

STATES OF JERSEY
OFFICIAL REPORT
THURSDAY, 8th DECEMBER 2005

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

ELECTION OF MINISTERS

1. The Bailiff:

“Turning to public business, the first item on the Order Paper is the selection of Ministers. Pursuant to Standing Order 17, I must now invite the Chief Minister designate to announce the order in which he wishes the States to vote upon his intended nominations and his proposals as to the ministerial office to which each nominee would be assigned. Chief Minister designate, may I ask you to do that, please?”

2. The Chief Minister designate:

“My nominations and the order in which I would wish to put them to the House are as follows: Treasury and Resources, Senator Terence Augustine Le Sueur; Economic Development, Senator Philip Francis Cyril Ozouf; Education, Sport and Culture, Senator Michael Edward Vibert; Social Security, Senator Paul Francis Routier; Health and Social Services, Senator Stuart Syvret; Home Affairs, Senator Wendy Kinnard; Planning and Environment, Senator Frederick Ellyer Cohen; Transport and Technical Services, Senator Leonard Norman; and Housing, Senator Terence John Le Main.”

3. The Bailiff:

“Thank you, Chief Minister. May I now ask you then to nominate formally your proposals for the Treasury and Resources Ministry?”

The Chief Minister designate:

“Yes, Sir. It gives me the greatest possible pleasure to nominate Senator Terence Augustine Le Sueur for the position of Treasury and Resources Minister.”

The Bailiff:

“Is that nomination seconded? [*Secinded*] Are there any other nominations for the Treasury and Resources Ministry? **(Pause)** Very well, then I declare that Senator Le Sueur has been duly elected as Treasury and Resources Minister.” **(Pause)**

4. The Chief Minister designate:

“My second nomination, which also gives me great pleasure, is that of Senator Philip Francis Cyril Ozouf for Minister for Economic Development.”

The Bailiff:

“Is that nomination seconded? [*Secinded*] Are there any other nominations for the Ministry of Economic Development? **(Pause)** Very well, then I declare that Senator Ozouf has been duly elected as Minister for Economic Development.” **(Pause)**

5. The Chief Minister designate:

“My next nomination is Senator Michael Edward Vibert for Education, Sport and Culture.”

The Bailiff:

“Is that nomination seconded? [*Secinded*] Are there any other nominations for the Ministry of Education, Sport and Culture? **(Pause)** Very well, I declare that Senator Vibert has been elected as Minister for Education, Sport and Culture.” **(Pause)**

6. The Chief Minister designate:

“I had pleasure in nominating Senator Vibert, even if I didn’t say so, but I also have pleasure in nominating Senator Paul Francis Routier for the Social Security Ministry.”

The Bailiff:

“Is that nomination seconded? [*Seconded*] Are there any other nominations for the Ministry of Social Security? **(Pause)** Very well, then I declare that Senator Routier has been duly elected as Minister for Social Security.” **(Pause)**

7. The Chief Minister designate:

“It gives me pleasure now to nominate Senator Stuart Syvret for the Health and Social Services Ministry.”

The Bailiff:

“Is that nomination seconded? [*Seconded*] Are there any other nominations for the Ministry of Health and Social Services? **(Pause)** Very well, then I declare that Senator Syvret has been elected as Minister of Health and Social Services.” **(Pause)**

8. The Chief Minister designate:

“Similarly, Sir, it gives me pleasure to nominate Senator Wendy Kinnard for the Home Affairs Ministry.”

The Bailiff:

“Is that nomination seconded? [*Seconded*] Are there any other nominations for the Ministry of Home Affairs? **(Pause)** Very well, then I declare that Senator Kinnard has been duly elected as Minister for Home Affairs.” **(Pause)**

9. The Chief Minister designate:

“It gives me pleasure also to nominate Senator Frederick Ellyer Cohen for the Planning and Environment Ministry.”

The Bailiff:

“Is that nomination seconded? [*Seconded*] Are there any other nominations for the Planning and Environment Ministry? **(Pause)** Very well, then I declare that Senator Cohen has been duly elected as Minister for Planning and Environment.” **(Pause)**

10. The Chief Minister designate:

“Again it gives me pleasure on this occasion to nominate Senator Leonard Norman as Minister for Transport and Technical Services.”

The Bailiff:

“Is that nomination seconded? [*Seconded*] Are there any other nominations for the Ministry of Transport and Technical Services?”

Deputy S.C. Ferguson of St. Brelade:

“Yes, Sir, I nominate Deputy Guy de Faye.”

The Bailiff:

“Is that nomination seconded? [*Seconded*] Are there any further nominations for the Ministry of Transport and Technical Services? **(Pause)** Standing Orders provide that the candidates should address the Assembly for up to 10 minutes, following which there is a period of questioning. The first nominee is the first person to address the Assembly, and that is Senator Norman. May I ask, therefore, Deputy de Faye to withdraw to another place while this process takes place? **(Pause)** There

will be a 9 minute bell, Senator, to warn you that your 10 minute period is drawing to a close and the period of questioning will take 20 minutes and there will be a 15 minute bell shortly before the end of that. Senator Norman?"

10.1 Senator L. Norman:

"It really is an honour and a delight for me to be proposed for this ministry by our new Chief Minister designate, not just because there is a big job to be done and not just because Senator Walker clearly considers me up to the challenge, but also because I have harboured a secret ambition to lead the Public Services Committee after nearly 20 years. I hope the States will give me the opportunity to fulfil that ambition, although I have to say that I am rather sad that the name Public Services has been removed from the title, although I am relieved that it has been retained in the French version. Sir, I will turn to the 3 main responsibilities of the Department and my hopes and aspirations for them. Firstly, waste management. The Waste Strategy has been approved by the States. It will be the responsibility of my team to review all of the documentation and all of the evidence and bring to the States our preferred option and location for the replacement of the Bellozanne incinerator. For all the reasons given by Senator Syvret on Monday, I suspect that at present La Collette is currently the favoured option. As to the plant itself, I give an assurance that it will be of proven technology and be able to meet the best international standards, both as current standards and those that can be anticipated into the future. A preferred site will be selected for the composting facility, which will be enclosed to prevent nuisance and any risk, real or perceived, to neighbours. Over the last few days I was re-reading Deputy Le Claire's (then Senator Le Claire's) proposition regarding the composting facility, and I was really saddened that he felt that he had been sidelined in this issue. No member, particularly a member who represents an incident going on in his district, should feel like that. So if I am appointed, I should certainly like to meet with Deputy Le Claire, and indeed the other representatives of St. Helier No. 1 District, to discuss all the issues involved with the composting situation and the options that are open to us. Recycling and reuse initiatives will continue apace, with the Department working closely with our allies in this area, the Parishes. That is the only way hearts and minds can be won and cultures changed. If we are to meet the recycling targets we agreed during the Waste Strategy Debate, we need to engage the community and involve sites frequented by the public as bring-back centres, not just Parish Halls, but supermarkets, car parks and community centres, everywhere the public go in numbers. Sir, next to municipal services and, in particular, highway maintenance. The Chief Minister designate commented on the state of our roads on Monday, so I feel it would be sensible for me to promise to do something about the neglect of the past. Significant new money is unlikely to be made available in the short term, so we must look to do more for less. This is a real challenge with only one contractor currently available on the Island. Therefore, I want to look urgently and positively at looking to seek, again in partnership with the Parishes, tender situations for 3 year contracts from U.K. or continental contractors in competition with the local contractor to possibly bring in their own batching plant, as has been done when resurfacing the taxiway and runways at the Airport, which could possibly be accommodated at La Collette, and blitz the main roads and the Parish roads as required during shoulder and winter months. For this to be successful there would need to be a critical mass of work to

be arranged each year; and this is why parochial involvement would be so important. The real benefit, I think, would be having the potential of getting done what is essential to be done more quickly and more cheaply - more cheaply for the States and more cheaply for the ratepayer. In this area, we should work even more closely with the utility companies to get the timing of works right, the inconvenience to road users to a minimum and the damage to our roads caused by the utilities made good to an improved and appropriate standard. A good relationship exists with the utilities but it can and will be even better. The Town Park project will come off the back-burner and will become part of an integrated plan. I will work with the St. Helier Regeneration Group to find a way of acquiring sufficient land in that part of town to provide above-ground parking for local residents and commuters from the north-east, dramatically reducing the cost of the car park, which would be very high if we were required to build an underground car park on the Town Park site. Also off the back-burner will come the St. Aubin Reclamation Scheme. If this could be achieved, it will be a real boon for the Parish and the village. Working together with the Parish, residents and businesses of St. Aubin, I really hope that this can become a reality. The third part of our remit is transport. The bus situation is a huge disappointment to me, and I imagine to most of us. We are now subsidising the bus service to the tune of over £3 million a year, compared to about £75,000 a year when the Jersey Motor Transport (JMT) were running it. The question I ask is are we getting £3 million of additional benefit? I don't think so. The scheduled bus service needs to be integrated with the school bus service. An Island-wide circular route is a must for the benefit of tourists and residents alike. Local community services need to be developed, both in the town and in the country Parishes, in consultation with the Parishes, to meet the needs of the residents. More bus shelters must be provided to encourage use of the bus service, and a flat fare structure should be fully evaluated and discussed. Taxis and cabs are an integral part of our transport service infrastructure. So a much better relationship must be developed with the taxi and cab providers, not just with the Department but also with the public they serve. Ideally we will see an amalgamation of the 2 services. We will see a modern, appropriate and positive regulatory régime. Certainly the availability of training courses for registered drivers on safe and appropriate handling of wheelchair passengers is a must, as will be the need for them to join in Tourism's *Welcome Host* programme. They are in the front line of tourism. There is a serious image and relationship problem with taxis and the Department which must be addressed and addressed urgently. Turning to car parks, we need to revert to a barrier system for all of our car parks to replace scratchcards. Scratchcards are not exactly user friendly or helpful to our Waste Strategy. This, I think, will serve the customer better. Payment will be able to be made with cash, by credit card, pre-paid cards and even, with the aid of modern technology, by monthly accounts for businesses and individual clients. This will be of great benefit to businesses and regular users. This technology will also enable flexible charging if this is considered necessary or appropriate. Sir, there is one thing that has frustrated successive Public Services Committees for at least a generation. That is the Beaumont/Bel Royal/St. Lawrence area traffic bottleneck. Sir, I won't pretend I have an answer to that one, but I do wish to investigate the options and their costs and report back to the States on the options and the solutions, if we can find them, during my term of office. Our parks and cliff paths must continue to be maintained

to a high standard. I am committed to the maintenance and extension of our main drains network. Sir, there is a big job to do. I have been able to give only a relatively limited overview. As I say, it is a big job. I have the confidence that I can do it and the Chief Minister designate has indicated his confidence by nominating me. I ask the States to reflect that confidence with their vote. I look forward to the questions, Sir, and thank you.”

The Bailiff:

“Now there is a period of questioning of up to 20 minutes. Deputy Le Claire?”

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

“I would like to thank the Senator for his invitation to come and see him and I would like to ask him, if he is successful this morning, who his choice for Assistant Minister would be.”

Senator L. Norman:

“The Assistant Ministers have to be appointed with the approval of the Chief Minister. If I am successful this morning, I shall be asking the Chief Minister to allow me to appoint Senator Perchard as my Assistant Minister, if Senator Perchard is willing to accept that position.”

10.1.2 Deputy A. Breckon of St. Saviour:

“Could Senator Norman expand a little bit on public transport and say how he could perhaps encourage the use of it with things like availability, costs, bus shelters and things like that? Has he any ideas in mind to promote that?”

Senator L. Norman:

“The bus service that we have today is very similar to the one that we had 3 or 4 years ago and we are spending £3 million a year almost more than we were then. I do not believe that the bus service will be the answer to all of our traffic problems, but there are certainly improvements which can be made. One of the problems we have is that every route starts in St. Helier, goes to a point and then returns to St. Helier. That is what I was saying in my speech: I feel that a circular-type route would enable visitors, local people and the people who have the free bus passes, to enjoy more than one part of our Island, or visit more than one part of our Island, on one day without the inconvenience of having to go backwards and forwards. Bus shelters are an absolute must. Now, there are some areas where clearly it is difficult, because we do have narrow pavements and we have houses right up to the road. But there are obvious areas where bus shelters need to be provided. It is very localised for me, but La Hocq is on the most popular route, the No. 1 route from Gorey to town, it doesn't have a large number of people living there and no bus shelter. That will not encourage people to use public transport when the weather is somewhat inclement. I have spoken about the taxi situation, which I hope I need not expand on any further. That needs to be more customer friendly, less regulated in some areas and more regulated in others. One thing I have seen in many parts of the world on the bus service is the flat fare system, where one pays a flat fare no matter the distance one is travelling, and that is something I would like to investigate.”

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

“One of the concerns I have always had is the safety and well-being of late night travellers and obviously revellers. At the present time, these people are not properly catered for. If he becomes the new minister, would he give the States and myself an assurance to re-examine the new Transport Centre and ensure that it provides a comprehensive facility for late night users, that they can remain in the dry and in the warm until such times as an integrated service will be available to take them home, as opposed to waiting for an hour or more for a taxi service in the street and thus suffer intimidation, etc., etc?”

Senator L. Norman:

“I think that is absolutely right, and I can give the Deputy that absolute assurance. There is a difficulty, of course, with the numbers who arrive on to the street and who are looking for transport all at the same time. So I think there may be a way of integrating this with a joint initiative between the Transport Ministry and other ministries who have responsibility for licensing laws and so on so that people can come out in their own time and have less people pour out on to the streets at the same time to give the taxis and hopefully the buses more opportunity to move people more smoothly.”

10.1.4 Deputy S. Power of St Brelade:

“Ten years ago the Island led the world, I think, globally in technology, in the ultra violet (UV) plant that was installed at Bellozanne maybe 10 or maybe 15 years ago. Will the Senator assure the House that he will work closely with the Environment and Planning Minister to assure that the emissions that come out of any new plant, whether it be at Bellozanne, La Collette or anywhere else, are minimised so that Jersey is shown to lead the world in taking its place in reducing emissions that contribute to global warming? All of us will have seen in the media in the last few months since the incinerator plan has been approved by the States what is happening to the Arctic and Antarctic ice caps, what has happened to New Orleans, the thawing of the Himalayas. We must take this into account. So I would ask you, Sir, to work closely and assure the House this morning that you will work with the Environment and Planning Minister.”

Senator L. Norman:

“Absolutely, Sir, and I think we can be proud of our record with the UV plant. As I said in my speech, any proposal we bring to the States regarding the new energy from waste plant will meet the highest environmental standards, not only those that are in place now but those that we can possibly foresee into the future. Some years ago the States made a decision that the benefits to the residents of the Island should be equivalent or better than those available to our neighbours in the other islands - the U.K. and France - and I stand by that totally. The one thing which is very important is that, as an island, we are very much isolated, so any plant would need to be robust and absolutely secure. So the technology that we should recommend should be totally proven and reliable because, if we spent £75 million, or whatever it might be, on something that didn't work or didn't work properly, I think we would quite rightly be severely criticised.”

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

“Would the candidate say whether, in the light of the report of the Duhamel Scrutiny Panel on the Waste Strategy and the subsequent debate that took place, did he perceive that there was indeed a major shift of policy on the part of Public Services as a result, for example a massive shift to recycling, a much smaller replacement at Bellozanne, and is he committed, if that is indeed the result of that debate, to those shifts?”

Senator L. Norman:

“Absolutely, Sir. I supported the Waste Strategy totally, which places a great emphasis on recycling and reuse. I support totally the objective of having a proper recycling and reuse centre. This will only work properly if there is a culture change within the public, if they want to do this. But we as the States have to make it as easy and simple as possible for them. So we have to have collection arrangements; we have to have bring-back arrangements at convenient places where it is easy for people to carry out what they need to do to make this work. So yes, I am totally, totally committed to the Waste Strategy.”

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

“Could we have the Senator’s opinions on the Water Strategy, which is very important to a lot of people in the countryside?”

Senator L. Norman:

“I would be quite happy to do that, but the Water Law and so on is the responsibility of the Environment Committee, and I don’t really want to stray into Senator Cohen’s territory.”

10.1.7 Senator P.F.C. Ozouf:

“Public Services shares many municipal responsibilities with the Parish of St. Helier and the other Parishes across the Island. How does the Senator see the relationship with the Parishes? Also, Public Services was regarded as a political graveyard. It wasn’t quite mine, but why will it not be his?”

Senator L. Norman:

“It probably wasn’t Senator Ozouf’s, because he wasn’t there long enough. During my speech I think I mentioned relationships and co-operation with the Parishes at least 3 times. They are absolutely vital to the success of the Waste Strategy and indeed a Transport Strategy. I welcome the initiatives of the Public Services Committee and the Parish of St. Helier to work together for greater efficiencies in cleaning and so on and, of course, there have been further efficiency plans with the technical and engineering services of Jersey Harbours being transferred to Public Services in the near future, which will not only increase efficiencies but give us savings in plant and accommodation. So I am totally committed to co-operation with the Parishes because, without it, the various strategies that I have outlined cannot be successful.”

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

“Not a word about sustainability in the candidate’s comments about transport, and that is the States’ agreed policy. Could the candidate assure the House that his work on transport will include cycling and walking strategies, which have yet to be

brought forward, and that he will deal with issues like the need possibly for cycle registration and cycle helmets to be worn by all users?"

Senator L. Norman:

"Of course I welcome all of these initiatives and have supported, when I was President of Education, the investigation into safe routes to school which would be maintained. In relation to cycle helmets, it still amazes me the number of people who do not wear them voluntarily. I don't like introducing legislation unnecessarily. People should be persuaded to do this, but at the end of the day it may well be necessary. Cycle routes wherever possible - because our roads are relatively narrow, there can sometimes be difficulties in doing that, but certainly from Gorey to St. Helier might be a possibility. So, yes, we want to continue to encourage that sort of activity by providing the sort of facilities that have been provided in town for bike parking and so on. I have no difficulty with that whatsoever."

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

"I welcome, as my electorate in No. 2 welcomes, the Senator's commitment to the Town Park project. I wonder whether he shares my commitment and my electorate's commitment also to a Hoppa bus service and will he commit to reviving the Hoppa bus?"

Senator L. Norman:

"My ambition for the bus services goes a lot further than that. I spoke about a community bus service for the town area and for the Parishes. If one wants to describe that as a Hoppa bus service, then the answer is yes, but it has got to be a service which meets the needs of the community not just the political aspirations of States members. It has to be a meaningful service that people want to use and it has to serve the public well."

10.1.10 Deputy S.C. Ferguson:

"I think a number of States members have had complaints with regard to the working practices of a small number of Public Service employees. How does the Senator intend to approach these and, in fact, how will he approach the problem of modernisation of working practices?"

Senator L. Norman:

"I think there is a fairly wide-spread perception of inappropriate working practices within the Department. I, during my time in the States on various Committees, have worked very closely with many of our staff and I think that it is more of a perception than in the reality. But, if there is a perception, that has to be dealt with in a public relations way. If there are problems, they have to be resolved, and you resolve them by negotiating and working with the staff, with the managers and with their union representatives. No, I am not going to remind the States of a joke a previous Lieutenant Governor once told because it is not appropriate in these circumstances, but I might tell the Deputy privately later. The majority of staff who work for the States as manual workers are dedicated, highly professional and do a first class job. That is not to say there are not improvements that can be made and efficiencies that can be made, and that is something that we have to work on together, not just as a Department but through all States Departments."

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

“Slightly in deference to my predecessor, I have a question about the drains. During my recent election canvassing around the Parish of St. John, I was concerned to discover that so many homes in the 21st century were still not connected to mains drains. Can I ask what the Senator’s approach would be to investment in such infrastructure and, in particular, what timescale would he set to achieving 100 per cent household connectivity to the sewerage system?”

Senator L. Norman:

“Clearly that last question I can’t answer because I don’t yet have enough information. What I do know is that approximately or getting on towards 90 per cent of homes in Jersey are connected to the mains drains. I am committed to maintaining the infrastructure because, as the Deputy will know, it is not just a matter of putting them in, they have to be maintained to ensure that they continue to work properly. But, of course, in this day and age we need to get more and more homes - as many as we can - on to the system. It probably won’t be possible to get 100 per cent on. Very few places, if any, have got 100 per cent, but it is something that we must do, although I have to say I was with some elected representatives a few days ago who told me that they did not want mains drains brought to their area because that would encourage development in their particular Parishes.”

10.1.12 Senator S. Syvret:

“Given that the world is probably passing around now peak oil production and therefore the availability of cheap liquid fossil fuels and gas may be a thing of the past in terms of cheapness in 15 years time, will the candidate undertake to introduce as a matter of urgency a study for strategic energy policy for the Island, looking at the non-availability of fossil fuels directly for transport means, both within the Island and also the potential impacts of the non-availability of cheap fossil fuels on aircraft transport and shipping transport to and from the Island?”

Senator L. Norman:

“Yes, Sir, the Shipping and Aircraft Policy in operation now, the States will agree, will be the responsibility of the Economic Development Ministry, but certainly the Senator is absolutely right and, of course, it is not just a Jersey problem, it is a world-wide problem. So, yes, we must keep looking at this, understanding what is going to be happening and it is an area which I think we must work on not just on our own, not just with Public Services or Transport and Technical Services, but also with our colleagues in the other island, because it is an issue which is going to affect us in due course and one which we must be prepared for.”

