

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 9th JUNE 2009

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

PUBLIC BUSINESS – resumption

1. States Strategic Plan 2009–2014 (P.52/2009): eleventh amendment Paragraphs 1(d), 8 and 9 (P.52/2009 Amd.(11)) (continued)

The Deputy Bailiff:

We return to the debate on the Strategic Plan and the Assembly was in the course of discussing amendments lodged by Deputy Southern. I understand all Members have a very useful crib sheet prepared by the Greffier and, using that numbering, the Assembly is discussing amendments 31 to 39, that being the amendments on the left-hand column of the sheet. Now, does any other Member wish to speak on those amendments?

1.1 Senator S.C. Ferguson:

We made a number of criticisms and recommendations in our Scrutiny Report. With the original pressure being on the migration policy, we concentrated on net population immigration. Sadly, we were limited by time as we wanted to get the report in before this debate and, ideally, we should have given more time to the other factors; the demographic, the economic, the effect on the infrastructure and Keep Jersey Special. Limiting or not of migration affects all of these other factors. However, we did point out areas of weakness, some of which were covered by the circulation of a report by the Statistics Unit on 29th May. I regret that it did not come out sooner. As to the amendments, the Deputy wants a full discussion on population in order to create a more equal society. Given that his ideas and mine are somewhat different, it is unsurprising that I cannot take this as a reason to follow his lead. His first amendment is somewhat ephemeral. What level of population is sustainable? I think it is fairly clear what the population want. It is to maintain, or even improve living standards while retaining what is left of the specialness of Jersey. As we found during the hearings during the preparation of the report, we all have significantly different ideas of sustainability. The Chief Minister talks of living within our resources with the implication that we live within our means, have a sound economy and a way of life to pass on to the next generation. Others want to pull up the drawbridge and return to a more self-sufficient economy, perhaps, I might say, more agrarian. The public do not want us to build on green fields but acknowledge that we have an inevitable change in demographic structure looming. Our report notes that the States have a number of conflicting issues to cope with. The trade-off for Jersey is deciding what level of population growth is acceptable to ensure the Island retains its special identity while providing the support for economic development that will meet the challenges posed by its ageing demographic structure. In fact, for the 53 Members in this Assembly, I suspect there will be 53 different versions of sustainability, so perhaps we should just park this. Working through the amendments: “11(9)(a) Ensure that a clear approach is brought within 6 months.” I think this should have better been applied to item 6 in the Strategic Plan dealing with the demographic changes. In fact, perhaps items 5 and 6 should have been combined and entitled “Dealing with the Demographic Changes.” Still, we are where we are. The rest of the amendments are concerned with delaying implementation of the limits set out in the plan. One of the problems we had in Scrutiny was that the model was based on the 2005 figures and there has been substantial immigration since then. In fact, the recent report on the population states that the population has increased by 3,400 since 2005 with a total net immigration of about 2,600. At the briefing on population which was held recently I asked why there were no more recent figures taking into account the effects of certain policy options such as increasing the statutory retirement age. Quick as lightning - very slow lightning - but, sadly, after we had issued our report on 29th May, the Statistics Unit issued an update on population. I am extremely sorry about that because the information would have been very welcome earlier. This particular report included an indication of the effect of increasing the pensionable age. This resulted in a working age population, which is about the same level as it is currently, taken forward. They have not yet supplied the amended

dependency ratio but I would surmise that it is not so reduced as in the 2035 forecast and it might even correlate with that of today. If that is so, and when the full results are published, I will resist saying: "I told you so." Also tucked away at the end of the report on the population model was a paragraph on the scale to year end 2007. The original graphs we had are not scaled up by the immigration for 2006 and 2007. If you add 2008, as I have said, we are talking about 2,600. However, I played around with the figures in the appendices to the reports. I made some basic assumptions and I re-based the totals to the 2009 of 91,800 people in the Island. It was interesting. I worked on totals, I did not make any allowances for other options and I did not adjust the number in each age range. It was, I suppose, the equivalent of the back of a fag packet calculation. I would agree with the Council of Ministers that the net inward migration figure and the maximum of 100,000 are relatively optimum maximum allowable figures. Obviously, the Council of Ministers' fag packet agrees with mine. Out of interest, I also re-examined the net nil immigration policy suggested by the Deputy of St. Mary. Either way, the population is forecast to fall to around 72,000 to 74,000 by 2065 which are roughly the 1976 levels.

Deputy D.J.A. Wimberley of St. Mary:

On a point of clarification or even order, I have been misrepresented. I have never ever advocated nil net migration.

Senator S.C. Ferguson:

I apologise. The limited immigration policy. All right, I will say: "The net nil immigration policy" and eliminate the reference to the Deputy of St. Mary. I apologise for that to the Deputy. The net nil immigration policy gives a forecast for the population to fall to around 1976 levels. It seems to me that the impetus should not be so much on delaying the population policy; it should be speeding up the introduction of the migration control mechanisms and the demographic policies outlined in part 6 of the plan. If there is anything which should be brought to the House within the next 6 months, it is the demographic policies. There should re-basing of the datum line and updating of the graphs to show the effect of the options for a more meaningful debate and, as we have all noted, the 2011 census will be vital to confirm the accurate estimates of the population. In short, the numbers quoted in the Strategic Plan are not ideal but they set a limit on inward migration. I would suggest that in this particular economic situation, it is likely they will not be reached but they should definitely not be allowed to exceed these figures. There is also the question of what could happen if we do not accept the limits. I have been ploughing back through the various policies and the previous Strategic Plan. The only references I can find are: "Limit job growth to 1 per cent and allow 200 heads of household a year" which was in 2002. Without the limits in this Strategic Plan, we shall presumably be reverting to the older, looser policies. For these reasons, I will not be supporting the Deputy's amendments.

1.2 Deputy J.A. Martin of St. Helier:

I am glad you called me after the Senator because this is where I find a great, great difficulty with this population debate being tagged into the Strategic Plan. Her last comment was, presumably, if we do not adopt this new figure we will go back to the loose numbers that were put in P.25/2005 which was 1 per cent of the working population or 500 people a year. Now, I have asked questions of the new Chief Minister and the old Chief Minister: "Will this policy be dropped when a new figure is set?" I have never had a definite answer. In fact, the last answer from the last Chief Minister Senator Walker said: "They will probably run concurrently." Now, listen to that: "... run concurrently." So you have 2 mechanisms already to increase population. I thought the last speaker was the chair of the Population Policy Sub-Panel in a previous life before the Statistics Unit came out with a different figure. I do not know but the reason that they state at 1.5: "Questions of limited net migration and the size of the Island's population raised the issue of how limits will be met. The Strategic Plan states that mechanism for population control will be introduced in due course and detailed provisions remain to be finalised. We have found that the

question of population control is in fact paramount to any discussion on population size and net inward migration, notwithstanding the argument that the population policy and the migration policy should be treated separately. It would therefore be more appropriate for a debate on population control to take place before any debate on the size and the makeup of Jersey's population." Now, as I have already told you, we do not know. It is very, very scary to me that we have not had a proper population debate. You will hear, if Ministers have not spoken, that we had this debate in 2005 on P.25 but do any of the new Members know what this is? Do they understand "Entitled, Licensed, Regulated People?" I doubt it but it goes further. It says: "It is an in principle debate we had" and it says: "To task Policy and Resources Committee in consultation with Economic Development, Housing, Home Affairs and Social Security to bring forward [we have had none of it] the necessary legal and other measures to give effect to the above for consideration by the States." It does not say: "Tag it on to the next..." This goes on to say that this is for the Strategic Plan 2005-10. That is not the last one; this is the new one that we are now debating. So this is 3 Strategic Plans and not a population debate and it somewhere fits in. Again, in the same debate, it says: "Charge of the Policy and Resources Committee in consultation with Economic Development, Housing, and all the others, to bring forward the necessary legal and other measures to give effect to the above for consideration by the States" and it goes on. It goes on for benefits, a population register, a single point of contact and a simple process for maintaining evidence of residency in Jersey. Senator Ferguson seems to think that we are waiting for a census. We already know we have found another 2,000 people. We have got a population of 91,800 give or take. I will be a bit scandalous and say: "Let us say we have got 92,000 people here." It also said: "While policy proposals outline an overall approach for monitoring and regulating the factors that govern migration, further detailed operation arrangements will need to be determined and, most importantly, the decisions processed by which the policy will be implemented. The economic environment and social criteria will be applied in relation to allocation of employment licences." It goes on and on. I remember, as I say, many questions and many debates in this House and I did have to laugh out loud sitting in the coffee room as I printed this off and Senator Routier said to me: "No doubt, Deputy, we will find out what you are laughing at." Well, I have to quote this. This is *Hansard* December 2006. Senator Ozouf said: "In the spirit of Christmas, I would like to invite Deputy Martin to come and have a glass of mulled wine." I think I was getting a bit irate again over population. "I would like to explain to her and get some of our officers to come and explain to her exactly what we do at the Regulation of Undertakings and how it works and how we apply it because, clearly, from her remarks that she has made in the Assembly this morning, she does not know. She also needs, if I may say, to be educated in terms of the numbers issue. To stand in this Assembly and speculate with wild abandonment that our population figures may be 100,000 is, frankly, to those people listening in this Assembly, a concerning issue." Well, it was then and it is still with me today. **[Approbation]** Wild abandonment. I have been accused of wild abandonment. **[Laughter]**

Senator P.F.C. Ozouf:

Sir, she never came for her mulled wine!

Deputy J.A. Martin of St. Helier:

My reputation obviously precedes me. There we go. **[Laughter]** It is there for people in black and white to see and then again, I went through *Hansard* and it was the Constable of St. Lawrence asking again, I think, a question and the answer is ... I cannot remember if the Constable was in the States when we debated the migration policy. It could not have been the Constable as I do not know if she was in. It was brought by the President of Policy and Resources. Now, please listen: "Our migration policy is a monitoring device. It will not be introduced until at least June of July next year" and this is 2006, so we are well behind "and we could already have another 2,000 or 3,000 immigrants." Well, that fact is right. "This is an important policy area in securing migration and population objectives and the fullest possible public understanding of the debate is vital. I can

give a categorical assurance to this Assembly that the Migration Policy and the Reg. of Uns. is an absolute tool and I am now convinced more than ever that to control ... the Minister for Economic Development is very well aware that Deputy Martin undertook an extensive investigation of the migration policy within the last 2 years and knows fully well how Reg. of Uns. works and how the migration policy is set out to regulate and monitor and not to control. That was stated in this House by, I think, the Committee President of Economic Development but it was called something else then. So please do not think we have some secret weapon up our backs we cannot control. Have we set a limit? Well, obviously, 100,000 is now the target proposed, wild abandonment or whatever, but it is a target. Senator Ferguson confuses “nil” with “limits” because Deputy Southern does use the word “limits”, and the Deputy of St. Mary’s proposition was to keep the population around the same and I suppose he got a shock because I think when he was researching it, he still thought we were around about 89,000 to 91,000. We are not. He found another 3,000 or 4,000 people. In finishing, I have respect for people in this House. A lot of them are new Members but what I do not have respect for - and I cannot respect - is like a glib tying on a massive ... and this has been going on well before I came into the States. We had lots of words from the then Senator Horsfall and this is why we eventually had a so-called debate. We have not got the facts. I, as the Deputy said, had 2 big files of A4 and, again, last year when I was on the population, 2 big files which backs up supposedly these figures of plus 100, 320, 540 people. Masses and masses of papers that have never, ever been scrutinised down to: “Do we need more schools and will we be shutting schools?” It does say we will need £20 million on liquid waste. That is if we get to a population of 99,000. That is 250 heads of households or 540 people a year. Are you listening? 540 people a year. We are already, in the Minister’s own reports, at least 1,000 units of qualified accommodation short, so where, again, I emphasise, is all that going to go? But what I really cannot understand on such a massive debate that this House has never had, why would the Council of Ministers want to tag it on to 3 or 4 pages in the Strategic Plan debate? A high level debate, we are told and, again, not accept Deputy Southern’s amendment because nobody wants to stand up, know all this information and then go back to their constituents or their Parishes and say: “Yes, my love, I agreed to 100,000. Have you got a problem with that?” Well, they probably would not get as far as the end of the drive when they are knocking on the door at election time because there is not anybody out there who conceivably understands. I understand when they say: “We need economic growth” which means grow in people but we have wild promises in here. This is the debate that we had. “We are going to limit the low productive workers” it says. We do not know how because we are already told we have no control. So what is Deputy Southern asking? What is he asking us to do? I think he is asking us all to tell the Council of Ministers to go away and come up with some backup papers for all this that can be scrutinised. Yes, it will take 6 months maybe to bring it back to the States but this is not a decision that is going to be taken lightly. Deputy Southern, myself and others will probably be accused of putting off the inevitable day but, as Senator Ferguson so rightly points out and I will not emphasise this enough, 1 per cent of the working population now that we already have is 500 workers plus their families. So we have a very, very high ratio. For anybody who thinks, if we accept this amendment to look at the problem, that we are going to say: “Sorry, Jersey is shut for business”, oh, no, we are not. We are quite open. We are already letting in ... and it was never made clear in this debate that it was secular cycles. We thought it was 500 people a year. As it happens, the 3 years all went over the 500 if you added them up but, apparently, if you then add them up, you must not do it secularly. It has got to be done yearly. None of it makes sense. It says: “Impact on Education. Implementations for Health and Social Services. Transport. Further requirements for homes. Town capacity study. The environmental prospect.” None of this is in here. We know nothing. We are taking something on faith in a few pages of a high-level document but I will emphasise the migration policy, and monitoring and regulation has no controls on it. It is in black and white. I have not changed my stance. I still say a 100,000 population is probably not right for Jersey but at least I am willing to have the debate but I am not and cannot support what the Council are proposing and I think the Deputy's amendments are sensible [**Approbation**], they are needed and everybody really needs to

know what they are signing up to. I want to know today from one of the Ministers that if we do sign up to the end of this Strategic Plan at the end of this debate, if the Deputy's amendments are not taken as read, are we going to abandon the 500 jobs or the 1 per cent and just go for 150 people plus? If I hear that, I may have some reassurance but I can tell you now no one is going to stand up and give you that reassurance because it does not suit. You can pick from whichever debate you like. It is either 500 plus or 150 plus and do not forget we already have 3,000 more than we were planning for. So I can only support this amendment because I want more information. For anybody here who is representing the people of Jersey, you should be wanting that information **[Approbation]** and you should be wanting this very, very debate. Stand up and be counted and vote on the exact words of the population debate and the mechanisms if they are around when the debate comes; not a few pages shoved into the Strategic Plan. Thank you.

1.3 Senator P.F. Routier:

This debate has sort of swung between talking about the mechanisms which people are waiting for. We are all waiting for those to come into place and the numbers. Members will be aware that I took over the position of chairing the Migration Advisory Policy Group only at the beginning of this year and it is a piece of work which has been a very detailed piece of work to be getting on with and I think, as Deputy Martin in an earlier debate spoke about, she felt that in the previous work that was carried out, she thought that there were things that needed to be looked at again. I do agree with her. Certainly, there were certain parts of the original propositions which we needed to have a fresh look at, and that is what we have been doing. That is what we have been doing for the last few months and Members will have seen from the answers given by the Chief Minister to questions from Deputy Le Claire at the beginning of this sitting that, although I understand he is frustrated that these things have not been coming forward fast enough, the work has been going on and there has to be a detailed look at all of the propositions; the name and address register, the new legislation which is going to replace the Regulation of Undertakings and the new legislation which is going to replace the Housing Regulations. This is a big piece of work which we also need to incorporate and to ensure that the law officers are satisfied with what we are bringing forward. That work is going on and we are, on Friday, going to the Council of Minister to, hopefully, get the backing to then be able to take it one step forward. I am not going to repeat the answer that was given to Members by the Chief Minister. It outlines the progress and the timescale of what needs to happen. During that time of process, we need to allow time for Scrutiny to have a good understanding and a good opportunity to look at what is being proposed and we cannot rush that, unfortunately. As much as we would love to and we all want to have this in place and to have a new mechanism in place but we cannot rush that, unfortunately. We have to ensure that what is coming forward is Human Rights compliant. I am not sure what the Deputy is laughing about but when any legislation comes forward, we have to ensure that that is the case because, otherwise, the States are not going to approve it. So we have to ensure that that is happening. I think it was Deputy Le Claire who mentioned last week that he did not think the Council of Ministers has an appetite to bring forward this new legislation. Well, I can assure him I certainly have an appetite and the Migration Advisory Group have an appetite, and I am sure the Council of Ministers do as well, but we want to get it right. We want to ensure that what comes forward is appropriate for modern day living within Jersey, so I want to give Members that reassurance. I am not going to focus on discussing the population number because that has always been a little bit of a misunderstanding about what the Migration Advisory Policy Group does. It is not the job of the Migration Advisory Group to discuss the number. What our piece of work is, we are focusing on the mechanisms and that piece of work, as I say, is coming to a conclusion to go out to further consultation and, in the answers which the Chief Minister gave, there is a timetable for that. I just really wanted to give that assurance to Members that work is progressing.

1.4 The Deputy of St. Mary:

Just to start, I would like to pick up on something that Senator Ferguson said. She wanted to speed up the control mechanism which Senator Routier has just been talking about and she also said that we needed updated figures and that we have not really got the latest figures. In fact, far from it and then drew the peculiar conclusion that we should reject this amendment, and I do not quite know how all that follows because, surely, what the amendment is saying is that the Council of Ministers needs to come back within 6 months having worked out the figures correctly and with different scenarios for, for instance, something dear, I know, to the chairman of the Scrutiny Panel's heart is the notion that if you raise the retirement age, you have quite dramatic impacts on the support ratios and there are no figures. We are not told anything about that in what the Council of Ministers have presented to us. The worked out policy covering all aspects of the ageing population is really, in a major way, what this proposed increase in the population is about. It is about coping with the ageing population but when we look at what the Scrutiny Sub-Panel said on population, one of their key findings was the other aspects of the policy package: "... mentioned by the Council of Ministers to address the effects of an ageing society" have not, to date, been sufficiently researched, analysed or documented and if you go through the various other Scrutiny Panel Reports, as I have, and the I.S.A.S. (Island-wide Strategy for an Ageing Society) and so on, you know that that is true that we are faced with one strand of how to deal successfully with the ageing population and all the other strands have sort of run into the sand in one way or another or not been worked on sufficiently. This is our Scrutiny Panel and really one wonders what we work for if the House really takes little notice. The recommendation following from that key finding is: "The other parts of the policy package need to be clearly researched and analysed by the Council of Ministers. The population policy should not be debated until a clearer picture of the entire package is provided." Now, that seems to me to be quite a solid recommendation and it is in line with that recommendation that this set of amendments is being brought, so we have very flawed data, we have a lot of work that has not been done, even on the basis of: "What would happen if? What would happen if?" Also, we have whole elements of a policy about the ageing population which simply are not there and the 6 months would give the Council of Ministers time to do this work or to pull together work that has been done behind the scenes. I know the Minister for Social Security is going to bring something quite shortly on, I think, one of the insurance schemes that we need, so there is work going on but it is not in front of us. We just do not have an overall picture. Now, Deputy Pitman, when he was speaking last week, used the phrase: "How serious this issue is", and I notice the Chief Minister nodding his head in assent to that notion that this is really the big issue and I think the States have a golden opportunity. We can get this right and would it not be wonderful if we did. What that would do for the attitude of people out there to us lot in here would change dramatically if we went and really honestly consulted with them. I think it would be a real milestone and one of the recommendations of the Scrutiny Panel is that we do in fact just that and I want to compare and contrast, as they say in the exam papers, 2 examples of consultation that have happened in Jersey just to show how it can go wrong and how it can go right because this is absolutely fundamental to this amendment. The first one is the waterfront which has been consulted on and consulted on but never quite right. It has never been done, as far as I can see, in a real fundamental way. You start off with a blank sheet of paper because that is what we had. We had a huge, blank, unbuilt on, virgin area of rubble and the question was what do we do with it? A slightly odd phrase there but, anyway, the question was what shall we do with it? The result is the Multiplex and the AquaSplash and the Radisson. Well, I am sorry, if that was the result of thorough consultation, then surely we can do better than that and, in fact, of course we can do better than that. I went to the St. Aubin Community Forum because I owned a business in St. Aubin and that was an example of how it should be done. It was absolutely first class and the people who were drawn together in proportions roughly to the different groups and stakeholders in St. Aubin as a whole were facilitated through 2 days going right back to what does St. Aubin mean for us, what is the history of St. Aubin, what is the current situation and what are the threats and opportunities? All the usual stuff, you might say, but because it was handled in the right way, that event had a power in it that was really remarkable and what we ended up with after 2 days was a real living consensus. We had

a feeling within St. Aubin: “Now we know roughly the way forward” ad, as a result, out of that community forum - and there was 90-odd people there for a weekend - there were various working groups set up and some of them, for all I know, are still working on different aspects of improving St. Aubin and that is how it can be done if you are honest and open, as indeed that consultation was. The problem with population and this whole issue of population is the public do not believe in what we are doing. They just do not believe it and I have people coming up to me, as I seem to be the sort of figurehead for this, and they say: “Well done.” It cannot go on. We must draw the line at some time, so why not now or why not in the terms of this amendment, why do we not ask people? Why do we not really have a popular debate about this? They know the results. The young woman who talked to me yesterday said it took her 3 months to find somewhere to live. Well, I do not know. That seems to me to indicate a problem. They know out there that housing inflation is linked to the continuing growth in demand. They know out there that there are other inflations that are linked to that inflation and that we are running a pressure cooker society, although that is my phrase, but I still feel it sums up what we are doing. There is also a widespread belief out there that the figures may not be as good as we think they are. Now, I defend the position that the stats unit have got it more or less right but what people are saying out there is: “No, we do not know the amount of immigration there is under the radar.” We know, politically, the problems that leads to. Look at what is happened in the Euro elections last week but the count was on Sunday. The B.N.P. (British National Party) got 2 seats and mainly on this feeling that we do not quite know what is happening with immigration, and there are a lot more people coming in than we think and I am afraid that feeling is current out there. So there are even doubts about the validity of the census. I have tried to stand up for the census in these forums but the fact is that people doubt it and then they say: “You do not know how many people are coming in under the radar” and that that goes some way to explaining the difficulty in getting jobs and low wages and there are various issues around that which, again, we need to take onboard as an Assembly and not pretend they are not there, because they really are. Finally, the most important effect I think that people out there are well aware of is this effect on all our lives and this creeping sense that we are losing something. I want to quote from a letter that the Scrutiny Panel received on population as I think it is really apt, it is to the point and it comes from middle Jersey. Reading between the lines when you look at the comments he makes, for instance, about this Assembly and how we should behave in a reasonably concordant manner and suggests that we do not, and the way he talks about the difficulties that people will face. We are going to go through a very tough time without really knowing how we will come out of this in a positive manner. Those are the sort of things that middle Jersey says. This is not a Greenie or a Leftie writing. He has been on holiday since he retired 3 years ago and he has been globetrotting, but what does he say about Jersey? He says: “When we return to our Island, it sometimes can be a very depressing time due to the fact for many years now - and I say this as a proud Islander - there does not appear to me to be any corporate feeling in Jersey any more.” By the way, he is not referring to flying bananas. He is referring to that feeling that we all have about this place we live in. “When you walk around the town in shops, pubs et cetera, the feeling that Jersey is a special place to live is not as vibrant as it used to be.” Now that worries me and it should worry all of us. One of the most important and critical areas we need to sustain in our very small Island is - capital letters - space. What are we about to do if we do not accept this amendment? Pull back and look at all these issues in a way that brings the public in. Space. Enough space in order to breathe and enjoy what is left of our beautiful Island. Notice that phrase: “... what is left.” He is really anxious, retired, 65-ish; that sort of area we are in. Without space, people become to feel that there is nowhere for them to go, especially those who cannot afford to continually leave the Island for holidays or even business. “People who have visited Jersey after only a 5 to 10-year absence cannot believe how much new development has sprung up during this time.” Just imagine, as Deputy Martin has pointed out to us, the effect of another 6,000 dwellings in our urban areas, and here is a gentleman saying that people cannot believe how much new development has sprung up already during this time in the last 5 to 10 years. Those of us who live here see this happening in a gradual process and do not fully appreciate the impact of the buildings

that are going up. Then he says: “Buildings do cram people in and those living in St. Helier must feel trapped at times” which goes to the beginning of this letter concerning people being happy. What are we about if we are not about creating a society where people can be happy and, by the way, that has direct implications on health, we now know. “There are not many large areas of space left in Jersey so we must be very careful to sustain what we have.” Well, amen to that and the reason I read quite a bit of that out was I feel that those feelings are quite widespread out there. In fact, they are widespread out there. It is the sense of loss. I am not going to mix my metaphors, am I, but, anyway, we are on a tiger and it is out of control? The whole point of this amendment is to say: “Wait a minute. What are we really after?” I just want to go back to what the Scrutiny Report said and what the prize is in terms of consultation. A key finding was: “The consultation and work undertaken to date by the Council of Ministers has not provided sufficient opportunity for a debate on the various principles and philosophies that inform population policy.” So that is the area around happiness. Space. How do I feel? Do I feel proud to be in Jersey or do I feel that it is time to leave? The recommendation was further work should be undertaken by the Council of Ministers to stimulate debate on the principles underlying population policy in order that a starting point and direction for population policy can be agreed. So I do suggest to Members that the figures are suspect and out of date, we need a debate, we need above all to listen to the public concern to hear what they are telling us and to take the public with us, and I do urge Members to vote for this short delay so that we can try to re-engage and genuinely be in partnership with the public that we represent.

1.5 Deputy A.E. Jeune of St. Brelade:

I do not know what makes the proposer of this amendment think that this Assembly can ensure a population level when all other levels agreed in previous Assemblies, and probably before the Deputy came to the Island, have so far failed. The Council of Ministers, Senator Routier on behalf of the Migration Advisory Group and Senator Ferguson as head of Scrutiny on this matter tell us that they are on the case. I do not think it is necessary to make these proposed amendments to the Strategic Plan but we do need to ensure that the assurances we have are realised. That is what the people of Jersey and Jersey people outside of the Island currently expect of us.

