

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 8th SEPTEMBER 2009

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

QUESTIONS

1. Written Questions

1.1 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE RE-FIT OF THE FISHERIES VESSEL THE NORMAN LE BROCQ:

Question

Could members be advised of the exact works carried out in the re-fit of the fisheries vessel the Norman Le Brocq, detailing the costs of each section of works; when the vessel was taken out of service; when it went back into service; whether the work was undertaken by a Jersey shipyard, and if not, explain why this work could not be carried out in the Island given the local expertise available?

Answer

The officer who oversaw the work on the Norman Le Brocq is regrettably on annual leave and rather than attempt to provide the Assembly with possibly incomplete detail I will ensure that a detailed answer is provided to all states Members for the sitting of September 22nd September.

I thank the Deputy and Members for their understanding.

1.2 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE COMPLETION DATES OF WORKS UNDERTAKEN AT LES CHARRIERES DE BONNES NUIT:

Question

- a) Can the Minister confirm the dates when the following infrastructure works at Bonne Nuit will be completed -
- i) the placing of an Armeco barrier on Les Charrières de Bonne Nuit, a matter that has been outstanding for some 6/7 years;
 - ii) the correct operation of the sewerage plant to ensure that it operates at 100% effectiveness with no more pungent smells on the jetty, a matter that has been outstanding for some 5/6 years;
- b) Would the Minister explain whether the failure of the bathing water at Bonne Nuit to reach the highest standard in recent tests is related to the operation of the sewerage plant and will the Department now consider connecting this plant to main drains?

Answer

- a) i) The temporary barriers will be replaced with permanent Armco barrier prior to the end of this year.
- ii) The quality of the effluent from Bonne Nuit sewage treatment works is extremely high and is achieving all regulatory requirements. Unfortunately there have been odour issues with the plant causing a nuisance to residents and visitors to the area. During the last month Officers have been adding a chemical solution to soak up the sulphide in the plant which is causing odours in the vicinity. To date the trials have shown a marked improvement of the nuisance odours and we are hopeful that the chemical dosing will fulfil the expectations of residents and visitors.
- b) The effluent from the sewage treatment plant is treated in an ultra-violet plant which disinfects the effluent before being discharged into the sea. There are surface water

catchments in the area which discharge in this area and I am aware that the Environment Division is monitoring these together with the discharge from the sewage treatment plant. Perhaps the Minister for Planning and Environment could comment further on this issue.

1.3 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FUNDING OF THE ENERGY FROM WASTE PLANT AND THE PRE-PURCHASE OF EUROS:

Question

On 31st March 2009, in response to my written question regarding the hedging of funds in relation to the Energy for Waste Plant hedging of funds, I was advised that as a disciplinary process was underway the Minister was unable to comment at that stage. Given that many months have passed would the Minister now be in a position to advise why the pre-purchase of Euro funds was not put in place at an early stage and why it is still not in place?

Given that Euros come into the Airport/Harbours daily, would the Minister advise whether this money is collected on a daily/weekly basis and used to support the funding of the Energy from Waste Plant or transferred to a bank and charges paid?

Answer

A policy regarding the funding of the Euro element for the Energy from Waste Plant has been in place since December 2008. The Comptroller and Auditor General's comprehensive report of March 2009 details the situation with regard to why Euros were not pre-purchased in November 2008.

Euro income received by the Airport and Harbours relates to the operation of the Channel Island Air Control Zone. This will total €17.6 million over the next two and a half years. This income has been matched against forecast expenditure on the Energy from Waste Plant and will be used to fund these payments over the next three years. This eliminates exposure on a significant value (€17.6 million) of the EfW contract and avoids associated banking and administrative costs.

1.4 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE SETTLEMENT OF ACCOUNTS BY HARCOURT:

Question

In response to my written question on 28th April 2009, the Minister advised that Harcourt owed a considerable sum of money to Transport and Technical Services and the Waterfront Enterprise Board Limited. Would the Minister inform the Assembly whether these outstanding bills have now been settled and, if not, has the 'robust credit control procedure' been applied and, if so, what action has been taken?

Answer

There are no monies owed to WEB

The monies owed to Transport and Technical Services have not been paid by Harcourt.

Transport and Technical Services and Treasury officers have been pursuing this debt through the standard States debt recovery procedure. If this procedure is not successful, the Law Officers will be instructed to pursue recovery of this debt via the Courts.

1.5 THE DEPUTY OF ST. MARY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE COMPENSATION PAYMENTS TO ALTERNATE INSURANCE SERVICES LIMITED INVESTORS:

Question

In his statement to the Assembly on 12th May 2009 about the compensation payments to those who had been given “recklessly misleading advice” by Alternate Insurance Services Limited, the Minister said that one of the “exceptional facts” which influenced his decision was that “normal professional indemnity cover became invalid”.

As we can take it from the Minister’s inclusion of this factor in the list of “exceptional facts” that this would be the normal route of recourse in such a case, just what exactly did the Minister mean by this phrase? Would the Minister explain what exactly happened which made it the case that “normal professional indemnity cover became invalid”?

Answer

In the case of Alternate, I stated examples of exceptional facts which appeared which were not inclusive or exclusive of the exceptional facts that might occur in any other case. I do not think that I can usefully add to what I stated previously. Each case will be considered on its appropriate merits. As the Assembly is aware, my Department is currently considering the issue of investor protection in the round.

In order to satisfy his interest in this case, I would refer the Deputy of St Mary to the Jersey Legal Information website where the relevant facts are set out in a lengthy judgement. Regarding the insurance issue, it appears that the IFA failed to notify his insurers of his knowledge concerning potential claims in good time. This resulted in the insurers having grounds to argue that there was invalidation of the indemnity cover.

As part of a lessons learnt exercise, I understand that the Commission has considered whether this issue could be prevented by requiring firms to have cover that cannot be voided for non-notification. However, it appears that this would be too difficult a requirement to set out in the Codes of Practice since it may well be impossible for a firm to obtain such cover.

1.6 THE DEPUTY OF ST. MARY OF THE CHAIRMAN OF THE COMITÉ DE CONNÉTABLES REGARDING THE ROLE OF PARISH ASSEMBLIES IN THE DEMOCRATIC LIFE OF THE ISLAND:

Given that the Parish Assembly is the decision-making body of each parish and the role these assemblies play in the democratic life of the Island, would the Chairman please advise the Assembly (with details of each individual parish):

Question

The precise measures taken, in each parish, to publicise the date and time of each Parish Assembly before it takes place, and how long in advance of the meeting it is publicised?

Answer

The Loi (1804) au sujet des Assemblées paroissiales, Loi (1905) au sujet des Assemblées paroissiales and Loi (1842) sur les publications dans les Eglises specify the requirements for the holding of a Parish Assembly. All parishes comply with the requirements of the law and publish in the Jersey Gazette and in the Boîte Grillée (Church box) a notice giving the date and time of the Parish Assembly. The notice must be placed in the Jersey Gazette at least two days before holding the Assembly but in practice could be placed up to a week or more prior to the meeting. The notice will appear on at least two dates but additional dates may be added depending upon the business to

be conducted. The Jersey Gazette is also available on the website (www.thisisjersey.co.uk). Additional information received from parishes is as follows:

St Clement: a notice is placed on the notice board at the Parish Hall and advance notice can also be found on the Parish website.

Grouville: also advertised on the Parish website and, depending on the amount of notice, may be publicised in the Parish Magazine if printing deadlines permit.

St Helier: advertised on the Parish website and at the Town Hall.

St John: advertised on the Parish website.

St Lawrence: advertised on Parish Hall notice boards and Parish website; forthcoming events are also announced at community meetings (e.g. Sheltered Housing, Honorary Police Meetings, Roads Committee) and in the Parish magazine if printing deadlines permit.

St Martin: advertised on the Parish website and a diary of events is sent out with mailings 3-4 times a year.

St Mary: advertised on the Parish website.

St Ouen: advertised in a Notice Box in the public car park for the shopping area opposite the Parish Hall and, depending upon printing deadlines, in the Parish Magazine '*Le Gris Ventre*'.

St Saviour: advertised on the Parish website.

Question

The precise measures taken, in each parish, to publicise the Agenda of each Assembly before it takes place, and how long in advance of the meeting it is publicised?

Answer

In accordance with the Loi (1804) au sujet des Assemblées paroissiales, the convening notice for a Parish Assembly must set out the business to be discussed. All parishes comply with the requirements of the law and publish the agenda in the Jersey Gazette and in the *Boîte Grillée* (Church box) as outlined in the answer above. The Jersey Gazette is also available on the website (www.thisisjersey.co.uk). As the notice of the meeting includes the agenda the additional information received from parishes for the previous question also applies to this question.

Question

When and how the date for an Assembly is fixed?

Answer

The Parish Assembly is convened when required by the Connétable, and after notifying the Rector, to conduct the business of the Parish and to comply with dates in relevant legislation e.g. Licensing (Jersey) Law 1974. Most Parishes have one day of the week when Assemblies are usually held.

Question

Whether any individuals or groups are notified directly by arrangements other than by publication or public display of a notice or notices, and if so, who?

Answer

The statutory notices are the legitimate notices for convening an Assembly. The Connétable notifies the Rector before publishing the date of the assembly and the Parish will contact those who are required to attend the Assembly e.g. applicants for a licence under the Licensing (Jersey) Law

1974; candidates for election to offices such as Rates Assessor, Roads Inspector, etc. Additional information received from parishes is as follows:

St Brelade: notification given to Procureurs du Bien Public and Parish Deputies.

St Clement: notification given to those parishioners who have signed up to the mailing list (electronic).

St Helier: notification given to Parish officials, Parish Deputies and Senators living in the Parish.

St Lawrence: notification given to Parish officials and Deputies.

St Ouen: notification given to Procureurs du Bien Public, Roads Committee and Honorary Police.

St Peter: notification given to those parishioners who have signed up to the mailing list (electronic).

Trinity: notification is given to the Procureurs du Bien Public, Honorary Police and Deputy.

Question

Whether there is a fixed schedule of Assemblies or whether they are arranged as required, and in the former case, what steps are taken to publicise this Schedule?

Answer

Parish Assemblies are only held to conduct the business of the Parish. Whilst an Assembly might be expected to be held at certain times of the year, e.g. early summer to set the Parish rate, quarterly to consider applications under the Licensing (Jersey) Law 1974 etc., there is no fixed schedule of dates. The exception is the Parish of St Helier which advertises, on its website, that a Parish Assembly “usually occurs on the last Wednesday of the month”; but meetings would only be held if there was business to conduct and the meeting to set the Parish rate might be in addition to these meetings.

Question

Whether a note is kept of the numbers attending each meeting and if this note is an estimate or an actual count, and if a note is kept, how many attended the last meeting to set the parish rate?

Answer

Although there is no requirement in law to record the number of persons attending a Parish Assembly, the following information has been received from parishes:

St Brelade: a count is made and the number is recorded in the minutes; 41 persons were present at the meeting to set the 2009 Parish rate.

St Clement: 84 parishioners were present at the meeting to set the 2009 Parish rate.

Grouville: a count is made and the number is recorded in the minutes; 40 persons were present at the meeting to set the 2009 Parish rate.

St Helier: a note is sometimes kept of the estimated number attending. At the meeting to set the 2009 Parish rate there were 47 persons present of whom 41 were eligible to vote.

St John: a count is made and the number is recorded in the minutes; 21 persons were present at the meeting to set the 2009 Parish rate.

St Lawrence: a count is made and the number is recorded in the minutes; 48 persons were present at the meeting to set the 2009 Parish rate.

- St Martin: no official count or estimate is made; those attending have the option to sign the attendance book but this is not an accurate measure of the numbers attending. An estimated 80 persons were present at the meeting to set the 2009 Parish rate.
- St Mary: a count is not routinely made but might be included in the minutes if a contentious item was on the agenda; it is estimated that there were in excess of 30 persons present at the meeting to set the 2009 Parish rate.
- St Ouen: a count is only made in the event of a vote.
- St Peter: a count is made but not recorded in the minutes; an estimated 40 persons were present at the meeting to set the 2009 Parish rate.
- St Saviour: a count is made and recorded in the minutes; 28 persons were present at the meeting to set the 2009 Parish rate.
- Trinity: an approximate count is made but not recorded in the minutes; an estimated 40 persons were present at the meeting to set the 2009 Parish rate.

1.7 THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING CONDITIONS IMPOSED ON DEVELOPERS AND CONTRACTORS WHEN GRANTING PLANNING PERMISSION FOR THE CASTLE QUAYS DEVELOPMENT:

Question

Could the Minister furnish exact details of all the conditions which were imposed upon the developers and the contractors during the process of negotiating and granting planning permission for the Castle Quays development?

Answer

The following conditions were imposed on the planning permission granted for Phase I of Castle Quays.

Standard Condition

If the development hereby permitted has not commenced within five years of the decision date, this permission shall cease to be valid.

Reason: The Minister for Planning and Environment reserves the right to reconsider this proposal consequent on any future change of circumstances or policy.

Condition(s):

1. Within two months of commencement of any work on site the applicant shall prepare for approval by the Minister a Construction Environment Management Plan. This plan shall make provision for action plans to respond to each issue and shall also illustrate how these plans will be implemented during the course of the construction project. This must address:

A project description to include construction methods to be used, all earthworks proposed including methods of disposal, and haul route, drainage proposals including disposal of foul and surface water, the basement construction, noise control measures to safeguard existing and proposed residential accommodation, proposed working hours, and public consultation arrangements

Site specific issues should also address:

construction traffic management

groundwater treatment measures

reduction of dust and airborne pollution measures

waste management implementation and monitoring controls

contaminated land handling arrangements

pollution prevention

environmental incident management

Operational matters should also address:

site works and compounds

site procedures and including working hours, route links and site boundaries

monitoring regime for noise, dust, odour and fuel storage

reporting arrangements for this monitoring and chain of command to enforce compliance

storage locations for equipment, oil and fuel

traffic management during basement excavation

staff training and briefing

health and safety liaison arrangements

Consultation with other bodies must address:

contact arrangements and work practices with statutory bodies notably

Health and Safety and Health Protection

complaints procedures

2. All work must comply with Supplementary Planning Guidance, Planning Advice Note 2 - Development of Contaminated Land (2005)

Should Methane Gas be discovered on the site the developer will be obliged to provide an appropriate means of ensuring there is not egress to any buildings on site. This will be subject to the approval of the Minister for Planning and Environment.

3. That this consent shall cease to be valid should a formal Planning Agreement under Article 25 of the Planning and Building Jersey Law 2002 not be signed within 4 months from the date of this consent.

4. Within six months of commencement of any work on site, the applicant shall prepare a Travel Plan for the approval of the Minister.

5. Within six months of commencement of any work on site the applicant shall submit a full implementation and maintenance scheme for all the soft landscaping shown on the approved plans

6. All planting and other operations comprised in the landscaping scheme approved shall be carried out and completed in the first planting season following the completion of the development. Any trees or plants planted in accordance with the approved scheme which, within a period of five years from the planting taking place; die, removed, or are seriously damaged shall be replaced in the next planting season.

7. All hard landscaping and other public realm works which are part of the approved plan shall be covered by a long-term maintenance scheme which shall require the approval of the Minister for Planning and Environment. These arrangements shall be submitted for the approval of the Minister prior to the occupation of any of the accommodation on site.

8. Detailed samples of all external finishes shall be submitted and approved by the Minister for Planning and Environment within six months of the commencement of work on site. This shall include samples of the proposed granite cladding, render, balconies, roofs and ground floor colonade finishes. In addition to those samples an agreed standard and quality of finish shall also form part of the matter to be agreed by the Minister within six months from the commencement of the development.

9. A colour scheme for the external finishes shall be submitted for and agreed by the Minister for Planning and Environment within six months of the commencement of work on site. This scheme shall address particularly the colour to be provided within the render finishes but shall also illustrate the colour and texture of the granite work, and the relationship in terms of colour between all external finishes.

10. Details of all external lighting proposed shall be submitted to the Minister for Planning and Environment within six months of the commencement of work on site. These details shall illustrate all fixtures and fittings and shall include matters relating to location and luminance.

11. The design of the residential units should achieve the following internal noise levels due to noise ingress:

Bedrooms - internal noise should not be greater than 30 dB(A)L Aeq, 8hrs (2300 - 0700hrs)

Living rooms - internal noise should not be greater than 35dB(A)L Aeq, 16hrs (0700 - 2300hrs)

Kitchens - internal noise should not be greater than 45 dB(A)L Aeq, 16hrs (0700 - 2300hrs).

12. The applicant shall ensure that prior to development, the ambient level of nitrogen dioxide at the site is assessed. The assessment should, as a minimum, include three months data collected, using monthly nitrogen dioxide diffusion tubes analysed at an accredited analytical laboratory.

The applicant shall continue to monitor levels of nitrogen dioxide, providing monthly results to the Health Protection Services Department, during construction and for a period of eighteen months after completion of blocks A and B.

The applicant shall provide a consolidated report detailing nitrogen dioxide levels, including interpretation and conclusions, within twenty eight days of the completion of the monitoring programme outlined above. All to the satisfaction of the Minister for Planning and Environment.

13. Notwithstanding the details on the approved plans provision within the basement shall be made to permit recycling. The details of this provision to be provided within six months from the commencement of work on the site.

14. A report giving details of the proposed energy efficiency capability of the proposed buildings in conjunction with a detailed sustainability statement and implementation plan shall be submitted to the Minister for Planning and Environment within six months of the commencement of work on the site.

15. Notwithstanding the information on the approved plans the provision made for plant on the roof is not approved. The applicant must submit detailed drawings to the Minister within six months of the commencement of work on the site indicating the proposals for accommodating the plant. These proposals to be subject to the approval of the Minister.

16. Notwithstanding the information on the approved plans the northern elevation of Block B is not approved. The applicant shall provide an alternative approach to this elevation with the Minister for Planning and Environment for his approval within six months from the commencement of work on the site.

Reason(s):

1. To safeguard the amenity of the area and to ensure the proper development of the site
2. To safeguard the amenity of the area and to ensure the proper development of the site.
3. To ensure the implications of developing this land are properly and appropriately addressed.
4. To ensure the proper development of the site.
5. To ensure the site is developed in an appropriate manner which will improve and enhance the character and appearance of the area.
6. To ensure the site is developed in an appropriate manner which will improve and enhance the character and appearance of the area.
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13. To ensure the site is developed in an appropriate manner which will improve and enhance the character and appearance of the area.
14. To ensure the site is developed in an appropriate manner which will improve and enhance the character and appearance of the area.

15. The present drawings illustrating the design approach are not satisfactory or appropriate.

1.8 DEPUTY A.E. JEUNE OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING NURSES AND MIDWIVES EMPLOYED BY HEALTH AND SOCIAL SERVICES:

Question

Would the Minister –

- advise the Assembly of the total number of nurses on the “Jersey register”, and of these
- the number who are employed by the Health and Social Services Department (HSS);
- of the number employed by HSS, identify the proportion that have full time contracts, part-time contracts, or are employed as ‘bank’ nurses, breaking down each category into those who are locally resident (5 years’ residency), those who are essentially employed (J category) and those with less than 5 years residency?

Is the Minister aware of the number of Nursing and Midwifery Council (NMC) registered nurses in the Island who are not on the local register of nurses and who might be available to assist in the event of any chronic shortage due to the anticipated flu pandemic or other emergency situation? And if not, does the Minister have any plans to collate this information in the event of a chronic staff shortage, for example the anticipated flu pandemic or emergency situation?

Answer

The total number of nurses on the “Jersey register” as of the end of August 2009 is

- 1071 nurses
 - 62 midwives
 - 26 specialist community public health nurses
1. The number of registered nurses currently in post /employed by Health and Social Services Department is 569 .(This excludes vacancies, or posts recruited to where staff have not yet arrived)
The budgeted establishment is 660 full time equivalent, which includes 38 midwives.
 2. All ‘J’ category registered nurses and midwives are working full time contracts. There are approximately 220 nurses in this category and these nurses have 5 years and under residency. They comprise 37.4% of the nursing and midwifery workforce.
 - 2 (i) 369 registered nurses have lived and worked in Jersey for 5 years and more and this comprises 62.6% of the workforce.
 - 2 (ii) The department employs 30 registered nurses on zero hours contracts and together they provide the core of the nursing ‘bank’. Of these 6 are available to work fulltime hours the other 24 are only available to work part time.

In addition to the above, 164 registered nurses who already have substantive contracts with HSSD, undertake bank shifts in addition to their normal working hours. The Minister is unable to say how many registered nurses are living in Jersey, but not on the local register.

The Minister thanks Deputy Jeune for her suggestion regarding an Island wide, nursing, response to an emergency situation. In that event islanders may be called upon to provide assistance, following

appropriate media requests, and this could include nurses on the NMC register. Any assistance subsequently provided, however, will need to be undertaken within appropriate legal frameworks.

It is a legal requirement, in seeking to maintain national NMC registration, for nurses and midwives to complete 150 hours of clinical practice per year or 350 hours over a 3 year period. There is also a requirement to produce evidence of annual continuing professional development which may preclude many individuals from maintaining professional registration.

Retired nurses without current NMC and local registration would only be legally entitled to work in a non registered nurse or midwifery capacity.

1.9 SENATOR B.E. SHENTON OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE DETAILED BREAKDOWN OF GRADES AT ‘A’ LEVEL BY HAUTLIEU STUDENTS:

Question

Can the Minister give a detailed breakdown of grades attained at ‘A’ level by the students of Hautlieu School, including details of students that got unclassified grades and those that failed to attend for examinations, together with a short analysis of how the results for Hautlieu School compare with the UK national average?

Answer

My aim is to encourage schools to work together collaboratively in the best interest of pupils, not to compete with each other.

The Department’s policy on the publication of results is as follows:

- Aggregate results for all schools are published. This gives some indication of how the system has performed compared to national averages.
- Individual schools are required to publish their results to parents and governors.
- As Minister, I am provided with an annual report on each school’s performance against a broad range of key performance indicators including value-added data when it becomes available.

The current system

School performance is monitored by the department and value added calculations are used to place examination results into a meaningful context. Unexplained underperformance is challenged.

A system of Professional Partnership has been introduced this year to challenge and support schools

External inspectors are continually working in our system reviewing various aspects of schools performance.

If requested, I would be prepared to provide members with more detailed results across the system, broken down by subject rather than by school, when that information has been collated and is available.

I would be prepared to discuss the performance of any individual school with any States Member or indeed parent of that school. However, the policy is not to publish raw examination results for individual schools because this could lead to the publication of league tables which are divisive, crude and give a distorted view of performance.

1.10 SENATOR B.E. SHENTON OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE DETAILED BREAKDOWN OF G.C.S.E. GRADES BY STUDENTS IN THE NON FEE PAYING SECTOR:

Question

Can the Minister give a detailed breakdown of grades attained at GCSE Level by the students of the non-fee paying schools only including details of students that got U grades, together with a short analysis of how these results compared with the UK national average?

Answer

As I have indicated in my response to Senator Shenton's question in relation to 'A' level results and Hautlieu, the policy is not to publish the results of individual schools as I do not wish to create the opportunity for the development of league tables because they are divisive and do not compare like with like.

Undue pressure can be placed on schools and lead to serious side effects. The introduction of league tables in England led to:

- a sharp increase in exclusions as there has been less incentive for schools to work with disaffected pupils;
- a narrow focus on teaching to the test at the expense of broader educational objectives;
- increased competitiveness between schools at the expense of collaboration.

We may not be following England in this respect but we are in step with other parts of Europe. League tables have been abolished in Northern Ireland, Wales and Scotland. In France the publication of results on a school by school basis is not allowed. In the Netherlands, Singapore and Spain, examination results are used by schools to compare their own performances but not published.

To compare the performance of the non-fee paying sector against the national average for the UK which includes all maintained and independent sector schools is an unfair comparison. Conclusions drawn from such comparisons are likely to be misleading.

I would be prepared to discuss the performance of any individual school or sector with any States Member or any parent. However, it is my policy not to publish raw examination results for individual schools because this could lead to the publication of league tables which are divisive, crude and give a distorted view of performance. League tables do not compare like with like.

1.11 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE TIPPING OF INERT WASTE AT LA COLLETTE:

Question

Could the Minister advise the Assembly how tipping of inert waste is organised at La Collette? Could the Minister ensure that the answer includes the following:

- A general outline of the system in use;
- How the different loads are sorted/allocated/counted/charged;
- How the decision is taken of what goes where and on what basis;
- What safeguards are built in to avoid errors which might lead to contamination of the sea or air, or land; and
- What enforcement measures may be used against contractors delivering to the site?

Answer

General Outline of Systems

Inert waste is received on the weighbridge at La Collette Reclamation site. The weighbridge operator enquires as to what type of waste the driver has on board and who it is being tipped for.

If the load is acceptable to the site (under the waste acceptance criteria for the site licence), the operator will record via the computerised weighing system, the date and time, ticket number, vehicle registration number, company name, type of waste, charge rate and value, order number or reference, gross, tare and net weights. The driver signs for the transaction on departure.

Based on the type of waste being delivered the driver will be instructed to drive to the appropriate tipping area within the site for that waste. The tip attendant will then inspect the load to see if there are any obvious contaminants on board before the load is allowed to be tipped. In the case of inert waste the tip attendant will then instruct the driver to tip the load at least four metres from the tip head. This is done in order to minimise the risk of a collapse of the tip face and also to allow the tip attendant or machine operator to re-inspect the load for wastes that are not acceptable for general fill, prior to pushing the waste over the tip edge. On acceptance of the load the driver is then directed to leave the site via the weighbridge, where they will complete the weighing out procedures.

Any suspected non-conforming loads are quarantined by the tip operators and the driver is immediately informed that his load may not be acceptable for disposal at the site. The suspect load will then undergo further inspections both visually, and if necessary by chemical analysis.

Loads are visually inspected for various contaminants such as high levels of organics, cement bonded asbestos, asbestos insulation board, ash from any source, metals, hydrocarbons and non-inert waste. If any of these materials are detected the load will be sorted as far as practical or removed from the tip head and a decision will be made on the appropriate method of disposal. Any loads that are found to be unacceptable will either be rejected and sent off site or impounded, but in either case both the customer delivering the waste and, if appropriate, the waste regulator will be informed of the decision.

Separation of Waste Categories

Quantities of inert waste that are not acceptable for general land-filling but which can be dealt with within La Collette Reclamation Site are processed as follows:

Asbestos - asbestos is received at the site every other Wednesday morning. Each load must be pre-booked via the waste regulator who then informs the site office of the number of loads to be accepted at La Collette. This information includes the waste consignment note number and the person delivering the waste. Acceptance of loads of asbestos is dealt with by the certified contractor CAC Environmental Services and air monitoring and quality control is carried out by the environmental contractor Normandie Analytical Services.

Organics - loads with high levels of organics will either be sent to the green waste reception (if containing very little soil) or will be sent to the bannelais reception area sited on top of a lined area for subsequent composting.

Ash - Loads containing ash from any source will be recorded and then directed to lined ash bays for containment and burial.

Metals - quantities of metals from loads received on site will be separated and deposited into metal skips for later removal to the Bellozanne scrapyards.

Hydrocarbons - any quantities of soil which may contain hydrocarbons for any reason (such as from brownfield sites) are required to be pre-notified to the waste regulator via the Planning process or the waste handling regulations. TTS are generally aware of these sites and will be

involved in the decision making as to the correct disposal route for this waste, such as encapsulation or bioremediation.

Other loads delivered to the site which may be suspected of containing hydrocarbons due to the emission of odours or strange discolouration will be quarantined on site (usually be removal to a lined area) and sampling and analysis will be carried out. Disposal of these loads will then be decided upon based on the results of the analysis and the recommendations of the Waste Regulator.

Inert waste

Segregated - loads which contain high quantities of recyclable aggregates (greater than 80%) are diverted to our aggregate recycling centre managed by AAL Recycling Ltd, and are charged at a reduced rate to encourage recycling.

Non- Segregated - material mixed with lower levels of recyclable aggregates (less than 80%) are charged at the higher rate. However tipped loads which may be viable for recovery are collected from the tip head at the discretion of AAL Recycling Ltd. All remaining materials are incorporated into the general fill.

Recording of Loads and Charges

All loads delivered to the site are assessed by the weighbridge operator and tip attendant and based on their inspection the appropriate charge category is applied via a computerised weighing system which calculates the net weight of all loads and applies the appropriate charge. (see Appendix 1)

Safeguards

The Waste Management (Jersey) Law 2005 under Part 3, Section 23 (4) makes it an offence for waste to be disposed of in a manner that is likely to cause pollution. The initial responsibility is therefore on waste producers to dispose of waste in an environmentally responsible manner.

There are also a number of other regulatory and policy safeguards in place such as:

Development Control – controlling the development of any sites which may contain contamination due to their previous use.

Health Protection - involved in the control of all sites which may emit noise, dust or other substances potential injurious to human health and the environment.

Waste Regulator - who will be involved in the licencing of the transportation of any soils or materials that will have come from a potentially contaminated site, such as brown field sites, prior to delivery of the material to La Collette Reclamation Site or any other disposal facility within the Island.

TTS – There are three opportunities to inspect loads: the weighbridge operator on arrival, the tip attendant when placing the load and the machine operator before and during the incorporation into the general tip fill. At any of these stages any dubious materials can be quarantined until further inspections on its conformity can be carried out.

Enforcement Measures

TTS has no relevant regulatory powers and is regulated itself as the operator through the licensing system. However when potential problem loads are identified the material concerned is quarantined, the relevant regulatory bodies are informed and the Department has the option (via the Minister) to ultimately ban repeat offenders from the facilities.

Appendix 1

| | 2009 Charge £ |
|--|------------------|
| Tipping Charges | |
| <u>La Collette Reclamation Site</u> | |
| Clean Loads (per tonne – min charge £1.70): | |
| Segregated inert waste (recyclable) | 3.80 |
| Non recyclable inert waste | 11.61 |
| Domestic (500 kg or less) | - |
| Large Roots per tonne (min charge £31.67) | 32.46 |
| Special Waste (any site) | 58.59 |
| The following charges are also applicable: | |
| High grade paper per tonne (min charge £10.00) | 385.88 |
| Pallet boards, per tonne | 42.23 |
| Pallet boards, each | 1.06 |
| Asbestos, per tonne | 525.24 |
| Oil, per litre (less than 5 litres free) | 0.40 |
| Polythene (per tonne) | 171.03 |

1.12 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE OVERSPEND ON THE INCINERATOR TO DATE:

Question

Will the Minister advise the Assembly of the exact details of the total overspend on the incinerator to date, where by overspend is meant amounts which lie outside the sum voted in P73/2008, namely £102,810,000 plus the £3.5 million previously voted.

Would the Minister make quite clear to members in his answer the amounts due to:

- a) any additional costs added after propositions P.72/2008 and P.73/2008, other than those due to currency fluctuations, specifying exactly what these were;
- b) the amount of the offsetting savings arranged by Transport and Technical Services to reduce the impact of the above increases, specifying exactly what these were for;
- c) the amount due to the fall in the value of the pound before the contract was signed; and

- d) the amount due to the fall in the value of the pound after the contract was signed, up to and including the most recent actual payment made to the contractor?

For each category above, would the Minister advise:

1. when the additional expense (saving) was known about?
2. who sanctioned the additional spend (reduction), and when?
3. the exact source of the extra funding? and
4. the legal authority for the additional spending?

Answer

P72/2008 and P73/2008 detailed the capital cost of the EfW project as £106,310,000 comprising two budgets of £102,810,000 and £3,500,000; this specifically excluded provision for the project contingency: *“The total cost of £106.31 excludes provision for contingency items which will be managed from within the risk element of the States Capital Reserve Vote.”* Publishing this information at the time of contract signature could give a negotiating advantage to the contractor.

Transport and Technical Services has advised that the detail of the component costs of this project are the subject of a confidentiality agreement with the contractor concerned and therefore, costs can only be disclosed at a summary level.

To date, the expenditure and savings approved outside the £106,310,000 is detailed in Ministerial Decisions MD-T-2008-0105 and MD-TR-2008-0125.

Page 97 of the Comptroller and Auditor General’s report, dated March 2009, details the additional costs, savings and associated information relating to the project as at the Engineering Procurement and Construction (EPC) contract signature on 14th November 2008.

As with any significant capital project, there may be additional project costs and savings identified as the project progresses. In line with other projects of this nature, a contingency was established to meet such costs. Project claims and variations are being managed and mitigated by the EfW Project Board as the project progresses.

Transport and Technical Services have advised that since the EPC Contract was awarded, forecast variations and claims costing an additional £302,321 have been identified as necessary by the EfW Project Board, and will be subject to consideration and approval by the Minister for Transport and Technical Services.

These variations and claims relate to the requirement for a Bulky Waste Facility shredder and amenity facilities, windows within the Energy from Waste Facility, gabion walls along the perimeter of the site, a revised process plant schedule and revised detailing for bunker concrete chute walls.

Transport and Technical Services has indicated that project management costs relating to the development of a Letter of Intent during the Preferred Bidder Period and to appoint the Architectural Design Consultant required by the Reserved Matters Approval are £79,708; these costs will be subject to consideration and approval by the Minister for Transport and Technical Services.

The total impact of all these costs and savings is not yet known. Any variation or claim that materialises with a value over £25,000 will be subject to consideration and approval by the Minister for Transport and Technical Services.

The sources of funding for any such costs will be the project budget and the associated project contingency. The authority for additional spending is via Ministerial Decision.

The Comptroller and Auditor General's report, dated March 2009, details his assessment of the additional cost relating to the exchange rate movements both prior and subsequent to the signing of the contract.

When publishing his report, the Comptroller and Auditor General estimated the variation in cost of the approach at that date at £3.06 million, subject to further exchange rate movements. The Comptroller and Auditor General's comprehensive report addresses the specific points that the Deputy raises.

Euro payments made against the contract to date are €29.1 million with a sterling cost of £27 million. A further €18.5 million (sterling cost £16 million) have been acquired and are being held to meet future payments. A further €17.6 million of Airport income in Euros over 2009-2011 has also been allocated to fund future payments at a fixed rate. The remaining €10.6 million are required at the end of 2010. They are to be acquired under an approved policy which includes a stop loss. The forecast cost of exchange rate fluctuations compared to that at contract signing date is not yet finalised but the maximum under the policy will be £2.7m, and at the exchange rate on 7th September would be £2.5m.

The cost of the exchange rate fluctuations has been funded from the project budget, including the project's contingency and the capital reserve, subject to Ministerial Decision.

1.13 DEPUTY R.G. LE HERISSIER OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING THE ANNUAL COST OF IMPRISONING AN INMATE AT H.M.P. LA MOYE AND THE COST OF SECURITY FOR AN OVERNIGHT HOSPITAL STAY FOR AN INMATE:

Question

What is the cost per annum of imprisoning an inmate at HMP La Moye?