10.1.13 Deputy C.F. Labey of Grouville:

“The Senator said, when answering the Constable of St. Helier’s question that a Gorey to St. Helier cycle route might be a possibility on existing routes. What priority would he give to a dedicated cycle track from Gorey to St. Helier?”

Senator L. Norman:

“If it is physically possible, I would give it the absolute highest of priorities, not just for local residents but also for our tourism business as well. We are now a niche holiday destination, and the more we can encourage cyclists and walkers, the better.

We have got these wonderful cliff paths which we can advertise to encourage walkers and, if we can do the same for cyclists, I think it will be a tremendous boon not just to the local residents but also to the visitors as well. I would be delighted to work with the Deputy of Grouville and the St. Clement representatives who will be mainly affected on this to see if we can achieve it.”

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

“Would the candidate tell us, as he has been keeping a watching eye on Transport and Technical Services for the last 20 years, if he feels there are any parts, large areas, that could be performed better by the private sector than in the public sector?”

Senator L. Norman:

“I don’t know enough about the internal workings of the Department to answer that question fully. I think all of us have had question marks but have never had a really satisfactory answer as to why it is that we have an Architects Department within Public Services. This is something which I would wish to examine. There are some theorists, and I heard someone on the radio this morning, talking about car parks. It was quite interesting to hear the managing director of Jersey Milk complaining about a monopoly, but it would of course be physically possible for the car parks to be privatised. That would not be my policy, certainly at this stage and not for a long time to come, because car parks are an integral part of our social fabric and, indeed, an integral part of our future Transport Strategy. I think it is important that control is kept on that, but nevertheless run on business-like lines. But those are the only areas that I can think of at the present moment.”

The Bailiff:

“That concludes, I am afraid, the questioning of the candidate. Usher, could you invite Deputy de Faye back into the Chamber? **(Pause)** Before I call Deputy de Faye, may I just remind him that there will be a one minute bell at 9 minutes to draw his attention to the expiry of the 10 minute period and there will be a 15 minute bell during the question time? Deputy de Faye?”

10.2 Deputy G.W.J. de Faye of St. Helier:

“First, I would like to pay tribute to the enormous amount of work carried out by the outgoing President of Environment, Planning and Public Services, Senator Philip Ozouf, and other members of the Committee with whom I served. Despite setbacks and distractions, the 2 new ministries that have devolved from the previously amalgamated department have many of their key strategies and policies already approved or outlined. In particular, I want to commend the general philosophy inspired by Senator Ozouf, the ‘can-do’ approach. For far too long a public perception has developed that States Departments simply exist to tell you what you can’t do. In some cases, that is justified, but public servants should always try to do their best to facilitate the demands and requirements of the general public, and I fully intend to contend to continue the excellently inspired ‘can-do’ policy. Transport and Technical Services is a diverse and complex portfolio. It is intended to have overall control over all on-Island transport, not just buses, cabs and taxis, but also off-street and on-street car parking, road infrastructure and traffic management. There is responsibility for all waste disposal, where attention has, rightly, been concentrated on replacing the outdated Bellozanne incinerator.

However, just as important are new policies for increased recycling of recoverable or treatable waste and the entire sewerage operation, which is linked to our mains drainage network. Whilst on the subject of sewerage, I want to put in a word for the long-suffering residents of Bellozanne Valley. Recent concerns have centred on the smells emanating from the composting operation at La Collette, and I am very sympathetic to the worries of the residents of Havre de Pas and measures are already being pursued to alleviate the situation as soon as possible. However, consider the plight of Bellozanne and First Tower residents who have endured sewerage smells for decades. I want to assure them that a modern, enclosed sewerage treatment works is now on the agenda and it will be a project that I intend to pursue. The Transport and Technical Services portfolio also extends to other areas such as parks and gardens maintenance and sea defences, areas where certain levels of duplication in effort and responsibility exist and where potential rationalisations must be considered, but I first want to deal with the Waste Strategy. Many members will be familiar with this because the bulk of the Strategy has already been approved by this House. It represents the most urgent policy issue. The Strategy is kept under constant review. As an example, the preferred location for the siting of the energy from waste plant has now switched to La Collette, an issue that will be finally determined by the States. I remain open minded on the final solution on the type of energy from waste plant that we will have, and I intend to work as closely as possible with colleagues on Scrutiny to resolve the matter as soon as possible. Again, the final decision rests with the States. One of the key elements in how that decision is formulated is recycling and how much can be achieved. I am an enthusiastic exponent of recycling, but a cautious one. It is an expensive option in many respects and will require significant changes in local culture to succeed. How recycling and waste disposal is developed and paid for will be crucial to its success. I have pressed in the past to rethink our philosophy on the issue and will continue to seek new approaches. Now, what do I mean by that? Older members will recall that years ago fizzy drinks bottles used to be sold with a deposit. It was a wonderful way of ensuring a responsible attitude to glass disposal that earned small fortunes for many enterprising young children who collected the bottles and returned them. This type of socially engineered responsibility can be repeated by the use of environmental taxation, and I would hope to make significant contributions in terms of making suggestions to our new Treasury Minister on how that might be pursued. We are already familiar with the success of taxation on plastic bags in Ireland. I would hope that we could apply similar policies locally, such that local residents who dispose of their rubbish responsibly can be expected to be rewarded in some form. This already happens with the disposal of farm plastics, in that, whilst it has been a habit for some farmers in the past to simply burn the plastic in their fields or bury it, there is now incentives for farmers to bring their plastics for responsible and appropriate disposal, which then allows them to access other forms of subsidy. This document, *Turning Travel Around*, unfortunately not debated in the last session, is the Sustainable Travel and Transport Plan draft framework. It is not my document; in fact, it is not really even the Department's document; it belongs to the public, thanks to the way it was formulated initially by consultations with workshops and focus groups. We know that the ideas contained in here are ideas that have come from ordinary people who use public transport, who use our roads, who travel around the Island and generated in here is the broad brush of what they wish to see

in terms of how things will go forward. It was my privilege to have been given a certain level of responsibility within the travel area for Connex. I took that seriously. As many members will know, I gave up my personal car use, I believe now for such a long time that my car engine has seized and it no longer functions, but it has given me first hand experience of public transport, both buses, taxis and cabs. I do know what I am talking about. But in terms of bus figures, the Connex story, despite early upsets, is in fact over the long term a continuing success story. More people are using the buses. Our revenues are up, and that means that the subsidy is costing less. We have introduced new ideas. The reduction on evening fares over the summer was an unqualified success, backed as it was by the marketing of the new cheap £1 capped evening fares to hotels and guesthouses to encourage tourists as well as local people to use the buses. It generated in the summer season 8,000 new rides on the buses. Now, that isn't just simply useful for Connex, it means that cars are not being used; it means that pollution is being reduced; it means that our consumption of fuel is being reduced; it means we are contributing less to global warming. There is much more than can be done. Already we have agreed that advertisements should be allowed back on to the sides of buses. Why not use all those mobile billboards to generate extra revenue for the public finances to plough back into transport. It will also allow, I hope, strides forward to be made in the provision of bus shelters, an area which has been long over-neglected. We are also keen, and I am keen, to see new technology used as much as possible. It is now possible to access a Connex timetable via the internet or indeed by the more sophisticated mobile phones and, in due course, I would hope that you will even be able to tell how long it will be before the bus arrives at the stop you are at. There will be challenges with the transfer of Driver and Vehicle Standards (DVS). It means that taxis and cabs will come under the same roof as buses have been, and I am very pleased that has happened. The idea of putting all transport under one responsibility was a concept I actively promoted. I want to see a changed emphasis with taxis and cabs to focus on customer requirements. Simply, it should be a one-stop-shop. There should no longer be a necessity to have 2 different fares or to phone up numerous telephone numbers to find out how long it will be before a cab will arrive. We can rationalise this to the advantage of taxi and cab drivers by making the way they work more efficient, which will allow them to maximise their earnings. Before I close, I want to emphasise one thing. I recognise more than many that transport and travel in the Island revolves primarily around the domestic motor car and commercial traffic. I will be pushing to my utmost to ensure that our road infrastructure is maintained to its highest levels and that other areas of neglect such as drains maintenance will be addressed. It is of no use to this Island for us to allow our basic infrastructure to fall slowly into disrepair.”

The Bailiff:

“Thank you, Deputy. Now the period of questioning begins. Senator Syvret?”

10.2.1 Senator S. Syvret:

“Given that the world is probably hitting peak oil production around about now and the availability of cheap liquidised fossil fuels may be a thing of the past within, say, 15 years, what measures would the Deputy propose, particularly in terms of generating a Strategic Energy Policy for the Island to make sure that we were

equipped to deal with these circumstances should they arise, given the importance of fossil fuels for transport within the Island and also the strategic relevance that may arise in terms of aircraft travel and shipping travel to and from the Island with an absence of cheap fossil fuel?”

Deputy G.W.J. de Faye:

“That is a very broad based question, to which I think I have to give a largely broad-based answer because the answer will not simply emanate from the Transport and Technical Services Ministry. These issues as outlined are going to have to be addressed on a holistic basis across several ministries. There are big things that can be done and small things that can be done. As an example of one of the smaller contributions, I have been tremendously impressed by the new hybrid taxis that are now starting to operate. These are the ones that run both on electricity and fuel and, because they run on electric at low speeds, they are low noise and around town, because they are running on electric, they are low or almost zero pollution. I would very much hope to encourage the use of those primarily as a first stop amongst our taxi and cab services by hopefully offering incentives because they are the people who are operating on the roads the most, but I would hope to see those incentives, possibly through environmental taxes, being encouraged with ordinary local, domestic drivers. So I think that there are small avenues that can be pursued. I have already looked in myself to the potential of new fuels such as bio-diesel, but we move into very complex areas here of basically would one have enough area to grow sufficient to supply a plant and, of course, land in Jersey is extremely expensive compared to other areas. So there are problems in terms of how we would approach the future. But one thing I think would be relatively easy to do, given our existing linkage to nuclear energy, would be very much to encourage the use of electric vehicles. There would be no reason, as far as I could see it, and it may be an incentive in some ways that we could build into our multi-storey car parks electrical sockets to allow people to power up their cars during the day whilst they are at work and drive them home. Given the distances involved in a small island, the possibility of using electric vehicles is a very strong possibility.”

10.2.2 Senator T.J. Le Main:

“I would like to ask the candidate, the candidate has stated on several occasions that he has an old car with a seized engine laying in a farmer’s field in St. Helier somewhere. If elected as Transport and Technical Services Minister, will he set an example and deliver it to Bellozanne for recycling?”

Deputy G.W.J. de Faye:

“I can assure the Senator that I have taken an extremely responsible attitude with my vehicle. It is now no longer in the field and has been moved to a farm shed where it is undergoing stringent inspection to see if it is in fact recyclable in any way. Once I have the results of that inspection, I shall make a decision as to whether recycling is an option or whether it will be disposed of in the proper manner at Bellozanne.”

10.2.3 Deputy S. Power:

“I would like to ask for the Deputy’s assurance that 10 years ago or 15 years ago the States led the world in technology, specifically the ultra violet (UV) plant at

Bellozanne. Will he assure the House that, if he is elected Transport and Technical Services Minister, he will work closely with the Environment and Planning Minister to ensure that, whatever plant is finally decided upon as an incinerator, it will have the minimum amount of emissions that will affect global warming? He will have seen global media results on global warming, on the temperature rises, the rises in sea levels, the thawing of the Antarctic and the Arctic and the Himalayas and will he assure the House today that, if he is elected, he will look for an option that produces the least amount of emissions into the atmosphere?"

Deputy G.W.J. de Faye:

"Yes, Sir, I can assure the Deputy that that will be one of the considerations that will go into the thinking. In fact, I have looked at some of these exciting brochures from the people who sell this type of equipment for plants that have no emissions at all. Unfortunately, I have to say that these plants in many cases, whilst they look exciting on paper, have not even been produced in prototype format, let alone been discovered to work on a full commercial scale. So there is a balance that needs to be struck here between being at the cutting edge and finding that you have bought something that is so prototype that we really cannot guarantee that it works. The critical thing for Jersey being an island is that we have to have a system that works, because we have really no fallback position if things go wrong. The cost of freighting anything off the Island, as I am sure the Deputy is well acquainted with, is potentially extremely expensive. But the Deputy did mention global warming and, by implication, the responsibility I would have for sea defences. Sea defences is an area that has been on many occasions rather overlooked, but I think that there is a lot of potential in how we address ourselves to sea defences in the future. A good and solid work is being done. Many members will have seen construction out at St. Ouen, but as an idea of how, for example, Transport and Technical Services could contribute to other areas, as we have been considering in conjunction with the Environment and Planning Department possibilities of expansion of outlets of venues out at St. Ouen, there of course has been discussion about laying-in mains supplies. So thinking out of the box, we have taken currently the approach that if we are going to be laying-in some mains water along the front at St. Ouen, wouldn't it be a nice idea if we could provide fresh water showers for the public coming off the steps up onto the sea wall and being able to shower off salt and sand. I think it is something that many will know as a familiar sight on continental beaches and, quite frankly, Jersey should keep up with the times and, I think, provide those types of facility which we can engineer into projects that are in demand anyway."

10.2.4 The Deputy of St. John:

"I would like to ask the candidate whether he feels that people will really give up the comfort of their car in favour of using a bus whilst parking and the general running costs of owning a car remain so available and affordable in Jersey? If not, would he move for policies that would discourage the use of private vehicles?"

Deputy G.W.J. de Faye:

"No, I certainly wouldn't because I think that private vehicles are a right, as things currently stand, and I don't have, and I don't intend to have, a battle or a war against private car ownership. Nor do I particularly intend to get tough on car parking

charges, for one very good reason: the buses have been so successful, it appears that fewer people are parking in our car parks and we are having to address that issue as things stand to find out why precisely our car parking revenue has fallen. So I have to say, and I don't claim to be the most talented businessman in this Chamber, that one is I think fairly certain. When you see your customer clientele falling off, you don't start banging the prices up. I think this all has to be seen as a very careful balance. It is a balancing act between car usage, car parking availability, availability for residents' parking and how many people we get on the buses, and these balances are crucial. I could, for example, call for massive reductions in bus fares, but, given the potential wave of commuters who might want to use it, I would suddenly find myself without sufficient capacity on buses to accommodate them. So all these things have to be treated extremely carefully indeed and as a balance between all sorts of various interest groups."

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

"In 2,000 words or less, could he tell us who his choice would be for Assistant Minister if he was successful today?"

Deputy G.W.J. de Faye:

"No, I don't intend to give out information unless I am elected."

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

"Could the Deputy please tell this Assembly whether he supports any reconfiguration of bus service routes and the introduction fairly early on, or at some stage during the next few years, of the Hoppa bus service?"

Deputy G.W.J. de Faye:

"Yes, I do, but unfortunately this is a battle of wills between myself and Connex at this stage. I very much hope that in the not too distant future we will see a significant alteration in routings and schedule frequencies. I very much hope in the not too distant future we will see the reintroduction of a St. Helier shuttle. It may not be precisely the same as the former Hoppa service, but I hope it will be something similar. I would also like, and I regret that I don't have any visual aids with me, the opportunity to support the introduction of electric assisted pedal powered roofed rickshaws to drive people around St. Helier, certainly in the summer. I am sure it would be a tremendous tourism attraction, an alternative to taxis and cabs. I know the Constable of St. Helier is already enthusiastic at the prospect and I hope we can look seriously at some exciting alternatives because, quite frankly, taxi and cab drivers are not particularly interested in doing short-distance travel. It is also relatively problematic in terms of bus usage, and if we can find a sort of halfway house that satisfies the requirements and also comes in cheap - believe you me, I am sure something that is described as a '*solar powered electric pedi-cycle*' sounds about as ecologically sound as anyone in this Chamber might wish - then those are the sort of initiatives I would be very happy to explore."

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

"Residents of St. Lawrence are really concerned by the traffic problems at Bel Royal and Millbrook and the resultant threat to pedestrians. Would the candidate please tell us what his priority would be in resolving these issues?"

Deputy G.W.J. de Faye:

“Pedestrian safety is at the forefront of all traffic management thinking, and that applies to considerations when developments are put before the Planning Committee and a continuing input will exist. But, in that particular area, we have a fundamental problem that I have to say I cannot deliver an immediate solution for. The bottleneck between Beaumont and Bel Royal is an extremely difficult issue. Apart from expensive solutions, there are no easy answers. It may well be that in fact the only long-term solution is to change our planning approach and to have more offices built out at the west end of the Island simply to prevent everybody from having to travel into St. Helier to work, which is why we get these bottlenecks. It may be that a traffic problem has to be sorted out by a planning solution. It is also possible, of course, that improved bus networks could be the issue and I hope over the medium to long term to introduce a new, more frequent system that will be focused around key transport hubs within the Island and that will allow us completely new concepts like fast express buses that we could use to shift reasonable volumes of passengers. Now, it may be that express buses may help with the types of problems we face down at that end of the Island, and I would hope that they would, but I have to say that many of these difficulties are not simply transport issues. We really need to pursue our cross-departmental, or it will now be our cross-ministerial, approach. We must have holistic thinking.”

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

“I think my colleague, Deputy Mezbourian, has pipped me to the post on this one. As a new housing development is under consideration for Bel Royal, what strategies would the Deputy put in place to ease this bottleneck and the long-term suffering of the commuters from the west and residents of St. Lawrence? Would bus lanes or a shuttle service be considered?”

Deputy G.W.J. de Faye:

“Yes, I have partially outlined my response to that already, but I think that bus lanes have a potential, although of course it is a limited one because there are only a very few areas in the Island where we could introduce separate bus lanes, because there is just a limited amount of dual carriageway. However, having said that, I wouldn't necessarily limit myself to bus lanes. I know from having studied it, that the Mayor of London, Ken Livingston, is thinking of taking his Congestion Charging, as it were, to sort of Phase 2. Cameras are being invented, I gather, or at least are constructed, so that you can tell how many people are in the car rather than simply read the number plate. Now, I think that is quite a useful tool and, in that sense, I would not be advocating bus lanes necessarily *per se*, but multi-occupancy lanes. In other words, if you are car sharing or you are using your domestic vehicle in a reasonably responsible way because you are carrying a number of people in it, I would wish to give you the advantage rather than the single occupancy vehicle. I think there is potential mileage in that type of approach. *Vis-à-vis* the situation at Bel Royal, I think that improved public transport can alleviate to some extent, but I do think this is a wider issue. I do believe, quite frankly, we have to look at this more in the planning and the future of planning and development at that end of the Island to determine just how much pressure we are going to continue to put on that road junction, because the fundamental traffic solutions are extremely expensive

and would involve building massive new roads through areas where it would be extremely difficult to do so, not to say disruptive.”

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

“Does the Deputy support the original concept for a Town Park with a surface park and underground car parking, or would he seek to provide car parking over ground in a different place?”

Deputy G.W.J. de Faye:

“I am very shocked to have had that question from Deputy Duhamel because the Deputy and I have been photographed standing in Gas Place advocating the Town Park. Maybe the Deputy is suffering from short-term memory loss, I don’t know. Yes, I am an enormous exponent of the potential of the town millennium park, not just because I think that the park itself could be a fantastic asset for local residents and the Island, but because I believe very strongly we should take the opportunity to build a 3-storey multi-storey car park underneath it. If in 50 years time we don’t have cars any more, then at least we have got a jolly useful volume of space under the park that we can use for goodness knows what - maybe storing some new agricultural product. Yes, I can’t wait for the new Town Park and I will fall over backwards to get anything done that will see its eventual construction come forward as early as possible.”

10.2.10 The Deputy of St. Mary:

“With the transfer of Driver and Vehicle Standards to the Transport and Technical Ministry, can I have the candidate’s views on whether the Parishes should continue to be the licence issuing authority?”

Deputy G.W.J. de Faye:

“I sense I am about to step into an elephant trap, so my response is that that is a matter that I will put into appropriate consultation phase with all the appropriate authorities.”

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

“Would the candidate tell us whether he is in approval of the building of a large incinerator or whether he feels the recent Waste Strategy decisions have led to the adoption of a small incinerator?”

Deputy G.W.J. de Faye:

“I think I prefer medium.”

10.3 The Bailiff:

“I am sorry Deputy, but your answer to that question must remain a puzzle to us all. Could you invite Senator Norman to come back to the Chamber? **(Pause)** I ask the Usher to circulate the ballot papers, please. **(Pause)** Members may vote either for Senator Norman or Deputy de Faye. **(Pause)**”

Senator T.J. Le Main:

“I wonder if you could explain to members precisely what they have to do. Obviously some of them might have spoilt papers. They have great difficulty. There

are obviously some members that have great difficulty in understanding the basics in life, Sir.”

The Bailiff:

“I did my best a few moments ago, Senator. **(Pause)** I ask the Solicitor General and Deputy Viscount whether they would be kind enough to act as scrutineers. May I ask Senator Norman and Deputy de Faye whether either of them is likely to be a candidate for the Ministry of Housing?”

Senator L. Norman:

“I will not be, Sir.”

Deputy G.W.J. de Faye:

“No, Sir.”

