

# STATES OF JERSEY

## OFFICIAL REPORT

**THURSDAY, 13th NOVEMBER 2014**

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[9:31]

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

## **APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

### **1. President, Chairmen's Committee**

#### **The Bailiff:**

We come next to the business before us today, which is the Appointment of Members of Committees and Panels. The first one is the appointment of the President of the Chairmen's Committee, so I invite nominations for that position.

#### **Connétable J.E. Le Maistre of Grouville:**

I would like to nominate Deputy Le Fondré of St. Lawrence.

#### **The Bailiff:**

Is that seconded? **[Seconded]** Are there any other nominations? Very well, then I have pleasure in declaring Deputy Le Fondré elected as President of the Chairmen's Committee. **[Approbation]**

### **2. Members, Privileges and Procedures Committee**

#### **The Bailiff:**

The next matter is appointment of members of the Privileges and Procedures Committee. Just to remind Members, there are 3 categories of members on that committee. It consists of the chairman plus 6 other members. Three of those other members must be elected Members, not Ministers or Assistant Ministers; 2 are Ministers or Assistant Ministers; and one is a member of the Chairmen's Committee. Chairman, I invite you first to make any nominations for the 3 non-Ministers or Assistant Ministers.

#### **Connétable L. Norman of St. Clement:**

I am pleased to nominate the Constable of St. John, Deputy Martin and Deputy Mézec.

#### **The Bailiff:**

Are they seconded? **[Seconded]** Do you wish to indicate who you are going to be nominating for the other positions at this stage, just so that Members are aware?

#### **The Connétable of St. Clement:**

Yes, I can do, Sir. For the members who are Ministers or Assistant Ministers, the Chief Minister has recommended to me, and I am pleased to accept, Senator Ozouf and the Constable of St. Lawrence. The Chairmen's Committee has recommended to me the Constable of Grouville, which I also will be pleased to propose.

#### **The Bailiff:**

We come back at the moment to the first 3 nominations, so that is the Constable of St. John, Deputy Martin and Deputy Mézec. Are there any other nominations?

#### **Deputy G.P. Southern of St. Helier:**

May I nominate Deputy Tadier of St. Brelade?

#### **The Bailiff:**

Is that seconded? **[Seconded]** Are there any other nominations? So we have 4 nominations for 3 positions. There, therefore, has to be a secret ballot, so ballot papers will be handed out. You

should write the names of the candidates you wish to vote for. You may put up to 3 names obviously; there are 3 vacancies. You do not have to put 3, but you can but no more. The ushers will hand out the papers.

**Deputy M.J. Higgins of St. Helier:**

Sir, could we have the names again, please?

**The Bailiff:**

The names again, yes. The Constable of St. John, Deputy Martin, Deputy Mézec and Deputy Tadier. Those are the 4 candidates nominated. Just to be clear, because this is a secret ballot you do not put your own name on the ballot paper, unlike the events of earlier this week and last week.

**Senator P.M. Bailhache:**

Would it be a spoilt vote, Sir, if one has put one's name on it, as one has already, or may I perhaps have another ballot paper?

**The Bailiff:**

I should cross it out. **[Laughter]** There is a serious point, of course, because it will not be clear which names you are putting down. So if you have put your own name, do cross it out and leave the other names. I will ask the usher to collect the ballot papers, and the Assistant Greffier. Assistant Greffier, could you help collect the ballot papers? Very well, then I will ask the ... we have not got the Attorney General. I will ask the Deputy Greffier and the Assistant Greffier to act as scrutineers. Chairman, there would seem no reason, unless Members think otherwise, why we should not proceed with the next phase of your committee, or the next category, which is the 2 Ministers/Assistant Ministers.

**The Connétable of St. Clement:**

Yes. As I said, recommended by the Chief Minister, I am pleased to propose Senator Ozouf and the Constable of St. Lawrence.

