chance? Who makes that decision? I think those are the main points. I did want to make a point very briefly about Regulation 2 because I did not make it earlier. I think very much the proof of this is going to be in the pudding. I think sometimes when we talk about regulating membership of gambling services, it is done with the intention of reducing red tape. But you will see, I think, possibly, that there will be certain clubs which are set up and of course, clubs may need to import somebody else to come and deal for them. They will find out that currently you can walk into an establishment in Jersey, have a pint of beer or a soft drink, play some pool and go and play some poker right round the back without necessarily having to be a member of that club. I suspect that we are introducing an added and unforeseen layer of bureaucracy because now when you go into a club, you are going to have to produce your driving licence, your passport potentially and you are going to have to sign up to that club, even perhaps as a tourist, if you want to go into that back room and partake in whether it is baccarat, poker, craps or roulette. This is perhaps an area which is introducing more red tape but I guess the question is, I envisage this, being brought in because ultimately it is to pave the way for a casino which is not necessarily a bad thing but I think that kind of probably comes out of Regulation 2, at a push.

The Greffier of the States (in the Chair):

Does anyone wish to speak on the Regulations? Very well, I call on the Minister to reply.

16.2.2 Senator A.J.H. Maclean:

The questions that Deputy Tadier raises: Crown and Anchor is a rapid banker’s game and therefore it requires a special oversight. It can do this and it will be undertaken by a permit which will be necessitated as such and that is what that particular issue covers. He may raise the issue about the code of conduct: it is in fact in draft form and is available on the Jersey Gambling Commission’s website. I see the Deputy is online as we speak. He might like to refer to it or he can find access to it if he so wishes but it will be made clear when it comes in... if, of course, it comes into force, it should be made clear. His point about casinos, I think he is somewhat jumping to a conclusion. There is no intention to introduce a casino in Jersey. That is a matter that has been debated on many occasions by this Assembly, over decades, and there is no change proposed with that regard. I maintain the Regulations.

The Greffier of the States (in the Chair):

Regulations 1 to 9, those Members in favour of adopting...

Deputy M. Tadier:

Sir, I do have clarification for the last speaker. You referred to Crown and Anchor being a rapid banker’s game and that was meant to clear up any kind of question about why Crown and Anchor is not included. Could he explain what a rapid banker’s game is and how it differs from other gambling activities that a charity might like to engage with?

Senator A.J.H. Maclean:

Essentially, it is a much higher risk game and, as such, you have to, as a gambling regulator, assess the risk and put proportionate regulation in place to deal with it.

The Greffier of the States (in the Chair):

Very well, I put the Regulations. Those Members in favour of adopting them, kindly show? Any against? The Regulations are adopted. Do you propose the Regulations in the Third Reading, Minister?

Senator A.J.H. Maclean:

Yes, Sir.

The Greffier of the States (in the Chair):

Is that seconded? [**Seconded**]. Does any Member wish to speak in the Third Reading? I put the Regulations in the Third Reading. Those Members in favour, kindly show? The appel is called for in the Third Reading. Members are in designated seats. The vote is for or against the Regulations in the Third Reading. I will ask the Greffier to open the voting.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy T.M. Pitman (H)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				

17. Draft Gambling (Jersey) Law 2012 (Appointed Day) Act 201- (P.100/2012)

The Greffier of the States (in the Chair):

We come now to the Draft Gambling (Jersey) Law 2012 (Appointed Day) Act. I will ask the Greffier to read the citation.

The Assistant Greffier of the States:

The Draft Gambling (Jersey) Law 2012 (Appointed Day) Act 201-. The States, in pursuance of Article 57 of the Gambling (Jersey) Law 2012, have made the following Act.

[16:45]

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

The Gambling Law was debated in July 2011 and registered in the Royal Court in April of this year. This Appointed Day Act simply brings the law into force on 1st January 2013. I maintain the proposition.

The Greffier of the States (in the Chair):

Is the Act seconded? **[Seconded]** Does anyone wish to speak on the Act? I put the Act. Those Members in favour of adopting it, kindly show? Any against? The Act is adopted.

18. Reform Day: 28th September 1769 (P.107/2012)

The Greffier of the States (in the Chair):

We come finally on Public Business to the proposition P.107, Reform Day: 28th September 1769. The proposition is quite lengthy. I do not know if Members and the proposer will be willing to take it as read. Very well. I take the proposition as read and I invite Deputy Trevor Pitman to propose the proposition.

18.1 Deputy T.M. Pitman:

I do hope it has been read. There are a couple of things. It is nice to bring a proposition, even on the graveyard shift which nobody ever wants, where one can say that win or lose, a couple of good things have come out of today. One is obviously going to be that in bringing this, I am raising awareness of what is a very overlooked, some would say, deliberately erased part of our history, so I think that has got to be a positive thing. Obviously, I hope our Members will support at least some parts of this proposition. The other good thing that has come out of it is that I have won myself a bottle of wine and I should explain to Members why because - red wine, of course - I bet a friend that at least 2 States Members would complain that they could not read the scribbled-out pages from history and thanks to my good friend, Deputy Southern and the Constable of St. Clement who has obviously hidden in shame, they did wonder why they could not read the scribbled-out pages so I thank them for that. What I should tell Members is, perhaps what is even better is that the photocopy shop offered me a discount because they thought their machine had malfunctioned, and that is a true story. Anyway, before I get into it, I would just like to thank Mr. Mike Dunn who Members can have not failed to have seen dressed in full regalia. Indeed, he is up on the balcony **[Approbation]** looking as if he may come down and arrest some of us.

Senator L.J. Farnham:

He is looking remarkably well considering his age. **[Laughter]**

Deputy T.M. Pitman:

But, whether one supports this proposition or not, I think people like Mr. Dunn deserves real credit for his passion in raising awareness to our history. One of the good things that came out in an article that Holly Robertson - I think it is Miss Holly Robertson, but if she is a Mrs., I apologise - wrote in the *Jersey Evening Post* where she highlighted the fact that we are talking about the events of 28th September 1769. But what else could we be celebrating? She came up with some really good points. Well, we could be celebrating a day for Battle of Jersey Day; we could be having a Jèrriais Day and we would all try and speak the language, which I will fail miserably on. I only raise this because some people have accused me of being selective in history and nothing could be the truth. I would be happy to bring propositions to give a bit more recognition to some of those events and I hope someone does but I could really not do that myself within this proposition. Now, one little bad thing that I want to get out of the way before and that is, I was quite disappointed to see my very, very, very good friend, the Minister for Treasury and Resources, accuse me of having some ulterior motive for bringing this. He accused me of being politically naughty; I must have an ulterior motive. I can assure Members that there is none, other than I suppose if I am quite fair that I have been given a lot of C.D.s (Compact Discs) of Deputy Tadier's Jersey French band, Badlabecques - he has gone. I do not know how to pronounce it. But if people are willing to vote for this, I am willing to give them a C.D. [**Members: Oh!**]. Not really, before I get into trouble.