What is the average cost of providing security for an overnight hospital stay for an inmate?

Answer

The cost per prisoner place for 2008 was approximately £52,000, based on the Prison expenditure for 2008 divided by the daily average number of prisoners. This figure includes the charges for 9 prisoner places in England, the costs of which will vary according to the security of the particular UK establishment; current costs charged per head range between £34,000 and £64,000.

Since establishment costs at La Moye remain consistent, the implication is that the lower the numbers of prisoners held at the prison, the higher will be the annual cost per prisoner.

The average cost of providing prison officer cover for an overnight stay in is £650, based on the provision of two experienced officers working a 12 hour overtime shift.

1.14 DEPUTY R.G. LE HERISSIER OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE SAVINGS MEASURES PROPOSED BEFORE THE SUMMER RECESS:

Question

Would the Minister explain the precise process that was followed in her Department to formulate the proposed programme of spending cuts which were announced before the summer break setting out clearly the personal involvement that she and her Assistant Ministers had at each stage?

Answer

The following information provides a timeline for the precise process that was followed by the H&SS Department in formulating the proposed programme of spending cuts which were announced before the summer break. The personal involvement of the Minister or Assistant Ministers is identified at the appropriate stages (Initials of Minister and Assistant Ministers present identified in brackets).

4th February – Specially convened Senior Management Team (SMT) meeting where the Finance Director presented the 2009 financial forecast and identified continuing underlying cost pressures.

19th May- As part of the formal finance report the Finance Director reiterated that in light of the discussed service risks the financial position for 2010 needed to be seriously considered and reassessed if H&SS was to mitigate these risks and remain within its cashlimit.

All SMT members were formally requested to identify (based on their professional opinion) the ten “lowest priority service areas” with regard to risk to patient life/urgent care. These were to be forwarded to the Finance Director by 21st May with the Chief Officer receiving the summarised information by 26th May.

23rd June – SMT meeting where it was agreed that service prioritisation would be undertaken in a workshop environment and that the Minister would be kept informed of developments.

26th June- Chief Officer informed the Minister and Assistant Ministers, by e mail, of the need to inform the States of the possible cuts in services required so as to divert funds into high risk emergency services. He emphasised the requirement to function within budget and confirmed details of the forthcoming SMT service prioritisation workshop. **(AP, EN, JM)**

30th June- SMT members participated in a workshop to categorise services into:-

Those which were considered low risk (score 1)

Those where more information was required before a decision could be made (score 2)

Those which were considered high risk to cease. (score 3)

The services analysed at the workshop were identified by the Directorate managers as having the least impact within their service if cut or reduced. The workshop split the SMT into teams of 3 and utilised a scoring mechanism from 1 to 3 (see above) in order to allow an objective approach to service reprioritisation. Teams were instructed to consider life saving impact, social impact and funding released before allocating a score. Scores were submitted by each team and Directorate managers could provide information but not score their own services. Where a score of 2 was given, further information was gathered so that a score of 1 or 3 could be allocated. The final culmination of scores allowed the services to be listed in rank order, with those with lowest scores deemed the lowest risk to cut.

The amount identified as possible/achievable by the SMT was, in total circa the same amount that was required to deliver the CoM pro rata savings and provide investment for the other estimated operational risks.

6th July- Weekly Minister’s meeting (meeting chaired by Deputy Edward Noel as Minister was on annual leave). The consolidated outcome of the SMT workshop was presented to the Assistant Ministers. Deputy Noel was keen to ensure that there were no other “low priority” services that could be considered. A meeting for July 8th was arranged whereby the Minister, Assistant Ministers and Finance Director could look more closely at the workshop outcomes. The Chief Officer highlighted how crucial the prioritisation work was in producing the 2010 Business Plan which should be explicit and transparent. **(EN, JM)**

8th July- Initial findings of the Nurse Staffing review presented to H&SS Minister. **(AP, EN)**

8th July- Minister and Assistant Ministers met with Finance Director to consider the list of lowest priority services to be disinvested in to release funds for investment to manage risks. It was

identified that there were considerable political difficulties associated with many of the proposed service reductions at that stage and further information was requested. **(AP, EN, JM)**

10th July- Weekly Minister's meeting- Finance Director reported difficulties in finalising the 2010 Business Plan due to financial deficits remaining even after cutting the lowest priority services. The Chief Officer advised identifying further service cuts to ensure that the remaining services are appropriately funded but that H&SS had to submit the draft situation to enable Treasury to prepare for the briefing to States Members on the 20th July.

10th July- H&SS submitted draft business plan cashlimit reconciliation to Treasury Officers.

13th July- H&SS submitted pages signed by Accounting Officer in accordance with business planning process.

16th July- Chief Officer provided a report for the Minister called "Reconciliation of Expenditure". This was to support MD-HSS-2009-0041- Reconciliation of Revenue Expenditure which the Minister did not sign.

21st July- Draft Business Plan was sent to SMT members

23rd July- H&SS Chief Officer presented highlights from the Business Plan to staff and took Question and Answers.

27th July- Weekly Minister's meeting- A discussion took place regarding a timeline for service reprioritisation and the requirement for preparation for the Minister's presentation to States members on 3rd September. **(AP)**

1.15 THE DEPUTY OF ST. MARTIN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE VERITA INVESTIGATION AND ISSUES RELATING TO THE LOCUM CONSULTANT GYNAECOLOGIST:

Question

As Verita's terms of reference require it to "review the main actions taken by the Health and Social Services in response to the death of Mrs Elizabeth Rourke including its own interim internal investigation. This will include establishing whether or not there are any significant omissions to the investigation and, if so, exploring these" -

- a) Was one of the 'main actions taken' the decision to exclude a Senior Consultant Gynaecologist?
- b) Would the Minister give the reasons for the exclusion and the reasons why the Consultant Gynaecologist is still excluded?
- c) Will the Minister give an updated breakdown of the cost incurred by Health and Social Services to cover the salary and incidental costs of the excluded Consultant Gynaecologist together with the cost of the salaries and incidental costs to cover the work not being undertaken by him?
- d) Has the hospital's own interim internal investigation (also known as the Serious Untoward Incident Investigation) been concluded and when will the report be published?
- e) Will the Minister explain the purpose and terms of reference of the proposed Hutchinson investigation/review and give the cost of this proposed investigation, including the funds already expended on the related court case?

Answer

- a) I can confirm that one of the main actions taken, following the events of the 17th October 2006, was to exclude a Senior Consultant.

- b) The exclusion of a member of staff is not covered within Verita's terms of reference.
- c) I can confirm that the costs incurred in covering the work not being undertaken by the excluded Consultant has, since October 2006, been calculated as £634,000.
- d) The hospital's own internal investigation, known as a Serious Untoward Incident Investigation (SUI), was halted upon the instruction of the Law Officers so as not to impede the criminal investigations. Subsequently, and immediately following the Royal Court trial, it was deemed more appropriate that an external investigation be commissioned and this is being undertaken by Verita.
- e) The terms of reference of the Hutchinson enquiry are private and confidential as they relate to an employee for whom I have a duty of care. It is not possible to predict accurately what the costs will be, but I will return with more details at an appropriate time.

1.16 THE DEPUTY OF ST. MARTIN OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE VERITA INVESTIGATION AND ISSUES RELATING TO A SENIOR CONSULTANT GYNAECOLOGIST:

Question

In light of the fact that Verita's terms of reference require it to "review the main actions taken by the Health and Social Services in response to the death of Mrs Elizabeth Rourke including its own interim internal investigation. This will include establishing whether or not there are any significant omissions to the investigation and, if so, exploring these" -

- a) Would the Minister give details of the 'main actions taken' and inform members whether they included the instant dismissal of the Locum Consultant Gynaecologist, and if so, for what reasons exactly?
- b) Would the Minister inform members whether any financial package was agreed, if so, at what cost to the public?

Answer

- a) I can confirm that the surgeon in question was employed as a Locum Middle Grade Doctor at the time of the incident on 17 October 2006. This Doctor was not dismissed, but voluntarily left the temporary employment of Health and Social Services. The contract of employment as a Locum Middle Grade Doctor was, in any event, due to expire on 19th October 2006.
- b) I can confirm that no financial package was agreed for the Locum Middle Grade Doctor, other than payment for the remaining few days of her contract of temporary employment.

2. Oral Questions

2.1 Deputy J.A. Hilton of St. Helier of the Minister for Health and Social Services regarding the criteria for a Secure Accommodation Order for young people in the care of the Children's Service:

Would the Minister explain the criteria used when applying for a Secure Accommodation Order for young people in the care of the Children's Service and state how many orders have been applied for during the past 2 years and how many have been refused by the court when dealing with the matter?

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

I shall ask my Assistant Minister to answer the question. She has responsibility for Social Services.

Deputy J.A. Martin of St. Helier (Assistant Minister for Health and Social Services - rapporteur):

Yes, in order to make an application for a Secure Accommodation Order, officers have to have evidence that a child or a young person has a history of absconding from other care settings, evidence over an appropriate period and whether, if they abscond, they are likely to suffer significant harm or, if they are placed in a non-secure placement, they are likely to injure themselves or others. The figures, since the new Children's Law came in in 2005; in 2006 3 were applied for; in 2007 4; 2008 3; 4 so far this year and 2 refusals which were in 2006.

2.1.1 Deputy J.A. Hilton:

The purpose of the question was to get an idea of exactly what sort of behaviour would be deemed serious enough by the Children's Service to take immediate action to address the behaviour of young people in their care. During the summer recess, I received a number of communications from members of the public about this very matter and I did meet with Deputy Martin and explained the circumstances surrounding the behaviour of 3 individuals in the care of the Children's Service, one of whom was charged with a serious offence and 2 individuals who were in the care of the Children's Service being implicated in 2 serious offences which were occurring at 1.00 a.m. and 2.00 a.m. in the morning. So I would like the Deputy to explain to the House why she does not believe that (a) the behaviour of the individuals involved at 2.00 a.m. in the morning and apparently deemed missing at the time is not absconding and (b) the effect of being involved in the crimes that they were involved in at the time at 2.00 a.m. in the morning did not put them at serious risk to themselves and also putting the public at serious risk of the actions of the individuals involved.

Deputy J.A. Martin:

Before I start, I certainly will not be going into the specifics of any children in the Children's Service and their care. The Deputy, the Assistant Minister and I have met with the States of Jersey Police and there seems to be a discrepancy about the States of Jersey Police and Voluntary Care Orders. Now, many of these children are on Voluntary Care Orders where there has been a breakdown in family circumstances and the parents themselves have allowed the children into care. The States of Jersey Police and both myself and the Assistant Minister for Home Affairs are waiting for more information from the Attorney General as we at the Children's Service seem to believe that if we report a child - and the Deputy uses the word "absconding" but I would say "missing" or maybe "home a bit late" - the States of Jersey Police will not pick them up. So this is where we are and if they are under an order from the court, they will pick them up but all the children are in a children's home and many of these children are already from a very, very seriously disturbed background. I do not really know what the Deputy wants me to do, other than lock them all up.

2.1.2 Deputy J.A. Hilton:

I certainly do not want the Deputy to lock them all up, as she puts it. My point is when children are placed into the care of the Children's Service, one would expect them to want to know where a 12 year-old is at 2.00 a.m. in the morning. **[Approbation]** My point is when is the Children's Service going to take the responsibility placed in them and start taking care of these young people and if a 12 year-old out at 2.00 a.m. in the morning being implicated in a street robbery is not serious enough, goodness knows what is.

Deputy J.A. Martin:

Again, I really wish the Assistant Minister would stop using ages and identifying facts in this very small community. All the children in our children's home will now know - or the parents will - of whom she is talking about. The Children's Service does take this very seriously. Everyone in this House put Williamson off for a year. The children's homes are not fit for purpose. They are too

big. The offer from the police station and the policeman when I went with the Assistant Minister was: “Come around and fit locks on all the windows at the 2 children’s homes.” This is not satisfactory. We do take our job seriously. So do our officers, understaffed and undermanaged. I would say again we do not have the full co-operation of the States of Jersey Police. I fully accept that they are really under pressure on a Friday and Saturday night and, further down the line, you will see why I have a question to the rest of the Constables. We need more police on the streets and we need these children off the streets and we need them secure. We do not need their first contact with a policeman to end up down at Rouge Bouillon.

2.1.3 Deputy R.G. Le Hérissier of St. Saviour:

I have slightly been pipped to the post but I wonder if the rapporteur and perhaps the Attorney General could assist us also. Would the rapporteur confirm that when the department is acting in *loco parentis*, it actively dissuades children from leaving children’s homes or is there an absolute freedom to go and come as they wish?

Deputy J.A. Martin:

I think the Deputy makes the comment “*loco parentis*”. Now many of these children are in the children’s home because they have no parents. No fault of their own. Now what do you want the Children’s Service to do? This is instead of living in a home with 2 parents, one parent, an aunty. Does the Deputy think we can say: “You cannot go on school outings.” [Laughter] “You are not allowed to go out with your friends on a Saturday night.” Of course, we give them a barrier like a parent would do. They do not come home... and I can assure you a lot of children in ordinary families do not come home on the time that they are set to come home, so I do not know what the Deputy wants us to do.

Deputy R.G. Le Hérissier:

I wonder if I could follow up and ask the Attorney General if this an ambiguous area or is it quite clear?

The Bailiff:

I think not at this stage. This is question time to the Minister.

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

As I understand it, if your children are around the Island up until the age of 21, you are responsible for them. In this case, it seems that with the children in the care of the Health and Social Services Department, in the words of the Assistant Minister, you are not so responsible. Nevertheless, could I ask the Assistant Minister whether or nor she is satisfied that this sort of questioning from the Assistant Minister for Home Affairs to the Assistant Minister for Health and Social Services really sends out a signal to the public that the Council of Ministers have got an issue that they cannot get to grips with and they are left throwing questions backwards and forwards to each other on the floor of this House? Does she find this satisfactory because I certainly am concerned by this level of Government?

Deputy J.A. Martin:

Let me start by saying that we had a very productive meeting, I and the Assistant Minister for Home Affairs and there was a communication breakdown. I was briefed by my officers last Monday and I wanted the okay from the Minister before sending out the letter and it never went, and then the Deputy felt she had to ask in the House. In most of these matters, I think myself and the Assistant Minister for Home Affairs and the Ministers are working together. We both find frustrations on either side of what we are trying to do. At the end of the day, we are trying to protect and help but also keep an environment for the children who are in care as near a home environment as possible and because of the large children’s homes, we are not achieving this. I would be the first to say it but why we are not achieving is because nobody will let the Children’s

Service get on with the job. Everybody has 53 different ideas as to how it should be done and not one step forward in 5 years since the Kathy Bull Report. So I am very sorry. It might not be the best way and I do apologise again to Deputy Hilton for not getting back to her, and this could have been avoided, but the answer is really what I have said, so she may still have wanted to question me on the floor of the House which is her entitlement.

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

I am quite concerned to hear the response of the Assistant Minister. About 18 months ago, I went out one evening with the States of Jersey Police. I was shown around the operations at Rouge Bouillon and heard from them first hand that their policy then was to always respond to calls to check on missing children, whether they be from children's homes or otherwise, but particularly in the case of children's homes. They had to stop everything else and go and look for those missing children because they were considered to be at risk and if anything happened to them and they had not responded, then frankly, all hell would be let loose. Will the Minister confirm 2 things to me please? Are the doors at these homes locked to prevent the children leaving and has she queried with the Minister for Home Affairs why there appears to be a change of policy?

Deputy J.A. Martin:

A change of policy, no. As I say, there is a discrepancy that when the Deputy went out, did she understand that the States of Jersey Police will go out to look for children on a Court Care Order. If they are signed involuntary, they have, they say, no powers. The Constable, in her question, said they will check on the children. Many times they will find the children and they will say they have located the child to the Children's Service, they will say the child is in no danger and they say they have no power to pick them up. I do not think the policy has changed and, as for the children's home door being locked, when would the Constable like us to lock it? These are children up to 17 years of age and some are nearly 18 in these homes. Of course they are given a curfew time to be home. Again, I say the doors are locked and the ones that are in that are young do not go out. If they are on a sleepover, we know where they are but the ones that are out, it is like anyone else. Once they decide they are not coming back, what is the point of locking the door? We are only locking them out.

The Connétable of St. Lawrence:

Deputy, you are locking them in.

2.1.6 Deputy K.C. Lewis of St. Saviour:

On a similar vein, I think my question has largely been answered. Is my information, with the greatest respect to the service, that people running the homes are not allowed by law to restrain, detail or prevent someone from leaving the premises? If this is correct, does the Assistant Minister believe a change in the law is required?

Deputy J.A. Martin:

The Deputy is quite correct and if you are working in a children's home - and I wish more people would go and visit - if a 17 year-old presents to you and you are of my build and my height, which many of our workers are, and they tell you they are going out, firstly, no, you cannot physically stop them and that is right and, secondly, would you want to? Because I think, at this point, we have one person who was working in a children's home who had tried to stop someone coming out and has now been suspended. So there is no easy win and children know their rights. We are working with Home Affairs and we are trying to bring a policy together that will incorporate all these things but, really, on the ground, again, I will say that the majority of the children abide by the rules in the children's homes and I am absolutely shocked at the Constable of St. Lawrence who says I should be locking the doors and locking the children in. I really cannot believe that comment in this day and age.

The Connétable of St. Lawrence:

I was not saying that she should lock the doors. I was saying that the Deputy said: “Did we want them to lock the children out?” My point was if the doors are locked, they are more likely to be safe within the home.

2.1.7 Senator S. Syvret:

I am quite familiar with the Children (Jersey) Law 1969 and the Children (Jersey) Law 2002. Both of those laws have an unambiguous requirement embedded in them but anyone who has the care of children, be it parents or when they are at school or any other organisation or the children’s homes of Health and Social Services, has an unambiguous responsibility to protect those children from risk, danger, harm or whatever it may be. Does the Deputy accept that, in fact, letting a 12 year-old wander the streets at night amidst gangs of roaming drunkards is in fact potentially a threat to the health, safety and welfare of that child, so in fact if parents are letting their children do that, those parents may be breaching the law and, by extension, if the States of Jersey are letting children do that, they too must be breaking the same law?

Deputy J.A. Martin:

I fully accept that a 12 year-old on the streets and mixing with peers that are not suitable is of course not acceptable to the Children’s Service and it would not be acceptable to me as a parent and many other parents. I think the Senator answered in the question. As he said, it is an unambiguous law. He said: “If children of 12 are wandering the streets, why are the parents not being prosecuted and then the Children’s Service will be?” To this day, I do not know any parent that has been prosecuted and there are many, many 12 year-olds with one or 2 parents who are on our streets and that is not right either. So, in the Children’s Service, instead of having one or 2 children to look after, both our children’s homes are practically full again now and I do agree it is totally unsatisfactory for a 12 year-old to be on the streets of Jersey, whether in the care of us as the States or in the care of their parents, but until the law does change that is exactly where we are.

2.1.8 Deputy J.A. Hilton:

Firstly, my question was really directed not about 17 year-olds. It was directed at under 15 year-olds in the care of the Children’s Service. The reason I brought the question to the House today, and it grieves me to do so ...

The Bailiff:

A reasonably concise question I think, Deputy.

Deputy J.A. Hilton:

The reason I brought the question to the House was, as Deputy Martin has just said, Deputy Martin and the department failed to respond to my valid concerns about what has been going on. All I would like to say is that it is only a small minority and I look forward very much to the Deputy working with Home Affairs to address these problems, but it is not just a question of changing the law because I believe there is provision within the law as it currently stands to address the concerns of the public surrounding the under 15 year-olds who are behaving in this way and will the Deputy agree to look at this in much closer detail with myself and the Minister for Home Affairs?

Deputy J.A. Martin:

Yes, I have no problem. I am taking advice from my officers and they are working very closely with the Law Officers. If we can get together and find a suitably political acceptable way for the safety of the children, I have no problem with working with the Assistant Minister and we are working together.

2.2 Deputy M. Tadier of St. Brelade of the Minister for Economic Development regarding the administration of Woolworths Jersey:

Can the Minister confirm if the administration of Woolworths in Jersey has yet been completed and whether there is likely to be any costs to the Jersey taxpayer arising from this; if the entire residue of local assets have or will be returned to the U.K. (United Kingdom) for distribution to creditors; and whether he is satisfied that Jersey creditors are not receiving unfair advantage over those in the U.K.?

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

The Deputy's question is not directly applicable to Economic Development and, as such, officers from my department have been in contact with the Viscount's office who have advised as follows: "Matters arising out of the failure of Woolworths plc, in as much as they relate to the business and affairs in Jersey, are being addressed by the Viscount pursuant to an order of the Royal Court of 2nd March 2009. It is understood that the attendant processes are still in train and, ultimately, subject to supervisory jurisdiction and further orders of the Royal Court." I would therefore recommend that the Deputy address his question to the Viscount who will also be in a better position to clarify the question of costs once quantified and, if necessary, judicially directed upon.

2.2.1 Deputy R.G. Le Hérissier:

I have had a very useful chat with the Viscount as proposed. I wonder if the Minister could clarify if Jersey assets go to offset claims from Jersey creditors as do U.K. claims paid for by U.K. sources? In other words, are the 2 legal jurisdictions operating independently or is there a total overlap or integration?

Senator A.J.H. Maclean:

It is a somewhat complex issue and I think if the Deputy has spoken to the Viscount, I am sure the Viscount would have been able to clarify that point appropriately for him.

2.2.2 Deputy R.G. Le Hérissier:

I wonder, for the public record, if the Minister would kindly say what his understanding of the situation is. [Approbation]

Senator A.J.H. Maclean:

I would repeat again that I feel the Viscount is the appropriate person but perhaps the Deputy might like to get a view from the Attorney General, if he wishes to add something further to this. [Laughter]

The Bailiff:

Not during question time.

2.2.3 Deputy M. Tadier:

If I may respond, I thank the Minister for his partial answer and the liaising which has been taking place with the Viscount. Perhaps if I could ask a more appropriate question that could be answered by the Minister. Effectively, was Woolworths a Jersey company or was it a U.K. company? What is the status of it and where does it have its headquarters?

Senator A.J.H. Maclean:

Woolworths plc was a U.K. incorporated company.

2.3 Deputy T.A. Vallois of St. Saviour of the Minister for Housing regarding the rise of housing rentals by 2.5 per cent as of October 2009:

Could the Minister justify the rise of housing rentals by 2.5 per cent as of October 2009 and explain whether this will have a positive economic effect?

Senator T.J. Le Main (The Minister for Housing):

States Members fully supported and required in the States of Jersey 2009 Annual Business Plan that the Housing Department had to increase its rentals by 2.5 per cent from October 2009 in order to meet its £22.3 million contribution to the Consolidated Fund. The department does not benefit directly from this increase, other than protecting its maintenance budget which would have to be cut if the rent increase was not implemented. The rental increase coincides with a 2.5 per cent increase in the housing component of income support so that the majority of tenants will in fact be protected from this increase. As has been pointed out on many occasions, the Housing Department's rentals are substantially behind market levels; over 30 per cent in some cases. In addition, over the past 5 years, the department's rentals, including this review, have only increased by 9 per cent or less than 2 per cent per annum so this can hardly be seen as excessive. The department's long-term rents policy is one of the terms of reference of the Review of Social Housing which will be out for consultation later this month. It is my view that this increase will have very little impact on the economy as the majority of its effect is negated by the increase in Income Support. In addition, the protection of the department's maintenance budget not only ensures that tenants' homes can be properly maintained but also helps to stimulate the economy in the building sector.

2.3.1 Deputy T.A. Vallois:

Could the Minister answer whether it is right we should be taking with one hand and giving with another hand? I thought we were supposed to be moving people out of being supported by the Government. [Approbation] Could the Minister explain?

Senator T.J. Le Main:

The Housing Department is currently a social landlord and has no agreement in handing out benefits as was in the past. We have to act sensibly as a social landlord and I can also categorically state at the end of the day, in some places, old properties and old blocks of flats were on very, very, very low rentals; some 60 and 70 per cent of the fair rent. Now they are being refurbished. In awaiting the outcome of the consultation from the Social Housing Review, my department has not increased those rents as we should have done so there are people on very, very low rental and in fact it will only be the wealthier tenants that will be affected by this very minuscule increase; one-fifth of the normal daily rate.

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

I wonder could the Minister not have done something about this to maybe rescind it, knowing many months ago about the economic downturn? We have just forced pay freezes on to our States workers. They have had many increases and effectively they are now getting a pay decrease and rents are going up. It is really not on.

Senator T.J. Le Main:

I do not think the Deputy understood what I said. We are currently running fair rentals at a huge discount in the marketplace and I am not saying that it is wrong. It is right that we protect and look after the poorer members of our community but the fact is that the States Assembly instructed the Housing Department in 2009 in the Business Plan to increase the rents by 2.5 per cent so that an extra £1 million was allocated to the Consolidated Fund. As I say, the poorer members of our clientele will be protected by the current increase of 2.5 per cent in the housing component of low income and we cannot continue subsidising those very high earners that are currently in housing accommodation.

2.3.3 Deputy M. Tadier:

Perhaps this is a question for another day but I would like to know about all these very high earners in social housing. Can the Minister just confirm whether he understands why the 2.5 per cent increase in social housing rentals grates with members of the public when in fact people who work are told that they have to accept effectively a pay cut? **[Approbation]**

Senator T.J. Le Main:

That is rubbish. Quiet honestly, the majority of the people that are in the private sector would give their right hand to be in some of the accommodation now provided at some of the rentals that are being asked for in the fair rents in social housing and, in fact, I think that people in social housing are excellent, wonderful people - all of them. But at the end of the day, there are a lot of other good people in the private sector that would give their right hand to be in the kind of accommodation that is now being provided at such a reasonable rate.

2.3.4 Deputy M. Tadier:

My question was can the Minister understand why members of the public who work in the public sector may be angry at the inconsistency? You say that that is absolute rubbish. Can you understand why members of the public do though?

Senator T.J. Le Main:

I can understand really well but the public that speak to me are the different people that speak to Deputy Tadier because the people I speak to in the private sector are very envious and they are certainly not angry with me increasing rents that are currently something between 30 per cent and, in some cases, 50 and 60 per cent below fair rental. Not market rental; fair rental. So the public that I deal with are simply not angry with me. They comment that it is only fair and in fact we should be having a fairer system of assessing the rates in the social housing sector.

2.3.5 Senator S. Syvret:

Given the degree and extent that there has been for decades and persists in market-rigging and price-fixing among landlords in the private sector, does not the Minister in fact consider that it would be of social and economic good for Jersey if in fact the Housing Department were to significantly undercut to a greater extent the private sector, thus combating the price-rigging and market-fixing that has been endemic in Jersey for decades?

Senator T.J. Le Main:

I cannot comment on the information that Senator Syvret is saying but it is quite clear - and I do not think the Senator has understood - we are considerably under the market rentals. We are currently 30 per cent below market rental and if that is not considerably under the market, well, I do not know what is.

2.3.6 Deputy S. Pitman of St. Helier:

The Minister said that this rise in rents will not be affecting the poorest. Could he clarify this for me because, as I understand it, those on income support have been given a 2.5 per cent rise and the next thing they hear is that their rent has gone up by 2.5 per cent. These people are people who, through no fault of their own through illness, *et cetera*, are having to live off benefits.

Senator T.J. Le Main:

The housing component of low income and employment and social security has been increased by 2.5 per cent specifically to cover the increase of 2.5 per cent imposed by this Assembly upon the Housing Department, so those on low income should not be affected whatsoever in regard to this rental increase.

2.3.7 Deputy M. Tadier:

It sounds to me that the Minister is running on the false assumption that the market, for some reason, had it right, whereas we do not have it right. Surely, if the Minister is to be logical, he should be increasing States rentals by 30 per cent. Do you have a comment on that?

Senator T.J. Le Main:

The issue is that everybody will all know by the end of this month that there will be consultation on the Social Housing Review where we will be seeking comments and views from the public and from States Members and, in that, is specifically the issue of the difficulty we find ourselves in. How do you assess rental in trusts and in social housing? That is going to be one of the main issues and, eventually, as time goes on, the Housing Department will be social landlord only and I believe that, eventually, the issue will come about that the social landlord will have a set of rents where it does not get involved with any subsidies, as it is now, and a social landlord only.

2.3.8 Deputy T.A. Vallois:

I would like to contest some of the items that the Minister has just explained. For one the 2.5 per cent increase does not justify the maintenance of the properties over the years. Some of them are in an appalling state [**Approbation**] and also the fact that a decision was made by this House for the 2009 Business Plan can be rescinded because it has been for the pay rise for public sector workers, so that is not an excuse to not remove this at this point. Could the Minister therefore confirm whether he would be able to remove the 2.5 per cent increase on rents and come back to the House in 6 months time upon the review of social housing and put in appropriate rises where it is necessary?

Senator T.J. Le Main:

No, I am not prepared to do that. The issue is that this is fair and equitable. 2.5 per cent has been covered by the housing component at Employment and Social Security, so I am not prepared to do that. It is fair and equitable, it does not affect the people on low income, as I have explained, but it also allows people to pay a fairer rent than what they are currently paying at the moment; those who can afford it. To say that some of the accommodation of the housing is appalling is not true whatsoever. It is not true. We have 18 per cent of our stock that needed upgrading but if you want to see appalling accommodation, you want to go into London and other places. Jersey accommodation that needs upgrading, needs double-glazing, needs insulation and needs upgrading in all sorts of ways but is not appalling, and I object to that. If anyone would like to show me some accommodation that is appalling - and they really need to look in the dictionary at what “appalling” means - then I am happy to go and have a look but I object to these “appalling” state and conditions.

2.4 Deputy A.K.F. Green of St. Helier of the Chief Minister regarding the Customer Service Department:

Will the Chief Minister advise the Assembly how he proposes to reduce the Customer Service Department at Cyril Le Marquand House with a budget of £447,300 to £277,400 and yet he increased the staff full-time equivalent from 11.7 to 12.3 as shown on page 17 of the annex to the Business Plan?

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

Yes, I agree that the figures do look anomalous but the increase in F.T.E. (full-time employment) is as a result of a temporary addition to meet a particular demand of Planning and Environment. This task has now been completed and the current number has reverted to 11.7. There are customer services activities undertaken in several departments across the States and not just in the central Customer Services Department. A review is proposed to examine the economies of scale achievable by combining or relocating the central functions and departmental ones. The States

remains committed to putting the customer first. However, in difficult economic times, the level of service provided will necessarily come under review but by combining activities with other departments, maximising efficiency and managing vacancies, savings will be achieved. Every opportunity will be taken to re-deploy staff and avoid redundancies. One of the options to reduce the Customer Services budget would be to take on additional work, charge under the requester and therefore treat it as income. In this instance, the level of manpower within Customer Services would remain the same but the next budget would reduce.

2.4.1 Deputy A.K.F. Green:

That is all very well but it does not explain to me how we go from a budget of £447,000 plus to £277,000 and take the F.T.E.s from 11.7 to 12.3. The Chief Minister says it is a temporary arrangement and they have gone back to the 11.7 but what we are talking about here is the 2010 Business Plan. That is what is published in the Business Plan for 2010. I am not satisfied. Please could the Minister explain?

Senator T.A. Le Sueur:

I agree that it is confusing but those figures are taken at a moment in time and I accept that they could be put back at 11.7 rather than the 12.3 that was shown. I think that is something which I am happy to take up. I have tried in fact to explain why the figure is what it is, but also to reassure the Deputy and reassure the House that there is not in fact an overall increase in staffing in that department.

2.4.2 Senator S. Syvret:

Perhaps I am mistaken but it does seem to me that the actual F.T.E. figure of 11.7 to 12.3 is not really the issue here. The important question is how is it possible, say, for argument's sake, to maintain an F.T.E. of 11.7 and produce such a dramatic cut from £447,300 to £277,400 even with the existing F.T.E.?

Senator T.A. Le Sueur:

I have tried to explain that that was a result of combining customer services activities across all departments of the States. The next figure is shown within the Chief Minister's Department but this is an overall States Business Plan and not a departmental arrangement. What we aim to do in centralising and improving efficiency across the States is to reduce the overall spending of the States. That, I am comfortable we can achieve and the effect, although shown in my budget, would in fact be shown and received by the States as a whole.

2.4.3 Deputy A.K.F. Green:

I do not think anyone would argue with the Chief Minister for the need to reduce our expenditure but I still cannot see how we reduce the budget to that level and maintain the full-time equivalent level. Would the Minister not agree that the problem here as, indeed, throughout the States - because this is just one of many in the Business Plan - is that now the organisation is run by accountants that do not understand the business and that is why we end up with figures like this.

[Approbation]

Senator T.A. Le Sueur:

The organisation may be run by officers. The organisation policy is set by Ministers and by the States and it is policy which is the important thing here. I accept that in trying to provide more and more levels of information and more and more detail, we end up sometimes getting into confusing situations, particularly if that information is inconsistent. The alternative would be to have very little information available to Members but that I think would be a retrograde step and I am happy that we have a wealth of information, even though sometimes it does indeed look anomalous.

2.4.4 Senator S. Syvret:

If it is possible to keep the F.T.E. figure at 11.7 and yet decrease the budget from £447,300 to £277,400, surely the question that has to be asked is there must have been, somewhere in the system surely, some gross inefficiencies and inadequate and very poor use of public money to enable such a cut in expenditure to be met and yet still maintain the same degree of F.T.E.s.

Senator T.A. Le Sueur:

I think it is symptomatic of some of the efficiencies that we have been seeing over recent years in the States. The fact that there have been fragmented similar activities carried out by a number of different departments each doing their own thing and each employing staff, one of the reasons for having an efficiency drive was to ensure that where we could get across States centralisation and efficiency, we would do so. This is an example of where that is going to be happening and I am proud of the fact that we can indeed reduce our overall spending and indeed maintain the level of service.

2.4.5 Deputy A.K.F. Green:

Is the Chief Minister then saying that the staff levels will remain in the Customer Service Department at 11.7 and that there will be no staff reductions or redundancies in that department?

Senator T.A. Le Sueur:

I am saying that we are tasked with reducing our spending in that level and I hope it can be done without requiring redundancies. There may well be staff that are not replaced and it may be that that figure will come down. I am more interested in the amount of money we spend and the amount of money we can save rather than the precise staff numbers which, as I say, are a matter of a snapshot in time.

2.5 Deputy K.C. Lewis of the Minister for Home Affairs regarding the introduction of a zero tolerance approach to drink driving:

As many countries now have a zero tolerance approach to drink driving, does the Minister consider that this policy should be introduced in Jersey and, if not, why not?