The Deputy Bailiff:

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

1.6 Deputy G.P. Southern of St. Helier:

Oh, I am tempted. I am tempted. After we got a majority, can we make the Senators race back into the Chamber? But, no, let us treat this to date with the seriousness it deserves because if you ask anyone in this Island what is the single most important factor in deciding their level of comfort and their ease with living in Jersey, they will give you, I believe, one answer by and large and they will say: “The population of the Island.” Pure and simple. The single most important factor dictating the way in which and the quality of life that we live and that we have on this Island. The Council of Ministers effectively does not wish to have a full informed debate on the population policy that we are to set. Instead, it has shoehorned population policy into its Strategic Plan in order that, as we go through the coming years, Members of this House will be told that we have a policy. It was debated and accepted by this House in the Strategic Plan debate. I have seen it done before and I will see it done again. I am witnessing a strategy being performed on this Chamber now. That is what is happening. It is political manoeuvring. Pure and simple. I mentioned the word “expediency” when referring to this particular policy in my introduction. I believe that is still the sole convenience on which this population policy may or may not be accepted today. It says: “We shall limit inward migration to 150 heads of household.” On fairly loose grounds that ask us to accept that the numbers have moved since we last had any consultation on numbers in Imagine Jersey 2035 at the beginning of last year, the central figure there was 250 heads of household or 540 total immigrants including families and that has shifted right down. One has to ask why and

where has that number come from and has it been consulted on and agreed and accepted by members of the population outside and residents in Jersey? It has not. We are told instead that the arguments that were used and debated quite widely around Imagine Jersey 2035 were fixated on dependency ratios. Well, that argument has gone. Now, what we are talking about is this single task of maintaining the working population. A different shift, a different emphasis and new material. When did we first meet 150 because all last year we were talking 250? Then, at one stage, we were talking 200 and now we are talking 150. When did we see it? We saw it when we first started debating the Strategic Plan. Plucked out of the air with a few pages around it to say: "The numbers are here." When did we see a population figure of 100,000? Again, it is here. This is the new population policy. Note my use of the word "new" because it is and we are told that this is perfectly acceptable. It is perfectly acceptable to the Council of Ministers because what it means is we do not have to have a Population Policy; we can just gradually creep up towards the 100,000 mark. We have got some figures that say: "That will be okay." People out there who vote will not be frightened. It is happening in the future. Somebody else's future. It does not sound too bad; 90,000 going to 100,000. We should surely cope with that. It is a comfortable number. It is an expedient, convenient, political number. That is what it is. It is a non-policy and what it means is that we are committed to population growth despite accepting my amendment that what we should be doing is limiting population growth. So this Council of Ministers who can apparently hold 2 opposing views at the same time and then do not lose any sleep over the fact can say: "Well, we are growing the population towards 100,000 some time in the future. It is all right. It will be comfortable. We have got plenty of time to do that. We do not have to make any hard decisions today because that would be us doing our job" and even: "We do not want to bring to this House a fully informed debate on what the figures should be and where we should be going." That is what we are witnessing today. So when the population policy talks about a complete package of measures it is not just about migration. It is not just about population growth, it contains a mixture of measures which I thought I had marked in my text and I will find. It contains a whole package of things. It contains increasing the pension age and working longer and the difference that will make to dependency ratios and the need for a working population. Do we have that information in front of us? Do you have during this debate or any time in the past, details if we increase the working age by one year, 2 years, 3 years, 4 years? What happens to dependency ratios? How much of a contribution does that make? Do we have that informed capacity? No, we have not today. Increasing workforce participation and productivity. Again, do we have any detailed breakdown about participation? Remember the last time we started talking about migration policy and population and we were told these jobs were for local people. That we are going to fill them by working mothers, by encouraging the disabled back to work, by having people do jobs when they retired, alongside of their pension. All of those sources of the workforce, despite the fact that we have the highest ratio for working mothers, for working parents in Europe, if not the world, we are going to increase those numbers. Do we know how that is going to work? Do we know how it can be made effective? No, we do not. Has the Council of Ministers tried to convince us that they can make this work by producing some figures? No, they have not. So, today we do not know that. Productivity, again, I mentioned this in debate and the Scrutiny Panel. What is the easiest way to increase productivity? You take a manager in the civil service and you offer him an extra £20,000 to go and work in the finance sector and he immediately makes more money, about £150,000 per year for his employers, which does not happen in civil service management. So, you increase your productivity. It is a recipe for sucking in more people when the finance sector takes up, and we hope it does, sucking in more of our manpower into that area. Then, finally, new forms of public contributions to care. Have we seen any hint of any progress on any new contributions or means, changes in taxation in order to cater better for our ageing population? No, we have not. So, is this an informed debate? Is this about inclusivity? Do residents in this Island have that information? Do we have that information today? We do not. On the back of a few pages in the Strategic Plan we are asked to adopt a so-called population policy. My amendments say simply that is not good enough for this House. This House has to retain that control and cannot let this through on the nod

without the information it needs to say whether the whole package that is being proposed and being brought forward does make sense. That is the thrust of this amendment, but it is worse than that because these amendments are a reflection of a Scrutiny Report that we have just produced and worked hard on to prepare for this debate. So, it is not just my amendments in that sense. It is amendments which flow fairly accurately from the key findings and recommendations produced by a 5-member sub-panel of Corporate Services: Senator Ferguson, Deputy Southern, Deputy Labey, Deputy Wimberley and Deputy Vallois. Members will know that I am a great one for sticking things through, bouncing back and coming back and that I do not give up easily on anything, but it is with regret, even though we are only half way through a debate on population and migration, that I have to announce my resignation from that sub-panel. I believe our efforts in producing this work have been betrayed by the lukewarm presentation of that report given by the chairman of the Scrutiny Sub-Panel, Senator Ferguson. We have wasted our time, I believe, and not been supported by our chair. The efforts of Deputy Vallois, Deputy Labey, Deputy Wimberley and myself have been wasted because we have been let down by our chairman, who has not given this amendment any proper support at all. So, I hereby resign from that panel and I hereby state that I will not, in future, join any panel in which Senator Ferguson is the chair because I feel I would be wasting my time. It is even worse than that because we are told we can control population at this number 150 plus, and gradually build to 100,000 and we are told we can do that on the back of an in principle decision some time ago which said we will have a migration policy which will look something like what was passed a couple of years ago. It will introduce 3 categories of residential status for individuals entitled, licensed and registered. Have we seen that detail yet? We have not. Indeed, in the introduction to that migration policy it says: "To maintain the provision of services at current levels [which we have abandoned by the way, the previous amendment went down and bit the dust] Jersey needs to maintain its healthy economy. This means it must maintain a resident population with enough people of the right age and the right skills to drive its key industries." So, there in the statement of migration: *Managing Migration: New Mechanisms* policy is a clear statement about what this population and migration policy is about. At the same time the States has to control population changes. Note the use of that word "control". We have heard from Deputy Martin, clearly a statement from the ex-Minister for Economic Development which said clearly that while we can monitor and we can regulate we cannot control population. How will this happen? We are going to have a names and address register and we are informed by the person in charge of the Migration Advisory Group that as yet they have not even checked the serious implications of whether what is proposed will be human rights compliant yet. I would have thought that what was being brought forward in a names and address register, which is fundamental to our individual rights, that should have been checked first. Why has it not been checked? Because they still do not know what they are going to do. Until last month they did not know whether they were going to have a photograph on it or not. They still are proceeding with the registration process, which will not be complete until 2014. So, let us not pretend that a population and migration policy, which we may pass today, will be capable of being monitored by a names and address register because it will not be completed until 2014. We will be well down the track there. So, it says those already resident in the Island would be registered automatically. Will they? Using what? Using the Social Security register? Well, we know how easy it is to get on that and how safe and secure that information is, do we not? That is accurate. I think we will use the basis as the Social Security register. That will be our starting point. We have had a big debate about whether you use clean data or what I call dirty data to base your names and address register on and they still have not solved it. We have told them time and time again over the past 3 years: "Do not use dirty data". Do not start with a loose, uncontrolled register and say: "This is the starting point. We will clean it up" because you will be there for ever. Cannot make it work: "Residents will not need to do anything until they need a new combined card to move house or change job. If they have not done this by 2014 only then will they be asked to register in person and be issued with a combined card. This will ensure that the registering and issuing of cards to 70,000 existing adult residents can be achieved smoothly" and completely inaccurately. A useless register. But, it says later: "It will be

necessary for individuals to register in person to obtain a registration card because it is important that people verify their identity to a high standard.” Using the Social Security database as a starting point? Pull the other one. There is no high standard involved there. Why do we need a high standard for this mechanism, which we are told is going to control migration? Because the issue of identity fraud and identity theft must be addressed. “To do this successfully it must involve verification of identity to a high level and minimise the fraudulent assumption of an individual’s identity.” So, what are we going to get? Something that has holes in it like a colander. It will be useless. The function and the purpose of migration policy is already behind schedule. We have not seen the detail. There is no proof that we can control population at any numbers whatsoever and consultation on the serious issues around identity cards still have to be thrashed out. We have not received the data which completes the package which states that we can cope with an ageing population. One of the ways of doing it is through migration. We have a convenient set of numbers to hang a so-called policy of growth on despite calling it a limit to population growth. My amendment says that this House must have a fully-informed debate on these issues and it must be this House which has the confidence to set figures based on convincing arguments, but brought forward by the Council of Ministers and that it is this House that must set that in confidence. A vote for these amendments does not say to the Council of Ministers: “You are wrong” it merely says: “We are not convinced, at this stage, that you are completely right. Take 6 months, and only 6 months, on a policy which is supposed to last until 2035 to further convince us that what you have is the right policy and then we will back you to the hilt.” That will be inclusive government. I urge Members to support these amendments in their entirety.

The Deputy Bailiff:

Deputy, can I just clarify with you how you would like the vote taken? Do you wish to take them all as a package? Clearly I would think all of those in paragraph 9 rather stand or fall together, do they not?

Deputy G.P. Southern:

Indeed they do, Sir, but there is amendment 11, 1(d), I think, which is separate and it is accepted, so I presume they will want to vote on that. I think the general statement in the paragraph 11, 8 also needs to be taken separately and then the package of measures taken.

The Deputy Bailiff:

So, 3 votes, in other words.

Deputy G.P. Southern:

Yes, Sir.

The Deputy Bailiff:

Very well. I invite Members to return to their designated seats for the appel. The first vote before Members therefore is amendment 1(d) which says: “For Priority 5 substitute the wording ‘limit population growth’ for that which is already in there and make consequential changes’.”

POUR: 45		CONTRE: 3		ABSTAIN: 0
Senator S. Syvret		Connétable of St. Saviour		
Senator T.A. Le Sueur		Connétable of St. Peter		
Senator P.F. Routier		Deputy R.G. Le Hérisssier (S)		
Senator P.F.C. Ozouf				
Senator T.J. Le Main				

Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				

Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Deputy Bailiff:

While the Greffier re-sets the machine the second vote is amendment paragraph 8 which reads: “Except that in Priority 5 on page 17 in the first introductory paragraph after the words, ‘Form part of this Strategic Plan’ insert the words ‘however there is no agreement over what level of population is sustainable and little consensus even over what this means’.” So, it is pour or contre that amendment.

POUR: 21		CONTRE: 27		ABSTAIN: 0
Senator S. Syvret		Senator T.A. Le Sueur		
Senator A. Breckon		Senator P.F. Routier		
Connétable of St. John		Senator P.F.C. Ozouf		
Connétable of St. Peter		Senator T.J. Le Main		
Connétable of St. Lawrence		Senator J.L. Perchard		
Deputy R.C. Duhamel (S)		Senator S.C. Ferguson		
Deputy of St. Martin		Senator A.J.D. Maclean		
Deputy J.A. Martin (H)		Senator B.I. Le Marquand		
Deputy G.P. Southern (H)		Connétable of St. Ouen		
Deputy of Grouville		Connétable of Trinity		
Deputy of St. Peter		Connétable of Grouville		

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

The Deputy Bailiff:

Very well. While the Greffier re-sets the machine the third amendments will all be taken together. These are in paragraph 9. I will not read them all out but they are amendments to the section entitled: “What we will do” on page 17 and there are sub-paragraphs (a), (b), (c), (d), (e) and (f). So, the vote is pour or contre those amendments and the Greffier will open the voting.

POUR: 20		CONTRE: 28		ABSTAIN: 0
POUR: 20				
Senator S. Syvret		Senator T.A. Le Sueur		
Senator A. Breckon		Senator P.F. Routier		
Connétable of St. John		Senator P.F.C. Ozouf		
Connétable of St. Lawrence		Senator T.J. Le Main		
Deputy R.C. Duhamel (S)		Senator J.L. Perchard		
Deputy of St. Martin		Senator S.C. Ferguson		
Deputy R.G. Le Hérisssier (S)		Senator A.J.D. Maclean		

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

2. States Strategic Plan 2009–2014 (P.52/2009): sixth amendment Paragraph 3 (P.52/2009 Amd.(6))

The Deputy Bailiff:

Very well. Returning to the order of debate the next matter is the amendment which has been numbered 40, which is in fact the sixth amendment lodged by the Connétable of St. Helier. I will ask the Greffier to read the amendment.

The Greffier of the States:

After the words “attached as Appendix 1” insert the words: “except that in Priority 7 on page 19, in the section entitled ‘What we will do’, after the last bullet point, insert an additional bullet point as follows: support the recruitment, development and training of the Island’s Honorary Police.”

The Deputy Bailiff:

Before this is put perhaps I could just explain to Members, this is an amendment lodged by the Connétable of St. Helier who has been excused attendance today. Standing Order 71A provides that a Member of the States who has lodged an amending proposition in his or her own right and at the time when the amending proposition is debated will be absent from the States on States business through illness or excused may arrange for another Member of the States to propose the amendment in his or her place and shall inform the Greffier before the debate of the arrangement. The Connétable has informed the Greffier of the arrangement and has asked that the Chief Minister propose all his amendments in his place. Is that right, Chief Minister?

2.1 Senator T.A. Sueur (The Chief Minister):

That is correct, Sir, and I am grateful to have the opportunity to reiterate not only my support for the Island's Honorary Police and the Honorary Police system, but to support also the recruitment, development and training of its officers. The thrust of the Strategic Plan is talking about community and the part that the Honorary Police play in the Island community is extremely important, so I am grateful to have the opportunity to propose the amendment in the absence of the Constable of St. Helier and, wearing my other hat as Chief Minister, I am more than happy to accept the amendment and on that basis I both propose it and accept it.

The Deputy Bailiff:

A bit of a dual role, I suppose, is it not, Minister? Is that seconded? **[Seconded]** Does any Member wish to speak on this amendment?

2.1.1 Deputy P.J. Rondel of St. John:

I had better declare that in the past I have been a member of the Honorary Police in 2 Parishes. That said, I am pleased that the Connétable has brought this forward because it is important that our members within the Honorary Service feel wanted. There are one or 2 areas that have concerned me for some time now. In the early part of this century we put in place amendments to the position of Connétable and in the absence of a Connétable within the Parishes the Procureur du Bien Public would take over the Constable's role in the absence of him being within the Parish. Sorry, in the absence of him being out of the Parish or off Island, in place of the Chef de Police. This has still not happened because I am told that a number of other bits of legislation need amending. When summing up I would like the Chief Minister to tell us when this will happen because at the moment our ... and it came about in a question that I put 2 or 3 weeks ago to the Attorney General, and it may have been 6 weeks ago, that we are finding that our Connétables are still police officers. This break needs to happen so that we can separate the policing powers from the political powers, because one of the criticisms I do receive from members of the public are that our Connétables are also police officers. Admittedly, I do not believe they do any policing roles, but I hope that the proposer of this amendment will be able to put my mind at rest and get the various bits of legislation brought forward and the amendments done so that the regular complaints I receive from members of the public can go away. So, anything that can enhance the Honorary Service by having the legislation amended, it will enhance the role of the Connétable in their positions and also enhance the work our Honorary Police do. So, I am sure the Chief Minister will be able to answer that. Thank you.

2.1.2 Senator B.I. Le Marquand (The Minister for Home Affairs):

I rise to speak for the first time in this debate because section 7 is of course the section which most closely relates to the Home Affairs Department. I am grateful to the Members for indicating their general support, I hope, for the section by not having put lots of amendments in, and I am also grateful to the Connétable of St. Helier for having perhaps showed the one omission which we had there which was a lack of specific reference to the work of the Honorary Police, and I also want to pay tribute, particularly, to the work of the Honorary Police, and to affirm my full support for the

continuing role of the Centeniers. We did, in fact, at the end of the first paragraph mention about people being involved in their community and I can think of no better way for people to be involved in their communities other than in Honorary Service through the Parish. So, I am wholly supportive of this amendment.

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

Like the 2 previous speakers on this matter I fully support the amendment of the Constable of St. Helier. I think many people in this Chamber today probably have a past history in some way or the other within the Honorary Police and I am also one of those, albeit some years ago now. The work of the Honorary Police, and particularly within my Parish, there is a lot of work going on with regard to professionalism and training and in this modern litigious society that we now live in I think it is necessary for the Honorary Police to be seen as competent and professional in all they do in the public eyes. Therefore, I will certainly support this amendment.

2.1.4 Connétable K.P. Vibert of St. Ouen:

I should really make comment on what the Deputy of St. John raised. For the avoidance of any doubt of Members who are not aware of the system, the Connétables brought forward suggestions that the Procureur du Bien Public should replace them when they were absent from the Island in Parish matters as well as in policing matters and that has been with the Law Draftsman for an awful long time, despite the fact that the Comité des Connétables want this and have asked on several occasions for it to be brought forward. So, I hope that raising it again today that the Deputy of St. John will have stirred a bit of action.

The Deputy Bailiff:

No other Member wishing to speak, I call upon the Chief Minister to reply.

2.1.5 Senator T.A. Le Sueur:

I thank the Deputy of St. John for stirring both myself and perhaps the Law Draftsman’s Office into action. Certainly it is a topic which is important and we had agreed it some time ago, and it is disappointing that it has not come forward as quickly as it might have done, but nonetheless the reassurance of the Constable of St. Ouen and others gives me confidence that we will give it a new impetus to keep going. So, I have little more to say other than to reiterate my appreciation to those who have spoken in favour of this amendment about the Honorary Police Service, and perhaps at this occasion I should take the opportunity to thank those who serve in Honorary Service in other capacities besides the Honorary Police. Honorary Service takes a variety of forms. The Honorary Police Service is one such form but there are others and in whichever form that service takes place Jersey can be proud of the fact that it has a good traditional Honorary Service in many ways, and particularly in that of the Honorary Police. I maintain the amendment on a standing vote.

Deputy F.J. Hill of St. Martin:

Can we have the appel, Sir?

The Deputy Bailiff:

The appel is called for in relation to the amendment in the name of the Connétable of St. Helier.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				

Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
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 of St. John				

Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

3. States Strategic Plan 2009–2014 (P.52/2009): eleventh amendment Paragraphs 10(a) and 10(b) (P.52/2009 Amd.(11))

The Deputy Bailiff:

Then we come to Priority 8. Deputy Southern, just before the amendments are read, you have 2 amendments to priority 8, 11, 10(a) and 11, 10(b), are you content we take them together before those of Deputy De Sousa?

Deputy G.P. Southern:

No, Sir. Both have a different set of arguments around each. I believe one might be accepted and one might be rejected. That is perfectly possible and it still coheres. So, I would like them separately.

The Deputy Bailiff:

I see. Do you want to debate them separately, rather than just vote on them separately?

Deputy G.P. Southern:

Yes, Sir.

The Deputy Bailiff:

Very well. I will ask the Greffier to read number 41 at paragraph 10(a) of the eleventh amendment of Deputy Southern.

The Greffier of the States:

Except that in Priority 8 on pages 20-21, (a) at the end of the first introductory paragraph, insert the words “This can only be done by building incentives to work and to save into our benefit structure.”

Deputy G.P. Southern:

Are we debating, Sir?

The Deputy Bailiff:

Yes, this is amendment 11, 10(a).

Deputy G.P. Southern:

Yes. I presumed that because Deputy De Sousa's comes in between we are not debating both at the same time.

The Deputy Bailiff:

Well, that is what I just asked you and you said you did not want to do it at the same time.

Deputy G.P. Southern:

I said I did not want them voted for at the same time, I thought. We will debate them separately. Okay.

The Deputy Bailiff:

Let us just be clear. If it speeds things along, are you happy to debate them together but vote on them separately?

Deputy G.P. Southern:

Yes, Sir.

The Deputy Bailiff:

All right. In that case we will also ask the Greffier to read 11, 10(b).

The Greffier of the States:

10(b) in the section entitled "What we will do" in the first bullet point, after the word "themselves" insert the words: "In order to do so we shall conduct a major restructuring of income support to ensure that it contains effective measures to encourage work and saving."

3.1 Deputy G.P. Southern:

Thank you, Sir, and I apologise for my lack of clarity earlier because as Members will note this need not take very long. Both these amendments are very clear and both go well together. The first, which comes at the end of an introductory paragraph about a high-level strategic document which can do no harm whatsoever, however, the Council of Ministers seem to have got down a rutted track and it appears that whenever they see the name "Southern" they say "oppose" so here we are having an argument over a form of words built into the introductory paragraph of a high-level document that says: "This can only be done by building incentives to work and to save into our benefit structure and the overall aim is to increase social inclusion by encouraging and supporting people to help themselves." One of the logical next statements to that overarching title is that obviously your benefit structure must contain measures which will help people help themselves and this means building clear incentives into work and to save into our benefit structure because our benefit structure is the building block at the base of which our social inclusion policies are created. Nonetheless the Council of Ministers starts arguing over what basically is a form of words. They say: "The Council believes that Deputy Southern has interpreted this priority as being wholly concerned with income support. The first paragraph of priority 8 is a very broad statement setting out the paradigm shift in the way that people think about the role of the States." Wow, I never thought I would see anyone else writing "paradigm shift" in this House. That is a joyful thing to read: "The Council believes the amendment would limit the paragraph to narrow financial issues and the income support system." No, it does not. There are plenty of statements there, in general, and in specifics under "What we shall do". There are lots of ways in which we can help people help themselves. It is not exclusive. It is in the amendment and in the actions and the whys and wherefores. There is no real need to object to this but nonetheless the Council of Ministers does. When we get to "What we will do" which is surely the important thing in any decision-making, whether it is high level or otherwise, what we shall do, the Ministers maintain their

objection. So: "Increase social inclusion by encouraging and supporting people to help themselves" and now with a different form of words in "What we shall do" I suggest we should stick on the end: "In order to do so, work together to help people to help themselves. In order to do so we shall conduct a major restructuring of income support to ensure that it contains effective measures to encourage work and saving." With my hand on my heart I cannot understand why the Council of Ministers can object to that. We are talking about a Strategic Plan which will last for at least 3 years and presuming it gets supplanted in 3 years' time by an even more torturous process to have a new Strategic Plan, it may last for 5 years, it is 2009 to 2014, and within those 5 or 3 years this Council of Ministers is not prepared to consider even a major restructuring of income support to ensure that it contains effective measures to encourage work and savings. Members will know that I maintain my position that certainly savings, pensioner savings, is spectacularly discouraged by the current income support system. The incentives to work are very minor indeed and do in fact need major restructuring. There are all sorts of ways of doing that. This does not come down in favour of one or another means of doing that, but some incentive to go back to work, to maintain work, and certainly some incentive for savings need to be built into the income support system because the facts are that currently it is very badly structured and there are very low levels of incentives to work. Many people take a look at the possibility of returning to work, or of working greater hours, and look at the sums and say: "Well, actually for an extra £7 a week, which amounts to my bus fares to and from work, it is just not worth the hassle. I shall stay at home, look after the house for another couple of years because it is not worth the hassle." Certainly at the low end of the market, at minimum wage rates, those who do all the service industries, who help us in this Island, it is certainly not worth, for many of them returning, or taking on more work. Those incentives are not there. If we cannot restructure in some way to make sure they are there within the next 3 or 5 years I am afraid we shall fail in the overall aim of priority 8. We shall not be delivering what we said we are going to. So, please Members vote for both of these amendments and we will take them separately.

The Deputy Bailiff:

Are those amendments seconded? **[Seconded]**

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

It gives me great pleasure to support this. I am amazed again, as I have been with earlier amendments, that there has not been the graciousness to accept this. It strikes me it is an absolutely *sine qua non*, I think is the phrase, of welfare systems that they have as much encouragement built in as possible for the people who can to return to work and to receive the requisite training to do so. This was an emphasis, as I recall, in the Scrutiny Panel's report, which I think Deputy Southern chaired, and it strikes me as a perfectly reasonable point, and the comments of the Council of Ministers suggesting that there are other benefit systems and that they will deal with this totally misses the point. This is a central feature of the benefit system. It is now being established. It is establishing values and norms and giving people an expectation. Now is the time to build into it that work is important and I know that there are services being developed at La Motte Street. There has been the centralisation, for example, of careers advice and all those services at La Motte Street, but it was a primary feature of that Scrutiny Report that this side of things was under resourced, they had not been given enough emphasis, and that where there are people who can go to work with encouragement, with requisite training, then that encouragement should be given to them. I am aghast that for some reason we are going through this debate. It strikes me as totally unnecessary. This is a self-evident fact. This is the way that welfare systems are being reformed all over the world, although admittedly it will be much more difficult in the current economic situation and it gives people, where it is possible, and we have to be careful to distinguish between those who can and those who cannot, it gives people back their dignity, it gives them skills which they may not have had previously and I am just amazed that we have to discuss this.

3.1.2 Deputy D.J. De Sousa of St. Helier:

I cannot believe that we are debating this. It is vitally important that we have incentives to encourage people to better support themselves and to support social inclusion. I have constituents who have approached me and they would love to go out to work but something as simple as childcare ... if your earnings are low you cannot get the childcare if the childcare is more expensive than your earnings. It is just nonsensical. We need to encourage people to go to work. We need to give them the incentives to do that. It is vital that we support these 2 amendments.

3.1.3 Deputy A.E. Jeune:

Paragraph 1 says: "Helping individuals to help themselves." The Deputy is saying to add: "This can only be done by building incentives to work and save into our benefit structure." The Deputy speaks of the benefit structure. Let us look at the old age pension. That is based on contributions that the individual has paid, so where is the relevance? Oh, and if you have a pension and your own home, because you have worked and saved, then as things stand you get no assistance from the State. Income support does include incentives to encourage folk to work and save and these will be further improved later this year as explained by proposition 93, lodged last week. The Minister for Social Security and I, as his assistant, with the staff at the department are absolutely committed to a review of income support next year. The Statistics Unit have commenced a household expenditure and income survey which will run for approximately a year and that should give accurate data on levels of incomes and relative poverty which can be used in informed discussion as to whether additional incentives are necessary and where. Empowering the individual to live and manage their own lives must be the way forward of any progressive society. It is our responsibility to ensure that we, as the representatives of the residents of this Island, are helping those individuals who need it to help themselves, their families and neighbours and this is the crux of section 8. The social policy framework published in 2007 supports this and also encourages the third sector activity, charities and voluntary groups that often provide services that are flexible and cost-effective when compared with public sector provision. Deputy Southern's wording transforms this general aim into a specific action around the provision of benefits. Once again I consider the amendment adds nothing to enhance the Strategic Plan. In fact, I would suggest it limits the social aspirations of the Council of Ministers and I would ask Members to reject this amendment.

3.1.4 Deputy J.A. Martin:

I have just heard the impossible. I have heard the indefensible defended. **[Approbation]** In the middle of that sentence the Deputy says: "Plans ahead do include building incentives to work and to save for our benefit scheme" but she still cannot accept this amendment. It is beyond belief. Somebody asked me the other day: "Deputy Martin, how do you do this?" I said: "Well, some things stick in my memory" and again I have to come to back to this social policy framework for Jersey. I just have to read a couple of lines from the Strategic Plan, page 8, second paragraph, which is again cuddly: "The role of government is to address the economic and social conditions that are beyond the control of individuals; to support people at critical points in their lives, to protect those in need, and to provide continued support for the most vulnerable." In 2007 those words were: "The Government has a key role in addressing the economic and social conditions that are beyond the control of any single individual, intervening to provide support to people at critical, transitional points in their lives and providing protection for those most in need." Exactly the same paragraph in 2 different documents. Now, supporting, it says "Independent households enjoying a thriving community, promote independence, support those at risk and protect those in need." Again, the document that the Deputy, the Assistant Minister for Social Security, has just quoted from says: "And to support those at risk, people who are not making adequate provisions for retirement receive appropriate advice and support." I think that may be another way of saying build incentives into work and save in our benefit system, but could not possibly be accepted by the Council of Ministers. I really feel that I cannot go on any more because I just cannot believe, as I said at the beginning, that the Assistant Minister for Social Security ... if I were, and at one point I was contemplating taking the Assistant Minister for Social Security, I would have been on at my

Minister to say: “We must have this included in the part.” Even if it does refer to income support, does anyone understand what income support means? It is not handouts, it is support in income. It is giving good advice. It is telling people, it is helping them with incentives and saving for their future. Everything that is in, and please everybody get a copy of this, *Every Person Counts - a Social Policy Framework for Jersey*. So, as I started my speech I have, and I give the Deputy great credit in absolutely defending, in my words, the indefensible because it has been done in this House and I have heard it.

3.1.5 Deputy T.M. Pitman of St. Helier:

It is like buses today, all these lefties come along at once.

Deputy G.P. Southern:

Centrists please.

Deputy T.M. Pitman:

Centrists, sorry. Correct myself. I just asked myself how often during the senatorial hustings did we hear about the need for the hand up as opposed to a handout? I think I am correct in saying we heard it at every hustings. Indeed I seem to recall Honest Nev was running a book on who said it most, was it the J.D.A. (Jersey Democratic Alliance) or was it Senator Maclean? It does not really matter because the issue is if we meant it, and that is the point I would just like to focus on, unless what we heard from so many independent candidates was just spin, then surely the unanimous support of this House should be forthcoming. If I can briefly echo what almost everyone has said, apart from Deputy Jeune, certainly the proposer, Deputy Le Hérissier and Deputy Martin, this really is the way to go. The incentive to work just has to be fundamental to a truly inclusive society and, frankly, I would have thought that those who come from a rightist political persuasion would have been elbowing Deputy Southern out of the way at this point to bring these amendments themselves. Something just does not seem to fit, unless it really is the case that the real problem with some of these amendments is that it is brought by Deputy Southern. We should not be wasting time arguing with this; it is nonsense and it makes this House look quite farcical. Again, just as Deputy Martin said, I cannot believe what I have heard from Deputy Jeune and I look forward to hearing her on the radio debating the income support scheme because I think she has had several offers and I think the public would love to be informed of where her thinking is coming from. I will be supporting these amendments. It is absolute common sense. There is nothing controversial in this whatsoever and I really would ask Members to put aside who is bringing it. Let us use some common sense. Please let us get behind this.

3.1.6 Senator J.L. Perchard:

I too was confused by the speech of the Assistant Minister for Social Security. In fact, I think she should be ashamed of her speech. **[Approbation]** This is all about incentivising people, supporting people back into the workplace. Why would her and her Minister, and why would the Council of Ministers oppose such a straightforward ... it is not binding in the sense that it is not instructive, but it is a principle that we must support. Shame on the Council of Ministers, shame on the Assistant Minister. I urge Members to support this simple amendment immediately and let us move on and discuss the detail, some of which I have a problem.