**The Bailiff:**

Is that seconded? **[Seconded]** Does any other Member wish to propose any other nominations, which must be of a Minister or Assistant Minister? No? Very well, then I declare Senator Ozouf and the Constable of St. Lawrence duly elected to the P.P.C. (Privileges and Procedures Committee). **[Approbation]** We may as well then move on to the third category, chairman, which is a representative of the Chairmen's Committee.

**The Connétable of St. Clement:**

As I said before, as recommended by the Chairmen's Committee, I am pleased to propose the Constable of Grouville.

**The Bailiff:**

Is that seconded? **[Seconded]** Are there any alternative nominations?

[9:45]

Very well, then I declare the Constable of Grouville duly elected to the committee. **[Approbation]**

### **3. Members, Public Accounts Committee**

**The Bailiff:**

The next matter is the Public Accounts Committee. Are Members happy that we proceed with that? The only reason why not is if anyone who is nominated for P.P.C. and does not get in might want to be nominated for this. Are Members happy? Very well, then the chairman of the Public Accounts Committee is Deputy Andrew Lewis. Deputy Lewis?

**Deputy A.D. Lewis of St. Helier:**

I would like to nominate Deputy Scott Wickenden and the Constable of St. John. As Members will be aware, there are also non-States Members, which we will be considering at a later date. We wish to constitute a committee of 5.

**The Bailiff:**

Are those nominations seconded? **[Seconded]** Are there any other nominations for the membership of the Public Accounts Committee? No? Very well, then I declare Deputy Wickenden and the Constable of St. John duly elected. **[Approbation]**

#### **4. Members, Scrutiny Panels**

##### **4.1 Corporate Services Scrutiny Panel**

**The Bailiff:**

Are Members content then that we move now to the Scrutiny Panels and in particular, first of all, the Corporate Services Scrutiny Panel? Deputy Le Fondré, do you wish to tell us how many members you want and how many nominations you are going to make?

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

At this stage I am nominating 2 members to the panel and obviously will be speaking to one or 2 extra members later on. At present I am nominating Deputy Bree of St. Clement and the Constable of St. John.

**The Bailiff:**

Are there any other nominations? No? Then I declare Deputy Bree and the Connétable of St. John duly elected to the Corporate Services Scrutiny Panel. **[Approbation]**

**Senator P.F.C. Ozouf:**

Sir, just for information, for the panels what is the numbers of members, just for guidance?

**The Bailiff:**

You can have up to 4 plus the chairman, so you can have up to 5 but it is up to the chairman to decide how many.

**Senator P.F.C. Ozouf:**

So a panel of 3 then, effectively, when accepting 2 nominations ...

**The Bailiff:**

There is a panel of 3.

**Senator P.F.C. Ozouf:**

Yes, but if a third nomination would have been made, just so that we are clear, because that has always been an issue about majority of committees in the past. Just for guidance, are we deciding, as an Assembly, to confirm a panel membership of 3 and then those 2 members?

**The Bailiff:**

Yes.

**Senator P.F.C. Ozouf:**

But one could conceivably challenge the number and then a further member, or not?

**The Bailiff:**

No. The Standing Order says it is for the chairman to indicate the number of members he wishes the panel to have.

**Senator P.F.C. Ozouf:**

That is not subject to amendment by the Assembly?

**The Bailiff:**

No, it appears not.

**Senator P.F.C. Ozouf:**

Very interesting, Sir.

**Deputy G.P. Southern:**

Sir, if I may seek clarification: and that there is no minimum?

**The Bailiff:**

No.

**Deputy J.A.N. Le Fondré:**

If it helps Members to understand, we have had a day to sort this out because the day was brought forward from Friday to today and that has had an impact on how many members we can arrange at the notice we have got, especially not knowing the appointment of Assistant Ministers until I think it was some time yesterday it came out.

**The Bailiff:**

It is, of course, always possible for a chairman of a Scrutiny Panel to come back later and say: "I want to increase the number" and make some propositions.