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

I take it the question is to ask me whether I am in favour of a situation in which any alcohol found in a person's body would lead to a drink driving conviction. The answer to that question is no, I am not. The largest group of European countries currently has a figure of 50 milligrams in 100 millilitres of blood. I accept that there may be a case for reduction to that figure and I understand that that has been considered recently in the U.K. I am against a complete reduction, firstly, because of the difficulty of a person knowing the day after whether there is still some alcohol in their body. Obviously, if they have a hangover, they should not be driving because they are clearly still under the influence. Secondly, because 80 milligrams is the point scientifically at which it has been found that driver impairment becomes significant; thirdly, because it would put us out of line with the rest of the British Isles; fourthly, because we have lower travel speeds and I think we need to take that into account and, fifthly, because if we were to introduce this, I believe we would have to have a split in relation to sentencing because it would not be justifiable for very low figures to maintain the mandatory 12 months and 3 years disqualifications.

2.5.1 Deputy K.C. Lewis:

I welcome the Minister's reply and the proposed reduction in the level. During his deliberations in the future, will the Minister agree to consult the police, the fire service and the ambulance service before making his deliberations.

Senator B.I. Le Marquand:

I have the opinion of the police before me which is the figure of 50 could be an appropriate figure. I am not making a proposal on this. I am open to this if it seems appropriate at any given time to make a change.

2.6 Deputy P.J. Rondel of St. John of the Chief Minister regarding the Computer Services Department's ability to provide 24-hour technological supporting the event of a system breakdown:

Given that the Hospital and Emergency Services work 24/7 and the States is totally reliant on its Computer Services, would the Chief Minister advise why support staff from the Computer Services Department are not on duty 24/7 to provide technological support in the event of a systems breakdown?

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

Information Services out of hours cover is provided to the main data control centres and departments on a formal on-call basis to ensure the availability and good function of key systems. The level of support to particular departmental systems is determined on a department by department basis in consultation with their local Information Services Business Support Group to ensure that core services are supported on a 24-hour basis. A balance has to be struck between the operational risk and cause of interruption of a service with the cost of funding everything 24/7 or other out of hours cover. The existing States system has significant backup and resilient facilities to cover breakdown. The cover provided to departments out of hours is provided with an on-call shift pattern of Information Support staff, one of whom is always contactable via mobile telephone. The number of incidents over the last 12 months requiring out of hours support has been 83.

2.6.1 The Deputy of St. John:

Given the Minister has given us a résumé of how it is all supposed to work, will he please explain, given that we are going to be seeing our staff possibly working to rule, is he quite happy that the support that will be required in any emergency will be in place because I have experience of ringing up at 3.00 a.m. in the morning and you had to get a person out of bed before you could get the situation resolved. If somebody is not on duty but on a standby basis, there is a big difference in the time lag in the event of an emergency and is he happy that that time lag would be acceptable in a proper emergency?

Senator T.A. Le Sueur:

I am quite confident that, in the event of the situation that the Deputy suggests, cover will be maintained. I accept that at 3.00 a.m. in the morning, the person may well be in bed and still nonetheless willing to respond immediately to such a call, and I praise the way in which the on-call staff do provide this service at inconvenient hours on the rare occasion that it is required.

2.6.2 The Deputy of St. John:

I understand where the Chief Minister is coming from but I have got real concerns that we are not prepared to look after our staff but the Minister - and I am talking by way of a pay rise - is expecting our staff to look after us and does he not think he is a bit unjust and a bit ingenuous to expect people to come out at night in an emergency when his department are not prepared to help them with a pay increase?

Senator T.A. Le Sueur:

I am perfectly confident that our policies in respect of cover for Information Services and other incidents of an emergency nature are fully operational, fully resilient and I have no concerns at this stage about the level of support we are providing. I think the Deputy may sometimes be mixing up support to emergency services and support generally across the board, and I accept that general

support for non-emergency matters can and sometimes will have to wait until the following day. But in terms of real emergency cover, yes, I am confident that we can maintain the proper level of support required and that we do have staff who are prepared to do that.

2.7 Deputy A.E. Jeune of St. Brelade of the Minister for Education, Sport and Culture regarding the number of Jersey students pursuing a nursing diploma or degree:

Could the Minister please advise the Assembly of the number of Jersey students known to have attended university to study for a nursing diploma or degree giving the number by year of entry over the past 5 years, the number who plan to commence such study this coming academic year and the number who have returned to Jersey following qualification in the past 5 years?

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

Firstly, I would like to thank the Deputy for her kindness and understanding with regard to this question. This is the busiest time of the year for officers processing student grant applications and the first priority has to be to ensure that all students are dealt with appropriately and in a timely fashion. In light of this, the Deputy has kindly agreed to defer the first and third parts of her question until such time as the officers can research the answers without being diverted from their prime task. With regard to the second part of her question, however, I can confirm that we currently have one midwifery and 2 nursing applicants commencing studies in this coming academic year. There could also be others that, as yet, have not completed the application process. In addition, there are 4 students starting on the local student route supported by the Open University. I will aim to provide, as I said before, a more complete analysis in October once all the information has been collated. Thank you.

2.7.1 Deputy A.E. Jeune:

I do understand the situation that his officers are in in relation to the answering of this question, but could I then further ask that when they are answering the question that they identify whether they believe they are doing enough to encourage students to undertake this particular training?

The Deputy of St. Ouen:

I could probably answer that question quite quickly and say that I personally feel, as do the Skills Executive, that a better co-ordinated approach to providing training across the Island, including nursing, needs to be developed and great efforts are already being placed in this particular area. Thank you.

2.8 Deputy R.G. Le Hérissier of the Minister for Economic Development regarding the compatibility of the new Jersey Post scheme (Ship2Me) with the ‘Think Twice, Buy Local’ policy:

Does the Minister regard the new Jersey Post scheme called Ship2Me is compatible with the ‘Think Twice, Buy Local’ policy of his department?

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

The ‘Think Twice, Buy Local’ campaign was aimed at encouraging individuals, public sector organisations and private businesses to think about the broad range of high quality products and services available on Island before making any other purchase. Research into the effect of the campaign is ongoing, however, there is evidence that local retailers are closely examining their pricing structures in order to compete, or are willing to discount or add value in order to achieve a sale. The campaign was never intended to persuade local consumers that they must buy local, but it was designed to encourage them to give serious consideration towards supporting local retailers and suppliers. The ‘Think Twice, Buy Local’ campaign and Ship2Me service are not incompatible.

They provide Islanders with greater choice, competition and potential value while providing local on Island businesses with a greater level of commercial opportunities. Thank you.

2.8.1 Deputy R.G. Le Hérissier:

While not doubting at all the advantages and this is, of course, a difficult area, would the Minister acknowledge that one of the factors perhaps driving the Post Office is the enormous cost of regulation, for example, alleged to be a £500,000 fee paid to the Competition Authority and alleged to include the payment of 2 Post Office staff members just to meet regulatory requirements? Would he not acknowledge that what was seen as a system which would increase competition is indeed not securing such competition in the postal sector, and we are in this rather paradoxical situation where the Post Office has to generate revenue from a monopoly position in order to pay for regulation which is not leading, in its case, to competition and it is doing so in perverse ways like encouraging on Island competition with U.K. catalogue companies?

Senator A.J.H. Maclean:

I would not agree with that, certainly not in full. Postal services are by nature not particularly profitable activities and I think it is fair to say that the Jersey Post Office has had to look at all sorts of commercial opportunities in order to drive additional revenues. Of course the benefit of that is that it is going to help to sustain our postal services and contain costs, which is obviously important in the interests of Islanders and in the interests of local businesses and so on. I think it should be borne in mind that from a competition point of view, and also the Deputy mentioned regulatory issues, that the Jersey Competition and Regulatory Authority would, of course, take a great deal of interest should the Post Office act in an anti-competitive manner.

2.8.2 Senator B.E. Shenton:

Could the Minister advise whether the new ‘Think Twice, Buy Argos’ campaign [**Laughter**] is a political move to help dampen down any concerns the U.K. may have over the fulfilment industry to show that trade goes both ways?

Senator A.J.H. Maclean:

Absolutely not. That could not be further from the truth and, in fact, from a political point of view there is absolutely no input at all in this particular campaign. This campaign has been conceived by Jersey Post. They have an independent board and they have an independent and commercial decision which they are pursuing.

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

Back to the Argos catalogue, I have been contacted by a number of my parishioners very concerned about the fact that they are going to be on their doorstep, which they do not want, and they want to know how they can go around recycling them. This is yet another question.

Senator A.J.H. Maclean:

Yes, the Deputy raises a very valid point and I would suggest that parishioners who are concerned or any other Islanders concerned with regard to this matter should contact the Post Office and have their names removed, hopefully, from the mailing list.

2.8.4 Deputy K.C. Lewis:

While I would say in the short term this is going to be an enormous boost to Jersey consumers and indeed the Post Office, in the long term this is going to put enormous pressure on small local retailers who have to pay enormous Jersey rents. On walking in today, I noticed there were 8 empty shops I came to and, as I said before, this is at odds with ‘Buy Local.’ Does the Minister agree?

Senator A.J.H. Maclean:

No, I do not, I am afraid, agree with the Deputy. I do not agree that it is at odds with the 'Think Twice, Buy Local' campaign. That campaign was conceived as an awareness campaign to encourage local Islanders to think about the opportunities of buying local products and services. It was not a campaign that was in any way protectionist. It was not prescribing that Islanders had to buy locally. It was merely encouraging them to think about the opportunities. It was also encouraging businesses to step up to the mark and ensure that they are both competitive and offer a good quality of service. I have no doubt that local businesses can compete with Argos or anybody else for that matter.

2.8.5 Deputy J.A. Martin:

The question I would like answered is in the question, the new Jersey Post scheme Ship2Me. Could the Minister advise if this is a Jersey Post scheme? Ship2Me, I am told, has been brought to Jersey by an entrepreneur from the U.K. - a millionaire - and I am also told that Jersey Post employees who now work at Jersey Post are being told they have to reapply for their jobs at at least £5 an hour less. Can he explain how this company is set up and who will profit from it? Thank you.

Senator A.J.H. Maclean:

First of all I should point out again, which I have already mentioned, that this particular organisation, Jersey Post, is incorporated. It operates independently and, as far as I am aware, the particular service, Ship2Me, is an initiative that they have set up themselves. With regard to the Argos publication, that is an arrangement between Jersey Post and Argos themselves. With regard to the staffing matters, that is a matter, of course, for Jersey Post.

2.8.6 The Deputy of St. John:

Given that the States sent out the message some years ago to Tesco and others not to set up fulfilment/e-commerce on the Island, has the policy changed given the downturn in the finance industry? If so, will the Minister make it known to all, and will any company that wishes to set up, be paying Jersey income tax?

Senator A.J.H. Maclean:

The policy has not changed at all. The policy is exactly as it was in 2006. There were approximately 16 companies providing fulfilment services in the Island which were not consistent with the policy. The policy quite simply supports local e-commerce businesses, there are a number; and genuine local businesses employing local people are supported by the department and will continue to be supported by the department in developing this important area of the economy.

2.8.7 Senator S.C. Ferguson:

I have a couple of items. One, there is already a large amount of catalogue business existing in the Island. Will that qualify for Ship2Me? The other, raised by Deputy Lewis, that one of the problems for retailers is our shop rentals. With landlords insisting on increases, even during a recession, will the Minister ask for a review by the J.C.R.A. (Jersey Competition Regulatory Authority) of rentals for small businesses in the Island? **[Approbation]**

Senator A.J.H. Maclean:

The Senator raises an interesting point about the catalogue. There are a number of companies - local businesses - that have already been in contact with the Post Office hoping to utilise the Ship2Me service so there are local retail companies that will potentially benefit from this new service which I think is very encouraging. With regard to shop rentals, that is really a matter for the market to determine. What I can tell the Senator is that we have evidence that landlords are now having to consider very carefully rental reviews and indeed there are examples of rents being reduced due to the current market conditions. That is exactly as I would expect it to be and indeed we are seeing similar instances in the U.K. It is market driven.

2.8.8 Deputy R.G. Le Hérissier:

Given the faith that the Minister has in the market, does he not think it is a somewhat unfair imbalance or balance where a very major government monopoly is allowed to take on Jersey small retail industries and, secondly, has his department projected the loss of G.S.T. (Goods and Services Tax) revenue as a result?

Senator A.J.H. Maclean:

First of all, with regard to G.S.T., any items coming into the Island that are above the *de minimus* level will, of course, be subject to G.S.T. - £400, yes. No, we do not believe that there is going to be any great loss locally. We believe that local businesses can compete very successfully in the marketplace and I do not think this is a situation that should, in any way, concern local businesses.

2.9 Deputy F.J. Hill of St. Martin of the Minister for Health and Social Services regarding the impartiality of the Verita enquiry:

Given that on 30th June 2009 the Minister stated that: "That accommodation for Verita will no longer be available on Health and Social Services Department premises and interviews will also take place away from Health and Social Services Department", will the Minister assure Members that no interviews have taken place on Health and Social Services Department premises and Verita personnel have not held meetings with any of the department's senior management team either on or off the Health Department's premises?

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

Verita is conducting independent confidential interviews and, therefore, I am not party to their schedule. I am unaware of whom Verita may have met, when they may have met and where these interviews may have taken place as Verita have made all the arrangements. I am assured by Verita that since Morier House became available no formal interviews have taken place on Health and Social Services premises, even with members of the senior management team. I would like to take this opportunity of thanking the Greffier and his staff on my behalf and the staff of Verita for their assistance in making this possible. This does not mean that Verita have not been on Health and Social Services premises. They have been accorded a tour of the hospital and theatres and have met with administrative staff about the collection of documentation. The consultant obstetrician and gynaecologist appointed by Verita have also spent time in the departments, and time reviewing patients' records which cannot leave the hospital.

2.9.1 The Deputy of St. Martin:

I thank the Minister for almost getting around at the end. First we were told there is nothing and now we are told there is something. Can the Minister assure me that the Verita people, at no time, have ever held meetings in the office of the Medical Director on the fourth floor and used his premises or used his office to conduct interviews with other medical staff on the premises and also could the Minister assure us that the people who showed Verita people around were not members of the senior management team?

The Deputy of Trinity:

As I said, no formal interviews have taken place in Health and Social Services Department buildings. The teams of Verita have obviously wanted to see the hospitals, theatres and have been around the hospital so they have got some view of that, but also very important is they needed to collect documentation and they needed to know exactly what they needed to collect. Also they needed to have access to patients' records and that means that those records cannot be taken out of the building. As I say, the consultant obstetrician spent time in the department looking at those patients' records, I trust by himself, I would have thought.

2.9.2 The Deputy of St. Martin:

Can I again press the Minister? Can I ask the Minister to make inquiries and maybe she could come back to the House with a full answer to the question because I think there is a concern that the offices of the Medical Director have been used? So, could I ask the Minister to come back with the full answer to that, please?

The Deputy of Trinity:

I have done a full answer. I am assured by Verita that since Morier House has been available, all formal interviews have taken place there. They have obviously needed documentation and needed access to patient records which cannot go off the premises, and I would expect that they needed to sit somewhere in an office.

2.9.3 Deputy D.J. De Sousa:

Can the Minister, while we are on the subject of Verita, please tell us where we are now with the inquiry, how much longer it is expected to go on as the House rejected the proposition by Senator Syvret to have an inquiry into this? Can she let us know where we are now, please?

The Deputy of Trinity:

Certainly. I had a letter from Verita last month and I emailed States Members regarding it, that since the debate in July where we extended the terms of reference they have had more formal interviews with, I understand, some States Members and other members of Health and Social Services staff or whatever - because I am not a party to who they meet - and this has extended the review by another month. The draft report will be out by the end of October.

2.9.4 Senator S. Syvret:

Could I ask the Minister to, in fact, take notice of the questions put by the Deputy of St. Martin and, in fact, return to the House with the full information? For example, when the Verita team were shown around the hospital, the theatres, and so on, were those tours conducted by senior management members of Health and Social Services? What interface, what interaction, had Verita been having with the senior management team of Health and Social Services? It is crucially important that we get the factual information concerning this because this Assembly was misled on several occasions in months gone by when it was asserted to us that the senior management team had had no involvement whatsoever in drawing up the terms of reference with Verita, but in fact it transpired that they had.

The Deputy of Trinity:

The external expert has spent a day in the Obstetrics and the Gynaecological Department with the doctors and nurses while he was looking around the department theatres, *et cetera*. To repeat, no formal interviews have taken on any Health and Social Services Department premises.

2.9.5 Senator S.C. Ferguson:

I wonder if the Minister would be able to tell us whether the alteration of the terms of reference led to a renegotiation of the terms and payment of the contract with Verita?

The Deputy of Trinity:

Yes, unfortunately it has and the amount now I have been quoted is £497,000.

The Bailiff:

Final question, Deputy of St. Martin, if you wish one.

The Deputy of St. Martin:

No, I do not think I would get an answer anyway. Thank you.

2.10 Deputy K.C. Lewis of the Minister for Education Sport and Culture regarding the adequacy of the pool facilities in Jersey for the 2015 Island Games:

As the Swedish island of Gotland is planning to build a competition-size swimming pool to challenge Jersey for the 2015 Island Games, is the Minister satisfied that the pool facilities in Jersey will be adequate?

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

Unlike Gotland, I am totally confident that Jersey can host the 2015 Island Games utilising our existing, very good facilities. We, too, have a competition pool and that is the existing pool at Les Quennevais sports centre which will be used for the swimming. The pool is, as I said before, a competition pool, 25 metres long and has 8 lanes. The venue has been already used to host many galas and has all the necessary equipment to support an event such as that. I would just like to say, to reinforce the fact how good our facilities are, that Jersey has received notification that several of our facilities have been accepted for inclusion in a guide which was issued to the International Olympic Committee at the Beijing Games in 2008. This is to be used for the training camps prior to the Olympic Games in London for 2010. These include the Fort Regent, St. Helier Yacht Club, the new Gilson Hall for badminton ...

The Bailiff:

I think Minister this is getting rather off the subject.

The Deputy of St. Ouen:

The suggestion has been made that Gotland is requiring to provide extra facilities to bid for the Games and I am just underlining the fact that our facilities do exist and they are recognised by the Olympic Committee.

The Bailiff:

I see. Any follow up question, Deputy?

2.10.1 Deputy K.C. Lewis:

If Jersey were to be successful this would be an enormous boost to Jersey Tourism with several thousand people coming to Jersey. Can the Minister outline any other plans he has to upgrade existing facilities?

The Deputy of St. Ouen:

The only major refurbishment that is planned is the renewal of the athletes track at the F.B. Fields, which has already been included within the capital programme I think for 2013 to ensure that that facility meets the standards that will be required in 2015. All other efforts, and there have been considerable, are being made by a bids committee ably led by Mr. Austin. Thank you.

2.10.2 Deputy J.A. Martin:

It is very good news to hear that Jersey has made the list of training camps for the 2012 Olympics. Could the Minister inform the House how closely he is working with Economic Development because it would be lovely to have all these people over here, but I am just slightly concerned where they will be staying, in what accommodation? **[Approbation]**

The Deputy of St. Ouen:

Many departments have been involved, and are involved, in the process of the bid and what is required, including tour operators and travel agents and providers of actual transport to and from the Island. I believe that we do have all of that covered and we will be progressing that as we move forward to finalise our bid.

2.10.3 Deputy J.A. Martin:

Just supplementary to that, it is very, very reassuring to hear all this work is in train. When will it be presented to the States because again, it is not too far off now and there does seem to me to be done a lot work especially in the accommodation facilities? Thank you.

The Deputy of St. Ouen:

The priority is to ensure that we are successful in the bid. This, I believe, will be confirmed in October/November next year. In that time, we are accumulating and, as I say, promoting the Island and all that we have to offer. The sense we have had up to date is extremely positive and many of the islands would like to return because of the experience they had in this Island in 1997. Thank you.

2.10.4 Connétable L. Norman of St. Clement:

The Minister spoke about refurbishing the athletes track at the F.B. Fields. I wonder if he could tell us what plans he has to refurbish the netball courts at the F.B. Fields now being rendered unusable because of lack of maintenance and include terribly wasted facilities?

The Deputy of St. Ouen:

I would dispute that it is a wasted facility. It can still be used in the dry weather. The difficulty is when it is wet. Discussions have been going on with regard to dealing with the resurfacing, however, we do have another very good facility up at the Les Quennevais Sports Centre and the Netball Association, in conjunction with the department, have agreed to better utilise those facilities while we come to some decision over how we can afford and deal with the resurfacing of the area in the F.B. Fields. Thank you.

2.10.5 The Connétable of St. Clement:

Would the Minister undertake to advise the Fixtures Secretary of the Jersey Netball Association in advance when it is going to rain over the F.B. Fields?

The Deputy of St. Ouen:

I do not believe it is necessary. Already agreements have been reached with the Association to ensure that they can enjoy their sport.

The Bailiff:

Do you wish to ask a final question, Deputy Lewis?

2.10.6 Deputy K.C. Lewis:

Does the Minister have any plans for Fort Regent? **[Laughter]**

The Deputy of St. Ouen:

I am waiting very patiently for the Scrutiny Report review to come out so I will be able to respond to that. Thank you.

2.11 Deputy C.F. Labey of Grouville of the Minister for Transport and Technical Services regarding the involvement of Connex in unscheduled services that would otherwise be undertaken by private coach companies:

Would the Minister confirm whether Connex is offering unscheduled services that would otherwise be taken by private coach companies and if so, would he state whether this is appropriate for a company that is subsidised by the taxpayer?

Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services):

I am aware that Connex support local community and charity efforts wherever possible and if the event is on a scheduled bus route, they may provide additional relief services where the passenger pays the normal fare. There are other events which are not on scheduled services where they might provide a free service to ensure the public have transport away from the site. This was the case, for example, at the recent Grassroots Festival held on 1st August at Val de la Mare where a free service was provided from Val de la Mare to Liberation Station. I see no reason why Connex should not support such events as the organisers are free to approach any company to provide that service and choose who they want. Connex is very keen to support the local community and the provision of these additional services, including relief services for charity events which are on a scheduled route, is funded entirely by Connex with a fair revenue being passed on to T.T.S. (Transport and Technical Services). This is very credible from the company's point of view who I know wish to be a fully integrated part of our local community and are demonstrating this by this sort of action. I might add that, if the Deputy wishes, I have a list of various events which they have supported over the past year and I am keen to encourage them to continue in that vein. Thank you.

2.11.1 The Deputy of Grouville:

Given past rulings by the J.C.R.A. regarding cross-subsidisation, and in this case cross-subsidisation with the benefit of taxpayer's money, does the Minister have a view especially in regard to the unfair advantage this gives to Connex and has the potential of putting private enterprise at a serious disadvantage or out of business?

The Connétable of St. Brelade:

No, I think the Deputy misunderstands. Connex are doing this at their own volition. They are paying their drivers and not charging for so doing. Any other company has the option of doing that and if the other companies wish to support community events, which sometimes might be slightly marginal in cost, I think they have the option of doing it and I am sure those who are organising such events will be getting the best deal that they can. Those who wish to underwrite such charity events, I think, deserve support of my department and I shall continue to do so.

2.11.2 The Deputy of St. John:

Given that the Island own the buses, *et cetera*, can it be right that they are used in this way given that there is, we are told, no funding to do routes out into the northern Parishes, and yet the buses can be used in this matter. Who is picking up maintenance of the buses if they get damaged at one of these functions?

The Connétable of St. Brelade:

The Island does not own the buses. Connex own the buses and are responsible for the maintenance of them according to the bus contract which I have here.

2.11.3 The Deputy of Grouville:

Much in the same vein as the Deputy of St. John, if Connex do have spare capacity, should they not be putting on additional scheduled services where they hold a captive market and have monopoly rather than competing in the private sector?

The Connétable of St. Brelade:

I still maintain this is not really a competition issue. This is providing a free service for charitable efforts and if it were to be a chargeable service I would agree entirely with the Deputy, but that is not the case. Connex are providing of their volition support to charitable events and I shall continue to support that. I do not see it as being a competition issue.

2.12 Deputy J.A. Martin of the Chairman of the Comité des Connétables regarding using the Honorary Police to support the States of Jersey Police in any Parish on certain nights:

What laws, if any, need to be changed and in what timescale in order to train all Honorary Police to be able to support the States of Jersey Police in any Parish in which additional police presence could be required on certain nights?

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

The training given to Honorary Police officers is to equip them to properly police their Parish. This training is offered by the training officers of the States of Jersey Police. The training received equips Honorary Police officers to support the States of Jersey Police, if requested to do so, however, it must be realised that the Honorary Police officers are not a frontline force and can only assist in certain designated areas. These areas are determined by States of Jersey Police policy and part of a memorandum of understanding between the States of Jersey Police and the Honorary Police. I do not believe that there is a need for any change to the law.

2.12.1 Deputy J.A. Martin:

Yes, supplementary. The Constable offered his opinion. He did not tell me what laws needed changing. Does he not believe in this day and age, with the problems that St. Helier finds itself in, and not only from people who live in the Parish, that the Honorary Police system of Jersey must come up to date and support the States of Jersey Police whenever, wherever and in whatever Parish? If he does not agree with this, the system will die.

The Connétable of St. Ouen:

The Deputy has failed to hear the answer to my question. It is not the Honorary Police who decide where and when they can police. The assistance offered to the States of Jersey Police is there all the time, 24/7, but it is the States of Jersey Police themselves, with the policy which they have, who determine as and when they ask for help. They request that help, as and when they need it. It is not the Honorary Police who are refusing to turn out.

2.12.2 Deputy R.G. Le Hérissier:

I wonder if the Chairman could identify under what legal authority and under what policy, for example, our officers in a Parish like St. Helier, cruising in marked police vans, what powers do they have to intervene and what policy is governing that intervention?

The Connétable of St. Ouen:

I cannot answer that. I believe it must be under an agreement which has been reached between the States of Jersey Police and the St. Helier force.

2.12.3 Deputy R.G. Le Hérissier:

Just as a follow up, were such a patrol to come across, for example, an incident that required physical intervention, what is the advice given to Honorary Officers across all the Parishes in that regard?

The Connétable of St. Ouen:

That would come within the training which has been offered. I am not privy to exactly how far the Honorary Police officer can go in a situation like that.

2.12.4 The Deputy of St. Martin:

Will the Chairman agree with me that the fruit was in the eating in as much as the training... where he will agree with me that we will complement the Honorary Police, the door registration scheme and the States of Jersey Police on their tact, good humour and tolerance which was displayed at Jersey Live over the weekend [Approbation] which ensured that it was a very successful weekend for those people in Jersey just proving indeed when the young people want to go out and enjoy themselves they can do so in a lawful and peaceful manner to the enjoyment of everybody? Thank you.

The Connétable of St. Ouen:

I thank the Deputy for those comments and would just add that that is a perfect example of how the States and Honorary Police can work together.

2.12.5 Deputy J.A. Martin:

I would say that it was a great success out in the Parish of Trinity over the weekend at Jersey Live with the police working together. My question then would be to the Constable: so if I work closely with Home Affairs and the Home Affairs work with the police so that the States of Jersey Police can request any honorary force to back them up in St. Helier over the weekend, and under possibly the same law the Constable of Trinity used in the Jersey Live event where everyone in the Parish of Trinity was ordered out of the Parish by 12.00 a.m... I really want to know what law was used and maybe the Constable of St. Helier should be very quick in following this on a Friday and Saturday night. Thank you. [Approbation].

The Connétable of St. Ouen:

The Jersey Live event is a one-off event. The Connétable of the Parish of Trinity, on behalf of his Honorary Police, invites members of Honorary Police from other Parishes to assist and that is under, I cannot remember which article of which law, but it is under Jersey law, the ability to assist in another Parish. As far as requiring assistance from the Honorary Police by the States of Jersey Police, that comes under the memorandum of understanding which was drawn up by the States of Jersey Police and discussed with the Honorary Police and signed by both parties. Under that memorandum the States of Jersey Police officers at police headquarters, when in need of assistance, decide who they will call.

2.13 The Deputy of Grouville of the Minister for Economic Development regarding proposals to introduce the U.K. National Lottery to Jersey in the near future:

Would the Minister inform Members whether he intends to bring forward proposals to introduce the U.K. National Lottery to Jersey in the near future and if so, state when this will be done so that additional funds are available to cultural and heritage organisations in the Island that are currently suffering from a funding crisis?

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

Can I ask my Assistant Minister to deal with this as he has been handling it?

The Connétable of St. Clement (Assistant Minister for Economic Development - rapporteur):

If I could unilaterally decide to extend the U.K. National Lottery to Jersey that would have been done yesterday, but I am sure the Deputy understands that we have to reach agreement with the United Kingdom Government to achieve this. Discussions and negotiations are continuing with our counterparts in Guernsey. Unfortunately these discussions and negotiations are painfully slow and therefore I cannot say when, or even if, the National Lottery will be extended to Jersey.

2.13.1 The Deputy of Grouville:

That is hugely disappointing because this issue has been on the table as long as I can remember. The Camelot licence I believe now includes the provision to operate in the Channel Islands and given the crisis that we are suffering with our heritage and cultural venues, I would hope that the Economic Development Department and the Treasury are doing all that they can to speed up the facility to have the U.K. Lottery here. Could the Assistant Minister please give us some sort of assurance that he will do all that he can to speed up the process?

The Connétable of St. Clement:

Yes, I do agree with the Deputy that it is disappointing. Many years ago I was on the Gambling Control Committee with the then Deputy Breckon. We were working on this very subject at that time and we were hoping for an imminent result. Clearly, the timescale is totally out of our hands at the present moment but I am working with the officers of the department on a revamp of the Channel Islands Lottery, which I hope will be more exciting and, therefore, more profitable than the current lottery and hopefully we can bring a proposal for that early next year. Again, of course, we will be debating later this year the distribution of profits from the Jersey part of the Channel Islands Lottery and its distribution and if it is felt by the States that other bodies such as heritage and cultural bodies should also benefit from the profits of the Jersey Lottery, that will be a matter for this debate.

2.13.2 Deputy R.G. Le Hérisier:

I wonder if the Assistant Minister could tell the House what are the sticking points and what, as a betting man, would he say are the odds of getting this through? **[Laughter]**

The Connétable of St. Clement:

I am not a betting man and I have no ideas what the odds might be but, as always in these things, it is a matter of finance. If the National Lottery is going to be extended to Jersey, it has to be in our financial interests. In other words, we have to take a view that the financial benefit to charity, cultural, heritage and the States would be better than the current Channel Islands Lottery. Until we can get agreement with the U.K. on that basis, then the lottery will not be extended.

2.13.3 Senator S.C. Ferguson:

Has the Minister's department made an attempt to quantify this? What sort of amount would be available to organisations in Jersey and will the distribution be made by the existing Lottery Board in the U.K.?

The Connétable of St. Clement:

All of these things are a matter of negotiations. Clearly, Jersey would expect to receive from the sale of National Lottery tickets in Jersey the 12 per cent duty which is currently levied to the United Kingdom Government and the 14 per cent which is given to good causes. I would also expect, and I would be reluctant to do it any other way, that the amount to good causes would be distributed in Jersey, by Jersey, and not by a body in the United Kingdom.

2.13.4 Senator A. Breckon:

Following on from that, I wonder if the Assistant Minister could confirm that the issue of raising tax by the United Kingdom Government in Jersey is a sticking point which has fallen between the Treasury and her Majesty's Customs and Excise, and also can he confirm that at the moment it is not allowable for the good causes money to be paid outside the jurisdiction of which Camelot have got so, therefore, they are the barriers? Could he confirm that?

The Connétable of St. Clement:

No, I will not.

2.13.5 Deputy K.C. Lewis:

I think that question has been largely answered. At present Jersey residents are preventing from accessing the National Lottery. Is the Assistant Minister happy that this is human rights compliant?

The Connétable of St. Clement:

Yes. I do not think there is any human rights issue here. Of course, some and I would suggest many Channel Islanders do take part in the National Lottery and many people travel to the United Kingdom frequently and buy tickets I am sure, and many people have relatives in the United Kingdom and they buy tickets on their behalf. It could be argued, I suppose, that if the duty on

those sales were transferred from the United Kingdom Government to the Jersey Government, the U.K. could marginally lose out, but I suspect that the ticket sales would vastly increase if the National Lottery were extended. I can assure Members that we will continue our negotiations and our discussions with the appropriate U.K. departments.

2.13.6 The Deputy of Grouville:

As the local lottery has suffered enormously upon the introduction of the National Lottery we are currently in a lose-lose situation. I believe the 2 stumbling blocks are those that were mentioned by Senator Breckon and it is something that Treasury and the Economic Development Department need to address. Again, I would ask for the assurance of the Assistant Minister that this will be addressed in short order so that some of our cultural and heritage venues can benefit. Thank you.

The Connétable of St. Clement:

I can confirm that although I am enthusiastic that the National Lottery should be extended to Jersey, it has got to be on sensible and proper terms. I can assure the Deputy that we will continue those negotiations and discussions in conjunction with our counterparts in Guernsey, but I would also say that while initially the Channel Island Lottery did suffer, it has, in recent years, held up particularly well. The Association of Jersey Charities, I know, are delighted with the donation that they get from the profits of that and I am hoping, with a revamp, perhaps later next year that we could see profits increasing even further and a bit more excitement brought into the Channel Islands Lottery.

2.14 Deputy R.G. Le Hérissier of the Chief Minister regarding the role of Back-Benchers in formulating policy with respect to external affairs:

What role, if any, does the Minister see for Back-Benchers in formulating policy with respect to external affairs?

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

Under Article 18 of the States of Jersey Law 2005 one of the functions of the Council of Ministers is to discuss and agree their policy regarding external relations, and one of the responsibilities of the Chief Minister is to conduct external relations in accordance with common policy agreed by the Council. However, under our Ministerial system of government, non-executive Members of States also have an important contribution to make in the formation and critical review of external relations policy through the Scrutiny process and, indeed, by asking questions in the debate in the States. For example, Members have had the opportunity to debate and modify the external relations policy set out in the States Strategic Plan, which is the framework within which the Council of Ministers must operate. Members should also be aware that I periodically publish a progress report to the States on international conventions and agreements relevant to Jersey so that all States Members including Back-Benchers are informed of developments and have the opportunity to raise any related matters.

2.14.1 Deputy R.G. Le Hérissier:

Would the Chief Minister not accept that this is a very fast-moving area? It was traditionally not given the prominence it should have been given. Now that we are being placed under enormous pressure externally, we have to be much more proactive. Will he promise to publish immediately a progress report drawing attention to the main policy developments in this area so that Members can reflect upon this more carefully rather than just a list of conventions which is a rather sterile way of dealing with the issue?