3.1.7 Senator P.F. Routier:

When I looked at this first I thought: “Well, that seems fairly reasonable” but I can understand ... if we want to read what is actually being proposed here, what the Council of Ministers are saying is: “People who live independent lives tend to flourish when opportunities and incentives empower them to manage their own lives. A new approach to social policy is needed which recognises the shared responsibility of the States and the people of Jersey to create a better future for individuals and the community. Helping individuals to help themselves, their families, and neighbourhoods is central to this approach. Everyone has a stake in the outcome.” That is very broad. That has a

very broad opportunity for people to be supported. I was amazed at the Assistant Minister for Health and Social Services who has responsibility for Social Services. She devalues the work that is done within her own department. The work that is carried out by Family Services, the Family Support Workers, all the social services, they are encompassed in that broad statement at the very top. We then go on to look at the amendment. The amendment says all those objectives that we have just talked about, which are really covered by other opportunities, through education, through Social Services, all of those things, the amendment says all those things can “only” and the word “only” be done by building incentives to work and to save into our benefit structure. It is saying that all those things can only be done, so it devalues what is being achieved by Social Services, by education and all of those other organisations to try and bring all those opportunities to people together. That is the problem with this amendment is the word “only”. **[Interruption]** That is what the amendment says. That is what we are debating. Unfortunately that is what we are here for, to debate words, unfortunately. The opportunities of helping people, people want to see better incentives for people to work. The existing structure that we have in income support enables that to happen and we have to recognise that incentives are not free, they do cost money. Yes, the Deputy talks about money. We all have to allocate our available resources in an appropriate way and what has always been the case is that when available money is available, as is going to happen with the amendment which has just been brought forward by the Minister for Social Security, those incentives are going to be increased this coming autumn. That is what is going to happen and we need to ensure that does happen and we continue to do that. But I have to say, and I think it was Deputy Le Hérisier in his comments who spoke about the need to assist people to get into work. Of course. He recognised the work that has been done at Social Security to integrate all of the work opportunities and the work support systems at Social Security and that is happening now and that is working and I do not think we should deny it. The Deputy recognised it himself. So, for us as a House to think that we have to drastically change everything ... there is a review of income support that is going to be carried out next year and it is needed and it is wanted, and I am sure the Ministers will take note of the outcome of that and I am sure we will identify areas which will need some improvement, and I would say the basics of income support is sound, but we need to keep moving it forward. When funds are available we move it further forward a notch. Incentives are important not only for working but also for saving for pensioners. I refer back to the amendment. It says that all those broad desires within the income support can only be achieved by building incentives to work into the benefit system and that word “only” makes this amendment impossible to accept.

Senator J.L. Perchard:

Sir, can I just ask the previous speaker a point of clarification? When he mentions benefits, does he mean only financial benefits, or does he, like me, consider benefits could include support other than financial?

Senator P.F. Routier:

The way that it is worded here a benefit structure I take to be financial benefits.

3.1.8 Connétable P.F.M. Hanning of St. Saviour:

I am going to be extremely brief because nearly all of what I was going to say has just been said. I have a problem with the word “only”. As I see this, it means that this support can only be given to people on income support and to my mind that is exclusive and I do not believe that is correct. I believe everybody should be encouraged to stand on their own feet, not just by the use of income support.

3.1.9 Connétable J. Gallichan of St. Mary:

I too will be brief because I agree wholeheartedly with what the first few speakers said: Deputy Le Hérisier, Deputy De Sousa. There is absolutely no doubt that building incentives to work and to

save is the way forward. It has to be done. Every civilised society is doing it but there I part company with this for the same reason that has just been said. Social inclusion goes a lot further than the benefit structure. It goes a lot further and to limit it with the word “only” in this way is just simply ridiculous. It puts too much emphasis on one area of society. Social inclusion by definition means everyone. Everyone. I cannot support this. I support the idea and I think the thing that Deputy Southern is talking about here needs to be a valid part and parcel of what is done but simply limiting it by the use of that word “only”. I think if the Deputy knows a good English teacher he should look at that definition. We are always told, we vote on the proposition. This proposition is for the inclusion of one word flawed.

3.1.10 Senator T.A. Le Sueur:

Some of what I was going to say has been covered by the last speakers. I was going to begin by saying: “What is in a word?” It is often the smallest words, the most insignificant ones, that are the most vital. The word “not” for example can change a proposition completely. The word “only” again falls into this category. At one stage the Council of Ministers were accepting this amendment because it seemed quite simple, just as a lot of Members have said this morning, yes, of course we want to give the incentives to work. If that word “only” had been omitted they probably would have accepted the amendment. The word “only” as other people have said is, of course, far too restricting. Because the whole danger, I think, of this is we focus on the amendment and the little details of ... importance of details as Deputy Southern’s amendment quite rightly ... whereas we have perhaps lost sight of the main objective which is to increase social inclusion. That can be done in a variety of ways by a variety of agencies. To single out and suggest it can only be done by building incentives to work and only be done through the benefit structure, is, of course, far too limiting. That is why, sadly, at the end of the day, the Council of Ministers said: “No, sorry, we cannot accept this first amendment from Deputy Southern.” Of course there are 2 amendments and they are somewhat separate in their thrust and I take the point that the Deputy would like them voted on separately, quite rightly so. But, of course, in the second one, again, I think there is a danger that we overlook this overriding objective to increase social inclusion. Because when he looks under “What we will do”, and I draw Member’s attention to that on page 20 or whatever it is of the Strategic Plan, in an effort to try to be helpful the Council of Ministers indicated which departments might have some interest in this area and we have indicated at least 4 departments - Social Security, Health and Social Services, my own department and Education, Sport and Culture, and probably Housing as well - all of whom, I think, have an interest in working to help people to help themselves. I fear that the Deputy’s amendment is simply focusing narrowly on income support. Now, I know that he has - and other Members have - concerns about income support and as the Assistant Minister said, that is being reviewed. It is being reviewed next year but the work in terms of income surveys is already underway. But to focus narrowly on this income support in a strategic document, which is supposed to be looking at the overall benefits to the community in different directions by different organisations, including Social Security and including income support, these amendments sadly try to narrow it down simply to a tirade against income support. Now, I am not saying that income support is perfect. I do not think the Assistant Minister or the previous Minister is saying it is perfect. We are saying it is being reviewed next year but it is one tool, one important tool, that we need in order to increase social inclusion, the overall objective. So, I think what Deputy Southern is doing, I am sure with the best of intentions, is narrowing this strategic policy down to a very limited area. For that reason, despite all the nice flowery words, I do urge Members that the right course of action is to reject both amendments from Deputy Southern.

3.1.11 Deputy S. Pitman of St. Helier:

I think the last 4 speakers are finding any which way they can to oppose this amendment. There is absolutely no excuse for the States to not follow and vote on this amendment. As Members know with a couple of emails I have sent recently, a constituent of mine was informed that she could not

receive childcare costs because in the words of the Social Security Department her net income exceeds childcare costs. In other words this says: “Do not work and we will give you benefits.” **[Approbation]** I am sorry but that needs changing now, not next year. It is not good enough when income support ... one of the biggest purposes of it was to allow for more independence on the individual. I hear the Chief Minister and Senator Routier, former Minister for Social Security, saying there are flaws within the income support system and that is why a review is being done on it next year. Again, not good enough. Is it acceptable that we have sick people now who are having to pay for their own doctor’s fees, living on small pensions and income support? Is it acceptable that those on long-term and short-term incapacity allowances and invalidity benefits, that that is classed as income when they are being assessed for income support? Is it right that when that benefit goes up their income support goes down? All of this was known, the Minister for Treasury and Resources - the Chief Minister now - knew at the time and so did Senator Routier, they were invited to a meeting with the panel and the adviser told them there are serious flaws and he explained why **[Approbation]** and so did Deputy Southern and so did Deputy Martin who flagged up these issues constantly before the debate and they were ignored. I am sorry but people are now living under more hardship because of these policies and it is not good enough next year - the review - we need it now and we need this now. Thank you.

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

Please forgive me if I am being naïve here but if it is, as stated, only one word, the word “only”, then why did the Council of Ministers not come with an amendment to the amendment to adjust it? **[Approbation]** We would not be standing here today arguing this ridiculous sentiment. It is just absolutely ridiculous. Also, from listening to some of the arguments I would ask the Council of Minister if I could have a copy of their dictionary so I could understand where they are coming from half the time.

3.1.13 Deputy A.K.F. Green of St. Helier:

Unfortunately this has turned into a debate about income support and there is no doubt there are some problems with income support but there is much that is good about it as well. But it does need a review and it needs a review quicker than a year because I am involved with a number of people that are suffering and I could spend considerable time talking about the areas that I know are wrong. There is much, as I say, good about it but this is about social inclusion not about income support, that is just one aspect of it. I have some difficulty ... some people might say it is on that word “only”, “only be done by building incentives to work.” Despite the namby-pamby attitude that some social workers and others have out there, unfortunately a lot of people cannot work. It does not matter how many incentives you give them, they cannot work. They would like to work but they are not capable. I have no problem with the spirit of what the good Deputy wanted to put in there but that is why I cannot support it because it is saying: “If you can work we will give you incentives, if you cannot you are on the scrap heap.” That is how I read it. I am sorry, it was not intended that way but that is how I read it. The other amendments coming further down in the “What we will do” I generally have no problem in supporting, but that one alteration at the top there of 8, I will not be supporting.

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

In the last few days I found a copy of a very important supplement that was written by the *J.E.P. (Jersey Evening Post)* in 1996 during the decade of the eradication of poverty. I looked through the report which then called for a number of major restructuring of the way that we carried out our benefit system in Jersey. In fact leafing through the pages there was a very youthful Deputy Terry Le Sueur, there were other people in it calling for major changes but in leafing through - which I will bring a copy in for Members’ review tomorrow and I will leave it in the coffee room - the supplement I was very encouraged to see the majority of the major changes that needed to make our society more equal having been implemented. Calls for changes in the housing system for reduced

qualification period and ending of the iniquitous 20 year qualification period; calls for centralising welfare, not only harmonising the arrangement of the Parishes but bringing it into the centre; putting in place a universal benefit system, doing away with the indiscriminate system of 20 benefits; introducing employment legislation, minimum wage, all an agenda which has been delivered over the last few years. So I have to say there is, I think, an ideological difference between those people and it gets very easy in this type of debate when we end with quite short speeches and emotional speeches of some Members stamping their feet very loudly arguing their point. We need to take a step back and to consider what we are doing in supporting such an amendment. In recent days I have been looking at States budgets ahead of an important discussion at the Council of Ministers which will happen on Thursday to finalise the business plan. This amendment is designed to spend more money. I do not want to shroud wave to Members but next year, to signal the importance of the amount of money that we are spending, for precisely the reasons of those who are moving the amendment, I can tell Members that the Social Security budget will overtake the Health budget in terms of the biggest budget in the States of Jersey. The truth is, quite unlike those Members who want to support the amendment, we have been spending, quite rightly and are spending, tens of millions of pounds of additional taxpayers' money in improving our benefits and incentive system. Tens of millions of pounds. If we are not then I ask Members why is it that Social Security's budget is now overtaking Health to be in excess of £140 million next year. I stand by the statements that we should be designing a system of hand ups not hand outs. It is not only through hurling money around in the social security and income support system that one achieves the benefits. It is not only Deputy Southern who has a monopoly on wanting to increase incentives and to increase equality in our society. The movers of these amendments simply want to put a statement down in the Strategic Plan to spend even more money and to put even more incentives in place. It is not only about that, the word is "only" and Members can criticise the Council of Ministers for not moving an amendment to remove the word "only" but frankly such a statement in this kind of ... first paragraph in such an important part of the strategy plan is simply doing what Members ... and Deputy Southern is smiling at me, all he wants to do is ... his solution is to spend more money, exclusions for every other policy initiative which has been explained by other Members. I urge Members to reject this proposition.

3.1.15 The Deputy of St. Mary:

Well, that was remarkable. I am sorry I do not quite see the relevance to incentivising people on income support to work. But, anyway, I wanted to pick up Deputy Green's comment because I was very surprised by what the Deputy said. He reckoned that the sort of implication of this amendment - and at the moment I am talking about both of them but I will split them in a minute - that if somebody cannot work then they are on the scrap heap. Well, I would draw Members' attention to the second bullet under "What we will do" which already reads: "Provide a safety net and active support for the vulnerable and people in need." There will also be an amendment brought to that to make it even tighter. But the safety net and active support for the vulnerable and the people in need I think covers what the good Deputy was objecting to that was not covered by this amendment. So the amendment does not have to cure every ill, it is aimed at doing what it is set out to do. So that was my first comment, I just do not quite ... and I hope Deputy Green does reconsider. The amendment is in 2 parts. There is the "only" bit which people are getting ... sort of find difficult and I also find difficult and there is the second part of the amendment. We are going to vote on them separately and I think some speakers were sort of collapsing the 2 and saying they objected to the "only", and I think with reason, and then they did not mention the other amendment. Well, I hope that people will all vote for the second because it really is a no brainer that we do need to make sure that income support works in a way that encourages work and savings. I cannot see how anyone can vote against that. The argument that it is too specific which we were given by the Chief Minister, well if you look at the other bullets here we have: "Working together to determine the causes of individuals inability to fulfil their potential with a view to encouraging greater independence." We have: "Provide a safety net and active support for the

vulnerable and people in need.” They seem fairly specific to me. Certainly no less specific than what is being proposed. So, again, I would say that the second amendment, the second part of it, is a no brainer. But going to the first one, I too have an issue with the word “only”. You know, this is a strategic plan and I think words are supposed to mean what they say and people have referred to the breadth, in fact Senator Routier referred to the breadth of the first paragraph and he is quite right. This is about increasing social inclusion; it is not about making sure everyone has an adequate income. This is a wider concept and there is a wide range of bullets under “What we will do” including encouraging community involvement, working with the Parishes and so on, enhancing and promoting community values. They are pretty broad aims but they do show the width and the breadth of what we’re talking about. I am a bit sad to see that there was nothing about housing and tenants participation, which I think would have deserved a mention as well but maybe we can take that as read. So I too have a real problem with saying that only by building incentives to work and to save into our benefit structure can we encourage people to manage their own lives in every way that that should be being done. So I am not at all sure about the first half. But the second half, my goodness, what are we on about. Now, the only argument is money and we have heard this from 2 speakers saying that incentives are important but they cost money. Well, plenty of things that are important cost money and what I am not hearing is about the benefits of encouraging people back to work. I do not just mean the financial benefits, I mean the spin off benefits. For instance, less people needed to come in and live in yet more housing. I was at a meeting with the J.E.C. (Jersey Electric Company) yesterday and they were explaining how if you manage peak demand by devices such as smart metering, if you are clever with making sure that you iron out the peaks, you can save a fortune in building extra capacity because you do not need it, because you have smoothed out that peak which is going to cost you a lot of money. It is the same principle here. If you encourage people to work you are going to make big savings. So I do encourage people to vote certainly for the second part and take on board the point that Deputy Vallois said about why could an amendment not have been brought to tidy up the first part.

3.1.16 Senator S. Syvret:

Briefly, I was just doing some work in the computer room, listening to the debate on the radio and I heard the speech of Senator Ozouf and I regarded it as one of the most remarkable speeches I have heard delivered in the Assembly. He proclaimed the warning signs and rang the alarm bell concerning the ever-expanding budget of the Social Security Department. Now, I am just struggling to remember who it has been among current States Members that has repeatedly led the charge over all these years to oppose addressing the utterly insane, unsustainable, madness and nonsense that is the current supplementation regime. How much does it take? What is it now, in excess of £60 million a year, I am not sure of the exact ... it is £68 million a year, there you go. £68 million a year. I will repeat that, £68 million a year is taken from taxpayers and put into supplementation. For the poor, Senator Ozouf says, that is for the poor. Some of it certainly, yes, will be to subsidise the social security contributions of the poor. But we all know perfectly well that a huge tranche of it will not be being used for that purpose because the supplementation will be being paid then because of all the social security dodging mechanisms that are used by the self-employed and business people to avoid being classified as employed, self-employed, and so on; or employed for the appropriate length of time or the appropriate rates of pay. It is well documented. I know of a number of bookkeepers and accounts locally who advise their clients on establishing these kind of arrangements and, indeed, I happen to know that quite a number of Members of this Assembly use exactly such arrangements. Nothing illegal about it and that is really the point I am making. It is legal to do this at the moment but it is madness, it is wholly unsustainable. Now, while we could not remove that £68 million subsidy that we are taking from taxpayers a year because, as is correctly said, some of it is necessary to subsidise the poor, we could most certainly address a huge chunk of that and that is what we would be doing if we were serious about addressing the burgeoning States expenditure.

3.1.17 Deputy F.J. Hill of St. Martin:

I just want to add something, I thought Senator Syvret was going to cover it and he did not, and it was just to pick up ... my ears pricked up also when Senator Ozouf mentioned about the budget for Social Security getting bigger or getting as big as Health. To me it seems quite obvious the reason why, because as in indeed we tax people more, as people lose their jobs, et cetera, and indeed there is more incentives for those people who are rich to get richer, that the poor are getting poorer and we are getting more people into that area. I am not into socialist issues at all but this seems to be the theme. For the Minister to be shaking his head in disbelief, well you ask the people that I talk to and they will say how they are losing their jobs and how they are finding it very difficult to get on. What we should be doing is doing something to help them. I am not particularly bothered about this word “only” I just take it as a word. Really the important thing is that it should be done by building incentives. In actual fact, if I ask Members to look at page 20 and see that we are ... well, not we, the Council of Ministers is going to accept the red writing in under “What we will do”. It says: “What we will do, we will work together to help people to help themselves and by providing real incentives to improve their situation and standard of living.” So what is the worry, why are we ... in fact the word “real”, why is the word “real” there? We are accepting the word “real” but I take it we are going to provide incentives, indeed only done by building incentives, it is the same language. So you are saying no what Deputy Southern is saying and yet we are saying yes to Deputy De Sousa, and they are both J.D.A. - and I am not a member of J.D.A. - I think we are making a mountain out of molehill.

The Deputy Bailiff:

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

3.1.18 Deputy G.P. Southern:

I am keen to get this one over and done with so I will be brief, as brief as I can, and I will make, to start with, just one stab at informing Members why the “only” word is contained in that first statement and why it is probably important. Because, if you like, the social structure, the social support network that we have built and that we have is like an inverted triangle, so it builds to the top. There are all sorts of levels and ways in which we input into that social structure in order to promote social inclusion and they could be Education and they could be the charitable arm of various bodies, Family Nursing and Home Care, doing an awful lot of work with people who are vulnerable but included in that, central to that - and it is not a leftish policy, it is very much the opposite - is an incentive to work and to save. In my image of what we do that is the bottom block, that is the bottom block, that is the basics because if you fall out of society so that you are dependent on those benefits - and we are talking about benefits not just income support in this first one, the whole set of benefits - then if you do not have incentives to work contained in that bottom, that rock bottom, level we will not let you fall beyond, then you have got no motivation to climb out to one of the higher levels and say: “Now, I am less dependent upon benefits” and more incentive to stay where you are. All the encouragement and all the education and all the training and all the effort to encourage you to look at yourself goes to nothing if you can sit there and say: “Well, looking at the minimum wage and the level of benefits and where it is set I am better off sitting on my bottom watching afternoon or morning television. There is no incentive built in there for me to go out and work. Why should I?” Unless you can get that right, and that is the reason for the “only”, all the rest of the effort you may as well be whistling in the wind because you get nowhere without that basic fundamental economic argument put in place and that relies on your benefit having an incentive to work and to save. I was rather looking forward to hearing a rather longer speech from Deputy Jeune. I found it fascinating, what a very interesting speech it was. She said we are already building in some incentives to work and to save, we already have them and we are improving on them. So this building incentives to work and to save must be a very dangerous and radical proposal because they are already doing it and therefore we cannot accept it. Just let me point out those incentives to save. You have a limit for savings for pensioners set at a certain mark, for every £1,000 over those savings you are charged at the rate of £4 per week. £4 per week comes

off any income support that you may be getting. That is a rate of 28 per cent interest on your savings. That is the incentive we have to encourage our pensioners to save for their old age to put money in their pot. That is hardly a large scale incentive. In terms of incentives to work, it was 94 pence in the pound that you retained ... no, no, that you had clawed back, 6 pence in the pound that you retained if you went out to work rather than sit on benefit. It is now 10 pence in the pound that you save. Again, not a great incentive. In many cases it barely covers still your bus fare and your clothing to and from work. Unless you build those incentives in ... and there is any number of ways of doing it, unless you can return some of those people into full-time work or part-time work so they are less dependent in the long-term on benefits then what you do is you spend more money in the end. Get people safely back into work by some mechanism and half comfortable there and in work for a long period and you save money. Rather than having them pop in and out of work, attempting various inappropriate jobs at very inappropriate rates, realising that they are hardly any better off in work than out of work, and what you get is a higher benefit bill in the long-term. So, a short-term investment. Thirdly, I cannot not comment on the speech given by the Treasury and Resources Minister. It was absolutely frankly amazing when he talked for the first time, I think, of anybody else in the entire 3 and a half days of debate on this particular document had more than one passing reference to money. I do not believe so. Yet, what we had was the Treasury and Resources Minister accusing me of hurling money at the benefit system and then going on to criticise the bill coming from social security because it is going through roof to help our people out during times of recession and to pay for supplementation as Senator Syvret correctly named. Which he has steadfastly refused to address and has rejected another amendment saying we must address it in the next few years. Yet I am accused of hurling money. No, I am not accused of hurling money ... well I am being accused of hurling money but I am not hurling money, what I am saying is take the money and put it in a better structure, one that incentivises return to work. No, not more money - and I will repeat it - because if you ensure that people get back into work by short-term support, so they get comfortable in work, 6 months down the line saying: "I am better off being in work" then they stay in that work and then 3 years down the line they are not on benefit and you are not paying them benefit and you save money in the long-term. Short-term, long-term, have a look at it, try it. Change your glasses. Then, finally, as many have pointed out there are 2 amendments here. The first, one can argue about "only", I believe there is a logical argument that says unless you get that right, the economic argument, all the rest is wasted and I think that is a logical one and that is why the "only" is there. As the Deputy of St. Mary has pointed out, the second one I think is a no-brainer. "We shall conduct a major restructuring to ensure that it contains effective measures to encourage work and savings." Who can object to that? In addition, just in case you are doubtful about it, the Council of Ministers has accepted an amendment from Deputy De Sousa which says, in the key indicators - and I am sure it will go through - we should measure the level of incentives to gain employment and stay in work. So we have got a measure in there that can only result from what I am suggesting in my amendments and yet the Council opposes the means of achieving that but then says it is going to measure it. Measure what? No change? It does not make sense. I maintain the amendments and I call for the appel, and I call for the vote in 2 separate parts.

The Deputy Bailiff:

Very well, I invite Members to return to their seats and the first matter is amendment 11, 10(a) that is the one which says, at the end of the first introductory paragraph, insert the words: "This can only be done by building incentives to work and to save into our benefit structure."

POUR: 17		CONTRE: 29		ABSTAIN: 0
Senator S. Syvret		Senator T.A. Le Sueur		
Senator J.L. Perchard		Senator P.F. Routier		

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

The Deputy Bailiff:

Very well, then we will move on to the second of Deputy Southern's amendments. While the Greffier is resetting the machine I will remind Members of it, that is the one which says, in the section entitled "What we will do" in the first bullet point after the word "themselves" insert the words "in order to do so we shall conduct a major restructuring of income support to ensure that it contains effective measures to encourage work and saving."

POUR: 21		CONTRE: 25		ABSTAIN: 0
Senator S. Syvret		Senator T.A. Le Sueur		
Senator J.L. Perchard		Senator P.F. Routier		
Senator A. Breckon		Senator P.F.C. Ozouf		
Connétable of St. Martin		Senator T.J. Le Main		
Connétable of St. Saviour		Senator S.C. Ferguson		
Connétable of St. Lawrence		Senator A.J.D. Maclean		
Deputy of St. Martin		Senator B.I. Le Marquand		
Deputy R.G. Le Hérisier (S)		Connétable of St. Ouen		
Deputy J.A. Martin (H)		Connétable of Trinity		
Deputy G.P. Southern (H)		Connétable of Grouville		
Deputy of Grouville		Connétable of St. Brelade		
Deputy of St. Peter		Connétable of St. John		
Deputy P.V.F. Le Claire (H)		Connétable of St. Peter		
Deputy S.S.P.A. Power (B)		Connétable of St. Mary		
Deputy S. Pitman (H)		Deputy R.C. Duhamel (S)		
Deputy of St. Mary		Deputy J.B. Fox (H)		
Deputy T.M. Pitman (H)		Deputy of St. Ouen		
Deputy M.R. Higgins (H)		Deputy J.A. Hilton (H)		
Deputy A.K.F. Green (H)		Deputy J.A.N. Le Fondré (L)		
Deputy D. De Sousa (H)		Deputy of Trinity		
Deputy J.M. Maçon (S)		Deputy K.C. Lewis (S)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		

		Deputy E.J. Noel (L)		
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4. States Strategic Plan 2009–2014 (P.52/2009): fourth amendment Paragraphs 1-5 (P.52/2009 Amd.(4))

The Deputy Bailiff:

Very well, then the next matter to be taken by the Assembly are the amendments of Deputy De Sousa. They are the fourth amendments. Deputy, there are 4 of them, I think, are you happy to have them all taken together? Yes, very well, I will ask the Greffier to read the all the amendments.

The Greffier of the States:

Amendment 1, after the words “attached as appendix 1” insert the words: “except that in priority 8 on pages 20-21 in the section entitled ‘What we will do, in the first bullet point, after the words ‘help themselves insert the words - by providing real incentives to improve their situation and standard of living.’” Amendment 2, in the same priority, in the same section, in the second bullet point, after the words “people in need” insert the words: “by making the system easier to access and flexible to ensure against unusual circumstances.” Amendment 3, in the same priority, in the same section, in the fourth bullet point, after the words “greater independence” insert the words: “by providing training for appropriate jobs that will be available.” Amendment 4, in the same priority, in the section entitled “What we will do”, after the last bullet point insert an additional bullet point as follows: “Review and strengthen the community role of the Parish.” Amendment 5, in the same priority, in the section entitled “Key Indicators”, after the last bullet point insert the following additional bullet points: “Level of incentives to gain employment and stay in work; Amount of real training available for jobs and; Number of claimants supported in full-time or part-time work and training.”

4.1 Deputy D.J. De Sousa:

I am not going to waste people’s time by giving a long speech, I do not tend to do that, so I will keep it to the point. The Council of Ministers have accepted each one of the amendments, the reason that I put them in is because I think they are important. I hope the House will think so too and I hope everybody will accept them. **[Approbation]**

The Deputy Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak? Chief Minister.

4.1.1 Senator T.A. Le Sueur:

Merely to confirm that we support them and we believe that they have the right motives.

4.1.2 Senator J.L. Perchard:

Just briefly, I was particularly supportive of the new bullet point to review and strengthen the community role of the Parish and I think the Comité des Connétables have an important role to play in this and I would urge them, since the centralisation of income support, that the personalisation or the personal relationship with parishioners perhaps is not as evident as it once was within the Parishes and I wonder whether the Comité des Connétables should not consider working with income support but employing, through the Parish rate system, a part-time - in the case of smaller Parishes - community relations officer that would help people fill out their necessary claim forms or their applications for assistance. Just keep people, who are usually senior citizens and who are living at home often alone now, informed of what is happening, assisting. A community relations officer within the Parish, smaller Parishes sharing them **[Interruption]** ...

The Deputy Bailiff:

Senator Le Main, you cannot have a conversation across the Chamber.

Senator J.L. Perchard:

It is a very important role and a joined up relationship with Social Security and the Parishes and mechanism for helping the more vulnerable within our society that may be slipping through the net. So I support this particular initiative and urge Members to support it as well.

4.1.3 The Connétable of St. Ouen:

I would just like to point out to Senator Perchard that is what happens at the moment, certainly in the smaller Parishes, that anyone wanting a form to be filled in can call at the Parish Hall and they will be given personal assistance to do that. I think the one problem which we have highlighted and we have spoken with the Minister for Social Security about it, is the fact that because of data protection we are now unaware as to who are claimants in our own Parish. So if there was any situation where maybe extra help was needed, it is very difficult for the Parish to identify that person.

The Deputy Bailiff:

Very well, do you wish to reply, Deputy De Sousa?

4.1.4 Deputy D.J. De Sousa:

No, thank you. Just to say thank you to the 2 comments I have had and they are very useful comments. Thank you.

The Deputy Bailiff:

Are you happy to vote on all your 5 amendments as a package? Yes. The appel is called for in relation then to Deputy De Sousa’s amendments, they are taken as a package so you are voting on amendments 1-5 as a whole.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator S. Syvret				
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator T.J. Le Main				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				

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

5. States Strategic Plan 2009–2014 (P.52/2009): amendment Paragraphs 1 and 2 (P.52/2009 Amd.)

The Deputy Bailiff:

We come next on the paper to amendments by Deputy Le Hérissier, the first amendments. There are 2 of them. Are you happy to have them taken together, Deputy? Yes, very well, I will ask the Greffier to read the amendments.

