

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 20th JUNE 2006

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

PETITIONS

1. Fields 190 and 192, Rue de la Sergente, St. Brelade: petition (P.75/2006)

The Bailiff:

I have notice of a petition to be presented by Deputy Power.

1.1 Deputy S. Power of St. Brelade:

Very briefly, I am very pleased to present this petition to the States, signed by 238 residents in the La Moye area who are very concerned about the proposed development, or perhaps over-development near their homes, Fields 190 and 192. I appreciate that the Planning and Environment Minister will need time to prepare a report, so I would be content for the matter to be debated in September.

The Bailiff:

Very well. The Usher is not present at the moment. The petition is placed on the table and the broad proposition is lodged and referred to the Minister for Planning and Environment.

Deputy S. Power:

For debate in September, thank you, Sir.

QUESTIONS

2. Written Questions

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding population statistics –

“Would the Chief Minister inform members –

- (a) whether he has considered the implications of the net population growth estimate of 500 revealed recently by the Statistics Unit for the year 2005 and, if so, what conclusions have been made?
- (b) what consideration, if any, has been given to the resource implications of a return to net inward migration of 270 people, and would he provide a breakdown of these 270 people (‘j’-categories, spouses, children, and relevance to which economic sectors)?
- (c) of the indicative economic growth figures for 2005 associated with this inward migration and, if not, when will he be able to provide this information?
- (d) whether there is any economic relationship between the growth in population and the recent 7% rise in house prices, and, if not, what other economic factors have given rise to this increase?
- (e) what measures, if any, he will put in place to ensure that the proposed 2% economic growth target does not result in major population growth and consequent pressure on the housing market as outlined in Section 9 of the Shadow Scrutiny Report ‘Migration Policy; monitoring and regulation’ (S.R. 5/2005)?”

Answer

- (a) Figures on population growth are considered in depth, and are an important tool as policy is developed. Population and migration are monitored by the Migration Advisory Group. The Chairman is the Assistant Minister to the Chief Minister and it comprises the Ministers for Housing, Economic Development and Planning and Environment. One of its functions is to monitor and consider the resource implications of population growth.

The first and striking conclusion drawn from the population estimates is that almost 90% of all growth of the last five years has been due to births exceeding deaths. The response to this type of natural growth is to continue to effectively plan and provide services for local people.

Net migration forms the other, far smaller element of population growth. In 2005, this element of population growth did increase, reflecting improvements in economic performance. This growth must continue to be balanced against the resources of the Island, in line with States approved migration policies, and considered within the context of wider sustainability issues.

- (b) Care should be taken when considering migration not to focus on fluctuating annual figures, but instead to consider, plan and manage over the longer term. Over the previous 5 years, net migration has averaged 24 persons per year, contributing a 0.02% increase in population. The implications of these levels of growth are minimal. This is not to suggest complacency as economic growth has consequences which must be monitored, managed and balanced against the demands on the resources of the Island. As noted, this is the role of the Migration Advisory Group, which oversees the Population Office.

Statistical Breakdown required

The inward migration of 270 is the sum of the net change in migration of economically active adults ('j'-category and non-qualified), net change in migration of economically inactive spouses etc and net change in all children. Of the 270, 100 was the net change in 'j'-category employees, the remaining 170 being mainly their dependents. This figure and the breakdown by sector was published in the Labour Market report published by the Statistics Unit in April. Of the 100 additional 'j'-employees, 70 were in the finance sector.

- (c) Economic growth figures for 2005 will only be available in September 2006 when the Statistics Unit releases its estimates of GVA. We do, however, know that of the 100 additional 'j'-category employees 70 of them were in Finance. It is known that the GVA per employee of those employed in the finance industry is more than double that of the whole economy.

The 7% rise in house prices in the first quarter of this year (relative to the same quarter in 2005) follows an average increase last year of about 3%. It is too early to say whether this is the first sign of a sharper rate of increase in house prices or just a fluctuation. However, changes in house prices will be a consequence of the interaction of a whole host of factors that affect both the demand and supply for house purchases. Demand for housing will be driven by overall economic conditions to the extent they influence employment and earnings growth and overall confidence. Interest rates trends will also have an important impact on confidence in the housing market and hence prices. The very modest increase in 'j'-category housing consents may have had a minimal impact on the demand for housing but not all will have purchased houses and the impact is likely to be at the margins relative to these other factors. Housing supply can take some time to respond to changing demand in the housing market and can also influence house prices. There has been a drop off in turnover in the housing market in recent quarters but it is too soon to assess whether this is an emerging trend or just quarterly fluctuations.

- (d) To ensure economic growth does not result in significant population growth, and to prevent undue pressure on the resources of the Island, including the housing market, economic growth policies are firmly linked to a 1% working population growth target over the life of the Economic Growth Plan. The Economic Growth Plan highlights how we can boost productivity in the Island to ensure that the economic growth target can be achieved within the constraint on working population growth.
- (e) The growth targets will be reviewed later in the year by the Migration Advisory Group, when the statistical data for January – June 2006 becomes available.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding tax charged against various types of activities in the financial services industry -

“Under the proposed fiscal reforms, would the Minister provide members with a breakdown of which types of activities within the financial services industry will be subject to 10% taxation, and those which will be subject to 0%, together with an estimate of the numbers of businesses affected and the tax revenues raised in each group?”

Answer

The types of activities and entities that it is proposed be subject to the 10% rate include banks, trust companies and functionaries such as fund administrators, custodians, administrators, registrars, distributors and agents but, for international competitiveness reasons, investment managers will not be subject to the 10% rate.

It is extremely difficult to give an answer with a high degree of accuracy, particularly as the whole picture in relation to this matter is evolving, but it is estimated that the numbers of businesses affected by the 10% rate will be approximately 250 - 300. The tax revenues arising from these businesses under the 10% rate will be something in the region of £60 to £80 million. It is not possible to give figures for the tax revenues raised in each group without a very considerable cost in time and resources being expended and I do not believe such a resource cost to be justified.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding matters relating to the document ‘Zero/Ten Design Proposal’.

“Would the Minister inform members –

- (a) whether he has forwarded to H.M. Treasury the Zero/Ten design proposal for consideration and, if so, can he give members an indication of when he expects to receive a response;, (whether and in what time;
- (b) whether he expects he expects the proposal to be considered by the EU Code of Conduct Group and ECOFIN and , if so, in what time scale; and,
- (c) whether he has been notified of the outcome of the consideration of the Isle of Man and Gibraltar proposals and how these differ from Jersey’s proposals?”

Answer

Before addressing the specific points in this question, it is for consideration whether sufficient responses have already been given in the written answer to Question No. 2862 tabled on 16th May 2006. This Question appears to cover substantially the same ground as that contained in Question 2862 on which I believe a full answer was given.

- (a) As the Zero/Ten Design Proposal document makes clear in the table at Paragraph No. 2.3.2, the views of HM Treasury are sought and accordingly a copy of the proposal has been sent to the Treasury. We expect ongoing discussion with the Treasury about the Proposal ahead of it being presented by the U.K. to the EU Code of Conduct Group later this year. This discussion will principally take the form of meetings between the Treasury and Jersey representatives.
- (b) This is partly addressed in (a) above and in the answer previously given to Question No.2862. The Proposal will be considered by the Code Group and ultimately will form part of a Code Group report to ECOFIN. Dates on this are not clear as the Group itself has yet to finalise its working timetable and agenda for the remainder of 2006.

It is worth reiterating that the States decision to adopt the Zero/Ten proposal is not subject to the formal approval of the Code of Conduct Group or ECOFIN. Jersey has domestic competence in fiscal affairs and any suggestion that an EU body has the power to dictate our fiscal policy is to undermine that competence and the Island's constitutional rights. It should also be noted that the Code of Conduct Group is not a body with the power to enforce; even amongst the EU member states themselves. The process is one in which Jersey is participating voluntarily because the Island is not in the EU's fiscal territory. Nevertheless, regard will be had for any views expressed by the Code of Conduct Group in line with our policy stance as a 'good neighbour' to the EU.

- (c) We have not been notified by H.M. Treasury of the outcome of their consideration of the Isle of Man and Gibraltar proposals as H.M. Treasury applies the same confidentiality to those discussions as we are informed applies to the Jersey discussions. We follow matters relating to these proposals which are in the public domain as would be expected as part of a formal monitoring process of competitor activity. This includes actual legislation generated by these jurisdictions to give effect to their respective proposals since this will highlight any differences from our approach which may be relevant to the Jersey position. At this time such legislation has not been finalised but is pending and we take note of the content of such legislative proposals and await definitive assessment of them that actual legislation will provide. It is also worth pointing out in this context that, because of Gibraltar's different position in relation to the EU, the Gibraltar proposals will be subject to EU State Aid Rules which in recent times have been used by the EU to deal with fiscal arrangements in the Member States that are considered to be in conflict with the objectives of the EU Treaties. Jersey is not subject to these Rules.

The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the potential of a land value tax in Jersey.

“What progress, if any, has been made by the Minister on the assessment of the potential of a land value tax for Jersey and when will any such findings be presented to the States?”

Answer

As part of the Fiscal Strategy approach, research is currently being undertaken into appropriate environmental and other taxes, including the potential for a land value tax, which may be of benefit

to the Island. This work is being led by the Director for the Environment and a high level options report will be presented to the States for consideration in the autumn session.

3. Oral Questions

3.1 Deputy P.V.F. Le Claire of St. Helier of the Minister for Transport and Technical Services regarding the land required for an enclosed in vessel composting facility at La Collette:

“What is the total area of land required including shed and office space, and waste reception areas for a modern, well-designed and enclosed in vessel composting facility at La Collette and what is the estimated value of this land with commercial industrial development approval granted?”

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

The area of land required for a modern and well-designed and enclosed in vessel composting facility at La Collette 2 has been estimated as between 6,500 and 7,000 square metres; in other words, 70,200 to 75,600 square feet depending on the precise site location and orientation access roads and the type of public reception to be laid out at the facility. The land value at La Collette 2 is not precisely known as it was not anticipated that the land would be sold. A preliminary assessment of the annual rental value of the land has been estimated in comparison with other sites. A detailed evaluation would have to be carried out to establish a final value, but the preliminary assessment for a site with no infrastructure, i.e. with no roads and services laid in, has been estimated at approximately £2 per square foot per annum. The sale value of land for a composting facility would depend on the location and the designated use of the land to establish the sale value of that land.

3.1.1 Deputy P.V.F. Le Claire:

May I ask the Minister - while it is a comprehensive answer, it will have to be examined in detail afterwards, where his estimates have been derived from -whether he employed the services of WEB (Waterfront Enterprise Board) to derive that estimate or whether or not it was done through his own Department?

Deputy G.W.J de Faye:

The estimate is derived through officers in my Department who are competent to draw up these types of estimates.

3.2 Deputy G.C.L Baudains of St. Clement of the Minister for Home Affairs regarding confidence in the States of Jersey Police administration:

Does the Minister have full confidence in the States of Jersey police administration and what input has she had, if any, into the present internal investigations?

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

I have full confidence in the States of Jersey Police administration and in its approach to ensuring that the highest ethical standards are maintained within the organisation and it is a view that is supported by other eminent authorities. For example, in order to provide independent assurance of performance and best practice, I arranged last year for Her Majesty’s Inspectorate of Constabulary to conduct a full independent review of the force with particular emphasis on leadership and professional standards. The inspection has been completed and a report will be available towards the end of the summer, Sir, and Members will be provided with a copy. While, of course, it is

prudent to await the outcome of that full report, I have received a preliminary briefing on its likely findings, which gave very strong reassurance in the effectiveness of the processes currently in place. So far as any investigation concerned with my input, Sir, Deputy Baudains will recall that in 1993, the States decided to remove any direct political involvement from the police disciplinary process when it agreed to the creation of an independent Police Complaints Authority with a right of appeal to a panel of Jurats made possible, of course, by the Police (Complaints and Discipline) (Jersey) Law 1999. Nevertheless, I, and my Assistant Minister, have had regular briefings on the progress of investigations of this kind. The Deputy will also recall, Sir, that the Police Complaints Authority published its annual report earlier this year and its conclusion was it wished to express its appreciation of the high standard of expertise in the Professional Standards Department at Police Headquarters, and that the members and the staff involved have continued to support the work of the Authority. I am very pleased, Sir, to agree with that conclusion.

3.2.1 Deputy G.C.L Baudains:

Thank you, Sir. I am glad the Minister does have full confidence, but given the lack of prosecutions which have apparently occurred in relation to the minor nature of these offences, as we have read about in the *Jersey Evening Post*, does she believe that the investigations have in fact represented good value for taxpayers' money. Also, while she is on her feet, Sir, would she advise who investigates the investigators? We have already seen that the Police Complaints Authority has released unfortunate comments on firearms; other misdemeanours have been attributed to them in the past. Who checks the upper echélons?

Senator W. Kinnard:

It was a bit difficult hearing all of that. There was quite a lot of movement to my left across the Chamber here. I would say, Sir, that I take the matter of ethical values very, very seriously within the States of Jersey Police and, indeed, I give full support to the senior management team in applying those standards. In terms of who oversees, as I mentioned just earlier on in my answer, I have asked Her Majesty's Inspectorate of Constabulary to look at the professional standards and the way in which discipline matters are dealt with. As I say, Sir, we have had very positive feedback from that, also, of course, the independent Police Complaints Authority. Sir, I am concerned that I think I heard, but I cannot be absolutely sure, the Deputy refer to the matters that were brought up in the *Jersey Evening Post* as minor matters. Sir, I do not consider them to be minor matters, I consider them to be extremely serious matters. But indeed, I should remind the Deputy it is the role of the police in the judicial system to collect and collate evidence, and to present that. It is not for them to decide whether or not a prosecution is appropriate. It is not for them to decide innocence or guilt. That belongs to another place.

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

Would the Minister clarify for the House whether she has received advice on the speed at which these investigations proceed and if she has, in the light of that advice, would she say she is satisfied with the speed at which these investigations proceeded?

Senator W. Kinnard:

Ideally it is important that any investigation be concluded as quickly as possible, not just for the individuals concerned, but obviously also in terms of the morale of the force and in terms of the reputation of the force. But of course these matters are often quite difficult to investigate and take very, very careful analysis. Sir, again, I have to say that we need to await the outcome of the full report of Her Majesty's Inspectorate of Constabulary and as I say, Sir, I did ask him to specifically look at this area and the initial results I have, Sir, are, indeed, very positive. Sir, I do not have any particular concerns other than that of course in every circumstance, we would wish these matters to be concluded as soon as possible. But indeed, they need very careful analysis, particularly in a very

sensitive area like this, where a Professional Standards Department is involved in investigating colleagues.

3.2.3 Deputy J.B. Fox of St Helier:

The Minister will know that I had concerns about the length of time some of these investigations were going and since that time the Council of Ministers, through the officers, have made a new policy and procedures. I just seek reassurance in the first stage that in fact the Minister is happy and will ensure that those new procedures will be adopted. I am interested also in this interim report. Will States' Members have the opportunity of having sight of this report? The other one seems to be some time away. I think it might be useful at this stage.

Senator W. Kinnard:

The new procedures that, of course, have been adopted by the Council of Ministers relate to Civil Service appointments, not to the uniformed services which, of course, have their own rules and regulations and procedures. Indeed we have, as I mentioned before, an independent Police Complaints Authority. However, Sir, I am concerned as anyone that such issues - such investigations - should be concluded as soon as possible, and I am awaiting the more detailed report, the full report of Her Majesty's Inspectorate of Constabulary and if that raises any concerns, then quite clearly those are concerns that I would seek to address, not just in States of Jersey Police but across the whole of the uniformed services sector. But at this point, Sir, I do not have any indication of that. There is no written interim report. This was just a close-out meeting at which certain issues were raised by myself and were raised also by Her Majesty's Inspectorate of Constabulary while he was over in the Island last week.

3.2.4 Deputy S.C. Ferguson of St. Brelade:

Would the Minister kindly tell us when was she aware of the scale and conduct of the investigation? I am hearing stories about people being dragged out of their houses at 7.00 a.m. and handcuffed for conduct - not for criminal matters but for procedural errors. When was the Minister or her Committee - because this goes back 4 years - aware of the scale and conduct of this investigation?

Senator W. Kinnard

As I have mentioned before, we have the independent Police Complaints Authority and if any individual is aggrieved by the alleged behaviour of the States of Jersey Police it is open to them to make a complaint, Sir. I am, I have to say, extremely concerned that certain individuals - and I do not wish to go into details - have sought to pursue their grievances through the organ of the press rather than do it through the appropriate channel, which is the Police Complaints Authority. I do not think it is good enough to say: "I have heard whispers" or "I have heard rumours." Sir, that is not necessarily the way in which one receives the full briefing of what the circumstances are. As I have mentioned, myself, as President previously, now as Minister, and my Assistant Minister, receive briefings whenever such investigations are about to take place and the basis on which they are about to take place. We are kept aware, in general terms, of what is going on, but, Sir, it would not be appropriate to go into that level of detail. It is, of course, a matter of operational concern as to how and when an arrest is or is not made. It will be made on the basis ...

The Bailiff:

Sorry, to interrupt, but Standing Orders require that Ministers reply to questions concisely, because otherwise that inhibits the rights of other Members to ask supplementaries.

Senator W. Kinnard:

Sir, I am very careful to be aware of what is my appropriate role, and not to overstep and step into those areas where my role is not appropriate.

3.2.5 Deputy G.C.L. Baudains:

The Minister has twice mentioned - or in fact mentioned again just a moment ago - the independent Complaints Authority. Could the Minister say whether she has any plans to widen its scope in their terms of reference, because I know from personal experience when I took them an issue of misconduct by the States of Jersey Police, they were unable to do anything about it because their terms of reference is so narrow. Does she have any intention of addressing that issue?

Senator W. Kinnard:

Indeed, the Deputy asked me a question on this very matter attendant upon the concerns that he put to me at the time. I asked the independent Authority if they would like to have wider powers or to have their powers reviewed and they told me, Sir, they are perfectly content with the powers that they have and see them as more than sufficient to do the job.

Deputy G.C.L Baudains:

I take it that the answer is: "No" then?

3.3 Deputy R.G. Le Hérissier of the Minister for Health and Social Services regarding any studies underlying the decision to move elderly residents from Overdale:

Would the Minister identify the relevant studies, if any, such as cost benefit and value for money studies, which underlie the decision to move elderly residents from Overdale to private facilities?

Senator S. Syvret (The Minister for Health and Social Services):

The Health and Social Services Department has developed an initial outline business case, which has looked into the feasibility and desirability of closing Leoville and McKinstry wards on the Overdale site, as they are no longer fit for purpose. Alternative options for providing the service have been considered, particularly considering the costs and benefits of each alternative. These options included keeping the existing beds open in the current accommodation, with an upgrade to the fabric of the building, a new-build or the purchase of 54 beds from the private sector. The proposal to move clients to private sector facilities, where this is appropriate, was identified as best meeting the needs of the clients in an affordable manner. I have approved in principle the recommendations of the business case so that significantly better patient facilities may be procured in the private sector to better meet patient need. I am not prepared to provide any financial information at this time as the Department is currently conducting the tender process for these beds in the private sector, and such information is, therefore, commercially sensitive. It must be pointed out that the initiative to move these residents from Overdale to private facilities has not been driven by short-term financial constraints and objectives. It has been driven by the need to provide appropriate care facilities that are needed now and to develop facilities and multi-disciplinary support mechanisms to meet expected long-term requirements of the Island in response to the aging demographic.

3.3.1 Deputy R.G. Le Hérissier:

Would the Minister put in the public domain the general sums of money that are involved, so that a learned judgment can be made on whether this massive shift to the private sector has, indeed, been done in the context of a well worked out policy. Secondly, Sir, would the Business Plan upon which this move is now being conducted also be placed into the public domain?

Senator S. Syvret:

I think I have already said in my answer that the answer to both of those questions is "No". To put them into the public domain at this stage would disadvantage the public interest, as it would give

commercial information, commercially sensitive information about costs and other things to potential bidders for the contracts. I say now, as I said on Radio Jersey last night, I am happy to make this information available to the Deputy and, indeed, any other Member of the Assembly, on the basis of strict confidentiality. Of course, to make it public at this stage would disadvantage the public interest.

3.3.2 Deputy G.C.L. Baudains:

In the process of these changes, could the Minister advise as to whether ultimately the number of beds available will either be less, more or the same and is there any intention in the future that the occupants might have to pay all or part of the cost that arises?

Senator S. Syvret:

There will be no variation in the cost for those clients currently using the facilities. As has been made plain on numerous occasions before, it will simply be a case of moving people out of those facilities into better, private facilities. We believe that 54 beds are required. Those are the numbers that we might be looking to commission from the private sector. We do not know quite where yet. There are now a variety of very high quality facilities on the Island which will provide people with private rooms, en suite facilities, facilities of that nature which are completely absent in the 2 existing wards which are being used at the moment, where there is no privacy. Terminally ill patients and their families are simply kept partitioned-off by curtains from other people, other visiting families. It is a wholly unacceptable setting. People that need continuing care are essentially living in what should be a home-type environment. The 2 wards at present, built in the 1930s as they were, simply comprise of a hospital ward-style development. It is not, therefore, appropriate for long-term care.

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

In light of local rumours, would the Minister for Health and Social Services confirm that he has absolutely no intention to sell, lease or otherwise dispose of, or privatise Overdale Hospital?

Senator S. Syvret:

Yes, Sir, I am happy to give that assurance absolutely and categorically. I have no idea where the rumour started that the Overdale site was going to be sold. There is not a grain of truth in it. Indeed, Health and Social Services have made very substantial investments of taxpayers' money, running into some millions of pounds, on new buildings on the overall site at Overdale. So, there is no question other than it is going to be in the ownership of the States for providing health, social care and other facilities for the public into the future. The issue, as far as the old 1930s buildings are concerned, is that the States of Jersey simply does not have in its capital programme at the present time the money to demolish and rebuild them now. But we might do in 5 years' time. We do not know. We will have to see how the money is going.

3.3.4 Deputy A.E. Pyrke of Trinity:

Would the Minister inform the House, when the residents are moving to the residential homes, what is going to happen to the staff in place at Overdale?

Senator S. Syvret:

The staff will be redeployed throughout areas of need Health and Social Services. That has been made absolutely clear to the staff on numerous occasions. There will be no redundancies, no job losses. Those people that wish to continue to work for Health and Social Services will continue to do so. They will be deployed to other areas of need.

3.4.5 Deputy J.B. Fox:

I was pleased to hear the reassurances about the site after the processes going through at the moment for improvements to health care, but there are residents in the area, that would probably have been listening to the rumours as well, that would like reassurance that the fine mature trees - some of which have got history - will be retained on any future build or other requirement that Health would produce. Can you give that reassurance today?

Senator S. Syvret:

I certainly strongly support the preservation of trees, so, I am certainly happy to look into it in terms of any future plans for redeveloping the site that may exist. But I would have thought it would be most unlikely that trees and other attractive features of the area would be damaged or removed in any way. The area, it has to be remembered, includes the crematorium and the crematorium gardens, which are areas obviously that have to be treated with reverence and respect. So, at any future States of Jersey redevelopment of some of the old buildings on the site, all I can say is environmental factors, such as preservation of trees, will be taken very seriously and any such development will be undertaken with the utmost sensitivity.

3.3.6 Deputy P.N. Troy of St. Brelade:

I have previously asked the Senator for costings. He did say he would provide them to me. I have not received anything at all and he is now saying today that he cannot provide costings. I think he should certainly consider passing information to States members. I certainly could keep any information in confidence. The question, Sir: patient care certainly is very important and I would like to ask the Senator would a bed manager be appointed to these 54 bed? Would there also be proper counselling for people who are coming into respite care and arrangements made to ensure that people are not shunted around from one facility to another?

Senator S. Syvret:

Yes, Sir, patients will be engaged in discussions about their own circumstances and where they are going to go. There is no question of patients, without reference to them or their families, simply being shunted to this place or that. There will be proper further discussions with all of the clients of the service facility there. It has to be remembered that there are 7 respite bed facilities there. Most of the rest are long-term care beds. It has to be said for the respite facilities there, take-up has fallen very significantly because of the extremely poor quality and inappropriateness of the building. Yes, Sir, the clients' needs will be taken into consideration as they have been already. Before this exercise really got underway, clients and their families were surveyed to find their wishes, and most quite clearly said they would much prefer to be living in far better or private, more modern accommodation than that which they are in at the present time.

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

The Minister said that he did not understand where the rumours were coming from about the possible sell off of Overdale. Could I point him to the fact that the Housing Department is selling off its stock? Public Services is talking of selling off substantial chunks of property and the Chief Minister is talking about privatisation. Will the Minister assure the House that he will keep communications open with the public sector workers for whom he is responsible and assure them that their jobs will not be sold off along with many others?

Senator S. Syvret:

Certainly, Sir, I am very happy to give that assurance again. It has already been given to the staff in question. I am not aware of any other Department or other Ministers having plans to sell off parts of Overdale. All I can say to the Assembly is that, as far as I am concerned, there are no such plans and never have been such plans, and it is difficult to concede, given the other uses on that site, how it could be that parts could be sold off. It is very, very difficult to envisage any future for that site other than it remaining in the long-term in the social care and health portfolio of the Island.

3.4 Deputy G.P. Southern of the Minister for Treasury and Resources regarding estimate of Jersey tax being avoided by tax planning measures:

Notwithstanding the reply to my question on 6th June 2006, what estimate has been made, if any, of the amount of Jersey tax currently being avoided by the tax planning procedures referred to in paragraph 12.2 of the document entitled "Zero/10 Design Proposal". Would the Minister reconsider introducing anti avoidance measures to counteract this planning?

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

No estimate has been made. But as the lower rate would only apply to tier 1 capital - an amount fixed for regulatory purposes - rather than for surplus capital as a whole, the impact on tax revenues should not be significant for that tier 1 element in isolation. I will not be introducing anti-avoidance measures for the reasons given in my written answer, 6th June. This is essentially a competition issue. The Deputy should be aware that multinational banks are situated in many jurisdictions worldwide and they will make commercial decisions on which jurisdiction to place their reserves over and above their minimum tier 1 capital requirements. That decision will be taken bearing in mind various issues including tax, which of course is a cost like any other cost to such banks. No legislation that we would introduce would ensure that such capital is deposited or maintained in Jersey. Indeed, the prospect of such legislation is likely to see us lose not just the excess capital, but also the loss of a whole swathe of banking business and that would have a very detrimental consequence on our tax revenues.

3.4.1 Deputy G.P. Southern:

May I remind the Minister of what the text says on 12.2. It says: "Specified financial services companies will be in the position of being able to hive down assets into a zero per cent rate subsidiary." It then goes on to say: "This happens currently" but it then says: "It is not proposed therefore that any specific anti-avoidance measures be introduced..." Does the Minister not agree that this is like pointing to the horse in the stable, saying the stable door is open and then giving the horse a slap on the rump?

Senator T.A. Le Sueur:

No, Sir, this is simply reflecting the transition from the present international business company status, which will no longer be effective after 2011 or 2012 into a 'Zero/10' situation and ensuring the Island remains competitive.

3.4.2 Deputy G.P. Southern:

Is the Minister saying that such mechanisms such as transfer pricing are openly available to any company in Jersey if it wishes to want to avoid paying tax in Jersey?

Senator T.A. Le Sueur:

No, Sir, I am not.

3.5 Deputy D.W. Mezbourian of St. Lawrence of the Minister for Education, Sport and Culture regarding capacity at First Tower, Bel Royal and Les Quennevais schools):

Would the Minister inform Members of the current available capacity at First Tower, Bel Royal, and Les Quennevais schools if any, and if an assessment of the projected impact on them arising for the proposed housing development for 129 homes at Bel Royal has been carried out, and if so, what this concludes?

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

The total number of pupils in Bel Royal School is currently just over its planned maximum, but there are 6 places available in specific year groups. In First Tower, there is space for a further 25 children. Les Quennevais currently has a roll in excess of its planning capacity, but there are spaces for 6 children in specific year groups only. The assessment of the proposed development at Bel Royal indicates the expected child yield will be approximately 163 children under the age of 18. Predicted distribution of these children will be pre-school age, 41; primary age, 70; secondary age, 44; post-16, 8. Of these pupils, it is expected that some 39 children who are not already attending Bel Royal school would seek places there and that 17 pupils, who are not already attending Les Quennevais school, would seek places there.

3.5.1 Deputy J. Gallichan of St. Mary:

In light of that answer, Sir, would the Minister advise whether he is considering any redefinition of the catchment areas for Les Quennevais School and, if so, would any affected primary schools and, indeed, the parents, be consulted, or would this be presented as a fait accompli?

Senator M.E. Vibert:

The catchment areas are consistently under review as we have to react to the distribution of children in the Island. We always try to give as much notice as possible and consult as much as possible about any redistribution. What we have to do is to provide education for any child under school leaving age and we do that, though sometimes because of pressures, we cannot provide it at the nearest school in the catchment area and we have to provide places at other schools. We have capacity in the Island. Unfortunately that capacity does not match necessarily where major building developments are taking place.

3.5.2 Deputy D.W. Mezbourian:

I would like to thank the Minister for the information he has given us and ask him whether he is satisfied that the schools mentioned in my question, namely First Tower, Bel Royal and Les Quennevais, are in a position to cope with the future numbers that he has told us may arise if this development at Bel Royal goes ahead?

Senator M.E. Vibert:

I hope I have made clear that those schools will not be able to cope with all the predicted children from the catchment areas. We are always contacted for major developments by the Planning Department. When we are contacted, we give our best estimate. Those best estimates change nearer the time to the development being completed and also with the fact that we are not asked at present our view on the cumulative effect on minor developments, and a number of minor developments can have an effect that fill-up schools with children. We occasionally allow certain year groups to go one or 2 over number, but we will not just allow schools to take far more in excess of their capacity. If necessary, some young people - some children - will have to attend alternative schools. What is important is that if anyone is thinking of moving to a new development, they decide beforehand and find out beforehand the situation regarding schooling as a result of moving into that area.

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

Yes, the figures the Minister has just quoted seem to be at least 125 children over capacity of what the schools in the area can take. I am also aware - and obviously he is as being the Minister for Education - of the 2 large developments in St. Clement, with Le Squez being redeveloped and the 95 houses of 3 and 4 bedroom on the LeMarais site.

The Bailiff:

No speeches, please.

Deputy J.A. Martin:

Could the Minister undertake a complete audit of all the new houses and the amount of children and can he reassure us in the next few months that we do have capacity in all our schools, whether they may have to move out of a different catchment area?