Senator T.A. Le Sueur:

Yes, I certainly agree it is a fast-moving area and that we have to be more proactive, and we are being more proactive. As to publishing immediately something happens, I hesitate to give that

blanket assurance, but I do accept the fact that simply producing 6 monthly reports of conventions and agreements is a bit sterile. If we can improve that process, I am happy to discuss with the Deputy how that might be achieved.

2.15 The Deputy of St. Martin of the Chief Minister regarding the review of suspensions in line with P.98/2009 approved by the States on 1st July 2009:

Will the Chief Minister show Members that the panel to review the continuing need for suspensions is operating in line with P.98 of 2009 approved by the States on 1st July 2009 and advise what steps, if any, have been taken to ensure that suspended States employees are informed that they are now able to seek a review for the continuation of their suspensions?

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

The States Employment Board and the Deputy of St. Martin are of one mind in wanting to reduce the number and duration of staff suspensions in the public service. The process to form the panel has commenced and terms of reference to the panel are being drafted to review suspensions and advise suspended employees of their rights to have their suspensions reviewed by the panel. The States Employment Board, through the Chief Minister, is also considering bringing an amendment to P.46/2009 in the near future as the Board considers that the use of a panel of public employees to review suspensions is perhaps not the best way to achieve the overall aim to minimise the amount of time an employee is suspended and ensure that due process has been followed. I will keep the Deputy and the House informed as soon as this panel has been set up.

2.15.1 The Deputy of St. Martin:

I am astounded that the States have agreed to instruct the States Employment Board to implement a panel. They brought a panel back to the States which was not acceptable and my amendment was accepted whereby a panel should be instructed. Now we have the Council of Ministers not adhering to that policy. I gather there is a vote of no confidence going to the States Employment Board. I am not surprised. Can I ask the Minister when he is bringing forward this amendment so indeed people who are suspended are treated in a fair manner?

Senator T.A. Le Sueur:

I did say in my response that the process to form the panel has commenced and terms of reference are being drafted. It is underway.

2.15.2 The Deputy of St. Martin:

Can I just ask the Chief Minister why is he thinking about bringing an amendment to the House to change the composition of the review board?

Senator T.A. Le Sueur:

We are doing both things. We are firstly complying with the wishes of the House in bringing forward this panel, as the Deputy and the House requested, but we are also trying to ensure that the States follow the best possible policy and if we can improve on that policy in time to come, we will do so, or suggest we do so. I am not saying that we are going to override the States view. That is not my intention. That is not what is happening. What is happening is that the policy is being set up, the panel is being set up, but at the same time we are reviewing ongoing procedures.

2.15.3 The Deputy of St. Martin:

Can I just have a supplementary to my supplementary? Will the Chief Minister then accept the fact the Chief Minister's office are going to advertise for members to serve on the panel as approved by this House? Can I get that assurance and how soon will that panel be up and running?

Senator T.A. Le Sueur:

The answer is yes, we will be doing that. As to when, I would hope within the next few weeks.

2.16 Deputy M. Tadier of the President of the Chairmen’s Committee regarding the notice requirement for ‘unaccredited media’ to film a Scrutiny hearing:

Will the chairman inform Members of the rationale behind requiring members of the so-called unaccredited media to give 3 days’ notice if they wish to film the Scrutiny hearing when the same notice period does not apply to members of the established media?

Senator B.E. Shenton (President of the Chairmen’s Committee):

I am a little surprised that Deputy Tadier is asking this question because he is a member of P.P.C. (Privileges and Procedures Committee). The situation arose when a member of the public wished to video a Scrutiny hearing and we were asked to look into the matter as part of the Chairmen’s Committee. We looked at other jurisdictions and we could find no other jurisdiction that allowed members of the public to come in and video government hearings, but as a matter of compromise we did say that they could come in providing they gave us 3 days’ notice and that we had full agreement both of the witnesses giving evidence and also the person whoever was chairing the meeting. Having said this, this has not been acceptable to the media and as a result of this we are trying to get some sort of dialogue going with P.P.C. to try and sort this matter out.

2.16.1 Deputy M. Tadier:

First of all, just to put the Chairman’s mind at ease I have asked the same question of P.P.C. and I have not necessarily been getting the answers. There has been ping-pong between P.P.C. and P.A.C. (Public Accounts Committee) and nobody wants to grasp it. It is becoming an increasingly hot potato. The question I would ask is what kind of compromise is it to have a 3-day notice period for the members of the unaccredited media if permission is going to be denied systemically?

Senator B.E. Shenton:

If permission is denied it can only be because the witness does not want to be filmed or the chairman does not feel it is right for the witness to be filmed. I do not think there is any benefit or addition to freedom of information bearing in mind that they can attend the hearings, they can listen to what is said and they can also receive transcripts of the hearings. I do not think shoving a video camera in someone’s face is going to achieve very much, to be honest with you.

2.16.2 Deputy M. Tadier:

As a supplementary, can the chairman confirm whether the ... where there is a journalist either accredited or unaccredited, so let us say are unaccredited as opposed to registered journalists also subject to the same 3-day notice period?

Senator B.E. Shenton:

There is a difference between accredited and unaccredited journalists and accredited journalists are not subject to the same restrictions. Having said that, if any witness did not want to be filmed by the accredited media, the accredited media would not film them.

2.16.3 Deputy M. Tadier:

Can I ask, what is the state of play for a States Member who refuses to be filmed by any media, be the accredited media or the unaccredited media? That is a mouthful so I will clarify in terms that it probably has to be or probably should be. What is the state of play, for example, if a States Member refuses to be filmed by the unaccredited media and that is why they cannot film? If the States Member refuses to be filmed by the accredited media, what is the state of play there?

Senator B.E. Shenton:

I do find we are spending an awful lot of time on this issue bearing in mind we are only talking about one person that is interested in filming Scrutiny meetings. If a person does not want to be filmed, one assumes they do not have to be filmed and we ask witnesses along. If you called me along to a meeting and I did not want to be filmed, I would just sit there and not answer any questions which would be a waste of my time, it would be a waste of Scrutiny's time, it would be a waste of P.A.C.'s time [Approbation] and it would be basically a waste of the House.

2.16.4 Connétable J. Gallichan of St. Mary:

I was beginning to think it was a one man show on this question. The chairman did mention part of what I am going to say in his last answer, but does the chairman not agree that the prime function of the Scrutiny process must be to enable evidence to be gathered, reliable evidence to be gathered, and to be gathered in an as stress-free an environment as possible for the witnesses? Sometimes they have come to panels and been under a considerable anxiety about the information they were going to provide and wanting to do it to the fullest possible extent. Will the chairman join with me in ensuring that this process is not jeopardised by hasty decisions? Thank you.

Senator B.E. Shenton:

I would totally agree. I mean I think most of us entered politics to do some good and to dig down and find facts and get evidence. I do not think many of us entered politics to be in the business of show business. [Approbation]

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

There is a basic difference here that I think people are ignoring and perhaps the chairman could confirm this, but if the accredited media broadcasts something on television, they are responsible to a Board and will have to answer to that. If a member of the public puts it out as a blog, they are not responsible to anybody and there is no method of control. Would the chairman confirm that?

Senator B.E. Shenton:

Yes, the accredited media are professionals and there is a complaints procedure that can follow. Having said all this, we are in discussions with the Chairmen's Committee and in discussions with P.P.C. and we are going to pull a proposition that we put in to stop all filming so that we can carry on the dialogue to come to some agreement. But the job of government is government and the job of government must take priority over allowing people to film if it is going to disrupt government or prevent information that is vital to the role of government being put forward.

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

I just would like the chairman to comment on this distinction he makes between the accredited media and the unaccredited media in relation to their presumed increase in professionalism and I would just like him to comment on, for instance, the fact that when the *Jersey Evening Post* reported Deputy Southern's and Deputy Pitman's case about Article 39 and about helping people to fill in their voter registration forms, repeatedly they gave the impression in their headlines and their coverage that there was something to do with the ballot paper. Now they just did it by implication, they did it in the headlines and I did not lodge a complaint because we are all busy people and one has a week's deadline, I think, with the Press Complaints Commission. I have lodged a complaint to the *Sun* and it is a very elaborate procedure and not one that is very user friendly. I would just like you to comment on this notion and do you agree that the accredited media are more honest than the unaccredited?

The Bailiff:

Deputy, sorry, I was speaking. You must do it through the Chair, not: "Do you agree?"

Senator B.E. Shenton:

I was wondering whether the Deputy had a beard when he started the question. **[Laughter]** I think the Deputy answered it in himself in as much as he did say: “I did have a complaint against the accredited media and I was thinking about complaining to the Press Complaints Commission.” Obviously with the unaccredited media, there is nowhere you can go if you have a complaint.

2.16.7 The Deputy of St. Martin:

I did hear Senator Shenton mention there was only one unaccredited media person. Would it not make sense to include them in any part of circulation that is going out and that way at least they would be in the know rather than being kept outside? It seems a common sense approach. Would the chairman agree with that?

Senator B.E. Shenton:

The unaccredited media do receive the pink sheets in the same way as the press do. The Scrutiny office do provide that.

2.16.8 Deputy R.G. Le Hérisssier:

Would the questioner not admit that the sudden shyness in terms of publicity is unusual for politicians, including himself **[Laughter]**, and secondly, would he confirm that the Chairmen’s Committee have approached P.P.C. to look at the whole issue of media coverage of the States, from the whole issue of whether, heaven forbid, these proceedings should be televised, or heaven pray, they should be televised and so forth in order that we can get to grips with this and iron out a lot of the anomalies that are currently present.

Senator B.E. Shenton:

I would totally agree with the Deputy. I think it is the job to look at the whole aspect of media and I notice that we did have the Channel T.V. (television) camera filming the very first part of the session which I used to ask a question while they were still filming. It is important that we do have a look at this whole issue, but we also have to make sure at the end of the day that the witnesses are comfortable when they are giving evidence to Scrutiny or whoever.

2.16.9 Deputy M. Tadier:

First of all, I believe that Senator Shenton has shown firm grasp of irony in regard to showboating. The question really has not been answered. If the problem is to do with recourse for members of the public, the 3-day notice period does nothing to address that underlying issue. The underlying question is, of course, why have a 3-day notice period if the Committee Chairman and the P.P.C. have the opinion that unaccredited media should not be allowed to film at all. This seems to be a farce. Can he comment on the lack of consistency when a member of the public is quite at liberty to take a notepad, a pen and paper into a Scrutiny meeting and stick it up on his blog the next day? It could be full of lies or anything and there is no accountability there, but simply taking a camera which may be his tool of choice rather than pen and paper, one is prohibited from broadcasting anything like that. Can he comment on the inconsistency and also perhaps give a timeline as to when we can expect results so that this stupid situation that has been going on for too long and can finally be resolved?

Senator B.E. Shenton:

The idea of the 3-day rule was simply so that we could contact the witnesses and ask them whether they would like to be filmed or not so that we could go back to the unaccredited media and tell them whether it would be possible. I think at a recent hearing one of the witnesses, Deputy Martin, did agree to be filmed during the witness thing. The timeline with respect to P.P.C., it is on the agenda. We will be speaking to P.P.C. but it is a matter, when you open it out, that affects the whole Assembly and whether the whole Assembly wants to be filmed and whether we should be filming the Assembly and whether we should be filming this question time and so on. It is an issue for all Members so I would hate to see the discussions just be between the Chairmen’s Committee

and the P.P.C. I think the Executive also have to get involved in this and anyone else that has a vested interest.

2.17 Deputy J.A. Martin of the Minister for Home Affairs regarding the introduction of a low cost formal identity card for young people to carry when entering licensed premises:

Would the Minister consider introducing a low cost form of identity card issued following the production of a valid passport which would obviate the present need for young people to present their £72 - now £77 - passport as proof of age when entering licensed premises? Thank you.

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

I have considered this and decided against it because it already exists. It is called a PASS card and costs £10. Forms are available from the Parish of St. Helier and also online on a website called Validate UK. This provides precisely what is being suggested. I would also like to point out this is accepted by local licensees and in addition, of course, they also accept the new driving licenses.

2.17.1 Deputy J.A. Martin:

I have brought this question because over the summer holidays I had to replace one of my children... who is now just over 16, and at that price... and it was only because it was lost. On speaking to the Passport Office and then the licensing authorities, they are not accepting the PASS card. They are not accepting the new driving licence. They are only accepting the passport and many are getting damaged in so-called phone parties and are being lost. The revenue to the Passport Office has trebled over the last few months but to people in their pocket... and this is for children over 16 as well, having to pay £77 is just not acceptable. There is a breakdown somewhere and the licensees are not accepting anything but passports. I really wish that the Minister for Home Affairs could check this out and if he finds what I have found, look into this again. It should be local, based on the passport provided.

Deputy R.G. Le Hérisier:

I would be grateful if the Deputy could clarify the statement that she had to replace one of her children this summer? [Laughter]

Deputy J.A. Martin:

If only. No, my children's passport. He lost it.

Senator B.I. Le Marquand:

My staff did make inquiries on my behalf and the information I have given reflects what they are telling me. I am quite willing to have this checked, but I can only pass on to the House information based upon the research conducted and that is they are is readily accepted.

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

I have a PASS card [Members: Oh!] [Approbation] and the point I would like to make is despite being encouraged to obtain one, the various establishments that encouraged us to obtain them are now rejecting us from access. I would urge the Minister to reassess the situation because, as Deputy Martin has said, these PASS cards are not being accepted.

Senator B.I. Le Marquand:

I am pleased to hear that the Deputy has not been refused because people think him too young to enter licensed premises [Laughter] and in the light of his revelations I will most definitely check on this.

The Bailiff:

Very well, then that brings all questions on notice to an end. We move now to questions to Ministers without notice.

The Deputy of St. Ouen:

Sir, sorry, just a point of information. I would like to correct a statement I made with regard to Deputy Lewis' question when I said that I believed that the bid would be considered in October-November next year. The date when the bid will be considered is 26th June next year. Thank you.

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

The Bailiff:

Now we come to questions without notice and the first period is indeed to the Minister for Education, Sport and Culture.

3.1 Deputy S. Pitman:

Can the Minister advise the Assembly whether he is confident that E.S.C. (Education, Sport and Culture) will be able to support the aspirations of all young people wishing to go to university next year?

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

Yes, I am confident that I can support the aspirations of those wishing to go to university with the one proviso; that I am restricted within the current financial conditions attached to providing support for those individuals.

3.1.1 Deputy S. Pitman:

Could the Minister advise as to what the figures are on the amount of students going to university? Is there a reduction now that the university fees have been reduced?

The Deputy of St. Ouen:

We do not currently have the completed figures or the accurate figures regarding the students going to university. However, indications show that there will be an increase this year.

3.1.2 Deputy S. Pitman:

When would these figures be available?

The Deputy of St. Ouen:

The actual figures will not be completed until we have the positions confirmed for all students entering university, which is likely to be October-November this year.

3.2 Senator B.E. Shenton:

Will the Minister give an undertaking to publish the G.C.S.E. (General Certificate of Secondary Education) and 'A' Level results for the non-fee-paying schools and can we assume from his failure to answer my written questions that the results were not very good, as I believe they were not very good?

The Deputy of St. Ouen:

First of all, I refute that the results of our non fee paying schools are poor. The one thing that I will say is that I did elect to not answer the question posed by the Senator for the simple reason that I do not believe - and it is current department policy - that producing league tables to identify particular schools is particularly helpful either to students, parents, schools, teachers or indeed this Island as a whole. As such I am not prepared to publish league tables in the fashion that has been proposed.

3.2.1 Senator B.E. Shenton:

I am not asking for league tables. I am asking for the specifics. We spend a lot of money on education. We spend a lot of money on the education for people that cannot afford to go to fee paying schools. If we are failing the children that go to non fee paying schools the politicians of this House should know about it and it should not be covered up by using the good results of the fee paying schools to cover up our failings at non fee paying level.

The Deputy of St. Ouen:

Please, it is absolutely not a cover-up. Indeed I think that the Senator is naïve in the extreme that he puts all his emphasis and effort, and he suggests that education should do the same, on academic achievement only. We have a full range of individuals that we are responsible for and provide an education for. That education is to meet and enable those individuals to achieve their maximum potential, whatever that may be. Yes, we do have some very bright individuals both in the fee paying and non fee paying schools. Equally, we have others that are better able to focus on the practical vocational skills. The suggestion that we should simply ignore those individuals and treat them as second-class citizens just because they do not achieve an academic result is ridiculous. I want and I am aiming to identify the proper performance measurements that can show, year-on-year, how schools are performing, whatever their mix and their make-up will. That is important; to show how we can add value, that we are meeting the needs of our individuals. As such I am going to, with my department, place every effort to do that. I would just add, finally, that league tables and the statistics that are being suggested by the Senator have been tried and failed in many other countries. Indeed there are clear indications that Wales, Scotland, Ireland and many other places who have followed the route as proposed by Senator Shenton in the past have decided and realised that it is detrimental to the education system. As such I will not support or produce those figures. I have offered the Senator and others access to those figures within the department because clearly we do monitor them internally.

3.3 Deputy R.G. Le Hérissier:

On the back of the Senator's question, would the Minister tell us, therefore, how as a parent, or how indeed does he himself, assess the performance of these schools; whether they are doing well or not doing well, as the case may be? How is a parent meant to assess the performance of these schools?

The Deputy of St. Ouen:

Parents can have access to the school's performance. They can seek comfort in the fact that in most schools we have boards of governors who act as the oversight committee, if you like, to the school and ensure that the school is performing well. We have independent inspections on an annual basis that require the schools to properly identify and demonstrate how well they are performing and providing the education that this Island expects. We also introduced a system of professional partnering which encourages schools and individuals to challenge and support each other in this process. That is how we will develop our education system. That is how we will meet the needs of our children, which surely must ultimately be the aim.

3.3.1 Deputy R.G. Le Hérissier:

Would the Minister commit himself to publishing, for example, the inspection reports on schools?

The Deputy of St. Ouen:

I would need to check departmental policy and current policy on this but all I will say is that I will look into it on behalf of the Deputy and come back to him with an answer as soon as I have one.

3.4 Deputy K.C. Lewis:

Can the Minister inform the Assembly whether he is still in negotiation with the U.K. authorities, in consultation with the other Channel Islands, with regard to identifying Channel Islands students as home students and not overseas students when it comes to university fees?

The Deputy of St. Ouen:

This is very much an ongoing topic and concern that the department has raised over many years and now I have inherited. I will seek, together with Guernsey and the Isle of Man, for this issue to be addressed. Unfortunately the position that the U.K. authorities take is that they believe that the present agreement is “fair” and so that is where, if you like, the problem lies. Until we get a clearer acknowledgement from the U.K. that indeed we form part of the British Isles and, as such, that we should be considered like that, then it is going to be difficult to move forward on this matter.

3.5 Deputy J.M. Maçon:

When the Minister was a candidate for his position he made much of how much effort he was going to put into sport within the department. Can the Minister inform the House what developments he has made within this specific area?

The Deputy of St. Ouen:

Personally, not a lot. I find myself with very little time being able to actively engage in any sport at present. However, there is an ongoing commitment that the departments makes to sport. We are working with the various associations and organisations to encourage the further development of sport, both in schools and to the wider community. Development officers have become a great success in developing the sport. We have seen cricket flourish, rugby flourish and many other organisations. We have finally found a solution for the special gymnastics, although it is not perfect. They have a base that they can rely on for the short-term, although we are still looking and need to identify a proper base to meet the long-term future of all gymnasts on this Island. This is being actively pursued. All I can say is that within the resources available I believe that we are aiming to meet the needs of those that seek to enjoy sports on this Island.

3.6 Senator S.C. Ferguson:

I would comment, with regard to Deputy Le Hérissier’s question - and ask the Minister to think about it very carefully - that all inspection reports for schools in the U.K. are published for anyone to read. However, I would also like to ask when he produces the figures for university entrants will he also include the subjects being read and the universities being attended?

The Deputy of St. Ouen:

I will take the comments made by the Senator into account when I produce the figures.

Senator S.C. Ferguson:

The second half of my question, please?

The Deputy of St. Ouen:

I meant all comments that the Senator had made during her question.

3.7 The Deputy of Grouville:

As Education, Sport and Culture cannot adequately fund cultural and heritage organisations now, could the Minister inform the Assembly if he intends approving the *pro rata* cut as proposed in the Business Plan?

The Deputy of St. Ouen:

The Deputy questions the ability to support our heritage and cultural organisation on the Island. This has been one of the main issues that I have been required to consider since my time as Minister for Education, Sport and Culture. Since that time I have spoken and been in discussion with the Council of Ministers and the Minister for Treasury and Resources and indeed the Jersey Heritage Trust in order to find a solution which is appropriate and ensures that the provision of services are maintained where possible. In recent times, very recently I would hasten to add, I have received a commitment from the Council of Ministers, including the Minister for Treasury and

Resources, that they will work with me in order to find a solution within the very near future to meet some of the issues that Jersey Heritage Trust have identified and face. With regard to the *pro rata* cut, because of the Council of Ministers' commitments that they have personally made to both me and my Assistant Ministers regarding the ability to deal with pressures that we have previously identified, I, like all other Ministers, will be agreeing to the *pro rata* cut as proposed in the Business Plan.

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

As the message of anti-discrimination and equality that we send out to young people as a Government is so very important, will the Deputy, as Minister for Education, Sport and Culture, be actively supporting the civil partnership proposals?

The Deputy of St. Ouen:

I would hope that the Deputy has already read the comments that come from the Council of Ministers, who I am part of, that it accepts that there is a need to introduce civil partnerships.

3.9 Deputy A.E. Jeune:

Given the Minister's somewhat defensive answer to the first question today, is he suggesting that youngsters who aspire to examination success but frankly will not achieve such aspirations are being encouraged to undertake such exams rather than being encouraged to undertake that which is achievable?

The Deputy of St. Ouen:

This is particularly an issue that relates to not publishing league tables. As soon as you introduce competition- which league tables do - between schools then you encourage greater selectivity with regards to whether a pupil is able to not achieve a result at academic level. As such, I absolutely would not follow that route. We need to be encouraging all individuals, no matter what their ability, to achieve the potential they can and indeed to give our young people a chance.

3.10 Deputy D.J. De Sousa:

Sorry to take the House back a step but on the subject of our culture and heritage, several times I know the Deputy of Grouville has raised the issue that culture is being swallowed up and not getting the input that it should be getting because it is in such a big department and there are spending pressures on that department. Does the Minister not feel that it should be taken out of his department and put elsewhere, where it can get the backing that it needs? It is vital we keep our heritage and our culture. It is important to the future of the Island and to all the children that are growing up now. They are the future of the Island.

The Deputy of St. Ouen:

I absolutely agree with the Deputy's views on the importance of our culture and heritage. Do I believe that it should be transferred to another department? No. Do I believe that the spending pressures that are faced by our cultural and heritage organisations need to be dealt with? Absolutely. Am I prepared to do that? Yes. I gave that commitment when I became Minister for Education, Sport and Culture and that has remained consistent and constant up until now. There is, I believe, a renewed enthusiasm - I hope - from both the Council of Ministers and the States generally to ensure that we provide the sufficient resources to maintain this particularly excellent resource that we all rely on. This is ultimately who we are. It identifies who we are and, as such, it needs to have that sort of importance placed on it.

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

The Bailiff:

Very well. That concludes question time to the Minister for Education, Sport and Culture. We then come to the second period which is for the Minister for Health and Social Services.

4.1 The Deputy of St. Martin:

Early on this morning Senator Shenton said the answers had not been given to written answers to one of his questions and I would like to maybe get an answer or some of the answers that have not been given to the questions I have here. Question 16: I asked would the Minister give the reasons for the exclusion and reasons why the consulting gynaecologist is still excluded - this is regarding the Verita inquiry - and the answer is: "The exclusion of a member of staff is not covered within Verita's terms of reference." Nothing to do with the question. Could I ask the Minister would the Minister give the reasons for the exclusion of the consulting gynaecologist and why is he still excluded?

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

I am sure Members would appreciate this is a very difficult area. In one area we have the Verita investigation looking into the actions or whatever leading up to the death of Mrs. Rourke on that fateful day and on the other side we have what the Deputy is talking about, the exclusion of a consultant. The investigation into that exclusion is a separate piece of work regarding Verita and that the moment I have a duty of care to that employee and I have to maintain confidentiality. I am very much aware that I am sure it is frustrating for the Deputy. It is frustrating for me. It is frustrating for the department. But I am sorry to say this is where we are at the present moment of time. I have to maintain confidentiality. That is very important. As I said, I have a duty of care to that employee.

4.1.1 The Deputy of St. Martin:

Could I come back and maybe ask an easier question of the Minister? Will the Minister agree that the reason why no reason has been given for the exclusion is because no reason has ever been given?

The Deputy of Trinity:

I am trying to be helpful but my hands are very much tied. It is confidential. I know that it is frustrating for the Deputy and, as I said, it is frustrating for me. But that is where I am; I have a duty of care, of confidentiality to the consultant and it is going through due process.

4.2 Senator J.L. Perchard:

I am aware of the long-standing detailed plans for the redevelopment of Clinique Pinel and Rosewood House. These plans would, if implemented, greatly relieve the unacceptable pressures on staff, patients and clients at St. Saviour's Hospital. Can the Minister advise the Assembly of (a) whether the refurbishment of Rosewood House and Clinique Pinel is included in the detailed fiscal stimulus programme, and (b) will the Minister advise the Assembly of which other areas under her responsibility will benefit from the fiscal stimulus programme?

The Deputy of Trinity:

I went up to Clinique Pinel and Rosewood House a couple of months ago and was very much aware that it needed some refurbishment. I took the Minister for Treasury and Resources up there with me and said: "Would this fit into the fiscal policy stimulus?" This is what we are going to do. Both Clinique Pinel and Rosewood House, in the short-term, is part of the fiscal stimulus strategy. The plans are just about finalised. It needs some sort out because if Rosewood House or Clinique Pinel is going to be refurbished then we will need to put the patients somewhere on another ward before we can do the plans for that ward. I have been having discussions with Alzheimer's Society too, so they are very much on board. But part of that fiscal stimulus strategy is also looking at the long-term care of patients in Rosewood and Clinique Pinel, whether we can build a new unit. That is the long-term care and I am looking at that hopefully at Overdale.

4.2.1 Senator J.L. Perchard:

Part (b) of my question was what other areas under the Minister's responsibility will be benefiting from the fiscal stimulus programme?

The Deputy of Trinity:

The other part is Les Chenes, St. Mark's Hostel, which is for people who are just leaving care before they go out on their own; before they go over 21. That has needed great refurbishment but what is already in the pipeline is for Les Chenes to be upgraded to include that. So they will be moving to Les Chenes. The fiscal stimulus policy bid is put in. The other areas, there are some areas within the hospital that need sorting out and upgrading. I can give the Senator a list because I am sure I have forgotten something, but those 3 are the main areas.

4.3 Deputy M. Tadier:

Can Members all hear me? I think there has been a problem with my microphone. Possibly if I am not an accredited politician. **[Members: Oh!]** Seriously, there was a problem with the microphone earlier, that is why I ask. Members and the Minister will know that yesterday a meeting took place at Fort Regent which had an unprecedented attendance of over 1,000 union members and other States employees. Given the fact that so many of those members are part of her department, will the Minister be showing her support for the decision that was taken last night that the employees have no confidence in the States Employment Board and, subsequently, will she also be voting to show that she has no confidence when the vote comes?

The Deputy of Trinity:

Yes, I was very much aware of the meeting last night and I had been in touch with Nick Corbel earlier on in the day. What can I say to that? I value each member of staff within my department, both in Health as well as Social Services. To that end the most important thing that I can do in this present moment in time is to find investment in the nursing staff review, because that is important to get our staffing levels up to the required standard. As you know, the nursing staff review has happened over the last couple of years and it identified that we are short of nurses in many areas. That is of great concern, not only to me but to the unions; as well as to the nursing staff who do work long hours, and I thank them for that, as well as overtime. It includes the bank staff and getting agency nurses, which is at a price too. So that investment of £2 million ... sorry, I rabbit on.

4.3.1 Deputy M. Tadier:

I do have a supplementary. Given the intransigence of the Council of Ministers on pay and also given the similar intransigence of the unions that no negotiations seem to be taking place, what contingency plans does she have for when industrial action does take place in Jersey and when the doctors and nurses walk out?

The Deputy of Trinity:

The house service, the nurses and everyone there - the nurses especially - are the backbone of the department. They work 24/7, 365 days of the year and I value them and I think what the Deputy is saying at this present moment is ... this is scaremongering because there are patients who trust and are coming into hospital who are very anxious; concerned about what treatment they are going to have, perhaps what operations are they going to have. I would like to put them at rest that it is business as usual. The hospital is very busy. The nurses are working hard. The doctors are working hard. We are all there for the benefit of the patients.

4.4 Deputy A.E. Jeune:

Is the Minister as shocked this morning as I am in relation to the answer given by the Minister for Education, Sport and Culture in terms of the number of nurses ... number of students going from Jersey this year to undertake nursing training, being one for midwifery and 2 for nursing, and

particularly given the fact that we are aware through *NMC News* that these students go and do the training but a number of them do not intend ever joining the profession? Similarly, in relation to the written question 8 this morning, given that there are 1,071 nurses on the Jersey register, of which 569 are employed in the department, that allows at least 40 to 50 per cent out in the private sector or not walking at all.

The Bailiff:

Deputy, a concise question, please. There are a lot of other Members who want to ask questions.

Deputy A.E. Jeune:

Does she feel that more can be done to encourage people to work in Health and Social Services?

The Deputy of Trinity:

There is always more work that can be done to encourage and, even though the Minister for Education, Sport and Culture said that a nurse and a midwife have gone for further training, I am very pleased to say that last week I addressed a new group of 21 students who are beginning their student nurse training locally. That is a great asset and a great advancement. So I am extremely pleased with that and 4 of which, I think, were from a bursary from Education. But we have got a policy of recruitment and the number of people on the local register is that number. I am sure the good Deputy knows, like myself, to be able still to practice, nurses still need to perform I think it is 150 hours a year, and also training to keep their register active. If they do not do that, obviously they cannot practice or, if they wish to come back to practice, they need to do a back-to-nursing course, which is what I will have to do in 3 or 4 years' time; so making sure that our nurses are trained. Perhaps it is something that we should look at. With so many who are on the local register but who cannot practice for one reason or another, perhaps we need to think of a back-to-nursing course; which I understand one was done quite a few years ago.

4.4.1 Deputy A.E. Jeune:

I am a little surprised that you say that there are 1,071 but they are not all able to practice. I would have thought if they are on the register then surely they can practice?

The Deputy of Trinity:

I will check that but I think to be able to practice you need to do your continuing training and professional development. But I will check that.

4.5 Deputy D.J. De Sousa:

Can I, first of all, say the meeting that the unions held last night, each and every one of us States Members were invited along to that. There were a few Deputies, one Member of the Council of Ministers and I believe one Assistant Minister that attended. We, as the States, employ a huge number of people in the Island. S.E.B. (States Employment Board) are the actual employers and they have taken away the bargaining rights of all employees by enforcing a pay freeze. Now, we know in your department that you have a problem with staff and retention ...

The Bailiff:

Deputy, can you come to the question, please?

Deputy D.J. De Sousa:

Not much longer. Not just in nursing but also in the other fields in your department. Can the Minister please guarantee that, with all the cuts that she has been forced to make, she will not look at contracting out services, i.e. domestics and catering, because these staff are worried about their jobs?

The Deputy of Trinity:

As I said before, I value each member of the staff and that is from nurses, consultants, doctors, as well as the catering staff, as well as the cleaning staff because the cleaning staff do play an important job in the actual cleaning with regard to infection control and without them, without anybody, no one could work. We all do need each other. I would like to confirm that I have no intention of contracting any of their services out.

The Bailiff:

Very well, I am afraid that brings time to an end.

Deputy A.E. Jeune:

Just for the record, Sir, may I just say Deputy De Sousa suggested that there was one Assistant Minister at the meeting last night. I believe there was more than one.

The Bailiff:

That completes question time. There are no matters under J or K, so we then come to public business. Now, if Members agree, would it be sensible to try and agree what is going to be discussed at the beginning so that everyone knows where they are? Do Members agree that that is sensible?

5. Composition and election of the States: revised structure (P.72/2009) proposition of the Deputy of St. Mary to defer debate until 6th October 2009

The Bailiff:

I would have thought the first matter that the Assembly might wish to consider is the composition of the States in view of the late amendment of the Deputy of St. Mary, so that everyone knows where that debate is going. Now, at the moment the Deputy's amendment cannot be debated because it was only lodged on 4th September. There are, therefore, I suppose, 3 options to the Assembly; either to proceed today without it being brought or to adjourn debate of the whole matter until it can be debated or to consider Standing Order 26(7) which says that where a matter is of ... I will just get the right wording: "The proposition relates to a matter of such urgency and importance that it would be prejudicial to Jersey to delay its debate." That would be a possibility; although I must remind Members that that is there for a reason and, in particular for a matter in relation to the constitution of the States, to debate a proposition on 4 days' notice would be a strong thing to do. Now, Deputy of St. Mary, do you wish to make any particular proposition?

5.1 The Deputy of St. Mary:

Yes, Sir. I personally would suggest that the sensible way forward is to look at the issue of whether we should make it possible for ourselves to discuss all the options; including those, by the way of Deputy Le Fondré and Deputy Jeune and also to have a debate in a form which allows us to consider all the amendments and not if the first one is accepted then all the others fall away or the one other falls away, which is what we are faced with if we go ahead today. So I would suggest that the first thing we do is we talk about whether we could not have an in-committee debate, for example, in 2 weeks' time and then we could take ...

The Bailiff:

I do not think you can do that until you have decided whether you are going to have the debate on the reform today or in 2 weeks' time because you can only have an in-committee debate if you have already decided to put it off until next time.

The Deputy of St. Mary:

I see, Sir. So then the first issue would be whether to put it off and then we would discuss whether that should be in the form of an in-committee debate.

The Bailiff:

Yes. So I think the first decision for the Assembly is whether it in fact wishes to proceed this time or whether - as I think you are suggesting but I will just ask you for your exact proposition in a moment - it should be put off. The Greffier reminds me, of course, it must be put off for 4 weeks because the Business Plan is for debate next time. So it will be until the early October sitting. So is that your proposition, Deputy of St. Mary; that you are proposing that the debate on the P.P.C proposition and all the amendments be put off for 4 weeks? Is that what you wish to propose?

The Deputy of St. Mary:

I think that is what I would propose, yes, Sir.

The Bailiff:

Do you want to say anything in support of it?

