

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 19th OCTOBER 2010

QUESTIONS.....	8
1. Written Questions	8
1.1 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING LEGAL ADVICE TO THE MINISTER FOR HEALTH AND SOCIAL SERVICES:.....	8
1.2 SENATOR J.L. PERCHARD OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING FEE-PAYING SCHOOLS:	8
1.3 SENATOR F. DU H. LE GRESLEY OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING WAITING LISTS FOR NURSING HOME BEDS:12	
1.4 SENATOR J.L. PERCHARD OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING COMPARISONS WITH FEE-PAYING EDUCATION IN GUERNSEY:	13
1.5 SENATOR J.L. PERCHARD OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDINGSTUDENT PLACES IN NON FEE-PAYING SCHOOLS: .14	
1.6 THE DEPUTY OF ST. MARY OF ORGANISATIONAL CHARTS AND JOB DESCRIPTIONS:.....	14
1.7 THE DEPUTY OF ST. MARY OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING PROTECTING THE PRIVILEGES OF MEMBERS:	15
1.8 THE DEPUTY OF ST. MARY OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING ENHANCING CARE FOR THE ELDERLY:.....	16
1.9 THE DEPUTY OF ST. MARY OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING PARENTING SKILLS:.....	18
1.10 THE DEPUTY OF ST. MARY OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING THE REMUNERATION OF THE CONNÉTABLES: 19	
1.11 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY REGARDING SPOT-CHECKS ON WORKERS ON BUILDING SITES:.....	19
1.12 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING BEVERAGES COMSUMED DURING 2009 BY STATES MEMBERS DURING STATES MEETINGS:.....	19
1.13 DEPUTY M. TADIER OF ST. BRELADE THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE ‘THINK TWICE, BUY LOCAL’ CAMPAIGN:....	20
1.14 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF COMITÉ DES CONNÉTABLES REGARDING OFFICE SPACE FOR DEPUTIES IN PARISH HALLS:	20
1.15 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HOME AFFAIRS REGARDING POLICE NUMBERS AND COMPREHENSIVE SPENDING REVIEW (CSR) CUTS:	21

1.16	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE NET INVESTMENT INCOME FOR THE SOCIAL SECURITY FUND:.....	22
1.17	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING EQUALITY IN JERSEY:	23
1.18	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING ESTIMATES OF REDUNDANCIES:	24
1.19	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING TARGETS FOR THOSE WITH LONG-TERM DISABILITIES RETURNING TO WORK:	25
1.20	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TARGETS FOR PUBLIC SERVICE REDUCTIONS:	25
2.	Oral Questions.....	26
2.1	Deputy C.F. Labey of Grouville of the Minister for Health and Social Services regarding hospital waiting lists for orthopaedic operations:	26
	Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):.....	26
2.1.1	The Deputy of Grouville:.....	26
2.1.2	The Deputy of Grouville:.....	26
2.1.3	Senator S.C. Ferguson:	27
2.1.4	Deputy P.V.F. Le Claire of St. Helier:	27
2.1.5	Deputy P.V.F. Le Claire:	27
2.1.6	Deputy R.G. Le Hérissier of St. Saviour:	27
2.1.7	The Deputy of Grouville:.....	27
2.2	Deputy D.J.A. Wimberley of St. Mary of the Chief Minister regarding the suspension of the former Chief Officer of the States of Jersey Police:	28
	Senator T.A. Le Sueur (The Chief Minister):	28
2.2.1	The Deputy of St. Mary:.....	28
2.2.2	Deputy F.J. Hill of St. Martin:	28
2.2.3	Deputy M.R. Higgins of St. Helier:.....	29
2.2.4	The Deputy of St. Mary:	29
2.3	Deputy G.P. Southern of St. Helier of the Minister for Treasury and Resources regarding public spending cuts and redundancies:	29
	Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	29
2.3.1	Deputy G.P. Southern:.....	30
2.3.2	The Deputy of St. Mary:.....	30
2.3.3	Deputy M. Tadier of St. Brelade:	30
2.3.4	Deputy M. Tadier:	30
2.3.5	Deputy M.R. Higgins:.....	30
2.3.6	Deputy M.R. Higgins:.....	31
2.3.7	Deputy G.P. Southern:.....	31
2.4	Deputy M.R. Higgins of the Chief Minister regarding access to information:.....	31
	Senator T.A. Le Sueur (The Chief Minister):	32
2.4.1	Deputy M.R. Higgins:.....	32
2.4.2	Deputy G.P. Southern:.....	32
2.4.3	Deputy G.P. Southern:.....	32
2.4.4	The Deputy of St. Mary:	32
2.4.5	Deputy M.R. Higgins:.....	32
2.5	Deputy P.V.F. Le Claire of the Minister for Health and Social Services regarding the implementation of a Practice Direction:	33
	The Deputy of Trinity (The Minister for Health and Social Services):.....	33

2.5.1 Deputy P.V.F. Le Claire:	33
2.6 Deputy K.C. Lewis of St. Saviour of the Minister for Education, Sport and Culture regarding negotiations between himself, head teachers, and parents of fee-paying school children:	33
Deputy J.G. Reed of St. Ouen (The Minister for Education, Sport and Culture):	33
2.6.1 Deputy K.C. Lewis:	34
2.6.2 Deputy J.A. Hilton of St. Helier:	34
2.6.3 Deputy P.J. Rondel of St. John:	34
2.6.4 Deputy R.G. Le Hérisier:	34
2.6.5 Deputy M. Tadier:	35
2.6.6 The Deputy of Grouville:	35
2.6.7 Deputy K.C. Lewis:	35
2.7 The Deputy of St. John of the Minister for Planning and Environment regarding discounted fees to the agricultural/horticultural industry:	36
Deputy R.C. Duhamel of St. Saviour (Assistant Minister for Planning and Environment - rapporteur):	36
2.7.1 The Deputy of St. John:	36
2.7.2 Deputy R.G. Le Hérisier:	36
2.7.3 The Deputy of St. John:	36
2.8 Deputy T.M. Pitman of St. Helier of the Minister for Treasury and Resources regarding the taxation of 1(1)(k) residents:	37
Deputy E.J. Noel of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):	37
2.8.1 Deputy T.M. Pitman:	37
2.8.2 Deputy M. Tadier:	38
2.8.3 Deputy M. Tadier:	38
2.8.4 Deputy J.M. Maçon of St. Saviour:	38
2.8.5 The Deputy of St. Mary:	38
2.8.6 Deputy G.P. Southern:	39
2.8.7 Senator T.J. Le Main:	39
2.8.8 The Deputy of St. John:	39
2.8.9 Deputy T.M. Pitman:	39
2.9 The Deputy of St. Martin of the Chief Minister regarding the Terms of Reference relating to the former Chief Officer of the States of Jersey Police's sworn affidavit:	40
Senator T.A. Le Sueur (The Chief Minister):	40
2.9.1 The Deputy of St. Martin:	40
2.9.2 The Deputy of St. Martin:	40
2.9.3 Deputy T.M. Pitman:	41
2.9.4 The Deputy of St. Mary:	41
2.9.5 Deputy M.R. Higgins:	41
2.9.6 Deputy M. Tadier:	41
2.9.7 Deputy M. Tadier:	42
2.9.8 The Deputy of St. Martin:	42
2.10 Connétable G.F. Butcher of St. John of the Minister for Education, Sport and Culture regarding financial benefits to private sector schools in addition to the subsidy for fees:	42
The Deputy of St. Ouen (The Minister for Education, Sport and Culture):	42
2.10.1 The Connétable of St. John:	42
2.10.2 Senator J.L. Perchard:	42
2.10.3 Senator J.L. Perchard:	43
2.10.4 Deputy R.G. Le Hérisier:	43
2.10.5 Senator S.C. Ferguson:	43

2.10.6	The Connétable of St. John:	43
2.11	Senator J.L. Perchard of the Minister for Education, Sport and Culture regarding the number of students transferring from the fee-paying to the non fee-paying schools should there be an increase in fees:	43
	The Deputy of St. Ouen (The Minister for Education, Sport and Culture):	44
2.11.1	Senator J.L. Perchard:	44
2.11.2	Senator F. Du H. Le Gresley:	44
2.11.3	Deputy K.C. Lewis:	44
2.11.4	Deputy T.A. Vallois of St. Saviour:	45
2.11.5	Deputy A.E. Jeune of St. Brelade:	45
2.11.6	Senator J.L. Perchard:	45
2.12	Deputy M. Tadier of the Minister for Treasury and Resources regarding negotiations with Unions and workers over the proposals for CSR stage 2:	45
	Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	45
2.12.1	Deputy M. Tadier:	46
2.12.2	Deputy T.M. Pitman:	46
2.12.3	Deputy T.M. Pitman:	46
2.12.4	Deputy G.P. Southern:	46
2.12.5	Deputy M. Tadier:	47
2.13	Deputy R.G. Le Hérissier of the Chairman of the Privileges and Procedures Committee regarding the wider implications of the alleged secret recording of a member's comments and the use of this material by a Committee of Inquiry:	47
	The Connétable of St. Mary (Chairman, Privileges and Procedures Committee):	47
2.13.1	Deputy R.G. Le Hérissier:	47
2.13.2	Deputy R.G. Le Hérissier:	48
2.13.3	Deputy M.R. Higgins:	48
2.13.4	Deputy R.G. Le Hérissier:	48
2.14	Deputy T.M. Pitman of the Minister for Treasury and Resources regarding public sector redundancies resulting from his CSR policies:	48
	Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	48
2.14.1	Deputy T.M. Pitman:	49
2.14.2	The Deputy of St. Mary:	49
2.14.3	The Deputy of St. Mary:	49
2.14.4	Deputy A.E. Jeune:	50
2.14.5	Deputy T.M. Pitman:	50
2.15	The Deputy of St. Martin of the Minister for Home Affairs regarding disciplinary action against the Acting Chief Officer of the States of Jersey Police:	50
	Senator B.I. Le Marquand (The Minister for Home Affairs):	50
2.15.1	The Deputy of St. Martin:	51
2.15.2	Deputy M.R. Higgins:	52
2.15.3	Deputy T.M. Pitman:	52
2.15.4	The Deputy of St. Martin:	52
2.16	Deputy M.R. Higgins of the Minister for Treasury and Resources regarding the impact of cuts in Jersey to public sector spending:	53
	Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	53
2.16.1	Senator S.C. Ferguson:	53
2.16.2	Deputy G.P. Southern:	53
2.16.3	Deputy G.P. Southern:	54
2.16.4	Deputy M.R. Higgins:	54
2.17	Deputy K.C. Lewis of the Minister for Education, Sport and Culture regarding the booking of 2 spiritualist mediums at Fort Regent:	54
	The Deputy of St. Ouen (The Minister for Education, Sport and Culture):	55

2.17.1	Deputy K.C. Lewis:	55
2.17.2	Deputy T.M. Pitman:	55
2.17.3	Senator S.C. Ferguson:	55
2.17.4	Deputy M. Tadier:	55
2.17.5	Deputy K.C. Lewis:	55
2.18	The Deputy of St. John of the Minister for Treasury and Resources regarding requests by Harcourt executives to meet with him to resolve the differences between both parties:	56
	Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	56
2.18.1	The Deputy of St. John:	56
2.18.2	The Deputy of St. John:	56
2.19	Senator J.L. Perchard of the Minister for Education, Sport and Culture regarding the number of students which the non fee-paying sector could accommodate before it would need to build more classrooms and employ more teachers:	57
	The Deputy of St. Ouen (The Minister for Education, Sport and Culture):	57
2.19.1	Senator J.L. Perchard:	57
2.19.2	Senator J.L. Perchard:	57
2.19.3	Senator J.L. Perchard:	57
3.	Questions to Ministers without notice - The Minister for Economic Development.....	58
3.1	Deputy M.R. Higgins:	58
	Senator A.J.H. Maclean (The Minister for Economic Development):	58
3.2	Deputy M. Tadier:	58
3.2.1	Deputy M. Tadier:	58
3.3	Deputy G.P. Southern:	59
3.3.1	Deputy G.P. Southern:	59
3.4	Deputy P.V.F. Le Claire:	59
3.5	Deputy R.G. Le Hérisssier:	59
3.6	Deputy J.B. Fox of St. Helier:	60
3.7	Senator F. du H. Gresley:	60
3.8	Senator T.J. Le Main:	60
3.9	Deputy J.A. Hilton:	61
3.10	Deputy C.H. Egré of St. Peter:	61
3.11	The Deputy of St. John:	61
3.12	Deputy M.R. Higgins:	61
3.13	The Connétable of St. Mary:	62
4.	Questions to Ministers without notice - The Chief Minister.....	62
4.1	Deputy J.A. Hilton:	62
	Senator T.A. Le Sueur (The Chief Minister):	62
4.2	Deputy P.V.F. Le Claire:	62
4.3	Senator J.L. Perchard:	62
4.4	The Deputy of St. John:	63
4.5	Deputy T.A. Vallois:	63
4.6	Deputy G.P. Southern:	63
4.6.1	Deputy G.P. Southern:	63
4.7	The Deputy of St. Mary:	64
4.7.1	The Deputy of St. Mary:	64
4.8	Deputy M. Tadier:	64
4.8.1	Deputy M. Tadier:	64
4.9	Deputy R.G. Le Hérisssier:	65
4.9.1	Deputy R.G. Le Hérisssier:	65
4.10	The Deputy of St. Peter:	65

4.10.1	The Deputy of St. Peter:.....	65
4.11	Deputy M.R. Higgins:.....	65
4.12	The Deputy of St. Mary:.....	66
STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY.....		66
5.	Statement by the Minister for Education, Sport and Culture regarding grants and payments to fee-paying schools:	66
5.1	The Deputy of St. Ouen (The Minister for Education, Sport and Culture):.....	66
5.1.1	Deputy T.M. Pitman:.....	67
5.1.2	Deputy G.P. Southern:.....	68
5.1.3	Deputy P.V.F. Le Claire:.....	68
5.1.4	Deputy R.G. Le Hérisier:.....	68
5.1.5	Deputy J.A. Hilton:.....	69
5.1.6	Senator J.L. Perchard:.....	69
5.1.7	The Deputy of St. Mary:.....	69
5.1.8	Deputy J.A.N. Le Fondré of St. Lawrence:.....	70
PUBLIC BUSINESS.....		70
6.	Machinery of Government: establishment of Ministerial boards and revised system of Scrutiny (P.120/2010).....	70
6.1	Senator A. Breckon:.....	71
LUNCHEON ADJOURNMENT PROPOSED.....		73
LUNCHEON ADJOURNMENT.....		73
	Senator A. Breckon:.....	74
6.2	Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny (P.120/2010) – second amendment (P.120/2010 Amd.(2)).....	80
6.2.1	The Deputy of St. Peter:.....	80
6.2.2	Deputy R.G. Le Hérisier:.....	81
6.2.3	The Deputy of St. Mary:.....	81
6.2.4	Deputy R.C. Duhamel:.....	82
6.2.5	Senator T.A. Le Sueur:.....	82
6.2.6	Deputy J.A. Hilton:.....	83
6.2.7	Deputy G.P. Southern:.....	83
6.2.8	Deputy J.A. Martin:.....	84
6.2.9	The Deputy of St. Martin:.....	85
6.2.10	Deputy M. Tadier:.....	86
6.2.11	Deputy J.B. Fox:.....	87
6.2.12	Deputy P.V.F. Le Claire:.....	88
6.2.13	The Connétable of St. Mary:.....	89
6.2.14	The Connétable of St. Brelade:.....	89
6.2.15	Connétable L. Norman of St. Clement:.....	90
6.2.16	Senator T.J. Le Main:.....	90
6.2.17	Deputy I.J. Gorst of St. Clement:.....	92
6.2.18	Deputy S. Power of St. Brelade:.....	92
6.2.19	The Deputy of St. Peter:.....	92
6.3	Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny (P.120/2010) – amendment (P.120/2010 Amd.).....	94

6.3.1 Deputy P.V.F. Le Claire:	94
6.4 Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny (P.120/2010) – amendment (P.120/2010 Amd.) – amendment (P.120/2010 Amd.Amd.)	95
6.4.1 The Connétable of St. Mary:	95
6.4.2 Deputy M. Tadier:	95
6.4.3 Deputy R.G. Le Hérisier:	95
6.4.4 Senator P.F.C. Ozouf:	96
6.4.5 Deputy J.M. Maçon:	96
6.4.6 Deputy P.V.F. Le Claire:	96
6.4.7 The Connétable of St. Mary:	96
6.5 Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny (P.120/2010) – amendment (P.120/2010 Amd.) - as amended.....	97
6.5.1 Deputy P.M. Pitman:	97
6.5.2 Senator S.C. Ferguson:	97
6.5.3 Deputy M Tadier:	98
6.5.4 Connétable M.K. Jackson of St. Brelade:	98
6.5.5 Senator T.A. Le Sueur:	98
6.5.6 Connétable D.J. Murphy of Grouville:	98
6.5.7 Senator A. Breckon:	99
6.5.8 Deputy G.P. Southern:	99
6.5.9 The Deputy of St. Mary:	99
6.5.10 Deputy J.A.N. Le Fondré:	100
6.5.11 The Connétable of St. Peter:	100
6.5.12 Senator T.J. Le Main:	100
6.5.13 Senator J.L. Perchard:	101
6.5.14 The Connétable of St. Mary:	101
6.5.15 Deputy P.V.F. Le Claire:	101
6.6 Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny (P.120/2010) – third amendment (P.120/2010 Amd.(3)).....	103
6.6.1 The Deputy of St. John:	103
6.6.2 Deputy M. Tadier:	105
6.6.3 Senator A. Breckon:	106
6.6.4 Deputy R.G. Le Hérisier:	107
6.6.5 The Connétable of St. Mary:	107
6.6.6 Senator T.A. Le Sueur:	108
6.6.7 The Connétable of St. Saviour:	108
6.6.8 The Deputy of St. Mary:	108
6.6.9 Deputy T.M. Pitman:	110
6.6.10 Deputy G.P. Southern:	110
6.6.11 The Deputy of St. John:	111
ADJOURNMENT	114

[09:31]

The Roll was called and the Deputy Greffier of the States led the Assembly in Prayer.

QUESTIONS

1. Written Questions

1.1 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING LEGAL ADVICE TO THE MINISTER FOR HEALTH AND SOCIAL SERVICES:

Question

Further to the response to written question 5596 on 13th September 2010, in relation to Family 'X', for the year 2010 can H.M. Attorney General state the total paid so far to -

- (a) lawyers external to the Law Officers' Department when advising or representing the Minister for Health and Social Services in children's proceedings?
- (b) the Jersey firms who have been instructed to advise or represent the Minister for Health and Social Services?

Was any tendering process utilised before instructing such lawyers?

Answer

The answers below state the total sums paid to the end of September 2010 for work done in 2010.

- (a) The total paid to lawyers external to the Law Officers' Department advising or representing the Minister for Health and Social Services in public law Children's cases was £332,702.
- (b) The total paid to Jersey lawyers who were instructed to advise or represent the Minister for Health and Social Services in public law Children's cases was £320,107.

The difference between (a) and (b) (£12,595) was for payments to UK counsel and other specialists in childcare proceedings for advice in particularly complex cases.

There was no tendering process prior to outsourcing this work. The cases in which external lawyers were instructed needed urgent attention to safeguard the interests of vulnerable children in a timescale which did not allow for a process of competitive tendering to be undertaken beforehand. The rates offered were the same as that offered for Crown Advocates which represents a significant saving on the normal charge out rates for most Jersey advocates.

There is now a formal procurement process in hand and expressions of interest to undertake this type of work have been invited from local lawyers. Once the responses have been assessed, then a panel will be established to whom work of this nature can if necessary be allocated.

1.2 SENATOR J.L. PERCHARD OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING FEE-PAYING SCHOOLS:

Will the Minister advise -

- (a) the total annual level of financial or any other support given to the following schools and detail how it is calculated -

Jersey College for Girls

Victoria College

De La Salle College

Beaulieu

FCJ

St Georges

St Michaels'?

Answer

The total level of financial support given to the schools listed in 2010 is as follows:

School	Pupil numbers	Level of subsidy
Jersey College for Girls	714	£2,050,027
Jersey College for Girls Prep	375	£363,859
Victoria College	713	£2,011,855
Victoria College Prep	293	£293,023
De La Salle College	835	£1,936,262
Beaulieu	756	£1,853,975
FCJ	295	£472,493
St George's	169	£192,320
St Michael's	312	£388,962

The current support to the fee-paying secondary schools is calculated on the basis of 50% of the cost of educating a child in a non fee-paying secondary school at an average cost of £6,010 per annum

The support to the fee-paying primary schools is based on 25% of the cost of educating a child in a non fee-paying primary school at an average cost of £4,412 per annum

Apart from Jersey College for Girls, fee paying schools do not recognise in their fee structure the difference between the cost of educating a child at primary level and that of educating a child in secondary school.

It is therefore likely that any reduction in subsidy will be spread across the whole school rather than simply targeted at secondary school pupils.

In addition, Victoria College and Jersey College for Girls receive support from the States Property Holdings Department for property maintenance. In addition, these schools are eligible to apply for capital works to be undertaken as part of the States forward capital programme.

Following a decision of the States in 2001, a total investment of £6.5 million was made available to the church schools to support capital investment, and this sum has now been spent.

The support in respect of FCJ is based on 40% of the cost of educating a child in a non fee-paying primary school, following a decision of the Education, Sport and Culture Committee in April 2003 to amend its policy for the Provision of Financial Assistance to Non Provided Schools. When FCJ went through a period of low pupil numbers, the grant was increased to 40%. The school numbers at the school are now secure, and it is fair that the subsidy should be reduced to same level as that of its competitors, i.e. 25%.

In addition to the financial support described above, a range of other support services is provided by ESC. The fee-paying schools are included in all professional development training offered by the Schools and Colleges Team, e.g. curriculum development, learning skills, leadership, and child protection. In addition, the schools have access to the Professional Partner programme.

Question

(b) the contractual conditions between the States of Jersey and the above mentioned schools?

Answer

The schools that have been listed in question (a) fall into two categories.

1. Victoria College and Jersey College for Girls are provided fee-paying schools and fall under the responsibility of Education, Sport and Culture. This means that all ESC policies apply to them, and they are held accountable for every aspect of practice in line with all non fee-paying schools.

2. The remaining schools on the list are private schools and are defined as "Non-Provided Schools" in Part 7 of the Education (Jersey) Law 1999, as amended.. In accordance with articles 37 and 40 of the Law, all Non-Provided Schools are obliged to be registered, and in this connection they are required to provide information on an annual basis to the ESC department. This information includes -

Age range, gender and numbers of pupils

Staffing

Levels of achievement

Compliance with health and safety requirements

Budget report

Details of external reviews or inspections (where this does not occur the Department organises an inspection).

It is the Minister's intention to review arrangements and introduce Service Level Agreements for all fee paying schools in receipt of States subsidies.

Question

- (c) the actual proposals in respect of each of these schools?

Answer

The initial proposal supported by the COM was to reduce the subsidy over the period 2011 to 2013 starting September 2011. Further discussions are taking place to determine how the change is managed, and I am optimistic that a satisfactory outcome will be achieved within a reasonably short period. The eventual period over which the reductions will be implemented has yet to be finalised.

As noted in the response to question (a), fee paying primary and secondary schools currently receive a subsidy from the States, which equates to half the cost of educating a child in a States secondary school and a quarter of the cost of educating a child in a States primary school. The proposal would result in the support provided to secondary schools being reduced to 25% of the cost of educating a child in a States secondary school, i.e. the same percentage as that provided to primary schools.

The level of support currently provided to FCJ, which equates to 40% of the cost of educating a child in a States primary school, would also be reduced to 25%, in line with the other fee paying primary schools, starting in September 2011.

It is also proposed that subsidies to the private preparatory schools, St George's and St Michael's, would be phased out by 2013, starting in September 2011.

Question

- (d) the annual cost of educating a child in both a States run primary and secondary school?

Answer

The annual cost of educating a child in a non fee-paying provided primary school is £4,412.

The annual cost of educating a child in a non fee-paying provided secondary school is £6,010.

In addition, the major proportion of property maintenance costs are met by States Property Holdings, whilst capital costs are accessible through the States capital programme.

Question

- (e) the number of school places that are predicted to be made available on an annual average over the next 5 years in the States run primary and secondary schools?

Answer

Based on the current number and range of school facilities, and on demographic and other information gathered by the department, an annual average of 9,000 places will be available over the next 5 years.

Question

(f) the number of school places that are predicted to be made available on an annual average over the next 5 years in fee paying primary and secondary schools?

Answer

Whilst ESC has certainty over the number of places available in non fee-paying and provided schools, we have no control over the places that may be available at the private fee paying schools.

Question

(g) the predicted number of children on average over the next 5 years that will require primary education each year?

Answer

Projections take into account relevant data, including birth rates, economic factors, migration trends etc, and it is predicted that the average will be 6,900 a year.

Question

(h) the predicted number of children on average over the next 5 years that will require secondary education each year?

Answer

Projections take into account relevant data, including birth rates, economic factors, migration trends etc, and it is predicted that the average will be 6,200 a year.

1.3 SENATOR F. DU H. LE GRESLEY OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING WAITING LISTS FOR NURSING HOME BEDS:

Question

Would the Minister advise how many States funded beds have been reserved in private nursing homes and whether there are presently any vacancies? Could she also advise how many patients, currently residing on Corbiere Ward at the General Hospital, are awaiting transfer to nursing home beds and the length of time that each such patient has been waiting? What contingency plans, if any, does her Department have to deal with any "bed blocking" that may be caused by any current or future shortage of nursing care home beds?

Answer

The Health and Social Services Department has contracted with the private sector to provide up to 78 nursing care beds. A further 5 are contracted for respite nursing care and 2 for residential respite placements.

There are currently 2 nursing care bed vacancies and these will be filled this week. 5 patients on Corbiere Ward have been referred to the elderly care service for potential placement in a nursing care bed. As of 15th October 2010 only 3 of these 5 patients are fit enough to be moved and as a consequence the remaining 2 patients have been removed from the nursing care list. This is quite common when caring for frail elderly patients whose condition can fluctuate markedly within a matter of days. For patient safety reasons the department would only seek to move stable patients once their acute care needs have been met.

The referral dates, made to the elderly care services for the 3 patients on Corbiere Ward waiting for nursing care beds, are 23rd and 28th September and 10th October 2010. As of 15th October 2010 the maximum length of time that each patient has been waiting for a nursing care bed is between 5 days and 23 days. As can be seen from these figures, the Department does not have a significant "bed blocking" problem at this time.

In common with similar establishments, the Department maintains close control over demand and capacity issues affecting its bed compliment and has to manage this capacity to meet fluctuations in both elective and emergency admissions and deal with infection control issues. As part of this process the Department has a winter pressure plan to meet anticipated increased activity over this period. The Department has also a contingency plan to open more beds on Samares Ward, at Overdale, for patients awaiting nursing care placement in the event of capacity issues arising in the private sector.

1.4 SENATOR J.L. PERCHARD OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING COMPARISONS WITH FEE-PAYING EDUCATION IN GUERNSEY:

Question

Given that in his letter (page 3) to States Members dated 8th October 2010, the Minister stated that there were only 1321 children in fee paying education in Guernsey with their fees levied at between £5,880 and £7,800 a year, and that Jersey has 4,470 children in fee paying education with fees levied at between £3,180 and £10,575 a year, does he maintain comparisons in relation to fee paying education between Jersey and Guernsey and, if so,

- (i) what percentage of Guernsey children are educated in fee paying schools compared to the percentage of Jersey children;
- (ii) should the proposed 25% increase in Jersey fees be approved and the Guernsey fee paying student percentage number emulated in Jersey, how many children would remain in fee paying schools and how many would leave them?

Answer

It is important to emphasise that I am not proposing any fee increase, but a reduction in subsidies.

The comparison with other fee paying schools in Guernsey, the Isle of Man and the UK was given to States members to indicate the effect the current level of subsidy provided by the States has on the fees of the Island's fee paying schools.

I am not suggesting that we should follow the Guernsey model, however the Islands are similar, not only in relation to the constitution and system of government, but also in relation to the quality of life and standard of living.

In response to question (i), I would advise the Senator that 16.1% of Guernsey children are educated in fee paying schools, compared with 34.6% in Jersey.

In response to question (ii), and as stated above, I am not proposing any fee increase. It is the Governing Bodies of the fee paying schools who set fees on an annual basis and, apart from the two fee paying provided schools, I have no control over the level of fees charged to parents whose children attend the other private schools. Even if the proposed reduction in subsidy were to be removed immediately, and the full increase passed on to parents, the level of fees charged by Island schools would still be less than in Guernsey.

I am presently discussing a proposal with the main private schools on the Island, together with our two States fee paying provided schools, to reduce the subsidy provided to those schools by a total of £4.3 million over time. Mindful of the fact that the fee paying Schools are responsible for the children in their care, all governing bodies have been asked to consider how they would manage the reduction in subsidy whilst ensuring that annual fee increases are kept to a minimum, thereby allowing parents time to adjust to the change. This conversation with governing bodies has yet to be concluded, and we are hopeful that a satisfactory outcome can be reached within a relatively short period.

Not all parents wishing to access fee paying schools are allocated places as schools are full. As a result the children are accommodated in the non fee-paying schools. It is therefore likely that if some children transfer into the non fee paying sector, their places will be taken up by others on the waiting lists, as happens at present. As such there will be an ebb and flow effect.

Although it is possible that parents may choose to transfer their children to the non fee paying schools, it is recognised that the proposed reduction in subsidy is only one of a number of factors that will influence parents when choosing the type of education they wish to provide for their child.

I would like to reiterate that we are working with schools to explore how they would manage the proposed reduction in subsidy whilst ensuring that annual fee increases are kept to a minimum. Provided this can be achieved, it is unlikely that a modest increase in fees will significantly affect the balance between the number of pupils in the fee paying and non fee paying sectors.

1.5 SENATOR J.L. PERCHARD OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING STUDENT PLACES IN NON FEE-PAYING SCHOOLS:

Question

How many student places are available in each of the non fee paying secondary schools and which year groups of those schools have the spare places?

Answer

Due to the designated catchment areas assigned to each school, two of our secondary schools are full. There is capacity for a further 318 students in the remainder of the non-fee paying secondary schools, across all year groups. If additional spaces are required, the department has a degree of flexibility to accommodate more students if circumstances dictate.

1.6 THE DEPUTY OF ST. MARY OF ORGANISATIONAL CHARTS AND JOB DESCRIPTIONS:

Question

Would the Chief Minister confirm to members that he is in favour of open government, transparency and accountability, and, if so, would he now direct departments to provide details of organisational charts which outline not only the structure of each department, but the number of staff and the specific tasks they undertake, detailed within each chart?

Answer

I should like to refer the Deputy to my responses to his oral question 5622 on 13th September 2010; his written question 5548 on 19 July 2010; and to Deputy Le Claire's written question 5275 on 20th April 2010.

Departmental business plans currently provide a departmental organisation chart, numbers of staff employed and a description of the activities of each area within a department. (In the Health and Social Services 2010 plan employee numbers are not included but they are shown in the Annual States Business Plan Annex.)

The States Annual Business Plan Annex also provides information that shows a breakdown of each department's budget by service/budget area, the amount spent and the number of staff employed within that area.

Department Business Plans and the Annual Business Plan Annex are within the public domain on the States website and are available for all to see.

1.7 THE DEPUTY OF ST. MARY OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING PROTECTING THE PRIVILEGES OF MEMBERS:

Question

Following the States decision of 27th September 2001 to add the words 'Privileges and' to the originally proposed title 'Procedure Committee', would the Chairman advise -

- (a) what actions have been taken since that time to protect the privileges of members?
- (b) what research has been carried out by the Committee into the privileges of elected members of national assemblies in other jurisdictions?
- (c) what research has been carried out by the Committee into how these privileges are protected in other jurisdictions?

Answer

As set out at the start of this question the original name for PPC as proposed by the then Policy and Resources Committee in 2001 was "Procedure Committee" but this was amended to "Privileges and Procedure Committee" following the adoption of an amendment from the then Senator Lakeman (later changed to Privileges and Procedures). It is nevertheless of interest that in his accompanying report (P.122/2001 Amd) Senator Lakeman referred principally to championing the interests of members in areas such as facilities and remuneration. Those two particular matters were subsequently included in the terms of reference of PPC and significant progress has been made since that date in both areas. Nevertheless for the purposes of this question the word "privileges"

has been interpreted in its strict parliamentary sense as this appears to be the sense in which the Deputy of St. Mary is asking the question. This answer covers parts (a) to (c) together.

In 2009, following event surrounding the arrest and detention of a States member, PPC became aware that there was some misunderstanding in the mind of some members relating to the concept of parliamentary privilege. As a result the Committee requested the Greffier of the States to research the position in Jersey and in other jurisdictions and the result of the Greffier's research was published on 22nd July 2009 in a lengthy report entitled "Parliamentary Privilege in Jersey" (R.79/2009). PPC would again urge any members who have not yet had the opportunity to consider this report to read it carefully as it sets out very clearly the nature and extent of parliamentary privilege in Jersey and in other jurisdictions.

As set out in the report parliamentary privilege in parliaments with a Westminster tradition such as Jersey, does not confer special individual rights or privileges on parliamentarians outside their parliamentary duties. It only applies to actions that are undertaken in direct relation to "proceedings in parliament". In addition the privilege belongs essentially to parliament as a whole and individual members can only claim privilege insofar as any denial of their rights, or threat made to them, would impede the functioning of the parliament as a whole. Privilege is, in summary, the sum of the immunities and powers which a parliament, its members and officers, possess to enable them to carry out their functions effectively and without hindrance.

Parliamentary privilege in Jersey and other parliaments with a Westminster tradition can be contrasted with the Continental European model where in many countries parliamentarians benefit from a much wider immunity including protection from both civil and criminal prosecution, within and outside of their roles as parliamentarians. In many European countries parliamentarians are protected from all arrest or prosecution unless parliament agrees to waive the immunity and this is a significant difference from the Westminster model where parliamentarians have never had any special treatment under the criminal law.

Although PPC has had little need to consider issues of privilege in recent years PPC recognises its duty to defend privilege as established in Jersey and would, if necessary, take action if it felt that the privileges of the Assembly were being threatened. It is nevertheless important to stress, as referred to above, that privilege is not a form of special immunity that applies to members outside their work during proceedings of the States or committees/panels of the States. The Committee has not therefore had cause in recent years to take any significant action in relation to privilege, although on 16th April 2009 the Committee presented a report to the States (R.38/2010) in relation to a breach of privilege that had occurred when one member had disclosed the contents of an "in camera" debate to the media. In that report PPC drew attention to the fundamental principle of parliamentary privilege that members are able to speak freely in the Assembly without inhibition and pointed out that during any "in camera" debate members may wish to express views with the assurance that their remarks will not subsequently be reported outside. The disclosure of remarks made "in camera" by one individual member was therefore a fundamental breach of privilege in relation to the overall privileges of the States.

1.8 THE DEPUTY OF ST. MARY OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING ENHANCING CARE FOR THE ELDERLY:

Question

Can the Minister advise members who has overall responsibility for promoting the quality of life for the elderly in Jersey?

Can the Minister give an outline of what strategy, if any, is in place for this area?

In particular, but not only, can the Minister advise

- a) how feedback is gathered from users of care facilities, both residential and day-care?
- b) how what constitutes 'good practise' is researched and promoted amongst service providers?
- c) whether feedback is gathered from the elderly in general and also from "the future elderly" in order to guide policy and implementation and, if so, how?

Answer

As Islanders we are all responsible for the quality of life of the elderly residents of Jersey. There is, of course, a joint responsibility between States departments working with other organisations in the community and this has been highlighted in the 2008 Medical Officer of Health's annual report where some of these cross departmental challenges are described.

The promotion of health and well being is the main concern for my department and the Carer's strategy launched in 2008 significantly contributes to this aim. Work continues on the local development of the Partnership for Older Peoples Project (POPSS), picking up on a national initiative to work with the Third sector, to promote the increased independence of older people through the strategic shift to prevention and early intervention. This can produce better outcomes and greater efficiency for health and social care systems.

- a) Feedback from the users of care facilities is gained from a variety of sources. An integral part of the twice yearly statutory inspection process includes talking to residents and their carers to ascertain their experiences and to ensure they know how, and with whom, to raise any concerns. In addition HSSD monitors the performance of the homes used by the department.

Health and social care professionals who work directly with the clients pass relevant information between themselves for action and information is forwarded to the senior nurse manager, care of the elderly, who coordinates appropriate action. The annual Picker survey is an independent survey which gathers the opinions and experiences of hospital inpatients, most of whom are over 65 years of age, and this is also a valuable source of further information.

- b) All owners of care homes and the professional staff who work within them are obliged by law to be registered and to comply with a code of conduct. To maintain registration, health and social care professionals must demonstrate continuing professional development in order to keep their knowledge and practise current. Good practice is discussed as a fundamental part of the statutory inspection process. This has a focus on person centred care and is referenced to professional guidelines such as those of the National Institute for Clinical Excellence and the Nursing and Midwifery Council. Where issues are highlighted at inspection, these are referenced to relevant good practice in the subsequent report.