The Bailiff:

“Then I think we can proceed with the next election. Chief Minister designate?”

11. The Chief Minister designate:

“Yes, Sir. last but by no means least, I would like to propose Senator Terence John Le Main for the Housing Ministry.”

The Bailiff:

“Is that nomination seconded? [*Seconded*] Are there any other nominations for the Ministry of Housing? **(Pause)** Very well, I declare that Senator Le Main has been duly elected as the Minister of Housing. **(Pause)** May I call for order from members, please, just for a few moments? I think that it would be inappropriate to move on to the next election at this stage. Therefore, I will adjourn the Assembly for 2 or 3 minutes until the result has come through.”

The Assembly adjourned for a short time

12. The Bailiff:

“I can now announce the result of the ballot for the Ministry of Transport and Technical Services. Twenty votes were cast for Senator Norman, 31 votes for Deputy de Faye. I declare Deputy de Faye to have been elected as the Minister for Transport and Technical Services.”

13. The Chief Minister designate:

“Thank you, Sir. Sir, can I, firstly, thank members for supporting 8 of my 9 nominations? I really do think that there is a new will to move forward in the House, and I am sure that with the team that has been approved and elected today we can build on that to the benefit of the entire community. Can I thank the Ministers, or the members who agreed to allow me to nominate them for ministerial positions? Of course, I include very much in that Senator Norman, who was enthusiastic about the Ministry for Transport and Technical Services. But, having said that, I warmly welcome Deputy de Faye to the team of Ministers, and I will welcome him and work with him in exactly the same way as I will look to do with the 8 other Ministers who have been elected this morning. Together we are going to face a huge

number of challenges, but no little opportunity. It will not be easy, and we are going to be, rightly, held to account, but I am delighted to be able to work, and I very much look forward to working, with 9 such talented and dedicated people, and I really do believe we can and will do a first class job in the best interests of all the people of Jersey.”

14. The Bailiff:

“The Council of Ministers has now been elected. I remind members that they take office in fact at midnight this evening. Until that time, they are effectively Ministers designate.

APPOINTMENT OF CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE

15. The Bailiff:

“We come now to the election or appointment of the Chairman of the Privileges and Procedures Committee. I invite nominations for that post.”

Senator S. Syvret:

“I propose Deputy Southern.”

The Bailiff:

“Deputy Southern is proposed. And seconded? [*Seconded*] Are there any other nominations for the Chairmanship of the Privileges and Procedures Committee?”

Deputy J.B. Fox of St. Helier:

“Yes, Sir, I have pleasure in proposing the Constable of St. Clement.”

The Bailiff:

“Is the candidacy of the Constable of St. Clement seconded? [*Seconded*] Are there any other nominations for the Chairmanship of the Privileges and Procedures Committee?”

The Deputy of St. Martin:

“I have great pleasure in proposing Deputy Roy Le Hérissier.”

The Bailiff:

“Is that nomination seconded? [*Seconded*] Are there any further nominations for the Presidency of the Privileges and Procedures Committee? (**Pause**) Very well, I invite the Constable of St. Clement and Deputy Le Hérissier to withdraw to the room on the ground floor and perhaps they would be good enough to go there under the escort of the Greffier Substitute. (**Pause**) I call upon Deputy Southern to address the Assembly.”

15.1 Deputy G.P. Southern:

“I have put my name forward for the Chairmanship of the Privileges and Procedures Committee (which henceforth I will call PPC) because I see PPC developing into the most powerful single body in the States, not powerful in the traditional, political sense of being able to do this or that unilaterally, but powerful in its ability to

protect and nurture both democratic principles and practice inside this Assembly and in the wider population. The key to that democratic process both inside the Chamber and to a certain extent outside with the electorate will be the scope and rôle of Scrutiny in States' decision making. I believe that the reputation of the States rests upon the effectiveness with which Scrutiny can call the Executive to account and on the perception out there that Scrutiny can indeed be made to be an effective process. While the rôle of the Chairmen's Committee emerges and is still developing, the forging of a dynamic Scrutiny function will be dependent upon what happens in PPC. It is here that 2 Ministers will have regular contact with 4 members who are not. I would suggest that the majority of those 4 should be very active in Scrutiny. Above all, it is PPC who will have responsibility for the States Assembly budget. We all know that, to be effective, the Scrutiny function must - and I say must - be properly resourced. The Scrutiny budget has already come under pressure and will undoubtedly come under increased pressure in the future. The Chair of the PPC must be as strong a proponent of Scrutiny as I am. A further important part of PPC's responsibility is to keep the practices and procedures of this Assembly under review. Here I have already shown my commitment in persuading this House that the balance between efficiency and effectiveness was not being well served by limiting Question Time to the extent that we had. I believe that we still have to resolve issues around the proper use of the closure motion and, indeed, to the use of the move to the next item. I have dedicated some of my time on Scrutiny to addressing fundamental issues around legal advice, and I would see this as a high priority to produce a working model in the very near future. As the new Standing Orders bed-in, my aim would be to promote balanced, effective and, above all, democratic procedures and to protect the rights of back-benchers in an increasingly centralised system. As the body in charge of members' facilities and charged with liaison over remuneration, PPC could be said to act as the members' trade union or, if you prefer, our professional organisation. As such, I would have no qualms in representing your collective interests. Your terms and conditions would be well protected whilst I was in office should you elect me. For those of you who may have some reservations over my ability to enforce the Code of Conduct, given my recent public lapse, let me remind them that there is nothing worse than an ex-smoker in a smoking debate. This poacher will make an enthusiastic and very stern gamekeeper. But the most significant and important rôle of PPC is the one abbreviated on the guide for members as '*Election law matters*', and how true that is. It does indeed matter very much indeed. Here, again, I have shown my commitment to reform and review of the electoral system. I have been pressing on the state of the electoral register, on postal voting procedures, on registration of parties and on Clothier reforms. On the issue of Clothier reforms, I do not profess to have the answers to the question how shall we proceed. What I can say is that under my leadership PPC will no longer spend hours, which have turned into weeks and then into months and then years, in what appeared to be a stale academic debate revisiting the same tired arguments until it was too late to get any meaningful reform into place for the last election. That cannot be allowed to happen again. I shall give a clear lead and set a clear timetable, with a Green Paper on the way forward for consultation within 6 months and firm proposals within the year, if I possibly can, in plenty of time to get reforms, vital needed reforms, to revive democracy on the Island, to get reforms in place for the elections in 2008. If members really want to revive and reinvigorate

the democratic process in Jersey, if you really want to get more voting, then please let me take charge. I have the commitment, I have the energy and I believe I may have the skills to guide the good ship *SS Democracy* to safe harbour in Jersey. Thank you.”

The Bailiff:

“We now come to a period of questioning of up to 20 minutes. Are there any questions for Deputy Southern? Senator Le Main?”

15.1.1 Senator T.J. Le Main:

“Yes, Sir. Part of the rôle of being Chairman of the Privileges and Procedures Committee is to oversee the behaviour of States members and what-have-you. What makes the Deputy qualified with his past history of bad behaviour to feel that he could chair this Committee and feel free to admonish or otherwise other States members?”

Deputy G.P. Southern:

“I have now offered 3 apologies publicly for my behaviour in the past. I am thoroughly ashamed of my behaviour and I have no doubt that that behaviour was inappropriate and that it was appropriate for me to apologise. I have done so. There the matter rests. I will have no problem in admonishing anybody for behaviour similar to that or bringing this body into disrepute in the future. I don’t have a problem with it.”

15.1.2 Deputy A. Breckon:

“I wonder if the Deputy could expand on the electoral roll and if he knows where we are with that with the Parishes and the technology because it seems to have gone astray somewhere and I am not sure where? I wonder if he could shed any light on that if he knows anything about it.”

Deputy G.P. Southern:

“It seems to me that we have wasted a significant amount of money in the reforms that have taken place so far. Certainly in the town and the urban districts, the state of the electoral register is woeful, not only in terms of the questions we have been asking around people who are deceased, but simply on the fact that people do not have to register, it is a voluntary act. What one finds on the register, certainly in the urban areas, very often is you will find a single bedroom flat with 4 names on the register. When you go and knock on that door, none of those 4 names lives there and it is a fifth name. We have had 5 changes of tenancy going on. In addition to that, we have got a semi-rolling register and yet we are still encouraging people to register in the actual year. There were a number of people I met during my electoral campaign who recognised that they hadn’t filled in the new yellow sheet this year and thought they weren’t on it. In fact, they were on it because they had signed on 3 years before. So it is swings and roundabouts. At the moment, the electoral register - certainly I do not know what state it is in in the country Parishes but in the urban Parishes - it is in total chaos and it needs urgent and radical reform and needs to be centralised, I believe, in some way so that we know where we are and we can maintain it. It shouldn’t be a very difficult task in this day of computerisation to maintain a centralised register throughout the elections and we must do it.”

15.1.3 The Deputy of St. John:

“There has been much spoken about reconnecting the Government with the community. Does the Deputy think that electoral reform would go some way to achieving this and, if so, what would his priorities be for electoral reform?”

Deputy G.P. Southern:

“In terms of priorities, certainly reconnection is essential. My own personal feeling is that a single election day is a way forward, that an Island-wide election - whereby one can make significant change rather than piecemeal change - is a way forward. But, as Chairman of PPC, whilst I might be promoting that particular viewpoint, I am here to respond to what members feel and I will be listening first before acting.”

15.1.4 Senator P.F.C. Ozouf:

“The Deputy stood in the Senatorials as a Jersey Democratic Alliance (JDA) candidate. He said at the time that the JDA was ‘*a party for now and for the future*’. However, when unsuccessful, he stood as an independent in the Deputorial elections. What does he think about the future of party politics in Jersey? Does he think that his position as Chairman of the JDA conflicts him in a position of Presidency or Chairmanship of PPC?”

Deputy G.P. Southern:

“There is absolutely no conflict of interest between chairing a political body and chairing a body within this Chamber, absolutely none whatsoever. To suggest so is to take a wild flight of fancy. As to my own feelings about political parties, I believe that over the coming years, as we bed into ministerial government, it will become increasingly apparent that without political parties, we cannot successfully hold the Executive to proper account. Political parties will inevitably emerge again.”

15.1.5 Senator P.F.C. Ozouf:

“If I may then follow that up. So the Deputy is saying that he does believe in party politics. Therefore, would he expand on the fact that he may use, and it may be regarded that he may use, a position as head of PPC to further the development of party politics in the Island?”

Deputy G.P. Southern:

“The Senator didn’t appear to understand my last answer. I said that the re-emergence of political parties is inevitable. I didn’t say I would be promoting their re-emergence. What we have to do is facilitate a mechanism whereby it is not impossible for political parties to exist. Now, that requires some legislation about, for example, what constitutes a reasonable poll taken in and around an election by a reasonable body, a body which, in the case of Elect 2005, was not properly constituted, said it was not a party, but campaigned as a party, targeting particular party membership. Now, that sort of activity needs careful regulation and monitoring if we are to have fair and free elections in this Island. That did not happen in the last elections. That doesn’t mean to say that anyone, as part of a body within this States with responsibility to this Chamber, is going to actively manipulate in any way or promote in any way their particular aim. That doesn’t necessarily follow. What we need, for example, if party politics were to emerge, but in any case, is the ability to put a party allegiance on a ballot paper, even with the

symbol of the party concerned. Another particular problem I came across was arrangements around people who cannot read and write, who are illiterate. Therein, if you have a symbol attached to your particular party, you can accommodate much more easily those particular cases without causing embarrassment.”

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

“I would like to ask the Deputy’s views on postal voting and, in particular, whether he feels it appropriate that candidates should issue application forms and, indeed, whether candidates should be present when members of the electorate are completing the application forms?”

Deputy G.P. Southern:

“Yes, very straightforward, I believe that candidates should be able to issue the request for ballot forms for postal vote voting, absolutely no doubt about that. If an elector is asked ‘Would you like a postal vote’ and they say ‘Yes’, we should make that process as simple as possible. In the case of the elderly and frail, often arthritic, who can barely sign the request to be able to fill it in there and then and say ‘Would you like it filled in, shall we do it now, it takes 2 minutes’, it is done. Thereafter, the candidate should have no dealings with the subsequent postal vote, with the ballot sheet, at all. Obviously that must be independent and is independent of that elector, but we must make it as easy as possible for every voter to vote in the way they choose. That is the critical issue.”

15.1.7 Deputy J.A. Martin:

“I would like to ask the candidate there will be a change in Privileges and Procedures Committee as of old, being that there will be an entitlement and the only connection on either panels for Ministers to sit. Would this particular candidate (and I think it would be a very good idea given the Chief Minister’s own support of electoral reform as very high on the list) think that possibly it would be an advantage to, and could he work with, would he work with, the Chief Minister as sitting on PPC, which I think - would he agree or disagree - could be a very, very useful way forward to bring both sides of the Assembly and keep them working on the same level?”

Deputy G.P. Southern:

“That is an interesting proposition that the Chief Minister should come along to PPC to make sure that at the very top level effective communication is happening. I would have no problem in dealing with the Chief Minister should he decide that that was appropriate and would look forward to the most open and frank dialogue indeed. I am sure we could work together in absolute perfect harmony.”

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

“Can the candidate remind me how he voted regarding the introduction of the closure motion; does he recognise the closure motion as a valid tool in improving efficiency of the States; and does he recommend its continued use?”

Deputy G.P. Southern:

“I voted against the introduction of the closure motion. I believe it acts universally against the interests of back-benchers and individual members in the States. I am

not in favour of it at all in principle, but I would be guided by the wishes of this House, as always. I believe that what we have to do is strike the proper balance between efficiency and effectiveness. Those 2 words are often confused. We talk about going for efficiency all the time. Very often, I believe, as in the case with only an hour's Question Time, we ended up with a farcical system which didn't work either for the Executive or for the questioners and was very difficult to manage. Now, the balance between efficiency and effectiveness is the key thing. Effective is what we need to be and not just efficient. We make mistakes if we just drive for efficiency."

15.1.9 Deputy G.W.J. de Faye of St. Helier:

"I wonder if the candidate has noticed any shortcomings in our new system for electing the Chief Minister and the Ministers and, if so, what are they?"

Deputy G.P. Southern:

"Absolutely. What a tame effort that was. If we are to get people out there interested in what is happening in this Chamber, we must have a different system to that. I noticed it particularly on the Chief Minister's election. Again, keeping the candidates separate and having separate question and answer sessions was not a very interesting or intrinsically exciting way of doing things. There was no opportunity for debate. There was no real argument. There was no toing and froing at all. Similarly, today, with one exception, we have heard not a single drop of policy, not one. Now, what does that say? We have just elected 9 ministers to go with our Chief Minister and only in one area have we heard what policies are being proposed. We haven't heard a single speech from any other. We do not know the direction. We do not know anything about what we have just elected apart from, it appears to be, 'steady as she goes' in the majority of cases. However, we need really to have heard that argument. We can't have a system whereby, unless somebody stands up to be a candidate and risks making a fool of themselves or is wonderfully successful we don't get to hear a speech. We must hear those speeches before we vote."

15.1.10 Deputy A. Breckon:

"My question is around publications and information. How does the Deputy think we could improve that, firstly, to members and then to the general public? We don't tell people when things are happening really and sometimes I don't think we have done some of this very well. Especially in a ministerial system of government, how will the people, States members and the people, be informed and how does the Deputy see that being part of his rôle under PPC?"

Deputy G.P. Southern:

"Certainly informing the electorate about what is happening inside the Chamber is a vital element of promoting democracy in the Island. As to specific means, I must admit I haven't thought of how we should particularly do that and I would welcome any ideas that Deputy Breckon has on that, but we must in some way publicise what happens within this Chamber. One of the ways we can do it, which has been toyed with by Scrutiny, is by going out and scrutinising out in Parish Halls, for example, rather than staying here and inviting people in to us in our closed Chamber, but to

go out and visit other people outside. Certainly Scrutiny is actively toying with seeing how and where we can do that.”

15.1.11 Senator T.J. Le Main:

“Could the candidate, if elected, please tell this Assembly who he intends to have on his Committee?”

Deputy G.P. Southern:

“No, because that is still to be resolved with the elections, including Assistant Ministers. We have got to see how it pans out. I certainly have not considered who and where I will be selecting from, or asking from.”

The Bailiff:

“If there are no other questions for Deputy Southern, I will ask him to withdraw, please, under the escort of the Chief Usher to the other room and invite the Connétable of St. Clement to come back. **(Pause)** Can I ask members to take their seats, please, and to come to order while I call upon the Connétable of St. Clement to address the Assembly?”

15.2 Connétable D.F. Gray of St. Clement:

“Thank you, Sir. I believe that the Chair of the Privileges and Procedures Committee is an important link between the Executive and other States members. But, more to the point, it is the Committee that looks after the interests of all members, and I wish to emphasise all members. I have been a member of the previous Committee for 3 years and, if elected by you, would have a wealth of experience to enhance the workings of the new Committee. If elected, I would ensure that the Committee addresses immediately the question of why we achieve such low turnouts in our elections. Senator Walker recently stated that he thought the PPC should come forward with proposals within months of their appointment. I think, however, we should set achievable targets. I would, therefore, guarantee that we would bring proposals to the States no later than the early autumn that would address these important issues. I would suggest a debate in late October or early November. It is important that all measures are in place long before the next scheduled elections in October/November 2008. I think that we should work towards a General Election in which all members offer themselves for election on the same day. It is important that the composition of the States is examined again and that a workable outline is in members’ hands for final approval at the same time. In this regard, it is important to address the complete make up of the Assembly, including the non-elected members. I believe it essential that widespread consultation takes place during the first half of the year. We will also need to look at making the registration of voting and the process of voting as easy and as comprehensible to all. Included in the PPC’s remit is the need to keep the public fully informed about the work of the States, the Council of Ministers, the Scrutiny Panels and the Public Accounts Committee (PAC). This has nothing to do with the policy or the outcome of Scrutiny inquiries, but purely about how these bodies function. An excellent campaign co-ordinated by PPC and run by a communications unit raised the awareness of the electoral registration procedures and, in fact, more names appeared on the register than at previous elections. Unfortunately, this did not lead to more people voting. For various reasons, the campaign started very late

in the day. The Committee will need to start the process as soon as possible in order to raise the profile of not only the registration procedure but also that registration leads to a vote being cast. To this end, it is essential that this campaign continues to be in the hands of a body that can address all the issues in a professional manner. It will also have to tackle the need for good communication with the public to dispel the erroneous impression that the Government does not listen or care about the ideas and opinions of those outside the States. We are now working under a complete new set of Standing Orders. It is important that these should work for the benefit of all members of the States. I would ensure that the Committee kept them under review so that the Assembly worked in the most efficient manner. Question Time, in my opinion, will be an important part of every meeting, and this will include the questioning of the Chief Minister and Ministers. It is essential that sufficient time is allowed to enable non-executive members to play a full part in the process of government. I am concerned that major debates are not curtailed by the needless application of the closure motion. The closure motion is not a device to stifle debate, although to some members it does appear to do just that. It should be used sparingly. I would expect the Committee to keep this under constant review. The Code of Conduct is now in place, and this will give authority to the Committee which the previous Committee lacked. Nevertheless, this power should be used sparingly, if at all: persuasion is a much better weapon than coercion. Having said that, it is the duty of members to respect each other within the House or outside and to act with politeness in all dealings with the public. Remuneration of members is a part of PPC's responsibility. I believe the Sub-Committee of non-States members should be asked to continue the good work they have undertaken. Many members have asked them to look at such items as pensions, termination payments and other matters. Unfortunately, the present terms of reference have been so restricting that they have been unable to consider any other matter than members' pay. If elected, I would ask the Committee to consider bringing to the States a proposition to reappoint the existing members, if they are willing to continue, and to widen their terms of reference. It is important that the Remuneration Review Body are able to address all the concerns expressed to them by members. I believe that there is little awareness amongst the public that an outside body makes recommendations about members' pay. It is essential that the public are made aware of the body's existence and the outcome of their deliberations. The funding of the work of the Assembly is also under PPC control. I would ensure that the Committee robustly defended this and that adequate funds were provided to ensure that all members were able to work in an efficient and cost-effective way. It is essential also that the Scrutiny Panels have sufficient funds so that they can carry out this important function efficiently. I would ensure that the Committee provided adequate accommodation for members. The present accommodation provided for Scrutiny needs to be looked at, particularly in the provision of proper space for the public to observe proceedings. At the moment, space for the public at Scrutiny meetings is strictly limited and uncomfortable. The location within the States building is not at all user friendly. To this end, it might be appropriate for Panels to meet in outside location: Parish Halls initially spring to mind, but other places should be explored. I would make sure that the Committee addresses this. The Committee must be aware where and when meetings of the Panels are being held. Whilst on Scrutiny, I believe that the PPC should keep under review the scope of each Panel to ensure that they are

functioning efficiently. The Social Affairs Panel seems to have a very wide remit. To cover this in a timely and effective manner, I think the new Committee should consider the possibility of asking the States to set up a second Panel in this important area. In July, the States passed by a substantial majority what were essentially the drafting instructions for a Freedom of Information Law. If elected, I would ask the new Committee to progress this matter as quickly as possible. With a new system of government in place, this law will be an important part of the jigsaw. It is essential that the public are fully informed on how and why decisions are made on their behalf. It follows that information should be readily available. Therefore, there will be a need for all Departments to keep good and easily accessible records to enable this to happen. I have outlined how I see the way PPC should operate. I am aware that there will be other members of the Committee who might have different views on some or all of these issues. The Committee will comprise of 6 other members, 2 from the Executive and 4 non-Executive members. What I have tried to illustrate is how I see the starting position, which should provide a good launching pad for the new PPC. In this brief speech, I have endeavoured to cover all the areas for which PPC is responsible and how I see the Committee responding to the challenges. If elected, I would ensure the Committee works quickly and efficiently to address these objects, but it is essential that the PPC listens to members and the general public and considers all suggestions that will make this Assembly and its members an effective part of the government of the Island. Thank you.”