Senator M.E. Vibert:

Already done, Sir, and we do have enough overall capacity. The difficulty is the developments are not always matching up to where the school capacity is. We have recently updated those figures and provided them to Planning so they are aware of the capacity issues in the areas concerned.

Deputy J.A. Martin:

Sorry, Sir, my question was could he undertake and make sure that all States members know. So, if it is already done, could we please have the figures?

Senator M.E. Vibert:

Certainly, Sir, I have got them here and I will get them distributed to all States members.

3.5.4 Deputy J.J. Huet of St. Helier:

The Minister said that First Tower School was full or just about full. Is he saying that for the estate that is going up at the top of Mont à l'Abbé with 120-odd houses there will be no places for our children at the school?

Senator M.E. Vibert:

No, Sir. There will be places at schools for children. There are a number of schools in that area. For example, there is a new D'Auverne School. There has been planning capacity in the D'Auverne School for a number of developments.

3.6 Deputy R.G. Le Hérissier of the Minister for Economic Development regarding review of the senior management group at the Airport:

Given the information contained in the recent statement that the senior management group at the airport consists of 25 persons earning in excess of £70,000 per annum, would the Minister inform Member what steps, if any, are being taken and within what deadlines to review this situation?

Senator P.F.C. Ozouf (The Minister for Economic Development):

I ask Deputy Maclean, who has responsibility for the airport, to be rapporteur for this item.

The Bailiff:

Yes, rapporteur?

Deputy A.J.H. Maclean of St. Helier:

I believe that there may be some confusion caused by the use of the term "senior management group" in this question. Of the 25 persons identified as this group, earning in excess of £70,000 per annum, only 5 form part of the senior management group. 22 are, in fact, involved in technical operations at the airport with the majority being air traffic controllers. The salaries being paid to these individuals is consistent with other airports and takes into account the highly specialised nature of their jobs. In addition, it should be noted that the airport, unlike other businesses, is operational for 16 out of every 24 hours, 7 days a week including holidays. As such, it requires staffing by shifts which understandably increases the specialist staff numbers in order to cover extra hours. Sir, I could assure Deputy Le Hérissier and Members that there is nothing that I hate or dislike more than waste and inefficiency in any business, especially where it involves taxpayers' money. With this mind, the new Airport Director is currently undertaking a full review of the

organisational structure and operation of the airport. This review is being supported by specialists in both fields and is expected to be delivered with recommendations by the end of July.

3.6.1 Deputy R.G. Le Hérissier:

Would the Assistant Minister identify the studies that have led him to the conclusion that the 22 non-management people are indeed paid at a comparable level to those at other airports? And secondly, Sir, would he say whether, having started political life out as one of the 7 angry young men, he has undergone a sudden transformation and become a total supporter of the system?

Deputy A.J.H. Maclean:

A very interesting question, Sir. Two very interesting questions, in fact. I will deal with the first one first. With regard to the study of the 22 or the 25 in the group in question, the information has been supplied as part of the initial reports from a consultancy group, who I do not think it appropriate to name at this stage. So, I am very satisfied that in fact the salaries being paid to these individuals are in fact in line with what would be expected in a similar sized airport. With regard to the second question that Deputy Le Hérissier mentions, I have not undertaken a massive transformation or a leap in faith in any particular direction at all. That is why I pointed out that I have been very keen for the Airport Director to undertake the review, which he is currently doing to ensure that the airport is operated in an efficient manner and that value for money and efficiency is delivered.

3.6.2 Deputy R.G. Le Hérissier:

It strikes me, Sir, that the Assistant Minister - in the nicest sense - is speaking out of both sides of the mouth. On the one hand, Sir, he is justifying the system. On the other hand, Sir, he is saying he has put an investigation in train to deal with its inefficiencies. What inefficiencies has he noticed?

Deputy A.J.H. Maclean:

I think it would be inappropriate to prejudice the decisions and recommendations that will come from the work that the Airport Director and, in fact, the 2 specialists that have been employed to look at issues surrounding both the operational and staffing aspects of the airport, have done. There are areas that we have identified. The report for that will be available and I will be more than happy to discuss it at the end of July when we expect to have it in full.

3.7 Deputy J.A. Martin of the Minister for Economic Development regarding investment from the Tourism Development Fund in the conversion of coastal forts:

Would the Minister inform Members whether the total sum already invested from the Tourism Investment Fund to convert coastal forts into bed and breakfast accommodation is £758,660 and the States' revenue return is estimated to be £65,000 per annum? If so, is he prepared to give an assurance that no further money will be invested in similar projects from the Tourism Investment Fund?

Senator P.F.C Ozouf (The Minister for Economic Development):

The Tourism Development Fund (TDF) has awarded 2 grants for the coastal forts and fortifications project: the first for £250,000 and the second £340,000, making a total of £590,000. These are for 10 sites. These grants are entirely in line with the stated objectives of the TDF scheme. The initiative is a joint project between Economic Development and Transport and Technical Services, Planning and Environment and the Jersey Heritage Trust, who are the project managers. Sir, this is a great project, almost symbolic of the renaissance that we are beginning to see in the tourism economy. The project achieves several States' objectives. These are important sites and the refurbished sites make a distinctive product for developing both niche tourism and local access. Moreover, I am delighted to report to the Deputy that we even received a *Daily Telegraph* on

Saturday telling the whole of the United Kingdom about our great project. Bookings are now well out to 2010 and this is an example of a fantastic TDF project.

3.7.1 Deputy J.A. Martin:

I am sorry the Minister did not properly answer my question. There has been no - and this is from the Treasury Minister - reading in between the lines, they are not very happy. There is no business case made and the only reason - and I will read, Sir - that this was approved is because the Tourism Development Fund Sub-Committee sought the approval of the Minister and had not sought the approval of the Minister in the appropriate timescale and had already committed monies. Basically, the Minister is saying this is not a business case and they will not sanction any more money for such hair-brained schemes.

Senator P.F.C Ozouf:

I would encourage Deputy Martin to go and have a look at some of the refurbished projects that we are talking about. Fort Leicester, Barge Aground. Barge Aground itself you cannot even get a booking in the month of August until 2010. I defy the Deputy to tell me this is not a great example of a wise use of TDF funding. The revenue that she talks about is £65,000 per year. Next year it is estimated to be gross revenue of £87,000, in 2008, £96,000 gross - all of the funds of which are going to go back into the Scheme for us to restore yet more projects and more sites across the Island. This is an example of wise use of TDF money and, moreover, a sensible use of TTS money that already had a budget for coastal fortifications, but simply would just refurbish them to continue for the birds to look at. Instead, what we have done is join forces with TTS, putting some TDF money in and putting in place a fantastic project for tourism in Jersey, which is getting U.K. national acclaim.

3.7.2 Deputy G.C.L. Baudains:

I am always intrigued in getting a lecture from the Minister. Unfortunately, as Deputy Martin said, he has not answered the question at all. Could he account for the almost obscene waste of money here? This is not a wonderful project, Sir. It just seems to me a terribly bad investment where we are unlikely to ever get the money back, never mind make interest on the capital.

Senator P.F.C. Ozouf:

Even on its most basic financial assessment, this project is getting a better return than you would get on money in the bank. But does the Deputy not understand the importance of keeping sites such as Barge Aground, Fort Leicester, the Radio Tower, L'Etacquerel Fort, Seymour Tower, Archirondel, La Tour Carrée and all these other properties. Does not the Deputy think we have a responsibility in this Assembly to look after these assets, moreover get a return from them in a way that has never happened before?

3.7.3 Deputy G.P. Southern:

Yes, Sir, let us get back to the facts, shall we? Would the Minister accept that in the Treasury and Resources Minister's words on this particular loan, the Minister said that it is not evident this project is a good investment, not as best value for money. In addition to this, the schedule of revenue costs does not take into account items such refurbishment costs over the following years, and ongoing maintenance costs. However, the Minister was placed in a difficult position in that bookings for 2006 had already been taken, so he had no choice but to cough up the money. Does the Minister not agree that that is an accurate statement about what is going on?

Senator P.F.C Ozouf:

What the Minister will say is that he cannot speak for the Treasury and Resources Minister. What happens is there are 2 allocations of money from the TDF; one for £250,000 which I understand was previously sanctioned, and one which as for £340,000 which - because it is in excess of

£250,000 - the Treasury and Resources Minister has to agree. I have not spoken to the Treasury and Resources Minister about this, but I would if I did have the opportunity to talk to him, and if he did have any doubts about it, to explain to him what an absolutely great use of TDF money this is. For years, we have seen properties such as Barge Aground for the birds to look at. We have seen other projects such as Fort Leicester decaying. We have used, for the first time, a sensible allocation of money and to get a revenue receivable from these properties in future, therefore, giving us enough money in future to keep them in the state in which they have now been kept. Moreover, local people and tourism are enjoying them and we are getting U.K. national press for it. I say: "Great investment" and I will talk to my friend, the Treasury and Resources Minister, and attempt to convince him.

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

Would the Minister not agree with me that these projects are, if you like, mini Mont Orgueils and that it is not surprising that members like Deputy Baudains, who so vociferously oppose the refurbishment of Mont Orgueil, should be objecting to these smaller projects? Would he not further agree with me that these are examples of how well the Jersey Heritage Trust has served the Island in bringing forward these kind of projects?

Senator P.F.C. Ozouf:

I absolutely agree with what the Constable is saying; this is a joint venture and shows joined-up government between different States' departments and the Jersey Heritage Trust. The Jersey Heritage Trust has done a great job in delivering this project on time and in the manner in which we set out and tourists are enjoying these properties. I absolutely agree completely that Deputy Baudains, and others like that, are always going to complain when we are trying to look after important sites around Jersey.

3.7.5 Deputy K.C. Lewis:

Just a minor clarification, Deputy Martin asked a question for the Minister regarding the Tourism Investment Fund and all the answers are regarding the Tourism Development Fund. Will the Minister just confirm that these funds are one and the same?

Senator P.F.C. Ozouf:

That is absolutely right. I should have corrected the Deputy. It used to be the TIF (Tourism Investment Fund) and now it is the Tourism Development Fund; and if the Deputy is interested, I have a full schedule of both the consolidated funds and all the allocations of it, if he is interested in seeing it.

3.7.6 Deputy J.A. Martin:

Although the Minister for Economic Development could not give me the assurance that no money would be spent, reading the comments - and unfortunately he has not spoken to the Treasury Minister - I have no doubt that under no terms should funds be committed for these projects exceeding £500,000 unless approval has been made by the Finance Minister that, given the business case and given their comments that no money will be given to any more refurbishment of our forts for bed and breakfasts. Would the Minister not accept that?

Senator P.F.C. Ozouf:

No, I am afraid I would not and if there has been an issue of requiring Treasury consent for the greater amounts of money, it is because the project started. We then found that it was such a great project and we found more properties to do. We then hit the ceiling of the £500,000 which requires the Treasury and Resources Minister to approve, so there may well be a timing issue. But the reality is that the project had to be gotten on with and that is why we have already seen Barge Aground and Fort Leicester already occupied and having bookings over the course of the summer,

and there may well be a timing issue which I am happy to discuss with the Treasury and Resources Minister. But what I would also tell Deputy Martin is that with this project, I would not agree that no more money should be spent. I am in discussions with the Harbour Authority, for example, about the small harbour master's house on Gorey - currently empty - also to be included in this scheme. Another example of an asset in States ownership not getting a return which we cannot only use for the tourism economy but we can use in a far more way and get a return on it. So I am afraid, no, I want to see more of this, not less.

Deputy G.P. Southern:

Could I ask a point of clarification, Sir?

The Bailiff:

I doubt it, Deputy.

Deputy G.P. Southern:

I wished him to clarify whether the expansion of this scheme is going on because there is not a proper Business Plan attached to the scheme?

Senator P.F.C. Ozouf:

I am happy to answer it, Sir. If the Chairman of the Scrutiny Panel wishes to call me in to give evidence about this at Scrutiny, I am happy to do so.

Deputy G.P. Southern:

And here is a Back-Bencher, Sir.

Senator P.F.C. Ozouf:

There is a clear Business Plan which has been supporting it and I believe if any Member of this Assembly saw it, they would support it too.

3.8 Deputy J.A. Martin of the Minister for Housing regarding H2 sites purchased by Housing Trusts:

Would the Minister inform Members whether any H2 sites have already been purchased by Housing Trusts under the assumption that they will be given financial support by the Housing Development Fund to develop these sites and, if so, how many?

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

I am not aware of any purchases which have already taken place on the basis of the Deputy's questions.

3.8.1 Deputy R.G. Le Hérisier:

Would the Minister state whether he is aware of any imminent purchases?

Senator T.J. Le Main:

No, Sir, I have written to all the Trusts' chairmen. This Assembly will know very well that we will very shortly be concluding a full review of social housing, Trust subsidies, everything pertaining to housing and social housing in Jersey. I have written, on 8th May, to all the Trusts' chairmen explaining that I would want no further purchases or agreements without my express authority while this survey is in place.

3.8.2 Deputy G.P. Southern:

Can the Minister assure the House that, should any Trust approach him with a scheme involving a purchase by that Trust of the land, as well as development of that land, he will reject such a proposition?

Senator T.J. Le Main:

I have explained that I have written on 8th May to all the Trusts' chairmen explaining that they must not enter into any purchases or deals or otherwise on H2 sites without referring the matter to myself.

3.8.3 The Deputy of St. Martin:

Could I just ask just for absolute confirmation that also includes Field 690 in St. Martin?

Senator T.J. Le Main:

All sites - including H2 sites - until this Assembly has had a proper look and proper debate on the needs of social housing in this Island, which includes the whole manner of the relationship between the Trusts, the public sector and everything else.

The Deputy of St. Martin:

The answer is yes, 690 has been included. It will not be sold until the report has come from you. That is what I was asking.

Senator T.J. Le Main:

Regarding 690, there has been no approach to my department on the social aspect of it.

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

Just asking the Minister for clarification in regard to his last answer; he said that he has written to all Trust chairmen asking them not to undertake any deals without notifying him. He also insinuated that any that he was notified of he would then bring to this House for discussion. Is that the case?

Senator T.J. Le Main:

It might be easier, Sir, if I had your approval to read out a short letter that I wrote to the Trust chairmen which will clarify the issues. It is titled 'Review of Social Housing Need in Jersey': "As you will be aware, my department intends during the course of this year to carry out a fundamental review of social housing in Jersey. The ultimate aim will be to take a report and proposition to the States which would make recommendations on the future provision of social housing in the Island. The review will examine, among other things, the level and indeed the definition of social housing needs in the Island. It will also seek to settle recurring questions relating to the cost of subsidy, the level and the form of any regulation and the future roles of the States, Trusts and the Parishes as social landlords. Naturally, as key partners in the provision of social housing, the Trusts' input will be invaluable, particularly in the development of an overarching social housing plan to which we will all work. In view of the fact that this major review is imminent and that States will be asked within a relatively short period to make far reaching decisions in this sphere, you may feel as I do that it would be wise to hold in abeyance any new schemes beyond what has already been agreed, pending the outcome of that debate. In the interim it would clearly be unwise to enter into any firm commitments for additional developments. I intend to call a meeting of the Trust chairmen in the very near future to discuss the issue of individual negotiations on rezoned sites and how I feel this ought to be conducted." That is the basis of my letter.

Deputy I.J. Gorst:

So the answer to my question is yes, there will not be any deals undertaken before the proposition is brought to this House?

2.8.5 Deputy J.A. Martin:

I am sorry, I totally have a different interpretation of that. It was a very nice letter written to the Trusts, but does the Minister not agree that he has no authority whatsoever over any Jersey Housing Trust and if they wish to go out and purchase any land they can do so, and if they get there first we are held that these sites have been rezoned for first-time buyers and social housing and there is nothing the Minister can do under the laws at the moment to stop Housing Trusts going out and purchasing? Is that not correct?

Senator T.J. Le Main:

The Housing Trusts could purchase but they would not get my blessing for any subsidies or any agreements. The position is quite clear that the social landlord, should a Trust decide to purchase without the hands of comfort of the States in subsidies, then of course I would believe that you are correct. But, at the moment, all Trusts are seeking letters of comfort and some form of comfort over the interest rates that they borrow at the banks. So the issue is that at the moment I do not believe that the Trusts would in fact go against my advice.

2.9 Deputy S.C. Ferguson of the Minister for Home Affairs regarding costs associated with investigations into police officers:

Will the Minister inform the House what is the total cost of the investigations into police officers over the past 4 years for each year, and what is the cost of the suspensions in terms of salaries, pensions and social security contributions plus the cost of extra over-time and temporary staff to cover absent officers in each of these 4 years?

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

It is a lot to answer in a very short period of time but I will do my best. Firstly, investigations of this nature are undertaken, as you know, by the Force's Professional Standards Department but it is part of their normal work. Their role is primarily to enable the force, obviously, to meet its statutory requirements in terms of the Police Complaints Law and the disciplinary procedures. As the type of the investigations the Deputy refers to are undertaken as part of the department's routine work it is not possible to identify additional costs unless particular special measures were undertaken, such as calling in a force from the United Kingdom to carry out an inquiry. While this practice was common prior to 2001, since that time a number of local officers within the force have undertaken training and they are able to undertake this work; obviously with independent scrutiny by the Police Complaints Authority and periodic audit by the H.M. Inspectorate of Constabulary. There are no significant additional costs outside the normal costs of professional standards work, which all police services are now expected to undertake. In terms of suspension; suspended officers are dealt with in terms of normal staff costs of the force and the loss that is sustained, because of their suspension, is reflected in the temporary loss of their services rather than any direct financial cost. So, from that perspective, it could be argued that the cost is nil but I will give an indication of the remuneration costs - because I think that is what the Deputy really perhaps is asking, although it is not clear - of suspended officers on the assumption that that is what she is requesting.

The Bailiff:

Deputy, your time has expired, I am afraid.

Senator W. Kinnard:

Perhaps if she asked me a supplementary I could give it to her, Sir.

3.9.1 Deputy S.C. Ferguson:

Yes, I have a supplementary. It seems to me that if the accounting system cannot produce the figures then the Minister is really saying that the accounting system at police headquarters is perhaps a nonsense. Given the large sums that must be involved in this; the cost of the Professional Standards Unit for a year, obviously, and given that there appears to be an appalling lapse in management controls and procedures, in fact the word incompetence springs to mind. Will the Minister tell us what steps are being taken to remedy the situation and will the Minister undertake to supply the House with a proper summary of the costs of all these investigations?

Senator W. Kinnard:

I completely refute the assertion that there is any incompetence in the Professional Standards Unit. As I have said, Her Majesty's Inspector of Constabulary has already given an indication of his complete confidence in that department and indeed States Members will have a copy of his full report when it is produced. What I have done is outline the situation that, in terms of the Professional Standards Unit, they undertake this as part of their normal work and I was trying to clarify what the Deputy was asking. If she is asking how much remuneration individuals have received, I can give her that, because that is governed by the relevant legislation which has been passed by this House at various times. The current law gives officers an entitlement to full remuneration during their suspension - because we must remember that suspension is not punishment - and, as far as can be calculated, the costs of remuneration for each of the years from 2003 to 2006 respectively is £53,000, £72,000, £181,000 and £55,000. That is a total over those years of £361,000. While these payments may be considered regrettable, Members, I think, have to agree that if we were not to confront integrity issues within the Island, this could run the risk of reputational and economic consequences. In respect of additional staff cover, there is no provision for this and absence cover is covered through redeployment within the police force. So it follows therefore that there are again no significant additional costs. Members will also be interested to know that there is only currently one officer suspended, pending a hearing in 2 weeks' time, and the present indications are that there will be no suspensions in place by early July. I also remind Members again that suspension is not punishment and that is why the policies of this House and the laws of this House allow for remuneration during suspension. In other forces it may well be possible ...

The Bailiff:

Minister, you must try to be more concise in answering supplementary questions.

Senator W. Kinnard:

I will try. I am getting tired actually, Sir.

3.9.2 Deputy of St. Martin:

Would the Minister confirm in actual fact, if £360,000 has been paid for officers who have not worked, because they have been suspended for all sorts of reasons, that that £360,--- has been lost because we have received no work from those officers? So, it has cost the Island £360 for officers who have not worked?

Senator W. Kinnard:

That is the bit I was trying to really address, I am afraid, when you stopped me in full flow. What I was going to say is that in other forces, of course, it may well be possible to move an officer temporarily to another town or to a department some physical distance from the location of the inquiry. In an island, of course, that is very, very rarely possible. So, what the management of the force is doing it is continuing to look for opportunities and alternatives to suspension but there are obvious physical constraints to us being able to do that when we are an island police force. So the issue, again, is there are circumstances when an investigation is going on when you have to remove the officer from the place where the investigation is being undertaken. We do not have the ability

to send someone down the road to another town and also, again, it is the policy of this House, and it is within the law of this House, that when someone is suspended they are eligible to be paid during that suspension.

3.9.3 Deputy S.C. Ferguson:

I would ask the Minister again to supply us with the figures and perhaps she would confirm that. Also, I am sorry, if there are so many suspensions and so many investigations, then in the big wide world of business this is normally a failure in management. Will the Minister tell us what steps are being taken to remedy the situation?

Senator W. Kinnard:

I refute again the assertion that there are so many suspensions. As I have said there is one currently which is about to be heard in 2 weeks' time. It looks as if there will be no suspensions outstanding come July. I think it is important that this House recognises that the integrity of our Island police force is essential for our international reputation and for the reputation of the integrity of our force within the Island. Law enforcers must be above suspicion and I think it is essential that Members of this House recognise that and I would have hoped that they would support that view and support senior officers in ensuring that our Island police force is highly respected for the professional body that it is in the vast majority of circumstances. There are occasions when there are a few circumstances which have to be dealt with and the force should be judged on the way in which the procedures are put in place and the way they are dealt with, not the fact that these investigations take place. To have no investigations at all could in fact be an area of concern, as indeed it has been in other places at other times.

Deputy S.C. Ferguson:

The Minister has not answered the question.

The Bailiff:

You will have another opportunity later, Deputy.

3.10 Deputy J.A.N. Le Fondré of St. Lawrence of the Minister for Transport and Technical Services regarding projected traffic figures:

Further to the figures recently provided by the Minister for Planning and Environment relating to developments approved, completed or the subject of planning applications in St. Ouen, St. Peter, St. Brelade, St. Lawrence and St. Mary, would the Minister provide updated projected traffic figures for the St. Peter's Valley Road eastbound, Mont Felard southbound in percentage terms and in absolute numbers at morning peak times?

Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):

Might I remind the Deputy that this type of question is perhaps more happily answered as a written question, but of course, so the Deputy is his own man and maybe he is stirred by the charismatic nature of my delivery. [Laughter] My traffic engineers predict that from the developments approved or proposed in the western parishes over the last 18 months, traffic using St. Peter's Valley heading towards St. Helier during the morning peak hour can be expected to increase by about 170 vehicles or 23 per cent and on Mont Felard by 45 vehicles or 12 per cent. This makes no allowance for development proposals in St. Brelade as traffic from that Parish would not be expected to use St. Peter's Valley, though there is a knock-on effect with vehicles using the valley when Beaumont is congested. I should caution that these figures have been prepared at short notice and there are a whole host of factors which will affect the predictions. Many of the private developments are on sites with previous use so there will be an element of over-counting. Figures also assume that the occupants of the developments will be new road users and not simply rehomed ones. I have a comprehensive and detailed list of the figures which I shall present to Deputy

Le Fondré. I will simply just note one item from that, and that is that the current flow on St. Peter's Valley by the Tesson Chapel section is 730 vehicles - as I read this - per hour and the current flow on Mont Felard southbound is 380 vehicles per hour. I shall pass these figures to Deputy Le Fondré.

3.10.1 Deputy J.A.N. Le Fondré:

I would like to thank the Minister for his full and very rounded delivery, but 2 queries; one is to clarify that the figures he is proposing to give me are for actual developments rather than predicted developments from now, going forward. In other words, using the specific example of the H2 site in St. Lawrence, will it take account of the projections for 129 houses? Secondly, could he also confirm that the projected traffic delays from Mont Felard from that one site alone are likely to result in an increase in traffic queues of something over 90 per cent?

Deputy G.W.J. de Faye:

The figures will take into account projections we have for the following sites: H2 Westview in St. Ouen, H2 in St. Peter's Village, the H2 site in Sandybrooke), private developments in St. Ouen, private developments in St. Mary, private developments in St. Peter and private developments in St. Lawrence. I regret I have no details on traffic queues. I remind the Deputy that last time he asked me about that, I did point out that traffic queue length is not a measurement that my department uses.

3.10.2 Deputy G.P. Southern:

On a related traffic density question; when will the Minister release figures - which I believe have already been collated - about proposed changes to the waste site on La Collette? He is surely not going to expect Members to take in complex traffic flow figures on the day of his citing of the La Collette dump debate, is he?

Deputy G.W.J. de Faye:

I believe these issues may well have been already covered at presentations made to States' Members but I am happy to run over that again. The deliveries to the Energy from Waste plant in Bellozanne Valley numerate approximately 500 vehicles a day. The significant feature of those deliveries is the timing and that is because waste collections are normally carried out in the early morning. The bulk of the delivery arrivals to Bellozanne Valley is roughly between 10 a.m. and about 1.30 p.m. This happens to coincide precisely with the lowest level of use of the underpass and also traffic movements in the Commercial Buildings, La Collette area. So, realistically, there is no predicted traffic problem on our current assessments.

Deputy G.P. Southern:

The question was when was he going to release detailed figures of traffic flows to La Collette?

Deputy G.W.J. de Faye:

Just did, Sir.

3.10.3 Connétable G.W. Fisher of St. Lawrence:

I would just like clarification on a figure that the Minister mentioned; I believe he said that the flow per hour of vehicles on Mont Felard was predicted to be a 138? Was that correct? The reason I question that is because I recently had some figures from the Minister's department in respect of the flow of vehicles along St. Lawrence main road, which one would expect to be very, very similar to Mont Felard - which is at the end of St. Lawrence main road - and I was told that it was 6,200 vehicles in 24 hours. That does not equate to 138 vehicles per hour, which is only about half that number. Would the Minister like to clarify the point he was making?

Deputy G.W.J. de Faye:

No, I am not entirely sure that I would either. The figure that I have quoted on this document delivered to me does state, as I read it - and I have to say to the Connétable I may have misread this document - that the current flow Mont Felard southbound from my understanding is 380 vehicles per hour.

3.10.4 Deputy D.W. Mezbourian of St. Lawrence:

I spent some time at the Planning Office on Friday looking at a report that was prepared in which a great deal of space was given to looking at traffic queue lengths. Would the Minister explain to the House please, why traffic queue lengths are not taken into consideration by his department?

Deputy G.W.J. de Faye:

Essentially, as I believe it, traffic queue lengths are unreliable and not a very helpful source of information as opposed to traffic flows, which I am sure many Members will know. They will have often seen the cables laid across the road that are a very accurate recording of not only numbers of vehicles, but give an indication of speed of vehicles, and that is a far more useful tool rather than sending members of my department out with tape measures at various times of the day in the hope that they might be able to run the tape to the end of the queue before it moves. [Laughter]

3.10.5 The Connétable of St. Lawrence:

The figure that I have now written down and calculated gives me even more cause for concern because 380 vehicles per hour works out at a little over 9,000 vehicles in 24 hours whereas I was told 6,200 vehicles by the department only within the last week or 2. I would be grateful if the Minister would investigate the source of these figures and try and be a little bit more ... well maybe the figures he gave us are accurate, but his department needs to be more accurate in total, so that we are given the correct information. I am concerned at the moment, as you can imagine, about road safety factors which, I was investigating before a recent accident incident on the main road in St. Lawrence and I really need to have some accurate figures. I am afraid that it does not help to be given figures that vary quite ...

The Bailiff:

Supplementary question, please.

The Connétable of St. Lawrence:

The question is would the Minister kindly confirm that he will make sure that I am supplied with correct figures, please?

Deputy G.W.J. de Faye:

It seems that I have misled the entire House as well as the Connétable of St. Lawrence. Clearly it would not be wise to multiply that figure of 380 by 24 because I very much doubt that at 4 a.m. in the morning 380 vehicles per hour are travelling through his Parish. I think I should communicate to the Connétable that I rather suspect that that figure for 380 vehicles per hour refers to the peak time figure between 8 a.m. and 9 a.m. I can offer some degree of comfort that that figure probably does not pertain on an hour by hour basis and, of course, I caution any Member to simply pick a peak time figure and multiply it by 24 to develop any concerns about traffic in their own Parishes.

3.10.7 Deputy P.N. Troy:

Could I ask perhaps that the Minister submits this information in the format of a written question, because this would really have been best submitted as a written question?

The Bailiff:

I think that was a point made by the Minister himself, but the Minister is not in a position to dictate how a question is put, I am afraid.

3.11 Deputy G.C.L. Baudains of the Minister for Economic Development regarding the deterioration of St. Catherine's breakwater:

Would the Minister explain why the St. Catherine's breakwater has deteriorated to its present condition?

Deputy A.J.H. Maclean (Assistant Minister for Economic Development - rapporteur):

Deputy Baudains is absolutely right to be concerned about the condition of St. Catherine's breakwater; it is an important part of Jersey's rich maritime history. But the suggestion that it has been allowed to deteriorate through choice or lack of regard is untrue. In 1885 one of the original engineers warned that the immense power of the continuous pounding by the sea could damage the inner core. During the last 30 years it has been regularly inspected and repaired. In 1998 an army dive team co-ordinated an extensive repair with 5 cubic metres of concrete poured into the core as well as further repairs to the roundhead. In autumn of 2003 there was an unusually severe storm which caused further damage. This led to the appointment of specialist engineers who carried out detailed surveys throughout 2004 which included radar surveillance of the inner core. This was made possible through specialist new equipment. Based upon the conclusions of this detailed report, it was decided that a full restoration strategy should be prepared rather than continuing with ad hoc repairs, results from which are neither long-term nor especially cost effective. With more than 150 years of history, St. Catherine's breakwater is an important part of Jersey's heritage. In my opinion, we have a clear duty to protect and preserve it for future generations. The intended restoration programme should ensure this aim is achieved.

3.11.1 The Deputy of St. Martin:

I will not ask if they are going to sell off that part of St. Catherine's - maybe demolish it and build something else - but I will ask: it has been reported that large boulders may well be removed from the Archirondel end of that breakwater to be put on to the breakwater at St. Catherine's for reinforcement. Is the Minister in a position to confirm that? If he is in a position to confirm it, would he not say that it would be a retrograde step for the Archirondel end?