**Senator P.F.C. Ozouf:**

The chairman decides whether or not there is going to be an election for the members, which is the point I was trying to make. So if they say: "I decide I want to have 3" then there are 2 nominations and then if there is another nomination there is an election rather than automatic -

**The Bailiff:**

Yes.

**Senator P.F.C. Ozouf:**

That is the point I wanted to make, whether you could challenge the first or the second.

**The Bailiff:**

No, you are correct in your understanding. That was the Corporate Services Scrutiny Panel.

#### **4.2 Economic Affairs Scrutiny Panel**

We now come, secondly, to the Economic Affairs Scrutiny Panel, of which the chairman is the Constable of Grouville. Do you wish to make any nominations and tell us how many?

**The Connétable of Grouville:**

I would like 3 members on my panel and I would like to nominate, in no particular order, the Constable of St. Ouen, the Deputy of St. Mary and Deputy Bree of St. Clement.

**The Bailiff:**

Is that seconded? **[Seconded]** Are there any other nominations? No? Very well, then I declare that the Constable of St. Ouen, the Deputy of St. Mary and Deputy Bree are duly elected as members of the Economic Affairs Scrutiny Panel. **[Approbation]**

### **4.3 Education and Home Affairs Scrutiny Panel**

**The Bailiff:**

We move next to the Education and Home Affairs Scrutiny Panel. Deputy Doublet?

**Deputy L.M.C. Doublet of St. Saviour:**

I would like to nominate 3 members of the panel, not including myself. Could I nominate Deputy Maçon, Deputy Mézec and Deputy Wickenden?

**The Bailiff:**

Is that seconded? **[Seconded]** Are there any other nominations to that Scrutiny Panel? No? Very well, then I declare that Deputy Maçon, Deputy Mézec and Deputy Wickenden are duly elected as members of the Education and Home Affairs Scrutiny Panel. **[Approbation]**

### **4.4 Environment, Housing and Technical Services Scrutiny Panel**

**The Bailiff:**

Next we come to the Environment, Housing and Technical Services Scrutiny Panel. The Connétable of St. Helier?

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

I would like to nominate 3 members. Unfortunately I cannot because I have only had one offer. I put this down to the fact that I was prevented from making a speech when I stood for the chairmanship of this panel and therefore Members do not realise what an important and indeed an exciting road is ahead. For the time being, as well as reminding Members who are not serving on that many panels that this one is available, I would like to nominate Deputy Tadier.

**The Bailiff:**

Is that seconded? **[Seconded]** Are there any alternative nominations? Very well, I declare Deputy Tadier duly elected to the Environment, Housing and Technical Services Scrutiny Panel. **[Approbation]**

**Senator P.F.C. Ozouf:**

Sir, just to be clear, if another Member were to have stood up and made a nomination, because the Constable said he wanted to do 3, just for avoidance of any doubt, that would have meant that any other nominations would have automatically ... up to 3 would have then been appointed?

**The Bailiff:**

No. They have got to be nominated by the chairman first of all and then alternative nominations. So, you would have had to quickly talked to the Constable, I suppose, and ask him to propose an additional name.

**Senator P.F.C. Ozouf:**

He just said he wants 3 members.

**Deputy M. Tadier of St. Brelade.**

I am happy to stand down if the Senator has an alternative **[Laughter]** but I suspect he is running out of appointees.

**The Bailiff:**

I am afraid the position is that, whatever the chairman may like to have, he has to put forward the nominations for the vacancies he wants to fill at the time. So the Constable has only put forward one and therefore there can only be an alternative to that.

**The Connétable of St. Helier:**

Sir, am I right in thinking that there are, however, 2 vacancies which Members, of course, could approach me about, and I hope indeed they will?