The Bailiff:

“There now follows a period of questioning. Deputy Le Claire?”

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

“I, together with a number of other members and members of the public, believe that part of the problem in relation to getting people to vote is an understanding of our system within the Island. What measures would the Constable take, if successfully elected, to educate new members to our society and engage in dialogue with the Minister for Education in trying to inform youngsters in our schools as to how the process works? Given that his indication is that the system needs changing, how will that be possible in the interim if one is changing the system? How does one explain a system that is about to be changed? At the moment, we don’t seem to be educating anyone because we seem to be considering changes.”

The Bailiff:

“I think no speeches, but questions. Yes, Connétable of St. Clement?”

The Connétable of St. Clement:

“I think it is very important that the message gets out in all media to make certain that people understand that there is a need to take part in this democratic process and I think, more importantly, the Education, Sports and Culture Minister should certainly continue the good work that is happening in the secondary schools to emphasise that there is a need for youngsters to join into the system.”

15.2.2 Deputy A. Breckon:

“I would like to ask a question about publications and information and how members perhaps could be better informed, especially if perhaps some decisions are going to be made behind closed doors. I would like the Constable’s view on that and also how we can perhaps connect better with the public about the business of government and give them information.”

The Connétable of St. Clement:

“Yes, it is very important, of course, that the decisions of the Ministers and the policies being formulated are in the public domain to make certain that the public completely understand exactly how their government - and I underline their government - is working. The means of getting this information to the people is, I think, a little bit more difficult because we only have one evening newspaper. We do have a broadcasting facility - 2 broadcasting facilities - and that should be used as far as possible. Certainly the newspaper should be used as well. It is essential also that it may be appropriate to have some sort of government publication that is issued on a regular basis.”

15.2.3 Deputy C.J. Scott Warren:

“I would like to ask the Connétable whether he supports the Clothier recommendation of a Chief Electoral Officer and, if not or whether or not you do, how would you deal with the present electoral roll inadequacies?”

The Bailiff:

“Through the Chair, please.”

The Connétable of St. Clement:

“Yes, it is essential, I think, to have a central register. This will enable, I think, the election of all-Island members, if they still exist, to be done more efficiently and that people should be able to go anywhere to vote. If you have a central register, you should therefore be able to go to any of the Parish Halls, any of the electoral places, to cast your vote. Certainly, if there is going to be an all-Island election - I think that is still in the melting pot - I think probably we should follow Guernsey’s example and have a Chief Electoral Officer.”

15.2.4 Senator P.F.C. Ozouf:

“There was some doubt as to whether the current President was going to go forward for the Chairmanship of PPC until a few days ago. Does he share the view held by some members that the previous Committee wasn’t exactly able to make its mind up on various different things and why does he think he will make a better job than Deputy Le Hérisser?”

The Connétable of St. Clement:

“I certainly disagree that the previous Committee couldn’t make up its mind on things. I think the trouble was that, when it did make up its mind, it couldn’t find sufficient support in the House.”

15.2.5 Senator P.F.C. Ozouf:

“If nobody else has a question, I will carry on questioning. What is the candidate’s views about the issue of Deputies or Senators, on the assumption that Connétables

would remain in the States - and could he confirm that he believes that Connétables should stay in the States - what is his own personal view of the single member that should be the person elected on that single election day which he outlined in his speech?"

The Connétable of St. Clement:

"I don't think there is any difficulty in having 3 electoral papers, but I don't think that is the point. I think that it is up to the Committee to bring forward proper proposals and not for me to stand up on the hoof and suggest what I think. I think, if you have got a Chairman and you have got a Committee, they should discuss the matter and then bring forward proper proposals."

The Bailiff:

"The rôle of the Connétables, Connétable you haven't answered?"

The Connétable of St. Clement:

"I think that is also part of the new Committee to decide how they think the electoral reform should operate, and that includes the Constables as well, Sir."

15.2.6 Deputy A. Breckon:

"The Constable mentioned about more names on the register and that, as I am sure members will know, was due to the previous - let us blame the previous - Committee spending £30,000. Is he satisfied that they were valid and what steps would he take to sort of move this on because it seems to be stuck in a time warp through the Parishes and through the technology that doesn't seem to have worked? What steps would he take to improve that?"

The Connétable of St. Clement:

"Well, we certainly need to move forward the new electoral programme, which is still installed in limbo, so it seems. If we have central registration with Electoral Officers, then all those questions, I think, should be adequately dealt with."

15.2.7 Deputy A. Breckon:

"If I may, Sir, just another question, something that the Constable has touched on about the terms of reference in the Review Body. How does the Constable feel about an 'end of service' payment to members who may retire or lose their seat, bearing in mind that, if you do 15 years' service, you are entitled to a number of weeks' termination of employment but it doesn't apply to us? Does he think that should be addressed?"

The Connétable of St. Clement:

"We do have an independent body that reviews members' salaries. As I said in my speech, then I think that it is time that their terms of reference were expanded to include that and also other matters. They have been very frustrated in not being able to address any issues other than members' pay. I think that it is appropriate that they should answer that question rather than a member of the House."

15.2.8 The Deputy of Grouville:

“If I may try and press the point raised by Senator Ozouf, he was asking what the Constable of St. Clement’s views are with regard to the Constables remaining in the States. He said that he would have to discuss it with his Committee, but we would really like to know what he feels on this subject.”

The Connétable of St. Clement:

“The Constables form an important part of this Assembly, but whether they should stay in the Assembly or not I think still is in the hands of the new Committee. I am not trying to avoid the question, but if you have a new Committee, you are going to have 6 people on the Committee who might have completely different views to me and I don’t think that if I am elected I should prescribe the way that they should proceed with the discussion of whether Constables or Senators for that matter should remain as members of the States.”

15.2.9 Deputy S. Power:

“I was one of those who very much sat on the fence prior to the election in St. Brelade as to electoral reform. I am still one who is absolutely convinced that we do need the Constables in the States and I would wish to see the Constable of St. Brelade remain in the States. One of the problems in St. Brelade has been that we had 3 elections in a month. We had an election for Senator, an election for Constable and then an election for Deputy. There is a need for electoral reform there. The other point I would like to make to the Constable is that the demographics of population distribution in the Island are along the south coast. 12,000 people in St. Brelade, represented by 3 Deputies and I can go further. For instance, there is a need for ----”

The Bailiff:

“Come to your question, Deputy.”

Deputy S. Power:

“My question is that I would like the Constable’s views, a specific answer on his view on him being in the States and the need for reform along the electoral areas.”

The Connétable of St. Clement:

“If we retain the Parish system, I am not certain how we can address inequalities in electoral numbers without probably moving the number of Deputies - if we retain the Deputies - around so that some Parishes have less Deputies and some have more. I know that St. Lawrence, for instance, has 2 Deputies, whereas Grouville, with the same number of electors, has only one. It needs to be addressed, but I am not certain whether that can be addressed immediately. Certainly there needs to be a one day election for all members of the States. I don’t think there can be any excuse to have separate elections and certainly, as has happened in St. Brelade, to have 3 elections more or less within a month. So I think we need to address that particular question certainly as a matter of urgency and we need to have all the elections on one date. How we achieve that will need to be thought through very deeply. I am not certain how it can be easily achieved as far as the Constables are concerned, because they are spread over the 3 years, but it can be achieved quite easily as far as the Senators (if we retain them) and the Deputies (if we retain them) are concerned.

They can happen all on one day. I don't think there is any problem at all. The only problem I can foresee is Nomination Day, but that can be overcome."

15.2.10 Deputy J.A. Martin:

"I asked this of the last candidate, so I thought I would ask it of the Constable. Given that PPC will be the only Committee that will have members who are not in the Ministry and Ministers, would the Constable consider that one of the Ministers would be an advantage if that was the Chief Minister?"

The Connétable of St. Clement:

"No, I don't think there is any advantage in particularly having the Chief Minister. It certainly would be an advantage to have a Minister because the Committee would then be in closer contact with the policy making arm of this Government."

15.2.11 Senator P.F.C. Ozouf:

"Most other parliaments and assemblies have a form of differentiated remuneration for their members according to their level of responsibility. Would he undertake to bring forward to this Assembly a widening of the Remuneration Panel's view so that this issue can at least be examined by the independent body?"

The Connétable of St. Clement:

"I think I said in my address that we would certainly ask the Committee to consider putting a proposal to the States to widen the remit of the Remuneration Panel. I think that is an essential part of their operation. I think they have looked in the past to address that particular issue, but they are prevented from doing it by their terms of reference at this moment. If elected, I would certainly ask the Committee to make that a matter of urgency."

15.2.12 Deputy P.V.F. Le Claire:

"It was interesting recently to witness the television cameras in the Assembly filming the speeches for the position of Chief Minister. What is the Constable's view on opening the States Assembly up to televised broadcasting?"

The Connétable of St. Clement:

"I am not certain that the television bodies would look to clutter their schedules up with debates in this House. I think it may be suitable to at least have the Budget speech and probably the speech that brings forward the Chief Minister's proposals for the way ahead. It is the policy statement that will be made. I think those 2. I am not suggesting that the debates are broadcast, but certainly the statements by those 2 people would be useful."

15.2.13 Senator T.J. Le Main:

"Having been involved in the tourism industry for many years, there is no way when this Assembly is sitting that gives an indication outside inviting visitors to see our democracy in progress and I wonder whether the Constable, if elected, would make more means of identifying the Assembly sitting on a States day, thus inviting members of the public and particularly visitors to come and view our democracy in progress."

The Connétable of St. Clement:

“I think it is important that the members of the public are able to easily come into the Chamber to listen to the debates. I also think it is important, as I have said, that they come in and see how Scrutiny works and that they are able to do so. I think that we will need to think about how the members of the public come into the Chamber. I don’t think that the public gallery is very public friendly. I think that probably would need to be looked at as well. But certainly I think some more obvious form of advertising - and I’m not suggesting great big neon lights outside - but there needs to be some means of saying to the public that the States are in session and that this is where they can come and listen to them.”

15.2.14 Senator P.F.C. Ozouf:

“A member in the short interlude before gave a word that in fact Deputy de Faye got a lot of support on the Deputorial benches in his bid for Transport and Technical Services. Would he give a similar assistance to his candidacy for Privileges and Procedures by giving the Constables some assurance that he will defend the Constables’ position in the States if he is President of PPC?”

The Connétable of St. Clement:

“Of course, being a Constable myself I have got a vested interest in that, I suppose. But, nevertheless, I think, having a Committee of 7 people, if they bring forward proposals, then, as the Chairman of that Committee, I would be expected to at least bring forward the proposals in the way that the Committee have agreed.”

15.2.15 Senator T.J. Le Main:

“The Review Board constitution or the set up of the Review Board, many of us have been involved in the Review Board and only recently I was involved in an application to the Review Board which was turned down by the Chairman. The Chairman currently does not have to give a reason why an application is turned down. I have written to the current President, or previous President, who said he was going to update. Would the candidate please inform this Assembly whether he feels that persons applying for a Review Board hearing not being given the reason for refusal should be updated, and will he undertake to re-look at the whole issue of the Review Board and the way it works for the benefit of aggrieved people?”

The Connétable of St. Clement:

“I think it is essential that if a Review Board Chairman turns down a proposal, then that reason should be given to the applicant. I see no reason at all why, if an application is turned down, the applicant shouldn’t be informed and I certainly would, if elected, ask the PPC to address that issue as well.”

The Bailiff:

“If there are no further questions for the Constable, perhaps I could ask him kindly to withdraw back to the other room and, Greffier, would you summon the last candidate? (Pause) If I may call members now to order, I call upon Deputy Le Hérissier to address the Assembly.”

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

“I stand in front of people of course with a record, and hopefully a fairly positive one, but I will come back to that. I won’t go into great detail because a lot of the things we have been involved with are known and, I suppose, the achievements and the deficiencies are known, but I will, Sir, very briefly address the approach. It is not as if I am standing for a Minister, where, quite clearly, the policies are yours and yours alone. This is standing for a Committee and, as people I have worked with know, there can be awful battles on these Committees because these are issues, Sir, that are very close to the hearts of members. This is the way that they are organised, as we discovered, perhaps to our cost a year ago; this is their futures; and, of course, it is down to more intimate things like the way this whole building is run. But I would see the main task, Sir, that there clearly has to be consolidation and review of the work that has been done. With the old PPC, I seem to be accused of a lot of things, why haven’t we done this and haven’t done that, but it has to be remembered, Sir, that the Committee certainly which I chaired was in power for, I think, about 16 or 17 months. There were major items put through like the States of Jersey Law, like the Standing Orders (obviously in a different guise), proposals for government reform, the initial phase of Freedom of Information (FOI) and so forth and so on. I would see the consolidation, Sir, and the review of those matters, because even now we are getting issues with Standing Orders, as one of the priorities of the Committee. I would see, Sir, the second priority as probably reviewing - I hope not to disassemble, but it may end up like that - major items like Freedom of Information; and, despite written comments I have seen to the contrary, I think the Committee has held the line on Freedom of Information and it is something I am hoping we are going to get some good co-operation on from the Council in that regard. There were some items that had to be negotiated, but I think that is moving forward. Those negotiations are moving forward. Admin review has to come up, and I want to see that completed. That was put aside in order to allow the elections to take place, which brings us, Sir, to some of the major issues that are outstanding and that gives me a chance also to refer to the issue of the record. One of the issues is obviously electoral reform. The Committee assumed responsibility, there having been work of various kinds assumed by the previous Legislation Committee, for electoral reform in about April of this year. So while it may, as indeed has been told to me by other people, you know, ‘Why haven’t you done more’, I think a lot has been done, but quite, quite, quite clearly a lot more needs to be done. But I don’t think, Sir, much as it may annoy people to say this, you can disentangle the issue of electoral reform from the issue - and here I walk where angels perhaps fear to tread - I don’t think you can disentangle it from the issue of composition. Of course, I am a marked man, as people know, in that respect, I think wrongly. I think there has to be reform and my style, Sir, has always been a challenging style. I believe we are here to challenge. We are not here to bury issues. We are here to challenge each other, and if we are to raise the level of political debate and the level of discussion, then I say the more people engage in that process, quite frankly, the merrier. So what I am really saying, Sir, is that I will not skirt this issue. I will not see it buried. It doesn’t mean, Sir, I for one moment think I am right, that I for one moment think, for example, that the proposals that were put forward were the definitive proposals. In an issue which is so emotive, which is so visceral and where in many respects it is very difficult to have a rational debate, I am quite prepared that it could be an uphill climb and I am quite prepared for a lot

of dingdongs along the way, but that to me, Sir, is part of the process and that is what we here to do. We are here to challenge people. We are here to tease out the big issues. I would like to dwell on government reform because I have been approached by various people about it, I have been attacked by various people and I have been supported by various people in roughly equal proportions. I don't think that, in the ultimate analysis, what I think or what any President thinks about it is the final word, and it would be quite wrong if it were to be the final word, but I definitely think, having said that and I want that to be a big issue in the background, I think we did have the disadvantage of operating with what might I call 'Clothier contamination.' The Clothier report had got off on the wrong foot. PPC initially was very reluctant to deal with it. I inherited the Committee, as I said, about 17 months ago and one of the things that we said, Sir, was that the whole composition issue has been dragging its feet and nothing has been brought to the States. There was enormous public controversy at the time and we should at least get the States' view on the issues, not the view of myself, not the view because I happen to have the Holy Grail - far, far from it. We should at least start getting a States' view on the issue and developing proposals, but I fear, Sir, that we were somewhat affected by what I would term, as I said, 'Clothier contamination.' But that doesn't obviate the fact, Sir, that issues like the size of constituencies and the rôle of the Constables have to be looked at, and I am prepared to look at different alternatives. I was, for example, quite interested in reading Sir Peter Crill's memoires, where, although he didn't use the title, it was interesting to note, for example, that he said 'I want to go for larger constituencies, we have got to get away from the small ones, but we must keep the Constables in the States, but they must play a more political rôle'. In other words, what I am saying is that there are more variations on that theme. I don't want it to be seen or myself to be seen as someone producing an utterly dogmatic thing. What I want to say, Sir, if I was the President, I would expect people who oppose us or who indeed are contributing to the debate to have strong, well worked out ideas and not just ideas rooted in anti-change's sake for anti-change's sake. I don't see any harm in having that approach. There is no doubt, Sir, that one of the skills of the President, and I think it is a very important one is, because you operating a Committee and because you are operating with some issues that are very, very dear to people's hearts and which are seen possibly to trample upon dearly held traditions, for example, I think you have to be very, very careful about the consultation process. I don't think you can be naïve and assume that you are going to get a near or a perfect consensus. That is just simply not on. That is simply not on in issues that are so contentious and have the ability to divide people. I also think, Sir, rather than saying that X should go and Y should stay and all that and getting into what I consider to be that sterile debate, it is the duty of the Committee and indeed of the Council of Ministers to look at the overall health of the governmental system. I would expect, for example, PPC, but even more so perhaps the Council (and I am very encouraged, even if it has been a bit late in coming, by the words that have emanated of Senator Walker of late), but I would look, for example, Sir, at the rôle of the Parishes. I think somebody really has to work on the rôle of the Parishes. They are going to suffer the withdrawal of welfare. There is going to be the Island Rate, with all the impact that that is going to have, and I think we have yet to see the political backlash appear to that proposal. It is going to have to hit people. But I am all for thinking laterally about the situation. I am all, Sir, for trying

to develop the system in an overall sense, not saying Y must go X must stay and then getting stuck in that particular side of the debate. So, to sum up, Sir, I want to see a Committee that is strong. It will undoubtedly be a Committee, particularly with the new alliance with the Council of Ministers, which I think will lead to a healthy interchange and I think that is all to the good because there were divisions previously and I think it is good that we will now be on the same group trying to work out differences, albeit there will be irreconcilable differences and PPC has to say that when such a situation occurs. But I would see my priority as electoral reform/government reform, ensuring that FOI stays as pure to the original model as was said, trying to improve and enhance the Standing Orders and (although I haven't gone into great detail) defending the corner of Scrutiny. I am very proud of the people who have developed Scrutiny. Much of the leadership of it will now devolve to the Chairmen's Committee and it will be the rôle of PPC, Sir, to safeguard the budget, in a sense, plus deal with the bigger issues to do with the boundary between Scrutiny and the Council of Ministers. I am very proud of it, Sir. I think it is going to bring a long, long needed balance to the States, but I want to lead a PPC that is a challenging Committee, that is not afraid to approach contentious issues, but is humble enough to say that there are times when we get it wrong. Thank you."

The Bailiff:

"We now proceed to the questioning of the candidate. Deputy Scott Warren?"

15.3.1 Deputy C.J. Scott Warren:

"Does the Deputy support having a Chief Electoral Officer and, if not, how would he deal with the present electoral roll inaccuracies?"

Deputy R.G. Le Hérisier:

"What I would try, first of all, or the Committee hopefully, would be to work through the Connétables to see whether we can put an administrative structure in place and an IT structure, which I know they have been struggling with and where they weren't really given the product that they were promised. I would see whether that works. I would co-ordinate it much, much more tightly than we have been doing and, if anything, Sir, the registration campaign proved the benefits of co-ordination. We had enormous help from the likes of the Constables, particularly as represented by Mrs. Sue de Gruchy, and all the various parties that got involved. It was an exercise that worked, where people had a clear task and they all worked together. If that doesn't work, yes, we will have to look at Chief Electoral Officer."

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

"Whilst I congratulate the candidate on the sterling work he and his team have done in increasing voter registration, could he tell the Assembly, please, if elected, what action would the candidate take to engage the people of Jersey and encourage more people to vote?"

Deputy R.G. Le Hérisier:

"Thank you, Sir. As I have said in other quarters, the issue of voter turn-out is not related entirely to the mechanics of encouraging more people to vote. People are disillusioned for a variety of reasons, some of them very, very deep seated, some of

them not peculiar to Jersey, for example young people generally are not too enamoured of the way party politics have developed and there a lot of incomers in Jersey who can't make sense of our more personal based system and in a way you really have to grow up particularly through the rural system where it almost becomes part of you. To deal with those, Sir, I would suggest continuing education at the school level, through the groups that represent these people, because there are a lot of people like the Madeirans who don't get involved, through the groups who represent these people, through more active involvement, but involvement is a very contentious issue. Is it a way of simply selling predetermined policies or is it a way of getting people truly involved and, quite frankly, we have probably got to be more honest with ourselves when we embark upon these processes. So I would try and engage upon more meaningful consultation processes. But, Sir, it will be a slow process. Yes, we had a quick hit with raising registration, although what we won at one end it appears we perhaps lost some at the other. But it will be a slow process and the only thing I could see ultimately galvanising people, which is a very contentious issue, would of course be party politics, where there is a clear choice, people represent those clear choices and people get excited about politics, but it is not my job to bring that about."