The Deputy of St. Mary:

I have a couple of speeches ready, depending on ... **[Laughter]** But I will not give both of them. **[Laughter]** The wit of the House has spoken so I do not need to make any jokes from now on. So, yes, in support of taking this at a later date in order that we can look at all the options ... well, one was lodged only yesterday, I think. We are faced today, immediately after coming back from the recess all invigorated, I hope, with a major test of the wisdom of this House. We need to put aside thoughts of political advantage, if such there be, and we should only think in terms of what is best for the Island. The question is do we discuss all the options in a way that allows that discussion of all the options or do we go forward in respect to today; which automatically means that we go forward in a format of debating the amendments in turn, one after the other. If at any point, for instance if the first amendment, which I gather would be that of Constable Norman's but it is really irrelevant ... if the first amendment was to be accepted by this House all the other ... **[Laughter]** Well, I am sorry, I am taking personalities out of this completely. It is just a matter of how we go about discussing ... and I know it was a good joke but the point is it does matter whether it was Constable Norman's taken first or Deputy Bob Hill's or mine. It really does not matter from the point of view of what we are trying to do, which is presumably to get the best result and to come to some agreement on what the best result is. The point about discussing all the amendments is valid whether or not my fourth amendment existed, whether or not Deputy Le Fondré had brought a proposition, whether or not Deputy Jeune had brought her proposition. At this stage the only point that really matters is can we arrange our business in a way that allows us to discuss all the options. I would just briefly point out that the reason I took P.72 on holiday was that it was important, not that it was not important. I would just like to bring the public into this. I know we all remember that we are representatives of the public but just take your minds out very briefly, think of the people standing in the Royal Square. Someone guiding a group of visitors, people surfing, people working in the finance industry, people picking potatoes; whatever it is, we are here to try and get the right answer on this very important matter. I am very grateful to Deputy Tadier of Time for Change for organising a meeting on Thursday night at the Town Hall and to the 3 western Constables, the Constables of St. Mary, St. Ouen and St. Peter, for organising a further meeting on Friday night. On both those occasions I came across ideas and thoughts that are really, really valuable for this debate. The thing is you can say: "Well, you know, we should not put it off. We should just take it now, take it now. Why did everybody not do all this before? Why did we not have those public meetings 2 months ago?" But we did not and the reason we did not is that we leave things until the debate looms and this is natural. If Members can remember when the amendments to the Business Plan came in; they came in today. That is only natural. I just go to something I learned on Thursday night which is that a member of the public put forward a suggestion which is a very good suggestion and which lies halfway between the Deputy of St. Martin and Constable of St. Clement and it could be a solution that would command really wide agreement ... I have asked my researcher to do charts of the different options and hers does indeed

look extremely good. Now, the point is if we decide to go ahead and take this word “urgency” at its face value, one way of looking at it is we go ahead now because it is urgent and another way of looking at it is that we take my amendment because it is urgent. I think we have got to try and do the right thing. So we need to have a form of debate which does not exclude options that have been carefully worked out and I think I include both the Constables and the Deputies and my own in those words. If we go ahead and debate today, no matter whether we agree to take the fourth amendment or not, we are going to put ourselves in a situation where, when we take the first amendment, we are going to be in a complete conflict as to how to vote on it because if we prefer the second to the first and the first to proposition, we will not know which way to vote at all. So please do take this test of wisdom and do the right thing. I think we should all be voting for what we believe to be the best solution. We should find a way to consider all the amendments and the one with the biggest support should come out as the winner because that is the right thing to do, both in terms of this House and in terms of the people of the Island.

The Bailiff:

So your proposition then, Deputy, is to defer debate on the proposition P.72 with all its amendments until 6th October?

The Deputy of St. Mary:

Yes, Sir, thank you.

5.1.1 Deputy M. Tadier:

I emphasise here that I am playing devil’s advocate because I am quite happy either way to go with what the House wants. But just in favour of the Deputy of St. Mary’s proposition, I would say first of all we have to ask ourselves the question: in reality do we want one debate on constitutional reform or do we want 2? Because without wanting to be the bearer of bad news, there seems to be an air of despondency with States Members that in fact once we have discussed this, be it in 3 days, 2 days or next week when we come to the vote, that nothing will change. The reason I say that is not because I believe States Members as a majority do not want change. I think that if you put a simple yes or no question to the States and also to the public: “Is the system that we have currently the best system that is possible,” none of us would say: “Yes, it is.” So I think we all agree that there is need for reform. What we do not agree on is what kind of reform we need. I think that is a fair thing to say. So effectively this proposition, if we adopted the deferral, would give us the opportunity to have an in-committee debate; which would effectively mean sitting around in a slightly more informal setting and be able to discuss the pros and cons of each of the proposals. But I would suggest that we should informally come up with a list, much in the same way that we vote for Ministers, and find out which ones are the really viable options and which ones are not; so that we can strike them off the list and find out which ones are there to be taken seriously or not. Because otherwise we are going to be back here and in 4 weeks’ time there will be some more propositions and we will be debating the same thing again. I would just question where has the leadership been? I know that P.P.C. has obviously done its part but where has the leadership been from the Council of Ministers to inform the public and also for Members to be really informed here? This is perhaps something that at P.P.C. we are guilty of, in hindsight. We know that whenever some big proposition in a policy area comes to the States, be it G.S.T. or ‘Zero/Ten’, there is no end of briefings for States Members so that we can all be informed. The cynics among us call it propaganda so we can become indoctrinated. But the point is we all need to know the decisions that have been going on and I think this would be helpful. So I would say, in favour of the Deputy of St. Mary’s proposals, let us defer it for 4 weeks. Let us get all the ideas on the table because we know that there are other propositions which have been brought forward. We need to decide on these wholesale and not individually because I think that the current way that we are going to be asked to choose these debates ... we may be in a position where we are left with the last option, which is the P.P.C. option. Some may be in favour, some may be against. But there may

be those who want reform but cannot vote for P.P.C.'s option, which is the last option, and that is no good to anybody.

5.1.2 Deputy S. Power of St. Brelade:

Three years and 9 months on in this Chamber and I thought I had a reasonably good grasp of the way we did business in this Chamber but I am starting to lose my understanding of that grasp this morning. I do not see any justification whatsoever for postponing this debate on an interpretation of the States of Jersey Law and Standing Orders. We are very clear here that P.72 was lodged at the end of May. There were a number of amendments brought in and comments brought in in June. Deputy Le Fondré lodged his proposition at the end of June. The Constable of St. Clement lodged his amendment on 28th July. I just do not understand where Deputy of St. Mary is getting justification for turning the way we do business in this Chamber on its head.

5.1.3 The Connétable of St. Clement:

I am sorry that the Deputy of St. Mary considers my amendments to be irrelevant but, having said that, at least it was lodged in good time for debate today.

The Deputy of St. Mary:

On a point of order, I did not say that.

The Connétable of St. Clement:

Unfortunately, on 6th October I shall be out of the Island on important States business and would not, therefore, be able to take part in that debate and presumably, therefore, my amendment would fall. I do not consider that to be reasonable and at least my amendment, as I say which was lodged in good time, should have the opportunity of being debated. I suggest that as it is already on the Order Paper it should be debated today.

The Deputy of St. Mary:

Could I ask a point of clarification on the dates that the Constable is away? Is he also away on 7th and 8th October? **[Laughter]**

5.1.4 Deputy A.E. Jeune:

Can the Deputy of St. Mary please confirm that the reason we find ourselves in the position we are right at this moment is because he failed to get his amendment in on time, yet other people got theirs?

5.1.5 Connétable G.F. Butcher of St. John:

Just a point of clarification really from the Deputy of St. Mary on this extremely important subject. Could he let the public know how many people turned up to these meetings?

5.1.6 The Connétable of St. Mary:

Obviously as the rapporteur - the promulgator - of the P.72 proposition I am extremely concerned by the way events have taken us because it seems whichever way we turn we are now between a rock and a hard place. But I must say some things in response to the Deputy of St. Brelade. Not least of all I hope he is willing to justify to the many people who have phoned me recently, and obviously will probably phone him, as to how he can have been in this Assembly for 10 months without apparently understanding the way debates work and without apparently absorbing the Standing Orders which are there, adopted by this House for the governance of its own affairs and to ensure that everybody knows when things will be debated and what their timescales are to enable amendments and perhaps even counter-amendments to be promulgated. I cannot believe that after 3 and a half months on the table lodging this proposition, it should now be delayed because people are coming at the eleventh hour without having fully prepared and without having prepared to the agreed timescale. That, to me, is totally unacceptable. One of the issues with the reform debate is

that we need be sure that our reforms are reasonable and that all necessary work which is ancillary to any decision that we take is undertaken in good orderly fashion, in good time to enable all necessary arrangements to be made before the next elections in 2011. For some people that may seem to be a long way away. For some Members 3 and a half months is not long enough to do something that should be done in a couple of weeks, so how on earth we would stand to get everything done. It is I believe physically possible to push the boundaries but we are reducing our chances of success, surely, every time we do. One of the items on the table today concerns a further review of the voting mechanisms. That alone is going to be a major piece of work. When is my committee going to know the direction of this House, whether that is required or not? When are we going to be told? We are already advised that other Members who have already put in amendments in good time will not be here to debate them on days in the near future. How long are we expected to delay? The calls for in-committee debate: we had an in-committee debate prior to the last round of reform proposals. What more is there to come out? The questions that need to be answered are well known. The problems have all been identified. What is not known is the way States Members feel about them. The only way we are going to determine that is by having the debate and pressing the right button. Delay for the sake of delay is just not on. The Deputy of St. Mary seemed to allude to another amendment. Am I being asked to consider deferral of this vital proposition further, simply because there are more people who have not done their work on time? The other side of the coin; how many people might have put an amendment in, who were working towards something but realised that they had hopelessly lost the timescale and then did not do it? I really do not believe that the House is in a good position here and, looking from the outside, I do not imagine what people think. We have rules. We should adhere to them. I believe that we should debate the proposition with the amendments which have been tabled in time and Members should have the courage to make a decision. We all know, apart from perhaps one Member, how the rules of debate work. If we know how we feel about something we should be adult enough to know how we feel about it in conjunction to another part of the amendment or proposition. We make our choices. That is what we were elected to do and I really, really do not wish to be forced into a delay on this proposition.

5.1.7 Deputy R.G. Le Hérisier:

I hate to sound despondent. If politics is about timing sadly we have got the wrong timing. The public are totally fed up with this issue. **[Approbation]** I am a great reformer having had the bruising experience and I am a great believer in it, but I am also a great believer in building up the political consensus; so at the time you propose it you have a reasonable chance. I do not think this is the right time. I think people are sick to the gullet of the whole thing. The public in particular, they think we as an organisation have lost our way, we cannot focus on the really big issues and we look at our navel time and time again. **[Approbation]** I do think it is wrong, quite frankly. Having said that, the other thing I would raise about the Deputy of St. Mary, I can well see that he is committed, he is enthusiastic and sadly he is, in a sense, quite rational about this. I am afraid being rational, sadly, is not necessarily the prime quality required for the debate. **[Laughter]** What I would say, embedded in the Deputy's proposal - and that has got me really worried, I was sort of almost veering to the delay - is, of course, that we then have to change the whole basis on which we do Standing Orders and the way in which amendments change. I mean I rely on P.P.C. to do that work, to build up the consensus for us and to present what they think is the consensus. Although I do not think, sadly, it is. I think it is the least objectionable option and good luck to them; they have had to sweat to get there. But it is ultimately what it is, I am afraid, because we are, unless our new Members - and I have to say it is obviously going to be very interesting; that is the only interesting part, quite bluntly, of it - can sway things because I think the House is driven and has been driven in every debate, despite what the Constable of St. Mary said the other night that she had got to a nearer vote, by self-interest. I am totally fed up with the whole thing. I am totally fed up. I hate to say this to the Deputy because he is very committed and I do not wish to be seen to

undermine him, as I suppose I am. I wish we could move on, quite frankly. I wish we could move on.

The Connétable of St. Mary:

Could I ask for clarification from the last speaker? Was the last speaker proposing that the debate be not deferred but suspended, taken off?

Deputy R.G. Le Hérisssier:

I would say suspended but we have got another proposition on the table.

5.1.8 Deputy T.M. Pitman:

Well, I got my amendment in on time but I do not think that is any reason for not considering something else that might come up that is even better, quite frankly. I have got every sympathy for the Constable of St. Clement and I share Deputy Le Hérisssier's frustration. But the real reason that people are sick to the gills of this is because past Assemblies just have not been able to embrace reform. That is not our fault. It is not the Deputy of St. Mary's fault. I can find something positive in almost all the proposals put forward and I accept that every one of them has been put forward for a good and positive reason. Would we turn down a cure for some terminal illness just because it came late? No, we would not. **[Aside]** No, I am sorry but this is where we stand today. Reform must be lagging just somewhere behind the Town Park. You know, is it that urgent that another few weeks cannot be given if that is what it takes? I think we have got to be sensible. Let us have all these issues together and put it to bed one way or the other; otherwise what we will be doing is coming back in a couple of weeks to debate the Deputy of St. Mary's and possibly a couple more. That makes no sense to me. Do we really want to spend what seems like 2 months locked in the Chamber debating this Strategic Plan? I do not want to do that. I have to support the Deputy of St. Mary on this and I would urge everyone to bear with him.

5.1.9 Deputy D.J. De Sousa:

I am glad I followed the last 2 speakers because they both were along the same lines as where I am coming from. Originally we commissioned Clothier to come up with a reform. We were told if we did not adopt it as a whole it would not work. That is what we are finding now. We cherry-picked it and we are cherry-picking again. The chances are most of us agree with a lot of what is in the amendments and the proposition but it still does not go far enough. The chances are we are not going to move much further along the way than we are now. So this is going to come up time and time again. Unless we adopt what was left out of Clothier, it is not going to work.

5.1.10 Deputy J.A. Martin:

I am a member of P.P.C. and I do have some sympathy with the Deputy of St. Mary and I would give him my assurance on P.P.C. that if he did push to debate his amendment today he would get my support; begrudgingly, because we did lodge on 19th May and I am sorry we did have a long recess but not everybody was on holiday. What I would like to point out though, in his speech the Deputy of St. Mary seems to think the answer to this will be under Standing Order 89(2)(a) or (b) which will be some form of in-committee debate. But in-committee debates that I have been in allows a Member to speak more than once on a subject, not once on 53 subjects; which I can see coming back to this House if we put this off because everybody likes something. I am very disappointed in the reaction that Deputy Le Hérisssier's comments made. There was lots of foot-stamping because, again, people really do not want to debate this because they will have to make some hard choices, especially those ... this is the right time. A lot of people stood on the platform of reform and we are now ... from 2005 we have Ministerial reform. We do not have electoral reform. I want this debate to go ahead today if the Deputy is not successful in putting this off for some sort of made-up process at how this will work; because from the Chair after this, Sir, I would like you to address how all these proposals ... who would put together the proposition? How would it work? It is not like any in-committee debate I have ever been in. So with those reservations, and

reminding that the public out there are supposed to not care, let us discuss it; let us vote the way we want and then the public will know because P.P.C. have done their work. If we do not go now and we do not go soon there will be nothing to be reformed for the next election and we will be so far behind ... you cannot then stand up to the public and say: "We agree with reform as long as we keep the Constables, the Senators and all the Deputies and we have the elections exactly the same." So it is up to everybody here but I think the debate needs to be had and we have done our work on P.P.C.

The Bailiff:

Very well, I call upon the Deputy of St. Mary to reply if he wishes to.

5.1.11 The Deputy of St. Mary:

There are a number of points made in that debate which I would like to reply to. I think the first one probably is the point made by the chairman of P.P.C. and it really involves whether this mini-debate about procedure is about whether to take my amendment. Well, it is not. I could explain to the House why it was that I wrote that amendment late, why I took it on holiday and why I did not do it before. But I do not want to do that at this stage because we are not talking about the fourth amendment. We are talking about how we can look at all the options on the table in a sensible way.

The Connétable of St. Mary:

A point of order, Sir. I thought, following your ruling previously, we were supposed to be simply debating whether to delay the proposition or not. I thought you had said that debating how we are going to debate it in the future was a separate item.

The Bailiff:

Yes. I mean the Deputy of St. Mary is entitled to say that one of the reasons he wants to put it of is that he would then like to have an in-committee debate. That clearly would be one of the reasons supporting his application.

The Deputy of St. Mary:

Absolutely. The reason for putting it off is so that we can have a debate where all the options can be looked at and I think I understood the last speaker, Deputy Martin, to be saying that she wants you, Sir - the Chair - to somehow make it possible that we look at all the options today. I think that is what the Deputy was meaning and if not, maybe she could clarify what she did mean. But that is what I took her to mean. The point is we cannot ... if we debate this today we have no options. We cannot look at all the proposals on the table. So if we debate the Constable of St. Clement's first, then the Deputy of St. Martin will simply be ignored. Even if we were to agree to take mine today then mine would apparently go first - I am not sure but that is what the Greffier suggested in his email - and then the Constable of St. Clement and the Deputy of St. Martin and, by the way, the other 2 proposers of motions about this topic would also fall away. I just think that is not satisfactory. Here we are with several equally valid options and we are just proposing to do the easy way out because it is too much like maybe hard work to look at all the options. Sorry, we need to debate these things and it is not about reluctance to take hard choices. It is about reluctance to really look at all the options, which is what we should do. There is a funny thing about what Deputy Le Hérisier said. I found that to be very hard to find out what he was trying to say. It was quite funny, as it usually is, but it was also depressing. There was this kind of: "Oh, well, here we go again." Well, 'here we go' may be true for some of the older Members in the House. Obviously they have been here before and before, but the new Members have not. If we are going to cop out of trying to produce something better for the Island because, well, we just want to take it today then I think that is very sad. I think we should have the courage to defer and to look at all the options. It was mentioned by Deputy Jeune: "Please confirm he failed to get his amendment in good time." I have forgotten what the exact question was but again, I could go into an explanation of why that was so but I do not think it is relevant to this debate. We are talking about whether to look at all the options, and the question of whether mine is on the table only arises if we decide to go ahead today.

Then I will explain why that amendment was written in the way it was. “Justify that I do not know the way debates work.” Well I do know the way debates work and when I suggested ... explained how we were proposing, or rather how some people in this House were proposing to take this debate to some acquaintances, all 3 people I explained it to individually, separately, could not believe that we are going to go this way. That we are going to decide between equally valued options in a way that, if the first one we debate finds favour with the House, then the others just do not get discussed at all. They could not believe that on such an issue as this with equal options, all the ideas on the table were not going to be talked about. Deputy Tadier, I think said: “We should have this informal discussion” and we would end up, in effect, doing exactly what we do when we vote for Ministers. We could end up by deciding the one we like best, the one that gets more than half of the assent of this House. In the present set-up, there is no way we can find out what we really want. Okay, this is a hard debate and it has come to the House before but a lot of people have put a lot of effort in, including P.P.C. I would say that when I first read P.P.C.’s report I thought: “Crumbs” and I just wish it had had more solid comparative information on the different options. I know P.P.C. did it quickly because they wanted to get on with it, but on the other hand if we had had more good information, then it might have been easier to amend it, and it might have been easier to vote on it. So I do move that we do the best thing. We should find a way of voting for what we believe to be the best solution and not some kind of fudge, and we want to find out which solution has the most support. Surely we can arrange our affairs in such a way that this happens. I do propose that we put this off for just one month. Correction, to take account of what the Constable said, obviously there might have to be some discussion on when that should happen - maybe the session after that - but clearly we have to take account of the fact that if we were to put it off the Constable of St. Clement apparently would not be able to be there. So we would have to look again at the date if that is in order obviously.

The Bailiff:

I think your proposition for the moment probably has to be, to go the 6th October.

The Deputy of St. Mary:

Then we would re-visit that.

The Bailiff:

Yes, very well ... you ask for the appel. The matter before the Assembly is the proposition of the Deputy of St. Mary to adjourn the debate on P.72 until 6th October. If you will support that, you vote pour, if you want to debate it this time, you vote contre. The Greffier will open the voting.

POUR: 12

Senator S. Syvret
 Senator A. Breckon
 Connétable of St. Helier
 Deputy of St. Martin
 Deputy of Grouville
 Deputy S. Pitman (H)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)
 Deputy D. De Sousa (H)

CONTRE: 35

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 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. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary

ABSTAIN: 0

Deputy R.C. Duhamel (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (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 K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy A.E. Jeune (B)
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy A.K.F. Green (H)
Deputy J.M. Maçon (S)

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed and so we will return after the adjournment to continue discussion of the matters of Public Business.

LUNCHEON ADJOURNMENT

6. Composition and election of the States: revised structure (P.72/2009) – fourth amendment - proposition to reduce lodging period under S.O. 26(7)

The Bailiff:

We were discussing the matters of Public Business before we start Public Business. The Assembly decided just before lunch not to defer the debate on P.72. Deputy of St. Mary, is there any other proposition you wish to make?

6.1 The Deputy of St. Mary:

Yes, Sir, I clearly now would like to propose that we lift - is it Standing Order 26(7) - off ... to allow under that Standing Order the debate on my amendment.

The Bailiff:

Very well, is that seconded? [**Seconded**] Does any Member wish to speak then on the proposition that the minimum lodging period be reduced if the opinion is the proposition leads to a matter of such urgency and importance it would be prejudicial to Jersey to delay its debate.

The Connétable of St. Mary:

Can I just ask for clarification first? I thought the proposition was to lift that Standing Order? Is that not what the Deputy said?

The Bailiff:

Did you say that? I assumed, perhaps wrongly, that the Deputy was going to ask the States to reduce the minimum lodging period.

The Connétable of St. Mary:

Yes, Sir, but that is not what he did.

The Deputy of St. Mary:

In my second bite at the cherry I did say that, I think.

The Bailiff:

All right, in accordance with Standing Order 26(7).

6.1.1 The Deputy St. Martin:

Yes, it is quite simple. I think if we are going to have a debate we should have it all encompassing. If we are not going to have it in a month's time, let us have it all now. I think it makes sense. I do not have a lot of hope or faith for it, at the same time I think we ought to at least debate it, get the thing out and then move on. Otherwise we are going to have it back in 2 weeks' time doing the same thing again. So I would ask the Members to lift Standing Orders, let us get this debate on and get the show going and get it finished with as soon as we can. Today please.

6.1.2 Deputy J.M. Maçon:

Yes very much in the same vent, I think we should just get it over and done with. I do not really have much hope for any of the reform proposals but I think we just get it over and done with and get on to more important matters.

6.1.3 Deputy P.V.F. Le Claire:

If we are going to debate the composition of the States Assembly and do any of it justice, then we need to consider what options are being put forward and what options are available. If we do not consider those in the round, we will be considering them around and around, as people have said. Also, what would be the position if the Deputy of St. Mary's argument was a strong one and we found that a decision that we had come to this week would then need rescinding in the future because he had won the argument? It is nonsense, absolute nonsense to think that we can treat this subject in the off-the-cuff manner that has started to permeate the House, as something that should be pushed to one side or dealt with or not given much hope. The reality is, States business continues on a weekly basis, a monthly basis, managing the affairs of this Island. The most crucial thing we need to get right, before we do anything else, is to make sure the system is capable of sustaining the future in a modern democracy. I think it would be wise of all Members to bury once and for all this notion that this is not a serious and important issue.

6.1.4 The Connétable of St. Saviour:

I do sometimes wonder if Members are living in the real world. I have had constant comments from parishioners over the last 3 months saying: "For heaven's sake, stop talking about yourselves, get on with running the Island." [Approbation] "Talk about health, education, policing, even finance, but for heaven's sake stop talking about yourselves." They are not interested if we are worried that we have got low turnouts for our elections. Believe me, we are driving them away with this debate.

6.1.5 The Connétable of St. Mary:

I cannot believe what I have heard in a couple of the first comments since the proposition. "Off-the-cuff", Deputy Le Claire said. If lifting Standing Orders, and doing basically what you want when you want to do it, is not acting off-the-cuff, I have no idea what is. "This is a serious and important issue", he said. Absolutely right; a serious and important issue. I do not think, as has been echoed in other places, that this is currently, at this moment in time, the most serious and important issue facing the States. I do not believe that at all, but it is a serious and important issue and it is not going to go away. Because of that it is absolutely vital that anything we debate has been properly considered, laid on the table with enough time to be properly considered by all the other Members. Let me remind Members that there is a right in Standing Orders, up to a week

before the debate, for anybody to lodge an amendment to an amendment. That right has been taken away if we agree to take this at the last minute. It is totally and utterly undemocratic and on the desk before me now, I see there is an addendum to the fourth amendment. How close to the wire does the Deputy of St. Mary think he has a right to push this Assembly, in his own interests? I am absolutely disgusted to have something else placed before me now when I am on my feet pretty much nearly to the wire of lodging the proposition. It is totally unacceptable, and for Members to think that we can throw out considered Standing Orders, on a whim more or less, is just not ... it just beggars belief. Let me remind Members please, that the proposition was lodged in May, the middle of May, 3 and a half months ago. It was lodged initially with longer than the standard requisite lodging period, to enable amendments to come forward. Towards the end of that lodging period, when P.P.C. was not satisfied that all the amendments had necessarily come forward, we took a decision and it was not an easy decision, to delay the debate until this current sitting, to allow Members the recess if they wished to, to think about those amendments and to put them forward in good time. Even that concession was not enough for the Deputy of St. Mary to meet the deadline. I am sorry, but his lack of organisation and time management skills is not my concern, and to enable it to railroad the Assembly into ill-considered, last minute *ad hoc* lifting of Standard Orders, is simply beyond belief. As chairman of Privileges and Procedures, maintaining the procedures and privileges of the States is part of my responsibility and I urge Members to think most carefully about what Standing Orders are for. They are not only to deal with instances like this, they are there as a framework to ensure that all Members can expect the same degree of consideration and can expect the same courtesy. Courtesy, in lodging this on my desk now as I am speaking, does not even enter my vocabulary at the moment, I am that furious. I am sorry to bring emotion into this, but I really do feel that - I trust unintentionally - I feel that the Deputy of St. Mary in pushing this is really fundamentally scuppering any chance I have got of getting what I consider to be, and my committee I have to say, consider to be the best-fit way forward from the research that had been undertaken. The considerable, lengthy, detailed, research that had been undertaken, including an in-committee debate - the Deputy of St. Mary might like to note - that led us to the situation we are in today. This was not lodged on a whim. The committee undertook to review all the work of the previous committee. All Members have circulated with every piece of documentation. The Greffe worked extremely hard to make sure that was done. We have come to what is the best-fit proposition and at the 11th hour - the 11th hour and the 55th minute perhaps - the Deputy of St. Mary thinks that is not good enough. I am absolutely dumbfounded and I urge Members to consider most carefully why Standing Orders are there, why this House - this very Assembly - adopted those Standing Orders, and the importance those Standing Orders have on the governance of business in this Chamber. Thank you. **[Approbation]**

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

I somewhat hesitate standing after that very robust delivery by the Constable of St. Mary, however I totally agree with the majority of what she has said in that delivery. I would also add to that, that I have consulted both publicly and privately and the appetite of the public of Jersey is, get on with the job, stop looking at your navels get on and do the job. We have got more important things, pressing items, that we need to be discussing now rather than looking at ourselves all the time.

The Bailiff:

Deputy of St. Mary, do you wish to reply?

6.1.7 The Deputy of St. Mary:

Yes I do not know about reply, I thought I would be proposing it. Anyway it is a reply, in effect. I want to apologise to Members obviously at the start for the late lodging of this amendment. I will explain the circumstances later; I think it is only right that I do that. No, well okay you see, you are shaking your heads, but you know you cannot sling arrows and then say you do not want the explanation, but there you go. I will just reply to a few of the points, and it is a serious debate.

People are going as if, oh well you know, just get on with it and do it tomorrow or something. I just find it very ... it is difficult. Okay, I have put the Assembly in a difficult position but I also am in a difficult position. I will just respond to one or 2 of the things in particular that the chairman of P.P.C. said. She mentioned first of all that there was a previous in-committee debate and that was taken into account in P.P.C.'s deliberations. Well yes it was, and that is why P.P.C. are bringing something again. Because the previous in-committee debate and the resulting debate and the debate before that, did not arrive at an agreed solution commanding the consent of this House and commanding support outside. So that is why we are here. I do not disagree with that and I welcome the fact that P.P.C. got down to it and produced it as one of their first major pieces of work. Another thing the Constable said, and I will deal with it sort of backwards really from what she said, she was very cross because I have only just produced this addendum. Well, the addendum is not a major piece of argument. It is graphs illustrating one of the points that I wish to make if this amendment is taken. I really do not think that it is out of order, to bring forward clear, graphical representation of one of the points that we are talking about, which is proportionality, in this way. I have had a researcher working 4 days producing this ever since the thing on Thursday night where I realised that mandate - the question of mandate and the graphical representation - would really help the debate. I would point out that the Minister for T.T.S. in the incinerator debate produced a piece of paper on the second day, which was dated 4 months before, to explain a certain point, and plonked it on our desks. You know, in a major debate there is a lot of information, there are a lot of things to think about. It is in the nature of things that bits of paper arrive on our desks to explain an issue or to clarify something, in the middle of the debate, and in practices before. So that is one possible way of looking at that, and another is that I remember recently the Council of Ministers in a report, saying that Members will have by the date of the debate such and such a piece of information. It was about the comparability of pay in the private and public sectors, and in fact they even failed to meet the deadline completely; that piece of paper just did not arrive in time. It does not make my position any better, I am just explaining that going to the wire is not unknown in this Assembly and there are reasons for it; that difficult, complicated issues do get worked on to the wire. Another point, going back again to the one before that the chairman said, that I was doing all this in my own interests. Well, I almost could ask for a retraction but I will not, but it is not in my interests, it really is not in my interests that I took P.72 on holiday. I am sorry, it is because I felt I was working for my constituents and for the Island and felt that P.72 had to be amended in a certain way. So if Members will allow me, I will do a very, very shortened version, I will cut out all the early bits. I received P.72, I read it, I did a bit of background reading around it and I thought: "Not satisfactory and I will want to bring an amendment and the solution proposed is just obviously not right" but one is busy; we are all busy. I had Ramsar Strategic Plan debate, the Depositor Compensation Scheme, and reporting back to my constituents, among other things. We are all busy I have no doubt about that, but the point I am making is that in order to look at this issue you have to get a clear run. Deputy Le Hérissier said that my problem was that I took things rationally. Well, yes that is part of my make-up, I try to look at things rationally. In a situation like this where we have principles underlying electoral reform, and we have different elements of any package like the Constables' constituencies, the length of time, the general election question, we have a lot of things to stitch together. It does require ... well my brain works in a way that you have to take almost a week to get it all together and sort it out, and that was only possible by taking it on holiday. The person who lost out was my wife, but there you go. More people would have lost out if I had done it before, because I had half the family staying for the weeks of the recess, the first weeks, so that is why it went on holiday. Then there was the question of ... initially it was an amendment to an amendment; it was an amendment to the Constable of St. Clement's amendment. Then that was ruled that it was not that kind of amendment by the Greffier.

The Connétable of St. Lawrence:

If the Deputy would give way? On this point of order, is the Deputy now summing up on his proposition to adopt Standing Order 89 or whatever it was?

The Bailiff:

He is replying. He proposed that we should reduce the lodging period so that his amendment could be debated. We have had a short debate on it and he is now replying to it.

The Deputy of St. Mary:

Yes, I just feel there is so much feeling that one should not bring things late, and I am just explaining why it was. So, the situation with regard to WiFi in Sweden and Estonia is not brilliant, and to communicate with the Greffier was extremely difficult. I will just put it no longer than that, and that is why ... then it became apparent that this was not an amendment to an amendment, it was actually an amendment, so therefore it could not be lodged in time. So I wrote the best report I could, got it off somewhere in Paris and it was copied off and got to Members. I am sorry that it has come to this, I have not done it in my own interests; I hope that the first 2 speeches, which were excellent in this debate, which simply said: "Get on with it, take them all and just have the debate the way that we should have." So I move the proposition to take this amendment.

The Bailiff:

Very well, the appel is called for then on the proposition of the Deputy of St. Mary, which is to reduce the lodging period for his amendment so that it can be debated today. If you wish to reduce the lodging period you vote pour, if you do not you vote contre. The Greffier will open the voting.

POUR: 12

Senator S. Syvret
Senator A. Breckon
Connétable of St. Helier
Deputy of St. Martin
Deputy J.A. Martin (H)
Deputy P.V.F. Le Claire (H)
Deputy S. Pitman (H)
Deputy M. Tadier (B)
Deputy of St. Mary
Deputy T.M. Pitman (H)
Deputy D. De Sousa (H)
Deputy J.M. Maçon (S)

CONTRE: 33

Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator F.E. Cohen
Senator J.L. Perchard
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. Clement
Connétable of St. Peter
Connétable of St. Lawrence
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy R.G. Le Hérissier (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 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)

ABSTAIN: 0

The Bailiff:

Very well, so then the only other matter I think, which the Assembly needs to consider before we move to Public Business, is the addition of a number of matters on the Order Paper, starting with P.116. These are matters, which have been lodged for the necessary period, but where notice had not been given that they were to be taken at this meeting. Are Members content to take them all at this meeting? Can I take that as a yes? Very well they are all added to the agenda.

PUBLIC BUSINESS

7. Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law (P.41/2009)

The Bailiff:

So then we return to Public Business and the first matter is Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law 1937 - Projet 41 - lodged by Senator Breckon. Senator, there is an amendment, which you yourself have brought. Are you happy that the Greffier should read the proposition as amended?

Senator A. Breckon:

Yes.

The Bailiff:

Very well, that seems sensible, so the Greffier will read the proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Economic Development to exercise his powers under Article 35 of the Electricity (Jersey) Law 1937, to safeguard the public interest by bringing forward for approval without delay Regulations under Article 22 of the Law, to determine the tariffs to be made by the Jersey Electricity Company, in respect of electricity, which it supplies at rates which are at a reduction of 20 per cent reduction from the present tariffs, with the reduction to take effect no later than 1st October 2009, and with no further increase in tariffs during 2010.

7.1 Senator A. Breckon:

First of all before I get stuck into this, I would just like to come back to some of the discussions we have just had on procedure because on Members' desks today was the response from the Economic Development Minister, which is 40 pages long. **[Approbation]** I would remind Members that I lodged this proposition in late March. So how many sets of rules do we have? We have had some humming and hawing about Standing Orders and we have had the Deputy of St. Mary in the naughty corner. **[Approbation]** Are we going to be consistent with this or not? The reason for the amendment was because of the delay in producing that report. Having said that, when the report is produced it is worth reading, but I would not assume that Members have done it because it was on their desks at 9.30 a.m. this morning. I received it by email about 2.30 p.m. on Thursday afternoon and I think other Members will have received it about 5.45 p.m. or something around that time.