When new or revised good practice guidance becomes available, this is circulated to all care home providers and managers. The recent policy on guidelines for infection control was followed up with a workshop facilitated by the Community Infection Control Nurse and a further workshop concentrating on the audit of infection control practices within care homes.

- c) Feedback from the elderly and future elderly population has been gathered as a "snap shot" through the Jersey Annual Social Survey. However, more specific and targeted feedback has been gained through strategic workshop days for the Carers' strategy and the POPPs initiative.

Both events brought together diverse bodies of stakeholders for their comments and opinions on the forthcoming strategy related to care of the elderly. Represented within these workshops were the Jersey Association of Carers Incorporated (JACI) who oversee and continue to advise on priorities and service developments for the future.

Looking to the future, the proposed Regulation of Care Law will have at its core an increased service user focus and emphasis on standard setting with specific standards against which care will be benchmarked.

1.9 THE DEPUTY OF ST. MARY OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING PARENTING SKILLS:

Question

Given the widely acknowledged importance of improving parenting skills, and following on from his answer to Written Question 5055 on 19th January 2010, can the Minister advise members what percentage of parents currently participate in any kind of course on parenting skills?

Does the Minister and the Children's Coordinating Group of Ministers, consider that improving parenting skills is important and, if so, what emphasis will be placed on the development of these skills within the new Children's Plan?

Answer

Approximately 40 % of parents participate in a course of parenting skills which is a 10% increase on last year.

Courses include;

One-to-one consultations

Early literacy & language groups

Understanding children/teenagers groups

Separating parents programmes

Families living with ADHD

The Ministers of Health and Social Services, Home Affairs and Education Sport and Culture who make up the Children's Policy Group recognise that good parenting has an absolutely fundamental role to play in children's lives. The new Plan is built around a number of key principles, one of which is that early intervention is designed to deliver support as and when required. This helps prevent problems from developing, reduces the need for high cost specialist services and, more importantly, helps prevent children's lives from being adversely affected.

The Children and Young Person's Plan will build on "Strong Foundations," the Island's multi-agency Parenting Support Strategy and further develop seamless multi-agency parenting services. Such services are essential to ensure parents receive the support they need in a timely manner.

Agencies such as Brighter Futures and NSPCC Pathways Centre offer a range of family support services for children and their parents. This is proving to be very successful.

**1.10 THE DEPUTY OF ST. MARY OF THE CHAIRMAN OF THE COMITÉ DES
CONNÉTABLES REGARDING THE REMUNERATION OF THE CONNÉTABLES:**

Question

Could the Chairman advise members whether the Constables receive any pay from their parishes for the duties they perform on behalf of their parish, and if so, where the legal basis can be found for this?

Answer

The Connétables do not receive any pay from their parishes for the duties they perform on behalf of their parish.

**1.11 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY
REGARDING SPOT-CHECKS ON WORKERS ON BUILDING SITES:**

Question

Would the Minister advise whether spot checks made on building sites and the Energy from Waste plant for persons working without Social Security cards have been repeated and, if so, on how many occasions and with what results?

Has a similar check been undertaken at the Harbours to establish how many new arrivals are coming to work in the Island without Social Security cards and, if not, why?

Answer

Departmental officers undertake ad hoc and planned visits to local employers on a regular basis to check that the employer is conforming to Social Security and employment legislation. During 2010 a total of 265 visits have been made (up to the end of September 2010).

The results of the visits confirm that the compliance of employers to Social Security and employment legislation is generally good.

A major site visit to the energy from waste plant was undertaken on 24 May 2010. No irregularities were identified during this visit and on that basis no further inspections have taken place since.

A joint operation with the Customs and Immigration Department was undertaken to identify potential construction workers arriving at the harbour in commercial vehicles to undertake work in the Island. The operation confirmed that compliance with relevant Social Security legislation was generally good.

**1.12 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF PRIVILEGES
AND PROCEDURES COMMITTEE REGARDING BEVERAGES COMSUMED
DURING 2009 BY STATES MEMBERS DURING STATES MEETINGS:**

Question

Will the Chairman advise how much money was spent in 2009 on the provision of canned and bottled soft drinks which are stocked in the fridge in the States Members Coffee Room?

Moreover, could she inform members how many units of each item were purchased in 2009?

Answer

£1,270.40 was spent in 2009 on canned and bottled soft drinks for use by States Members in the States Members Coffee Room.

It is not possible to identify the precise number of cans and bottles purchased without a lengthy and time-consuming analysis of each individual order but an estimate of the number of units, based on the average price, is approximately 3,600. There were 59 meetings of the Assembly in 2009 when refreshments were available and there were therefore approximately 61 units used per meeting.

1.13 DEPUTY M. TADIER OF ST. BRELADE THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE 'THINK TWICE, BUY LOCAL' CAMPAIGN:

Question

Does the Minister support the 'Think Twice, Buy Local' campaign?

Will he undertake to publish as detailed a list as possible of all retailers trading in the Island who do and do not pay tax locally, in order to better inform shoppers who may want to support the former?

Answer

The Minister is very supportive of the "Think Twice, Buy Local" campaign which is a positive initiative that is aimed at all sections of the Island's community. In terms of spending by the States, local businesses are encouraged to compete in an open and transparent manner with "off Island" suppliers where it is appropriate to do so. Jersey Enterprise has been working in partnership with the Procurement section of Treasury and Resources and other States departments as well as private businesses to help achieve this. Contracts are awarded on a mixture of price and quality criteria, not just price alone. It is important, therefore, that local businesses are able to demonstrate value for money to the tax payer in a competitive situation.

The Comptroller of Taxes is unable to publish such a list, as to do so would be a breach of his Royal Court oath of office.

1.14 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF COMITÉ DES CONNÉTABLES REGARDING OFFICE SPACE FOR DEPUTIES IN PARISH HALLS:

Question

Will the Chairman advise which Connétables, if any, make an office available to the Deputies of their parish within their respective Parish Halls?

Will the Chairman advise whether the Connétables would consider the idea of doing so?

Answer

No Parish has available a dedicated office or offices for the use of its Deputies.

Capacity within the confines of many Parish Halls is limited and it is not within a Connétable's gift to supply or otherwise make available an office for the exclusive use of the Parish Deputy/ies.

1.15 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HOME AFFAIRS REGARDING POLICE NUMBERS AND COMPREHENSIVE SPENDING REVIEW (CSR) CUTS:

Question

Further to the statistics contained within Annual Performance Report 2009 for the States of Jersey Police in relation to the differences in the funded establishment and strength in comparison to England and Wales, would the Minister inform the Assembly -

- i) by how much the force was under its funded strength a) at the beginning of this year and b) currently?
- ii) when the force will return to its funded strength?

Can he further assure members that the CSR will not impact on the numbers of operational police officers?

Answer

In responding to the Deputy's question, I have presumed that by 'funded strength' the Deputy means the number of Police Officers that the Department can afford within its budget. The States of Jersey Police has a notional 'authorised' establishment of 249 police posts. However, the current budget can only fund 236 police posts.

i)

- a) at the beginning of 2010 there were 234.7 Police Officers. This is 1.3 officers under the budgeted strength of the Force, and 14.3 officers under the authorised establishment.
- b) there are currently 234.9 Police Officers. This is 1.1 officers under budgeted strength, and 14.1 officers under the authorised establishment.

It should be noted that the number of officers within the States of Jersey Police will always be fluid, as officers join and leave. Numbers will generally be at their lowest just before a recruitment drive and at their highest just after new recruits have joined the force. The lowest number of officers this year was 226.0. 12 new recruits have just joined the Force.

- ii) As detailed above, the Force currently has 1.1 officers under budgeted strength. However, although there are currently 234.9 officers, the Service actually has a reduced number of fully operational officers, when one takes into account those officers who are in training, on light duties, secondment, long term sickness, maternity leave, or suspension.

I cannot give members the assurance that the CSR will not impact on the numbers of operational police officers. Over the next few years we are seeking to make significant cuts in expenditure as we go through the CSR. 83% of the Home Affairs Budget consists of staff costs. It is, therefore, inevitable that the number of operational police officers will be impacted upon. What Home Affairs will strive to do is to continue to provide a high level of service to the public of the Island but with this being delivered more efficiently. It is anticipated that changes to working practices

and information systems, alongside changes to wider prosecution processes, will deliver considerable efficiency savings.

1.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE NET INVESTMENT INCOME FOR THE SOCIAL SECURITY FUND:

Question

Will the Minister confirm that the net investment income for the Social Security funds (page 90 Social Security Report & Accounts – 2009) has increased substantially in 2009 from an average of £5m - £8m to £107 million and, if so, state whether this level of interest is expected to continue, and if so, what implications this has for the future of the funds?

Answer

The Net Investment Income of the Social Security Fund and Social Security (Reserve) Fund have not increased significantly in 2009 as reported in Statistical Appendix 2 of the Social Security Report & Accounts – 2009 (the “Accounts”).

The Department took the decision during the preparation of the Accounts to provide greater clarity of the returns being generated by the funds from all sources. Consequently, the Net gains on investments during the year of £107,294k as reported in the Social Security (Reserve) Fund’s Statement of Total Return, page 34, were included within the Net Investment Income reported in Statistical Appendix 2.

The Department did not update the Net Investment Income amounts for each of the prior years in Statistical Appendix 2.

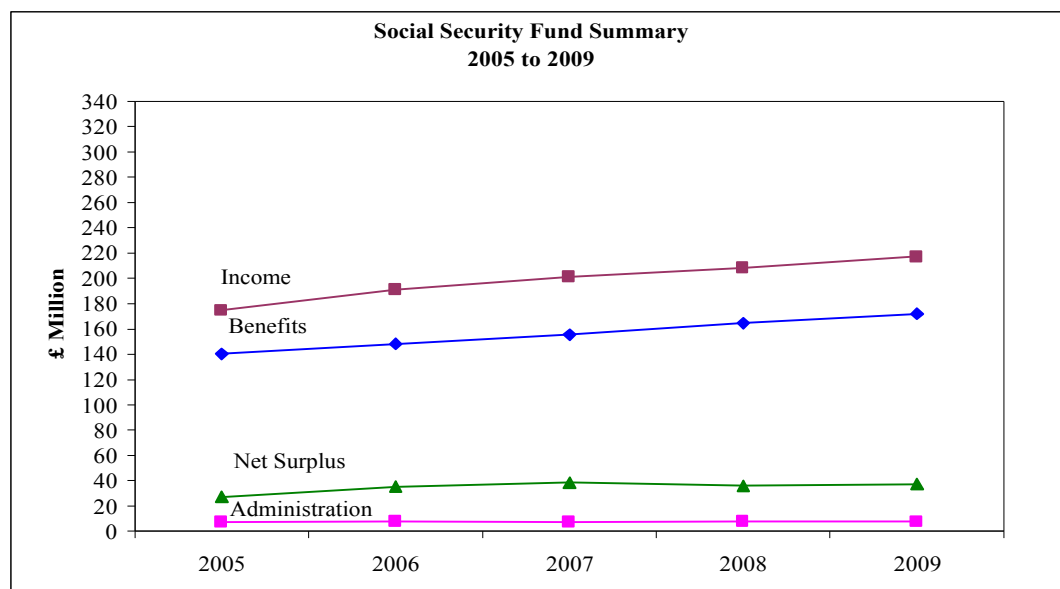
The Department has however provided an amended format of Statistical Appendix 2 for the Deputy to enable him to consider appropriate comparisons.

During 2010 Net Investment Income will remain a minor component of income because the Fund’s investments are in a pooled fund policy which does not make distributions. Investment return will be achieved through the rising value of the investment units in the pooled funds.

Statistical Appendix 2

Five year summary of the Social Security Fund and the Social Security (Reserve) Fund

	2005	2006	2007	2008	2009
INCOME	£000	£000	£000	£000	£000
Contributions	117,136	123,954	133,913	144,634	151,787
Supplementation	50,776	56,567	58,627	61,842	64,995
Net Investment income	5,302	8,671	7,001	2	(11)
Bank interest & other income	1,490	2,070	1,887	2,005	350
Total Income	174,705	191,262	201,429	208,483	217,121
EXPENDITURE					
Benefits	140,209	148,225	155,428	164,565	172,091
Administration	5,164	5,512	5,341	6,124	5,770
Depreciation	2,159	2,267	2,061	1,906	1,906
Total Expenditure	147,533	156,004	162,830	172,595	179,767
NET SURPLUS	27,172	35,258	38,598	35,888	37,354
NET GAIN/(LOSS) ON INVESTMENTS	81,586	45,177	31,005	(107,746)	107,294
NET ASSETS	560,148	641,680	711,031	637,173	781,822



The above information is for the benefit of the user and is not part of the audited financial statements.

1.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING EQUALITY IN JERSEY:

Question

In light of the Report on Equality recently issued by the UK Equality and Human Rights Commission on the continued inequality in the gender pay gap which reveals that women earn on average some 16% less than men (rising to 27% for over 40's) does the Chief Minister have any comparable data on the gender pay gap in Jersey and if not, why not?

Given the States commitment to the creation of a more equal society as stated in the Strategic Plan, what measures, if any, is the Council of Ministers considering to address this issue?

Answer

UK data relating to gender pay differences is derived from the Annual Survey of Hours and Earnings and the Labour Force Survey. The preferred method of measuring the earnings of women relative to men is to use hourly earnings, excluding overtime, for full-time employees. The Statistics Unit does not collate comparable data on gender pay in Jersey to enable a robust analysis on gender pay differences.

The Council of Ministers is committed to pursuing a more equal society. The Social Security department is working through Phase 2 of the employment legislation programme which will include gender pay issues.

1.18 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING ESTIMATES OF REDUNDANCIES:

Question

Will the Chief Minister inform members what estimate he has of the number of redundancies required by stage 2 of the CSR?

In the light of agreements being sought with public sector workers in the UK over redundancy payments, which cap compulsory payments to 1 month's pay for every year worked up to a maximum of 12 months, and with voluntary schemes capped at 15 or 21 months, will the Chief Minister commit to reaching agreement with employee representatives over redundancy terms, rather than simply imposing revised conditions?

In particular will he agree to the introduction of a differential between compulsory and voluntary schemes to incentivise the take up of voluntary redundancies?

Answer

It is difficult to estimate the number of possible redundancies at this stage as this will depend on other factors such as natural turnover, redeployment etc.

At this stage, departments have estimated a possible 127 posts being surplus to requirements in phase two of the CSR programme (2012 and 2013) but there are two caveats:-

- (i) The figure represents posts and not redundancies
- (ii) The effect of some of the proposed restructuring/reorganisation has yet to be evaluated and subject to reviews yet to be commissioned

Clearly, it will be our objective to seek volunteers for redundancy wherever possible.

We will consult extensively with employee representatives on proposed changes to the redundancy terms and give serious consideration to their views. The current redundancy terms were

implemented by the former Establishment Committee in 1995 initially as a short term measure which was an improvement on the basic formal States policy introduced in 1993 as two weeks' pay per year of service for service up to forty years of age and three weeks' pay per year of service after forty years of age. As such they form part of a States Employment Board policy and were not negotiated with employee representatives. It is our clear understanding that they are, therefore, not contractual. As such any changes which fall in the range between the current terms and the formal States policy of 1993 are a matter for decision by the SEB.

I can well understand the view that voluntary redundancy terms should be better than compulsory redundancy terms in order to incentivise volunteers, and the States Employment Board looked closely at this in its deliberations. But the view which prevailed was that, as compulsory redundancy is by far a more difficult and unpleasant experience, the Board could not justify providing inferior terms.

1.19 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING TARGETS FOR THOSE WITH LONG-TERM DISABILITIES RETURNING TO WORK:

Question

Will the Minister assure members that he will not follow the UK government in proposing targets for forcing those with a long-term disability to seek work by reducing the level of disability benefits, and, if not, why not?

Answer

I have no intention of forcing those with significant disabilities into seeking work but would encourage them where appropriate to do so. The long-term effects of not working can have a negative impact on the individual, including mental health issues and poor self-esteem leading to increasing divisions in our society, none of which are aims of this government

Recipients of incapacity benefit in the UK are only allowed to undertake very limited employment whilst receiving benefit. By contrast, Long Term Incapacity Allowance in Jersey allows the recipient to take up employment without any limits on the number of hours worked or the wages received. It does not preclude the recipient from the workplace unlike the benefit it replaced, which often led to the individual remaining on benefit until pension age.

1.20 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TARGETS FOR PUBLIC SERVICE REDUCTIONS:

Question

Will the Minister inform members what his new target of £65m in public service reductions, along with reductions in capital spending represents in GDP (or GNI) terms? Will he further inform members what risk analysis, if any, he has conducted on the impact of such cuts on economic recovery?

Answer

The total Comprehensive Spending Review savings of £65m represent about 1.8% of GVA. Given the fact that these savings are very small relative to the size of the economy and will be phased over 3 years there is little reason to think they pose a risk to economic recovery. This is especially the case given that we will exhaust all the £156m in the Stabilisation Fund by supporting the economy this year and next and will still run a deficit of £50m next year after the impact of both the Fiscal Strategy Review and Comprehensive Spending Review. The Minister has taken economic advice during the development of the Comprehensive Spending Review and Fiscal Strategy Review proposals. That advice has been that if the programmes are phased in over three years, expenditure savings delivered through efficiencies and without impact on key frontline services and if any tax increases minimise the impact on competitiveness, then there is little risk to the economy. Moreover, by having a credible and clear strategy for dealing with the deficit and returning finances to a sound medium-term footing - as suggested by the Fiscal Policy Panel - this will give Islanders and businesses the confidence to plan ahead for recovery.

There is no reduction in capital expenditure proposed over the next three years. However, the gross expenditure is offset by property sales – both Housing and other – and this has reduced the net capital expenditure allocation particularly in 2011 and 2012 which appears to suggest a decline in spending. This is not the case.

2. Oral Questions

2.1 Deputy C.F. Labey of Grouville of the Minister for Health and Social Services regarding hospital waiting lists for orthopaedic operations:

Could the Minister state how long hospital waiting lists are for public patients currently waiting for orthopaedic operations?

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

I am so pleased to be able to confirm that 92 per cent of patients scheduled for routine surgery are operated on within the 3 month waiting time target. The 146 patients waiting longer than this equate to approximately 8 per cent of the total on the list. These patients have been categorised as requiring non-urgent treatment, as all urgent cases are seen well within the waiting list time targets. To provide some context, I should confirm in this year to date my department has undertaken a total of 2,300 orthopaedic procedures. Of these 1,800 were elective procedures. That is for patients included on the waiting list, with a balance of 500 being the result of trauma and accidents.

2.1.1 The Deputy of Grouville:

Would it surprise the Minister for Health and Social Services to know that patients in constant pain, being prescribed painkillers to take on a daily basis, are being given an average of 8 months as a wait time for operations? Would it also surprise her to know that patients in need of hip replacements who cannot work because of their condition are being told they have to wait to the age of 60 before they are entitled to the operation? In some cases this means 12 years on income support.

The Deputy of Trinity:

It does surprise me. The consultants, when they get a referral letter from the G.P. (General Practitioner), triage patients in the cases of those needing urgent treatment or elective treatments. Really it is the G.P., the patient and the consultant that need to sort out ... it is difficult for them and I quite understand that, but it is the consultants that triage the patients when they receive referral letter from G.P.s.

2.1.2 The Deputy of Grouville:

There is obviously a disconnect between the 3-month waiting list that the Minister for Health and Social Services has been told and what some patients who have contacted me are being told at the hospital. Would she undertake to look at this situation, so that people in need of operations are only subject to a 3-month wait for their operations?

The Deputy of Trinity:

Some orthopaedic operations are very complex and they can only be performed by a specific consultant. As I said, the maximum current wait is 8 months. This just relates to one person, who is being operated on next month. But if the Deputy wishes to give me some information then I certainly will look into it.

2.1.3 Senator S.C. Ferguson:

I too have had anecdotal information that for certain medical diagnostic specialities there is a waiting list of one year. Would the Minister circulate to all Members a list of surgical and medical specialties and the associated waiting lists, please?

The Deputy of Grouville:

Yes, I can.

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

That was very much along the lines of what I was going to ask. I would like to ask, when the Minister is circulating this list to all States Members, could we have comparisons with the United Kingdom? I was recently, on this weekend, told of a man who has been diagnosed with cancer having to wait 90 days for an endoscopy.

[09:45]

The Deputy of Trinity:

I can do that, but it might not be ... creating pears and apples, because we have to wait sometimes for some specialist consultants, especially the orthopaedic ones coming from the U.K. (United Kingdom). But in relation to the person that you were talking about, if the Deputy wishes to give me some information, then again I will look into it.

2.1.5 Deputy P.V.F. Le Claire:

Briefly on the supplementary, I definitely will be taking this up with the Minister. But if she is unable to give us like-for-like comparisons in relation to surgical treatments that require specialists to be flown in - we do not require that for endoscopy - could we at least be given the endoscopy waiting times in the U.K. compared to the endoscopy times for Jersey. Especially when someone has cancer and they have to wait 90 days.

The Deputy of Trinity:

Absolutely, yes.

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

I wonder if the Minister again could confirm that some of the real delays are occurring between the G.P. visit and the arrangement of a consultant's interview. Could she tell us what the real delays are in that area, which make the 3 months sometimes look a bit tame?

The Deputy of Trinity:

I do not have those figures, but again I can attach them with the figures that Senator Ferguson has asked me for.

2.1.7 The Deputy of Grouville:

Just that I would welcome the information asked for by Senator Ferguson, but would the Minister for Health and Social Services not agree that there is some disconnect between the information that she has been given, that waiting lists are 3 months and the actual time that patients in pain are being given is 8 months? Would she not agree that there is a disconnect here; there is misinformation?

The Deputy of Trinity:

Again, if the Deputy has that information I would very much welcome it. These are the figures that I have. The Orthopaedic Department is very busy, as I said, with over 2,300 operations up to this date and 92 per cent of the patients are operated on within the 3 months' waiting time target. That includes the Day Surgery Unit as well as main theatres.

2.2 Deputy D.J.A. Wimberley of St. Mary of the Chief Minister regarding the suspension of the former Chief Officer of the States of Jersey Police:

Can the Chief Minister explain why, during the time the suspension or disciplinary action against the Chief Officer of the States of Jersey Police was being discussed and prepared behind the scenes, there was no formal attempt to resolve the issues between the Minister for Home Affairs, senior officers who had concerns - I did make clear in an email that I meant senior officials, not senior officers of the police; so I did make that clear in a subsequent email - and the former Chief Officer of the States of Jersey Police?

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

Although I was not directly involved with the offence referred to by the Deputy of St. Mary at that time, I am satisfied that initial attempts were made by the previous Minister for Home Affairs and senior officers to address concerns with the investigation into the historic child abuse inquiry with the previous Chief Officer of Police. The previous Chief Officer of Police was not prepared to enter into any formal constructive discussion regarding the ongoing investigation or any of the concerns raised by the Minister or senior officers.

2.2.1 The Deputy of St. Mary:

I would like, if not now then later, specific reference to where in the Napier Report there is any evidence of formal meetings with the former Chief Officer of Police by the people involved in his suspension to talk through to face him, if you like, with the concerns and elicit his response. In my reading of Napier, no such meeting or meetings took place. I would like the Chief Minister to tell the House where we can find any evidence that the former Chief Officer of Police was talked to at all in this way, in a proper measured way.

Senator T.A. Le Sueur:

I consider it may not have been in the Napier Report. The information was available within the records which were produced to Mr. Napier. I am quite happy to research those and give chapter and verse to the Deputy.

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

The Napier Report has shown there is clear evidence of abuse of process by very senior civil servants and Ministers which led to the unfair suspension of the former Police Chief Officer. Over £1 million was spent to justify that suspension. Does the Chief Minister not think it appropriate to make a statement to explain what went wrong and what has been done about the process and indeed an apology be given to the former Police Chief Officer.

Senator T.A. Le Sueur:

I already indicated in answers last week that I have no intention of giving an apology to the former Police Chief Officer. £1 million was spent and the facts speak for themselves. The report has been produced and, as far as I am concerned, there is nothing further to add to it.

2.2.3 Deputy M.R. Higgins of St. Helier:

Does the Chief Minister not feel any regret for the way that he has handled this case? Had he or the Minister for Home Affairs at the time conducted a proper investigation before suspending the Chief Officer, we could have saved the £1 million that was subsequently spent and saved some of the cuts that are coming in the near months.

Senator T.A. Le Sueur:

I regret many things about the way the historic child abuse inquiry was conducted, in particular the activities of the Deputy Chief Officer of Police at that time. The fact we have had to spend significant sums of money is regrettable, but that is all that I have to say on the matter. I have no intention of doing anything further about it.

2.2.4 The Deputy of St. Mary:

The Napier Report on page 26 says, and I quote: “The confrontation with Mr. Power was seen coming by officials weeks in advance of 12th November and I do not know why the opportunity to head it off (or at least attempt to do so) was not taken.” In other words, Napier himself says that there was no attempt made to resolve this issue to improve the performance, if that is what was required, but at least to discuss this properly before moving on to disciplinary procedures or indeed suspension. I again, ask the Chief Minister to confirm to this House that no attempt to talk with the Chief Officer of Police was made and that that contradicts natural justice. He was suspended basically at the point of a gun.

Senator T.A. Le Sueur:

What Mr. Napier wrote was that he did not know of reasons why that opportunity, he believes, was not taken. The evidence is there, and I believe he could and should have known.

The Deputy Bailiff:

We now come to question 3, which Deputy Southern will ask of the Minister for Treasury and Resources.

2.3 Deputy G.P. Southern of St. Helier of the Minister for Treasury and Resources regarding public spending cuts and redundancies:

What research, if any, has the Minister undertaken into the likelihood of public sector spending cuts and redundancies triggering further job losses in those private sector companies which rely on public sector contracts, as suggested in the PricewaterhouseCoopers report on similar U.K. public sector proposals?

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

The PricewaterhouseCoopers report highlights that the U.K. Government is planning a fiscal squeeze of in the region of 6.3 per cent of G.D.P. (Gross Domestic Product). The vast majority of which is focused on public sector cuts. Jersey’s £65 million worth of targeted savings are equivalent to 1.8 per cent of G.V.A. (Gross Value Added), significantly less than that in the U.K. and the fiscal consolidation required in many other countries. By taking the approach that the Council of Ministers has taken, we are planning to minimise the damage to the economy as a whole, including the private sector. To remind the Deputy there is a 3-part plan; comprehensive spending review savings to be achieved as far as possible through efficiencies and providing services differently without significant impact on frontline services. Any tax increases to be phased

in and done in a way which maintains the competitiveness of the Island. Thirdly, to promote growth. As I previously said, I will consider all ways we can do to minimise adverse impacts on our proposals to individuals and the private sector and the economy as a whole. Tackling the deficit is, however, essential to maintain our stability, our economic growth in the long term and keeping taxes low.

2.3.1 Deputy G.P. Southern:

Supplementary, if I may. What a lot of words, none of them directed at the question. What research, was the question, has the Minister done into the likelihood, as I suggest and they have suggested in PricewaterhouseCoopers, of knock-on effects in the private sector? In particular does the Minister have a figure for how much public sector spend is spent in the private sector on goods and services, thereby propping up the economy? If he does not have such a figure, why not?

Senator P.F.C. Ozouf:

I am not a left-wing individual of a view like the Deputy. The Deputy says that there is a comparison with the U.K. I need to remind him that the percentage of the fiscal consolidation, while necessary in Jersey, is significantly less. Therefore, it will effectively be significantly less on the private sector. If he is worried about the private sector, then he will want to join me in supporting measures to deal with the deficit in the 3-year period that we have set out.

2.3.2 The Deputy of St. Mary:

The Minister for Treasury and Resources has just informed us that our situation is quite different from that of the U.K. and in fact we are in less of a pickle. In that case, why are we proceeding down the same path?

Senator P.F.C. Ozouf:

Jersey is in a strong position with an excess of £560 million in the Strategic Reserve, at least half as much again in investments and assets. But there is a “but”. In the last 2 years we will have spent in the region of £156 million from the Stabilisation Fund. That is an investment in the Island community throughout the downturn and must be corrected. We cannot continue on this path.

2.3.3 Deputy M. Tadier of St. Brelade:

The Minister mentioned a moment ago that he was keen to keep taxes low. Will he extend that to an invitation to keep taxes low to average earners and those below, to keep it at the same rate ... percentage that 1(1)(k)s pay, perhaps?

Senator P.F.C. Ozouf:

I will be saying some things in relation to 1(1)(k)s in the speech that I hope that the Deputy will be coming to on Friday, and again in the budget speech in the first week of December, where there will be further reports on 1(1)(k)s that will be made. Having said that, 1(1)(k)s, I would remind the Deputy, are a significant economic contributor to the Island and if we did not have them G.S.T. (Goods and Services Tax) would be at least 1 per cent higher.

2.3.4 Deputy M. Tadier:

It is a shame, because members of the public who are listening on the radio will not be able to attend the meeting on Friday, so would the Minister answer the question, whether ordinary members of the public will have the luxury of paying the same percentage tax as 1(1)(k)s and if not why not?

The Deputy Bailiff:

I allowed the question to be put the first time round, but it has nothing to do with the question which Deputy Southern has put, so I rule this out.

2.3.5 Deputy M.R. Higgins:

Has the Minister for Treasury and Resources got any estimates as to the impact that the cuts on the public sector are going to have on the private sector? After all, the private sector relies on public sector spending in the Island. Therefore any substantial reduction in public sector spending will definitely have an impact on the private sector. What are the estimates?

Senator P.F.C. Ozouf:

I am not about to explain to the Assembly today what is going to be in the announcements that are going to be made later on this week. Suffice it to say that the Deputy can conclude that a number of things from the statements have already been made. That is that the Council of Ministers is targeting £65 million worth of spending reductions by 2013, that there are £14 million within the £65 million, which are designed to deliver reductions in terms of the manpower terms and conditions and there is a ... and I am happy to debate with the Deputy after Friday exactly what the impact of the millions of pounds that will be taken effectively from reduced spending in the private sector. But I would hope that in accepting that there will be a reduction that the best way in order for the private sector to return to growth is to promote policies to promote economic growth. That is the way that we keep the private sector buoyant and in jobs, not by providing public subsidy in the manner which I think is being attempted to be drawn out.

2.3.6 Deputy M.R. Higgins:

Supplementary, Sir. Does he realise that public spending cuts have an effect of reducing growth? Unless the public sector is coming in with spending, other than from the public sector to replace the shortfall, there will be a reduction in expenditure in the Island.

Senator P.F.C. Ozouf:

There is going to be a reduction in spending in the Island as a result of the fiscal consolidation for Jersey, and I cannot avoid that. But it is important that the Deputy thinks longer term. What is in the long term interest of the private sector? He is suggesting we should have invested in the economy in the downturn. We have put £44 million worth of fiscal stimulus. We are proposing to withdraw money from the economy when the economy is going to grow, which needs planning within the next 3 years.

2.3.7 Deputy G.P. Southern:

Can the Minister point to one issue on which he has promoted any growth in the economy? Will he answer the initial question, will he produce a figure for how much public spend filters into the private sector and thereby risks having knock-on effects?

[10:00]

Senator P.F.C. Ozouf:

I will give the Deputy one example of where I have proposed boosting economic growth, and that is to improve the budget allocation within Economic Development and, for example, putting money into Jersey Finance, which is developing markets, which is developing jobs. We have lost 500 jobs in financial services; a far smaller percentage than perhaps other off-shore centres. But nevertheless if he wants to promote economic growth, put money into Jersey Finance to grow our financial services industry.

2.4 Deputy M.R. Higgins of the Chief Minister regarding access to information:

Will the Chief Minister give an undertaking that if Senator Breckon's proposition on reforming Ministerial government, P.120 of 2010, is approved by the States that all Members on the respective boards will be given unrestricted access to all information that is available to the Minister of each department and to all civil servants in that department and if not, why not?

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

Not only is P.120 yet to be debated, but even if it is agreed there is a long road to implementation which I am sure will involve the development of more detailed arrangements and further consideration by the States Assembly. I therefore believe it would be presumptuous of me to set out how I think it is going to work, particularly as I will no longer be in office when any new arrangements are implemented. What is clear to me is that one aspect of the implementation work will be the development of the detailed rules and processes within which the new boards will operate, including access to information and interaction with civil servants. As a general observation, I would envisage that in discharging its key functions members of boards must have access to all information relevant to those functions or the specific policy issue under consideration. The same would apply to those board members who are asked to take on delegated responsibility within their departments.

2.4.1 Deputy M.R. Higgins:

Will the Chief Minister confirm that he has had discussions with his Ministers and that all the Ministers have signed-up to giving full information to States Members on the boards?

Senator T.A. Le Sueur:

I would repeat, the implementation procedures and all the details relating to this still have to be discussed by Ministers and by States Members. We have not yet agreed the principle of this.

2.4.2 Deputy G.P. Southern:

Does the Chief Minister accept that his attempt to promote an inclusive government has most singularly and catastrophically failed?

Senator T.A. Le Sueur:

No, but I do accept that there are areas, in that and other areas, in which improvement can be made. If that proposition assists in that way then I am sure that Members will recognise that in their voting.

2.4.3 Deputy G.P. Southern:

If I may have a supplementary, Sir. Apparently the Chief Minister and his Ministerial colleagues have re-defined the meaning of consultation to mean giving briefings to, particularly, members of representatives of employees.

Senator T.A. Le Sueur:

The Deputy is entitled to his opinion, which is all that is. I do not share it.

2.4.4 The Deputy of St. Mary:

I will stick to the point. Can the Chief Minister at least give an assurance in principle that he thinks it is a good idea that everyone on a Ministerial board should have all the relevant information available to them? It is not a matter of whether we vote for P.120 or not. It is not some complicated difficult thing. Can he give an in-principle assurance that he believes that free information to Ministerial board members is necessary?

Senator T.A. Le Sueur:

In principle and in general I would say yes. But I think when one gets down to specific issues there may be specific issues where there are certain contradictions in that. So I am very loath to give blanket assurances such as the Deputy seeks.

2.4.5 Deputy M.R. Higgins:

From the answer the Chief Minister has given I would like to know what the contradictions are. Would he please explain them?

Senator T.A. Le Sueur:

For example, there may well be employment related matters which a Minister may learn of in another role, say as a member of the States Employment Board, which would not be relevant to a Ministerial policy position. So there has to be some segregation of duties in that respect. That is one I can think of. There may well be others.

2.5 Deputy P.V.F. Le Claire of the Minister for Health and Social Services regarding the implementation of a Practice Direction:

Would the Minister for Health and Social Services confirm whether best practice guidelines have now been implemented in accordance with recommendation 9.3 of the Serious Case Review, in relation to the implementation of a practice direction and if not, why not?

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

Recommendation 9.3 of the Serious Case Review is to review the procedures and protocols in relation to care planning and the court processes. The target date for completion is at the end of 2010. The implementation of a practice direction is a complex task requiring considerable input from a range of different agencies. Good progress is being made and I can report that a draft practice direction has been developed by the Judicial Greffe. This direction builds on U.K. practice, best practice observations from the J.C.P.C. (Jersey Child Protection Committee) and the Serious Case Review findings. Agencies, including Children Services and the States of Jersey Police, have commented on it and these comments are currently being considered by the Royal Court.

2.5.1 Deputy P.V.F. Le Claire:

That is very enlightening. Thank you very much. I would like to ask the Minister, if then, given that that information is now being considered and they have had responses, whether the target will be met by the end of 2010?

The Deputy of Trinity:

As I said, the target date is completion at the end of this year. Good progress is being made and, as I said, it is out for consultation then. All the recommendations are being overseen by the independent chair, The Jersey Child Protection Committee, and I hope they will be.

2.6 Deputy K.C. Lewis of St. Saviour of the Minister for Education, Sport and Culture regarding negotiations between himself, head teachers, and parents of fee-paying school children:

Will the Minister provide Members with an update of talks between himself, head teachers and parents of fee-paying school children?

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

On 28th September I met for the first time with all Chairs of Governors to explain the rationale for the department's proposed savings and initiate further discussions. Subsequently I have visited each fee-paying school with officers from my department to explain the proposal to reduce the subsidy and to ask them to consider the implications for their school and advise me accordingly. A number of schools have now done that. I have arranged to meet once again with the Chairs of Governors in order to agree timescales for further consultation and discuss how it can be constructively taken forward. I am hopeful that we will be able to reach agreement on that very soon. Once I am more familiar with the implications of the proposal for each school, further discussions will take place with the individual school's governing bodies on how the outcome of

the consultation and particularly the findings of any independent review will be presented to parents. This will allow all stakeholders the opportunity for a more informed and constructive debate about the issues.

2.6.1 Deputy K.C. Lewis:

I am glad to hear that things are progressing, but the Minister must be aware that parents are still deeply worried. Last week, in answer to my question, the Minister made assurances that no child would be excluded from fee-paying schools because their parents were unable to pay the increased fees. As the Minister is no doubt aware parents are still extremely distressed. All States Members are receiving emails on a regular basis. Will the Minister undertake to meet with school heads and parents to allay their fears once these deliberations are concluded?

The Deputy of St. Ouen:

I am absolutely prepared once, and I repeat, once I am more familiar with the implications of the proposal, to arrange and organise with the governing bodies to make myself available to meet with parents if invited to do so.