Senator L.J. Farnham:

That plan may backfire. [**Laughter**]

Deputy T.M. Pitman:

The serious issue is that the music group that Deputy Tadier is involved in have proposed to write something in support of this, if it is successful. Which is a good thing, I think. I have seen them play so I think it is definitely a good thing. Anyway, why is this so important? Because it is easy to begin to believe that Deputy Pitman is just asking us to give official recognition to a corn riot and while that could not be further from the truth, when you look into the history, it is very understandable because certainly, until a couple of years ago, I knew next to nothing about this and, doing a bit of research, hardly anyone else knew anything about it. I was certainly never taught about the events of 1769 at school and obviously, with the background I have got, I asked a lot of young people and it seems that this is still not taught in schools, which has got to be a shame. As I say, I do not want to be selective about history but we rightly remember pivotal events in our history like the Occupation, the Battle of Jersey. Well, this, 28th September 1769, is in many ways, every right to be seen up there with those important events. Why do I say that? Well, let us just look at one little thing, and it should be enough really to bring home the magnitude of what Tom Gruchy and his fellows, 400, 500 of them - we do not know exactly - began to set in motion all those years ago, 243 years ago, I think, if my maths are correct. One little thing that really did arise out of them was the Code of 1771 which probably every Member in this Chamber will be aware of, yet I would also bet that the vast majority of us did not know the significance of what those people on that day, September 1769, the significance of what they did to bring that to fruition. Yet, you go on to the States website, you look in books, you see a lot of talk about 1771 and the Code of Laws for this was the first time that laws had been written down and collected. It was a pretty inadequate collection, to be fair, but for the 18th century, it was certainly quite a remarkable achievement. Why is it and how can it be right that we talk of the Code of 1771 yet we do not credit the people who must, in my view, have the plaudits for bringing that about? Now, I think it was Winston Churchill who said that history is written by the victors, or words to that effect. I also remember he seemed to have said how would history treat him? Well, he thought it would treat him kindly because he intended to write that history. There is a very important reality in that because history does tend to be written by the victors, it does tend to be written by the powerful and if you look at that little quote which is an anonymous quote but it is a very good one that I have started that report

with, it says: "It is the essence of the poor that they do not appear in history." Now that is something that I think should be set right. History is not just about perceived great men who were very famous. It is the people, the nobodies often, who were willing to put their lives at risk, who deserve some credit and who deserve some recognition in history. Just let us remember, there is no memorial to this event, nothing whatsoever. Indeed, if you go on to Mr. Dunn's website, which is dedicated to Tom Gruchy and those events, he will tell you that that individual apparently lies in an unmarked Trinity grave. I mean, how sad. Am I wrong to be raising these events? I do not see how it can be wrong. It is a part of our history and it is a part that not enough of us know about. Do we not want to know because it is uncomfortable? Because it certainly does challenge the myth that some will spin that Jersey has been one glorious, nice smooth passage of we in government, our predecessors being perfect, rolling out, looking after those who are not as well off as ourselves. Because, we should know that history is not like that. It is not like that at all. So, let us just clear this bit up now: September 28th 1769 was not just a riot. It was not, in fact, even violent going by the reports, such as we have them. It was not just about corn prices, as the description often infers. It was not just a consequence, either, of a jealousy between 2 wealthy men although it is certainly true, is it not, in history, that the greed of powerful individuals will almost always be found somewhere in triggering such social unrest where it is those further down the economic ladder who suffer. It was not, I must tell someone who approached me, a furtively initiated cover for an attempt to introduce party politics, certainly from the research I can do, and it was not even in words that I can sadly almost imagine still being reported to some of our media today, what one of those behind many of the social problems that contributed to the events, that the Lieutenant-Bailiff Charles Lemprière described and I quote: "Some factions of jealous persons of a spirit of disrespect in some of the lower classes towards their superiors." Now, I am sorry, but I can still imagine some people holding that attitude today and I hope I am wrong, but I think that will inform the way some people vote. Because, as I say, it seems to me too many people do not want to recognise how history was created. That has to be wrong. It is not a shortcoming to hold your hands up and say: "Look, I was ignorant about this" because I was. I thank the people who have opened minds to it. So what was 28th September 1769 essentially about? Well, to me it was a final social reaction, if you like, to the actions and failings of a government. Oblivious or uncaring - probably a bit of both - as to the reality that the role of said government is to look after the interests of all. Not just the interests of the powerful. It resulted, of course, in a march on what then passed as Government, 400 to 500 disenchanted ordinary people descending on the Royal Court and demanding changes be made. Now, obviously people are afraid to protest now, but try and put yourselves into those people's positions all those years ago. The possible consequence of raising your frustrations and your anger was imprisonment, being deported, possibly even death. It was also about demanding that not only were laws meant to be fair to all, but they needed to be written down in order that they could not be disputed or interpreted and varied in their application as the powerful of the day saw fit. In essence 28th September 1769 was really about the beginnings of modern democracy, and the push to ensure social and legal justice became the right of all. Now, I have put it to Members, why would we not want to celebrate that. Why would we not want to recognise it? I do hope we are not going to see these red herrings of: "It was just a dispute between wealthy men." That just does not hold any water. Of huge importance, and perhaps that is another thing that Members might find uncomfortable, this event was about achieving a proper separation of powers between the Legislature and the Judiciary. Something of course that we are still struggling to do today, and of course it is very topical in this year when we have an Electoral Commission and we have been going around the various Parishes. Now, one could go on at length. What I would hope that Members will do, if they have not done it already, is look at the actual petition sent to the King, because that is an absolutely fascinating document, appendix 2 at the back of the report, and it is much more interesting than my report. So look, let us just sum up these achievements. A code, laws, written down for the very first time.

[17:00]

A beginning to the obviously needed separation of court and government, which we still do not have at the moment, because whether one supports it or not, the fact that we have a judge that sits in the States now. That is just the reality, it is a debate for another day. It enshrined the safeguard of Jersey needing to seek approval of the Privy Council when passing laws. It led to prisoners being given the opportunity of a lawyer. Hopefully a legal aid lawyer, I would have to say. So why should this be supported? Well, I think those few things that I have picked out just now really warrant, not a bank holiday, and perhaps that is another thing that I really should labour, because this is not a request for a bank holiday, with all those financial implications, which would immediately get some people bristling with the cost. Of course there is a cost to bank holidays, we know that. This is about finally recognising after the best part of 2 and a half centuries an absolutely key part of our history. A part of our history that, whether through deliberate erasing or just neglect and misunderstanding, is unknown to so many, to the majority. I ask Members, how can one understand where they are going in the future if you do not know how you got here. The event of 1769 is very relevant to how we got here. I think all I would like to add to that is to go through, so that Members understand the various parts of the proposition, because I do want to take them all separately. So I should just point out, part (a) to agree that the day be officially recognised annually as "Reform Day". What does that cost? It is not a bank holiday, there is no cost. The potential benefits with the development of events, one of the events that has been put forward to me is about having a large marquee in the Royal Square, having talks, implements, costumes and things from the day. That has to be a good thing. It is not going to cost anything like what it will generate in culture and knowledge and potentially as a tourist attraction if we support it. As I say, Members will have looked curiously, some more curiously than others, at the scribbled out pages of history. Now, for those who have not read it I will just reiterate. After those 400 to 500 people marched on the court at the time, put their demands to those in power, later by order of the Privy Council everything, allegedly those 13 Articles, were scribbled out. Now again that is a fascinating part of our history. As far as I can ascertain there has been no research to see what is under there. Now, I am not an expert, I did look quite a lot into the methods of looking at what is underneath paintings and things. £3,000 seemed a very generous amount to set up having that investigated. It may well be far less with X-ray technology, *et cetera*. Is that not worth considering? As I say, it is part of our history. How many of us know it. Neglected for all those years. Part (c) asks to agree to an appropriate memorial. Now, somewhere I read that I was asking for some huge monument. Nothing could be further from the truth. It could be a plaque; it could cost a few hundred pounds. Indeed, I have already had 2 businessmen who seem pretty interested in putting some amounts of money into something like that. Does this event with all it has done to shape our present day, does that not surely at least value a plaque, a statue, an inspection of what happened. If I can put it in perspective, in a couple of weeks' time we will be talking about spending millions of taxpayers' money. Millions of pounds. The 2 things I have mentioned so far, one costs nothing, the other a maximum of £3,000. Part (d), to request the Minister for Education, Sport and Culture to take the necessary steps to ensure that schools in Jersey teach school children about the events. Well, I have to say if anyone voted against that I would be absolutely horrified. We should be teaching our children about it now, as we should be teaching them about every event in history. How could anyone vote against that? I will not mention the Minister for Education's comments, because it seemed that maybe he will, I would hope, change his mind. Part (e) to request the Minister for Treasury and Resources to make available to cultural organisations such as the Société Jersiaise, Jersey Heritage Trust and Jersey Archive from central reserves, necessary funds to research and publish information about the events of the day. Well, again, there is no tying of the Minister's wrists there. There is no saying: "I want you to ensure there is £10,000", it could be next to nothing, it could be a few hundred pounds. It is entirely in the Minister's gift. I personally do not see that as a problem if we are going to take this event seriously. Part (f), and I think (f), if I could