Deputy P.V.F. Le Claire:

Could I ask the proposer, if maybe in that event, would it not be perhaps wise to knock this down the schedule of the Order Paper?

Senator A. Breckon:

The question is when are Members going to read it if we are into a reform debate and there are references in there that I could make? Perhaps I can précis it because it is a bit gung-ho about the J.E.C. (Jersey Electric Company) and whatever else. Perhaps I can sift some information from that, but I think ... I know what Deputy Le Claire is saying, but again we have had some discussion about the Deputy of St. Mary. But I think it is a discourtesy to this House when we get in this situation. If this was a Scrutiny Panel that were producing it: "Heavens, what are you doing, where is it?" whatever else. I think we have to try and be consistent across the House with reporting on something else that was missing from the Council of Ministers to do with employment matters. With that, I would like to just now proceed, and the reason I say that, I do not want to delay it further, I have delayed it to such an extent that I had to amend it because it went past the sell-by date. I did put in a date, I think of 1st July and then I had to amend it again to 1st October, and if the truth were told, that is probably not possible from a procedural point of view, from the Company's point of view, but that is not my problem. So having said that, and it is - as Deputy Le Claire said - with some hesitation, but I think we need to move on otherwise we are not going to do that. I think perhaps it is something that P.P.C. could look at. They are keen enough to look at some of the other things but if they could look at perhaps what is or is not being produced by Ministers in the Council of Ministers, then that might benefit us all. Back to the proposition, the wording is specific because I, or any other individual Member, does not have the right to do any of this, to ask the J.E.C. to do anything; we have to ask the Minister to do it. He has the powers and they are laid down under the Articles in the 1937 Law. The reason I have amended it is because of the time that has elapsed. I have also included in there that we are talking about now from 1st October, when that was not that, and also that there be no increase from 2010. There are some interesting things in the report that has been produced, believe you me there are. As I said, Members may not have had time to read it, so I will just touch on that in a moment or 2. There is a question in the proposition about the public interest, and I would ask Members to just bear this in mind, because when we have a shareholding, a financial interest in a company, then what is the public interest? What is the public interest? Who represents the public interest? Do I represent the public interest? Does the Chief Minister represent the public interest? Does the Constable or the Deputy of St. Mary represent the public interest? These I think are relevant questions because when we come down to it, we are asking the Minister for Economic Development to represent the public interest. What is the public interest? It is the same for other Ministers. It is in the public interest. Well, is it? Who is determining that and who represents the public interest? I think it is an important question, and I say that because it is a matter of opinion, not a matter of fact and there is a difference. In my opinion it is the right thing to do, but the Minister says: "In my opinion it is not." It is not a matter of fact we can have some debate about that; I am sure we can. I believe it is important because it is not an absolute science. However, I believe it is important now to put down some markers and Members may remember, I think it was probably in July or close to the end of the last session, there was a document sent out from the Minister for Treasury and Resources and it included in the bundle about the Post Office, the J.E.C., Waterworks and I think Telecom. The public interest, the public shareholding and what was in there - if you read some of the small print - was about how do we maximise the public investment. What happens about the poor old person from Brighton Road or Albert Street, how are they represented if we go in gung-ho about making money? How is the ordinary punter out there affected by that and who is speaking for them if that is what we are going to do? That is the question I would ask Members to ask themselves here. In the good old bad old days we did have committees for postal, for telecoms. We also had States directors appointed to the Jersey New Waterworks and Jersey Electricity and also the problem with that because I think there was a conflict, they were appointed to the Board but what was their function? Was it to represent public interest or was it to represent States interest? There is probably some difference there between the 2 and I do not think it was ever defined. It was a grey area and it is something perhaps - I know the Minister for Treasury and Resources has got this paper on that - that we are going to have to address. Do we just hammer the public for whatever we can get out of them in the view of maximising our financial return? Having said that, all of these

companies have a strategic value for the Island and we must remember that as well. Those are the reasons that I believe that it is not in the public interest for the J.E.C. to be able to inflict a 24 per cent increase from January. In some of the papers, this to us, to the States, means an extra £1.2 million that we will pay in electricity charges if we do not cut back somewhere. Now we have had extra dividends and I want to come to that in a minute. It is interesting in the paper that the Minister for Economic Development has produced and Members will have to believe me on this that there is reference to Guernsey, the Isle of Man and the French situation in regard to electricity markets. In the Isle of Man they subsidise to the extent of about £50 a customer; it works out about 1.2 pence per unit. It is worked on the standing charge and they waive things. In Guernsey it is a different situation and the Guernsey Gas Company - in a former life I did work for the Jersey Gas Company - are protesting that electricity is being sold in Guernsey at below actual cost and it is a different situation in Guernsey. The French, incidentally, do subsidise electricity market. The European Commission are aware of this and in typical French fashion they have ignored them and done what they wanted to do but they do subsidise the domestic electricity market. So, therefore, I would contend there is nothing different about Jersey's Government interfering or intervening in exactly the same way. The French have done it, the Isle of Man do it and, indeed, Guernsey do it. The other thing which I think is very important - it is contained in this report, I do not know if Members still have it but it was on the desk this morning - is the effect it has on people on low income and this report has been produced in part by the Economic Adviser's Office and the Statistics Unit and the effect it shows on page 24, if Members have this, for the lowest quintile the increase, this is with a 24 per cent increase in electricity prices, the difference it makes to the lowest quintile annually - that is the lowest earners we were talking this morning about, 2.5 per cent in housing costs of income support - is £118 so it is just over a couple of pounds a week which does not sound much, but it is if you are not getting much money to start with. That is why some people, if we have a cold winter... although I must say the J.E.C. are sympathetic to arranging charges and payments if people do have problems. But people have their pride as well, especially the elderly, and it may be a choice of: "Do we put another heater on or do we put a jumper on or do we go to bed or what do we do?" Because that, significantly for the lowest quintile in percentage terms, is much higher for them because it is a basic cost and, indeed, a necessity whereas people over £1,000 it is less than half the effect on their household budget as it is on the lowest quintile. I would say that that is significant to those people and they need an element of protection, and I did not hear the Minister for Social Security or anybody else saying: "People should have more income support because of this very high increase in their basic living costs." Nobody has actually said that although some of it, of course, has fed through into the Retail Price Index. The other thing that is in the report, which I believe is of significance, is the difference between electricity prices in Jersey and Centrica, a significant provider in the U.K. The difference is just under 15 per cent. That is the actual price difference to the medium domestic consumer and that is based on demand and those prices were collected on 16th July this year. I believe there are good reasons for doing this and I do not think the company would suffer. There are references in their thing to various calculations of dividend yield and investment and whatever else but I do not want this to become an accounting debate. The other thing is, as the biggest shareholder we, through the Minister for Treasury and Resources, own 62 per cent of the company and the dividend increase was recently around about 27 per cent that was received and some of the other dividend increases are significant. The poor old shareholders, including us, I would contend, have not suffered. The company generally has got a strong balance sheet. It is well run, but I think that the public interest needs to be represented. I think this is our opportunity, as a government, to show that and although we do not need to be interfering in the day-to-day affairs of the company, this is something that I believe is significant enough, and I believe this House should give it that full and due consideration and give support to those people out there in the community who perhaps have not had a wage rise or are struggling on low and fixed incomes and also to stop the filter-through effect on businesses, hairdressing shops, whatever they may be, who have had that. Let us cool this situation down and also, I would say, fire a warning shot and send a signal so that our investment - States investment, Government

investment - also is an investment for the people and with that I propose the appel on the proposition as amended.

The Bailiff:

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

7.1.1 Senator A.J.H. Maclean:

I would just begin by making a few comments about Senator Breckon's opening remarks. He did refer to the late presentation of the review which the departments have undertaken. I have to say that, unfortunately, there were 2 reasons for the late release of the report into the review of the J.E.C. The first was because we were unable to get Senator Breckon to agree, initially, the terms of reference and for some considerable time we were waiting for these terms of reference to be agreed. When they were eventually agreed the review commenced but unfortunately it covered the holiday period, July and August in particular. The review itself was not completed until the end of August and I am afraid that I do greatly regret that Members have not had a longer opportunity to be able to digest what I believe to be an excellent review. It was emailed, as Members will be aware, to them at the end of last week on Thursday and indeed an executive summary, with the hope of it providing additional information, was also supplied to Members yesterday. In calling for me to exercise my powers under the Article 35 of the 1937 Law I believe that Senator Breckon has misinterpreted the mechanism set out under Article 22. This Article prevents the States from arbitrarily using powers to determine electricity tariffs. The report accompanying the proposition is also incorrect in asserting that there are no manpower implications and only positive financial implications - a point that I will address shortly. Naturally, Senator Breckon's proposition is highly seductive, emotive and, I have to say, in certain respects, compelling, at least at face value that is. Members who may consider supporting this proposition should, however, be aware that they will not be voting for a 20 per cent reduction in tariffs today as P.41 suggests. Under the 1937 Law this proposition, if successful, would only allow for a full review to be undertaken under the terms of Article 22 within the Law. At this stage I would like to thank the J.E.C. who have co-operated fully in providing information and statistics, as requested, for the recently completed review. I should add that the J.E.C. Board have confirmed that they will fully co-operate with any further reviews should it be necessary which they are also confident will fully justify their tariff increases. While the 1937 Law does uphold the public interest it also requires that the company is protected from emotive political interference and requires a full review to investigate all relevant matters as laid down by Article 22. In deciding whether or not we could, or indeed should act, we cannot simply consider shareholder dividends and company profit statements in isolation which is the basis of Senator Breckon's proposition. In determining the tariffs Article 22 of the 1937 Law requires the States to consider the present needs of the company and the provision for funding of the future development of services provided by the company. We must also consider the ability of the company so long as its undertaking is managed efficiently to pay interest on and reimbursement of any debentures, loans or other. Thirdly, we must consider the ability of a company to pay a dividend on the preference shares issued by it at the rate fixed under the terms of issue of such shares and at a reasonable dividend on the ordinary shares it also issues. We must consider the company's ability to make any capital expenditure, which the company may reasonably be expected to incur during the next 5 years and the desirability of the company's charging such expenditure or any part thereof to revenue. We must consider the ability of the company to pay all proper expenses and connected with the working management and maintenance of the company. We must consider the provision of any contributions, where they are set apart, at a revenue or otherwise which the company may lawfully carry to a reserve contingency or amortisation fund. We must consider the ability of the company to make good depreciation, whether or not provision is made by a reserve or contingency fund and, finally, we must assess the ability of a company to make all other costs, charges and expenses, if any, properly chargeable revenue. This is what the 1937 Law states: "It would only be upon the completion of a large-scale, costly and thorough

independent review required under Article 22 that any States intervention on determining tariffs could be justified under the Law and only then on the assumption that the public interest case was clearly evidenced by such a review.” This proposition, indeed this Assembly, does not have the powers to arbitrarily reduce the J.E.C. tariffs by 20 per cent or any other sum, for that matter, without clear evidence following a full review under the Law. The desirability of another review, I have to say, is highly questionable especially given the likely duration and cost it would demand if it follows the exact terms of the Law. Senator Breckon, to his credit, recognised this by supporting the departmental review which included valuable input from the Economics Unit. The results of this review were forwarded to Members, as I have already mentioned, last week and I had hoped that Senator Breckon would support the conclusions the review makes. The review clearly demonstrates that the price increases by the J.E.C., although unwelcome, have been market-driven and that the J.E.C. tariffs still compare favourably with other jurisdictions. Electricity prices in Jersey are still lower than in Guernsey where it should be noted that the market is fully regulated by their Office of Utility Regulation. Electricity prices in Jersey are also lower than in the Isle of Man as well as below the E.U. (European Union) 15 median. Senator Breckon, I noted, commented about Centrica and yes, the prices are currently lower than they are for the Jersey Electricity Company but it should also be borne in mind and put into a fair context that Centrica has no grid infrastructure to build or indeed to maintain, and it is dealing within a marketplace of 15 million people compared to Jersey’s 90,000 or so. Examination of other utilities has demonstrated that the J.E.C. does not make excessive profits. Tellingly, it does not give its investors a high rate of return. The company seeks to deliver a return from its energy business of between 6 and 7 per cent on its investment in infrastructure assets. This compares reasonably with the 6 to 8 per cent return on assets typically needed to support ongoing investment in such infrastructure. It is also important to note that the 24 per cent tariff increase has not led to significantly increased profits for the company or dividends to its investors. Instead it has kept the company within its measured plans for capital re-investment, an investment that would otherwise have been delayed, abandoned or, perhaps, have to be paid for by the taxpayer, a capital programme that will require the company to borrow up to an estimated £20 million during the coming years. An arbitrary decrease in tariffs would not target those in need such as the elderly or indeed those on low incomes. Ironically, it would benefit large businesses and indeed States departments who are the company’s biggest customers, accounting for approximately 55 per cent of the customer base. The Economics Unit made the following observations as part of the review that was undertaken. They said: “The 24 per cent price rise will have a small one-off impact on inflation but is not inflationary.” They also said: “The price increase is regressive but an untargeted price cut is not an effective way of reaching these groups.” They further added: “These impacts can be addressed in other ways and should be secondary to the question about whether price levels are indeed justifiable.” The report concludes that the J.E.C. has acted prudently and has put the focus on to its cash flow and investment policy into securing the necessary funds to guarantee the integrity of the existing network and to provide for future capital investment. This capital investment is necessary in order to both guarantee security of supply and provide the full resilience that the Island requires, especially as an offshore financial centre. Such a policy is, in my opinion, fully consistent with the overarching public interest. Let me now turn to Senator Breckon’s call for the 20 per cent reduction in the J.E.C. tariffs. I believe that, although seductive and undoubtedly well-intentioned, the proposed reduction is purely arbitrary. In any event, under the Law, as any subsequent Regulations are required to, and again I quote: “Specify the manner in which the tariffs are to be assessed and make provisions incidental thereto.” The Senator’s proposition also ignores the process laid down in the Law for such as used to be judged regarding the public interest, as laid down under Article 35. I remain to be convinced further as to whether a further review of any kind is indeed warranted or that such a review, if undertaken, would find anything new that we do not already now know. Furthermore, a review of all the significant points, as specified in the Law, will take a considerable amount of time to prepare. As I have already stated, it would be very expensive to undertake and ultimately it is highly unlikely that it will bring any tangible benefits to the public, to the States or to the J.E.C. As Members are aware

the J.E.C. is a publicly quoted company. It operates at a level of transparency that is acceptable to the London Stock Exchange. Following the recently completed review we are now confident that there has been no abuse of dominant position by the J.E.C. If there were any genuine concerns about an abuse of dominant position then the J.C.R.A. would have been forced to investigate. I strongly urge Members not to be swayed by the claims in this proposition and to reflect on the long-term ongoing needs of the company, a company that we need to ensure is able to reinvest in the future continued provision of electricity for the Island. This is the most important matter of public interest that we must - must - protect. Members should never forget that the J.E.C. has held off from raising its prices over the last 2 years. They chose to hold their prices during a very challenging time in both the energy and foreign exchange markets. During this period most other utility companies were increasing their prices. In addition, the J.E.C. has given a public undertaking that it will hold prices for the rest of this year. Few, if any, other energy companies have been prepared or indeed are able to make such a commitment in such a volatile market. I am also able to announce today that following discussions with the J.E.C. senior management there will also be no further increase in electricity tariffs for 2010. For the 2 years that the J.E.C. did not increase their tariffs prior to the 24 per cent increase they had to absorb additional operating costs which resulted in a fall in profitability. This had the effect that returns to investors fell below the industry norm for a utility business, as did the dividends paid to the shareholders and I am sure the Minister for Treasury and Resources will confirm that point. All of this is not the picture of a profiteering company that the proposition has tried to paint. Members will recall the offer given by the company to personally explain the nature of their business and how they need to maintain a level of investment and profitability. It is this good management and prudence in the longer term that protects the public interest. Senator Breckon also cites "immeasurable costs" in his proposition and I would ask Members to reflect on that particular phrase. How apt it would be if this proposition were to succeed and the full ramifications outlined in my comments were allowed to manifest themselves. The immeasurable costs in such a scenario would be to the considerable detriment of the Island and Islanders. Members who attempted to support this proposition should reflect on the considerable damage that could result in terms of future supply, price and indeed availability of electricity. The very people that the Senator seeks to protect may indeed enjoy a short-term gain but we will all be the long-term losers of a short-sighted decision such as that. I ask Members to put the seductive and emotive nature of this proposition aside and reject it based upon the clear facts identified in the recent review. We need to secure Jersey's long-term energy supplies at affordable prices and that requires considerable investment and strong management. Our review demonstrates that the J.E.C. tariff is competitive with most jurisdictions and cheaper than many. It also confirms that the decision by the company to increase its tariff by 24 per cent, although unwelcome, was in fact justified for good sound commercial reasons. I urge Members to reject the proposition.

7.1.2 Deputy D.J. De Sousa:

I seconded this proposition. When it was brought in in January we already knew how the economic situation was in and around the world. Daphne Minihane already raised issues last winter that people were having to choose whether to eat or to heat. We have been told by Senator Breckon that the lower quintile income people are going to have to pay £118 more a year on their fuel bills. Where is this money coming from? States workers have been told they are not going to get a pay rise but the money has to come from somewhere. Senator Maclean mentioned that Jersey Electricity are not making huge profits but this increase has caused huge hardship to some families. The J.E.C. held off increasing profits in good times and yet in uncertain times and unusual economic times they have greatly increased the tariff. In one of the comments from the original proposition from the Minister for Treasury and Resources, it states: "If the current tariffs were reduced by 20 per cent this would impact on the J.E.C.'s profitability in future years. The company estimated that the J.E.C. would suffer reductions in their profits of around £15 million per annum on current levels therefore in 2008 profits of £9.8 million would translate into significant losses in

future years.” Increases are okay when we are in beneficial times but at the moment we are in really uncertain times. Nobody knows when we are going to come out of the current economic downturn. This has caused real hardship on Islanders and I will be voting for this.

7.1.3 Senator S.C. Ferguson:

I do hope to contradict the Minister in his concept of a review but the Comptroller and Auditor General did state in his paper *Emerging Issues* that the States should examine the returns from the various investments including the J.E.C. I have no problem with this. However, the current proposition assumes that States Members are in a position to do this themselves and this, I would maintain, is arrant nonsense. There are few people here who have had experience of working in such a business or even any business. I do not, at the moment, think there is anyone in the States with a degree of financial sophistication required to assess the financial requirements of the J.E.C. at the moment. The returns required depend on such parameters as cost of capital and who here knows what that means or how to calculate it? I can see a sea of blank faces except for Deputy Duhamel. That makes 2 of us I think. The system in the U.S.A. (United States of America) is that senior finance professors from major universities assist the regulators in discussions with the utilities about what the level of proposed rate increases should be. My own professor was one of them. However, and this is an important point which I think reflects the Minister’s comment, significant attention is also paid as to the capital requirements regarding improvements to the infrastructure. This proposition totally ignores this element. There is a considerable infrastructure element. Yes, I got the report last Thursday and I read it and at the very back of it it says that the company will require some £175 million over the next 13 years I think and it is no time for amateurs, such as ourselves, to be second-guessing the implication of this. Senator Breckon, in his proposition, asked that we not cloud the issue with jargon. Unfortunately, terms of reference such as cost of capital are not jargon although they may well be jargon to those with no finance background. So we will reduce the current tariff and the company will have to borrow more in order to fund infrastructure costs, which will mean higher prices because the cheapest way for a company to fund investments in its infrastructure is from its after-tax profits and not from borrowing. If we denude the company of after-tax profits in this peremptory manner, even after the review, we shall cause increases in prices. Does this make sense? Companies such as the J.E.C. are not milk cows to be drained of cash for short-term ends. By all means let us examine the return from the utilities but do not let us make these knee-jerk decisions without proper information. The report by the Minister for Economic Development is competent but does not show any of the detail which I would require for making tariff decisions. It is commendable but inadequate for the purposes to which we would put it. It lacks the financial rigour required to identify what a realistic return should be. Last year, from the accounts, the company spent over £13 million on capital infrastructure projects but the after-tax profit is only £9.8 million, so they do need to build up the profits in order to make the investments. Added to which we are not sure of the position in France because they are now relying much more on expensive imported power. As has been said, they are having trouble with their nuclear reactors which could result in price rises for us. The Copenhagen conference in December could well lead to further increases in cost of power from France because any firm commitment to reduce so-called carbon emissions will undoubtedly increase prices. Tidal power will not be available for some 15 years and we do now know what investment the States or the J.E.C. will need to make over the next 15 years. The main part of the problem is, as the Minister has said, the fact that the company has been following a policy of absorbing increased costs rather than applying small increases over a number of years. This has left the company in an invidious position whereby costs had to be increased more substantially at a particularly difficult time. We cannot accept this proposition without considering these facts. It is well recognised that, although utility companies are a good source of income for investors with a steady cash flow, it is absolutely essential that they should retain the resources to maintain and improve the infrastructure. It is essential that we do not try to micromanage on a superficial reading of the accounts. It may have escaped Members that the hedging policy has resulted in an overall gain for the company but

it could just as easily have been a loss. This is not a regular trading profit and, therefore, should be deducted from the available profit calculations. It would be far more useful to look at ways of using electricity more economically; with better insulation - which has already been done for some of the housing properties - more efficient appliances, turning off lights. The lights in Millbrook Park are left on all night when the park gates are locked. Why are we doing it? We cannot afford to drain the company of its reserves without proper information and I would maintain that this proposition, well-meaning as it is, should be rejected.

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

This is one of those propositions that you are in the devil and the deep blue sea whatever you do, and the attraction of course is that these are difficult times and to reduce the costs, especially when propositions include that there is going to be a 24 per cent increase on tariffs for electricity. However, on the other hand, if we look at the fact that they have not put up tariffs before and they are going to hold their tariffs for another year maybe the argument, as has been happening in the past, that if we put appropriate tariffs each year it would be less of a jump and a pain than it is. But I am also very conscious of the fact that we are very lucky in Jersey inasmuch as that the J.E.C., among other things, have been keeping up with their renewal and the refurbishment of their capital equipment and getting the proposed substations, *et cetera*, online when they are needed. Believe you me, when you go to other parts of the world, even in 5 star hotels - although I do not see them very often - the lights go out, the infrastructure certainly stops working, including the factories and everything else and their growth potential is severely weakened because their industries cannot work without having continuity. I certainly do not want to see that happen in Jersey and my temptation is to be unpopular and not vote for this proposition but hope that the J.E.C., as it is an independent company, although we are a substantial majority shareholder, continues in its policy of trying to give us the most effective cost-effective route of supplying electricity supply and hedging the bets, as we have already heard, from sudden and surprise price increases. As far as the French are concerned, they do not supply electricity to outside their own people, other than I think at a commercial rate, but do not compare the electricity price that some of us that have homes in France pay, which were a lot less because they are subsidised by the French Government, which obviously helps. If we choose to go down that road that is another thing but at this moment in time I think that the Island needs to have stability. For those people that are less well-off, *et cetera*, we still have a welfare system to recognise their needs and any support that is required, or additional support required, I am quite sure that one of our States Members, if not more, would bring the proposition to the States to make sure that it is imperative. There is no easy way around it I am afraid. It is one of those things that continuity has got to, in these uncertain times, be an advantage over hikes, which is what we have suffered in the past and that does not serve anybody any good purpose.

7.1.5 Deputy A.K.F. Green:

Some of what I want to say has been said by the previous 2 speakers so I will just try and pick out the main points. Supporting this proposition may well be popular in the short-term and please Islanders but having studied all the information, and I thank the Minister for a very excellent report and speaking to the directors - I thank the directors of J.E.C. who spent time with me to explain different things - I have concluded that it would not be in the best interests of the Island in the long-term to support this. For a whole host of different reasons Jersey needs to have an up-to-date efficient and, above all, reliable electrical power supply. When I first returned to Jersey in 1981 this Island had the highest unit charge in Europe, a fact that the J.E.C. were not aware of when I pointed it out to them, something I have looked into some time ago, but with prudent and visionary investment the J.E.C., over the years, have reduced their position to a much more acceptable level and when we look at the comparisons; Guernsey 2.5 per cent dearer than us, Isle of Man 4.2 per cent dearer than us. A 24 per cent increase is hard and hits those on the lowest income and I discussed with the J.E.C. that perhaps we could look at the unit charges for the key element of

metering because in the U.K. you pay a higher charge per unit if you are using a key than you pay if you are paying by quarterly account. They have already done that. They are already charging the people on keys the same as the rest of us pay on monthly account. 24 per cent is hard and will hit those on the lower income, make no bones about it. I am sorry to bring up an old egg but I am going to slide this one in. What is unbelievable and, in my view, still immoral and I will never get over it is to add 3 per cent G.S.T. on top of it. If I were to criticise the J.E.C. it would be for holding prices artificially low over the years. It would have been much better had they applied smaller gradual increases but they did not. The J.E.C. holds up well against other jurisdictions and is ahead of the game compared to other islands. Investment in the J.E.C. and our infrastructure is essential. The company have invested over £100 million in the last 10 years and at least that will be required in the next decade if we are to continue to have a reliable electrical supply. I will not support the proposition. It may be an unpopular stance but it is in the long-term best interest of the Island to have an efficient, well-run, reliable electrical supply. However, I would ask the Minister for Treasury and Resources to look at G.S.T. on electricity again.

7.1.6 Deputy P.V.F. Le Claire:

Some excellent speeches. I particularly thought that Senator Ferguson's speech was very comprehensive. My view is that there certainly is a large portion of the community that are feeling it is extremely difficult to pay for everything, from shoes to electricity, and we need to do more to assist that part of the community, but to cut across the board and reduce across the board is akin to non-targeted assistance and it would, in my opinion, having met with the directors of the Jersey Electricity Company, seriously weaken their position for the future in terms of infrastructure and maintenance. I normally have had a political career that you could look back at and say it was pretty much voting along the lines of the ordinary people and the man and woman in the street and supporting them. As much as I would like to see them pay less electricity bills I do not think that this is going to be able to help them. I think it would be far better that we started to look and expend our energies in other directions, such as has been mentioned by Senator Ferguson, in expanding and improving upon the work that has already begun at housing with the insulation projects that have begun. With the career strategy and the sorts of people that are going to be around we can get among the Parishes and we can do a lot to reduce the bills of those most in need. The reason I spoke was not really just to drag over the same points that have been made but to make a new one and try to stick to Standing Orders, and that is really to ask us to focus about the alternative energies that will be emerging and the alternate types of technologies that we need to really embrace and encourage. Making electricity cheap is not necessarily going to be the best thing for the environment. It is from the environmental perspective I would like to just briefly touch upon this proposition. Having worked with Deputy Duhamel on the Environment Scrutiny Panel we spent many months looking at the different types of energy that is available, that is emerging, that we currently use, what we currently are proposing to use from the Energy from Waste Plant and the Jersey Electricity Company and its infrastructure itself. Deputy Duhamel and myself went to the Jersey Electricity Company and met with the Chief Executive Officer and 2 of their senior directors to discuss in great detail the proposition and the needs of the company, only last May or June. I have come to the conclusion that if we want to see an emerging new form of energy we need to sustain the existing one and give it the legs to carry us into that new one. I know and I believe that we have a strong future with renewable energy. The tidal power and the wind power that is emerging now, I do seriously think are very achievable within 15 years. They certainly are emerging now. I spent 2 weeks in France on holiday and wherever I went I was driving past communities that had serious wind farms, something that 20 years ago were unthinkable. So, within 15 years we could see renewable energy in Jersey. We would not necessarily need the Jersey Electricity Company to pay for that because the companies themselves entering into the marketplace would bid. Many of them, even now, have much more money than they need. What they lack are the resources in terms of tide and wind and the ability to plug into a modern infrastructure. The biggest problem in the U.K. at the moment is that they can throw loads

of devices into the sea, plant loads of tidal farms in the seabed, not a problem. They can do it, they are doing it. Their problem is that the infrastructure within the U.K. is dilapidated and the places where they can bring it ashore are severely limited and overstretched. They now have to embark upon a huge expenditure in making sure that infrastructure on land is capable of turning the power that is drawn from the sea into usable energy. I say this because climate change, global warming and the effects from those 2 issues have yet to be spoken about. I do not think reducing the cost of nuclear-powered energy is the right way to go. If we are going to see a reduction in carbon fuels - I think there is an argument there that is being made by Jersey Gas and being made by other entities in Guernsey that the J.E.C. needs to robustly argue against - I think there is an issue there about whether or not nuclear fuel is as carbon-free as one thinks. We are being told and we have spoken to the head of the Environment Department now under Deputy Duhamel's remit, that there is clean energy coming from France into our jurisdiction. To conclude, what is for certain is the energy that is coming from France is powering our finance industry and we cannot afford for that to be shut off for 5 minutes. So we need a good reliable source of energy to produce the revenue to allow us to continue as a jurisdiction that will give us the legs to travel into the renewable future because in the future I do not believe there will be a finance industry as large as it is in the present in Jersey, but I believe there will be a significant tidal resource that we can harness and sell and derive profits from that will sustain the community. I am very pleased to hear, and thank the Minister for Economic Development for, the news about the rates of electricity staying throughout 2010, that is good news. I also have not read the supportive page document that was on our desks and I did not see the email until today so I feel there is still much more to consider. If Senator Breckon has more work and more evidence that he can bring for us in the next 12 to 18 months that would change my view at this time then I would be prepared to reconsider. I do not think, in backing Senator Breckon today, I will be doing anything other than trying to win applause among the community. I think I will be doing them a disservice. I might get it in the ear or get it in the neck from the ordinary men and women by not supporting Senator Breckon's proposition but I am not convinced that supporting him is the right thing to do. Unless he can change my mind in his summing-up I certainly will not be supporting his proposition.

7.1.7 Deputy R.C. Duhamel of St. Saviour:

There is one big benefit that Senator Breckon's proposition has secured and that is the provision of this excellent report. I think, for the first time, we see in front of us, answers to a lot of questions as to how the J.E.C. works which, perhaps, have been privy only to very few Members who have acted as directors of the electricity company - the States directors. In supporting the move not to reduce the price rises that have been put forward by the J.E.C. I would just like to refer to a couple of points. On page 27 of this report it does suggest that electricity tariffs are moving towards the 40 to 50 euros per megawatt hour and with a mid-range around about the 30 euros per megawatt hour. What that means, if you do the small calculations, is that the Electricity Company is in the position of purchasing power from Europe through nuclear sources primarily although the report is very good in suggesting that perhaps there are other sources of energy that have been supplied to the Island which, as other Members have suggested, might not be as carbon-free. The Electricity Company, at the moment, is purchasing electricity for around about 3.5/4.5 pence per kilowatt hour, if you do the calculation and selling it onwards to the Jersey customer for 14.5 pence or thereabouts. So they are getting back roundabout 3 times what they are paying for it. Now the question we have to ask ourselves is that do we all stand up and choke on it and say: "Well, this is far too high as a multiplier" or do we look at another statistic which says: "Well, what effect does it make on the average user?" and on page 9 it indicates that: "The typical household consumer [half way down] is defined as a user using between 2.5 and 1,000 and 5,000 kilowatt hours per annum." If you do your calculations that means that the average bill, at 14.5 pence or just above per kilowatt hour for a typical household customer, is between £1 and £2 a day. Now I think we have had Human Resources send around another document showing us how much people earn in various sectors, and I think one of the things that this price rise is going to do is going to begin to encourage

the electricity consumer, if indeed they think that the price paid for their fuel is too high, to start to look to see whether or not they are getting value for money for the electricity they expend on useless applications. A number of Members have already suggested: “Well, why burn electric lights at night when you are asleep? Why run appliances on stand-by if indeed you cannot afford it?” and certainly Deputy Le Claire has suggested, as indeed others have, that there are moves afoot for alternative energy sources, photovoltaic panels and the like, to start to provide some of our fuel, probably even more for nothing, than we are being sold the fuel from nuclear sources. I think that, albeit, that the 20-odd per cent hike in the charges, for whatever reasons, is a little bit high to stomach all in one go, we have heard the reasonable reasons for it being so, I think only positive things will come out of these price rises to encourage people to be a little bit more savvy in making sure that when they come to spend their hard-earned pounds, or tens of pounds, on energy whether it be fuel in the shape of petrol or diesel or indeed electricity, that they begin to look at energy-saving devices and begin to get as much from their spend as possible. Certainly, if the general member of the public can begin to do that then I think we will have begun to move along the path of proper recognition of the sustainability issues which must be to the good, not only of Islanders, but for the Island in general. As I say, I shall not be supporting the proposition not to, as a negative. I will not be supporting, let us put it that way, Senator Breckon in his attempt to take off the price increases and I do look forward to the general public picking up the cudgels and starting to make more sensible choices when it comes to how they spend their money.

7.1.8 Senator P.F.C. Ozouf:

My view is that consumers are best served either by competition or, where appropriate - and I will deal with this in a second - appropriate regulation. Where there is regulation, regulation needs to be done by an expert body. It should certainly be non-political and it should be independent. I am afraid that this debate, using an Article, which, I am sorry to say, is an Article in a law which probably in time needs to be reviewed is of a bygone age, of an age in which the States acted as owner, operator, regulator, all intertwined with an overall public interest. The world has moved on from that - but where there would have been a case - and I think in time we may well have to review the Article on the operation of that law. I, like many Members and many Islanders in fact, was concerned with the increase in the J.E.C. price rise. I did not have at my disposal the expert people in the Economic Development Department at the time but I went on moneysupermarket.com and had a look, when I saw the J.E.C. and heard of their price increases, to see whether or not there was a problem with J.E.C. prices. I have to say that I was reasonably assured. I did not do anything like the detailed work that E.D. (Economic Development) has done but I was reasonably assured, at that stage, that there was not a fundamental problem with the J.E.C. abusing their dominant position and, indeed, I think the E.D. report, which is excellent, does give a very clear explanation and justification for the fact that the J.E.C. is not abusing their dominant position. In fact the best benchmark I think for Members’ decision about whether or not to commence a review and to raise expectations is the benchmark of Guernsey. Guernsey have higher prices than the J.E.C. They are going to report, as I understand, an operating loss for the fifth consecutive year. There, I am afraid, the comparison between Guernsey Electricity and Jersey Electricity - the J.E.C. - holds up extremely well to very simple scrutiny in relation to their tariffs and in relation to their operating profits. I would say, from my perspective, that the J.E.C. is probably one of our best-run utilities and has been for a number of years. They have a committed workforce, they have good management, they have got a good Board and I think that this report has proven and given some reassurance as to the standing that the J.E.C. has had in this community for a long time. I do not think that the J.E.C. should continue unchallenged ever and we should rule out, because of their long-term trusted position, the possibility of introducing regulation. I think the threat of regulation and the possibility of regulation is working. Deputy Le Hérissier mentioned this morning the cost of regulation and certainly I accept, as one of the architects of setting up the J.C.R.A. and inputting regulation, I accept that regulation does have a cost, a cost in terms of the entity itself needing to gear itself up for more information and, in some cases, a great deal of information from a

demanding regulator, and also the regulator itself at having to incur significant costs in researching and then interacting with that company. Certainly, I would be loathe, with the experience that we have had generally in regulation, to impose regulation on the J.E.C. unless it was absolutely necessary. In a sense I thank Senator Breckon for having done and forced out into the public domain almost a quick and dirty regulatory approach of the J.E.C. and I think that ...
[Interruption]..