The Greffier of the States:

Amendment 1, after the words “attached as appendix 1” insert the words: “except that in priority 9 on page 22 in the second introductory paragraph, before the words ‘one priority will be’ insert the words: ‘subject to the report of the Scrutiny Panel’.” Amendment 2, in the same priority, after the third introductory paragraph, insert an additional paragraph as follows: “The services for this group have been through a traumatic period which has affected staff morale and shaken the trust and perceptions of some service users. The task of rebuilding confidence requires robust whistle-blowing, complaints and advocacy procedures.”

5.1 Deputy R.G. Le Hérissier:

Fairly brief. Where I say subject to the report of the Scrutiny Panel, I do not of course mean subject to acceptance but the intention there was that there should be a full and proper reply to each of the recommendations that it makes and that it should be laid in front of the House so that the House can examine what is being proposed against what is being recommended. Because that will be a further step in bringing this issue into the House and ensuring that it is subject - and the philosophy underlying it is subject - to a full discussion. The second issue, I pre-empted in a way the findings of the Scrutiny Panel ... well, they have not found yet but I pre-empted it in the sense it is my view that if we are to move forward from the very sad and, for some people, terrible situation in which we find ourselves there has to be a robust complaints advocacy and whistle-blowing procedure. Now, I have been sent - and Members were sent recently - a copy of the whistle-blowing procedure. I have never been that happy with whistle-blowing in the States in the sense that if it has any connection to the system there is always going to be an element of suspicion. It has to be the most detached we can make it in order for it to be effective. It is part of an ongoing theme that if we are to move forward, and that is going to be very difficult as we all know, it strikes me as one of the *sine qua nons* has to be a very system of checks and balances and that may involve people dealing with complaints who are not of the Island because they can bring the objectivity to bear, it may involve whistle-blowing being dealt with by a person - and I hope it does - who is not part of the civil service and it will involve as, has been put forward in a separate proposition elsewhere by I think Deputy Southern, very strong advocacy procedures. This is the only way I can see us moving forward. I am very pleased the Council of Ministers have accepted this but I should warn them it is, in some respects, going to involve a major, major culture change and we have to be prepared to accept that and there is going to be, certainly initially, quite a rough ride. I move the amendments. Thank you.

The Deputy Bailiff:

Are the amendments seconded? [**Seconded**]

5.1.1 The Deputy of St. Martin:

The reason I wanted to support and speak first is to ask that when the Chief Minister does speak in favour of it ... because we have had a number of concerns this morning - in fact the last few days - about the cost, et cetera, every time someone brings something forward there is a reason to say no because there is a cost involved, and of course there is a cost involved here as well. But I would like to get some idea about what sort of cost is involved. More importantly, how the complaint procedure is going to be built in so people know that when they have a complaint to make it is going to be looked at in a thorough professional way without any fear of the complainant being

looked at as if he or she will be marginalised because they had dared to question somebody of doing something that may be untoward towards them. So how can that be built into what we are now going to accept.

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

I very much welcome Deputy Le Hérissier’s amendments and while we all recognise the urgent need to invest in insurance services I have stated in this House that I wish to wait for the findings of the Scrutiny Panel before implementing the Williamson recommendations and it will come back to this House. Regarding the second point, I endorse that too, the Children’s Service has had a tough time for a number of years and are facing ever increasing demand for services with limited resources. The Williamson plan does include proposals for both robust whistle-blowing policy, independent advocacy and complaints procedure. I hope that these proposals are supported when they come to this Assembly and that funding will be identified in a subsequent business plan. Thank you.

5.1.3 Deputy A.E. Jeune:

Deputy Le Hérissier made reference to whistle-blowing and cultural change and while we are addressing it at this stage under the enhancing support services to vulnerable children, families and others at risk, I think we, as an Assembly, should also be thinking much broader generally on this particular issue and ought to be seeing it as something that we do right across the States. Thank you.

5.1.4 Senator T.A. Le Sueur:

I just again confirm that the Council of Ministers accept both these amendments. In relation to the Deputy of St. Martin, we are talking here about the objectives under section 9, the actions to carry them out will follow later.

The Deputy Bailiff:

Very well, if no other Members wish to speak I will call upon Deputy Le Hérissier to reply.

5.1.5 Deputy R.G. Le Hérissier:

I thank Members and the Chief Minister for their support. I totally agree with the Deputy of St. Martin and with Deputy Jeune, she had made a very good point, but I think this the priority at the moment. I certainly know ... I have had, and I do not quite know why, a lot of criticism recently that the Complaints Board is not working very effectively. For some reason I am to blame for that so I did accept some of the blame, but I know people are taking a much closer look at these matters at the moment and I thank Members and I ask for the appel.

The Deputy Bailiff:

Are you happy to take both amendments at the same time, Deputy? Very well, then, the appel is called for on amendments 1 and 2 of the Deputy Le Hérissier, numbers 48 and 49 in the order of debate.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator S. Syvret				
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator T.J. Le Main				
Senator J.L. Perchard				

Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				

Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

6. States Strategic Plan 2009–2014 (P.52/2009): seventh amendment Paragraph 1 (P.52/2009 Amd.(7))

The Deputy Bailiff:

We come next to the amendment listed as number 50, that is the first of the seventh amendments lodged by Deputy Le Claire and I will ask the Greffier to read the amendment. Deputy, I think we will need to take your amendment number 50 first because there is an amendment to that and then, if you agree, we could take your numbers 52 and 53 together.

Deputy P.V.F. Le Claire:

Thank you, Sir.

The Deputy Bailiff:

So we will take first of all simply number 50 and the Greffier will read that amendment.

The Greffier of the States:

(1) after the words “attached as appendix 1” insert the words: “except that in priority 9 on pages 22–23 in the section entitled ‘What we will do’, after the first bullet point, insert the following new bullet point: ‘Ratify the United Nations Convention on the Rights of the Child’.”

The Deputy Bailiff:

Yes, Deputy, so you are proposing simply the first of your amendments.

6.1 Deputy P.V.F. Le Claire of St. Helier:

Do I speak to the main amendment now or do I just accept the amendment.

The Deputy Bailiff:

It is a matter for you. I would be inclined, if I were you, just to deal very briefly with the convention because the Council is accepting that subject to some very minor changing of the wording and then you can speak on your major points on your further 2 amendments. But it is up to you of course.

Deputy P.V.F. Le Claire:

If I can just a moment, please, Sir. The 2 amendments that I am faced with, the first is the one that I would really like to address in some substance. I would imagine I would probably take about 25 minutes to talk on it. I am going to accept the amendment of the Council of Ministers and its extension.

The Deputy Bailiff:

You are going to accept that but you want to talk 25 minutes on the convention?

Deputy P.V.F. Le Claire:

I am afraid I need to, Sir, yes.

The Deputy Bailiff:

Even though it is accepted?

Deputy P.V.F. Le Claire:

Yes, Sir.

The Deputy Bailiff:

Well, it is a matter for you but the Assembly does have a lot of matters to deal with and where matters are accepted it is not always terribly helpful to be too long about it.

Deputy P.V.F. Le Claire:

I appreciate that, Sir. The reason why I say that now is because I am going to try to complete my points by lunch time. No doubt some Members may decide lunch time begins now. I apologise to Members that I cannot just quickly accept this because what has happened in the last few days has given me grave cause for concern. Members will be aware of the fact that emails have been circulating in regards to an application to the Royal Court in respect of representation of children on 12th June. I have spoken this morning briefly with Her Majesty's Solicitor General. Unfortunately when I went out of the Chamber a few minutes ago to try to talk to him further about the issues I was not able to locate him. But he did afford me some insight as to the thinking of the Law Officers' Department in this respect this morning. It is on that particular aspect of the United Nations Convention of the Rights of the Child, ironically having been accepted by the Council of Ministers, that I would like to speak to at this time. My involvement with human rights has not been something that has come about recently. I was in the Chamber when it was debated to extend the Human Rights Convention to Jersey through the United Kingdom and I participated in and supported that debate. I also took part in a seminar put on by Carey Olsen, the lawyers, in respect of human rights about 4 or 5 years ago, a briefing by the Law Officers at that time, and also most helpfully a very recent seminar on human rights that was conducted by the Law Officers on Friday, I believe it was, at the Société Jersiaise. I found that extremely helpful and I am very grateful for Her Majesty's Solicitor General and Attorney General and their team to have given us that opportunity. At the same time I attended that meeting I did try to ask Her Majesty's Attorney General a question about this point that I am going to elucidate in a minute. Unfortunately, given the sensitivity of time allocated to the issues and the items Her Majesty's Attorney General was not able to take my question and I was not able to deal with it in that seminar when States Members could have been afforded maybe some answers that they need, and certainly some answers that I needed. Subsequently I have written to the Chief Minister on the issue and he has told me that he is looking into it and will get back to me. But from my brief conversation this morning with the Solicitor General, I have been told in one aspect certainly there are concerns in the Law Officers' Department as to the amounts of money that are now being expended in relation to children's lawyers in cases that are coming before the courts. Now, why is this important to suddenly start to slow down the States Strategic Plan at this stage when everybody is grinding their teeth? Well, the

reason why it is is because I asked some urgent questions which were not allowed on these issues and unless I speak about it today the next time anybody will speak about it in a public authority will be when the Attorney General's Office puts it before the Royal Court as a matter of representation on 12th June. Now, I appreciate that sometimes urgent questions cannot be asked and I appreciate that sometimes there are reasons for that but, because I have not been able to get those answers and get that issue raised in the public forum, I am afraid this is the opportunity that I have got. I am using it, ironically, because of the fact that the Council of Ministers has accepted that we will extend, during the life of the States Strategic Plan, the United Nations Convention of the Rights of the Child to Jersey. So before, hopefully, the end of 2014 we will be in there along with every other nation, except for, I believe, Somalia and the United States of America. Now, I am wondering as probably some Members are, and other people that are listening, why it is that the Island of Jersey, and perhaps other Islands that I have not been informed of, are not Members to this treaty? This treaty, as pointed out in my proposal, is something that is one of the principal human rights conventions affordable to mankind today. I am not trying to stand before Members and grandstand to pretend to be some kind of legal expert in the case of human rights. I have had some introduction to them, in a layman's sense I understand some aspects of it, generalities. I am not trying to use this opportunity before lunch time and during the States strategic debate to grind Members into submission on a proposition, especially when it has been accepted. But I have got to point out a couple of my concerns and unfortunately I am going to have to ask Members to hang on tight and hang in there with me. I am asking, I am pleading with Members to do so for the next few minutes because I think it is extremely important and I apologise for having to take this time to do it. I do not need to go into the detail of the United Nations Convention on the Rights of the Child. That can be adequately done at the time that is being brought in the future, most probably and most likely by Deputy Martin who has been assigned as Assistant Minister for Health the responsibilities of the Children's Services. So I am not going to grandstand on the actual convention, there is no need for that. But I am going to highlight why it is so important for us to recognise what it is we are about to sign up to in relation to costs and implications of those costs and those resources. I am going to try to make Members see, ahead of the representation that is going to the Royal Court, why it is important for us to agree to my proposition and to back the Council of Ministers and I in getting this proposition brought to the States Assembly at a future date by, hopefully, Deputy Martin. I hope I do not lose any more Members because it is really important. The rights of the child and the rights of the child to have a voice have only recently, since June, been effective in this Island, mainly due to the fact of the extension of the Human Rights Law. When I look back at the paperwork on the issues of the X children, and I am not going to get into their case in great detail but I am going to touch upon some of the issues. When I look at those issues I start to see some things that concern me and alarm me. I hope that when the courts listen to the representations of the lawyers, and they listen to the representations of the Law Officers' Department, that when the court decides what should be done and what should not be done, and it comes back to this Assembly, when those decisions are put into law and those policies are put into financial place, I am hoping that the Council of Ministers take heed of what I am going to say. Because what I am going to say has been said by people of learned authority. I am going to quote from the Jersey and Guernsey Law Review of February 2009. The point of this is the fact that children's rights are not recognised throughout the process. The issue of children having effective voices will be undermined with proposals to limit financial support to lawyers that take up these cases. Now, maybe I can do what I did before with Members and not read through the entire law review from February 2009 for Jersey and Guernsey and just highlight some of the issues and forward it to them if they wish to have it. What they say in this document is that the rights of the child, especially through the convention of the United Nations Convention of the Rights of Child, need to be listened to and need to be taken account of. The child needs an effective voice for a fair trial. The way it is at the moment is there is representation on behalf of the Health Ministry through the Law Officers, day one. Day one, Health Ministry flags a problem with a family. They then take 9 years to get to court on whether or not the children should be put into care and they have had effective

representation from the Law Officers' Department for those 9 years. Day 5, day 6, day 7, who knows, the parents get told of what is going to happen and have, if they have got any cognisant ability, the ability to employ lawyers. Indeed mitigating circumstances under the legal aid system would allow for those lawyers to be paid by the State through that long lengthy process. The children, who are the subjects of abuse, have no legal effective representation until day 4,500 when they are in court. The day it gets to court is when the children get a guardian. The day they get to court. So the State has spent thousands of pounds, if not hundreds of thousands of pounds, and the families have had thousands of pounds, if not hundreds of thousands of pounds, of legal aid and the children have not had one moment. The Solicitor General has told me today that there are some concerns around the representation of children because some lawyers, and I have had this echoed to me by other Members in the Assembly ... these are not the words of the Solicitor General but I have had these words said to me: "Oh, they are on a gravy train." Well, are they on a gravy train or are they merely trying to represent effectively the children who, 9 years after the State that has failed them and the parents that have failed them, have found themselves in court? This law review needs to be considered by the court. This law review needs to be considered by every States Member because the learned advice that is tabled within it demonstrates that we are failing the United Nations Convention on the Rights of the Child, and indeed the human rights law, unless we give representation to the children at an earlier stage. More importantly, something bizarre that I found out, when we had finally managed to get the children off Island, just before we got them off Island, I asked the lawyers: "What guarantee do we have that in 3 years' time they are still going to be there and finishing their treatments and what guarantees do we have that they are not going to be walking back around the streets in Jersey in a year and a half's time because the Social Services Department has decided it can look after them here, even though that is contrary to all the expert advice?" Nothing. The lawyers drop out, the guardian drops out. The lawyers in this case offered to keep a watching brief on it at no cost to make sure that for the 3 years that were involved they would ensure that the children received the full-term length of care that they need. This law review and the United Nations Convention on the Rights of the Child say that the child needs proper representation throughout its life, throughout the care proceedings, throughout the failings of the administration, throughout the court cases and throughout the healing process and on into their 21st year when they are just thrown out the door. At that stage, and this is the case with children already, they have already been assigned different lawyers that will be looking at the legal sides of their cases to sue the States, to come back when they are 21 and say: "Look, was that good enough? Do not think so. Not going to cost you £300 an hour now, mate, going to cost you millions." If there is concern of the Law Officers' Department and the States Treasury in paying lawyers and guardians a set amount of money then it needs to have cognisance of what would happen if we did not give those children effective legal representation to afford them the best treatment that can be given to them as we have recently seen, because if they had not have had a guardian of the calibre that they had and if they had not have had 2 vociferous champions of justice in these 2 lawyers that I have become acquainted with recently then they would not have, and we know they would not have had because for month after month after month they dragged back to the Court of Appeal decisions that had been taken that were wrong and they won on every single occasion. It cost hundreds of thousands of pounds, if not millions of pounds, in legal costs because of the time it took and that is nothing compared to how much time and recovery the children lost. We need to ensure that a public authority, such as the Law Officers' Department, goes to court to seek to limit costs in relation to defence when we have vexatious litigants, when we have companies stealing foreshores and doing deals and Trinity in-fills. That is when we need the Law Officers there, not when we have had a case that has embarrassed everybody and cost the States £3 million in fixing them.

The Deputy Bailiff:

Deputy, I do understand you feel very strongly about this but I must try and get you back to the matter of the convention.

Deputy P.V.F. Le Claire:

I am coming, Sir. This is the next train; I am not going to focus on that. The next train is the cost of not doing it, and I am not pretending to be learned, I just get given things and read them, sometimes. Members will have had in their packs that I sent them - maybe they might still have them, maybe they do not - this document or the introduction to this document that I am showing, *Measuring What Matters: A False Economy* from the New Economic Forum, and it talks about the costs of not doing this. Through the studies that they have undertaken it speaks about how we are doing in the United Kingdom. Okay, I accept we are not in the United Kingdom but we are pretty much made up of the United Kingdom, our laws and backgrounds are certainly in some respects being shaped every day by that kingdom, and if that kingdom is not our kingdom then which kingdom is our kingdom? I am going to quote a couple of things from here. I am watching the clock: "A 2007 U.N.I.C.E.F. (United Nations Children's Fund) report on child wellbeing ranked the U.K. (United Kingdom) at the bottom of the league table of 21 industrialised nations. It looked at 40 indicators from the years 2000 to 2003, including poverty, family relationships and health. One of the report's authors said the U.K. poor ratings were down to under-investment in children's services and a dog eat dog society. In a society which is very unequal, with high levels of poverty, it leads on to what children think about themselves and their lives. That is reality. What is at the heart of this?" The report also sparked widespread debate on attitudes towards children in the United Kingdom, how these compare to those in other European countries and the extent to which children in the U.K. are valued as part of society or segregated from it. They have even got devices in the U.K. now that they turn on children that drive them away from areas because they resonate a high frequency noise to keep them away from places. Nothing illegal in that. What it goes on to do, this report, which Members can get and members of the public can avail themselves of, is quite importantly the cost of not looking after these children properly. I argue that this is my point. If we do not safeguard those children's rights and if we do not haul in, with the greatest respect, the limitations of children's rights by people that would like to see the costs brought down, we will be facing a consequence that is far more costly. We will be looking at children who are not healed, who will go on most likely to repeat cycles that they have been involved in, not only within their own families but outside of those families, and those cycles and those actions and those outcomes will revolve around criminality, drug abuse and crime and suicide. The likelihood of being a problematic drug user is high at 33 per cent in the medium term, compared to 20 per cent, with poor physical health. The fact that drug users are costly to Social Services and the fact that one-third of drug users die prematurely we have put a value on the loss of life. Valuing life is clearly difficult and different. Mainly the U.S. (United States) have placed it at anything from 60,000 and 129,000 dollars. This report goes on to say, and I am not going to read from it for ever, if Members could bear with me, I would appreciate it: "We have used a nominal mid-range figure of 100,000, which is £50,000 at today's exchange rates. Valuing life raises a number of ethical issues, not least that under previous exchange rates the value placed on life would have been higher yet. Health economists do this all the time and in part it informs decisions about which drugs get funded. In the *Stern Report* on climate change it summarises the core ethical dilemma as follows: a very poor person may not be willing to pay very much money to insure her life whereas a rich person may be prepared to pay a very large sum. Can it be right to conclude that a poor person's life or health is therefore less valuable?" The most vulnerable in our society. The Council of Ministers highlights in one of their comments the importance of the role of government, and this is their words not mine. It is the amendment, the fourth amendment to the States Strategic Plan tabled by the Council of Ministers on 29th May: "The role of government should be to encourage individuals to take responsibility for themselves whenever possible. Where that is not achievable government should support people to become independent and protect the most vulnerable." That is the words of the Council of Ministers: "Protect the most vulnerable." I am asking the Chief Minister and the Council of Ministers today to tell Members, tell me certainly, why the Law Officers at this point in our history are going to court to talk about the costs of children's representation? The cost of

children's representation is a darn sight cheaper than not looking after them in the first place and not looking after them once we have identified they are broken. They will come back and the cost that they have put down in that report equates to in one study 7,000 and in another study 5,000 per year for the life of that child if it was a criminal situation. So, I did some maths and you look at the figures and then you look at the numbers. Let us say, as they do ... they do an average of £6,000. Now, I am not experienced in this; Sir, you are. £6,000, let us say a kid is broken, gets into trouble, goes to jail, becomes a repeat offender. The first time he goes to jail, obviously not the first time he has been in trouble because he has had an horrific life, he gets a 3 to 5-year term, say 5 years. The second time he goes in he gets, what, 7 years, and who knows, maybe more after that. I do not know but let us say that as an example. Five years and 7 years, £6,000, £72,000 costs to the society to send them there. That is a very conservative figure because I have heard many years ago that it was costing a lot, lot more to put people in jail. Deputy Le Hérissier informs me £35,000, and he is somebody that has experience of this. **[Laughter]** That has cost me; now I owe him a coffee. I certainly did not want to impugn his integrity, I wanted to promote his integrity because of his background in the prison service, so he knows these issues. So, what I am saying is if we are going to extend this treaty to Jersey then we need to say whether or not we are going to be signed up to it. I would rather States Members were honest about this and did not support my proposition today if they do not think that they want to pay for proper representation in the children's courts because I am sorry, if you take the money away from the children's representatives, if they were denied costs ... anything to do with me, by the way, the time it took me to catch up with what was going on and being involved, and I tried as hard as I could, as quickly as I could, and I was quite keen to get involved. They were denied those costs. It will go back to Legal Aid. It is a rota system. There is not necessarily experience. Now, the Solicitor General has assured me that that is not what they are doing. They are only going there because they want the court to think about it because it is costing as much as £300 per hour. Now, maybe they do not want to get rid of children's guardians and maybe they do not want to get rid of specialist children's lawyers but I do not know any specialist children's lawyer in Jersey that is going to work for nothing. That is not human rights compliant. You cannot force somebody to work for nothing; that is against human rights. So I am going to ask now, before we break for lunch, Members to think about this and to ask the Chief Minister, who has got a horde of advisers, to come back after lunch and explain to me, States Members and the Island's public exactly what the Law Officers are doing going to court. Who sent them there? Are they acting on their own authority? How much money has it cost in defending children's cases and is that not money well spent to defend the most vulnerable in society? I make the proposition. **[Approbation]**

Deputy J.A. Martin:

Sir, can I just ask for a clarification from the Deputy, please, just very quickly? He said in the very closing part and I have also read it in an email. I have great concerns the Deputy stated, if I am quoting him right, that the lawyers were denied costs in his part in the involvement of a certain case in this case. If the Deputy has used any advice or sought advice from anybody should not the Deputy be paying for this advice? I do not understand where the Deputy is coming from and the clarification I want to know is what involvement were lawyers denied monies for for work of a States Member? I really need this clarified because I do not understand it and I really think it is of great importance. It is outside of what the Deputy is saying but it is very, very important because he says it in his speech and he says in an email as well.

Deputy P.V.F. Le Claire:

Very briefly, Sir, when I was approached by the law firm to get involved with the X children it was because they thought, and I think quite rightly as other people have said, that that was really the last hope they had in getting these children off Island. I did not ask them for any money and nor did they ask me to pay them. I certainly did not charge out my usual fee of being a politician, which is not much, and they certainly did not tell me that every bit of advice they were going to give me was

going to cost me but what they did was, as I understand it - I only found this out on Thursday or Friday, most recently I found out - they went to court after they had succeeded and produced their bills and the proportion of their time spent in briefing me, preparing packs of information with redacted information that took away the identities of the families, that time was disallowed by the Batonnier in relation to the payment to the lawyers. I do not know if that is helping the issue become clearer for the Assistant Minister. I am going to seek a nod of heads from Members to see if everybody else has got it. I will speak to the Assistant Minister, if I can, to clarify it more but what I am basically saying, Sir, or trying to put across to Members is if you pay peanuts you get monkeys and it is against the human rights law not to pay people when they do work. These lawyers were appointed by the guardian and the Royal Court to protect the States of Jersey and if they had done such a good job the bill in the future would have been a lot more than it is going to be.

Deputy J.A. Martin:

Sorry, the clarification: is the Deputy saying that the parts of the proposition that were brought to this House that time was spent by the lawyers were put in for costs and were denied and does he think this is wrong? The advice given to him surely in helping him present a perfectly good proposition to this House, if anybody else went out for private legal advice or any other advice you would pay for it yourself. Am I getting this wrong or is the Deputy trying to tell me something different?

Senator S. Syvret:

Sir, if I could help? Perhaps I could explain the matter. Seeking political intervention and political work and support on behalf of these children is a crucial part of the activity of the lawyers in securing the best outcome for those children. If that happens to involve dozens and dozens of hours of the lawyers' time preparing specific briefings for a politician then they have every right to seek to be paid for that time because, as Deputy Le Claire correctly pointed out, regardless of the opinion of the Minister for Home Affairs, requiring people to work for nothing is a form of servitude and it is not compatible with the European Convention on Human Rights. Certainly, frankly, there are an awful lot more other occasions when individual Members of this Assembly could well benefit from, as the public could benefit from, having effective legal advice in their various political battles.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is proposed. I am afraid I am going to have to be stricter after lunch. I have allowed considerable leeway to Deputy Le Claire but the matter before the Assembly is a simple one, whether to ratify the convention, and I am not going to allow a wide-ranging discussion on a particular case. This must be confined now to the desirability or otherwise of joining the convention.

Deputy P.V.F. Le Claire:

Sir, on a point of order, may I just get a seconder before we break for lunch?

The Deputy Bailiff:

Yes, quite right, Deputy. Is it seconded? **[Seconded]** The adjournment is proposed. The Assembly will reconvene at 2.15 p.m.

LUNCHEON ADJOURNMENT

7. States Strategic Plan 2009–2014 (P.52/2009): seventh amendment Paragraph 1 amendment (P.52/2009 Amd.(7)) - amendment

The Deputy Bailiff:

There is an amendment by the Council of Ministers to the amendment of Deputy Le Claire and I will therefore ask the Greffier to read the amendment of the Council of Ministers.

The Deputy Greffier of the States:

In amendment 1 in the inserted bullet point for the word “ratify” substitute the words: “Seek extension of the U.K. ratification of.”

7.1 Senator T.A. Le Sueur:

This is very much a technical amendment. As can be seen from the comments to the amendment from Deputy Le Claire, the Council of Ministers accepts the spirit of his amendment and indeed that extension of the ratification has been agreed by the previous Ministers for Education, Sport and Culture, Home Affairs and Social Services, who you might call the corporate parent. So we are entirely at one in this one except with the terminology. The Island does not ratify conventions in its own; it seeks the U.K. to ratify and extend their application on our behalf to Jersey. So, subject to the comments that we have in our report on the amendment itself, this amendment is no more than a tidying up operation to give proper effect to the intentions of the amendment of Deputy Le Claire. I propose the amendment.

The Deputy Bailiff:

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

7.1.1 Deputy P.V.F. Le Claire:

I am obviously happy to accept the amendment and I apologise for the incorrect terminology and thank the Chief Minister.

The Deputy Bailiff:

Very well. Does any other Member wish to speak on the amendment? All those in favour of adopting the amendment to the Council of Ministers kindly show? Those against? The amendment of the Council of Ministers is adopted. Therefore we return to the debate on the amendment of Deputy Le Claire, namely that the convention should be joined.

8. States Strategic Plan 2009–2014 (P.52/2009): seventh amendment Paragraph 1 (P.52/2009 Amd.(7)) - as amended

8.1 Senator A. Breckon:

I wonder if I could just bring something to Members’ attention. This has come to light when we have been looking at the vulnerable children. I am looking particularly at the Minister for Home Affairs when I say this, and he probably will not thank me for this, in a former life perhaps. Article 40 which goes over on to page 17, under the convention it mentions: “The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law.” The convention, the general terms, is 14 years of age and that may present some problems for the Island were that to be accepted without other forums for dealing with young people who have come to the attention of the criminal justice system below the age of 14, and that has probably been topical over the last 3 or 4 weeks. The reason I say that is that Scotland have a system that deals with it. It looks at the welfare of the young person in a sort of Parish Inquiry and that is something that comes out of the system we have there which is supported by Probation and others to keep young people out of the criminal justice system. Scotland has an age of criminality of 8 years of age. The latest report that I have seen, there is a committee that looks at and reports on what is happening, the real live situations from the convention, and most countries that have signed up to it - the 2 exemptions, as Deputy Le Claire rightly said, are Somalia and the United States of America - do not comply with it and that is a problem. So the question is do we want to ratify it and then not comply with? The Crown dependencies are mentioned in the latest report, I think it is report number 49, of that particular body. Perhaps the Minister for Home Affairs would

like to comment on the criminal justice aspect of this and perhaps enlighten us in where we are with that, because we do have and I have seen some particular difficult situations of whether we draw a line at 14, 16, 18 or 21, young people who find themselves unfortunate enough to be in custody and in the criminal justice system. So I do not think it is just a case - and that is why I bring it to Members' attention - of ratifying the convention. If we have to do that then there are other things that we need to do. Reports I have seen from the Probation Service, just to give Members some idea, say on average there are between 40 and 100 young people under 14 who come to the attention of the criminal justice system. So that is the sort of number we are talking about on an annual basis that we will have to find a method of addressing and dealing with if we ratify the convention or we do what others do which is do not comply with it, which is what the reporting system is saying. So, although I do not have any problem with complying with it and ratifying it, then the actual mechanisms are different from just saying: "Yes, it is a nice thing to do." If we do that, they do look around to see who is doing what, whether states and countries who have signed up are complying, what they are doing and if not why not, and that is reported in a fairly robust way. So if we do ratify it then we can come in for further criticism were we not to address the problems, especially that one in reference to under-14s who are presently in the criminal justice system who will need to be dealt with in another way. I know there will need to be consultation on that issue with the Ministers involved and also with Probation and others in the community, including Education and the custodial systems we have at the moment. So, while I do not have a problem with ratifying this, there is a lot we need to do. It is not just a case of we will do that and do nothing else; there are other things that need to be done.