Deputy A.J.H. Maclean:

It has been considered for the simple reason that the size of the boulders in the roundhead at St. Catherine's breakwater are of immense size. The most cost effective route would be in fact to use the Archirondel end stones; they match in size and design and shape and so it has been given serious consideration as part of the process.

3.11.2 Deputy G.C.L. Baudains:

Could I just have clarification on that last reply of the Assistant Minister, that in fact the stones possibly to be taken from the Archirondel end would be stones purely for replacement of missing stones from the end of the breakwater and not a lot of stones to create the rock armour, which has been suggested?

Deputy A.J.H. MacLean:

That is absolutely correct.

3.12 Deputy G.P. Southern of the Minister for Treasury and Resources regarding):

Would the Minister inform Members in relation to the E.U. S.T.D. (European Union Savings Tax Directive), whether the amount collected in Jersey is broadly in line with informed estimates and in particular the sums held from U.K. and E.U. depositors and the proportion of these held in funds to which S.T.D. does not apply, such as trusts?

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

The retention tax collected of £13 million is broadly in line with estimates, the original estimate being some £10 million made some time ago without any indication at all of what the likely yield was going to be. Of that £13 million, a vast majority is from U.K. depositors but no information is available to the Comptroller of Income Tax as the actual sums held on deposit and on which the retention tax is suffered, and any calculation to try to answer this question would be a pure guess. Similarly, there is no information available to the Comptroller as the sum is held in deposit by those such as trustees of trusts to whom this retention tax does not apply.

3.12.1 Deputy G.P. Southern:

Does the Minister not agree that, according to Jersey Finance July 2005 figures, some £48 billion was held by U.K. depositors to which could be added £17 billion held by E.U. based depositors - and does he not further agree that over £1 billion in interest would have been paid in this period on these deposits; and using his own figures, this would have reduced a sum for withholding tax of some £107 million, and £13 million was delivered? Does this not indicate that the size of tax avoidance on the Island, from withholding tax, is substantial indeed?

Senator T.A. Le Sueur:

No, it demonstrates that there is a vast majority of funds deposited in Jersey, deposited by companies and trusts.

3.12.2 Deputy G.P. Southern:

Would the Minister not agree that recent moves in Trust Law encourage the avoidance of tax through withholding because of the relative ease that his department has enabled people to avoid paying withholding tax?

Senator T.A. Le Sueur:

No, firstly trusts are set up for a variety of reasons. Secondly, they can go to a variety of jurisdictions. The savings tax directives were not designed with trusts in mind; they were designed in respect of individuals and it may well be that other appropriate measures will be taken in due course for other entities.

3.12.3 Deputy G.P. Southern:

Would the Minister not agree that the recent rise of 30 per cent in the number of trusts being held in Jersey over 2005 indicates that many investors wish to avoid paying withholding tax?

Senator T.A. Le Sueur:

I have no evidence whatsoever about that. I suggest that the rise in the number of trusts in Jersey is due to the increase in confidence in Jersey as a respectable and sound place in which to do business and that those trusts are formed for a variety of reasons.

4. Questions without notice – The Minister for Home Affairs

4.1 Connétable T.J. de Feu of St. Peter :

Could the Minister inform this House how many police officers have been seconded into the Island force in the past 12 months from the UK and, secondly, how many more outside secondments are planned for the next 6 months?

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

I do not have that level of detail but I am quite happy to try and find that out.

The Bailiff:

Minister, I am sorry to say that I must put a halt to question time. We are not quorate at the moment and I must ask some Members, at least in the precincts, to return to the Assembly. Yes, Minister, perhaps you could answer that question?

Senator W. Kinnard:

I do not have an exact figure of that. It is a very minute point of detail other than to say that we do have arrangements, of course, where we have a situation where some of our officers are sent to the U.K. and we have exchange officers coming back to the Island, and that is why I would have to clarify the figure later today. But I think also there has been a question raised about an officer being seconded for a short period of time to assist us with the arrangements for the various football scenarios that are going on at the moment, and I think there has been some wild exaggeration of that. In that particular case, we have one officer that is going to be seconded for a very short period of time to assist us with those arrangements. But, as to the depth of the question, I will have to take further advice from that.

4.1 Deputy S.C. Ferguson:

In view of the Minister's express support of the human rights legislation, I wonder if she would explain why suspended officers are apparently not aware of the reasons for commencement of all the covert investigations?

Senator W. Kinnard:

I do not wish to comment upon individual cases and, again, I just reiterate the right process for this is for a complaint to be made to the Police Complaints Authority if any individual has an issue with their alleged treatment by States of Jersey Police.

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

Would the Minister inform the House why no disciplinary actions were taken against the police officers who admitted taking gifts from a local businessman? Is it because there were so many involved there would be no policemen left to patrol the streets, or is it because of major incompetence within the management?

Senator W. Kinnard:

Again, I do not wish to comment upon individual cases but I would say, Sir, that there are a range of sanctions that are used through the disciplinary procedures which can, of course, ultimately end in dismissal. There can, of course, also be criminal proceedings in certain circumstances and I think that it is a matter of the circumstances - it is a matter of the facts of the case as to what sanction is applied by the senior officers of the Force. I am confident, Sir, from what I certainly am aware of in the situation, that an appropriate sanction has been applied in this particular circumstance. But, as I say, Sir, I do not wish to be drawn on the specifics of individual cases.

4.4 Deputy S.C. Ferguson:

In previous questioning in this House the Minister was not clear on the accountability of the Police Force for operational matters. I understood that this was being reviewed. What progress has been made?

Senator W. Kinnard:

It is not a question of not being clear about the accountability. I think that there has been a misunderstanding of the role of the Chief Officer of Police and the Chief Constable in Forces in England and Wales as to the extent of their independence in operational matters. I know that the Deputy has been in protracted email correspondence with both myself, my Chief Officer and the Chief Officer of Police on this matter which clearly points to the fact that when it comes to policy

matters, of course, the Chief Officer of Police is answerable to the Minister for Home Affairs but when it comes to operational matters there is quite a degree of independence in terms of operational responsibility. This has been repeatedly addressed as well by the Home Secretary in the United Kingdom and on every occasion that degree of independence has been supported by Home Secretaries going back way before the 1970s. I think, Sir, that it is inappropriate for us to seek to change that kind of custom and practice and indeed it is being looked at in terms of the new Police Law and indeed some of those issues, Sir, we will attempt to enshrine in legislation.

4.5 The Deputy of St. Martin:

It has been reported that Probationary Police Officers will, in future - or would have been in future - doing their training in Jersey whereby they would lead to cost efficiencies et cetera and savings. It has now been reported that officers are going up to Northern Ireland to receive training. Could the Minister give the reasons why and also where will the funding come for this: one would assume there would be extra funding required?

Senator W. Kinnard:

I am very pleased that training now is taking place here in Jersey. It has been very effective in that our Police Officers do not have to come back to Jersey and unlearn English Law. We do, of course, have arrangements with other Forces to assist in training, particularly in professional development and this latest one is with Northern Ireland. Sir, I do not have the actual figures of any costs that will be attendant on that but, of course, it will be within our usual training budget that it would be funded. Indeed there are cross-fertilisation opportunities, if you like, between Forces and certainly I would continue to welcome work with other Forces throughout the country.

4.6 Deputy C.H. Egré of St. Peter:

Would the Minister of Home Affairs give an indication as to whether or not we will be putting together a Police Authority in Jersey? Prior to Ministerial Government we had a Committee which acted as a pseudo Police Authority; that is no longer available to us. To take some of the pressure off her, as Minister, would it be considered that we should be going down the route of producing a Police Authority?

Senator W. Kinnard:

This has been a matter that has exercised our previous Home Affairs Committees and continues to exercise myself. In fact I just did it scrutiny quite recently. The issue of Police Authority has been very difficult to get off the ground in Jersey and, indeed, when we did find someone to take on the position his conclusion was we did not need a Police Authority at this same pattern as they have in the United Kingdom here. I am, at the moment, looking at Gibraltar because I believe that they have just brought in a Police Authority there but also I have looked at the possibility of a Liaison Committee which would be an advisory committee to the Minister and Assistant Minister of Home Affairs. In fact a report was sent for Members' interest, I think sometime last year, on this particular matter. So, Sir, this is actively under consideration, it has been held up to some extent by a lack of decision by this House on the role of the Connétable because, of course, it was supposed to take in also how we would work towards a single policing plan between the States of Jersey Police and the Honorary Police Service. But the lack of decision on whether the Connétables are likely to remain in the States or not - I think it is unlikely they would wish to lose both their automatic rights to sit in this House at the same time as losing their policing powers - has indeed held this up. But, Sir, I am very clear that I do have a potential way forward, I am just at the moment looking at some further research and will be reporting back to this House on this matter in early course.

4.7 Deputy J.J. Huet:

Many years ago our lads and lasses used to be trained in the U.K. I know they had to unlearn English Law. They did not seem to have any problems doing that. They then started to train in Jersey which was agreed, which does not give them a very wide experience of life. But I am curious to why that they would be trained in Northern Ireland. I would have thought the south of England somewhere would be of much more comparison to Jersey. Why on earth are our lads and lasses going to Northern Ireland to be trained? It is not exactly comparable with Jersey, is it, Sir?

Senator W. Kinnard:

Again excellent training. In fact I was recently at an awards ceremony awarding the training department for the good work in this area. So, we take up opportunities wherever they are appropriate. We have had exchanges with Scotland as well as now Northern Ireland and other Forces. We have sent officers to the Met. Again it is wherever the opportunities are available, where they seem to be appropriate. Certainly in Northern Ireland the training department there has an extremely good reputation and indeed one of the reasons why they are happy to assist us is that they have been very impressed by the standard of training and the way in which training is delivered in the Island and they, in fact, wish to learn from us also.

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

One of the benefits obviously for training locally is that it is less cost et cetera, but one of the things that does concern me is that later on in their career - and certainly when I was in the Police Service - to get promoted you have to have a broad knowledge and part of that was to meet the same standards as that of other officers in the United Kingdom. Will such officers in the future be given the appropriate opportunities for training to reach this standard, or will they be at a disadvantage? The suggestion that has been made to me is that it gives a greater opportunity for officers that are imported than that just solely locally trained, Sir.

Senator W. Kinnard:

The main reason for bringing training in-house was that training within England and Wales was not going to be delivered in the same way as it has done previously by the Police College. What was happening was that individual Forces were having to go out to specific training agencies. We, therefore, felt it was much more sensible therefore to bring our training here in-house in Jersey. There are some cost savings for that, but that was not the prime reason. But one of the reasons I was very clear about is that in bringing it into the Island was that we should be able to ensure that our officers could meet the same standard, that they would be properly accredited. Indeed, Sir, I can confirm that that is the case and, indeed, again this is another area that I asked HMI to look into to give us reassurance on that point.

4.9 Deputy S.C. Ferguson:

I wonder if a proper study has been made of not using the Police College in the U.K. How can the Minister be sure that they are getting the same opportunities? It would seem to me that we need a review of the exams and so on that are being set because having in-house training may seem cheaper but is it really better value for money? Is it not better for our Probationers to be mixing with people from all over the U.K. and getting proper ...

The Bailiff:

Deputy, time is running out, your question must consist ...

Senator W. Kinnard:

In the period of time when our officers were being trained in the United Kingdom repeatedly they got the best prizes for the top marks both academically and in the sporting field and so on. So, I do not think I have any concerns about the lack of ability of officers coming from this Island. We have, again as I said, asked Her Majesty's Inspectorate of Constabulary to look at what we have

available in terms of professional development of our officers and indeed just this last week the H.M.I. was in the Island to look at the Assessment Centre for the promotion of officers to middle and higher ranks. Again, in the closing out meeting the indication I got was that he was highly impressed with what we had to offer. In terms of wider experience, again we have these exchange opportunities for officers and we promote those very, very hard because we are keen that officers should have as wide an experience as possible. In fact, what we are finding, Sir, is that officers are keen to take these opportunities up because they are able to go for short periods of time and not leave their families here in the Island for long periods of time which used to be one of the reasons why some officers preferred not to take up the opportunities that were offered. That no longer is the case and I think that this Police Force, Sir, is becoming increasingly professional and is getting to higher and higher levels of professionalism in the Service.

4.10 Deputy R.G. Le Hérissier:

A propos the exchange during earlier questions, could the Minister inform us, Sir, whether she has examined the time schedules that surround the disciplinary cases and has she come to the conclusion that they are excessive? If so, what steps is she taking to speed up the whole process?

Senator W. Kinnard:

Again as I have mentioned, I have asked H.M.I. to look at this particular situation. It is regrettable that investigations do take a long time and I am keen that they should be concluded as quickly as possible for all concerned. It is regrettable when these things do take a long time but clearly they are very sensitive investigations and --

The Bailiff:

Thank you, Minister. I am afraid that expires the first question period and we come now to the second question period of the Minister for Treasury and Resources.

5. Questions to Ministers without notice – The Minister for Treasury and Resources

5.1 Deputy J.A. Martin:

As I was unsuccessful to get the Minister for Economic Development to agree that no more money will be spent on our forts until we, as States Members see a proper Business Plan, can I have that assurance? Could the Minister please also comment that should the States be in direct competition with commercial tourism at the subsidy rate that we are giving them?

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

I think there has been a degree of misunderstanding about this issue of forts and the need to invest in them. Firstly, they are part of our heritage and it is right that we invest money to protect and preserve and enhance that heritage. If we could also do that and generate a revenue at the same time, so much the better. The comments I made in respect of a previous application were in respect of a lack of detail in the Business Plan did not enable me to form a decision. I like to ensure that decisions made by the Treasury are made on the basis of full information and I, therefore, expressed concern at the lack of detail. Nonetheless, given the timescale and given the booking already been taken, it seemed clear that that had to proceed. I requested in future applications for these release of funds that full details should be available to Treasury before they are released.

5.2 Deputy G.P. Southern:

Does the Minister agree that in passing P.29/2006 - amendment to Jersey Trust Law 1984 - which contained reserve powers for the settlor, that the settlor can tell a trustee what to do which means a trustee is in a nominee role and the settlor can claim property back? We have in this Island - does

he not agree - created a sham trust facility which avoids proper payment of tax especially withholding tax in the Island?

Senator T.A. Le Sueur:

No, I do not agree. The revision to Trust Law clarified and, I think, made life simpler for trustees and, indeed, perhaps for settlers. There is no question of trustees acting as nominees and were a trustee to act in a nominee capacity that would be a sham Trust and would certainly bring the whole trust down. So, I have no doubts that the amendment to the Trust Law which was passed by this House, Projet 29, was another step in the right direction to enhance our already very sound Trust Law which is accepted and respected by Trust Practitioners worldwide.

5.3 Deputy S.C. Ferguson:

Reverting to the historical properties, was the Minister aware that the National Trust for Jersey was also interested in participating in this programme, particularly with regard to houses rather than castles? This would have been cheaper for the States but would have had the same effect. Was he aware?

Senator T.A. Le Sueur:

No, I had no particular reason to be aware. I was consulted on a very narrow point of the use of monies within the Tourism Investment Fund in excess of their permitted level of spending without authorisation. Other than that, Sir, the Economic Development Minister has full authority to develop those properties in the way which is in the best interests of the Island.

5.4 Deputy R.G. Le Hérissier:

Was the Treasury Minister surprised when I was given an answer by the Minister for Health that he could not give me relevant financial information in terms of the switch towards private residential care? Would he not accept that those ballpark figures should be available to all Members? Is he not surprised that a programme that appears to be massive and at the current rates could well exceed, for example, £2 million per year, the shift towards private residential care? That is something about which he should know explicitly.

Senator T.A. Le Sueur:

But I have full confidence that the Minister for Health has all the information that he requires in order to make an informed decision on the best way of funding health care for the elderly, or indeed funding any other part of the Health Services.

5.5 Deputy R.G. Le Hérissier:

Is the Minister saying, Sir, that decisions that are taken in this apparently covert manner are made according to the best principles of business rigor? Secondly, Sir, would he define to me what he means by productivity in the Civil Service and how it is met?

Senator T.A. Le Sueur:

I believe that, particularly with the new Public Finances Law where Accounting Officers have to be accountable to the Public Accounts Committee for their actions, they will take every effort to ensure they are fully informed that decisions they make are ones which can stand up to effective scrutiny. So, in addition to that, Sir, there are financial directions given by the Treasury in respect of certain actions that have to be followed in spending procedures. The second part of the question, Sir, I do not quite understand. Maybe the Deputy would like to repeat it?

5.6 Deputy R.G. Le Hérissier:

Could the Minister define, given all the talk there is about reforming the Public Service and the fact that much of this talk centres on cutting back people, what is happening in terms of raising the productivity of the Service rather than emphasising cut backs or ...

Senator T.A. Le Sueur:

Firstly, efficient services do not necessarily mean cutting back on people, they mean cutting back on expense incurred when that can be done as, for example, happened in the case of the prison by cutting down on overtime and making better use of the resources. I think, in terms of measuring productivity and efficiency, besides the fact that we have a benchmarking process in hand and that is regularly reviewed, I think the answer will simply be in terms of giving Ministers a limited amount of money to spend and making sure they spend it in the best possible way. I think I would need further thought into how that productivity could be measured, but certainly within the Business Plan last year we proposed that in future there should be what we call a balanced scorecard approach. Having set out in a Strategic Plan what measures we would want it to implement, we would then review those as Council Ministers, department by department on a quarterly basis, to ensure that where there are defects in the scorecard they are addressed and put right and where there are positive advantages in that they are shared and made available to other departments.

5.7 Deputy S. Power:

My question to the Minister is related to the proposed 'Zero/10' Corporate Tax. In the case of law and accountancy firms in Jersey, how will the net profit be split between zero rate on a domestic business and 10 per cent on their offshore operations, when they share the same partners, office buildings, communications and maintenance?

Senator T.A. Le Sueur:

The tax will be assessed on the basis of where the operation - be it a partnership or a company - is operating. If the partnership is operating in Jersey, it will be assessed in Jersey on all its income wherever that income arises wherever the clients happen to be based. The assessment between the individual parties would be assessed in the same way as they are currently assessed. The assessment in respect of companies would be in respect of the shareholders in relation to their shareholding in that company.

5.8 Deputy G.P. Southern:

Has the Minister read a publication by Voller Trust and Corporate Services Limited of 18th May 2006, which clearly says: "The introduction of statutory provisions for reserve powers for trust settlors allow the settlor of a trust to direct the trustee in the exercise of a range of powers." He has just been quoted as saying: "Any such reservation would be a sham trust." Will he assure the House that he will read this document and give a response to assure the House that no such sham trusts are being set up in Jersey?

Senator T.A. Le Sueur:

First, no, I have not read the Voller Paper. I reject the suggestion that any reservation of powers automatically creates a sham trust. One has to look at the particular circumstances of any particular trust. There is no way of legislating against that. It would be on a case-by-case basis. If a trust is a sham trust it will be shown to be one in the course of time when it is challenged. There is no intention that in the legislation to encourage the setting up of trusts which might be regarded as shams and I believe that the Jersey Trust practitioners themselves have a very high standard of reputation and responsibility to the Financial Services Commission to ensure that they will not knowingly want to be involved in what are sham trusts.

5.9 Deputy G.P. Southern:

May I seek some clarification on that? I accept the word: "Intention", what is the effect? Will he return with a categorical denial related to this paper that these are not sham trusts?

Senator T.A. Le Sueur:

I am not sure which trusts the Deputy is referring to. I am not going to be in a position, Sir, nor would I want to try to assess every trust which has been set up in the Island which I do not know how many of them might be. Until they are looked at by somebody or other, I could not possibly give that sort of assurance.

5.10 Deputy J.A. Martin:

I will try again, Sir. The Minister did not answer the second part of my question at all. Given that private enterprise cannot get anything out of the Tourism Investment Fund, is he assured that Treasury money should be directly invested in competition with the private sector tourism in Jersey? Does he believe this is the best use of our money?

Senator T.A. Le Sueur:

I can think of many instances where the States is in direct competition with the private sector, telecommunications springs to mind as an obvious example. What we have to do, I think, is to make sure that those properties are maintained for the best possible use of the community and it is the community who will benefit in the best possible way; whether that is done by private developers, whether it is done by the States, whether it is done as a partnership will be open to discussion, as long as it is done in the best interests of the Island. As far as the actual use of the Tourism Development Fund is concerned, it has purposely been taken away from States' involvement and been given to an independent third party organisation to be able to decide what is in the best interests of the Island. I believe that that Fund will make up its own rules and have its own procedures and I have no indication that private developers would be totally debarred from having any access to those funds.

5.11 Deputy G.P. Southern:

In a written response to a question earlier today the Minister repeated the figures that those businesses affected by the 10 per cent rate will be approximately 250 to 300 and that the 10 per cent rate will raise something of the order of £60 million to £80 million. These are the figures that he set out initially or over a year ago - 2 years ago almost. Is it not time, does the Minister consider, that these figures are refined, particularly if we are to vote through the total package of fiscal measures that he is proposing? If we were to find out afterwards that it is only £60 million and not £80 million, then we may have to make substantial readjustments in the future. Will the Minister come to this House with some more detail about who will be charged 10 per cent, which categories of financial services operators and a better estimate of how much money will be raised so that we can be assured that the black hole will be filled by these measures?

Senator T.A. Le Sueur:

I think there are 2 parts to that question, Sir, and certainly as far as the quoting of the black hole or deficits is concerned, that is under review by Treasury officers as I speak and I am trying to get the most up to date figure for that position. The 'Zero/10' proposals are at the moment still out for consultation and until that consultation has been agreed and a way forward clearly established it is very difficult to be able to put a more precise figure on the numbers we are talking about. But I have no reason to doubt the figures which I quoted in my answer to the Deputy earlier this morning are the best possible estimate of the current time.

5.12 Senator S. Syvret:

So would the Minister for Treasury and Resources agree with me in the light of answers I gave this morning that, in fact, we do know - contrary to what was recently suggested - what the approximate

costs of the buying of care in private sector was likely to be? That we are, in fact, aware of these issues and that it would be commercially financially extremely disadvantageous to the States were the information to be made public. Would he agree with me that I said that I would be prepared to provide privately to Members in strict confidence the figures in question and that this would be the best practice as opposed to discussing them publicly on the floor of this Assembly?

Senator T.A. Le Sueur:

Yes, and I am happy to confirm that the Minister for Health and myself are at one accord on that matter.

5.13 The Deputy of St. Martin:

Would the Minister confirm that since the States gave approval for its department to draft the legislation which requires stamp duty to be paid on those properties bought by share transfer, that possibly around £1 million has now been lost to the Treasury? Also, is the Minister in a position to give us an update on the progress of legislation and when will it be produced or presented to the States?

Senator T.A. Le Sueur:

I have no way of verifying the £1 million figure but I will take the Deputy's suggestion; that is not a bad guess. As far as progress is concerned, I am having a meeting with officers of different departments early next month to take this forward. There are some fairly significant issues here and it is clear that a new law will be required. We cannot just simply extend existing legislation because it is not appropriate. If I give Members a flavour of some of the difficulties, many of the properties concerned will be owned by companies not incorporated in Jersey. How does one assess stamp duty on a property incorporated elsewhere? Is it on the property itself; is it on the shares in that company; who does it; is it going to be the Judicial Greffe; is it going to be Financial Services Commission? There are a whole range of different scenarios here to be considered and the situation, as I indicated to Members some time ago, is not as clear-cut by any means as the principle might first appear. Nonetheless, that meeting is taking place as a matter of urgency once we have concluded matters on the Strategic Plan and I hope to be able to inform the Deputy of progress, and indeed the House, following those discussions.

The Bailiff:

That concludes the second question period. There are no matters under J or K and the Assembly accordingly comes to Public Business.

PUBLIC BUSINESS

6. Strategic Plan 2006 to 2011 (P.40/2006)

The Bailiff:

The first item is the Strategic Plan 2006 to 2011 and before I call upon the Greffier to read the proposition, I wonder if I might ask the Chief Minister a question and subsequently invite any comment from Members. Members have in front of them a schedule of the considerable number of amendments which have been lodged to the Strategic Plan. The red text shows amendments in the name of Members, the green text shows amendments in the name of the Council of Ministers and the blue text shows amendments in the name of the Council of Ministers which are amendments to other Members' amendments. Now, so far as the green text amendments are concerned, may I first of all ask the Chief Minister whether he would find it convenient to move the proposition as amended by the Council of Ministers amendments, subject to views of Members which I can come to in a moment?

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

Yes, subject to the views of Members, I believe that would be the best way forward. I think the Council of Ministers' amendment - the green amendments as they are in the document - are, generally speaking, non-contentious, they add to the Plan and in many respects were put in as a result of very helpful discussions we had with the Social Affairs Scrutiny Panel. I do not believe they are contentious and I think it would be the most effective way forward if Members did agree that I could propose the plan as amended in that respect.

The Bailiff:

Thank you, Chief Minister. May I now ask Members whether there is any green amendment which a Member would like to have treated in the technical sense as an amendment and debated as an amendment?

Deputy J.G. Reed of St. Ouen:

Yes, Sir, I do have a few comments to make about certain of the amendments. I have not identified those particular amendments because I felt that we were going to take the amendments as described on the paper.

The Bailiff:

Is there a green amendment which you wish to oppose, Deputy? That is the key question. You will certainly have the opportunity to address the issue at the appropriate time.

The Deputy of St. Ouen:

It is very difficult for me to answer that, at this stage. I am planning on certainly speaking against some of the proposed amendments.

The Bailiff:

I do not want to press you on this, Deputy, it is certainly the right of Members to oppose any of the amendments in whatever colour they are put forward. But it would be more convenient, I think, for most members if the Council of Ministers' non-contentious amendments could be proposed as part of the proposition. Are you opposing that?

The Deputy of St. Ouen:

If that had been the plan, it would have been useful as an individual Member to know that because obviously I have made and written down comments about each of the amendments and at this stage and at this short notice I cannot identify the ones that I am going to be supporting or the ones I am going to be against.

The Bailiff:

I wonder if I might suggest to the Assembly that we deal with it in this way; that I invite the Chief Minister to propose the proposition as amended by the green amendments of the Council of Ministers but if, at the appropriate time, that we come to any of these amendments any Member wishes to indicate that he or she wishes to oppose a green amendment that he has the opportunity to do so at the appropriate time?

Senator F.H. Walker:

Does that mean I still propose the Plan as amended by the green amendments?

The Bailiff:

I will still invite you to propose the Plan as amended and we will not deal separately with any green amendment unless a Member specifically states that he would like to do so at the appropriate time. So, may I ask The Greffier to read the proposition?

The Greffier of the States:

The States are asked to decide whether they are of opinion in accordance with Article 18(2)(e) of the States of Jersey Law 2005 to approve the statement of the Common Strategic Policy of the Council of Ministers as set out in the Vision on page 5, the Council's top priorities on pages 14 and 15 and the 6 commitments and associated outcomes and initiatives on pages 21 to 54 of the Strategic Plan 2006 to 2011 attached as an appendix.