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

I think the Minister may have just answered the question I was going to ask. Basically what I was going to ask was would the Minister consider meeting with the parents of all the schools involved in this rather than one meeting? I think it would be better if he could do that.

The Deputy of St. Ouen:

I do not believe it appropriate at this time to meet with all parents from all schools, because each school are obvious individuals in their own right with their own individual issues. A number of them are States fee-paying schools, others are totally private and as such I have no control or jurisdiction within those schools. Therefore it is important that I work with the governing bodies of those school and then discuss the implications of the proposals with the parents whose children are at those schools.

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

Given that there is a Town Hall meeting for parents on Thursday of this week and the Minister's response, would he reconsider attending that meeting? Will he also give us confirmation that he does intend to answer all the emails that we have been receiving over the last several weeks? Because we are now getting to the point where the frustration of the parents is such that it is getting totally out of hand and we need some ... some of those emails need ... well, all of them need to be responded to. Thank you.

The Deputy of St. Ouen:

I accept that Members have been sent a number of emails from certain parents. I acknowledged this and I made sure that a letter was circulated to all parents outlining how I am proposing to move forward with this issue. Not only that, I also responded to a number of questions that individual parents had raised. I am mindful of the fact that we have approximately 2,500 parents who currently have children at fee-paying schools. As such, I thought it more appropriate to convey and communicate directly with all of them rather than a select few. However, I will aim and I do aim to respond to the individuals who have personally contacted me.

2.6.4 Deputy R.G. Le Hérissier:

Would the Minister not acknowledge that there is this impression that he is hiding behind the Boards of Governors, while he is doing excellent work with them? If he were to relate to the parents directly, maybe in co-operation with the Board of Governors, it would defuse the situation and start putting information in the public domain.

The Deputy of St. Ouen:

This process started, as I said just now, on 28th September. I have made a large amount and provided a large amount of information, not only to States Members, but to the media and others. It is important, as I said before, to allow this process to properly follow its course. I do not want to make any decisions prematurely. That is why, and I will stress that is why, I need to follow this process. The governing bodies of the schools, I will underline, are responsible for those school and to the parents. As such, I am working constructively with them. Thank you.

2.6.5 Deputy M. Tadier:

Moments ago the Minister said that he would consider a meeting with parents when he was familiar with the implications of what he is proposing. Does that mean that the Minister has proposed something at a very high level without knowing what the implications are?

The Deputy of St. Ouen:

No, this is a proposal that needs to be discussed, quite properly, with the schools to identify what the changes are to those schools and how it may or may not impact on the parents. This process needs to be followed if we are to make any appropriate and proper decisions. I am extremely mindful that there are children that I would not wish to put in a particularly difficult position. It is only by talking to these private schools and the fee-paying schools that I will properly understand the situations that they face and then be able to deal with them appropriately.

2.6.6 The Deputy of Grouville:

Similar to Deputy Tadier, I am alarmed to hear the Minister say that he will only meet with the parents once he has considered the implications of the proposals. Surely the Minister considered the implications of the proposals before making them and causing mayhem among parents of these schools.

The Deputy of St. Ouen:

I do not believe I have caused mayhem at all. I believe I have started a period of consultation that needs to be completed before any final decisions are made. As such, I will continue to follow that process. I appreciate there are individuals who seek to circumvent that process, but it is one that is required to be followed if we are going to ensure that the proper provision is made for our fee-paying schools to continue providing the valuable service that they do to this Island.

[10:15]

2.6.7 Deputy K.C. Lewis:

To allay parents fears, will the Minister give States Members a timeline when he hopes these negotiations or consultations are complete and, further to a written answer to a question this morning to Senator Perchard, the Minister stated that 2 States secondary schools are in fact full. Which schools will these schools be? Would the Minister state which secondary schools are in fact full?

The Deputy of St. Ouen:

The timeline that I have set, but it needs to be in discussion again, in agreement with the school governing bodies, is that I would like all the consultations to be complete by the end of December. With regard to the secondary schools, presently the 2 secondary schools that are full are Les Quennevais and Le Rocquier.

The Deputy Bailiff:

We now come on to question 7, which the Deputy of St. John will ask of the Minister for Planning and Environment, but I understand it is to be answered by the Assistant Minister.

2.7 The Deputy of St. John of the Minister for Planning and Environment regarding discounted fees to the agricultural/horticultural industry:

Can the Assistant Minister explain whether or not the Planning Department give discounted fees to the agricultural / horticultural industry? If so, would he provide a breakdown of fees?

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

There are a number of different charging categories for planning applications depending on the nature of the work. These are set out in the Minister's scale of fees, which are published annually by way of an Order tabled in the States. As requested, I have circulated a copy of the current fees, scheduled to all Members for their information. Typically, agricultural buildings are split into 2 types, polytunnels, glasshouses and permanent buildings. Polytunnels and glasshouses, for example, are charged at £203 per 500 square metres or part thereof and permanent buildings at £306 per 500 square metres or part thereof. Applications for residential extensions are charged at a rate of £203 for an extension above 20 square metres. Applications for commercial development, such as officer, industrial or retail, are charged at a rate of £9.40 per square metre. Now the Minister has previously accepted that agricultural development should be charged at a lower rate than residential extensions and at a much lower rate than other commercial development. This is to reflect the simplicity of construction of large multispans buildings, the comparative returns from agricultural buildings and along with the general desire to support the agricultural industry. Members should be aware of 3 helpful notes in the accompany paper. Notably, under category 3, item 2, it states that the fee for proposed mixed use buildings, which include new dwellings, are calculated by adding the dwelling component, calculated under category 1, to the fee for the remainder of the floor area calculated under category 2 and 3. Secondly, under general notes it should be noted for the last 2 bullet points for very large developments the Minister may negotiate the fee charged and where it can be demonstrated that exceptional circumstances exist the Minister reserves the right to waive all or part of any fee required.

The Deputy Bailiff:

It sounds very much as though it would be better suited to a written question.

2.7.1 The Deputy of St. John:

Yes, possibly so. With that said, given the Assistant Minister's knowledge of his department, if I wanted a building of 500 square metres under category 3(b), what would a member of the public pay if they wanted an equivalent agricultural shed only to put their own implements in? Would that equate to 10 per cent of the fee or would that equate to 50 per cent of the fee, please?

Deputy R.C. Duhamel:

As the Deputy knows, it would not be my decision, it would be the Minister's decision, but the fee structure quite clearly shows how to do the calculation. I am happy to send that information to the applicant or to the Deputy of St. John at a later stage.

2.7.2 Deputy R.G. Le Hérisier:

Could the Assistant Minister confirm that, whether discounted or non-discounted, all applications are being dealt with within the 3 month period that applicants are given?

Deputy R.C. Duhamel:

I do not see how that arises out of the question, but I think the department endeavours to dispatch most of the applications within that time period that was suggested.

2.7.3 The Deputy of St. John:

It is a very short question time on this one. That said, given that the Minister is not prepared to answer my question that I put in previously, will he agree that there is a big differential, a very big differential between the agricultural/horticultural industry, their fees, and that of an ordinary member of the public, given that we are all spending the same amount of officers time doing this work, and what will he do about it?

Deputy R.C. Duhamel:

As stated earlier, probably in too long a fashion, the Minister does accede to the wishes to derive a lower fee structure for agricultural units in order to support the agricultural industry. If indeed the States as a whole would not wish that to happen then all that needs to happen is for the collective will of the House to be conveyed to the Minister for Planning, and I am sure he will make the necessary adjustments.

The Deputy Bailiff:

Now on to question 8 which Deputy Trevor Pitman will ask of the Minister for Treasury and Resources, which is perhaps to be answered by the Assistant Minister.

2.8 Deputy T.M. Pitman of St. Helier of the Minister for Treasury and Resources regarding the taxation of 1(1)(k) residents:

Will the Minister clarify the number of 1(1)(k) residents paying less than £5,000 tax or between £5,000 and £10,000 in 2009? How many 1(1)(k) residents paid less in 2009 than the £200,000 minimum that operated during the 1990s? Will he advise whether this current system is economically fair to middle earners?

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

I was going to ask my Assistant Minister, Deputy Noel to answer this question in any event.

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

To clarify, minimum limits are not set out in the Tax Law. They were set out by the Housing Committee and then subsequently by the Minister for Housing, in consultation with other departments to ensure that prospective 1(1)(k)s are of sufficient economic benefit to Jersey to justify a housing consent. The minimum contribution by the late 1990s rose to £200,000, but this proved to be uncompetitive and so in 2003/2004 was reduced to £100,000. Having said that, may I remind the Deputy that all 1(1)(k)s pay 20 per cent on all of their Jersey-sourced income and all pre-2005 entrants pay 20 per cent on all of their non-Jersey income. Bearing all of this in mind, in 2009 the number of 1(1)(k)s paying less than £5,000 tax per annum was 10. The number paying between £5,000 and £10,000 was 8. The number paying less than £200,000 was 114. On the point about fairness, the current direct tax contribution by around 120 individuals is £13.5 million per annum. If I could put this into perspective that is the equivalent of 1 per cent on G.S.T. Since 2005, 1(1)(k) residents have bought property worth in excess of £120 million, contributing a further £3 million in stamp duty. 1(1)(k)s contribute significantly more to the hiring of staff, employing local builders and investing significant sums of money in the local economy by way of their spending power and in the amount that they give to our charitable sector. The total contribution from 1(1)(k)s is likely to bring tens of millions of pounds to our economy and our Islanders. In view of this significant contribution and without it other local residents would be paying substantially more tax.

2.8.1 Deputy T.M. Pitman:

If I could put this into perspective for the Assistant Minister, given that once again, as in 2008, we have a significant number, not all, of multi-millionaires paying a comparative pittance in tax, can

the Minister for Treasury and Resources tell me what his explanation to the middle earners contacting me about the fact that many of them are paying 3 times the tax of some multi-millionaires - 3 times the tax - are likely to be hit with increased G.S.T., increased school fees and quite possibly redundancies as a result of the Minister's scapegoating of the public sector in the C.S.R. (Comprehensive Spending Review). How can that be equitable in any way?

Deputy E.J. Noel:

The Deputy is probably referring to some of our longer standing 1(1)(k)s who in all terms of reality would qualify now as local residents and outside the 1(1)(k) provision. To repeat, they are all paying tax at 20 per cent on their income.

2.8.2 Deputy M. Tadier:

The Assistant Minister gave a long list of what he perceives are the positive consequences of having 1(1)(k) residents in Jersey. In the interest of balance, would he provide some of the negative consequences of having 1(1)(k)s in Jersey?

Deputy E.J. Noel:

I cannot think of any.

2.8.3 Deputy M. Tadier:

Okay, let us give the Minister a hand. Would he comment perhaps on the fact that because certain houses are priced out of ordinary residents' reach that pushes house prices up for ordinary residents? But more generally would the Assistant Minister, given the fact that he cannot think of any consequences be supportive of a cost benefit analysis to look at these very issues to find out in the round whether 1(1)(k)s benefit the Island or otherwise?

Deputy E.J. Noel:

I really do not think that ordinary residents would buy properties in excess of £2 million and £3 million.

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

Can the Assistant Minister confirm that (k) status can be given, as I understand it, under economic grounds but also under social grounds? Does this explain the perceived imbalance? Can the Minister give a breakdown of how that pans out? Thank you.

Deputy E.J. Noel:

I do not know the exact figures over the years of (k) status being given on grounds other than purely economical. There are circumstances where individuals have been given case status in the past for other reasons. To go back to my original answer, it is not tax driven, it was a combination of factors that were decided on by the Minister for Housing and, prior to that, the President of Housing.

2.8.5 The Deputy of St. Mary:

I would just like to point out to the Assistant Minister that a cost benefit analysis was promised to this House about 6 months ago in a debate, so I look forward to seeing it. My question is, in the report by the former Chief Adviser to the States he writes: "There has been some misleading language used in describing the policy", meaning through the 1970s, 1980s and 1990s. And he says: "There were no deals struck or negotiations that led to any agreement that a person paid less than 20 per cent on the income they received that was liable to tax." Can the Assistant Minister confirm that this statement is true?

Deputy E.J. Noel:

I am happy to confirm that that statement is true.

2.8.6 Deputy G.P. Southern:

In the light of that answer, can the Minister explain why in each of the decades, 1970s, 1980s, 2000s, that 1(1)(k)s failed to produce the average that was targeted for that decade?

Deputy E.J. Noel:

Individual people's circumstances change over time.

2.8.7 Senator T.J. Le Main:

Will the Assistant Minister confirm a fact that I know, and certainly Senator Routier and Deputy Green know, that some, several and many of the 1(1)(k)s contribute huge sums of money to charitable causes in Jersey. **[Approbation]** Would he also confirm that I know of one 1(1)(k) for every year he has lived in the Island has given £150,000 to charitable causes at Easter and £100,000 at Christmas; all this for local charities, to be spent in Jersey. Would he reconfirm that they have a valuable contribution to make to the economy of this Island and to the charitable and to the poor of this Island?

[10:30]

Deputy E.J. Noel:

I am happy to confirm that and I would like to repeat that the 120 or so 1(1)(k)s that we have in the Island, as far as I am concerned, are extremely welcome and I wish we had another 120.

2.8.8 The Deputy of St. John:

Will the Minister confirm that over the last 30 to 40 years many of our old Jersey properties that had fallen totally into disrepair have been acquired by 1(1)(k)s and put them back into a first class condition that the average Jersey family could not afford to have done? They were building bungalows next door and moving out of these old properties. Will he confirm that they are beneficial to the Island in a historic manner, if no other?

Deputy E.J. Noel:

I am more than happy to confirm that and I am also happy to confirm that I believe many plumbers did quite well out of the situation. **[Laughter]**

2.8.9 Deputy T.M. Pitman:

Of course without capital gains they make a fortune, do they not? It is a shame that the Minister dodged this question, but given that the Minister for Treasury and Resources and his Council of Ministers colleagues signed-up to supporting development of a fair and more equal society, and indeed the Minister stated at the 2000 election that he supported progressive taxation, could his Assistant tell the Assembly when we are likely to finally see all the super wealthy paying their way with a progressive taxation system? Further still, that if they all paid their way in tax we would not need the poor to rely on charities.

Deputy E.J. Noel:

I would just like to remind the Deputy that if we did not have these residents living among us ... this is really paying an extra 1 per cent on G.S.T. What is fairer? What is better for the Islanders generally? I maintain that I welcome these 1(1)(k)s and I do wish that we had substantially more of them.

Deputy T.M. Pitman:

Could the Assistant Minister answer the question?

The Deputy Bailiff:

We come next to question 9.

Deputy T.M. Pitman:

The Minister has not answered the question. Ludicrous.

The Deputy Bailiff:

You can make some progress with that on another occasion as you wish, Deputy? Question 9 which the Deputy of St. Martin will ask the Chief Minister.

2.9 The Deputy of St. Martin of the Chief Minister regarding the Terms of Reference relating to the former Chief Officer of the States of Jersey Police's sworn affidavit:

Will the Chief Minister inform Members why part (d) of the Terms of Reference relating to the former Police Chief's sworn affidavit and published in the comments to P.9/2010 and in the *Jersey Evening Post* on 26th March 2010 was removed from the Napier Report, and who was responsible and, given the affidavit's relevance to the suspension, why Members were not party to the decision to amend the terms?

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

The original terms of reference were drafted at the time when it was not known whether the previous Chief Officer of Police would participate in the review. As such, paragraph (d) deals in certain terms of reference as this sworn affidavit was a significant document available in the public domain that put across his version of events. When it was established that the previous Chief Officer of Police would fully participate in the investigation, Mr. Napier felt that he would be able to obtain all of the necessary information from the Chief Officer through formal interview. Prior to the detailed investigation commencing, Mr. Napier discussed the relevance of the paragraph with the Deputy Chief Executive, who was overseeing the investigation on my behalf, and they agreed it was no longer required since the copy of the full affidavit was provided to Mr. Napier as part of his original briefing. Mr. Napier makes 3 references to the affidavit in his report, and I am totally satisfied that any relevant detail contained in the affidavit was fully considered by Mr. Napier in compiling his final report.

2.9.1 The Deputy of St. Martin:

It is not a good day for the States when we do not really get the answers one seeks, or at least the truth behind the answer. But the Minister will be aware that the affidavit contained allegations of malpractice by his Chief Executive Officer, but because the terms of reference were then altered these allegations were never looked into. Does the Chief Minister agree that by altering those terms of reference the credibility of the Napier Report is now weakened?

Senator T.A. Le Sueur:

No. As I already said, Mr. Napier did have the full copy of the affidavit. He no doubt considered the allegations referred to in that affidavit and he treated them accordingly.

2.9.2 The Deputy of St. Martin:

Will the Minister then confirm that because some of the affidavit was tampered with, or the terms of reference to the allegations were tampered with, certain very important witnesses were never interviewed by Mr. Napier; and because of that Mr. Napier has now come to the conclusion that there was no evidence of a conspiracy? But had he looked at the full terms of reference, i.e. the whole of the affidavit, he would have then confirmed that there was evidence of conspiracy.

Senator T.A. Le Sueur:

Mr. Napier had full access to the whole affidavit. He also had full access to the former Chief Officer of Police who, if he felt inclined to suggest that there were gaps in the process, would no doubt have advised Mr. Napier accordingly. Given that Mr. Napier had full access not only to the

Chief Officer's written affidavit but his personal views, I see no reason to believe whatsoever that Mr. Napier came to any conclusion other a reasonable one.

2.9.3 Deputy T.M. Pitman:

Is the Chief Minister aware that by the change of the terms of reference that Mr. Napier was not able to speak to Deputy Le Claire who has stated that he overheard a conversation about a plan to remove Mr. Power, that he says took place between the former Chief Minister and former Minister for Home Affairs?

Senator T.A. Le Sueur:

I see nothing that would have precluded Mr. Napier from making those inquiries if he felt they were relevant.

2.9.4 The Deputy of St. Mary:

One aspect of the affidavit, which I do not think appears in Napier is the A.C.P.O. (Association of Chief Police Officers) reports which present a different view of the handling of the inquiry to the one which Mr. Napier assumes really for the purpose of his report, and even though when he does leave out the A.P.C.O. there are still a lot of questions to be answered and it is, of course, very unsatisfactory what happened with the suspension. But does the Chief Minister not agree that by excluding that particular term of reference, the matter of the fact that there are 2 different versions of the former Chief Officer of Police's handling of the Haut de la Garenne inquiry, there are 2 different versions, and that simply does not make it to the surface in the Napier Report at all, because of this exclusion.

Senator T.A. Le Sueur:

I cannot and did not influence what Mr. Napier wrote in his report. He had access if he wished to do so to any and every piece of information. If he chose not to address the A.C.P.O. report in his report that is entirely a matter for him to decide.

2.9.5 Deputy M.R. Higgins:

The Chief Minister is obviously aware from the questions that he has been asked this morning that a lot of people are concerned about even the Napier Report and what was included or was not, what information was given and so on. Will he not therefore invite Mr. Napier to come back and answer questions by States Members and the public? I know you said that you would not in the past, but this is not going to go away unless you do.

Senator T.A. Le Sueur:

I do not believe that there is such a widespread concern as the Deputy alleges. I am certainly prepared to discuss with Mr. Napier whether there is any point in him coming to the Island to do that, but I cannot prejudge what he might or might not say.

2.9.6 Deputy M. Tadier:

On that last point I would also urge the Minister, so States Members can hear it from the respected and distinguished horse's mouth, so to speak. My question is: on paragraph 107 it says the basis on which Mr. Power was suspended was in his view inadequate, and that there was lack of hard evidence against him to justify the suspension. What action will the Minister be taking in respect of that statement, if any?

Senator T.A. Le Sueur:

I already answered that question last week, and I do take exception to the fact that Members suggest that what Mr. Napier has written does not give a full résumé of all the facts. I believe that the report is totally comprehensive and there is little that Mr. Napier could add by coming to the Island to do so.

2.9.7 Deputy M. Tadier:

I do not know why the Chief Minister added that to my question. I certainly was not suggesting that the report was not comprehensive, but can the Minister just say why he stated that?

Senator T.A. Le Sueur:

Could I say what?

2.9.8 The Deputy of St. Martin:

The Chief Minister will be aware that I was raising these questions as about the alterations to the terms of reference before the publication of the Napier Report, and in an early answer to a question on the matter the Chief Minister informed me that the report in the *J.E.P. (Jersey Evening Post)* was incorrect and I too was incorrect. In light now of his explanations this morning, will the Minister now confirm that the report as reported in the *J.E.P.* was correct, and it was he himself who had made the mistake?

Senator T.A. Le Sueur:

I do not recall saying that the report in the *J.E.P.* was incorrect. I said one should not always believe everything one reads in a newspaper. But I am quite content to confirm that what was written in the newspaper reflected what was written in the report.

2.10 Connétable G.F. Butcher of St. John of the Minister for Education, Sport and Culture regarding financial benefits to private sector schools in addition to the subsidy for fees:

Would the Minister advise whether private sector schools have received any other financial benefits in addition to the subsidies for fees over the last 10 years such as funding for buildings, property maintenance and so on?

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

Over the past 10 years, in addition to the subsidy for fees, grants totalling £6.5 million have been made available to the private faith schools for capital development. In addition, a loan facility amounting to £500,000 has been extended by the States to one of these schools for the development of a new primary school library. The private schools also benefited from being included in the department's first I.C.T. (Information and Communications Technologies) strategy funded by the Jersey Information Society Commission. The estimated value of this to the private schools was approximately £1 million. All private schools benefit at nil cost from the professional development and training initiatives provided to teachers in state schools. They are included in all professional development training offered by the schools and colleges team. This includes areas such as curriculum, learning, leadership and child protection. Finally, the schools have access to the Professional Partner Programme operated by the department and to funded external inspectors if required.

2.10.1 The Connétable of St. John:

Can I just ask if these grants are repayable? Are they loans or are they grants, and if they are loans what interest is paid on them?

The Deputy of St. Ouen:

A grant is a grant and a loan is a loan.

2.10.2 Senator J.L. Perchard:

Does the Minister agree that despite receiving financial support for some capital projects and services, the fee-paying schools in fact provide excellent value for money for his department, the taxpayer and the States of Jersey?

The Deputy of St. Ouen:

This is a process, as I said before, that we are going through and it is my aim that we determine what is the appropriate support to maintain these schools in the future, which includes any capital programme.

2.10.3 Senator J.L. Perchard:

Just a supplementary: perhaps the Minister may consider answering my question. Does the Minister consider that the fee-paying schools, despite being in receipt of some monies for capital projects and services, are in fact excellent value for money for his department, for States of Jersey and the taxpayer?

The Deputy of St. Ouen:

I value the contribution that the schools make. However I am still carrying out a period of review, which was supported by the Public Accounts Committee in their recent review of States spending, which Senator Perchard is a member of; and their recommendation 5.17 clearly states: "The P.A.C. (Public Accounts Committee) requests the Education, Sports and Culture Department undertake a meaningful examination of optimal fees." That is what I am doing, and I would suggest that the Senator allows me sufficient time to get on with the job.

2.10.4 Deputy R.G. Le Hérisier:

In the review which he is undertaking, has the Minister given any thought to the issue of tying the grants (where a grant is a grant) to performance? A difficult issue given his well-known aversion to publicising results.

The Deputy of St. Ouen:

I do not necessarily think it is appropriate to tie capital expenditure to performance.

2.10.5 Senator S.C. Ferguson:

What will the Minister say regarding value for money with the fee-paying schools to those people who cannot afford to send their children to the fee-paying schools and are, in fact, subsidising them through their tax?

[10:45]

The Deputy of St. Ouen:

I support parental choice. I also recognise that it is my legal responsibility to provide education for all children, and I know with some confidence that we have an excellent education system that parents can access if they choose. That includes our state schools.

2.10.6 The Connétable of St. John:

Is the Minister aware of any applications made by private sector schools for fiscal stimulus money?

The Deputy of St. Ouen:

Yes, there was an application made by one of the faith schools and that is being currently considered and progressed.

2.11 Senator J.L. Perchard of the Minister for Education, Sport and Culture regarding the number of students transferring from the fee-paying to the non fee-paying schools should there be an increase in fees:

Would the Minister advise what estimates, if any, have been made by his department as to how many students will transfer away from fee-paying to non fee-paying schools should his proposal that will result in an increase in children's school fees be implemented?

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

It is noted in my response to part 2 of the written question 5715. I am not proposing any fee increase, although I accept that following the work being undertaken between my department and the fee-paying schools the cost of educating a child at a fee-paying school could rise. For the avoidance of doubt again, it is the governing bodies of the fee-paying schools who set the fees on an annual basis. As Minister for Education, Sport and Culture I have no direct involvement in determining the fees set by the schools apart from Victoria College and Jersey Girls' College, where I am required to approve the fees proposed by the governors. Work has been done to model the costs and savings associated with any potential transfer from fee-paying to non fee-paying schools. It is however difficult to model the precise impact without making assumptions about a school's capacity to reduce costs and the level at which fees will be set by the governing bodies of each individual school. This is one of a number of questions that is still unanswered at present.

2.11.1 Senator J.L. Perchard:

The Minister keeps repeating the same argument that it is dependent on the schools as to what fees they charge. Can the Minister explain to me and the House how he can expect to halve the subsidy paid to fee-paying schools without them having to put up charges to parents?

The Deputy of St. Ouen:

Let me make one thing absolutely clear if it is not already so. We are dealing with private schools that I have no control over. They have governing bodies who are absolutely and totally responsible to the parents and the children in their charge. As such, I am unable to recommend what those schools may or may not choose to do or how they might manage any proposed reduction in subsidy. This is something that my department is working constructively with those schools to determine. We have offered and will continue to offer our full support to those schools as they seek to minimise the impact of the reductions.

2.11.2 Senator F. Du H. Le Gresley:

Given the controversy caused by this proposal to reduce the subsidy over the period 2011 to 2013, will the Minister bring forward for debate a separate proposition on this matter so that all States Members can be involved in the final debate?

The Deputy of St. Ouen:

Let us just make it quite clear and just think back, because it seems that some Members have short memories. In the Draft Business Plan proposal 2011 it was stated by my department that additional savings of £1.2 million would be delivered once reviews were complete. Also at that time we had individual Members including the Chairman of P.A.C., and indeed the Chairman of the Scrutiny Panel that oversees my department bringing forward amendments to reduce support to fee-paying schools. At that time I also made public statements to the effect that I was not prepared to take and accept *ad hoc* amendments to a Business Plan without following due process. This is what I am doing and that is what I will continue to do. As to this House debating whether or not the proposals should be extended in 2012 and 2013, we will be debating and quite properly debating the 2012 Business Plan in July next year and if it is the States Members' wish that the phased reduction in subsidies is not maintained then they are quite at liberty to amend that particular plan.

2.11.3 Deputy K.C. Lewis:

The Minister has already stated that Les Quennevais and Le Rocquier are full. Should children have to relocate, which schools would have availability, and should parents require a faith education, there is literally nowhere else to go that is free in the U.K.; does the Minister not agree?

The Deputy of St. Ouen:

No. I am sorry. We have 3 excellent faith schools who are determined to continue to provide education for the youngsters on our Island and parents; and as for choice, I would like to remind the States Member that there are on many occasions parents who cannot achieve a place in their preferred fee-paying school as the places are full and there are waiting lists attached to those schools. With regard to the other schools, it is quite clear we have 4 secondary schools and Hautlieu; so it stands to reason that all those other schools have spaces available.

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

As the Minister has mentioned that fees could rise as a result of the examination by his department and this would be seen as more of a user pays option, will the Minister therefore be considering the possible impact of user pays against tax rises in the forthcoming budget within his examination?

The Deputy of St. Ouen:

Fee-paying schools by their very nature require parents to pay for the education of their child. As such I do not believe that this is a user pays charge. This is simply a matter of considering whether the appropriate funding is being provided to those schools and whether that amount should be reduced. The impact of that, as I say, will be the ultimate responsibility of the school.

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

Would the Minister please confirm that his department has made all the possible efficiencies and savings that they can within his budget and therefore removing or reducing subsidies from the private schools is a last resort?

The Deputy of St. Ouen:

Everybody believes that efficiency savings somehow start from one point. It has been the case that over a number of years all departments have been required to seek efficiencies and perhaps some departments have been more successful than others. The particular challenge that I am faced with is that I am required to deliver £11.1 million as a reduction to my budget. I am absolutely determined that frontline services will not be affected. Yes; difficult decisions will have to be made. Yes; there will be reductions in a number of areas. However, I am not and will not see any negative impact on the services we provide.

2.11.6 Senator J.L. Perchard:

Last week a Member described this whole process as a shambles. I think it is going from bad to worse. The Minister this morning was not prepared to confirm that private fee-paying schools provide good value to the taxpayer; he is not prepared to bring this proposal to the States for approval. I am worried by this. My question to the Minister is a simple one: will the Minister consider resigning?

The Deputy of St. Ouen:

No.

2.12 Deputy M. Tadier of the Minister for Treasury and Resources regarding negotiations with Unions and workers over the proposals for CSR stage 2:

Will the Minister confirm that he will be entering into negotiations with the Unions and workers over the proposals for C.S.R. (Comprehensive Spending Review) stage 2, and if so, will he inform Members when negotiations will start and give a date by which he expects the agreement to be reached?

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

Meetings were held with staff representatives on 11th October to explain proposals contained in the major areas of phase 2 of the comprehensive spending review; in other words, the Terms and

Conditions of Employment Review. A further meeting on the Terms and Conditions Review specifically was held on 15th October, and further meetings are planned with individual pay groups throughout November. Further discussions will continue and, depending on the subject matter, some of these meetings will be of a consultative nature, where others such as the Terms and Conditions Review will certainly involve negotiation. I expect consultations and negotiation as appropriate to be concluded by at the very latest June of next year in time for the lodging of the 2012 Business Plan.

2.12.1 Deputy M. Tadier:

I am glad that the Minister made a differentiation between what is going to be consultative and what will be purely explanatory. Will the Minister explain in a worst case scenario what will happen if the negotiations are not fruitful in that the Unions and the workers do not accept the proposed cuts?

Senator P.F.C. Ozouf:

Ultimately, if the Council of Minister is not able, through the good offices of our staff, to negotiate reductions of £12 million in terms of terms and conditions and some of the other comprehensive spending reviews, inevitably that will mean that the budget that will be proposed in a year's time will have higher taxes.

2.12.2 Deputy T.M. Pitman:

Does the Minister not agree with me that Jersey's Unions have a very commendable long history of moderate and commonsense approach to negotiations that should be applauded and, in fact, that they have been badly let down in recent Government approaches to negotiation, and will he ensure this does not happen in the future?

Senator P.F.C. Ozouf:

I do not think that our staff has been badly treated. I welcome the fact that there are good and forthright Union groups that make representations very strongly. But I have said, and I will say again, that I do think that our employee relations generally need to be modernised and to be characterised by a partnership approach as opposed to a them-and-us stand-off situation, which I am sure the Deputy and the other questioners are not suggesting, but which could be concluded by someone saying simply: "There is absolutely no way that we can make savings in what is the largest area of expenditure in the public finances."

2.12.3 Deputy T.M. Pitman:

Could I just follow up? Is the Minister saying that he is entirely happy with the negotiations that took place with the teachers recently, because most people think they were absolutely disgraceful?

Senator P.F.C. Ozouf:

I am not familiar with the teachers' issue, but what I do regret is the fact that unfortunately in terms of the pay freeze the Council of Ministers was put in a position where because there was a Back-Bencher proposition - I am not criticising the Back-Bencher concerned - we were then put into a position of having effectively to almost impose the issues that were being well discussed and rehearsed in this Assembly before. What I am hopeful is that we will achieve this time a partnership, collaborative, negotiated situation in relation to deliver terms and conditions savings well in advance to any decisions in terms of budget that will be taken in the Business Plan next year.

2.12.4 Deputy G.P. Southern:

I am quite frankly amazed that the Minister could blame the pay freeze which was his idea, on Back-Bencher approaches. But nonetheless, does the Minister accept that a partnership approach

was seriously damaged by his approach to the pay freeze last year and that he will have to make amends in many ways if he is to establish trust with the Unions that has been broken in 2009?

Senator P.F.C. Ozouf:

The Deputy is entitled to his opinion. My own relations in terms of people that I speak to in the public sector, it does not characterise and I do not recognise the situation that the Deputy paints.

[11:00]

What is clear is there are some difficult decisions in terms of public finances, and we need partnership with Union representatives and we need partnership with our staff in order to deliver savings where they can be achieved and where they are necessary. There has to be a realism in terms of what is achievable in terms of public sector pay, and that is a realism at all levels, particularly in some areas at very high levels of public sector pay groups too.

2.12.5 Deputy M. Tadier:

Given the Minister's desire to work towards a partnership scenario, will the Minister advise in that case whether he would be in favour of having a Union representation right at the outset when discussing C.S.R. cuts with the Council of Ministers?

Senator P.F.C. Ozouf:

I think that Union rights are very important, but ultimately you will revert to legal rights and law when negotiations and discussions and partnership approaches have failed. I would want to focus my attention on discussion and dialogue, but request staff and also request States Members to be realistic about what is possible to promise our public sector workers. If we are unsuccessful in delivering comprehensive spending review savings, then it will be our public sector workers in the proportion that they make up of the working economy that will bear the cost of higher taxes.

2.13 Deputy R.G. Le Hérissier of the Chairman of the Privileges and Procedures Committee regarding the wider implications of the alleged secret recording of a member's comments and the use of this material by a Committee of Inquiry:

What steps, if any, is the Committee taking to deal with the wider implications of the alleged secret recording of a Member's comments and the use of this material by a Committee of Inquiry?

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

The Committee's report into the incident in question has now been published as R.123/2010, and I believe that the contents speak for themselves. The report deals with one specific incident in a particular set of circumstances and it is hard to see what wider implications there would be for other situations. Matters such as data protection or regulation of investigatory powers legislation which might, in certain circumstances, be relevant in relation to the recording of conversations, do not fall under the P.P.C.'s remit and it would be inappropriate for the Committee to become involved in considering issues relating to those aspects. The duty of a Member to provide information to a Committee of Inquiry is dealt with by Article 9(c) of Schedule 3 of Standing Orders.

2.13.1 Deputy R.G. Le Hérissier:

Would the Chairman not concede, particularly in the light of her other answer on parliamentary privilege, that we have a situation where a Member may in the future engineer a conversation, record that conversation and use it as a form of entrapment against another Member? Would she not concede that this is the situation we have laid ourselves open to and P.P.C. should be fighting this with all the energy at its command?

The Connétable of St. Mary:

I would like to make it clear that the report R.123 does not find any evidence of entrapment. In fact, quite the opposite. It accepts that there was no intention on the part of Senator Shenton to entrap the Minister into calling him back on a recorded line; that is just a matter of circumstance. Furthermore, the Committee found that Senator Shenton did have no idea that a conversation which was routinely recorded would have been of use in a Committee of Inquiry called 2 years later. I think the questioner is perhaps reading too much into this situation.

2.13.2 Deputy R.G. Le Hérisier:

While I do not doubt for a moment that the Senator's motives were not open to question in that respect, would the Chairman not concede further that another Member could well act in this manner, disguise it as a benign phone call and use that information against that other Member?

The Connétable of St. Mary:

I do not believe I am required to answer hypothetical questions, but I would refer the Deputy to my original answer, which said that there are matters which would fall under data protection or perhaps regulatory investigatory powers legislation, and these are not matters for the P.P.C. to consider.

2.13.3 Deputy M.R. Higgins:

I would just ask the Chairman to confirm to the House that when P.P.C. was considering this matter - and I am a member of P.P.C. - we work on the basis of the evidence we have, and we cannot infer motive on the part of the particular individual. We have to go with the facts that we have. The Chairman agrees?

The Connétable of St. Mary:

I would say that all investigations carried out by P.P.C. into alleged breaches of Code of Conduct are carried out fully in accordance with Standing Orders.

2.13.4 Deputy R.G. Le Hérisier:

A final. Despite the unusual sight of Deputy Higgins acting as an apologist for P.P.C., would the Chairman again not concede that when it comes to fighting for Members' rights, it is not a question of taking an interpretation or taking the laws at face value; it is a question of looking beyond the surface and fighting as strongly as possible to ensure that incidents like this in whatever manner they occur, are not repeated.

The Connétable of St. Mary:

I can only say that because the Deputy in his earlier question referred to the matter of privilege, that the matters of privilege as detailed in the excellent report produced in 2009 by the Greffier, do not allow for any excuse for a breach of law. There are laws which deal with certain aspects of recorded conversations, but above all, Members of this House should act with honour and integrity; and the element of the Code of Conduct that P.P.C. was investigating dealt with Members treating all other Members with respect and courtesy at all times. That is something Members can take from themselves, and I would expect Members of this Assembly to act with honour and integrity, not only towards each other, but towards members of the public and all persons.

2.14 Deputy T.M. Pitman of the Minister for Treasury and Resources regarding public sector redundancies resulting from his CSR policies:

Will the Minister confirm that although the number of public sector redundancies resulting from his C.S.R. (Comprehensive Spending Review) policies is likely to fall between 500 and 600, he is confident that between private sector job creation and income support monies all these employees will be financially protected given the current economic climate, and if so, can he explain how?