15.3.3 Senator S. Syvret:

"The Deputy is extremely enthusiastic for governmental reform, as he has made clear on many occasions. Will he accept and recognise the fact that Jersey, like the vast majority of established and respected democracies, has to have some basic democratic laws and safeguards in place first before we start addressing the actual make up of the Assembly, for example limits on election expenditure to stop people buying their way into office; transparency in campaign funding, knowing who your backers were; a requirement for candidates to be transparent about which organisations or businesses might be supporting them, all of these kind of fundamental issues which are in fact in law in most respectable democracies - even Guernsey has a quite rigorous law on election expenses? Does the candidate accept that, if he addresses these fundamental foundation issues first, then he might find his task in reforming such things as the make up of the Assembly a little easier?"

Deputy R.G. Le Hérisier:

"Yes, but my view would be in this regard, at the risk of sort of engaging in reform overload, which I have obviously clearly suffered from before. At the risk of that, I think the processes have to be done in parallel, but I have got no problem whatsoever with what the Senator said, and I am hoping, and I would have thought one of the great contributions he can make to the new Committee, irrespective of who runs it, is to dust off his election expenses proposal and let's get that done, because it struck me that there was considerable support, and there was, despite the feeling that he may have gone away with, for the principle, but we needed a simplified, fairly easy to administer approach and with that, Sir, I have no problem and I entirely take his point."

15.3.4 Senator P.F.C. Ozouf:

"Would the Deputy explain to the Assembly why he thinks he has a reputation of somebody who can't make his mind up on things; would he confirm that it was not

him that spoilt his ballot paper in the Chief Minister's election; would he also explain why he appears to have had a change of heart in the last few days in standing for PPC; and, finally, would he explain the significance or otherwise of his lapel badge, which is a House of Commons' pin, as opposed to his good Deputy of Trinity's neighbour, which is a States of Jersey pin?"

Deputy R.G. Le Hérissier:

"I have a suit which has the St. Saviour's badge on it and unfortunately it hasn't been to the cleaners recently, so I have turned up with this one. Indecisive, no. As the Senator knows, in my second incarnation - I have had 3 incarnations in this life - I moved into academic life and I have taught in various settings. Obviously one of the things you are taught is to analyse arguments, to balance arguments and to move with the evidence, even though I think at heart we are all biased and prejudiced people, but at least if you are honest about your bias and prejudices I think you are a better person. So I make in a sense no apology for that. Also I think if you do make your decisions on that basis in some areas you will never please people because you are dealing ultimately with emotional and highly value-laden issues, but I am not sure, Sir, that just having the ability to make fast decisions which come to haunt you is necessarily a good attribute, so I don't make any apologies and, as I said, my training and my experience certainly in my probably third incarnation in life, which has been the academic one, has been very much along those lines: weigh the evidence, balance the case and go away and think about things. Certainly in my first incarnation, which was management in the Prison Service, we were always told never make decisions on the hop - never make decisions on the hop because they will come back to haunt you. I have always abided by that. I may have gone over the top, that I do agree. Name badges, decision making, why have I changed my mind? The reason I have changed my mind is because I was approached by people, although it has to be said, Sir, I have had a very lonely time in the coffee room, where I haven't been approached, even though I have tried to simulate approaches, and talking to myself hasn't been quite the way of doing it, but I was approached and part of the reason was people said 'Look, you have pushed some of the reform - even though you might have been terribly misguided at some points - you have pushed reform and it would be a great pity, particularly as doors seem to be opening, it would be a great pity.' My enthusiasm was for Scrutiny. I have been behind it. I have pushed it and I wanted to start experiencing it. Then I went home and I thought about it - well, it feels like I have been 30 years on PPC but I have only been, as I said, about I think it is 17 or 18 months. My feeling was, Sir, yes, there are still things to be done and I'm not going to go in blindly pushing Clothier, because clearly a big mistake was made in that regard at the very beginning of Clothier, let alone the way in which perhaps we ran with it. But I still think there are a lot of issues to be examined and I think the public is in the mood for change and I think I ought to be honest to what I have stood for previously."

15.3.5 Senator P.F.C. Ozouf:

"The spoilt paper, Sir?"

The Bailiff:

"The spoilt paper?"

Deputy R.G. Le Hérissier:

“It was not me.”

15.3.6 The Deputy of St. Martin:

“And it was not me either, Sir. Given that most of the existing Presidents have been elected as Ministers, it could be assumed there is a general satisfaction with the incumbents and for the *status quo*. How important does the Deputy think that his background is relevant to the position of President, particularly in the view of continuity?”

Deputy R.G. Le Hérissier:

“Well, in a way I don’t think it is important in terms of continuity, although, as I said, it may look as if I have been there forever. I am a great believer in that occasionally it is nice to reshuffle the pack, and I did in fact get hold of Senator Walker and say, quite frankly, how disappointed I was that the pack hadn’t been reshuffled more and that more of us haven’t stood for ministerial positions. I am a great believer in that if somebody has got a background, even though they may be missing the political element, which admittedly is a very difficult one because, despite what some people say in highly esteemed journals like the Institute of Directors’ newsletter, being a businessman in the States is not like being a businessman in business. It is an entirely different kind of set of challenges, although one set of skills helps the others. So I have been through the political mill. I may or may not have been successful, Sir, but in answer to the Deputy of St. Martin’s question, I think my background is very relevant. I have spent a lot of my life studying governmental issues; I have worked in 2 civil services; I have worked in the U.K. in the public service; and I have worked in Canada for many years in the public service; and then I moved to academic life. Adding all those skills together, I think they give me an excellent background.”

15.3.7 Connétable T.J. du Feu of St. Peter:

“The Deputy has referred in his speech, Sir, to the importance of the Parish rôle playing its part within the Committee. Could the Deputy outline his priority that he sees which needs addressing? I would expect to see other areas than the electoral one. We are aware clearly that there is room for benefit in there, but what are the other areas which the Deputy sees?”

Deputy R.G. Le Hérissier:

“Yes, I am glad, Sir, the Constable phrased it in that there are areas other than the Parishes. I do think though that if the vitality of the Parishes is to return to the Parishes I really think that people have got to start thinking about this, because, even though people may not believe it on the other side, where there is a bunch of hard-thinking people, I think they are a core to the Island, but they are a core that has to look to themselves and has to be prepared in the right way to reform themselves, particularly as powers are starting to leave them. They have to be very careful about in what direction this is all leading. But in terms of other priorities, Sir, yes, as the Constable said, obviously electoral reform, but I would like to see Freedom of Information settle down because I am - even though I said I support it - a bit worried that there are voices out there who say ‘Oh yes, we can get away with a voluntary code and we don’t have to be too bothered.’ I would like to see

administration review come to the States because, although few members engage in it, those few who do have got concerns about it, not about the integrity of the process but about the way it is structured and I think we have got a paper in the background which has already been published and that really has to be looked at by the States, Sir. The thing that has been in a sense the bugbear of our Committee discipline - members' discipline - will settle down. We have now got a new structure in place, so I think we have really got to see how that works out. So my reforms are, yes, electoral reform, administration review and Freedom of Information. I don't want that to run away from us."

15.3.8 The Deputy of Grouville:

"The Deputy has just said 'the vitality of Parishes is core to the Island'. Why then did his Committee - his previous PPC Committee - try to establish these super-constituencies to, in my opinion, destroy the vitality of the Parishes?"

Deputy R.G. Le Hérissier:

"I think the questioner is making a wrong assumption, in the sense that the creation of super-constituencies were it to come about (and, as I said, I am in eminent company, like that of the late Sir Peter Crill), will in and of itself lead to the collapse of the Parishes. That to me is a very simple cause and effect, which is not the case. The Parishes will thrive not only because, or despite the fact if the States were to move this way, the Constables are in the States, but they will thrive because they will take on various new positions. They will get active in their community, as some Parishes have, like St. Peter, Trinity and St. Mary with youth clubs, with community centres, and the valiant efforts of St. Saviour to get them, despite my attempts to move it to another part of the Parish. That is how they will thrive. They will thrive by getting into bed and co-operate, although I don't think this is quite PPC's mandate, but I will just answer this, with the Health and Social Services Committee to look at the whole issue of sheltered housing. In some Parishes you can glide to a nice sheltered retirement, so to speak, and in others you can't, and why not? I think I would like to see a more even spread of that particular thing through the Parishes. So I would say, Sir, no, we were not destroying the Parishes. We were asking them some fundamental questions about their health, about what their rôle is in this new style of government and, quite frankly, although it didn't come out in the debate, the new rating system, the Island Rate and the Business Rate, that in my view and the removal of welfare could have major, major impacts upon the rôle of the Parish."

The Bailiff:

"You will be getting into bed with the Minister, not the Committee."

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

"I am tempted to ask him what he thinks of uncontested elections, Sir, but, as I am only allowed one question, I will ask him what does he think about televising States' sessions and, in particular, States' Question Time?"

Deputy R.G. Le Hérissier:

"There was a slight undercurrent in the Deputy saying what do I think about uncontested elections? They are bad. I would have loved the contest. I would have

loved all Ministers to be contested - let people come forward. I like the electoral process and, quite frankly, Sir, it is slightly off the point, but we brought in questions, the PPC, but quite clearly we have had rather staged events, particularly the Chief Minister's and I want to see a bit more life to that event and a bit more edge to it. So, yes, I don't like uncontested elections. As a former Senator used to say, bring them on. The second point, Sir, about televising the States, I have got no problem with it. Whether the public could withstand that is another issue, but I have no problem and if, Sir, as the Senator is implying, let us start with Question Time, I say all well and good, because, in a way, the body language, the way and the speed with which you answer the questions, the detail you bring to it, the confidence you show and the apparent mastery or not that you have of your brief are important things and the public should be judging us on that. They should be judging us not on the size of our posters. I say the more the better."

15.3.10 Senator P.F.C. Ozouf:

"If he doesn't get PPC, what will he go for?"

Deputy R.G. Le Hérissier:

"Well, I will go for one of the Scrutiny Panels."

15.3.11 Senator P.F.C. Ozouf:

"Which one, Sir?"

Deputy R.G. Le Hérissier:

"Well, it looks like, Sir, I have been squeezed out by various negotiations that have been taking place, but I would try, although it is slightly crowded, for Corporate Affairs and, failing that, I would wait to see - it is PPC's affair - if Social Affairs split and I would be quite interested because of my background in the Social Affairs part 2."

15.3.12 Deputy P.V.F. Le Claire:

"I am just trying to give the Deputy a fair opportunity. Would the Deputy agree that at times in his Committee I was not the most agreeable member, but his leadership was such that he did afford me the opportunity of presenting the argument and that this is a very important quality in anybody that is going to take on the rôle of PPC President?"

Deputy R.G. Le Hérissier:

"I thank the Deputy for his words and I will leave it there."

15.3.13 Deputy J.A. Martin:

"I would just like to ask this candidate as I have asked the other 2. PPC will be the only Committee that will include at least 2 Ministers or Assistants. My question is would not one of those Ministers be very helpful if it could be the Chief Minister? What does the candidate think of this?"

Deputy R.G. Le Hérissier:

"Well, as I stated earlier, we have had the Chief Minister's very clear support for government reform, albeit late, and I do thank him for that, but, no, I think it would

be wrong. It is up to the Chief Minister obviously if he would wish to be a member, but my view is that it would probably be wrong. I would prefer that there be 2 so-called representative members of the Council on PPC because the Chief Minister would be faced with a difficult task. Should there be contentious or divisive issues, he will have to preside over a Council which will have these matters referred to from PPC.”

15.4 The Bailiff:

“If no other member has a question for the candidate, I will ask the Greffier to summon back the other 2 candidates. **(Pause)** While the candidates are returning, perhaps the ballot papers could be distributed. **(Pause)** I remind members that they should vote for only one name, obviously. The procedure is that a candidate requires an absolute majority of members to vote in his favour to be chosen in the first ballot. If there is no absolute majority, we will proceed to a second ballot. **(Pause)** I will ask the Attorney General and Deputy Viscount if they would be kind enough to act as scrutineers. **(Pause)** I wonder if I might ask, as I did on a previous occasion, Deputy Southern, the Constable of St. Clement and Deputy Le Hérissier whether any of them might be, in the event of failing to achieve this Chairmanship, a candidate for the Chairmanship of the Public Accounts Committee?”

The Constable of St. Clement:

“I certainly won’t, Sir.”

Deputy G.P. Southern:

“No, Sir, not my cup of tea.”

APPOINTMENT OF CHAIRMAN OF PUBLIC ACCOUNTS COMMITTEE

16. The Bailiff:

“I wonder if we might occupy the time while we await the result of the ballot in taking nominations for the Chairmanship of the Public Accounts Committee, which I now invite.”

Senator S. Syvret:

“Yes, Sir, it is my pleasure to propose Deputy Ferguson for the post of Chairman of the Public Accounts Committee.”

The Bailiff:

“Is that nomination seconded? [*Secinded*] Are there any other nominations for the Chairmanship of the Public Accounts Committee?”

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

“I would like to propose Deputy Alan Breckon.”

The Bailiff:

“Is that nomination seconded? [*Secinded*] Are there any further nominations for the Chairmanship of the Public Accounts Committee?”

Senator S. Syvret:

“May I suggest that it might be unfair to one or other of the candidates to have to break in the course of their presentation or in question time before lunch, and we are having a served lunch today, it being the Christmas lunch. So could I suggest that once we have concluded the vote on the Chairman of PPC, we adjourn before proceeding to debate and elect the PAC Chairman after lunch?”

The Bailiff:

“Very well. Are members agreed to proceed in that way? [*Agreed*] **(Pause)** The Greffier asks me to remind members to enjoy their lunch particularly today because, with effect from the entry into force of the new Standing Orders, lunch will only take an hour and a quarter from one o’clock until 2.15.”

Senator M.E. Vibert:

“I believe it may be open to any member to propose when we adjourn and when we reconvene.”

The Bailiff:

“That is true, Senator.”

Senator M.E. Vibert:

“And I will be, Sir.” **(Pause)**

APPOINTMENT OF CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE (continued)

17. The Bailiff:

“I can now announce the results of the ballot, if I may call members to order. Five votes were cast in favour of Deputy Southern, 26 votes in favour of the Constable of St. Clement and 20 votes in favour of Deputy Le Hérissier. The result is that Deputy Southern falls out of contention. **(Pause)** The Greffier has reminded me that I am obviously deficient in arithmetic. The Constable of St. Clement has secured an absolute majority and I declare that he has been therefore elected as Chairman of the Privileges and Procedures Committee.”

The Connétable of St. Clement:

“Am I permitted to say just a word, Sir?”

The Bailiff:

“Yes.”

The Connétable of St. Clement:

“Just to thank members and to ask anybody interested in serving on the Committee to let me know. There are 4 ordinary members and 2 from the Ministerial benches, so would they also consider 2 members?”

The Bailiff:

“Thank you, Connétable. Will members agree now to adjourn until half past 2?”

The Assembly adjourned until 2.30pm

APPOINTMENT OF CHAIRMAN OF PUBLIC ACCOUNTS COMMITTEE (continued)

18. The Bailiff:

“There are 2 nominations for the Chairmanship of the Public Accounts Committee. The second nomination is that of Deputy Breckon and perhaps he would be kind enough to withdraw to the downstairs room. **(Pause)** I call upon Deputy Ferguson to address the Assembly.”

18.1 Deputy S.C. Ferguson:

“I think the first thing is to underline to members the importance of the Public Accounts Committee (PAC). I am sorry, may I abbreviate it, Sir? **(Pause)** Thank you. One of the most important weapons of the States, in conjunction with the Comptroller and Auditor General, is the PAC to fight inefficiency and overspending and provide value for money. It is one of the few branches of government where the business community, which is sure that it can run the States better, has direct input. It gives an opportunity for the States in fact to benefit directly from their experience and their knowledge. The Committee has the ability to look at States-wide performance as well as focused areas. It particularly looks at value for money, effectiveness and efficiency anywhere where the States have a financial interest, apart from the corporates, which are subject to company law. But the Committee can look at corporate governance anywhere where the States has a financial interest. I think it is probably worth looking at the development of our Audit Committees. We have had one in one shape or another for 10 years, so it is not a totally new concept. In fact, the first recommendations of the Audit Commission are bearing fruit. The effects of these can be seen in the Capital Spending Programme - no more caverns. Other topics that were covered in their existence were corporate governance, sickness and absence management, maintenance costs, advertising, purchasing, financial reporting, computer policy and overtime management. These are in fact all areas which must be reviewed from time to time. The Shadow PAC revisited some of these topics and produced reports on sickness and absence management and the Jersey Competition Regulatory Authority (JCRA). The early Audit Committee reports mentioned the lack of willingness of the officers to consider change. There is now, however, a wind of change blowing through the corridors of power. There is a change programme well under way and the new Chief Minister attributed great importance to Scrutiny. He will be expected to keep this promise. The basic policy of the PAC is to look for efficiency and effectiveness or value for money. Men seem to have a problem with this. Women, being natural shoppers, understand it much better. The PAC also looks at implementation of policy and at corporate governance and particularly transparency and accountability. These are the overriding principles of policy and will not be changed. Public hearings will be decided on the basis of materiality and public interest, although most hearings will be public. The PAC is not politically motivated and has never been adversarial and aims to be constructive. The PAC will work closely with the Comptroller and Auditor General, and guidelines have been developed for this. In

fact, with the Comptroller and Auditor General, the plans for next year have already been set out in outline. These include looking at the annual reporting; the accounts and bringing those into an up to date format that people can understand and which show what the States spend; looking at the performance report; and looking at the overall state of financial management in the States. We will be looking at the Public Finances Law and the Accounting Officer responsibilities, which are part of this. The Internal Audit Department will be subject to a peer group review. There will be new audit arrangements for audit of the States' accounts. There will be an investigation into States' charging, contracting and cost estimating practices and, jointly with the Treasury, a review of the new financial reporting régime. Financial management will also come under the microscope, in particular risk management and management of the relationship between States-funded bodies, including utilities, and the States. Then, under '*Financial Strategy*', the PAC will be looking at the achievement and recording of cost savings. If we are going to save £20 million in the next 5 years, it must be recorded so that people can understand it. This doesn't rule out other projects, but we felt that this is the most important area. If you can't identify what you spend, how can you control it? Other areas that are under way are manpower utilisation, corporate governance and implementation of the J.D. Edwards accounting system. If the Constables would like a value for money study of the implementation of the electoral computer system, looking at computer services implementation, then I am sure PAC will be delighted to help. There are other applications with the same rationale. I used these policies and principles when I chaired the Grants Panel of the Health and Social Services Committee. The Panel developed transparent policies with regards to grants. For instance, we agreed guidelines with the local foundations and we decided there would be no ongoing deficit funding. We have been developing service level agreements, always looking at value for money and certainty for the charities, value for money in that Health and Social Services knew what they were paying for and certainty so that the charities knew what they could expect to receive. We have been looking at a few other aspects, such as a central building for smaller charities so that administrative costs can be shared - much better value for money and this has been picked up by Family Nursing and Home Care and is being taken forward. We also have an annual meeting between grant-aided bodies and the Panel to provide an informal forum for people to bring up issues, which is much easier for them when there is a whole group of people with the same concerns. And we have a Panel which is comprised of independents as well as politicians and civil servants, a more business-like approach with a nurse, an ex-Connétable and a senior businessman. You will be asking what can I bring to this post."

The Bailiff:

"Through the Chair, please."

Deputy S.C. Ferguson:

"I am sorry, Sir. The Assembly will be asking what can I bring to this post. Apart from the previous Finance and Economics Committee, I am probably the only person in the Assembly who was sad enough to examine the formulation of the Business Plan in depth and who reviewed all the Department's business plans. However, as a result of that, I can assure the Assembly that the Change Programme

is absolutely what is needed to bring the States into the 21st century. I was also certain that the Comptroller and Auditor General must have as wide a ranging brief as possible and also that independent members must be retained on the Public Accounts Committee. It was for this reason that I brought the relevant amendments to the Assembly. I have no problems with transparency and accountability; after all, when a woman has to divulge her age in the newspaper what else is left? I can bring to the post considerable experience. I have had 2 years training by the previous Chairman; I have an undergraduate Degree in Electrical Engineering and I am a Chartered Engineer; I have a Masters from Columbia Business School in New York, majoring in Finance, Marketing and Accountancy; I have been a Member of the Society of Investment Analysts and of the Compliance Association, so that, in total, I have had 28 years in the finance industry, with 20 years in the industry and 8 years as a regulator. I have had 5 years in heavy engineering manufacturing industry. I might add, Sir, that I wield a mean welding gun and I have had 9 years in the retail trade. So I understand all parts of business. I have even worked, as I say, on the shop floor. I am more than willing to put this experience to use on behalf of the Assembly and the Island in the position of Chairman of the Public Accounts Committee.”

The Bailiff:

“We now come to questioning of the candidate. Does any member wish to ask a question? Deputy Le Hérissier?”