6.1 Senator F.H. Walker:

Today we are debating the first Strategic Plan prepared by the Council of Ministers. This is, without doubt, the most important document - the most important proposition - to come to this House since the introduction of Ministerial Government. Today is the day we fully test for the first time the vision, the policies, and in many respects, the ability of the Ministers this House elected to lead the Island forward. It is a day that will, in one way or another, shape the future of the Island. The result of this debate will affect the quality of life, the earnings, the social care and the environment of every single member of the public. The public will be watching and listening to how we, as an Assembly, go about this supremely important task. We have the opportunity today to engage in a high quality, high level debate on policies of serious consequence to everyone in Jersey. That is what the Island has the right to expect and I sincerely hope that we will grasp the opportunity this debate presents to us in that respect. The context of the debate is, I think, well summed up in the foreword I wrote to the Plan in which I said: "In recent years the States have worked hard to create the right environment to enable our economy to grow which, in turn, helps ensure the continued prosperity that provides Islanders with a good quality of life." That work must continue but with those building blocks now in place, we also need to focus on social issues to make sure that everyone in our community is provided for and protected. The improvement of social housing, home ownership, the income support system, law and order, the need to care for the growing number of elderly people in our population and anti-discrimination measures are, therefore, key features of this Plan. So too, are much needed improvements in our infrastructure and future prospects for our young people. Let no-one doubt that this is an ambitious Plan. It certainly does not compromise in any way, in the way it faces up to and addresses the big issues facing the people of Jersey today. It is a strong and aspirational vision of the future. A future which, if we are bold enough and determined enough, is within Jersey's grasp. It is a vision which carries the unanimous support of all 10 Ministers. Ten Ministers who share a common belief that this vision is achievable and who are totally committed to delivering it. Sir, if the States agree to the Plan today, deliver on it we will. Inevitably and rightly, the Plan has been the subject of much debate among Members since it was first published. It is, I think, noteworthy that so far few have criticised or disagreed with the vision of the future the Plan lays in front of us. Indeed, one Member has said that it is beyond criticism, but that it is merely a wish list. He is wrong and if the States back the Plan today, he will be proved to be wrong. Most of the criticisms and concerns have centred on the structure of the Plan, the resourcing of it, the lack of detail in the eyes of some and the process that we are following. But, Sir, the process and the approach adopted by the Council of Ministers is that laid down by the States and which the Council of Ministers as followed to the letter. We were obliged, under the States of Jersey Law, to produce a Strategic Plan and lay it before Members no later than early April and that is exactly what we have done. We are also obliged to lay an Annual Business Plan before the States for debate and approval and that is what we will do, again according to the timetable laid down by this House. Now this is the first time since the very important change - a fundamental change - to Ministerial Government that we have

had such a debate, that we have had such a Plan and the process may not be perfect. Teething problems with any new system, particularly after the magnitude of change we have gone through, are, generally speaking, inevitable. But that is no reason whatsoever to suggest that the entire process is not working and that we need to go back to the drawing board. It is certainly no reason, as some have suggested, to reject the entire Plan. That would be entirely counter-productive and where exactly would it leave the Island in terms of knowing what its future holds? Well, it would leave the Island in a vacuum with no clear lead, no clear leadership, exactly what the people of Jersey have said they do not want and exactly what destroys confidence and faith in this House. What we should be doing is to recognise that, as with all things, our process can be improved and work together, emphasising working together to ensure that it works as well as it can do, as well as it should, in the best interests of the public and that is why I welcome Senator Shenton's revised proposition that we should conduct a review. That is, in my mind, a positive and welcome proposal. So review the process, do not just say because we have got a few teething problems we need to throw it overboard. That would be totally counter-productive and totally wrong, in my view, against the best interests of the people of Jersey. The concerns on the lack of detail, particularly on resources, are based, in my view, on a genuine misunderstanding of what a Strategic Plan actually is. It is, as I have said in my recent statement to the House not in any way a document that binds the States to specific spending or resource commitments. That is not its purpose. That will come later, in the Business Plan; in what is actually, for all the teething problems it may have, a well-ordered and effective process, which gives Members the opportunity to firstly, agree a vision to the future in general terms, which is what we are doing today. What should Jersey look like in 5 years time, in other words, and then agree in a separate debate, based on a separate report and proposition and a separate document, on the priorities within that vision and how they should be resourced on an annual basis. No specific commitments to spending or manpower are being asked for today. They will be sought in the Business Plan debate in September. Today, the Strategic Plan represents a work plan for the Council of Ministers to work to and it, in effect, instructs the Council of Ministers to come back with specific proposals on resources in the Business Plan and/or specific propositions at other times in the year, which is, of course, exactly what we are obliged to do. We have no choice. We are obliged to do that under the States of Jersey Law and that, of course, is therefore what we will unquestionably be doing. So I say to any Member who remains concerned that approving the Strategic Plan gives the Council of Ministers *carte blanche* to spend, to employ, or to follow specific policies without further reference to this House and without further instructions from this House, that it does not and they have no reason to be concerned in that respect. The House is supreme in these matters and it will, of course, remain so. Again, I have no doubt that the result of Senator Shenton's proposed review will reinforce that basic essential. The preparation of the Strategic Plan has inevitably taken up much Ministerial time since the Council of Ministers was formed. The Council started its work in January and quickly identified what it is that makes Jersey the special place we all value and love so much. Jersey is a special place to live and work. Jersey has a wonderful environment for children. Jersey has a low crime rate, with generally good standards of behaviour compared to other communities. Jersey is prosperous. Jersey has little, if any, hardcore unemployment. Jersey has a great heritage. Jersey has a superb natural environment. Jersey has a tremendous cultural heritage and history. Jersey offers excellent healthcare and education and Jersey is generally clean and well maintained. But it is not all good news and we also identified what is not so good about the Island and what, in our view, has to be put right. We want to address - and I would argue that this House needs to address - the damaging and unacceptable social inequities that exist within our society; the essential need to care for our ever growing numbers of elderly people and care for them well; antisocial behaviour, wherever and whenever it rears its ugly head; our transport systems and services, both to and from the Island and within; and the poor condition of some of our roads, and particularly some of our housing estates which have fallen well behind acceptable modern standards. These are the real needs of Jersey at this time and only by meeting them will we be able to claim that Jersey really genuinely continues to be the special place; or will be the special place - it can be and we would all like it to be. That is

why we have to invest and invest now, in those areas where the Island is not up to standard and where, in some cases, we have indeed been falling well behind. Invest now to maintain and improve our services, the services we offer the public and the quality of life for all, rather than cut services and fail to move forward, or even worse, stagnate. Of course, we will be addressing those philosophies with one or 2 of the amendments we have later. Not only have we looked at what is not so good about Jersey and come forward with a proactive plan to address those needs, we have also looked at how to meet the challenges of the future, the challenges that still face us. The overall plan will enable us to meet and win against ever growing international economic competition, a fundamental need for all of us; deliver economic growth and diversity according to States' instructions under the Economic Growth Plan; create a unique Jersey brand to sell and to protect our Island; deliver a waterfront and town that we could all be proud of and plan for our ageing population; provide a good future for young people and balance population pressures. To achieve our vision, we have incorporated current States policies, just as I said I would when I stood for election as Chief Minister, on our fiscal structure; on economic growth; on migration; on income support; on culture; on the environment and many others. They are clearly laid out on page 9 of the Plan. Then we have set out to build on those existing policies, those strong, forward-looking existing policies and develop the additional new policies that the Island does need. We have not shied away from setting out our top priorities and they are laid out, again I hope clearly, on pages 9 and 10 of the Plan. The Council of Ministers' responsibility is to deliver on the existing policies of the States. We have to, you have told us to and that is absolutely as it should be. But we want to go further - a lot further - and with Members' support, deliver on a whole new set of policies at the same time. We want, for example, to produce a new Island Plan as quickly as possible and well ahead of the original timetable for updating the Plan. We want to create a much better sense of social inclusion, vitally important. We want to and we are, going to deliver new modern and excellent health and social care strategies. We want to deliver and implement a plan, we need to deliver and implement a plan for demographic change. We want to improve our infrastructure and we have already started. We want to promote greater home ownership and we have already started. We want to ensure that our young people can look forward to a prosperous and a healthy future. We want to - we need to - secure our transport links. We want to develop new long-term energy strategies. We want to further strengthen our already strong international position. We want to work with the Privileges and Procedures Committee on electoral reform and the composition of the States, although that is primarily their responsibility, we would like to work with them to achieve that. And last, but not least, we want to deliver light touch, value for money and effective government. Ambitious? Yes. Challenging? Certainly but with the support of this House, those objectives can and will be delivered and who in this House would argue about the desirability of delivering on those objectives? Objectives with a deep social element embedded firmly in them; indeed, leading most of them forward. They can be delivered and with the support of this House, they will be delivered. But nor have we let the grass grow in the few months we have been in Office, nor have we let the grass grow under our feet in other areas. Where it can, the Council of Ministers has already introduced, or will shortly introduce, a number of significant improvements to services and the Island's infrastructure. Improvements such as a reduction in hospital waiting lists. Improvements such as enabling a number of people who could not previously afford it, to purchase their own homes. We have brought forward the building projects to the prison; we brought the calendar forward to meet the obvious need which so many Members of this House have referred to in recent weeks. We took action to deal with the smells of the Bellozanne Sewerage Plant within a week of the matter being raised by Deputy Ben Fox in this House. We have taken steps to raise the standards of architecture to new levels and in conjunction with the Parish of St. Helier we have set up a high level task force to protect and enhance the town. We have given strong support to our Tourism industry; agreed new measures to deal with street crime and hooliganism; agreed with the U.K. Government a process to further develop our constitutional position and last, but not least, supported the development of the excellent Prince's Trust initiative in Jersey. So that is quite a reasonable agenda for the few months I would argue we have been in existence, but it is just for

starters. That is just the tip of the iceberg and as the Plan proposes, we want to do more. We want to do much more and that is where we inevitably turn to the contentious issue of resources. And here too, we have faced up to the consequences of our ambitious plans. Yes, we believe that we are going to achieve that agenda, that primarily social agenda. We believe we need to spend a little more than was previously planned. If we are serious about our priorities and intent on delivering them, we also have to be realistic about funding them and we have been. Again, Sir, I would like to quote from my foreword to the Plan on page 3: "Tough decisions have had to be made in this Plan, to strike the right balance between delivering better public services and maintaining Public Sector spending at a sustainable level." We believe that we have managed to achieve this and that this Plan is both achievable and affordable. Essentially, the Council of Ministers had to make a choice. A choice between keeping the lid seriously tightly screwed down on expenditure, to the exclusion of many of the improvements outlined in the Plan; and improvements that we have absolutely convinced we need to deliver for the people of Jersey. So the choice was keeping the lid on expenditure and excluding those improvements to our society or striking the balance I have already referred to, of controlled and sustainable expenditure, married to additional investment to both protect and enhance the future, particularly for the less well off and the under privileged in our Island because they are at the centre of this Strategic Plan. We unanimously chose the latter: unanimously chose the latter as easily being the better way forward for the people of Jersey and we unanimously and firmly maintain that view. But today is the day for the States also to make that choice because when we come to amendments 11 and 13, primarily, the States will be asked to make that choice. Do we put expenditure control at the top of our agenda and forsake other things or do we strike the balance, the alternative between spending a little more and providing a whole new range of services? That is the choice the States will be asked to make later today. The Council of Ministers - and this is frequently overlooked or forgotten, not least by the *J.E.P.* - (*Jersey Evening Post*), is committed to saving the £20 million each year - £20 million per annum - we have already promised to save by 2009 and we will. In fact, we are ahead of schedule in that respect. Of those savings, £11 million each year will come from corporate and cross-departmental working and £9 million each year will come from efficiency savings across all departments. Our resource plans, while not being cautious enough for some, are very cautious indeed and we have committed ourselves. It is a commitment: we have committed ourselves to eradicating the deficit shown in the Plan for 2010 and 2011. Let me be absolutely clear. We will be in balance over the time-scale of the Plan and there will not be a structural deficit at the end of the period, as some have feared and suggested. Let me also be clear, there will be no new taxes than those already agreed by the States, as part of the fiscal strategy. That again, is an absolute commitment from the Council of Ministers. We will not and nor will we ever, seek to buy our way out of trouble - not that we are in trouble. In any case, as I have already referred to and it has been said in this House on many occasions, the commitment to spending and manpower - the commitment to resources - comes later. It comes in September in the Business Plan, which will be reviewed and agreed by the States - not the Council of Ministers - agreed by this House, each year, throughout the life of the Plan. That is where the commitment to spending, that is where the commitment to manpower resources comes in and it is entirely within the grasp of this Assembly to decide how much they want to spend on what and on whom. Entirely and only the responsibility and the role of the Assembly, not the Council of Ministers and not anyone else. Now, I am pleased that Members have proposed a number of amendments to the Plan. It shows how seriously we have all taken the Plan and this debate and there is no doubt at all the Plan will be stronger as a result so I am not only pleased that Members have proposed amendments, I am grateful to them for doing so, or at least some of them. **[Laughter]** The Council of Ministers has considered all of the amendments carefully and we have tried to be as accommodating as we possibly can. We have accepted, as Members would have seen, the majority of amendments and we are opposing only those which, in our view, are ill-considered and/or which, in some cases, strike at the very heart of the vision we hold so dearly for the future of Jersey. They strike at the very heart of the Plan and would, if agreed by the House - by the States - make the vision for the future that Ministers have, absolutely impossible to deliver.

We have also proposed a number of our own amendments and these have been referred to by the Bailiff - the amendments in green - which we believe also strengthen the Plan and which, I hope, will be acceptable to Members. I am proposing that the Plan is agreed at the outset as amended by those green amendments. A number of these have been at the instigation of the Social Affairs Scrutiny Panel and I am grateful to it for its constructive and pragmatic approach. It was a worthwhile exercise and one, which I think both the Scrutiny Panel and the Council of Ministers benefited from; certainly I think the Plan has benefited from. **[Approbation]** Sir, the Council of Ministers believe this Plan can mark a turning-point for the Island. For most, Jersey is already, a wonderful place to live - but not for all. This Plan gives the States the opportunity to show strong, yet compassionate leadership and to help build a future for all our citizens that they - and we - can look forward to with optimism and hope. It gives us the opportunity to protect and enhance all that is good about Jersey and then go on to address all that we know is not so good and which we have to face up to and tackle with energy and determination. The opportunity to make a real difference, particularly to the disadvantaged and less well off in our society. Now is the time for us to seize that opportunity so that Jersey can move forward with confidence - move forward with real confidence - to become recognised internationally and domestically, as an Island which is well and effectively governed - which cares for its citizens; which has an enviable quality of life and a world class environment; and which fully deserves its high standing and reputation in the world. An Island which all our people are proud to call home. Sir, I commend the Strategic Plan as amended, to the House. **[Approbation]**

The Bailiff:

Is the proposition seconded? **[Seconded]** Now we come to the first of the amendments. I invite Members to turn to the schedule helpfully produced by the Greffier and the first amendment is in the name of the Chairman's Committee - paragraph (a) of the 18th amendment - and I invite the Greffier to read the amendment.

The Greffier of the States:

After the words "to approve", insert the words "in principle".

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

This first amendment - and it looks as if we are going through them in order - should not take very long. I have been given the assurance that it will be accepted by the Council of Ministers. Just one or 2 quick words then, in addition to what is within the reports for the sake of the media and others who, perhaps, are listening on the radio. In discussing with the Members of the Scrutiny Panel and indeed a number of other non-Executive Members early on in the run up to this particular debate during the month of May precisely, it was felt that there was a number of serious shortcomings with the proposals that were being put forward in relation to the strategic debate. One of those was the extent to which any of the suggestions that were being put forward by way of aspirations or initiatives would be binding, either on individual Members of the House or, indeed, on the Executive Members of the Council. In order to offset those worries, it was decided fairly on, that we would seek comments from the Chief Minister in the House which, indeed, he did do, Sir, on 16th May and he agreed that by agreeing the Strategic Plan today, that the States would be instructing a Minister to develop a policy for presentation to the States who will then decide what the policies should be. So, in actual fact, that would mean that any decisions taken today to endorse particular policies or initiatives within the Plan, would be done in principle and really, Sir, the idea behind this amendment was to put it within the proposition so there could be no doubt. We have, on other occasions, Sir, I would not say "come to blows" but come to, certainly, some forms of disagreement as to what we agree to within reports and what we agree to within propositions and we do have your ruling, Sir - and, indeed, the Deputy Bailiff's on other occasions - that what we agree to the proposition is indeed the things that we agree to in the main. So as I say, the main thing idea behind this one was to just pop the words into the proposition so there could be no doubt

and I am pleased to propose that particular amendment and I am hoping that the Council of Ministers will be true to their word and accept the amendment as it was intended. Thank you, Sir.

The Bailiff:

Is the amendment seconded?

Senator F.H. Walker:

Yes, Sir. [Laughter] Just to say the Council of Ministers is always true to its word and I confirm that we accept the amendment.

6.2.1 Deputy G.P. Southern:

Yes, Sir, can I just add a few words to that while gratefully accepting that the Minister is, of course, true to his word. Just to point out that whilst it looks as if this particular amendment is a very, very minor one, I was surprised - and my Panel was surprised - when it examined this proposal, not to find the word "in principle" because it had been made clear by their Chief Minister that it was an agreement in principle. But there is a link that "in principle" there is not standing on its own. It is linked to part (b) and I just want to point this out that it must, of course, be in principle because we could not possibly agree to all of the statements made in this report because, as a Scrutiny Panel, we have not got the background information to enable us to scrutinise this in a proper and meaningful way. So, it has to be "in principle" and that has to be contained in this proposition and it also links to the detail that we are requesting later on in the amendment and there I will stop.

6.2.2 Deputy P.V.F. Le Claire:

I would just like to say that in accepting this amendment, the Council of Ministers has shown that it is willing to work in tandem with non-executive Members and therefore, rather than going through 5 days of acrimonious debate, we can wholeheartedly get behind the Council of Ministers and support their initiatives. [Laughter]

6.2.3 Deputy J.A. Martin:

I am still unsure. I am glad they have accepted this "in principle" but reading between the lines, the only policies that have to come back to this House is new legislation. I would point the House to the Criminal Justice Policy that never got to the House for debate because once there was a Council of Ministers, they decided that this was their document - their policy - and it was asked for the Minister for Home Affairs to identify what they could do without bringing any of it back to the House. There were 27 recommendations that did not need to come to the House and 5 that, maybe possibly, did need to come back to the House or needed funding. If you read, there are only 2 initiatives and they are both to do with new legislation and law drafting that has to come back to the House. I know they have supported the "in principle". I still have the problem where the Minister said: "In supporting the Strategic Plan, we do not give the Council of Ministers *carte blanche* to go off and do the policies that they have already started." It is not written down, as I say: the only 2 things in this massive Criminal Justice Policy that will come back to the House is 2 items out of 33. This is what we are agreeing, although the Council of Ministers have agreed with the Chairmen's Committee amendment but I would just like to point out to all Members, I do not think it means what they are telling us it means. Thank you, Sir.

6.2.4 Senator W. Kinnard:

Perhaps I could assist the House by being very clear about what is and what is not proposed in terms of the Criminal Justice Policy? Perhaps it may be an appropriate moment to remind the House that the reason why it is not already perhaps agreed, is that the House refused to debate it last October because it had other things on its mind, I think - like Christmas shopping. [Laughter] However, Sir, the Council of Ministers did, in fact, discuss the Criminal Justice Policy in great detail with me so that I would come up with, as has been suggested, a list of points which could be

begun to be progressed and those items that would come back as separate matters to the House in early course, as a separate piece of legislation. But, Sir, the intention is that although matters such as the Post Custodial Supervision would come back as a separate piece of legislation the whole Criminal Justice Policy is, at this very moment, out to consultation with our partners within the Criminal Justice system, with a view to bringing the whole document back before the House for debate, covering all those other areas. What the Council of Ministers gave us the ability to do was to carry on our investigations of matters such as preparing the drafting instructions for the Post-Custodial Supervision and also for preparing the ground for developing such things a Victim Agencies Forum.

The Bailiff:

Senator, I think you must come back to the amendment now.

Senator W. Kinnard:

Right. So, coming back to the amendment, Sir, I think that it is not inconsistent - what has been agreed over the Criminal Justice Policy - with the fact that the Council of Ministers is quite prepared to accept the amendment as proposed.

Senator F.H. Walker:

I take it I did not really speak when I said that I accepted the amendment? [Laughter]

The Bailiff:

I had marked you down as speaking, Chief Minister, but it is true that you did no more than give an indication so if you wish to address the Assembly, you may.

Senator F.H. Walker:

I will be very brief. Sir, just to make the point that the Deputy has got it wrong. It is not just new legislation that has to come before the House. New policies - not least the Criminal Justice Policy - will also have to come before this House in specific reports and propositions. We have made that very clear and I have no doubt that if the Council of Ministers fail to deliver on that commitment, we will be - quite rightly - pulled up by this House in very short order. It is not just new legislation; new policies have to come to the States as well. I go back to what I was saying earlier, that anything that requires resourcing manpower or money has to be agreed by this House - and only by this House - in the Business Plan. So the Deputy's fears and her view of the way we are going to run our business in the future, is quite misplaced.

Deputy J.A. Martin:

Sorry, Sir. What the Minister for Home Affairs has just told this House, I find very misleading because in the Council of Ministers' minutes, they say the 2 things that will be agreed should be presented for consideration by the Council and in due course, they will be lodged in the States for debate. Only 2 items out of the 34 are coming back to this House.

The Bailiff:

You are asking the Senator to clarify that, are you?

Deputy J.A. Martin:

Yes. I think the House is being totally misled, Sir. Thank you.

6.2.5 Deputy C.J. Scott Warren of St. Saviour:

What I would like to point out that there is within the Strategic Plan, legislation that has already been passed by States Assembly and that should not now need "in principle" support.

6.2.6 Senator S. Syvret:

Could I just say in response to Deputy Martin, I think her fears are ungrounded. The 2 items in question were agreed to be brought forward because they were implementable and had a degree of urgency, that is why they were specified for early approval by this Assembly. The remaining items will also be brought forward as part of the Criminal Justice Policy, for approval by this Assembly at a later date. It is a perfectly simple matter, Sir.

6.2.7 Senator J.L. Perchard:

Just on the Criminal Justice Policy, I do note in the comments to the first amendment to the Strategic Plan - which was one of my amendments - that the Senator and the Minister for Home Affairs agrees that later this year the Criminal Justice Policy will be coming back to the States and I thank her for that.

6.2.8 Deputy R.C. Duhamel:

I think I am comforted by the fact that the Chief Minister - in a statement to this House on 16th May and indeed in other comments that have been put in to the Strategic Plan - has made it abundantly clear that policies will be worked out by Ministers and brought back for presentation to the States and the House will then decide on what those policies are. I think with those assurances, Sir, I am happy to accept the acceptance of the Council of Ministers and, indeed, hopefully the House, that they do agree to putting in the words in principle into the text of the proposition.

The Bailiff:

Will I put the amendment? Those Members in favour of adopting it, kindly show. Those against? The amendment is adopted. We come to amendment (b) and I ask the Greffier to read it.

The Greffier of the States:

After the word "appendix" insert the words "the resource implications of each of those initiatives to be assessed for the purpose of scrutiny prior to implementation".

6.3 Deputy R.C. Duhamel:

Thank you, Sir. The first part of the amendment went down pretty quickly and fairly well but I am not sure this next part will. We did hear from the Chief Minister that indeed his Council would be rejecting any amendments that were brought forward that he or the Council considered to be ill-considered or struck at the very heart of the Plan. I think, Sir, those comments do certainly not apply to what is being put forward under part (b). As I said, on 11th May, Sir, the Chairman's Committee attended a meeting with the Council and outlined some of the difficulties that it foresaw before coming to the conclusion as to how it would take those matters forward. Sir, from the 'Part (A)' minute of that particular meeting, a number of issues that were referred were that the Plan had not necessarily afforded opportunities to start from first principles and to challenge the purpose of Government from those first principles. The Plan also outlined some 31 priorities and aims, which was considered to be too broad and lacked focus and direction as a consequence. The Plan also contained references to some 25 individual strategies and questions were raised, Sir, regarding the endorsement of those strategies, some of which had yet to be devised. The Chairman's Committee went on to suggest that financial and manpower costings should be assigned to each project; that there should be a clear overview of the total funding, capital and revenue budgets over the lifetime of the Plan, and indeed, Sir, that will be addressed under part (c); that an overview of the work programme for each Department should be provided and I am hoping that will come forward in the annual Business Plans or the departmental plans. But, more importantly, Sir, 3 other items: that the actions within the Plan which will be subject to States' approval should be clearly identified, and we have heard, Sir, that perhaps all of them are. We also felt at the time that actions within the plan which would be implemented by departments without further States' approval should also be highlighted, and we had assurances from at least one of the Ministers that that indeed was a

relatively simple exercise, although we have not received any indication of such implementations that might come forward at a later stage without the further States' approval. The last point we made was that priority ratings should be shown for each of the actions contained within the Plan. Indeed, Sir, the Council of Ministers went on to suggest that perhaps Scrutiny had misunderstood the notion of the Strategic Plan and some reference has been made by the Chief Minister this morning that it is an aspirational plan. Although it is aspirational, it is slightly more than a collection of wishes. But in order to be so, there must be some element of priority ranking, which will come at a later stage, and there must certainly be a rooting of those wishes in the financial reality and climate of the Island in terms of finances. It is with that in mind, Sir, that amendment (b) was actually procured. In Agenda Item A2 - I do not know if all Members have read, but I will refer to it - the Council of Ministers on 9th March 2006 noted that it was difficult to predict what Scrutiny would wish to examine, as the Strategic Plan does not contain the policy detail which would normally be its remit to examine. Policy detail will, Sir, normally include resource implications. Indeed, in any long-term Strategic Plan, you must - as I said before - have a shrewd idea as to whether or not you are talking pie in the sky or whether or not the things that you are hoping will happen can happen and at what stage in the future they will happen. Any endorsement, therefore, of the Plan by the States Assembly, Scrutiny reckons, must be subject to the proviso that the resource implications of each project be available for scrutiny purposes prior to implementation. Following on from those comments, Sir, it is of interest to note that amendments have come into the Strategic Plan in at least 4 places, which refer to the way that this House will deal with the issues. On page 18 or 13, depending on how your copy is numbered, there is a suggestion from Senator Le Sueur, Minister for Treasury and Resources, and it is itemised as a Council addition for information and not for debate. It reads, Sir, to do with manpower: "The overall costs of manpower are contained in the revenue expenditure totals in the resources forecast above." This might well be true, Sir, but it is just a single figure and that does not give anyone any detail, although those detailed schedules may well be available to members of the Treasury and Resources Department. "Detailed manpower implications will be assessed as policies are brought forward for approval and overall manpower numbers will also be identified in each States Annual Business Plan." So, in putting in that statement, I would contend, Sir, that there is an essential agreement with the amendment that I am hoping the States will accept, that such an assessment of manpower, which is one of the resource implications along with finance, will actually be undertaken when the time arises. The time arises when, as we have heard earlier, the House actually sits to discuss the Annual Business Plans at a later stage. On page 14, turning back, Strategic Plan 14. Again, there are amendments from Deputy Reed, the Council of Ministers and an amendment in the name of the Council of Ministers and it is in red. "The Council of Ministers will ensure that in the development of any new initiatives, policies or strategies, consideration will be given to all cost revenue and manpower implications which may arise from the proposals. Priority will be given to those which can be achieved within approved revenue and manpower resources." So, again, there in that addition to the Strategic Plan, we have an indication that the thing that we are asking to be put into the proposition - i.e. that the States be in a position to assess the resource implications - is actually referred to. Likewise, Sir, on page 17 and also on number 12 ...

Senator J.L. Perchard:

Could we be clear as to which document we are looking at? I know we are looking at the Strategic Plan. I see Members shuffling between various copies. Could we standardise, when we quote page numbers during the debate, as to which document we are looking at?

Deputy R.C. Duhamel:

This is why I gave Members both numbers and if they actually read the front page ... the document I am referring to is Strategic Plan 2006-2011, the coloured one with amendments shown in green and red and blue. If Members turn to page 2, it says at the bottom underneath the main proposition:

“In this document, page 5 is numbered page 1. Pages 14 and 15 are numbered 9 and 10. Pages 25 to 54 are numbered 16 to 49.”

Deputy I.J. Gorst:

Sir, if I might suggest a solution, we just use the small numbers, which are continuous throughout the document?

The Bailiff:

That seems a very sensible suggestion, Deputy, and I hope perhaps all Members will refer to the coloured copy of the Strategic Plan, unless otherwise noted.

Deputy R.C. Duhamel:

Right. Sir, I was referring to page 14, small number 9. Sir, we will not refer to the renumbered pages by the renumbering system that the Greffier has actually issued for us. Sir, as Members can see, the Council of Ministers' top priorities: it is amendment 13.1(a) by Deputy Reed, comment on amendment 13.1(a) by the Council of Ministers and another comment underneath. In essence, Sir, what it is doing, that paragraph is actually referring to the fact, as we have heard earlier, that the House will have an opportunity to determine the priority and the financial and manpower characteristics of any particular proposals or initiatives that are indeed referred to within the strategic document. Page 12, under “Resources Forecast” at the top, states: “The Strategic Plan is fully funded from within existing spending limits when the contributions from savings and potential new income flows are taken into account.” So, as we see there, Sir, there is an indication that monies will be available. Now, I could take issue with the word “funded”. There does seem to be a difference of opinion as to whether or not “fully funded” is the same thing as “fully costed”. Indeed, Sir, in assessing the revenue costs, there has to be a further indication as to whether or not in meeting those costs - i.e. the funding of them - the monies are available at a later stage. One of the things that we are calling for is that the resource implications - i.e. the costs and the funding proposals to actually meet those costs - be assessed in some shape or form in the debates that are going to take place when we discuss the Annual Business Plans. So I would contend, Sir, that the suggestion that we put in under amendment (b), that the resource implications of each of those initiatives are to be assessed for the purposes of scrutiny - because if you look at anything you are scrutinising it - prior to the implementation. We have to make the decision as to whether or not, having done a preliminary assessment, it is something that we all agree on: that this is something that not only is desired by the Council of Ministers but indeed should be desired by all Members of this House. So, in those terms, Sir, I do not see it as ill conceived, nor do I see it as striking at the heart of the Plan. It is something that this House will be doing and, indeed - going back to the previous amendment - the Chairman's Committee took the decision that we wanted to put these things beyond doubt. That is the real reason why this particular proposition is being put in the place it is being put in. In asking the House to reject this amendment, the Council of Ministers in its comments on the amendment to the amendment, 18, states: “The Council asks the States to reject this amendment.” It goes on to say, Sir: “The amendment assumes that it would be possible to quantify the specific resources required to deliver each and every initiative”, which I think is reasonable, from the comments that have been put in by the Council itself. But it goes on, Sir, to say: “And that is not possible.” We have already read on page whatever-it-was that these plans are already fully funded, so somebody somewhere must have actually sat down and costed the specific resourcing requirements to deliver each and every initiative, otherwise it would not be fully funded. It goes on, Sir, to suggest - wrongly in my view - that it also requires that “no initiative may proceed until the resource implications have been assessed and scrutinised”. If you read the amendment carefully, Sir, it is probably best not to read it from the proposition paper but to read it within the document as it is been coloured-in, so to speak. The Chairman's Panel are not saying - as is being suggested we are saying - that every single initiative must be assessed for scrutiny purposes by Scrutiny before they can be implemented. What we are saying is that the resource

implications attached to any particular initiative should be available so that potentially, should Scrutiny wish to scrutinise an area, then those facts and figures are available. There is a subtle difference but I think that has been missed by the Council because it is assuming - quite wrongly - that we are going to scrutinise every single initiative. Quite clearly, that is a ridiculous assumption, albeit mainly because everybody knows that the monies that are given to Scrutiny at the moment - which are shared equally among the 4 panels - at present, amount to some £90,000. We have 2 administrative staff each and clearly, to undertake the scrutiny of every single one of the 173 initiatives, Sir, within the Strategic Plan, we would quite quickly run out of the resources that we have got available to undertake all of the scrutiny that each Panel does within the whole year. It could not be done, Sir, even if we wished to do it. Scrutiny must be in a position to prioritise, as indeed is the best way forward. The Council then go on and say that they do agree that "the States must decide on resource allocation, particularly the resourcing of specific major policies, and commits to presenting such issues to the States for a decision". Absolutely right, Sir. I would not disagree, but I am hoping that we can underline that as to what will happen within the amendment. By way of counter-example to indicate that Scrutiny have got it wrong, the Council then goes on to attach initiatives, which indicate in their own way how or how not it is capable of determining the specific resources that will be attached to specific items. I did a quick check, Sir. One of the difficulties that I have particularly had - and indeed I think I speak for some other Members in this regard - with the Strategic Plan is that it does appear to be a little bit muddled in places. We do have high-level, medium-level and low-level aspirations and, indeed, we do have guiding principles and existing commitments which are undertaken by specific departments. Specifically, Sir, in the reference that has been given, 1.2.1: "To ensure that the States' income matches or exceeds States' expenditure over the economic cycle." That, Sir, is a guiding principle and actually suggests that the House will go for balanced budgets. It does not actually determine when or how long the economic cycle is for, so it is a little bit open. Nevertheless, Sir, it is a guiding principle. It is not a specific initiative. In fact, Sir, it is something that this House has prided itself on for a number of years, that we do work within our budget and we do not go out and borrow in order to fund specific initiatives that we might decide are useful. Likewise, Sir, 3.8.4 on the following page - that is page 4 - states there are many such initiatives - this is where the States would not wish to delay an investigation of resources: "To review, develop and implement strategies for the provision of Social Housing in the Island, including the long-term management of the States' rental accommodation." This is an existing remit of the Housing Ministry and, indeed, there is some overlap with the Social Security Ministry. Indeed, Sir, under 5.2.8 - back on page 3 - it states: "This is an example of an initiative that will be fulfilled by the States' Business Plan and budget decisions. Ministers and their Departments will then manage those decisions. It is not possible to quantify the resources." This is our problem. On page 3 on the amendments from the Council: "Over the period 2007-2010, meet where possible international standards set through the extension of international treaties and conventions." We have seen, Sir, that some of these things do not come cheap, however desirable they might well be. Whereas I think the jury might well be out in terms of determining whether or not the Island can afford them, we are not actually in a position, Sir, to determine whether we can afford them until the resourcing implications have been set out. It might well be that there are things that are highly desirable but might not be able to be funded for a period of years, in which case any schedule or any Strategic Plan that is going to set out the desirability of following this particular course of action should indicate - as part of its financial juggling, so to speak - the course of actions that must be taken in order to set this as a priority within the other priorities that are being sought. So broadly, Sir, the resource implications, we have been told, are going to have to be looked at. They are going to be looked at in terms of the Annual Business Plans. There is no way that Scrutiny intend to or could physically be able to - even if they wished, actually slow-down the process to scrutinise every single action that this House would wish to take before it took it. Merely, Sir, what we are looking for is to underline the fact that in order to do a job of scrutiny, should the Panels decide that that is the way they would like to go on a particular issue, then the resource implications of those initiatives have to be assessed before that work can be undertaken.