only have 2 things I would have the day given official recognition... well, 3 things. I am taking it as a given that people will support teaching our young people in schools. But (f), to agree that an annual financial award, a prize of £1,000 be established to encourage an act or contribution to Jersey political or wider human rights knowledge in the form of writing, film, play or other artistic form, and to request the Minister for Treasury and Resources to identify the most appropriate source of funding for the award from existing departmental budgets. Now, again, I may be able to have a businessman willing to chip in there. The Minister for Education, Sport and Culture, because I spoke to him about his comments, he felt that this was already covered by the Jersey Arts Trust. We have to politely disagree, because I think what I am asking for is something specific. Something specific to try and tie in to develop what should be a very beneficial annual event. Certainly to our knowledge, to education, to our culture, possibly in time, who knows, as a tourist event. I do not think there is anything that should horrify or frighten Members, not even the offer of Deputy Tadier and his accordion playing. So I really would ask Members - I know it is late and it is a long day - to say those 243 years ago people put their lives at risk, and their actions they really led to that march, some would say a crawl, towards democracy and justice. Many of the things they were asking for when you look at that petition to the King we are still pushing for today, and they are good things mainly. It is a very important event, it is forgotten event and it is an overlooked event. I really do think that it should not just be up to people like Mr. Dunn to have to dress up in his regalia - very fetching as he looked - and hand out leaflets in the Royal Square. This is what I am going to close with, perhaps one little event that really highlights why this is worth supporting here today. I happened to look out the window to see Mr. Dunn in his regalia, not hurting anyone, putting up some laminated copies of the scribbled out pages from the court records. Two policemen approached and he was about to be arrested for the awful crime of attaching some completely removable posters to the granite base around the statue. Now what is fascinating about this, and I would ask for Members to think about it, because Deputy Tadier and I ran out in horror like good revolutionaries and spoke to the police officers, and we were able to talk about the issue. When the police officer was calling back to headquarters he was trying to tell them what it was all about, he was reading the notices. I said to him: "Look, it is only thanks to these [the code of 1771] that you have got laws written down that you can inquire about to see whether Mr. Dunn is breaking a law." In fair play the officer was excellent, he said: "No, I am really pleased I got called to this incident, because I never knew that this happened and it is fascinating." It is fascinating, but more than just fascinating, it is important. I know that there is a growing group who are going to continue this push to promote the event every year, but I do think it would be very fitting in this year when we have an Electoral Commission that if we could support, hopefully all of the Articles in the proposition, but certainly the recognition of the day, the teaching of our children, and hopefully some kind of memorial. I am going to take them all separately so I fully accept some Members may want to support some, some none, hopefully some all. I will leave it at that and hope someone seconds the proposition. Thank you.

The Greffier of the States (in the Chair):

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

18.1.1 Connétable A.S. Crowcroft of St. Helier:

I am very grateful to Deputy Pitman for bringing this matter to the States, because I think there are huge lacunae or gaps in our local history records and in the way, as an Island, we remember or forget our important men and women who have done great things, either in the Island or as Islanders abroad. I could mention figures like Tom Gruchy but I could also mention George de Carteret. Peirson, of course, is I hope going to happen one of these days, but that is being talked about and I believe it has probably also been a matter of debate in centuries past. There are an enormous number of events in Jersey's history and perhaps it is only natural that as an island that

we focus a lot of our resources on the Occupation, because the wounds of that are still very raw for many people. We are seeing at the moment, I think, a great deal of research into the Occupation. We are seeing new groups like the Evacuees Association, the Ex-Internee Association, taking steps to remember the sacrifice of Jersey men and women and indeed others involved in the Occupation and the liberation of Jersey. So why not take an event in the 18th century and do the various things that the Deputy is asking us to do. I think, because that is a piecemeal approach to our history. I absolutely agree with the Deputy that we need to do more to remember the events of 28th September 1769, and indeed thanks to the promptings of the member of public he has talked about, we as a Parish have done, in a small way, a number of events to remember this day. As indeed we have done perhaps more to remember the Battle of Jersey, which certainly until I became Constable was not celebrated in the Royal Square on the Sunday closest to 6th January every year, which it now is. I would urge Members, although there is much in this proposition which is, if you like harmless, and in fact is worthy, to be careful of approaching the Island's history in a piecemeal way, because I think it deserves better than that. I should say in passing, as a trained secondary school teacher, albeit of English rather than History, I am extremely chary about being part of a government that effectively starts to say what is going to go into the curriculum. I am very uncomfortable with that, and I would much rather work with... if I had concerns about, for example, English teaching, the first thing I would do is to get together with the local heads of English in the secondary schools and I would talk to them. Then I would probably go to the Education, Sport and Culture Department and talk to the advisers. I would probably then ask a few questions in the States. I would go to Scrutiny and then, probably after a period of some 6 to 9 months I might come to the States with a proposition. But I would hope that the things that I was concerned about in that particular curriculum would have been addressed through other ways. It does in a way seem a bit of a sledgehammer to crack a nut. I think also, that if we promote on the back of a single proposition, which I would suggest has not had enough consultation, if we promote a particular event in our history we have the effect possibly of weakening other key festivals which are fully bought into by Islanders.

[17:15]

I have already mentioned some of them earlier on. The Deputy is asking us to set money aside. Albeit only small sums. But I think that is in itself an indication that this is possibly neither fish nor fowl. If this event is truly worth celebrating then it deserves a lot of resources to do it properly. We cannot just come along and say: "Well, it is only going to cost a few thousand pounds, so what is the harm in it?" Turning specifically to the various propositions, the first one: (a) invites us to recognise this particular event. It should be recognised. This reminds me of, I think, perhaps a rather failed attempt by the States to get involved fairly recently in choosing a national anthem for Jersey. You might say in choosing a new national anthem for Jersey. I do not feel comfortable when we as a government gather here to choose or to say what should be recognised by the public. I think the public are quite able through various methods, and I have already mentioned the growing interest in certain groups involved in the Occupation, organise themselves and to erect the plaques, to have the commemorations, to involve visitors and the media in their actions. Bit by bit, year by year, and I go back to the evacuees, year by year that event assumes greater and greater importance. (b) asks us to effectively release an in camera debate transcript. That is an intriguing idea. The Deputy described it as fascinating and I would agree, but why £3,000? I would simply find a History student willing to invest in that, or indeed has he approached the Société Jersiaise about whether they would undertake the task. (c) asks us to erect a memorial or plaque; I have already referred to the other candidates for memorials or plaques in the Island. But worryingly there is no indication as to cost here. Certainly from the work I have been doing on the Peirson Memorial we could be talking about a lot of money. If it is worth doing, it is worth doing properly. (d) asks us to get involved in the education curriculum, I have already said that is one that I

certainly would not be able to support. (e) asks us to give funds to cultural organisations. Now, I do not know whether the Deputy has the approval of the cultural organisations concerned, I suppose very few of them would say no to increases in their grants. But again, there is no indication here as to the cost. It is vague. (f) asks for just £1,000 for an act or contribution to Jersey politics or wider human rights and so on. Again, this is very vague. Certainly if I was one of the judges on the panel giving this £1,000 I think I would really struggle to know who to give it to and how to set up that competition. I am sorry but I would love to support this, and, as I say, this may sound like faint praise, but I do commend the Deputy for bringing this forward. I am quite happy to work with him to continue to try to promote 28th September as an important day, and indeed to get the many organisations out there, the many amateur historians we have on the Island, to allocate resources to finding out more about it. But I think it is a bit premature to bring this particular piece of our history forward to the States Assembly, and I would urge him to consider perhaps withdrawing it so that we can come back perhaps with a full range of historical events that, as an Assembly, we would like to throw our weight behind. So I will not be able to support the propositions.