18.1.1 Deputy R.G. Le Hérissier:

“I wonder, Sir, if the candidate from her observations could tell us where is the most dire or urgent or widespread need in the States for examination of value for money?”

Deputy S.C. Ferguson:

“I think the most dire need in the value for money area is to establish how much money is being used. I think the programme for next year, Sir, is absolutely crucial to getting the States on to a firm footing financially. As I said before, if you don't know where you are spending or what you are spending, then how can you control it?”

18.1.2 The Constable of St. Peter:

“I would like to ask the Deputy have you experienced any difficulty in any Departments in the past year when trying to go into the facts and figures of the finances and, if you have, would you care to name that particular Department?”

Deputy S.C. Ferguson:

“We did have a certain problem with a conflict of interest, in that we were asking the Chief Internal Auditor to investigate a particular matter in the Treasury, but the Treasurer is also her line manager, and so this does make for an awkward position and we had to rethink our approach on this. In fact, it is something that the Comptroller and Auditor General will be taking up in his review of the financial management and organisation of the States.”

18.1.3 Deputy R.G. Le Hérissier:

“Having read the Connex report, would the candidate tell us what she regards as the major implications for PAC of the way that whole contract was handled and is being handled?”

Deputy S.C. Ferguson:

“I think the problem originally was that, as I understand it, the contract sought to transfer all risk to the operator and retain both the profits and a position of no risk for the States. I think if the risk had been shared a little more then we would have got better value for money. I think the report was very clear and very concise on the reasons, and I understand that these have all been attended to and that lessons have been learnt for the future, Sir.”

18.1.4 Senator P.F.C. Ozouf:

“Could the Deputy explain what she believes the relationship should be between the Scrutiny Panels and the Public Accounts Committee and does she see a specific focus of Scrutiny Panels which is different to that of the Public Accounts Committee?”

Deputy S.C. Ferguson:

“I will start with the last part first, Sir. The rôle of the Scrutiny Panels is to scrutinise policy and to interrogate Ministers. The rôle of the Public Accounts Committee is to look at the implementation of policy and, therefore, will be interrogating - I am sorry, Sir, will be questioning - Chief Officers. It looks at whether value for money was obtained in the following or the implementation of a policy. I see no problem with Scrutiny Panels and the Public Accounts Committee working together. Indeed, there are certain areas where it will be a question as to whether it is a Scrutiny Panel matter or a Public Accounts matter. It may well be that the 2 will work together.”

18.1.5 Senator F.E. Cohen:

“Does the Deputy believe that the savings target of £20 million a year is high enough and what rôle does she think the PAC has in setting and achieving the target?”

Deputy S.C. Ferguson:

“Yes, I know that the Senator thinks we can obtain savings of £30 million. I think the first job of the PAC is to ensure that the savings are not only made but are recorded and can be identified. It is too easy with a bit of smoke and mirrors to make it look as if we have got savings and you find that one Department has made the saving but somehow it has crept in as an expense of another Department. I think the first thing is to make sure that we have clear, uncontroversial, absolutely explicit listings of savings that have been made.”

18.1.6 Senator P.F.C. Ozouf:

“Could the Deputy explain how she regards her relationship being in the future with the Comptroller and Auditor General and what would she do for the Comptroller and Auditor General in this Assembly?”

Deputy S.C. Ferguson:

“The relationship is one of equals, obviously. The Comptroller and Auditor General is absolutely independent and answers only to this Assembly. The Public Accounts Committee and the Auditor General are in fact working together as equals, as independents. They liaise with each other and, providing that the relationship is kept on a good level, on a level where people can discuss and is not adversarial, this should work well. One of the main bonuses of the Public Accounts Committee is that the Chairman and the Committee will bring reports that perhaps have not been taken as seriously as they should have done to the States in general debate.”

18.1.7 Deputy G.W.J. de Faye of St. Helier:

“Accounts is not one of the most exciting of topics. How does the candidate intend to address probably the required relationship with the public to interest them in the works of the Public Accounts Committee?”

Deputy S.C. Ferguson:

“The public is extremely interested in value for money and States’ spending being kept under control, so I don’t think there is any difficulty in interesting them in it. I think our main rôle is to get the figures so that the public can see that we are making the savings. With this £20 million savings, if the public can read what savings have been made and where they have been made, then I think you will find that they will find it very interesting, because most people can understand figures to that degree.”

18.1.8 Senator P.F.C. Ozouf:

“Would the Deputy give the Assembly her view of the recent Court and Case Costs Review and particularly the report by the National Audit Office?”

Deputy S.C. Ferguson:

“I think there are a number of factors to do with this. The first is that the National Audit Office report was merely a repeat of the original internal audit report which was done for the Finance and Economics Committee in December 2003 and dealt with by the Audit Committee which preceded the Shadow Public Accounts Committee. I feel, therefore, that it really was a waste of money and it wasn’t value for money to just repeat something that had already done and where steps had been taken to address the issues that were brought up in the internal audit report which, to all intents and purposes, were the same as those brought up by the National Audit Office. Obviously this is an area that the Public Accounts Committee will revisit, at which time we will be questioning the accounting officer, who is the Attorney General, on these matters to make sure that all these issues have been attended to. But I think it was very nice to have 2 reports on the same subject, but it wasn’t value for money.”

18.1.9 Deputy R.G. Le Hérisier:

“Where the Public Accounts Committee investigates an issue and it believes that a more fundamental response may be required - take the example, if I may, of Family Nursing or charities where you investigate for value for money - is it within your remit to say ‘Look, if this function was brought within the States, we would get much better value for money’? Can you step into that kind of area and, if so, do you think that is advisable?”

The Bailiff:

“Deputy, please address the Deputy through the Chair. Deputy Ferguson?”

Deputy S.C. Ferguson:

“I am not at all certain as to what report the Deputy thinks has been done on Family Nursing. I got the impression from his question that he thought a report had been done.”

Deputy R.G. Le Hérisier:

“There was, as we know, a lot of discussion about Family Nursing and how it was expending public money, so I assumed there was a report or there was a lot of concern expressed and the Health Department responded. I would like to know, Sir, how the PAC would deal with that issue. Would it say ‘Well, we have analysed Family Nursing, it is either doing well or it is not doing well’, or would it say ‘Look, this is ridiculous, let’s move the function into the Health Department’?”

Deputy S.C. Ferguson:

“Yes, I don’t really want to go back through all the debate in last year’s budget report. The Auditor General will obviously be looking at all these bodies with regard to value for money, but I think he is going to be looking at it also with regard to corporate governance. Now, by the time he looks at it, the service level agreement which is being set up by Health and Social Services should be in place, in which case both sides will know exactly what money is being spent on what and why, and I would rather suspect that the value for money will be substantiated by a public accounts review. One of our remits is to look at corporate governance in general as well as value for money, and this again awaits the Comptroller and Auditor General’s report.”

18.1.10 Deputy G.W.J. de Faye:

“Accounting procedures are in many senses formulaic and there are a number of them. For example, in recent years it appears that by essentially looking at the so-called bottom line the value of voluntary work has been overlooked in terms of how it is interlinked with straightforward budget expenditure. I would like to ask the candidate, firstly, how they would intend to address that type of problem and, secondly, whether the candidate would be prepared to look at what might be regarded as somewhat more exotic accounting procedures that would take account of the environmental or, as it were, not immediately monetarily sustainable values but nevertheless values which are important in terms of how decisions are made?”

Deputy S.C. Ferguson:

“Value for money in the charities is what we were doing with the Grants Panel work; in other words, we were making sure that Health knew what the grants were being used for, the charities knew what their grants would be and what the charities were doing was in line with the services needed by Health, so that was a mini-value for money affair in itself. If the member will recall, there was a certain amount of toing and froing over a particular charity when it was realised that the States wasn’t getting the value for money from it that it should. Environmental values, I think, as most people know, value for money is not necessarily the cheapest good for the price. Very often, value for money takes in a whole lot of other aspects. As I say,

when you go into a supermarket or when anybody goes into a supermarket and looks at a good on the shelf, you don't necessarily recognise that the cheapest one as per the price listing is the best value for money. It may be cheaper because there is less of it; it may be cheaper because it is not as good or it doesn't perform all the services you want of it. I think these are the matters that will need to be taken into consideration, particularly in the area of environmental matters, where there are other aspects that are perhaps not quite as obvious."

18.1.11 Deputy S. Power:

"Could I ask the candidate there has been a lot of discussion lately in the media and amongst States members about the amount of legal fees the States Departments have paid over the last 3 years. Does she consider it appropriate in her work in the next few years to investigate legal fees and value for money to various States Departments and Ministries?"

Deputy S.C. Ferguson:

"I think possibly, Sir, the Deputy is referring to the National Audit Office report on legal fees within the States, which came out last week. In fact, I have already dealt with this in the questions, and I think it should be remembered that this is the period before December 2003. I think, with the new Accounting Officer system that is coming in, together with the removal of committals, commitments, carry forwards and so forth and changing to accrual accounting, many of these issues have been addressed and that you will see a very much more realistic approach in the future."

18.1.12 Senator P.F.C. Ozouf:

"Would the Deputy indicate who she would be thinking of in terms of other States members for the Public Accounts Committee, in particular how many members she would want to be appointing from this Assembly and outside? I believe that there is some discretion in the hands of any potential Chair."

Deputy S.C. Ferguson:

"The law specifies a minimum of 4 States members, 4 independent members, a Chairman who is a politician, but places no upper limit on it, but I would think, Sir, that at this point in time I would be looking for 4 States members, 4 independent members from the business community and take it from there."

18.2 The Bailiff:

"Well, if no other member wishes to put a question to the candidate, I will draw the period of questioning to an end and perhaps the Greffier would summon Deputy Breckon from the downstairs room and, Deputy Ferguson, perhaps you would be good enough to withdraw? **(Pause)** If Deputy Breckon has had the opportunity to catch his breath, I will call upon him to address the Assembly."

Deputy A. Breckon:

"Thank you, Sir, but I have been washing up as well while I have been downstairs. What I would like to do is turn the clock back a few weeks, and this has always been felt to be a little bit unfortunate because the outgoing House approves the Budget, and that is what most of us did who are sitting here today a couple of weeks ago. But that is important, I think, because, if we look within that Budget, we will

see with Health, Education, Social Security and Home Affairs there is very nearly or just over £350 million. The question I have always had a problem with is, is it value for money? I really have had a problem with that because we can't really get into the detail of it; and that is why I am standing for this post because I would like to do some of that and I think some of it deserves a second look and perhaps even more. I do really want to be part of that process. What this is about is PAC. You have got 3 buttons in front of you that say PAC, but I would suggest it has got nothing to do with that. It is the Public Accounts Committee. I want to put the emphasis on Public and how Public is it and how much access do people have? I would say that they should have more access because the question is whose money is it, and it is other people's money, and I think that is very important. Before when I have tried to give people access and brought things to the States the bogeymen that come up are Human Rights and Freedom of Information - you can't do that, you are infringing something or other or whatever it is - but I think we have got to move on from that. I have been concerned that with the ministerial process Ministers might be removed from some of the detail, and that is why I want to get involved to look at it, and that is why I think the financial scrutiny is important. I am aware of the Public Finances Law and the rôle and independence of the Comptroller and Auditor General. Those in the main are contained in Articles 40 to 66 within the Public Finance Law. That lays down the rôle and responsibilities, the independence and also the rôle for the Public Accounts Committee in Article 52, paragraph 2: *'However, the Comptroller and Auditor General must liaise with the Public Accounts Committee when carrying out those functions'*, and I see that as being very important. Before I go on, Sir, I would like to pay tribute to how we have got this far. Other people have done amounts of work, including Deputy Ferguson and the shadow members and how they have worked this up so far, and that includes the former PPC and also the Finance and Economics Committee. This does consist of political and non-political members. I have considerable experience of working in this sort of arena. Years ago, I was on a Trade and Industry Sub-Committee; I have been on school governors; Childcare Trust; Consumer Council; Charterwell Trust; Employment Trust; and one or 2 others. I think the input that we get from people in the community is very important and I value that and I respect it a great deal. I think it is something that we should cherish and, if we can, develop. I have also had the rôle of Industrial Disputes Officer, and I can say since 1996 we have had not one tribunal. I would ask you to remember that, because I am not into causing conflict - I would rather avoid it and address the issues - and I am not into personality politics either. I am aware, Sir, of the former Audit Commission and the Audit Committees and I think they were somewhat frustrated. Jurat Peter Blampied is a personal friend of mine and he has done an extreme amount of work for fun really and produced some excellent reports at the start of this process and I am afraid they have only gathered dust. I think we need to move on and we need to be more proactive. I would look forward to being a part of that, if elected. When I looked at the budget for this Committee, I found it is £280,000. I would ask members to remember that I have talked about the budget before, but if you look at revenue and income and capital, it is very nearly £600 million and you have got £280,000 to scrutinise it. But I think it can be self-financing because, if a Public Accounts Committee can look at and make savings, then maybe some of it should come back to continue the work. I think systems need to be looked at. There needs to be some analysis, but we are

dealing with people and we must be conscious of that. Perhaps sometimes we need some cultural changes as well. Sometimes people need to think outside the silo. But, as far as I am concerned, Sir, nothing is taboo. Recently I brought a Report and Proposition to the States on court and case costs and the Le Pas bill we had. I remember a supplementary question to Senator Walker when asked if one and a half million pounds seemed reasonable. He shrugged his shoulders. Well, I am not happy with that and I went to look further and I was right to do that. I worked with the National Audit Office and I think these sorts of things we must look more carefully at that. I was disappointed at the response of Policy and Resources and the Finance and Economics Committee. They had to be taken along with this. I think we need to get behind some of the issues and not just skirt over them. Also in the Budget we are talking about tax increases, new measures and other things that are possible. This is an extract from page 21 of the shortened version. We are talking about a Goods and Services Tax, the 20 per cent means 20 per cent and new information and enforcement panels. Now, there are some things in there where people are going to say 'If you are doing these things, what are you doing, how are you looking at yourselves', and that is why I think it is vitally important the rôle and function of this Committee. I think the public are right to want and indeed demand value for money. I think we have to demonstrate that and we have to have a balance. I am conscious that this is a Committee so it will be working with others and I don't have a problem with that, but I think what this Committee has to do is to gain public confidence; it has to establish public contact; it has to work towards public ownership; and we must remember that it is other people's and they want to participate, and that is contained within the Standing Orders. In conclusion, Sir, I would say that I see this as a coming together. Having said that, it has been a long time coming. The Standing Orders for the Public Accounts Committee - again, it is the Public Accounts Committee - in the terms of reference, Standing Order 131, I would just like to quote this to you, paragraph (c): '*To assess (1) whether public funds have been applied for the purpose intended by the States, and (2) whether extravagance and waste are being eradicated and sound financial practices applied throughout the administrations of the States.*' To me, that is the nucleus of what this is about. Also, there is the framework laid within the Public Finances Law, especially between Articles 40 and 66 - I am aware of that and know how they should be applied - and also the rôle of the Comptroller and Auditor General, who is a very well qualified, professional person, who will add, I am sure, to debates in this House at some time in the future. But this is a rôle, Sir, in co-operation with others, and what I wish to do as Chairman of this group is to bring it together as a Public Accounts Committee for the public and in the public interest. I think the public demand that and they should get nothing less. Thank you."

The Bailiff:

"Thank you, Deputy. There will now be a period of questioning. Are there any questions for the candidate? Senator Ozouf?"

18.2.1 Senator P.F.C. Ozouf:

"The Deputy spoke a lot in his remarks about the word '*public*' and it being a Public Accounts Committee, but can he explain to me exactly what he sees the rôle of the Public Accounts Committee is compared to a Scrutiny Panel? Does he accept that

the Public Accounts Committee is there to scrutinise the implementation of policy or does he think it is there for political scrutiny too?"

Deputy A. Breckon:

"There is a grey line between the 2, Sir, so it depends, but if the Senator is talking about policy issues, then if there are costs related, then they are related."

18.2.2 Deputy R.G. Le Hérissier:

"I wonder, Sir, if the candidate could explain, first of all, he approaches the subject as a generalist, although obviously with immense experience, as he has just described, so how will he deal with the quite technical areas of the subject and, secondly, how will he suggest his Committee go about working out his priorities, the areas it wishes to focus on?"

Deputy A. Breckon:

"Again, Sir, it may well be an advantage not being an accountant, because, again, I have no fixed ideas about many of the issues and, therefore, I take a commonsense approach and, if somebody has bamboozled us with science, then I would like to know why and it must be explained in a way that is understandable because it is a Public Accounts Committee. It is not for me, it is not for professionals, it is for everybody and we need to share in that. Regarding priorities, we are not starting from a plain piece of paper. There are lots of things already in the system and we can follow on from some of the things I mentioned, work that was done by previous Audit Committees and Audit Commissions, and we need to go back and look at some of the issues because I am afraid to say that some of these were just left to gather dust. So the priorities would be to look at where we are and how we got there and how we move on from that."

18.2.3 Senator P.F.C. Ozouf:

"Does he not, following up on the earlier question, see the rôle as being for the Public Accounts Committee concentrating on implementation and, if he doesn't, can he explain why he wants to change the rules of the Public Accounts Committee that this Assembly has set and why this Public Accounts Committee will be different to any other Public Accounts Committee of any parliament or assembly elsewhere in the world?"

Deputy A. Breckon:

"That is not the case, Sir. The thing is that what we are talking about is the process and we will look at the process that people are using within various systems. Now, that is not to say it is never going to be changed anywhere. That is not what it is about. So there could well be change, but it is change for the better. There is some obviously political involvement because of the sensitivity of some of the issues that are going to be looked at, but it is departmental process and the people involved are already well versed on where they are and the framework for it. That is in Standing Orders and it is in the States of Jersey Law and it is in the other areas that they have already got for guidance, so they don't need me to tell them that."

18.2.4 Deputy C.J. Scott Warren:

“Does the Deputy see this rôle as complementary to his work as Chairman of the Jersey Consumer Council and also does he feel that it might be burdensome to have both positions?”

Deputy A. Breckon:

“In that it might be price sensitive, but I have no fears about this and if I thought it would be too much of a burden, then I would come back to this House, but I don’t see it that way at the moment and I am very conscious of prices and costs and whatever and I am ultra careful and cautious and I hope others do the same, but I would look forward to viewing that afresh and I think that is good with a group of people and I don’t see that it would be too much because, again, I have a group of people with the Consumer Council who do a lot of work, so it is again a joint effort and I see the Public Accounts Committee in the same way.”

18.2.5 The Deputy of St. John:

“Could the Deputy tell the House if he will be encouraging the various ministries to share appropriate resources with the States of Guernsey to achieve economies of scale and subsequent savings?”

Deputy A. Breckon:

“Indeed, Sir, there are benefits in looking at other small jurisdictions and how they do things, be that Guernsey, the Isle of Man or other links that we have got through the Commonwealth. I mean, this is part of the process that we have and there may be systems that they are using that they have got from us. We can look everywhere, but there could be issues where sometimes it is sensitive in the Channel Islands, but I don’t have a problem with any of that, so if there are areas where mutual working benefit is there, then that will certainly be looked at.”

18.2.6 Senator F.E. Cohen:

“Does the Deputy believe that the savings target of £20 million a year is high enough and what rôle does he think the PAC has in setting and achieving the target?”

Deputy A. Breckon:

“I did mention in the few words I said earlier with revenue resource and capital that we are looking at £60 million. We have sort of trimmed the capital to the bone, but I still think there is something there, but I would see £20 million as being conservative (with a small ‘c’). Having said that, we mustn’t become obsessed with it. We must look through the system and we mustn’t get savings mad. We must look at what we are doing, why and what it is costing and review it and take some things to pieces to do that, because unfortunately it is probably a long time since some of these things have been looked at, because when we had the Audit Committees with Public Services or Education, it worked to an extent, but I don’t really feel they got their teeth into some of the issues, so there is a lot of work there. The other thing I would just add to that is that I don’t see a problem if the resource was there bringing in somebody like the National Audit Office who could be a fresh pair of eyes as well, Sir. I think the £20 million is, as I say, conservative with a small ‘c’.”

18.2.7 Senator P.F.C. Ozouf:

“The Deputy has not addressed this fundamental issue of the Public Accounts Committee concentrating on implementation as opposed to policy. Can we have, please, an unequivocal statement from him as to whether or not the Public Accounts Committee is there in his view to deal with implementation and not deal with political policy? Will he use the Public Accounts Committee to do political scrutiny or not? We are not clear yet.”

Deputy A. Breckon:

“I mentioned before - I don’t know how many times I have to repeat this - about process, process, process, process. Sir, what we are talking about is that the politics come into the process: where have the decisions come from, who is doing what and why and things are being implemented. We will be looking at process. It will be as you imagine it will be, but at the moment the penny hasn’t quite dropped.”

18.2.8 Senator P.F.C. Ozouf:

“Does the Deputy believe that the National Audit Office review of court and case costs was value for money?”

Deputy A. Breckon:

“Well, Finance got the bill, Sir, not me, so I don’t know how much it cost, but I know when I brought it to the States I said that it should be allocated as a sum to somebody - the consultants weren’t known at the time - of up to £50,000. I haven’t seen the bill, but I would certainly be asking Mourants to pay for it anyway, so it wouldn’t cost us anything.”