**The Bailiff:**

Or more. You can go up to 5, including yourself, so you can go up to 4. That is indeed the case. Anyone who is interested in serving on any of these panels, but particularly perhaps this one as it is rather low in numbers, should let the Constable know and he can then come forward and say he wishes his number now to be 3 or 4, whatever it may be, and he puts forward the appropriate number of nominations, and at that stage other Members can nominate alternatives if they wish.

#### **4.5 Health and Social Security Scrutiny Panel**

**The Bailiff:**

Very well, then we come to the Health and Social Security Scrutiny Panel, of which the chairman is the Deputy of St. Ouen.

**Deputy R.J. Renouf of St. Ouen:**

At this stage I would like to nominate 2 members, although I hope in the future I may be able to draw in additional expertise to the panel. Today I would like to nominate Deputy Southern and Deputy McDonald.

**The Bailiff:**

Is that seconded? **[Seconded]** Does any Member wish to make an alternative nomination or nominations? No? Very well, then I declare Deputy Southern and Deputy McDonald duly elected to the Health and Social Security Scrutiny Panel. **[Approbation]**

#### **5. States Commissioners, Jersey Overseas Aid Commission**

**The Bailiff:**

We come next to the appointment of 2 States Commissioners of the Jersey Overseas Aid Commission. The position here is slightly different. It is not open to Members to make an alternative nomination but Members can reject the nomination put forward by the chairman if they wish, in which case the chairman will have to think again.



**Deputy C.F. Labey of Grouville:**

I would like to propose the Constable of St. Martin and Deputy Martin of St. Helier.

**The Bailiff:**

Is that seconded? **[Seconded]** We had better talk about them separately, I suppose, just in case. All those in favour of electing the Constable of St. Martin please show? Those against? The Constable of St. Martin is duly elected. Deputy Martin, all those in favour? All those against? Deputy Martin is also elected. **[Approbation]**

**Privileges and Procedures Committee – result of ballot**

**The Bailiff:**

I have received the result of the ballot for membership of the Privileges and Procedures Committee.

The Connétable of St. John	33
Deputy Judith Anne Martin of St. Helier	37
Deputy Samuel Yves Mézec of St. Helier	39
Deputy Montfort Tadier of St. Helier	10

There were 2 spoilt papers. I therefore declare that Deputies Mézec and Martin and the Constable of St. John are elected as members of the P.P.C. **[Approbation]**

**6. Members, States Employment Board**

**The Bailiff:**

We come to the appointment of 2 members of the States Employment Board.

**Senator I.J. Gorst:**

I would like to propose the Connétable of St. Martin and the Connétable of St. Mary.

**The Bailiff:**

Is that seconded? **[Seconded]** Are there any alternative nominations?

**Deputy G.P. Southern:**

Could I nominate Deputy Tadier, and Deputy Mézec?

**The Bailiff:**

Are they seconded? **[Seconded]** Are there any other nominations? Very well, then there will be a secret ballot. There are 2 vacancies.

**Deputy M. Tadier:**

Can we also declare an interest? We are both members of Unite the Union and were sponsored by them in the elections, in the interest of transparency.

**The Bailiff:**

Thank you very much, Deputy. So there are 4 candidates for 2 places, so you should write down the name of the 2 candidates you wish to vote for, not your own name again. So I just remind you, the candidates are the Constable of St. Martin, the Constable of St. Mary, Deputy Tadier and Deputy Mézec. So you write down 2 or up to 2 of those names. I will ask that the ballot papers be collected. I will ask the Attorney General and the Assistant Greffier to act as scrutineers.

[10:00]

## **7. Members, Jersey Police Authority**

### **The Bailiff:**

Are Members content that we move on, while we are waiting, to deal with the Jersey Police Authority? Can I just remind Members then, on the Order Paper there is a list of those who may not be proposed for the Jersey Police Authority. That is on the back of the Order Paper. I invite nominations for up to 2 members. Does anyone wish to make a nomination?