To underline the point and to finish, by putting this amendment into the proposition - as I argued for the "in principle" words - we think, Sir, that this House is being asked to decide what is in the proposition. This clearly underlines the fact that we will be operating in a particular way that I think the Council of Ministers would agree to. It would give us the confidence that we are all going to be moving in the same direction. I would ask the Council of Ministers, and indeed the Chief Minister, whether or not at this late stage he would actually reassess his position and, instead of suggesting that this particular item be rejected, in fact, in the spirit of goodwill, suggest that it can be accepted. Thank you, Sir.

Senator Vibert:

Sir, could I ask for a ruling from you? I listened to the Deputy's speech and tried to understand what he was aiming at. The wording, "the resource implications of each of those initiatives", I took to refer to the previous parts of the paragraph, which means each of those initiatives. It seems the Deputy was saying it does not mean that at all. It just means initiatives which he thinks it means, not each of those initiatives.

Senator F.H. Walker:

Sir, can I add to that? That is the advice that the Council of Ministers worked to, that indeed the precise wording of this amendment meant each of those initiatives and therefore all of those initiatives.

The Bailiff:

It seems to me it is what the amendment says. The resource implications of each of the initiatives is to be assessed for the purpose of scrutiny, if they are to be scrutinised, prior to implementation. I was looking, as the Deputy was speaking, at pages 32 and 33 of the Plan and, by way of example, what we will do, paragraph 3.4.1: "Introduce biometric passports concurrently with the U.K." My understanding of the amendment is that before the Home Affairs Minister could do that, she would be obliged to assess the cost of introducing biometric passports so that it could, if necessary, be referred to Scrutiny and scrutinised by the appropriate Scrutiny Panel. If one looks at paragraph 3.3.1: "Start implementing the recommendations of the integrated criminal justice scoping study as appropriate in 2006." Again, one assumes that the effect of the amendment would be to require the Minister to assess the cost of doing whatever he considered to be appropriate by way of implementation. Again, that should be subject to scrutiny before anything was done.

Senator Vibert:

Sir, in the light of your ruling and explaining it, I wonder if, in the spirit of co-operation, the Deputy would consider now withdrawing the amendment as it clearly does not mean what he thinks it means.

The Bailiff:

I thought that is what the Deputy said it did mean, but perhaps I am wrong.

Deputy R.C. Duhamel:

No. Quite clearly, I think there is still a misunderstanding on behalf of a number of the Ministers. It does actually say the intention of the further debates that are going to be held in this House are to assess, within the Annual Business Plans, the costs of the individual initiatives that this Strategic Plan is referring to. If that is not the case, Sir, in effect the suggestions that are being put forward - that we endorse specific initiatives - will be done blindly and without any knowledge of the ongoing costs. In a run-up to amendment (e), part of the difficulties that will arise, Sir, is that Members will be being asked to decide on things when they do not know how much the cost implications will be, either in manpower terms or in direct finance terms.

Deputy P.V.F. Le Claire:

May I ask on a point of clarification? Is it not the case that every proposition that comes to the Assembly has to have a financial and manpower implication statement at the bottom of each policy? This really does strike me as a belt, braces and Velcro approach. If we have got that requirement already, what are we being asked for?

The Bailiff:

I cannot interpret the Deputy's amendment any more than I have done, I am afraid. Now, is the amendment seconded? **[Seconded]** Chief Minister.

6.3.1 Senator F.H. Walker:

I think there is a misunderstanding about this amendment and certainly as the Council of Ministers was advised, it was very clear that the amendment meant that every single initiative spelt out in the Plan would be assessed for Scrutiny. So I will show, I think ... the Deputy is shaking his head, Sir, but that is very clearly what the amendment says and I think you would probably endorse that that is the meaning of the amendment. The fact is, as I will show, there are some initiatives in the Plan which are simply incapable of being costed, if you like, because they are initiatives which concern reviews and investigations. I do not think we are a million miles apart here, in terms of what we are trying to achieve. At the end of the day, I think what we are trying to achieve is to ensure that Scrutiny and the States do have the opportunity to assess the resource implications of every resourced initiative - and they are not all directly resourced - before they are implemented. That is already covered in the Business Plan or, as Deputy Le Claire pointed out, has to be covered. The resource implications of every proposition have to be outlined in the report of proposition. So I am not sure what we are debating here at all. I think this amendment is absolutely totally unnecessary. Under the States of Jersey Law, we already have the right to refer to Scrutiny, Scrutiny Panels have right to pick up and the States have the right to debate and decide all the resource implications of initiatives where resources are applied. They have that right already, so the wording of this amendment is, I think, very clearly now wrong and this amendment is very clearly unnecessary. Sir, I hope Members have reassured themselves that the resource issues have to come to the States in any event. Therefore this amendment is unnecessary. We have tried to be co-operative wherever we can - the Council of Ministers that is - and that is demonstrated by the number of amendments we have accepted. But, Sir, we could not accept this amendment because (a) it is unnecessary and (b) it is thoroughly undesirable because of the amount of time it would take to work to the letter of the amendment. It would tie up resources - very costly resources - be a very time-consuming process, which is exactly what we are trying to avoid. We are trying to avoid red tape. We are trying to make government more efficient and this serves no purpose. It would have to be done, if the States agreed, but actually the States would be no better off at the end of the day than they are going to be anyway with the Business Plan debates, as called for under States of Jersey Law. We have already recognised that red tape and bureaucracy stifle innovative enthusiasm. What is being proposed here is a huge amount of internal bureaucracy, which will stifle our organisation - or many people in our organisation - for a considerable period of time. If we accept the amendment as drafted, we are agreeing that before anything can happen it has to be minutely assessed and scrutinised. Even if it is just a review or an initiative to investigate something, we have to carry out the same assessment and scrutiny. How much time is that going to take? Then it is going to be duplicated because, when a choice is being made between various options, then all that work has to be done again to appraise the resources of the particular initiative chosen before it is implemented and that then has to come forward to Scrutiny and to the States. It just does not make sense. It is absolute paralysis by analysis. I will try and think of another one before the day is out. **[Laughter]** But it is paralysis by analysis. This is unnecessary and totally, totally undesirable and it achieves nothing at the end of the day for States members. I do not know how many times this has to be said to the Chairman's Committee or whoever. States members will have the opportunity to debate and to decide upon all resource issues, either in the Business Plan or

in specific reports and propositions – and Scrutiny will as well. So what does this achieve? What does it achieve except useless, time-consuming and costly bureaucracy, exactly what we do not want in the States machine. I think it does misunderstand. I think the Chairman’s Committee, or certainly Deputy Duhamel, does still misunderstand what the Strategic Plan is all about. He also misunderstands quite clearly the resource framework within which the Strategic Plan is formulated. I am quoting, Sir, from the Chairmen’s Committee Report, under amendment (c) but I think it is illuminating: “To accomplish this, it is essential that the Strategic Plan includes a good indication of the resource implications of its different themes over the lifetime of the Plan. Many of the proposals in the Strategic Plan are extremely wide-ranging and have the potential to absorb unlimited budgets if not curtailed.” Sir, that might be true if there were not the overall resource parameters - the financial parameters - very clearly included as part of the Strategic Plan. “And then to come back again for debate and approval by the States in the Business Plan.” So to suggest that any of the initiatives could absorb unlimited budgets clearly illustrates a total misunderstanding of both the Strategic Plan and the purpose of the Business Plan. None of the proposals has the capacity to absorb unlimited budgets. They all have to be delivered within the financial constraints agreed by this House. If they cannot, then they will not happen. It is that black and white. But everything in the Strategic Plan is affordable. That point has already been made. Sir, I do not think I need talk for much longer, except to say that this amendment is unnecessary and, as I have already said, it is undesirable. To counter a point made by Deputy Duhamel, I am sorry, the wording of the amendment is the wording of the amendment. I do not think we are necessarily a million miles apart in what we are trying to achieve, but the wording of the amendment is what it says. For example, if the amendment was successful, we would have to identify specific resources for, for example, Initiative 1.2.1: “Ensure that the States’ income matches or exceeds States’ expenditure over the economic cycle.” How do you actually put a resource to ensuring that it does that? It has to do it but how do you put a resource to it? How do you put a resource to establishing an informal forum under 3.3.5 for the criminal justice policy? How do you assess a resource to 5.2.8: “Over the period 2007-2010, meet where possible international standards set through the extension of international treaties and conventions”? That would mean we could not even get on and negotiate international treaties and conventions before identifying the resource involved in a negotiation and coming back to the States. It is total nonsense, in that respect. It is just unworkable. So, Sir, I have some sympathy with the Chairmen’s Panel in what they are trying to achieve. We are actually trying to achieve common objectives. We are going about it though in a totally different way and, I am sorry, this amendment as worded is both unnecessary and highly, highly undesirable. It achieves nothing of benefit for the States or individual States Members whatsoever.

6.3.2 Deputy C.J. Scott-Warren:

The key words from this amendment seem to be - and I accept that not everything would be scrutinised - “those initiatives to be assessed prior to implementation”. I have always believed that both resources and long-term benefits should be taken into account for individual policies. So, therefore, you know the perceived costs and benefits to the community and to the Island. I agree that this cannot always be an exact science. As the Chief Minister has mentioned with conventions, we may not know the exact costs. But on the other hand, I do not understand the problem that the Council of Ministers has with this amendment and I see no reason why we should not support it.

6.3.3 Deputy S. Pitman of St. Helier:

As regards the misinterpretation of the wording of this amendment, this amendment has been out for a short time now, giving the Chief Minister and any Minister time to come to the Chairmen’s Committee and express their confusion and deal with it, Sir, instead of leaving it to the debate.

6.3.4 Deputy A. Breckon of St. Saviour:

Maybe I am reading it differently again, but I do not think there is a need for everything to be scrutinised. What it said, when I read it, was: “Resource implications of each of those initiatives to

be assessed.” That assessment could include one page from a Minister with half a dozen bullet points on saying: “We have looked at that and that is what we have got.” Scrutiny could then say: “Thank you very much” and do no more. I do remember, Sir, that in previous debates we have talked about checks and balances. I think that is part of this process. If that was done during the formulation of policy - I know what the Chief Minister says - some of these things are not easy to pin down exactly. But if there was a statement of someone’s intent - a Minister or Assistant Minister or whoever it was - then that would be enough to take Scrutiny along with the process and I think that is what we are trying to achieve. I think we are going to get bogged down in the wording of this, Sir, but I think to me “to be assessed” means exactly that. That could mean assess and dismiss fairly quickly or somebody saying: “Hang on, let us have a deeper look at this now.” As has already been mentioned, the resources are not there to do all of this, but some of it could be done as and if required. But it would need to be of enough importance and significance to do that. So I think the interpretation of “to be assessed” is fairly wide but it could also be fairly narrow, if someone gave it the focus that it needs.

6.3.5 Senator W. Kinnard:

I think there is the thrust of an agreement around the House of what we actually all want to achieve. I think that is on both sides, both the Chairmen’s Committee and the Council of Ministers. But unfortunately the reality is the amendment as drafted does not achieve that. I believe that what the Council of Ministers is suggesting in its amendment does achieve what I think we are agreed that we want to do. The reality of the situation is this: all the resources will be identified at the point of the Business Planning process. There are not going to be situations where we are coming forward with major policies, legislation and so on without those resources being identified. But I think the problem that I want to identify here and now for the Members is that the amendment as drafted by the Chairmen’s Panel assumes a number of things and actually ties our hands in such a way that I believe neither the Chairmen’s Panel nor the Council of Ministers nor the rest of the States would actually wish. The amendment assumes that it is, first of all, possible to quantify now - at this very moment - all the matters that will be more properly dealt with later on in the Business Planning process. But again, as mentioned earlier, this is a fundamental misunderstanding, I believe, of what a Strategic Plan actually is as a concept. The amendment also, therefore, is covering a much larger time-span than the Business Planning process. The Strategic Plan is covering a whole area of 2006-2011. To look out beyond 5 years and to be able to say 5 years down the line what the resourcing requirements might be is actually quite difficult because it will depend on some of what went before. I will try and explain that in a moment. I do believe that the amendment, as put forward by the Chairmen’s Panel, is assuming that it will not unduly hold up business as usual. But I think that in fact it will prevent some of the important foundation work that we have to do in the development of any policy. So I think that the amendment as drafted does not do what even the Chairmen’s Panel wishes and I think, at worst, it is going to be a device to completely put the States into a situation of stagnation. Whatever they want, the amendment says what it says. The way that I would explain that is it would prevent me, as the Home Affairs Minister - until Scrutiny have scrutinised every aspect of the plan that affected me - from doing a number of things which, under the old Committee system, would have been treated as normal business and would have been conducted under the normal authority of the Committee to achieve within its own cash limit. To give you an example, it would prevent me from going about trying to establish a forum of agencies supporting victims of crime. I would normally have been able to do that. It would prevent me investigating the work that is needed to underpin measures that we want to bring forward in 2007 to work with the U.K. authorities in deterring criminal elements entering into Jersey.

The Bailiff:

I am sorry to interrupt you. Could you find a convenient moment in your speech to break so that we can adjourn for lunch?

Senator W. Kinnard:

Yes, Sir. I certainly shall be very quick. It will prevent me from doing a lot of things that are to do with business as usual. Perhaps I have to come back to it actually, because I think it needs developing, this particular area. I think we must be mindful of that. Whatever the intentions of the Chairmen's Panel, the amendment does not achieve what they wish to achieve. Perhaps I could continue when we come back, Sir.

The Bailiff:

We will adjourn until 3.30 p.m.

LUNCHTIME ADJOURNMENT

The Bailiff:

Before the debate resumes, I understand that Deputy Lewis of St. John would like to say a few words to the Assembly.

PERSONAL STATEMENT

7. Deputy A.D. Lewis of St. John:

Before recommencing the debate, I would like to advise the House that I am unable to remain in the Chamber for the whole of the debate today. This is due to the unfortunate death of my father last week, who will be received in St. Peter's Church at 6.00 p.m. today in preparation for his funeral tomorrow. My father, Roy Lewis, was an Officer of the Royal Court while serving for many years in the Viscount's Department and is known to a number of States Members. Consequently, I would like to take this opportunity to thank Members for the numerous messages of condolence that I have received. Sir, in the light of my father's funeral tomorrow, could I also ask the Chair if I could be excused from tomorrow's debate? Thank you, Sir.

The Bailiff:

I am sure that Members will join me in expressing sympathy to the Deputy and acceding to his wishes.

NOTIFICATION OF LODGED PROPOSITIONS

8. Draft Sexual Offences (Jersey) Law 200- (P.63/2006): amendment

8.1 The Deputy of St. Ouen:

Could I take this opportunity to ask that my amendment to P.63 be lodged, please?

8.2 The Bailiff:

Yes, Deputy, that matter is lodged.

8.3 Senator Syvret:

Sir, could I ask that that be referred to the Attorney General for consideration to its human rights compliance?

The Bailiff:

The Attorney is not here but I am sure that is in order, Senator, so it will be referred to the Attorney General for a report.

8.4 Senator W. Kinnard:

I had hoped to deal with this privately, Sir, so as not to embarrass the Deputy, but there is a pretty major mistake on page 3 in his report, which I fear will actually confuse the House if it is left unamended. I would invite the Deputy to perhaps spend some time speaking with me later or perhaps even with the Greffier or whatever, but certainly it is got to be changed before we get to the debate.

PUBLIC BUSINESS (continued ...)

9. Strategic Plan 2006 to 2011 (P.40/2006) (continued ...)

The Bailiff:

Very well. Senator Kinnard, you are halfway through your speech.

9.1 Senator W. Kinnard:

Thank you, Sir. I will not carry on much longer, Sir, because I think it is quite clear from the debate before we broke to go for lunch that there is an agreement about what we want to achieve but we are aware that the amendment does not actually achieve what, in fact, the speech of the Chairman of the Chairmen’s Panel actually suggested. So, Sir, rather than go on about drawing a distinction between work that should be deemed work in progress in terms of Ministerial business, as opposed to new fully-developed policy which we are all agreed should actually be looked at by the Scrutiny Panel, Sir, I would just merely propose that we move on to the next item.

The Bailiff:

The proposition seems to me to be in order. It is a matter for Members whether to accede to it.

Deputy R.C. Duhamel:

Sir, could I be clear? If it is a move to the next item, does this mean the next item of this part of the agenda?

The Bailiff:

It means moving on from this particular amendment, Deputy, yes, so that one would move to the next amendment in the name of the Chairmen’s Committee. Is the proposition seconded? **[Seconded]** Very well. Does anybody wish to have an Appel? Very well. I ask the Greffier to open the voting, which is for or against the proposition of Senator Kinnard, that the Assembly moves to the next item on the Order Paper.

POUR: 12		CONTRE: 32		ABSTAIN: 0
Senator F.H. Walker		Senator S. Syvret		
Senator W. Kinnard		Senator L. Norman		
Senator P.F. Routier		Senator T.A. Le Sueur		
Senator M.E. Vibert		Senator B.E. Shenton		
Senator T.J. Le Main		Senator J.L. Perchard		
Connétable of St. Lawrence		Connétable of St. Martin		
Deputy J.J. Huet (H)		Connétable of St. Mary		
Deputy J.B. Fox (H)		Connétable of St. Peter		
Deputy J.A. Hilton (H)		Connétable of St. Clement		
Deputy G.W.J. de Faye (H)		Connétable of St. Helier		
Deputy A.J.H. Maclean (H)		Connétable of Trinity		
Deputy of St. John		Connétable of St. Brelade		
		Deputy R.C. Duhamel (S)		
		Deputy A. Breckon (S)		
		Deputy of St. Martin		

		Deputy G.C.L. Baudains (C)		
		Deputy C.J. Scott Warren (S)		
		Deputy R.G. Le Hérissier (S)		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy S.C. Ferguson (B)		
		Deputy of St. Ouen		
		Deputy P.J.D. Ryan (H)		
		Deputy of St. Peter		
		Deputy J.A.N. Le Fondré (L)		
		Deputy D.W. Mezbourian (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 of St. Mary		

The Bailiff

The debate, accordingly, continues on Deputy Duhamel’s amendment and I saw Deputy Southern.

9.1.1 Deputy G.P. Southern:

[Aside] Thank you, Sir, and I am pleased to be speaking, albeit briefly, on this point. I do believe a move forward on to the next amendment would have been an abuse of this House because I believe this is perhaps the most important single amendment before us today. I was very disappointed this morning to see the way in which it has been treated by the Chief Minister and other Ministers as being impossible - the word was not used but the intention was there, I think - outrageous and absolutely impossible to get on with - because I do not believe that is the case. This amendment has been brought via the Scrutiny Panel with a clear intention to act as a critical friend and, in particular, to be the second half of that - not necessarily critical but a friend. The question we posed ourselves was how can we in Scrutiny help create what is required, which is some form of consensus around this Strategic Plan? I was reminded today in the Chief Minister’s speech where he kept repeating: “We should be working together. We should be working together.” Indeed, I could not agree more and I want desperately to be able to work together. However, I am very aware of what Scrutiny can and cannot do in terms of helping to get the consensus to bring this together. When the Chief Minister comes to this House with, effectively, his Ministerial plans, what he is doing is effectively presenting what, in the U.K. would be the Queen’s Speech, where the Queen says: “And these are my Government’s plans.” The difference is that in the U.K. obviously, they have got a party political system and, having agreed among themselves what their plans are, then the assumption is that by and large, no matter what the Opposition or the other half of the House say, they can probably get these things through. So they do not have to go for consensus. They may achieve consensus on some things and all well and good if they do. They do not have to because they can push it through. We are running on a different system. As we are only too aware, we are not a party political system, although we have a fledgling party going. It is struggling to fly but it is going. Sir, we have got to achieve this consensus, so how can we work together? Now, at the beginning of his speech the Chief Minister made a list of “I wants”. Now, we can call it a wish list if we wanted to be a bit mischievous but it is “I want”. He went through serious detail on things. “I want to see that States’ revenue and capital expenditure is effectively controlled.” Hear, hear. “I want economic growth to be sustained through improved productivity.”

Hear, hear. "I want low inflation to be sustainable. I want the potential of the Island's workforce to be maximised. I wish that the economy is diversified and developed, that Jersey becomes and remains a world-class business centre." I can go on. Absolutely. On this half of the House, those people out of the Executive share every one of those aims. The question is, as I keep repeating, how can we help? In Scrutiny, how can we help? Now, some complaints have been made by certain Ministers opposite that my particular Panel has not had that Minister in and grilled him over that. But what can I grill over the want - the wish - that the economy is diversified and developed? We can agree. If I wanted to be awkward - if I wanted to be the awkward squad, the Opposition - I could have him in and point out, for example, that some objectives actually are the direct opposite of objectives in other places in the Plan. For example, I could point out that to maintain the profiled number of people going into higher education runs directly opposite EDC's wish to encourage more 18-year-olds to go into the workforce. But I have not done that. I could have called the Minister for Economic Development in and said: "How are you going to maintain a lower inflation economy when you actually have not got any effective tools to do that with?" I could have said: "Come in and explain to us how you are going to grow all sectors of the economy by 2 per cent when your advisors, OXERA, say if you grow financial services you cannot grow the low-skill sectors of the economy. How are you going to square that circle?" I could be really quite awkward, just in general principle. I have not done that because I have no wish to do that because that is sterile. Now, all these laudable aims, we are told and firmly informed, can be met within budget and within manpower resource. Those are on page 12 and 13. The resources forecast: "The Strategic Plan is fully funded from within existing spending limits, when the contributions from savings and potential new income flows are taken into account." There we have a series of projections for the overall budget for the next 5 years. Then, on manpower: "The overall costs of manpower are contained in the revenue expenditure totals in the resources forecast above. Detailed manpower implications will be assessed as policies are brought forward for approval and overall manpower numbers will also be identified in each annual States Business Plan." So we are told overall the thing has been checked and it fits. We have a 5-year Plan, which can be met within estimates. So each Department must have checked that, within its budgets, it can meet and deliver the part of this Strategic Plan which belongs to it within budget. They are aware of their predicted budgets for the next 5 years and have done the figures. Surely, they can say: "We can do this. We can meet those aims, Minister, laudable though they are, and we can do it in this timescale and within budget and within manpower resource." So the first thing I have to say: again, how can we help? We have the 6 commitments in order, but it is specifically amended to say: "We will in no specific order of priority maintain, create, promote, maintain, create, ensure." There are 6 objectives, in no particular order of priority. Then we are faced with our existing priorities and there are 31 of them. When presented with this fact when we were talking with the Council of Ministers about this, Senator Kinnard from Home Affairs said: "Yes, it is rather a lot. Maybe there should be far fewer, with some idea of priority in there, so that we know what we are talking about." Indeed. So how can I, in Scrutiny, assess which of these plans is realistic and deliverable and what takes priority, unless I am given some idea of the manpower or financial resource being directed at them? I cannot. So I would love to be able to help you organise your priorities but, without the manpower and financial resources, I cannot. Let me just pop back to the words of the amendment. We are told this amendment is impossible. Listen to the words: "After the word 'appendix', insert the words resource implications of each of these initiatives to be assessed for the purpose of scrutiny prior to implementation". Where is the problem in that? A 5-year Plan with no figures attached apart from the overall figures. How can I assess that? How can I scrutinise that? The answer is I cannot. I cannot be a useful contribution because that is what I need. I need some data, some information, some evidence. For each of these initiatives, resource implication is to be assessed. Now, that assessment and some of the examples that have been quoted by the Council of Ministers are ones where we say: "how can we assess that?" The assessment might be that we cannot say exactly what that resource is but we expect it to be a senior officer given some time - 6 months - to devise a plan, whatever it is. Some of them though can. Assessed for the purpose of

scrutiny. Not to be scrutinised, each and every one. Assessed for the purpose of scrutiny. We cannot assess this. It is a nebulous aim. It is something that cannot be scrutinised nor costed. Okay, that is reasonable. We can accept that. For the purposes of scrutiny we accept that that is a reasonable statement to make about this particular initiative. However, we would like some detail about this initiative where you are saying you are going to deliver this. How much resource is being put in that direction? I will tell you why it is important. Not scrutinised, not everything going through, not everything slowed down; that is not the case and we know we cannot do that and if we attempted to do it we would be stupid, and we are not. Well, most of us are not, I hope. But for the purpose of scrutiny, to say: "Ah, we have a problem here because looking at the resources you have allocated to this or this, we are unsure about the balance. Where is the priority?" And if I may I will illustrate that with one or 2 from pages 34 and 32 of the coloured small page. Page 34 under 3.7 we have got indicators: "Increased numbers of older people supported to live at home". That requires a resource. That requires people. Are those people coming from the voluntary sector? Coming from charities or coming from within the department? Are they organised? How many people do you need to do this? In what time-scale? "Improved choice in flexibility in the range of care settings available". Again, that is a resource. That requires some resource. It is competing with the one above. "Reduction in the number of children in residential care and increased proportion of family placements available for vulnerable children from 2006." Again, there is some resource needed to do that if you are going to achieve it and they may well be competing the one with the other. Here is a nice one: "Continue to develop programmes to support people with long-term health conditions to retain and, where necessary, find suitable employment, both directly and in partnership with other providers by 2008". Is this the same resource stretched a bit thinner? Is it a substantial improvement? This is heavy resource demand. I need to know what the thinking is. If you are going to put £500,000 and one additional officer on that, then that is one thing. If you are going to employ another 3 or 4 officers and up the resource and work with voluntary agencies to make sure you are really delivering effective support - which you absolutely need for these people, especially those with mental illness - it needs high resources; then that is a different issue. But in order to evaluate this in any way whatsoever, Scrutiny needs to know some of that detail. Finally I go to page 33 where under 3.5: "Fully implement the integrated risk management plan by 2009". Now, in a former life I got some idea of what that means and I know that that means a certain level of staffing resource, a certain level of monitoring, and a level of funding. That has been costed. The people who devised that are fully aware that there is a resource and this is the resource they expect it to take and this is the balance and they have fought their battle with police and with the prison. "Hang on, you are not taking that away from us." Risk management is, as far as we are concerned, vital. But if I do not know what that resource is, how can I say this is a good use of resource? And they may come along and say: "Why is it not going straight to the prison or the police?" Because I have no idea. Then finally, 5.5.2 and this is an easy one: "Carry out an annual major accident simulation exercise and produce a report of the lessons learnt". No objection whatsoever but tell me how much that cost. How many people does that tie-up? Are we talking a week's simulation? A day's simulation? What level is that? Now, if I am asked to balance that against the one above it - integrated risk management plan - maybe I come along and say: "Hang on, you are throwing £3 million at that and £6 million at that. It seems to me that that is an expensive use of resources". Annual? Why not once every 2 years? Is that sufficient to meet your need? Does that do the job? Meaning you can take the £3 million you save and put it over there where perhaps the priority is more important. That might be useful. Put something past Scrutiny most of which we will just nod at and say: "We have got an idea of what you are trying to do. You have got some targets on it. Fine, we will monitor it as you go along". Some of which we might dive in and say: "Are you really sure that throwing this resource at this particular objective in that time-scale is the right thing to do when it is actually costing your peer to have chopped this down to bare bones over here? Now, we think - and we think the public out there - think that this deserves more attention. Perhaps you ought to look at the balance and where are your priorities between this and this?" And I cannot possibly even start to do that unless I have got

an idea of what resource you are going to put with these things; in manpower terms and in finances. If I can do that then I can do a reasonable job and help you get an agreed consensus for pushing this through. Without it, I would go so far as to say I am not sure that I can support the Strategic Plan at all because it seems to me you are closing me out of it. You are closing Scrutiny out of it and we should not be doing that. We should be seeking consensus. That can be done within this amendment. It is not impossible. It is perfectly feasible. That is why I think this amendment is a very, very important one and that we should not dismiss it lightly and we certainly should not carry on with this almost panic that what we were suggesting is impossible. It is perfectly feasible and it is a way to guarantee that we get some consensus around the Strategic Plan and I would urge the Minister to accept this amendment so he can work forward towards that and it can be done. The final point I would make is we have got a Strategic Plan that lasts for 5 years. It is not sufficient to bring up individual Annual Business Plans some time later and do them one at a time as we go through. There must be some planning to go with the 5-year edition alongside it which is why part (c) talks about: "Give us the 5-year Plan so we can see how it is developing and see that you are not putting a load into that area in one year and taking it away 2 years later" because we might have comment to make about that. So, please, please, do consider this amendment. I think it is vital if we are going to get consensus.