18.2.9 Deputy R.G. Le Hérisier:

“Would the Deputy not accept that in a way, while he may well accept Senator Ozouf’s clarification, there are obviously cases where, for example, a Department might be running a defective policy simply because political requirements have required that Department to run that policy, and it would of course be the responsibility of the PAC in those limited circumstances to draw attention to what appears to be a political situation?”

Deputy A. Breckon:

“Indeed. These things haven’t fallen from the sky so it would have had to come from somewhere and that would be part of a review process. I would say ‘Why are you doing this’ and then that would go back, so, as I said before, there are some grey areas where policy has a cost. Now, somebody has been implementing it. Why are they doing that, because a decision has been taken either now or in the past and that is really where it is based.”

18.2.10 Senator P.F.C. Ozouf:

“Does he believe that the Chairman of the Public Accounts Committee should answer the question when being questioned in this Assembly? Could he answer? I asked him whether or not he thought the National Audit Office report was value for money - that was the question that I made of him - and could he also explain what his understanding is of what an Accounting Officer is?”

Deputy A. Breckon:

“I haven’t seen the bill from the National Audit Office, but, as I said before, in the Report and Proposition I took to the States I said a sum would be allocated, which this House agreed, of up to £50,000, so I can’t say if it is value for money, but I know one way of getting the money back.”

The Bailiff:

“I don’t know if you want to deal with the second part of the question, Deputy? The second part of the question was whether you wished to interpret ‘*Accounting Officer*’.”

Deputy A. Breckon:

“Would you like to expand on the question?”

The Bailiff:

“Yes, Senator Ozouf, do you want to put the question again?”

Senator P.F.C. Ozouf:

“Would the Deputy explain what his understanding of the concept of Accounting Officer is? It is a fundamental concept within the Public Accounts Committee and the new Finance Law. Could he explain what he means by it?”

Deputy A. Breckon:

“Yes, the buck stops there.”

18.2.11 Deputy R.G. Le Hérissier:

“Often complaints are made about, for example, States’ advertising and the way in which human resources is organised through the States and, while I know through Corporate Services we are promised reforms in that area, could the Deputy please indicate whether he feels his Committee might have to spend a lot of time on these cross-departmental issues because there is a suspicion that a lot of money could well be being wasted in these areas?”

Deputy A. Breckon:

“Indeed, Sir, and in the last 2 years some of these things have come together where there has been logos that have been taken out, the Parishes are advertising, the States Greffe and other things which are coming under the one banner, as it were, and there are probably other things where it is commonsense to do the same and it will save money. It is not just a case of doing it for doing it’s sake, it is bringing it together and people are singing off the same hymn sheet, so there are benefits in that. Again, with human resources issues, things have changed. At the Treasury things have changed. There is a centralisation of some things and, you know, everything obviously will be looked at in turn and some things have greater priority than others.”

18.2.12 The Deputy of St. Ouen:

“If the Deputy was successful in becoming Chair of the Public Accounts Committee, what sort of relationship would he like to develop, if any, with the Council of Ministers and equally with the individual ministries involved?”

Deputy A. Breckon:

“Indeed the links with the Council of Ministers are important because it would be a 2-way thing. Information may be sought and there would be feedback and there are provisions in Standing Orders for that to happen. It is not working in a silo and knocking at somebody’s door at 5 o’clock in the morning. This is done and there is a process for reporting through the Public Accounts Committee to this House as well. That is really where it is and it is not an element of surprise, it is 2-way communication.”

18.2.13 Senator P.F.C. Ozouf:

“Does the Deputy ever envisage Ministers coming before the Public Accounts Committee or does he think it should only be members of the civil servants and Accounting Officers?”

Deputy A. Breckon:

“Indeed, under the system, people can be summoned to appear and legal advice can be sought through the Attorney and I don’t see Ministers being excluded, but it could also be departmental. It depends what the enquiry is. If some Ministers perhaps felt they needed somebody to hold their hand, then it could be a number of people, but there is the structure for that to happen and I think it is good and healthy that it should because, if I go back to it, it is a Public Accounts Committee and Ministers will be very public, and why shouldn’t they answer some of the questions as well as the administrators?”

18.3 The Bailiff:

“If there are no further questions for the candidate, I will call the period of questioning to a close. Greffier, could you invite Deputy Ferguson to return to the Chamber? **(Pause)** May I ask the Usher and the Deputy Viscount to circulate the ballot papers? **(Pause)** If all members have had the opportunity of putting their votes in one of the 2 urns, I will ask the Attorney and Deputy Viscount to act as scrutineers. **(Pause)** May I call members to order for one moment? May I, again, ask whether either Deputy Ferguson or Deputy A. Breckon: is a candidate for the Chairmanship of the Corporate Services Scrutiny Panel or could be?”

Deputy S.C. Ferguson:

“It depends.”

The Bailiff:

“We will await the outcome of the Public Accounts matter then.” **(Pause)**

Deputy S.C. Ferguson:

“No I will not be, so if you want to carry on.”

APPOINTMENT OF CHAIRMAN OF CORPORATE SERVICES SCRUTINY PANEL

19. The Bailiff:

“Very well, neither of the candidates for the PAC is a candidate for the Chairmanship of the Corporate Services Scrutiny Panel, so while we await the outcome of the previous ballot, I ask for nominations for the Chairmanship of the first Scrutiny Panel. Senator Syvret?”

Senator S. Syvret:

“Yes, Sir, it is my great pleasure to nominate Senator Ben Shenton for the post of Chairman of the Corporate Services Scrutiny Panel.”

The Bailiff:

“Is that nomination seconded? [*Seconded*] Are there any other nominations?”

Connétable G.W. Fisher of St. Lawrence:

“Yes, Sir, I would like to nominate Deputy Ryan as Chairman of the Corporate Services Scrutiny Panel.”

The Bailiff:

“Is that nomination seconded? [*Seconded*] If members are content, we could begin the process for the appointment of the Chairman and perhaps I could ask Deputy Ryan whether he would be kind enough to withdraw whilst the first speech takes place? (**Pause**) I call upon Senator Shenton to address the Assembly for up to 10 minutes.”

19.1 Senator B.E. Shenton:

“My speech today takes 2 parts: why I am standing for this position and also my vision for Scrutiny. Before I start, may I just say that this is my maiden speech and how proud I am to be a member of this Chamber and especially to be sitting in my father’s old chair? I think it is quite fitting that I have Senator Walker on my right and Senators Kinnard and Syvret on my left. I stood on an election platform to represent the people. That was the thrust, that I didn’t feel that the people of the Island were getting enough say on what goes on in the Island. I also stood as a businessman with 27 years’ experience in the finance industry and someone who has recently set up their own business. When I spoke to the people, I realised that their main concerns were taxation and immigration, amongst others. So I thought about how I can best achieve these aims of representing the people. It became very apparent that the Scrutiny function within the Chamber and moving forward within the new system of government was underestimated both inside and outside the Chamber. The Scrutiny function is a way of connecting with the people of the Island. It also should be seen very much as looking at alternative strategies and checking legislation as opposed to some form of covert opposition. As I said before, it does need to connect with the people and we need to take Scrutiny out to the people. My vision is very much on the basis that there will be no personalities or political agendas and that the job will be done purely as Scrutiny should be done. In anticipation of taking on this rôle - and it is the only rôle that I have put my name forward for - I had meetings with Senator Walker in anticipation of him becoming Chief Minister, and with Senator Le Sueur. I also met with the Chief Executive of Policy and Resources, because within Scrutiny and within this area of Scrutiny you have to work with the Ministers and with the Chief Officers. You have to know what the policies are going to be and you have to have an idea of the timetable

going forward so that you can prepare your Department. I also had a meeting with the Scrutiny team, the resources that have been allocated to the States to service this function. I must admit that I was very impressed by them, both by their enthusiasm and their knowledge; and they have done a lot of preparation work which will be very, very useful. But this Scrutiny team is a finite resource. This is a new area that we are going into regardless of the fact that we did have a Shadow Scrutiny process. If you are in business you have to manage this resource however finite and make the best of it. You cannot just employ people because you cannot manage. I would very much like to use this team to the best of its ability and to manage the team. I think I would be failing in my duty as a politician if within 6 or 7 months I came running back to the House asking for extra resources. I think most of us stood on a platform of cutting waste in the public sector, and I see no reason why the resources available to Scrutiny should not be sufficient. The Chairmen's Committee is obviously very important because the resources have to be managed within the Panels and certain Panels will have much more draw on these resources going forward. This goes back to the point that liaison and meetings with the Ministers responsible are very important. Again, it is to manage the resources available. Scrutiny should be very much determined by what the people want us to scrutinise as much as by what we feel we should scrutinise. The Shadow Scrutiny areas have done an excellent job. I have read most of the reports. They are very well balanced, but there were one or 2 reports that were hijacked and the Goods and Services Tax (GST) Report, for example, failed to reach its conclusion. I think also within GST there is work to be done. I don't know how many people in this House realise that school fees will be subject to GST, amongst other things. As I said, we need to take Scrutiny out to the people, and I would envisage having meetings outside and connecting and working with the media in order to achieve this. The Corporate Services Panel is very much a new panel and it is a new departure for the States. As I said before, the Chief Minister and the movements of the Chief Minister and the ministerial government cannot work without Scrutiny. The 2 areas covered by corporate services are the Chief Minister's Department and Treasury and Resources. Scrutiny has some key aims within this: objective No. 1 is to ensure the implementation of the States Strategic Plan, and Scrutiny has to make sure that this is done in a satisfactory manner. Objective No. 2 is a modernised, more accountable government structure. Objective No. 3 is Jersey's international responsibilities. Again, we are looking at the provision of legal services for this, and this is something that is quite important moving forward. Objective No. 4 is we need professional, economic and statistical advice. Unfortunately, this is something sadly lacking so far when looking back at the budgetary measures of the previous Finance and Economics Committee. We have to within Treasury and Resources implement a fiscal Strategy: 0-10 is coming in, 20 means 20 and GST. We have to look at the visioning process for the future and scrutinise it accordingly. Of course, Scrutiny will also be applied to the new Public Finances Law and Data Protection as well. As I said before, my background in the financial services industry stands me in good stead from the Treasury and Resources side. My background in that - whether I liked it or not, I have been exposed to politics for a long time - stands me in good stead from a political viewpoint. I must admit I am standing here and I have been given 10 minutes to speak and 20 minutes for questions, but I sincerely hope that in 3 years time we don't go through this process again because, quite honestly, it is appalling, but I will

break off here. As I say, this is my maiden speech, so apologies if it is a little bit short, but I think I can deliver on this and I welcome any questions. Thank you.”

The Bailiff:

“Never apologise for a short speech in this Assembly, Senator. Now the period of questions begins. Are there any questions for the candidate?”

19.1.1 Senator P.F.C. Ozouf:

“Could the Senator explain why he thinks this is an appalling way to choose Scrutiny Panel Chairmen? Is it the speech or is it the questioning that is a problem? Secondly, could he explain why he thinks there was insufficient economic analysis within the States, within the Budget, etc? Thirdly, by no way criticising his statement at all that he will continue to remain in business with his own business, does he see any conflicts of interest between the work and the political scrutiny of things like the Fiscal Strategy with his business position and, if so, how will he deal with those conflicts?”

Senator B.E. Shenton:

“Turning, first, to the conflicts of interest, yes, I am a taxpayer and I think it would be very difficult to find someone who isn’t a taxpayer in Scrutiny. Obviously within the taxation structure it is very difficult to find anything that doesn’t impact on you. I think within my own business I am very much an independent politician and there is absolutely no way that I would ever conflict any interests with this regard. I would look to have a full Scrutiny team and if there were any particular conflicts with my particular industry, which is the asset management industry, I would step back, definitely. Can you just remind me of the other 2 questions?”

Senator P.F.C. Ozouf:

“Why does he say that there was insufficient economic analysis in Finance and Economics and Policy and Resources and why does he think this process is bad and ‘*appalling*’, to use his word?”

Senator B.E. Shenton:

“This process is bad and appalling because, if we had challenges to the ministerial government, I would be spending my Christmas Day here, I think. I would much prefer a shorter speech and a shorter question and answer session. On the statistical nature, I think the States themselves have agreed that their statistical knowledge needs to be improved. Certainly, just looking through the budget forecast over the last recent years and their accuracy, it leaves a lot to be desired.”

19.1.2 Deputy R.G. Le Hérisier:

“The Senator alluded to the fact that the Scrutiny agenda mustn’t be hijacked. How would he ensure that the way - and he has mentioned the public’s involvement, for example - that his Scrutiny agenda is worked out doesn’t reflect political hijacking?”

Senator B.E. Shenton:

“Well, I think it is down to commonsense basically and making sure you don’t have the wool pulled over your eyes. Scrutiny does have to connect with the people of the

Island, and I think the people of the Island would like a greater voice than what goes on in government. I think they would like a greater voice in regards to the things they are concerned with. Often the things the public of the Island are concerned with are not always the things that the politicians of the Island are concerned with and I think perhaps we need to put the public a little bit before ourselves.”

19.1.3 Deputy G.P. Southern:

“Without wishing to commit the Senator in any way, because he obviously hasn’t formed his Committee, could he give us an idea of where he sees in particular his attention being directed in terms of Fiscal Policy at this stage?”

Senator B.E. Shenton:

“Again, we have to listen to the public on this and the public have great concerns concerning 20 means 20 and GST. Therefore, these do need proper scrutiny and analysis, but we have to work in conjunction with Treasury and Resources so that we don’t duplicate the work that has already been undertaken and the investigation that we have undertaken. We also have to make sure at the end of the day that what we put forward works from an accounting point of view and that Jersey as an Island is able to balance the books.”

19.1.4 Deputy G.W.J. de Faye:

“I would be very pleased to hear from the candidate how he would prioritise his areas of investigation into those most demanding of attention within Corporate Services.”

Senator B.E. Shenton:

“I am very much a potential Chairman that works with the Committee. When you sit down with the Committee, although the Chairman has the final voice and directs the meeting, the voices of the people on the Panel are equal to my own. It would be down to the first meeting of the Panel to decide which areas we would look at and which take precedent. We would also in some way (and I haven’t quite worked this out) try and connect with the people of the Island to try and find out what areas are of the most concern to them. We would need to put forward a 12 month plan as to what we intend to scrutinise. It is going to be hard work, but we would also need to leave gaps so that issues that come up along the way can be slotted in and receive the relevant attention.”

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

“Does the candidate take on board the policy of being a critical friend in Scrutiny, or does he see the Committee as being more confrontational and more investigative and more attacking in that regard?”

Senator B.E. Shenton:

“I wouldn’t say critical friend, perhaps very critical friend. I think confrontational politics doesn’t always achieve what it sets out to achieve. If you are very confrontational with someone, they either clam up or mislead you. I think what you need to do is, when you are looking at alternative views, realise why you are looking at alternative views, and you always have to remember that you are working for the best interests of the Island and the best interests of the Islanders. That goes

through the whole theme of putting the Island first. I think a critical friend, yes, and a voice for the people, yes.”

19.1.6 Senator T.J. Le Main:

“I was interested to listen to the Senator, the candidate for this position, declare that some of the financial decisions or fiscal issues that have come before this Assembly have been flawed or were flawed and in fact, when I came to my decision on GST and other issues presented to this Assembly, we were categorically assured that every aspect of analysis and investigation had taken place. Although I am not a financial expert, I based my decisions on that. Will, therefore, on the statement that the candidate has made a few minutes ago that some of these areas were flawed, he explain to the Assembly how some of these policies that came to the States for debate were flawed?”

Senator B.E. Shenton:

“I think this Chamber has already admitted that some of the policies were flawed by putting 20 means 20 on hold. The whole basis of economics is not the same as accounting. With accounting you just get to a figure at the end and balance the books. Economics is much more complex than that, because you have to take into account the social issues. The father of economics, Adam Smith, was very knowledgeable and knew about the importance of society within economics. You cannot run a government purely looking at it from an accounting point of view. Obviously you still have to balance the books, but you have to take social aspects into account. With regard to 20 means 20, my concern there was with us taking Income Tax Instalment System (ITIS) out of the economy. With GST, it was taking money out of the economy. With capital spending being cut back, we were risking running the Island into recession because of the mismanagement. I don’t want to dwell on the past because I am a great believer in moving forward. I am basically an optimist in life, so I think the future is pretty bright, but I do think we need to look at all issues and perhaps if we could explain why we are coming from a different angle we would perhaps persuade a little bit more regularly.”

19.1.7 Deputy G.P. Southern:

“Again, without having to try and lead the Senator into areas that he might not want to go into, would the candidate be prepared to examine the overlap between Fiscal Policy and Income Support and thereby take perhaps what is a little bit of a load off of what is going to be a massive Social Affairs Scrutiny Panel?”

Senator B.E. Shenton:

“The whole concept of GST without exemptions is that Income Support will come to the rescue of those most in need. GST without a decent Income Support system is morally bankrupt. It is therefore within the Scrutiny Panel that we will have to work to make sure that if GST does come in without exemptions, the Income Support scheme does work.”

19.1.8 Deputy G.W.J. de Faye:

“The public bus service effectively is heavily subsidised and could be regarded as running at a loss in pure accounting terms. Nevertheless, it clearly has an enormous

social benefit. How in his scrutiny of corporate services does the candidate intend to balance the clear demands of bottom line accounting with social benefit?"

Senator B.E. Shenton:

"I think the bus service provided social benefit when it was only costing us £75,000 a year. I think we can probably provide those social benefits at a slightly lower cost than £3 million."

19.1.9 Senator P.F.C. Ozouf:

"Following the last but one question about being morally bankrupt, would he agree that good economics doesn't always make for good politics and, having listened to him in the election campaign and his views on balanced budgets, will he be taking his views on the balanced budget into the Scrutiny Panel and does he believe that the States should be matching year to year their expenditure with their income tax receipts?"

Senator B.E. Shenton:

"The answer is no, from a personal point of view I think perhaps we should run deficits, but I am not sure if this is my rôle within Scrutiny to start putting forward my political views. Maybe if Senator Le Sueur wants to swap seats I could do this. I think, as I said before, as a critical friend, we look at policy and we look at alternative policies, but we don't look to implement our own policies."

19.1.10 Connétable R.E.N. Dupré St. John:

"Has the candidate invited any members to join his Committee should he be elected and, if so, who are they?"

Senator B.E. Shenton:

"What I would like on my Committee are people that want to join the Committee, so I haven't approached anyone about joining the Committee. I also realise that there are people in the Chamber that would like to have Assistant Minister positions ahead of being on the Scrutiny Panel and personally I think we should have perhaps got the Assistant Minister positions out of the way before we got to this stage. So I will be happy to have anyone on the Panel that believes that they could add value to this area. I have had one approach so far from Deputy Le Claire, who is so impressed by my speech that he has gone home."

The Deputy of St. Brelade:

"Can I clarify that he has gone to the doctor?"

Senator B.E. Shenton:

"But, as I say, if you think you can add value to the Panel, I would be delighted to have you on board."

19.1.11 Senator P.F.C. Ozouf:

"Could the candidate explain his views about the cross-over between the Economic Affairs Panel and the Corporate Services Panel? Who should do what in terms of, for example, scrutinising the Fiscal Strategy, which obviously straddles both? Does he have any preconceived ideas of who should do what?"

Senator B.E. Shenton:

“I don’t have any preconceived ideas of who should do what, and obviously I do not know who is going to be head of that Panel or on that Panel at the moment. There is a massive overlap amongst the Panels and that is why a strong Chairmen’s Committee will be necessary to make sure that the resources are committed in the right area.”

The Bailiff:

“Are there any further questions for the candidate? **(Pause)** In that event, I would ask the Greffier to invite the other candidate to come to the Chamber and Senator Shenton to withdraw. **(Pause)**”

**APPOINTMENT OF CHAIRMAN OF PUBLIC ACCOUNTS COMMITTEE
(continued)**

20. The Bailiff:

“I can now give members the result of the ballot for the Chairmanship of the Public Accounts Committee. 29 votes were cast for Deputy Ferguson and 20 votes were cast for Deputy A. Breckon, and I declare that Deputy Ferguson has been elected as Chairman of the Public Accounts Committee.”

Deputy S.C. Ferguson:

“In the interim, Sir, I would just like to thank members for their confidence and assure them that we shall be hounding everybody for value for money.”

**APPOINTMENT OF CHAIRMAN OF CORPORATE SERVICES SCRUTINY
PANEL (continued)**

21. The Bailiff:

“If I may call members to order, I call upon Deputy Ryan to address the Assembly.”