8.2 Senator B.I. Le Marquand:

I was about to rise to my feet to explain to Members a number of the things that will need to be done before the convention can be ratified. I am slightly puzzled by Senator Breckon's reference to 14 as I do not see ... 40, okay, now I do understand. Of course there is an age of criminal responsibility in Jersey and that is 10 at the moment. So I do not see any particular difficulties in relation to Article 40 but there are difficulties caused by the fact that we are a small jurisdiction and therefore we cannot have the multiplicity of different institutions that you would expect to have in a larger jurisdiction. In particular, ideally in relation to young offenders we should have secure children's homes for youngsters who need to be in a secure venue but who are there for a civil reason. We should have a separate institution in relation to youngsters who are on remand and, separately from that, perhaps in the same building but separately, should be a place in which young people serve their sentences. Now, there is also a problem related to the fact that in Jersey at the moment we mix, in certain institutions, people who are adults and people who are not and I am going to very quickly go through the details. I have explained the principles. For instance, we have a problem because our young offenders institution takes people in the range of 15 to 20 and some of those who are 20 could be there to 21 or 22 serving a sentence, so a mixture of adults and non-adults. Secondly, because there is no specialist female young offenders' institution, young female offenders under the age of 18 serve their sentence effectively in the adult female prison. That was looked at recently indeed by the courts in Jersey. We also have a problem in the young offenders' institution that we have a mixture of people who are on remand, i.e. awaiting sentencing, and those who have been sentenced. So it is a third area. In Greenfields we have a mixture of those who are there because of a civil order, essentially for their protection and care, and those who are on a criminal remand. It is hoped in the future that at Greenfields we may be able to add a further category, namely those who would be 15 or 16 who would be serving sentences, in order to try and get them out of the young offenders institution but then that adds a further complication because then you have got 3 groups together rather than 2 if that was to be achieved. So there are all these sort of issues which would need to be sorted out. The corporate parent met for the first time under the new States and with the new Ministers within the last week and we are actively looking at these kind of issues, both in the context of trying to get young offenders aged perhaps 15 or 16 out of the young offenders institution and into Greenfields and also to look at the very difficult subject of

those who are under 15 who keep on offending regularly, and there are various different options in relation to that which we will be looking at. All of these create difficulties and major difficulties in terms of ratification which we would need to look at. It is quite probable that we would need to obtain what it is called a derogation, in other words a kind of permission, to have the convention extended to us but subject to parts that we actually could not do and that also is going to take time. There is one further smaller matter which I believe held up the ratification in the past and that was to do with the need to specify better working hours of children. That is a very small matter. So Senator Breckon is absolutely right, there are issues and some of these issues are major issues. We want to proceed with the ratification of the treaty but these matters will need to be addressed first and the fact that it has not been ratified does not mean that the agencies involved do not seek, as far as they are able within the existing systems, to apply the principles involved in the treaty. So I support this proposition as amended but wish to bring to the attention of Members that there are issues which will need to be dealt with first.

8.3 Deputy J.A. Martin:

I will not speak for the Minister and the other Assistant Minister but I do know that all of us support the Deputy's amendment but really it is sort of echoing on from where the Minister for Home Affairs and Senator Breckon come from. The Council's comments do state that there are things that we need to do. For example, Health and Social Services need to progress and the Minister for Home Affairs just said it is a small matter but it is the Draft Children (Regulation of Employment) (Jersey) Order. This is currently out for consultation and to be honest, Sir, if I have anything to do with it this piece of legislation will come to this House later this year but this has been hanging around for 6 or 7 years and we must have this in place. Now, I do not doubt for any minute that most Members will say yes to the Deputy's amendment but I really want to just fire a little warning shot across the bows that when some of these difficult pieces of legislation might sound fine and we might need to look at limiting or regulating the working hours of a child, I know this piece of legislation did not even get to the States 6 or 7 years ago because of radio phone-ins, pressure to States Members from your local corner shop or big supermarket. This will all happen again. What we have done at Health, we have gone out for consultation, we have gone out to the parents and we have gone out to the children, but it will not be an easy decision to make so please think about that because I will be noting all of those who vote for this today because the ratification cannot be signed up until we have this piece of legislation. The Attorney General confirmed that last week; we must have it. Also at Health we need to have ... this is a new law and I will read it. It is the Human Fertilisation and Embryology (Jersey) Law: "In order to comply with Article 2(4) of the convention. This is quite new legislation and it is currently awaiting expert input and this is needed to address discrimination regarding inheritance of children born by assisted fertility." So, again, I would say not a small piece of work to be done but we are consulting and we are doing it. So, apart from that, Sir, I just thank the Deputy for bringing this amendment, hope that everyone can support this and, following that, all the legislation that needs to be brought from Home Affairs and the Health Department so we can sign up.

8.4 Deputy T.M. Pitman:

Just to say I do not want to be on any hit list of Deputy Martin's so I will definitely be supporting it and following through with whatever is required. Other than that, I would just congratulate Deputy Le Claire for bringing this and, as Deputy Martin says, it is a lot more complex than it looks but it really is something that we should support. So, thank you.

8.5 The Deputy of St. Martin:

Probably join in the compliments to Deputy Le Claire but the one thing I do not want us to do and I do fear this - and I think Deputy Martin touched on it and no doubt will go deeper when we have the next lot of amendments - I do not want us just to go along ticking the box. We have got this in place so therefore: "It is in the file, do not worry folks, it is there", and yet if anyone ever wants to

challenge it or bring something up we have got no one then, no support to it, like we have got the human rights law but who is there to champion it, who can you go to for advice, assistance? Again, I get fed up with us agreeing things just to put on the file, tick the box, pay lip service and nothing done. No doubt we will speak much more about it when we have the next lot of amendments but really one cannot but support it but please not just for ticking the boxes. Let us really mean business and do something about it when a problem arises.

8.6 The Deputy of St. Mary:

Just a brief word in support of what Deputy Hill said and I think he is absolutely right, we should all be grateful to Deputy Le Claire for bringing this because it has opened certainly my eyes as well about just how important this is. I just wanted to pick up on a point the Minister for Home Affairs said when he talked about he unravelled the complexities that are sort of down the line with this and the different kinds of remand and different kinds of provision for young people who have gone off the tracks. I want to refer Members to page 22, priority 9: “Enhance support services to vulnerable children, families and others at risk” and picking up the Deputy of St. Martin, it talks here about early investment in and support for vulnerable children and families. Again, there is a financial implication there but I hope we do not run away, vote for this and then do not do it. I just wanted to bring that particular point about supporting young families, vulnerable families and vulnerable children. That is implicit in this amendment. Thank you.

8.7 Deputy M. Tadier of St. Brelade:

Members will excuse my loss of voice so I will keep it brief. It is a bit croaky today. I will get on to that, **[Laughter]** that is another line. I would like to congratulate Deputy Le Claire for bringing this amendment. I know there have been several stalwarts of human rights over the years, indeed at a time when human rights was not necessarily popular, and it was always seen as a pain, some Back-Benchers always going on about these human rights. So very much talking with my hat on from Time for Change, and I am very grateful to be able to wear a hat because the combination of the inclement weather and my new coiffe has made it slightly cold for me but purely metaphorically speaking. Members may know or they may not that part of the philosophy of Time for Change is to do with human rights and that is part of the basis which our lobby group functions on. I really also wanted to pay tribute not just to the very hardworking Members who may still be in the States, some who are no longer in the States, but there has been a tradition of lobbying in Jersey on human rights grounds and there are some people who have done some very long and hard work over the years and I believe that we are really seeing its fruition. I would also like to acknowledge the fact that we had a very good presentation, for those Members who were able to come to it, by the Attorney General the other day at the Société and I believe that is just a taster and it certainly left me wanting to know a bit more. So I think that human rights are coming into their day, so to speak. I would also question why we have not signed other protocols such as the Convention of the Elimination of Discrimination Against Women. Following on from what the Deputy of St. Martin said, it is really not just about ticking boxes. We do need to get to grips with what these things mean, they do have implications, and I am sure this is not the last we will hear about the protocols that we are signing up to do with children’s rights, because, of course, we will have the debates, as we have in the past, about what about the paperboys, what about the girls and boys who work in the shop, and I really think this is just the tip of the iceberg but I am glad that the States are finally taking these things perhaps slightly more seriously.

8.8 The Deputy of Trinity:

I will be brief. As a Minister, children’s issues and this amendment are very important and I would like to congratulate the Deputy for bringing this and to all those who have spoken in support of it but I must say it does come with a health warning, so much to what the Minister for Home Affairs has alluded to and my Assistant Minister that there are several issues to be put in place first and they will cost some money and they may even cost some resources, especially with what the

Minister said about Greenfields and the sentencing of young children. So this is good but I think that we will need some extra finances so when we come back we look for the support.

The Deputy Bailiff:

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

8.9 Deputy P.V.F. Le Claire:

I would like to thank all the Members that spoke and especially those that congratulated me. It is nice to be congratulated on something that one has done but I do not really feel I have earned any congratulations on this. To be honest, I feel the congratulations rest fairly and squarely in this instance on the shoulders of the Chief Minister and the Council of Ministers. It would have been very easy for them to have drawn up a very long-winded report on how difficult achieving this is going to be, especially at these difficult economic times. What they have done by not opposing this has enabled me to have the support of Members in paving the way for Deputy Martin to come with this in the future. So I appreciate the congratulations but I would defer them on this instance, and I am not going to congratulate them every day, but particularly I would like to thank the Chief Minister and the Council of Ministers for having accepted it. The points made by Senator Breckon in relation to Article 40 and also in relation to the issues of young offenders were quickly pointed out by Senator Le Marquand as some of the issues that we are going to have to face up to and those have been borne out by other Members' speeches in relation to costs and resource implications. I believe most Members in the Assembly got a copy of the *Howard League for Penal Reform: Jersey Review* this year and the conclusions in that report about the Jersey youth justice system said that we were doing much right but if I can just go through 3 or 4 lines of their report to finish. It says: "The youth court processes are much too formal and will be perceived to be of little relevance for children. Steps should be taken to introduce a system along the lines of the Scottish hearing system", which was highlighted by Senator Breckon. So Scrutiny needs to get along, if it has not done already, to Scotland and look at what they are doing. It is much the same, I imagine, as a lot of the Parish Hall Inquiry work. The second thing they say: "There are considerable difficulties with children's custody in Jersey" and this was highlighted in particular by the Minister for Health and Social Services, the Deputy of Trinity, and Senator Le Marquand. "The most important issue for us that there is there is far too high a level of custody and we believe that measures should be taken to eliminate it." The recommendations that they made in their report, the first recommendation they made on the legal and policy framework, was Jersey should immediately ratify the United Nations Convention on the Rights of the Child. So we are taking a big step forward today to do that. It also agreed with Williamson that there should be a lead minister for children's services and a lead minister should be appointed. In some respects, Deputy Martin has taken that. It says: "Jersey should develop a child specific criminal justice policy. Jersey should raise [and this is quite important I think and we need to think about this] the age of criminal responsibility to 14." Why should we do that? We need to ask ourselves that question and we need to ask it soon. It says: "Jersey should raise the minimum age for a youth detention order to 16."

Senator B.I. Le Marquand:

Can I raise a point of order, Sir? This is exactly the same point of order as I raised recently with the Bailiff. Unfortunately what is happening here is that in his well meaning way Mr. Le Claire is now raising completely new issues in his closing speech. It is therefore, in my view, not a proper use of a closing speech because it is not dealing with matters which have been raised by others. It is raising new matters. The unfortunate side effect of that is that Members like myself who have just produced a response to the court agreeing some parts and being highly critical of others would be deprived of the ability to make any response to it. So, as a point of order, which I raised previously and was successful with the Bailiff, new matters are now being raised which were not raised originally.

Deputy P.V.F. Le Claire:

If I could just first of all respond to that before Senator Syvret puts a point. I am addressing Senator Le Marquand's contribution. He mentioned the fact that we would have to look in the future at the incarceration and the detention in Greenfields of children that would be on remand in the age group of 15 to 16. He highlighted certain categories of female prisoners, et cetera, which I was maybe going to talk about, I was not certain, but I certainly was going to point out in my last part here which I am on that if we had raised and if we do raise the level of detention and the level of criminality then some of these pressures which were highlighted by Senator Le Marquand we may not have to face in the future.

The Deputy Bailiff:

I think one could properly say it arises out of the matter so I do not think I need to trouble you, Senator Syvret.

Senator S. Syvret:

I would like to say something as a point of order. This Assembly is not a court of law, therefore the same rules that apply in a court do not apply here. So Members are entitled to raise whatever issues they wish and if Members who have spoken before had not thought of those issues and have not addressed them, well that is just tough.

Deputy P.V.F. Le Claire:

I do take on board the intervention of both Senators. I would respectfully speak with them afterwards and share my views about the interventions personally. I would like to just continue, as has been customary for the 10 years that I have been in the Assembly, to finish my speech in the manner that I would like to finish it. The custody issue in the last of this document I am going to talk about says this: "Senior politicians should lead public opinion in the argument against children's custody." I would like to thank the Members that have spoken. As I say, I would like to pass congratulations on to the Council of Ministers and the Chief Minister. Deputy Pitman I thank for his speech. The Deputy of St. Martin I agree with completely. He has always been championing human rights issues and he, like I, has been a little fed up with just ticking the box over the years. There is no human rights officer in the States of Jersey. We have officers in the States of Jersey for practically everything but human rights. The Minister for Home Affairs, I have touched upon his submission. I think I have answered most of the points. I would just like to conclude by saying also instrumental, I did not mention, were the children's lawyers who in their submissions to me pointed out that this is something we should be adopting if we are going to show the world that we really do get behind children. This is an opportunity I would like to get an appel for because I am certain every States Member in this Assembly would like to send a strong signal out to the community that we 100 per cent support the children in this community. So I ask for the appel.

The Deputy Bailiff:

The appel was called for in relation to Deputy Le Claire's amendment, that is number 1 of his seventh amendment. I invite Members to return to their seats and the Greffier will open the voting. Have all members had an opportunity of voting? The Greffier will close the voting. The amendment is adopted: 43 pour, 0 votes contre.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator S. Syvret				
Senator T.A. Le Sueur				
Senator P.F. Routier				

Senator T.J. Le Main				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				

Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Deputy Bailiff:

Before we move to the next one perhaps I can just say something in relation to the points raised by Senator Le Marquand and Senator Syvret. Senator Syvret is, of course, quite right, this is not a court of law and therefore people are not held to rules in the same way they are in a court. Nevertheless I think the general philosophy is you make your points when you make your proposition and then when you respond at the end you are replying to the arguments raised against. You can go quite widely but it would, for example, not be right, it seems to me, to take an extreme example, to just make the proposition at the beginning and save all your arguments for your reply because then everyone else would not know what was being said in support of your case and would not have the chance to deploy their arguments. So it is a question of balance and reasonableness but I do not consider that Deputy Le Claire stepped over the boundary of what was proper in the reply.

9. States Strategic Plan 2009–2014 (P.52/2009): seventh amendment Paragraph 2 (P.52/2009 Amd.(7)) and eighth amendment (P.52/2009 Amd.(8))

The Deputy Bailiff:

Shall we come then to the next 2 amendments. Deputy Le Claire, would you be happy to take your second amendment of your seventh and number 2 of your eighth together? They seem to be very closely linked.

Deputy P.V.F. Le Claire:

Yes, Sir. Thank you.

The Deputy Bailiff:

I will ask the Greffier to read the next 2 amendments which are numbers 52 and 53 in the order of debate. Greffier.

The Deputy Greffier of the States:

After the words attached as appendix 1 insert the words: “Except that in priority 9 on pages 22 to 23 in the section entitled ‘What we will do’, after the first bullet point insert the following new bulletin point: ‘Introduce a Children’s Commissioner for Jersey who will among other duties be funded and act independently to promote issues pertaining to child welfare in the local media and raise public awareness to reduce and address potential future harm to them’.” In the section entitled “What we will do”, after the last bullet point insert the following additional bullet point: “Firstly, introduce procedures to allow access to the courts for registered members of the media in relation to cases involving children to bring greater openness to the family courts. Secondly, allow for the release of court judgments to the media in a way that ensures best practice is followed and adhered to. Thirdly, promote issues pertaining to child welfare in the local media and raise public awareness to reduce and address potential future harm to children.”

9.1 Deputy P.V.F. Le Claire:

Sometimes you know when you are on a winner and you know when you are on a hiding to nothing and in these 2 amendments I think I am probably on a hiding to nothing. I am going to make an argument for the commissioner because I believe that that is something that we do need to consider but government very rarely elects to introduce a body that is going to hit them over the head with a stick and that is exactly what a commissioner can do, especially an independent one. I have taken some sound bites about the access of the media to the courts in relation to family cases from the Assistant Minister for Home Affairs and there are some grave concerns there in relation to the size of the Island and whether or not cases would become instantly knowable to people. So I am arguing against myself already but I think that there is probably some more work that needs doing there. So I am not going to try to flog a dead horse on that one.

The Deputy Bailiff:

Just to be clear, Deputy, you are withdrawing ...?

Deputy P.V.F. Le Claire:

I think at this instance, Sir. Getting a feeling for what it is about and to get it looked at more sensibly, I think I need to withdraw it at this stage and get it taken by Scrutiny. So, with the leave of the House, I will withdraw the second one.

The Deputy Bailiff:

The second one? That is the one to do with the courts?

Deputy P.V.F. Le Claire:

To do with the courts and the access of the media because I believe that, although my intentions are right in some respects, I have taken a sounding from the Assistant Minister for Home Affairs and she has introduced sound arguments against the general principle and she has also spoken with me about the view of, if you will excuse me, the Minister for Home Affairs himself.

The Deputy Bailiff:

So you are withdrawing paragraph 2 of your eighth amendment but you are maintaining, are you, paragraph 2 of your seventh amendment, that is the Children’s Commissioner?

Deputy P.V.F. Le Claire:

I am, Sir. I think that that is the wisest thing to do. I know that there are some Members that are saying I should not do it but I have been in here long enough to know we will be arguing about it for 2 hours and I am going to lose it so rather than losing it I would rather take it away and work on it and bring it back.

The Deputy Bailiff:

Very well. So that is withdrawn.

Deputy R.G. Le Hérissier:

Sir, can I entreat the Member not to do that? This is a very current issue in England. There have been almost glacial steps to opening up the courts. People are very well aware of the issues.

The Deputy Bailiff:

Deputy, it is really a matter for the Member as to whether or not he withdraws it. We do not have a debate about whether he should or should not. So I think he has withdrawn that one but now we still have paragraph 2 of the seventh amendment, that is the appointment of a Children's Commissioner.

9.2 Deputy P.V.F. Le Claire:

Obviously I would have got one vote there from Deputy Le Hérissier and maybe he will work with me or take the work on himself in that regard to challenge that issue. Nevertheless, getting back to the Children's Commissioner. The particular recommendation from the Williamson Report that was not adopted was the identification of a Minister for Children and the States in their wisdom, or at least the Council of Ministers in their wisdom, said that we will implement Williamson but on that issue, even though it conflicts with what other people are saying, we will just give that to an Assistant Minister for Health. We can all rest assured that we have got somebody really good coming in to look after the other issues that children face and we can do exactly what the Deputy of St. Martin said before, tick the box. I have the greatest respect for Deputy Judy Martin and I know that she is going to champion children's issues and it was remiss of me not to say that I am looking forward to her bringing legislation after it has been duly consulted upon and the manner in which she wishes to bring it but nevertheless, regardless of what duty of care the Deputy can commit to on this issue, it is only but one duty of care that she, as a politician, has to focus on. I do not know any States Member that can focus on one particular area of government policy, let alone children which is a very crucial issue, and get it right, especially if they are not the actual Minister. I think Assistant Ministers are given some authority, I think they are given some flexibility, but they are after all Assistant Ministers. As this portfolio transcends one particular ministry into several I think it is going to be nigh on impossible for us to get it right and I think eventually what will have to come is a commissioner. The 4 commissioners in the United Kingdom tabling their report, which I referred to Members earlier in the debate last week, highlighted the fact that commissioners have got differing powers in the United Kingdom and not as powerful in certain respects as the E.U. (European Union) commissions that were set up and they were set up with the intention of helping to bring home the U.N.C.R.C. (United Nations Convention on the Rights of the Child) which we have just agreed should be ratified to Jersey. So why should it be okay to say we are going to ratify a treaty and tick the box and then in the next instance, as the Council of Ministers have said, say that we will not have an independent person looking at children's issues? I do not think that is acceptable. I think there will be a cost but with everything there will also a mitigating factor to that expenditure. As the Scottish Commission points out, in 1991 their country signed up to an international agreement, the United Nations Convention on the Rights of the Child, and that was a set of promises to do certain things to make life better for children and young people: "Their job is to make sure the promises are kept. The commissioner has a legal duty to keep on reminding everyone of the promises and can also set up an investigation if they think the promises are not being kept and if the commissioner believes that a public, private or voluntary organisation is not keeping the promises made to children and young people she can require them to attend a public investigation, examine them under oath and force them to produce documents." I do not know at what level we are going to empower the Assistant Minister for Health with that kind of authority but unless we do we are not going to get it. So what we will get is we will get a series of managed answers to problems, as we tend to see in Jersey, from the civil service through to the Minister and the questioning body, whether that be Scrutiny or anybody else, will try to pick the bones from it before their duty and their attention is called on to the next pressing issue that is on the order paper. We do tend to deal with these things on a - not saying superficial level - primary level and I do not

think that the Children's Commissioner for Jersey that I am recommending needs to be expensive, I do not think that it needs to be over-bureaucratic or over-resourced. I think it can be done quite effectively but I do think it needs to be totally independent of government and I am quite certain that the Assistant Minister for Health is not independent of government. Although she is an independent Member, she acts independently and she acts honourably, I have great respect for her, but it is just impossible to be a member of the executive and to be independent. There are all sorts of issues and these are important issues, these are issues to do with children. So that is why I find it strange that the Council of Ministers have agreed to extend the U.N.C.R.C. to Jersey, yet have opposed me on this. Some of the duties of the commissioner, I am going to be told, will be extended through the new appointment that is being made in relation to the gentleman who is coming to Jersey, Mike Taylor, who has had a commendable length of service with the National Society for Prevention of Cruelty to Children, and who will be replacing Professor Thoburn. Now, coming from the U.K. with the background that he has and working in Jersey on a regular basis, I am quite certain that he will get to see what he will get to see, and as the new chair for the Jersey Child Protection Committee he will have certain abilities to look at what is going on. But I am sorry to say I do not feel that at the end of his tenure he is going to be saying anything different than Professor Thoburn was when she left the Island. I read out to States Members last week an article in the *Jersey Evening Post* which does very good work in highlighting these issues. She said the legacy that she had left behind - paraphrasing - was one that she could be proud of and one that she could hand on with pride, but she also raised significant concerns about child neglect in Jersey. She also raised, as I said before, the level of this issue given Jersey's size and social composition, and she thought that we should not have so many child-related issues. Then again, drawing upon the *Jersey Evening Post's* work, we saw in the Royal Court on Monday, 1st June, the article of a mother of a girl who was 14 in court and who blamed Children's Services, and said there is a real lack of realisation about what is happening to some youths in Jersey; and the mother spoke about her heartache about having a child that was in a system that was not really treating the needs of that child sufficiently, and now the child was going to end up with a serious criminal record, and the life of that child was spinning and spiralling down. These sorts of failures within Children's Services, that are highlighted by the local media and politicians and lawyers from time to time, are never going to be sorted out from within unless there is an independent commissioner looking from without with the power to look within, and that is the difference. I believe we should have an independent commissioner. I believe there will be great value and there will be a great saving to the community in having a commissioner that acts as a sort of children's ombudsman, a Children's Commissioner. Now, it is a complex issue and I do not purport to be an expert or to understand it all, but I do get the drift of what the experts are saying. We need an independent commissioner, and I am wanting Members' support in asking the Council of Ministers to set one up, and if we have a Child Protection Committee that is staffed and resourced by the States of Jersey, how difficult would it be to set that up under law as an independent commission? So, I make the propositions.

The Deputy Bailiff:

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

9.2.1 Deputy J.A. Martin:

I thought I would go early because, as the Deputy has said, he thinks possibly that it is a very, very big job. The only comment I would make on being a member of the Executive and not being independent is that I do have a mind of my own, and I think that will possibly be borne out by the way I have voted and acted in this strategic vote. But that is another story. How can I stand here as Assistant Minister with, quote "responsibility for children" and not support the Deputy? The Deputy did say in the middle of his speech "eventually we may," and I have no problem. Why I cannot support, I will tell the House. There is much to be done for the children of Jersey, and the sooner we can get Williamson recommendations in place, with the Scrutiny input, it will address a

lot of these problems. At the moment, the Council's comment on page 3 says: "The Commissioner for Children in England is independent of government." Again, as I say, it is one commissioner for the whole of England. The Deputy has gone on to not tell us how it would be done, what it would cost, and I would return to the cost later. It is not against the cost, it is where the money is going. Within the States of Jersey it is recognised that there is need for checks and balances with components of independence provided. Currently, this independence is provided for by the Minister's appointment of an independent chair of the Jersey Child Protection Committee. Now, the Deputy seems to think that this person who is coming over, the new chair, will go where he is told. He will not. He can go anywhere he wants; he can go into all the children's services, and I would like to take this opportunity to thank the outgoing chair, Professor Thoburn [**Approbation**], who was appointed with great foresight by Senator Syvret, because she was absolutely perfect for the job. The Deputy said he was paraphrasing, but I think she has left the Jersey Child Protection Committee 100 per cent better than she found it, and she has laid us down some very, very good policies, and there is a narrow budget and there are some clear accounting lines. As Assistant Minister for Health with responsibility for the Children's Service, for me it is when - and I do mean it has got to be when and not if - Williamson recommendations are introduced. Jersey will also then have the added independence of inspection for the Children's Services by a competent inspection agency from the mainland. The appointment of an independent review officer who will provide independent assurance that individual and personal services that look after children of an acceptable - the words say "acceptable" I would say they should say "exceptional" - standard will happen. The independent chair will also provide external scrutiny of the work of the Children's Services, and all of this needs to be done. There will be arrangements for independent governance by which the concerns of a child or young person who is in the care of the States can be registered and acted upon. Hopefully, an extra safeguard will be added if the Scrutiny Panel recommends that recommendation 5 of Williamson's Plan concerning an independent visitor scheme of advocacy service for looked-after children, which was also an amendment to P.17 by Deputy Southern, is reintroduced. I would really like to see this reintroduced. I do not know what Scrutiny is going to recommend, but I think they are looking at all areas. But again, remember, this will cost, and I think it will be money well spent. We need all these measures and safeguards in place as soon as possible. As I said at the beginning, I am not saying never, and nor is the Minister for Health, to a commissioner for children, but we have so much basic work to do first, and that is where we need to put the money and the resource. It is not good enough to keep our children waiting in homes - and this goes back to the Bull Report - that are much too large and not suitable for them. Both Bull and Williamson Reports recommend smaller, family-type homes as suitable for fostering and a more one-to-one support for children who need it. I cannot emphasise enough how much our children needs this change, and once Jersey has all these things in place we will be a lot further forward in protecting and helping our vulnerable and looked-after children. Lastly, I would agree that at the moment the creation of such a role for a commissioner for children would create the very confusion and unclear lines of accountability which the Williamson inquiry was at pains to remove. I have also checked this again only yesterday through the Chief Officer and have an email from Mr. Williamson, and he confirms that. He is saying not at this time. Again, he is not saying never, but not at this time. But much more importantly, and I do mean this, if this amendment were adopted there would be another very, very long delay. The Deputy is advocating an independent commissioner, and what would happen today if we decide to introduce one? What will happen as sure as I have seen everything else for children be delayed in this House? We will have to wait until the right person is appointed. That person will then have to look at the Bull Report. That person will then look at the Williamson Implementation Plan. That person will then look at the Scrutiny Report into the Williamson Implementation Plan - and when will that be? Another 18 months to 2 years down the line. This is not acceptable. Because this is what will happen. To me this is just a well-intentioned amendment, but another delaying tactic to absolutely do nothing. Do nothing for our children. Now, the Senator was one among many others who supported the not-adopting of P.17/2009, the funding for some Williamson; then Senator Syvret sent the whole back

to Scrutiny, which in hindsight was probably a good thing. But he did say in the debate: “Any vulnerable children in the Island now, God knows, after the last couple of years, must be and should be being properly protected and served by the department, and if they are not, shame on them. Shame on them.” Well, as I said, there are different degrees of not protecting children. I have asked the Deputy, and I am grateful that Deputy Le Claire has agreed to come round the children’s homes with me on my regular visits. He could not make it yesterday - it was quite short notice, but I plead with anybody to go to ... I will not name them; we all know where they are. They are massive out-of-date buildings. They are tired. The staff at the coalface are telling me that all they can basically do is provide a bed for the night and food, and they want to do so much more, and be where they are dealing with a couple of children per person in a smaller home, an up-to-date home where even they can keep their eye on them. These are like rabbit warrens. There are children coming in and out of windows. It is ridiculous. The buildings are not even right for the purpose. So, as I say, can the Assistant Minister on the face of it with responsibility for children not actually support the amendment for a commissioner for children? Yes, she can, and I think I have explained exactly why, because I for one, and I know my Minister and my other Assistant Minister, cannot accept any more delay. I will finish now, but the Deputy seems confused in his opening remarks also, about there is not a clear line of responsibility. At the moment the corporate parent was what Williamson was objecting to. The failure of the last Ministers or committee presidents to meet regularly to get it all sorted. It is in the implementation of Williamson that there will be a lead; there will be a final responsibility with the Minister for Health, the Deputy of Trinity. The responsibility is delegated down to me, but because it is the Minister for Health’s name, say, on the tin, the Minister for Health will be on my case and I will be reporting back to her daily, which I do. So, there is a clear accountability. It will be Children’s Services under the Minister for Health. Very clear ... clear in the implementation of Williamson. I have not much more to say, but I say again: get all these things in place, sort it all out with the recommendations at Scrutiny, and come back in a couple of years’ time when this is all working. We speak to the chair of the J.C.P.C. (Jersey Child Protection Committee), we speak to everyone else. We have our first independent inspection. If they then recommend a Children’s Commissioner for Jersey, I will be the first one to sign up to that.

9.2.2 Senator S. Syvret:

I think that has got to be the most disappointing speech I have even heard from Deputy Martin since she has been a States Member. Frankly, it could have been one of the traditional old-fashioned Frank Walker Policy and Resources Committee members speaking, to listen to some of the spurious arguments that she put forward. There is no cogent or rational argument against this proposition, and if the Deputy is going to start coming to this Assembly merely reading out and parroting what she has been told to say by the officers in the department, then I am afraid her political career has taken a very sad downturn. The Deputy said that the current Child Protection Committee with the new incoming chairman is going to do a job. They can be relied upon, so we do not need a Children’s Commissioner. Well, I mean, maybe the current Jersey Child Protection Committee can do a good job. Maybe the new man coming in - and I have no reason to doubt it - will do a good job. But the basic principle we have to focus on is asking ourselves what are the mechanistic checks and balances? Because even if the current and the new Jersey Child Protection Committee are marvellous, we have no guarantee of knowing that that is always going to be the case, and at some point in the future it could go back to being the hopelessly defective body that it was before, which is why we have to have effective checks and balances. The Deputy spoke about the fact that the Minister for Health and Social Services, and the Assistant Minister and so forth, have all the authority and powers that they need to properly fight for and protect the interests of children. That is a very interesting assertion, and we have to compare it with the actual history of the situation. I mean, the Deputy also spoke of the fact that Professor June Thoburn had proven to be an excellent chair of the Jersey Child Protection Committee. Well, when I set about the process of identifying and recruiting a suitable chair to replace the old chair whom I sacked, the response of

the department to that action was for the Chief Executive and his Deputy to spend 20 minutes literally screaming abuse at me across the boardroom table and flatly refusing to carry out a lawful ministerial instruction. Fortunately overnight, I think, wiser counsel prevailed and they did carry out my instruction the next morning. But when you are going up against a department and an edifice that has such a vested interest in maintaining certain conditions, then that is the kind of obstacle that you face. Now, maybe that will not happen in the future; maybe it will. We do not know. But just as a safeguard as to how we are compliant of that kind of thing happening again, we need to introduce independent scrutiny, independent oversight into these mechanisms. The idea that there can be this argument against something as innocuous as a Children's Commissioner - we have a Data Protection Commissioner sat across there in Morier House. She seems to spend half her life finding ways to harass States Members. Now, if we can have a Data Protection Commissioner, are we seriously supposed to say to the community out there that children are of so little consequence in comparison we cannot have a Children's Commissioner? What absolute rubbish. I wonder what goes through the minds of some people, and to hear Deputy Martin referring to the costs: "Oh, where is the money going to come from? Oh, we cannot possibly introduce this important piece of social protection for children because it might cost too much." Well, you know, I really do think she is joining the Frank Walker fan club. The Deputy said that we must await the Scrutiny Report which is going to recommend and support the Williamson proposals. Well, I had rather hoped that they were going to undertake some independent scrutiny and come to their own conclusions. But I can tell the Deputy, as I have told the Assembly before, the Williamson proposals are, in many respects, very seriously flawed. That is not just my opinion. I have taken the trouble to have those proposals peer-reviewed by nationally recognised experts in child protection, and they have pointed out and described the deficiencies in that report. Of course, not everything in the Williamson proposals is wrong. There is a lot in there that is just statements of the obvious, commonsense, but there are serious defects with those proposals. The Deputy also said that there would be such a delay that this was just a delaying tactic: 18 months, the Deputy said. That is utter nonsense. If the Williamson proposals or something like them, and the new Jersey Child Protection Committee are going to be adopted and put in place, and are going to be working in any event - which they are going to be - how on earth is that process delayed if we also agree to also in parallel set up and establish a Children's Commissioner? It is not going to be delayed at all. It is quite utter nonsense to suggest that that will be the case. The Assistant Minister also referred to the fact that: "Oh, we had all these terrible problems with the old buildings." Well, yes, we do have terrible problems with the old buildings. Quite what that has got to do with being an obstacle to the appointment of a Children's Commissioner I just do not know. You know, we have got to address that problem regardless, whether we have a Children's Commissioner or not. The fact is we need these kind of independent, properly empowered authorities, because in Jersey as a small self-governing island community, we do not have the differing levels of government, we do not have the broad checks and balances, the broad mix of scrutiny that one finds in, say, the United Kingdom. Therefore, it is even more important in our environment for us to have proper scrutiny - independent checks and balances of the kind introduced by a Children's Commissioner; and we have to do that because there are so many administrative conflicts of interest within the current edifice of public administration in Jersey. I have said it before, I will say it again, I will carry on saying it, and this is one of the great failings of the Williamson proposals: you cannot, for example, have individual officers, individual staff and individual departments doing both functions; the function of delivering child care, child protection, child welfare arrangements, and also scrutinising and monitoring and regulating those child protections. You cannot have both; there has to be a split of function. There has to be a separation of powers; and having a Children's Commissioner who would have that empowered oversight of the service, is exactly the kind of thing we want to do. Just to finish with a very important point: the Assistant Minister referred to how the Health and Social Services Minister has and will have all these powers needed, and that are necessary to protect children. Well, that is true in theory, but I have asked the States Greffe to undertake some research for me. I am looking into the whole range of different legal duties and

responsibilities in administrative expectations and legal obligations there are upon different Ministers, and even though apparently it is a requirement of the States of Jersey law that such a list be prepared and be available, apparently no such list yet exists. But the reason I am asking for that research to be done is because it became painfully apparent to me throughout that episode that, in fact, Ministers could be proactively stopped from carrying out their legal duties – their legal obligations – by other Ministers. That is what happened to me. As the Minister, I had unambiguous legal duties and obligations, and when material and evidence started coming into my possession that illustrated to me that things had been badly wrong and were going badly wrong, I attempted to fulfil those legal obligations, those legal duties on my shoulders; and the Corporate Management Board and the Council of Ministers set about absolutely stamping on me and trying to stop all that happening. Now, if that is the degree of protection that the vulnerable children of Jersey are going to get, just relying on a Health and Social Services Minister who can be kicked into touch if what they are doing and saying is politically inconvenient to their ministerial colleagues, then we are not going to properly address the concerns and the needs of vulnerable children. This is why we have to have some independent scrutiny. We have to have an independent commissioner. Again, this is one of those amendments which frankly is utterly mystifying why the Council of Ministers and other Members just will not accept it. As I said, we have a Data Protection Commissioner; is data protection more important than protecting the welfare, health and lives of vulnerable children? We must support the amendment.

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

The Assistant Minister for Health and Social Services and Senator Syvret have both referred to the forthcoming Scrutiny Report into the Williamson Implementation Plan. I would like to refer to a Scrutiny Report that was published in April of last year, and that was the Early Years' Report which was looking at initially the nought to 5 year strategy for children in the Island. The report was carried out by the Education and Home Affairs Scrutiny Panel, of which I was chairman, and we found that there was no such thing as an overall integrated strategy for children in the Island. If I may be permitted to read from the report as others have done through this debate, we made mention of an independent commissioner for children, and we stated that the commissioner: "Would be concerned in particular with the views and interests of children relating to physical and mental health, protection from harm and neglect, education and training, contribution to society, and social and economic wellbeing. The commissioner would be expected to take reasonable steps to involve children in decision making, ensuring they are aware of his or her role. The commissioner would also be expected to consult children and organisations working with children, and would have particular regard to groups of children who do not have other means of making their views known." I think that is very important, because the reason we decided to recommend that the Council of Ministers should evaluate the need to establish the position of an independent Children's Commissioner in Jersey was because during the course of our review we became aware that the position of Children's Commissioner is now being adopted by many local authorities in the U.K., and they are being appointed specifically as a voice for children, the voice of the child, which is in effect what Senator Syvret has just been referring to. We recognised that there is no overall strategy for children in Jersey. We were looking particularly at the early years of nought to 5, but we could make that statement for children up to the age of 18, for young people up to the age of 21. The States are neglecting their responsibility to young people by not having an overall strategy. In fact, what are we debating today? We are debating the Strategic Plan, and I fail to see why the Council of Ministers would not want to adopt as part of their strategy, the appointment of an ambassador for children, the appointment of a voice for young people within Jersey. I do not want to repeat myself too much; I think I am doing that already. But the conclusion to our Early Years' Report was quite categorical. Our conclusion was that, despite the recognition for a need of an overall integrated strategy for nought to 5 year-olds, and notwithstanding some isolated developments in this area, there is still little cohesion in the planning for this across States departments. So, in light of our findings, we made the recommendation that the Council of

Ministers should evaluate whether the appointment of a non-political - and that is the point I have not made earlier - this is a non-political appointment, thereby guaranteeing the independence that the voice of the child needs. So, we recommended the appointment of a non-political, independent Children's Commissioner for the Island of Jersey. Another recommendation that we made was that the Council of Ministers, to ensure political accountability, should consider the appointment of an Assistant Minister with clearly identifiable, cross-departmental overall political responsibility for children. We have spoken quite a lot during this debate about the need for balance in our strategy, and to me, this is - I do not like the term but it is what everyone is using at the moment - a no-brainer. We have a political advocate for children, and we recommended an Assistant Minister to accept that responsibility, and we have an independent voice of the child: a Children's Commissioner. I can see nothing in the comments of the Council of Ministers to persuade me that we should not include this amendment in our strategy today. I sincerely urge all Members to give due consideration to, and to go with, Deputy Le Claire's well-intentioned and absolutely critical amendment.

9.2.4 Senator A. Breckon:

Just a few comments. When I objected to the proposal before, I was surprised to see that it mentioned responsibilities of Transport and Technical Services, and I think that is probably a mistake, because I could not think that that would be the responsibility of Transport and Technical Services which are mentioned in Deputy Le Claire's report for child care. The other thing is that I am aware of the Children's Commissioner in the U.K. and I spoke to somebody with a knowledge of that and they said it is still settling in at the moment and it is not very effective at the moment; that is the situation in the U.K. There are questions about where it sits, what does it do? That is a question we might ask ourselves locally. What would the terms of reference be? What would the powers and sanctions be of a commissioner? It is interesting the Senator Syvret has referred to a Data Protection Commissioner, but that has got a whole raft of legislation behind it which we have not got for a Children's Commissioner. So, how long would it take to do that? I do not think we need to do anything that would delay where we want to be. A number of Members have mentioned a sub-panel or Scrutiny Panel looking at Williamson. We are not looking at Williamson alone. We are looking at the co-ordination of services for vulnerable children, which is different to Williamson. It is a lot wider than Williamson, and I am sure that the recommendations when they do eventually come from the evidence will reflect that. But the other thing that I do believe is happening, and other Members have mentioned, is the work of the Child Protection Committee, and others have said it has moved on in the last couple of years or so, and again that is due to the appointment made by Senator Syvret. But with that will be checks and balances, and the other thing that is in the work of others is that there will be external review which has not happened before. So, perhaps the situation we have had where people provided the service and then looked at it themselves, will not exist any more. So, some of the things perhaps that a commissioner would do and look at will come anyway. So, the question is where does it sit now? If we approve, this is a matter for the House to do. But I think as chairman of the panel, for the moment I would need to abstain on this, because I do not think at this stage I can express an opinion either way, because I am still considering a raft of evidence. Other Members can please themselves; there is no free party whip on this. But I think something like this: we have lacked advocacy, that was taken out, where there have been checks and balances; and I think what this amendment is, is it is a reaction to that, and it is understandable. But I think when further evidence and information does come out, it is something that Jersey may or may not need. I do not know. I cannot say personally at this stage. But it is something that has been mentioned by others. But for the moment, I think on this particular amendment I will abstain because I do not think I should express an opinion either way. I can appreciate all the points that have been made and why they have been made, and especially the other thing that the Constable of St. Ouen mentioned is, would a commissioner look at education services, or just at vulnerable areas, and then it is not clear exactly where the territory would be? So, for me, I understand Deputy Le Claire's intent, but I think at the moment it is a little

bit muddled exactly where it will sit and what it will do. I think some of the work is already coming out, certainly from the Child Protection Committee, and I have never met the new chair, but I am sure that will move on.

9.2.5 The Deputy of St. Martin:

I was hoping to come in after Senator Syvret, but nevertheless I am delighted to have heard from the Connétable of St. Lawrence because she has already covered some of the things that I think need to be said. So, well done there. The reason I wanted to come in after Senator Syvret was I thought that he was rather unkindly too harsh on Deputy Martin. **[Approbation]** There is one person that I can really say I have got time for in the States and that is Deputy Martin. I have worked with her on so many things that if there is one person I know I could certainly rely on, and would give me a straight answer even if it was one I did not like, I could go to Deputy Martin. I honestly think that Senator Syvret has been too harsh on her. One has only got to look at her voting pattern throughout this debate. She was probably the one person that has been independent and has voted when everybody else has gone *en bloc* to vote with the Council of Ministers. So, again, methinks you were too harsh.

Senator S. Syvret:

On a point of order, I would like to apologise to Deputy Martin for describing her as a member of the Frank Walker fan club. That was clearly an insult. **[Approbation]**

The Deputy of St. Martin:

I am grateful to the Senator, because I think he too realises the enormous debt we do have to someone like Deputy Martin, and I think she is an ideal choice, and I think the Minister for Health is very fortunate to have someone like Deputy Martin to do that job. However, that said, I think again I have a certain amount of sympathy for Deputy Le Claire, because I think I have been there, almost too much too soon; and I have stood up in the Chamber, coming forward with things, and knowing that possibly I have never been as negative in my proposition ... Starting again, I think possibly I have heard Deputy Le Claire before saying: "I do not think I am going to win this." I always go in saying: "I am going to win," but I keep it to myself: "Probably I am not going to." But he may well win today; who knows? I think the tide is turning, because I think what we are hearing, the more one hears about the need for some fresh thinking, the more one will think: "Well, hang on. He is not on to such a loser," and you know, I know how difficult it is for him. I can think back some years ago when we had the Kathie Bull, and I brought a proposition to the States where I asked for custodial sentences, and I was pooh-poohed, and I stood down and I know Senator Syvret voted against me. I just wonder really how many children have been damaged because we chose to do nothing because what I was asking people to do was something new. But really, was it new for Jersey? It was something that had been done elsewhere, and really, when we are talking about custodial services, Senators, we are looking to see how we could train and help children in their dire need. Of course, we have got to be very careful that we have now gone on and spent a lot of money. We have now got ourselves with the situation where we have got Williamson, we have now got the Howard League, we have now got Scrutiny, and they are all going to come and probably tell us something slightly different. But I think what the Connétable of St. Lawrence had to say, her contribution is so important, because she has been there; she went there with her panel and looked at the area of the Children's Commissioner, and they have seen the value of it, and I hope that we as States Members will see the value of it. It is not such a no-brainer, as Deputy Southern would say, when you see that you are looking at something now where we have a possibility of looking forward. All I will say really, for the sake of Deputy Le Claire, if this is not successful today, I would certainly ask that he consider bringing back a proposition – it may even be better to withdraw it, I am not quite sure how the thing works. But I gather if you lose a proposition you cannot bring it back in the same time within the year within the space of the States sitting. So, it may well be better that possibly he withdraws it and comes back with a proper

proposition, bringing up the S.W.O.T. (Strengths, Weaknesses, Opportunities, Threats) analysis showing the strengths of the ...

Deputy P.V.F. Le Claire:

Would the Member give way? Just to save time on this issue, I am not withdrawing this one. I am going to go forward, because I sincerely believe when I sum up, I am going to convince enough Members to win it.

The Deputy of St. Martin:

Yes, okay. Good. I am glad he is seeing that as a possible positive end to this debate, but I was concerned that if it is not successful that we will go on with the same old tired practices we have got in mind with Williamson, and indeed with the Howard League, and even, who knows, from Scrutiny. But I really think we want a fresh thinking about this, and I would ask Members: "Do not dismiss it out of hand." There is a lot of merit in what we have got here, and just to dismiss it out of hand just because it is coming from someone like Deputy Le Claire does him no justice, does the House no justice. So, what I would ask Members now is give serious consideration and vote pour.

9.2.6 Deputy T.M. Pitman:

As a member of the sub-panel for vulnerable children, I will choose my words carefully, and I hope Members will appreciate that. What I say is a personal view. Well, I was going to say that I appear to have more faith in the Assistant Minister than Senator Syvret. I really appreciate his later comments. I relate to those original comments - I know this is something he feels really passionate about, and I do not think anyone should doubt that, whether they agree or not. Having said that, I nevertheless feel that a commissioner would be positive, and I accept that maybe people are surprised by that given my professional background. I do not want to reiterate what everyone else has said about the possible potential in a commissioner. What I would like to say is that, far more important right now than that, what comes out of the sub-panel is brave and it is thorough, because if we are not willing to go into difficult areas - and I really hope that we are - then that is a really serious failing, because it will have far, far more damaging implications. You cannot have any new structure in place that can be undermined by people who have already failed and should be removed. Hindsight is a wonderful thing, and I am glad the Deputy says he is not going to withdraw it, but I cannot help thinking, sensing the mood of the House, that he may feel he has to bring this again, and if that happens I hope he does because I will support it. I would like to say more but I really do not feel I can, given my role.

9.2.7 Deputy G.P. Southern:

So, maybe I will say it for him through the chair, Sir. I was not going to speak in this debate. I thought this was something I could just vote on and not comment on, but I was persuaded to by the words of the Constable of St. Lawrence. The important thing there was when she said 2 things. One, she was strongly in support of a Children's Commissioner and the principles that underlie a champion for people, and had come to that conclusion through a spell of study in Scrutiny and the production of a report; and I really would urge Members, each and every time we have a chair or a member of a panel comes having done the research and having done the groundwork, to add to the quality of any debate, to listen very carefully to those Members who do that because this is well-founded evidential-based opinion. The second thing she said, and it was the thing that sways my mind to definitely vote - which I was tempted to anyway - in favour of the commissioner, was a missing piece of evidence from the jigsaw, that lots of local authorities are investigating or are thinking of setting up Children's Commissioners of their own in a local setting to promote the interests of children.. So, this overall general dismissal that comes from the Council of Ministers: "Ah, well, that is one commissioner for the whole of the U.K., absolutely irrelevant to Jersey", is not true, is not the case, because smaller units are indeed, off their own bat, promoting and investigating this possibility so therefore exactly perhaps what we ought to be doing. I have to say

that I am quite disappointed in the words of my chairman on the sub-panel investigating the co-ordination of children's care for vulnerable children in that he adopted a position which (a) said: "I am working on Scrutiny therefore I cannot prejudge anything I might say in the long run." Of course you can, of course anyone can. We are here and speaking in debate before the production of a report, you are speaking as a Back-Bencher. My opinion is this and I support this and I oppose this and of course we can have opinions, even though we are in the middle of investigating what the evidence is which would support coming to this, that or the other conclusion. We must always bear in mind our first and prime duty is to be here and give our opinion and to give our vote on behalf of our membership with our conscience attuned, vote with your conscience. So to hear him use some really tired old arguments about this Back-Bencher has not brought all the detail therefore how can we possibly vote for this, it is one of the oldest clichés in the Jersey political book to suggest that we are not quite sure what they will do, et cetera, et cetera, and anyway are they going to be involving themselves in education or are they going to be involving themselves there? There are all sorts of nebulous areas, of course there are, of course there are, but that is not for the Back-Bencher to do and to cross all the t's and dot all the i's, and you always nearly get that wrong, but to request the Chief Minister or whoever to get on doing that very job that Back-Benchers could not possibly do in terms of investigating exactly what the remit is and exactly what the powers would be and what legal situation needs to be put behind them to get that backing. It is for them to say: "Introduce a Children's Commissioner for Jersey", in brackets and not said, appropriately. Let us get on with it. No, I think the arguments are there for a Children's Commissioner, for a champion of people in many different ways, some of which are illustrated in the Deputy's proposal and it comes with my wholehearted support.

9.2.8 Deputy M. Tadier:

I am glad that Deputy Martin's name has now been cleared because it saves me having to comment there also. I would like to pick up on the point about the term "no-brainer" in this context because ... or to use another word, I mean, when you initially read this it is fairly true, I think, that it goes without saying you read it, and let us look at the words in a moment what it says. So there seems to be very little in there that anyone could really truly disagree with. But it is unfair to call it a no-brainer in that sense because it dismisses the fact that lots of work has already been done into this; that there has been, as we have heard from the Constable of St. Lawrence, a lot of research done into whether an independent commissioner would be a desirable thing for Jersey in the context of the Children's Service and the research has also shown that, yes, that is the case. So on the one hand if we have something which looks good and then the research has also shown that it is a good idea, so it is not simply a no-brainer, it is backed up and borne out by the facts. So, let us look at the wording then perhaps that is the way to go, and let us start half way through. So let us forget about what we call this as a Commissioner, but let us look at the second part of the sentence where it says that: "This person will, among other duties, be funded to act independently, to promote issues pertaining to child welfare in the local media, and raise public awareness to reduce and address potential future harm to them, to the children." So is there anything there that anyone disagrees with? So, for example, we can appoint someone who will promote issues pertaining to child welfare; I think that is fair, that is given, that is all good. "In the local media and to raise public awareness", presumably that would be necessary as part of any kind of campaign to encourage child welfare and to address potential future harm to them. So I think that all goes without saying that these are good things. So I guess what we are really debating here is perhaps the question of independence. So do we want someone to act independently? I presume that of course we would and I think that goes without saying, so it is really just a question of whether we want to call that person a Children's Commissioner for Jersey, which I do not see any problem with that either. So let us move on now. The question I would ask is do we never learn from our mistakes? Now, it may not be popular to talk about this but we cannot forget that there is still an ongoing abuse inquiry about historical abuse that has taken place in Jersey over many decades. Now some of it would have taken place in Haut de la Garenne, others have taken place in

independent children's homes and it seems that for the most part we are not going to get a satisfactory conclusion in terms of convictions in the court for whatever reason, and I do not want to go into these reasons now, because as we know these kind of allegations and crimes are very difficult to get convictions for under the best of circumstances. Also we spent millions in money on this and I think there is a risk now in Jersey that people are focusing more on the money side of it and forgetting about what we should really be doing is to stop this kind of thing ever happening again. We will probably never know the real scale of what went on; some suggest that it may be less, others think it is just the tip of the iceberg. But the point is we must make sure that the correct mechanisms are put in place so that this kind of thing does not happen again. Many people that you speak to believe it is because there was an inherent lack of independence within the system that there were no whistle-blowing possibilities; that is why these people who committed heinous crimes, and there is no doubt that has happened, got away with it. So the point is, I think it is very important that we, as a government, send out the right message and we have done that to a large degree already in the Strategic Plan. Page 7 there was an amendment by Deputy Le Claire in which we all agreed that the States should embrace a culture of openness, transparency and accountability to the public. Again, I think these are things that everybody can subscribe to. They are also no-brainers, if you like. So the point is the reason one would presumably appoint an independent commissioner, so that one not only is independent but there is also an appearance of independence and so I think this would be a beneficial thing within the context of what has been going on in Jersey. We can say: "Well, hang on minute, we realise that there are perceived problems" and I believe Senator Syvret has said it already, how can you possibly appoint somebody to be independent, and I believe the comments say that there is an appointment by the Minister for Health of the chair of the Jersey Child Protection Committee, and in the comments they put it in inverted commas the word "independence", and I believe it is quite right that they put it in inverted commas because surely that person is not truly independent. That is not to say that they do not do a good job and that they are not fair-minded, but I believe we need to, along with our culture of openness, transparency and accountability to the public, have true independence and this is something that will come back again and again, not simply in the context of child protection, but we are going to see questions asked in the whole of our Government and the civil service. So I will not labour the point too much; I would simply say to Deputy Le Claire, let us not bring this back another day. I think it is quite clear that certainly in principle we are all behind the idea of making sure that our children from today and in the future are clearly well looked after. So let us just get this done. This is simply asking us to make a commitment which may not happen straight away to appoint an independent commissioner for Jersey and I think that it is something we should all subscribe to. If we do not do it now we are going to have to debate this soon. So on a practical level let us just all agree to this, get behind it and vote pour.

9.2.9 The Deputy of St. Mary:

This debate is about independence and commitment and it is about the attitude we have to the children in the Island, I think. I want to focus particularly on the phrase "promoting issues pertaining to child welfare." I think the commissioner's presumably first priority is dealing with vulnerable children and advocating for them, but I see a wider role here, perhaps the proposer would like to comment on how he sees the breadth of the Children's Commissioner's role. But I would see them providing a focus for engaging with and providing for young people in the Island. An example of how things can go wrong was the fact that it took, I believe, 7 years for a skateboard park to emerge and turn into reality when the young people wanted it and wanted it and wanted it, and basically it went from pillar to post. So I think a Children's Commissioner in that instance would have provided that focus. They would have known where to go, it would have been structured and they could have received real help. But the main reason I wanted to contribute to this was some time ago I get a newsletter from Sustrans, the sustainable transport organisation concerning safe routes to schools, and one of the editions of that safe routes to schools newsletter had a picture of a couple of children on the front and the whole issue was about children speaking

up. It was about children having a voice and it was quite new to me; I read this quite excitedly because, I mean, I believe in democracy in schools but to see it related to this particular issue, I thought: “Ah, I get this, I really get this” and what they were saying was that if you have a safe routes to schools programme that is driven not just by the engineers, in our case T.T.S. or the County Highways Authority, but is driven by the children and the parents and the teachers, but the children are in there as equal partners. They are designing, they are thinking where the problems are on their route to school. They are the ones saying: “I always feel a bit frightened when I go round that corner” and not only do they have a voice but that voice is listened to. That is the other key element. It is no good having a voice if people do not listen to you and you very quickly learn to be silent. So those 2 elements are being encouraged to have a voice, and then being sure that you are going to be listened to, even within the context of our schools and I must say I have that suspicion that there is a limited commitment within E.S.C. (Education, Sport and Culture), and I speak from my own experience meeting officers up there. There is a limited commitment to real democracy in schools, to real taking on board what children say and how even the school itself is run, let alone safe routes to school. So I think that is really important. Leading on from that you arrive at self-assertiveness, you arrive at children who are happy to say what they think, what they feel, even if someone else feels and thinks something different and that is the first step to saying no; to learning to say no and we know how important that is with drugs, with alcohol, with all kinds of peer pressure or indeed pressure from a significant other. Being able to say no is really important, and it is linked to having a voice which is linked to being listened to and they are all connected. So I do really think that there is a role for the Children’s Commissioner here to encourage and to lift up children so that they can be supported if they find that it is difficult, and this is always the question. I think Senator Syvret alluded to it, it is all right if everything is hunky dory but you do not know that everything will be hunky dory, you do not know that the people in authority, be it teachers or social workers or families are doing right by the children. So I hope that the proposer will address those wider questions. Just a little idea, I mean, if there is not enough for the Children’s Commissioner to do, after all there is only one for the whole of England we are told, then Guernsey share it. But you do not have to go down that route. So I think this idea is really worthy of looking at and as someone else pointed out, the Council of Ministers is being asked to implement it in some way; I do not think we are trying to tie them down, we are just trying to say, please, independence and commitment with relation to our children.