Deputy R.G. Le Hérissier:

Can I interrupt for clarification? Would the Minister, therefore, accept that the regulation of the Post Office is over the top and they are having to distribute catalogues in order to pay for regulation?

Senator P.F.C. Ozouf:

I do not think that that is an issue for this debate but no, I do not think, with the avoidance of any doubt, as the Deputy has raised it, the regulation of either the Jersey Telecom or Jersey Post is excessive. In dealing with the issue of the J.E.C. - and I am not wearing my Minister for Treasury and Resources hat, I will put that on in a second - I would not impose regulation on the J.E.C. because it does have an additional cost and that cost, ultimately - which is what I was going to say - has to be borne by consumers. In a sense I think that all is well with the J.E.C. What I want to say to Senator Breckon is that I am really quite disappointed at such a senior Member, first of all, raising public expectation of the ability realistically of the J.E.C. to cut tariffs in the manner in which he has suggested. He is a very senior Member and I think that in his support of a suggestion that we could dramatically cut the J.E.C. tariff, we are almost potentially at risk sending out quite a difficult message to potential investors in Jersey, the potential shareholders in the J.E.C. now and into the future, that we are sending out a message that we cannot be a responsible shareholder. I have no doubt at all, in my own small report as Minister for Treasury and Resources in this proposition, clearly indicates that any suggestion of a price reduction under Article 22 is simply unrealistic. It would not pass any of the tests. It is really wrong to raise expectations that it could but, moreover, if it was imposed I am afraid it would wreck the finances of the J.E.C. and that has all sorts of implications for the States of Jersey in sending out a message that we can be a responsible shareholder, that we can be a responsible owner of the Island's utilities. We cannot accept this proposition for those reasons but that does not mean to say that we should not be aware of the issue of rising energy prices and particularly electricity prices. I am concerned that while the short-term outlook for electricity prices is perhaps not as serious as it was a number of months ago, I think we all accept that there is an inevitable increase in energy prices in the longer term that is going to be an issue for Islanders to deal with and hence, we do have to develop in tandem with the energy providers, and particularly the J.E.C., a long-term energy strategy. That is something that is being worked on by Planning and Environment, by the Minister for Economic Development and Treasury and that is something that must come to this Assembly as soon as possible. There is also a need to invest money into energy improvements. I have to say that the J.E.C. is the only energy company which has contributed to that by providing £500,000 for energy efficiency grants. I think that that is something that we should commend the J.E.C. for doing. I also take this opportunity of calling on the other energy providers, the heating oil importers and also Jersey Gas, to also contribute because I think they have a social responsibility as well as a responsibility to their shareholders and a responsibility to their consumers to raise awareness of what simple measures and indeed not very expensive measures can be taken in terms of dealing with energy efficiency. That is the way that we can educate our community to save on energy in the longer term, and that is the way that we can help our community to be insulated from the long-term rising cost of energy. So there is a lot to be done in terms of the whole energy market. There is a relationship, an important relationship to be had with the J.E.C. but I am afraid that we should not raise expectations unnecessarily and in a manner in which I think would send quite a serious shockwave through the management at the J.E.C. in not being able to deliver a 20 per cent price reduction.

Even at this late stage I urge Senator Breckon to reconsider whether or not he really wants to test the Assembly in relation to sending a signal that we are really serious, that we really think there is an opportunity of effectively trashing the J.E.C.'s profitability, its business model and everything that the J.E.C. has done over the last 20 or 30 years to secure this Island's energy and I think serve consumers in a fair and balanced way.

7.1.9 Senator J.L. Perchard:

I have little to add to those speakers that have spoken against the proposition but there are a couple of points that I would like to introduce. The Minister for Treasury and Resources spoke about, and rightly, the importance of the J.E.C. business model and that to intervene in this way would be reckless and I agree completely. I did find though in his excellent speech that he did not recognise the huge hardship that these increased tariffs have had on many people with low incomes. I think perhaps he would have done well to have done that. While well-intentioned, Senator Breckon's proposition here provides a blanket reduction for all users of electricity, even those who can well afford to pay an increase and it is not the way to proceed. This is an old chestnut that we have. If we need to assist those in hardship we must target the support; providing cheap electricity to millionaires makes no sense. May I remind Members that 'Zero/Ten' has been designed specifically to charge companies a zero rate of tax with the exception of utilities. Under 'Zero/Ten' the Jersey Electricity Company and other utilities will pay 20 per cent income tax. I would have more sympathy with any proposition that proposed that utilities paid 22 per cent income tax. As I say, this blanket coverall reduction in electricity tariffs makes no sense. If we have people - and there are people who are experiencing huge hardships - let us use the tax take from Jersey Electricity and others to support those people and direct it and target it where it is needed.

7.1.10 Deputy T.M. Pitman:

I am going to be brief and I can be brief, I think. I would first say that I felt Senator Ozouf's term of trashing the profits - I am sure he did not mean it that way - but I think it was very unfortunate because I certainly do not think that was Senator Breckon's intention. Really, I would like to ask for some clarification because the Minister states that a review would be highly costly and offer no guarantee of findings that would reveal anything of note to justify it. Perhaps I could ask that the Minister, or the proposer perhaps, clarify that likely cost because I feel such vagueness is less than helpful in trying to decide. Also, Senator Breckon is certainly not a man, in my experience, a politician prone to flights of fancy, so I would also like clarification as to whether or not we as a government have the power to act as he asks because Senator Maclean seems to throw doubt on that. So I would like that clarified before I vote. Other than that, I really would like to wish to echo what Deputy Green said, and I am really glad he said it first, about G.S.T. coming off energy because I really think that was a huge mistake and it needs to be looked at. I wholeheartedly endorse that. I am sorry if some people cringe, but the impact on ordinary people at the bottom, as Senator Perchard has said there, has been huge and it is not going to get any better. The real issue though I wish to touch on, and I believe that underlies this, is our government has really failed in allowing a situation where J.E.C. have drifted to a situation where we need to have a 24 per cent hike because I think that is totally immoral; 24 per cent. I mean, I think it is quite shocking. Surely we can get to a situation where at least that huge figure can be looked at, even if it cannot be reduced the way Senator Breckon would like it. That, I would suggest, is the area where government really needs to focus and learn for the future. Meanwhile, I think I might feel a G.S.T. exemption proposition coming on, so I will sit down.

7.1.11 Senator S. Syvret:

I have heard what a number of Members have said concerning the notion that this may not be the appropriate or the best mechanism for protecting people from the impacts of rising electricity prices. That may be true; it may not be the best mechanism. Ideally there would be a variety of other mechanisms that we would do and frankly should have been doing 30 years ago to protect

people from the inevitability of rising energy costs. However, because it is not the best mechanism available does that necessarily mean we should vote against it? I do not think it is and I am going to be supporting the proposition and I will explain why. I am going to be supporting this proposition because we repeatedly hear - and we only need cast our minds back over all of the G.S.T. debates - this argument: "Oh, this is not the best method. This is not the best way of addressing people's needs and hardships. Do not worry, we will do that in some other specific targeted manner, such as income support" and we all know, of course, how great a success that has been to all but the poorest people in society. The problem is we never do come up with these better mechanisms than a catch-all method of reducing the cost impact upon ordinary people. We are repeatedly told by establishment Members in this Assembly that that just is not a good model; it is not a good approach to doing things, except, of course, when you need to get re-elected and therefore you are going to give a blanket exemption and a complete abandonment of all charging on prescriptions. Then it is okay; the most expensive election campaign in Jersey history. Never mind, we will let that pass. I think the J.E.C., contrary to the remarks of Senator Ozouf, frankly has not performed well strategically for this community over the past 20 years. To hold out a sum of £500,000 as being some kind of symbol of the immense and serious investment the J.E.C. has put into helping people embrace such concepts as energy efficiency and so on is laughable. £500,000 from a company the size of the J.E.C.? There are Members in here who spend £500,000 taking a few friends on a week's holiday. It is a laughable sum of money. The idea that this is some indication of the serious commitment and investment by the J.E.C. is laughable. This company needs a proverbial kick in the pants and this is one way of doing it. They have messed up; they have had a hedging disaster of their own, just like we have over the incinerator. I do not think it is satisfactory for us just to sit back and say: "Oh well, that is unfortunate for the company" and ordinary people in Jersey have just got to pick up the pieces. The fact is that energy costs are going to rise and rise and rise astronomically. There will be periods of flux, but nevertheless the overall trend is going to be nowhere except up. Up and up and up until there is an irrecoverable global economic crash. I mean, oil is the energy source of modern society - there are other sources, of course, but oil is the king, by far. I have just downloaded the latest peak oil update figures and all of this information is very well documented in lots of very impressive graphs, charts, analysis, meta-analysis, of world oil production, forecasts and so on. World oil production at the moment, all of the best combined estimates in the meta-analysis suggest that world oil production peaked in July 2008. That may not sound like a particularly remarkable thing to say if you say it quickly enough and you do not think about it. But when you realise that the world's economy is utterly dependent on oil and the world's economy is fixated with a growth-based model, the lifeblood of that economy is about to start declining in supply, just as we are hoping to resume massed economic growth, which of course is not going to happen anyway. But even if it did, one thing is for sure: energy costs, whatever happens, are simply going to get worse and worse and worse. We have to ask ourselves is now the right time, as a legislature, to not be saying we are exhibiting a little foresight and this is one increasing cost we are going to do a little bit about now to try and protect the average person from that particular aspect of costs. I think we should do this. The J.E.C. have been at fault for decades, frankly, but no more so than have the States of Jersey. We have failed. We have nothing remotely resembling an energy strategy in place. We are wholly dependent on all kinds of industries and activities. We face huge problems. We should have been addressing, for example, our building regulations in terms of energy efficiency and making them much, much tougher on a Nordic model, frankly, 20 years ago. We have not done anything of that nature. The reality of the global crunch in energy supplies is hitting us at a time when the world's economy is going down the tubes and it is going to go down the tubes. Here, a Member of the Assembly is proposing that we do a single, small measure to protect ordinary members of the society from a little bit of the impact of those circumstances. I conclude by saying it may not be the best mechanism, but I repeat, we have heard that argument so many times before in other circumstances and I am not falling for it any more. I say I will vote against propositions, such as Senator Breckon's. I would indeed even perhaps vote to rescind it or something of that nature if,

first of all, the States succeeded in putting all of these wonderful, alternative, better methods in place first. Of course, we never do. All these fine words get spoken in these debates and we never, ever do put the better methods in place. Based on that hard practical experience of the performance of this Assembly and this Council of Ministers, I am afraid as less than perfect as it may be, I am going to be voting for Senator Breckon's proposition.

7.1.12 Deputy M. Tadier:

I will speak very briefly. I do not have a great deal more to add. I was listening outside when I had to pop out and I heard the Minister for Treasury and Resources criticising Senator Breckon, saying that he was getting people's hopes up. I would simply say that if Members are not free to bring a proposition without being accused of getting the hopes up of the public, then we all better be very careful about what we are doing in the next few days when we talk about reform because I think a lot of us could be getting the hopes up of the public of finally getting rid of the Constables. Of course, we know that would be a completely false expectation. I think it is completely unfair. I think the public know that just because a proposition has been lodged it does not mean it is going to go through and it is certainly less likely to go through if it is not lodged by the Council of Ministers. I would like to put that unfair criticism to bed. I have a lot of sympathy for both sides in this. I do take on board what Senator Syvret has just said, that it is all well and good to say that this proposition does not really cut to the heart of it, but it does not resolve the plight of the poor either. I am going to vote with my conscience, a relatively naïve and inexperienced Member. I am going to vote against this proposition, I am afraid to say, on the principle that I do not think it does what it says on the tin. It is not targeting the benefits in the right areas. That said, we do need at some point to make a decision about how we are going to address the inequalities in our society. People out there are seeing double messages and double standards from this Government. We hear on the one hand that inflation is supposed to be zero - or sub-zero, depending which figures you believe - and then we are giving contrary figures that say that in fact the price of electricity is going up, the price of rents in the social housing is going up by 2.5 per cent. We know that in the private sector it is all going up. If you have a very limited income and you are spending the majority or all of your income on these things, all of which are going up, how on earth can the cost of living be going down or staying static for you? I think it is this kind of double-speak that is making people sick. While I will not be supporting this particular proposition I will be supporting any propositions that do strive to make for a more equal society. I think that the Government is just storing up wrath for itself or building a rod for its own back because the public are not stupid, as we saw with the unprecedented 1,200 at Fort Regent last night, and if you can tell me where else, apart from Jersey Live, you can get those kind of figures of people to come together because they are angry then I will be quite impressed. We do live in unprecedented times and I think the sentiment of Senator Breckon's proposition should be taken on board, if not the actual proposition itself.

The Bailiff:

Does any other Member wish to speak? I call upon Senator Breckon to reply.

7.1.13 Senator A. Breckon:

In what Senator Maclean said, I do not know if part of the proposition has been accepted. If there is no increase from 2010, whose behalf he is doing it on, or is it in 2010 or from January 2010? Anyway, that was part of the amendments. I am naturally pleased to hear that, whether that was a result of this or not, but if it was then the whole exercise has been worthwhile because that does give some certainty to people for the winter, let us say, and let us hope it is not too harsh for people who may have problems who I mentioned earlier who are in the lower quintiles. The Minister for Economic Development said if we voted for this then we were perhaps looking at a full review. Deputy Ferguson also mentioned the Comptroller and Auditor General perhaps looking at some of this. Perhaps we have the wherewithal to do this without perhaps being too expensive. We have a Scrutiny function and we have a Public Accounts Committee, of which I should say I am a

member, and perhaps something could be done that is not too expensive. I was reminded when I quoted figures earlier from the U.K., if there is a divergence between the French price and the price in the United Kingdom and we are going to lay a third cable, should we ensure it goes in the right direction? Does it need to go to France? Could a U.K. electricity supplier not have done that? I am sure Jersey Telecom had a cable on the seabed to the U.K., so it is not impossible. Perhaps that is something that a full review could look at instead of saying: "Let us have a third connector to the French supply if there are issues there." A number of Members touched on the accounts of this. The reason I have not gone into depth is obviously because it becomes a complex process because somebody once told me about an accountant, he was asked a question: "What is 2 and 2?" and he said: "Are you buying or selling?" That is the answer, now tell me how I got there. I think there could be something there; the interpretation of figures and statistics and whatever else. That is the reason why I did not dwell on that. Something that Members should be aware of is from the accounts in 2008, which I have included, the energy profits were £6 million. They were up from £4.5 million in 2007, which is a 33 per cent increase. They said: "Oh well, there were a few problems with that." I am just reminded about something Senator Perchard said. Rich people or others - I forget how he put it, but it was something about ... with a blanket increase, that is what it was, you are giving a reduction, even to those who can afford it. The question I would maybe ask him is who can afford a 24 per cent increase in anything? With some things you can walk away, but unfortunately with electricity you cannot. If you can power a television or a video or any other gadgets by any other method then I would be interested to know how it is. Steam is not there any more. I am not sure how you could do it. Although there is some competition in the market, in other areas there is not. They are the only provider, which is not the case in other areas. That is why I think it is important. If this does nothing else than perhaps bring some of these issues to the fore, then all well and good. The other thing that we must not forget, I would agree that in the main the company has been well managed and well run, so much so that they have cash in the bank at the end of 2008 of £16.1 million. That is a significant cushion if you are going to do anything. I am not saying they should blow it or spend it or whatever, but at the same time it is a cushion that perhaps others do not have. Regarding the currency, or the euro, again I believe that is well and actively-managed futures. I know through meetings that I have had they do forward-by products, that is to say energy, and they are hedging the currency to limit the damage. It is a 2-edged sword; you can get it right or you can get it wrong, but you have to make decisions and I think the management have been prudent in doing some of that, but I still think that the 24 per cent increase was a shock to many people who could not do anything about it. I do welcome the statement from the Minister that there will be no increase, if I understood him correctly, in 2010. A number of Members have spoken, including all this about alternative energy, which is not what this is about. Something Deputy Duhamel said, he said: "This was a good report." I have fleshed out a good report and it has been a bit of an education for him. Then, as States Members, and with a significant shareholding, should we perhaps have known more about the detail that we have got there before now, before this has been fleshed-out, if you like, by an individual Member? The other thing is, something Deputy Duhamel mentioned, if the price goes up then people will start getting a bit environmental or start using less ... they will be putting another jumper on or a woolly hat or whatever it might be. Having said that, price is one way of changing habit, but not necessarily the only one. It could be effective. There again, within that we do not want anybody who is vulnerable coming to any harm because of that. I think, as Senator Syvret had said, sometimes we are good at saying this, but then we have not put in the floor underneath people where there is a degree of hardship and that does really concern me. Senator Ozouf mentioned a quick review; that is something that Senator Maclean and I have discussed and chortled about. In relative terms, within 6 months it has put issues, I think, into the public domain and I think the report that has been produced is good, it should be looked at in more detail. I would like to think it is an interim report that somebody picks up and does some more work on because Senator Ozouf has, I think, an unenviable task of also looking at post, telecoms and water and see what we do. It is not just about maximising income, punishing the consumer, who does not, in some instances,

have a choice. They do not have a choice. They cannot go to another provider. Senator Ozouf also mentioned potential shareholders. I did have a look the other day to see what sort of activity there is in the J.E.C.'s share transfers and there is not a great deal at all. Very few change hands. Indeed, on occasions, people have advertised seeking shares in local companies, including the J.E.C. I do not think their potential shareholders would be put off by anything that is contained here. I would like to thank all Members for their contribution. I maintain the proposition and I ask for the appel.

The Bailiff:

Very well. The appel is called for in relation to the proposition of Senator Breckon, projet 41. I invite all Members to return to their designated seats and the Greffier will open the voting.

POUR: 8

Senator S. Syvret
 Senator A. Breckon
 Deputy of St. Martin
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy S. Pitman (H)
 Deputy T.M. Pitman (H)
 Deputy D. De Sousa (H)

CONTRE: 38

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator S.C. Ferguson
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of St. Helier
 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. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy of St. Ouen
 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 I.J. Gorst (C)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

ABSTAIN: 0

8. Composition and election of the States: revised structure (P.72/2009)

The Bailiff:

Very well. We move next to projet 72 - Composition and election of the States: revised structure - lodged by the Privileges and Procedures Committee. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion: (a) to agree that the current composition of the elected membership of the States should be amended and that from 2011, subject to the transitional arrangement set out in paragraph (d) below, the elected membership of the States should be (i) the 12 Parish Connétables, (ii) 37 other Members to be known as Deputies, elected in 6 new large electoral districts; (b) to agree that from 2011, subject to the transitional arrangement set out in paragraph (d) below and any further transitional arrangements to be agreed in due course, relating to the date of the proposed general election, all 49 Members of the States should be elected on a single election day and for a common term of office of 4 years; (c) to agree that the reform proposals set out in paragraphs (a) and (b) above should be submitted to the electorate in a referendum to be held as soon as practical and that they should not be pursued, unless supported by a majority of those voting in the referendum; (d) to charge the Privileges and Procedures Committee if the principle of reform is supported in the referendum to bring forward for approval by the States, (i) detailed proposals regarding the precise boundaries and size of the proposed 6 large electoral districts and (ii) legislation to give effect to the changes with appropriate transition arrangements including, in particular, arrangements to allow any of the 6 Senators elected in 2008 who wish to do so to be permitted to resign from office and stand in the 2011 elections with Connétables or Deputies with the resignation not taking effect until the swearing-in day of the successful candidates in that election with any vacancies arising, for any reason, the positions of those 6 Senators from that swearing-in date not then being filled; (e) to charge the Privileges and Procedures Committee to consult, as appropriate, with all relevant stakeholders and bring forward for approval by the States a recommendation on the most appropriate period of the year for the proposed general election; (f) to charge the Privileges and Procedures Committee to continue research on the merits of alternative methods of voting to replace the current “first past the post” system and to report to the States with the recommendations.

8.1 The Connétable of St. Mary (Chairman, Privileges and Procedures Committee):

I think it is true to say that at this moment I feel I am standing at the beginning of a very familiar path. I should rephrase that; I feel I am standing between a rock and a hard place at the beginning of a very familiar path. I am looking ahead down a winding track that has been well trodden by those who have gone before me. Indeed, if words were footsteps we would already have taken 180,000 paces along this path since I was elected for the first time less than 4 years ago. I will not add too many words in making this proposition, as any I do make are likely to be forgotten in the debates on the amendments that follow. As always, the path has lots of possibilities. It leads to many destinations and over the past few years many of us here today have made day trips to various weigh points, but none of us have been able to persuade a majority of our colleagues to travel more than part of the way with us on our journey. For the most part, we have returned home to the safe familiarity of *status quo*. The notable exception has been that after much circumspection, and even a dalliance with the possibility of a 4-year road trip, we managed to arrange for half the Senators and three-quarters of the Connétables to journey together to an election on the same day in 2008 with the promise of the remaining Constables joining the trip in future years. True, there have been other associated developments. We now have regulations governing election expenses and donations and a law allowing for the registration of political parties. Both significant, I think, important things. We continue to look for the Holy Grail of composition reform; that mythical solution that will give the public what they say they want and which will reinvigorate our elections, leading to huge voter turnout and mass satisfaction with the result. Not too difficult then if you omit the part that says that we States Members must be able to agree on what the goal is and equally importantly that the preferred solution must also be workable from a practical, rather than theoretical, point of view. At this juncture it is worth recapping on

what the perceived reasons for seeking reform are; in other words, what is wrong with the status quo, what can be done to fix it? Also, perhaps briefly outlining how P.P.C. came to arrive at the present proposition. One element is always the desire to improve voter turnout and there could, of course, be many different reasons for the poor turnout. Certainly, there is complexity in our current system. There are 3 kinds of Members, all with differing mandates, some with different terms of office. The stark fact is that once elected all Members have the same vote. All are eligible for the same offices within the Assembly and all represent the people of Jersey, regardless of whether or not they hold an Island-wide mandate. P.P.C.'s proposal reduces the different classes of Member from 3 to 2. The lack of a general election has become one of the major concerns voiced in consultation. This manifests itself in several forms; from a condemnation of the 2 bites of the cherry scenario, whereby candidates not voted in in the October elections can legitimately go on to stand again just a few weeks later in the Deputies' elections, to the feeling expressed by some that it is never possible to elect all Members at once, therefore the old guard can never be swept away. Of course, there are others who would express the view that this is a positive thing ensuring, as it does, a certain element of stability and continuity. In our relatively new Ministerial system there are those who argue that the Chief Minister himself or other Ministers did not face an election in the most recent round of elections immediately prior to assuming those offices. There are also those who agree who would put forward the thought that political experience can only really be guaranteed if you have someone who is carried forward over from the past. P.P.C.'s proposal introduces a true general election with, subject to transitional arrangements, all Members being elected on the same day. A further criticism is that there were always a number of uncontested seats across the Island. This is often claimed by some to mean that Members returned in those seats are unelected. From some of the claims at public meetings held last week it seems that even States Members may not be immune from that complete misunderstanding of the position. For the benefit of anyone who is still confused, I will remind Members that there are always elections called in every constituency and the fact that there may not be ballots is due to the fact that the number of candidates proposed of the duly convened nomination meetings did not exceed the number of vacancies. In these cases, the candidates are elected unopposed, but they are most definitely elected. Senatorial seats are not usually uncontested. The situation may arise more often in constituency and Parish elections. P.P.C.'s proposal to move to constituencies with multiple candidates should reduce the frequency of uncontested elections. Many respondents, even if they value the Parish system, are concerned that the majority of Members in the Assembly being elected on a Parish or constituency basis have fought their election campaigns largely on local issues. While these issues may be very valid the concern expressed was that candidates were not often stretched on the Island issues during their campaigns, yet might find themselves responsible for them after the elections. For this and other reasons, one priority that emerged from the consultations was to maintain the Island-wide mandate. The Island-wide mandate itself brings its own challenges and there are several factors which concern the retention of the position of Senator. For the moment I will mention the sheer size and the manageability of the field of candidates and the ensuing problems with hustings meetings, *et cetera*. The last Senatorial campaign, a case in point, saw 21 people vie for 6 seats and the proceedings at the hustings meetings were certainly less than satisfactory, I think for all concerned. P.P.C.'s proposal does dispense with the Island-wide mandate, but the proposed move to a large, multi-Member constituency still allows for a broad mandate and this should lead to the focus of the Deputies' campaigns being wider than under a Parish-based system, although the boundaries of the constituencies would still mean that local issues would be valid and could be debated. P.P.C.'s proposals also maintain the vital link to the Parishes and all that they represent, both culturally and socially, not least of all traditionally, by the retention of the Constables in the States. Certainly, there is currently inequality in various forms. With constituencies varying in size some people are elected with a few hundred votes, while others standing Island-wide have thousands or more. Their votes, however, do not come close to revealing the true extent of the inequality. When you look behind them and analyse the percentage of available votes that some successful candidates have you will find that some Members sit in this

Assembly with a mandate based on a percentage of the electorate in the very low teens. Some Islanders can vote for more representatives than others and, again, this is due solely to their geographical location. Again, P.P.C.'s proposal to move to a multi-candidate constituency basis will produce a much greater equality in both representation and in the number of votes that each elector may cast. Certainly, there is a general consensus that the 3-year term is not really long enough. Even this relatively simple change to a 4-year term, however, hits a hurdle immediately when you consider the 6-year term of the Senators. Clearly, something must change there, but if you make their term 4 years then how do you encourage people to apply for that office with the arduous round of Hustings and additional expenses, *et cetera*? When once elected, of course, as a Senator you have exactly the same powers and opportunities and term of office as a Deputy. P.P.C.'s proposal would result in 2 classes of Member, each with a 4-year term of office. To recap then on how P.P.C. came to lodge this proposition at this time and in this format, the previous P.P.C. undertook a great deal of work on the composition and election of the States, including research and consultation with 2 MORI polls, a report to the States, and an in-committee debate. There were also a number of propositions and amendments debated during the previous Assembly, which also informed the Committee. In fact, the previous P.P.C.'s last proposition came for a reform matter incredibly close to being adopted, being rejected by only 26 votes to 21. Members will appreciate that the current P.P.C. is made up of a very broad range of Members of varying experience and various political persuasions. The first task undertaken by the new committee was to review the previous committee's work to see if further research was required and to see if alternative proposals could be put together which might gain acceptance. The committee concluded that the arguments for reform remained unchanged. Despite their vastly different views on the optimum Assembly structure, members of the committee could not come up with a better set of proposals which gave the best fit to what the research indicated the public wanted, which were at the same time practical and workable. Let us not forget we have a duty to ensure that the workings of the States are not jeopardised, which importantly had a greater chance of gaining political acceptability. The proposal before the Assembly today represents the committee's perspective. Finally, almost, it must be stressed that any positive outcome reached today or in this debate will be put to the electorate in a referendum. That referendum must come on the back of a comprehensive campaign to engage the public and to inform them exactly what the result of the proposed changes would be. I have not gone into any great detail here about the parts of the proposition that deal with the voter reform, *et cetera*. These are principles, I think, which are not effected by the amendments and we will come to discuss those. I have already voiced my concerns that this debate may now be adversely effected by the discussions we have had earlier today, which I feel really clouded the important issues. I urge Members to prove me wrong and to put those discussions behind them, to consider this proposition, and of course the amendments that follow on their merits purely and to use their votes accordingly. My words will be lost along the path as we debate the amendments, so for now I move the proposition. Thank you.

The Bailiff:

Is the proposition seconded? **[Seconded]** Very well.

9. Composition and election of the States: revised structure (P.72/2009) - second amendment (P.72/2009 Amd.(2))

The Bailiff:

There are a number of amendments, but the first one to be taken is that lodged by the Connétable of St. Clement and therefore I will ask the Greffier to read that amendment.

The Greffier of the States:

(1) Page 2: in paragraph (a), for subparagraphs (i) and (ii), substitute the words "49 Members to be known as Deputies elected by reference to the Parishes, some of which will be divided into districts" and make a consequential amendment in paragraph (d)(i) of the proposition by deleting

the words “6 large.” (2) After paragraph (a) insert a new paragraph (b) as follows: “(b) no Parish shall elect fewer than 2 Deputies” and renumber the remaining paragraphs accordingly.

9.1 The Connétable of St. Clement:

Here is a phrase I have been waiting to use in this Chamber for a long time. A camel is a horse designed by a committee. That is exactly what we have before us in the Privileges and Procedures Committee’s proposition. I do not blame the committee for that because it typifies and it is an example of all that was wrong with the committee system that has now past and now that some seem to lament the passing of. It is because it results in compromise. It attempts to please everyone, all fashions, and ends up at the end of the day pleasing nobody. If we look at all of the consultations that have taken place over the last 9 or 10 years, read and re-read all of the polls, both formal and informal, one can come up with an argument that supports any position: keeping the Island-wide mandate; keeping the Constables in the States; removing the Constables from the States; keeping Deputies; removing Deputies; any mix you could possibly want is in there. It is in the consultations, it is in the polls. There are 2 themes that recur and can only be refuted by the most intransigent Luddite. The first is to change the term of office from the 3 years and the 6 years that we have at present to 4 years which, in fairness, the Privileges and Procedures Committee are offering us. The second is to have a general election, which the Privileges and Procedures Committee would deny us. Because a general election means all Members being elected on the same day, for the same term - both offered by the committee - but also on the same basis, which is not offered by the committee. This is the first failure of the committee’s proposition, which my amendment - and indeed that of the Deputy of St. Martin - seek to put right. If we are to have a general election, an election where the people’s vote can make a real difference and have a real impact, what sort of Member can we have? We have, or least we should have, recognised that we cannot have a Chamber consisting entirely of Members elected on an Island-wide mandate all elected on the same day. The logistics make that simply impossible. We cannot have a Chamber consisting only of Constables. There simply are not enough Parishes. Whatever remains, however unlikely, must be the answer; a Chamber of 49 - or if Deputy Pitman has his way, 47 - Deputies. Some commentators have described my amendment as wanting to remove Constables from the States. Nothing, in fact, could be further from the truth. If adopted, my amendment will enhance the democratic legitimacy of the Constables, provide the candidates for Constable with a choice of whether or not they wish to offer themselves for election to the States, and most importantly, provide the electorate with a choice of whether or not they wish their Constable to be in the States and indeed offer the electorate a greater choice of candidate. This is very important because it is not essential by any stretch of the imagination for a Constable to be in the States to carry out his parochial duties fully and effectively. Yes, he needs access to Ministers and to departmental officials and that, of course, if my amendment is adopted, he will continue to have. You see, I am aware - and I am sure there are many Members who are aware, many Islanders who are aware - that there are many people throughout the Island who would like to stand for Constable, who would indeed stand for Constable, but will not do so, so long as they have to be a States Member as well. Why should we deprive the Parishes of those people’s potential involvement in the local politics of the Parishes? There are others that we are aware of who have stood for election as Constable simply because they want in the States. That too is most unsatisfactory. Having said that, the role of Constable and Deputy are not mutually exclusive and therefore any candidate for Constable who has the inclination and the time should and must be allowed to stand as Deputy for the States. That is democratically right. Firstly, the choice of the candidate, whether to stand or not, and then the final decision of the electorate. No one could then argue about the validity of the Constable being a States Member. He will have full and democratic validity and be expected to play a full part in the affairs and business of this Chamber. For all of these good things to happen we must forget about arbitrary so-called super constituencies which have no tradition or historic validity, but have been cobbled together by expediency. We must concentrate our general election on constituencies based on historic Parish boundaries. Otherwise, just how - as the Deputy of St. Martin says in the report

attached to his amendment, lifted straight from the Clothier review - would they, the Constables, would then be truly elected by their parishioners to represent them in the States? That could not happen if we have these larger so-called super constituencies. Even more importantly, to my mind, the Parishes are the very basis of our political life, the basis of our social life, the basis of our cultural life. We must keep it that way and not disenfranchise the smaller and less populated Parishes on the altar of expediency. As I say in my report, under the large district proposal of the Privileges and Procedures Committee, the link with the Parishes would largely be lost. It is perfectly feasible that the smaller Parishes could effectively be disenfranchised. For example, St. Mary could support overwhelmingly one candidate who might not appeal to the voters of Trinity, St. John, St. Ouen and St. Lawrence; therefore, they would have no representative. Equally, the voters of St. Clement could override the wishes of those from Grouville. St. Peter would clearly be the political second fiddle to St. Brelade, as would St. Martin to St. Saviour. The political powerbase would be dramatically shifted to the more populous Parishes at the expense of those with fewer voters. Some might see that as right and proper, but if one of the objectives is to improve voter turnout, I fear we could see exactly the opposite as more of the electorate see their votes counting for nothing. The Deputies are the ones in the main to whom people turn when they need advice, guidance and support. To whom will the voters of Grouville turn when all of their Deputies are in St. Clement, and so on with all the other possibly disenfranchised Parishes? We do not live in large districts; we live in Parishes. The second part of my amendment will not appeal to those who favour mathematical exactitude. As Deputy Trevor Pitman says in the report attached to his amendment, which I shall incidentally support and commend to the States, he says: "If we are to accept that all Parishes, even St. Mary, is to retain 2 representatives and retain the Parish-States link, this format does provide a far more logical equation in tackling the problem than anything else offered so far." I do apologise for the grammar, but that was a direct quote from the Deputy's report. **[Laughter]** I urge Members, perhaps more in hope than expectation, to support this amendment. It does provide for what is taken for granted in most modern democracies: a true general election with all Members being elected on the same day, for the same length of time, and on the same basis. It also maintains our traditions. Not just the Parish boundaries, but also retains the Constables in the States; if it is the wish of each individual Constable to stand for that office; and more importantly, if the electorate of his or her Parish wish him or her to do both jobs. I propose the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Very well.

10. Composition and election of the States: revised structure (P.72/2009) - second amendment (P.72/2009 Amd. (2)) - amendment (P.72/2009 Amd.(2) Amd.)