9.1.2 Senator M.E. Vibert:

I hope that this amendment is not a precursor of how this debate is going to go on and on. I think it is a shame that it has come like this so early on. What we have heard so far is at least 2 long speeches from Chairmen of Scrutiny Panels on what they would like the amendment to mean, but not what it actually says. That is the problem for States members. Yes, a problem for the Council of Ministers. If the amendment actually said what Deputy Southern and Deputy Duhamel want it to say, then I would not have any problem with it but, Sir, it is why I asked you right at the beginning for an interpretation of what the amendment actually means. If Members read the amendment in the proposition again, what it means and what it says and the whole thing is in accordance with Article 18(2)(e) of the States of Jersey Law 2005, to approve in principle - we have already agreed that - the statement of the common strategic policy of the Council of Ministers as set out on division on page 5. The Council's top priority is on page 14 and 15 and this is the important bit. The 6 commitments and associated outcomes and initiatives on pages 21 to 54 of the Strategic Plan 2006 attached as an appendix. The resource implication of each of those initiatives. Now, the ordinary reading of that in any English grammar: those initiatives apply and refer to the associated outcomes and initiatives on pages 21 to 54; all of them. Not the selected ones that Deputy Southern and Deputy Duhamel say are the important ones. It applies to each and every of those initiatives and it would mean - because the States have agreed - that the resource implications of each of those initiatives would have to be assessed for the purpose of scrutiny prior to implementation. If you look through all those initiatives; some of them, how on earth are we going to assess them? Are we really going to take up time to assess the resource initiative of establishing an information forum for the criminal justice policy? Are we really going to spend time looking at - according to this - researching what is going to be the initiatives and what is going to be the resource needed to meeting over the period 2007 to 2010 international standards set through the extension of international treaties and conventions? It is so wide-ranging it will be totally meaningless. It will take up officer time. It will mean that what we are doing, instead of getting on with what the States want us to get on with - and what I hope Scrutiny want us to get on with - we would be in a bureaucratic nightmare or we would be ignoring the wording of this badly worded amendment to this part of the States. As has been said before, there is going to be an annual resource plan. Individual matters will be brought to the States with resource and financing implications. The Scrutiny Panels have the right to ask questions about any of these initiatives and ask us for resources. They can ask for what is asked for in that badly worded amendment. But the wording of the amendment means it would not be what they asked for. It would be each and every one of those initiatives we would have to put time to - waste time and bureaucratic time - looking at each and

every one of them for resources instead of getting on with what we should be doing and supporting Scrutiny by doing that for the ones they want us to do it. Sir, it is a badly worded amendment and I urge Members to reject it.

9.1.3 Deputy G.W.F. de Faye:

Some time ago - and fortunately the experience is beginning to recede into the dim mists of time - I was privileged as Vice-President of the former Legislation Committee to bring before this House a matter of legislation that required a re-pricing of dog licences. I, naively and perhaps foolishly as a fairly green States Member, indicated that this was merely a matter of domestic housekeeping; that the licences had cost £2.00 for something like a decade. If we had applied cost of living increases, they really should be £8.00 but the Legislation Committee had done everybody who required dog licences a tremendous favour by only suggesting that the price increase should go from £2.00 to £5.00. It was to my great astonishment - not to say weariness - that some one and a half hours later the States finally decided that perhaps £5.00 was indeed a bargain. I have to remind all Members that whilst I listen to all this worthy stuff - particularly from Deputy Southern - about how we all want to work together, I have to ask Members: "do we really want to work together on everything?" Because I think we may be rather losing sight about what the important value of Ministerial Executive government is all about. It is actually to leave all the domestic housekeeping stuff down to a limited number of focused individuals and allow other States members to get on with the broader sweep of analysing what the essential policies should be and not have to worry about actually what the price of a dog licence is going to work out at. That was the sort of thing that nowadays an Assistant Ministerial Minister will deal with by signing the appropriate Ministerial Order and it is the sort of thing that simply should not have been before the Chamber before and it should not appear before the Chamber again. It was basically wasting States time. Now, as to this particular amendment, I have to say that it might have stood a reasonable chance if it had been presented to the House by anyone other than Deputy Duhamel. I am sure many years ago the unfortunate St. Helier may well have been struck down by an axe that was probably christened "skull splitter". If Deputy Duhamel had probably been on board the Viking team of the day, he would doubtlessly have been known as "hair splitter" and that is the problem. **[Laughter]** As the Deputy well knows, it is all very well to say in your speech: "Actually what I say in this amendment is not actually what I mean. I intend to be much more flexible than that", but we have all had to live through, have we not, the "what did Deputy Layzell actually say about the Island planning review and law" and everybody relied on that, did they not, until we all discovered - surprise, surprise, but we should have known really - that it does not matter at all what a States Member says about a proposition or an amendment. What the proposition or the amendment says is what counts. Now, this is an amendment put forward by the States hair-splitter-in-chief. The man who has the ability to stretch a word beyond all known definitions and he has been very crafty today. I am quite convinced that Deputy Duhamel - who has acquired over the years a skill of lulling States Members into a false sense of voluntary euthanasia **[Laughter]** - has lulled you into a false sense of security on this issue because the resource indication is of each of those initiatives. You can bet that Murphy's Law will apply. It will be that poor unfortunate civil servant and the Civil Service department that failed to put in the required assessment of resource implications, they will be the ones who will be found out - probably by Deputy Duhamel's Scrutiny Panel, or at least another one - because that is how these things always work out. So, in order to avoid that, all our diligent officers will be ensuring that resource implications are attached to just about anything you can think of because it says: "Each". It is all very well for Deputy to claim: "Well, we do not actually mean each" but that is what will have to happen because that is how the Civil Service works, and similarly, if we just go a bit further, the initiatives are to be assessed for the purpose of Scrutiny. Well, who decides that is the purpose of scrutiny? Who is going to work out how that exactly is translated? I suggest it will be the Scrutiny Panels who will say: "I think this is what we would have expected to be done. This is the sort of implications we required" so there is a further problem here. This is not a simple amendment by any stretch of the imagination. It has got

elephant tracks running all the way through it. Then the punch line, of course, comes right at the end: prior to implementation. So, if they have not caught you out in one of the early hurdles, you are going to be in real trouble, are you not, as a Minister or Assistant Minister or whatever the circumstances - trying to get something done - because: "Sorry, prior to implementation, we have not had the resource implications of each of these initiatives" so nothing can go forward. Now, it is not so long ago - staying on the theme of dogs - that I think perhaps revealed by Deputy Le Herissier who is a real terrier on these issues as you know **[Laughter]** that I had, perhaps outrageously and certainly without any serious consultation, changed the fares for dogs on Connex bus services, from 50p to a free ride. Now, should I have got my officers to provide an appropriate resource implication for that initiative that would have been for the purposes for Scrutiny prior to implementation? Really? But that is the sort of extreme example because it illustrates where we are at. Yes, I could have got hold of how many tickets for dogs were issued, although it would not have been particularly accurate because some drivers let the dogs on for free anyway, and yes, there would have been a resource implication by so many times 50p and, yes, perhaps I should have issued a green paper on that particular subject prior to implementation and so on and so forth. But that is albeit an extreme example and I know that this is only trying to apply itself to the numerous initiatives that are contained within the Strategic Plan. This is the sort of difficulty that this type of amendment throws up because, as the Chief Minister actually said, he used the word "paralysis". Now, it has a certain air of innocence about it, as does a hollowed out bamboo, a thorn in an Amazonian forest, but not once one of the locals has stuck curare on the end of a thorn and uses the bamboo for his blowpipe. No, it becomes a deadly weapon and that is what this has the potential to be. It is the sort of amendment that ultimately has the ability to absolutely paralyse executive government and that is why those who are in the Executive are concerned about it, and because of the ramifications of this; not simply because Deputy Duhamel happens to be presenting it. This has serious ramifications. It can change the critical friend into an alien. A thing that not only is looking over your shoulder but is suddenly on your back and worst of all, its tentacles are creeping out and it has got into you and is invading you to such an extent you are hauled down and caught immobile; paralysed with excessive bureaucracy having to attach resource implications to everything and nothing moves until it has been assessed for the purposes of Scrutiny prior to implementation. This is a very dangerous amendment and it has all the propensities for actually giving executive government awful problems which is not what we should be seeking to achieve. I would urge Members to think very seriously indeed before supporting this because this, as Deputy Southern has indicated, it may be one of the more important amendments that we have to consider and it would be a great shame - in my view - if in the early days of feeling our way through the new processes of Scrutiny and Ministerial government, if we absolutely paralyse the entire affair in the early stages. So, I urge caution and I urge Members to reject this amendment.

9.1.4 Deputy R.G. Le Herissier:

There is no doubt the decision has been taken to paint the thing in totally extreme terms so it can collapse and of course having let himself off the lead and spoken about dogs, for example, Deputy de Faye has spectacularly missed the point. If he is involved in writing Strategic Plans, which have points about whether or not we should have dog licences, then he is writing a very strange Strategic Plan. That is all I can say, Sir. A Strategic Plan is meant to be at a high level. It deals with high levels of policy. The other issue that has been very fascinating is it is usually said we need people in the Executive because they are the people with the business skills and there is a load of pre-spending redistributionists on this side of the House who do not know what spending discipline is about. The irony is we have totally reversed roles in this debate and we are being asked to run with people who have phrased things in very vague terms who continue to phrase things in vague terms and who perform some quite brilliant jobs from time-to-time on issues like Civil Service cutbacks - "now you see it; not you don't" - and they will be referred to in further amendments. So, we have got that other strange phenomena occurring at the moment of the people who are tightly disciplined in terms of business skills - who are very good in resource management

we are continually told - facing these irresponsible redistributionists. These people are now saying: "Keep it loose". I think some of the points that Deputy Southern has said bear repeating. It is the uneven nature of the Strategic Plan that has worried people. There are some top level items, there are some detailed items and, in terms of transport, there is nothing, and we all know the last time when we adopted a bus strategy, look at what happened there financially. We ended up paying an open-ended subsidy. So much for tight financial discipline. That is what we allowed ourselves on the basis of wonderful sentiments and ended up with a totally ill-disciplined financial non-structure. That is the sort of thing we have to be concerned about. It is the unevenness that worries us. Some of it is here, some of it is promised and some of it there is just a short phrase: there will be a transport strategy or there will be health strategy for the elderly. All good stuff but all things that will involve a lot of money and we need to know in indicative terms what the sums of money are so we can assess where the priorities lie in the Plan. We are not interested in dog licences or little changes in planning licences or whatever. The next item is there has been much fuss made by Senator Vibert at Senator Walker: how can we measure things like international conventions? Well, the simple resource statement will be that that is simply part of the job of the International Relations Officer. It is an ongoing part of his or her job. We do not expect an hour-by-hour accounting for how that person is doing their job. Quite clearly that is done as part of their duties. No one is asking for a minute-by-minute record of what they are doing and a costing of what they are doing. If you look - particularly at policy and preparation which is a very big feature of the Strategic Plan - a lot of it will be normal work which will be undertaken within departments and not involve anything above the normal allocation of staff to normal duties. So, why are we making all this fuss, Sir? A simple statement to that effect will deal with a lot of these issues. What we are after is where the main priorities lie, what are the pound signs being allocated to those main priorities so we can make a judgment as to how the Plan hangs together and it is a very strange form of logic where the Chief Minister said: "We decided what the revenue is. The revenue is there and the revenue is not there". We all hope and pray that it will come in in a steady way but the revenue is not there. There are still some big questions to be asked about that but that is another policy debate. So we have got this pile of money allegedly. There is a big vacuum and trust us to sort out how that pile of money, which we can almost guarantee you will be there, and let us not give you an indication of where the priorities lie. That is what we are after: an indication of the sums attached to these programmes. An indication, therefore, of where the priorities lie. I am really, really shocked at people who have the business skills we are told allowing this kind of loose discussion and this kind of loose undermining of our proposal to go forward. That has really been a revelation. I would have expected much more financial discipline from the other side of the House and it is quite a paradox that it has had to come from Scrutiny.

9.1.5 Deputy J.A. Martin:

It seems we have moved from the opening speech of the Chief Minister where he thought the Chairmen's Committee and the Council of Ministers were not too far away in what they were trying to achieve. We then had the Minister for Home Affairs basically agreeing with that but to the point that we should not discuss it any more and we were going to move on to the next item which, again, I think is a total abuse. Now we have had the speech from the Minister for Transport who - apart from making a personal attack on the Member of the Chairmen's Committee who was bringing this because, to me, when you start attacking a person personally you have already lost the argument - says that it will be absolutely dangerous of this House to adopt this amendment. Now, which Minister is anybody to believe? Are we nearly there? Do we have some sort of consensus? And how dare they say they do not want to send some of their officers off to tell us where these resources and financial implications are? I turn to the first amendment from Senator Perchard. What did he have to do? A whole page. What the work will be, how much it will cost and everything but, no, we cannot ask the Ministers to do this. As for the resource ... **[Interruption]** As far as the Strategic Plan being fully funded, it says within existing spending limit: "When the contributions from savings and potential new income flows are taken into account and forecasts

beyond 2009 can only be considered indicated, particularly the scale of change anticipated by tax policies” which, if you read all over through your minutes, you do not know what you are going to get for GST (Good and Services Tax) and everything else. So, at one time we are told it is within the 2005 budget that was discussed for 2006, then we know there is another potential £57-£60 million floating about. We do not know where they are being prioritised and we want to know. Of course this does not mean we will scrutinise everything. We want a paper. The Minister says we will. It does not say that. We want predictions written down that are suitable for being scrutinised. It could be scrutinised by anybody, Sir. We do not say particularly whom. I think we are being very picky. I totally agree with the last speaker, Deputy Le Hérisier. We must support this amendment because otherwise we will get things going past us that have not been financially or resource-implicated and we cannot agree to this unless we at least ... in fact, I think many people who do not get this passed should have voted against the whole Strategic Plan and that is what I will be doing if this is not passed.

9.1.6 Senator T.A. Le Sueur:

I think the difficulty with this for some Members is that they cannot see the whole picture. They have not yet seen the Annual Business Plan and they do not know what that Business Plan will contain. Although its content has been clearly heralded, there is an uncertainty that people will never have the chance to question individual spending issues. Of course that is the very opposite of the truth. It is in the Business Plan that we will be looking at the various financial implications. This Strategic Plan is a top-level overview and I can agree with part of what Deputy Le Hérisier was saying in that we are so intent on looking at the minute details of the initiatives on pages 21-24 that we blind ourselves to the fact that we are also looking at the common strategic policy and the top priorities and the commitments. We are really starting at the wrong end of the situation. We are looking at the minute detail and ignoring the big picture and I think that is a failing of the States in that it is easier to look at the detail and big picture so we do that. The difficulty we have with this amendment, I think, is that all of us have a fair understanding that we have signed up to the spirit of it; whatever it means. What it means to me is probably different from what it means to Deputy Duhamel or Deputy Le Hérisier or to Senator Kinnard. We all have different views about what the spirit of the amendment actually means. But what we have to debate on is what the letter of the amendment says and the wording of the amendment is quite clear. Although I am sure we would all like to sign up to the spirit of the amendment, it would be very foolish and very dangerous to sign up to the letter of this amendment. If this Strategic Plan debate ends by Thursday night I have, on Friday, to sign-off the Business Plan for next year. That is the timescale to which we are working and I know that if we accepted this amendment I would have to revise that Business Plan to some extent because the resource implications of that amendment could be quite significant - resource which I do not think would be used to good effect. But it is at this Business Plan debate in September that we will have the time to look in individual detail at the precise initiatives which Ministers are bringing forward for next year. We have I think 173 initiatives in this Strategic Plan. I would not necessarily say it is a wish list but we do have to prioritise them against the resources available and simply to try and analyse now every single initiative is not a good use of Members' time. It is not a good use of our officers' time. At a time when we are trying to get the States to spend money wisely and employ fewer people and do things better and simpler, to burden people with an unnecessary additional level of bureaucracy strikes me as flying in the face of that. It is not that we are overlooking that. It is that that opportunity will arise in the course of the Business Plan and if Members can only put the 2 items - the Strategic Plan and the Business Plan - side by side, and see what do we need to talk about in the Strategic Plan and what do we need to talk about in the Business Plan, then within the Strategic Plan we certainly do not want to look at the resource implications of every initiative nor to restrict ourselves to saying that nothing can be implemented until all that work has been done. That is a recipe for doing nothing. Doing nothing is something I think the public thinks we are very good at. I think the new message

we wanted to give is that the new States Strategic Plan will deliver, can deliver and must deliver what is essential. On that basis, Sir, this amendment should be rejected.

9.1.7 Senator J.L. Perchard:

I have to admit to being a little confused. When we started on this debate on the second part of the amendment I thought it was a noddy but evidently it is not and I think we all understand the difference between a Business Plan and a Strategic Plan and I have no problem with that. The resource allocations will be confirmed during the debate on the Business Plan. But this amendment has been criticised but it only actually asks for the resource implications to be made available prior to implementation, Sir, so the Business Plan will, prior to implementation, make the resource allocations clear so I do not understand why the Council of Ministers should be objecting to this. It is only prior to implementation that the resource implications have to be made clear so we will agree that during the debate on the Business Plan. I actually have done a bit of a u-turn during this debate and I think I will support the proposition.

9.1.8 Senator B.E. Shenton:

I believe that the Council of Ministers have completely lost their way on this one. I have only got one amendment on the Strategic Plan in my own name and I was forced to put a resource requirement in on that amendment and the Council of Ministers in their reply have come back and they have used the resource requirement to reject the amendment. Now, how can I agree the Strategic Plan when no resource requirements when they are actually used in the resource requirements on my own proposition to reject it? I mean, it is absolutely ludicrous. You do need to know what the resources are in order to implement anything and the resources will be in the Business Plan and when I read scrutiny I read scrutiny with a small “s” which means that you look at something and scrutinise it. It does not say anything about Scrutiny Panels. It says: “Scrutinise it and use scrutiny” and I think to go against this is ridiculous. Wait until we debate my amendment and wait for Senator Ozouf and Senator Le Sueur and everyone else to stand up and say: “Oh, we have not got the resources” and yet we do not know any of the resources on the main Strategic Plan. It is absolutely ridiculous.

9.1.9 Senator S. Syvret:

I could have some sympathy with the views we have just heard expressed. When this amendment was first considered by the Council of Ministers we did discuss - and I certainly put forward - the possibility of accepting it. But upon reading amendment (b) the practical real world impossibility of achieving it became very, very clear to me. It is worth just reminding ourselves of the wording. It says: “The resource implications of each of those initiatives to be assessed for the purposes of scrutiny prior to implementation.” Now, that means that the resource implications of every single initiative proposed in the Strategic Plan would need to be assessed for the purposes of scrutiny, because that is what it says, prior to implementation. Now, we know from personal experience already that certainly some of the Scrutiny Panels cannot deal with the workload they have already so if we put ourselves in a position whereby the Assembly agrees this amendment, we will be in a position where probably 75 per cent of the requirements of the Strategic Plan could not be taken forward because there would be a log jam and a massive build up with the Scrutiny Panels. Now, some members of Scrutiny Panels are shaking their heads at this but I know from my own part at Health and Social Services that there are issues which the Social Affairs Scrutiny Panel could very profitably have been looking at. Cardiology services, for example; they had to pause in part for a little while. They work on the G.P. out-of-hours co-operative. There is any number of other issues they could be looking at. They cannot do it. They just have not got the time and the resources to do it. Now, if we say that every single initiative in the Strategic Plan has to be assessed by Scrutiny beforehand ... **[Aside]** that is what it says. It says: “Assessed for the purposes of scrutiny.” Now, if we are put in that position we will be in a situation of paralysis by analysis as a previous speaker actually said. I think quite honestly the case of the Scrutiny Panels would be a lot stronger were it

not for the fact that the Council of Ministers is depending on an amendment prepared to accept paragraph (c) of the proposal. Let us remind Members and people listening what paragraph (c) as amended would say. If amended, it would read: "To charge the Council of Ministers to prepare and present to the States as part of the Annual Business Plan, for each of the years covered by the Plan, the projected financial and manpower consequences of the initiatives for each of the years covered by the Strategic Plan 2006-2011." There you go. That paragraph will deliver what you are seeking. It will deliver the proper detailed planning of the manpower and financial resources of each of the initiatives for each of the relevant years and that is the appropriate forum to do it: in the Business Plans. This Strategic Plan is simply an overarching general direction. It is wholly the wrong place to start imposing a detailed analysis of cost and manpower implications at this stage. In that amended third paragraph the Assembly has the guarantee that in the appropriate document - the Business Plan - the relevant information will be put before the Assembly. I urge Members to reject the amendment.

9.1.10 Deputy D.W. Mezbourian:

I would just like to remind the Council of Ministers that scrutiny is not purely in the domain of the Scrutiny Panels. It is, as I believe Senator Shenton mentioned, he refers to it with a small "s". If you accede to what is being requested here, it will provide not only the Scrutiny Panels and those other non-executive Members of the House with the information, and it will provide the public with the transparency to look at this and scrutinise it for themselves. It will, therefore, if this is passed in the House today, mean that the public are able to look at this and have the transparency that the Council of Ministers is continually promising that they are delivering, and if they oppose this today I would suggest they are not delivering that at all.

9.1.11 Deputy G.C.L. Baudains:

I have been listening with interest to various Ministers' excuses as to why we should not agree this amendment and frankly I am beginning to wonder if they have been attending evening classes of the Spin Doctor because Members are being misled, Sir. This amendment does not require all initiatives to be costed for resource. It requires those initiatives to be costed for resource prior to implementation, so those that are not implemented do not need to be costed. Those that are implemented next year will need to be costed by next year. Those that are going to be implemented in 5 or 6 years time need to be costed some time in the next 5 or 6 years. It does not require an enormous amount of work and to be perfectly honest, Sir, like Deputy Le Hérissier I am absolutely amazed that Ministers are suggesting to us that they will undertake any number of works without even bothering to make an analysis of the costs or other resource implications. Frankly it is irresponsible.

9.1.12 Senator P.F.C. Ozouf:

I am absolutely delighted that there is a view in this Assembly that money matters because as a former member of Finance and Economics we did a great deal of work to ensure that this Assembly was informed as perhaps no other recent Assembly has been in terms of the actual costs and the individual services that are run in our departments. I would say to worried Members of this Assembly that I for one believe - and I know there is a debate about the powers of Ministers and the power of this Assembly - it is this Assembly who has the absolute power on the allocation of money. We do that on an annual basis and we do it in the Business Plan and we do it with full information having regard to all the different trade-offs and options that are presented for us. The reality is - and I do think there is a bit of hair-splitting going on - if Members want the ability to agree for additional resources to be spent on individual items that are in the Strategic Plan, and that is new money, then they will have an opportunity to do so. They will have an opportunity to do so in the Business Plan every year. There is no getting away from that. What I think Members are confused about is the actual wording of the proposition that Deputy Duhamel is putting forward. He is saying that we are not entitled to implement any of the initiatives without the resources being

available for prior scrutiny. That, to me, is a clear reading that anything in this Plan that is in the Strategic Plan for economic development in 2006 cannot be implemented without the resources being made available to scrutiny. "I cannot do it" in other words. I would ask Members to look at some of the actual action steps that departments such as mine are being asked to do: "1.7 There is a flourishing finance industry" et cetera, et cetera. "1.7.1 Implement the Financial Services Plan during 2006." Now, if the Assembly passes the Strategic Plan then we are going to deal with that and we are going to implement it within the resources that we have got for 2006. If any other matters on implementation steps are going to be put forward for 2007 then Members are going to have an opportunity to vote on that in the Business Plan that we are going to consider in the next few months. There is hair-splitting going on here. This Assembly is paramount about resources and particularly new resources. That is what the Business Plan is about. But Ministers who are saying that their hands are going to be tied in respect of implementing anything at all in the Business Plan are absolutely right for the period 2006. We have got our budgets and we have got to go on and implement all the matters in the Plan that we can do with our existing resources and I think Members can, with confidence, vote against this amendment in the full knowledge that they have the ultimate say in the Annual Business Plan. Any acceptance of this amendment will grind Ministerial government and all these implementation steps to a halt.

9.1.13 Deputy I.J. Gorst:

I hesitate to speak but it does after quite a lengthy debate appear to me that this amendment would create something of a muddle. I say something of a muddle because after your earlier clarification of the amendment, Sir, it seems that any item under the heading "what we will do" will require approval or the nod from the Scrutiny Panel before any work is carried out on it. We have heard many of these items ...

The Bailiff:

I am sorry to interrupt you but that is not actually what I said. I think it is fair to say that the amendment is ambiguous. It is capable of bearing that construction. But it is also capable of bearing a construction that Deputy Duhamel places upon it which is that the resource implications of each initiative must be assessed, but then it is a matter for Scrutiny Panels, if they wish, to use that information for the purposes of scrutiny. That is the interpretation that is placed on it by Deputy Duhamel. As I say, it is ambiguous and is capable of bearing the other interpretation as well.

Deputy I.J. Gorst:

Thank you for that clarification, Sir. I was going to go on to say, however, that was certainly not my understanding of the indication that the Deputy gave in his opening remarks. It was also further muddled, I feel, by Deputy Southern's speech in which he insinuated that the amendment would require resource implication statement not only for all items covered under "what we will do" but also for all items under "indicated by". I say "unnecessary" because Standing Orders already allow for all propositions brought to this House to be scrutinised should the relevant Scrutiny Panel so wish. It is for this reason that I find it difficult to support the wording of this amendment. Thank you.

Deputy G.P. Southern:

Can I have a point of clarification? The previous speaker suggested that "indicated by" was also covered by this. That is not what I said.

The Bailiff:

I call upon the President of the Chairmen's Committee to reply.

9.1.14 Deputy R.C. Duhamel:

I would like to thank all Members who have spoken for speaking. I find it somewhat ironic that the next amendment that we are going to be talking about - and it is worth reading: "To charge the Council of Ministers to prepare and present to the States either inside a 2-month period or as amended potentially by the Council of Ministers as part of an Annual Business Plan, for each of the years covered by the Plan, a report setting out the projected financial and manpower consequences of the initiatives for each of the years covered by the Strategic Plan 2006-2011." So, we are actually using the same words as have been used in the paragraph above and the word is "initiatives". It is quite clear that there might well be a different interpretation when we come to debate (b) placed upon the word "initiatives" in view of the fact that the Council of Ministers are suggesting an amendment which will render what our Chairmen's Panel decided to put forward as an amendment effective and proper which strikes me as a little bit of a nonsense. But that said, Sir, if you look, I think the key issues have been made. There are no circumstances by which scrutiny, irrespective of how the thing has been worded ... and the wording is, in part, a result of how the whole plan has been put together because it was the Council of Ministers who referred to "outcomes initiatives" on pages 21-54 in the first place. The issue is whether or not Scrutiny would be in a position if the interpretation, as being suggested by some of these Ministers, were brought to bear. What I am saying is that the chances of that happening are not only extremely small but so small as not to actually bear any belief that they could possibly happen. There are no circumstances, Sir, where any of the Scrutiny Panels, either under my chairmanship or indeed under the chairmanship of any of the other Chairmen, would be in a position to scrutinise everything that the departments would wish to get into, and that is not the intention. The intention, Sir, is to add value to those initiatives in terms of resource implications which the States themselves are going to have an opportunity to look at. I cannot understand, along with some of the Members, why if it is something that we agree to and we are going to have the manpower and resource implications of these initiatives coming forward in the Annual Business Plans, how if that is the case, Sir, why it remains wrong to actually underline it in the proposition. Now, the Council of Ministers had no reservations in agreeing that any approval given to the Strategic Plan overall was going to be made in principle notwithstanding the remarks that they have made or the Chief Minister has made on a previous occasion. What is right in one case surely must be right in another case. It cannot be seen to be wrong, to be underlining what has been said in another place and another time, in order to justify or underline a particular position in part (a) of this debate and yet when it comes to the second part of this debate, part (b), to actually come forward with an argument which says that something different applies. It just does not make sense. It makes even less sense, Sir, when we know that the resource implications for any initiatives which are going to be implemented ... and by that we mean new initiatives - big initiatives. We have heard from the likes of Senator Ozouf and others that there is a difference in terminology as to what is meant by "an initiative" - whether it is an old one, a new one or an existing one or something else - and the thing that worried us when we had our meeting on 11th May, and it bears reading again, was items 5 and 6: "Actions within the Plan which will be subject to States approval should be clearly identified." Absolutely right, nothing wrong with that. Then it went on further to say that what worried us was actions within the Plan which would be implemented by departments without further States approval should be highlighted. Now, we do not want to find ourselves on the Scrutiny front having decisions that are implemented by departments where no scrutiny has been brought to bear because we have not been given any resource implications at all or indeed, even worse, those decisions have not bothered to come to this House and have been taken unilaterally by Ministers. That is not the same thing, Sir, as saying that all decisions that Ministers are going to take and do take in the daily discharge of their duties need to be scrutinised. They clearly do not and indeed some of the things that have been referred to by Senator Kinnard, that in wanting to go forward and to set up an informal group so that she can have a sounding board to determine particular policy directions, would need to be scrutinised. Obviously we are just not going to go there. There is no need. That is not what we are talking about. Those initiatives that are going to be implemented that do have large resource implications are ones that pan out, not just in the first year but the second year and the third, or

maybe even the fourth and the fifth if we go that far. Those are the initiatives that we are talking about and those are the initiatives that I think everybody knows are being referred to when we talk about the spirit of the amendment. I am a bit perturbed that some Ministers would like to say it is the singer and not the song. If that is the status and the opinion of some Members in this House then quite clearly I think we all need to grow up a little bit. The arguments that are brought to this House are brought in good measure and are suggested to the House in order to improve systems and to come forward with flippant comments to say that just because a particular Member is the one who is actually sponsoring the proposition and that is a reason for not listening or taking things seriously is not displaying parliamentary skills or the diplomacy that we should be trying to cultivate. I take it upon my shoulders at this time, Sir, but I think I would not like the situation to be often repeated. It demeans the House and I will say no more. Senator Le Sueur came forward and said we could not see the whole picture. In actual fact, we do see the whole picture and that is exactly what motivates us. He suggested that we did not have to worry about putting in this particular proposition in the form that it is wanting to go in because we are going to have the Business Plans discussed in any event. Well, if there is a difference in opinion as to which initiatives are going to be brought to this House then quite clearly, Sir, we need to be sure about these things. The big picture is important. I think he made another point but it is lost. Of the 173 initiatives, obviously all of them are not going to be prioritised to the same level and indeed we do not have the prioritisation at all at this stage and this is what is going to be discussed in amendment (c). At the moment some of the resource implications will not be available and those are the ones we were worried about. If strategic policies are going to be implemented before we know exactly what the outcome in terms of resource is going to be, then quite clearly that is untenable for all Members of this House, not only for those who are sitting on Scrutiny. He did indicate, and I am not sure but this will come out perhaps in the next debate, that the initiatives that would come to the House would be those for this year but indeed if we are actually talking about strategic initiatives for years 2, 3, 4, 5 or even further, then those initiatives have to be looked at as well and there is a second debate to be had. Hair splitting? Well, if it is hair-splitting then I think I am a hair-splitter but at the end of the day we have to say what we mean and mean what we say and at the moment, Sir, as far as I can see, and on behalf of the Scrutiny Panels and the Chairman's Committee, we do actually require this information before we can do our job properly. For us it is a clear cut case, underlined, give us the certainty to operate by agreeing this initiative or actually take it out and raise the uncertainty as to whether or not the Council of Ministers is working hand in hand with Scrutiny. I hope they are, Sir. I hope a number of the Ministers, if not all of them, can even at this late stage change their mind and actually vote with the Scrutiny Panels on this particular amendment. I make the amendment and ask it be upheld.