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

I do not recognise the Deputy's numbers that there will be in the region of 500 to 600 job losses as a result of the comprehensive spending review. The latest estimate suggests that there will be in the region of 70 posts' reduction in 2011 and up to a further 150 direct jobs in 2012 and 2013, although clearly the comprehensive spending review process has still some way to go. The phasing of the C.S.R. over a 3-year period, along with implementing any C.S.R. tax increases in a manner that minimises the impact on the economy, will ensure that the economy is in as robust a position as it can be in the coming years. Any individuals affected will have opportunities to gain other employment. The Skills Executive will be working hard to ensure that they have the right training opportunities for people to find employment, and as a last resort of course, there is the safety net of income support for those that might face any period without employment

2.14.1 Deputy T.M. Pitman:

It is difficult to get figures out of Minister so I will press on. As those of us who remember the failed, morally bankrupt policies of Thatcherism recall, a significant section of society was seen as expendable and thrown on the scrapheap for years, resulting in an entrapped benefit culture becoming a way of life. Given the danger of this happening in Jersey as a result of the C.S.R., what figure of unemployment does the Minister view as being acceptable, or indeed sustainable for the taxpayer should his optimism be misplaced?

Senator P.F.C. Ozouf:

No individual should be thrown on the scrapheap as the Deputy suggests. This Assembly and this Island have a strong record in terms of minimising unemployment and putting in policies to ensure that when the economy does sustain a downturn that we maximise job opportunity creations, and that is what we have done with fiscal stimulus. I would say that I would not want to see one person on unemployment benefit arrangements within Social Security. One person is a failure as far as what we are trying to do. There will always be a certain group of people that are transiting from one job to another, and everything that has been done in the last 12 to 24 months and all of the work that Social Security, Education and Economic Development do is designed to minimise unemployment. I would respectfully ask the Deputy not to be scaremongering about the necessary changes that the comprehensive spending review requires to put our public finances in order.

2.14.2 The Deputy of St. Mary:

The Minister is relying to some extent on private sector job creation. Does he not accept that public sector cuts reduce economic activity - despite what the Chairman of Corporate Services might think - and that that makes it less likely that there will be growth in the private sector to take up the slack?

Senator P.F.C. Ozouf:

Of course public sector money and public sector investment do have an impact on the private sector, and it is right to do investment in the private sector with fiscal stimulus and other measures in the economic downturn. But you cannot live on that for ever, and we are proposing to put in place spending reductions to balance our books and do everything that we possibly can for the private sector to create jobs. I would ask the Deputy to support the Minister for Economic Development in what he is doing in terms of these business promotion activities which are designed to create sustainable private sector jobs not at the cost of long-term taxpayers' money.

2.14.3 The Deputy of St. Mary:

A supplementary, please. Can the Minister explain why he thinks that public sector jobs are in some sense bad, and they are better replaced by private sector ones? I really personally cannot see the difference.

Senator P.F.C. Ozouf:

I have not said that. Public sector jobs provide public services, but they have to be paid for. There is no point in engaging in public sector stimulus which requires ongoing funding by taxpayers, either by debt or by higher taxes. That is not a sensible economic model. A sensible economic model is to invest in the economy in the downturn, which is what we have done, and then balance our books and create the right conditions for the private sector to prosper and flourish. That is what is going to provide stable public finances and low taxes and low unemployment.

2.14.4 Deputy A.E. Jeune:

Does the Minister agree that there are businesses coming to the Island and there is job creation in the private sector, and really what it requires perhaps is people to re-engineer the way that they work?

Senator P.F.C. Ozouf:

I agree with the Deputy. Every business must look at its costs; indeed, any organisation, whether it is a third sector organisation - a not for profit, a charitable organisation - a business or an Assembly. Every single organisation must constantly look at what it does and reduce its costs to increase productivity. Yes, I agree with the Deputy that there are new businesses coming to the Island and we must do more to encourage more too.

2.14.5 Deputy T.M. Pitman:

Does the Minister support the highly probable consequence of many public sector employees being made redundant ending up doing the same job for the private sector where they will quite likely be paid a minimum wage for the same work? Is he happy with that?

Senator P.F.C. Ozouf:

That is not envisaged in relation to any aspect of the comprehensive spending review. There does need to be a question, which is being posed by the comprehensive spending review, about whether the public sector provides in all circumstances all those services. In some cases the private sector and the third sector could provide the taxpayer with better value, more attuned services than the public sector. Those are discussions that must continue throughout the process and of the comprehensive spending review.

2.15 The Deputy of St. Martin of the Minister for Home Affairs regarding disciplinary action against the Acting Chief Officer of the States of Jersey Police:

In light of the criticism in the Napier Report of the Acting Chief Officer of the States of Jersey Police, will the Minister be undertaking disciplinary action against this officer in order to demonstrate consistency, and does the Minister still have confidence in the said officer's integrity and suitability to continue in office despite his imminent retirement?

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

The Napier Report confirms that the Acting Chief Officer of Police acted at all times honourably in an extraordinarily difficult situation. Neither his motivation nor his integrity is questioned. Both of those statements I deduce from paragraph 110 of the report. Indeed, the subsequent reports of the Wiltshire Police have shown that all the areas of concern which he raised in relation to the performance of the Chief Officer of Police were fully justified. There were very serious failures by a former Chief Officer and the consequences were very serious. Furthermore, the Napier Report confirms that the Acting Chief Officer waited for independent written confirmation of his concerns from the Metropolitan Police. In the light of those major considerations where the Acting Chief Officer is fully vindicated, the criticism of Mr. Napier is very minor, and so my answers directly to the questions are firstly, no, of course not; there is not a disciplinary issue here.

[11:15]

Secondly, that consistency is best served by proportionate responses to all issues. The issues raised by Mr. Napier are very minor, whereas the matters relating to the Chief Officer of Police were very serious. I have full confidence in the integrity of the Acting Chief Officer and so does Mr. Napier. The Acting Chief Officer is an excellent officer, and if he had not been driven to withdraw his application by the hostility and persistent inaccurate accusations of certain States Members, then I would have had great pleasure in proposing him to this Assembly as an excellent future Chief Officer. **[Approbation]**

2.15.1 The Deputy of St. Martin:

It is surprising how people who read a report come to a different conclusion. No doubt if all those footstamperers read the report they may well have seen something different. I would particularly refer the Minister to paragraphs 99 and 100, where the actions of the Acting Chief Officer certainly to my mind make the man totally unfit for the job.

The Deputy Bailiff:

Your question please.

The Deputy of St. Martin:

I think it is totally unfair - totally unfair - for Members to level allegations at people like myself and other bloggers who ...

The Deputy Bailiff:

Deputy of St. Martin, please sit down. Please sit down. Deputy, the purpose of question time is to ensure that questions are put and speeches are not made. Will you please put a question to the Minister for Home Affairs if you wish to do so.

The Deputy of St. Martin:

Allegations have been made against myself and other Members of this House that we have made allegations against or questioned the integrity of the Acting Chief Police Officer and I think I am entitled to an opinion, just indeed as the Minister has, and I disagree with his opinion, and that is what I am saying. I do not believe for one moment, in light of the evidence that we have now received in the Napier Report, that ... I am entitled to my opinion based on what we have now read in the Napier Report.

The Deputy Bailiff:

If you do not have a question you have to sit down.

The Deputy of St. Martin:

I have a question, sir.

The Deputy Bailiff:

Well then will you please put it?

The Deputy of St. Martin:

I will put it, I was in the process of putting it, Sir. But I think, again, I was entitled to respond to allegations made against myself and other Members of this House. In light of the paragraphs 99 and 100 of the Napier Report, will the Minister agree that there are serious criticisms here about the way in which the Acting Chief Officer produced the interim report without any reservations or any qualifications to the Chief Executive Officer and the Minister for Home Affairs?

Senator B.I. Le Marquand:

Yes, I am very happy to analyse the nature of the criticism. I would have done earlier except I would have been told off by the Chair. The nature of the allegations or the criticisms, were that the

Acting Chief Officer did not sufficiently explain that the findings of the interim report were heavily qualified. What he wrote in his letter of 10th November 2008 was: "On 10th November 2008 I received an interim report detailing the initial findings." Therefore, he made it clear that the report was both interim and initial. Now, I am not quite sure why Mr. Napier criticised that because I am not sure what he means by "heavily qualified". The findings of the Metropolitan Police report, the interim report, were understood to be interim and initial because they had not yet spoken to the former Deputy Chief Officer who had been the senior investigating officer. But once they had done there was no material change in the full report which was received in December 2008. That is why I categorise these criticisms as minor, I am not even sure they are right at this point in time. But even if they are right they are most certainly very minor.

2.15.2 Deputy M.R. Higgins:

I am surprised at the statement made by the Minister that the failures relating to the suspension are minor. Mr. Power was denied natural justice in the way that he was initially suspended. Can the Minister justify, on the basis of the information available at the time of the initial suspension, that it was justified and the process was correct?

Senator B.I. Le Marquand:

Deputy Higgins may have misunderstood my answer in relation to the criticism being very minor. That was an answer which related to criticism of the Acting Chief Officer, which of course is the subject matter of the initial question. The fact is now that Mr. Napier has criticised the initial suspension and the basis of that criticism is different from the basis of the criticisms which I had made earlier, and I believe which the Royal Court have made earlier. What is apparent is that there was extra information available which could have been made available to the then Minister for Home Affairs, which provided overwhelming grounds for suspension. It is unfortunate that he was only provided with partial information and the criticism of Mr. Napier in that regard relates to the decision based upon partial information. But there was lots of other information of which I am aware which was not provided to him at the time.

2.15.3 Deputy T.M. Pitman:

I am not sure if the Minister is aware that the Acting Deputy Chief described the criticism as being par for the course. But is he aware that it was under the watch of the same current Acting Chief of Police that emails given to the police in relation to a complaint by a States Member allegedly somehow ended up in the hands of the former Bailiff, and is he happy that this should happen?

Senator B.I. Le Marquand:

I am afraid I do not know what the Deputy is talking about.

Deputy T.M. Pitman:

It was mentioned in a court case only the other week that somehow emails handed to the police by a Member of this House were passed on to the former Bailiff. How could that happen? Is that standard police procedure and is he happy with the Acting Chief's handling of that matter?

Senator B.I. Le Marquand:

I am simply not aware of the circumstances. I would need to have a specific question so that I could find out the appropriate information. I do not think, with respect, that is a follow up from the question asked originally.

The Deputy Bailiff:

It is broadly related to confidence in the Acting Chief.

2.15.4 The Deputy of St. Martin:

Will the Minister confirm that as all the allegations in the Wiltshire Report have been withdrawn, therefore, there is no substance at all to them because obviously they have been withdrawn? Will the Minister therefore agree that the Chief or the former Chief Officer's character is unblemished?

The Deputy Bailiff:

That is not related to this question.

2.16 Deputy M.R. Higgins of the Minister for Treasury and Resources regarding the impact of cuts in Jersey to public sector spending:

Does the Minister for Treasury and Resources consider, in the current economic climate, that it is correct to engage in £65 million of cuts in Jersey to the public sector spending, and will he give assurances to the Assembly that if his proposals push the Jersey economy back into or prolong the existing recession in the Island that he will delay the cuts until the economic conditions enable him to adjust the threshold?

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

I think it is vitally important that we take difficult decisions now to return our public finances to balance by 2013. I would refer the Deputy to the answer to the written question 5734 where I responded to Deputy Southern and I said the C.S.R. savings, as I said earlier, represent 1.8 per cent of G.V.A., significantly less than most other countries. There is a phasing-in of savings, that means that there is much reduced risk to economic recovery. The Stabilisation Fund will be exhausted this year and we will still run a deficit of £50 million in 2011. We will take on board advice that any tax increases should minimise the impact on competitiveness. We have a clear and credible strategy for dealing with the deficit and returning finances to a sound medium term footing, and Islanders and businesses can have confidence in that plan to plan for the recovery ahead. So I do not believe that the proposals will push the economy back into or prolong the economic downturn. However, I can assure the Deputy that I will continue to take economic advice, including that of the F.P.P. (Fiscal Policy Panel), and should the downturn in Jersey last longer than expected, or finances turn out to be worse than expected, I will look at all options to ensure that the policies we implement are supportive of the future economic success of the Island.

2.16.1 Senator S.C. Ferguson:

If the outside economy does anything like go into double-dip or the Americans do not pull out as quickly as we hoped, does the Minister for Treasury and Resources contemplate the use of the Strategic Reserve and under what circumstances would he do this?

Senator P.F.C. Ozouf:

I think that a very good question. The C.S.R. and the budget proposed later on this week proposes that there will be in the region of a £50 million deficit and a return to balanced budgets within 3 years. I am pointing out that by the end of 3 years we will have withdrawn the full £156 million from the Stabilisation Fund. Our estimates are the mid point of what we expect income to be in the next 3 years. If it should be the situation that there is a downturn, a double-dip, which I do not expect, and all of the economic advice that I have heard does not anticipate, then there could be circumstances within 2 or 3 years where we would make some sort of withdrawal from the Strategic Reserve in order to deal with those exceptional circumstances. However, the midpoint of what is being proposed is to balance the books within 3 years, and I certainly do not think that we should be planning, at this stage, to make any further withdrawals from our savings.

2.16.2 Deputy G.P. Southern:

Can the Minister state by when, if he receives information that we are in double-dip or that the economy is not recovering, he will address the issue of potentially using the Strategic Reserve? At

what stage and with what indicators will he know whether we are in a deeper recession than he expects and will he, therefore, act?

Senator P.F.C. Ozouf:

The first thing that should be done is to maximise the job creation and the economic activity within Jersey. We may think, and we like to think, that we are incredibly an important nation state in our own right, and we are, but we are not the size of 300 million or 400 million people in the United States or the United Kingdom, *et cetera*. Therefore, a relatively small amount of activity generating new business in the developing markets of the Middle East and Asia Pacific can have a very important significant impact on the local economy and, therefore, we need to be nimble on our toes and go and get that greater amount of businesses in Jersey. In the event - and I do not contemplate a double-dip in the U.K. or the U.S. (United States) - there could be circumstances in 12 months' time where we would make adjustments to our forward projections if income tax was to fall short of where we thought. But we should not be planning that at the mid central point of our plans within the next 12 months.

2.16.3 Deputy G.P. Southern:

I ask the question again I asked him before, but does he have any evidence that we are coming out of recession yet?

Senator P.F.C. Ozouf:

The evidence is borne out in the Labour Market Survey, in also the Business Tendency Survey and in all of the discussions that I have with businesses. Yes, things continue to be difficult. Yes the economy is in the recession. But we are planning for the C.S.R. for activity in 2012 and 2013. The Deputy wants to put any consideration of public sector spending reductions off. That is the wrong thing to do. The right thing to do is to plan for balanced budgets on our mid-term forecast by 2013.

2.16.4 Deputy M.R. Higgins:

Obviously Jersey's economy basis is largely on finance, is export driven, and we are very much dependent on what is happening in the rest of the world. When we see what is happening in the United States and in Europe where the economies are depressed and could go into a double-dip recession, does he not think that the question of timing of his cuts could have a major impact on the economy? If the world economy is not recovering, and he cuts now, we may not get the growth that he is talking about and we could get into a worse situation. Does the Minister not think that he needs to be extremely careful before he cuts any money whatsoever and makes sure we are coming out of the recession?

Senator P.F.C. Ozouf:

The Deputy needs to look at the figures. In the period in 2011 public spending will be, to most departments, and from a net revenue expenditure, flat or slightly increased in some areas. He should not confuse the withdrawing of money in some areas, the reallocating of money planned, with the investment that is also being planned in services both this year, next year and the year after. In order to ensure that we can find the 2 per cent growth and more for Health, there are reductions in areas elsewhere. He needs to look at the net revenue expenditure and I look forward to taking him through some of the figures in the budget presentation on Friday.

[11:30]

2.17 Deputy K.C. Lewis of the Minister for Education, Sport and Culture regarding the booking of 2 spiritualist mediums at Fort Regent:

Further to news that on 30th October 2010 Fort Regent has booked 2 spiritualist mediums, does the Minister consider that this is suitable entertainment for a venue for which the Minister has responsibility and if so, why?

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

First of all, I have no power of censorship and although I would not personally attend such an event, there is nothing that restricts this type of presentation within the Bailiff's Entertainment Panel guidelines, providing it is a public performance and there is no restriction to the venue's public entertainments license, and that the individuals involved do not give private consultations. Nobody is forced to attend and the people that do attend are doing so as it is their chosen form of entertainment. If people do not want to see the show, quite simply, they will not go. I am told that the show is presented in a most respectful and sincere manner, and I can add that this is the case with the wide variety of entertainment presented at the Fort Regent.

2.17.1 Deputy K.C. Lewis:

I do not wish for one moment to offend anyone, especially if they are recently bereaved. But this entertainment - and I use the word loosely - is called cold reading, where the stage act will say loudly, in a loud voice: "I am getting a message through for a J, is there a James or a Joan?" I find it bizarre that someone can talk to us from another world, which is truly amazing, but suddenly they cannot remember their own name or even gender. If this is a performance or an entertainment, fair enough, but if these gentlemen claim to have messages from another world and charge £20 per head, that is wholly inappropriate. Does the Minister not agree?

The Deputy of St. Ouen:

I believe that the Deputy is very sincere in his views and I respect them.

2.17.2 Deputy T.M. Pitman:

Does the Minister agree with me that given the limited length of question time and the serious issues we need to discuss, perhaps Deputy Lewis should have withdrawn this, I am sorry, trivial question and simply asked one of the psychics what the answer would have been?

The Deputy of St. Ouen:

No.

2.17.3 Senator S.C. Ferguson:

Does the Minister agree with me that this question goes to a much deeper level in that it would entail the Minister really encouraging the nanny state and censoring what is being shown in our theatre?

The Deputy of St. Ouen:

Absolutely We have a Bailiff's Entertainment Panel guidelines and I do not wish to take over that responsibility.

2.17.4 Deputy M. Tadier:

Does the Minister agree that in these times of austerity, members of the public who both want to be entertained and perhaps have the wool pulled over their eyes could do so free of charge by attending the public gallery in this very Assembly and listening to answers given in Ministers question time?

The Deputy of St. Ouen:

No.

2.17.5 Deputy K.C. Lewis:

I was prepared for the sad comments but basically, as I have mentioned previously, if it is stated from the outset this is an entertainment and nothing more, I do not have a problem, but I wish to protect vulnerable people. Does the Minister not concur?

The Deputy of St. Ouen:

I am told that a reference at the bottom of the poster that advertises this particular event it states that: "Due to E.U. (European Union) legislation we have to inform you that this show is for entertaining purposes."

2.18 The Deputy of St. John of the Minister for Treasury and Resources regarding requests by Harcourt executives to meet with him to resolve the differences between both parties:

Would the Minister confirm whether he has declined requests by Harcourt executives to meet with him and resolve the differences between both parties and if so will he advise why he has not agreed to meet the company representatives?

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

To the best of my recollection I have not declined any requests to meet Harcourt executives to resolve differences. In any case, I should point out to the Deputy that the relationship between the States and Harcourt is via W.E.B. (Waterfront Enterprise Board) or in future S.O.J.D.C. (States of Jersey Development Company) and not through the Minister for Treasury and Resources. Given that W.E.B., I am advised, has terminated the heads of terms to develop the Esplanade Quarter with Harcourt in July 2009, there would be no reason for me to meet with them at this time.

2.18.1 The Deputy of St. John:

If the directors of W.E.B. were to make a direct contact with the Minister would he meet them?

Senator P.F.C. Ozouf:

If the directors of W.E.B. want to meet me then I am more than happy to do so.

The Deputy of St. John:

Can I rephrase that, the directors of Harcourt. My apologies.

Senator P.F.C. Ozouf:

I do not think that it is appropriate for me to meet with them. I am advised that, as I said in my answer, that W.E.B. has terminated the arrangement with Harcourt. The relationship is between W.E.B. and Harcourt and certainly I am not going to get involved in a relationship that is between 2 companies. I am going to be caught in crossfire which I think is inappropriate for me to do so.

2.18.2 The Deputy of St. John:

A supplementary, Sir. As the Minister with the responsibility for J.P.C. (Jersey Property Company) and W.E.B., would it not be appropriate for the Minister to lead if any negotiations are required given that we could all finish up in the court if we do not get around a table?

Senator P.F.C. Ozouf:

I think that my responsibilities for S.O.J.D.C. are the same as that I would characterise for any of the other owned entities. I do not get involved, in fact I resist getting involved in contractual relationships with people who are unhappy with negotiations with Jersey Telecom or Jersey Post or Jersey Water or Jersey Electricity. I am sometimes asked to do so but I resist that. It has to be for the board to deal with these issues and not the Minister because in some ways I am going to be undermining and usurping the responsibilities of the board themselves.

2.19 Senator J.L. Perchard of the Minister for Education, Sport and Culture regarding the number of students which the non fee-paying sector could accommodate before it would need to build more classrooms and employ more teachers:

How many students could the non fee-paying sector accommodate before it would need to build more classrooms and employ more teachers?

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

Before I answer this question I would like to answer an earlier question posed by Senator Perchard, which I do not believe I answered fully. I would like to say this: if, following the period of consultation with the fee-paying schools and an acceptable solution cannot be found, I will consult with the Council ...

The Deputy Bailiff:

Please answer the question you have been asked.

The Deputy of St. Ouen:

I will state that in my statement, perhaps, thank you. Overall if the primary non fee-paying sector was at full capacity a further 419 pupils could be accommodated without the need to employ extra teachers. In the non fee-paying secondary sector 137 pupils could be accommodated without the need for extra teachers and, in addition a further 181 pupils could be accommodated without the need for extra accommodation.

2.19.1 Senator J.L. Perchard:

Staggering figures, and I am taken aback. Is it not the truth then that the Minister, who currently has in excess of 500 students surplus capacity in his schools, is it not the case that he is proposing to take up the slack by forcing students away from the fee-paying sector into his own service?

The Deputy of St. Ouen:

No, I am not proposing to take up any slack. I am just simply answering the question posed to me by the Senator, and I would just like to add that this capacity is spread over all schools and all year groups. It is true also to say that certain youngsters who choose to access fee-paying primary schools spend the first 2 years in our primary schools and then disappear, leaving the classrooms partly empty.

2.19.2 Senator J.L. Perchard:

Does the Minister not realise that most people consider that the Minister is aiming his dart at the wrong dartboard and that the real problem is the overcapacity in the public sector provision which he should be dealing with?

The Deputy of St. Ouen:

If the Senator chose to come and inform himself properly, as I have requested him to do, he would understand the effort that the department has already made to deal with the issues of capacity and efficiency savings within the States school system. This is the first time for a long while that the department has challenged the fee-paying schools to demonstrate that they are able to provide an effective and efficient education for our children, and that is all we are doing. Thank you.

2.19.3 Senator J.L. Perchard:

The Minister really must take up the invitation put to him by Senator Le Gresley earlier this morning and bring back the details of this proposal to the States for approval. It really cannot be allowed for the Minister to, just by Ministerial decision, make such radical changes to our education. Will he guarantee before implementing changes above the 2 per cent C.S.R. proposal to the school fees, bring back a proposition to the States to get the full support of this Assembly and the people of Jersey?

The Deputy of St. Ouen:

If, following the period of consultation with the fee-paying schools, an acceptable solution cannot be found for all parties and all stakeholders, I will consult with the Council of Ministers and give proper and full consideration to the suggestion to bring a proposition to this House. I am not aiming to avoid my responsibilities, not only to the children in my care but equally to this States Assembly.

3. Questions to Ministers without notice - The Minister for Economic Development

The Deputy Bailiff:

Very well, that brings an end to that part of question time. We now come to Questions to Ministers without notice and the first question period is for the Minister for Economic Development.

3.1 Deputy M.R. Higgins:

I would just ask the Minister for Economic Development if he can update us as to how far he has got with the Shadow Board for the Harbours and Airport?

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

Yes, I can. I am delighted to say that we placed an advertisement and had more than 50 applications. We have whittled that down to a short list of 9, the final interviews took place yesterday and I hope to be in a position to announce to Members and the public the composition of the Shadow Board within the next few weeks.

3.2 Deputy M. Tadier:

Is the Minister still supportive of the Think Twice, Buy Local campaign?

Senator A.J.H. Maclean:

Yes, I am, very much so. I think it was a very important campaign, although it has not got the prominence that it had when we first launched it, the principle is still very clear. We encourage local businesses to engage as much as possible and for consumers within the Island to think about buying locally rather than off-Island, if that is possible. It is a 2-way street and it is very much up to local businesses to play their part in that in terms of being competitive.

3.2.1 Deputy M. Tadier:

Very much in the context of that answer would the Minister, therefore, extend that ethos to supplying information about companies which do not pay tax in Jersey versus those who do, so that consumers can make an informed choice about when they buy locally the taxes will also be paid locally?

The Deputy Bailiff:

Just one moment, Minister. Can I say to all Members and Deputy Tadier, if I may say so, that was a classic example of somebody standing up to ask a supplementary question without seeking leave from the Chair. It does not follow, particularly at this time of question time, that there is an automatic right to a supplementary question. There is a long list of Members who want to ask questions. Now, Minister?

Senator A.J.H. Maclean:

I think the role of the Consumer Council in this area is important and I think if indeed the Consumer Council would decide whether they wanted to compile such information and that it would be a benefit to consumers, then indeed that would be a route that I would suggest such information should be published.

3.3 Deputy G.P. Southern:

Given the troubles that we have in our postal service on the Island and the consultation paper sent out in response to that, which appears to have given up on the maintenance of a decent postal service, what consideration has the Minister given to adopting the arrangement in Guernsey, whereby their O.U.R. (Office of Utility Regulation) has a specific requirement to maintain a minimum service level?

Senator A.J.H. Maclean:

I do not know where the Deputy gets the idea that because the consultation is closed that we have given up on it. The consultation has closed, we hope to be in a position fairly soon to announce the position with regard to the consultation, indeed to what that is going to lead to with regard to a new U.S.O. (Universal Service Obligation) for the postal service, a matter which I intend to bring back to this House for Members to consider.

3.3.1 Deputy G.P. Southern:

The consultation taking place by his department proposes either 3 deliveries a week or 5 deliveries a fortnight. In Guernsey they are consulting with the public about reducing their deliveries from 6 to 5 in the week. They are doing a damn sight better on a similar basis, why has their proposal to cooperate fully with the postal service not been adopted by his department?

[11:45]

The Deputy Bailiff:

Deputy, “damn sight better” is not parliamentary expression, please withdraw it.

Deputy G.P. Southern:

I withdraw it, sir.

Senator A.J.H. Maclean:

I was going to say that I did not recognise that terminology. Nevertheless, I will say that the consultation has just closed, the matter is going to be considered before a proposition is going to be brought before this Assembly for Members to consider. I would suggest, having seen the initial results from the consultation, which I have reviewed, that I would not imagine a dramatic change to the U.S.O., there will be some need for a reduction, but I do not think it will go to the extreme ends that were suggested in the consultation paper.

3.4 Deputy P.V.F. Le Claire:

For some time now Condor Ferries has been operating a number of its vessels on 3 engines rather than 4, meaning considerable delays to people that are travelling. What protection is there for the consumer in relation to these sorts of issues when they are faced with the full fares and no redress, where in the airline industry they be given redress for delays, *et cetera*.

Senator A.J.H. Maclean:

The Deputy raises a very good point and, in fact, it was noted only recently in the media that Condor are ferrying a lot of business to the airlines because of the technical difficulties they have had. There is choice in the marketplace, people can indeed fly with competitive fares as much as use the sea. With regard to redress, obviously it is a requirement from Condor to provide minimum service in terms of frequency of sailings and standard of service that they deliver. They are very aware of the difficulties they have had in recent times and over the winter period the vessels in question are going to have a full overhaul. They expect, and I certainly hope, that that will lead to far better quality of service next year.

3.5 Deputy R.G. Le Hérissier:

In a survey of States salaries it appears that the Airport holds the dubious distinction of having the highest ratio of high paid managers to staff. Would the Minister agree that he is in total agreement with the management structure at the airport and he sees no need for reform?

Senator A.J.H. Maclean:

I would say that there is always need to consider reform if it is felt that an organisation is not functioning in the way that it should. I think the Airport has moved on tremendously in recent years under the leadership of the current Airport Director. It is a very well-structured and well-organised organisation, however the suggestion which has now been put into practice of establishing a shadow board will only help both the Airport and the Harbours improve the way in which they deliver their services and their operation overall.

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

Reverting back to the sea routes and fare pricing survey, we were promised a report to the States in April, it is now 6 months past April. I know you are waiting for the Guernsey Island to reply to this joint venture but if they do not, will you please bring a structure to the States, shall we say, within a month, would you agree to that? That might encourage Guernsey to respond a little quicker.

Senator A.J.H. Maclean:

I understand the frustration that the Deputy has with regard to this. We did make the decision to do a joint consultation with Guernsey. It was the right decision although it has slowed the process down. For that I am clearly as disappointed as the Deputy is. I have had a discussion only on Friday through teleconferencing with our Guernsey partners - in the interests of saving costs we now do not travel backwards and forwards as frequently, we teleconference - I thought I would just mention that. **[Laughter]** I made it very clear to my counterparts in Guernsey that indeed we needed to come back and make a decision on this matter within a matter of a few months. I cannot guarantee that it will be within a month. I like to be able to deliver where possible on the undertakings that I give, but certainly by the end of this year I would plan to come back with further information and clarity on the position following the consultation on sea services.

3.7 Senator F. du H. Gresley:

Does the Minister agree that the Chief Executive of Jersey Finance should not have tried to influence the budget debates by speaking to the media about his views on the possible effects on the economy if private Members bring forward amendments to the tax raising measures to be proposed by the Minister for Treasury and Resources in the budget?

Senator A.J.H. Maclean:

The Chief Executive of Jersey Finance represents the industry as much as he does the Island when he is promoting overseas, he was expressing, in the article that I read last night, his opinions of the likely impact on the finance industry of various outcomes. He raised some serious issues. I am not sure he was necessarily trying to influence anybody and I would also suggest that it is unlikely that the Minister for Treasury and Resources is going to be influenced either by the Chief Executive of Jersey Finance or anybody else for that matter. He will make his decision based on evidence.

3.8 Senator T.J. Le Main:

In view of the current shortage of rented affordable homes, every time I pass La Folie Inn it bugs me to think that there were 3 units of accommodation - certainly 2 cottages - there and I wonder what discussions have taken place or otherwise whether they could be utilised, even temporarily, for social housing or otherwise, but it seems we have got a very bad record in the leaving very valuable property just sitting empty and deteriorating?

The Deputy Bailiff:

Is that something you feel you can answer, Minister?

Senator A.J.H. Maclean:

I will have a stab, Sir. In all seriousness it was kind of you to ask but that particular property does fall down at the harbour. It has formed part of the East of Albert considerations for the future development of the harbour area, and that, indeed, has led to many of the delays that have gone on. It is frustrating, it has been a building that has been empty for a number of years, however it is now included in the plans and I understand is likely to go out for expressions of interest fairly shortly. So hopefully we will see a light at the end of the tunnel in this regard and a decent use for that building.

3.9 Deputy J.A. Hilton:

Last autumn, 2009, I attended a public meeting with many concerned boat owners with regard to the potential changing of moorings in the Old Harbour, I was wondering if the Minister could tell Members how far the consultation process has gone and whether any decisions have been made in that regard.

Senator A.J.H. Maclean:

No, no further decisions have been taken in that regard. At that time, and I recall it clearly, we took the decision to withdraw that proposition for further consultation. That process is ongoing and certainly it will be on the agenda for consideration of the shadow board, when it takes up its position, in terms of giving some further advice on the matter and appointing an appropriate group in order to give further advice.

3.10 Deputy C.H. Egré of St. Peter:

Would the Minister indicate when we can finally draw a line under the issue regarding the P.F.O.S. (perfluorooctane sulfonates) contamination of the water supplies in the St. Ouen Bay area? This issue has been going on for at least 14 years and the current Airport Director wanted this dealt with when he first arrived in Jersey; he is about to leave.

Senator A.J.H. Maclean:

Yes. I can only take responsibility for recent years, I do not go back as far as 14 but nevertheless the matter has been dragging on. Both the Airport Director and I have both been keen to get this matter resolved. It has not proved to be as simple as initially thought. We believe now that we are very close, although I have said this several times to the Deputy before, to be able to draw the matter at last to a conclusion and I believe that a letter will be shortly finding its way to the legal representative of the Residents' Association. Hopefully that will give some clarity and finality to the position.

3.11 The Deputy of St. John:

Given that P.F.O.S. does not break down, how can the Minister give an answer has he has just given to the Deputy of St. Peter, given that there is no end in sight to this particular product breaking down?

Senator A.J.H. Maclean:

I do not believe that I gave an answer that P.F.O.S. would be broken down, all I said was that I believe the letter would be finding its way to the legal representative of the association of residents affected by P.F.O.S. That letter will lay out in it the terms under which they will be affected or are affected by remedial work such as water, mains water connections and so on, that they will benefit from as a result of the pollution that they have suffered.

3.12 Deputy M.R. Higgins:

Can the Minister tell us when he will be tabling legislation before this House on the Financial Services Ombudsman? When will it come to the House?

Senator A.J.H. Maclean:

We have been working on that subject. We were working with the U.K. Ombudsman to get some clarity as to whether or not we could work jointly with them and we have had discussions: I had discussions on Friday, with my Guernsey counterparts on the same subject. The idea being a pan-Channel Islands Ombudsman in order to be more effective from a cost perspective. We believe that we will be in a position to report back to the House in December, which is an undertaking given previously to Senator Breckon who raised this matter.

3.13 The Connétable of St. Mary:

Driving to the States this morning I could not help but notice the location of the ferries by the enormous plume of black smoke I could see rising from behind the hotel. Will Minister advise Members whether he will be discussing with the operator engine replacements to ensure that the ferries operate cleaner; not only better but cleaner too?

Senator A.J.H. Maclean:

As we have already discussed, the ferries have had - and I am assuming it is the company we were referring to earlier on - a certain number of technical problems. The boats are going to be overhauled through the winter and we hope that will give a better quality of service and more reliability and so on. I will certainly raise the matter with regard to pollution but I suspect the issue is one that affects all ports around the world, although I do accept the concerns of the Connétable.

4. Questions to Ministers without notice - The Chief Minister

The Deputy Bailiff:

I am afraid that brings the first question period to an end. We now come to questions of the Chief Minister. I call on Deputy Hilton.

4.1 Deputy J.A. Hilton:

With the proposed town park due for completion some time towards the end of 2011, beginning of 2012, can the Chief Minister tell Member whether any consideration would be given to inviting Her Majesty, Queen Elizabeth, to Jersey to open the park to celebrate in part her Diamond Jubilee?

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

I thank the Deputy, it is an excellent suggestion. I am aware that the diary for Her Majesty is compiled some considerable time in advance and it may well be there will be an opportunity in the future for her to do that. I would not necessarily want to commit to doing it at the end of next year or the start of 2012, but at some convenient date that would be an excellent suggestion and I am happy to take it up and pursue it.

4.2 Deputy P.V.F. Le Claire:

Can I ask the Chief Minister if he was aware of whether or not Harcourt is in contention of application for compensation from W.E.B. at this time because if it transfers over under the States of Jersey Development Company I understand that settlement could occur without it coming back to the States of Jersey and just be done by officers? Is it the case that there is a claim for compensation at the moment, and what is it?

Senator T.A. Le Sueur:

I am not aware of any claim for compensation, if there was, I would expect it to be the directors of W.E.B. or the directors of S.O.J.D.C. to defend that vigorously. But, as I say, I am not aware of any such legislation being contemplated.

4.3 Senator J.L. Perchard:

Unlike his Minister, is the Chief Minister prepared to confirm that Jersey's fee-paying schools provide excellent value for money for the States and the taxpayer? Would the Chief Minister be prepared to advise his Minister that it would be prudent to bring to the States, for approval, any proposals to reform the arrangements between the fee-paying sector and the States of Jersey?

Senator T.A. Le Sueur:

I shall preface my answer by saying that previously I used to be a member of the board of governors of 2 of the private schools in question. I am no longer a governor of either of those schools but I do retain a position as a trustee of Beaulieu Convent. On that basis I think it would be improper of me to make any comments about value for money, although I have my own personal views. As far as advice to the Minister for Education, Sport and Culture, I am quite confident the Minister is capable of making up his own mind and will listen to advice from me and from other people.

4.4 The Deputy of St. John:

Given the reply the Minister just gave to Deputy Le Claire, reference Harcourt, in the event of any funding being required by the Jersey Property Company that we have just set up, it will be public money that will be being spent and therefore if any settlement is to be agreed will that come to the House prior to any money being handed over or any agreement being signed-off?

Senator T.A. Le Sueur:

It strikes me as being a very hypothetical question. Should a settlement of a significant nature be required, it may well be that the board of directors of the company would wish to seek comfort from the States. I cannot speak for the new board of directors, that will be for them to decide if and when that should ever come to fruition.

[12:00]

4.5 Deputy T.A. Vallois:

Could the Chief Minister advise the current status of the social policy framework and whether any new policy will be coming forward within the next 12 months?

Senator T.A. Le Sueur:

Discussions are ongoing in terms of the social policy framework on a couple of issues, mainly to do with elderly care and linked to some extent to proposals which the Minister for Social Security may be bringing in due course about the funding of that care. I am anxious to continue to work with what is now known as the third sector, and with that intent about 12 months ago I set up a social policy working group involving members of the third sector who are working among themselves and advising the social policy forum on ways in which that might be pursued.