18.1.2 Senator P.M. Bailhache:

I thought that was an excellent speech from the Constable of St. Helier and I agree entirely with it. But like the Constable of St. Helier I do applaud the Deputy for bringing this proposition. Not because I am going to vote for it, for many of the reasons that the Constable has articulated, but because as a matter of general principle it is right that we in this Assembly should be reminded of our history and should be invited to take an interest in it. The idea that an annual prize should be awarded for some cultural endeavour in the context of history I think is a good one. But probably not to be sponsored by the States for much of the reasons that the Constable has given. It should be sponsored by some philanthropic body or by some philanthropic individual so that it is not tainted by association with a particular view of history that States are quite often prone to promote, as indeed the Deputy himself has said. But it is important that children should gain some knowledge of our history. I applaud the work that has been done very recently in the Education, Sport and Culture Department to create teaching materials which are used by children to give them some idea of the critical dates in our history. I should like to see a great deal more being done in that respect. I must confess, like Deputy Pitman, when I went to school I learnt nothing about Jersey history. I was given the rudiments of English history but taught nothing about European history and certainly not Jersey history. It was only very much later that I started to read and to understand a little bit more about what makes the Island what it is. So Deputy Pitman's proposition caused me to get down my Balleine's *History of Jersey* and to reread the relevant section of that, and Shebbeare's *Oppressions of the Island of Jersey*, even if they were written anonymously, because he was so defamatory of the various people in power at that time. I think that the Deputy perhaps rather overstates his case in the context of 1769. It may be that the protest against the abuse of economic power was unusual, in the sense that the rioters took over the Royal Court for a short time. But it was not the first time that violence had been threatened or indeed practiced in the Royal Court against members of the court. Those protests went on very long after 1769. If Deputy Pitman were to criticise the conduct of the Jurats during the 19th century I would be with him, because the Jurats did become politicised during that time and justice indeed was corrupted in the Royal Court. Sir Godfray Le Quesne, one of our esteemed judges of the Court of Appeal, gave a fascinating talk during the Stephens Memorial lecture some years ago, which is now published by the Société Jersiaise and I commend Deputy Pitman to read that if he has not already done so. I know that the French celebrated the storming of the Bastille by making it a national holiday, but the temporary occupation of the Royal Court by a group of individuals who had walked in from Trinity is not, I think, quite on the same scale. The truth is that the so called "corn riots" were but one of many protests against injustice which punctuated the 17th, 18th and 19th centuries and led us on our road

towards democracy and respect for human rights and the rule of law which we now enjoy and as we know them today. So if we really want to find a date for a particular celebration, the Deputy said that he was not looking for a public holiday, as a matter of fact I think we probably do need another public holiday, we are rather short of them. But if we do need to find another date there are many other more worthy candidates in my view. Perhaps I am beginning what the Constable had said. There was the date of an Order in Council in the early 17th century resulting from the constitutional struggles between the States and the Crown of that time, and the disagreements between the then Bailiff Hérault and the Governor Sir John Peyton. The Order in Council that resulted decreeing that the Bailiff would enjoy precedence over the Governor in the States and in the Royal Court. Precedence being equivalent to power, and the acknowledgement that insofar as domestic administration was concerned, and justice in the Royal Court the Islanders took precedence over the powers in the United Kingdom. Which is why you, Sir, sit in a seat 7 inches above the seat to your right, which is occupied by the Governor. There is the Battle of Jersey, as the Constable has mentioned. There was the enactment of the Assembly of the States law in 1948, which evicted the Jurats from the States Assembly and established democratic government by elected Members of the States as we know it today. But I agree with the Constable. These things are too important to be done *à la frouque*. They should be done with a great deal of consultation, a great deal of consideration. Because if we treat our history with insufficient respect we will regret it.

18.1.3 Deputy G.P. Southern:

I did not think it was possible for me to be shocked, but I think I am. Here we have a modest and moderate proposition brought by Deputy Pitman which celebrates the history of Jersey and places greater emphasis on that history in a particular way. Here we are, 2 speakers in, and: “Oh, we cannot have that.” It is too modest and too moderate we are told. It is also described as vague, piecemeal and premature and that the Back-Bencher ought to go away and consult all around because of the danger of government control of the curriculum, and come back at some time later with something better is what is suggested. I look around the room and I wonder myself: “How many of the people of the family names here were here on that day?” I wondered if those family names were here, were the Routiers here, the Le Gresleys, the Bailhaches, the Gallichans, the Mezbourians, the Noels, the Rondels, the Vallois, the Labeys, the Le Hérissiers. Were any of those families here at that time? They are here now. Here we have something that can start to revive an interest in Jersey’s history, and yet here we are saying: “Not from this particular Deputy, not at this time and not in this way.” It is very easy to pick any proposition that comes to this House and call it vague and piecemeal. I think I have heard there is a start of a new team, the wonder team, Crowcroft, Bailhache and Pitman that may well come back in a year’s time when they have decided which date to celebrate because they have a little dispute over that at the moment, with something really worthwhile. Or we could vote today on this modest and moderate proposal and start getting on with things and see if we cannot improve it in a year’s time. I think that is the way forward, and I will be supporting this in, in believe, every one of its 6 propositions.

18.1.4 The Deputy of St. John:

I would like to speak just as the Minister for Education, Sport and Culture for a second, and I will keep it brief. Just as an explanatory note to our comments, I think it is pretty well self-explanatory, but for the sake of public record, live, so to speak on the radio, items (b), (e) and (f) on the proposition are not supported by the department, really because the funds are already available in one way or another. So I think that is pretty clear. Item (d) however, does give me some concern. It is to do perhaps slightly technically with the wording in that I am asked by the Deputy to take the necessary steps “to ensure” that schools in Jersey teach schoolchildren about the events of 20th September 1769.

[17:30]

Actually that is an extremely difficult technically and I would ask Members to consider it quite carefully. Because in essence this would overrule the purpose of the Curriculum Council. This is in some ways similar to the Assembly asking a Minister for Planning and Environment to ensure something or other. That is a great difficulty, and in fact is difficult in law. Although I am not exactly sure of the lawful interpretation, I know that there are some difficulties with the Curriculum Council being the statutory body that is established to keep the curriculum under review, and provide independent advice, research and development. There is some danger that the Assembly would vote on this without being aware of the difficulties that this would entail with the Curriculum Council. If it helps the Deputy, however, and if he were prepared to withdraw item (d) from his proposition, I can confirm to him that on 11th December this year there is an agenda item on the Curriculum Council meeting which is around this specific area. So I can absolutely guarantee that it will be discussed at the Curriculum Council, and I would be prepared to inform him of the results of that discussion, and include him and others that are interested, the Constable of St. Helier and Senator Bailhache, on those discussions and we can progress from there. If that helps the Assembly. But I would just like to confirm that that is a particularly difficult item for me to accept for the reasons I have explained. On a personal note now rather than the Minister for Education, Sport and Culture, I would just like to add to some of the comments of Senator Bailhache and the Constable of St. Helier around the 1948 post-war reforms. That was about some 8 weeks before the current Minister for Education, Sport and Culture came into the world. My father, in fact was successful, that was the first time he stood for the States and was successful as a Deputy for St. Helier No. 2. There were many occasions when I was younger, when I was old enough to understand politics, where my dear father explained to me that there was some extreme difficulties after the war with some very, very left-wing, shall we say, communist leaning people in politics. I believe I am right in thinking that that is the last time that party politics became very prevalent in the Island was during that period of time. There were several people, I think those parties were disbanded after that election, but nevertheless party politics are rife. There were a lot of things going on that were very dangerous in terms of the Island's political independence at that time. Those historians among us, I think, would be able to confirm that. I just simply say on a personal note that there may well be some extra recognition and some extra work needed to be done on local Jersey history, but that perhaps the 1948 reforms, in the context of what we have now in the Assembly, is equally if not more deserving than that day that the Deputy is suggesting.

Deputy S. Pitman of St. Helier:

Point of clarification?

The Deputy of St. John:

Yes.

Deputy S. Pitman:

The Minister said that at the moment this cannot be taught in schools and he did not agree with one of the paragraphs of the Deputy's proposition. I just wanted to know how much time in schools is spent on U.K., E.U. and international history and politics compared to local history and politics? Because last time I looked it was far more U.K. and E.U. history and politics.

The Greffier of the States (in the Chair):

Brand new point, if the Minister wants to briefly clarify.

The Deputy of St. John:

Obviously, I have not got those numbers here for the Deputy. I would be delighted to find them and let her know in due course, but there would be some work that I need to do.

The Greffier of the States (in the Chair):

I would just point out to Members, it is 5.35 p.m., do I take it Members wish to continue? No one has proposed the adjournment; there appears to be general agreement. Very well.

18.1.5 Senator L.J. Farnham:

It has quickly become clear that I think many Members would like to support Deputy Pitman in his endeavours, but are reluctant to do so because of the points made largely by the Constable of St. Helier in his speech. I would venture to suggest that, if allowable, the Deputy might consider accepting a reference back on this because it is clear that more information could be provided, and at the same time perhaps he could work with Senator Bailhache and the Constable of St. Helier, both keen historians, with a view to bring something back in line with the comments of the Constable of St. Helier.

The Greffier of the States (in the Chair):

Are you formally seeking to propose that that, or are you simply inviting the Deputy to consider withdrawing it? I am not sure in the past we have allowed reference back to individual Members.

Senator L.J. Farnham:

Okay, Sir. Well, I would be reluctant to propose it in that case, if it led to another debate. So what is the situation, is it a reference back **[Laughter]**... Is what you are saying is a reference back is not allowable?

The Greffier of the States (in the Chair):

I think in the past the view has been taken that where one can refer something back to a Minister or department for further information, it would require the Member they bring their proposition with the information they wish and Members must take a view on it. The Deputy is not indicating he wishes to withdraw it, so I think the debate will continue.

18.1.6 The Connétable of Trinity:

I just wanted to try and be a little positive for Deputy Pitman. I am sad that Thomas Gruchy is in an unmarked grave in Trinity. I will endeavour, through the Parish records, to find that grave for you and maybe talk with you later. **[Approbation]**

18.1.7 Deputy J.H. Young:

Just a couple of words. History is so important that I am really very grateful for this proposition because I lived in Jersey for 35 years, and I have my own copy of Balleines but I was not aware of these events. I kind of assume this is because I am not competent in the French language, and so much of historical research, it needs to have that. Of course history is to society what memory is to individuals, and it is important to hang on to that record. Now, unfortunately the record shows there is a tendency for future generations to reinterpret history in the light of their own time. Particularly, that is so, with political bodies. So I think the key people we look to in society to help us are the local societies, independent individuals and people who have these sorts of skills and balances and historians. So for the reasons that most other Members have spoken, I would not be able to myself support the elements of what I would call the recognition, the endorsement and the kind of mandating aspect that we should force a curriculum. I am against that. I do think the parts of proposition, (b) and (e), which talk about encouraging investment and very, very modest arrangements, to be able to increase that research so that we can update, for example, or provide the opportunity for someone to update Balleines. I think Balleines was published originally perhaps about 1915 or something. You know, why not? These are very modest sums, and if they are not taken up... nobody is forcing anybody to do it. But I think just saying: "Look, if we take something

from the debate let us endorse our historical record, let us encourage some research” and I do interpret that widely. In other words, I am interpreting the proposition, when it says: “Events of the day”, I mean the time. So I would like to support (b) and (e) and not the others.

18.1.8 Deputy S. Power:

As I am chairing the population sub-panel I notice that the petition to the Crown in appendix 2 on page 17 has an innovative suggestion there. It says: “No strangers be permitted to settle in the Island **[Laughter]** to the prejudice of any inhabitant.” But they do make an exception for refugees, and for the sake of the Protestant religion, who are permitted and encouraged to sell all your Majesty’s dominion. I am glad things have changed.

18.1.9 Deputy M. Tadier:

I beat Deputy Le Hérissier who is a real historian to it. I think Deputy Young alluded to it already, that there is no absolute history. There are just interpretations of history, which are subjective and I think the analogy with memory is a very good one. People record different memories of a particular event and of course there are official histories, and I particularly did like the Orwell quote that Deputy Pitman used in his proposition. Which basically: “Who controls the past controls the future. Who controls the present controls the past.” I think that whatever the result today for any of these parts, it has definitely been a well received and an important day. It is a shame this debate could not have taken place perhaps on 28th September, or around that date. But of course that is not particularly important. Because I think he has highlighted an important issue. Now let us look at some of the issues we heard for not supporting this. Everyone has given Deputy Pitman a big pat on the back, and we might even give poor old Mr. Gruchy a proper burial many years after his probably humble interment happened in the Parish of Trinity. He is buried, indeed. But give him a proper one. **[Laughter]** Again, I am not suggesting we unearth him **[Laughter]** because I do not think there would be much left of that anyway. So let us look at some of the arguments that have been used. The interesting one, and of course they are partially true, we have heard it from a couple of speakers already, is that: “Ah, but there are so many other things we could remember, so therefore we should not remember this.” That does not work like that. Obviously a lot of work has been done on this. There has been some lobbying that has gone on. It has been recognised by outside groups and individuals that this character, and also, in particular, this event, was a particularly key event in their history, because remember - as I said at the beginning - there is no absolute history. There are simply histories. Of course, for some people, and hopefully for many of us, the Battle of Jersey is a significant event. Liberation Day is a significant event. 11th November - we have just had that recently - is a significant event. But these are not universally significant or universally in the same way for everybody in society. Society has to be formed, necessarily, by different people with different opinions. It is important to recognise the minority views because those are the ones that so often get left out of official accounts of history. So, okay, I completely agree with the caution of the Minister for Education, Sport and Culture who says that it should not be up to the State to dictate what gets taught in schools and I think that is why his intervention is particularly appreciated. This is where I probably might lose some of my goodwill with the Greffier’s Department, and I know the Assistant Greffier is sitting there. But when, for example, we do... and this is where maybe the actual proposition might have directed it in this way. I have come in here and we know that the States, for example, have a very good programme of education for primary schools. **[Approbation]** It is important, I think, that I will have my niece, for example, coming in here in a few weeks and she will sitting down here, probably in my seat, and no doubt she will be able to deliver probably a lot better speech than I do **[Approbation]** and the rest of you, incidentally. **[Laughter]** You will be in that situation. You will have little embryonic Deputies, hopefully, it will be, in those days, sitting in the seats, representing the super-constituencies, communicating very clearly with the Connétables of the Parish, who will be an

important link back to the Parishes in those days in the future. Can we imagine that? But, of course, we still get the usual received education. We are told about the chair. Why is the chair bigger than the other one? It is because basically Jersey is better than the U.K. Essentially that is what we are saying. Why do we have a mace? It is because Guernsey made the wrong decision; they were on the wrong side of it - ha, ha, ha - and because they were not on the loyalist side of it.

[17:45]

That is all fine. That is all “true” I use in inverted commas, in the historical sense. I think, hopefully now, that there will also be the inclusion of, yes, we have this building next door which is the Royal Court building. They would have heard that in school. One of the things that happened, among many other things, was that it got stormed by some people from Trinity. **[Laughter]** Nowadays, of course, it is St. Helier revellers who go up to Trinity to cause problems during Jersey Live. In those days it was the Trinity massive that came down and caused trouble in St. Helier, although I think they still do anyway. Of course, when the super-constituency is formed, they will be able to come down as far as St. Saviour. Whether they can get into St. Helier or not is a completely different kettle of fish. So I think I will stop there because I have probably got some **[Approbation]**... it is the biggest foot-stamp I have ever had. **[Laughter]** and I will simply say I am quite happy to support all of this and even if there are parts or the whole of it which cannot be supported universally, I think we have to commend the great work that has been done, first of all by Deputy Pitman but also by those behind him who may wear other clothes and are present in our Assembly and I am sure Tom Gruchy, if he were looking down on us, would be glad finally to get a bit of belated recognition. I will leave it there.

18.1.10 Deputy R.G. Le Hérissier:

Just a quick intervention. I think we have been a little bit precious, I have to say, although I much enjoyed the Constable of St. Helier’s speech. The notion that we are looking for a well-balanced totally objective sort of group who will come and write history for us is not on, I am afraid. I think countries have blockages. The classic one is the French. The French have an incredible blockage about what happened in World War 2, what happened to the Jews, and it has taken them decades to try and reconcile themselves to that history. So people do put unbalanced histories because of their insecurities, because of their blind spots. They stick around with these. For example, the language, although Deputy Ryan quite rightly said he is the successor to a political dynasty; he talked of dangerous tendencies. In fact, you could write the history of the post Second World War very quickly because there were 2 parties, as he said. The Progressive Party went on to dominate the States. They were the Le Marquands, the Viberts, the Rumfitts, *et cetera* and there was no need for an opposition. There was one person elected, a chap called, as we know, Venables, and that was it. There was no need for an opposition. So the party system simply fell away because one group dominated the system, and, residually, of course, it still does. There was nothing to be alarmed about. That was simply the way things worked themselves out. But what I do not like, I have to say, and I agree with the Honourable Member for St. John in this regard, I do not like government intervening in the curriculum. I think that is wrong. I think it is good that children are taught to approach history critically, they are taught to see that there are difference approaches to history. For example, some of the best history of the 20th century has been written by a Marxist, a chap called Hobsbawm, who has just died. He wrote the history of the mass movements of the world to such an extent that he became a fully-fledged member of the establishment. So it is quite possible. But ultimately I do not like government decreeing what people should be taught. Oddly enough, we have got a precedent here because when Scrutiny was active in the schools and had some excellent programmes, the issue was raised of political education and that always has Stalinist overtones, that you are going to be wheeled in to get your political education. But there was an excellent initiative led by the chap in charge of civic education at Les Quennevais, who has just

retired, a Mr. John Renouf. He brought together a group of people; he was commissioned by the Education, Sport and Culture Department to look at this curriculum, and, yes, as Deputy Reed well knows, because he was involved, he was brought in and he brought a group of people. He was given leave by the Education, Sport and Culture Department and he was asked to basically come up with his ideas, which he did. I would like to see a mechanism like that. His ideas were left as they stood, so to speak; they were not interfered with, and there was no political interference, although finding time in the timetable is a never-ending challenge. So I certainly approve the principle of trying to balance out history but I am not sure I approve of us ordering government how to write history.

18.1.11 Deputy M.R. Higgins:

I am going to be brief because I know Members are hoping this is going to be wrapped up by about 6.00 p.m. As someone who loves history, I am really delighted that Deputy Pitman has brought this proposition. In fact, I did not realise about this period of history until I started reading the appendix. I thank Mike Dunn for his research on that matter. What I would just like to do, though, is just give you a few quotations about history and the importance of history and just think about these things when you come to decide how you are going to vote. Obviously we have all heard Edmund Burke's: "Those who do not know history are destined to repeat it." But there are others, such as: "A people without the knowledge of their past history, origin and culture, is like a tree without roots." Marcus Garvey. Or if you look at Winston Churchill: "History will be kind to me, for I intend to write it." He did, in many volumes. "Liberty has never come from government. Liberty has always come from the subjects of it. The history of liberty is a history of limitations of governmental power, not the increase of it." That was by Woodrow Wilson, the American president. Dwight Eisenhower, another American president: "The history of free men is never really written by chance but by choice, their choice." "History is a vast early warning system." Norman Cousins. So, there are lots of statements about history and the importance of history and it is one thing that we have forgotten. Most children went through school hating history, probably because of the way it was taught or what was taught and I do think that we do need to spend more time looking at some of Jersey's history and understanding how the institutions in Jersey did come to pass. This House itself should be promoting what Deputy Pitman is doing because he chose how this House came into being and where the laws that we follow - even the ones I cannot understand, that are written in French - such as the law of 1771. So I would ask Members to support this and the other initiatives because I agree: the Battle of Jersey, Liberation Day, all these things should be celebrated and we should be researching our history and coming forward with other things. I happen to agree with Senator Bailhache: we do have a shortage of public holidays in this Island and perhaps through this research into history, Jersey's history, we can come up with a few appropriate dates to bring in some additional public holidays.

The Greffier of the States (in the Chair):

Does any other Member else wish to speak? Very well. I call on Deputy Pitman to reply.

18.1.12 Deputy T.M. Pitman:

I will try and make sure everyone can depart by 6.00 p.m. I would like to thank everyone for speaking. When you get these slaps on the back and "well done" but you still have the feeling left that you are still going to be shot anyway, which... One thing I have to comment on, and I am happy to work with Senator Bailhache and the Constable of St. Helier, but I did have to smile when the Senator expressed his disappointment that people just walked in from Trinity and there were no hangings or beheadings, so next time there is a revolution I am going make sure there are plenty. But on a serious note... I am not going to go through everyone's because I would not be able to finish by 6.00 p.m. but I am happy to go along with that offer from the Minister for Education,

Sport and Culture, if that is a genuine offer to put it on the agenda. It would be nice if he could invite anyone along to talk about why they think it is important; that would be really nice. I am happy to withdraw (b), I think it was, just as I am very happy that the Constable of Trinity has offered to go out and look for a grave in his Parish; give him something to do tonight. That was not meant to be a dig. **[Laughter]** It is that time, is it not? But it is interesting, of course, is it not, that even then, as we see, the people of Trinity had to come down to St. Helier to let loose? There we go. What I would just say is some of the comments have really highlighted why I think this is important. We are hearing about Balleines. Now, I have got Balleines and I always took it at face value. But then when Deputy Shona Pitman and I bought some documents a few years ago, you see there are huge flaws in Balleines and the general reporting of what happened after the war because those documents reveal a completely different picture. For instance, you hardly had a fair election. The J.D.M. (Jersey Democratic Movement), as was mentioned by - I think - Deputy Ryan, they were not disbanded after the war; they carried on for a long time. But they were denied even publishing their manifesto by the local newspaper; all very fair. In fact, if you refer to Deputy Le Hérisser's excellent PhD, which I am sure everyone has got on their bookshelves - I have - you will see that in an interview he did that the editor of the paper at the time attended the meeting of the Progressive Party but he did not join because they wanted to keep some semblance of separation. But that explains how this myth came about that there was a great landslide of support. Here we see it. The Progressive Party disbanded as soon as they got what they wanted. They won an unfair election, when you know the history. As I say, I am going to put all these documents on the website, so they will be of good value for people. So that is how history gets rewritten. It is what has happened with 1769. I am a bit disappointed... I always think you cannot win here. If I had brought requests for huge amounts of money I would be heavily criticised for that. When I put something very modest, I should have done the exact opposite. With regard to my Constable, I have to say that firstly I did not think he turned down the opportunity to enter a play and possibly win £1,000 but an excellent political work, what he wrote. But when we do things without setting some amounts, then we see what has happened to the local political legend, Emile Collins, a beautiful bronze bust, currently in somebody's boot. This is a man who campaigned until he was 98 years old for rights in Jersey. It sat in the Parish Hall now because nobody wants to pay for it - although I might have a businessman - it is in somebody's boot, very, very sad. I would just really like to touch on one other issue and that is what Deputy Ryan said about not wanting to impose on the curriculum. I do understand that but what do you mean by "imposing"? Because where would people in Germany and Japan be if they were not able to insist that something is taught about their history? Because it is, certainly from the people I have met from those societies. We are not saying that you portray... it is quite different, I suggest, to saying that you have to take an angle, that all the good people rose up against the nasty rich people. I am talking about; let us see what really happened. Let us analyse those scribbled out documents. Let us fully understand our history. There should not be anything at all scary about that. The last thing I would just like to say is I think Deputy Young's quote about history is to society what memory is to the individual, is absolutely spot on. Perhaps that is why this is important. I will leave it there; just mention that quote again: "It is the essence of the poor that they do not appear in history." This was largely about poor people. Are we going to eradicate them again? Is it the same old story? I hope not. Win, lose or... well, I cannot draw. But I certainly will be supporting people like Mr. Dunn to keep pushing forward 1769. I would ask Members, even if they do not feel they can vote for all of it, please do vote for whatever you can. Having official recognition for the day is going to cost nothing. As for the cost of a plaque, I know, because I bought one from a late youth officer, that can be done for several hundred pounds. It is not an arm and a leg and for something so important where people risk their lives, I think it is really the least that an Assembly in this 21st century can do. So with that I will wind up and we can all go home for 6.00 p.m. once we have had the vote. Thank you. I call for the appel.

The Greffier of the States (in the Chair):

Did I understand you, Deputy, to say you wish to have a vote on each paragraph?

Deputy T.M. Pitman:

Yes, and I will withdraw (d).

The Greffier of the States (in the Chair):

So are Members content to grant the Deputy to withdraw paragraph (d)? Very well, that is withdrawn. So we will vote on the other 5 paragraphs, which I do believe can be taken separately, as they stand alone. So the first vote is on paragraph (a), which is to agree that the day should be recognised as Reform Day. The Greffier will open the voting.

POUR: 21		CONTRE: 18		ABSTAIN: 0
Senator A. Breckon		Senator P.F. Routier		
Senator S.C. Ferguson		Senator F. du H. Le Gresley		
Connétable of Grouville		Senator I.J. Gorst		
Connétable of St. Lawrence		Senator L.J. Farnham		
Connétable of St. Ouen		Senator P.M. Bailhache		
Connétable of St. Brelade		Connétable of St. Helier		
Connétable of St. Martin		Connétable of Trinity		
Deputy R.G. Le Hérisier (S)		Connétable of St. Clement		
Deputy J.A. Martin (H)		Connétable of St. Peter		
Deputy G.P. Southern (H)		Deputy of St. Ouen		
Deputy of Grouville		Deputy of Trinity		
Deputy S. Pitman (H)		Deputy S.S.P.A. Power (B)		
Deputy K.C. Lewis (S)		Deputy G.C.L. Baudains (C)		
Deputy M. Tadier (B)		Deputy of St. John		
Deputy T.M. Pitman (H)		Deputy J.P.G. Baker (H)		
Deputy T.A. Vallois (S)		Deputy J.H. Young (B)		
Deputy M.R. Higgins (H)		Deputy of St. Martin		
Deputy J.M. Maçon (S)		Deputy R.G. Bryans (H)		
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy R.J. Rondel (H)				

[18:00]

The Greffier of the States (in the Chair):

Very well. I will ask the Greffier to reset the voting system to that the vote can take place on paragraph (b), which is to agree that a sum of £3,000 should be made available to examine the records of a Cour d’Héritage. The Greffier will open the voting.

POUR: 16		CONTRE: 23		ABSTAIN: 0
Senator A. Breckon		Senator P.F. Routier		
Senator S.C. Ferguson		Senator F. du H. Le Gresley		
Senator L.J. Farnham		Senator I.J. Gorst		
Connétable of St. Clement		Senator P.M. Bailhache		
Deputy J.A. Martin (H)		Connétable of St. Helier		
Deputy G.P. Southern (H)		Connétable of Trinity		
Deputy of St. Ouen		Connétable of Grouville		
Deputy S. Pitman (H)		Connétable of St. Peter		
Deputy M. Tadier (B)		Connétable of St. Lawrence		
Deputy T.M. Pitman (H)		Connétable of St. Ouen		
Deputy T.A. Vallois (S)		Connétable of St. Brelade		

Deputy M.R. Higgins (H)		Connétable of St. Martin		
Deputy J.M. Maçon (S)		Deputy R.G. Le Hérisier (S)		
Deputy J.H. Young (B)		Deputy of Grouville		
Deputy of St. Mary		Deputy of Trinity		
Deputy R.J. Rondel (H)		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy G.C.L. Baudains (C)		
		Deputy of St. John		
		Deputy J.P.G. Baker (H)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		

I will ask the Greffier to reset the system. The next vote is on paragraph (c), which is relating to an appropriate memorial near to the location of the demonstration. Paragraph (c) and the Greffier will open the voting.

POUR: 19		CONTRE: 20		ABSTAIN: 0
Senator A. Breckon		Senator P.F. Routier		
Senator S.C. Ferguson		Senator I.J. Gorst		
Senator F. du H. Le Gresley		Senator P.M. Bailhache		
Senator L.J. Farnham		Connétable of St. Helier		
Connétable of Grouville		Connétable of Trinity		
Connétable of St. Brelade		Connétable of St. Clement		
Deputy R.G. Le Hérisier (S)		Connétable of St. Peter		
Deputy J.A. Martin (H)		Connétable of St. Lawrence		
Deputy G.P. Southern (H)		Connétable of St. Ouen		
Deputy of Grouville		Connétable of St. Martin		
Deputy S. Pitman (H)		Deputy of St. Ouen		
Deputy M. Tadier (B)		Deputy of Trinity		
Deputy T.M. Pitman (H)		Deputy S.S.P.A. Power (B)		
Deputy T.A. Vallois (S)		Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		Deputy G.C.L. Baudains (C)		
Deputy J.M. Maçon (S)		Deputy of St. John		
Deputy J.H. Young (B)		Deputy J.P.G. Baker (H)		
Deputy of St. Mary		Deputy S.J. Pinel (C)		
Deputy R.J. Rondel (H)		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		

The Greffier of the States (in the Chair):

Very well. I will ask the Greffier to reset the voting system. Paragraph (d) having been withdrawn, the vote is therefore on paragraph (e), which is relating to making available funds to cultural organisations. The Greffier will open the voting.

POUR: 11		CONTRE: 28		ABSTAIN: 0
Senator A. Breckon		Senator P.F. Routier		
Senator S.C. Ferguson		Senator F. du H. Le Gresley		
Connétable of St. Brelade		Senator I.J. Gorst		
Deputy J.A. Martin (H)		Senator L.J. Farnham		
Deputy G.P. Southern (H)		Senator P.M. Bailhache		
Deputy S. Pitman (H)		Connétable of St. Helier		
Deputy M. Tadier (B)		Connétable of Trinity		
Deputy T.M. Pitman (H)		Connétable of Grouville		

Deputy M.R. Higgins (H)		Connétable of St. Clement		
Deputy J.H. Young (B)		Connétable of St. Peter		
Deputy of St. Mary		Connétable of St. Lawrence		
		Connétable of St. Ouen		
		Connétable of St. Martin		
		Deputy R.G. Le Hérisssier (S)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy T.A. Vallois (S)		
		Deputy J.M. Maçon (S)		
		Deputy G.C.L. Baudains (C)		
		Deputy of St. John		
		Deputy J.P.G. Baker (H)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		
		Deputy R.J. Rondel (H)		

I will ask the Greffier to reset the system. Finally, on paragraph (f), which is relating to an annual financial award for an act or contribution to Jersey political or wider human rights knowledge. The Greffier will open the voting.

POUR: 11		CONTRE: 27		ABSTAIN: 0
Senator A. Breckon		Senator P.F. Routier		
Connétable of St. Brelade		Senator S.C. Ferguson		
Deputy R.G. Le Hérisssier (S)		Senator F. du H. Le Gresley		
Deputy J.A. Martin (H)		Senator I.J. Gorst		
Deputy G.P. Southern (H)		Senator L.J. Farnham		
Deputy of Grouville		Senator P.M. Bailhache		
Deputy S. Pitman (H)		Connétable of St. Helier		
Deputy M. Tadier (B)		Connétable of Trinity		
Deputy T.M. Pitman (H)		Connétable of Grouville		
Deputy M.R. Higgins (H)		Connétable of St. Clement		
Deputy R.J. Rondel (H)		Connétable of St. Lawrence		
		Connétable of St. Ouen		
		Connétable of St. Martin		
		Deputy of St. Ouen		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy T.A. Vallois (S)		
		Deputy J.M. Maçon (S)		
		Deputy G.C.L. Baudains (C)		
		Deputy of St. John		
		Deputy J.P.G. Baker (H)		
		Deputy J.H. Young (B)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Mary		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		

Deputy T.M. Pitman:

Can I thank everyone and if the people tell me who they were again that voted for the main proposition, I will make sure they get a C.D. [Laughter]

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Greffier of the States (in the Chair):

Bribery is prohibited, I think, Senator, in the Assembly. Very well. We come finally to the arrangement of future business. I would there draw Members' attention to a very late amendment submitted to the Greffier late in the afternoon which has not yet been formally formatted, but an amendment to the budget which was circulated, so it can be lodged today on the last lodging deadline by the Connétable of St. Helier, the third amendment to the budget, which Members have had distributed. I will also draw attention to a report 139, relating to a land transaction, circulated by the Minister for Treasury and Resources. We come, therefore, to the Chairman of P.P.C. (Privileges and Procedures Committee) to the arrangement of future business.

19. The Connétable of St. Helier (Chairman, Privileges and Procedure Committee):

The order is as set out under M in the Consolidated Order Paper, with the exception, as you said, Sir, that there is amendment number to the budget, P.103 amendment 3 in the name of the Constable of St. Helier, which narrowly came in under the wire. As a result of today's debate on P.92, the Police Station Relocation: review of decision, this will now be on 19th February 2013, I think, pencilled in. There was also an amendment to P.101, the Minister for Social Security, Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201-, which is down for 4th December.

The Greffier of the States (in the Chair):

Very well. Are there any comments on the Order Paper?

19.1 The Connétable of Trinity:

At the last Assembly, Deputy Higgins had already left and I did request that could we move P.119 to January. The Connétables meet on 10th December. It would be helpful to move it to January so we could discuss it on the 10th before the 11th because it is impossible to get the comments out on the 11th if we only meet on the 10th. So if we could just move it to 15th January, that could be helpful. Otherwise we could do some French lessons for Deputy Higgins in the meantime.

19.2 Deputy M.R. Higgins:

I would like it to carry on, the reason being that all the laws and everything else that the Parishes are applying and all the offices should already be documented and therefore I cannot see why you would need additional time. In fact, looking at what we have just been debating, just a reference here to a code of law in 1771. It says here that "Bentinck collected together a rag-bag collection of Island Regulations, Ordinances and Laws, which were endorsed as the Code of Laws in 1771. The code laid down some of the rules for conduct in States Assembly, the election of officers, the Government of the Island, and curtailed the powers of the Royal Court [but this is the key part] but did little to explain the obscure and ancient laws of the Island, which remained largely unwritten or clarified to this day." You either have the powers or you do not have the powers and I would like to know what they are.

The Greffier of the States (in the Chair):

Constable, do you wish to formally make a proposition that the matter be deferred?

The Constable of Trinity:

Yes, Sir. I would like to make the proposition that we move it to 15th January.

The Greffier of the States (in the Chair):

So, you are proposing that P.119 be moved to 15th January. Is that proposition seconded? **[Seconded]** Deputy Higgins is opposing this. I think we shall simply put it to the vote. Those Members in favour of deferring this proposition... The appel is called for. The proposition of the Connétable of Trinity is that P.119 Constables and other Parish Officials be deferred from December to 15th January. If you wish to defer it you vote pour; if you wish to retain it in December you vote contre. The Greffier will open the voting.

POUR: 29		CONTRE: 8		ABSTAIN: 0
Senator P.F. Routier		Senator S.C. Ferguson		
Senator A. Breckon		Deputy J.A. Martin (H)		
Senator F. du H. Le Gresley		Deputy G.P. Southern (H)		
Senator I.J. Gorst		Deputy S. Pitman (H)		
Senator L.J. Farnham		Deputy M. Tadier (B)		
Senator P.M. Bailhache		Deputy T.M. Pitman (H)		
Connétable of St. Helier		Deputy T.A. Vallois (S)		
Connétable of Trinity		Deputy M.R. Higgins (H)		
Connétable of Grouville				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy of Grouville				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Greffier of the States (in the Chair):

Are there any other matters arising from the arrangement of future business?

19.3 Deputy J.H. Young:

Could I ask the Chairman to please just clarify 101 on the Social Security amendment? Are we going to have that on that day because I understood there was going to be an amendment? I probably missed what the Chairman said there. Is there going to be amendment to this on that day?

The Connétable of St. Helier:

I am grateful to the Deputy. It was slightly confusing to me as well. I understand that there is an amendment to the amendment that will be lodged on the day but perhaps the Minister can clarify what is going on.

The Greffier of the States (in the Chair):

I can assist. The amendment was lodged this morning. That therefore is listed for debate at the next sitting. That is correct, is it not, Minister.

Senator F. du H. Le Gresley:

I think Members will find it is in their boxes, if they have not already had it.

The Connétable of St. Helier:

We are debating both on the day.

The Greffier of the States (in the Chair):

We are debating that and the amendment, yes. So, if there are no further matters arising, the meeting is closed. The Assembly will reconvene on 4th December.

ADJOURNMENT

[18:07]