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

“Thank you, Sir. It is never a good idea immediately after walking up those stairs in a hurry, Sir. Firstly, I think some qualifications for what I think is perhaps one of the most crucial jobs of Scrutiny Panel Chairmen with oversight of the previous Finance and Economics and Policy and Resources Committees. Some qualifications: in 1965, I left school at 16 to train as an engineer in Birmingham and I started my first business in 1972 in the heart of the Midlands, the Black Country industrial belt. It wasn’t easy and I learnt a lot in a very short space of time. I returned to Jersey in the late seventies and, during the eighties and nineties, my business career continued through ownership of motor trade businesses, expanding into retail finance in 1994. I moved and started a business in Guernsey in 1999 and in 2002 I joined the States, as I think most people will be aware. Overall, I have amassed some very useful experience in leading and motivating diverse teams of successful people and getting the best, I hope, out of each different individual. Now,

I mentioned my business career as a qualification mainly for this reason, also the reason of motivating diverse teams and also, during this time, I have found it necessary to develop skills far removed from my professional engineering qualification, such as IT software design and accounting, etc. I am perhaps one of the few States members with an in-depth knowledge of the U.K. Value Added Tax (VAT) system and how it works, not only through my U.K. business experience but also by writing accounting software packages to administer VAT. It is obviously necessary to have a very in-depth knowledge of what you are doing when you are writing computer software about a particular subject. Economics and taxation issues are an area of particular interest for me. Since joining the States I now have 3 years' experience of running an old style States' Committee, and not the easiest one at that with the public's conflicting social and profit expectations of Jersey Post and the problems, both political and commercial, associated with swingeing price hikes from Royal Mail. Keeping morale at Jersey Post high during the frustrating delays of incorporation has been a challenge as well. So I now know how government works and I believe this will be a help in the future, as will my 3 years' experience as an Economic Development Committee (EDC) member. My experience on EDC has included responsibility for the finance industry, construction industry and a short time helping Mike Taylor with the agriculture and fishery industries. Before it transferred to Environment and Public Services, I also took political responsibility for the review and report into the workings of the central markets - another political hotspot. I chaired the Competition Policy Sub-Committee within EDC and also had responsibility for consumer affairs. I have progressed legislation in this area, with 2 more laws shortly to be presented to the States. I was an active participant in the formulation of the Strategic Plan under Senator Walker. I have been co-opted by Finance and Economics in the past to assist with issues such as the Vehicle Registration Duty (VRD) Review and the Fuel Farm Lease Inquiry, although I had to withdraw from this last one due to a possible conflict. Now I would like to give members a short insight into my vision for how Scrutiny should function. Our new system could so easily degenerate into confrontation between Executive and non-Executive or degenerate into party politics. I use the word '*degenerate*' with caution, because some people will not agree with its use in this context, but undoubtedly for the moment anyway Jersey has decided that we should try to run our government as an inclusive 2-tier system with Executive and non-Executive arms and without the added confrontation of party politics in an island of 90,000 inhabitants. It may change in the future, but for the moment this is the way it is. If Scrutiny fails and becomes the opposition to government, it will be our Island and its future that will suffer as a result; and who knows what chaos might result if we lose political stability. We might even have to go back to some form of quasi-Committee or executive hybrid to sort out the mess, and this would be totally disastrous. So Scrutiny must not fail. It must provide the balance to executive power that, for example, the House of Lords and the Commons oppositions provide in the U.K. - no mean feat, no mean feat. It must, therefore, be a fundamental and urgent task for both Executive and non-Executive arms of government to agree the working details of Scrutiny, the frequency of routine meetings with the Executive and the corporate governance processes so essential to the successful operation of large organisations. This must be agreed in a robust and appropriate format right from the start and, in this respect, the initial work of the Chairmen's Committee and

the Privileges and Procedures Committee will be pivotal. It will also be crucial though that the Executive will feel able to discuss progress on policy under development in confidence and without fear of the non-Executive running straight to the media to score political points at their expense. My track record in this respect is, I believe, without question. I think people that know me well also know that my natural inclinations are not of the headline seeking kind. Having said that, I will support the media and, when asked, I will always be ready to express an opinion, provided I know the subject well enough to make an informed comment. I have used some terms more familiar to the business world, such as corporate governance, although I would be the first to say that government is not a business. However, in the 21st century, the lines of demarcation between global businesses and governance are becoming increasingly blurred, and that is another reason why I believe my business experience will give me an edge in the oversight of the Finance and Economics Committee, where naturally the application of business principles is most prevalent. The more enlightened business leaders realise that the traditional, simplistic, single-minded approaches to profit above all else, without regard to social responsibility, are increasingly being challenged by an increasingly globalised body of consumers. The relationship, however, between the Executive and the non-Executive in a large organisation is often a tense one, and so it will be with Scrutiny and the Executive, and rightly so. The Executive are the innovators, the movers and the shakers. The job of the truly effective non-Executive requires patience and subtlety but strength and conviction on the occasions when the Executive arm over-extends itself and needs guidance. Mutual respect is crucial if the partnership is to work, and work it must for the good of the people of Jersey. There will be times of disagreement between Executive and non-Executive, of course there will. There will be times of confrontation, but it is only if there is mutual respect that the Executive will be prepared to re-examine the evidence, reconsider and, yes, even be prepared to go into persuasion mode with Scrutiny and, if necessary, ultimately with the States as a whole. Similarly, it will be difficult for the non-Executive to properly reach its full potential and effectiveness if it is hamstrung with or bogged down in political dogma. Inevitably, the ministerial side will grow closer to their officer advisers and supporters under the new system about to begin. I think this is inevitable. There will be shorter lines of communication between them on a day to day basis, without the formality of the old Committee system, and efficiency of decision making will be greatly enhanced. But it is the new and unfamiliar ground of non-Executive Scrutiny that presents a unique challenge for Jersey's new form of government - new ground, almost uncharted territory, save for the highly valued experience of Shadow Scrutiny, unknown and, I would say, potentially very dangerous waters in the context of our future political stability. Political stability is such a fundamental part of Jersey's personality that sometimes we forget or understate its importance, and we do so at our peril. What about diversity of opinion within Scrutiny itself? How does one cope with the situation? By default, there will be opposition within members that make up Scrutiny Panels. It is only healthy to constantly challenge conformity in order not to miss tricks, and we have seen several examples of this with trial Scrutiny. I would encourage this process, and I would see it as entirely beneficial to healthy debate in the Assembly. Sometimes the radicals will win their argument, of course, but after discussion with the Executive, we may see Scrutiny Panel sponsored Reports and

Propositions in the States and other times I fully expect to see minority reports from individual members, that is only natural. This is healthy democracy, but it should not necessarily be a central focus of Scrutiny Panels, a reason to live, so to speak. To sum up, the trick to be pulled off is one of balance, balance between the importance of Scrutiny, challenge to the Executive, but at the same time motivating and empowering Executive endeavour. Thank you, Sir.”

The Bailiff:

“Deputy, your period of questioning now begins. Do any members wish to question the candidate?”

21.1.1 Deputy R.G. Le Hérissier:

“The candidate has given a very good exposition of the general rôle of Scrutiny and what we have got to be careful about, but I wonder, Sir, if he could zero-in on the issue of Corporate Affairs and say what he sees are the areas of priority in that particular area?”

Deputy P.J.D. Ryan:

“Yes, Corporate Affairs, consisting of the old Policy and Resources and the old Finance and Economics primarily. On the Policy and Resources side, for example on the international side, there are things like the Tax Information Exchange Agreements that we are signing all over the place. Exactly what benefit do we get from these really? Exactly what benefit do we get really? I am not saying we shouldn’t, but I would like to see exactly what we are going to get out of them. That is one place. Our international personality development - how are we going to do this? What exactly does that mean? I would like to see some risk management ideas on further into the future, things like the Organisation for Economic Co-Operation and Development (OECD), harmful tax practices, International Monetary Fund (IMF), where does the future lie here; 0-10 and its long term sustainability? Where is the risk management on that? It may be there. I am sure it is, but I would like to hear more about it. In terms of Finance and Economics, I believe that VAT exemptions must be a major investigation fairly soon. And there will be other places which, to some degree, have an overlap even with the Public Accounts Committee (PAC) or with Economic Development. The reduction in red tape for smaller business, or for all businesses for that matter - what are we doing, why are we doing it and does it serve any purpose in terms of legislation? Jersey is very good at legislating. How good can we in the future be unwinding unnecessary legislation that really it may be nice to have but that is all. In terms of overlap with PAC, I think there is an area of information technology value for money that needs looking at. So those would be the areas that I would look at, but there will be many more, I am sure, and I will be hopefully, if I am given this position, wanting to consult with all sorts of people. There may well be other issues that I have missed.”

21.1.2 Deputy G.P. Southern:

“Scrutiny is often described as being a critical friend and I just wondered how the candidate saw that description and how critical is he prepared to be?”

Deputy P.J.D. Ryan:

“That is an interesting question and I can hear members of the Executive saying ‘We will vote for him, he will be a friend, we can pat him on the back every now and then, smooth him, stroke him a little bit like a cat’. I can hear them thinking it now. Don’t tell me it hasn’t gone through their minds because I know it has. If that is a reason for voting for me, I would say to them don’t vote for me, because you are going to have a rude awakening. Do not vote for me on that basis. I hope that answers the question.”

21.1.3 Senator P.F.C. Ozouf:

“The Deputy is known to retain some business interests, as the other candidate who is putting himself forward. Does he believe he has any conflicts of interest with his own personal interests which would conflict him from being completely impartial as a Chair of the Scrutiny Panel?”

Deputy P.J.D. Ryan:

“Thank you for asking me that. I do have some business interests. They are nowhere near as extensive as they were, but I don’t think I have any conflicts and I think that if you look at my record over the last 3 years through you, Sir, I think the Senator will be aware that, where there are potential conflicts of interest, I have always verged on the safe side. I have even taken advice from you yourself, Sir, on occasions and I will continue to do that.”

21.1.4 The Deputy of St. Martin:

“The Shadow Scrutiny has been running for 2 years. Could I ask the Deputy how closely was he involved with the Shadow Scrutiny process and did he ever attend any meetings or hearings and, if so, could he give us what he thought of them and what lessons he learnt?”

Deputy P.J.D. Ryan:

“No, Sir, I haven’t attended any of them. It would be very difficult for me, as a President of Jersey Post, to have taken any active rôle in Scrutiny. That was absolutely not possible. There were one or 2 areas where I have looked from afar and felt - I have to be absolutely honest and frank - that understandably it was early days for Shadow Scrutiny and I have felt that Scrutiny has become or was going too much into an adversarial and not enough into ... how can I put it? This goes back to the question of Deputy Southern. It is a very difficult balance between being adversarial and being a critical friend and still doing a job at Scrutiny. I think it is going to take a lot of maturity. I think it is going to take a lot of experience and it is going to be a very difficult rôle because, as a Chairman of a Scrutiny Panel, you have got to try and satisfy several different needs of the States - the need of opposition; the need to keep the Executive on their mettle; the need to keep them motivated; the need to get their co-operation at the same time as keeping them on their mettle. This is the kind of rôle that is akin to the non-executive rôle in a business. It is probably more difficult than being an executive. I hope that answers the question.”

21.1.5 Deputy C.J. Scott Warren:

“Would the Deputy have regard to strong public issues and concerns when deciding on areas to possibly scrutinise?”

Deputy P.J.D. Ryan:

“Absolutely. My mind is completely open. I think I have shown that in the past. I would be inviting the public to suggest areas of concern and I believe that that will be something that we must certainly do without any question.”

21.1.6 Deputy G.P. Southern:

“I wonder, in the light of the lack of experience and contact with Scrutiny that the candidate has, how quickly he sees himself being able to get up to speed and start investigating what are clearly established policies which will be coming forward.”

Deputy P.J.D. Ryan:

“Well, the established policies I am very well aware of, so I know them as well as anyone would know them. In terms of a lack of experience of the previous Shadow Scrutiny process, I am absolutely upfront when I say to the Deputy, through you, Sir, that I will require his help and the help of other Scrutiny members that do have experience and I will ask them to bring me up to speed as very quickly as possible. That would be my attitude, one of inclusiveness. We need to be inclusive all round. We need to be inclusive with the Shadow Scrutiny members, the backbenchers, the people that will have different policy objectives to the Executive, but I would also want to include the Executive. We must have an open mind on this and we need to get on with it as quickly as possible.”

21.1.7 Deputy J.A. Martin:

“It is good to hear that this candidate is not going to be a pussycat who could have his back stroked or even his chin tickled, but would he remind and assure me why I should vote for him as the Chair of Corporate Services on his voting record with the previous Policy and Resources and Finance and Economics, on policies that are already before this House?”

Deputy P.J.D. Ryan:

“Scrutiny is not necessarily opposition. That would be one of the things that I would say, but I would emphasise not necessarily. I am trying to remember the first half of your question: ‘Why I should vote for you?’”

The Bailiff:

“Your voting record, Deputy.”

Deputy J.A. Martin:

“Your voting record on the present policies, Deputy.”

Deputy P.J.D. Ryan:

“Thank you, yes. Well, I think the question from the Deputy presupposes that I have always voted with the current Executive. I would just point to one or 2 places where that is not true. For example, you will find, if you look at the voting record, that I was one of the few people that supported and have always supported Senator Syvret’s aspirations for VAT exemptions, and I would just point to that as an example where I am not necessarily as much of a pussycat as you suspect that I might be.”

21.1.8 Deputy R.G. Le Hérisier:

“The other side, perhaps the Cinderella side at the moment, but obviously of vital importance, is international relations. Could the candidate tell us, Sir, how he would identify, in his view, what the issues are at present and how he would go about studying the whole thing?”

Deputy P.J.D. Ryan:

“I would be quite honest. Although as a director of Jersey Finance, which I have been for the last year or so, there have been several international issues that have come up through there to do with the finance industry, so I am aware of those issues, in terms of constitutional issues, I would seek the advice, through you, Sir, through the Chair, of people such as Deputy Le Hérisier, who obviously do know about constitutional matters. I am the kind of person who is not afraid to ask for help. That is what I will be doing. I will be very quickly asking for help from those that I know have specialist knowledge in areas that I don't, and I see my rôle as co-ordinating that help and that rôle and being inclusive to bring those kinds of people that have specialist knowledge into my Scrutiny Panel if I am elected.”

21.1.9 Deputy G.P. Southern:

“Following on from Deputy Martin's question - and I do wholeheartedly recommend if the candidate does want to seek help that he seeks help from Deputy Martin, who is very sharp on Scrutiny - could I suggest that on his voting record, which has been at least 9 times out of 10 with the current policies, the rôle of Scrutiny is to examine the evidence in public behind the policy decisions. Can I ask whether he was voting on the evidence or whether he was voting without the evidence, given his voting record?”

Deputy P.J.D. Ryan:

“Voting without the evidence? We all have a certain amount of evidence, not necessarily all the evidence. I think that is the point that the Deputy is making. When it came to VAT exemptions, I think I know as much and have as much evidence on VAT exemptions as anybody does, so in that instance I was certainly voting with the evidence.”

21.1.10 Senator P.F.C. Ozouf:

“The Deputy would perhaps understand that there are 2 very capable candidates for this post. Would he give in a nutshell why he believes that he should clinch this position over the equally capable Senator Shenton? What is the defining issue which should mean that we should vote for Deputy Ryan instead of Senator Shenton?”

Deputy P.J.D. Ryan:

“I am never particularly one, Sir, to make a big play on my attributes as opposed to someone else's. I have the greatest deal of respect for Senator Shenton as well, and he would be one of the people who I would be going to for help in the same way as Deputy Le Hérisier. I believe that I know the working of the States now quite well. I believe that I have maturity. I believe that I have experience, sharp-end experience on the business side. I have a lot of experience through Economic Development as well, so I do have experience. I believe I have maturity. I believe I am capable of bringing balance. Whether those are sufficient attributes to put me ahead of Senator

Shenton remains to be seen, but, in any case, I will accept the view of the States. Obviously I believe I can do it, otherwise I wouldn't have put my name forward, and I believe I can bring balance. I believe I can bring balance."

21.1.11 Deputy C.J. Scott Warren:

"I know this has been asked before, although not specifically, but can the Deputy assure this House that there is no conflict of interest between this rôle and being a director of Jersey Finance?"

Deputy P.J.D. Ryan:

"I will need to resign from Jersey Finance, Sir."

21.1.12 The Deputy of St. Ouen:

"The Deputy has mentioned before about reviewing or going back on decisions that this House has already made, but at the same time we have heard that if we are to gain the greatest benefit from Scrutiny we need to be working with and developing the detail of the policies as they are produced. Could the Deputy clarify his position in whether his aim as a Chairman is to review the policies or develop existing ones?"

Deputy P.J.D. Ryan:

"No, it would be a review of policies rather than developing new ones primarily. The rôle of the Executive is to develop new policy, although there will inevitably be in Scrutiny a degree of thinking outside of the box. One person's evidence-based decision will depend upon the evidence that he is given, and I think a rôle that we need to take is to look at evidence from other sources and to discuss that and to not be hamstrung with the kinds of sometimes preconceived - perhaps that is too strong a word - but the kinds of information that come to the Executive from their support and officers. It is sometimes necessary to look at alternative sources and to discuss that with the Executive in case they have missed a trick. I hope that answers the question adequately, Sir, but I am not quite sure if it does. If not, I will have another go."

21.1.13 The Deputy of St. Ouen:

"As an additional question, would not the Deputy agree that if he, as a Scrutiny Panel, aims to continue reviewing, if you like in historic terms, current decisions, he will always remain behind the Executive rather than working with them in developing and forwarding the existing policies that the States have already agreed?"

Deputy P.J.D. Ryan:

"There will be a degree - I hope I have answered it, but I will repeat myself - of thinking outside of the box, which means new policies and helping to develop them with the Executive. There will be a degree of that. There will also be a degree of examining old policies to see if circumstances have changed, and I suppose that means new policies as a result, and reminding the Executive 'Look, perhaps circumstances have changed from when we made this decision.' It is often difficult for people to go back on previous decisions, but if circumstances change sometimes that is necessary. I think it is commonsense that we are talking about here. So I have

a completely open mind. Will it be new policies, will it be examining old policies? I think it will be a combination of both.”

21.2 The Greffier of the States (in the Chair):

“Are there any further questions for the candidate? **(Pause)** If not, we will bring the question period to an end and I will ask the Deputy Greffier to invite Senator Shenton back to the Chamber. **(Pause)** If we could perhaps distribute the ballot papers? **(Pause)** Have all members placed their ballot papers into the ballot boxes? Very well, I will ask the Attorney General and the Deputy Viscount to, please, act as scrutineers. Now, can I ask Deputy Ryan and Senator Shenton whether either of you would wish to put your name forward for Economic Affairs if you are unsuccessful?”

Deputy P.J.D. Ryan:

“Yes, Sir.”

The Greffier of the States (in the Chair):

“Very well, we must therefore wait for the result. Do members wish to adjourn for 2 or 3 minutes while we do that? **(Pause)** Very well, we will adjourn for 2 or 3 minutes.

The Assembly adjourned for a short time

The Greffier of the States (in the Chair):

“I can now announce the result of the ballot for Chairman of the Corporate Services Scrutiny Panel. 20 votes were cast for Senator Shenton and 27 votes were cast for Deputy Ryan. There were 2 spoilt papers. I duly declare that Deputy Ryan is elected.”

Deputy P.J.D. Ryan:

“Thank you to members for voting for me and giving me the trust.”

APPOINTMENT OF CHAIRMAN OF ECONOMIC AFFAIRS SCRUTINY PANEL

22. The Greffier of the States (in the Chair):

“Very well, I now invite nominations for the Chairmanship of the Economic Affairs Scrutiny Panel. Deputy Duhamel?”

Deputy R.C. Duhamel of St. Saviour:

“I have great pleasure in nominating Deputy Southern.”

The Greffier of the States (in the Chair):

“Is that nomination seconded? [*Seconded*] Are there any other nominations? **(Pause)** If there are no further nominations, I declare that Deputy Southern has been elected as Chairman of the Economic Affairs Scrutiny Panel.

APPOINTMENT OF CHAIRMAN OF SOCIAL AFFAIRS SCRUTINY PANEL

23. The Greffier of the States (in the Chair):

“I now invite nominations for the Chairmanship of the Social Affairs Scrutiny Panel. Are there any nominations for the Chairmanship of the Social Affairs Scrutiny Panel? The Constable of St. Martin?”

Connétable J.B. Germain of St. Martin:

“I nominate Deputy Hill, Sir?”

The Greffier of the States (in the Chair):

“The Deputy of St. Martin is proposed and seconded? [*Secoded*] Are there any further nominations? (**Pause**) If there are no further nominations, I declare that the Deputy of St. Martin has been elected as Chairman of the Social Affairs Scrutiny Panel.”

The Deputy of St. Martin:

“Can I thank my proposer and seconder. It is unusual for a Parish Deputy to have 2 Constables, but I do have. Also, can I say that I am absolutely astounded to have the double - to get in without having the election twice, I think, must be unique for the Deputy of St. Martin.”

APPOINTMENT OF CHAIRMAN OF ENVIRONMENT SCRUTINY PANEL

24. The Greffier of the States (in the Chair):

“Finally, I invite nominations for the Chairmanship of the Environment Scrutiny Panel. The Constable of St. Mary.”

Connétable K.A. Le Brun of St. Mary:

“It gives me pleasure to propose Deputy Duhamel, Sir.”

The Greffier of the States (in the Chair):

“Deputy Duhamel is proposed. Is that nomination seconded? [*Secoded*] Are there any further nominations for the Chairmanship of the Environment Scrutiny Panel? (**Pause**) If not, I duly declare that Deputy Duhamel has been selected as Chairman of the Environment Scrutiny Panel.

ADJOURNMENT

25. The Greffier of the States (in the Chair):

That, therefore, concludes the business before the Assembly and the Assembly stands adjourned until 9.30 on Tuesday (13th December 2005).”