The Bailiff:

I ask any Member in the precinct who wishes to vote on this amendment to return to his or her seat. The vote is for or against paragraph (b) of the Chairman's Committee's amendment and I ask the Greffier to open the poll.

POUR: 25		CONTRE: 26		ABSTAIN: 0
Senator B.E. Shenton		Senator S. Syvret		
Senator J.L. Perchard		Senator L. Norman		
Connétable of St. Martin		Senator F.H. Walker		
Connétable of St. Mary		Senator W. Kinnard		
Connétable of St. Peter		Senator T.A. Le Sueur		
Connétable of St. Clement		Senator P.F. Routier		
Connétable of St. Helier		Senator M.E. Vibert		
Connétable of St. Brelade		Senator P.F.C. Ozouf		
Deputy R.C. Duhamel (S)		Senator T.J. Le Main		
Deputy A. Breckon (S)		Senator F.E. Cohen		

Deputy of St. Martin		Connétable of St. Ouen		
Deputy G.C.L. Baudains (C)		Connétable of Trinity		
Deputy C.J. Scott Warren (S)		Connétable of St. Lawrence		
Deputy R.G. Le Hérissier (S)		Connétable of Grouville		
Deputy J.A. Martin (H)		Connétable of St. John		
Deputy G.P. Southern (H)		Deputy J.J. Huet (H)		
Deputy S.C. Ferguson (B)		Deputy P.N. Troy (B)		
Deputy of St. Ouen		Deputy J.B. Fox (H)		
Deputy of Grouville		Deputy P.J.D. Ryan (H)		
Deputy of St. Peter		Deputy J.A. Hilton (H)		
Deputy D.W. Mezbourian (L)		Deputy G.W.J. de Faye (H)		
Deputy of Trinity		Deputy J.A.N. Le Fondré (L)		
Deputy S.S.P.A. Power (B)		Deputy A.J.H. Maclean (H)		
Deputy S. Pitman (H)		Deputy of St. John		
Deputy K.C. Lewis (S)		Deputy I.J. Gorst (C)		
		Deputy of St. Mary		

The Bailiff:

Now we come to paragraph (c) of the Chairman’s Committee’s amendment and I ask the Greffier to read that amendment.

The Greffier of the States:

Number the proposition (a) and insert a new paragraph (b) as follows: “(b). To charge the Council of Ministers to prepare and present to the States within a period of 2 months a report setting out the projected financial and manpower consequence of the initiatives for each of the years covered by the Strategic Plan 2006 to 2011.”

9.2 Deputy R.C. Duhamel:

The underlying principle behind the strategic planning is that it takes a longer view than the normal Business Planning process. The Strategic Plan is designed to run over a 5-year period whereas the State’s Business Planning process runs on an annual cycle. The Committee think that the Strategic Plan should actually provide a framework in which the annual resource choices can be made but in order to do this it has to be set in part of what happens over the lifetime of the Plan. Quite clearly, Sir, we do have the suggestion that we are going for a 5 year Plan. This House, is elected, in the main, on a 3-year period and the financial planning of its affairs is done on a one-year basis. In studying other jurisdictions it is usual to have those 3 periods coincident. We do not have the benefit of operating the system at the moment in that way and therein lies the difficulty. This is a long-term Strategic Plan and we do feel that if you are going to try and organise the revenue affairs of the States, and in doing that you are going to look at the financial and manpower resourcing initiatives as well, then these things cannot be done on a year-by-year basis. They have to be structured and we have to have some indication of the phasing of particular schemes. We also have to pay attention to the fact that within the Civil Service if we do start a particular job or new areas for civil servants to administer then it is quite likely that those programmes will take a number of years before they are delivered. It is also likely that within Civil Service departments that once we have set up things, unless there is a mechanism to review on a regular basis the effectiveness and the efficiency of those particular schemes, then a lot of schemes have the potential to be expanded. So what happens is that we might find ourselves in a position of increasing the revenue expenditures into the long-term. If we take a look at page 12 in small numbers in the coloured Strategic Plan, we do actually notice that the potential States’ revenues are running from 2006 at £472 million up to 2011, and we are told that after 2009 we are into estimating; so there is a risk attached with those figures, or they come with a health hazard. We are talking expenditures of £524 million. In fact if those projections were to be run even further then we would find some of

the arguments that we are going to be getting into with the Corporate Affairs Panel in terms of the location of the so-called black hole. The prime reason for bringing this particular amendment forward is to give some element of certainty to the process in terms of knowing whether or not specific schemes, once they have been initiated, to what extent they are going to impact on other schemes in the future and to bring the whole thing together as a coherent whole. We are being told that this amendment by the Council of Ministers ... and again I think there is a difference of interpretation. Certainly what is being suggested appears, and their opportunity to make the amendment - to be being suggested is that we adopt an amended system whereby we still continue on an annual basis, but instead of having Annual Business Plans for all of the years of the lifetime of the Strategic Plan presented to this Chamber on a regular basis, we stick to the annual Business Plan running of things and only given the way the finances are going to be allocated for that particular year. If we do that, again, there is no way from the Scrutiny side that we can begin to look at whether or not there will be problems of particular funding impacting in particular areas, or whether or not large sums of monies will be diverted from other plans which may get too big or could not be applied in that particular area. Other than that I think it is a fairly straightforward amendment but, as I say, I am not at all clear that is what is being put forward by the Council in order to lend their acceptance to our amendment does the job. If what has been suggested from the Council of Ministers is that we just stick to the Annual Business Plan cycle then in fact I cannot really see why that amendment to the amendment has been put forward because in fact that would be the status quo. If they are offering something different whereby the Annual Business Plans for all the years will be offered in year one, 2, 3, up to 5, then that seems to be pretty much in line with what the amendment was being put forward by the Chairmen's Panel in which case the amendment does not really need to be agreed. I have probably said enough and maybe we should wait for an explanation from the Chief Minister to outline where he is coming from.

The Bailiff:

Is the amendment seconded? [**Seconded**] There is an amendment to the amendment in the name of the Council of Ministers and may I ask the Greffier to read the amendment.

The Greffier of the States:

In paragraph (c) of the amendment in the wording of the proposed new paragraph (b) for the words "within a period of 2 months a report setting out" substitute the words "as part of the annual Business Plan for each of the years covered by the Plan".

9.2.1 Senator F.H. Walker:

In the debate on the last part of the amendment there was agreement in principle about what everyone was trying to achieve as the end result, but there was inability to agree on the precise meaning and the implications - the consequences - of the amendment as worded. This one is both similar and yet different. Here the Council of Ministers agrees absolutely in principle that the States should have - indeed must have - the ability to say yes or no to resource plan proposals, be they manpower, be they money, be they capital or be they whatever. The problem with this part of the amendment is that it is virtually impossible to deliver in the timescale put forward in the amendment to allocate staff to fully cost every single initiative in this Business Plan for the whole of the next 5 years. This is an almost impossible task. We do not disagree with the principle. We do not disagree with the principle at all but it is just totally unrealistic to expect this work to be done in the timescale put forward, within a period of 2 months, which is precisely what ...

Senator J.L. Perchard:

Can I just make a point of order? There is a contradiction between the Strategic Plan 18th amendment and the amendment to the amendment where it quotes 2 months and the Plan that we are working to, the whole document, which quotes 3 months. Which is it?

Senator F.H. Walker:

My understanding is it is 2 months.

Deputy R.C. Duhamel:

It was designed as 2 months to enable the existing process to go ahead because this was done on the basis of the understanding that a lot of the work is supposedly already done, all these things have been costed so it is merely a case of collating those documents, as we have been told, into one document and presenting it to the House for consideration.

The Bailiff:

The Greffier assures me that the period is 2 months as set out in the Strategic Plan 'Order of Amendments' document. There was some confusion originally but it is 2 months.

Senator F.H. Walker:

My point is absolutely the same and absolutely made. It is quite impossible to undertake the work put forward in this amendment within that time-scale. It is just not possible. I am surprised that it has come forward from the Chairmen's Committee with presumably no thought given to the resources that are going to be required to meet the terms of this amendment. I would have thought that some discussion, some questioning, could and should have been done to establish just what the time commitment involved with this amendment would be and what the manpower commitment associated with it would also be. Let me absolutely clear; let me reiterate very clearly the position of the Council of Ministers. We fully support, indeed we are absolutely bound by the States of Jersey Law, to deliver on the clear objective of any States Members to be able to say yes or no, as I have already said, to all resource implications of the Strategic Plan. There is no disagreement. I think every single Member of the States would be signed up to that objective, and the Council of Ministers is absolutely no exception, and that is why we propose the amendment. Deputy Duhamel makes a point; he has a point when he says that the amendment, in effect, maintains the status quo. Yes, it does but it reaffirms in the very clearest possible language the fact that the Annual Business Plan will have to contain all the information Members require on resources. It will come to the States for debate - it will be lodged next month - in September and then the States and every successive September thereafter, for the period of the Plan, the States will have total ability to decide what is spent on what and on who. Total ability. I am not sure even now that that message is totally and completely understood by every Member of this House, but that is the reality, that is what the States of Jersey Law binds the Council of Ministers to and that is what we have to deliver. Senator Syvret quoted from the Council of Ministers report on paragraph (c) and I would like to requote what he said but then go on to emphasise points that are made also in the same report. Our amendment to the amendment would result in the following. It would read: "To charge the Council of Ministers to prepare and present to the States as part of the Annual Business Plan for each of the years covered by the Plan the projected financial and manpower consequences of the initiatives for each of the years covered by the Strategic Plan 2006 to 2011." This will ensure that each year when the States decide the overall resource allocation they will do so in the knowledge of the initiatives that are to be delivered within the resources allocated to each department. Now I think that is pretty clear stuff. To achieve this, each year's Business Plan will identify for each department the overall objectives and resources, the detailed analysis of services, including resources, objectives and performance indicators, the Strategic Plan initiatives to be delivered within the department's resources, specific resourcing for major new initiatives and, in addition, the Plan will include forecasts for future years to indicate the effect of the initiatives, thereby fully answering the points made by Deputy Duhamel in saying there would be no information for future years. Absolutely not the case. This is already what is envisaged and therefore, again, the amendment is unnecessary because the States are going to have all the information in the Business Plan in any case, and it is unachievable to do what is suggested specifically in the amendment in the timescale available. So, again, we have common objectives - totally common objectives - it is the

way that we go about presenting those objectives to the States that is the issue. I say again, this amendment will benefit the States not at all because you are going to get the information over a period of time in any case and before initiatives are implemented. You are going to get it. Now Deputy Scott Warren is looking at me in puzzlement but that is the fact. That is what the States of Jersey Law commits the Council of Ministers to doing and therefore, of course, we have to do it, and we want to do it. There is no discrepancy there at all. So that is why we are not rejecting the amendment, we are proposing our own amendment to the amendment which we believe re-emphasises, clarifies the position, and gives Members all the information they require, or will ensure that Members get all the information they require. I would hope that given the debate we have just had, given the fact that there is no question about the willingness to co-operate of the Council of Ministers, the determination the Council of Ministers has, the duty the Council of Ministers has to bring all resources to the House for debate before implementation, I would hope that on reflection the Chairmen's Committee may feel it unnecessary to continue with their particular amendment and that they could accept the amendment put forward by the Council of Ministers. But certainly I propose the amendment to the amendment.

The Bailiff:

Is that seconded? [**Seconded**] Anyone wish to speak on the amendment to the amendment?

9.2.2 Deputy C.J. Scott Warren:

I would like to know from the Chief Minister why individual Member's amendments to the Strategic Plan have had to have resources and manpower figures attached if it is all right to wait until the States' Business Plan? Because that is an anomaly. If we do not need to know now or in 2 months time why have we had to bother ringing up departments and getting all this information, and it was not easy to get accurate information from departments about individual Member's amendments. In view of the very close defeat and the opposition by the Council of Ministers to the previous amendment I find myself with no choice but to support this current amendment.

9.2.3 Deputy R.C. Duhamel:

In reading the departmental Business Plans and the Strategic Plan for the Isle of Man Government you cannot fail to be struck by the fact that in discussing financial initiatives and how their plans are going to be resourced and the implication of those resources, that instead of bringing to their House every year what is going to happen on a 'that year' basis they do - because it is a 3-year plan - lay out 3 annual Business Plans for year one, 2 and 3 of their plan. Now we are saying that we want to move under Ministerial government to a 5-year plan, but what we are wanting to do - from the sound of it - is to continue to come to this House on an Annual Business Plan basis and to actually argue for initiatives, however you are going to define them, to be implemented in that one year only. There is a suggestion within the report on the amendment to the amendment that in addition the Plan, this is the Annual Business Plan, will include forecasts for future years to indicate the effect of the initiatives. This is exactly what is needed if we are going to be subscribing to and endorsing a long-term plan. If it is for a 5-year period what needs to happen is that we need to know in year one and 2 and 3 and 4 and 5 exactly the import of the resource allocations for any particular programme that might well not be starting in the first year. I did a small exercise and I went over the 173 initiatives and, if you look at it, some 45 per cent of them are for 2006. Now one would expect from the comments made by Senator Le Sueur that those are fully resourced within the existing resourcing initiatives and plans, but that leaves the remainder; and the remainder have a start date for 2007, 2008, 2009 or even beyond. Within the financial projections we are told we cannot go too far ahead because financial forecasting becomes unpredictable after a period and the element of risk builds-up, and we are actually told on page 12 of the coloured document that although the Strategic Plan is fully funded nevertheless we should be careful to note that after 2009 the forecasts can only be considered indicative. Frankly, that is not good enough. If we are going to be planning to a 5 year basis we need to know with pretty good

certainty - I admit there will be an error but it must be a small error - the amount of monies that will be allocated and expended on each of the projects and initiatives that are going to be undertaken in the years that they are going to be undertaken. In actual fact what I think should arise - and I am not asking for anything that probably is not done already - would be for the usual GANT chart to give an indication as to when particular programmes are going to be undertaken by the department and the monies that are going to be expended in those particular years so we can make useful assessments as to whether or not other schemes which are more worthy in terms of prioritisation might actually achieve a higher priority. If we do not have that certainty and if we do not have the charts to show when the schemes are beginning or ending and how much monies are going to be allocated to them we cannot do that. So, in effect, you do not have a Strategic Plan for 5 years, you do not have a Strategic Plan for 3 years, you have a Strategic Plan for one year. Now if that is the case, fine, I am happy to go along with that but let us be open and upfront about it; if we do intend to carry on our business on a one year basis then we should not be telling people that it is a 5-year process because it clearly is not. In respect of the comments that were made about, in addition, that the Plan will include forecasts for the future years to indicate the effect of the initiatives, I would just like to ask, will those forecasts be forecasts and made with risks attached as to give the proper validity to those figures or will they be a little bit more absolute so that we do know what it is we are talking about into the future. As I said before, when Civil Service departments - or when we allow departments to - start on initiatives they do have long-term implications. We have a capital budgeting system which is run on 5 years and we do have the certainty in this House of knowing that if there is a £39 million capital investment programme then there is a pecking order and a priority set to determine which capital projects come to the fore and in which particular year. When we deal with revenue unfortunately the same thing does not apply, and there is a tendency amongst the long-term strategy as it stands, to ignore any potential there might be for organising, or greater organisation of those costings and financial allocations, in order to determine services as to whether or not they are absolutely required, whether they should be bettered or whether or not they should continue in their present state. Without having the management tools at your finger tips that work will not be able to be done either by the department - which would be wrong - or by the Scrutiny Panels or any other Members who are interested in coming forward and making observations in order to better the value of judgment and the decisions that this House is deciding upon. If I could receive some certainty that the forecasts that have been spoken about are going to be more than forecasts and a little bit tighter that would be one thing, and if I could also receive the assurance that instead of just following the current Annual Business Plan system that there was going to be an attempt through this amendment to go for a proper long-term planning process in terms of our finance for revenue setting then I think I might be in a different position to accept the amendment as is being put forward. But I do not have any of those assurances at the moment and applying the same arguments as were applied to the way the amendment was written for my amendment to part (b), I think exactly the same ambiguity exists in the way that this particular amendment to the amendment has been written. Without a full explanation, or going a stage further - if we have to - of having the proposition written in the way it should have been written in the first place, then I am not sure whether or not an acceptance will be forthcoming at this point in time.

9.2.4 Deputy G.C.L. Baudains:

Following on from the last speaker I might also remind him of Deputy de Faye's words that of course what is important is not what is said in this House but what the literature actually states because that is what happens, so any assurances that he might change his mind would possibly, in that matter, be unwise. The Chief Minister has stated that - if I understand him correctly - he has a common objective in that basically he agrees with the sentiment of the amendment but finds that the time-scale of 2 months is totally unreasonable, therefore I am bound to ask why did he not bring an amendment to extend the 2-month time-scale if that is what the real problem is instead of bringing an amendment that - in my understanding - actually negates the Chairmen's amendment. I would have thought actually it was out of order. It does seem to me the Council is being consistent

in attempting to frustrate Scrutiny's work so that it does not have the tools to do the job. It is surely essential for proper Business Planning to have projected resource consequences of any plan that you have, it is normal business practice, and I really cannot believe that the Ministers practice what they preach. It would, in my view, be irresponsible not to have at least a serious indication of the resource implications for the future and I therefore find myself unable to accept the amendment to the amendment.

9.2.5 Senator T.A. Le Sueur:

Perhaps I can begin just by explaining to Deputy Scott Warren why some individual amendments here need resource implications, and that is because they involve making decisions about spending money here and now, and when we involve decisions involving spending money we have to show those implications. This Strategic Plan specifically does not ask us to endorse the financial forecasts which are there for information, so there is a difference which I think may have been overlooked. I turn to the speech by Deputy Duhamel who I think would like to see the Business Plan as a mirror reflection of the Strategic Plan and unfortunately that is not really possible. I think even if it were possible it would not be in the interests of the States. The Strategic Plan sets out a vision for initiatives, ideas, aspirations, over the next 5 years. It is, if you like, a rich tapestry; some of which will come more to the fore than others. I think if we were to try to create a rigid 5-year Business Plan it would give us no flexibility at all to deal with changing circumstances. I think what we therefore need is an indicative plan, and we have an indicative plan. We have had indicative plans in the past within the States' Resource Plans. Even the capital programme which the Deputy suggests is fixed for a 5-year period is not in fact fixed for a 5-year period. We agree it as an indicative programme for those 5 years but it has been capable of variation and I think in the 3 years that I was President of Finance and Economics it varied every one of those 3 years as new priorities came up - Health came out, Home Affairs and the prisons came in - different things as different circumstances change, as priorities change, and we are in a danger, I think, of trying to straightjacket ourselves into a rigid 5-year formula. But why do we need to have this particular amendment? Why do we not simply do a detailed analysis of every single initiative whether we are going to implement it next year or the year after or not? My first reaction to that is that is a lot of resource for perhaps not much benefit, and it would be more useful to channel that resource into costing what initiatives we are going to pursue next year in greater detail and give Members more fuller, better information on those we are pursuing rather than a broad brush response to every one of the 173 we are talking about. So in terms of those that are going to be presented in a couple of months time in the Business Plan, I would expect that detail to be there and I am sure Members would expect that detail to be there, and if that detail is not there then Members can quite rightly criticise the Minister concerned. That is why I think it is important that we do this and that as our priorities change year by year, as I am sure they will - they have done for the last 50 years and I cannot see the next 5 years being any different - we can adapt to those situations and bring forward up-to-date information making the best use of our staff resources to provide us with the information we need to make informed decisions. I suspect what we would have with the amendment as proposed by Deputy Duhamel is simply a large sheet of paper with lots of figures on which we would file in the bottom of a filing cabinet and not refer to again because we would be looking far more intently at this year's Business Plan and the money we are actually going to spend. So I urge Members not to be seduced to try to reflect the Strategic Plan in a 5-year Business Plan but to take up-to-date decisions based on what our priorities are within the agreed initiatives, what our priorities are in each of those years which the Business Plan relates.

9.2.6 The Connétable of St. Helier:

No danger of seduction over here I think in the Constables' benches. I would urge Members to accept this amendment. It seems to me that without it what the Chairmen's Committee have come forward with is something that reminds me of that dreadful sermon in Wuthering Heights which is, I think, 49 times 49 times 49 separate points, and the person begins his nightmare at the first one. It

is quite clear to me that we really cannot ask the Council of Ministers in a very short time-frame to do detailed costings and resource estimates on 173 initiatives, and I do not see the point of it anyway. What would we do with the document? As amended, what we are saying is that this belt and braces approach to coming up with the resources is going to be provided as part of the Business Plan - one assumes it would have been anyway - but the Council of Ministers have agreed they are going to do that. I think this strengthens the amendment brought by the Chairmen's Committee and I would urge Members to accept. I would urge it through so we can get on to my amendment. [Laughter]

9.2.7 Senator S. Syvret:

The States were quite fond in the past of agreeing to proposals that simply were not possible to be implemented and this, I am afraid, is just one such initiative. It is harking back to the bad old days I am afraid. Even at the most brief and cursory reading of the Strategic Plan I found 6 initiatives in here, for example, on page 29 - Develop a strategic report identifying high level plan for the redesign of health and social care in Jersey by the end of 2006. Number 2 - Undertake a comprehensive of the Island's existing health and insurance scheme by 2010. Number 3 - Policy review of the social insurance system in Jersey interim report. Number 4 - Increase number of old people supported to live at home. Number 5 - Improved choice and flexibility in the range of care settings available. Number 6 - An energy policy for Jersey, moving on through the document. Now the amendment of the Chairmen's Panel, unamended by the amendment of the Council of Ministers, would mean that all of these initiatives would have to have manpower and costing implications developed for them and prepared within 2 months - 8 weeks to devise and derive the total costing of manpower projections for a complete and fundamental root and branch redesign of the Island's health and social care system. Is that realistic? It is not. I have pointed to just 6 but there could be any number of other initiatives in here which if Members pass the amendment of the Scrutiny Panel Chairmen without the amendment it is simply going to be impossible to achieve. It might make certain Members feel good to reject the amendment of the Council of Ministers and go with the amendment of the Chairmen's Committee but the fact is this Assembly - the States of Jersey - will then have agreed to a proposition that will not be capable of being carried out. It just is not possible. I urge Members to support the amendment of the Council of Ministers which does give in a sensible way the commitment to a proper analysis of the manpower and resource implications within a sensible and realistic timeframe.

9.2.8 Deputy P.N. Troy:

Some initiatives I think would be cost-neutral. Some will have increased costs and some might produce savings. Departments will also be able to schedule their workload so that implementing a policy can be achieved within the department's budget. I think that Ministers who are responsible for their workload must be allowed to schedule it and work on their department's assessment of when a particular policy can be achieved and implemented. Really, to cost all of these initiatives within the 2-month period suggested - and that costing will quickly become out of date - it really is not productive. Departments then, if they have done a costing today, the work is scheduled for 2007-2008 that costing really becomes irrelevant at that period. A pointless exercise and I would urge Members to support the Council of Ministers on this.

9.2.9 Deputy G.P. Southern:

Having rejected the previous amendment I do believe it is important that Members reject also the amendment coming forward from the Council of Ministers. We really cannot proceed in this way I do not believe. We have a new Ministerial system and the first hurdle we are getting over is working to a 5-year plan. It seems to me that any businessman worth his salt out there who is working to a 5-year plan, albeit strategic or otherwise - i.e. I want to end up there, here is my strategy for achieving it - is going to look at what he is planning and look at the costings not for next month, next week or next year but over a 5-year plan. He is going to make rational and

sensible estimates of where he thinks he is going to go and in what time-scale. To do otherwise, I would suggest, is sheer folly. If the Isle of Man can produce a 3-year Strategic Plan along with 3-year projections so that members of the public, Scrutiny, members of the non-executive can see the way in which the plan is structured, the way in which the priorities are organised in order to deliver at this particular time; where they can see, for example, the relative costings of particular initiatives - and I have just picked a few out again from the plan. By 2008 implement a rolling programme for funding to improve the condition of highways infrastructure. Now that may well be a perfectly rational, sensible way forward compared to 4.62 in 2007 - Develop a sustainable liquid waste policy to comply with E.U. standards. So roads a little later, liquid waste a little sooner. If I wanted, for example - if that was my interest area and I really was committed to the roads - to say, "Hang on, change that". I have got to have an idea of how much that road programme is due to cost in order that I can fit it into 2007's programme and suggest that that is equivalent to this programme being put back a little. Organise the priorities. I am not suggesting I would but to be able to have a rational debate about that now. Looking at the Strategic Plan, I have got to have some idea of what those rejections are about otherwise I cannot come along and try and amend it to what I see is a better level of priorities. Again, going backwards, 3.81 - From 2007 commence a programme to bring States owned housing stock up to U.K. decent home standards by 2016. Again, it might be perfectly reasonable, it might not. Where does that really kick in? Is it fed in, drip, drip, drip? Is it front-end loaded? We are really getting on with this in 2007. Is it back-end loaded? Are we not doing anything in 2012? If we are not what would be the cost implication of rather than having a 10-year programme to 2016 why not bring that to 2012? Again, I cannot make a sensible statement on that unless I have got an idea of what the cost implications - the resource implications - might be. Then again one of the topics I am familiar with, introduce discretionary supervised release of prisoners by 2008. Now I am aware of the urgency with which that may or may not be delivered. How does that balance with some of those things? I cannot tell and I cannot make rational contribution, I cannot help in delivering something that I see as sensible and therefore can support unless I know when I am endorsing a 5-year plan what the spread of the expenditure is. We are talking about emotive words like rigid 5-year plan, a straightjacket that we are putting ourselves in from Senator Le Sueur. We are not talking about the last detail, the last decimal point filled in. We are talking about an idea of where the money is spent, when it is going to be spent, what that resource is. If I get that picture then I can make rational decisions about whether I can accept or whether I want to amend, whether I want to move stuff or otherwise. The idea of working year on year on a 5-year plan to my mind does not work. So, as I say, given that the last amendment (b) failed I do believe we must reject this watering down of the overall package - the overall vision - into something that is step by step by step and support the original amendment (c).

9.2.10 Deputy R.G. Le Hérisier:

Once more we find ourselves in this situation of looking at business discipline and, again, I am very surprised that it is having to come from this side of the House. It would be very unusual if a group of people - a group of civil servants or the Minister - sat in a room, had a brainstorming session and they said, "Look, you have got an awfully good series of ideas here, just put them in a list and we are going to bring them up as the Strategic Plan. Some will fall out, some will go forward". That is the impression being given. I cannot for the life of me believe, knowing the highly skilled way in which Senator Walker usually approaches these issues - which I was privileged, despite Senator Ozouf's scandalous remarks last time, to observe on the Postal Committee - I cannot believe for a moment that he would accept from a civil servant or from a fellow Minister at a meeting somebody would come up and say, "Look, I have had this wonderful idea about waste disposal"- we are all desperately waiting for that one - or "I have had this wonderful idea about transport" or about dogs travelling free or whatever level the Minister is operating at: "I have had these wonderful ideas and I would like to put it in the plan". Clearly, Senator Walker is going to turn around to that person and say, "Would you please, if only in general terms, tell me the cost implications? Would you tell

me how this is going to be phased” as Deputy Southern said, “How this is going to be phased over a period of years? How does it work out? Do you have to front-load it or can you spread the money out in equal sums” and so on. Bog standard, routine questions that you would ask even the most revered idealist on your team. Then you would build that into your plan. There is nothing strange. In fact, the sorcery, the witchcraft is occurring in the strategic planning process. It is not occurring on this side of the House, and I cannot for the life of me understand why Senator Le Sueur has said we have got to work, out of nowhere apparently - they have got to go ahead and work up, even though the funding has been found a costing has not been done. This is the paradox. The costing apparently has not been done and here is Senator Le Sueur devoting his life to introducing more financial discipline in this organisation and all of a sudden apparently on the desk of the Council of Ministers there arrive 175 totally uncoded proposals which are apparently going to lead to a breakdown and overwork in the Council of Ministers. I mean, it does not bear thinking about the situation that the Senator who has spent so much of his life trying to introduce financial discipline- long-term thinking - all the things that should underlie a Strategic Plan. I do appreciate - and of course I am partly to blame - it has had to be rushed in but the thinking should have already occurred. A civil servant just does not go to a meeting and say, “I think we will have a new plan on this, Sir or Madam, because we have been thinking about it”. No. The Chief Minister will turn around and say, “Look, I need to know more about this, I need to know about the costings”, and while you do not necessary want to kill it off at the first stage you certainly will want to ask some hard questions. Those hard questions will be fed into the planning process, those plans will be consolidated into a Strategic Plan and that information will be already in the system. The notion that Senator Le Sueur is going to run around and collect information on 175 initiatives: (a) those kind of initiatives do not exist here. A lot of the proposals, as I said earlier, are things that a civil servant would do, for example, as part of their normal routine job. Again, sadly, they are using overkill to try and destroy this idea, and the kind of overkill that is being used is making the Council of Ministers look undisciplined, uninterested in the kind of reform that this system needs and - as I said - it is one of the supreme ironies of today’s debate that the business and financial discipline is coming from this side of the House.