### **Senator I.J. Gorst:**

Could I nominate Deputy Wickenden and Deputy Martin, please?

### **The Bailiff:**

Are they seconded? **[Seconded]** Are there any other nominations? No? Very well, then I declare that Deputy Wickenden and Deputy Martin are duly elected as members of the Police Authority. **[Approbation]**

## **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

### **The Bailiff:**

That concludes, subject to receiving the vote in due course, the appointments, so we may as well move to Arrangement of Public Business for Future Meetings, Chairman.

## **8. The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):**

The items are as per the Order Paper. I suspect that the meeting on the 25th will take a little bit longer than this morning, but it should take no longer than one day.

### **The Bailiff:**

Does any Member wish to say anything about the business?

### **8.1 Senator I.J. Gorst:**

Not the 25th although, having said that, I think there is something I need to ask Members to agree to bring forward. I think it is P.162, which is an amendment to the Freedom of Information Law. It is the amendment about information received from sensitive sources which needs to be taken and in place prior to 9th December so it is in place when the law comes into effect on 1st January. I shall be asking Members to take that on the 25th.

### **The Bailiff:**

Do you want to bring that forward to 25th November, not ask that Members agree to debate it on the 9th? That is not sufficient, is it?

### **Senator I.J. Gorst:**

It is indeed sufficient, yes.

### **The Bailiff:**

You will need to get Members to agree to that. If that meeting only lasts for one day, as I suspect it may, you want to ask Members now to agree to debate it on the 9th?

### **Senator I.J. Gorst:**

If I could, Sir. Sorry for the confusion but, yes, it needs to be taken prior to the Appointed Day Act otherwise I will not be able to move the Appointed Day Act. So I ask that Members agree to

moving it. It is indeed extremely important. If Members have had time to read the proposition, they will see that without it it will mean that our own law enforcement agencies will not be able to access the information that they need to access. It will be compromised and that, I do not believe, is a position that any Member would wish them to be placed in.

**The Bailiff:**

Very well. Does anyone wish to say anything?

**8.1.1 Deputy G.P. Southern:**

Not an auspicious start to a new season when we are asking for things to be taken without the required lodging period. Could the Chief Minister tell us why this obvious exemption should have been late being lodged?

**The Bailiff:**

Just before he replies, does any other Member wish to say anything about this?

**8.1.2 Deputy M. Tadier:**

I think it would also be helpful to know by which date it should have been lodged for it to be taken in time if it was not possible for that.

**The Bailiff:**

Well, you can tell it should be one day earlier.

**Deputy M. Tadier:**

So I think it goes without saying that if it is such an important proposition that needs to come to the Assembly it could have simply been lodged a day or 2 earlier. I am very concerned, even though I am no longer a member of P.P.C., that lodging periods continue to be eroded in this way. We may as well just get rid of the lodging period now, certainly for Ministers, and say that if Ministers want to bring anything they can do it at short notice in the Assembly when they like but the rest of us have to abide by Standing Orders, because that is what it is coming to.

**The Bailiff:**

Does any other Member wish to say anything? Chief Minister, do you wish to reply?

**8.1.3 Senator I.J. Gorst:**

I am pleased that Deputy Southern recognises that it is extremely important and should be taken prior to the law coming into force. Of course I apologise that it was not lodged a day earlier. I, like all other Members in this Assembly, was in the middle of elections. That week was a particularly busy week. I have been responsible for ensuring that this law is brought into force one whole year in advance of when it was initially envisaged and therefore officers have been working incredibly hard to try to consider every item. This is an item which only became apparent that there needed to be a specific exemption and it could not just use general exemptions otherwise there would be this compromised position. I think that Standing Orders deal with exactly this sort of position. I acknowledge what Deputy Tadier is saying about other areas where perhaps we have become a little more lax in dealing with lodging periods, and I think that that is something that all Ministers will be mindful of going forward. But this, I would suggest, is exactly the reason that there is that slight flexibility within Standing Orders to deal with such an issue and I ask that Members agree for it to be taken what is only a day earlier.