9.2.10 Deputy D.J. De Sousa:

I am really annoyed with myself. I have done what I always do and listen to all arguments before I make up my mind and I said to the Deputy to the right of me: “I really do not know what to do over this one.” I am annoyed with myself over that because it is blatantly obvious what I should do and I have now made up my mind. Thank you to so many Members for their comments like the Constable of St. Lawrence. We have commissioned so many reports on this issue and so many of them have said that we either need a commissioner or an advocacy for children. We pay thousands of pounds for these reports but we pick what we want out of them. We do not choose to adopt the whole thing. I will be voting in favour for this.

9.2.11 The Deputy of Trinity:

This amendment, however very well intentioned, if approved will only serve to confuse matters. I was very clear when I was appointed that I have responsibility for the welfare of all children, young people and families in my care. I have delegated that responsibility to my Assistant Minister by ministerial decision who, you have heard, has talked passionately about her role. The Deputy knows exactly what it is like. She has visited the children’s homes regularly, she is aware of all the problems, all the issues in all of the children’s homes and which have not been addressed in previous. While Deputy Le Claire has been very vocal in children’s issues recently, it is too early in looking at children’s issues to think of a commissioner and all that it entails. There are 4 commissioners in the U.K., one in England, one in Scotland, one in Wales, one in Northern Ireland

and their remits and mandate varies considerably depending on the local need. There are wider issues how we care for welfare of children, and the Williamson Report is a first step. The Jersey Care Protection Committee - and it is an independent group which includes voluntary organisations - has been set up now over the last 18 months and it is working well and it has the voice for children. It is non political and it is independent. It has done a great deal of work and it has a great deal of work to do and I am sure it will continue under the new chair. My main concern is the welfare of the children in a way that is right for them and for their future and not to be highlighted by the media. Thinking positively, I hope when the Williamson plan is approved by this Assembly the implementation of the recommendations will begin as soon as it is possible to improve the children's service and working with the Jersey Care Protection Committee and its independent officer. In this we have sought the views of Mr. Williamson who is committed ... that he has opposed the concept as he believes in our jurisdiction and the political representation which is delegated to my Assistant Minister. I do not want to take my eye off the ball with this amendment and that is what will happen if this amendment is accepted. We need to take one step at a time, making sure that step is focused and right for all children involved, is properly funded and resourced and, more importantly, gives them the service that all children need and require at grassroots levels. Not to be distracted by setting up a high-level commissioner. If, in the future, a commissioner is thought appropriate, and that might be the case in years to come, then it needs to be properly looked at and its remits and its terms of reference worked out; perhaps a commissioner for the Channel Islands. But that is way ahead. We need not to take our eye off the ball and implement the Williamson Report as soon as possible. I urge Members to reject this proposition and allow us to get on the job which we want to do and make our service much more improved.

9.2.12 Deputy A.E. Jeune:

I had not intended speaking to this particular proposition, but given that Deputy Tadier has raised yet again the historic child abuse Haut de la Garenne, I feel I must. I should, at this point, declare an interest. I am married to a boy from the home and he and his fellow boys would tell the world this: "The home gave us safety and security when we needed it most." The stories I have heard from them over the last 40 years plus have been of fun, being taught by masters how to enjoy the environment with a great many walks, camping holidays, out on the dunes, swimming in the sea at Camel's Head and Port. While they had discipline, they believed it was fair and stood them in good stead. The lovely kind ladies who tended them when they were sick or who taught them at the home. This past 18 months or so has seen them gather together to defend those memories and they believe when they look back they were probably better off being in the home than many of the children who were at home with their families as they always had good food 3 times a day, new shoes when the old ones wore out and so on. It is important the world is aware that the children's care system in Jersey was very definitely not all bad. These boys got on with their lives. They now have their families and homes. Believe me, the old boys and the old girls who I know from the home would have had no problem expressing a voice if they had have believed it was necessary.

Deputy M. Tadier:

Can I ask a point of clarification, if the speaker may? Will she also make mention of people that were sexually abused, because no one is saying that there were people that were not, but that does not mean that there were no people that were abused? Also can you just inform us that your speech has been typed up so presumably it is not in response to the speech I just gave because you would not have been able to type it up in those 5 minutes?

Deputy A.E. Jeune:

Yes, I will respond to Deputy Tadier. Firstly ... first question, sorry, was? No, I am sorry I cannot make any ...

Deputy S. Pitman:

May I ask what relevance this speech of Deputy Jeune has to the proposition?

The Deputy Bailiff:

Well it is getting off the path of the subject, Deputy, but can you come back to the topic?

Deputy A.E. Jeune:

Yes, I am, Sir. It is here. If there have been problems creating a bureaucracy, a huge hierarchical structure, loads of chiefs but not enough Indians, it is the Indians we want to ensure that we deliver the care that is done by the staff at the ground level. I believe we have a very good advocate in the Assistant Minister responsible for children, Deputy Martin. I have every faith in her. We do have independence in the chair of the Jersey Child Protection Committee.

Senator S. Syvret:

Point of clarification; I did not want to interrupt the Deputy while she was speaking. I would just like to ask her will she come with me and visit the grave of Michael O'Connor?

9.2.13 Deputy J.G. Reed of St. Ouen (The Minister for Education, Sport and Culture):

I will just make a couple of points. First of all we have heard much mention about paying notice to reports and yet the various speakers have pointed to everything but the Williamson Report which clearly did not support the introduction of the Children's Commissioner and favoured a different approach. There were a number of reasons why he favoured that different approach. Maybe if you create a Children's Commissioner, some would view it as passing the parcel and removing the accountability that all of us want. The problems that arose and the lack of accountability was that there is no clear political leadership and responsibility for this area. That has been addressed. You have just heard the Minister for Health say she has made a ministerial responsibility to delegate the authority for children to an Assistant Minister, which directly links to all responsibility to the Minister for Health. What better accountability can you have? You want to create a Children's Commissioner that the Minister for Health will then say: "Well, no, it is not me, it is them." How are you going to get action and reaction out of that? You are not. But clearly one of the main points that again has not been mentioned about today is the Children's Plan which is key to the development and implementation of protection surrounding children, vulnerable and otherwise. That is the thing that, as corporate parents, and I included and the States, will be involved in, will be able to determine, which will then deliver some of the duties and actions that we have heard Deputy Le Claire speak about. I need also to pick up on the comments of the Deputy of St. Mary. I cannot leave that go without comment because I think it is naïve and misleading in the extreme and I would suggest and invite the Deputy and anybody else to come with me and visit and attend schools and you will find out that democracy at schools is very much in action. I have been fortunate enough to visit 2 schools quite recently where both of them, both of them, have a council form of arrangement where each form, each class, is involved in the development of the school and activities and issues surrounding the way the school is managed. To suggest that we are not paying attention and not encouraging and promoting children and our young people having a voice within our education system and across the Island wide is absolute nonsense. Can it be improved? Yes. But I do not believe that supporting or promoting or signing up to a Children's Commissioner delivers anything apart from avoiding or enabling me and others to remove some of the accountability or avoiding the accountability that naturally would sit and should sit with us.

9.2.14 Deputy J.M. Maçon of St. Saviour:

Everything I wanted to say has already been said.

9.2.15 Deputy S. Pitman:

In response to the Minister's speech, he spoke that it is fine that the Assistant Minister for Health and Social Services is given the responsibility of children. But what the reports, the Scrutiny Report, the Bull Report, the Howard League was saying was that we need a commissioner not just

to address children's issues within the realm of Health and Social Services but within every department; within Education, so really it was about addressing and overlooking all those issues related to children. So there is a need for it, and there are enough reports and enough evidence gone into that conclusion. I have to say that I was rather disgusted at Deputy Jeune's speech in that her own experience, somebody very close to her said that they had a great time at the home. Well, that is great and that says that there were people who went through these systems and they were treated well. But she, in saying that, was attempting to dismiss the accounts of numerous people, many people in fact, who have suffered abuse under these systems. We cannot forget that.

9.2.16 The Connétable of St. Mary:

I am pleased to follow Deputy Pitman because of course I was on the panel with her that looks into Early Years, which the Constable of St. Lawrence talked about, and I would just like to say following what Deputy Pitman just said, there are 2 distinct things here; political responsibility exists through Deputy Martin, but it is not cross-cutting. Children as children have all sorts of different needs that go right across the services provided by the States. What our panel's report was trying to highlight was the fact that there should be one person who has responsibility for all stages of that child's development and needs, social, educational, health, physical, whatever. The Children's Commissioner, as an advocate for children, is not political; it is a distinct thing. We do not have that and our report called for the Council of Ministers to give real consideration to whether that was necessary. The response said that they would wait for the Williamson Report. So the reason I rose to speak is as the Constable of St. Lawrence mentioned our Early Years' Report, one of our findings in there was that new generations of young children and parents are continuing to miss out on opportunities. Now that was because of Early Years and I am very pleased that that situation has been remedied to at least some extent; we hope it will be remedied by the introduction of the provision that has been agreed. What I do not want to see is new generations of children missing out on other opportunities because a commissioner or something like a commissioner had not been considered in time. Our report was lodged on ... this is a very long report, I might add, took us a long time to do, it was lodged on Tuesday, 20th April 2008. That is a whole other year's worth of children going through without having anything. I just think, I normally agree very wholeheartedly with what the Deputy of Trinity and the Deputy of St. Lawrence have to say - they are very sound people I think - their judgment I greatly value. In this case I think they need look again. We do not want to wait longer.

9.2.17 Connétable M.K. Jackson of St. Brelade:

Just briefly, the Deputy in his amendment suggests that the commissioner be funded and act independently. I just would like him to clarify in his summing up how this funding would be achieved. Clearly he has slightly dodged the issue by passing it on to the Council of Ministers to adopt it in the Business Plan, but I think there needs to be some clear thinking about how a proposed Children's Commissioner would be funded.

Deputy D.J. De Sousa:

Sorry, on a point of clarification, surely funding comes in the budget later on in the year?

9.2.18 Senator T.A. Le Sueur:

I start by picking up the words of Deputy Tadier when he says we should look at the wording of the amendment, and I agree with that and I would add to that; we must also look at the context of the amendment. The context of this amendment is to enhance support services to vulnerable children, families and others at risk. I think we have been looking here at 2 different areas and maybe at times getting confused between political oversight and independent non-political involvement. I think that was highlighted maybe by the comments of the Constable of St. Lawrence who asked, I note, why will the Council of Ministers not see the need for non-political appointments? The Council of Ministers entirely see the need for a non-political appointment and that is why with the

support, and I would say it has been evidenced this afternoon, the enthusiastic support of the corporate parent, not just the Minister for Health, the Minister for Education, the Minister for Home Affairs and all others involved in dealing with vulnerable issues, their enthusiastic support for the Jersey Child Protection Committee and the independent chairman, reasonably appointed to succeed Professor Thoburn, who herself had been an eminent champion of that situation. So I think it is important that I pay tribute to Professor Thoburn and have every confidence in the ongoing role of the Jersey Child Protection Committee in dealing with the non-political aspects of this. I think equally the political aspects have been clearly identified, that while all members of the corporate parent have a role, the buck ultimately stops somewhere and the buck stops with the Minister for Health and Social Services who directs the day-to-day activities to be carried on by her Assistant Minister, Deputy Martin, who I believe is doing that in a very professional and thorough way. Now, Deputy Southern says: "Surely this is a no-brainer, all the Council of Ministers is being asked to do is to look at the setting up of a Children's Commissioner." No, I am afraid not. The proposition says: "To introduce a Children's Commissioner." So there is no investigation, no ifs and buts, we introduce that person, and I would suggest to Senator Breckon as chairman of the panel currently looking at this, that he might like to get off the fence and continue his investigations and then, when he has come up with the outcome of those investigations, decide then whether we need to introduce a Children's Commissioner or not. Not to make the decision now and then ask him to do a report which might or might not justify that decision. So, ultimately I think there has been some confusion; the previous recommendation was to await the outcome of the Williamson Report. The Williamson Report spoke about setting up someone with political responsibility and that has clearly been achieved. So I think what we need to do now is to see just what would this Children's Commissioner role be, because I see this as being very much in danger of second-guessing the role of the Chairman of the Jersey Child Protection Committee. If we have got 2 different people doing the same job who takes precedence and why? I honestly cannot see the need for a separate Children's Commissioner doing the same job. Now if it is not the same job, and it is suggested to me that this is a far wider role than that dealing with vulnerable children, families and people at risk, then I would say that we are talking about the wrong post and the wrong procedure plan for the wrong reasons. We are talking here about someone dealing, in the context of an historic child abuse inquiry, in the context of the Williamson Report, about vulnerable children. In that context a Children's Commissioner in this respect, when we already have a Child Protection Committee, I see as totally irrelevant and unnecessary and for that reason, I for one, will not be supporting this amendment.

9.2.19 Deputy R.G. Le Hérissier:

I was, from a different angle, going to make the same point as the Chief Minister; I think there has been a total conflation of the 2 issues. As the Chief Minister said, the Children's Commissioner's job is not to be part of the apparatus necessarily of checks and balances, it is to take a wider role, to take an advocacy role and to look at provision across services, to articulate the wishes of young people in the sense that they are not articulated and to pick up on the kind of issues that fall between the policy cracks like the skateboard park and so forth - a much wider role. If Deputy Le Claire is going to argue on those grounds then I will support him. The other point I would make is apropos what I said this morning, we have talked very glowingly of all the steps and we are right in a sense to congratulate ourselves about all the checks and balances that are being introduced, but it is often said that the price of liberty is eternal vigilance and it is worth remembering when we look at all the big scandals in the U.K., the place to which we are always referred, you know, they have the professionalism, they have this, they have that, there have been - and this almost leads me to agree with Senator Syvret, which does put me in a difficult position - there have been in a lot of these cases local authorities: Doncaster, Hackney, Haringey recently where we had that case, I think, with the 2 French students, slightly different case, but massive breakdowns with so-called related criminal justice agencies in terms of talking and working with each other. There have been whole councils operating where nobody knew that the service was literally going, to use the

vernacular, down the pan. It was totally bad. It also has to be remembered in Hackney when this little noticed report has just come through about the Baby P. case, one of the interesting things that came out of that report was all the social workers involved were highly trained, they were highly experienced people. It was not a stereotype of a social work service breaking down, which we tend to roll out, you know, young people under enormous pressure on the front line with limited managerial report. There had been a social work inspection report which had, you know, checked the authority and found things to be all in order just before that issue was to hit the headlines. So let us not get too carried away with the fact that we have to pile in all sorts of instruments into checks and balances because, quite frankly, a lot of them do not work. Ireland is another case in point where there was massive collusion between the state and the Catholic church, I mean, a whole nation it appears, this collusion went on for years and years and years. But that is not the role of the Children's Commissioner, certainly that person or that office could contribute to that. The commissioner's role is to be a much broader advocacy role, articulate what young people want, fight for their interests, see where they are falling down between the policy cracks.

The Deputy Bailiff:

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

9.2.20 Deputy P.V.F. Le Claire:

You see, the problem is that we are so busy that unfortunately some times when we agree things we do not really necessarily have the time to go and see what we have agreed. Today we agreed to extend the United Nations Convention on the Rights of the Child to Jersey before 2014 and now we are arguing about the fact that we should not have an independent champion for children. If Members go and look at the way that the framework of the United Nations Convention for the Rights of the Child works they will see that there are reporting mechanisms to make sure that the rights of the child are brought to the fore. The only reason they are having to do these sorts of things is because of the fact that they have identified that so many of our problems in society begin at an early age and you break it young, you break it for ever. If we do not put the money in at the beginning, we will be putting it in for ever. Now there has been some speeches by some Members who I thought perhaps I would cover as we used to do in the old way, but I will try not to cover everybody because I appreciate it is not going to get me anywhere. I will try and do it as quickly as possible. Senator Breckon argues on a consistent basis for an independent financial ombudsman based upon the financial ombudsmen in the United Kingdom. He is going to abstain on this because he is not sure. Other Members have raised questions about how will it work, how will it happen, how will it be resourced? Well, it is not rocket science, it is a case of going and looking at what they are doing everywhere else and seeing what they are doing throughout the European Union, and seeing what they are doing throughout the United Kingdom, and seeing what they are doing throughout the U.K. and then Members will be able to see, as I said in my speech, that there are various different commissioners in various different countries, but funnily enough, all 4 within the United Kingdom, the place listed at the bottom of the league table by U.N.I.C.E.F. have got limited power given to them by their legislatures and everywhere else they have got much greater powers. In fact they have pointed to Northern Ireland as having the strongest powers and hold that up as an example. When the 4 commissioners tabled their report to the United Nations Convention on the Rights of the Child, they did so most recently as one; they tabled their reports together; Kathleen Marshall for Scotland, Patricia Lewsley for Northern Ireland, Keith Towler for Wales and Sir Al Aynsley-Green for England. We have 2 different issues on the table today, 3 really, this notion that somehow the States Members can be accountable for States departments across various ministries through the appointment of Deputy Martin as an Assistant Minister. So we have got a problem with what Deputy Martin is doing and we are going to call a vote of no confidence in the Minister for Health, are we? Because that is the political responsible agent for the Health and Social Services Committee. Can we bring a vote of no confidence in an Assistant Minister? I have experience on Health. I have had significant experience with people in Health who have confessed

to me matters of grave concern and then once they have expressed those, have finished their expression by saying: "Tell no one, say nothing, I will be put down, put out and put under. That is the way this place works." I have had, as a Member of the Committee, during the time the Deputy of St. Martin was there and Senator Syvret, experience of the officers giving us extremely - and I am being kind - inaccurate information. When challenging it I have been told that I should not stick my nose in on the floor and I should not undermine the officers. We cannot continue to allow the vulnerable children in this Island to be safeguarded by some - and with the greatest respect to the Deputy of St. Martin - with a "here today and gone tomorrow" politician. The *Jersey Child Protection Committee Handbook*, which I have here and which I was given when I was in Health, talks about how all of the agencies work together in confidence with the information that they are passed, not revealing it to anybody else, to work across the sector to safeguard the vulnerable children in the States care. That is the Jersey Child Protection Committee who, quite rightly, we need to appoint an independent chairman for, who comes over once every 2 months. We have highlighted in the newspaper article, that I read earlier, that Children's Services, according to one of the managers, receives on average more than 100 new referrals each month and has to assess the risk of each situation and incident against a set of referral threshold criteria so as to ensure that our limited resources are targeted at those most in need. The Children's Commissioner does not just look after children's needs in the vulnerable sector within States care though, and this is to pick up upon the Deputy of St. Mary's points. The Children's Commissioners promote the needs of the child. They give the child the voice. They talk about whether or not they were properly consulted. They talk about whether or not they have got party to the consultation, access to the child's play areas, the sorts of areas that they have got. The sorts of things they look at is where are children playing? They do studies. Where are children playing? If they are playing in a certain area doing a certain thing the Government should take cognisance of the fact that that is where children play and make account for that in the plans in the future when a building in the area becomes available to take it and provide a play facility for those children that congregate there naturally instead of aiming machines at them with high-powered noises to drive them away because it is affecting the business opposite them. A Children's Commissioner, who could be appointed on an honorary basis, is funded in the United Kingdom from various government departments' monies in various ways and if Members were to research it, and I am only asking us to do this to the end of 2014, I am not saying tomorrow, 2014; we are not going to have a Children's Commissioner or children's champion until then. We are not even going to start thinking about it until 2015. With the reputation this Island has at the moment for children, which has taken a step in the right direction this afternoon, we are about to turn around and walk back in the opposite direction later on this afternoon. Interestingly - I had asked the Minister for Education to listen because it does concern a large degree of his portfolio even though there are other elements - the independent commissioner who is coming to Jersey has got a very large history in the N.S.P.C.C. (National Society for the Prevention of Cruelty to Children), a laudable, commendable, 100 per cent ... yes. So, this is from the report: "The N.S.P.C.C. would like the Commissioner for England to be more strongly based on a Northern Ireland Commissioner's model which has been described inside and outside of government as the best in the world. The Northern Ireland Commissioner has the power to make a real difference to the children of Northern Ireland as he is fully independent of government. He has a clear rights framework with strong investigatory powers and he can bring or intervene in legal proceedings on behalf of a child." I cannot thank enough the speech of the Constable of St. Lawrence. It was everything I would have liked to have said. I think her speech and that of the Constable of St. Mary, coupled with the expertise pointed out by Deputy Southern, demonstrates why we need a Children's Commissioner. The Chief Minister and the rest of them in the Council of Ministers are saying: "Oh, no, no, no, no. We do not want this big stick to bash us over the heads for the rights of the child. We do not want somebody independent with real power coming in and looking at what we are doing and making independent reports on what we are up to" but Deputy Southern hit the nail on the head. He said: "How is it that the Constable of St. Lawrence and the Constable of St. Mary can do this type of scrutiny [I beg your pardon, congratulations too

to Senator Breckon] look through all of the Kathie Bull Report, look through all the Williamson Report, look through all of the Howard League Report and then say we really think there should be a Children’s Commissioner independent of politics?” and then for the Chief Minister to stand up and say: “We should really reject Deputy Le Claire’s proposition this afternoon and ask Senator Breckon to come off the fence and go away and look at commissioning another Scrutiny Report.” Absolutely ridiculous. This is a high-level strategy. I am not asking for it tomorrow. I am not asking for it necessarily next year. I am asking us to embrace a high-level strategy that by 2014 we would have taken some measures to introduce. There are a couple of speeches I am just going to completely not refer to if that is okay. I do not mean to be rude but if I do refer to them I will be. **[Laughter]** No, I am not going to be bold, I am going to be sensible. The Deputy of St. Martin: “How we can we train and help people if we do not get this through today.” He asked me to champion it. He thought that I was coming in too early and I would agree that in the first years of me being in the States, I would agree that this kind of a speech and this kind of a proposition, it would not have got through. It would have met much, much more of the resistance that I am experiencing this afternoon. It would have met almost total resistance but I am hoping and I am praying that the new membership of this Assembly is going to demonstrate that we mean business when it comes to children and we are not going to be tied over by the old Jersey tricks, as Deputy Southern pointed out, of saying: “Oh, we have not got all the information.” That is what they did with the work permits and then when I went away and drew up a work permit so they would know what one looked like, they took the Law Officers’ report, cut off the first page, the fourth page, took the page numbers off the second and third page and removed the recommendation that that was okay and released it to the media saying it was against human rights. That is the way they worked. That is what is still left. That is what we are still experiencing and I hope to God that the new States Members do not fall for those old tricks because that is, in the words of the Bailiff when I went to complain: “Politics, Paul.” If we have a voice for children we need to listen to it. “To only serve and confuse matters” how absolutely ridiculous. This would only serve to confuse matters? No, no, no, do not be confused at all. This would not confuse matters whatsoever. This would make matters absolutely crystal clear. This would bring them out into the open. We have already accepted one of my amendments, which I did not have to speak of, about a more open and transparent government, a more accountable government. This would make us more open and transparent and accountable. This would be a measurement. This would be a mechanism. This would be a body to make sure that we were, otherwise it is all just hot air. I ask Members to put their fingers on the pour button this afternoon and vote for children and vote for this amendment.

The Deputy Bailiff:

The appel is asked for then in relation to Deputy Le Claire’s amendment. I invite Members to return to their seats. The amendment being paragraph 2 of amendment 7, the proposal to introduce a Children’s Commissioner for Jersey and the Greffier will now open the voting.

POUR: 21		CONTRE: 23		ABSTAIN: 1
Senator S. Syvret		Senator T.A. Le Sueur		Senator A. Breckon
Connétable of St. Ouen		Senator P.F. Routier		
Connétable of St. Peter		Senator P.F.C. Ozouf		
Connétable of St. Lawrence		Senator T.J. Le Main		
Connétable of St. Mary		Senator S.C. Ferguson		
Deputy R.C. Duhamel (S)		Senator A.J.D. Maclean		

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

10. States Strategic Plan 2009-2014 (P.52/2009): Fifth Amendment (P.52/2009 (Amd.(5))

The Deputy Bailiff:

Very well. We come next to the amendments dealing with Priority 11. The Deputy of St. Mary, you have got 3 amendments. Are you happy to take them all together? They seem to be very closely linked.

The Deputy of St. Mary:

Yes, Sir. I am happy to take them all together. Yes, we will vote on them together and I will speak on them together.

The Deputy Bailiff:

Very well, so then the Greffier will read amendments which are numbered in the order of debate, 54, 56 and 57.

The Greffier of the States:

The fifth amendment, 4, after the words: “attached as Appendix 1” insert the words: “except that in Priority 11 on pages 25 - (a) in the section entitled ‘Why we must do this’ in the fourth bullet point for the words: ‘maintaining their own healthy lifestyles’ substitute the words: ‘for adopting or maintaining healthy lifestyles’, (b) in the section entitled: “What we will do” after the last bullet

point insert an additional bullet point as follows: ‘support healthy choices via policies in all areas’, (c) in the section entitled ‘Key Indicators’ after the last bullet point insert an additional bullet point as follows: ‘Indicators of positive health across the population’.”

10.1 The Deputy of St. Mary:

Just a few words to explain these amendments. They are quite simple. The first one, to add the word “adopting” and not just maintaining healthy lifestyles, is clear that I think that the Health Promotion Unit and others should be more proactive than just helping people to maintain how healthy they are. If we do not go beyond that then we are heading for very heavy costs in future and we do have to help people to adopt healthy lifestyles where their lifestyles are less than healthy. I do appreciate very much the Council of Ministers’ wording here when they said: “in helping individuals in taking responsibility.” This is the new mantra within Health Promotion that individuals have to do it. Government can only assist insofar as we are talking about individuals and support them to take responsibility of their health in the last analysis. That is the first amendment, quite simple, and I hope that Members will go along with that quite easily. The second one is: “support healthy choices via policies in all areas.” Now this is the other side of the coin. It is not just down to the individual, how healthy they are. It is not just down to the individual how easy it is to adopt a healthy lifestyle and the Government also has a role to play. The Government creates the framework. The Government has policies which either militate against good health among the population or in favour of it. It really is very important for us to begin to see health in terms not just to what the Health Department does. It goes beyond that. It goes to social arrangements. It goes to how happy people are in their family life. It goes to a sense of control and autonomy. Are there tenants’ participation groups? Do tenants feel that they control their living environment? That is a health issue. In terms of our environment, the amount of air pollution - which we are going to come to in a later amendment - the amount of traffic. Is it comfortable to walk to work? Is it comfortable and safe to cycle to work? These are things which contribute to the health of the individual but which are in the hands of government. I believe this is the approach of New Directions and it is one that all Members should subscribe to, broadening out health beyond the individual and certainly beyond the Health Department so that policies in all areas have this health component in them. The third part of the amendment is to add to “key indicators” indicators of “positive health across the population.” I do want this to be the beginning of a new way of looking at these key indicators instead of slightly vague ones that you do not quite know whether they are up or down. Having real positive indicators that do measure well-being and the success of our society in terms that mean something and that is why that indicator is there. I am glad the Council of Ministers accepted that part of the amendment also. So, I move these amendments *en bloc*.

The Deputy Bailiff:

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

10.1.1 The Deputy of Trinity:

Just briefly, Sir. I fully support the Deputy’s amendments and also the second one about supporting healthy choices and I hope if we look seriously at tackling issues like obesity and chronic diseases, like diabetes, and I just want to plug it is Diabetes Awareness Week so I hope Members are going to go and have their finger pricked, we need to have a joined-up approach. Healthy foods in our schools, designing cars out of town and encouraging pedestrians is all good for all our health. The third one, I will discuss with the Medical Officer of Health the inclusion of appropriate positive health indicators such as breastfeeding uptake, immunisation rates and the uptake and success of smoking cessation programmes so I fully support all the amendments.

10.1.2 Senator S.C. Ferguson:

Just a quick sort of query, I wonder if the Deputy, in his summing-up, could give a broader appreciation of what policies he has in mind. Are we going to be getting to the point where the Government will be dictating lifestyles, which I do not think any of us want, do we?

The Deputy Bailiff:

Does any other Member wish to speak? Very well. I call upon the Deputy of St. Mary's reply.

10.1.3 The Deputy of St. Mary:

I thank the Minister for Health and Social Services for her comments there and I think there are the positive health indicators but no doubt that will come out in the wash. Yes, in reply to Senator Ferguson, no, I am certainly not interested in policing peoples' lifestyles but what that part of my amendment ... that the Government should have policies in all areas which support healthy choices. I think that is fairly self-evident. If it is impossible for you to cycle comfortably to work because the traffic levels are so high and it is just dangerous and there is not provision for safe routes, for example, then it is very difficult to take that particular step towards bettering your own health and there are many other examples. If you cite new developments ... if we can take the Ann Court car park. If you build a car park in the middle of town thereby drawing people in to use that facility because you have just spent £25 million on it, then you are going in a certain direction which I would say does not militate for peoples' good health and certainly the air pollution around the Ann Court is itself another health issue. That is the kind of area I mean by policies. Another area would be, for instance, school playing fields, a big issue in the U.K. where playing fields are constantly being nibbled at because it does not really matter whether the children have anywhere to run about but of course it very much does matter. It absolutely goes to the heart of a good education and I am glad to see that most schools in Jersey do have reasonable facilities but not all have adequate play space. So that is just illustrative of the sort of policies I have in mind and I move the amendments.

The Deputy Bailiff:

Very well. All of those in favour of adopting the amendments kindly show. Those against. The amendments are adopted.

11. States Strategic Plan 2009-2014 (P.52/2009): amendment Paragraph 3 (P.52/2009 Amd.)

The Deputy Bailiff:

Then we come next to what is numbered 55, that is paragraph 3(1) lodged by Deputy Le Hérissier and I will ask the Greffier to read the amendment.

The Greffier of the States:

(3) After the words: "attached as Appendix 1" insert the words: "except that in Priority 11 on page 25 in the section entitled 'What we will do', after the fourth bullet point insert the following new bullet point: 'Consider remodelling provision of primary care through mechanisms such as Walk-in Clinics and Group Practices oriented to preventative services'."

11.1 Deputy R.G. Le Hérissier:

This is just a reminder basically. I know the Minister is very concerned as well as controlling our quota of sweets, it is just a reminder that New Directions are hopefully coming back to life and being promoted. I think we have some fundamental questions to ask about G.P. (General Practitioners) services. For economic and other reasons we are stuck with a model which, while a lot of people benefit from it, and certainly there is a great democracy that you can "buy your doctor", so to speak or buy their services, I understand certainly on figures we got on health, for example, visits to Jersey G.P.'s were twice the rate of visits to U.K. G.P.'s. Now, whether the result is, therefore, that we are twice as healthy is another question of course. I think we have got to be much more proactive. Health prevention has got to get out of the direction of just issuing more and more leaflets and doing promotions through schools; excellent stuff but there is a whole

new game that we have got to become involved in and that means really looking at that side of the health provision and moving to change it.

The Deputy Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?
The Deputy of Trinity?

11.1.1 The Deputy of Trinity:

I fully support Deputy Le Hérissier's amendment and look forward to working with the Minister for Social Security to bring forward proposals to remodel primary care provision. In my speech I talked about New Directions in that we need to do something about New Directions and the way that it can be implemented and mean something to everyone. That is what I am looking at and that is what I have asked my officers to look at fairly swiftly. We need to look at different ways to provide good primary care because, as I said before, prevention is better than cure. I fully support this amendment.

11.1.2 Deputy A.E. Jeune:

Just very briefly to say I welcome the proposition from Deputy Le Hérissier and I am delighted that the Council of Ministers are supporting at primary care. Really good primary care must be the way forward.

11.1.3 Deputy J.B. Fox of St. Helier:

From the years that I have spent in prevention, propositions and amendments such as this are most welcome. All I hope is that when the going gets tough, when it comes to budget cuts and slimming down, that it does not come off for these good intentions. It is very, very important that they remain there.

11.1.4 Deputy M. Tadier:

I would just like to say I welcome this as well. I will be interested to see, with the flesh coming on the bones, I would like to give a little anecdote because I do know somebody who did not go to the doctor. It was an elderly gentleman. He had some kind of ... it turned out to be a tumour but before it got to that stage he basically did not go to the doctor and I believe a contributory factor to that was because of the cost so he thought: "I will just leave it". £29 I think it is. Is that the accurate ... £33 now, I see, can be quite prohibitive to some people to go and visit the doctor. This unfortunate individual ended up developing cancer as a result and over a drawn-out process he did die from that. I believe that - although it is just one factor - for example, if there were cheaper visits to the doctor, more accessible or even free visits, this is something that needs to be considered. It is a political question. Certainly that individual, I believe, would still be here today. We know that the U.K. have free doctors' visits, which sounds quite radical in the Jersey context, but I believe that people should not be prevented from going to the doctor simply because if it is a question of money. So, that is something that we really need to look at. It is very easy to say that prevention is better than cure but these are the implications that we are potentially signing up to when we do vote in favour of this. So, I do support it and I would look to see what provisions are brought forward.

The Deputy Bailiff:

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

11.1.5 Deputy R.G. Le Hérissier:

I thank the Members for their support and I move the amendment.

The Deputy Bailiff:

All those in favour of adopting the amendment kindly show. Those against. The amendment is adopted.

12. States Strategic Plan 2009-2014 (P.52/2009): third amendment (P.52/2009 Amd.(3))

The Deputy Bailiff:

We then move to priority 12 and first there is an amendment from Deputy T. Pitman, amendment 3. It is number 59 in the order of debate and I will ask the Greffier to read the amendment.

The Greffier of the States:

After the words: “attached to Appendix 1” insert the words: “except that in Priority 12 on page 26 in the section entitled ‘Why we must do this’, after the fourth bullet point insert the following new bullet point: ‘We must recognise that not all young people are suited to or wish to pursue a career in finance and proactively target our education curriculum accordingly’.”

12.1 Deputy T.M. Pitman:

Is it that time already, Sir, the time has flown. I believe the Council of Ministers are now supporting the amendment, could I just check if that is correct?

The Deputy Bailiff:

It would probably be helpful, would it not? Chief Minister, is it right that the Council is now accepting Deputy Trevor Pitman’s amendment? It was my understanding they did. Yes, Deputy.

Deputy T.M. Pitman:

Thank you for that clarification, Sir, then I will not speak for very long at all. **[Laughter]** Thank you for that endorsement, Deputy Le Hérisier. So, again, thanking the Chief Minister for the Councils’ change of heart in supporting the amendment. I do feel I have to point out for Senator Ozouf particularly, because he seems very concerned about such things, that if he had looked at this more closely he could have seen, by use of a mirror, that if you rearrange the words of the amendment and write them backwards the amendment does translate as: “will implement a socialist state by August” but if you need a mirror at the end of the day ... but on a serious note, I have to comment that this change of heart was welcome. It really does cut to the heart of the often farcical process. We have had some really good debate I think but not all. Opposing because of some genuine political difference of philosophy I think is fair enough, opposition for no clearly definable reason other than apparent dislike of a Member, as I cannot help thinking, is categorically not so in bringing the amendment I will just clarify. All I wished to do was focus the plan, the intention on what I thought was woollied, even in the accepted fluffy criteria of the Strategic Plan stage. There is no hidden agenda, so quite what the original problem was I cannot imagine. It is also not an attack on the finance industry as a career because it is a great career for many young people. What it was is about facing reality and trying to focus that. Not all young people are cut out for finance. Not all young people want a career in finance and all I wanted to do was ensure that the document focused that a bit more directly. I am sure if we got to debate it maybe we still will. The Minister for Education, Sport and Culture would talk about the Skills Executive and vocational initiatives and that is really welcome. It is not an attack on him either. So, trusting the Chief Minister at his word, I would just move the amendment and hope everyone votes for it.

The Deputy Bailiff:

Is this seconded? **[Seconded]** Deputy Dupre?

12.1.1 Deputy A.T. Dupre of St. Clement:

As the Chief Minister has indicated, the Council of Ministers have decided to accept this amendment. Like Deputy Pitman, the Education, Sport and Culture Department with the Council of Ministers fully recognise the need to provide job opportunities for all individuals whatever their strengths. We have given a commitment to further develop careers, jobs and employment services to maximise opportunities for all residents. For this to succeed we need to equip local people with a wide variety of skills to meet the demands of individual businesses. To this end the Skills

Executive is now fully operational with membership including the Ministers for Economic Development, Social Security and Education, Sport and Culture, together with the Skills Board which includes individuals from all walks of life, not just finance. Their role is to focus on improving the Island's overall skills base by using a range of targeted training and development opportunities across the educational spectrum. The department is fully committed to maximising the potential of all individuals and will continue to work hard to meet this objective. I hope that all Members will support this amendment.

12.1.2 Deputy J.M. Maçon:

I just want to say that this is an absolutely brilliant amendment. It is quite right that we should be doing this and I congratulate Deputy T. Pitman for bringing this.

12.1.3 Deputy M. Tadier:

I do not just want to congratulate Deputy Pitman but I think genuinely also the Council of Ministers on this. We know that for a long time the area of finance in Jersey has been a moot point and anyone who even dared in the past to even mention that there may be other possibilities, either to do with employment or intellectual pursuits, was often unfairly targeted at being critical of the finance industry and the whole raft of benefits that that brought to our Island, in a similar way to anyone who is overly critical of the finance industry or certain aspects of it was also branded as being not loyal to the Island. I think this is indicative of the fact that hopefully we are moving into a more mature state of politics whereby people can be quite open, as indeed we should be in the Assembly, to talk about what we want to without necessarily branding each other X or Y. I am not simply going to call somebody a neo-liberal or a capitalist, a Thatcherite or a Fascist simply because they think that the free market features more in their particular politics than it does in mine. Likewise, I would hope that I would not be labelled a "commie" or a socialist simply because I have different views and I welcome, as I have said, not simply the amendment but the underlying philosophy and the fact that the Council of Ministers, in this instance, have been accommodating. Again, I see absolutely no reason why they should not do. I think education needs to be seen as not merely a way to work but that we need to acknowledge the fact that education is something in itself which is worthwhile, irrespective of whether that leads to a job or not, whether that leads to a job in the Island or not. So, I congratulate both the Deputy and the Council of Ministers.

12.1.4 Deputy G.P. Southern:

I just had to rush back into the room to vote for this particular amendment, not only because I have just heard Deputy Maçon call it "brilliant", which is the first time I have heard that word used about a proposition in the States of Jersey ever, but I understand that it will institute a socialist state in Jersey by August so I must vote for this!

12.1.5 The Deputy of St. Ouen:

I would just like to direct Members and first of all say to Deputy Pitman and others, there is already, I believe, not only a full commitment by my department to meet the needs of all students and people on the Island in their training of an improvement at skills but throughout this Strategic Plan there are references to doing just that. Although these words add, one could suggest, to the plan I do believe that we have already reflected this view in other areas; developing a diverse economy, supporting individuals in training and the like. For that reason, absolutely we support this and I look forward to further developing the skills areas on this Island.

12.1.6 Deputy J.B. Fox:

Of course we are going to support this very excellent additional wording for this proposition in its amendment but I think we also just need to bear in mind that we have disabled people that do need special attention, not just in the educational side but in the support they need to be able to get these special skills and although it is not necessary to word everything in any proposition please let us bear in mind that we also have other responsibilities that need to be included.

12.1.7 The Deputy of St. Mary:

Members may not be surprised that I have a very great interest in education. It must be something to do with my father. Yes, I am very interested in the current Minister for Education's statement when he said that the rest of this plan is full of developing a diverse economy. I seem to remember debating for about 2 hours, was it, and struggling to get through a simple amendment to lay the foundations for a genuinely diverse economy and that actually fits together with this amendment and it is part of this, I believe, is to do with our returners. It is to do with the people who go away from the Island to university and then feel they cannot come back. One of the reasons is that we have a monocultural economy and there is just too much emphasis on finance and this amendment goes some way to rectifying that. I just want to bring out that there is a school of thought that students should do useful degrees, and there is even a slight school of thought which is thinking in the direction of limiting grants to useful degrees - I do not want to go putting ideas in peoples' heads - but I just want to question the word "useful" and to suggest that it might mean "finance industry compatible". It certainly does in some Members' minds and it must not. It really must not. If you go away and do a creative degree or a language degree, that does not stop you doing a start-up which is what we are told the Island needs. Speaking personally, the characteristics that I needed to set up Jersey Cycle Tours with my partner were creativity, drive, problem-solving and language skills. Well, none of those are useful degrees. They are not accountancy or law, are they, but they come from a proper education process. So, I really do support this amendment wholeheartedly.

Deputy J.M. Maçon:

On a point of clarification, I hope that the Deputy will agree with me that a joint Social Sciences Degree is most useful.

The Deputy of St. Mary:

I absolutely concur.

12.1.8 Deputy T.A. Vallois:

I would just like to thank Deputy Pitman for bringing this amendment purely because I was one of the young people that ended up in finance when I was coming out of education and finance is very prominent in the Island. Luckily I am a very adaptable person so I took to it quite well, but also I would like to emphasise what the Minister for Education, Sport and Culture came across. We know there is a commitment there but ensure that other people are aware of it.

12.1.9 Deputy P.V.F. Le Claire:

I was just going to congratulate Deputy Pitman and also comment upon the fact that, as the Minister for Education, Sport and Culture has mentioned, there is more diversity in the Strategic Plan as you walk through it, some of that is to do with arts and culture because of the amendments of the Constable of St. Helier.

The Deputy Bailiff:

Are there any other Members? Very well, I call upon Deputy Trevor Pitman to reply.

12.1.10 Deputy T.M. Pitman:

It is quite a struggle to get to my feet with all that praise. **[Laughter]** I know I have only been here 6 months but perhaps I am getting cynical because I am just waiting for someone to pop up out of the woodwork. Deputy Reed, he had to spoil it. Why could he not just be gushing in his praise? **[Laughter]** I mean to be fair this amendment probably deserved a lot more debate but we are all trying to get through this and I think for the best reasons. I am sure we can discuss it in the general plan and really I would just like to concentrate on Deputy Maçon's comments, not for any other

reason but I just hope his quote gets into the *Jersey Evening Post*. **[Laughter]** In case they missed it, it was a “brilliant” amendment and please do not play with me, do support it now.

The Deputy Bailiff:

Very well. All those in favour of adopting the amendment kindly show. Those against. The amendment is adopted.

13. States Strategic Plan 2009-2014 (P.52/2009): second amendment Paragraph 1 (P.52/2009 Amd.(2))

The Deputy Bailiff:

We come next to amendment 1 of the second amendment lodged by Deputy Shona Pitman, number 60 in the order of debate and I ask the Greffier to read the amendment.

The Greffier of the States:

After the words: “attached as Appendix 1” insert the words: “except that in Priority 12 on page 26 in the section entitled ‘What we will do’, after the fourth bullet point insert the following new bullet point: ‘Bring forward legislation to give the Jersey Youth Service statutory status, bringing it into line with the United Kingdom, to ensure the benefits of informal education are both protected and fully utilised’.”

13.1 Deputy S. Pitman:

Being very conscious of just how much the Assembly has to get through, I do not intend speaking for very long, nevertheless, in noting with disappointment - though no surprise - that the Council of Ministers have decided to oppose this amendment, I would ask the Assembly to disregard the Council’s comments and focus instead on just how important this amendment is, now, more than ever, in light of the vulnerable children debate. Indeed, I sincerely hope that we might hear from the chairman of the services for the Vulnerable Children Scrutiny Sub-Panel on just how important supporting this amendment is. Firstly, I feel I should clarify exactly what it is I am getting at with this call for statutory status for the Youth Service. The Council of Ministers states that there are many services provided by the States which are generally accepted as being extremely valuable but do not have State statutory status. This is, of course, quite correct. Unfortunately, this observation also completely misses the point. Unfortunately, it is only a short time ago that many people, including many within the States, wrongly believed that youth work in the Island was just about playing ping-pong and just keeping the kids off the street. A stark contrast to the reality and the reality long recognised in the U.K., especially in cities, towns and urban areas where youth work has statutory status and is recognised for what it really is, informal education. It is about inclusion, social and personal development. It teaches self-empowerment and helps young people to make informed decisions about their future and it is also about working with the vulnerable young people who have been abused or self-harm, you may believe in care, who have generally been failed by the system for any number of reasons. I ask the Assembly, is all of this not worth the added protection of having statutory status? It is odd then, one might think, how despite all the assurances from Ministers of their commitment the service was almost entirely ignored in research as recently as the Bull Report and the outcome of which was the Youth Action Team being implemented without a professional youth worker seconded to this. Though this has now improved it is, nevertheless, an example of the woolly-thinking that many States Members have held about the Youth Service. I could go on at great length about all the reasons the Youth Service should be given statutory status but I trust all Members who have read the external review of 2008 and must be familiar with the huge depth of work carried out. I will just refer to a quote in that report which I think relevant to this proposition: “With continued focus, commitment and hard work and with the support of the States, Jersey Youth Service could reach its ambition of becoming recognised as an excellent Youth Service by 2011.” What is a better demonstration and commitment to this support than giving this crucial and invaluable service statutory status? Of course, it is true that any service being a part of

a States department, in this case Education Sport and Culture, can expect to have some degree of protection as to its funding and recognition. So why is this amendment so important and so important now? Because, unfortunately, when economic times are difficult such as these we face now, often the first areas of service to suffer are those not fully understood as being essential. This was the case some years ago in a number of jurisdictions when, not realising true value, disastrous moves were made by some authorities in the U.K. to substitute highly-skilled professional youth workers with less costly leisure assistance. Could Jersey ever make such a false economy? Hopefully not though I am not alone in noticing that our own Youth Service has only recently been moved from under the wing of the Assistant Director for Lifelong Learning to that of Sport? What next I wonder? Selling off purpose-built facilities? I hope not but to move on to yet another reason why we should support this amendment, Youth Service has made great inroads in developing highly beneficial financial partnerships with the majority of our Parishes in recent years. The Constables are no different to any of our States departments. While they have shown real leadership and vision in signing up to these partnership contracts, their parishioners will always, quite rightly, demand to know that monies committed to such agreements will be safe and the service they buy are guaranteed, granting the Youth Service statutory no status effectively ensuring that such an education service must be provided, can only help to cement these excellent developments. I firmly believe, the majority of Members would agree, never before has it been so patently obvious that we must do whatever is necessary to ensure the protection, care and support of our young people, particularly those who are most vulnerable. As I have alluded to already, the Youth Service is often the key organisation in making interventions with vulnerable young people long before the need for support is picked up by any other agency. Let us recognise this. In making their objections, the Council of Ministers use the excuse of how the States had agreed in the recent past that it should aim to reduce the burden of legislation. With due respect I find it impossible not to observe that such an excuse cannot hold much water, not when we have only recently introduced a law to make someone a criminal for a heinous crime of helping their vulnerable constituents complete an application form to register for a postal vote. Also, we saw a few weeks ago that Senator Le Main brought a proposition to put it in law the criteria he already follows when assessing for 1(1)(k)'s. In closing, this amendment offers the Council of Ministers the opportunity to walk the talk. I make the amendments and call on other Members to please support it.

The Deputy Bailiff:

Is the amendment seconded? [**Seconded**] Connétable of St. Peter?

13.1.1 The Connétable of St. Peter:

I was certainly very minded to listen very clearly to the proposer in bringing the proposition about statutory status for the Youth Service. Certainly in St. Peter we have a very complex Youth Service with a full-time worker on a partnership basis with the E.S.C. and we have the Outreach Project with Junior and Senior Youth Clubs. I was very disappointed that the proposer nearly lost my sympathy by trying to politicise her proposition at the end of her proposition. [**Approbation**] It is so sad that this does happen because that does influence certainly me and probably many other people in the Chamber as well and probably many of the public listening in to the arguments as well today. However, I will do my best to retain an open mind. My reason for standing was to ask, through the Chair, how does the proposer see the statutory status giving any protection to Youth Service over and above that which any other department may well have who may well also have to make cuts in times of change? If the proposer could address that point I would be most appreciative. Thank you, Sir.

13.1.2 Deputy A.K.F. Green:

This amendment is well-intentioned but in my view unnecessary. It is intended, as Deputy Pitman said, to bring our Youth Service into line with that of the U.K. Well, we saw the report that was

recently published, which the Deputy referred to, where it was acknowledged that there was good support from the States that the staff provided an excellent Youth Service. The U.K. does have legislation and I do not know how many of you watched Question Time last week when this was discussed on the BBC programme and where many parts of the U.K., despite the legislation, was shown to have very poor standards of Youth Service, very poor in comparison to Jersey. In comparison to the U.K. Jersey holds its head up high. The E.S.C. ministerial team, the management are absolutely committed to the work that is done by the Youth Service, both by the paid staff and the many hundreds of volunteers that work for us. **[Approbation]** I believe, currently, our Youth Service provides a comprehensive valuable range of services to children and young people including the Youth Centres, the Youth Inquiry Service, the Prince's Trust, Duke of Edinburgh programmes and facilitates many other youth organisations such as the Scouting movement, the Girl Guides, other uniformed youth services and all of these services, by their very nature, are inclusive and aimed at all categories of young people including those with special needs. We are supported, as the Deputy said, by various other agencies, charities and in particular we have partnership agreements with Parishes which we value very much. In the report accompanying the amendment, the Deputy has argued giving statutory status to the Youth Service would help give it funding protection. I cannot follow this logic because generally where I have seen other countries with statutory status the funding is at the lowest level. That is not the standard I want for the Youth Service in Jersey. Having statutory status does not mean that a certain level of funding or resources will be guaranteed. This normally brings it down to the lowest common denominator. It should be pointed out, as the Deputy pointed out, that there are many services provided by the States which are accepted as extremely valuable, if not essential, but do not have statutory status. Do we really need, at this time, to spend time and money and the many other resources to achieve a law that will achieve nothing that has already not been achieved? At a time when we are heading into recession, if we are not already in there, when we need to be supporting those individuals and families hit by recession, those in real difficulties, encouraging and supporting business, do we need to bring in a new law that will achieve nothing than we already do? If accepted, as I say, this proposal will entail bringing in a new law and yet the States have agreed in the recent past that we should aim to reduce submerging of legislation, not increase it. This is a really well-meaning amendment but I would ask the Assembly to reject it.

13.1.3 Senator A. Breckon:

Again, as part of the sub-panel work, I did go and look at this and perhaps felt that certainly Deputy Trevor Pitman might be conflicted if something came out of this and made the Youth Service out to be glowing, but I should say I was very impressed by the work that I saw and I must admit I did not know the extent of what went on until I went and had a look at it. Deputy Green has mentioned the Youth Inquiry Service, which is really positive in engaging young people in some real life issues and what happens if ... things like social security and income support, about what their rights are and young people are engaging in this and there are some very real issues that affect them on a daily basis. I was surprised to learn the number of young people that have disengaged, let us say, with their family. The Youth Service are providing a support and a counselling service to the extent that when they are in outreach mode on a Friday night around the town, they are finding young people that perhaps have not eaten for a couple of days and encouraging them to come and see them and get things back on track hopefully. The youngsters around there all seemed, in their term, to be fairly "cool" about what was going on. They were relaxed with the situation and the things they saw, their facilities were excellent. The other thing which I had never associated the Youth Service with; at one of the places I went to see there was a young fellow in there who was on day release from the Young Offenders' Institute who was doing papering and decorating - he had some fairly loud music on I must say - but the idea was that would equip him in the weeks ahead when he came out, back into the community. That was a service that was being provided by the Youth Service and it was something I was not aware of. As somebody else has mentioned there is a lot of work goes on, as the Constable of St. Peter mentioned, with partnership agreements with

the Parish and also with the voluntary that goes on. We probably cannot measure this exactly, how much do we put in and how much do we get out but there is a great deal of community effort going on there. The other thing that was mentioned was the Youth Action Team. Again, I was impressed with the work they are doing with some input from the Youth Service. I went to see them a couple of weeks ago on the Friday and the Thursday before a team had spent 13 hours with half a dozen young ladies between the ages of 12 and 15 who had come to the attention of the criminal justice system. They spent an awful lot of time with them and again on the Friday. This was part of the role of the Youth Service and again it is something that Members might not have been aware of. Now, the reason perhaps for the statutory footing is that this could then become a defined role within the system because things are going on now, a great deal of work is going on and I also felt people are committed, perhaps above and beyond the call of duty, but there is also some strain on the system there. More is required to do this and I think, as Deputy Shona Pitman has mentioned, there was the report, and the system has been reviewed externally and has come with some glowing report and recommendations, but that is not to say we must be complacent with that because it is providing a valuable role. I think that personally I do not have a problem with making it more official, if you like, and you could still have voluntary arrangements but it can fulfil a very valuable role, and I think if Members were not aware of some of this then perhaps obviously they should contact whoever has got responsibility at Education, Sport and Culture and go and look at some of the stuff because there is some excellent work going on there. Perhaps then they would be convinced that it should be on the statute because I do not have a problem with it.

13.1.4 Deputy G.P. Southern:

I do not know if we will come to a vote before the end of the day, perhaps we will. So, I will put my tuppence worth in anyway and start by saying that I am absolutely horrified by the fact that this amendment has not been accepted, in particular by the Minister for Education, Sport and Culture, and the comments made by his Assistant Minister appear to me to be equally shocking because the Assistant Minister clearly stated: "Why should we be putting our efforts into this particular effort of making the Youth Service statutory when it will do nothing" and he said that twice. Now, I am sure that he did not seek to intentionally mislead the House. I am sure it was accidental but let us get very clear when departments are assessing their spending, and they will be assessing their spending very closely over the coming few months because we are told by the Treasury and Resources Minister that he has got the lid screwed right down on them, what takes priority in bids for spend in any of the departments? I will tell Members what takes priority; your statutory legal requirements, things you have to do by law. That is what statutory means. We have heard this from department after department where they have got any flexibility with their spending at all, and spectacularly I have heard it over the years from the Economic Development Department saying the priority has to be what we have to supply by law. That is the first take on the spending, after which comes that which is useful to do but not statutory, and after that comes that which is nice to have. Now, I do not know where the various projects and various developments that are taking place in the Youth Service lie in the hierarchy but without statutory recommendation you must provide a minimum, at least in this area, by law ... it has certainly got to be out of the first tranche of spending. When you look at the way in which we organise our spending one only has to look, for example, at Health spending where we have the baby brother syndrome, the very small department at the end of that which is Social Services; Health spending, this much of the budget, very emotive topics, you know, heart disease versus cancers versus whatever, down the pecking order all sorts of things that you might do and then we have got a small department at the end of it which is Social Services which has suddenly got attention after whatever, 20 or 30 years of neglect, we must put some more spending in there. When it comes to the statutory nature, who is the little brother in this case? Oh, yes, we must keep our schools open and we must keep our teachers there and we must supply a full curriculum because it is law. That gets the priority, and that gets the vast chunk of the spending, and here we have little brother at the bottom of it and the Youth Service not statutory, we can do something and anyway if we cut there - and we will be cutting, we are told by

the Treasury and Resources Minister that we will be cutting - then perhaps they can fundraise themselves. I will leave it to my partner-in-crime on my right to talk about the various ways and the various extremes that young people and youth leaders have to go and the various contortions they have to do in order to fundraise to keep things going, and especially in the recent work I have been doing on the Co-Ordination of Children's Services I have paid particular attention ... my attention has been drawn to funding issues in all sorts of voluntary agencies which are part-sponsored by a grant but have to cover chunks of their spending by fundraising. One of the issues there is that it is very easy to get fundraising for the initiative. It is relatively easy to get funding for the first 3 years but thereafter, when it becomes not the latest thing, not the latest lollipop in delivery, it becomes much more difficult. Already we are getting voluntary agency after voluntary agency saying to us: "and the recession is biting." We know it is biting because our sponsors are looking at their spending and telling us we had better retrench for hard times coming up because their charitable budget, their spending budget has been cut back severely. So, in terms of this particular amendment it is: "Please, do not believe the Assistant Minister, he is new to the game" and perhaps that was the way in which he was primed but I can assure him, and anybody in this room with any experience can assure him, that when it comes to spending statutory does count. It gets the first bite, there is no doubt about that. So, this amendment will make a difference. In referring to his other statements about: "We have already got a superb service", he is probably right, compared to many parts of the U.K. but this proposition does not say: "and reduce our spending to the statutory minimum." It says: "institute statutory nature of the Youth Service in order that it gets priority in funding." What that funding is we cannot say nor does this proposition, but it fundamentally goes to the heart of something which is vital to the preservation, in these hard times, of the Youth Service. To make the comparison between spending on young people and spending on those who have the greatest amount at the bottom of society is a false comparison. Completely false dichotomy. It is not one or the other. These young people, when Senator Breckon was visiting the Y.E.S. (Youth Enquiry Service) service, what was the single most thing that occupied their time with young people? It was accessing, understanding and getting something out of the income support system which they found completely and utterly unfathomable, and hours and hours were spent at the bottom seeking income support so that young people could survive. That is the sort of activity we are talking about. So, to make that comparison is false and I hope we come back to the debate tomorrow and that Members will support this vital amendment.

The Deputy Bailiff:

Yes, it is now 5.30 p.m. The adjournment is proposed. Do Members agree to the adjournment? Very well then. We will return at 9.30 a.m. tomorrow morning.

ADJOURNMENT