4.6 Deputy G.P. Southern:

Given that we have already seen the proposals to meet the C.S.R. stage 2 cuts from 3 departments and the fact that 2 of those departments have not managed to meet their targets, will the Chief Minister assure Members that he will publish the targets and the proposals from the other 7 departments which we have not seen yet? Will he do so by when and, if he will not, why not?

Senator T.A. Le Sueur:

I am anxious that when we come to debate the Business Plan in the fullness of time Members will have all the information they require in order to make proper and informed decisions. The timing of that process will depend very much on the way that decisions are reached by Ministers and I would certainly hope that in the coming budget proposition being lodged there will be some further information available to Members.

4.6.1 Deputy G.P. Southern:

May I have a supplementary? Hope. Can he go a little further than that, will he have those published by the end of the week?

Senator T.A. Le Sueur:

It is not for me to publish, if anything is to be contained in the budget document that is a matter for the Minister for Treasury and Resources.

4.7 The Deputy of St. Mary:

In the *J.E.P.* on 13th October Islanders read that sewage overflowed into the critical care unit, A. and E. (Accident and Emergency) and the scanning facility at our hospital, and that this has happened twice in the last 12 months: "We get blockages on a monthly basis." Can the Chief Minister confirm that this is the vision that he has for our Island in the aftermath of cuts in public services?

Senator T.A. Le Sueur:

No, and that is precisely why, as the Deputy may be aware, that the C.S.R. proposals are far more lenient in respect of Health because we are aware of certain issues which do need to be addressed. For that reason I am confident that the new Minister for Health and Social Services will apply funds in the best way in order that we can have, and continue to have, a very good hospital service and a very good health service.

4.7.1 The Deputy of St. Mary:

A supplementary, if I may? Does the Chief Minister not see a link between sewage coming through the roof in our hospital, the fact that sewerage network in the whole Island is falling apart and the fact that our roads are £2 million a year adrift in maintenance? Does he not see a connection between that and the strange situation that Jersey is bottom of the class in the amount that it spends as a proportion of its wealth on public sector and public services?

Senator T.A. Le Sueur:

While there may be links there of a very tenuous nature, because what the problem at the hospital is, as I understand, is due to some construction difficulties rather than anything fundamental in the sewerage system below the road. That said, whatever the cause, the objective must be to put it right and make sure it does not recur.

4.8 Deputy M. Tadier:

I will be asking question 23, which I did not have a chance to ask. Given that the Chief Minister stated that the initial suspension of the Chief Officer of the States of Jersey Police, which was heavily criticised in the Napier Report, was justified in the light of the Wiltshire Report submitted a year earlier, can he confirm whether the ends justifies the means is now an accepted principle of his administration and, if so, which other areas will this be applied to?

Senator T.A. Le Sueur:

I believe the decision to suspend the previous Chief Officer of Police was correct at the time but I am also pleased that the findings of the Wiltshire Report fully endorse that decision. Accordingly, I make it clear that I have full confidence in all those involved in coming to the decision to suspend at that time.

4.8.1 Deputy M. Tadier:

A supplementary, if I may? It seems to me that Napier said that at the time there was not sufficient evidence either way to determine whether or not the suspension was justified, irrespective of what may have happened in hindsight. So can the Minister just confirm or reiterate that statement, because I do not think that is true?

Senator T.A. Le Sueur:

Yes. I am totally satisfied that on the basis of the information that I am aware of, there was good reason - justifiable reason - for the decision to suspend the Chief Officer of the States Police in November 2008.

4.9 Deputy R.G. Le Hérissier:

Elaborating upon Deputy Southern's previous question, would the Minister say what discussion occurred in the Council of Ministers when it was decided that the cuts for Health would be substantially reduced? Who then was it thought would take on the burden of the cuts which Health could not itself take on?

Senator T.A. Le Sueur:

I do not believe that the Deputy was at the workshop that we held for all States Members last week when it was quite clear from the independent assessors of the Health Department that the level of cuts which mathematically they might require could not be achieved and still provide the sort of service and the measures which Health clearly needed. On that basis, it is inevitable that the arrangements will have to be made good in other ways and I am pleased to say that arrangements have been agreed with Ministers to enable £65 million worth of saving to be delivered.

4.9.1 Deputy R.G. Le Hérissier:

A supplementary. I was at Scrutiny. I wonder could the Chief Minister say then who indeed has taken on those cuts?

Senator T.A. Le Sueur:

I have said, and will continue to say, that arrangements are still in a discussion stage and while we have agreed at £65 million worth of cuts, the precise details of that will become clearer in June 2011 and 2012 when the business plans for the following 2 years are each presented to Members.

4.10 The Deputy of St. Peter:

Following last week's debate and the Chief Minister's reference on a couple of occasions this morning to the new board of S.O.J.D.C., what action, if any, has been taken to advertise the positions for the role in this new robust board? Will the recruitment process be overseen by the Appointments Commission?

Senator T.A. Le Sueur:

I was discussing yesterday afternoon the process on which we might want to provide job descriptions, advertisements and so on in order to promote this as soon as possible. I am anxious that those advertisements for new directors should occur at an earliest possible stage so that we can move forward. I confirm also, and I am pleased to confirm, that I will want to involve the Appointments Commission very much in that selection process.

4.10.1 The Deputy of St. Peter:

A supplementary? Will the Appointments Commission be involved at the stage of setting-up job descriptions?

Senator T.A. Le Sueur:

It is not normal for the Appointments Commission to be involved in the job description. The purpose of the Appointments Commission is to ensure that the selection process is carried out in a fair and proper manner.

4.11 Deputy M.R. Higgins:

Today the U.K. Government is producing a strategic defence review and tomorrow will be announcing savage cuts to our armed forces. Has the Chief Minister been in any discussions with

Her Majesty's Government about either increased contributions from Jersey or the future role of the T.A. (Territorial Army)?

Senator T.A. Le Sueur:

The short answer is no. The contribution which the Island makes in respect of the T.A. is a very valuable contribution I am sure but in comparison with the scale of the cuts being proposed by the U.K. Government, whatever that may be and it will be known this afternoon, I suspect that the contribution of Jersey, even if it were to be doubled, would not make a significant difference to the overall problems that are facing the U.K. defence authorities.

4.12 The Deputy of St. Mary:

Yes. We have learnt that Health simply cannot deliver their cuts and I just put it to the Chief Minister for his comments that it would have been more sensible to tackle the cuts in a more intelligent and measured way, taking on board what the public might actually want from their public sector, instead of listening only to a very narrow band, a very narrow ideologically driven view, so the fat and the duplication was cut and not the services and the facilities that the public depend on and enjoy.

The Deputy Bailiff:

Was that a question?

The Deputy of St. Mary:

I would like the Chief Minister's comments on whether the process should have been more measured because we have now seen a cut in Health that has got to be shifted suddenly at the last minute to somewhere else, and we do not even know where?

Senator T.A. Le Sueur:

It is not a cut at the last minute, I totally refute that. When we started this process we set up independent review groups to look at the major areas of spending, such Health, Education and Home Affairs, and that group independently came to the view that the pressures on Health at the current time were such that the level of cuts required would be difficult to deliver. That is not my view but it is a view shared by independent outsiders at an early stage, and knowing that information we are better able to plan for the overall requirement which we all must have as States Members to reduce our overall level of spending. That would be done in a proper managed way over the coming months in order to deliver on the targeted £65 million which is necessary if we are going to keep our tax rises to a minimum.

The Deputy Bailiff:

That brings the second question period with the Chief Minister to an end. There is nothing under J. We now come to K and the Minister for Education, Sport and Culture will make a statement regarding grants and payments to fee-paying schools.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

5. Statement by the Minister for Education, Sport and Culture regarding grants and payments to fee-paying schools:

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

It is me again. I am aware that States Members are concerned about the possible consequences of the proposal to reduce subsidies to fee-paying schools and are worried about the effect on parents, students and even the structure of our education system. I want to allay those fears and ask for Members to be patient while my department embarks on an open and detailed consultation with the school governors. I have stated on a number of occasions that this is the beginning of a dialogue,

not the end, and time needs to be allowed for this to happen. I value the contribution fee-paying schools make to our education system. It is a unique system of which we can rightly be proud. It offers parents the choice of a State-provided private all faith education for their children and it delivers outstanding results. Parental choice is something I wholeheartedly believe in and will continue to promote. It is not my intention to pursue policies that will curtail parents' choice, lead to hardship for individual families or cause a transfer of pupils from the fee-paying sector. Equally I do not wish to see any pupil currently in fee-paying education deprived of their place through hardship and I will work with the schools to ensure that this does not happen. While no decisions have been made the option of setting-up a bursary fund will be considered to avoid any unnecessary hardship and help those affected through the transitional period. As part of the C.S.R. process, I have committed to finding the department's share of corporate savings. That share is £11.1 million. This is not easy to achieve when 80 per cent of this department's budget is related to schools and students. All aspects of the department's budget have been subject to rigorous review. From that potential savings have been identified in a number of areas, including fee-paying and non-fee-paying education and more detailed work and consultation with key stakeholders will need to be undertaken. So far in relation to the fee-paying sector, I have met collectively with the chairs of governors and subsequently visited each school to outline the proposal to reduce subsidies. I have asked both governors and head teachers to find ways to absorb the proposed saving by reducing costs and seeking opportunities to work more closely with other schools, thereby minimising fee increases. Some have already responded to this proposal and I am heartened by the approach they have taken. However, the dialogue needs to continue constructively and I am becoming increasingly concerned that the consultation process may be derailed because of speculation and fears about possible fee increases.

[12:15]

As I have already stated, this is the beginning of a process. When I next meet with the Chairs of Governors I am hopeful that we can agree the timescale for further consultation and discuss how it can be taken forward. My intention would be to complete the process no later than mid-December. This would give schools time to inform parents of the outcome before the year end. To facilitate the consultation and ensure that the views of the schools themselves are fairly represented my department will also be offering to provide governors with access to independent advice and support. This may help to identify opportunities for reducing costs while maintaining quality. While I appreciate that schools have already started to look at this, a degree of independent challenge would give pupils, parents, staff and - I hope - States Members a greater degree of confidence in the whole process. As Members will be aware, a number of parents have written to me and I am being encouraged to meet with them. I can see why some might think this is a good way forward, however, my department has only just begun to consult with the governors. Once I am more familiar with the implications of the proposal for each school further discussions will take place with the individual schools' governing bodies, on how the outcome of the consultation and particularly the findings of any independent review will be presented to parents. This will allow all stakeholders the opportunity for a more informed and constructive debate about the issues. It is inevitable that if government expenditure is to be reduced difficult decisions will be required. I will continue to keep Members informed as my department seeks to deliver all of the savings proposals. As I have said in a letter to parents, my department needs to be allowed the time to undertake the necessary work before ultimately decisions are made. I would therefore ask parents, and indeed States Members alike, for patience while this proposal is worked through. Thank you.

The Deputy Bailiff:

We now come to questions on that statement. I call first Deputy Trevor Pitman.

5.1.1 Deputy T.M. Pitman:

To what extent does the Minister have the continuing support of his Ministerial colleagues in pursuing this direction? If that support is not there will he be reconsidering the initiative? Indeed could it make his position untenable?

The Deputy of St. Ouen:

I have, collectively of colleagues on the Council of Minister, their support in pursuing this proposal and others. I accept, as I said before, it is difficult but the Council of Ministers are fully supportive of the direction I am going in.

5.1.2 Deputy G.P. Southern:

While I am fully supportive of the principles that underlie the proposals that the Minister for Education, Sport and Culture is bringing forward, does the Minister not consider that a more gentle approach, say by phasing-in his proposed changes over 5 years rather than 2 would have been a wiser approach?

The Deputy of St. Ouen:

This is currently up for discussion with the schools. We started with a target because this is obviously the way to move forward and it is from understanding the information that will be provided from those schools that we will determine the most appropriate - and I repeat, the most appropriate - period to introduce the changes.

5.1.3 Deputy P.V.F. Le Claire:

I can see the medium at Fort Regent being asked by the parents to knock on the head of the Minister and ask is anybody there. This seems to be one of the most ill-thought through processes that I have seen in my 10 years in the States. Normally funding is spoken of being removed when people have difficulty understanding how the structures work. So there I can see why perhaps it is only the beginning and why the Minister has to educate himself about how all these schools function and whether they deliver or not. So I would like to ask the Minister, on how many occasions did he visit these schools prior to beginning this consultation?

The Deputy of St. Ouen:

Visiting the schools is one thing and, as yet, believe it or not, with the pressure of work and other matters, I have yet to visit all schools that I am responsible for. However, I ...

Deputy P.V.F. Le Claire:

Could I just ask him to give way and answer my question rather than the one he has probably heard?

The Deputy of St. Ouen:

Rather than to educate myself by visiting the schools, more importantly I have spent my time in understanding the issues. Although I have offered Deputy Le Claire and others the opportunity to come and talk to me, they choose to exercise their right within this Assembly to ask all questions within the public domain. If that is the acceptable way forward so be it.

Deputy P.V.F. Le Claire:

I am not sure it is a point of order, Sir, but I certainly have not received an invitation to speak with the Minister. I asked to speak with him last week ... if I did receive it in an email yesterday, I have not had a chance to read that.

The Deputy Bailiff:

Time is marching on. Deputy Le Hérissier.

5.1.4 Deputy R.G. Le Hérissier:

Would the Minister accept that given these proposed cuts were going to amount to 45 per cent of the cuts put forward, he is going to find it very, very difficult at this stage to find alternative cuts? Why did he put forward a cut which took up such a vast proportion of the cuts proposal?

The Deputy of St. Ouen:

It was not a case of simply picking out one particular area. As I said before, a comprehensive review has been undertaken by my department. We have had independent consultants to come and challenge the services we provide and this is one area that independent body fully supported. I would just remind the Deputy that his panel also identified this area for savings, furthermore over the past 3 or 4 years not only the Comptroller and Auditor General but the Public Accounts Committee did the same.

5.1.5 Deputy J.A. Hilton:

What I would like to try and establish for myself and fellow colleagues in the public is whether these subsidies are at this present moment in time cast in stone. The reason I ask that is because I have looked through the Minister's statement that he has just read out and within almost every paragraph of the statement he talks about consultation, informed and constructive debate, and asking to be allowed time to undertake the necessary work before decisions are made. So it made me think that quite rightly he wants us to go through the consultation process, he wants time to be allowed to do that but are the cuts and subsidies cast in stone or are you saying at the end of the process that maybe there will be room for manoeuvre?

The Deputy of St. Ouen:

If we are to reduce overall government expenditure, we need to reduce costs. This is one area that has been identified where it has been required that we revisit the current support that is provided. The alternative, as all States Members realise - and the public - is that we have to raise additional taxes to fund the shortfall. I know it is a difficult message but that is what we are faced with.

5.1.6 Senator J.L. Perchard:

In the third paragraph of his written statement the Minister makes reference to the hardship caused during the transitional period. Will the Minister confirm that the transitional period he mentions is the period in which he proposes to halve the support provided to fee-paying schools? Firstly, will he confirm that is the transitional period or his definition of it, and when he talks about consultation can he confirm that the decision to halve the fees paid to fee-paying schools is made and the consultation which he proposes is simply how to implement his decision?

The Deputy of St. Ouen:

First of all, it is not my decision. It has been discussed at length at the Council of Ministers, it has been supported by the committee that the Senator is on, and indeed, as I said before, equally identified by the independent auditors. With regards to the support, I am not halving support. I wish the Senator and others would not only listen to what I say but equally read all the information that I have provided. I refer him to the statements and letters and other papers that I have provided over the last week or 10 days. The transitional period and the provision for those who might find themselves in difficulty, there is an expectation that the schools themselves have a facility in place. I want to be assured that (1) they have that facility and (2) that it is sufficient and, if not, I want to know what I can do to help them. Thank you.

5.1.7 The Deputy of St. Mary:

The Minister has been criticised for mishandling the consultation process in a sense and I just wanted him to comment on the difficulties of running a consultation where you know that the response is going to be extremely hostile and, indeed, is going to be on the front page pretty well as soon as you start the consultation. So that is the first question. I just want a comment on that area. The second, picking up on other areas that maybe he should have looked at. Has he paid equal

attention to the I.C.T. budget at nearly £2 million and schools advisers also at nearly £2 million, as I understand the figures.

The Deputy of St. Ouen:

First of all, with regards the form of consultation that is required, there are a number of challenges. First of all, I am dealing with private schools who are used to - and quite properly so - managing their own affairs, and discussing with the parents themselves about any action they are going to take. I also acknowledge that there are parents who are equally finding themselves in the situation that we all are, where the current economic climate is bringing pressure to bear on the money that we have left in our pockets. As such, I fully recognise this, however it does not deter me from following the right and correct path, which I will do. With regards to alternative savings, much time and effort has been spent at looking at all areas. If the Deputy reads the steering group's report that refers to my department he will see the different areas that we have considered. Is it easy? No. Is it going to be painless? No.

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

Just to follow on from the point made by Deputy Hilton. The Minister has referred to being at the start of the process and to consultation, *et cetera*, and I believe you have made reference in early questions to things at the start on 28th September. I do not need the details now but would the Minister undertake to at least clarify what communications have been sent to the fee-paying schools in respect of their grant for next year - it is a calendar year but it impinges on the academic year for 2011-2012 - and when those first communications were sent?

The Deputy of St. Ouen:

I will undertake so to do.

The Deputy Bailiff:

That brings questions on the Minister's statement to an end and we now come on to public business.

PUBLIC BUSINESS

6. Machinery of Government: establishment of Ministerial boards and revised system of Scrutiny (P.120/2010)

The Deputy Bailiff:

The first proposition is P.120 Machinery of Government: establishment of Ministerial boards and revised Scrutiny in the name of Senator Breckon and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to agree that the current system of government in Jersey should be amended so that a more inclusive system is established with the aim of giving all States members greater opportunities to influence executive decision-making, and that to achieve this aim: (i) the current restriction on the total number of Assistant Ministers should be removed and all Ministers should have a Ministerial board comprised of a minimum of 3 and a maximum of 5 members of the States; (ii) the members of the Ministerial boards should be elected and removed from office by the States; (iii) Ministers should continue to be appointed by the States as at present, but the Chief Minister should be given the power to dismiss a Minister with the prior approval of a majority of the other Ministers; (iv) Ministers should be required to consult with their Ministerial boards at a properly constituted board meeting before taking significant Ministerial decisions with the boards operating in accordance with the procedures set out in Annex 1 to Appendix 1; (v) the current system of 5 Scrutiny Panels with defined remits should be replaced by a

more flexible overarching system of Scrutiny as set out in Annex 3 to Appendix 1 where topic review panels will be established by a policy review committee to review individual matters of public interest, with all members other than Ministers and members of Ministerial boards with responsibility for matters that are subject to the review able to participate in such panels; (b) to charge the Privileges and Procedures Committee, in consultation with the Council of Ministers, to take the necessary steps to bring forward the necessary legislation to give effect to the changes with a view to introducing the revised system in 2011 after the next ordinary elections.

[12:30]

6.1 Senator A. Breckon:

Before I start what I would like to do is seek your permission that I will say something and then perhaps propose the adjournment because I do not think I can do this justice in the time available, bearing in the mind the ...

The Deputy Bailiff:

Let us take a view at 12.45 p.m.

Senator A. Breckon:

This is the second proposition along these lines. My original proposition was P.70 and that was a response that I had in regard to R.59/2010 which was a report that was produced called "*States Business Organisation*", and it was sub group report that was produced. That was presented to the States on 24th May 2010 by the Privileges and Procedures Committee. The foreword to that report at page 2 said the following: "In November 2009 the Privileges and Procedures Committee established a small subgroup to look at the organisation of States business. The decision to set up the group came in response to concerns about the significant increase in the number of States meetings during 2009 and the associated increase in the number of questions and the length of debates. On 18th May 2010, the subgroup presented its report to the Privileges and Procedures Committee. The subgroup report indicates very clearly that, in its view, the current system of government established in December 2005 should be reviewed and that matters that gave rise to concern during 2009, such as the rise in the number of questions or the length of States sittings are, in fact, merely symptoms of a wider problem." When I saw that, and I had a fear of the setting up of another review group: who would be on the review group, what would the composition be, what would their terms of reference be, who would they be reporting to, would it be P.P.C., would it be this House, when, who would listen, who would act and maybe even who cares? Where are we with this? I was really concerned that we were, perhaps, going to make a mess of this so, in order to avoid what I have seen as that negativity, I was hopeful that perhaps we would get a positive outcome by doing what we are doing today and the outcome, of course, is in Members' hands. The working group came from my original P.70 because my P.70 in (b) was asking the P.P.C., the Chief Minister to action what was in paragraph (a). There was a joint discussion and decision between the Chief Minister and the Chairman of the P.P.C. that, rather than wait for a States debate, then why not get together to discuss some of this at an early opportunity, which we did within a week or 10 days of P.70 being lodged. Also Deputy Tracey Vallois joined that group because she had done some work on Standing Orders and was, in fact, still doing some work and looking at the Scrutiny process and other things. Also, as I have referred to P.59, that subgroup was chaired by the Deputy of St. Peter who joined the group as well. That was the reason for that group coming together and I would like to thank them because what was on the agenda was P.70, in effect, and discussions centred around that, and I reserved the right to lodge it, anyway, if it was falling to pieces; but, thankfully, that did not happen. I would like to thank also the Greffier, the Deputy Greffier, the Scrutiny Manager and the Chief Executive to the Council of Ministers for their executive support in helping P.120 happen. That group looked at the possibilities and what is before Members today in P.120 in my name is something of a composite. But that is not to say there was not some discussion and tension and whatever to get there, but get there we did. What I would like to do

briefly is just to run through what the proposition says and my main object, really, was to be more inclusive and the reason for that is for us, politically, to connect with the people and to serve the public better and perhaps for us to work better as a House. Specifically, in certain areas, Assistant Ministers would be replaced by boards of up to 3 to 5 members and, as such, if you look wherever you like, if Members care to, there is no definition of the role of Assistant Minister and, as Members will be aware, they are not elected by this House. The boards, as I am proposing, would be involved in policy, in decision-making, they would be elected by this House and there would be a maximum of 2 boards per Member. Also, from the board, there would be a Deputy Minister and the proposal is they would be able to act in the Minister's absence; at the moment, this does not happen. Ministers' responsibilities can be delegated to another Minister in some instances, depending what the process is. The process for appointments of that would be very similar to what we have used in the past for Scrutiny Panels and formally for committees. Nominations would be made and then, if there are more Members than places, election would take place. Touching on that, I have also looked at the role of Scrutiny and I would like to say at the start that a great deal of good work has been done by Scrutiny and what I am suggesting, hopefully, will build on this. It would be topic-based. It would, I think, be interesting to those who got involved because, in my opinion and in my experience, some of the actual Scrutiny meetings now have become a bit too: "Blah, blah", as it were. There has been too much administration stuff and then what has happened is, if there has been a topic we have virtually, in my experience, had to have separate meetings to deal with the topics as well as hearings, and that is not the ideal way to do it. I think what I am proposing would perhaps cut through some of this. There have been views about: "Well, would people get involved with Scrutiny?" but I think they would because if the topics were interesting enough, about youth employment or unemployment or elderly care in services, mental health services, alcohol and drugs, waste disposal, recycling, grants made by the States; there are many subjects where I think Members would get motivated to get involved and I think the subject would generate the interest, the involvement and, in my experience, I would say that there would be no shortage of volunteers. Scrutiny has been in place, it was in the shadow for 3 years and it has been in full-flow for nearly 5 years now, and again, in my experience, I think the first 3 years were probably more productive than the last couple. I think at the moment there is a drift there and hopefully this would give it some impetus and some focus because I think, to some extent, that has been lost. But I would stress it is indeed still a very important role and it should be part of the machinery of government. In total, I would hope that the proposition is seen as seeking to be more inclusive to Members, that is for us as politicians so we can be more effective, engage with each other, engage with the staff and the clients, and engage with the public because in some areas I think we have lost it, and hopefully this will turn it round and bring it back. The other thing that is in there, and it has raised a few eyebrows and Members have questioned me, is it gives the ability of the Chief Minister to dismiss somebody, to dismiss a Minister. He said: "Why should that be allowed?" Well, there is a safeguard - there is a check and a balance - and I will give an example. Supposing the Chief Minister sacked the Minister for Transport and Technical Services because he did not turn up on his bike on Ecotravel-Friendly Day and that was the reason he had sacked him - because he was setting a bad example - but in fact, what had happened was his bike had been nicked from outside the pub, so he could not come in on it, so that was the reason. If the Chief Minister sacked him, when it came to this House, the Minister for Transport and Technical Services could stand up and say that and say: "Well, this is not fair at all, he did not listen to me, that is what happened, somebody pinched my bike." So that is why it would need to be a good reason that the Chief Minister sacked a Minister, he could not just because he did not like the person for some reason or there was a minor spat or a policy issue or something of that kind. That is in there and, as I say, questions were raised and my answer is that the check and balance lies with this House because the Minister could stand up and say: "Well, I want to stand again because this is not fair" and they could literally have their day in court in a very public way. The other thing that I am aware of is, I think, with some of the general issues and the public perception, perhaps we are not quite getting it right, and I think some if this has come about because the system we have got - the

Ministerial government - how is it working, is it working effectively? I am not sure that we cannot learn from some changes that are being proposed from here. But this is not the end of a process, it is part of a process. The question I would ask Members to ask themselves is: "Where we were now, is this where we are supposed to be, is this what was envisaged by Clothier and others?" and perhaps that is not so. I would just like to demonstrate that with a couple of quotes because some of this - or a lot of this - was cherry-picked or whatever, from the *Machinery of Government in Jersey Review*, the Chairman, who was Sir Cecil Clothier, so it has become known as the Clothier Report. Many times I have heard people say: "Well, we are not doing Clothier" but I am not sure if they have read it all or they know the whole thing about Clothier, because there are some interesting quotes in there, and I would just like to share a couple of those with Members. For the purposes of this, it is setting aside other issues that were touched in the Clothier Report, such as who should sit in the States for how long and what they should be called. This particular proposition has nothing to do with that and it is staying with a move to Ministers from committees. The report made a number of comments and, to set the general scene, the report said this: "Jersey today. On the face of it, Jersey is a prosperous and fortunate society with its economy buoyed-up on a tide of revenue driven by a burgeoning financial services industry. The Island is well able to maintain high standards of public services. When most societies around the world are concerned to promote and foster development, Jersey's problem has been to keep such development within bounds. The insular authorities have been able to cope with unforeseen overspends and with ill co-ordinated decisions and decision-making because the Island has been driven forward by a favourable wind." In my opinion, that is a very polite way of saying that we had money coming out of our ears and any fool could have run the place, because you could just throw money at it. The report goes on to suggest that forming an executive could diminish the role of other Members but suggests a strong Assembly may be a remedy for this which "holds the executive to account". Interestingly, quite recently some Members, including Ministers, find it a bit bothersome when they could be off somewhere else being important, as to why they should stand here and waste their time listening to Back-Benchers and answering some difficult questions. Clothier had this to say at paragraph 3.4: "An effective democracy requires not just an executive but the balance of a strong Assembly which holds the Executive to account and scrutinises its actions as well as contributing to the formation of policy." The evidence we have received suggests that the States have not adequately performed either their executive or their critical functions.

[12:45]

A number of those who have presented evidence to us suggested that the establishment of a central executive would, in effect, remove other Members of the States from the political leadership of the Island. I would ask Members to be aware of that ...

Deputy R.G. Le Hérisier:

I wonder, Sir, if this is a convenient time, if the speaker would not mind?

The Deputy Bailiff:

I was just going to ask the Senator.

Senator A. Breckon:

Yes. I will do that, Sir, yes. I am quite happy to propose the adjournment.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Very well. The adjournment is proposed. The States will stand adjournment until 2.15 p.m.

LUNCHEON ADJOURNMENT

[14:17]

The Deputy Bailiff:

The Assembly now resumes P.120. Senator Breckon?

Senator A. Breckon:

Thank you, Sir. Just to pick up on where I left off before lunch. The last quote from paragraph 3.4 of the Clothier Report mentioned that the establishment of a central executive would, in effect, remove other Members of the States from political leadership of the Island. That is not my quote, that is from Clothier. Also in the Clothier Report, at chapter 10: "Towards a more open democracy" at 10.1, it said this: "We have already noted fears about creating an elective dictatorship under which an Assembly and the public during the lifetime of government surrender to the Members of that government undue power and influence." That same paragraph goes on to say: "Nevertheless, we believe that, if a Council of Ministers is to be constituted in Jersey composed of men and women in whom the States have confidence, we need to ensure that Members of the States occupying executive office enable and encourage 'Back-Benchers' and the public not merely to scrutinise, and if necessary criticise, policy and Executive action after the event but also to be partners with Jersey's Ministers in developing policies serving the best interests of the Island and commanding the confidence of its citizens." I ask Members to question themselves; is that where we are, is that exactly what we have done? But 10.2 goes on to say: "For this pattern of democratic partnership to flourish, there must be a preference for transparency and dialogue as opposed to secrecy and government dogmatism." We have seen an example of this only last week when a Scrutiny Panel was denied some information so it is that transparency and dialogue as opposed to secrecy and government dogmatism. It was not government, it was a quango; so there were are. At 10.2, it goes on to say: "We have already pointed out that, for a Council of Ministers to be established in Jersey, one of the early items on the agenda should be to decide whether and to what extent to observe a convention of collective responsibility." This is from the followers of Clothier, this is what it said: "Where is the convention of collective responsibility?" Do we indeed want that if we are not all in it together; which is, perhaps, what I am saying. At 10.3 it also says: "If consideration of a particular issue is conducted in total secrecy until the announcement of a firm government decision, other opinions can only be expressed after the die is cast. It is an observable characteristic of governments everywhere that they are extremely reluctant to be diverted from the firm policy already announced." Again, that is from Clothier. The question for me is where are we and how have we got there and how, possibly, do we change that, how do we best go forward? But it is not just for the sake of going forward for the sake of it, it is something that I think should serve the people better, and that is really what is at the heart of this. I think it makes us, as politicians, more effective and to give more accountability and greater transparency. It is sharing some of the bad news as well as the good news. The other thing I think Members should ask is where does your mandate come from to do any of this? We govern by consensus so I think we must be aware of that and then the question perhaps to ask is will these proposals be a change for the better? I think they will be. Some will say: "Well, you are harking back." It is not a case of harking back, it is moving on from what we have got. What I would say to Members is I believe they would play a great part of this process, and it is not the end of it because any system will work until you put people in it, and then there will be some tension and some conflict but I think that is good and healthy. But I think, if we look back at Clothier, it is not here at all, it has been cherry-picked in part: we have a Ministerial system and we have some confusion, I think. But who is elected when and on what day is a matter for another day, we touched on that last week. The other thing again for the disciples of Clothier, we do not have a public sector ombudsman, which Clothier said, and we do not have a Freedom of Information Law in place which is another thing that Clothier said would be robust measures. I would say to those people who say we have not adopted it, remember that there are other parts that perhaps are not quite so high profile. When this report was produced, it was examined in considerable detail by the

then Policy and Resources Committee and they set up a steering group and the initial steering group consisted of Senator Horsfall, Senator Norman and Senator Qu  r  e and, from that, that group was expanded because what they wanted the group to do was to explore in greater detail from across the House. There were a number of meetings and projects went backwards and forwards but then what has happened was the group was expanded and Deputy Le H  rissier was a member of that group, along with Deputy Gerald Voisin and Deputy Routier, Deputy Mike Vibert, Senator Syvret, Kinnard, the Deputy of St. Ouen at the time was Deputy Ken Syvret, the Constable of St. Peter who was Constable Pollard, and Senator Christopher Lakeman. That group examined in more detail and they were consulting with the public as well, and there were 2 favoured options: (1) is not where we are now exactly, but it was a combined committee/Ministerial option and that is really what they honed in on. At the time, also, there were still lots of committees; the idea was generally there would be a rationalisation to about 7 or 10 but it says in here that: "The results of the steering group exercise [this is from P.122 of the year 2001] showed a clear margin in favour of 2 of the options. The system that scored most highly was the Ministerial/Clothier option and this was followed by the combined committee/Ministerial option. The lowest-scoring option was the present system of government [which was the one in place at that time] with a total score that was well under half that received for each of the highest alternatives." They say also in this report: "The results were arrived at only after a lengthy process of discussion by 12 States Members representing many different shades of opinion and with extensive experience of the States." Flowing from that, I understand it was a fairly close thing about what to do and one member of that steering group, which was then Deputy Michael Vibert, he proposed amendments to P.122 of 2001, which was the Ministerial proposals and, under that his amendment sought, which is very similar to what I am proposing today: "That the States will appoint up to 4 other Members to serve on a committee to be responsible for the policy and strategy of each department of Government with Members only being allowed to serve on one such committee." That is with a Minister at the head of it. That was a close vote. I have spoken to some Members who were in the House at the time who voted against that and, within a month, they regretted doing that and now there are probably more Members who voted against that who now think that perhaps it was not such a bad idea after all. In the then Deputy Vibert's report, he says this: "These proposed amendments to the Policy and Resources draft proposition on the States machinery of government are an attempt to marry the best of the present committee system with the objectives for the more effective, better-scrutinised government identified in the Clothier Report. This combined committee/Ministerial system only addresses changes to the existing committee structure and does not address the ancillary questions of the constitution of the States Assembly or the role of the Bailiff, *et cetera*. These proposals address concerns that the Ministerial/Clothier system being put forward by the Policy and Resources Committee is insufficiently democratic and concentrates too much power in the hands of too few people. They are driven by concerns that the Policy and Resources Committee's proposals could be to divisive, by splitting States Members completely between those involved solely in executive government and those involved solely in Scrutiny. I believe this could well lead to the introduction of adversarial rather than a consensus form of government and the unnecessary introduction of political parties in the Island. This could erode what I believe is one of the major strengths of Jersey's current system of government: that every States Member votes on every issue in line with what he or she believes is in the best interests of the Island and does not have to adhere to a certain party or government line. The main difference of the combined committee/Ministerial system to the Policy and Resources Committee/Clothier Ministerial recommendations is that, under these alternative proposals, all States Members would still be constructively involved in government with Ministers backed up by strategy and policy committees. An advantage of this alternative system is that it could be introduced relatively quickly in time for the next elections. It is proposed as a major progressive step and would not preclude the Island moving to a full Ministerial/Clothier system in the future, if and when an even more centralised system of government was considered desirable. The proposed committee/Ministerial system would work with a reduced number of States Members but, for illustrative purposes, assumes the membership of the States remaining as at

present.” Under “Background” it says: “In proposing these amendments to the Policy and Resources Committee proposal for reforming the Island’s machinery of government, I have also worked from the fundamental premise that current arrangements need to be changed.” There was general agreement that that should happen: “Where I differ from the Policy and Resources Committee is that I believe that the current system of government contains a number of features worth retaining, and I have sought to encompass these in my proposals. The combined committee/Ministerial system has also been arrived at after a lengthy period of consultation and reflection since the publication of the Clothier Report in January. As a member of the Clothier Steering Group, ours, like the Policy and Resources Committee, has given careful attention to the many views that have been expressed from all quarters, in particular, the work of the steering group and the meetings of States Members contributing greatly to the development of these proposals.”

[14:30]

The House, I can tell you, was fairly evenly split on this: “I am indebted to Sir Cecil Clothier and his team for the work they undertook in reviewing Jersey’s system of government. The fact that these proposals differ to some extent from the Clothier recommendations should in no way be interpreted as detracting from the excellent work done by the Clothier team which has precipitated this whole necessary debate on the Island’s system of government.” On combined committee/Ministerial systems, he has this to say: “The system proposes, as does the Policy and Resources Committee Ministerial/Clothier system, a reduced number of Ministries and departments to between 7 and 10. The combined committee/Ministerial system proposes that these departments are run by a Minister backed up by a committee involving up to 4 other States Members and the States Members would only be allowed to serve on one such committee. These committees would be charged with developing policy and strategy and presenting a plan for their area of responsibility to the States via a Council of Ministers for approval early in their term of office. The Minister and Assistant Minister of each committee would have executive authority to direct their department within the agreed strategic policies to have the committee approved by the States. Under the Policy and Resources Committee proposals departments will be run by a Minister with the help of just one or 2 other States Members who would be Assistant Ministers. The Policy and Resources Committee Assistant Ministers would be allowed to serve in more than one department. I believe this would concentrate all executive power in too few States Members to the detriment of democratic principles.” Those are not my words, those are the words of former Deputy Mike Vibert attached to his amendment to P.122. What I am proposing is not dissimilar to that. What it is, it is where I think the good Deputy’s were, it is about inclusivity and it is about Members working together, harnessing the talents we have got: testing policies, yes; questioning, yes; challenging, yes; scrutinising, yes, but engaging with the people and working together. I think that will get us in touch better but there is still a lot of work to do to do that. There was another quote which I would like to give to Members in P.122 of 2001. This was the proposal to bring in Ministerial form and it is at paragraph 6.7 and it says this: “It has been claimed that the Ministerial system could lead to a highly unsatisfactory situation whereby a Minister might seek to assume unlimited authority and, in this event, there would be no real checks on his or her decisions. This claim is not accepted. In the proposed new system, the Minister will, at all times, remain subject to the authority of the States and to the collective responsibility of the Chief Minister and the Council of Ministers. He or she will also be subject to regular public scrutiny under arrangements that are described in section 7. Thus, accountability will be clearly attributable to one Minister who will be held to account if he or she is not performing to the required standard.” I would like to just put in a little aside here, at lunchtime I bumped into somebody and they said to me: “I am not going to vote for that Deputy Gorst again because what is he doing, he reduced prescription charges and now he is going to put them up to £5.” I said: “Well, he did not reduce them”, and they said: “Well, who did?” I said: “It was a Ministerial decision” and they said: “Well, was it not discussed?” and I said: “Well, no, it was not.” “Well, what is going to happen about it going up?” I said: “Look, you

cannot blame it on ...” I hope Deputy Gorst will remember this, I said: “It was not him that reduced it but it will be him that probably has to reintroduce them.” It is on the person ...

Senator P.F. Routier:

Excuse me, just for clarification purposes, the previous Minister did put it forward but it was discussed with the Council of Ministers before it went any further.

Senator A. Breckon:

So it was the collective responsibility of the Council of Ministers that introduced prescription charges, so we have that. But that is the confusion among the public: “Who did it, where did the authority come from?” and they mention in here collective responsibility, so there we have seen an example of it, but of course the public knew nothing about it and they said: “Should you not have given it to certain people? If you going to means test people in other areas, you can do that.” But anyway, that is what I say about perhaps discussing things together and maybe sharing some of these decisions, not just the good news but the bad ones as well. Generally, is this where we are and is this where we thought we would be? I have touched on inclusiveness and effective and whatever else, but there are still some challenges to be had in there. I think what we have to do here is we have to set aside any personal differences and we have to be thinking about putting policy and people before that and work together on many of these issues for what I believe would be the common good. With this, I think it can work, it will work, but I think it must work because we owe it to the people. There is an example of that, and that is with the comprehensive spending review. There is lots of bad news out here but then we might not want to get involved, but we have to share it and we have to be taking some responsibility and play a part in that, and I think that is important. I have touched on the most recent machinery of government but there have been others and, again, the name of Mr. Le Hérisier crops up with a submission in 1987, and this was a review that was done by Peat Marwick McLintock in 1987. It is an excellent piece of work and from that came lots of things. They did this in 4 months and, as part of the process, it involved meetings, case studies, external commentators, meetings with the Governor, Crown Officers, 11 Senators, 10 Constables, 23 Deputies, 30 or more chief executive officers or accountants, members of the States Greffe, Unions, Treasury, external individuals. I believe this is important because, with some of this stuff, we have been here before. From this report came changes to the Public Finances Law. We have a Comptroller and Auditor General, we have some audit function that perhaps was not there before. We have a House Committee - or we had a House Committee - there was a Chief Officer’s Group. There was a review of the committee structure. But there are some things in here highlighted ... and the reason I go back to this is because I wonder how much we have learnt and how much we have worked together. Under the heading here of “Principles of Effective Machinery” it says this: “Nevertheless, there are certain principles which any well-designed organisation should follow. We set out our view of the main principles in appendix 1. We have used these principles to judge the existing machinery in Jersey and to build our recommendations for the future. The main principles are (a) there should be clear definitions of responsibility and accountability, (b) the machinery should be related to the needs of the job which has to be done and to getting it done, (c) there should be an ability to produce coherent policies and decide priorities, (d) the machinery should provide for the best use to be made of all resources, (e) there should be good channels of communication internally and externally, (f) there should be flexibility to change in light of changing external circumstances.” And that is probably where we are: “Overall findings. We do not find that the machinery of government in Jersey measures up to these principles. We regard the absence of machinery which enables co-ordinated policies and policy priorities to be set and resources allocated in line with those priorities as a particularly serious shortcoming. Nevertheless, on many indicators, the Government of Jersey has been successful: the Island is prosperous, there are generally high standards of service. This success can be contrasted with the economic retrenchment that many Western governments have had to face. Looking to the future, we believe that change is both inevitable and necessary. The demands of the external world will

become higher, the challenges greater. There is always a risk of less favourable economic circumstances” and that, perhaps, is where we are. But the reason I highlight those issues is because there are some things contained in this report, and we still have not quite got it right. It talks about property management: “The terms of reference require us to consider arrangements for the management of States property. We define ‘property management’ as the acquisition, design, construction, management, maintenance and disposal of property holdings. The contract group confirmed that this part of our review was to provide a broad overview of the very wide area of inquiry. Property is a major resource and its good management is particularly important in a small Island. The States is a major property-holder in Jersey owning property as diverse as office accommodation, housing, schools, harbours and the Airport. We have found that many of the general weaknesses which we have identified in the government machinery as a whole are to be found in quite an acute and obvious form in the property-management area.” It is a shame Deputy Le Fondré is not here: “Poor co-ordination, a lack of strategic approach and insufficient delegation, inadequate definitions of roles and responsibilities. In addition, we identified 3 problems specific to property: lack of a property management information database, shortage of skilled staff within government, shortage of some trade skills within the Island labour force. These are significant problems and, in the space of a brief overview, we have not been able to be prescriptive about solutions although we have been able to suggest a number of short-term measures. However, we consider the issues are sufficiently important to warrant a further review.” They go on to say: “We therefore recommend that a study should be undertaken to review committee and departmental structures, roles and responsibilities as well as departmental staffing in relation to property management, establish an Island strategy for property management and maintenance together with a process for setting and reviewing forward plans, examine the procedures and practices which are required for effective property management, define the requirements for a property-management database and consider how this might best be met. We do not consider that there are currently the skills or capacity available in-house to undertake this review and we recommend that it should be undertaken by an outside body.” My reason for reminding Members of that is, 25 years later, we probably still have not got this act together and I know one of the Assistant Ministers for Treasury has that responsibility, if somebody was just given, as Deputy Le Claire suggested, a responsibility for something, property ownership, management and the rest of it, nothing else, then perhaps we would get a better deal for that because I still do not see an office strategy, a landlord/tenant relationship, the maintenance plan. Some things for me are missing, maybe they have been done but I have not picked it up. If somebody has a responsibility, in my way of thinking, then they could report that and share that with colleagues in this House and outside it. That is, I believe, why we should get more involved.

The Deputy Bailiff:

Senator, I understand why it is necessary to look back over some history, for the purposes of proposing these changes, but you have been speaking now for three-quarters of an hour and, as far as I can tell, you have not yet directly addressed the proposition and I am wondering whether it might be convenient to do that.

Senator A. Breckon:

I did in the introduction, Sir, I did skip through that, but I was conscious of the time; my reason for doing that. I hear what you are saying, Sir, but this is the substance of it.

[14:45]

What I am saying, and I can demonstrate this in the next few minutes, is that there are other issues about financial management and what I am saying is - and I will come to court and case costs as well in minute **[Laughter]** - that because nobody has been directly responsible, then what has happened is we have trusted somebody to do it and the question is who have we trusted? There we are. With financial management, it says: “The main areas that were looked at and set down:

arrangements for setting, monitoring and controlling revenue, evaluation of capital projects, financial systems, and there is a wide range of processes.” What it says is that the main shortcomings were identified: the lack of clarity, the absence of a co-ordinated financial thing, the absence of financial discipline; this was a report that was done in 1987. Politically, who is responsible and the answer is probably nobody. The other thing there, something there that is worth quoting from: “The result of these weaknesses is that the States are unlikely to make the best use of its resources across the board, for example, poor value for money is being obtained in a number of areas, for example, there are no arrangements for central purchasing.” Members will remember about 3 months ago, an Article 11(8) request for £500,000, was to get the procurement process working. This report comes from 1987 so who has had the responsibility and the answer is, nobody has. What I am saying is politically, if somebody is responsible for that, they are answerable to the rest of us under delegated authority down through a board system and that is where it relates back because, if we get this right, then we do not have to start charging parents’ school fees. There are other things in there. The other thing that is in there that is worth repeating is, if we come to information technology, who is responsible for information technology? The answer is, probably nobody is. What I am saying is, under this, under some board, Treasury, Chief Ministers, whatever, somebody would. Because what it says in here is - this is from 1987: “The Treasury proposes to adopt the McCormack and Dodge GL:M system which would enhance considerably the existing financial control and financial management reporting arrangements. The I.T. (Information Technology) strategy for the States indicates that £10 million will be spent in the next 3 years”, that was in 1987. We still have not got a robust computer system. We have got JD Edwards, that again not everybody is linked up to, so the question is for me, who is responsible for I.T. and these millions of pounds going down the shoot? Who is responsible? The answer is: “Well, nobody is.” We have got another system that went into Social Security, Health is working on a system, there have been other things as well. The idea of having boards and some of these delegated powers is that somebody would. The other thing... I will come to this in a minute, because there are other things in here about elderly care, external communications, but there is something in it, I think, for Senator Ferguson. What we talk about here is audit and what they say in 1987 is this: “Audit. We noted 2 specific issues, (1) insufficient follow-up of action on audit reports by internal audit” the other one is: “Insufficient emphasis on value-for-money audits.” That was said. Just to come back, if we come to court and case costs, last week we got a report from Tribal on court and case costs and it said this: “On examining reports and recommendations from previous reviews, see footnote 1, it became immediately obvious, with some exceptions, the main issue has been the lack of implementation of the major recommendations made by previous reviews and that just providing another report would have a minimal effect.” Those reports it refers to are a review of financial arrangement for court and case costs in 2003, an independent investigation into court and case costs by the National Audit Office in 2005 and a special audit report 2009 - another one in 2009. What it is saying is: “Nobody has taken much notice. It is a 20-minute wonder, it has gone on, okay, it will all go away.” What I am saying is under boards - under this, if it is delegated - then somebody is responsible across departments for reporting for court and case costs and to ensure ... we have got the judicial system, that is not an issue, it is about the value for money. They say in here, in the Tribal Report, that “Towing cars, police” is court and case costs. Is it? It was. So there are things in there, so somebody should have a good look, but what they are saying is: “Move on.” Under what I am saying is that perhaps, and it would be progression, if somebody has responsibility for these things, the big issues: property, I.T., court and cases costs. A lot of money has gone into there, we had £15 million or more in confiscation funds, maybe more. It is to give it that attention to detail because that is not being disrespectful to anybody but, if we are all busy tinkering about doing other things, then maybe somebody could have the responsibility and the focus. That is really, with some of these issues, where I am coming from. That is really about all I have got to say and there are just a few things I want to say in summing up. I know there are a few amendments and I will not pass any comment about that because I think that, really, that is for the House to decide, but I think what I am looking for is to put the positive things together. There

are many things that Members of this House could do working together, out there in the community. That is not to say we agree on everything, that is not what it is about; it is about representing the people and doing the best we can under what will be difficult circumstances. The differences we have, that is good and healthy, that is a good test, but I think what I am proposing is part of a process and not the end of it. We have done 5 years, or very near it, with Ministerial government and I think if we take, say - I have said this outside - the Minister for Planning as an example, that is a terrific responsibility for one person, and I know that we have planning panels and assistance with that but, ultimately, the decision is one person. I am not comfortable with that because it could look iconic, it could look beautiful to somebody but the rest of us might be stuck with it for the next 70 years. I do not have a problem sharing some of these things and I think that is fair to people. It is the same as the Minister for Treasury, some of the things that will have to be done are not his responsibility alone and I think this House will be adult enough and grown-up enough to share that. That is the reason behind some of this. Sorry I have gone on a bit, I was interrupted by the lunch break so I have not run through for all of that time. I did have a fear that some people from outside would be asked to put something together and then we would ignore part of it or all of it, and I do not think that is where we should be. What is being proposed does need working up, there is some detail, as some of the amendments address, but it is part of an ongoing process. The machinery of government should be a living, working thing, as indeed we should, and we should be working in this House, working more together and working in the community. With that, I make the proposition.

The Deputy Bailiff:

Senator Breckon, would you forgive me if I ask you to clarify something because you have just been talking about the need to work together. But at page 15, which is in annex 1, the proposition which you make suggests that Ministers will maintain responsibility for their statutory functions. Are you intending to suggest that Ministers should no longer be the corporation sole? Members need to know what you are proposing. Who is going to have legal responsibility?

Senator A. Breckon:

No, Sir, the Minister is still the corporate sole; I think it does say that in there, Sir.

The Deputy Bailiff:

Thank you very much. Is the proposition seconded? **[Seconded]** Very well.

6.2 Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny (P.120/2010) – second amendment (P.120/2010 Amd.(2))

The Deputy Bailiff:

There is an amendment in the name of the Deputy of St. Peter - amendment number 2 - and I will ask the Greffier to read the amendment, please.

The Greffier of the States:

Page 3 of paragraph (a)(iv). In paragraph (a)(iv), after the words “properly constituted board meeting” insert the words “with minutes of the meeting recorded by an officer provided by the Greffier of the States”, and after the words “set out in Annex 1 to Appendix 1” insert the words “except that for the third paragraph under the heading ‘Administrative Arrangements and Support’ (which begins with the words ‘The Boards will be supported’)” there shall be substituted the paragraph set out in the Appendix to the amendment of the Deputy of St. Peter, dated 28th September 2010.

6.2.1 The Deputy of St. Peter:

I will not speak at length on this amendment as I think the report is self-evident. However, in so saying, if one looks back into the history of the States of Jersey, one will note that, almost from its inception, minutes have been taken right the way through. Up until the Second World War they were in French, post Second World War they were in English. I am quite happy to challenge any Member of the States who has come into the Assembly after 2005 when Ministerial government came in, to go to the Greffe's office and check on any one of those minutes of any of those particular committees and they will find there are comprehensive minutes of those meetings and how those decisions were taken. Sadly, for historians in future years, when they look at studying Jersey Government they will note that, in 2005, a veil dropped over the availability of that detail. It is sad to say that many of us have struggled at times to find information under the Ministerial system. That is why, when reviewing the initial proposition, the main proposition, when I found that, in my own neglect, because I was on the committee that was involved in setting up the main proposition, that the intention was that there would be 5 people moved out of the Scrutiny office into taking minutes and working within the Ministerial government, that those people would come under the control of the Chief Minister's Office. Sadly, in my experience especially in recent times, is that I do not have the confidence that I should have in the ability of people to act objectively at civil servant level. Therefore, I have brought this amendment with the view that any people who were due to take minutes of Ministerial meetings would be independent. I think that is crucial if we are to take this proposition forward because it means that we will enforce transparency into our system which, I am afraid, I do not think is there at the moment. I am concerned in the comments of the Chief Minister's Office, which perhaps is an example of why I want proper minutes taken, as to how these decisions were taken. We have comments for both the second and third amendment. I have to say, there are huge differences between the second and third amendments so it is not conducive to produce one set of comments against my particular remit, particularly when it comes to resources because, in my amendment, you will note that in the financial and manpower implications it is cost-neutral, as it would be. I make this amendment to make sure that we have an independent source of taking minutes of meetings and decision-making processes within the new system, should it be passed. I make the amendment.

The Deputy Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak? Deputy Le Hérissier?

6.2.2 Deputy R.G. Le Hérissier:

I have got no problem with the principle but I am a bit worried with the financial and manpower implications because there seems, despite the stirring words of the proposer, there is a conflation there or an assumption that officers who may be rendered redundant in the Scrutiny function will somehow move across, or their posts will move across, to servicing committees. I would like to make it absolutely clear that the role of being a Scrutiny officer, which we all know has been performed excellently by the post-holders at the moment **[Approbation]** is quite different to the role of being a minute-recorder. They provide very different challenges and I think we would be very wrong to assume that there is somehow going to be a transfer of one group of persons from the current role to that role, thereby making the whole proposal cost-neutral.

6.2.3 The Deputy of St. Mary:

On reading the comments of the Chief Minister, as the proposer says, mixing the second and third amendments, which itself was not too helpful, but on looking at those comments, I was amazed to read that in some way this amendment will add to the cost.

[15:00]

That is what the comments say: "Approval of either of these amendments to P.120 would certainly have resource implications for States departments" and they talk about 5 F.T.E.s (full-time equivalent) for the Deputy of St. John and it looks like 3 F.T.E.s for this amendment. I wrote to the

Chief Minister and copied all States Members in on the questions. I do not know whether the Chief Minister copied everyone in on the replies; in fact, I do not think he did, which was unfortunate, and the reply came this morning. I have just read it in my emails. Forgive me if this is not perfectly-tuned but, basically, what it appears from the Chief Minister's answer is there are 2 versions of how this function is performed, of how the boards will operate, and I think there is quite a clear case for saying that more work obviously has to be done on this as to exactly what the job entails. But, having said that, of course, I do support the thrust of the amendment, which is that it has to be within the Greffe, this function. But looking at the Chief Minister's response and looking at the original proposition, there are 2 versions and the first version of this function is on page 15 of the original proposition where we see that the committee clerks really: "Will work closely with relevant departmental officers. Officers supporting the boards will collate relevant papers for discussion, record action points and conclusions arising from each meeting and support specific lines of interest in terms of administrative and research functions." Then it says: "Each officer would be able to service more than one board", which I would certainly agree with, judged from that rough job description. Then it says: "Each individual department, when required, will be expected to provide all other support, including professional, technical or other assistance to the board on behalf of the Minister." That is what I would have supposed, that the department services the board. The department provides information to the Minister and provides information to the board members as is minuted in the board meetings, so if a member of a board has delegated responsibility, they can demand information. If they are in a big discussion and things are not agreed, then they can call for more information, and that would be provided by the department within its existing resources. That is the job of the department, to provide policy information and guidance and so on, and alternatives for politicians. So that is the version we see in the report of the proposer of the main proposition. Then we have the version of the Chief Minister, which is very different and puzzling, and requires extra bodies. I do not quite understand how there are these 2 different versions: "Support provided to boards must be effective, robust and high quality, which will require a designated team to assist their work beyond the department." Not the department, but a dedicated team to assist the work of the board: "While departments already support their Minister and Assistant Ministers within existing resources, given the regularity of board meetings and coupled with the demand to undertake all types of additional research for board members, departments will not be able to respond effectively and support boards should there be no designated officer in a department charged with this responsibility." So the Chief Minister is saying that these people who are serving the boards will become full-blown extra officers, digging-out information from within the department, but surely they just send an email and say: "The board requires such-and-such" or: "We need a paper on so-and-so." I really cannot see that there is this whole great extra wad of work that suddenly appears, because the work is being done. It is the same work, the minutes are being taken for new boards, and that is the sum of it. Then there are lots of other points about schedules, agendas and papers and so on, but I would just say that I do think the comments about the financial requirements are probably more correct in the proposal of the amendments version than they are in the Chief Minister's comments, and I would urge Members to go with this. It is absolutely right that it comes from the Greffe, and the matter of costs is a red herring, because the work is being done already by departments on the request of Ministers and Assistant Ministers, and I cannot see that the existence of these boards suddenly conjures up an additional X number of fulltime equivalents.

6.2.4 Deputy R.C. Duhamel:

It strikes me that the key issue is one of accountability and transparency, and it is very, very simple: either a government body wishes to have an audit trail to justify its decision-making or it does not. If it does, then a service has to be provided, it has to be an independent service so that there is no bias in order to account for the decisions and how they have been arrived at, so I think the amendment, in my mind is a no-brainer and hopefully will not take too long to agree to.

6.2.5 Senator T.A. Le Sueur:

I have got some sympathy with the Deputy of St. Peter in the first part of the proposition, but I think what Members need to consider is the role and activities of these future boards. Now, either they are going to be meaningful constructions - boards which really get into the heart of things and do things - or they are going to be simply either talking shops or a rubber-stamping exercise, neither of which I think would be what is required. But if we are going to make the boards meaningful, and the board members are going to be active, then there is no doubt that resource will be required. Now, the Deputy of St. Mary has suggested it is the job of the department to provide boards with all the information they require within existing resources. I have to say to the Deputy and to Members that departments do not have spare resources sloshing around in most cases - it is not an unparliamentary word - or spare in most cases in order to provide additional support. Departments have already honed-down all their staffing to the absolute essentials, but if we are going to deliver meaningful boards, if this main proposition is going to have a real effect, then I think we have got to acknowledge that there are going to be some manpower implications, and if there are 10 departments with 10 boards, I would have thought that something like one additional member between 3 or 4, roughly one-third of a post each, is not an unrealistic assessment. Otherwise, I can see what is going to happen is that boards are going to be frustrated, because they are going to want to get on with lots of activity and the department are going to simply say: "I am sorry, we do not have the resource to deal with that for another 3 weeks, 3 months" or whatever the case may be. Now, that will not be in the best interests of this proposition. So what I am saying, is if we accept this amendment, we have to accept that there are manpower implications at a time when we are trying to reduce that. I want, and the proposition itself wants, to keep the manpower implications to an absolute minimum. In fact, the objective in the proposition is to do this within existing resources. I am just giving a warning that I do not believe we can do a proper job in the way that the Deputy of St. Peter would like to see done within the existing resources, and that is why I made that caveat. I made that caveat about both amendments of the Deputy of St. Peter and the Deputy of St. John. I think the Deputy of St. John goes even further in that, so of the 2, I would say that the implications for the Deputy of St. Peter's one are smaller, but nonetheless, they do exist and should be recognised. We are too fond of saying: "Oh, we can do these things within existing resources" and do not recognise the financial consequences. If we are going to make a change, let us at least make that change with our eyes wide open.

6.2.6 Deputy J.A. Hilton:

I am nervous about supporting this proposition, partly because of the comments made by Deputy Le Hérisssier and the Chief Minister. Deputy Le Hérisssier made the comment that in the report I believe it said that the spare capacity in Scrutiny could be used, but as Deputy Le Hérisssier said, those scrutiny officers were employed to do a certain job and so I would ask, has anybody consulted with the scrutiny officers to see whether they would be interested in transferring into something which is completely different to what they normally do? While there is so much uncertainty around how the resource is going to be accessed, I really do not believe I can support this. There is too much of a big question mark over it. What I would like to know is whether the Chairmen's Committee were approached and asked how they felt about this proposition and the resourcing. I do not know whether the Chairmen's Committee was approached, but I would be interested to know whether they were and maybe the Chairman of the Chairmen's Committee could possibly tell Members what conclusions they came to. But the way things stand at the moment, I think there is too much uncertainty around the resource issue and certainly as far as the Home Affairs Executive is concerned, we have very few staff in our department. At the moment, we have one person working-up policy, and the suggestion that there is capacity within the Home Affairs Executive to provide all this additional information to board members, I do not believe that can possibly happen at the moment. So unless I can be convinced that there are no resource implications, I do not think I will be able to support this amendment.

6.2.7 Deputy G.P. Southern:

While in principle I have got nothing against this amendment, because it is a move in the right direction - in the direction of greater transparency and greater honesty in our dealings with the Executive - I nonetheless have problems, because try as we might, I do not think we can amend the curate's egg. There is something about the curate's egg, about this main proposition, that no amount of amending is going to correct. So I am very much worried that voting for an amendment - which improves things is still nonetheless inadequate - is a way to proceed, because there is a danger that if we think we have improved, it will get through. I fundamentally oppose the direction that Senator Breckon is proposing in the main proposition. So having said that, yes, in principle it is absolutely right that an independent person should be taking down minutes and recording what a particular - in this case - board does and that it should be responsible to some external body to make sure that it is right. Many Members here are probably since the time of committees, and in the time of committees, then that was completely independent. A committee clerk would stand there and argue until the cows came home with a president who wanted to change a minute and said: "Oh, I meant to say something else." "But what you said was that, and it stays." The committee clerk would do that, and quite rightly. At the moment, it seems to me we have got this mish-mash where a department, a Minister, a Ministry is responsible for their own action points and own brief minutes that we sometimes see occasionally. That is something that should be avoided. Deputy Hilton said: "I do not know what consultation has taken place with the current people who are officers in Scrutiny." I can tell her that morale is at rock bottom, officers are walking around with long faces, expecting redundancy - compulsory or voluntary - they are expecting half of their jobs to go and not knowing what comes next, and that some of those, I think one has left, who was in the good old days a committee clerk. In moving into Scrutiny, that person wanted a different sort of challenge. So the prospect of going back to what you used to do, what we did in the old days, is not an attractive one, and for many of those people who have come in since, they wanted the challenge of researching, of possibly changing policy, of being involved far more than a committee clerk is, as the neutral recorder of what goes on. So a completely different skill set that we are requiring of the current staffing, which has made them feel as if they are not valued and that their jobs are not valued and that what is coming up is a horrible time for them. That is the fact.

[15:15]

Having said that, I feel that I cannot vote for this amendment, first on the grounds that some Members might think it has improved the main proposition enough to vote for that, and I do not want that to happen, but secondly, I do not think the skill set is there. I think there is a big transition and a lot of discussion that needs to take place as to exactly what it is we need if we are going to amend the system as it is, and having said that, I will refrain from saying further until the main proposition, I hope.

6.2.8 Deputy J.A. Martin:

It is not often that I disagree with Deputy Southern, but this time I disagree with everything he has just said, and I mean everything. I used to work very well with Deputy Southern on Scrutiny, and it is not about that. We know where we are today, and I think today we are in the worst position I have been in 10 years in this House. The absolute animosity between the 'them and those' and 'this and that' is unbelievable, and Deputy Southern is one of the people that knows. He feels that he is always on the back foot because he is Scrutiny. He should not feel like that, but things happen in this House like last week, and we can obviously see why Deputy Southern and the rest of Scrutiny feels like that. If we do not do something, and as Deputy Southern himself, and I think the proposer said, this is not the end example, but it is a beginning. When I read the comments of where the 5 posts would be, nobody is necessarily going to lose their job, but supposedly, to have a minimum of 5. Now, it still could be 3, like the Deputy of Trinity, maybe the Minister for Health and Social Services, maybe she may keep me, she might have 2, she might have 3 people. I could do with another 3 people, but I do not think I need, being an Assistant Minister, loads and loads of

administration people under me. What I do want, I must have independent people taking the minutes. I must have that. I do not want them to come across from Cyril Le Marquand House and do that, because if Deputy Southern thinks he is worried about what Scrutiny members will be doing, it is who pays the piper, basically. Obviously, yes, I do feel sorry for the scrutiny officers who came in. There is one left that was a committee clerk and they did their job very well, and I know they enjoy doing this job. But Scrutiny is not just down in the doldrums because of this proposition. It is down in the doldrums because of how Scrutiny has been operating over the last few years. Anyone who wants to speak to them will be told that. Our system has brought in brand new people as Scrutiny chairmen and brand new people as Assistant Ministers, and I would say not all of them know what they are doing. It is only because they have not got the experience. They have not. But that is how our system is. So where do you learn? I totally agree with the Deputy of St. Peter. It is a resource. What did I write down: "What am I?" Yes, that is it: "What am I?" and I loved it this morning, I did. I had a personal thing to attend to, so I could not stay in question time, but what are we? We are politicians. I want politicians at that top table asking the questions. I do need lots of administrators underneath me saying: "Deputy Martin, this is the question you should be asking." I want another £184 million, I think our budget is - I am probably saying that wrong - but it is a massive budget at Health. The departments are wide and so versatile, and then there is Education, Sport and Culture - a massive budget. Home Affairs is the next. Social Security. Do they need an extra Assistant Minister? They need one Minister on income support alone sorting it out. One Assistant Minister should have been doing that right from day one. The Ministry is very busy. There is supplementation. So I do not need lots of administration underneath me to tell me what to do. We meet every week, whether or not it is a board. You give me an area of responsibility. That is what I think people are frightened of. I think this is what the Senator is getting at, you are responsible. The Constable of St. Clement is responsible for agriculture under Economic Development and I want to be able to come in this House and ask him: "Why this? Why that? Why not?" and if he does not know, he will fall on his sword. Luckily, the Constable of St. Clement always knows his business, he always does - and I am not buttering him up - but he does know it. I also heard this morning: "Oh, we have all been getting loads of emails. What on earth?" What are we? We are States Members. We get emails. You are lucky it is emails. When we were getting rid of interest mortgage relief, well, your phone was never off the hook. You were accosted in the street. You have got emails? That is part of the job. Our job is to interrogate, scrutinise, speak to the officers and if it does not smell right, you go a little bit lower and you find out: "No. Well, that is not what we thought would be the best way" and if that does not sound right, if you have time and there is enough of you, you go a little bit further. You go to the coalface, and I often go to the coalface. This, to me, I am sorry that Deputy Southern is not going to support the main proposition, because where we are today is the worst, as I started, that I have been in 10 years in this House. This is one step forward and where do you want these 5 people? Do you want them in the Chief Minister's Office or do you want them in the Greffe, independent? I know exactly where I want them.

6.2.9 The Deputy of St. Martin:

I have got a lot of time for Deputy Martin and we generally agree as well on a lot of the things. There are a lot of things that she said that I agree with, but I think we are going to have a slight disagreement about something this afternoon. I believe that we have really got to look: are we putting the cart before the horse, and are we designing a camel when we should be designing a horse? I just feel that I want to support what the Deputy of St. Peter is proposing, because I do not think any meeting should go without being minuted. We have seen the farce that we have had with the Napier Report, where all these secret meetings are going on, nothing is being minuted. I have nothing to do with the Executive. I do not know what the Ministers and the Assistant Ministers discuss or when they discuss it, but I would hope that their meetings are minuted. Maybe I could get nods from the Ministers to say: "Yes, that is a fact. Every time we meet with our Assistants, I have got someone minuting it." I am not getting any nods, so it is obvious it does not happen. We

have got Deputy Power at the back putting his hand up. But that is how it ought to be. If we are making decisions, there should be some recording of it, and that is why I believe that what the Deputy of St. Peter is asking for makes sense. However, the difficulty we have got is I do not know if I can support the initial proposition, because I think if we go back again, I can go back to the time when we were in the House and we were discussing what Deputy Mike Vibert was proposing, and I have got to say that I was one of those who opposed it, because I honestly believed - because I am such an honest guy - that the Executive were going to play the game. I thought there would be mutual respect between those on Scrutiny and those in Executive, but it got to be that if Scrutiny asked too many questions, you were then deemed to be the opposition. It got to a stage like it was last week, when a chairman of Scrutiny stands up and says: "Look, we cannot finish the job. Please do not go on until we have finished the job" and yet people who were members of Scrutiny themselves were voting against the Deputy coming up and saying: "Hold on, folks. We have not finished the job." So we have got ourselves into a right mish-mash, and I do not think today's debate is going to solve the problem, because we are going to probably end up voting for nothing, because we have to go back to the starting block and come up with something which can be supported. I am going to have difficulty in supporting what is being proposed by Senator Breckon, simply because it is neither fish nor fowl. It is not a proper committee. If it was going to be a proper committee, I could support it, and therefore I could then certainly support the Deputy of St. Peter, but if I support the Deputy of St. Peter, and what Senator Breckon is coming through, okay, but I do not really want what Senator Breckon is coming up with, because it is neither fish nor fowl. So I just ask, why are we debating this first without agreeing to the principle we are supporting Senator Breckon? Should we not be agreeing we are going to go along for the advisory and then having agreed that, then we agree to the minutes, because that to me would seem the most logical way of doing it. I can ask the question. Am I entitled to an answer, Sir?

The Deputy Bailiff:

The answer has come perhaps rather late, because we have taken the amendment already and are debating it, Deputy, so that we are going to do. But it is an amendment to the proposition so it has to be debated at this stage.

The Deputy of St. Martin:

The difficulty I have got then is knowing which way to vote, because I definitely want it minuted, but I do not want to support what is being proposed, so I think I am not the only one that is going to have a dilemma.

The Deputy Bailiff:

If that is the case, if I may say so, it is straightforward that you would vote for the amendment and against the proposition as amended, but still. Deputy Tadier.

6.2.10 Deputy M. Tadier:

I think we are making heavy weather and the Chair has essentially encapsulated the essence of my argument. I wrote this before Deputy Southern got up to speak. If you do not like Senator Breckon's proposition, if you do not want to see Scrutiny eroded and if you do not want to see a new hybrid system of boards put in place, then do not vote for Senator Breckon's proposition, it is quite clear, but do not use it as some kind of covert Machiavellian technique to say even though the Deputy of St. Peter's amendment is a clever one, and it is the right thing to do, because whether or not it is adopted, it would make the original proposition even better than it is now, I am not going to vote for it, because it might get through. I think it is unfortunate that we have to use these types of techniques, although I appreciate that Deputy Southern was being honest, so it may be what is going on in the mind of other States Members. I think that you have possibly 2 conflicting issues. You have got a certain part of the House which says: "We do not want this to go through, so we will do anything that we can to wreck it" and there might be another section of the House, perhaps

some Ministers included, which says: "We are not really bothered if this goes through one way or the other, but if it does go through, we certainly do not want to make sure that what exists has any real meaning and it could be dangerous to us." I hope that is not the case. So I will be supporting this amendment. It seems a logical step to do. It is right that the decisions and discussions with the boards, if they do come into existence, are minuted and minuted objectively. If I can comment quickly as well on the issue to do with the consultation which Deputy Hilton raised, that is more of a general issue again to do with the main proposition. It is not specifically to do with this amendment, because if Scrutiny is going to be reduced by the main proposition, it will be decimated, in my opinion, and therefore there will be casualties. But I do not think it follows that there cannot be a transfer of resources. We know first of all that I suspect that the scrutiny officers we have are very talented individuals, and I am sure that a certain number of them do have transferable skills which could go across to the new boards if that were the case. Also, I know many of them are probably younger, but there will be an element which may want to seek new employment. They might want to terminate and go elsewhere. There may be others who are coming up for retirement and simply those posts could be phased-out and simply used for the boards. So I do think that certain comments from the Chief Minister were grasping at straws. I do not think there are going to be huge resource implications. There will be a transfer and I believe the comments that have been put forward by the Deputy of St. Peter in the amendment there. So I think this is something which is sensible. If we are going to go down this road, we want to make sure it is done properly, openly and transparently, and I would say even if there are manpower implications and even if the Chief Minister is correct - and it is a big if - and that it will require one or 2 more jobs, that is simply the price that we have to pay if minutes need to be recorded. If we need to employ staff - again, it is a big if - then that is the price we need to pay for the system to work well and transparently.

6.2.11 Deputy J.B. Fox:

Sticking strictly to this amendment, I should say that P.120 is not new. It is working quite well in the Isle of Man, and the Constable of St. Peter and myself, at a recent Commonwealth Parliamentary Conference, witnessed it, and no doubt we will talk about it later in the main debate. As far as this goes, a few of us have been in the States just a slight bit longer that knew the committee system as well as the Ministerial system, and yes, some of us voted against Deputy Mike Vibert's amendment, and probably it might have been a different story if we had voted for it. But we are where we are, as the previous Chief Minister used to say, and we are looking at the difference between exclusive and inclusive, between the them and us and everything else. But what is the major difference? We are talking now to the Chief Minister's comment about it is going to cost more if we accept this amendment. Written questions: we did not have that under previous committee government. We had 20 today, 20 written questions. That has all got to be written out, examined, researched by the department and then sent back through the Greffe for us to all digest.

[15:30]

Then we have oral questions, which is 2 hours. There were 23 of those today. If we are lucky, we get through them, and if we are not lucky, they come out as a written question, but it does not alter the fact that someone in the department has had to research it and answer it and send it back, and then of course we have the questions here. Then we have the questions without notice. Now, one might assume that saves us a lot of work, but the Minister or the Chief Minister has got to have briefings from his department as to what is likely to be asked so that he can give - or she can give - a better answer than might have been possible if he just stands up there and waits for it to happen. Can we see the difference? Well, not even a BlackBerry is giving him instant answers like that. So this is another timeframe that we run into. Deputy Martin has just referred to emails. I had 48 the other day. Originally, I used to get all the phone calls as well and stopped in the street. It used to take me about an hour to go home and I only live about 15 minutes' walk away, because that is the way that things are done. But emails now get sent round to every States Member and every States

Member receives the answer from the particular questioner who has sent an email to the department or to a Minister, wanting to know an answer to a question. By the time you have got all those emails, do not go on holiday, because you will not cope when you come back. Well, when I was an Assistant Minister, I was 9 years on Education, Sport and Culture; I was responsible for youth appeals, scholarships, bursaries, *et cetera*. I do not think that I created that much work for the officers. In fact, my role was to assist the officers and all the staff and all the volunteers and everybody else, and put a lot of meat on the bone, if you like, which got things moving, got things going that a Minister would never do on his own and did not have necessarily the staff that was in that position to be able to do that above what is normally expected of staff. I had very good staff. So we are in changing times. I think independent minutes... I am on the P.P.C. and we get independent minutes there. We are very well-serviced. I am not on a Scrutiny Panel, but I have got no doubt from what I hear that the officers provide a very good service, and we hear that a lot of the meetings are taken with up administration and they have to have the sub-meetings after that. The new proposal under P.120 will provide all that. As it is now, you are going to be asked to support. The only major difference is that one comes under the Chief Minister's Office and does not guarantee having the written minutes, and the other one comes under the Greffe office, which has a process of recording that I am very familiar with, from the days of the committee system, and therefore I shall be supporting this amendment and I will talk to the main proposition later, no doubt, with the Constable of St. Peter.

6.2.12 Deputy P.V.F. Le Claire:

We must all admit, whether we want to or not, that the change that we made from the committee system into the system that we have at present was not necessarily the best thing that we ever did. I was there on committees and played an active part in government, and minutes were recorded and decisions were taken collectively by committees. I remember sitting on the Health Committee. They brought me on to the Health Committee, having had somebody resign, in order to get me on, just to keep me from having my temper tantrums at question time, to settle me down, get me into the feel of things. They got me on to the Health Committee. Former ex-Senator Dick Shenton invited me on the Health Committee, and I have made this point before, and it comes later with my amendment, but I was annoyed about the fact that some of the committee were trying to chastise the Medical Officer of Health for his health report, and on the next item of agenda, when he mentioned in his report that 200 people a year were dying because of tobacco-related illnesses, I wanted to do something about it, and that is why I got into politics. I did not get into politics - I am sure most Members did not - to check up on what the other politicians were doing. I think most people got into politics because they want to make a difference, they want to do something, and that is where the frustration has occurred.

The Deputy Bailiff:

Deputy, this is about the minute-taking.

Deputy P.V.F. Le Claire:

It is about minute-taking, Sir. I will be there in a minute. In direct response to the Chief Minister, I did not require any additional research officers or any additional minute-taking officers to conduct that piece of work. I was charged by the former President to go away and bring back a tobacco strategy and let the committee review it on a monthly basis. I went away on my own and worked with the officers on my own, and with the officers, we brought back to the committee the tobacco strategy. It has been the single most important piece of legislation, in the words of the Medical Officer of Health, that has occurred in her experience, to not only the costs, but also the consequences of ill-health from tobacco-related diseases in this community. There were no extra resources, but when I go back to the States building now and look at those times and reflect upon those decisions, because I was challenged by a member of the media as to having nothing to do with it, it is recorded that I was tasked with that responsibility. It is there for everybody to see,

unlike the current minutes, which are all on the 'Part B' agenda, along with the agenda. Keeping independent minutes, although Members might be saddened to find in 10 years' time they are talking about the same things that we are talking about now, nothing ever gets done, keeping independent minutes gives us an opportunity to hold to account the decision-makers of today in the future, and this is all about inclusivity, accountability and responsibility, and that is what I think most people want to see. I think in having independent minutes, we will be able to hold to account today's Members and future Members to their actions on these boards. I think there is a metamorphosis occurring and to witness, as I am starting to witness, lethargy setting in, signals to me that we want more of the same. I am above my ears with the animosity that permeates between Members in this Chamber. It has become a very unpleasant place to come and work. It certainly was not like this when I first came here, and the level and standard of debate and the animosity and acrimony between Members has to cease. It is not good for us and it is not good for Jersey, in my humble opinion. I think, if we can continue - and I am on track - to support the Deputy of St. Peter, consequently we will be able to appease the Chief Minister's concerns by going on to approve the Deputy of St. John's amendment, which says: "To provide research assistance for States Members, to be supported by officers to be transferred out of the Scrutiny section as part of the proposals." Certainly those officers who we are all concerned about will have an opportunity with some tweaking to have their roles redefined and to be put to work within the boards to not only provide the research that is required, but the policy formation that is also required by way of background. We can change this as we go forwards, but I certainly hope we are not here this afternoon to debate this for 4 hours and get nowhere.

6.2.13 The Connétable of St. Mary:

To bring this back, this is simply a question of the location of the staff that will be used to record the minutes and the workings of the boards. I hear stories about all sorts of goings on in departments, but almost universally, the Greffe is respected. They have the track record, they have the professionalism and they have the proven independence to be the absolute right place to locate these staff. Wherever the aims of the States shift, whenever this happens, there are always staff consequences to be dealt with. This Assembly today must make the decision of the route it wants to take and then trust that the Greffe will work out the staff issues. Just to clarify, we are not abolishing P.120 in the substantive. We are not planning to abolish the Scrutiny function. Indeed, when we come on to debate that, I hope to speak to explain how I believe - and I was involved on the working party and I spent a great deal of time doing this - that we will be enhancing and developing the role of Scrutiny. There will still be challenging roles for scrutiny officers under the new system. The number of people likely to be affected is low, because like every other department, the States Greffe has been subject to C.S.R. cuts. There are voluntary measures in place whereby the number of staff will be reduced as across the States as a whole, and so today we are looking at simply do we want these minutes to be taken by officers of the Greffe or the Chief Minister's Department? How that is worked out staff-wise is a matter for the officers of the Greffe, and I believe, as in every other case, they will demonstrate that they have the capacity to do that admirably.

6.2.14 The Connétable of St. Brelade:

I believe that it was rather interesting to just go back. There was reference to the fact that had the scrutiny officers been consulted. Well, I am not sure about that, but it is rather interesting to note that departments and Ministers have not been consulted either. So I speak from a position of neutrality, I suppose. I feel this proposition is the creation of another level of bureaucracy which presently does not exist. Within the C.S.R. process, we hear of a percentage of cuts all over the place, but here, we are just adding to administration, and I ask, can this be right? I would simply suggest a board meeting, should they be created, could easily be minuted by existing staff and departments. It is not rocket science and it is part of normal secretarial duties. There could be no lack of transparency by doing this and that board members would simply not sign-off the minutes

of the meeting if they were not in agreement. So my suggestion of keeping this within departments would cost much less in that the present staffing posts could be reduced. The structure is in place already and I would simply suggest that Members reject this proposition.

6.2.15 Connétable L. Norman of St. Clement:

It was Deputy Fox who I think tried to compare these new proposed boards with the Privileges and Procedures Committee and, really, there is a huge difference between the formalised committee and the proposed boards. The Privileges and Procedures Committee are elected and appointed by the States to make decisions and therefore it is important that those decisions are minuted and recorded because those decisions can even be made by a vote, 3/2, 4/1, whatever. But the proposed boards will not be making any decisions. Under the main proposal, they are merely consultative and advisory. So what are minutes? When you think about it, minutes are a record of decisions taken at a committee or at a board. Sometimes they are extended beyond the actual decisions to give some brief reasoning for those decisions. Minutes are not a verbatim record of what is said at meetings. They do not record things that are said. They do not record the discussion. They simply record the decisions. So in the scenario that we are faced with in Projet 120, there will be no decisions made and if there are no decisions made, as I said, because the boards are simply consultative and advisory, there are no minutes to take. The Minister currently makes the decisions and those decisions are recorded and are publicly available. Under Projet 120, under the very flawed proposition of Senator Breckon, the Minister will consult and be advised by the board but he will still make the decision and that decision will be recorded and that will be publicly available. So this amendment, I am afraid, just has not been thought through properly and is totally unnecessary, irrelevant and, as I say, there is no decision to record. Therefore we do not need any minutes.

[15:45]

The Deputy of St. Mary:

May I ask for a clarification from the speaker, please, Sir. I think it would help Members. I may be wrong but my understanding was that the Minister, in the proposed new set-up, had to take account of the opinion of the board members and it had to be recorded whether people were for or against that major decision. I thought there was some provision. Maybe it is in the original version.

The Connétable of St. Clement:

The Deputy of St. Mary really should have listened to Deputy Martin who said that the Constable of St. Clement is always right. **[Laughter]**

6.2.16 Senator T.J. Le Main:

I thought that the comments by Constable Norman were very, very true. I would like to also follow perhaps Deputy Hilton, Deputy Le Hérissier and Deputy Southern. I would like to remind Members that we have highly qualified professional scrutiny officers. We are talking about valuable loyal staff and I feel that it is wrong and discourteous to be debating at this time issues in relation to them. We have heard that the staff morale is low. I have a lot of sympathy for Senator Breckon's views on this. In fact, when I was the Minister for Housing, we tried over a number of years to involve other Members to assist my Assistant Minister and myself in coming to decisions and trying to pass some of the issues through them and with them. I honestly believe that if the Assembly today are going to support Senator Breckon - and I think I am at this present time myself - then the issues of all this, including staff, should be done in full consultation with the staff. I think it is awful and discourteous for 50 Members in the Assembly today to be discussing issues when we have got 5 members of staff there wondering what the heck is going on. It is an absolute disgrace and I believe that the whole conclusions if, as I say, we support Senator Breckon today, and I rather hope we will because I have believed for a long time that Ministers need some assistance in coming to some of the policy decisions and not get caught out like I was probably

caught out with the (j) cats, and what have you, and if I had been able to share it more with different Members, then I would have been able to get the message over perhaps in a better manner than probably I did. But it is my view that we should show some respect for our staff and by supporting this amendment today, then we really are not treating our staff properly. As I say, it is unprofessional, unfair and it is far too early. Let the Assembly, if they wish, approve this proposition of Senator Breckon. Let us go away; let us look at it; then we discuss properly with staff. But to leave them in limbo like we are doing today and discussing issues for all the world to listen to, and you have got members of staff with their morale rather low, a good loyal people, I think it is quite disgraceful. I am not going to support this. I think that all this should be done in a proper democratic manner and that the staff should be treated a bit more fairly.

The Deputy Bailiff:

On a point, Senator Le Main, I wonder if I could invite you to withdraw the expression “what the heck” which is not parliamentary.

Senator T.J. Le Main:

I have no problem doing that, Sir. [Laughter]

The Deputy of St. Mary:

On a point of order, Sir. I believe the speaker before last, inadvertently probably, misled the House because he claimed that Ministerial boards took no decisions and therefore did not need any minute takers, although we are discussing who would service the boards so it may not even be relevant. But the proposition in subparagraph (iv) of (a) says: “Ministers should be required to consult with their Ministerial boards” but there is not much point being “required” to consult with them if the response of the board is then not recorded. On page 14: “Boards would, however, make the final decision as to what might be investigated and prioritise this work within the resources available.” In paragraph (d) on that same page, the Minister would: “seek policy direction and advice from the Board in specific instances.” I rest my case.

The Deputy Bailiff:

I am not sure it is a good place to rest it, Deputy, if you were asking for a point of order, which I think you were.

The Deputy of St. Mary:

The point of order was that I think he was misleading the House and therefore that is a point of order, and I hope that he would withdraw that misleading statement.

The Deputy Bailiff:

You will recall that I asked Senator Breckon at the end of his speech in advance of the proposition whether he agreed that the legal responsibility would remain with the Minister and he said that he did. That was the position.

Deputy M. Tadier:

May I have a point of order, Sir?

The Deputy Bailiff:

What is your point of order, Deputy?

Deputy M. Tadier:

It is related to question part (iv) as well but simply my question would be is the amendment not superfluous if part (iv) is asking for properly constituted board meetings now? All the properly constituted board meetings that I know of and I have ever been to do have somebody there to take minutes, so if that is the case, why are we debating this now?

The Deputy Bailiff:

The amendment has been placed in relation to the taking of minutes of these board meetings and perfectly appropriately debated. Now, we come to the Minister for Social Security.

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

I surprise myself but it seems to me that this amendment, simple as it seems, gets to the centre of the confusion, which is at the heart of this proposition. Are these boards Scrutiny or are they Executive and therefore how accordingly are they serviced or how are their decisions or non-decisions, in effect, because we know that Ministers are going to remain corporations sole therefore these boards will not be making the decisions. They will simply, under the proposal, be indicating what they think the Minister should do. The Minister will be held legally responsible for his or her decisions and therefore will ultimately make the decision. The proposer, I believe, said that it is appropriate that the staff are, in effect, committee clerks from the Greffe, just like it was under the old system, i.e., the old committee system. I am not sure whether I support this amendment or not because it depends upon what one's view is or what one's aim is for the establishment of the board. I believe that some people would like to go back to the old committee system. This does not do that. Some people would like to have a Scrutiny Panel sitting alongside the Minister. If we accept the amendment, then that is not what we will be getting because the board will not be serviced in the way that would be required if the individuals were to do research, were to, as Deputy Le Claire said, help with bringing forward strategies and new policies. I am afraid that this is just a sign of the confusion which is at the heart of this proposal. I will be speaking later on the main proposition and therefore I am not sure that we can make a decision because we really do not know what these boards are going to accomplish, what authority they will have, and I believe that probably most Members have a different view of what they think the boards are going to achieve anyway. So I am really not sure which way to go. Perhaps I could ask the Deputy to withdraw his amendment and we can get on and discuss the main proposition and make a decision about the future of government on this Island rather than just tinkering around the edges.

The Deputy of St. Peter:

To avoid confusion, I will not be withdrawing it.

6.2.18 Deputy S. Power of St. Brelade:

I will be brief because I do wish to speak on the main debate. I am also confused and, I must say, a little bewildered as to how these boards are going to work. As far as my understanding goes of Ministerial responsibility, the Ministers are elected to lead, make decisions and run a department. The status of a Minister, he or she, as corporation sole is firmly established and there is no disputing that. What we are discussing at the moment is that if the Minister is corporation sole, we are now debating minute-taking of a possible board that has no legal definition under existing Ministerial structures. Also the phrase "significant decisions" leaves me with a problem as to what that means, so in my humble opinion, this amendment is exactly as the Deputy of St. Martin said. It is inappropriate to be discussing this amendment at this time and I have found that the evolution of this report and proposition from P.70 to P.120 has confused me more and has caused more questions to be asked than it answers. So I am not going to be supporting this amendment for sure.

The Deputy Bailiff:

Does any other Member wish to speak? Then I ask the Deputy of St. Peter to respond.

6.2.19 The Deputy of St. Peter:

I will not be going through everybody's comments that have spoken but just thank people in general for the input they have given. I will just fall down to what I see as the 3 main issues here. One is the issue of need and I will not go into any further detail except to use the words "accountability and transparency". They are very, very important. The financial issues that have

been highlighted by several speakers. Perhaps I have been living in a different world over the last 7 years because I served for 3 years during the committee system and, as I see it, the cost of running government since Ministerial government came into operation has increased considerably over the years and certainly post committee system, we did not dump staff left, right and centre. In fact, what has happened since Ministerial government has been put into the fore, we have taken on more staff within the Executive, far more than those involved in Scrutiny. The issues have moved on to the main debate and a lot has been spoken about the morale and Scrutiny. I, for one, respect the professionalism of all the officers in Scrutiny and I think they are aware of that. I also understand that the morale in Scrutiny is at an all time low and I am fully aware of that. One of the reasons for that is not just because of P.120 going forward but because of where we are in the relationship between Scrutiny and the Executive. **[Approbation]** I do not want to go on to the main debate but I will just say at the moment I see the system as broken and because it is broken, it is causing huge ramifications right across the board, including Scrutiny. I will relate to last week's debate and the morale that I saw in the officers in Scrutiny as a result of the decisions that were taken in this Assembly, and I have to say that the staff that had been working with me, their morale was at a very, very low ebb. I have never seen it that low and that did not have to do with the worries about jobs. It had to do with the actual role of Scrutiny and whether it was of any use in the first place. This amendment is purely to make sure that any meeting that is had is properly minuted. Now, the Constable of St. Clement went zooming on saying: "But you do not need to take minutes for this sort of thing because they do not make decisions here. What role do they play?" Well, let me make it absolutely clear. I have attended many meetings, both in my role in the Royal Air Force and subsequently within the States Assembly and minutes are not there just to "outline decisions that have been made". They are there to cover the discussion that was had prior to that decision being made. If the main proposition goes through, the board's role has to be properly minuted because there will be discussions and it is accepted that the final decision rests with the Minister. Now that I understand and that I accept but if you have 4 other Members of the States sitting there offering advice which is minuted, therefore the Minister becomes far more accountable to the States of Jersey and to the public of Jersey. Now, I regard that as imperative. People have said: "Let us not bother about this amendment. Let us deal with the main issue first." We are in a Parliament that operates according to set rules. We have a proposition. If it goes through as it is, it will go through "as it is". I think my amendment is imperative that should the proposition go through, it is seen to be fully accountable and fully transparent. I call for the appel.

[16:00]

The Deputy Bailiff:

The appel is called for. I invite Members accordingly to return to their seats. The proposition is the amendment of the Deputy of St. Peter and I ask the Greffier to open the voting.

POUR: 25

Senator B.E. Shenton
 Senator J.L. Perchard
 Senator A. Breckon
 Senator S.C. Ferguson
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Saviour
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy of St. Peter

CONTRE: 21

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Clement
 Deputy R.G. Le Hérissier (S)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen

ABSTAIN: 2

Senator F. du H. Le Gresley
 Connétable of St. Peter

Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy S. Pitman (H)
Deputy of St. John
Deputy M. Tadier (B)
Deputy of St. Mary
Deputy T.M. Pitman (H)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy J.M. Maçon (S)

Deputy J.A. Hilton (H)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy A.E. Jeune (B)
Deputy A.T. Dupré (C)

6.3 Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny (P.120/2010) – amendment (P.120/2010 Amd.)

The Deputy Bailiff:

Very well. The next amendment which we need to take in accordance with Standing Orders is the amendment of Deputy Le Claire: the Machinery of Government amendment. I will ask the Greffier to read the amendment.

The Greffier of the States:

Page 2 paragraph (a)(iv). After the words “with the Boards operating in accordance with the procedures set out in Annex 1 to Appendix 1” insert the words “except that in the said Annex 1, at the end of the third paragraph under the heading ‘Delegation of Functions’, after the sentence ending ‘individual schools.’ there shall be inserted the words ‘Board members exercising delegated functions shall be referred to as ‘Members with special responsibility for X’.”

6.3.1 Deputy P.V.F. Le Claire:

I did not realise, because there is an amendment to this, so I will speak now obviously. Keeping it very short and to the point, I have really aired this fact in the beginning of my speech in the last amendment. I wholeheartedly believe that Senator Breckon and the working party have hit the nail on the head and I congratulate them for bringing it forward. My amendment here does not do a tremendous amount. In fact, it is going to be amended to say that we can decide to change the names if we want to but what it does do is it gives a clear indication that somebody within the Assembly will be accountable for a specific area and then hopefully, if that area goes disastrously wrong, at the election time, everybody will remember that that area of government life that is not working is under the helm of X, Y or Z. So there will be clear responsibilities. If it occurs as it occurred with the Health Committee, it will also empower individual States Members to go not off reservation but to go off and work with the officers to bring back coherent strategies to deliver them to the Assembly in the Island because at the moment, what has been happening is we tend to see issues trundling on and on and on and on and on. When I looked at the last minutes of the Health Committee, we had the air quality strategy being discussed as to who was responsible for it 10 years ago. You go and look at the minutes in the office across the road and you see they are talking about air quality strategies on committees 10 years ago. Nothing gets done. That is a great way to get re-elected. Do nothing as a politician. It is a great trick a lot of politicians play but I would rather be accountable for what I have tried to do, whether it was a success or a failure. I certainly may have made some mistakes and some gaffes in my career but there are some things I can hang my hat on with pride and say: “I did achieve something and I made a difference.” I was not given an opportunity very often but when I was given an opportunity, I tried as hard as I could and I think Members who come into politics who have got a particular skill set or particularly a desire to change something will be empowered by this and I ask Members to support it.

The Deputy Bailiff:

Deputy, before you sit down, there is an amendment to your amendment from the Privileges and Procedures Committee. Can you indicate whether you are willing to accept that?

Deputy P.V.F. Le Claire:

Yes, Sir, I have agreed to accept it, because it is only wise in the long run if they do come up with a better idea than me that I recognise it.

The Deputy Bailiff:

Thank you very much. Is the proposal of the first amendment of Deputy Le Claire seconded? **[Seconded]** Thank you.

6.4 Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny (P.120/2010) – amendment (P.120/2010 Amd.) – amendment (P.120/2010 Amd.Amd.)

The Deputy Bailiff:

Now, there is an amendment to that in the name of the Chairman of the Privileges and Procedures Committee Chairman. Could I ask the Greffier to read the amendment?

The Greffier of the States:

Page 3. For the words “shall be referred to as” substitute the words “may be referred to as”.

6.4.1 The Connétable of St. Mary:

I will try to be as brief as the amendment. P.P.C. welcomes Deputy Le Claire’s amendment because it gives focus and draws attention to the importance of the power of delegation to future members of the proposed boards if this substantive proposition gets approved. We just felt in discussion that there might be, for want of a better word, probably a zippier title that could be used than the one he has suggested, perhaps one that shortens down to something that rolls off the tongue. While we do not have any objection to the title he proposed, we felt that perhaps we should just leave the way open. If something better comes along, we would prefer to use that and recommend it to Members in due course. So having said that, I propose the amendment to the amendment.

The Deputy Bailiff:

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

6.4.2 Deputy M. Tadier:

I just wanted to hear from the Minister for Education, Sport and Culture to see if this is implemented, will he consider appointing a Ministerial board member with special responsibility for private fees in education. That is a joke, by the way. **[Aside]**

6.4.3 Deputy R.G. Le Hérissier:

Just a minor point. There is something quite remarkable in that Senator Breckon made a great play of the fact that we have got to reduce bureaucracy and Scrutiny Committees are bogged down with massive agendas. They have trespassed into all manner of issues which they should not move into. I thought this was going to be an informal sounding board kind of system but we have spent hours discussing the secretarial arrangements. We are now reverting to the committee system in a sense where people were given specific roles and they will now be held, I even read the word “accountable” for these roles. The whole idea is a group of good thinking people will get together. They will be in a room with a Minister and they will give him or her their comments on proposals as they come forward. But we seem to be going from one extreme to another. I am getting very, very worried at the direction, despite the best of intentions, this debate is going.

6.4.4 Senator P.F.C. Ozouf:

I will exercise my right to speak because I have to say that I am one of those Members who believes that our system needs evolution but listening to this debate and listening to particularly this amendment, I am becoming increasingly clear that there is an absolute diversity of opinion on where we are heading. There are those Members who want to recreate the committee system and who are determined by voting amendments such as these to recreate the committee system. I do not. I want to evolve the Ministerial system and this is a trespassing into the world of committee system. It is quite clear that this is a harking-back to the committee system giving individual people responsibility for areas. They are not Ministers but they are committee members with responsibility and I think that this is confusing. I think this is being done on the fly and I do not quite know how I am going to vote in this amendment. I am probably going to abstain on this amendment and revert back to the substantial debate. I think this is quite the most appalling way to deal with the evolution of our government.

6.4.5 Deputy J.M. Maçon:

If I may, this amendment is just on referring to people ... that they may be referred to in this. It is not about whether we are assigning them specific roles or not. This is just P.P.C.'s amendment. I hope Members are not going to get confused.

6.4.6 Deputy P.V.F. Le Claire:

It does strike me if we are going to move to a new system of boards of governing the Island with Ministers solely holding responsibility and we follow the sentiments of Senator Ozouf, then why has he got Assistant Ministers responsible for this, that and the other that he asks to stand up and spout off about this, that and the other every 10 minutes. Make them look good at election time. Give them the propositions to drive through. Give them the questions, give them the opportunity to go in front of the camera. That is about devolving Ministerial responsibility and, in my mind, it is a small clique ensuring they get re-elected at every election. Nothing gets done.

The Deputy Bailiff:

If I may remind Members, the only purpose of this amendment to the amendment is how we refer to Members with special responsibility. Does any other Member wish to speak? Do you wish to reply, Chairman?

6.4.7 The Connétable of St. Mary:

Briefly, if I may. You are absolutely right to draw the Assembly's attention. This is really a minor amendment but reinforcing delegation of authority and a minor amendment to that, but giving a chance to change the name. So if Senator Ozouf ... as has already been pointed out, at the moment we have Assistant Ministers who may have delegated responsibility. There will be no Assistant Ministers *per se* with that title under the proposed system if it gets through but there will be the opportunity for the Minister who is corporation sole and retains the authority and the responsibility to delegate functions to certain people in certain areas in exactly same way as happens currently. Those Members may have a specific title to reflect their responsibility and all our amendment to Deputy Le Claire's amendment does is leave open the exact nomenclature that they will have. Having said that, I propose the amendment to the amendment. I ask for the appel.

The Deputy Bailiff:

The appel is called for in the amendment to the Privileges and Procedures Committee to the amendment lodged by Deputy Le Claire. I invite Members who are outside the Chamber or inside the Chamber in their wrong places to return to their seats and I will ask the Greffier to open the voting.

POUR: 27
Senator T.A. Le Sueur

CONTRE: 10
Senator T.J. Le Main

ABSTAIN: 2
Senator P.F.C. Ozouf

Senator B.E. Shenton
Senator J.L. Perchard
Senator A. Breckon
Senator S.C. Ferguson
Senator B.I. Le Marquand
Connétable of St. Ouen
Connétable of St. Helier
Connétable of Grouville
Connétable of St. Saviour
Connétable of St. Lawrence
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy of Grouville
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy I.J. Gorst (C)
Deputy of St. John
Deputy M. Tadier (B)
Deputy A.E. Jeune (B)
Deputy T.M. Pitman (H)
Deputy A.T. Dupré (C)
Deputy J.M. Maçon (S)

Senator A.J.H. Maclean
Senator F. du H. Le Gresley
Connétable of Trinity
Connétable of St. Brelade
Deputy of St. Martin
Deputy of St. Ouen
Deputy J.A. Hilton (H)
Deputy S.S.P.A. Power (B)
Deputy A.K.F. Green (H)

Connétable of St. Peter

6.5 Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny (P.120/2010) – amendment (P.120/2010 Amd.) - as amended

The Deputy Bailiff:

We now return to the amendment of Deputy Le Claire as amended and invite Members to speak.

6.5.1 Deputy P.M. Pitman:

Being a cynic, I must admit when I saw this amendment, I thought it was just a move to make some of us look a bit more important. Maybe that is not a bad thing. But to be fair, upon reflection, I think that the Deputy has got a good point. It seems to me from my experience in the House that all too often people's particular skills are not used and often they are not used because of the 'them and us' attitude which does emanate, I am afraid, primarily from the Council of Ministers or certainly a lot of them on it. So I think if someone has got some skills and they are allowed to take some responsibility for an area, then it is fair enough. I would not like to be tagged with a particular title responsibility on every occasion but if there is one thing that has made me decide to support this, it is the fact that this will make it a high probability that eventually Deputy Le Claire will be introduced at some official function as Member with special responsibility for "doggy doos" **[Laughter]** and I just cannot resist that.

6.5.2 Senator S.C. Ferguson:

I am sorry, I agree with previous speakers. This is harking back to the committee system. The Minister is going to be encouraged to delegate specific responsibilities to a Deputy Minister and these are the people who will take executive responsibility and accountability. The board, as I understand it, as it has been explained to me several times, is going to be advisory and challenging and if you start getting them into the Executive, then we are back to the old committee system. I am sorry, I agree with Deputy Le Hérisssier. This totally muddles up the whole proposal and I shall not be supporting this amendment.

6.5.3 Deputy M Tadier:

I think the confusion is also present in my mind insofar as it is unclear why ... we are getting rid of Ministers at the moment some of whom at least, I think, have special responsibility but we are saying that rather than ... let me start again. I think the Deputy under the new system would roughly be the equivalent of one of the Assistant Ministers now I think, and it would make more sense if it was that particular individual which was given the opportunity of having special responsibilities. So it does seem a nonsense if it was another Member... well, not necessarily a nonsense but it seems more complicated if another Member on top of that was given responsibility for a certain area. Let us take Economic Development, for example. You could have a board with 3 Members and a Deputy Minister and the Minister and you could have the Deputy Minister with no specific responsibility for any particular area and you could have one board member with the responsibility for Harbours, one for Airport and one, let us say, for Tourism. Then you have got these 4 different roles and the role of Deputy Minister would be something akin to what Nick Clegg is doing at the moment, or the previous Deputy Prime Minister was doing, which is essentially a nice title but nothing at all when it boils down to it. So I think that is one of the issues that I have. If it specifically said that it should be for the Deputy Minister, that would seem to make more sense but I will wait to see what other Members have to say on that and what the Deputy who is proposing this has got to say.

[16:15]

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

I would just simply like to ask the Deputy in his summing-up to elaborate on whether he would expect the proposed board member with a special responsibility to be answering questions at Question Time.

6.5.5 Senator T.A. Le Sueur:

I thought initially that this was a very innocuous sort of amendment because Ministers already have authority to delegate their responsibilities to one or more Assistant Ministers and we have at the current time the Troy Rule which says that the number of Ministers and Assistant Ministers must be in a minority. Now, it is frightening that under these proposals there is the potential to delegate different areas of responsibility to any number of different people who might then regard themselves or be regarded as having some sort of quasi-Executive functions. I am not going to try to define what we mean by the Executive. I am sure there are different views about what that means but it does strike me that we are getting to a situation where the definition of Executive becomes somewhat blurred. So I think we need to go into this with our eyes open. Frankly, I also think that it is important that Ministers, in delegating responsibility, do it in a very clear way and with very clear parameters. Now, that may be something which exists already but at the moment, it is limited to a certain number of people. This strikes me as widening it or has the potential to widen it in such a way that it does give rise to concerns. Frankly, I do not think that the amendment achieves anything very much. It may be fairly innocuous but it may be wiser to say really why tamper with what we have got now. Is this simply giving a confusing message to people? I am starting to get a bit confused but I suspect that I may end up deciding it is not worth supporting this amendment because it causes confusion.

6.5.6 Connétable D.J. Murphy of Grouville:

This amendment, of course, directly refers back to the original proposition (a)(i) and I am also, I must say, completely confused about it now because (a)(i) does say that the current restriction on the total number of Assistant Ministers should be removed and all Ministers should have a Ministerial board. Well, one assumes that that means that we are having a Ministerial board instead of Assistant Ministers but the Ministerial board will have no responsibility. So that means we have a situation coming up where we will have people on the board who will have responsibility without

power, not power without responsibility and I must say, I am completely confused and in the confusion, I am going to vote against it because I do not understand it.

6.5.7 Senator A. Breckon:

Just a couple of words. In my former involvement with a Scrutiny Panel - and Deputy Power will remember this - we had Health, Housing and Social Security and Deputy Power was the lead member on Housing and when we did a review, he led that and the same with Health. Deputy Le Hérisier was the lead member. I was chairman of the panel but I took a back seat when it came to those matters and just generally assisted with what it was. Now, if we look at some of the areas, if we take an example, say, the cost of higher education and say: "Deputy Fox is responsible for that." We do not say everything that happens is his fault but he can investigate, he can look what has happened over the last 15 years and he can come to a Ministerial board and say: "This is the situation we have got. This is where we were and this is where we might go to." Now that can be discussed with a number of people and that is the idea and I would just say perhaps Members while the debate is going on should read pages 13 and 14 of P.120 where it refers to the functions of Ministerial board and many of the questions that have been raised, if Members read that, will be clarified.

6.5.8 Deputy G.P. Southern:

I have just been doing a little calculation. It is not very difficult, 10 Ministers and between 3 and 5 Members of the States sitting on the board, each board, 10 plus let us say between 3 and 5 is 4, so that is 40, that is 50, 50 titles, 50 responsibilities. So it is a new Christmas party game. The most entertaining 50 responsibilities that we can allocate among ourselves gets a prize come Christmas. But responsibility in reality, despite all the titles, will rest with the Minister full stop so let us not play with can we invent 50 different responsibilities to go and make us feel slightly more important. Let us move on. The problem here is that we have got amendments to what is really a not very well thought out and not very clear proposition and we are getting stuck in it. Let us stop. Let us move on and get on with debating the main proposition which has more faults than I would like to see in it.

6.5.9 The Deputy of St. Mary:

I will try and bring some clarity, as I see it anyway. There is one issue which is raised by this amendment, which is really important so in a way although the amendment is ... when I first looked at it I thought: "Well, you know, so what, really?" But, in fact, it does raise an important issue. Subparagraph (iv) of paragraph (a) of the proposition says that the procedures set out in Annex 1 are part of the proposition. It does not use those words but that is what the gist is, that the boards will operate in accordance with the procedures set out in Annex 1. Now, I will mention that again in the main debate, because I think that is a real issue with this proposition that Annex 1 and I think it is Annex 3 are built into the proposition. So if you accept the proposition, if you vote for the main proposition, with or without this amendment, you are tied into the entire annex, Annex 1 and Annex 3. So if we look at Annex 1, which is the one that is relevant to this proposition about delegation of functions and I am afraid I have to differ with some previous speakers. It is absolutely clear what it says in here, and it is not what Senator Breckon said, and it is not what Deputy Southern said either. It is not what the Chief Minister said either. The Chief Minister said any number of different people. Not true. Between 3 or 5 people will be on the board in addition to the Minister. But Senator Breckon talked about lead members on Scrutiny Panel as if it did not have any Executive responsibility. They were not going to do that job but they were going to lead on that area. That is not what it says: "The Minister would have full discretion to choose which functions are delegated to which board member and the scope of those delegations." Now, remember, this is Annex 1; this is built into the proposition. You vote for the proposition, you are voting for this as things stand - as things stand. It is part of the report but it is mentioned in the proposition. The proposition says: "In accordance with Annex 1" and so in spite of the whispers I

am getting from behind, that is the state unless we get some clarifications from people who are on the working group and who say: "There are different ways of reading the proposition." As it stands, this is what it says: "The Minister would have full discretion to choose which functions are delegated to which Board Member and the scope of those delegations. The Minister will be encouraged to delegate specific responsibilities to their Deputy Minister and individual Board members," and they even give examples of how that would work within, for instance, E.D. (Economic Development) or E.S.C. (Education, Sport and Culture). Then the next paragraph, this is all on page 15, it is the second paragraph from the bottom: "Nonetheless, the delegation of functions would not, as at present, diminish the legal responsibility of a Minister for the way in which the delegation is exercised. It would therefore be essential that the Minister had full confidence in the member to whom he or she was delegating functions." That sounds to me exactly the same as an Assistant Minister now. The Assistant Minister does have full delegated power, if that is what has been handed over by the Minister, to fulfil the functions of the Minister in that particular area as circumscribed by the Minister. So there is no difference about this and if we vote for the main proposition, then we will indeed have Members with specific responsibilities within the proposition. So I have no problem with this amendment but I hope that Members are now slightly more aware of what the main proposition says.

6.5.10 Deputy J.A.N. Le Fondré:

I think I am glad to be following the last speaker. My take on this is this is just about a name. This is we may choose to call someone with the delegated responsibilities what we like. We do not have to call them that. We can, or we cannot: it is up to the Minister at the time. That is all the amendment is about. It is what is in a name and I cannot quite understand ... it does not matter whether we vote for it or not. It does not do anything apart from put a name in place. Why are we making such a meal of it? As far as I can see, I do not have a problem with it. I think we should support it and then move on to the main debate.

6.5.11 The Connétable of St. Peter:

I am finding it rather frustrating trying to follow the debate. I have abstained on the last 2 amendments and I am going to continue to abstain because unfortunately the debate is going on rather analogous to choosing the carpets and the curtains and arguing about the colour of the paint work. We have not even built the house yet and when we do finally get to the main debate, I rather fear we are going to throw it out because we do not like the colour of the carpets and curtains, and I really do urge Members to move forward and let us get to the main debate, build the house and then decide what colour the carpets and curtains are going to be.

6.5.12 Senator T.J. Le Main:

Having supported an assistant when I was a Minister from other Members to assist me in formulating a decision or policy, I now find this debate quite extraordinary. I follow my learned Constable on my left here, but this is going to be the biggest disastrous issue if we continue the way we are doing today. In my view, and I say this again, if Members are going to support the main proposition, then they should support it and all the 'I's should be dotted and the 'T's crossed when it has been formulated and bring it back to this Assembly. But the way we are going today, it is going to be an absolute mess and we are going to be the laughing stock of everybody in this Island. I urge Members to just discard all these amendments today and to just go with the proposition if they want to support the proposition and work it out properly and work it out, think it through. At the moment, the decisions are being made today on the hoof and there are issues been thrown up quite rightly by Deputy Le Hérisier, Deputy Hilton, Constable Norman and others. It is madness and I urge Members just to throw all these amendments out today. Vote against them and let us have a proper thought out discussion to come back to this Assembly that we can vote on it and perhaps have an input before coming back to the Assembly for a proper decision. Madness it is at the moment.

6.5.13 Senator J.L. Perchard:

I urge Senator Le Main not to give up hope just yet. I think we are in danger of complicating this simple proposition ourselves. The substantive proposal is to create advisory boards for the Minister and it is quite reasonable that the Minister could ask members of that advisory board to specialise in certain subjects and it is not unreasonable at all. Senator Le Main I think probably was getting confused. Recycling: huge issues - the Minister for Transport and Technical Services could ask one of his board members to focus on recycling. Perhaps children's issues at Health and Social Services: the Minister could ask one of her board members to focus on Children's Services. Tourism: badly neglected - perhaps the Minister could ask one of his board members to focus on tourism issues. We understand the boundaries of the substantive proposition. So I say let us support this amendment but only do so if the Minister has a team of whom he or she should be happy with. That is why I will be supporting this but unless we can delete (a)(ii) of the substantive proposition where the Minister would be given Members of the States that the States choose rather than his or her own choice, I will be voting against the whole thing. But this is perfectly normal that the Minister would have people that he or she favours on their advisory boards and ask them to undertake specialist functions.

[16:30]

6.5.14 The Connétable of St. Mary:

Very briefly, I think the opening words of Senator Perchard and also the comments of Deputy Le Fondré say it all. This is a very simple thing. It is really all about a name but I feel I just needed to say something in response to something raised by the Deputy of St. Mary and also Senator Le Main about the Annex in the Deputy of St. Mary's case and of Senator Le Main saying: "Let us think about it now and when it comes back to the States, we will be able to make changes" *et cetera*. So the original proposition of Senator Breckon - P.70, I think it was - called for Privileges and Procedures and the Council of Ministers to work together and, as he explained in his proposal for the substantive proposition, we circumvented that by having our discussions in advance of putting this on the table. One of the stances we took was if P.70 had been adopted, what would it have meant, how would it have worked? Let us advise Members what would be required, what would happen, how the whole system would hang together and that is why there are Annexes and other documentation schedules which form part of the proposition, because we have done that work up front in order to give Members a comprehensive understanding of what the actual proposition would work to. So there are hares running about: "We cannot do this and we cannot do that and what does this mean?" It is all contained in there and that will all become aired in the debate on the substantive proposition. What we are talking about now is something relatively minor. It adds a title only in exchange of what the Assistant Ministers have now so this is really not worth going on with. We need to adopt this and move forward and clarify things as necessary in the main proposition debate.

The Deputy Bailiff:

If no other Member wishes to speak, I will ask Deputy Le Claire to sum up.

6.5.15 Deputy P.V.F. Le Claire:

It really is quite amazing, some of the actions and reactions that we are seeing this afternoon from some members of the Executive and past members of the Executive in relation to some seemingly innocuous amendments but some very vital amendments. We have had this proposition lodged since August. In the Annex, as quite rightly pointed out by the Deputy of St. Mary, it does highlight and I would ask Members to read it because obviously certainly there are Members that have not, judging by the remarks that have been made. There is clear evidence, as pointed out by the Deputy of St. Mary, that these people will be given functions. Now, we have got the Minister for Treasury and Resources... this must have an impact upon our finances and the ability to do

things. He has clearly not read it. He has clearly not understood it, he has clearly not read it, because it is clearly in the report and it came as an amendment which was commented upon and supported, albeit amended, by the Privileges and Procedures Committee. Not a bean from the Executive about it. Wait until the day, we will wreck it on the floor of the House. Chuck it away until after the elections. We will get back to business as usual. Secrecy. The Minister will have full discretion to choose which functions are delegated in which board member and the scope of those delegations it reads. I am loath to read it out because obviously Members have not read it. This is where my amendment comes from. It strengthens these objectives which are set out clearly in the proposition which everybody, including Senator Le Main, wants to go on to support: “The Minister will be encouraged to delegate specific responsibilities to their Deputy Minister and individual board members which may, for instance, mean that the Minister for Economic Development could delegate to board members responsibility for Agriculture or the Harbours and Airport. The Minister for Education, Sport and Culture may, for instance, ask different board members to serve on the Board of Governors or one or more schools which give a closer relationship between States Members and individual schools.” Oh, wow, that would be a good idea, would it not? Of course it would. Senator Perchard as well quite rightly points out: “Come on, what are we doing here? This is perfectly reasonable stuff” but I smell a rat. I smell a rat. Why are we making such heavy weather of such a small thing? Because in reality, what is wanted is a Minister with a bunch of puppies in the back seat nodding their heads. **[Laughter]** **[Aside]** Bringing out the dogs. **[Laughter]** **[Aside]** Well, there is one thing I may be remembered for and I have said I have made some mistakes in politics. It certainly was that one and I made a mess of it but **[Laughter]** I recognise that, I recognise that and I am clearing it up. I urge Members to support me. Let us know when we are right and let us know when we are wrong.

The Deputy Bailiff:

The appel is called for. I ask Members to return to their seats. The vote is on the amendment of Deputy Le Claire as amended to insert the words: “Board members exercising delegated functions may be referred to as Members with special responsibility for X.” I ask the Greffier to open the voting.

POUR: 22

Senator B.E. Shenton
 Senator J.L. Perchard
 Senator A. Breckon
 Connétable of St. Ouen
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Martin
 Connétable of St. Saviour
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of St. Peter
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy S. Pitman (H)
 Deputy of St. John
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)

CONTRE: 21

Senator T.J. Le Main
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of Grouville
 Connétable of St. Brelade
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy J.A. Hilton (H)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy A.T. Dupré (C)
 Deputy A.K.F. Green (H)
 Deputy J.M. Maçon (S)

ABSTAIN: 2

Senator T.A. Le Sueur
 Connétable of St. Peter

6.6 Machinery of Government: establishment of Ministerial Boards and revised system of Scrutiny (P.120/2010) – third amendment (P.120/2010 Amd.(3))

The Deputy Bailiff:

Very well, we now come to the third amendment, the amendment of the Deputy of St. John, and I invite the Greffier to read the amendment.

The Greffier of the States:

(1) Page 2 paragraph (a) insert new subparagraph as follows: “(vi) To provide research assistance for States Members to be supported by officers to be transferred out of the Scrutiny Section as part of the proposals.” (2) Page 2 insert new paragraph (b) as follows: “(b) to agree that Scrutiny Panels should be renamed Select Committees and renumber the remaining paragraph accordingly.”

6.6.1 The Deputy of St. John:

I do not think it matters too much which way my speech starts or finishes, does it, because I am going to start off with the Select Committee. **[Laughter]**

The Deputy Bailiff:

That was a rhetorical question, Deputy.

The Deputy of St. John:

In bringing these amendments, I do so with the knowledge of the Chairman of a Scrutiny Panel who has worked in both shadow Scrutiny and in full Scrutiny and will say that the system has worked in the past. It is having a few hiccups at the moment because we are finding that a number of members are disillusioned and hence we find ourselves here today. Some Members have been getting disheartened with Scrutiny as we know it because of reports that have been produced. Some sit on Members’ desks or in filing trays of offices and on to taking note of. We have seen that over recent times, because they are not being taken note of in fact the members feel not wanted, and I am not surprised really because I can just think of one review I did 18 months ago when we called on officers to give evidence. In one review alone, we had 3 officers who, in the first instance, one went off on maternity leave; not her fault. The second member resigned before giving evidence and the third member went off long-term ill and, in fact, took early retirement. Needless to say there was a lot of evidence we could not call or could not get and it made our work very difficult. If the buck does not stop somewhere, it makes life very difficult for the members and it is and I can see Members who were on the panel at the time nodding their heads and quite rightly so. It makes life very, very difficult for the panel members and they do get disheartened. Further to this, I noted that a number of Members who have been asked by myself to join my panel have refused to do so because they do not think the system is robust enough although there is plenty of power there for panels to draw upon. Some of these Members, in fact, have been in the Executive and have come out of the Executive but are not willing to put their shoulder to the wheel on a Scrutiny Panel. Others are new Members who have joined the Chamber in recent times and, yet again, not willing to come forward which is a shame. What needs to happen is that with Scrutiny Panels, I think we need to have a change of name. Given that is what is proposed for Scrutiny in the future, it is going to be far more robust and I think with any new system, and it will be a new system for Scrutiny, it needs a new name; and I think a new name something along the lines of a Select Committee is the right way forward. That way because the Chairman of that Select Committee or Scrutiny Panel - call it what you will - in fact will be elected, if the main proposition is accepted, directly after the Chief Minister is elected, therefore raising the actual status of that particular person and those people who will be doing Scrutiny. I think it is important that we give them a new start because otherwise if they go along with the name of a Scrutiny Panel, you are taking all the baggage that goes with it. So I sincerely hope that when it comes to the vote later on, and I ask for this to be taken in 2 parts, that we do what is right and give that Chairman as much kudos and responsibility as is required with a new name, and I think the name that we should be

adopting, my personal view is and I obviously am asking you to support being called a Select Committee. I move on from there to the next part of my amendment, which is basically getting back to the one before. I was taken aback as no independent Ministerial recordings have been taking place since 2005. I was under the impression, when we put the current system in place back in the early part of 2000-and odd, that we would still have an independent recording system by the Greffier's Department, and that fell away, it fell away, and if I go down to the Greffe's office now and I ask for minutes between 2005 and today, they do not exist *per se* by the Greffe office. That is of concern because, in my time out of the House, I read a report, and it was well documented on the media, in that we had a senior member of a department who was suspended and the minutes of that suspension, some of the notes from those minutes had been destroyed, it is claimed. That worried me, I thought, well I can recall issues when I was on public services when we could call for the notebooks of the Greffier's Department, and every document within the Greffe's Department could be called back, a year, 2, 3 years later, nothing was destroyed, and therefore you had a line that you could check all the way back to the beginning, which is important. Yes, we had our typed-up minutes that were signed-off, but, if there was something in dispute, we would call for the recorder, the Greffier staff, to bring the notebook and they would do that, and I am surprised that has not continued within the new system of government. So therefore I would like to think that, within our new system that we have adopted already now with the amendment of Deputy Egré, that any of the staff that we are talking about moving or have been speaking about moving to the Minister's departments, in fact stay within those 5 posts that they were speaking about should go to the Ministerial departments, should in fact stay within the Greffe Department to assist with minute-taking as impartial people, because I think the impartiality is very important.

[16:45]

That being the case, of those 5 staff that they want to take out of Scrutiny, there may only be 3 or 3½ members of staff who are required to do the minute-taking. The other 1½ members of staff I believe should stay within Scrutiny to support - and I know Members have spoken about this in the Chamber before - Members with their research. These members of staff in fact have all the research skills that Members have been asking for, and I think it is only right, currently I know I do between 70 and 90 hours a week, and most of the Members in here do similar hours, and if we had the ability to have the officers, or an officer from time to time to assist one with research, it would make a very big difference to the calibre of debate within this Chamber, because we would have researched something by an expert, knowing exactly which buttons to push or doors to open to get that information, and I think if we do have additional capacity I do not think it should go to the Chief Minister's Office. His office has grown like Topsy, because I remember in the days of P. and R. (Policy and Resources) when Mr. Colin Powell and his secretary would run basically that department, and run was the word, because Mr. Powell would run between meetings, from one to another, you would see him running up the street and he would be a just-in-time person to get to his meeting at whatever time, but now we have quite a large department under the Chief Minister and within the Ministerial system, doing what one officer and his secretary used to do. But we have moved on, we have moved on. I believe it is time, we are making amendments to our current system of government, that we started by putting one or 1½ persons into the search for Members, it is a time to move forward, this is part and parcel of doing what is right for the people of Jersey and they expect this Government to run properly, because people out there are very, very unhappy at the moment in what we are doing. They are finding that ... I think there was a comment passed earlier by a Member: "Hide and seek." That is what I got out of it, we ask for information, it is hidden here, there or anywhere, and we are seeking this information and it does not come; it is not coming forward from the Ministries, they are working in silos and we are not seeing, unfortunately, Chief Minister, we are not seeing the openness that we were all hoping would happen within Government. Senator Maclean I can see is smiling. Yes, he is very open with myself, but sometimes we have to drill down a bit deeper, and he knows who I am talking about. I gave him a letter at lunchtime, because no man is an island and we have a problem between the Minister and

senior executives and further down getting able to take on all that information that is required. I think the new board system would be helpful in a number of ways, and I will talk on that later. But, anyway, getting back to what I was saying, I am making the amendment to the proposition because I have real concerns. Before I sit down, I have 2 things to say to the Chief Minister. On his comment sheets, which we have all had, he says: "Approval of either of these amendments, P.120, would certainly have resource implications for States departments. The departments will be required to organise agendas, papers and background research information for Ministerial board meetings and to support board members who will be making requests for information to departmental officers." Yet, that was on 11th October, and on 12th October he says, in response to a written question by myself, he says: "Formal Ministerial decisions are recorded when Ministers or Assistant Ministers with delegated powers sign a standard ministerial decision template. The decision templates are backed up by supporting papers, which have been considered by the Minister before taking a decision, and include the reasons for a decision and any subsequent action required. These Ministerial decisions and supporting papers are uploaded on to the States website." Then it goes on. Given that he is telling us here he needs all this extra staff to give him that support, but in fact, in reply to my answer, he is telling us the contrary; he already has the staff, he does not need them. So therefore, in making the amendment, I ask Members to remember what the Chief Minister said on both those occasions, he no longer requires them, so therefore I would like to see them stay with the Greffe. I make the amendment.

The Deputy Bailiff:

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

6.6.2 Deputy M. Tadier:

I will take these in reverse order if I may. I am generally supportive of both of these parts, both amendments, but I have a problem with part 2 in the sense that I see something of a paradox here because, even though you could argue that it is marginal and that a rose by any other name and that kind of thing, I think the title Select Committee is probably a good way forward because it reflects what is currently the case in the U.K., and we know that in Jersey we have many workers who come and make their homes in Jersey who are more familiar with the U.K. system of government. I think in that sense, while we should not necessarily be trying to replicate everything that the U.K. does, it does make it more accessible, so I think the name is fine. But, in supporting this, on the presumption that it will reinforce Scrutiny and give it more respectability, I think that is the aim of it from the Deputy of St. John. The irony is, this amendment will only go through if the substantive proposition goes through, and the substantive proposition itself will do the opposite of what the Deputy of St. John is trying to do, it will harm Scrutiny, and I think the reason it will harm Scrutiny is because clearly there will be very few Members left to be in the Scrutiny function and it will also decimate the amount of officers that are available there. So, what I would hope is that, irrespective of what happens today or tomorrow when the final vote is taken, that maybe the Deputy of St. John will come back and have that as a stand-alone proposition, because there is no point in having a Scrutiny function with a new jazzy name if it has been decimated in the way I have described. I do not need to say much more about the transfer of any scrutiny officers to remain in the Greffier's Department for the use of Back-Benchers, I think it is quite clearly something, which does need to be done; it seems ridiculous to be giving even more staff to the Chief Minister's Department. I was flicking through that report a couple of days ago about all the civil servants who earn over £60,000 a year and clearly, of course, the usual departments you would expect, the hospital, health, to have many which are required to be paid large sums, and that is fairly normal, but I could not help remarking how many there are already in the Chief Minister's Department, let alone with giving him more staff in that department. It is clear that at the moment the scrutiny officers are not part of the Executive, they have a non-executive function in supporting that, and it is clear that they should remain that way. Just very briefly, to do with the facilities and resources that are given to Members in general, but also Back-Benchers, I remember on a visit to the Welsh Assembly with the

Education and Home Affairs Scrutiny Panel, we were looking around the Assembly and we talked about the issue of laptops, about recording, which is very topical at the moment in the media, and we asked how many laptops, or whether the Welsh M.P.s (Members of Parliament) had access to laptops, they said: "Yes, each Member gets 5 laptops." We thought that was very strange, how come they get 5? They said: "That is one for each of their staff." So, in Jersey, we cannot claim to have those excesses, and I am not suggesting we do either, but certainly, when compared with other jurisdictions, and remember the Welsh Assembly is not even a national parliament, it is just simply a local assembly, there does seem to be scope for increase in facilities for States Members and for the resources that go satellite around that. I will leave that thought with Members.

6.6.3 Senator A. Breckon:

Just a couple of points, the name of Select Committee was discussed and there were no strong views either way, but, being pragmatic, it was not adopted because it felt well it could be an issue with what is in a name, and then I am sure the Deputy of St. John's Environmental Scrutiny Panel can dispose with the stationery if we needed to reprint everything, so I am not sure. So for practical reasons it was left at that. The other thing, with the secretarial service support, I think it is a good idea, but I can see problems in how it is apportioned, there might be one or 2 Members who could take the workload of one or 2 officers in the thing, but I must say I would like to take this opportunity to say personally I could say, in working as an individual Member, working on reports and propositions, I would not be able to do it without the support of the Greffier and his staff, because they are a mine of information, any stuff I cannot find, they can find in a minute, and if you are doing some research, and if there were officers, then I would see that any officers being an extension of that, because it does happen, if you wanted to look at Sunday Trading, then within a certain time you could get all the background information you wanted, but without the Greffier and his staff that would not happen, so I think that is a resource that we do not thank enough for the work that they do, it is very useful. The other thing, I did refer on the initial proposition about the report of Peat Marwick McLintock, and in 1987 they said, *Secretarial Research Report*: "At present there is no formal provision of secretarial services for Members. A number of Members either type their own letters or have to use a secretary provided by their business. We believe it is important that States business is seen to be conducted in a professional way and that Members are not out of pocket for the services they give and that best use is made of their time." Now that has been overtaken by emails and the like: "We recommend that an experiment in providing secretarial services for Members should be set up. This might take the form of providing a secretary in the States Greffe who would be primarily to provide secretarial support for Members. Alternately, it could involve arrangement for Members to have reimbursed the costs they incur in having letters typed." I am not sure how you would do that; that would be a nightmare. Anyway: "We suggest that the Greffier should make arrangements for a pilot study to be started as soon as possible. A number of Members suggested to us that they should have access to some form of research support. We believe that, if the right person could be found to undertake this work, a limited experiment should be undertaken to test the demand and the sort of service, which Members require." That could be a role for P.P.C. now, if this is adopted: "Again, we recommend that it should be pursued as a matter of urgency." Individual Members will know sometimes if you are doing some research, it could be for a constituent, it could be something you want to bring to this House, then really you start on your own and, as I say, we are fortunate to have the support of the Greffier and his staff. Interestingly, at that time, it said that: "The level of allowance for States Members of £500 a year left many people out of pocket." That is really where that was. Now, we have moved on from that with all sorts of things, because we have facilities, we have laptops, we have facilities downstairs, we did not have a photocopier not that many years ago that we could use commonly. So a lot of things have happened, but for me it would be an assistance if somebody was there to call on to be able to help with some research, and we do have the quality of staff within Scrutiny Department who could do that, because they are doing some of that work now. So I will support that for those reasons but I do see some issues, I am looking at the Deputy of St. Mary, not thinking about

anybody hogging the researcher, but if the Deputy wanted to do some fairly complex issues, then he could probably tie somebody up, and that would not be fair, with respect to him or anybody else, for any Member to do that, and if there was an officer: “Well I have 6 months work, you will have to wait”, I am not sure how the things will be apportioned out, perhaps the Deputy of St. John could tell us.

[17:00]

6.6.4 Deputy R.G. Le Hérissier:

My view of this is more guarded than some of the views because I think again it has made massive assumptions about the fact that there will be, for example, redundant scrutiny officers, and as the Constable of St. Peter said, why are we discussing the curtains and the carpets without discussing the structure of the house. There is to me an almost unforgivable assumption, it is that Scrutiny will wither on the vine and become a very minor sort of operation in the overall picture, when one talks about officers being transferred out, and I really think it would be much wiser, even though I think there is a good case for Members research assistants, as just made by Senator Breckon, and made by our good friend the Deputy of St. John, I would be much keener to see how the whole thing works out before we start making rules or prescriptions as to where people should be placed. I think there is a grave danger that this whole proposal is going to throw out the baby with the bathwater, and it will weaken and it will take away the good things of Scrutiny, because we have failed properly to analyse why Scrutiny is not working. There is a real assumption that Scrutiny is not working because of some intrinsic weaknesses, as opposed to broader structural weaknesses throughout the system, which I will dwell on when we come to Deputy Breckon’s amendment. On the issue of Select Committees, I was surprised that my good friend, one of the highly esteemed Deputies of St. Brelade, should say that people come from the U.K. and they will recognise it. I think most people from the U.K. do not even know what Select Committees do, quite frankly, because the word does not imply a meaning, whereas Scrutiny - the word “Scrutiny” - embraces what the function of the committee is, and I would have thought the public, if they do look to a committee, they look to the much more theatrical committees that operate in the U.S. Congress where things are run with much more panache, where people are really pinned to the wall in a much more aggressive way than we operate here. So, if we are going to popularise committees, let us go for the congressional route rather than the much more sedate and quite frankly meaningless title called Select Committees. Thank you.

6.6.5 The Connétable of St. Mary:

I apologise in advance, but I am afraid I must repeat something that I said in an earlier debate, as it seems not to have registered with the Deputy of St. John and perhaps others. Perhaps I did not make it clearly enough. In fact I have just popped out to make sure I had my facts right before I said it again. The spare staff that the proposal refers to do not in fact exist. There will be no transfer, as alluded to by Deputy Tadier, no transfer to the Chief Minister’s Department from the Greffe. That has been scotched by the Deputy of St. Peter’s amendment. But, even so, there are no spare staff. There are 10 scrutiny officers and that number will be reduced by purely voluntary means and natural wastage, I think that is the right term, to 7 shortly. Five members will be needed in the new Scrutiny function, and we have already agreed that the proceedings of the boards will be recorded by Greffe staff, so there is absolutely no capacity for additional functions, and even it seems to me that recruitment for this would be something that is not included in the financial manpower implications, and it would be flying in the face of what we are trying to achieve in keeping costs to a minimum. So in one respect I echo what Deputy Le Hérissier said in that we need to ensure that the new Scrutiny function takes off. I do not believe it will be devalued, I do not believe it will wither on the vine, provided we keep our resources pure for Scrutiny, and that is what is essential, and I think that is what Deputy Le Hérissier was mentioning as well. Scrutiny will be a greatly enhanced function. The Deputy of St. John says that in his opinion it is often unattractive for Members to go on to Scrutiny, because they are looked upon as second-class

Members by Ministers, Assistant Ministers, and by Back-Bench Members. There is no need for Members in future to decide whether they are going to be exclusively on Scrutiny or not, because members of boards will be able to take part in Scrutiny reviews as well. It is going to be a much different function; I believe it will embody everything that I felt was good about Scrutiny when I served on it, and I felt Scrutiny was meaningful and it was very strong and it was certainly worthwhile, and I believe it will take it forward, and the resources that we have in the scrutiny officers that remain will be adequately and amply used by that function, and there simply is not the slack that the Deputy of St. John seems to think that there is.

6.6.6 Senator T.A. Le Sueur:

I am grateful for the Chairman of P.P.C. for dispelling the suggestion that this has anything to do with staffing at the Chief Minister's Department. This has all to do with resourcing generally. I have been trying all afternoon to resist the temptation to stray into the main debate, but I think in this case I am going to have to very slightly, because I think what this proposition to me is about is redressing the balance between the Executive and the Scrutiny functions. The proposal talked about the fact that maybe the Scrutiny system had not achieved all the Clothier report was expecting, and the part (a)(v) of the amendment is there to strengthen the Scrutiny function in the future, to change and to strengthen: not to diminish, but to strengthen. The Deputy of St. John, in his opening remarks, pointed out the intention to appoint the chairman of that panel, or whatever you want to call it, at the earliest possible opportunity, straight after the Chief Minister's Department, to recognise the importance that Scrutiny should have in the future. My objectives, and that I hope of many of us, would be to have a strong and varied Scrutiny process in the future: a varied one where topics will be picked out as matters of public interest and where Scrutiny Panel members will be interested in that particular topic. So I see a great future for Scrutiny in this respect, and I believe that it will require proper resourcing, so, rather like the Chairman of the Privileges and Procedures Committee, I see, far from having any slack in the Scrutiny system, we are going to need to ensure that Scrutiny system remains fully and properly staffed. We have already said that, in adopting the amendment of the Deputy of St. Peter, that there will be staff required for the minute-taking and recording functions, but I think for those Members who want to have research opportunities for individual Members, there is a danger of, I think, falling into the trap, which has happened from time to time, which the existing Scrutiny process, of individual Members following individual hobby horses. Now, I believe that topics should be topics of rather more general interest, selected by the chairman of this group, in conjunction with both Members, in order that we strengthen and improve the Scrutiny process. For that reason, I believe that the first proposal of the Deputy of St. John, however well-meaning, will not do anything to strengthen the Scrutiny process, and therefore, as that is one of my key objectives, I have to oppose the first part of this amendment. As to the second part about Scrutiny Panels being renamed Select Committees, which he inserts a new paragraph (b), I think that is going to cause further confusion, because in (a)(v) we talk about Scrutiny Panels and review panels and panels, and then suddenly in part (b) we start moving away from panels to Select Committees, are they different animals? I think they will simply sow confusion in people's minds unnecessarily. What is in a name? I think really we should be focusing on the broad thrust of the main principles of the proposition, rather than detailing all these little things at the edges.

6.6.7 The Connétable of St. Saviour:

The chairman of P.P.C. has already spoken on the manpower issue and I am not going to repeat it. The title Scrutiny describes what the committee does, the Deputy of St. John is a good country boy and I am sure he is used to calling a spade a spade. I do not think we ought to start calling it a manpowered earth moving implement.

6.6.8 The Deputy of St. Mary:

Before I say this specific thing about this amendment, I think a general comment. Again, we are doing the wallpaper, are we not? I think there is a real problem there and I think one previous speaker said about how this debate is unsatisfactory, and I would go further, I would say that there must be a better way of dealing with major issues than this. One example might be that, having done the work in the working group, that could have then been shared with Members in a more informal setting, like in some sort of briefing, were we could all get at it and have repeated questions and real dialogue, and then, after that process, it comes here, because really this is a little bit of a dog's dinner, this debate, and we have not even reached the main debate. The other issue is that, when we do debate things here, we are tied-down by Standing Orders, so we have to do the wallpaper first, and in this case that is not satisfactory. I am reminded of the debate we had on the composition of the States where exactly the same things happened, we were-tied down by Standing Orders so we could not resolve the issue. So that is just a general point, but I think P.P.C. maybe should note that and really think about the way these debates are handled and the way important reforms of this scale come to the House, because there is a danger that we are going to throw the baby out with the bathwater. On this particular amendment, I am going to talk to the research aspect, and I just want to remind Members of the importance of research, because nobody has talked about that, apart from the proposer, and I just want to remind Members slightly more perhaps nearer to Jersey than Wales is the Isle of Man, in terms of the size of jurisdiction, and Clothier, good old Clothier, at paragraph 5.8: "It was while we were in the Isle of Man that we observed the excellent facilities provided there for Members of their Assembly. These included offices, telephones, fax machines and the like. Importantly, there was a comprehensive library with 2 librarians to help Members with research. By comparison, facilities in Jersey are virtually non-existent and we recommend that something must be done urgently." Which I see Senator Breckon nodding. "Something must be done urgently." That was written in 2000, it was a pre-condition for Ministerial government working that Members have research capacity. I will come to the issue of apportioning research in a minute, but Members must have that capacity, and even if they are involved in Ministerial boards, of they are involved in these mega-Scrutiny, Select Committees, or whatever you want to call them, the fact is that individual Members also need the capacity to go after something particular and be helped in doing so. Clothier goes on to recommend that: "A committee of members chaired by the Speaker", he gives it that much importance, should be chaired by the Bailiff: "should be charged with the task of providing proper facilities and accommodation for all Members." I think we should be grateful to the Deputy of St. John for raising this issue; it is the first time I have seen research brought forward in a proposition, looking after the Members of this House, enabling us to do the job, and when people talk about that it might cost a little bit, I get really quite cross, because the cost of getting things wrong is a lot higher. Now, having said that, the importance of this issue, I come now to the sort of doubts around this proposition and the way it is brought, and how it fits, and there are 3 issues here, one is the claim by both the Chief Minister and P.P.C. that there is no spare staff; that there is no room in those 5 Scrutiny Officers who would be doing the work of servicing the boards, but they would not be able to help with research alongside that role. That is an open question. I mean I think, looking at what they are going to do in the terms of the proposition, looking at what they are going to do: "Relevant papers for discussion; record actions points and conclusions." Effectively taking minutes and following up; that does not sound to me as if they would not have room to help with some research. But it is an open issue, we do not know until more work perhaps is done on how long does it take, how long did it take the old committee clerks to do their job, and so on.

[17:15]

So that is an open issue and it is not definite yet, so maybe the proposal is a bit premature saying we can move to that and build it in at this stage with an amendment and we can vote for it or not. The second problem I have is Select Committees. The name change, whether it is Select Committees or Scrutiny, that is really a matter of detail in a sense. I know it is an important detail the way people perceive it and whether it is a new process or whether it is just the old one again,

but it is still something that should, I think, be teased-out down the line in that process of bringing the findings of the working group to a wider group before it comes to this Chamber; that is where it should be sorted and argued about in dialogue, whether it should be called one thing or the other. The third thing that cannot be resolved in this way by us just voting one way or the other is how you apportion the research. I quite agree, I would have no intention of hogging the research capacity, but there is an issue around that, you do have to obviously ration the research, you have to say everybody has so many hours and if someone does not use theirs then somebody else gets a bit more, and so on, but that has to be worked out, and it cannot be worked out here on the floor of the House; that is just nonsense. So definitely some homework required on how we tackle major reforms, because it has not been done twice now in a way that commands any kind of respect or is in line with good procedure, and I would suggest I think to the proposer that maybe this is one for a gentle withdrawal, maybe, because I think the issues that he is raising, they are right - he is right to raise them - but I think they should be done in the wash of bringing these proposals to their final state. I would say that when we come to the main debate that is going to be the major issue, is how much is going to be left to be done down the line, work through until it comes back in a final form, and how much is set in stone in the proposition. That is going to be a big, big issue and I would just suggest that we park these in that sort of space, which is going to have to be created anyway, we are going to have to vote, if we do vote for that proposition, with a clear understanding that there is work to do on it; that it is not set in stone.

The Deputy Bailiff:

A number of members have expressed concern about discussing the wallpaper. Can I just mention that the proposition is not for a shell and core building, it includes wallpaper, and that is why the amendments need to be debated now.

6.6.9 Deputy T.M. Pitman:

I have supported the amendments up to now. From this point, I am reminded of my university days, and I think it was Maslow, discussing this with Deputy Southern... I may be getting confused sometime with Pavlov, but that might be about Deputy Le Claire and his dogs. But Maslow's hierarchy of needs, which says in essence that you do not worry about what paintings to hang and decoration when you do not yet have a wall or a roof, and I think that is where we remain at present. I fully support the Deputy of St. John highlighting the need to take research support seriously, and that is something we should be focusing on, I just do not think we are in a position to decide that yet until we have decided on the main proposition. As far as Select Committees, I have to say, and it is only a personal view, I think Scrutiny says what we do and I think Scrutiny is what we should stay with. Thank you.

6.6.10 Deputy G.P. Southern:

Today has just gone from bad to worse, it seems to me. I mentioned the other day that I was having a Dumbo day; when I see a flying elephant then I will believe anything. But today I think I have never seen before, well certainly not for a long time, more wishful thinking expressed in one debate without any real sense of direction and clear thinking as to how we approach things. But I am very grateful to the Chairman of P.P.C. for explaining something, because I was getting confused with the numbers about who was going where and 5 officers were going to do that and some officers were going to do the other, and 1½ officers were going to do something else, and I could not make them add up, and clearly 10 scrutiny officers is going to be reduced to 7, but then we get a piece of wonderful ... I do not know if it is Blair newspeak or just simply wishful thinking: "And that will result in Scrutiny being greatly enhanced" said the Chairman of P.P.C. Wow. Yet again we are performing that miracle: is it loaves and fishes - we get more from less. That was immediately backed-up by the Chief Minister who said that there is going to be new improved Scrutiny, we are going to be much more efficient and much more effective because we are going to get Scrutiny all over the place. Well, I hesitate to rein-in Members' imaginations, but it is not going to happen.

This will mean, I believe, the main proposition, and this amendment does very little to assist it, is going to mean a major change in the nature of Scrutiny, true, but I believe for the worst, and it does not matter how much you line up the wallpaper to make sure the pattern is exactly right, it is not going to work. So, I cannot and will not be voting for this because it is fiddling while Rome burns and I will explore that later, probably tomorrow now, on the main proposition.

The Deputy Bailiff:

If no other Member wishes to speak I will call on the Deputy of St. John to sum up.

6.6.11 The Deputy of St. John:

I can understand where some of the Members are coming from, but having sat through many a debate with Clothier, back in the early part of this century, and we were promised by the proposer at that time, Senator Horsfall: "Adopt this in principle and I will put the meat on the bones later." Well the meat on the bones never arrived; that is why we are here today. That is why I want to put some meat on the bones now. No matter how small, it is a start, because, if you do not put the meat on the bones beforehand, in 5 years' time, 10 years' time, we will be doing all this again, because he will turn around and say in another 5 years: "The system is not working." This last one we may put in tomorrow when we vote on it, and I can see the Chairman from P.P.C. there, she was not around when we were debating those, but I know that her neighbour alongside her, the Connétable of St. Ouen was, and Senator Le Main and others, and we were given promises, promises that were never kept, because, what happened? The president of the day upped and retired at the end of his term. What is going to happen this time? We have already heard it from the Chief Minister, he will not be here next year, he will be gone, and presumably a number of other people will be gone. He is gone now, absolutely, he is not in the Chamber. **[Laughter]** But of course, that said, put the meat on the bones now. That is what I am telling you, because, if you do not get it done now, it will not happen, and we will be going from a pond to a lake to a sea back to a pond, be water-skiing over one thing or another, tripping over one's selves. I am pleased the Chief Minister is back in the Chamber, given that I am making reference to him retiring in a year's time, and it is of concern, we must put the meat on the bones at the time of doing this, because it will never happen. When I came back into this House 21 months ago, I brought a proposition to amend Ministerial government, and I was told: "You are wasting your time, Deputy, we are up to here with reforms of Government, we do not need anymore." I lost that debate. We are now at a point where it looks as everybody - well the majority of people - might be onboard to do some reforms, but put the meat on the bones at this time because you will not do it later on, you will not do it later on. Whether or not you adopt my amendments today, it is up to yourselves; at least I am trying. Yes, I might be very trying in more ways than one. But, that said, this is the future of our Island I am thinking of, the future of our Island, and Members who spoke, they were all downbeat generally, nobody was talking it up: we should be talking things up. Yes, I think the Chief Minister spoke-up the position of the chairman of any Scrutiny system we put in place. Absolutely right, we should be. Whatever you call it, whether it is the Select Committee or another Scrutiny Panel, it is important we talk that up so we get everybody onboard, because at the moment I heard Senator Le Main a few moments ago suggesting that he had not been asked to join a Scrutiny Panel. In fact, the day he gave up, I asked him, and he said: "It is too soon to even think about it." So he had been asked, contrary to him shaking his head at the moment, but he had other things on his mind. Maybe he might wish to join my particular Scrutiny Panel at the moment. **[Laughter]** I can understand why he has left the Chamber. That said, yes, I have an excellent team. I work alongside with Constable of St. Peter and the Deputy of St. Mary, and our co-opted Member the Connétable of St. Saviour. But we could do with a full complement, and I see Members around this room who do not sit on any committee, any panel, any Ministry, who are not prepared to pull their weight. **[Approbation]** By golly, we need their support. If they will not do it now- and for the last 12 months of this Government - will they do it in any new Government? Let them prove it and come out now and tell us: "Yes, Deputy of St. John, I will join your panel." Just prove it to us, prove it to the Chief Minister that we can

make things work in the run-up to a new system of government that may be put in place tomorrow. But, as far as I am concerned, and I see the time, by the time we have had the vote it will be 5.30 p.m., so therefore I am going to wind-up. I will answer one question that was put to me: “How are we going to allot a research assistant person if that person’s time is given to us, or 1½ persons’ time?” Quite simple, allot time to Members who want to do research, simple as that. But that said, I am not going to get involved in the minutiae of Deputy Le Hérissier or Connétable Gallichan and others. I am going to ask for the appel on each of the votes, 2 votes, and I hope some of you may consider my amendments worthy. Thank you.

The Deputy Bailiff:

The appel is called for. The vote is on the first part of the proposed amendment; to provide research assistance to States Members, to be supported by officers to be transferred out of the Scrutiny section as part of the proposals. I would invite Members who are not in their seats to return to them and I will ask the Greffier to open the voting.

POUR: 7

Senator A. Breckon
 Connétable of St. Helier
 Deputy P.V.F. Le Claire (H)
 Deputy of St. John
 Deputy of St. Mary
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)

CONTRE: 40

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator S.C. Ferguson
 Senator A.J.H. Maclean
 Senator F. du H. Le Gresley
 Connétable of St. Ouen
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy T.M. Pitman (H)
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)

ABSTAIN: 0

The Deputy Bailiff:

We now come to the second amendment, which is to agree that Scrutiny Panels should be renamed Select Committees. I ask the Greffier to reset and then I ask the Greffier to open the voting.

POUR: 13

Senator P.F.C. Ozouf
Connétable of Grouville
Connétable of St. John
Connétable of St. Clement
Connétable of St. Peter
Deputy of Grouville
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy I.J. Gorst (C)
Deputy of St. John
Deputy A.E. Jeune (B)
Deputy M.R. Higgins (H)

CONTRE: 34

Senator T.A. Le Sueur
Senator P.F. Routier
Senator T.J. Le Main
Senator B.E. Shenton
Senator A. Breckon
Senator S.C. Ferguson
Senator A.J.H. Maclean
Senator F. du H. Le Gresley
Connétable of St. Ouen
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. Saviour
Connétable of St. Lawrence
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy J.A. Hilton (H)
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy M. Tadier (B)
Deputy of St. Mary
Deputy T.M. Pitman (H)
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy J.M. Maçon (S)

ABSTAIN: 0**The Deputy of St. John:**

Could I thank those thinking people.

Deputy R.G. Le Hérissier:

I do not know whether to quote a famous person, whether it is the beginning of the end or the end of the beginning, but I wonder if I could move the adjournment.

The Deputy Bailiff:

Before we come to that, Deputy, if I may, I can announce that the fourth amendment has been lodged in the name of Senator Le Gresley to Reg's Skips Limited - Planning Applications (R.118/2010): compensation and further action (P.130/2010). I should announce first the third amendment has also been lodged by the Minister for Planning and Environment to the same proposition. P152 - Rezoned Sites: Assessment of Housing Needs has been lodged by the Deputy

of St. John and P153 - Draft Rates (Amendment of Law) (Jersey) Regulations 201- in the name of the Comité des Connétables has also been lodged.

The adjournment is proposed and the States will now stand adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:30]