**Deputy M. Tadier:**

I do have a point of clarification. The Chief Minister said he was in the middle of elections. What does he mean by elections? This was lodged on 29th October, certainly 2 clear weeks after the

general election. Can he advise us whether it was an oversight on his part or whether it was the officers in his department who would have carried on irrespective of who was in the role? Whose mistake was it? I ask for the appel after that.

**The Bailiff:**

Do you wish to clarify the position?

**Senator I.J. Gorst:**

I am not sure that is a point of clarification and I am not sure that it was anybody's mistake. These issues were raised and they were dealt with as quickly as they could possibly have been dealt with. During that week I was not aware whether I was facing an election on the 3rd, which was a few days later. As far as I was concerned, I have been in an election ever since the beginning of September and they have only just finished this morning.

**The Bailiff:**

The appel has been called for so I invite Members to return to their seats. If you wish to shorten the lodging period so that P.162 can be debated on 9th December, whereas at the moment it could only be debated on the 10th, you vote pour. If you do not wish to agree to that you vote contre. The Greffier will open the voting.

<b>POUR: 39</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator P.F.C. Ozouf		Deputy M. Tadier (B)		
Senator A.J.H. Maclean		Deputy M.R. Higgins (H)		
Senator I.J. Gorst		Deputy S.Y. Mézec (H)		
Senator L.J. Farnham				
Senator A.K.F. Green				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Bailiff:**

Subject to that, are Members then content to take the business as set out or was there another matter you wanted to raise?

**8.2 Senator I.J. Gorst:**

Yes, if I raise the issue I was intending to raise when I first stood and just recalled the other one. It was Deputy Tadier's proposition on 9th December, which has been moved. As we are all aware, we now have a new Minister for Health and Social Services and, perhaps I am being premature standing on his behalf, but I do think that perhaps it would be appropriate for him to be given sufficient time to undertake appropriate work to able to deal with this in an appropriate manner and I wonder if Deputy Tadier might consider moving it again? I am not aware of whether he is

running out of time or not and whether that is not possible, but I just think for good order that might be a way forward.

**The Bailiff:**

It was lodged on 16th July. Greffier, would we be all right? No, we would not, would we, because the next meeting in January is after that?

**Senator I.J. Gorst:**

I withdraw that request then.

**8.2.1 Deputy M. Tadier:**

Can I just say a brief word as to why it has been moved? Clearly it has been lodged in the requisite time probably twice over, and the reason it has been moved is quite rightly, as the Chief Minister says, we do have a new Minister for Health and Social Services. But also I want to give time for new States Members to meet the petitioners because I think they have very compelling and moving stories to tell and I think that once one understands the personal plight that these individuals are going through one may see this in a different light. I think it does give time, 9th December, for myself and whoever else to meet with the new Minister for Health and Social Services. Also these individuals have been kept waiting quite long enough so I would like to get this debated within the lodging period and also this side of Christmas.

**The Bailiff:**

Do Members agree to take the business as listed then, as proposed by the Chairman? Very well.

**States Employment Board – result of ballot**

**The Bailiff:**

So now I can announce the result of the ballot for members of the States Employment Board.

The Connétable of St. Martin	36
The Connétable of St. Mary	32
Deputy Montfort Tadier of St. Brelade	11
Deputy Samuel Yves Mézec of St. Helier	9

The votes cast were as follows: the Constable of St. Martin 36 votes, Constable of St. Mary 32 votes, Deputy Tadier 11 votes, Deputy Mézec 9 votes. I therefore declare that the Constables of St. Martin and St. Mary are elected to the States Employment Board. **[Approval]**

**ADJOURNMENT**

**The Bailiff:**

That would appear to complete the business of the Assembly, which will therefore close and reconvene on 25th November.

[10:10]