9.2.11 Senator W. Kinnard:

I do believe that really what Members are asking for is deliverable by the Council of Ministers amendment to the amendment. I think also it is very important to make it absolutely clear that 8 weeks is not a sufficient time-scale, and I have to ask Members to think about the situation in my own area which is very highly operational. Within 8 weeks they would be required, if we went with the amendment of the Chairmen’s Committee, to produce quite detailed costings going out for a 5-year period, while at the same time trying to run a prison, trying to produce the performance improvement plan, fighting fires, being a police force on the ground, and so on. It just is not achievable within the resources that I have available and it certainly is not achievable, I think, to any good end because as Senator Le Sueur made quite clear, you can give some sort of, almost plucking out of the air if you must, idea of what something is going to cost in 2008 but the reality is on the ground. The closer you get to the year of implementation of the scheme the more realistic and the more carefully honed those predictions can be. Because you are going through time; are seeing how things are being developed and delivered on the ground you may actually change your thinking about that scheme. That scheme in 2008 may actually be rather more modest than how you envisage it in 2005, so that it is a movable situation. Indeed we have seen that very much in the last couple of years. Within my own area of Home Affairs the crisis in the prison in terms of the need to bring forward the capital programme has meant that what was set out as a 5-year rolling programme has had to be very significantly modified. If we are required to do this work right upfront - which as I say I tell you now my department cannot do it in 2 months - if we are required to try and do that frankly it will be a waste of resources and a waste of taxpayers’ money. I will give you an example: a few speakers have mentioned the private sector. If they can do this in the private sector why cannot we do this here in the States of Jersey? I think it is very important for us

to bear in mind that we are dealing with a quite different scenario. In the private sector it is easier to have a plan going out for 5 or 10 years because if you have budgetary difficulties you can choose to either stop doing the activity or lay off staff or whatever. Within the States sector we have much more difficult constraints to deal with. We cannot decide not to have a police force. We cannot decide not to fight fires. We have to do a lot of the things that the private sector cannot or will not do. We have to manage to do those things while also bringing forward plans for better services for the future, so the 2 are not equal. Also, when we are initiating policy or bringing forward better services we have to consult with the public in so doing. What I would say, as a simple example, is the difficulty that I face in just one area which I know that many Members are keen that we should bring forward. The area that I want to mention is the difficulties that it would be in predicting now this year the costs of implementing something like anti-discrimination legislation. The real reason why it is difficult is because whatever form that final scheme takes - in terms of legislation - is very dependent on consultation. Consultation papers will be put out to the public during this year and it is only on the basis of what comes back from that consultation that I will be able to know what type of legislation we will be requiring and the comprehensiveness of it; what areas of discrimination it should or should not cover - what the mechanism for enforcement will be. It would be very difficult to be able to predict in that phased way what the costs are likely to be now in 2008-2010. I cannot really have much of an idea to put a realistic costing until the consultation period is concluded and also, in reality, the first year of implementation of the first stage if we were to go for, say, race discrimination; the cost of implementing that piece of legislation. Only at the end of the second year would I really be in a position to give any sensible, realistic, meaningful costing to what the plans would cost in 2008, 2009, 2010. So I think what I am trying to explain here is that (1) the time-scale is entirely unrealistic and I can tell Members now it is impossible for us to be able to do that within Home Affairs while remaining operational departments. Secondly, the type of work that we have to engage in as a States of Jersey - as a government - is not the equivalent as goes on in the private sector. We are subjected to a series of constraints and a need to consult which goes on to inform further policy that means that we cannot firm up absolutely today exactly the cost of something that we wish to implement 5 years down the line. I would just urge Members to accept that we are going to bring forward detailed costings as part of the Business Planning process. There is no intention to keep anything from Members, there is no intention not to undergo Scrutiny on each of those detailed costings, but they will come forward at the appropriate time when we have the realistic ability to give Scrutiny members something that is sensible to scrutinise rather than some figure that we almost pluck out of the air just to tick the box and to say, "Yes, we have done it". I do not think that does justice to us and I do not think it does justice to the taxpayer. So, I would urge Members to accept the amendment that is being put forward by the Council of Ministers because it is, I believe, the way to deliver what we all wish to deliver, which is sensible, appropriate accountability for the policies and for the cost of these policies at the appropriate time when it makes sense to consider them.

9.2.12 Senator M.E. Vibert:

Very briefly, I think that is the point as to why the Council of Ministers did not just seek to reject the amendment, it sought to amend it so as to get the same result as the Chairman's Panel wished but in a sensible time-scale, and that is what the amendment seeks to achieve. I think Members should be aware that this is a 5-year Strategic Plan. It is a road map - a way ahead - and if there is one thing that is certain about it - perhaps the only thing that is certain about it - it will change within those 5 years. We will have new States Members; we will have new thoughts and so on. The other thing is, I think a lot of this and previous debates could have been avoided if the Chairmen's Committee had taken a leaf out of the Social Affairs Scrutiny Panel's book. I pay tribute to the Social Affairs Scrutiny Panel, who came up with a number of proposed amendments to the Strategic Plan, met with the Ministers concerned, we agreed appropriate wordings - acceptable and suitable to both - and we have not had to haggle over the wording in this House. I regret that was not done by the Chairmen's Committee: they only lodged their amendments 2

weeks ago and now we are having to do that discussion on wording in the House. But in this case I believe what we have tried to do as the Council of Ministers is find a sensible way out that achieves the Chairmen's Committee amendment and I believe in the proper spirit we have been talking about - working together - the Chairmen's Committee should accept our amendment to the amendment because it achieves what they want and yet it does not set an unrealistic timescale.

9.2.13 The Deputy of St. Ouen:

I would just like to make a couple of comments regarding the comments Senator Kinnard made. I would draw her attention to the States' Business Plan 2006 to 2010 which is obviously going to be on a similar format to future Business Plans. Obviously, if you turn and open it up, it is quite simple to see that not only do we have 2005 in this case, we had 2006 cash limits, 2007, 2008, already identified, already agreed, already approved. We also have in here additional funding with service reductions, again spread over the same period. Therefore to suggest that you are working with a blank piece of paper is not exactly true. Obviously there are plans and there are calculations that go on based on your various proposals. In the case of this States' Business Plan it was based on, as it happens, last year's Strategic Plan and so the idea that you are unable to calculate or produce figures is clearly not true because you provided them in the Business Plan. That is the only comment I need to make.

9.2.14 Deputy A. Breckon:

There are a number of comments I wanted to make because I had a problem when I thought about this and what the predictions were going to be, and my disappointment was that it was on a one-year basis and it was not strung together; although there are some financial forecasts I was on the understanding that departments already had some Business Plans and were working along those lines. I was surprised by some of the comments of the Minister for Health because in the past I think Health had been looking, perhaps, for funding of retail price index plus one per cent or 2 per cent very real growth - even more than that. In the U.K. they have been looking at cost of living plus 4 per cent and things like that to meet needs, and I think I have heard him say before that for us not to do that would be a failure for what people need. I think what I was looking for were some trends within this that would predict over 5 years where we were going and I would like to think that Education have a reasonable assumption of what will happen over the next 5 years, as indeed would Health. They would be able to make some predictions based on that and what would happen is that there would be some tuning of that, obviously, and there could be things that could be scaled-back and other things that would increase. But I think generally people were disappointed that that trend was not there. But what it does say within the report with financial forecasts is that the Strategic Plan is fully funded from within existing spending limits when the contributions from savings and potential new income flows are taken into account. So somebody somewhere has made some predictions regarding expenditure. It says the net expenditure forecasts provide for new initiatives identified within the Plan and the additional costs to implement estimates and the new income support scheme. So somewhere within that there are some predictions. Now, if we are going to need to fund things - the prison and roads - I would have thought that these are longer-term plans - the Deputy of St. John's drains and whatever else - and we need to do that in a rational way. My concern is that in a one-year basis then it could be flavour of the month and we could go back to some of the good old bad old days, whereas I know what the Council of Ministers are saying by that. But what I did find in something that was in the pigeon hole today the minutes of the Council of Ministers from 1st June - and it did say in there that the Council of Ministers agreed that it would consider the Business Plan at its meeting on 15th June 2006, which of course was last week which means, presumably - unless somebody would like to tell me otherwise - I presume that they have done that. It also says in the same minutes: "It was decided to emphasise that the Strategic Plan was the road map which set out the way in which the Council's aspirations could be achieved while the Business Plan would outline the resource implications. The Council agreed that this assertion should be included within the initial vision statement on page one of the Plan." Now I assume that

is the Business Plan and not the Strategic Plan. In other words some work has been done and if there are reasonable predictions over the next 5 years - bearing in mind the prison, the roads and the rest of thing - we are not starting from blank paper. I would have thought that the departments could have made best estimates because they are not working just this year or next year with Education and Health, as predictions are going further than that. It is interesting that it refers to a road map because I think people use satellite navigation now; I do not think they use road maps so much so perhaps the Council of Ministers need to move up a gear here. I am sure I remember over the years we have had various sorts of predictions by different people about resource allocations and priorities and all sorts. There must be all sorts of things that we have got that we could look back and use and see on reflection whether they have been effective or they have been bad guesses or whatever else; and we have the calibre of people within the system that could do that. So, I do not really see the necessity of this amendment, and the reason I will support the original amendment is because I think that 5 years is upfront; we know where we are going. Okay, there will be things that are not predictable but at the same time that would be tinkering with it and that could be done within known guidelines. That I think is a Strategic Plan that fits in financially 2006 to 2011 with some of this wish list - which is what it is - but I think if then the Business Plan in the longer-term fits in behind, that then it gives some substance to the 175. I know some of it is not easy to define and there may be some things that get priority and things that do not but I think it is good to have that argument. Something that Senator Ozouf said about the Business Plan: of course any Member can put something in but I remember an incidence with law drafting not long ago - if you put something in then you have to take something out. Then, of course, the world is going to stop turning when you suggest that to whoever it may be, and that is really a debate for another day; but I would prefer if there was a 5-year structure to this rather than the one which is suggested. For me that is dangerous - that is bit by bit again - and I know things can change but I think 5 years would have a reasonable amount of predictability therefore I will not be supporting the amendment to the amendment.

9.2.15 Senator F.H. Walker:

Deputy Scott Warren kicked off the debate and Senator Le Sueur answered her point, but I would add to the points that Senator Le Sueur made. Of course it is vital that every amendment ... we know what the costs and resource implication of every amendment are. The Council of Ministers has said repeatedly, and I say again, that all the initiatives within the Strategic Plan can and will be delivered within the financial framework shown in the Plan, and the financial framework which will be shown in the Business Plan in September. So, if there is an amendment which has resource implications we need to know either how much it is going to add to overall cash limits or alternatively what other initiatives would have to make way to enable it to be funded within existing cash - so it is vital. But to suggest that individual Members have not had the support of the Ministers or the Ministers' departments in preparing the resource implications of their amendments is just not true. As Deputy Martin suggested earlier, it is just not true; there has been a great deal of support. Deputy Duhamel talked about the Isle of Man; can I just make some points about the Isle of Man? Firstly, the Isle of Man copied Jersey and if any Member has seen their Strategic Plan you will see that it is far vaguer and lacking in much of the detail that we have in our own Strategic Plan. Yes, they now have a 3-year Business Plan - I absolutely accept that - and if Members wanted we could have a 3-year Business Plan: not within the next 2 months, not this year, but if that is what Members wanted we could have it. But that is not what Members asked for when we approved the States of Jersey Law, under the leadership of Deputy Le Hérisier who was then president of PPC (Privileges and Procedures Committee): that is not what Members asked for. Members asked for a Strategic Plan and an Annual Business Plan, and that is exactly what the Council of Ministers are delivering. So, suggested witchcraft and sorcery: well, perhaps the Deputy should go back and review his own proposals to the States when we approved the States of Jersey Law because we are following his proposals which the States accepted to the letter. So he does himself no credit in suggesting otherwise. But if you have a 3-year Business Plan in any case it

takes away the flexibility of the States because things change. The needs of Jersey change on a regular basis. We all know that. Something comes up, an issue arises. If you have a full 3-year Business Plan with every single detail agreed for a full 3 years it takes away a lot of the flexibility that this House currently enjoys with and is an Annual Business Plan. A number of Members have said we need to know, we need to have an idea of where we are heading in financial terms. Well, of course you do. There is the 5-year financial framework in the Strategic Plan which Members have in front of them and there will be the more detailed 5-year financial forecasts in the Business Plan which Members will have with them very shortly. So for anyone to say we do not have an idea where we are going in terms of the resources that we need is quite inaccurate. It is just factually inaccurate, and I think that is a very important point which undermines many of the points made by speakers against the amendment of the Council of Ministers. Deputy Duhamel said if we could have proper long-term financial planning process I could accept this amendment; we do. We absolutely do, so therefore I ask him again if he is not prepared to accept the amendment, because the end result gives Members what they want. The Council of Ministers' amendment to the amendment gives Members the control; the ability to say yes, the ability to say no, and the information that they want, and we all agree - without any question - that they should have it. Deputy Baudains was another one who seems to suggest that the Council of Ministers is not adhering to what it was told to do. He said: "They are attempting to frustrate Scrutiny's work." Where is your evidence, Deputy? Where is his evidence? Sir, I beg your pardon, he has no evidence to support that assertion at all. It is just another negative contribution to what should be a factual debate on financial planning, and again, I do not believe that is what we need in the House at the moment. Senator Le Sueur explained the differences between a Strategic Plan and a Business Plan clearly and lucidly, and again emphasised the point that the Council of Ministers' amendment gives Members exactly what they want, as did Senator Syvret. He went on to make the crucial point that the amendment of the Chairmen's Committee simply cannot be delivered in the time-scale that is asked. It just cannot. Even if you accepted Senator Kinnard's version, if you like, even if you said: "Well, okay, maybe it could be delivered," think of what else would suffer. At the same time, you are asking Senator Kinnard to sort out the prison, sort out criminal justice, sort out Sexual Offences Law, sort out problems or suggested problems in the police, and now you want her - or Members would want her - to allocate an enormous amount of resource to preparing information which will come through to Members according to the Council of Ministers' amendment in an orderly and structured time-scale. A totally unnecessary waste of resource; and then Members - particularly Deputy Le Hérisier - will criticise Senator Kinnard because she has not delivered - on the prison. You cannot have it both ways, Deputy. It is impossible. I am grateful to Deputy Troy for the points he made and making the points that this is - because it is - a pointless exercise. Deputy Southern was another one who clearly did not understand the financial information that he has already got and the financial information that he will receive in the Business Plan. I have already referred to Deputy Le Hérisier's contribution, and indeed to Senator Kinnard's. Senator Vibert made the point that the amendment of the Council of Ministers gives the same result, but it gives it in a disciplined and realistic time-scale. The 2 months asked is quite unrealistic and quite impossible. The Deputy of St. Ouen did not agree with that. He believes it is, but I think he is missing some points here, and I think he too has misunderstood the information that he has got and/or the information that he will have; similarly, I think Deputy Breckon. Members will have all the information they need to take both short-term and long-term decisions. That is the effect of the Council of Ministers' amendment, but it will be delivered within a realistic and structured and disciplined time-scale; not over a totally unrealistic period of 2 months, which is absolutely impossible and a quite unnecessary usage of very valuable and scarce resource - absolutely misguided and not the way forward. The Council of Ministers want Members - indeed, have to provide Members, as I have said - with all the information that they require to take sensible, joined-up, informed decisions, and that is exactly what our amendment provides, and so I am sad that the Chairmen's Committee have not felt able to accept our amendment, because it does represent - I have no doubt - the right way forward. I would urge Members to accept this amendment and

realise that the Chairmen's Committee amendment cannot be delivered. It is unrealistic and it cannot be delivered, and any Member who is worried that they will not therefore get the information they need I hope has listened to what I and other speakers have said. Members will get all the information they need. They have got a lot of it already. They will get all the rest of the information they need in the Business Plan, and the Business Plan of course includes a 5-year forecast, which is updated every year. So Members know exactly - so far as it is possible to predict exactly 5 years forward - what they are committing themselves to, and that is what the Council of Ministers wish to put in front of them. That is what the Council of Ministers wish them to have, so, Sir, I maintain the Council of Minister's amendment and I ask for the Appel.

The Bailiff:

I invite any Member in the precinct who wishes to vote on the amendment to the amendment to return his or her seat and I ask the Greffier to open the voting. ###

POUR: 41		CONTRE: 10		ABSTAIN: 0
Senator S. Syvret		Deputy R.C. Duhamel (S)		
Senator L. Norman		Deputy A. Breckon (S)		
Senator F.H. Walker		Deputy of St. Martin		
Senator W. Kinnard		Deputy G.C.L. Baudains (C)		
Senator T.A. Le Sueur		Deputy C.J. Scott Warren (S)		
Senator P.F. Routier		Deputy R.G. Le Hérissier (S)		
Senator M.E. Vibert		Deputy J.A. Martin (H)		
Senator P.F.C. Ozouf		Deputy G.P. Southern (H)		
Senator T.J. Le Main		Deputy S. Pitman (H)		
Senator B.E. Shenton		Deputy K.C. Lewis (S)		
Senator F.E. Cohen				
Senator J.L. Perchard				
Connétable of St. Martin				
Connétable of St. Ouen				
Connétable of St. Saviour				
Connétable of St. Mary				
Connétable of St. Peter				
Connétable of St. Clement				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of St. John				
Connétable of St. Brelade				
Deputy J.J. Huet (H)				
Deputy P.N. Troy (B)				
Deputy J.B. Fox (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy P.J.D. Ryan (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy D.W. Mezbourian (L)				

Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.H. Maclean (H)				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

The Bailiff:

Now, the debate returns to the amendment of the Chairmen’s Committee, amended by the amendment of the Council of Ministers. Does any other Member wish to speak on that? If not, I call upon the President to reply.

9.2.16 Deputy R.C. Duhamel:

I do not think there is much to say other than **[Laughter]** I would like a vote, thank you.

The Bailiff:

Very well, I put the amendment of the Chairman’s Committee. Those in favour, kindly show; those against. The amendment is adopted.

Senator S. Syvret:

I think the next amendment is one is from the Constable of St. Helier. I think that is correct, Sir, and as the Council of Ministers is minded to accept that amendment, I thought perhaps we might deal with that amendment and then perhaps propose the adjournment, Sir.

The Bailiff:

I will ask the Greffier to read the amendment in the name of Connétable of St. Helier.

The Greffier of the States:

After the word “Appendix” insert the words “except that.” In the vision on P.5, in the second bullet point after the words “based on a strong”, insert the words “environmentally sustainable.”

9.3 The Connétable of St. Helier:

I regret the fact that this amendment has been taken in the last 20 minutes of the session. I accept that it has been accepted by the Council of Ministers, but of the 5 amendments that I have brought to the Plan, I would say those 5 are trivial compared to this one. That does not mean I will not fight them, of course. I would suggest that this is the single most important change to the Strategic Plan that has been proposed, and I would be interested to know whether the Council of Ministers agrees with that when one of them speaks. It is the only amendment that amends the vision, and it seeks to provide an overarching vision of an Island that values, protects, cherishes, enhances and promotes its environment. If this amendment - as I assume it will be - is accepted, a sustainable environment will be right up there with a prosperous economy and an Island with high quality social services. If Members look at the vision on small P.1, large P.5 of the marked-up Strategic Plan, I do not know what they think of the vision. It was interesting that Senator Walker, the Chief Minister, said the Island of Man’s strategic plan was vague. Well, how about this for vagueness: “4. Our environment sustains a sense of well-being.” What on earth does that mean? I have to say that when I read the Strategic Plan for the first time, I had a growing concern, a mounting sense of disbelief - and tinged, I must say, with a certain amount of sadness - that a Council of Ministers composed, as it is, of Members with known commitment to the environment could have produced such a wishy-washy vision in terms of the environment. And again, we are going to be all very nice to each other, because this amendment is being accepted - but the question I would ask at the outset is is our environment safe in the hands of this Council of Ministers, given the vision that they put before us? To quote *Marathon Man*: “Is it safe?” I am not going to go right through my report, but I just want to draw to Members’ attention a couple of phrases and a couple of statements they make

in the report. In the second paragraph, I contend, and I think it is true: “There is no high level or strategic commitment that the Island is serious about its environmental obligations, such as is found in earlier strategies for the Island, including the landmark document of 1995, which was called “2000 and Beyond”, the 2002 Island Plan or the Environmental Charter, which we endorsed a decade ago.” The second quotation on the second page of my report: “The introduction to the plan urges that as a centre of economic activity, we seek to ‘Grow in international stature and recognition’ while the vision statement speaks of ‘Our unique and recognised identity’.” But unless our international reputation is based on - at least in part - how we are meeting the environmental challenges facing us - and the world, of course - it will be hollow and unconvincing, and I believe that the vision is hollow and unconvincing without the addition of the phrase “environmentally sustainable” and I think it should remain in red when we produce it. I must say, when I first read it I was surprised that there was this yawning chasm in the Strategic Plan, and I thought I must have missed something. I ran the phrase “climate change” through the device on the Word document. The phrase “climate change” does not appear in the Strategic Plan and yet at the same time, we have Ministers over with the British-Irish Council shaking hands with United Kingdom Ministers and talking about how seriously we, as an Island, take climate change. Well, I must say, I had to doubt that, and I wondered whether they had accessed this on the internet themselves and seen it. I ask myself, where were the Council of Ministers’ advisers when this was being drafted? How could such an obvious thing have been left out? So, hoping to find an answer, of course, I turned eagerly to the report of the Council of Ministers, and I suppose I expected comments along the lines of: “The Council of Ministers accepts that its vision statement, as drafted, is seriously deficient in terms of environmental sustainability.” The Council might have gone on to say how it had happened, how it had got missed. They might even have said: “Jolly good chap, the Constable, for telling us that, in environmental terms, our vision is impoverished” but instead we get the following grudging remark: “The Council of Ministers accepts amendments 1 and 3 of the Constable’s amendments, but would wish to stress that in doing so, they would place equal importance on social sustainability, and in essence, would reiterate their view that the vision must be read as a whole, embracing, as it does, the joined-up delivery of economic, social and environmental objectives.” Well, I am not sure what that is saying, apart from: “Rats, we have been found out.” If you go back to the vision statement, you find economic success right up there; social sustainability right up there; environment, missing. I think if I had more time, I would have said culture is also missing from the vision. We talk about a unique and recognised identity. Maybe somebody should have said “and culture” because at the moment, culture is not right up there in the vision, and I think it should be. The Council of Ministers are basically saying, and they say further down: “Much of the amendment is already embodied within the Plan.” I think “disembodied” is a better word. I think they have buried the environment in the Strategic Plan. It is buried down in section 4. It certainly is not in the vision, and the purpose of this amendment is to fan some nice air over the vision, the sort of air we do not get down in Havre des Pas. I had to get that in, because of course we are going on to a public meeting about that at 7.00 p.m. The purpose of this amendment is to try and breathe some life into the vision. As I say, I believe that it is a really important amendment. I am surprised. In fact, I contacted the Greffier after I read the Plan and I said: “Has anybody brought an amendment on the issue of the environment, because it seems to have been left out” and I was genuinely surprised that had happened. Maybe the Council of Ministers will enlighten us. Maybe it does not matter. The fact is, it is going to be there. I just hope that the fact they left it out - and this is the key point - the fact they left it out does not mean they are going to leave it out in future. I propose the amendment.

The Bailiff:

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

9.3.1 Senator F.E. Cohen:

Our environmental responsibilities were always at the core of the Plan. Environmental issues are in fact repeatedly noted in the Plan. However, raising the issue to the vision section is lauded. The Council of Ministers supports the amendment put forward by the Constable of St. Helier, and I would like to briefly comment on the impact of this amendment. I believe it can significantly improve the integrity of the Strategic Plan. The environment is at the heart of everything we do. It underpins our quality of life now, and for future generations. The very concept of sustainability advocates a balance between economic, social and environmental goals. My department, endorsed by the Council of Ministers, will seek to achieve this objective in all that we do, and we are pleased that this is recognised within the Plan that sets principles and targets for all 3 of these areas. We must balance this with our commitment to grow the economy by 2 per cent per year, and consequently, we need to clarify what constitutes sustainable development in environmental terms. Our objective should be to consider the 1987 Brunton report, which defines sustainable development as: “Development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.” We should also have regard to the 1992 Earth Summit, which raised the concept of thinking globally but acting locally; in conclusion, being vigilant to ensure that we balance environmental, economic and social goals can only improve the robustness of the Strategic Plan, and the Council of Ministers wholeheartedly supports the amendment.

9.3.2 Senator P.F. Routier:

When I first saw this amendment, I probably was not as keen to support it as my fellow Ministers, because I was rather concerned that it was just particularly picking on the environment. I was very concerned that if they were going to include environment in the front vision, there also needed to be social issues, but when the original Strategic Plan was drafted, it was a very generalised vision aim, which, to my mind, included environment, social and economic. The Constable has been very critical that he thought that the Plan does not talk anything about the environment. Well, if he looks at commitment 4, he will see a long, long list of things which are to do with the environment, talking about clean air, clean water; uncontaminated land; an energy policy for the States; Jersey’s natural and built heritage is sympathetically managed; waste systems meet international standards and use of resources is improved, and it goes on and on about environmental issues, and it is all in here further on in the document. So are social issues, but social issues do not feature on the main vision. So when I initially thought about this amendment, I was considering not supporting it at all, because it was just picking out environment above social issues, but on reflection, I am going to support this amendment, because I believe it is fair to have it there. But I do so in the knowledge that social issues are deeper down in the Plan, further along, and I will be supporting it on that basis.

9.3.3 Deputy C.J. Scott Warren:

It is my understanding that our population is already over 90,000 when seasonal workers are added to the resident population numbers, and we are going to have to be vigilant in order to maintain an environmentally sustainable, prosperous economy while seeking 2 per cent economic growth per annum, so therefore I totally support the Connétable adding to this to the vision. Thank you.

9.3.4 Senator S. Syvret:

I have been a committed environmentalist probably for about 25 years now, since I was in my mid-teens I have been seriously committed to environmental issues and I was conscious of the need to perhaps strengthen and put into this document even more emphasis on the environment than is already in it, but there is in fact a lot of commitment to environmental issues in here already. The Connétable, when he made his speech, suggested that we had no regard for climate change. Well, the section under “Energy Policy” for example requires a policy be agreed by the States; greenhouse gas emissions contained to 1990 levels; reduction in energy use by government buildings and so on. Indeed, turning over the page, there is a section 4.4 on clean air, clean water

and uncontaminated land, all of which is good stuff, and I am fully committed to it. Indeed, I am fully committed to accepting the amendment of the Constable of St. Helier, but to add perhaps an unpopular note to all of this - which will not please quite possibly anybody in the Assembly. The fact is, having studied environmental issues for a long time, I have come to the conclusion that “environmentally sustainable” simply is not compatible with the Western lifestyle, and that is the blunt view of the situation. You want an environmentally sustainable society; it means us going backwards in terms of our quality of life, and that does not just apply to Jersey, it applies to the Western world, and indeed, to the whole planet. When you look at the realities facing the global environment at the moment - massive deforestation, soil erosion, most of the world’s fisheries nearing the point of utter collapse, climate change - the fact is that “environmentally sustainable” is not compatible with economic growth, and that is the case that we are seeing throughout the world, and in microcosm, it is the case we see here in Jersey. So long and so much as our economy and the activity within Jersey is based on, frankly, the policy scheme of the Island’s housing market, then it is never going to be sustainable, and it is ultimately doomed to fail. So, about the environment, Sir, talk is cheap. It is very easy for us to sign up to feel good slogans about seeking complete environmental sustainability, and I certainly do believe that we should strive to do all we can to move towards that goal, but at the same time, I do not really think we should be under any illusions about the reality of what we are doing.

9.3.5 Senator P.V.F Le Claire:

I would hope that Members embrace the possibilities of man’s technological advances in the future as opportunities to develop initiatives for sustainable living within this Western world. Research in the last few weeks has led me to find various initiatives in the United Kingdom, in England, in Ireland, in America and Canada, where people are not sending material to landfill, people are not sending material to incineration. People are composting hundreds of thousands of tonnes of food waste and other material and putting it back on the land, with initiatives that are winning awards in prisons in the U.K. and schools in the U.K. with funding from Department for Environment Food and Rural Affairs. If we, as an Island, are not open to looking at modern and progressive initiatives, then we certainly will be heading for an unsustainable future. But I would remind Members - perhaps those of us that were aware of it - that we did sign up to Agenda 21 in Rio de Janeiro through international treaties which say that we will have a real and meaningful dialogue with our electorate and with the population of Jersey, because it has been recognised that no matter what form of government one has, unless one involves the people, no policy, no strategy and no decision that a government can make can be effective. As we are signatories to that agreement - Agenda 21 and sustainable development - we should get down and look at doing it, rather than sitting back and telling everybody in the public that we cannot do it.

9.3.6 The Connétable of St. Helier:

I am grateful to the Minister of Planning and Environment for his endorsement of the amendment. He was followed by the Minister of Employment and Social Security, who was concerned about “picking out environment” at the expense of social. Well, there are 2 phrases in the vision which explicitly show the Island’s commitment to social values. There is the second bullet: “People living here enjoy a good standard of living” and the third one: “An inclusive society, where everyone has equality of opportunity and access to the services they need.” Well, if that does not reflect an Island that cares about its social responsibilities, I am not sure what does. Environment, as the Senator went on to say, is down there in the meat of the Plan, but it is not in the vision, and the important point I was trying to make - to achieve here - was to put environment where it belongs: in the vision. I think Senator Syvret as well talked about environmental matters, which are further on in the document, but they are not in the vision. The Senator went on to say that he doubted the ability of economic growth to allow for true environmental sustainability, and that may be true in a theoretical sense, but I am disappointed that what I would argue - and I have not had anybody argue against me - is the most important point of the vision is reduced to what he called a

“feel good” slogan, and I think that is rather bleak outlook for the development of the Island’s - I think what the Chief Minister called in his opening speech - “our world class environment.” Well, that is rather a bleak vision of where that world-class environment is going to go if truly economic growth cannot go hand in hand with environmental sustainability. Deputy Le Claire finally was right to remind us that sustainability in the Rio sense involves properly engaging the public in all our decision-making, and I am grateful to him for his remarks. I think those are all the speakers, Sir. I maintain the amendment.

The Bailiff:

I put the amendment. Those Members in favour of adopting it, kindly show; those against. The amendment is adopted. Very well, the adjournment is proposed and we will ...

Deputy P.J.D. Ryan of St. Helier:

Sir, before we do, may I make a quick request of the Council of Ministers? Are there any further comments that we might be going to get over the next day, or is that it, because if there are any more, I would very much like to see them as quickly as possible. There are no more? Thank you, Sir, that is all I wanted to know.

The Bailiff:

Before I adjourn the Assembly, might I just respectfully ...

Senator T.A. Le Sueur:

Shall I answer that one? Not a comment, Sir, but I will tomorrow be presenting an updated financial forecast on the most up-to-date figures that I have in order for Members to be better informed.

The Bailiff:

Thank you very much. Anything more?

Deputy P.J.D. Ryan:

It just strikes me, Sir, that if that is the case, there are some pretty fundamental things that I might need to review quickly, and I am wondering whether the Treasury Minister could perhaps email those to me this evening. Would that be possible?

Senator J.L. Perchard:

Not only to Deputy Ryan; I would have thought all Members.

ADJOURNMENT

The Bailiff:

Very well, I understand the Treasury Minister to assent to that. The Assembly now stands adjourned until 9.30 a.m. tomorrow morning. May I respectfully request Members to show a little bit more decorum as I escort His Excellency from the Chamber than happened at lunchtime?