The Bailiff:

Then we have an amendment to that amendment, lodged by Deputy Trevor Pitman of St. Helier, so I will ask the Greffier to read Deputy Pitman's amendment to the amendment.

The Greffier of the States:

(1) Page 2: in amendment 1, for the words: "49 Members" substitute the words "47 Members." (2) In amendment 2, after the words: "Fewer than 2 Deputies" insert the words: "With the 47 Deputies being allocated across the Parishes, according to a system of representative to population ratio, as set out in table A on page 6 of the report of Deputy Trevor Pitman of St. Helier dated 18th August 2009."

10.1 Deputy T.M. Pitman:

I was going to congratulate the Constable of St. Clement on an excellent speech, but now I do not think I will bother. **[Laughter]** I will congratulate him on a good speech because he has enabled me to keep my speech much shorter, and I am sure people will be grateful for that. I would like to

thank the Bailiff and Greffe for obviously spending their weekend making sense of the proposals and the way they are going to work. I hope all their efforts bear fruit at the end of it. In introducing this amendment and recognising that we all need to keep our main speeches probably for the original proposition, I would just like to say that unlike so many reform debates that I have listened to, I would like to express a hope that we could all recognise, as I think the chairman of the P.P.C. has touched on, that all the proposals are genuine attempts to improve a system. Whatever we might think of particular proposals, let us all try and be constructive in identifying the flaws. There certainly are flaws and I openly acknowledge that. There are a number of alternatives for Members to choose from today, and tomorrow, probably. For my part, I would say that I have put forward my own. I applaud the other attempts and there is much that is workable in them. As such, if my own is unsuccessful I will definitely give consideration to others. Ideally, I have to say - and I have said it in my report - that it would be my choice, if it could be workable, to have a system where we were all elected on an Island-wide mandate. I discussed this with Senator Syvret some months ago and I have to agree; he is quite right. That is the most democratic way we could proceed. Unfortunately, as the Constable of St. Clement has just touched on, I am at a loss and I certainly tried, and I am sure others have, I do not see a system that can be workable, but if someone can stand up now and produce one I will happily sit down and withdraw this amendment, and possibly the Constable would too. Like the Constable of St. Clement - who I certainly applaud for his bravery in bringing this amendment, and I also think it is very uncomradely that none of his colleagues are now talking to him - I believe that the historic links between Parish and States can be served much better than by the super-constituency system put forward by P.P.C. My amendment to the amendment of the Constable does just that. Like the Constable, I also accept - though not without some misgivings, I admit - that it is worth accepting the anomaly of keeping a Parish, even as small as St. Mary, having 2 representatives. My amendment, as with the Constable's, does this too. I agree with him also that the link can be adequately maintained with just one type, class, call it what you will, of States Member; in this case, Deputies. Frankly, I have to say the title is irrelevant. I floated the idea to a number of members of the public that we should all be simply called M.P.s (Members of Parliament) and this certainly did not seem to inspire much support. Much to the shock horror of some Members, the Guernsey approach of Deputy appearing to be favoured among the 30 or so people I bored ... sorry, I discussed at length on this subject. Where I part company, or more accurately try to move things on a notch from the Constable of St. Clement, was in trying to get to grips with a format of allocating a number of representatives that was demonstrably fair, coming up with a figure of 47, which I believe is all we need. I have heard some talk of numbers down in the 20s and, quite frankly, I find that mind boggling and unworkable. In accepting the anomaly of all the Parishes retaining at least 2 representatives, as the Constable has highlighted, by striving for a constituent Deputy ratio of approximately 2,000 to 1, my amendment does this too. I have tried, within the limitations of the 2001 figures that the P.P.C. and the rest of us have had to use, to be bold enough to allocate increased representatives where the population clearly merits this. There are no figures broken down, I am afraid, for individual districts. I wish to go that far, but I am afraid they are not available. These are not my population statistics, please remember for anyone who criticised. The case for all the increases I propose are, I believe, quite clearly demonstrable. Grouville clearly should have the same number of representatives as St. Lawrence if they share the same population. Likewise, the population of St. Brelade, St. Clement and St. Helier clearly do warrant an increase in the number of representatives due to the population out-stripping their historic allocation. Of course, as a St. Helier Deputy I am sure there might be some who like to accuse me of looking after my own Parish. To any such individual I would say the stats, even at 2001 levels, speak for themselves. At 28,000 for St. Helier, then the capital's number of representatives is lower than it should be; that fact is inarguable. Particularly I would suggest - and this is from anecdotal evidence, but I think most would agree - it is evidenced in St. Helier 3 and 4 district, which as it happens is not mine. You will see in the report that there is a table where I have done my best to outline this simply for all of us. It is not coloured, I am afraid. The graph does not stretch to colour. The finer points, of course, should the amendment be

accepted, can be ironed out with regard to districts later with only a modest investment in researching district population by P.P.C. They can bring back their findings and proposals to the Assembly. I am afraid, as a Back-Bencher that was not available to me. Really at this point, and following on from the Constable and all he has said, I feel there is little more for me to add other than to briefly touch upon my reasoning for believing that Senators and Constables are not necessary to making this Assembly work. The Constables... well, like the Constable of St. Clement, I see no reason why any man or woman elected to be father or mother of their Parish should not also put themselves forward for election as a Deputy if they so choose and think that they can spread themselves between the roles. I have to say in the Constable of St. Helier's case I do not know how he manages to do what he does. That is not praise, before he gets carried away. Okay, it was a bit. I just do not happen to believe that the father or mother of the Parish should sit in the States automatically. That is not an anti-Constable statement, or if it is, it is not intended to be that way. It is just what I feel to be necessary for the way forward. I am sorry if it offends some, it is, as I say, not intended to be a derogatory view. I also believe that the link between the Parishes and the States can be adequately maintained by having just one class of politician and I strongly believe that it will increase voter turnout. Our system is outdated I believe. We all seem to have very different people we talk to - well, the feedback I am getting is that one class of States Member would make things a lot simpler, tidier and for a standardised term, as P.P.C. have said, and, please, a general election. Senators, I have touched on really in my conversation some many months ago with Senator Syvret. I have always supported the Island mandate, as I have said. If we could all be elected that way, great, it would be the best thing. But it cannot work and unfortunately, as this Council of Ministers has shown the case for Senators is really all but dead. You do not need to be one to secure a top job. That is sad I think, in some ways, but it is true. The only real benefits are extended term and enhanced status, and I do not think that should be a reason for anyone standing. These proposals are not perfect as I do not think the Constable of St. Clement would claim. But they do maintain the historic Parish link, they are most definitely workable and they certainly seem quite palatable to the number of people I have spoken to, though I certainly make no scientific claims that would stand up to the heights of a MORI poll. They are workable and they are an improvement that I know, from listening to the earlier speeches, that we have got to have. Because I have to say I enter this debate now with a really heavy heart. I have got a lot of respect for Deputy Le Hérisier over there and I felt quite depressed listening to him speak earlier, but I often feel quite depressed listening to Deputy Le Hérisier speak. I understand why Members are so jaded, but I am new, I am youngish and my beard is still brownish. **[Laughter]** I am willing to be locked in the chamber until this is sorted out because it has gone on for so long. Deputy Le Hérisier touched on it, but that is why people are fed up with this, because we cannot agree to something that is better, even if it is not perfect, and that is the motivation for my amendment. I am sure it is the motivation for the Constable of St. Clement. Again, I applaud him for his bravery and his efforts. I applaud everyone who has contributed, even the Deputy of St. Mary who I think we should have heard what he had to say and I move the amendment. Thank you.

The Bailiff:

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

10.1.1 Deputy P.V.F. Le Claire:

I heard today from the Constable of St. Saviour that hardly anybody had approached him to get on with changing the composition of the States and rather get on with taking care of the business of the Island, and it is a widely held view shared throughout the Island, by the Constables. It is, however, not necessarily a widely held view shared by the population ...

The Connétable of St. Saviour:

Sorry, Sir, would the Deputy give way?

Deputy P.V.F. Le Claire:

Certainly.

The Connétable of St. Saviour:

I am sorry, that was not what I said. I have been told by my parishioners they did not want us wasting our time talking about this. It was not a case of the change at all.

Deputy P.V.F. Le Claire:

Well, the Constable of St. Saviour and other Constables in the Chamber believe that we have members of the public who have an overriding belief that we should not be wasting our time talking about ourselves and we should be getting on with the States business. But I believe that is an indoctrinated view that is shared among certain elements of the community, created, promoted and encouraged from those quarters that are quite satisfied with the current delivery of democracy through the current system. It is certainly in my opinion, and in my experience, has not been one that has been shared with me by the growing number of people that are thoroughly fed up with the current system of government that we have. We have a Chief Minister that people cannot elect, we have people in charge of ...

The Bailiff:

Deputy, sorry, can I just interrupt for a moment. This is a very limited amendment.

Deputy P.V.F. Le Claire:

I will limit, Sir.

The Bailiff:

This is on whether, in effect, it should be 47 or 49. The points you want to make I would have thought would be better to the debate on the Constable of St. Clement's proposition.

Deputy P.V.F. Le Claire:

I just think that the proportionality that has been drawn up by Deputy Trevor Pitman in relation to the apportionment of representation, far better suits a modern democracy than the current split that we have and this is from a series of experienced debates on this and a series of experienced positions that I have held within this Assembly. Having read constitutional documents dating back some years, there was a review in Kilbrandon's time, or before, by the Privy Council which analysed the proportionality of the representation in Jersey, and even back as far as 1947, something in that region - I do not have the document in front of me - it did state in its conclusion that it found that disproportionality of the urban Parishes over the rural Parishes to be something at odds with what they would expect. But given the main industry of the day, which was farming, they waived that particular acorn. I am looking for the wrong word, mixing my metaphors. They waived that particular anomaly and said: "Well, we will get rid of the rectors and you guys move on and we will put to one side for the time being, because of your huge farming industry, the fact that most of your representation is split up among your rural districts", predominantly at those times, and up until more recent days, by Constables who were themselves farmers. So I am speaking particularly to the **[Interruption]** ... I am old enough to know that, actually - I have been told I am not old enough to know that. I am old enough to know that. I once argued with my father, coming down St. Brelade's Hill when I was 7, that I would be able to get in to the States and change things and he swore blind that I would not be able to and I am just not going to lose this argument, it has taken me so long. But no, seriously, I think Deputy Trevor Pitman has split the arrow in the way that he has brought this because he has made us focus on proportionality and representation. The numbers have something more to do with government in relation to the Troy rule that was introduced and the amount of people in the Executive and out of the Executive which needs to be considered. I am not going to go into that but, speaking particularly to his amendment, I am supporting it because I believe this amendment drives home a greater truth that proportionality in terms of representation in this Island, has been out of kilter for far, far, far too long. People are sick

of the electoral process because of the fact that too many people in Jersey have too few of the wishes and the dreams and the desires that they want, carried out by this Assembly mainly because this Assembly is out of touch, out of kilter, and it needs adjusting.

10.1.2 The Deputy of St. Mary:

I just would like to make one brief point really and that is about proportionality. I am not entirely convinced from the report, and maybe the Deputy can shed some light, whether the 47 would make it a better fit to proportionality. Given that I accept the requirement of both the Constable of St. Clement and your amendment to his amendment that St. Mary's would have 2 because 2 representatives is better than one for a small country Parish and so on. I accept that, but even within that limitation, whether your 47 will give a better fit than 49 and if you look at ... well maybe I will mention that in the debate on the main amendment. But just whether you have thought that through and whether that is a component of your argument. Because I am reluctant to go to fewer members than 49, go down 2 on the basis that it has not quite been worked out how proportional this would be if we had the fewer, thank you.

10.1.3 Deputy M. Tadier:

Just a simple question, to seek clarification of this from Deputy Pitman. Will the districts be kept the same in the Parishes under his proposition? Or is it the plan to have all the Members, whether, it is 2 members in St. Mary or 5 from St. Brelade, will they be elected by the whole Parish or will the district still be kept in St. Brelade, for example, or St. Mary?

10.1.4 Connétable A.S. Crowcroft of St. Helier:

I was hoping we were going to hear from P.P.C. what they thought about this amendment but we are clearly not. It does seem, at first sight, to be very commendable. It reduces the number of States Members. For centuries this Assembly worked with 36 Members and it would seem to me that reducing it further to 47 was a good thing, if only because of the saving to the public purse that it comprises. But I would like to know whether P.P.C. feel that 47 is too few or not. Also I need to thank the Deputy of course for his extremely glowing comments about my particular Constableness on page 8 of his report. [Laughter] He obviously hopes to get my vote through those kind of means and unless I hear otherwise from P.P.C. I will certainly be supporting the amendment.

10.1.5 The Connétable of St. Mary:

Well I feel a bit chided by the last speaker, but the fact is if I had spoken earlier I would not have known what his question was, so how could I have answered it? I am a little confused about that. Is 47 Members too few, he asked. It is a moot point. Certainly P.P.C. supports a reduction in Members and I am not convinced that 47 is too few. I am not certain, however, if it is too few at this moment in time. The difficulty is, as everybody knows, keeping everything in balance and a reduction in numbers means a reduction in both the Executive and Non-Executive and it has to be kept in proportion. It is a matter for consideration as to how a reduction in the Executive would be achieved in order to maintain the Troy rule. My only fear is that if we act too quickly, rather than incrementally, we may make some mistakes that we made previously perhaps when, in the old style committee system, committees were amalgamated and then split again, there was much toing and froing. There is expense involved in refining the mechanisms and in refining the machinery of the Ministries. My inclination is that 49 Members is achievable now and that we should build on that, but that really is a matter for Deputy Pitman, I think, to come back and explain how he sees it working. I was also interested to hear how the districts would be dealt with and, Deputy Tadier raised, I look forward to hearing that. Because, of course, Deputy Pitman's and the Constable of St. Clement's amendments do not address the fundamental issue, as they acknowledge, of the disproportionality both in the Members representing - how many people you represent - but also, how many people you can vote for. I do not mean overall, I mean in relation to other Islanders. In St. Mary - for the moment under the current system let us ignore the Senators because we all vote

for the Senators - I, as a St. Mary parishioner can only vote for 2 representatives. Members in St. Helier can vote for up to 5, depending on where they live and that really gives them, surely, a bigger stake in the Government, which is a concern to me. Under the P.P.C.'s proposals, of course, that is very nearly equalled-out, it does not quite work out because P.P.C. was of the opinion that there should always be an odd number of States Members. Simply so that we always have hope of a decision. Yes, the Constable of St. Lawrence is asking did I mean a number of odd States Members, that is not what I meant. I meant an odd number of States Members, quite clearly. **[Laughter]** Of course, this amendment does not address that, which is a fundamental concern to a great many people. While you maintain these elections on the Parish district basis, you do not overcome the problem of the representation. It cannot be done. In fact, the figures under Deputy Pitman's proposal still leave, if you look at St. Mary, you would leave St. Mary with a 57 per cent variance from the average. It is a huge number. That number really does need to be addressed. P.P.C.'s proposals give each Parish as a body one dedicated representative in the Constable and then Islanders, as a whole, an almost equal number of representatives in a constituency basis. I do not believe - and P.P.C. does not believe - that the Parish system is totally undermined by the constituency basis. There is a difference between your political representation and the Parish system. Many Deputies play less than full involvement in the Parish and that is not in the administration of it, because ... and, in fact, they have no role in the municipality, they are purely political, and that is not in any way intended as criticism of those Deputies. It is not to allude to them being somehow lacking. Because, of course, they assume responsibilities for Islanders, Island-wide. That is what your role is. But we are talking about the Parish involvement, the key Parish person in that involvement has to be the Constable and neither of the amendments addresses the issue of what happens if your Parish does not have its Constable represented in the States? How does that square with Parishes that do? Also, not to forget, there is no requirement - and Deputy Pitman will know this - there is no requirement for your Parish Deputy to live in the Parish or district in which they stand. There is no guarantee, in fact, if you take the Constables out of the equation, that you will have anybody from your Parish representing you. With the exception, of course, of the Constable of St. Helier who must be either a resident or rate payer, all the other Constables have a vested interest in their Parish. They live there. I am very confused, I am sorry I am hesitant because I am trying to analyse out bits of my argument that relate specifically to Constable Norman's proposition rather than the amendment and so I am dealing as closely as I can with the numbers. I think I have in fact addressed everything that deals with the 47 issue and I will sit down.

10.1.6 Deputy D.J. De Sousa:

I was reluctant to speak because most of what I wanted to say had been said but because of what I heard from the last speaker I felt I needed to say something. Deputy Pitman's amendment to the Constable of St. Clement's amendment - this is really confusing - basically 47 Members representing Parishes. The last speaker, as chairman of P.P.C., is bringing the main proposition of 6 super constituencies. A lot of members of the public have voiced concern about this because they do not feel they will get the representation. Although some town Deputies do not live in the Parish that they represent, their work is in the Parish that they are representing and that is vital. Deputies are the ones that constituents usually come to when they have an issue, whether it be with social security, with housing, or whatever, and if we have huge constituencies it is going to be much harder for them, I feel, to get the representation that they require, and this is why I will be voting for the amendment by Deputy Pitman.

10.1.7 Deputy R.G. Le Hérissier:

Like Deputy De Sousa I was catalysed to speak - to bastardise the English language - on the basis of what Constable of St. Mary said. This is the problem which the Deputy of St. Mary alluded to, and I am almost coming around to his point of view, that it is very hard to have the debate without laying out all the principles that should be involved in redesigning a system. In a way, I feel she -

the chairman of P.P.C. - has tried to run ahead of herself and introduce that debate to undermine Deputy Pitman's point. My view is it is just simply the issue at the moment of 47 versus 49. Battle will be joined when we move to the Constable of St. Clement's main proposition, so to speak, and we will then, presumably, discuss the whole issue - should it be Parish-based, super constituency-based, or all Island-based. I will be supporting Deputy Pitman, I think. It is part of this prevailing issue that I did mention this morning, that it is almost impossible ... it is possible to conceive of a system which is based upon pure logic and rational grounds. But inevitably it will lead to a collision between the Parish model, the all-Island model and lead to what people see as a fairly insipid compromise because we always found that the problem with super constituencies, if I may revert to the Constable of St. Mary's point, was that it never had the emotional appeal of those other 2 models, it was always very very difficult to sell. So I will wait on the 47, 49 and support Deputy Pitman and then let battle be joined with the Constable.

10.1.8 Deputy R.C. Duhamel:

I am struggling at the moment to find a reason to support Deputy Pitman in his request for 2 less Members. I think I am fairly happy that the bigger amendment that we should all go to a single class of membership is absolutely fine but we will come on to that at a later stage. In the supporting documents we notice an argument being put forward that the fairness of representation should be sorted out in a logical way according to the representation relative to their population. I find that one a little bit difficult to understand and to reconcile. On page 6 of Deputy Pitman's report, for example, we have been told that the relevant totals of the population as at the 2001 census was 87,000 persons or thereabouts. Now, in my mind, I mean that obviously includes children and does not necessarily just represent the adult voting public or those who are eligible to vote, and so I am left with a little bit of a quandary because, as a politician, obviously there must be due concern and respect paid to children's issues. But that said, to what extent do we water-down the concern that we have towards adult issues that might include children's issues as a subset in working out the numbers of persons who will represent those issues? Certainly if we had another table next door in terms of the number of potential voters and adults within the system then we would get a fix or purchase as to how many children there were in each particular Parish and the extent to which may be interests should be given over to children's issues within those Parishes. Likewise ... I mean it all starts to get horribly complicated, but there are valid issues I am sure. That said, we do not have any of those figures at present, although I suspect they do and have been represented in previous reports, but the case is not being made for a qualitative representation, it is just based on quantitative representation, I do not think that is fair. That is half the argument. So, on that basis, and not having heard any other important reasons from Deputy Pitman as to why it should be 47 and not 49, I think it is very difficult to support his amendment to the amendment, and that is probably how I will end up voting.

The Bailiff:

Does any other Member wish to speak on the amendment to the amendment? I call upon Deputy Pitman to reply.

10.1.9 Deputy T.M. Pitman:

Well, thank you and I do thank everyone who has spoken. I am tempted to just sum up with Deputy Le Claire's comments, who was ever so kind. On proportionality; that it far better suits a modern democracy, splitting the arrow. I could not agree more. I have been quite honest, there is no perfect system. I think my amendment, as I have said, fits the mark. The Deputy touched on the Troy rule and the balance between Executive and Scrutiny which indeed other subsequent speakers also touched on. This issue was raised by Deputy Tadier, I think, and the Constable of St. Mary. Well, it is my understanding that originally Assistant Ministers were meant to double-up so possibly we might find the system that we have now is rather bloated and grown like much does in Jersey. Perhaps that might be rather easy to rectify than finding it as an excuse not to adopt some

reform. The 47 number is easily workable; I did sit down with the powers that be and discuss this. It is quite workable, it does maintain the Troy rule and if Assistant Ministers were to follow their original mandate then I think there is not really an argument there. I am not quite convinced, personally, that every Minister needs 2 people almost following him, or her, about. The Deputy of St. Mary had some doubts about proportionality. Well, I know he raised the issue that he was not quite sure whether we could drop to 47, or I believe he was going to consider going down to 41 or 43 so I am not quite sure where his argument comes from in that one. Deputy Tadier asked me about districts; I have been quite clear on this I think. Districts will certainly remain. What it does need is for P.P.C., if this is passed, to be given resources to research those districts and see if they have changed or not and then allocate those appropriately. I do not think that is my job and I would probably have taken a lot of flack if I had done so. I do think to criticise on the figures, which are not mine and which we have all had to use, is a bit of a red herring to be honest. Constable Crowcroft said a reduction had been long needed and he was going to support the proposition, as had Deputy Le Claire said, unless he heard something different from P.P.C. Well, I do not know about him but I did not hear anything from P.P.C. to make me change my mind. I think everyone has been really positive but I have to say the Constable of St. Mary seemed more interested in trying to undermine this amendment in support of her P.P.C.'s own proposition. I have to say there was very little of relevance to my amendment plan.

The Connétable of St. Mary:

Sir, may I just say ...

Deputy T.M. Pitman:

That is my view, I am not giving way.

The Connétable of St. Mary:

Fair enough.

Deputy T.M. Pitman:

Let us just look at these Parishes and districts and the concerns. In St. Mary the worst case scenario, you could wake up with a ... **[Laughter]** I am not even going to go there. You could wake up to find that 1,500 people, or around that, have decided you are the person who is going to answer all their problems. In St. Helier, I am afraid, you could wake up to find that 28,000 plus have decided that you are the man or woman who is going to sort out all their problems. We can look at this a whole number of ways, the way I have tried to do it - and it is quite logical - if we are going to ... frankly, I am tempted to say split hairs but I do not want to put it in that term. There is many ways of looking at this. All I am saying is I think mine is quite logical. Strive for a ratio of 2,000 constituents to 1 and perhaps it is because I am a former youth professional, but I think someone is of value and should be counted as a constituent whether they are 2 years old, 10 years old, 20 years old or 120 years old. So I do not really buy into that argument. Deputy De Sousa, I think, said that Deputies were key in that link with getting things done in the Parish. I think that is what she said. I was still quite excited over Deputy Le Claire's comments at the time, so I did miss a few things. Deputy Le Hérisier who far from being daunted by me saying that I had got depressed at his speech, said he was going to support the motion, and I much appreciate that. It was logical; yes it is logical, and it is workable. I cannot remember who spoke last. I heard nothing, I am afraid, to dissuade me from my views. If I had I would withdraw the amendment. So with that, and thanking in advance for 12 and a half visionaries and brave souls who are going to support me, I make the amendment.

The Bailiff:

The appel is called for then, in relation to the amendment lodged by Deputy Pitman to the amendment of the Connétable of St. Clement. I invite all Members to return to their seats.

Deputy M. Tadier:

Before we do that, can I just ask for clarification. Is that... the reason I ask, and I think Deputy Pitman may have overlooked it, is your proposition, and presumably the one of Constable Norman, going to keep the Parishes intact throughout the districts? The reason I ask that is because for many people it is important that the Parish is represented in the States, either by the Constables or by the whole physical Parish electing a Deputy. So that is why I ask the question, it may be helpful to Members before they vote to know that.

Deputy T.M. Pitman:

I believe that the large Parishes that are divided into districts will have to be kept that way. That is my own view and that is the position I have followed.

The Bailiff:

Very well, the Greffier will then open the voting.

POUR: 15

Senator S. Syvret
 Senator P.F. Routier
 Senator A. Breckon
 Connétable of St. Helier
 Connétable of St. Brelade
 Connétable of St. Clement
 Deputy of St. Martin
 Deputy R.G. Le Hérissier (S)
 Deputy P.V.F. Le Claire (H)
 Deputy M. Tadier (B)
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy D. De Sousa (H)
 Deputy J.M. Maçon (S)

CONTRE: 30

Senator T.A. Le Sueur
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of Trinity
 Connétable of Grouville
 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 Grouville
 Deputy J.A. Hilton (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 I.J. Gorst (C)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy A.T. Dupré (C)

ABSTAIN: 0

Deputy T. Pitman:

Can I just say that I will be getting divorced too. **[Laughter]**

11. Composition and election of the States: revised structure (P.72/2009) - second amendment (P.72/2009 Amd.(2)) - resumption

The Bailiff:

Very well, then we return to the debate on the amendment of the Connétable of St. Clement. Does any Member wish to speak on that? I take it some Member wishes to speak on that.

11.1 Deputy J.M. Maçon:

I did not want to speak today because there are a few things that I want to mill around. But first of all I want to say is thank you and praise the Connétable of St. Clement for being so brave to bring this. I take great comfort in this amendment that he has brought because he is a Member that has sat in the Deputy seats, in the Senator seats, and now sits in a Constable seat. I think he has great understanding of the system. I think that has given great value to what he has brought forward to us today. There has been much said about how awful it is that we look at ourselves, but in the Senatorial campaign many, many questions at the hustings referred around the Clothier proposals and the way that the Assembly is made up. There has been a question raised about whether the Deputies represent the Parish or the Constables manage to represent the Parish better. I would say that it is not the Parish but it is the parishioners, I think we are here to look after people. We are here to represent people. The Constables are in charge and head-up an administrative body and they do that incredibly well. Indeed, Clothier made the point that the Constables do excellent work in their Parishes. Indeed if one was to go to Trinity the Constable would definitely point out how well his roads are maintained. Perhaps the Constable of St. Brelade could take that on to T.T.S. Indeed the community spirit displayed by the Connétable of Grouville in the Parish float, again, exemplary. Absolutely wonderful, cannot knock them for that. But it is a question of representing people in a democracy. It is not about representing administrative bodies, I believe, and therefore I will be supporting the amendment. Because I think supporting and representing parishioners, not administrative bodies, in a modern democracy is appropriate. In addition to this I feel that there is also an issue, perhaps the Constables may feel how awful it is that they do not have their seat but I think, realistically, they have nothing to fear because if someone is going vote someone to be a Constable, I really cannot think that they would not be voted to be a Deputy as their political representative. But I think it is important that we have States Members standing on an equal mandate. That Constables or Deputies or whoever are elected on political issues, on issues that matter about the whole Island and I will be supporting this amendment.

11.2 Senator T.A. Le Sueur:

It is difficult at times to speak to one amendment without referring back to the main proposition and I apologise in advance if I stray slightly into doing that.

The Bailiff:

No Senator, for the assistance of Members, generally, I accept that when debating particular amendments, other than the one we have just had which was very narrow, in the others, inevitably, Members will wish to stray into the pros and cons of all the various proposals.

Senator T.A. Le Sueur:

The reason I say that is because underlying the fundamental proposition is one of a referendum with the public, and so I think it is important that we understand, if we can, what the public is thinking about this and I suspect that there are probably something like 80,000 different opinions to be held, no 2 of which are alike. So we are on a hiding to nothing whatever we do, but I was struck by one thing that Deputy Pitman said in the previous debate, it was that the Island-wide mandate was the ideal solution but it is not feasible. I mention that because if we are going to put anything to the public by way of a referendum then we can at least perhaps be aware of what the public said on an earlier occasion when they were asked questions by MORI, and one of the questions they were asked was: "Would you favour the removal of Senators from the States?" Another question was: "Would you support the removal of Constables from the States?" and the third was: "Would you support the removal of Deputies from the States?" The results, I suppose you could say, were inconclusive but to the extent you can conclude anything from them, it was that the public were keenest on an Island-wide mandate and secondly, wanted to retain the Constables in the States. So it strikes me that if we are going to go to the public with a referendum suggesting that we do away with the Constables and do away with the Senators and increase the number of Deputies, they are probably on a hiding to nothing before we start. I think that is the difficulty with this proposition because it simply, I think, makes a situation which may not be ideal even more fragmented and a lot more unpopular with the public. So I suspect that however well meaning this may be, this particular amendment with this 47 or 49 is not going to get my vote.

11.3 The Connétable of St. Ouen:

I think that Deputy Maçon was probably quite right, that the Connétables, if they were to stand for election for the States under the amendment of the Connétable of St. Clement, would probably be elected. But I do not think that is the issue. Like the Chief Minister, I agree that when the questions have been asked in the past, the retention of the Island-wide mandate and the retention of the Connétables in the States have been the only one strand which has gone all the way through the various consultations. While having said that I have no fear that the Connétables would get elected if they stood for office, as proposed by the Connétable of St. Clement, I think that the one fear that we must have is what the consequence of this is. The Connétable of St. Clement, making his proposition, spoke about the quality of the parochial system to this Island not only historically but today, and the fact that it does still retain an ability to hold people together. I fear that this may be a proposition which puts the first hole in the bottom of the boat. I do not think it would sink it but, as I say, I think it puts the first hole and I do not think that that is a risk worth taking. At the same time, this amendment, if added to the proposition, as the Chief Minister said, then goes to the public as a referendum and I think that the chances of it getting through are minimal. I do not believe that the public out there want to put the Parish system and the role of the Connétable at any danger. **[Approbation]** The Connétable of St. Mary and St. Peter and myself held a meeting last Friday evening, which was very poorly attended. The only thing I would say about the meeting was that we managed to get more States Members there than most States briefings. **[Laughter]** But if there was anything to be gained from the exercise, if there was anything to be gleaned from those members of the public who did turn out, it was that there is no change in the position that they wish to retain the Connétable and they wish to retain the Island mandates. So I think this must be rejected.

11.4 Connétable D.J. Murphy of Grouville:

I read the Deputy of St. Mary's proposition and I was quite interested in it that he did quote the MORI poll on several occasions to justify some of the moves he was making and I am following on from the Chief Minister here when I turn to the MORI poll, page 11 of the report - this is the Parish Constables: "Do you think the Parish Constable should remain as a Member of the States?" Strongly disagree and tend to disagree amounted to 35 per cent. Strongly agree they should stay in the States and tend to agree they should stay in the States worked out at 54 per cent and the plus on it is net aggregate plus 19. So 19 per cent more people want it to stay, there were 12 per cent of the

electorate who, in fact, could not make their minds up one way or the other. But even if you put those on to the “disagrees”, you are still way behind, you are still 7 points behind at least. So I think that if you are going to talk democracy, which the front row down here I am sure would agree with the Jersey Democratic Alliance, if you are going for democracy then why do you not follow the people? The people do not want us out, the people want us in. That is the message that should be ... I am sorry, no, I am not giving way to you. **[Interruption]** What can you do? I am sorry but this is obviously, you know, picking and picking and nicking and whatever. You have lost the argument, give up. **[Laughter]** Sorry I am speaking. I am sorry, Sir?

The Bailiff:

Please carry on.

The Connétable of Grouville:

Thank you very much. The Constable of St. Clement, of course, is I suppose one would almost describe him as a bit of a maverick in the Connétables ranks. **[Members: Oh!]** He has come up with this before, it was defeated last time, hopefully it will be defeated this time. I cannot see any point in going ahead with it at all, and I really look forward to the vote now, so we can get rid of this nonsense and get on with our lives. Thank you. **[Laughter]**

11.5 Senator S. Syvret:

I am going to be looking at the vote of the Constables with great interest in this proposition, especially given the references that have been made to the MORI poll and the public wish to see the retention of the Island-wide mandate and see if they apply that same standard when it gets to later parts of the proposition.

11.6 The Connétable of St. Brelade:

I cannot quite understand where the Connétable of St. Clement is coming from on this. I take the view that his proposal effectively dumbs down the role of Connétable that we have at present. Maybe it is his experiences being Deputy, Senator and now Connétable that indicates that he has become bored with the States Chamber but wishes to remain in his job as Connétable. I cannot understand it. The Clothier report, in my view, and I have read it several times, I feel is sadly out of date and really, this constant reference back to this report, I think, is probably superfluous. The Parish links with the States are an integral part of our Jersey fabric and as people’s knowledge is becoming now more widespread it is expected that all Members are *au fait* with all Island events and as, after all, we vote on them and I think that Senator Syvret’s point just now is quite valid. We need to be *au fait* with what is going on so the separate all-Island mandate perhaps is something of the past. One issue which I think has been brought up by this proposal having Constables elected on the separate day of course leads to yet another election day which is, after all, what we are trying to overcome so I see absolutely no advantage in that. On point 2, I have to disagree with the proposal once again on this in that voter parity, which is surely something we should be aspiring to, tends to suggest on current figures that the simplest answer would be to reduce the representation in St. Mary to one, rather than the present 2. Given that I believe strongly, despite my obvious conflict that the Connétables should remain in the States, I might suggest that one job on the line - this has been referred to before - should be that of the Deputy of St. Mary. **[Laughter]**

Senator S. Syvret:

I wonder if it might be appropriate to ask if you could test the Assembly and see if there are many Members remaining who wish to speak on this matter.

Seputy of St. Mary:

Can I propose the adjournment?

The Bailiff:

Would Members who are proposing to speak on the Connétable of St. Clement's amendment, perhaps they could just show their lights so that I have some idea. There are a number of Members.

Senator S. Syvret:

In that case I propose the adjournment.

The Bailiff:

The adjournment is proposed. Before we adjourn though, could I notify Members of various matters, which have been either lodged or presented. First of all there is comments by the Chief Minister headed: "Verita investigation: extension for cover, exclusion of consultant obstetrician and gynaecologist", that is a comment on P.131; and a similar comment on the same subject by the Minister for Health and Social Services. There is a report presented by the Chief Minister entitled "States of Jersey Pay Benchmarking." There is an amendment to an amendment in relation to the Business Plan lodged by Deputy Shona Pitman of St. Helier, and then there is the matter which I think Members have already seen: the addendum to the fourth amendment put forward by the Deputy of St. Mary in relation to P.72. So those are all matters which have either been lodged or presented. Very well, then the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT