

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 12th MAY 2010

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

[9:37]

PUBLIC BUSINESS - RESUMPTION

1. States Net Revenue Expenditure 2011 and 2012: Reduction (P.29/2010)

The Bailiff:

Very well then. We return to the debate on Projet 29 - States Net Revenue Expenditure 2011/2012: reduction. Does any other Member wish to speak? Deputy of St. Martin.

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

I was hoping to get in early, because I think proverbially one would make yesterday's episode where Senator Shenton was very much on the ropes and I think really was hoping that someone would throw in the towel, and I was hoping maybe that Senator Shenton may have taken note of what was said yesterday and we would not spend too much time really getting to debate this particular project, which I think is well-intentioned, but I do not think it will be very successful. But at the same time, I think it has echoed something which is very important, that if we are going to look at our expenditure, it does require discipline. Senator Shenton says on page 5 of his report that in 2008 States Members did not question expenditure levels and believed them to be realistic. If the Minister for Treasurer and Resources is serious about working to a 3-year financial target, this is an opportunity to commit to it an early stage. While I can speak for myself, I know I opposed what was going on, particularly when we had this £12 million handout, almost like I suppose the Chief Minister's parting shot, where we have the Prime Minister giving out medals and knighthoods *et cetera* with his parting shot. So I think what we have got to do is certainly support what the Minister for Treasury and Resources is going to bring forward, and all the Ministers I know gave an opportunity for the Minister for Education, Sport and Culture yesterday to give vent to his displeasure, but really, if we are going to have cuts, we have got to make them right across the board and stick to it, so what I would ask maybe is that Senator Shenton could take note, I think, of a very good debate. I do not think he is going to be successful, but at least he has fired a warning shot, and I would ask maybe Senator Shenton might consider maybe bringing this debate to an end. Thank you, Sir.

1.1.1 Senator A. Breckon:

I should declare an interest in that I am a member of the P.A.C. (Public Accounts Committee). Having said that, I am not an accountant, and information has been presented in a form that I could understand, so therefore I would say that most other people would be able to understand it, because sometimes, with respect - I know there are some in here - accountants have a way of expressing things where perhaps very few people can understand them and maybe that is why they are highly paid. But the other thing I would say, Sir, is that the Public Accounts Committee benefit from having some lay members and that is a tremendous asset because they are able to give some extra depth, vision and view of how we do things and perhaps give us something when sometimes we are in these silos we do not see and appreciate. One of the views that has been expressed is sometimes we set the bar at a very low level and then we are not able to get over it, and we are setting sometimes low standards and not achieving them, and that has come by figures that I have seen that have said when we do set public expenditure, we do not stick to it. If we have gone 2 and 3 years on, then we have gone £30 million, £40 million, £50 million over what was predicted. The other thing, Sir, that has perhaps been the illusion that has happened in the past is the Treasury have underestimated the yield from taxes and other things, so there has always been a view: "Well, it does not matter, because somebody is going to pull a rabbit out of the hat that will fill this little deficit" or: "The bad news will not be quite as bad" and those are really the parameters, I think, that we have worked within. I did need some persuading, I should tell Members, to agree to this, and

we did have - I think the Chairman will agree and the other Members - some robust discussion with this, but for me, Sir, it is also linked to other things. It is not about just how we spend money, but just touching on that, what is nice to do and what is it that we must do? There is a difference. I mean, with respect, should we be paying people to be counting squirrels and frogs and other things like that? Something I came across last year, and I had to see it to believe it - and this is something I know that goes to the heart of something Deputy Le Claire mentioned - I found somebody last year who was going around telling people to put cigarettes out, and we are paying somebody to do that. They are not a fag-putter-outer or whatever they are, they have a title of Smoking Cessation Officer or something like that. But there again, if I was sitting somewhere and somebody lit-up, I would say: "Excuse me, mate, can you put that fag out?" So I would not necessarily say we need to have somebody to do that. Of course, there is the force of law behind that. We have regulations with which to hit restaurateurs or whoever it may be to do that, but we also have Regulation of Undertakings, and I am not sure where we are with monitoring or policing that. We have a Housing Law; I am not sure where we are with policing that. So are we heavy-handed in some areas, and light in others? So when I looked at some of this, I am thinking: "Well, maybe, just maybe if we look harder we can save some money in some areas without hitting elderly services and child-rearing and doing some of the things like that" but the other thing is as well some of these things are commonsense, about not eating too much, not drinking too much, not smoking too much. Should people not be doing it anyway? Do we need an army of people or whatever it is to tell people that? The other thing, Sir, on the raising money, because the 2 go together, and I think it was 1994, I first suggested capping mortgage relief, and what I was told then by the Comptroller of Income Tax, the Treasurer, the Economic Adviser, if that happened the economy would collapse, if we interfered with that to stop people, and somebody told me - a former Member of this House - that they had 5 mortgages that was part of their investment strategy portfolio or whatever else it is, and I said: "Well, it should be on the principal place." Of course, now we have done it, and the reason I say that, and the Deputy of St. Martin will remember on the other side of this he suggested the equivalent of stamp duty on share transfer of property, probably about 7 or 8 years ago. We have finally got there. So if we talk about cutting spending, we also, I do not think, have looked actively at how we raise revenue. Another example, Sir, Vehicle Registration Duty disappeared in the middle of 2008 with the introduction of G.S.T. (Goods and Services Tax) but approximately £4 million a year had been raised on Vehicle Registration Duty which went. A couple of times I have asked: "How much do we raise in G.S.T.?" Nobody can tell me, so on one side, we are saying: "Cut the spending" but on the other side: "Where is the income?" and we have had income streams that we could have had that we have not done.

[9:45]

We have not done that, so if we are squealing: "Times are hard" then perhaps those raising the revenue should have been a bit sharper with their act to do that. Recently I had an amendment to the budget about stamp duty. The House rejected that on the back of one letter from a legal firm that went to the Chief Minister, so if we are going to have some unfortunate or unpleasant decisions to make, then perhaps we have to treat some of these with the vested interest that they are, and it is unfortunate for them, but there are also things that are going to be unfortunate for other people as well. Also, Sir, to balance the budget, in the last budget, the Minister for Treasury and Resources had the opportunity to get some money from impôts, and chose not to. He went all or nothing on the impôts and he got nothing. I would suggest he could have had £2 million or £3 million with an amendment that would have brought some money in and it would have affected this proposition which is about cutting budgets, because we could have had some supply side money, and again I am looking now at the Minister for Social Security because there is an opportunity with hypothecated money. People will contribute towards elderly care, and again this looks to me as if it is years away. This sort of thing should be fast-tracked, so while we are looking at some bad news we also, I believe, need to factor some good news in. Also, Sir, on the other side, we talked about

non-domiciled companies making a contribution. I still have not seen it and it is drifting out. If you look in the high street, there are companies who are doing that who are willing to make some contribution. It is not happening, so I would suggest those responsible need to sharpen their act, because it is all right bearing down and saying: "We need to cut this and do that" but then others who should be making a contribution should be doing exactly that, and somebody should have been on their case before now. It is not good enough to say in 2 or 4 years' time. If there is some gain and there is some pain then perhaps some of this should be shared around. That, Sir, was the reason, because the difficulty we have got with cutting spending, increasing taxes, looking at charges, it cannot be taken in isolation, and some of the discussions we had encompass some of this, which does stretch the boundaries of the Public Accounts Committee, but there again, if you are going to have the discussion then we need to have that, and I do not think, Sir, that this House has had it. It is a shame that this is coming late, it is coming in bits and pieces, and I am not sure how we are going to handle it, because we need to encompass more than we have today and we need to do it fairly soon and embrace things, perhaps like elderly care, increases in social security, looking at issues there, and it is not good enough to take it apart, apart and say it will work because it will not. It needs to be embraced, and I am not sure that we have all signed-up to do that, and I am not sure either, Sir, that we have got the information. Now, what this is from the P.A.C., I believe it is a warning shot that says: "Well, this is a possibility." It may be do-able. It will be painful, but maybe, following this debate, those with some of the responsibilities in areas that I have touched on will do what they should be doing and address some of the issues so that it can come together as a whole policy, and that is where it is for me, Sir. With that, as I say, my support was qualified, because we had the discussions in the P.A.C. over a series of months and that is why this got my support, and I believe it is important to share that with Members, because however this goes today, whether it goes any further or whether it is withdrawn, Members need to take notice of where we are, and I do not see the rabbits coming out of the hat. It is a very difficult situation we have got. It is not about Ministers, Assistant Ministers, anybody else; it is a whole House and a whole Island issue, and that is how we have to approach it. Thank you, Sir.

The Bailiff:

Senator Perchard.

1.1.2 Senator J.L. Perchard:

I am disappointed, but not really surprised by the written response of the Council of Ministers, and the response of Members during this debate. I am surprised particularly by the Deputy of St. Ouen, who ironically in the last House, when he was Vice-Chairman of P.A.C., I remember demanding spending cuts and efficiencies from the then Minister for Treasury and Resources, Senator Le Sueur. Those Members that were here then will remember that he used to demand these cuts with the same vigour and passion and volume that he displayed yesterday when arguing to protect his own department budget. That said, Sir, it would not be entirely accurate to describe the Deputy as a poacher turned gamekeeper. I think a more appropriate description for the Deputy's U-turn over public spending would be gamekeeper turned poacher. For the record and for the benefit of Deputy Le Claire, I want to remind Members that the Public Accounts Committee lodged this proposition to trim 10 per cent from the net annual public spending over a 2-year period on 15th March. That was before the Minister for Treasury and Resources outlined his plans publicly to trim 10 per cent over a 3-year period. I am confused that if the Council of Ministers think that they can achieve 10 per cent savings, the same 10 per cent savings that the P.A.C. propose over a 3-year period rather than the suggested 2-year period, that they should list on pages 3 and 4 of their comments the consequences of making these cuts. I say I am confused, because without doubt, the same consequences will apply in both the 2 and 3-year scenarios. As the listed consequences are obviously distasteful and disagreeable to the Council of Ministers, it appears to me, sadly, that they have no real appetite to deliver these savings. I will go as far as predicting that these reductions in expenditure will not be delivered at all, and that the structural deficit will eventually have to be

filled by extra taxes or raiding the Strategic Reserve in the longer term. If I am wrong, if I am proved wrong, if delivered, the Council of Ministers' 3-year proposal to balance the books could, on the face of it, meet the requirements, but will, during the 3-year period, use up all the savings in the Stabilisation Fund and a lot more from increased taxation or possibly a strategic reserve, if the current economic downturn continues. The concept to me, Sir, of dipping into the Strategic Reserve is something that simply may be unavoidable if the Island wishes to maintain a competitive tax environment. Alternatively, we could borrow from the banks or the markets to cover shortfalls, but I say to Members be under no illusion here. The structural issues that led to the Greek collapse are the very same type of structural issues that currently exist in Jersey. Like Greece, when our reserves run out and have been spent as a result of our failure to address the structural deficit, we will be in serious trouble. What will Jersey then do? I believe we need to be bold and we need to take those difficult decisions as early as possible. The focus on trying to diversify our revenue by reducing expenditure, growing the economy and undoubtedly tax increases could be seen as strategically sound. However, the concept of assuming that the economic stimulus will grow or protect the economy, therefore addressing the deficit by generating an increase in the tax base is a very dangerous game of luck. This strategy can only work if public spending is reduced, thereby allowing the increased tax base to cover the gap. In Jersey, the tax base is not keeping up with our ever-increasing demands of the public sector. I say to Members, and which I am sure we will all agree, luck is not a strategy we should adopt. The issue of so-called savings that are not savings is another point I would like to make. The assistant to the Chief Executive, with responsibility to identify savings at a recent Public Accounts Committee hearing, did make the case of the amount of savings that had already been made. Terrific, wonderful, on the face of it, but why then if we are making these savings does States spending continue to rise? I say again if we are making these millions and millions of pounds of savings, why does States expenditure continue increasing over and above the rate of inflation? It is clear, Sir, that the smoke and mirrors of States savings are just an illusion and that these savings are in fact spent several times over. This is simply not good enough and not a good sign for the current comprehensive spending review. Will we identify savings there, only for them to be spent elsewhere? Moving on to the timing of cuts, which seems to be the main concern for the Council of Ministers, and despite all the reports and predictions of budget deficits going back many years, the many, many reports and predictions from the Comptroller and Auditor General, the Council of Ministers' own work, going back over many years, despite that there has been little done to manage the overall level of States spending, which has significantly - as we all know - increased since the millennium. For the Council of Ministers now to say that the timeframe for delivery of cuts is too short and will lead to cuts in services rather than a properly planned savings is hard to understand and to accept. From another perspective, surely the more prudent and safe way to ensure genuine savings are made is to start now and not wait until the heavyweight structural deficit of in the region of £80 million per annum arrives in 2011. An early move to address the massive shortfalls will have a compound benefit, particularly if there is any form of economic recovery in the meantime. I was fascinated yesterday when Deputy Southern suggested to the Assembly that there should be no cuts before the boom phase of the economic cycle returns. Well, I say to the Deputy and to Members, a full economic recovery is not assured; far from it. In fact, a real economic recovery is unlikely to happen unless the Island is competitive, prudent and well-governed. These are the 3 ingredients that are essential if investors and businesses have the confidence to come and to stay in Jersey. As a result of the Comptroller and Auditor General's work, we have a good picture of the state of the financial controls and management of States departments. This House is accountable to the public, but it is the individual department who controls spending. Unfortunately, the Finance Law is imperfect in its definition and accountability and Ministers still allow spending to continue while this lack of accountability, and moreover, responsibility persists. Frankly, any private sector business would be shut down immediately in this scenario. The problem is that no one in government really genuinely - no one individual - takes responsibility for public spending. That said, I do applaud the efforts of the Minister for Treasury and Resources, who seems to be paddling against a tide of what seems to be

unaccountable colleagues and their senior management. Members should challenge the list provided on page 3 and 4 in the comments of the Council of Ministers, who of course assure us that they are not shroud-waving. Have the Council of Ministers not read any of the reports on suggested efficiencies? I refer to the excellent *Emerging Issues Report* from the Comptroller and Auditor General and the more recent *States Spending Review Report* from the Public Accounts Committee, where significant savings have been identified, savings which would make serious inroads into cutting spending without sacrificing front line services.

[10:00]

This is why, Sir, when I read the Council of Ministers' response to the Public Accounts Committee proposition I believe they are not really serious about making the necessary savings. I believe the Jersey taxpayer is being set up for more tax increases and that spending is being allowed to remain out of control by Ministers who are privately preoccupied in protecting their own departmental budgets. Strategically, this is a high risk, if not a crazy strategy. Remember the public sector is not able to create and generate sustainable growth. The public sector is a hungry horse and it needs feeding. With regard to tax increases, I urge Members to remember that the Island's wealth generators and employment creators are, in most cases, highly mobile businesses, most of whom are now becoming aware that the States focus and determination to put our house in order is not as robust as it might be. The businesses will, before long, be considering the options they have to migrate to a jurisdiction with a lower tax base. Jersey, if it wants to maintain its financial services and fulfilment industries, must retain its low tax reputation and status and we, the States of Jersey, must send out the message loud and clear that we are capable of doing just that at the same time as balancing our books. This proposal will involve tough and difficult decisions. It appears at this time there is little appetite among Members to take up this challenge but I, for one, believe it could be delivered and, more importantly, should be delivered. The Chairman and States Members of the Public Accounts Committee agree that there is little chance of this proposition being successful as the States simply do not appear to have the appetite for this level of reform. The Chairman, Deputy Breckon and I have agreed to withdraw the proposition and request that Members permit the Public Accounts Committee so to do.

The Bailiff:

Do Members agree that the Public Accounts Committee be given leave to withdraw the proposition?

Deputy M. Tadier of St. Brelade:

I would still like to speak and I think my colleague alongside me wanted to speak.

The Bailiff:

No, I was merely giving them leave to withdraw. You ask for the appel, then, in relation to whether they should be given leave to withdraw?

The Bailiff:

[Aside] Very well, then. The matter before the Assembly is whether the Public Accounts Committee should be given leave to withdraw the proposition, Projet 29. If you wish to give them leave to withdraw, you vote pour.

Deputy P.J. Rondel of St. John:

Can we speak on it, Sir?

The Bailiff:

No. The debate is closed. This is simply to give them leave to withdraw.

The Deputy of St. John:

Because I was hoping to hear the Minister for Home Affairs and had a 5-page epistle I wanted to give you. [Laughter]

The Bailiff:

Then you will vote contre. If you wish the debate to continue, you vote contre. If you wish it to end, you vote pour. It is as simple as that.

Deputy M. Tadier:

Can I make a very short comment?

The Bailiff:

No, Deputy, [Laughter] [Aside] you may not. Now, this is a vote on simply whether to give them leave to withdraw so the Greffier will now open the voting on that proposition.

POUR: 24		CONTRE: 16		ABSTAIN: 0
Senator B.E. Shenton		Senator T.A. Le Sueur		
Senator J.L. Perchard		Senator P.F. Routier		
Senator A. Breckon		Senator P.F.C. Ozouf		
Connétable of Trinity		Senator F.E. Cohen		
Connétable of Grouville		Senator B.I. Le Marquand		
Connétable of St. John		Connétable of St. Clement		
Connétable of St. Saviour		Connétable of St. Lawrence		
Connétable of St. Mary		Deputy R.C. Duhamel (S)		
Deputy of St. Martin		Deputy of Grouville		
Deputy R.G. Le Hérisssier (S)		Deputy J.A. Hilton (H)		
Deputy J.A. Martin (H)		Deputy P.V.F. Le Claire (H)		
Deputy G.P. Southern (H)		Deputy of St. John		
Deputy of St. Ouen		Deputy M. Tadier (B)		
Deputy of St. Peter		Deputy T.M. Pitman (H)		
Deputy J.A.N. Le Fondré (L)		Deputy M.R. Higgins (H)		
Deputy of Trinity		Deputy A.K.F. Green (H)		
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy A.E. Jeune (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

Very well. So that matter is withdrawn.

2. Draft Judgments (Reciprocal Enforcement) (Amendment No. 3) (Jersey) Act 201-(P.32/2010)

The Bailiff:

The next item on the Order Paper is the Draft Judgments (Reciprocal Enforcement) (Amendment No. 3) (Jersey) Act 201- - Projet 32 - lodged by the Chief Minister and I ask the Greffier to read the Act.

The Deputy Greffier of the States:

Draft Judgments (Reciprocal Enforcement) (Amendment No. 3) (Jersey) Act. The States, in pursuance of Article 3 of the Judgments (Reciprocal Enforcement) (Jersey) Law 1960, have made the following Act.

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

My Assistant Minister, Deputy Le Fondré, will act as rapporteur for this item and the next item.

2.1 Deputy J.A.N. Le Fondré of St. Lawrence (Assistant to the Chief Minister- rapporteur):

It is a very simple amendment that we are looking at in relation to the 1960 Judgments (Reciprocal Enforcement) Law. Basically what it does is update the schedule in 2 ways. It makes provision for the Supreme Court in the United Kingdom to be included in the schedule and it renames the Northern Ireland Court, which has a very similar name, to avoid confusion between those names. If that is simple enough, I will move the principles.

The Bailiff:

The Act is proposed. Is that seconded? **[Seconded]** Does any Member wish to speak on the Act? Very well, all those in favour of adopting the Act, kindly show? Those against? The Act is adopted.

3. Draft Advocates and Solicitors (Amendment No. 5) (Jersey) Law 201- (P.34/2010)

The Bailiff:

The next matter is the Draft Advocates and Solicitors (Amendment No. 5) (Jersey) Law 201- - Projet 34 - lodged by the Chief Minister and I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Advocates and Solicitors (Amendment No. 5) (Jersey) Law 201-. A Law to amend further the Advocates and Solicitors (Jersey) Law 1997. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

3.1 Deputy J.A.N. Le Fondré:

This brings 3 separate changes to the Advocates and Solicitors (Jersey) Law, firstly in relation to nationality and citizenship requirements, but there is still a proviso or a requirement that the Royal Court is satisfied that the person seeking admission to the Bar is a fit and proper person to be admitted. Secondly, in relation to the qualifying period of employment, and the qualifying period is 2 years, but basically if someone works outside the Island for more than 6 months on matters primarily relating to Jersey law, this is capped as a period of 6 months which can count as part of those 2 years. Previously the wording in that part of the law meant if someone worked away for more than 6 months, they lost all of the time, which was a bit erroneous. So if you worked for 5 months away, you could have 5 months. If you worked for 7 months away, you could have nothing. Finally, the third change is to introduce much more flexibility as to when exams can be held in Jersey and I move the principles.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

3.1.1 The Deputy of St. Martin:

It looks quite a simple proposition and certainly it requires all the support it can muster today because, clearly, this should have come years ago. As Members know, I do have concerns about human rights and here we have somebody who was denied the right to work in Jersey simply because they were not a British national and we have changed our law to allow people to vote after 2 years. I hope we will bring that down to equate with what we are having here today so I think the

Chief Minister's Department is to be complimented on bringing this matter forward. It will make life a lot easier for a lot of people and should have come years ago but let us be happy it is here and I commend this to Members.

The Bailiff:

Does any other Member wish to speak on the principles? Very well. Do you wish to reply, Deputy?

3.1.2 Deputy J.A.N. Le Fondré:

I just thank the Deputy for his comments. I would note it is not just about British citizenship. The issue is a lot wider than that because it was already applicable to either Commonwealth citizenship or European citizenship but did not apply if there was an anomaly. Basically Switzerland, as an example, fell out of the very wide net that already existed. Other than that, I make the comments and I move the principles.

The Bailiff:

All those in favour of adopting the principles, kindly show? Those against? The principles are adopted. Senator Ferguson, is this a matter you wish to have referred to your Scrutiny Panel?

Senator S.C. Ferguson:

No, thank you.

The Bailiff:

Very well, then. Do you wish to propose the Articles *en bloc*?

Deputy J.A.N. Le Fondré:

Yes, Sir.

The Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on any of the individual Articles? All those in favour of adopting Articles 1 to 7, then, kindly show? Those against? The Articles are adopted. Do you propose the Bill in Third Reading?

Deputy J.A.N. Le Fondré:

Yes, Sir.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Bill in Third Reading, kindly show? Those against? The Bill is adopted in Third Reading.

4. Draft Public Finances (Transitional Provisions) (No. 2) (Amendment) (Jersey) Regulations 201- (P.35/2010)

The Bailiff:

The next matter is the Draft Public Finances (Transitional Provisions) (No. 2) (Amendment) (Jersey) Regulations 201- - Projet 35 - lodged by the Minister for Treasury and Resources. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Public Finances (Transitional Provisions) (No. 2) (Amendment) (Jersey) Regulations 201-. The States, in pursuance of Article 6(2) of the Public Finances (Jersey) Law 2005, have made the following Regulations.

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

One of the very important responsibilities that the Treasury has is managing the significant investments of the States of Jersey, not only those of directly the States of Jersey but also the oversight of the Social Security Funds, the Health Insurance Fund and a number of other special funds that have been bequeathed to the Island, for example, the Greville Bathe Fund, which is a fund run by Jurats for which the income is discharged for the needy and poor of the Island on an annual basis. The purpose of this amendment, which is quite simple but very important, is to give the ability to effectively create a States Unit Trust, which will allow for the pooling of all of these funds into one fund, effectively setting up a States Unit Trust. The common investment funds, which will be brought into effect by these Regulations, will be a simple arrangement enabling all of the different types of funds and the individual funds to maximise investment returns while co-ordinating and managing risk. While no decisions are being made today in relation to which funds will go into the common investment fund, it is likely that we will be looking at combining the Strategic Reserve Fund, worth approximately £550 million; the Stabilisation Fund to the extent that there is a balance on the fund; the Social Security Reserve Fund, £700 million; Health Insurance Fund, £70 million; and a range of other funds which amount to tens of millions of pounds. It is important that these other funds can benefit from the investment advice that the larger funds do. Some of the smaller individual funds will benefit from the common investment fund by having cost savings and the potential, we hope, for improved rates of return on their investments through the economies of scale of having the investment advisers that are used for the larger funds used for the smaller funds too. This will also improve risk management as a result of being able to access a diversified range of investments for the individual funds. Individual funds will be able to retain their ability to separately determine their own strategic asset allocation and risk profile through their individual unit components. Management and monitoring of the fund and all investments will, as a result of this, be simplified, making administration more effective. I move the principles.

The Bailiff:

Are the principles seconded? [**Seconded**]

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

Yes, I will second the principles and rise just to speak briefly, if I could. Recently I have been drawing up a proposition that I would like to bring to the Assembly in the future. Uncharacteristically on this occasion, I am talking to the Ministers that I am bringing it for. The Minister for Treasury and Resources in particular and the Chief Minister have been quite helpful. That is to do with the way that we invest funds and I am asking the States in the future to look possibly if we can at adopting the United Nations principles of responsible investment. When you get large bodies of money such as this under investment, inevitably what most fund managers that are worth their salt will do is they will take a portion of it and spread it across the stock market to attract the stock market and inevitably that will mean that we are investing in all companies. That sounded like “oil companies” and we probably are but I meant to say all companies. I think my experience on the Public Employment Contributory Retirement Schemes Committee of Management made me a little concerned as to ways in which some funds under management are invested. I appreciate that that fund is a *de facto* trustee managed fund where you have to get the most for your money but I was particularly disappointed, having been appointed as the Member responsible for ill health retirement on the scheme for political oversight, that we were retiring people from States employment that had serious ill health that was the result of cancers in some instances, probably from smoking. We had a policy in Jersey that recognised the harm smoking was doing and yet, at the same time, we were investing in tobacco companies in India and places

like that. I just think that it is time I came into politics asking for us to have a greater look at ethical investments and I just think that really now we need to take a long hard look at the way we make money and where we make money. If we have to be involved in these companies and inevitably some holding companies may have other companies that are further down the line, if we have to be involved in those, an active management can under-weight the involvement in those unless they do listen to our concerns. I would plead with the Minister for Treasury and Resources to touch upon this if he could in his response because I think it is important that we, as guardians of the public's welfare, not only have cognisance of their financial interests but also of the ethical and moral interests that we as a jurisdiction place our investments in and I would ask the Minister for Treasury and Resources to speak to that.

[10:15]

4.1.2 The Deputy of St. John:

Yes, I have one or 2 concerns. All eggs in one basket. That is a concern. I am sorry, I have been involved in finance, believe it or not, through my trusts and the like for many, many years and I do have concerns. We are talking about managing risk, cost saving *et cetera*, more effective administration. Yes, fine, I agree with all of that but just think what has happened over the last 2 or 3 years in other countries. We have seen where other local governments in the U.K. (United Kingdom) had money put in places like Iceland and lost it, likewise with Guernsey. We do not want all our eggs in one basket. I accept we are not going to. We have got through one credit crunch without too much of a problem as far as losing anything but let us not think that we are through it all yet. Is it the right time to be moving our sums and taking advice, shall we say, from one adviser or one group of advisers instead of ... I am sorry, I am speaking, would you stop interrupting ... or you, through the Chair, Sir, thank you. **[Laughter]** If these people want me to give way, they should ask through the Chair.

Senator P.F.C. Ozouf:

Would the Deputy give way?

The Deputy of St. John:

No, I will not. **[Laughter]** No, thank you. I am on my feet and I am not giving way. **[Aside]** So I have real concerns that we are going down the road. We have got through this part of the credit crunch to date. I would not say we are not due for the double-dip that advisers have been telling me about for the last 18 months, 2 years, given, alright, we know that the European market appears to have resolved itself for the moment. We do not know that that is not going to spread on around the world which will come back and bite the United Kingdom of which we are a part of the British Isles and we have some more problems. So do not tinker with what we have got in place which is working well at the moment. I am not saying it should not happen at some time in the future and I know most of you think otherwise because I can see the Treasurer smiling to his colleague at the back of the Chamber, from Social Security I presume **[Laughter]** **[Aside]** but, of course, my eyes are in the top of my head and not at the back. But, no, I cannot agree with this because, at this time, I think it is a bad time to be moving our assets around and undertaking advice from one group of advisers. Cost savings, sometimes penny wise pound foolish, and you will not convince me that this is the right time to be doing this. I think it is a time to sit on what we are doing. What we have got is well proven and it works. Let us not move things around at this time.

4.1.3 Senator P.F.C. Ozouf:

May I make a point of clarification? I fully understand the Deputy's point. I am afraid that, with the greatest of respect, he has misunderstood what the proposal is. This is quite the opposite of concentrating the investment advice. It is putting a range of different investment advice for one common investment fund and it is quite the opposite of what he is saying. I did not want to

interject but it is meeting the objectives of diversifying risk, not what he is saying, of concentrating it.

4.1.4 Senator S.C. Ferguson:

One of the first matters identified by the Comptroller and Auditor General was the fact that the investment funds of the States were all over the place. In fact, some funds, the little funds and the special funds, were, in effect, not being managed and were losing a considerable amount of growth because they were just sitting in gilts or, for the special funds, they were sitting in cash at a time when they should have been in the market. I take the point of the Minister for Treasury and Resources that there will not be a policy of one manager and one big fund. That is a policy that I would not recommend. I understand they will follow the policies that they have been observing from the various funds up until now with different managers covering different aspects of the investments. Frankly, I think it is absolutely about time this was done. I regret that we have not done it before because a lot of these smaller funds, or the million pound funds and so on, have lost a lot of growth by just sitting in gilts from year to year over a period of years. So, yes, I am all in favour of this and it is about time.

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

It is a common phrase used in this House and one I try to use rarely but I remain confused by this proposition despite the assurances just heard from Senator Ferguson and from the Minister for Treasury and Resources. While I accept that some funds may have been lying around languishing and that they should have been more actively managed, it seems to me that what we have got here is we are setting up another layer of management. It says here: "Each participating fund will maintain its own investment strategy and be able to invest in its chosen range of investments, categories, in line with the strategic aim and ranges" and safety versus risk as they see it with their own advisers, managing advisers, advising on those funds. Yet, what we are saying here ... and it clearly says we are setting up a common investment fund. So how is this myriad of advisers co-ordinated in the common investment fund? Have we got 300 voices going into this common investment fund or have we put a layer in saying somebody must manage the common investment fund and see what is happening. It seems to me that we are talking glibly about savings produced by economies of scale when all we need is better management and not necessarily the creation of what appears to me to be a new layer of management. We talk often about stripping-out layers of management and is it 9 layers between the chief executive and the bottom worker in some ridiculous organisations? We appear to be putting another layer of management into our structures here and I do not quite frankly see where the economies of scale as such are going to work. What we need is better management of our funds, not necessarily this solution.

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

As a previous member of P.A.C. and being party to the E.f.W. (Energy from Waste) Report, it was identified that there were issues with risk management within Treasury. I would therefore have to ask the Minister for Treasury and Resources to reassure the Assembly that the area of risk management within Treasury has been addressed and restructured as mentioned within his Treasury Restructuring Plan, which was established in August 2009. Could the Minister therefore confirm that restructuring of Treasury has been completed and be able to provide a risk management structure as to how this will be implemented and the accountability that will be in place and not only within the Ministerial body?

4.1.7 Senator J.L. Perchard:

Just briefly, I just would like to ask the Minister when he is summing up to explain to the House as to how the common investment fund will be managed. Can the Minister, for example, reassure me that the total of the common investment funds which will run into over £1 billion will be, for example, divided into perhaps 4 funds of the total given to 4 different investment houses to manage

on our behalf to ensure that the scenario as outlined by the Deputy of St. John does not happen? Also, could the Minister advise the Assembly of what formal procedures will be in place when the Minister is required to accept investment advice? Who is his sounding board? Is it a Ministerial decision on its own, which could be worrying, that one person has all this control with all Jersey's reserves? What is the procedure and there needs to be a formal procedure that the Minister must adopt when accepting investment advice. So, fully supportive of the principle. This comes down again from a Comptroller and Auditor General recommendation and it is not before time that all these funds were collated and invested professionally on behalf of the people of Jersey.

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

Just to echo basically what Deputy Southern and the Deputy of St. John and now Senator Perchard have said. This is deceptively simple and I, like Deputy Southern and the Deputy of St. John, am struggling with whether this is indeed a smoke and mirror proposition. It is deceptively simple. The investment apparently will continue as before with all the diversity implicit in that and so forth. I would like the Minister for Treasury and Resources to explain where the simplicity lies and whether there will be a change to the actual ways in which investment is managed and whether they will be rationalised. If they are rationalised, does this mean we could, I suppose, end up in a situation where we are beholden to one set of managers?

4.1.9 Deputy I.J. Gorst of St. Clement (The Minister for Social Security):

If I could start by addressing this idea that we are inserting another level of management. That is not the case. There is a manager already within the Treasury Department and the committee which oversees the investment management strategies for the States investment. That individual and body will simply in future oversee those investments held in what is the S.I.T.H. (States Investment Treasury Holdings). We have got to remember that this is a tool to allow economies of scale. What we currently have is several different funds, stand-alone funds as it were, following several different investment strategies. Sir, I know you understand exactly what I am saying but for the sake of Members ... so we currently have these investments separately. They could be following the same investment strategy so it could be that the Strategic Reserve is following the same investment strategy as the Greville Bathe Fund or the Social Security Fund, for example. What this will allow is for those same strategies to be run together and to allow the Treasury to benefit from economies of scale. We all know that the more money that one has invested with a particular investment house then one can negotiate, improve fee structures, and that is what this instrument will allow. So basically it will not be increasing the risk profile by putting all the investments with one investment house. It will allow for several different strategies, for example cash, bonds, a different approach to equities. It will allow us, in actual fact, to spread our risk and it will allow those small funds to spread their risk in a way that they have not been able to do because of the economies of scale as it currently stands. So it will not be introducing an extra layer of management. What it will be doing is allowing the Treasury to be more flexible. It will be using the same management individuals but it will be allowing all the investment pots to access varying strategies, one would hope at a reduced cost. It will not be increasing risk. In actual fact, one could say it will be helping to mitigate risk again because those smaller funds can access lots of different investment approaches. So I hope I have answered the questions that Members have raised. I am fully supportive of it. It is something that I believe we should have done a number of years ago, as the Comptroller and Auditor General suggested and as Senator Ferguson suggested, and I hope that I have not muddied the waters for the Minister for Treasury and Resources in his summing up.

[10:30]

4.1.10 The Connétable of Grouville:

Yes, it is a thoroughly good idea. I was involved with Senator Ferguson and the C. and A.G. (Comptroller and Auditor General) when it was first discussed and we pushed this forward as hard

as we could. It has taken a bit of time to get there. The only question I have is perhaps the Minister for Treasury and Resources could explain to us how we are going to make the savings on this, because the costs, I understand, will be the real factor to our benefit.

The Bailiff:

Does any other Member wish to speak? Very well. I call upon the Minister for Treasury and Resources to reply.

4.1.11 Senator P.F.C. Ozouf:

If I may say so, there has been a number of excellent questions raised on the extremely important issue of the management of States assets. One thing I have taken away from the debate so far is that I will arrange a briefing for Members on the investment strategy that we would carry out. Clearly, it is an important issue that Members are interested in and as soon as possible I will arrange a proper formal briefing by the Investment Sub-Committee of what we do. A number of Members have quite rightly said that this is something which has been recommended by the Comptroller and Auditor General and, indeed, something which was put already in place by my predecessor and this is effectively the combination of a lot of work to bring forward proposals for a common investment fund. A number of Members have asked what are the current arrangements and how does this work. The current arrangements, which pre-date Ministerial government, were set up in the old Finance and Economics Committee days. There was set up an investment sub-committee of the then Finance and Economics Committee. It was set up then when former Deputy Maltwood chaired it and sat with former Deputy Crespel who were the members of the investment sub-committee who would sit with the Treasurer of the States and one independent investment adviser who have been for many years the overseers of the investment advisers, holding the underlying investment advisers to account and advising how managers should change. The sub-committee effectively carried on through the introduction of Ministerial government. Today the sub-committee is chaired by myself. I rotate the chairmanship of that with my Assistant Minister, Deputy Noel. Social Security - the Minister, his chief officers and the Assistant Minister - join us when we are making particular decisions in relation to Social Security and it is that group that sits and decide. We meet approximately 4 times a year. We receive briefings from Hewitt and we receive regular updates of the performance of the investment managers and we make decisions upon advice in relation to changing investment advisers. In the next couple of weeks, we are going to be also sitting to do a beauty parade, appointing a new equity manager who will be looking after approximately £100 million of the equity portfolio. I will explain how the split works in a second. I have been looking at that Investment Sub-Committee. I do not profess to have the experience of individuals like former Deputy Maltwood in investment advice and I have to say I have been uncomfortable in chairing that sub-committee without almost other non-executive members on it. For that reason, in the last few months, I have appointed one additional adviser to me who is simply an adviser on the sub-committee. He is an individual known to Members, the former senior partner of PwC (PricewaterhouseCoopers), Mr. Philip Taylor, who, on an honorary basis, has joined the sub-committee in order to take part in the discussions and ask questions of the advisers and to assent to approve the governance arrangements and I am going to be making some further proposed changes to the sub-committee. I want to harness some of the on-Island expertise that we have in investment management. There are individuals that can be serving in an honorary capacity to help. Ultimately, the decisions are the Minister's but can improve the investment decisions and to hold the many investment managers to account that we have. The arrangements at the moment are that each of the constituent funds has an investment strategy. That investment strategy is laid before the Assembly. The Assembly will have had an updated investment strategy for the Strategic Reserve which, for example, sets out the percentage of the Strategic Reserve that is held in equities and in bonds and in cash. The new investment strategy, which I published a number of months ago, indicated that there was a long-term strategic objective of moving the Strategic Reserve up to, I think it was 40 per cent in terms of equities. The Social Security Fund also has a similar

investment strategy where their investment strategy has the total of the £700 million worth of Social Security funds and 70 per cent of that is invested in equities. So each of the individual constituent funds - Social Security, Strategic Reserve, Stabilisation Fund, Health Insurance Fund and some of the other funds - have their own investment advice. What is proposed effectively in the S.I.T.H. is for the individual owners of those funds to continue to have that split of a bond or an equity portfolio but underneath that, for all of those resources, probably in the region of £1.5 billion then to have their own parts of that fund invested in bonds and equities. So the bond portfolio from Social Security will be taken with the bond portfolio of the Strategic Reserve and that will be monitored and looked at as one fund. That has the benefit, to deal with the Deputy of St. John's question, of appointing 2 or 3 advisers and investment managers for that bond portfolio, so diversifying the risk, also making sure that we are getting the best possible benchmarking of performance because clearly there is a multi-billion pound industry of investment advice and different investment advisers can be providing different levels of returns. Within very clear risk-defined boundaries, we want to maximise the return and we want to make those investment advisers work for the interests of the taxpayers who ultimately own these funds. We want to hold those investment fund managers to account. That is what is effectively going to happen with the S.I.T.H., with the unit trust. Individual funds will own parts of the unit trust and we will appoint investment advisers for the constituent parts so there will probably be 3 advisers for bonds, there will probably be 3 advisers for equities, there will be one cash manager. Members may have seen that other jurisdictions invested in Icelandic banks. The track record of Jersey with our risk assessment is that we did not allow investment in Icelandic banks. We had no losses but there is a conservative but nevertheless very well run ... and, indeed, the results from the cash managers of the States of Jersey, Royal London Asset Management, have provided ...

The Deputy of St. John:

Will the Minister give way?

Senator P.F.C. Ozouf:

I will give way to the Deputy.

4.1.12 The Deputy of St. John:

Will the Minister give us an assurance that he is happy that the finance industry across the world have cleaned up their act, given we have seen that they have not cleaned up their act in their many areas?

4.1.13 Senator P.F.C. Ozouf:

That is a slightly wider question than I am after. **[Laughter]** What I can say is that as far as the Investment Sub-Committee is concerned, we are looking for the world's best investment advisers that are going to be working to the highest standards of governance. I can say that there was an investment adviser which we dismissed within the last few weeks because their ratings on the international ... not that they lost any money, they did quite well in terms of riding the stock market increases of the last few months. The Strategic Reserve has done extremely well on markets in the last few months but nevertheless we look and we hold investment advisers to account for their performance and that is what we do on the Investment Sub-Committee and adding some local Island expertise will assist us to make better decisions. I hope that gives Members a flavour of how the Investment Sub-Committee works. To deal with Deputy Vallois' question, not directly relevant to this but she asked me to the extent that this was relevant to the Treasury restructuring. This is part of a radical overhaul of what the Treasury does, a radical overhaul in strengthening risk management, the sub-committee now deals and reports on a quarterly basis to the currency exposure for the States of Jersey where all of the currency that is exposed, whether it is the euro exchange purchases for the E.f.W. or whether it is tourism's euro control income or whether it is the tax receipts used from the European savings directive. We now have a centrally co-ordinated

managed approach to currencies that we are not exposing the Island to risk. The Treasury restructuring plan is now underway. It is going to be finalised by the beginning of September. People are being appointed to the new Treasury departments and I am happy to give Members a briefing perhaps on the new Treasury structure in September and certainly something that Corporate Affairs is doing. All of this is designed to ensure that all of States money is managed better, that we get better returns, both in terms of investment and utilities. So I think that I answered Deputy Vallois' question. The issue that the Constable of Grouville raised in terms of savings; it is savings in terms of administration. We are extremely hard in relation to getting the best possible deal in things like custody arrangements, in terms of administration fees but when you are dealing with maybe an equity portfolio of £200 million, you get better deals in relation to the administration costs. Those are better administration and lower administration costs than are, for example, available to, say, the Greville Bathe Fund that only - I say "only" - has a number of tens of millions of pounds. The smaller funds will benefit from the scale of investments that we have at Social Security and Strategic Reserve but also those smaller funds will be ... and Senator Ferguson was absolutely right to say that there are some smaller funds, the Greville Bathe Fund originally owned Ann Street Brewery which went into C.I. Traders which was then sold. That was originally effectively a shareholding, an equity holding and we needed to find an efficient but managed and risk managed strategy for dealing with the Greville Bathe Trust and that is going to be of benefit to the smaller funds that perhaps have not had the scale of investment advice that they have in the past. So I hope that I have answered all Members' questions in relation to that. This is an important issue. It was in the Business Plan as approved by the Assembly and I ask Members to support the principles.

The Bailiff:

The appel is asked for then in relation to the principles.

Senator P.F.C. Ozouf:

Sorry, I apologise, I did not address Deputy Le Claire's important points. He raised the issue of ethical investment. I have already explained the new arrangements that we have in relation to the Investment Sub-Committee and what I am going to do, Deputy Le Claire kindly has sent me his report on ethical investment and it is something I think that would be best pursued by inviting Deputy Le Claire to see the Investment Sub-Committee to see whether or not we can put some policies in place in order to get ethical investments. I should say that both the equity portfolios and the bond portfolios are of the highest quality in terms of almost being very conservative but trying to get good rates of return if we can put into it. Many global fund managers have ethical investment strategies. I would welcome Deputy Le Claire in engaging with the sub-committee in order to find that and I will do so as soon as possible. I apologise for not answering his question.

The Bailiff:

Very well, the appel has been called for then in relation to the principles of Projet 35 - the Draft Public Finances (Transitional Provisions) (No. 2) (Amendment) (Jersey) Regulations. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 33		CONTRE: 5		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy G.P. Southern (H)		
Senator P.F. Routier		Deputy S. Pitman (H)		
Senator P.F.C. Ozouf		Deputy of St. John		
Senator B.E. Shenton		Deputy T.M. Pitman (H)		
Senator J.L. Perchard		Deputy D.J. De Sousa (H)		
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				

Connétable of Trinity				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy A.E. Jeune (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

Senator Ferguson, is this a matter you wish to have referred to your panel?

Senator S.C. Ferguson:

No, Sir, we will, no doubt, come back to it in due course to see how the policy is working but at this point in time, no.

The Bailiff:

Very well, then. Do you wish to propose, Minister, the 4 Regulations together?

Senator P.F.C. Ozouf:

Yes, Sir.

The Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on any of the individual 4 Regulations? Very well. All those in favour of adopting Regulations 1 to 4, kindly show? Those against? The Regulations are adopted. Do you propose in Third Reading, Minister?

Senator P.F.C. Ozouf:

Yes, Sir, and in so doing, I thank Members for their support. The next issue that Members will see is the publication of a revised investment strategy which will set out the constituent components of what will be going into the common investment fund and an updated strategy of the components of equities and bonds. I welcome Members' comments on that strategy which will be published as soon as they come into being.

The Bailiff:

Are the Regulations seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Regulations ...

4.1.14 Deputy P.V.F. Le Claire:

Just very briefly, I would like to thank the Minister for Treasury and Resources for his invitation and also I think he mentioned some important things for us today. Along with seeking to reassure

us, I would like to just say how impressed I was with him saying that he is working with individuals from the community in these important areas who are giving their time free of charge in an honorary capacity. I think that is really to be congratulated and I would like to thank him for his invitation for all States Members, at least for my part, to offer to attend these workshops in relation to investments and the new Treasury structure. So I think it was a very generous Minister for Treasury and Resources this morning, at least from where I was sitting, and I would like to thank him for his contribution.

[10:45]

The Bailiff:

Does any other Member wish to speak in Third Reading?

The Deputy of St. John:

Yes. Could I just caution the Chamber on moving forward on this?

The Bailiff:

Very well. Do you wish to reply, Minister?

4.1.15 Senator P.F.C. Ozouf:

Just to say that I thank Deputy Le Claire for his comments. I will be considering meeting further with the Minister for Social Security who is my political partner in relation to the Investment Sub-Committee because he holds a lot of the assets. I will be going through a more formal appointment process than I am going to be with for the honorary appointments of some investment advisers but I think that this is an opportunity of engaging and using the services that do exist in the Island of people that can provide some real expertise and help us in making decisions. I am not afraid to say when I am not an expert in something and could benefit from external advice and I would like to invite the Deputy of St. John. I really think that with a proper explanation, I will convince him that this is meeting his requirements of diversification, cost saving and doing better for taxpayers.

The Bailiff:

Very well. All those in favour of adopting the Regulations in Third Reading, kindly show? The appel is called for, then, in relation to the Third Reading of the Regulations. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 31		CONTRE: 4		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy S. Pitman (H)		
Senator P.F. Routier		Deputy of St. John		
Senator P.F.C. Ozouf		Deputy T.M. Pitman (H)		
Senator B.E. Shenton		Deputy D.J. De Sousa (H)		
Senator J.L. Perchard				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérissier (S)				

Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy A.E. Jeune (B)				
Deputy E.J. Noel (L)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				

5. Draft Health Insurance (Medical Benefit) (Amendment No. 3) (Jersey) Regulations 201- (P.36/2010)

The Bailiff:

Then we move next to the Draft Health Insurance (Medical Benefit) (Amendment No. 3) (Jersey) Regulations 201- - Projet 36 - lodged by the Minister for Social Security. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Health Insurance (Medical Benefit) (Amendment No. 3) (Jersey) Regulations 201-. The States, in pursuance of Articles 9 and 36 of the Health Insurance (Jersey) Law 1967, have made the following Regulations.

5.1 Deputy I.J. Gorst:

This proposition in itself is a very straightforward one to increase from £15 to £19 the medical benefit which subsidises all residents' visits to the G.P. (general practitioner). This benefit was last increased in October 2004. If it had been inflated for the March R.P.I.X. (Retail Price Index excluding mortgage repayments) figure, it would now stand at £17.84. But this proposition represents much more than that, amounting as it does to a significant leap forward in primary care on the Island, offering the opportunity to provide assurance of standards of care delivered by G.P.s, paving the way, as it does, for the better integration of primary and secondary care and, most importantly, improving the care that we all receive. Primary care in Jersey has not kept pace with developments elsewhere and yet primary care should be at the forefront of our healthcare system. Primary care is essential in the fight against and treatment of chronic diseases and in response to the effects of the ageing population. It should be readily accessible. Nine out of 10 N.H.S. (National Health Service) patients in the U.K. are seen in primary care. It offers the opportunity to deliver preventative care most effectively. It is community-based and G.P.s know their patients and their families by first names. Now and in the future, medical and technological advances will allow greater care to be delivered in the primary care setting. The proposals that I am bringing forward are just the start that represent the outcome of a great deal of work between my department, Health and Social Services and, most importantly, those who have led our primary care services in Jersey, local G.P.s. Wherever possible, we have tried to avoid reinventing the wheel and the need to grow excessive regulatory bodies on the Island, learning how best we can incorporate good practice and experience from elsewhere. Much of what I propose has come from the U.K. but will be tailored for Jersey. Why does it have to be the U.K. no doubt you will ask? Well, partly, this is because most of our G.P.s are trained in the U.K. and predominantly because they continue to be licensed by the General Medical Council in the United Kingdom and it is that body's increasing governance requirements that we need to be keeping pace with. We have all heard of the shortcomings of the N.H.S. in the U.K. However, the Commonwealth Fund, that is a body which compares each year

aspects of healthcare across countries in the developing world, in a report in 2009 in respect of primary care concluded that of the 11 countries compared, the U.K. was, among other things, top for quality of clinical care, management of chronic diseases, reviewing G.P. performance and top for benchmarking clinical performance. That said, in bringing forward these proposals, we have learned from the mistakes in the U.K. and also from their long history of experience. The most urgent need for change in primary care is driven by the requirements of the General Medical Council (G.M.C.), the licensing authority for all doctors in the Island. The G.M.C. has introduced a new system of revalidation and the current governance processes in the Island do not meet those requirements. Revalidation aims to ensure patient safety providing consistency in the standards of care delivered by G.P.s. To achieve revalidation, G.P.s across the U.K. have already been undertaking annual appraisal and any could be called forward to demonstrate through evidence that they can meet the requirements made of them. As soon as 2011, those failing to meet those standards could lose their licences to practise. All Jersey G.P.s have already now had their first appraisals delivered by the Wessex Deanery. That is the body which oversees medical education and specialist training appraisal systems for all medical professionals in the Wessex region. Should G.P. performance become an issue perhaps as a result of appraisal or perhaps because a complaint has been made, this would be investigated and managed through the local G.P. body, the primary care body, and by the Wessex local medical committees which provide such a service, again in Wessex. Any remediation or retraining could then be delivered as appropriate, either locally or in the U.K. By using U.K. bodies in this way, significant fixed costs of establishing equivalence in Jersey can be avoided and specialist expertise brought to bear in such a way that would be virtually impossible to achieve in our Island of only 9 miles by 5 miles. Using such bodies also means that the locally established team which the G.M.C. requirements do demand can be kept to a minimum in terms of numbers and cost, improving quality in care demands that we have some way of monitoring and measuring performance. Information is also of crucial importance to the identification of disease incidence in the Island and to the design of healthcare strategies and actions to address those diseases. There is currently a lack of such information and data in Jersey. Put quite simply, we cannot demonstrate how good primary care in the Island is, let alone identify programmes of care in the primary sector. It is proposed that a Jersey quality improvement framework be developed based upon indicators drawn from a similar framework in the U.K. That framework will be based upon performance indicators to assess standards of care. While, of course, the U.K. measures will be tailored to the specifics of Jersey, not only does using the U.K. system allow us to benefit from the U.K.'s long experience in developing such systems it also represents a cost-effective solution, given that the majority of local G.P. systems can already be used to collect this data. The indicators of performance will include the organisation's governance and, most importantly, establishing disease registers and minimal testing and monitoring protocols in respect of most particularly chronic diseases such as heart disease, diabetes and asthma, as well as depression, dementia and learning disabilities. The actions set out above and in the report accompanying this proposition, no doubt explained further by my colleague, the Minister for Health and Social Services, will take time to deliver but requires pump-priming now. Revalidation is already upon us and there remains the possibility of complaints against G.P.s requiring potential retraining or other remediation. New legislation is needed to replace the existing Health Insurance Law with its shortcomings. Data needs to be cleansed and G.P.s need to start making records which will meet the requirements of the regime demanded by the quality framework. The details of the contract under which G.P.s will in part be remunerated by demonstrating the quality of their care as well as the framework by which they will be assessed both need to be worked through in detail. Currently, medical benefit is the only way by which the cost of visiting the G.P. can be mitigated from the Health Insurance Fund so it is proposed for now to increase the medical benefit by £4 at an estimated cost to the fund of £1.5 million. However, over the next 2 years, the Jersey quality framework will be introduced, as will the accompanying contract and the information systems underpinning it, not to mention the revised legislation that will be brought to this Assembly for approval. From that point on, the £4 increase will be reversed and reapplied with payments

under the contract up to a total £1.5 million index-linked. This global sum will then be paid out to G.P. practices in accordance with their performance against the quality indicators. I must stress, however, that the £1.5 million will be the maximum payable under the contract. We shall not be repeating the mistakes of the U.K. and underestimating the amount to be paid out under the contracts. We will set a cap as a maximum. This money, be it in the form of the increase to the medical benefit or the global sums under the contracts, will allow G.P.s to pick up all of the costs associated with revalidation, retraining, remediation, appraisal, C.P.D. (continuing professional development) and the administration and treatment in accordance with the Jersey framework. It will also be proposed that the fund will be used for the development and implementation of a central server, key to delivering the data for assessment of the framework, benchmarking and assessing the health of Islanders which will guide future strategy but, most importantly, in closing the certain significant gaps which result in patients currently being treated by G.P.s without access to their records.

[11:00]

The Health Insurance Fund is in a very healthy position with balances in excess of £76 million, allowing this investment to be a reality. Yet continuing pressures on the Fund will see it generate annual losses some time in the coming 5 years unless future action is taken on contributions in the coming years. Having said that, the accumulated surplus gives us time to properly assess how best to continue to sustain the finances of the healthcare in the Island, not only in primary care but also in secondary care. As I set out, this is a true turning point in the delivery of healthcare in the Island enabling, as it will, consistency and improved quality of care, integrated care dreams to be closer to reality, the development of structures to place care most appropriately into the primary sector, reducing hospital admissions over time, a sector regulated to modern standards, accountability of G.P.s and their practices, transparency of performance in the private sector, improved patient choice, improved health information leading to improved strategies and, most importantly of all, improved healthcare for all Islanders. I make the proposition and ask Members for their support.

The Bailiff:

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

5.1.1 Deputy P.V.F. Le Claire:

I will second it and stand just to say that, while I completely agree with this, there are a few things I would like to get off my chest. I would like to ask a question, in particular, why it took from 2004 until 2010 to address these increases and why, when the Public Accounts Committee and other people ask us how we can look to save money, the States do not listen to who is giving the Health speech, a Minister for Social Security. This should be about money and funds and the availability of funds. The Minister for Social Security's speech, while really, really good, was more a Health speech and I think that it really should be time now that we look to merge - I have said this before - the Health and Social Services and Social Security system together because we are using funds that are sitting healthily, £78 million, in one corner of our finances to implement things when, within Health, we have got no money to treat them in the first instance. I just wonder why we are not looking at prevention rather than treatment. Yesterday we saw answers from the Minister for Health and Social Services in relation to tobacco and this is the point I was trying to make, contrary to what Senator Breckon was saying about somebody that was stubbing out fags. The tobacco strategy, once introduced, reduced heart attacks by 17 per cent. Now, how much money did that save because prevention was put in place because we invested in the right area? It is high time some of the duplication that is and does exist - although they will never give it to me in answers to questions I have put within Social Security and Health and Social Services - and we merge them into one Ministry. That is the clearer vision. That is the clearer future for Jersey. There are more than enough Ministers. There are more than enough Assistant Ministers to do the work and there is

a far better use of the resources. This is a speech, while excellent, an excellent speech, that belongs to the Minister for Health and Social Services. All of the important things that the Minister for Social Security spoke about in relation to health were all health issues. They were all about the actual care of patients. While there are issues about using the governance from the United Kingdom, we are turning our back in reality in a jurisdiction that we can look at every day that has one of the best healthcare systems in the world, especially for the area of cancer and Jersey has a very big problem with cancer. So, yes, let us pay the doctors more. Let us make sure that they are revalidated and let us make sure that they are capable of doing the jobs that they are doing at the moment. The Health and Social Services Committee, when I was on it, wanted to get these sorts of controls and safeguards in place for many, many years. I congratulate the G.P.s themselves because they have done an enormous amount of work in bringing this to the States themselves and they have all signed-up to support this and they have all been led by the people that have pulled them together in a very admirable way. But I really do plead with the Council of Ministers to think long and hard about the speech that the Minister for Social Security gave us today. It was all about health issues and across the way we have the Minister for Health and Social Services who has no money.

5.1.2 Senator S.C. Ferguson:

Yes, it says there is a 17 per cent decrease in heart attacks from stopping smoking but one day I shall take an interest in the actual detail of the statistics because, as people say, there are lies, damned lies and statistics. This particular proposition does not ... I would ask the Minister to reinforce the understanding that this will not mean an increase in the cost of going to the doctor to the consumer. I think that is important but, as the Minister says, it will enable the next stage of development of primary care. Now, the thing about primary care is that it will keep people out of hospital which is good for our health costs, good for them for the quality of life. I think everybody agrees on that but I do not know that everybody knows that £7 out of every £10 spent on health is spent on chronic diseases. Most of the bed occupancy in the hospital - I understand it is something around 70 per cent - is taken up by people with chronic diseases. If these patients are monitored at home under primary care then we have less over-worked doctors, hospital beds not occupied unnecessarily, patients achieving a better quality of life and being prevented from having to go into hospital. I think this is an important proposition and, as I say, I ask the Minister to confirm that it will not increase the cost to the consumer and it will absolutely lead to a significant improvement in primary care which is where we should be concentrating.

5.1.3 Deputy R.G. Le Hérisier:

Deputy Le Claire yet again has beaten me to the post. I was going to congratulate the Minister on giving an excellent speech on the new *New Directions* and I thought, rather like the new Prime Minister of Britain, he was giving a remarkable list of promises there and I was just wondering whether all of them could be achieved. It strikes me this is trying to achieve 2 aims which are not necessarily as compatible as the Minister has suggested. One is better governance and the other is improvements in service, crucially based upon the obtaining and dissemination of better data about how we handle various conditions in the community. It embraces very high hopes and what worries me, having been to the meetings, I entirely agree with the hopes and I admire the vision that has been put forward, as I said, the new *New Directions* because presumably the other one has sailed into the sunset. What I would ask is if the Minister could be a lot more specific about implementation plans. They are very broad aspirations which he has outlined, utterly worthy - utterly worthy - nobody, as with motherhood and apple pie, I think, can dispute them. But I would like to see much more flesh put on the bones of implementation. Certainly the comments I have had from people have been about the issue that Senator Ferguson raised, the cost of going to the doctor. When we went to the Members' meeting the other day, it was said by one of the G.P. representatives that the big issue was around what the much-beloved former Chief Executive of Health used to call the period - a rather unfortunate phrase - of compressed morbidity. In other

words, coming towards the end of life when an awful lot of doctor's visits may be required and the use for chronic purposes of the hospital, for example. They do bear down greatly upon people and I know people are consciously not going to the doctor because they are not prepared to pay what they see as a routine revisit, for example, whereas the doctor might say: "Well, I am looking for other things," or: "As you leave the room, you inform me there are other conditions even though ostensibly you were only here to get the results of a blood test", *et cetera*. But that is worrying people and the conjunction of that with this proposal has not been well received in some quarters. I have received an email from someone quite active in the health field which I shall give to the Minister for Health and Social Services. Just to give a quote of the concerns that people have: "Surely this extra health benefit should be given to supplying dressings for chronic wounds. I work with F.N.H.C. (Family Nursing and Home Care) and during discussions have been advised that patients have great problems meeting the costs of these dressings and often have to refuse the most appropriate treatment due to costs. It can cost over £250 to dress an ulcer properly per month."

5.1.4 Deputy I.J. Gorst:

Would the Deputy give way? While I appreciate that we all have correspondence and it is appropriate for us from time to time to discuss that correspondence in the Assembly, I do feel that ... I recognise the Deputy cannot say who his source is this morning but I think it is only fair to say that I believe that that source, in making those comments, I think we could say has a conflict and if that particular course of action were to be implemented, that individual would benefit financially. So we just need to be aware of the information that we are receiving.

5.1.5 Deputy R.G. Le Hérisier:

Well, that is an interesting process of deduction by the Minister. All I would say is there was a general principle here, as Deputy Le Claire has said. There is a general principle here about costs which I think the Minister objectively has to look at and I think it is a bit naughty to try and undermine the case by immediately jumping to certain conclusions about who the writer is. I think you have to look at the general principle: the general principle. That said, I still think the Minister has put a very good case forward but that was a little naughty, I should say. What I would hope and I think what people are hoping to see... and I was very encouraged to see in the local press in the last couple of nights, an advert for a practice nurse, for example, at one of the Island's big omnibus practices in which in the ever-increasing process of centralisation that Senator Ozouf is promoting, I have now been enrolled into. What people would like to see is a different way of offering general practice. We have a business model which relies on, I am afraid, continuous visits to a G.P. and, for example, I hope we are going to see the role of practice nurses put forward a lot more prominently. We have seen group practices in the British health service. I understand in Guernsey they virtually totally moved 2 group practices and this has revolutionised the whole way in which you approach a G.P.'s practice. That is what I meant when I mentioned earlier on in my comments let us see some implementation: flesh so to speak, on the bones. That is the kind of issue I was looking to. I know the Minister is committed to that but I think the public will want to see that. They will not want to see a vast fact-gathering apparatus set up without the hope that at the end of this, there are going to be tangible improvements which will deal ... admittedly finance is not the only issue because we do have a very good G.P. response service within the parameters it operates but they want to see some tangible changes in service fairly soon at the end of this. So, to summarise, I think this is an excellent initiative. I think it is very high on aspiration. I would really like to see the possibility of more concrete changes in a fairly limited time span rather than, as I said, I have this real fear that we are going to be involved in a massive fact-generation exercise with not necessarily the tangible improvements which the public, I think, are looking for.

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

I will be supporting the proposition today but I would just like to echo similar words to that of Deputy Le Hérisier and Deputy Le Claire surrounding cost. I did attend the presentation last

week, which was a very, very good presentation but I did ask the question whether those services currently supplied by the hospital would, in the future, transfer to doctors' practices and the response to that question was yes, that some of those services would.

[11:15]

So, of course, for me, it raised the question of increased costs for everyone across the board but particularly for those disabled people, people with chronic diseases and people on very, very low fixed incomes. It is interesting that this comes on the back of the proposition which was withdrawn this morning about cutting costs and it is going to be very, very difficult indeed and I think it is a question that both the Ministers for Social Security and Health and Social Services will be facing in the very near future. My understanding is that the £4 per patient is going to be paid for the 2 years and then the money will be paid to the practices, the £1.5 million, depending on them being able to provide the services that are needed. The costs are bound to go up. The cost to the patient is bound to go up and I think we are going to have to give some real consideration in this House to how we are going to cover some of those costs in the future. All in all, the proposition is good but I just wanted to air that concern today.

5.1.7 Deputy A.E. Pryke of Trinity:

It gives me great pleasure to stand up here and say that I very much welcome and support this proposition and I thank the Minister for Social Security for bringing it because he is the only one under the Law that can bring this. But I want to make it very, very clear from the outset just how important this for the future of all healthcare delivery in Jersey and it will affect every single one of us, our families and all the people of Jersey. Let me go on to explain. I think, as the previous speakers have said, change is needed and we need it urgently. We all know that there are many excellent G.P.s but overall primary care in Jersey is lagging behind modern standards, the sort of standards that are normal for many years almost out everywhere else in the developed world. The General Medical Council have set new standards of revalidation for all doctors. Our G.P.s recognise that if there is no urgent progress, they will fail to be revalidated and they may have to stop working as doctors. It is as simple as that. The main problem is the system and the one that they are working in. Right now, they are unable to show they are up to date, practising safely and effectively. The other problem is that there is no local government or regulation. These are the minimum requirements as far as the G.M.C. is concerned. So you can see that Jersey has a problem that needs an urgent solution. These changes we need cannot begin without investment to kick start them. The risk of no progress is that within the next 6 years, all G.P.s here may lose their practising licence, but what about the patients? We are all patients. We all would like to think that every G.P. will give us an equally good standard of care. Just at the moment, the only yardstick that we have is the word of mouth, opinion and reputation. There is nothing more. Turning to our general hospital, we all know that there is increasing pressure at times and our health needs are increasing, will continue to increase, especially more so due to the ageing population. Capacity to deliver healthcare in the future is something that should concern every single one of us. We know too that many people are not receiving their care in the most appropriate effective settings and we all know, and Deputy Le Claire has alluded to this, that prevention is better than cure and, perhaps less well known, it is also cheaper. To help keep our hospital sustainable and able to concentrate on hospital specialist services, it needs to be able to work in partnership with G.P.s. This is impossible at present. The main problem here is we cannot have a service level agreement with the body of G.P.s that is not quality-assured and cannot provide the information for planning. Another problem, there are no consistent standards for G.P. care of the sort of chronic medical conditions that cause most hospital admissions. Another problem, too many patients are needing hospital care that could have been prevented by modern day G.P. care. Another problem, there are no information systems that can provide the data the Island needs for health strategy and the planning of health services in the future. So why is this so urgent now? As I have said, revalidation by the

General Medical Council is imminent for all doctors. All doctors have been issued new G.M.C. practising licences and a process called revalidation starts as soon as next year in 2011. Without the urgent progress this proposition will help to fund the outcome will be simple. As I have said, our G.P.s will not make the grade and the G.M.C. will remove their licences to practise. They would have to stop practising and that could result in healthcare only being given by the hospital. As I have said, we know the hospital is under pressure. Our G.P.s must meet the standards but it comes with a price tag. The key issue in this debate is who should pay. There is a lot of catching up to do. The mountain to climb needs to be climbed quickly. G.P.s need now to be strengthening their practice teams and building up their information systems, which does not happen overnight. Work needs to be started on changes to the Law to establish local regulation and a quality contracting promoting best practice across the most important health problems here in Jersey. The costs are considerable. There could be 2 choices, one of which the patient pays through higher charges - and as we know, G.P.s have been holding off doing this in the hope that this proposition will be approved - or, as in this very, very important proposition, that the Health Insurance Fund, ready in surplus but also paid into by patients already for their primary care, should subsidise the extra cost pressures by the recommended increase in medical benefit of £4. This would avoid the inevitable increase of G.P. charges simply to cover the revalidation costs. If G.P. charges had to go up now, we would see even more people unable or unwilling to afford to see their G.P.s, more pressure on the accident and emergency department if people go there instead or G.P. care becoming an elite and expensive service that only a minority could afford and it will have extra pressures on the healthcare in Jersey. Is that what we really want? So if this proposition is adopted, what would the people of Jersey get in return? The Health Insurance Fund will be used to invest in improving primary care. It would have better, safer primary care, knowing that all our G.P.s regularly demonstrate that they meet the standards of good practice. G.P.s here would, for the very first time, become locally-regulated once the necessary legal changes were agreed and put into place. This would mean concerns about a G.P.'s practice could be investigated early on, hopefully heading off more serious problems developing along with risk to patients because of poor practice. Patients with chronic medical conditions would receive more consistent standards of care likely to keep them well and reduce the need for hospital admission. The Health and Social Services Department will be able to work a new partnership with a quality assured G.M.C. approved primary care system and Jersey could benefit from a joined-up approach for future health strategy and planning, which I know a lot of Members have been asking for. Crucially, if this proposition was not adopted, it would not be overstating the case to say that the future of healthcare delivery in Jersey will be very difficult and under threat: the main reasons, the impact of higher patient charges in the short term, the expected progressive decline of G.P. care in the Island in the medium to longer term and we would see in a matter of time our hospital even more under pressure which is having difficulty in coping. So I urge Members to think very carefully. This proposition is important. We are standing on a point of changing healthcare. It is better for G.P.s if G.P.s' future careers are more likely to be secure and they will be proud of working in a quality assured health system, providing the best of care to their patients, best of healthcare at all levels. There will be a new optimism and it is there for the future of healthcare delivery in the Island with a new integrated partnership working between primary and secondary care. Please do not underestimate it because that renewed enthusiasm and optimism is definitely there, as demonstrated by all the G.P.s that have signed-up. Lastly, and most importantly, it is patients, all of us, all of our families, all Islanders, who stand to benefit most. The changes that this proposition will launch have the potential to benefit each and every single Islander. Confident that they are receiving 21st century care from G.P.s and living, these patients, our families, our Islanders, will know that living longer and healthy lives with less need for hospital care. This is a step for future delivery of healthcare in Jersey and it is a very exciting step and I would urge Members to support this proposition. I would like to thank the Minister for Social Security and his department as well as my department, for bringing this forward.

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

Deputy Le Hérissier told us how Deputy Le Claire had beaten him to the punch with his concerns. For me it is very much I have to say the same for Deputy Hilton. Not surprisingly, as a St. Helier No. 1 representative, I echo all of the Deputy's concerns about cost. I do fully support the Minister in this and applaud the direction he is trying to go. So I would just limit myself to one question really. The Minister talked quite rightly about not making the mistakes of the U.K. and about setting a cap, which I think he said was £1.5 million. I would just ask him if he could expand when he sums up on the fact that, given we have obviously got a very unclear economic climate over the next few years, how that cap will be monitored and what leeway he has to tamper with it, for want of a better word, if it proves not to be correct, not that I am suggesting that it will not be but if he could just clarify that for me, I would be grateful.

[11:30]

5.1.9 Senator P.F. Routier:

Today I believe is a really, really important day for people's health in the Island and I really want to congratulate both the Minister for Social Security and the Minister for Health and Social Services for getting to where we are today and also the support they have had with the G.P.s. The G.P.s, I know from my time at Social Security, have been wanting to move along this route and it helps to ensure that Islanders will have modern healthcare for when they go to primary care. I do take a little bit of exception to the comment which was made by Deputy Le Claire about why the speech was coming from the Minister for Social Security. Well, our primary care is provided by the private sector at the present time and is funded by the Social Security system so I think it was appropriate for this obviously to be promoted by the Minister for Social Security. In the lead-up to this debate, I was approached by a lady who said: "Why on earth are you giving the G.P.s another £4? They have got enough money. They do not need that. Why should we be doing that?" and I asked her personal questions about: "How often do you go to the doctor?" and she said: "Well, the last time I went to the doctor, all that I had was he checked my blood pressure and said, 'Come back again in a few months time and I will check your blood pressure again'." Then I said to her: "Well, under this new system, what you could do is you could go and see a practice nurse and save yourself some money and this system will enable that to happen for general run of the mill sorts of things where you do not have to have the highly skilled G.P.s doing a particular thing and even going back for monitoring visits as well. You will be able to go to a practice nurse to get the care that you need." It is appropriate we are talking about it today because, as I hear on the radio this morning, it is International Nurse Day, and the Minister for Health and Social Services is wearing her badge, yes. But certainly there are modern ways of having healthcare, even to the extent of some of the services which are provided in G.P. practices could be provided by pharmacists. That happens in other jurisdictions. You can go along to your pharmacist and, as was rightly or wrongly mentioned by a previous speaker about a comment that was made by them about getting dressings from somewhere, I have seen that email as well and I know where that email came from and maybe it came from a pharmacist. **[Aside]** But certainly there is some work to be done with encouraging pharmacists to do more work than G.P.s do and there is certainly the private practice, the G.P.s can be doing work that would stop the need for people to go into the hospital. This is a step change in the way we are going to provide primary healthcare and healthcare generally and it is something that we should be celebrating. There was one comment which the Minister for Social Security made which really struck a chord with me. He said currently we cannot demonstrate how good our primary healthcare is. Well, I turn that around to a certain extent because we cannot even demonstrate where it is failing with our current systems and we have seen experiences over even the last couple of years where some G.P.s are no longer operating because they had not been keeping up with modern-day practices and they had fallen by the wayside. With this system, with the support of the extra funding and the mechanisms of the computer systems which we put into place to be able to monitor the service which is across the whole of the Island, we will be able to

pick up on where some G.P.s are falling behind the modern-day practices. This is, I have to say, a really good day for health for the Island and I hope Members do support this wholeheartedly.

5.1.10 Senator B.I. Le Marquand:

I welcome these proposals and I am particularly pleased to see that at last there is going to be brought in a process of assessment and revalidation. In one of my former roles I was trying to work on a particular law to do with registration of doctors and became aware that - this was back in the early 1990s - there were then plans to improve standards and have some sort of revalidation programme. So I am delighted to see that this is now happening through initiatives taken in the U.K. However, I do have a few areas of concern which I want to highlight. They are quite complex changes but at the very heart of the changes will be the performance indicators. This is basically standards that doctors will be expected to operate to in performance of their role. These, of course, are still to be agreed and we have been quite rightly told by the Minister that these will be based upon U.K. ones but we will be selective in how we deal with these. Now, exactly at what level these are placed is vitally important because if the standards which are set are too low, then, frankly, all the G.P.s will be doing it anyway and so we will be paying money and not getting anything at all. If the standards are set are too high, then they will start to interfere with individual clinical judgment of G.P.s and in their ability to respond to the individual medical needs of their particular patients. So this is absolutely vital that this is got right for the future. It must not be too high, it must not be too low, it must be just right. But there is a second area which I need to highlight, and I am pleased to see that the Minister referred to this in passing, and that is this issue of what happens if a particular doctor does not meet the revalidation standards. Now, this is particularly important from the point of view of small practices with few partners because the pressure on them if suddenly one of their partners can no longer practise would be very great. It is important that we ensure that there is put in place appropriate processes of retraining, hopefully before they reach the stage where they are not revalidated so that we do not suddenly have a situation of great pressure on particular partnerships. But, subject to those caveats, I welcome these changes and I will certainly be supporting my friend, the Minister for Social Security.

5.1.11 Senator P.F.C. Ozouf:

As other Members have said, this is a positive day, and even spending £1.5 million I will say that this is a positive day. This is necessary spending. I think it is good value spending and I congratulate the Minister for Social Security who I know has been tested by a number of Members and outside individuals on these proposals. He spent a great deal of time with his officers on this and the Assistant Minister too and he is to be congratulated for his co-operative way in which he has dealt with some difficult questions. One or 2 Members have raised the issue about why the Minister for Social Security is effectively today wearing his hat as Minister for Health and Social Services, Minister for Primary Health. This is an important issue and if I may just ever so politely ask Senator Routier to consider what he said was that he was almost saying that that was quite right because primary care is dealt with by the private sector. Well, that is right and it is dealt with by the private sector but the difficulty is that there has been an encroaching of primary healthcare by Health and Social Services and this has been a longstanding debate and frankly it is a debate that should have happened a long time ago about where the interrelationship is between primary care and secondary care. The funding of primary care does not sit comfortably with Social Security. There should be a one-stop shop in terms of healthcare and I say that because this was, of course, envisioned in the *New Directions* strategy which we have been waiting for so long for and that is a difficulty and today we can see progress being made. Effectively, this is part 1 of *New Directions*. The difficulty that we face generally with the funding of primary healthcare is that Health and Social Services have seen their budget increase paying for primary healthcare which a number of years ago should have been delivered by the well-established G.P. network and G.P.s. We are unsophisticated in the way that we deal with primary healthcare. We are unsophisticated in the way that we put in prevention and our life expectancy and our prevention is worse in Jersey because

things have not been done in the past. But clearly we are now catching up and the Minister for Social Security and the Minister for Health and Social Services are working hard on catching up and delivering a future for primary healthcare. I have challenged the Minister for Social Security on the issue of the value for money for this. I have asked whether or not this was not just going to end up in G.P. salaries and I am satisfied that that is not the case and that there is going to be a significant improvement in terms of the way and the governance arrangements that G.P.s will make. There are issues that are real in relation to G.P.s and their current almost lack of oversight is a problem. There are some G.P.s that know how to play the system, quite lawfully and quite appropriately, in terms of giving people tests and charging them. I want to see stronger regulations, stronger governance arrangements, for G.P.s that simply that when you visit your G.P. you will not simply feel better having a G.P. saying: "I will give you 5 different tests for something" and charging everything appropriately and make you feel better for tests that have nothing to do with the ailment that you went to see him about. Difficult to say but there are real issues with some G.P.s and they need proper oversight and they need proper governance. The other question that I have asked the Minister for Social Security is about the £1.5 million and can that be afforded by the Health Insurance Fund. I have been doing some work and some joint investigation with him on the Health Insurance Fund because it is almost true to say, I think, that there is too much of a surplus on the Health Insurance Fund that should have been invested in primary healthcare. Over the next few months, we are going to try and find a solution for taking that money which Islanders contributed and have already paid for and seeing how we could use those resources in order to deliver some of the primary healthcare within Health and Social Services and I want to engage positively with the Minister for Social Security and Minister for Health and Social Services about how we deal with some of those issues. I want to be slightly controversial as well and ask whether the Minister will give the Assembly an assurance on one other matter which is important in relation to the Health Insurance Fund. Many Members - and I am surprised that no other Member has raised this so far - will be aware that one of the draw-downs from the Health Insurance Fund is the issue of prescriptions. It is my view that the Minister should perhaps have been - and I encourage him in his summing-up - a little more courageous in this proposition. I believe that he should have been seeking the Assembly's endorsement for ending the folly of free prescriptions for everybody. Now, I do not believe that that was a sensible decision. That is not to say that free prescriptions should not be available for the elderly, for children, and that there are substantial changes that should be made in relation to accessing that free prescriptions money. I do not want a free prescription. I want that money for the payment of my prescription to go to assisting, for example, those people at the end of their life that have real difficulties in getting doctors or also practice nurses who can do more preventative medicine. I do not believe that the draw-down of money for free prescriptions was a sensible use of the Health Insurance Fund and I would ask and I suspect [Aside] I am seeing lots of nods around the Assembly, I wonder whether or not now would the time be right for the Minister to give an undertaking to review the issue of free prescriptions. It is his decision and when he brings in these new arrangements for G.P. charges to reintroduce a prescription charge for those people that can afford it but to allow that saving on free prescriptions for people that do not need it or redirecting that money for other areas of primary healthcare and I hope that he will give that undertaking in his summing-up. My support for his proposition is not conditional upon it but I hope that he makes it. So I think that there are issues that this Assembly will be considering later on this year as we improve the understanding of Members in relation to the Health Insurance Fund. I do not believe that health should be let off the C.S.R. (Comprehensive Spending Review) process. I believe that the C.S.R. process must ask all Ministers to deliver savings on what they currently do and priorities.

[11:45]

But I recognise that there has been investment in Health and Social Services which has been unfunded and there are future investments for new services that Health and Social Services are

required to make. I believe that the Health Insurance Fund has a role to play in funding that health investment. I also think that Islanders potentially have a role to play in paying higher charges in terms of the Health Insurance Funds in order to fund that. I think the public would be more comfortable with a hypothecated arrangement where an increase in the charges on the Health Insurance Fund would be going into the funding and the improvement of healthcare and I agree with Deputy Hilton and Deputy Le Claire and all those other Members that have said that. I think that there should be a common approach in relation to health funding. I do not believe the public understands when we talk about primary healthcare and that they do not understand that their 1.5 per cent or 1.75 per cent of Social Security is going into health. They do not have a distinction that that is going into prescriptions and doctors and I think the public would be comfortable to know that that money would be going to improving their healthcare. Sir, this is a good proposition. It has been well thought out. It is going to improve primary healthcare. It is going to strengthen governance arrangements. It is the start of a new beginning for new primary healthcare in Jersey.

5.1.12 Deputy G.P. Southern:

I welcome this move which is obviously necessary in order to make the moves required to fully modernise practice on the Island and to get into line with modern practice elsewhere in terms of healthcare, particularly in terms of preventative healthcare because it is absolutely vital as others have said before that preventative care is cheaper than dealing with the end result, but this must be seen in the context of what policy changes have been made in recent years. It is no good saying we have got an excellent strategy for dealing with preventative care if people are frightened of going to the doctor because of the cost, and increasingly that is happening. My Income Support Review Panel is examining people's attitudes to the costs of living in Jersey and one of the items that keeps on coming up time and time again is doctors' fees. Senator Routier briefly mentioned this before. He said: "I have been approached by somebody saying, 'Why are we giving more money to G.P.s when their costs just keep going up?'" There must be some address given to the issue of the cost of a visit to a G.P. In 2007 and starting in 2008, we removed free access to G.P.s from a group of people who were largely the elderly or the chronically sick, the very poorest among our society. We removed H.I.E. (Health Insurance Exemption) and removed that free access for some to G.P.s. That has meant a lot of worry, not only for those concerned, those H.I.E. recipients, but for all people about the cost of visiting a doctor. Certainly those on income support are extremely worried. I have had reports of the H.M.A. (Household Medical Account) system which suggests that it is not placating those worries. People are worried about building up H.M.A. and ending up and receiving letters from the department saying: "Your H.M.A. is in deficit to the tune of £200, £300. What are you going to do about it?" The fact is that that is cleared by funds within Social Security but nonetheless, people have received those sorts of letters. If they fall ill on top of their allocated number of visits, they worry immediately: "I have been to the doctor, I do not know, 6 times this month. How can I pay our bills?" The reality is that those visits will be covered by Social Security but that is not being communicated to them. Again, the worry is there. It is no good having preventative primary care initiatives if we are not accessing the right people, if people are not visiting the doctor and many are putting off visiting the doctor just because of cost. What it ends up with is that becomes a more serious illness and eventually they go to the doctor when it is too late when better treatment, a more efficacious treatment, could have been delivered far earlier if they had not been put off by the worry. So while obviously one has to welcome this particular initiative, I have to worry about the context - the elephant in the room that only a few of us have addressed - and that is the fundamental costs of visiting a G.P. in Jersey. We have to examine and that will mean perhaps a fundamental review of the H.I.F. (Health Insurance Fund) and examining whether we need to increase those percentages in order to deliver a proper modern primary care service in the Island. Senator Routier also mentioned that we could organise the pharmacists to deliver more services. That is already happening. People scared of visiting the doctor because of the costs are going to the chemist more and more often. Some are trying to access the services at the hospital. Sometimes they get it, sometimes they do not, they are turned away saying: "Go to

your G.P.” but some get away with it, increasingly trying to find a way to get access to healthcare that does not cost an arm and a leg. Until we address that, and we must address it, I think we are almost whistling in the dark. That has to be addressed in the very near future, the spiralling costs. Does it mean capping the cost of a visit to the doctor? Does it mean putting extra funding in to make sure that subsidy to the correct people is delivered? I believe ultimately we have to return to a system where some people, well targeted, the chronically ill, the elderly perhaps, children, the most poor, do get free access to G.P. services, and until we do that we will still see an underlying trend where we fall behind the very best standards. So while I accept that this is a necessary and essential part of the story, it is only part of the story and I urge the Minister to address the larger wider scale issues as soon as possible.

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

Listening to the Minister for Social Security’s summing up on the advantages of adopting this proposition and the warnings of the Minister for Health and Social Services if it is not adopted, I had thoughts of financial mis-selling coming to mind and the need to have a health warning similar to that used in the financial services sector that investments can go up or down. While none of us disputes the need for better primary care and better qualified and competent doctors, I do have alarm bells ringing in my ears. The medical profession has changed over the years. Many doctors consider their practices as businesses and their jobs not as a vocation. They treat it as a business. They do not offer out-of-hours health provision as they used to and many people in this Island are denied medical treatment because they cannot afford the treatment. While I support much of what is being proposed, the idea of treatment in surgeries rather than in the hospital, I would advise Members to follow these developments with great interest and attention. The U.K. was ripped-off by doctors or let down by Ministers and civil servants, depending on your point of view, when the new primary healthcare arrangements were entered into and now doctors in the United Kingdom are among the best paid professionals in the country and many doctors are doing less than they did before. How can we be assured that our highly paid civil servants are going to negotiate a better deal than the U.K.’s highly paid civil servants? How can we be assured that the changes will result in a better health service and not just lead to higher incomes for doctors? So, although I will support this proposition, I remain a sceptic and I will follow these developments intently for I fear that we could well be held to ransom by this sector in the future and I hope that my fears are unfounded but only time will tell.

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

I welcome this proposition. It has been far, far, far too long in the making. Like a few other Members, I attended the presentation last week which explained what this was about. I have to say that the presentation given by the G.P. representative was excellent but I would say that, would I not, given that most of what she was saying was what I had said at a presentation I gave when I was interviewed by the Department of Health and Social Services some 17 years ago. I still have that presentation and the associated acetates today. This proposition is asking Members to put the patient first. This is patient-centred. This is about what is best for Island residents’ future healthcare. We must be careful and ensure that people understand what is happening. We are not saying that our G.P. service is failing. What we are saying is that with the current system G.P.s cannot demonstrate the high level of service they deliver or provide evidence that their treatment regime is more beneficial than another. Even if there was not G.P. validation, we should be moving healthcare in this direction. This has become urgent because we have taken so long to get there. This is the key to unlocking information. This is our chance to start on Jersey’s health of the nation, something England moved on almost 20 years ago. I do not sit easily with parting with taxpayers’ or Social Security contributors’ money. We must look for efficiency, effectiveness and accountability. I believe we have a duty to act responsibly but, more than anything, I believe we have to ensure that our systems are fair for everyone and that is the provider and the purchaser, regardless of whether that purchaser is the States or the Islander. We should not get hung up on the

£4 issue. I believe we are getting value for money but if I had thought we could have got it for less, I would have had no hesitation in telling my Minister so. I do believe this has been negotiated well and for the people of Jersey, this will bring no increase of attending their G.P. but if we do not accept the proposition you can be sure that the patient will pick up the bill. By accepting this proposition, we will have taken a major step forward in bringing forward good governance which is so very long overdue. We will at last have relevant, accurate health data, our own statistics, from which we can get good information about what is happening in Jersey, not England, France, Portugal or anywhere else. Our information will be invaluable for ensuring there is relevant and appropriate delivery of healthcare, be that primary, secondary or tertiary. I have the advantage of knowing what I am looking for from my G.P. but not everyone is in that position so it is up to us to assist them in achieving that. Looking for a G.P. for many will be like looking for a needle in a haystack but with good appropriate information, easily and readily available, the people of Jersey will be able to make an informed decision.

[12:00]

After 17 years, I can now feel that we are now moving forward. I hope and believe that is the start. Members of this Assembly are here to represent their electorate and, in my opinion, they cannot afford to do anything but accept this proposition. It is in the Islanders' best interest and - as I said at the beginning - is long overdue. I appreciate the way the primary care body, which includes all of our G.P.s, have embraced this way forward. Sir, I think you will have noted that I will be supporting this proposition and I ask every Member here to do so.

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

Just very quickly. Senator Ozouf touched on it, Deputy Southern moved it a bit further, but how will the department effectively communicate these changes to the public? We have already heard how people will not engage with things if they do not understand them, there is a big issue with men engaging in primary care and the question is if you want people to engage in these services how are you going to effectively get that message across to members of the public? With these changes it has become apparent that the public do not understand them, so what is going to be done to effectively communicate that message?

5.1.16 Connétable J. Gallichan of St. Mary:

I attended the presentation given by the Minister and was completely convinced by the arguments given. However, having had circulated the names and addresses of doctors in the primary care body who have supported the proposition - and I understand that is the vast majority - I did notice some absences from the list. That prompted me to ask what the concerns were that had been raised by these G.P.s but had meant they had been unable to endorse the proposal. I think, for the sake of completeness, I would like to ask the Minister perhaps to address some of these and perhaps give me assurances because obviously in the short time since we had the letter circulated I have only been able to speak to one general practitioner. As I understand it, some of the concerns were we might be moving to more tick box medicine: de-personalisation. Some of the smaller practices particularly have a very close relationship with their patients and some, especially elderly people, have been with the same doctor or the same practice for many years and feel very involved there. Furthermore, we are moving perhaps towards a system much more akin to the U.K. national health system, which I am led to believe may be due for some revision there because of dissatisfaction that G.P.s in primary care have with certain elements of it. Another question I was asked, which I would be grateful for the Minister's take on and reassurance, hopefully: what do doctors do when one or 2 of their client patients persistently fail to meet the medication targets or the benefit targets set to them because, for example, they have difficulties with their medication or they have some block which means: "I am not going to take that tablet. I do not need that tablet today", whatever, and they do not make the progress that is anticipated? Do they become effectively - I do not know

what the word is - disenfranchised from the medical system because they do not fit into a target group? I cannot imagine that our society would allow that to happen, but that is a valid concern I think that some people will be feeling and so I would be very grateful if the Minister in his summing up could address that and also - I have asked the Minister privately - just give reassurance of the percentage of G.P.s that did feel able to support the proposition and of any other concerns that he might be aware of through the consultations that were raised by G.P.s who were not able to sign and support.

5.1.17 Senator T.A. Le Sueur:

I think we will look back in years to come on today as a day which marked a step change in the nature of primary healthcare and healthcare in Jersey. Perhaps it is unfortunate it is wrapped-up in what appears to be a fairly innocuous proposition, just raising the health benefits level because it does mark, I think, an awareness of new standards, new approaches, and moves the quality which, as the former Minister for Social Security said, has been in our minds for several years now. In fact, it was in my mind before he was the Minister for Social Security and one of the drawbacks has been to try to get unanimity between the different bodies concerned. I am pleased to see that that unanimity is now very much more in evidence and I think I would like to pay tribute to the Minister for Health and the Minister for Social Security, and their departments, for the way in which they worked together in order to bring this matter to what I am sure will be a successful conclusion. It is perhaps because the proposition looked relatively innocuous that there were, I thought, disappointingly few people at the presentation last week given to explain this proposition because those who were there, I believe, will have understood far more clearly the benefits of going along this route and the dangers of trying to stay as we are. I would perhaps urge the Ministers to see if there is any way in which that message can be better disseminated to States Members and the wider public, so that they can appreciate the benefits that are being provided and will continue to be provided over the years. It goes without saying that I wholeheartedly endorse this proposition and I do think it does really give us the message that we are putting patients' safety and healthcare quality at the top of our agenda. So I congratulate both of the Ministers - particularly the Minister for Social Security - for bringing this proposition today.

5.1.18 Deputy M. Tadier:

I think there is no doubt here that this will be passed, and hopefully unanimously, by the House. I think it is important that Back-Benchers - who are often perhaps unfairly criticised for criticising unduly - stand up and give credit where credit is due. I think this is certainly one of those cases. This proposition I think, certainly globally, is to be welcomed. It does show vision and it does show a long term view rather than the often short term policies which sometimes people like me will criticise the Assembly for. So there is certainly something to be credited there. I would add the further observation about money. This is something which is very good but it will not necessarily have fruit until a few years' time. This is exactly the type of point I would try to make again and again. It is very difficult sometimes when we are talking about yearly budgets - even 3-yearly budgets - for these kinds of things to add up and to necessarily be purely financially justified on a short term basis. As I said, we are not necessarily going to see the fruit for another 20-30 years but, certainly, we will see some tangible benefits. It may not be in this generation and it is very difficult to measure, but prevention certainly is better than cure and this is what we are looking to do here. I would simply add: what would have happened if the money were not available, if we did not have this insurance fund? Would there be more opposition? Would we be saying: "It is nice to have but we cannot afford to do this now"? Certainly it would still be the right thing to do, even if we did not have the money, even if we could not justify it by balancing the budgets. That is where one has to, I think, not be completely beholden to this idea of balanced budgets. It may well be, on occasions, right to borrow money or say: "We can justify this over 10, 20 or a 30-year time period because this is the right thing to do and it will bring benefits in the long term." I think that the comments of Deputy Southern and Deputy Higgins and others also need to be noted, that it is

one thing to have an excellent healthcare system but if it is of limited access to people, that is to say if there are certain people in the community, even if it is a very small amount of people, who cannot access it for whatever reason, usually due to cost, then it is of not much use to them. This is something that we see in the U.S. (United States) where they have, I am sure, a very good healthcare system for those who can access it. Certainly, you can look at some Americans - some Americans that I know have a lovely set of teeth - they look very healthy and that is because they have got no problem going to the doctor or to the dentist. They are well looked after and it is not seen as anything that is a problem. But that is obviously a section of society who can afford health insurance and there is, of course, a vast swathe of the US who cannot afford health insurance. I know that in Jersey, for example, there is something going on in the review on dentists in scrutiny but I know Senator Routier gave an example of somebody who was not willing to visit the doctor. I was chewing on some food the other day - a nice meal I was having - and my brother said: "You are quite lucky to be able to chew with both sides of your mouth." I thought: "This is a very strange comment." I said: "Well, what do you mean?" He said: "I cannot really chew on the other side of my mouth." I said: "Well, why not?" He said: "Because it hurts." I said: "Well, go to the dentist then." He said: "Oh no, I do not need to go to the dentist. It has been like that for many years." I thought: "This is very strange." Obviously, the underlying problem there was one of cost. It is not simply to do with cost. I think it is a generational thing. Many of the older generation will not visit the doctor. I think cost is a problem. I have given an example in the past of somebody who did not go to the doctor and directly the result was he ended up dying, about a year or 2 later, from a cancer that could have been solved if it was caught in the early stages. But I think it is all about mindset. It is about changing the mindset, perhaps, of a generation who do not like to be a burden to anyone; essentially a hardy generation and a frugal generation which is to be praised, but money certainly should not be an issue for anyone. So I would say that this proposition here is to be welcomed. It is a step in the right direction. We should take note that long term investments which do not necessarily always sit well on the balance sheet of a year or 3-year budget can be justified but this is not a panacea, it is a step in the right direction and hopefully there will be a lot more work, and good work, to be done in conjunction with the Health Department and Social Security.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon the Minister to reply.

5.1.19 Deputy I.J. Gorst:

I do not think it is often that a proposer of a proposition stands up to really thank every speaker for speaking but I can say that I am grateful for everyone that has spoken. I believe that we have had a very interesting and wide-ranging debate. It is only appropriate we should have done so because, as the Chief Minister said, although it appears to be a simple increase in benefit rate, if we approve this proposition today it will be a step change in the way that we deliver healthcare to all Islanders. So I do, indeed, thank everyone who has spoken. A number of speakers - I will try to quickly go through some of the points raised - while welcoming the proposition have also discussed the overall cost of G.P. visits and how this will change, perhaps, in the future. I believe that one of the benefits of this proposition is that we retain G.P.s as private practices, yet at the same time we allow them to be remunerated, not simply by the number of times that they get an individual through the door but by the quality of service that they are providing, and the quality of healthcare that they are providing to the Island. We are, I believe, marrying the benefits of both those systems and, thereby, not falling into the trap that the U.K. unfortunately fell into, and it is easy for us to say now that they fell into a trap because we have got the hindsight to see what happened there. Picking-up on Deputy Higgins' point I think and believe that we have negotiated this agreement so that we will not do that. They got an agreement with G.P.s in the U.K. They set their standards much too low and G.P.s were able to meet those standards. They were standards whereby if you met a certain

level you got remunerated on the contract at a certain level, that increasing you increasingly met the standards. That is not what we were proposing here. After the 2 years you will have one year to meet, let us say, an amber standard. If you meet that you will get the full amount. In the second year you will have to meet the green standard. If you meet that you will get the full amount. If you do not meet that over the 2-year period then you will not receive the full amount.

[12:15]

So it is the reverse. Thereby I believe avoiding the pitfalls of the United Kingdom introduction whereby it operated in the opposite direction. So, while Deputy Higgins is supporting the proposition, he talked something about investments going up and down. He was right to raise that point because there is a risk if we do not accept this proposition today, but I will go on to talk about that slightly later. Deputy Hilton again raised a very good point and a point that she raised at the presentation. If this is approved and we go forward it will allow more services than the hospital currently delivers and perhaps new services to be delivered by G.P.s in a primary setting. The question was: how will we pay for that and how will individuals meet those costs? Well, it is my belief that if those services are rolled out - and I hope that that will be the result in the medium term of this - the hospital will be able to sign service level agreements with G.P. practices to provide certain services. I would expect those services - ones being provided now expensively by the hospital - to be provided more cheaply from funding from the Health Insurance Fund. This all ties-in with the requirement for us as a Government to understand where we are going to meet the costs of healthcare in the future and perhaps we will need to increase the contribution rates to the Health Insurance Fund to enable this to be paid for, but that will mean that at the point of delivery they are free for some services or cheaper. Other Members were asking about: "Well, what about multi-disciplinary practices? How will that happen going forward?" Well I believe that this will - via service level agreements, delivery of services at the most appropriate and cost effective point - lead to the introduction by practices of practice nurses. That will mean for chronic conditions individuals can go and have their condition - I am not a medical man, so I apologise if I am not using appropriate medical terms - treated in a more cost effective way. They will not have to pay the cost of seeing the G.P. but they will be able to have it undertaken by the nurse. So we will see, in real terms, costs of treatment to individuals within the 2-year period, I believe, being reduced. There might even be scope for G.P.s to have loss leaders, as we might like to call them, in other industries. I have pressed them, and will continue to press them, to consider whether there are some visits which might be able to be offered at no cost in the future as well to all Islanders. But we will continue to work on that. So, costs will be addressed in the medium term by making this step forward. I should say, some people have suggested that it would and should have been appropriate for us to nationalise the G.P.s. I do not believe that is appropriate. I believe that it would (1) be a cost too far but (2) it would eliminate this great benefit of the Jersey system where it is a private practice and G.P.s are really tied into their vocation to deliver the best possible service that they can to patients and to every Islander. I will just pick up, perhaps, on something that Deputy Southern says. I hear exactly what he is saying and some of the issues that he raised do need to be addressed. I believe that by this step forward we will be able to address those issues more effectively with the departments contracting with G.P.s to provide specific services. That does not need to be just services which are delivered currently via Health, but it might be that some services that we deliver, Social Security type of benefits that would be more appropriately and perhaps better managed if we could deliver them using that methodology. I thank Senator Le Marquand for his comments. Yes, my colleagues, as you would expect, on the Council of Ministers were, in the first instance, not particularly welcoming of this proposition but having challenged me and having had a number of discussions with them I am pleased to say that they do all recognise now what it is that I and the Minister for Health and Social Services are trying to achieve. Senator Le Marquand was absolutely right, it will be critical to get standards set at the appropriate level; too low and they will not mean anything, too high and we will have G.P.s

delivering services which are not appropriate for the individual. Those standards, I believe, will need to be approved and agreed, not only by my department but by Health and Social Services, by the primary care body themselves. I would expect also our colleagues in Wessex to be involved in ensuring that they are set at the appropriate level. He also talked about retraining and that will, in the first instance, be able to take place locally but it will also take place in association with the, as I said in my opening remarks, Wessex L.M.C. (Local Medical Committees) and the Wessex Deanery as well. They should be involved in that. If I come to Deputy Le Claire - he is now here - I thought he made an excellent opening contribution and he was extremely far-sighted in some of the comments that he made. I am not sure whether he was complimenting me on my health speech or saying that somebody else should be delivering it, but he did raise some extremely interesting points. As we are looking at C.S.R. and how we should organise our Government more efficiently and effectively, I would tend to say that I agree with him. There are some similarities between Social Security and certainly Social Services when it comes to the distribution of benefits and the income support and there are certainly some similarities between Treasury and Social Security when it comes to how we administer pension benefits and how we collect those contributions. I would like to think I could say I will go away and do it all tomorrow, part of Social Security will become Social Services and part of it will become Treasury. We all know that it does not work quite like that and, really, we are talking much more about the medium and long term, but I do think that we should be looking strategically about how we manage our departments. It would be quite nice because I would be doing myself out of a job just like that. **[Laughter]** However, I think it is only fair that I do make comment on that and he is, in my opinion, not far from the mark at all, so I thank him for those comments. With regard to Deputy Pitman, yes, the cap will be at £1.5 million. That will be monitored by my department. I am absolutely certain that it will not go above that and I will ensure that that is the case. If I come now to my colleague the Minister for Treasury and Resources, he made some very supportive comments. If I am to be honest with the Assembly, I think most Members would agree that I am not certain that the Health Insurance Fund is a good fit within my department. I do not have expertise in the health field. I have pushed and pushed my officers to get us to where we are today and I have got to say, in credit to them, they have served above and beyond the call of duty. **[Approbation]** They, with pushing from myself and my Assistant Minister, have got us to where we are today and sometimes we can say unfortunate things about civil servants but I think that in this case they are to be absolutely congratulated. They have put in a lot of work, as has the Deputy Medical Officer of Health, as have the leads on the primary care body. I think they have shown a willingness like we have never seen before and that is why we are where we are today. What did I start off saying? I started off talking about the Health Insurance Fund. I think it is fair to say, on balance, that it is not a good fit with my department. Whether it should move to the Health Department or whether it should move to the Treasury Department I have not yet made my mind up. I have got to say I took this job on believing I would not relinquish any of the funds within my care. Being an accountant I do not like spending money and I like to have control over things, but I have come to the conclusion that we need to have a much more joined-up approach to how we are delivering both, not only primary but also secondary care. That will require us to look at where the Health Insurance Fund sits and it will require us to look at how we gather contributions or taxes from the public to be applied towards the cost of healthcare, right across the Island and not have this strict demarcation. We must have in the future a much more joined-up approach. I know that the previous Minister for Health and Social Services was very keen on a high profit tax, particularly for the hospital. These are all areas we will need to start looking at in earnest if we are to improve the health of Islanders in a proactive way. Deputy Maçon talked about information and how we are disseminating information. It is unfortunate that individuals have picked up just the headline of what this proposition is. I did do a radio interview right at the very start and officers were on a talk in programme at the beginning of this week with G.P. representatives. It is a very complex area. It is a real step forward and, therefore, it is difficult sometimes for the media to pick up on a story but I hope that after today perhaps they might, and individuals will see the benefit that it is going to be to them going forward.

Of course the changes that will be required in the Health Insurance Fund Law will be brought back to this Assembly, so individuals will know what is happening prior to its actual implementation in due course. Talking about implementation - I am aware I am going all over the place **[Laughter]** - Deputy Le Hérissier asked about what were the timescales. It is very much 2 years. It will need to be achieved in 2 years. I understand that the Medical Officer of Health - the Deputy Medical Officer of Health who is supporting me this morning - if we approve this is extremely eager to start work and she gave me a recommendation earlier this week that she could start on it straight away were it to be approved, which is slightly quicker than I had envisaged. So I believe we are tapping into a desire to see real change in how we deliver healthcare services and we need to run with that desire to see change and, therefore, I have said 2 years, it certainly cannot be beyond 2 years. If it is beyond 2 years then I will be asking for the £4 to be withdrawn because that will be the final stick that we will have at that point to ensure that it is driven forward. I should say that often with changes to legislation it is we as a Government that are the stumbling block and not those interested parties that want to see it change. So I suspect the downside risk is on our behalf, so it will be for us as elected Members to ensure that it is driven forward. Going back to the Minister for Treasury, and Resources he was challenging me about free prescriptions. I believe that I am on record as saying that I will reintroduce a prescription charge and I can assure him again today that I will. The only reason I am not prepared to give an actual undertaking as to quite what that will look like is because I believe that - I hope that - I always make a balanced and appropriate decision on all the facts. I have now received a draft report from my department doing analysis. I have asked for further analysis on chronic conditions and how that ties-in as well. I have got to say to the Assembly, should we reintroduce prescription charges with the inevitable exemptions we have got to remember that in the United Kingdom, although they have prescription charges, 85 per cent of those prescriptions are exempted. So if we do reintroduce it, with what I believe will be the appropriate exemptions, we will only be raising around between £500,000 and £800,000. It is not an insubstantial amount. I believe that it is appropriate that we ask those who can afford to pay for it to pay for it because we have other pressures requiring funding with regard to healthcare.

[12:30]

That is as far as I can go today but I will very shortly be coming forward with that information and making that decision. I know it does not go quite where the Minister for Treasury and Resources wanted me to go but I think that is only appropriate. The Connétable of St. Mary asked me a couple of questions about those G.P.s who were not in favour of what I am proposing today. She is right to do so. I met with what I believe is probably the most vocal individual that was against these proposals and we had a very constructive meeting. I think those individuals who are against what is proposed today - perhaps much like the individual that Deputy Le Hérissier read out about - they believe that this money should be applied somewhere else within the Health economy and that I can fully understand. They believe that there are other pressures. This particular individual felt there were pressures in mental health services that should have this money applied to. I have got to tell the Connétable that I believe that probably both have pressures. We must do this but we must also address the other pressures and that is what I have been trying to say in my summing up; we are going to need to take a long hard look at how and what contributions we need to raise to ensure that we can address those issues. The individual was also concerned that it might become a tick box exercise. I do not for a minute believe that it will because we will be Jersey-fying: we will be picking out standards which are appropriate for the medical conditions that we experience in Jersey and that is absolutely as it should be. It is certain that in practices people will not comply 100 per cent with taking their medication and we could never expect them to do so, there will be reasons why a particular individual might not respond to a particular treatment, but this is all part of why we are keeping the private practice, we are allowing doctors to remain autonomous, to make the decisions which are in the best interests of the patient and the condition that that patient has but at the same time we saying, no, we as a Government need to have the information to ensure that we

are, as a Government, expecting treatment of our G.P.s for the conditions that we are experiencing rather than just holding our hands up and saying: “It is nothing to do with us, we do not really know what is happening. We do not know how we can be treating these issues.” I am aware that some individuals have suggested in the United Kingdom that they are about to get rid of these quality frameworks. I do not believe that that is the case. What I should say is, however, that quality framework standards do change over time with experience and with the changing health conditions of a community and ours would do exactly that and it would be right and appropriate that they did exactly that. Yes, she asked me the question privately how many G.P.s were in favour of these proposals and it is 92 per cent of G.P.s. By coincidence there are 92 G.P.s practising in Jersey but that is 77 full-time equivalent. I hope that I have touched on most questions. I apologise if I have not, but I know we have got a lot of business today and I will sum up shortly. **[Aside]** Deputy Higgins, talked about risk and a risk warning and this extra investment, I believe, will not only enable this leap forward in primary care on the Island but it will - and this is important - also protect patients from the inevitable rise in what they pay. I, after this negotiation, am convinced these rises will follow as inevitably as night follows day if we, today, do not increase the benefit that is before us. I believe wholeheartedly and I believe that the Minister for Health and Social Services shares this belief; that this will lead to greatly improved health outcomes, delivery of care to the Island and each Islander will see very clearly that they will be the beneficiaries of improved healthcare. I maintain the proposition and I continue to ask Members for their wholehearted support.

The Connétable of St. Mary:

May I ask for a point of clarification? Could I just check, in response to my points, was the Minister able to confirm that no individual would effectively be denied the access to future medical care because in the past they may have failed to adequately follow a course of treatment?

Deputy I.J. Gorst:

I thought I was saying as much when I said it would not be expected that practices would reach 100 per cent of the standards. In effect that where they do not reach they will still be able to care for those individuals in an appropriate way.

The Deputy of St. John:

Before the vote, could I just declare that 2 Members of my immediate family are doctors but I will vote if I am permitted to do so.

The Bailiff:

Yes, Deputy, as I have indicated already it is clearly an interest you should properly declare but I do not consider it as a direct pecuniary interest which disqualifies you from voting. The appel is called for in relation to the principles of the Draft Health Insurance (Medical Benefit) (Amendment No. 3) (Jersey) Regulations, Projet 36. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 46		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				

Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				

The Bailiff:

Senator Breckon, do you wish this matter to be referred to your Scrutiny Panel.

Senator A. Breckon (Chairman, Health, Social Security and Housing Scrutiny Panel):

No, Sir.

The Bailiff:

Minister, do you wish to propose the 4 Regulations *en bloc*?

Deputy I.J. Gorst:

Yes, if I could, Sir. They are straightforward. I think I have probably spoken enough already this morning, simply to reiterate the thanks that I gave earlier to all officers involved. They have done an absolutely sterling job and I am delighted that we will be taking this step forward.

The Bailiff:

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on any of the individual Regulations? All those in favour of adopting Regulations 1 to 4 kindly show. Those against. They are adopted. Do you propose the Regulations in Third Reading, Minister?

Deputy I.J. Gorst:

I do, Sir.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading?

Deputy R.G. Le Hérisier:

Although I was partly critical I would like to congratulate the Minister. There was a saying in British politics that there are 3 groups you should not upset, the coalminers, the Pope and the B.M.A. (British Medical Association) and the Minister and his team have done a Herculean job. They have all moved together on what is an unbelievably complex plan and I do offer him congratulations and indeed Health and Social Security.

The Bailiff:

Does any other Member wish to speak? Do you wish to reply, Minister?

Deputy I.J. Gorst:

The Deputy is absolutely right. I have managed to keep one group on side. I am not saying I will be as successful with the other 2.

The Bailiff:

All those in favour of adopting the Regulations kindly show. The appel is called for in relation to Third Reading. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 46		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				

Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				

6. Terrorist Asset-Freezing (Temporary Provisions) Act 2010: extension of Sections 1 and 3 to Jersey (P.38/2010)

The Bailiff:

We come next to the Terrorist Asset-Freezing (Temporary Provisions) Act 2010: extension of Sections 1 and 3 to Jersey - Projet 38 - lodged by the Chief Minister. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to signify, pursuant to Article 31 of the States of Jersey Law 2005, whether they agree that Sections 1 and 3 of the Terrorist Asset-Freezing (Temporary Provisions) Act 2010 shall extend to Jersey so far as they relate to the Terrorism (United Nations Measures) (Channel Islands) Order 2001 (S.I. 2001/3363) so as to be law in Jersey as summarised in the report of the Chief Minister dated 19th March 2010.

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

Ever since that day in September 2001 which has now been known as 9/11 there has been heightened awareness of the need to take measures to counter terrorist activities. That has led to various pieces of legislation dealing with the freezing of assets which could be used for terrorist purposes. That legislation has been passed in the U.K., it has been passed in Jersey and it has been passed in most civilised western countries. All was well until January this year when the U.K. Supreme Court issued a judgment which suggested that part of U.K. order might be *ultra vires* the United Nations Act. Now clearly that was a judgment by the U.K. Supreme Court and it certainly threw the U.K. Government into confusion and us also because one had to ensure that there was ongoing legislation to counter the terrorist activities and the assets of potential terrorist activities. As a result, the U.K. have created a temporary Act. It is called the Terrorist Asset-Freezing (Temporary Provisions) Act 2010 as a stopgap pending the introduction of new legislation. We in Jersey are going to have to pass new legislation as well just to reflect the judgment of the United Kingdom Supreme Court and that also will take a little bit of time to implement but it will need to be done this year. In the meantime, it is important that we do have mechanisms in place to be able to continue to deal with any assets of counter-terrorism whether, as a likely event in Jersey or not; we would be very remiss if they were not in place. Consequently, it is necessary for the U.K. temporary Act to be extended to Jersey for this short period of time pending new legislation and I propose its adoption.

The Bailiff:

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

6.1.1 The Deputy of St. John:

Last evening while following the election of the new Prime Minister in the U.K. I picked up a couple of comments from within the news beats that within a very short time the new Government are about to withdraw the producing of bio-passports and very many other laws, they are going to have them withdrawn. Would this one fall within that? I was wondering if this is the right time to be discussing this one, given the new Government have made statements to the public that there are a number of areas that could be withdrawn. I just thought I would give to the Members what I picked up yesterday evening.

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

I do not think this really does come under the new Government. It is something we do. Just a couple of comments and a question. I am fully supportive of any money that is hiding or even possibly being used for anti-terrorism being frozen in Jersey. Just a confirmation from the Chief Minister at the moment we have none. Another concern is under financial and manpower. We again are taking additional Law Draftsman officers and Law Officers' time to be reprioritised within. Could he please tell me again which piece of urgent legislation that we much need in Jersey is going to be slipped to the end of the list and not be done this year?

6.1.3 Deputy M. Tadier:

I feel it is unfortunate that we have to be passing legislation like this over here in Jersey or anywhere in world. Obviously this is the kind of world we live in where terrorism is a threat; it has been historically and it will no doubt continue to be. It needs to be said that active terrorism wherever they happen and wherever civilians are killed or injured can never be justified but I think it also needs to be acknowledged that the U.K. themselves are not without fault and I think it needs to be acknowledged that there is at least one Member in this Assembly but there is also a big section in society, both in Jersey and elsewhere, which acknowledges that the U.K. themselves have not done anything to counter terrorism. What I should say is by invading Iraq and the campaign that they pursued there illegally is contributing to terrorism throughout the world and it really is unfortunate that ironically they are having to pass these kinds of legislation while at the same time fuelling terrorism throughout the world. I think these kind of contradictions do need to be aired: they do need to be voiced. Of course we do have to support this proposition but I think that needs to be put on record.

6.1.4 The Connétable of Grouville:

While I am absolutely 100 per cent behind this Act, I have to query, if Members could turn to page 5, the last paragraph in italics: "Duty to refer certain matters to the States. Any provision of a draft Act of the Parliament of the United Kingdom should apply directly to Jersey. That the Chief Minister shall lodge the proposal in order that the States may signify their views on it." Do I assume that this is a case where we can refuse it if we wish to, an order like this, or do we just give our views?

[12:45]

The Bailiff:

You are asking that of the Chief Minister I expect in due course to reply. Does any other Member wish to speak?

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

Only to ask if the question raised by the Connétable of Grouville perhaps could the Attorney General give us an answer?

6.1.6 Mr. T.J. Le Cocq QC., H.M. Attorney General:

The requirement that before it extends to Jersey any Act of the U.K. Parliament Order of Council goes before the States is contained in the 2005 law. I think it would be a pointless exercise for the States merely to be in a position where it expresses its view but that view did not have any effect insofar as registration is concerned. An Act of the U.K. Parliament or an Order of Council only has effect as law in Jersey once it is registered by the Royal Court of Jersey and not in any other circumstances. In my view, if the States were to indicate that they did not approve of this particular piece of legislation then it will be unlikely that the Royal Court would register it and therefore it would not apply in Jersey.

The Connétable of Grouville:

Thank you, much obliged.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon the Chief Minister to reply.

6.1.7 Senator T.A. Le Sueur:

In relation to the Deputy of St. John, I am pretty certain, without seeing what the U.K. new Government's objectives are, that they would be equally keen to stamp on any terrorism activities, so I do not see this being changed by a new government. As far as Deputy Martin is concerned, we have in fact legislation in place at the moment so what we have to do is to simply replace what we have with measures which will no doubt, to a large extent, mirror the changes required in the U.K. As far as law drafting time is concerned, my information is that this is something that can be done within the provision for unexpected items which is within the law drafting programme every year. It is not a major piece of legislation and, as the note said, the manpower implications and financial implications are minimal or non-existent. Deputy Tadier is entitled to his views. I do not think, or I gather, they are shared by all that many Members here but, whatever those views, he acknowledges that there is the need for anti-terrorism legislation so he is making a fair point. As far as the Constable of Grouville is concerned, I think his question has been dealt with by the Attorney General. There will be cases where we might not want U.K. legislation to be extended to Jersey and we have the right then to choose that. This is not one of those which falls into that category. I believe it is essential that we do exhibit unanimity in our stance against terrorism activities and I maintain the proposition.

The Bailiff:

All those in favour of adopting the proposition kindly show? The appel is called for in relation to the proposition - Projet 38 - Terrorist Asset-Freezing (Temporary Provisions) Act 2010: extensions of Sections 1 and 3 to Jersey. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 46		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of St. Helier				

Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				

**LUNCHEON ADJOURNMENT PROPOSED
LUNCHEON ADJOURNMENT**

[12:49]

[14:16]

PUBLIC BUSINESS - RESUMPTION

7. Reciprocal Health Agreement with the United Kingdom: negotiations (P.39/2010)

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

The States are quorate and we will move on to the next item on the agenda, the Reciprocal Health Agreement with the United Kingdom: negotiations and I will ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion to request the Chief Minister in conjunction with the Minister for Health and Social Services and other Ministers as appropriate to take the necessary steps to open negotiations with Her Majesty's Government with a view to putting in place a new reciprocal health agreement between Jersey and the United Kingdom on terms that are acceptable to both Governments.

7.1 Senator A. Breckon:

I just want to share this with Members for a moment because the question may be asked, is it worth discussing or debating this at all? I just want to share with Members first why I believe it is, because this subject, as the interest across the Islands of which we are part, it is viewed from outside and one of the things that has been said to me outside of this Island is why did you let this happen? So I want to come back to this. So from that angle I believe it is time well spent and hopefully with the approval of this House it will send out a message to those that would do to us that we are not just going to sit here and take it. We are going to get into active negotiations, we are not just going to turn up and apologise. The background of this comes ... my own understanding I must say is unclear. I have checked with other jurisdictions and questions were asked in the House of Commons about exactly what this means in monetary and people terms and it is quite apparent that nobody knows. People have gone backwards and forwards and in Jersey's perspective, in the good old bad old days of Bergerac when boatloads were full, and I looked at a newspaper clipping the other day and the manager of the local Sealink company was pleading with anybody who had a spare room to let them know because people had nowhere to stay and we have just been, most of us, to another presentation and things are slightly different now. So then perhaps there was an imbalance between people coming here, the treatment they might have received, accident and emergency and hospitalised, as happens now. Leading on from that it is a case of how have we got this far? I remember the time, and I cannot remember whether it was Senator Shenton or Senator Perchard said then a person with responsibility would not meet with them because there was nothing to discuss. I just want to put this into perspective. What happened in the Isle of Man, where this has in the main come back from, is they wrote to over 100 M.P.s (Members of Parliament) and what they said to them is: "Your constituents come and visit the Isle of Man, we know they do because we have got figures. What are you doing to do to protect them from what the Government is saying?" This was a cross-party issue and their lobby, I can say, was very effective. There were pension organisations, ex-service people's organisations, all sorts of things that really rattled-up across the party system in the U.K. The other thing that happened... I am Jersey's representative on the British-Irish Parliamentary Assembly and sometimes we question whether these things are worthwhile but there was one Labour M.P. who stood down at the last election, Andrew MacKinlay, who brought a motion to that to support the Isle of Man because their reciprocal health agreement was due to end at the end of April and because of pressure from there, and indeed across the Islands, that was extended until the end of September. The agreement was - and Guernsey supported this as well, as I did on Jersey's behalf - if they could get a foot in the door then there was an opportunity for us to follow on behind. Having said that, there are 4 of the Health Ministerial team who lost their seats last week. So as well as being a different government there is going to be different people there, but I am sure Senator Perchard will remember the Right Honourable Member for Bristol South has given the Channel Islands some particular attention. She was related with Ecofin, which brought on part of Zero/Ten, with Fulfilment, with the National Lottery and also with this. There is a connection between the Right Honourable Member for Bristol South. If you do not know her name, that might be a clue, but I am sure Senator Perchard will remember, so it looks like the Crown Dependencies have been singled-out, and this is expressed to me by some senior politicians in the U.K. and Ireland, when this was discussed they said: "What is the problem here? Somebody has got you on their radar, on their agenda, because they are saying that with other countries, Eastern European areas and the like, we do not have a problem. We do not log this, we do not refuse." People turned to us and went: "So why are you being treated differently to that?" and there are questions to be asked there and that is why I believe it is important that this comes before this House, is supported and it goes out with a robust message that it has the support of this House. The other thing that was on the radar, this has been discussed, and the other thing that was related to this, which was treatment of the Crown Dependencies, was the common travel area, and this is where I got invited to a meeting and I said at the meeting that we were not consulted about what was happening, because what we were talking about and what was being proposed and the common travel area was virtually passport control. So we would have

to police that. Everybody that came in and out would have to show passports, we would do the same travelling to the U.K. Now there were other issues about border controls and e-borders and things like that. There was a U.K. Government Minister at the time and I can tell you that he did get back in at the last election and he has a majority of 103. So I do not think this issue will be of concern for him now, but again the Crown Dependencies were being singled-out. When I attended the meeting to discuss this I said: "Well, there is another example of how we are singled-out and that was the reciprocal health agreement" and people round the table, Irish Parliamentarians and those from Westminster, across the parties, said: "Well, why is this? Why is this happening because we do not see it as an issue on cost and we have always had a friendly relationship with the Channel Islands." So then it was who was setting the agenda and, as I say, I am pretty sure it was the Right Honourable Member for Bristol South that was doing this and it was her agenda. The other thing is, as I am sure the 4 Ministers would verify, there was no real consultation. What happened was, we left a great deal of people vulnerable for travel who had no say in the matter and what do they do? People living here who had elderly relatives backwards and forwards, or anybody in fact: "Can we get insurance?" Yes, they could, and then this sent alarm bells ringing, why do you need insurance, and the price went up fairly quickly and the price for an 80 year-old would be between £35 and £40 for 2 weeks depending, and that excluded some conditions. If, for example, he had angina so they would take that out or whatever, so it was an issue and it was also perhaps restricting the number of visitors we may have as well as restricting people who live here, who wanted to visit friends and relations in the U.K. In the report, and I do not intend to go into a great deal of detail, but the other thing that came from it, from the devolved Assemblies, from Wales, Northern Ireland and Scotland, they said - and I got somebody to do some research on this, the Consumer Council Officer did over a year ago - they were never consulted about this at all. When we inquired in Scotland: "Well, what happens if somebody from Jersey is in hospital in Scotland somewhere?" they said: "Yeah, what if?" We asked the same questions in Wales and Northern Ireland and they had not got a clue what we were talking about. Then what has happened is the devolved administrations have responsibility for Health in their various parliaments and the U.K. Health Minister has told them what it is going to be. Now, first they went: "Well, there must be a reason for this" and now there has been a revolt and in the notes I have attached, for example in the Parliament in Wales, they have said, if necessary, will put it back on the agenda. Scotland have said the same and so have Northern Ireland. What they said is they understood this to be a given, they did not know that and now it is not they are saying: "Well, okay then, let us back track on that", so that is where that has come from. The other thing that has happened, again across parties in the U.K. in the House of Lords and the House of Commons, literally hundreds of questions have been asked about this, and they are available on various transcripts, and again the questions are: "Well, you know, people from the Channel Islands are in the Armed Forces, what would happen if some poor soul got injured and they come back to the U.K. for treatment; are we going to charge them if they are wounded in action? How does that work?" from those people as well. There were some strong, I must say, Labour Party supporters who condemned this out of sight. They say: "Well, why are we doing this?" They could not understand it and one in particular said that: "I speak in support of Andrew MacKinlay's excellent motion." That was the Labour M.P. who proposed this at the British-Irish Parliamentary Assembly: "I have a reputation for being very much a Government loyalist and I try to defend Government policy wherever I can but, to be honest, there is no way that I could defend this policy which is indefensible. I have spoken on a number of occasions to Andy Burnham [that is the Health Secretary], who is a good Minister and a good friend, in my role as one of the vice-chairs of the British-Isle of Man All-Party Parliamentary Group. Nearly every member of the Manx group, certainly on the Labour side, has tried to get the message across to Andy about the significance and knock-on implications of this nonsensical policy [which Andrew MacKinlay set out in greater detail] and I would like the Assembly to agree unanimously to the motion so that we can put the ball back in Andy Burnham's court because the policy defies logic and I cannot understand why my Government is putting it forward." I can tell you that this guy is rock solid Labour, and that is what he said about his own Government's policy.

Now, although they supply to the Isle of Man and there has been a standoff, what was agreed was it would be an opportunity for Jersey and Guernsey to reopen negotiations. We are not talking about having exactly the same agreement, but what we are saying is let us renegotiate this, and the letter from the Minister mentions that and it says that, talking about the treatment, and he has backtracked on that and he wrote to the Chief Minister in the Isle of Man to say that that is exactly what they would be doing. That is where we are that moment but, coming back to what I said earlier, I do not think it is a waste of this House's time because what it does do, either to the Chief Minister, the Minister for Health and Social Services, the Minister for Treasury and Resources, anybody that may be involved in negotiations, if from here we give those Ministers a ringing endorsement it gives them the authority to negotiate and there are some facts there if any Members do want any more. The other thing I have done, I have gone through the constituencies and at the moment there are 648 M.P.s in the U.K. There was one very high profile resignation last night and then there is another by-election at the end of the month, but across there I think, and there is a slightly larger number in the House of Lords, many of whom were not aware of that and that is evidenced by something that one of the members of the Lords said - Lord Smith of Clifton - what he said during this debate: "Almost a month ago I asked a question in the House of Lords on the cessation of the reciprocal health agreements. I did so partly because when I was in Jersey on holiday this summer I found to my horror that I was not covered by medical insurance, not least because I cannot get any, so I have a personal interest in this matter."

[14:30]

He goes on to say that when he questioned the Minister he seemed badly briefed and as a result of that they kept asking questions in the House of Lords. So the reason I am sharing this with Members is we, being Jersey, have support across the Islands, and even the bureaucracy, at the Irish Parliament members there said: "Well, why are you being singled-out?" because they are opening their doors and their systems to people from all over the world and they are saying we cannot understand why somebody is adopting this attitude against you. That is my reason for bringing this. With respect, it is okay, we are going to have a meeting, but if behind that meeting it has been discussed in this House, it gives the Ministers, whoever they may be, the mandate to negotiate, with whom I do not know, but the other thing is 4 former members of the Health team have gone, they will not be there anyway, and there will be a new regime. How they look at it is up to them but I think we need to be robust in negotiation because the people who are affected here are the old, the vulnerable people who may be sick and I would say it is having some effect on our economy because there was an article in Sarah Ferguson's paper a couple of weeks ago - that is the *Telegraph* - and what that says is: "Did you know ..." and it was about spending and insurance. Number 10 was you need travel insurance to go to the Channel Islands. When that sort of thing is publicised it is not very good publicity - we have just been to a tourism presentation - for people who have to start worrying about spending £30 or £40 on travel insurance. So again there has been quite a bit of adverse publicity and I think we could unbundle this and what is happening in other areas, again it is quoted in there, is that they have an arrangement where if people need emergency treatment and they need hospital treatment, then it is a given. It could be accounted for and if there was an imbalance, but I think really that is where we need to get back to because in some instances people have been refused insurance, especially in their 80s, and it is a question of what do we do? Do we travel and take a chance or do we stay here or do we stay in the U.K., whichever it is? So that is my reason for bringing that and I hope Members will support it without opposition.

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

Is the proposition seconded? [**Seconded**] The debate is now open.

7.1.1 The Deputy of Trinity:

Senator Breckon has highlighted the discussions or lack of discussions that were happening over the last couple of years and I know that both previous Ministers for Health and Social Services had tried, but unsuccessfully unfortunately, to even begin negotiations with the Department of Health. The discontinuation of the longstanding agreements has been a particular concern of mine since the outset of my time as Minister for Health and Social Services and just to recap that these change introduced unilaterally by the U.K. Government has caused anxiety, confusion and, in some cases, isolating family and friends in the U.K. from their family here in Jersey. It has been particularly difficult for the elderly and for those with pre-existing conditions who found it hard to obtain health insurance and wishing to visit family and friends on the mainland or, indeed, coming here. So much so that it has been a great bulk of my correspondence how people are finding it difficult. I took the opportunity to discuss these points at a recent meeting with the Right Honourable Adam Beith M.P. in his role as chair of the Justice Committee within the House of Commons. This was in relation to the committee's review of the handling of the constitutional arrangements for the Crown Dependencies. In that final report of the committee it concluded that the lack of consultation and discussion of possible options within each Crown Dependency was a failing in the U.K. Government's approach to its responsibilities in deciding the future of reciprocal health agreements. In seeking to negotiate a new agreement a number of steps have been taken and at this point I would like to express my gratitude to the Director of International Affairs who has expertly over the last months reopened negotiations which have fallen on stony ground on previous attempts made by my predecessors. My Acting Chief Officer, together with the Director of International Affairs, now have a meeting scheduled early in June with representatives of the U.K. Department of Health as part of a new more collaborative approach already being undertaken in seeking to negotiate revised arrangements. The extension of the Isle of Man temporary agreement until 30th December on the basis of reciprocal care but without any exchange of money between the U.K. and the Isle of Man is providing a useful model for the future and the Director of International Affairs is liaising very closely with both the Isle of Man and the U.K. Department of Health as they work to conclude the terms of this extended arrangement. I have been reassured that even with the change of government and with the change to the Minister for Health yesterday, the meeting would still be continuing. As I have said, I am committed to ensuring maximum benefit and value for money for the people of Jersey seeking access to appropriate treatment in the U.K. and very much welcome this proposition as an opportunity to fulfil that commitment. I hope that I will be able to bring back some good news to this Assembly before the end of the year regarding a new deal. I would very much like to thank Senator Breckon for bringing this very important and very well-timed proposition. As we go forward with talks with the Department of Health, and having the backup and support of this Assembly, approving this proposition can only add great weight and support to future negotiations turning out to be very positive.

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

There is nothing in Senator Breckon's proposition I would argue with, or indeed the previous speaker. People travel from the U.K., friends, visitors to Jersey, and we visit the U.K. to visit friends on regular occasions. The chances of needing medical help are very remote indeed but what it does give both parties is peace of mind. We feel safe in the knowledge that if something untoward happens that we will be well looked after without having to reach for the insurance policy or the credit card. I would be keen to note whether Senator Breckon knows if the Member for Bristol South retained her seat, but that is another matter. With the change in the U.K. Government now might be a good opportunity to pursue this again with the U.K. Government. I would go so far to say that if all else fails it may be even worth petitioning Her Majesty the Queen to say that her subjects are disadvantaged but that is a long way down the road. I, and many Members, were very disappointed when there were changes to the common travel area with passports, university students were treated as overseas students and then eventually the reciprocal health agreement was withdrawn. I would give this my full support, and I hope everyone else does too.

7.1.3 The Deputy of St. John:

Like other speakers, I must congratulate Senator Breckon. With any new health agreement obviously we have responsibilities and I sincerely hope that when any debating is taking place between both parties or all the parties, i.e. of the Channel Islands and Isle of Man and the U.K., the Members will take note that we need to also be putting in the pot that we have a number of elderly people who have moved to Jersey who have never paid social security and who will be, in the future, part of our long term care, and that needs to be drawn to the attention of the U.K. authorities. I can think of 2 immediately who have moved over in the last 5 years at the age of 60 plus with their family and, shall we say, they are the spare room tenants in households. That is just 2 that I know of, but there are many, many more who over the next 10 years will require care, who have not paid into our system to give that care, but not only from the U.K., also from other places. So, when negotiating would you please bear that in mind because I believe it is an extremely important string to our bow in trying to get a level playing field on anything that may happen.

7.1.4 Senator T.A. Le Sueur:

Just to say I take on board very much what the Deputy of St. John says and I would like to thank Senator Breckon for giving States Members as a whole the opportunity to reinforce the message that we want to give to the U.K. Government. I can assure Members that it has not been for lack of trying over the past 3 years. I have in my hand a file of correspondence from the previous Chief Minister, previous Ministers for Health and Social Services and myself, both to the Department of Health and to the Ministry of Justice, and indeed Members who have read the Select Committee report on the relationship with the Ministry of Justice will note that that report was critical of the fact that the Ministry of Justice did not do enough to support our case in respect of the Health agreement. I believe that they have learnt from that experience. I believe that we are now in a far more positive state of mind, both with the U.K. Department of Health and U.K. Government arrangements, and I am very confident that over the next couple of months we will make significant progress on this matter. Whether Guernsey chooses to join us or not does not matter but as far as I am concerned I want to make sure that Jersey gets the health treatment that it deserves and I know the Minister for Health and I and my officers will be working very hard to ensure that that happens.

7.1.5 Deputy A.E. Jeune:

I do not know and I would quite like to know the answer: is Jersey when it is dealing with the U.K. at the moment doing so in partnership with Guernsey? Would the Minister be bringing any proposed agreement back to this House? If the answer is known, I would be grateful for that.

7.1.6 The Very Reverend R.F. Key, B.A., The Dean of Jersey:

Just to comment very briefly on the moral question of this. There is no doubt that a section of United Kingdom political opinion does not agree with the way in which Jersey operates or perhaps with the way in which it thinks Jersey operates, often in my view on the basis of ignorance or out-of-date data or even opinions of charities that should know better. However, even if there are disagreements it seems to me to be entirely immoral - it is a strong word but I used it advisedly - for the sick, the elderly and the poor to pick up the tab for that disagreement. Those are the people who are most affected by the lack of a healthcare agreement. If the finances of the old healthcare agreement no longer stacked-up because of the change in tourism then of course renegotiating those would be absolutely fair, equitable and moral. But to withdraw the agreement leaving both British people and Jersey people vulnerable, unable to visit families and simply making money for the impoverished insurance companies seems to me to be without moral foundation, and I would like to wish those who will be doing the negotiation every success in restoring something that will mean benefits for those least advantaged and least able to bear the cost of the current lack of mutual provision.

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

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

7.1.7 Senator A. Breckon:

I would like to thank all Members that have spoken for their contribution but also it has been heart-warming really to get support from outside the Island because people outside across political parties and across the Islands of which we are part, and the Ministers have experience of this, the British-Irish Assembly where we do discuss things and we do work together.

[14:45]

As I said before, he is a now retired M.P.: Andrew MacKinlay was a bit like a dog with a bone here. He said this should not be happening and was fairly proactive and also from the Irish Parliament, Mr. James O’Keefe, a T.D. (Teachta Dála) there was chair of the committee that looks at sovereign issues. There were questions there and we do not have an automatic seat there but when these things were being discussed they said: “Well, perhaps we should if this sort of thing is happening.” Also there was a senior Conservative member of that group, Mr. Michael Mates, again he questioned why this was happening to the good old Channel Islands, so again thanks to them and to Lords Dubs, Cope and Smith who were actively asking questions in the House of Lords, as was Baroness Harris. Also there has been support from the Welsh Assembly from the Members there, including Mr. Michael German, member, and Dr. Dai Lloyd, and they have said that they were not aware of this and they were prepared to take things back to their Assembly and also the Honourable Stephen Rodan, Member of the House of Keys, Mr. Speaker there, was also very active, as was Deputy Graham Guille from Guernsey. At a high political level, they are both former Ministers, and will be known to the Chief Minister as others, that is the Honourable Paul Murphy and the Honourable Peter Hain, who were involved in opening doors at the senior level to get this issue revisited so let us hope with all the involvement of those people, and also in Scotland, Mr. Brian Adam, and they were active in getting this back to their own Assemblies, as was indeed the Northern Ireland Assembly, so it is something that others have looked at and are supportive of. But I would just like to close by saying what was said in reply to a question in the House of Commons by the then Secretary of States for Health, that is the Right Honourable Andy Burnham: “I would like to inform the House that following further discussions between the department and the Isle of Man Government it has been agreed to defer the termination of the bilateral health agreement between the U.K. and the Isle of Man by 6 months. We have also agreed that the current 2009-10 financial allocation of £2.8 million given by the U.K. Government to the Isle of Man Government for elective treatment will be the last payment of this kind.” For Members information we receive £3.8 million and that figure has been withdrawn. “From 2010-2011, no such payment will be made and no public money will change hands between the respective Governments. This new arrangement will bring the Isle of Man into line with other agreements that the U.K. has with a number of non-European economic area countries. Both Governments have agreed to keep the situation under review with the expectation that it can form the basis of a new reciprocal healthcare agreement that would come into place in the autumn, if the new arrangement is working for both parties. We believe that we have arrived at a position that not only provides the UK taxpayer with an agreement that represents value for money, but also ensures arrangements for travellers on temporary visits remain the same as they are today.” What I am seeking with this is to reopen negotiations and hopefully we can get to a similar position that they have got there, that is to say, no money changes hands and people can travel backwards and forwards, as somebody said earlier, with a degree of comfort and we do not have elderly people trying to get insurance sometimes which is difficult or indeed impossible to get. With that I maintain the proposition and ask for the appel.

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

The appel has been called for so I ask all those Members who are not in their place to return to their places. The proposition relates to the negotiation of a reciprocal health agreement between Jersey and the U.K. and I ask the Greffier to open the voting.

POUR: 46	CONTRE: 0	ABSTAIN: 0
Senator T.A. Le Sueur		
Senator P.F. Routier		
Senator P.F.C. Ozouf		
Senator B.E. Shenton		
Senator F.E. Cohen		
Senator J.L. Perchard		
Senator A. Breckon		
Senator S.C. Ferguson		
Senator A.J.D. Maclean		
Senator B.I. Le Marquand		
Connétable of St. Ouen		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. Brelade		
Connétable of St. John		
Connétable of St. Saviour		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Mary		
Deputy R.C. Duhamel (S)		
Deputy of St. Martin		
Deputy R.G. Le Hérisssier (S)		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy of St. Peter		
Deputy J.A. Hilton (H)		
Deputy P.V.F. Le Claire (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy S. Pitman (H)		
Deputy K.C. Lewis (S)		
Deputy I.J. Gorst (C)		
Deputy of St. John		
Deputy M. Tadier (B)		
Deputy A.E. Jeune (B)		
Deputy of St. Mary		
Deputy T.M. Pitman (H)		
Deputy E.J. Noel (L)		
Deputy T.A. Vallois (S)		
Deputy M.R. Higgins (H)		
Deputy A.K.F. Green (H)		

8. Millennium Town Park: commencement in 2010 (P.42/2010)

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

We move to the next item which is P.42 - Millennium Town Park: commencement in 2010 - in the name of the Connétable of St. Helier and ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion (a) to agree that work to create the Millennium Town Park should commence in 2010 beginning with the remediation of the contaminated land, and public consultation over the design of the park; (b) to agree that the Millennium Town Park should extend over both sites known as Gas Place car park and the Talman land in their entirety and no part of the site should be developed for housing or other uses; (c) to request the Council of Ministers to take all necessary steps to bring the Millennium Town Park project to completion within the available funds by the end of 2011.

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

The core of this debate is whether or not to build some housing on part of the town park. I queried whether the Council of Ministers' amendment was in order as it seemed to me - when I found it - to negative the proposition. I do not say "my proposition", I say "our proposition" because P.42 has the support of all of the elective representatives of St. Helier, not just the Constable, though you might have expected the views of the Constable to count nearing the end of the third term, having made numerous manifesto pledges and so on. And what of Senator Cohen's remarks yesterday in question time when he said he would not bring a rezoning proposition against the wishes of a Constable. This does seem like a rezoning proposition to me. Our proposition, the St. Helier Deputies who last week stood shoulder to shoulder on a playing field in rural Trinity, and I should just say that we have no real plans to push for development in Trinity, we are trying to make a political point; I was sorry that some Trinity residents thought we were being literal. Nor in St. Clement for that matter. But I will come back to my commitment to environmental sustainability later. Other elected Members of St. Helier share our views. The Roads Committee, the Procureurs du Bien Public and I am pretty sure most, if not all, of the other elected committees in the Parish. Given the terms of the amendment, the debate today on whether or not to build on the park will be the Chief Minister's to propose and sum-up on and the Back-Bencher only gets to speak in this case on my own proposition. That seems to me to be wrong. If the amendment is adopted P.42 will effectively, once amended, put off the decision to start work on the park now, which is the purpose of it, and the extent of the park will be, and I quote: "Subject to the outcome of the debate on the masterplan." You could be forgiven for asking why we are having this debate today because if the amendment succeeds we will have to have the debate again in June. Is that a good use of States Members' time? You could be forgiven for expecting me to withdraw my proposition, but why should I? P.42 was lodged first so I ask myself why the Council of Ministers, having published their alternative vision, did not simply seek to argue against P.42 and vote it down? I would get my day in court and they would get theirs. As it is as a Back-Bencher I could be denied the opportunity to sum up on my proposition, which I brought correctly and in good faith, not that I expect that to happen because I think the Council of Ministers' arguments for yet further delay in delivering the Millennium Park are extremely thin. Having said that, I have the practical difficulty of working out how much to say at this stage and how much to reserve until after the amendment has been proposed. While I am used to repeating myself on these issues, as I have been doing so for as long as I have been a Member of the States - and I have done so successfully, as I mentioned before in 4 election manifestos - I intend to divide my arguments in the following way. In proposing that we just get on with it, I will seek to deal with the key issue of public car parking in this part of St. Helier. I need to do this because there are some Members who I know intend to justify their opposition to P.42 on grounds that they think it does not adequately address the requirement of public car parking. Little concerns these Members that the Hopkins Masterplan does not address the requirement either. I will also explain, although it should need little explanation - indeed it is perfectly obvious to the countless people, young and old, who have expressed opposition to building flats on the town park - why open space is so important in St. Helier and why we, the elected representatives of the Parish, will continue to fight if we lose this debate to protect every square inch of the town park site. We want it reserved as important open space as it is in the current Island Plan. I will reserve my comments on the masterplan itself on the current obsession

of the Council of Ministers with one particular vision of one firm of London-based architects, albeit internationally renowned ones. For my speech on the amendment I will also save until then what are perhaps the most telling arguments in favour of an early start on this late project. Though argument is perhaps the wrong word to describe the messages to the States Members contained in 3 exercise books, which I will be quoting from later on after the amendment. These comments express the hopes and fears for the Millennium Town Park expressed by the Island's primary school children. Yesterday I overheard a Senator assuring us support of this proposition that he supports the town park but ... and this is something we are going to hear, I believe, quite a lot this afternoon. The Ministers for Health; Education, Sport and Culture; and Home Affairs, those 3 key departments charged with improving our society, will, I suspect - I may be wrong - tell the Assembly they support the town park but ... In the long history of the Millennium Town Park, in the snail's pace progress of the States of Jersey in delivering what was promised to 16,404 petitioners and approved by 45 votes to 2, and I will explain in a minute exactly what was approved, it has been either parking or funding that has been used as a reason for delay, or I should say parking and funding. But let me say at the outset that if the proposal being brought forward by the Council of Ministers was for exactly what the petitioners wanted, a large underground car park fed conveniently off the then new gyratory road with the long unpronounceable name, I will be standing here to support it. The vision then was for a park across the whole site and approximately 800 car parking spaces underneath. But let Members be under no illusions about what the petition proposed. Yes, an underground car park, that is in the preface of the prayer of the petition but what exactly was the prayer, and I am now going to read it out: "Accordingly your petitioners pray that (1) the town park be created on the entire land; (2) the town park be known as the Millennium Town Park; (3) the town park constitute a millennium project for the benefit and enjoyment of future generations of Jersey, the residents of St. Helier and their children; (4) the entire land should not be used for a multi-storey car park or other uses precluding a public park." That seems to me fairly clear. Building on the town park runs directly contrary to this agreed States decision. It is tantamount to a rescindment and you can have the debate on this today or you can have it in June if P.42 is rejected today or amended, it amounts to the same thing, and we will amend the masterplan, and next time round I will at least, I suppose, get to open and close the debate. If that is lost Members can have the debate again and again and again. Years will pass, another generation of primary school children who gave States Members their images of the park will grow into adulthood convinced of one thing: the Members of the States of Jersey break their promises. If money were no object the displaced car parking could go underground, but back in the 1990s even then we were talking about £30 million for the project. There will always be those who say it can be done for nothing and no doubt some Members will use that as a convenient peg on which to hang their opposition to this proposition. But underground parking cannot be provided under the park. That is the considered opinion of the Transport and Technical Services Department. The masterplan just offers 120 spaces for the public underneath a 4-storey housing development of 80 units, some of which are 4-bedroom, and for which only 80 parking spaces are provided. So you can be pretty sure that most of the replacement parking will be taken up by the occupants of the new housing. But even here there would not be a problem with the proposed parking underneath the park if the price to be paid was not so high, the development of flats on our important area of open space.

[15:00]

I do not want to say much more about the masterplan, as waiting for the masterplan is indeed the subject of the amendment. It does not solve the problem of public parking, not with 120 spaces underneath a large housing development. So is there an alternative for the displaced parking? There are 2 views. Transport and Technical Services, as they explain in their report and as I put in my report to P.42, believe there is headroom in other car parks and that may be the case to some extent. But members of the implementation group have looked around the area of the proposed

park and found a number of wasted sites where there is only parking on one level. For example, the service level car park in the middle of the Robin Hood Gyrotory; the town side of Springfield - 52 spaces; the other side of Springfield where the Hoggin is - 50 spaces; the Deanery car park, (I have to be careful what I say, the Dean is in the Chamber) - 43 spaces; Midvale Road car park - 59 spaces; Nelson Street car park - 41 spaces; Belmont Road - 27 spaces; Telecom's car park in Cattle Street - 14 spaces; and so on. The fact is, there is a lot of surface level car park in the vicinity of the park and if all of these sites or some of them were developed with demountable structures which can be clad, and which certainly would look no worse than the new private multi-storey in Kensington Place, these new sites would cost a fraction of putting parking underground in a marsh. They would deliver 350 spaces. The Parish of St. Helier has already costed plans for an extra deck on Nelson Street car park and for increasing the size of Midvale Road car park - a States-owned site - but one which we understand could be used more efficiently to meet the parking needs of the community. The private sector already has considerable parking in the immediate vicinity of the town park, and whatever the final shape of the Le Masurier scheme when approved there is likely to be some public parking at least to replace what is currently there. So it will be particularly ironic if the Council of Ministers were to line-up and oppose my proposition on parking grounds given they all have lots of privately leased parking in their portfolios. I asked the question last June and was surprised by the answer I received from Property Holdings: how many parking spaces are in public ownership? The answer came back 10,259, and some of those are leased privately to raise the income for the cash-strapped departments. If I can give some examples: Harbours, for example, has 93 spaces that are leased privately on the Albert Quay and 23 on the New North Quay, making a total of 116; Home Affairs leases 41 spaces at Thorpe House; at the Waterfront Car Park and Leisure Complex there are 163 spaces on private contracts, and I am not talking about Harbours' parking either. It seems a very poor deal for St. Helier to me. You lose part of the town park in order to get such parking spaces that will be left from 120 when the houses built on top have parked their extra cars down below. You also get 4-storey housing development across the end of the park and this is important. The housing site may only amount to one-sixth of the site but its influence will be exerted across the whole. Open spaces in short supply in St. Helier: the occupants of greater London enjoy 27 square metres per person, the occupants of St. Helier have just 2.9. The Minister for Health knows that open space is important to counter growing problems of obesity, the Minister for Education, Sport and Culture knows that too, and they should know the other benefits of open green space, after all they come from 2 of the leafiest Parishes in Jersey. Let me deal now with the argument that P.42 is offering less open space than the masterplan which has been quoted quite recently. What has been done is various bits of park have been added up to produce a total which comes out, I think, a vergée more than the town park. Some of those sites, of course, are not in the States ownership anyway - Belmont Road, for example, being one that is leased to the market traders. I do not think they would be very pleased to lose their parking just at the moment. Other sites, such as the Nelson Street car park, belong to St. Helier. I am all for increasing the amount of open space in St. Helier. I believe we should be looking at both/and rather than either/or, so if Hopkins can identify more parks in St. Helier so be it and let us bring up the total from the paltry 2.9 square metres that we have at the moment. I said earlier that housing will affect the town park and I do not know that it needs much argument. Anyone who has walked around St. Helier will have noticed the no ballgame signs. There is one in Val Plaisant just by the small park there. There is no doubt that the overshadowing and the proximity of housing around the town park will radically alter the nature of the park that is provided. I have long argued in support of the States policies that seek to concentrate housing in St. Helier, with the vital caveat of course that sufficient open space is provided. I now find myself an unlikely bedfellow of the J.D.A. (Jersey Democratic Alliance). The problem is that without the open space what we are doing is town-cramming and at this point I must return to the Le Masurier's site, whatever is allowed on and/or around the Odeon site, and that of course depends if it is demolished. Especially if it is demolished **[Approbation]** of one thing you can be sure, there will be lots and lots of accommodation. The Minister for Treasury and Resources, when in charge of Economic Development, was opposed to significant

retail on that site and said it should be used to meet the Island's housing needs. There will be in 5 years or so hundreds of new flats overlooking the park and I do not object to that. What a great place to live, though my argument for concentrating new development in town is wearing a little thin. The Town Park Group which the Chief Minister asked me to chair only had a few meetings before we were told by officers representing Transport and Technical Services and Planning that the States could have the park by the end of next year if they would only stop prevaricating and vacillating about whether to provide car parking underneath. I am going to quote from the officer report that was presented to the implementation group at the end of last year: "Many schemes have been drawn up and numerous studies carried out over the last 10 years which have all failed to deliver the park because of one of the 2 following reasons: no viable solution was found for relocating the cars which are currently parked on the site; insufficient funding was available for the desired scheme." Issues relating to relocating the 390 public and 220 private cars which park on the site have been discussed at length over many years. The desire to put the cars below the car park in underground car parking is simply unaffordable due to the nature of the contaminated ground and the high ground water table in the area. All schemes which have considered this option have ultimately been abandoned. In September 2008 T.T.S. (Transport and Technical Services) brought forward a scheme for the replacement of the car parking in a new multi-storey car park on Ann Court which ultimately was not supported and also proved to be unaffordable. This scheme has since been abandoned. The officers of course have not made any political judgment, and I want to stress that, but what was made very clear to the implementation group was that their work really could go no further. We had a clear steer. The States could have the park by the end of next year and it was a job of the group to produce it. The necessary preparatory work has been done, the E.I.A. (Environment Impact Assessment), the H.I.A. (Health Impact Assessment) and it will only be a dozen years late if we deliver it next year. The funding is in place to produce a scheme that the officers have prepared. The Chief Minister could open it, the Ministers could bathe in the approbation of Jersey people - and that probably does not happen very often - but, no, they have other ideas. They want housing on the site, and they want to go into battle against the Parish of St. Helier. Not just me, as I have said, all of the elected representatives of the Parish. I would appeal to the Council of Ministers: do our views not count for anything? Do not the views of 16,000 petitioners? I am going to read the prayer of the petition again: "Your petitioners pray that (1) the town park be created on the entire land; (2) the town park be known as the Millennium Town Park; (3) the town park constitute a millennium project for the benefit and enjoyment of future generations of Jersey, the residents of St. Helier and their children; (4) the entire land should not be used for a multi-storey car park or other uses precluding a public park." May the prayer of the people not fall on deaf ears. I move the proposition. **[Approbation]**

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

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

9. Millennium Town Park: commencement in 2010 (P.42/2010) - amendment (P.42/2010 Amd.)

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

There is an amendment in the name of the Council of Ministers and I ask the Greffier to read the amendment.

The Assistant Greffier of the States:

In paragraph (b) for the words "in their entirety no part of the site shall be developed for housing or other uses" substitute the words "subject to the outcome of the debate on the North of Town Masterplan".

9.1 Senator T.A. Le Sueur:

The Constable opened his comments by asking why the Council of Ministers did not simply oppose projet 42. In my view that would have given a completely erroneous message to the Members of the House and to the public as a whole because that would give the impression that the Council of Ministers is against the idea of a town park, and that is clearly far from the truth. The Council of Ministers is as anxious as anyone to deliver a town park and to deliver it as soon as possible. So I think while it is being suggested by some that this is a confrontation between 2 widely differing views - one held by the Council of Ministers and one held by the Constable and the Deputies of St. Helier - with respect I believe that that picture is totally wrong. Last year we had the infamous ring-binder debate and after that the Council of Ministers agreed with the need to develop the town park at the earliest possible opportunity. The Council of Ministers agreed to reconstitute the Town Park Steering Group and, as the Constable has said, I asked him to chair that group and to help with the implementation process and to report back to the Council of Ministers. Our objective, and that of the group, is to bring to reality what has for 10 years been only a dream and to bring it to reality as soon as possible. The amendment which we bring today should be seen in that context as no more than ensuring that that common objective has the best possible overall outcome. I will go on to show that the amendment should not cause any delay whatsoever, but hopefully come out with a better final solution. One reason why I am leading and proposing this amendment is because as far as I am concerned it is more than just a planning matter, although planning is clearly very important and the Town Masterplan is very important. But we as States Members have a duty to our electorate to put away any prejudices we may have and to see the broader picture. Even as town Deputies - and I speak as a former town Deputy myself - we have to balance various competing demands and do what we believe is best for the community we serve; both the community of St. Helier and the community of the Island. So, before I go on to explain the amendment in detail, I think it is important that Members get the problem - if there is a problem - into perspective. There seems to be a view from the Constable in his opening remarks that we are obsessed with one particular vision of the town park and I believe that far from being obsessed with one vision this amendment is reminding Members that there is a choice. There is a choice between what might be perceived as a narrow piecemeal approach to one part of the north of town as compared with a holistic view of the whole of the north of town.

[15:15]

I know the Constable has been very keen to remind us of the petition; he read it out twice. I would just remind him that what we are debating today and what we agreed some time ago is what the States decided, not what the petition has said, and the States decided - I will remind Members - that there should be a town park, an open space over the whole of the site with underground parking underneath. So, whatever happens in this debate we are going to end up with a compromise. We either end up with an open space and no underground parking or we end up with underground parking and some open space.

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

On a point of order, I believe the speaker has just misled the House and so I need to raise that. The Chief Minister said that the States voted - and I assume he is referring to the vote in 2000 on P.190, the petition - for a park and an underground car park. I have the text of the proposition in front of me and the underground park is not car parking. It is not mentioned in the proposition.

Senator T.A. Le Sueur:

I will accept that comment, but the intention is nonetheless perfectly clear. **[Laughter]**

Deputy G.P. Southern:

Can I seek a point of clarification from the Chair, Sir. When this House votes on a proposition does it pass the proposition or does it pass the report?

The Bailiff:

I take it that is a rhetorical question, is it, Deputy? I think all Members in this House are aware that when a proposition is adopted it is the proposition that is adopted.

Deputy G.P. Southern:

Thank you Sir, because apparently one Member does not believe it.

9.1.2 Senator T.A. Le Sueur:

One Member, Sir, is expressing the view which I think is not unique to that Member of a desire for underground car parking, but it is more than simply parking because as States Members and particularly as town Deputies we have got to balance various demands, sometimes conflicting demands. There are demands for social housing, there are demands for parking and there are demands for open space. Now, the important thing to me is that both the propositions as proposed by the Constable and the amendment proposed by the Council of Ministers can deliver a millennium town park of 6 vergées within the next 18 months. I know we are not all farmers here any longer, but for those who are not, 6 vergées is about the same as 2 football pitches or about 20 tennis courts. I am not saying that the town park should be full of football pitches or tennis courts. I am just giving an indication of the sort of size it is for those who have not been around there recently. I think if you have not been around there recently or perhaps see it all covered in cars, it is difficult sometimes to appreciate just how large an open space that is. In the same way I think if you had been around Ann Court recently and seen the size of that site, it is amazing how big a site is when you think what was on it before. It has not got any bigger, but it just now seems quite large. So, what then is the difference between the proposition and our amendment and in a nutshell we are arguing over very little. Those favouring the proposition want to see an extra vergée of open parkland. Those supporting the amendment want to make sure that we have got a better overall solution to the needs of housing, parking and open space. I think we all appreciate the need for further social housing. The Minister for Housing can no doubt inform us later whether the demand for social housing has declined over recent years, but I suspect it has not. We all accept the need for parking in St. Helier and there are 2 good reasons at least for providing parking. One is for those who live and work in the area and who need somewhere to park, both during the day and overnight, and, secondly, for those who - be they locals or tourists - need somewhere to park for sightseeing and shopping. We frequently hear claims that the market is suffering because of the difficulty in parking in St. Helier. Now, the amendment is not saying that we should carve-up the Gas Place site one-third for parking, one-third for housing and one-third for open space. Indeed, and I remind Members of this, the amendment of the Council of Ministers is not at this stage insisting that there should be any housing or car parking provision on that gas work site. It is saying: "Let us not make that decision until we have considered the masterplan" and it may well be that over the next few weeks that masterplan could be amended in some way. I do not know. But what I must remind Members is the need to provide underground car parking or at least to provide parking and where is parking best placed? In my view, St. Helier has enough cars travelling its roads and its spare land and if there is a chance to put parking underground we should seize it. We should seize it with both hands and welcome it because to me that is visually an improvement and probably environmentally an improvement and it frees-up the land above ground for other uses. What this amendment seeks to do is to ensure that in our urge to deliver a town park we do not overlook some of the other issues that we also have to deal with; the issues of parking and housing. Last year the Minister for Planning and Environment announced a review of the whole area, culminating in the presentation or preparation of a North of Town Masterplan which was then the subject of consultation and which was presented to Members earlier this week. I appreciate that Members may not have yet had time to study that masterplan in detail. They may have concerns over certain aspects of it. Indeed I have got reservations about the use of the Odeon site and even maybe of the Minden Place car park. But what it does undoubtedly do is to address the competing pressures that I have just referred to as well as other issues such as traffic flow, amenity space and

visual improvements, not just at Gas Place, but to the whole of the north of town area. The masterplan gives us the opportunity to express our views on the whole site area and to make sure that we are satisfied that we can justify the balance we seek between those competing demands. So, if I have a criticism of this proposition it is that it is narrow and dogmatic in its thinking. It demands an open town park over the whole area of the site and it does so irrespective of thought for any other needs. I suppose, but I am sure that the proposer of the proposition can say that those needs can be met elsewhere in town and not on this site. I believe he is wrong, but furthermore he has not identified any particular solution. He has simply said: "That is not my problem. It is somebody else's problem for another day." It is not; it is our problem as States Members and it will not go away. But he says that it is just a Council of Ministers problem and I think that does a disservice not just to the nearby residents, but to all who work and shop in town. The Constable, I believe, above all should be looking for a thriving and vibrant town centre. Now, I suppose there are some - and I can hear them already - suggesting that the Council of Ministers is looking for an excuse to delay the town park. I refute that absolutely. As I said a few moments ago, we are agreed that the majority of the site should be developed immediately and then in the next few weeks we can work out what to do about the last little area. I propose that is all we are talking about, that last little area. It could be open space which could also alternatively be some housing over an underground car park. It could conceivably be an open space with parking underneath and no housing about, but that would be financially unsustainable. I repeat that if we accept this amendment it will not delay the creation of a town park and I say that for very simple reasons. It is a matter of practical action. The creation of a town park, whatever its size, occurs in various stages. Firstly, we have got to make sure that the cars vacate the site, so we have to put them somewhere else. Secondly and importantly, remediation work has to be undertaken on the below ground works before we can commence work on the park itself and that park itself clearly cannot take effect until that remediation work has been done. Now, the Council of Ministers has already given instructions for a planning application to be submitted in order that that remediation work can be undertaken. Indeed, there has also been work, as no doubt the Minister for Planning and Environment can tell us, in terms of an environmental impact assessment (E.I.A.) and the need to make sure that that is all dealt with and all requirements satisfied before he will give a planning consent. I am anxious that that remediation work, which we all agree is necessary, should begin as soon as possible. But even if that started next month it will take time and it will still give us time to debate the North of Town Masterplan next month and then to decide the ultimate fate of the whole of the site. For that reason I urge Members to take very seriously this amendment; I believe a relatively simple amendment to the proposition. It does not mean that we would lose for ever the change of a totally green and incumbent site. It does mean that we could look at the whole situation and then if we were satisfied, having looked at the whole situation, that an open park over the whole of the site was the best solution, we can still go ahead with that and that decision can be made next month when we debate the North of Town Masterplan. So, what it does mean is that there would not need to be the need for further delay. The remediation work can go ahead nonetheless and I agree with the Constable of St. Helier that I should like to see that park completed before I retire from the States at the end of next year. I must make that point because I am sure it will be alleged that this amendment is designed to create delay and uncertainty. It does not. As I say, the amendment need not delay the start of the work by even one day. What it does do is it creates the chance - and I stress an unrepeatable chance - to take a holistic view of the whole of the north of St. Helier. So, why is it important that we have that holistic view? I think primarily it is our duty as States Members to use the assets of the Island for the benefit and the best benefit, the greatest benefit of the Island community. So, the question we need to ask ourselves is this: "Are the best needs of the Island community, and particularly the town community, are they best served by the proposals of the P.42 or are they better served by some other arrangements based on some form of the North of Town Masterplan?" As I say, we may have differing views on the proposals in the masterplan.

[15:30]

There may be some Members here who believe they have not yet had a chance to digest it in sufficient detail. There are some who may want to ask questions about different aspects of it and that is quite understandable. All I am saying is that this masterplan is such an important document in the future of the town and the Island that we should not dismiss it without a second glance. In fact we should not dismiss it at all without considering it very seriously and in my view we should not dismiss it at all. I say that for a number of reasons which I will go on to explain. My first reason, as I have said, is that I wanted to see some underground parking in St. Helier. Earlier this week at the Liberation tea party those people who spoke to me about the town park had 2 requests. The first was to get on with the town park without any further delay. The second - so maybe it was not just me - was to deliver some underground parking on the town park site. So, that was the view I was getting from the public that they wanted to see underground parking on that site. I said to those people at that Liberation tea party that I was 100 per cent with them and so I believe are all States Members that we need to deliver the town park without delay and that I think most of us would like to see some underground parking if we could. But to me this issue of underground parking is such a wonderful opportunity that we would be mad at least to give up the chance of considering it. Whether we ultimately go along with it or not remains to be seen, but we ought to at least consider it and yet if we accept the proposition and reject this amendment we would lose that chance. The only way which we can deliver underground car parking on the Gas Place site is if the whole of the north of town development stacks-up financially. That was a problem which I think the Constable alluded to in his opening remarks. He said: "If money was no object we would put the parking underground." Clearly money is relevant to this so we need to solve the parking solution in a way which is financially deliverable. But I become even more enthusiastic about underground car parking because, as I said, I hate the thought of more and more cars on the streets or in ugly, above ground car parks (and I do not think many of those places are particularly pretty) when there was a lifetime opportunity not just to put 200 spaces below ground at Gas Place, but to put a further 400 spaces underground below Ann Court; 600 spaces below ground, 600 cars removed from view. Are we going to lose that opportunity? I hope not. So, what goes above ground we can debate in the Constable's North of Town Masterplan, a debate which, as I say, we can have in a few weeks time. What we must not do is to abandon the chance - probably the only chance we will have - of putting cars out of sight in this part of town. So, I become even more enthusiastic about the masterplan - I will get carried away soon - because if we can deliver that underground parking we can make Bath Street and David Place far more attractive streets, balancing the needs of drivers, cyclists and pedestrians and improving the visual spectacle immediately. I know that architects have spectacular drawings that they put in their schemes which make the streets full of green trees and mothers and little children in prams, but nonetheless, ignoring the artistic licence, there is a real opportunity to improve the streetscape not just of Bath Street and David Place - but particularly those 2 streets - but the whole area by removing some element of the traffic which has blighted that area for far too long. So, am I taking my eye off the need to deliver the town park without delay? No, absolutely not. As I said the cars need to be moved off, the remediation work needs to be done and during that time we can decide next month on the future of that masterplan debate. If I wanted to put the icing on the cake metaphorically, I could also point out that the masterplan in its present form delivers more open space than the 7 vergées of the open space on the Gas Place site. Those who were at the presentation given by the Minister for Planning and Environment and the architects on Monday, or who have read the masterplan, would have seen the additional sites which could be created on the minimum place car park site on the Ann Court site, in Belmont Gardens, and I believe that those little areas of town being lightened-up with some open green space would benefit the town and, more importantly, benefit the people of the town and the visitors to the town far more than the extension to what is already quite a large area. Now, some may say that the whole of that open space should be on the one site and they are entitled to that point of view. My point of view is that if we can get a variety of sites, some admittedly quite small but adding up to a greater area of open space, that does everyone a favour. I remind Members that it has been suggested that we should be looking simply

at the town park alone, that other aspects of the masterplan could still be developed irrespective of what we decide on Gas Place. I am sorry to disillusion Members but that just does not work. The whole thing has to be looked at as one plan if it is going to stack-up financially and clearly in the current economic climate any plan that does not stack-up financially is not going to be delivered. But this plan, this holistic plan, to me is so important that whether Members support it entirely or support it with reservations they should at least have the chance to debate it and discuss it and review it and comment on it before we confine it for ever to history. So, it is sometimes said that accountants know the price of everything and the value of nothing. I would like to think, as an accountant, that I do know the value of an improved landscape and townscape; that I do know the benefit caused by the removal of over-ground car parking; I do know the benefit of providing social housing where it is needed; I do know the benefit of providing sufficient parking to keep our town retailers and our market traders in business; I do know the benefit of seeing an improvement to the street scene; I do know the improvement and the benefit of improved pedestrian and cycle routes; and I do know that we could deliver all that at no additional cost to the taxpayer over and above what we have already earmarked the £10 million in the last Business Plan and the £12 million from the Car Park Trading Fund from the rearrangement of Minden Place. So, to conclude, the debate today should not be about whether to have a totally green site free of housing against a smaller site and some buildings. The debate today should be about whether we are making the best use of our resources for the good of the community and that is why I urge Members to support this amendment. It does mean that we could look at the whole situation rather than just one isolated aspect of the future of St. Helier and it does mean that, having looked at the whole picture, if we still prefer the Constable's option we can still go back to that and deliver it within the same timescale. In short, we risk nothing by supporting the amendment. If we reject the amendment we risk losing for ever the chance of some opportunity to revitalise the whole of the north of town. Do we really want to jeopardise that for the sake of a few weeks delay? Well, I for one certainly do not. Would future generations thank us if we threw away this chance? I do not believe they would. I know that many Members would have come here today with firm views as to how they should vote. I hope that I have opened their eyes to let them understand the bigger picture and that they will join me in aspiring to leave a lasting legacy for future generations. I move the amendment. **[Approbation]**

The Deputy Bailiff:

The amendment is proposed. Is it seconded? **[Seconded]**

9.1.3 The Connètable of St. Helier:

I am not going to read everything I wrote down during the Chief Minister's speech because that would not be parliamentary. **[Laughter]** I must say I did wonder if he had been listening when I was proposing my amendment. Some of the things he said, such as that I did not have any solutions for the parking, seemed to me that he must have switched off when I was describing the various above ground parking sites which are currently simply not being exploited. **[Approbation]** It is also very interesting that as the Chief Minister moved towards his peroration and talked about a lasting legacy he made a very interesting remark. He said that we risk everything if we do not support the amendment. The only thing we risk in supporting the amendment is building on the town park and that is why I said at the start of my speech that that is what the issue is about today because if the amendment is won the Chief Minister is quite right we can go and have this whole debate again in June if that is what Members really want to do. If they want to run it again I will probably do it better next time. I look forward to having more time to prepare my speech if that is how the States want to spend their time repeating debates. But if we reject the amendment we know one thing which is the town park can proceed without any housing on it **[Approbation]** and does the North of Town Masterplan fail as a result; of course not. Like many Members I was entranced by the images shown to me by Hopkins. They are images I have seen before and I will explain to Members where, but there is nothing wrong with everything in the masterplan except

building on the town park [**Approbation**] and when I went to see Hopkins at the beginning of the consultation process - I am not going to lay into that, I hope other Members will - I nodded my head vigorously. They talked about leafy streets where there are none and cycle routes where there are none and all the things that we have been working for for a decade in St. Helier to achieve bit by bit. I am interested the Chief Minister thinks I am not supporting a vibrant St. Helier, but that is his view. I nodded vigorously throughout the meeting with Hopkins and at the end they said: "Is there anything you want to add?" I said: "Yes, just one thing, bear in mind the petition" and I think the Chief Minister is wrong in his interpretation of it. He did support it by the way, but I think he is wrong.

Connétable M.K. Jackson of St. Brelade:

May I ask on a point of clarification if I would ask the Connétable, he quoted earlier on the proposition of 1997. Could he confirm that the wording of the proposition is the same as that of the petition?

The Connétable of St. Helier:

I would be able to, except that I have sent my copy over to the Solicitor General for some advice. So, that will have to wait, but I am perfectly happy for either myself or someone else to deal with that later on. So, to come back to the Chief Minister's speech, as I say very interesting in its concluding remarks because it appears to ask us not to make a decision today. I maintain that the decision was made nearly 12 years ago and I think to substitute this newfangled vision, this "Johnny come lately" for the work that has been going on by elected Members of this Assembly - by elected Members of St. Helier for a dozen years - I think that is wrong and I am surprised that a former Deputy of St. Helier can pay so little attention to the collective and unanimous view [**Approbation**] of St. Helier representatives. He did not mention the fact that this drives a wedge between St. Helier and the States of Jersey. That perhaps does not bother him. Perhaps he thinks that I am just talking politics, but we will see.

[15:45]

I want to go back to this amendment because what we are being asked to do is to wait for Hopkins. I need to tell Members that before Hopkins there was EDAW. EDAW was charged with among other things solving the problem of what to do with Fort Regent and the delivery of the town park. EDAW was paid £250,000 for their work. Their proposals included a multi-storey car park on Ann Court - we know how far that went - a 2-way road along Burrard Street and intriguingly a road across People's Park. I believe people will look back on Hopkins and shake their heads in the same way that they now look back on EDAW and they wonder: "Was that a good use of taxpayers' money; what did we really get out of it?" EDAW proposals looked fantastic. Anyone who has been on Planning will know that. I remember Grève d'Azette was a good example, trees everywhere. When the development comes along how many trees are there down at Grève d'Azette? They do not happen. Before Hopkins there was EDAW. Before EDAW there was Willie Miller, the urban character appraisal. Before Willie Miller was another report on the north of town improvements, and this is the one I referred to earlier and it was before I entered the States but it showed a tree-lined St. Marks Road and David Place. Now where have I seen that before? The point I am making is that we have for decades given to U.K. consultants the right to tell us how they think our Island should look. We have gone to them for holistic plans, but the thing that makes the difference in St. Helier, bit by bit, is the widening of a pavement in Bath Street, the transformation of Broad Street Square; bit by bit the work is being done. The private sector, the public sector, the States and the Parish work hand in hand to improve our town and I would defy the Chief Minister if he thinks that urban renewal depends on Hopkins because it does not. Hopkins I am afraid is the "Johnny come lately". Maybe beloved of the Council of Ministers and I know they have done some fabulous designs, but Hopkins may well not be the right answer for St.

Helier and it certainly does not pacify the members of this community who have waited for so long for their town park. Now, the Chief Minister assured us that within 18 months he can deliver the town park with the extras that we have been talking about. Unless I misheard him he seemed to be suggesting that you can have the new E.I.A. that will be necessary and the new H.I.A. that will be necessary. Decontamination depends on the use of the land and T.T.S. officers assured us that if any building took place on the land, particularly going underneath, the whole thing would have to be done again. How that can all happen and deliver us the park in 18 months in time for the Chief Minister to open it I really do not know and I hope when he sums up - after all he has the right to sum up, which I do not - he will explain to us how he can be so sure that the town park with, I think he said, a little bit of housing at the end can be delivered in 18 months. I do not see how it can happen. I am going to wind-up quite soon because I know that some Members would hope that we can finish today. I said when I proposed my proposition that I would refer to the generation of the young Islanders who have given their views on the park and I find this difficult because when we did the work there was a mass of consultation. The idea that consultation has just started or is about to start on the town park - when it was done such enormous comprehensive pains were taken - is really quite extraordinary, but the consultation that took place in the 1990s has left a generation of primary school children in adulthood. These are young adults whose only concept of the States is: "They do not deliver." I am afraid that we are going to have another generation of youngsters who feel the same way about the States. I am now going to read some of the comments. The first one has come from a wish list tree that was circulated to the primary schools. I do not agree with all of them. One of them wants to have a go-kart track. **[Laughter]** Daniel from Grands Vaux wants: "A massive trampoline, a really long slide, a really big swimming pool and a roundabout." The last one is reasonable, I think. Zoe wants: "Space hoppers, a play area for babies and toddlers, a play area for juniors and older children, exercise equipment for mums and dads and a cycle track around the park." That is very well put together. I give full marks. Gregor would like: "A zip wire, a giant sandpit, some monkey bars and it would be nice if there was a place for animals." Casper: "A football pitch, a space to play, benches and tables." "Please can we have lots of swings" says Tegan from Grands Vaux. "Please can we have a vegetable garden, a strawberry bush" and that is the go-kart track on that one. This gentleman has not signed his name, but he would like or she would like "speaking birds". Harrison wants: "A cricket pitch and a football pitch and fishing." I am a great fan of water in urban centres. Luke would like: "A beautiful nature garden for birds and bugs *et cetera*, lots of flowers and trees with bird boxes and nut dispensers, lots of benches for people to sit on and relax, lots of grass areas for children to play on and relax on. Please can we have a bandstand and a play area for children." I think Luke will go far; very articulate. Max wants: "An animal corner, a pond, a swimming pool, a play park and a go-kart track." They are quite popular. "Lots of swings and a red slide" for Sophie. "Cool slides" for Milly. "A stage for shows and a field to run in." So, I think Members get the picture. We had a picnic in the park last year and we turfed a small area of Gas Place car park. It was quite remarkable how people flocked to the turf that was laid on the site. There was an undignified picture of Deputy Southern in a hula hoop, I remember. One of the most telling comments came from 2 old ladies who sat on the bench that we provided and they said: "Quite honestly we do not know if we will still be alive when this is built." So, I am not going to go on. I was going to go through the report accompanying the amendment which is absolutely full of mistakes and parts of it are arrant nonsense. Just let me give one example: "A vote in support of the proposition [that is against the amendment] means no North of Town Masterplan and a sub-optimal solution for the north of town area." That is absolute nonsense and it shows no faith and no confidence in the Parish authorities or indeed **[Approbation]** with our partnership with the States of Jersey. "The masterplan will deliver more improvements for the north of town than the original town park proposal." Absolute poppycock. The States of Jersey employed an expensive firm of accountants who work out the cost of the regeneration that the park by itself would bring as a catalyst. We paid PwC probably tens of thousands of pounds and they put a price on the regeneration that would come from the whole park. So, for the Council of Ministers to come up with a fact that "Johnny

come lately”, this newfangled vision is worth more than 12 years of hard work; extraordinary. Then they say: “It will deliver much needed residential units and social housing.” Here in the most densely populated part of St. Helier. Is that where we need it? **[Approbation]** I thought that was the Waterfront’s job. I am not going to go on. I think that the document accompanying the amendment is extremely poor and I think that in the Chief Minister’s speech he showed some excitement about underground parking, but not much else. I urge Members to reject the amendment. **[Approbation]**

9.1.4 Deputy P.V.F. Le Claire:

I would like to congratulate the Constable of St. Helier, especially for the part of his speech where he drew upon what the children wanted, and I think that was one of the most touching speeches I have witnessed in the States Assembly. I would like to congratulate him. Having been part of the North of Town Masterplan, one of the things that Hopkins said quite clearly - and I keep making this point - is that they did not tell us that we needed to have buildings. They said that there were choices: we could have a lot of buildings, we could have some buildings or we could have few buildings or we could have no buildings. It was purely a matter for us and the costs obviously would change based upon the take-up in relation to the development gains that would be made in relation to the North of Town Masterplan. But because the North of Town Masterplan spreads across the whole of the north of the town, the planning gains for the North of Town Masterplan in other areas that do not relate to the town park are significant. Listening this afternoon to the Chief Minister talking about the fact that we are going to lose a great opportunity if we do not have this social housing on this site made we start to look into what we would be debating in the future in the North of Town Masterplan and into the other development areas within that document. If Members have got their revised North of Town Masterplan site they will see on page 8 under the site 7 it says: “As a going concern this site could obtain its existing warehouse use. However if this site was to be redeveloped it would offer an alternative site for the long stay car park or an opportunity for residential development.” So, there is some more residential development there. Then on number 9, the gas-holder site: “This site is suitable to be developed as a continuation eastward of the new town park with perimeter residential. New buildings should be predominantly 4 storeys with the possibility of 5 storeys in the centre of the site”; so more buildings. In number 10 on Britannia Place, the next one: “This site should be developed as a new 3-storey residential scheme with the main facades presented towards the new park”; more residential. In number 11, the La Masurier Bath Street site: “Residential use here will help reduce the impact of cross-town traffic”; more residential. In Nelson Street, number 13: “This site is suitable for residential use”; more residences. In site number 14: “Where practical the existing grey buildings should be retained and the site developed for residential use”; more buildings. In number 15, Charles Street: “These sites should be developed as a 4 to 5-storey residential scheme”; more residences. The Mayfair Hotel site: “This site should be developed for residential or hotel accommodation”; more residences. Number 17, Robin Hood roundabout: “The roundabout site would be suitable for multi-storey car parking or with residential over the top”; more residences. Number 18, the Masonic Temple car park site: “The Masonic Temple car park site would be suitable for a 3-storey residential development.” Number 19, the former Jersey College for Girls: “Proposals for residential apartments.” The Bath Centre, number 20: “This site could be considered for community use as a facility for the elderly or for residential”; more residential. All of it is residential and today we are talking about removing more of the park to provide residential because we have to strike a balance. I am so, so, so sorry. If we need parking, there are other solutions. There are other things we can look at. There are other areas that we can look at. There are other things in the pipeline. We could look at People’s Park underground parking there. We could look at the use of the old D’Hautrée site, the parking spaces there. We could look at the parking spaces the Constable has highlighted and at the end of the day, if we have 400 parking spaces under the town park, are the people that attend St. Thomas’ Church on a Saturday and a Sunday - the predominant heavy uses of town - going to park their cars in the underground car park and walk to St. Thomas’ Church? No, they are

not. Why are they not and why do I know they are not? Because I live there and I am sorry I was not at the tea party when everybody was telling the Chief Minister that what they wanted was what he wanted. But most people in town do not want more pretty underground car parks. They want parks; over-ground parks for children to play. We took the football up to Trinity with the Constable and the Deputies and we got out and one of the kids was saying: "What is the matter, do you not know how to play football with yellow lines, fast moving cars, parked cars and buildings because none of you are kicking it?" I watched the children around where I live in Garden Lane and I have watched them around town all of my life and they have got nowhere to play.

[16:00]

We have some parks - I used to live right opposite Howard Davis Park that closed on a regular basis in the evening; in the summer it was open longer - but we have no open spaces for our children. So, when the Chief Minister says: "Will future generations thank us if we throw away this chance? I do not think they will" I turn that on its head: "Will future generations of children thank us if we fail to deliver a full town park that they can run in?" We have got enough property, we have got enough social housing. Look at Convent Court, Caesarea Court, the old La Coie site, Le Geyt Street, the Ann Court site, look at all of the residences around this area and you want to take away another couple of vergées on what is a very small site. But to us in town when we went up to Trinity and we looked at the size of Trinity which was comparable, it was a massive space of open grass and it was just like: "Well, what would you do with that if you were in town?" You would not know what to do with it. You would be like: "I do not know if we can run the whole length; are we allowed?" But we would not be planting spuds, that is for sure. I think we have got an opportunity to support the North of Town Masterplan in the future, in the debate in the future for the elements of the North of Town Masterplan that bring benefit to town. But the North of Town Masterplan was never about making sure we built on the town park. It was a range of options and are the Council of Ministers seriously saying: "If we do not agree to this amendment today that that is it?" because what would happen if we got to the North of Town Masterplan in 6 weeks time and somebody brought an amendment and that part fell away, what would be the difference? So, rather than delaying us 6 weeks, let us not delay it one more day. Let us all - all of those Members, the Senators included and many of them elected from Deputies ranks within St. Helier - go back to the electorate, the vast numbers of electorate in St. Helier who have long ago given up on States politicians, and tell them why you thought out of all of those new residential developments that I have highlighted today that you needed to cut off more of their town park. I congratulate the Constable. That is the only line I am going to follow today in this debate. Other Deputies will make other points, but we are choking in town. There is nowhere for us to have an area to relax in. There is nowhere for our children to play. Those of us who are fortunate enough - I have said it before - put our children in our cars and we drive to other Parishes. The Constable of St. Clement can with a stroke of a pen dismiss all building and future building within the Island Plan within his Parish. If we are going to look at things in the round, as the Chief Minister says, then let us look at them in the round. There are enough residences in town. There are more coming, more than I feel are warranted; none of them affordable, either social housing or unaffordable housing. That is the option. We should look at issues like St. Clement to achieve housing and the car parking issues can be done in other ways. I beg Members to support the Constable of St. Helier.

9.1.5 Deputy A.K.F. Green of St. Helier:

I am very pleased to follow on from a fellow Parish Deputy because there are a few points I would like to pull out here as well. This town park was not promised once, but promised many times and I am absolutely appalled and my gasp is flabbered that the Council of Ministers, the Chief Minister, the Minister for Planning and Environment have decided to make it a "you either accept what I say or I will not play" debate. By that I mean the Ministers have said we can have a town park with flats - with "Parkhurst" as the Deputy of St. John has called it - and the north of town plan or you

can have a park without Parkhurst and no north of town development plan. In other words: “If you will not play the game by my rules I am taking my ball away.” It is disgraceful. The north of town plan has some very good points and it is flawed in some areas; Minden Place car park for one. I like the trees along Bath Street. I am not absolutely convinced about the traffic flow down there, but that is for another day. We are told the reason we cannot have the plan is that we need to pay for this plan by the sale of houses on the town park. At least that is what we were told at the last presentation. It has changed a little bit now just I think to make the town Deputies and the Constable feel guilty. It is if we vote for the Constable’s proposition and reject this amendment, if we do that, we are guilty of telling people they cannot have social housing. That is emotional blackmail [**Approbation**] and as Deputy Le Claire has said there are plenty of sites. I had picked out many of the same sites that he had from the plan, but the one that lends itself I think to even further development of car parking and housing, the one that really lends itself to that very clearly with a bit of imagination which is missing most of the time, is the site where Le Bas Centre is sitting at the bottom of that hill, that incline. With some imagination right on the ring road, without all the points that the Constable has raised, most of the parking problems for that end of town could be solved. A full sized park is £10 million. We have the budget. We do not need to build houses on the town park to sell and the North of Town Development Plan that we are going to debate at some other time will be able to “wash its own face” with all the other sites that are available. There is no problem there. Just take a look, as Deputy Le Claire said, at page 19 and you will get a list of the sites. What is really interesting to me, if we accept the amendment and then go with the north of town plan we will end up with more green space and I would just like to ask the question - my good friend the Constable of St. Ouen is my neighbour there - how would he feel if we told him he could have a bigger race course, but half of it would be at Plèmont and half of it at Grosnez? It is just as stupid.

Connètable K.P. Vibert of St. Ouen:

I will support that. [**Laughter**]

Deputy A.K.F. Green:

It is just as stupid. We want a substantial open space in town. That is what has been promised, that is what the residents want and that is what we are going to deliver and we will deliver it because I have never seen the elected representatives of St. Helier so united in one thing and we will get this. So you can agree to it today [**Approbation**] or you can agree to it in 6 weeks time or 6 months time or 6 years time, however long you want to take, but we are going to have an open park with no development on it for the youngsters and the residents of St. Helier. [**Approbation**] I would like the Chief Minister when he sums up as well to justify parking spaces underground at £50,000 a parking space I am told, when it can be done considerably cheaper elsewhere. I urge Members to reject this amendment, support the Constable of St. Helier, deliver what we have promised, deliver what the States have promised, let us deliver a “flat park” and not a “park with flats”.

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

I am honoured to follow the previous speakers. Respectfully I say I perceive this amendment as a wrecking motion. The Chief Minister spoke at length about not wanting to delay the town park. However, it is a well known fact that the minute we start going underground that is when the cost will rise. That is when the delays will come in. The Constable of St. Helier, he explained and reiterated the prayer of the petition: “When will we wake up; when will we listen to the public of the Island?” The minute we start to dig down, people do not know exactly how much the car parking underground will cost. That is the reason they want the underground parking. They do not know it is going to cost £50,000 a space. Even when speaking about the original proposition the Chief Minister was not totally correct, as was pointed out by the Deputy of St. Mary and Deputy Southern. The Chief Minister put his own perception, even though that perception was erroneous.

Please can we do the right thing and reject this amendment and finally deliver what the proposers of the original petition asked for. Please support the main proposition and reject the amendment.

9.1.7 The Deputy of St. John:

Many of the Members in this Chamber were not around in 1997 when this was first mooted. I recall going to that meeting in Cyril Le Marquand House with the likes of Mr. Shenton and Mr. Jeune, and Mr. Horsfall, *et cetera* and we knew what was asked for. So, we have seen since then a petition with 1,600 signatures. What appalled me this week, and I told the Minister for Planning and Environment and the people who produced this Town Masterplan, was when I took one look at the proposed new town park I do not think I used the word Parkhurst, I thought I used the word Wormwood Scrubs but I do stand to be corrected because that is what that building looks like. In fact I think I said the Ann Street development looked like Parkhurst because I do not want to see those kind of developments in St. Helier. But at this time I must - because it has been drawn to my attention - declare that I am a property owner in Stopford Road so that Members are aware that I may have an indirect interest close to the site. With that said, the Constable of St. Helier is absolutely right. We want a beautiful town park and I was listening to the Chief Minister expounding the virtues of car parking beneath the site, *et cetera*. But we have other sites in the area. One site that I know a lot of Members in this Chamber are not happy with being put as an S.S.I. (site of special interest) and that is the Odeon. The Odeon itself could be either demolished or turned into a multi-storey car park. There are other uses for that site. The Le Masurier land which has parking on it which I know the company have been in talks with the Minister for Planning and Environment's department, but there are areas there where I am sure multi-storey car parks or below parking could go without having to touch the contaminated land on the Talman site. We have a large 6 or 8 vergée area at Springfield which if you want underground parking it could go below the football pitch at Springfield which is all within the same area and re-lay your football pitch afterwards. There are ways of finding underground parking. Or we could take away the private parking we give to the Chief Minister and the Minister for Treasury and Resources on the top of Cyril Le Marquand House and those in that quarter where they have their own little parking spaces which they do not have to share with anybody. So, there are alternatives and quite rightly the Constable of St. Helier must remind the Minister for Planning and Environment that he gave an undertaking that he would support Constables on planning decisions within their Parish and that is very important. If an undertaking has been given by the Minister for Planning and Environment that he was going to support Connétables (and we have 12 Connétables in this Chamber) when the first hurdle comes, as is in this case, or maybe the second hurdle - I am not sure if the deal has been done with St. Clement - when these hurdles come it is important that if a Connétable has been given the nod, for want of a better word, by the Minister for Planning and Environment that it should be sufficient for the Parishes concerned to accept the Minister's word, not for the Chief Minister to try and turn things on its head at a later time. We see many car parks built in fronts. I can think of one in St. Malo that was built over a winter, underground in the main square at the top of the town; likewise in Dinan, on the roundabouts.

[16:15]

If you do not go from one season and you go there the following season there is a multi-storey car park been built underground. It is the engineering, nowadays it is quite easy to do. We do not have to use a contaminated site like the Talman site that would cost this Island dearly in treating that land when we have other sites nearby which are not contaminated with the waste from a former gas works site.

Senator J.L. Perchard:

Just on a point of order I am not sure that the plan is to use the Talman site for underground car parking.

The Deputy of St. John:

The entire site, the north and the south, if you look at this, has been in the hands of the gas company from Bath Street all the way through to the gas rotunda for generations and a lot of that site will have been used with tar in it. There would be a lot of pollutants on that site from the west end right the way to the east end. They would be in pockets all the way through. So, the whole area is fraught with difficulties and therefore I believe trying to go in-ground in that area to put underground parking is going to be too expensive for things to be viable in any area. Why not allow the Le Masurier Group - whatever the name of the company is - to put private car parking on their site. It is a thing the Island of Jersey seem to be opposed to private businesses going into car parking business. As far as I am concerned it will not cost us a penny if we allow - whether it is on that site or the old Ann Street Brewery site - whoever it may be taking on the responsibility of providing parking in town. It would be of no cost to the taxpayer. It would be private enterprise picking these bills up. I was listening to the Minister expounding his virtues about being an accountant. Well, the only thing I know about accountants is that they know the bottom line. They are not entrepreneurs. They do not know the real ways of doing business and I have dealt with enough accountants over the years. They look at the bottom line. They are not interested. You see when they take over businesses, those businesses usually fail or they have to be moved on because they have stripped them to the bone. Accountants only know the bottom line. They are not entrepreneurs.

Deputy I.J. Gorst:

Sir, would the Member give way?

The Deputy of St. John:

No, I will not give way. [Laughter] I said this morning I would not give way and I am here to support the Constable of St. Helier and all the Constables so that the Parishes get what they request.

The Bailiff:

Deputy, there is the risk if you carry on going at accountants they will become inquorate.

The Deputy of St. John:

All right, okay, Sir. I will try and keep it short. It is unusual for me to be on my feet for very long anyway, but can I ask the Chief Minister to take his amendment away and let us get down to the proper debates. [Approbation]

9.1.8 The Deputy of St. Mary:

I do not like the groans, I must say. I will not be too long. I will certainly not be as long as the Assistant Minister for the Environment hopefully. The case for delay - and the Chief Minister made this point very well - is woefully weak. The choice facing the States is in essence very simple. There are 2 questions: do we do it now and do we do it across the whole site? By "do it" I mean build a park? The park will happen. There is the money. The site is there. The decontamination for the park only is doable. T.T.S. have put a sum on it and it is a definite "can do" and we would have the park by 2011 at last. The Chief Minister said many times in his speech there will be no delay whatsoever if we accept his amendment "by even one day", he said, and this is patently untrue. I will explain why later when we get to the decontamination issues. So, that is the now. We can have this part if we vote out this amendment and with the proposition we can have this park by the end of 2011 at last. We can have it across the whole site. Why should we have it across the whole site? Well, the Constable of St. Helier in reading out those wish lists of the children and there were plenty of other wishes from adults too I might add. One of the phrases that struck me was "lots of" and "big" and there is a lot to go on that park. There are the different needs of the oldies who might like to sit and watch the children play and hear their shrieks as they splash each other in the paddling pool, but they might not. They might prefer to be sitting quietly in the rose garden having a chat and that immediately means you need the space to do that. One of the

children, I notice, mentioned: "Play areas for older children and play areas for younger children." Bang, more space required. Somebody mentioned cricket and football, more space, and so it goes on. So, this business of taking away a sixth of the park for the housing and then taking away the area next to the housing because effectively it is overlooked and if you look at the pictures in Hopkins you will see that the whole feel of that end of the park would change, would be to damage the ability of the park to serve the community. Hopkins was asked by the Minister to subvert the wishes of the States to change the park. The Minister had no mandate to do this and we have to ask ourselves whether we are going to assert the wishes of the House again. I think 7 times in the various States votes and P. and R. (Policy and Resources) comments on propositions and so on - I will not go through them - but time and time again the States at the highest level have voted for this park or made comments about the park and most recently in the Strategic Plan 2006 and 2011 there are 6, I think, mentions of commitment to have a park by 2010. So, where has all that gone and I have to say I am reminded of what happened yesterday where the House votes one thing and the Chief Minister comes back with something different and in fact that was changed by this House and we re-established what we had first decided. The proposition of Hopkins is to put more housing into the most crowded part of our town and others have pointed out that this is outrageous. Now, I put 4 questions to the Chief Minister on Friday about the key issues surrounding the park and the masterplan and the answers came this morning. So, Friday to Wednesday, but there you go, you just have to be a quick reader and he copied them to all Members so some may have looked at them. I will take them in order. The first question I asked was about the £16 million which seems to be a figure plucked out of the air and he does some accountants-speak which is quite difficult to understand and one of the points I pick out is that the £16 million does not include car park revenues. These are required to fund maintenance and longer-term asset replacement but by the same token the cost of the car parking does not come out of Hopkins or anywhere else. It comes out of the Car Park Trading Fund and if you look at the ... well, you have not got them but I will tell you what P. and R. said back in 1998 about funding this whole question of the park and I think it is a very interesting report and I have gutted it. At paragraph 10 they say: "The Committee is of the view that the total cost of constructing an underground car park [because back then that was what was being planned] including the excavation and disposal of contaminated material, should be funded by the users of town car parks generally." So, back in 1998 P. and R. were quite clear that the car parking element was a separate box and it is funded by people who use car parks. They then say: "It is proposed that the cost of acquiring the Talman land as a strategic purpose will be met from the general reserve" and I believe it was and the States went on to buy Talman with a separate purchase. P. and R. then point out that: "The cost of providing a park would include the removal of the contaminated land and its replacement. The committee is of the opinion that the cost of rehabilitation of the site should be funded separately from the cost of the park." So, they have a very different view of getting on with it. They say that these various other elements have to be done by the States. The car parking is a Car Park Trading Fund issue. The decontamination is of moral responsibility and has to be done anyway. My final point on the money is that building the car parking here is the most expensive way of building car parking and I find it astonishing that the Chief Minister carries on about underground car parking when the base costs of underground are £45,000 per parking space and above ground is £18,000. Those figures come to me from the Chief Executive for Planning: £45,000, £18,000. He gave those figures to scrutiny. Those are the base costs without contamination and decontamination issues. So, there is a huge difference when you build car parking underground and we heard a homily to underground car parking. So, I do not know about the cost-effectiveness of that and it strikes me as absurd. The Constable pointed out and others have pointed out that there are perfectly valid alternatives to providing car parking. The second issue was framing and we have this notion, or we had this notion in the past presented to us by Hopkins, that you had to have housing around the park, for space to work you have to frame it. So I asked the Council of Ministers to explain the claim that you had to frame a space to give it a sense of place and identity and the reply was: "It is acknowledged that framing is a subjective matter." In other words, they abandoned the claim that there was something objective about this

and they just said: “Well, it depends how you feel about it.” Then they make the claim that: “In this location which is bordered by commercial properties and not currently overlooked during the evening would benefit from informal surveyance provided by residential buildings.” That was an argument that has been used before about the park and about putting buildings around it. Informal surveyance; there is not any. Well, one of the members of the town park group counted the windows looking at the town park site. There are 101 windows already, not counting the possible redevelopment of the Odeon and not counting Britannia Court. There will be many, many people spending their time apparently peeping through the curtains looking at what is going on, on the park. So, that issue is dead. You do not need framing to provide surveillance. It is there already. You do not need to build a 5-storey block at the east end to make sure that people behave themselves. I asked how the Council of Ministers could explain that Coronation Park, Churchill Park and Howard Davis Park are not framed and would Hopkins like, in parenthesis, to go and frame them and there was no answer apart from some tiny figures of vandalism. I think Jersey can be very proud that in 2009 the total vandalism in those 3 parks was £6,000 and I think that is quite astonishing. There is basically no vandalism. So, that is not an issue or can certainly not be built up into an issue. This is not London and if Members would like to look at page 7 in the Hopkins plan, if they have got one handy, and they look at the picture there they can see a development at the east end being proposed which is, even if it is just a sketch, as the Deputy of St. John has been very unkind about it, it is just an indication of the scale of that building, the fact is that it is totally not fitting the grain that Hopkins carry on about, the grain of Jersey. It is completely out of scale and different from everything else. It is not organic, this proposal. It is plonked. It is a London square and we are not building a London square. We are making a park. Remediation... and this is the most astonishing bit of the answer of the Chief Minister. I asked the Council of Ministers to explain the processes required, depending on the different uses of the site, in other words, flat park verses building on the east end and the cost of remediation under different final uses

[16:30]

The reply first of all points out that under every scenario you have to spend £3 million to take out the hotspots and so on. But there are real problems and real risks with going deep which the Deputy of St. John alluded to, but I have dug a little bit deeper into this and the fact is that what exists on that site - and one of the members of the town park group did the research on this - is there are 2 to 3 metres of highly, highly toxic material and the list of substances that is there is hair-raising and it is worth just reading it out. This is in order of toxicity: benzene, toluene, ethyl benzene, xylene, polycyclic aromatic hydrocarbons, cyanide, and so it goes down through arsenic and lead. That is what is in the top 2 to 3 metres and the reason it is important is that what prevents that toxic material going down into the aquifer is what they call an aquiclude and all this is in Hopkins version 1. There is something, there is a clay layer stopping that going down and that is important that layer. The States is opening itself to unknown risk, unquantifiable risk, because once those toxic substances get into the water and get into the stream and get into that you just do not know what is going to happen. So we come to Council of the Ministers’ astonishing answer: “No detailed figures exist for the remediation below the buildings proposed at Gas Place.” No detailed figures exist for the remediation below the buildings proposed at Gas Place. Remember, these buildings will have to be piled or anchored, because if they are not anchored they will float away because of the pressure from the ground water. So you have got buildings that have to be piled, have to be anchored, through the clay impermeable layer so the toxic stuff will go down. However, the car park construction costs have been inflated by £15,000 per space to account for ground conditions and, also, an additional £1 million has been added for remediation at this end of the site. These figures have been plucked out of thin air and if you look at Hopkins, version one, they say: “We need further studies.” T.T.S. does not know. T.T.S. know that they can build a flat park but once you start putting buildings on: “We will need fresh studies.” So where is the “no delay”, Chief Minister? We will need fresh studies. We will need to establish how to do this safely

and it may in fact prove to be impossible. So there are real issues there. First of all, the figures of the Council of Ministers are pure guesswork and, secondly, we are exposing ourselves as the States, if we put any buildings on that site and an underground car park, to unknown future liability. I would welcome the comments of the Chief Minister on the Pandora's box which his amendment seeks to open and consultation. This extraordinary claim. I ask why Hopkins could take precedence over the results of the EDAW public consultations in the late 1990s which the Constable referred to? It is interesting that in the Environment Scrutiny Panel's urban regeneration review, which was chaired by the good Assistant Minister for Planning and Environment, there are references to the need for bottom-up involvement of the people in planning, particularly with reference to environmental protection improvement areas; constant reference to this need to involve the public so that they develop solutions which are then gone over with the planners and then implemented by, usually, T.T.S. Now, the funny thing is that in this case we have a massive petition. We have a big consultation with hundreds of replies through the Internet and through questionnaires and all that is set to one side when it is to do with the town park. But Ann Court... Ann Court is very different. With Ann Court we have 2,588 signatures and a bit of media publicity and at one time Ann Court was the saviour of Gas Place and Talman Park. We had a presentation in scrutiny, I have still got the slides, and then came P.202. My good neighbour here, Deputy Martin - P.202 in 2009, November - said we should not go ahead with that multi-storey. In January, 2 months later, the Minister for Planning and Environment accepted this and instructed Hopkins that there would not be a multi-storey on Ann Court. So how come the Minister can tell Hopkins that there will not be a multi-storey on Ann Court, for lots of perfectly valid reasons, but he does not tell them that there has to be a full-sized park with a petition of 16,400 and 7 references, high-level of support, some of them votes from the States. Sorry, I find that inconsistency mind-boggling. Parking: the Chief Minister was absolutely extraordinary on this. He wants to reduce traffic for all the right reasons; for health, no doubt, for transport, for energy policy and he wants to increase parking as well. This is very strange. Now, the fact is we have the short-term solution given to us on the implementation group by the officers: 130 shoppers to Ann Court temporarily as the park is made, 60 shoppers to existing head room in Sand Street, 200 commuters to Pier Road or even switching to other modes because of the new transport policy and at night the residents parking in Ann Court, which would then be free, and Minden Place. There is not a problem in the short term. Longer term we have the solutions of the Constable of St. Helier with his small car parks here and there and we have the sustainable transport policy, which maybe the Chief Minister does not agree with or will not endorse, which will reduce - we are told it is planned to reduce - by 270 vehicles per year. There will be an annual reduction of 270 vehicles commuting into St. Helier. That is 540 in 2 years. So that is 540 long-term commuter car parking spaces that we will not need if the Council of Ministers bring forward the sustainable transport policy and if it is carried out. So those are the responses to the Chief Minister. Finally, the views of a country Deputy, which is what I am; why am I waffling on about a town park? Well, it is a pity the Constable of St. Clement is not here to hear my praises and hear me dub him as a holy man but yesterday the Constable of St. Clement said in response to a question about the Jersey Royals and certain problems with the size of them due to lack of rain, facetiously maybe: "Pray for rain." What happened in the night? **[Laughter]** The rain came and in fact I woke up this morning to rain. Now, if the Constable of St. Clement has such intercessory powers with the Almighty, maybe he is clearly a holy man and I would urge him and other ... You see it is interesting, is it not? He brought a proposition to the States - was it the last sitting or the one before - to say no to developing the glasshouse site in St. Clement because it is too much population, too much residential in St. Clement. So I hope he and the other Constables and the other Deputies from the country Parishes or the less urban Parishes will just remember that and remember that people in town, too, have a right to see trees bursting into life as I saw on the bus on the way in today. Why not? The fundamental issue for the Council of Ministers as they bring amendments like this is fairness and that ties-in somehow with praying for rain because God is looking down on this debate and let us hope the Constable of St. Clement remembers that. But it is fundamentally a matter of treating

people fairly. I loved it when Deputy Martin said yesterday we should have aerial shots of the country Parishes to compare with the shots that we see in the Hopkins document. I did a little bit of work on this to see how many square metres I, as a resident of St. Mary, have of green space. Now, remember the Constable of St. Helier said 2.9 square metres if you live in St. Helier; 29 square metres if you live in London. Now, in St. Mary I have 2 vergées, or 4,265 square metres of green space, of not-built-up space. If you just take the figures from Jersey, in figure 8(1) and they have columns for the different uses, take away the built-up area and that is what the Deputy of St. Mary and the Connétable of St. Mary have. We have 2 vergées ...

The Connétable of St. Mary:

A point of clarification, if I might. Could the Deputy confirm whether that is public space that he is entitled to enjoy?

The Deputy of St. Mary:

When I look out of my window in the morning that is what I see. I see green space. Of course it does not all belong to me in that sense but in a way it does. In a way I look at it and it gives me fundamental deep pleasure, that I can look at that and enjoy riding through it on my way to the bus. That is what it is all about, what this debate is about. There is huge value to everyone in this. There is a value to country dwellers because if we make town somewhere good to live and so we can take away the pressure to build in the country, the country people's houses' value is increased. If a house is built, or several houses are built all around my house, then it becomes less valuable. So there is an issue of reverse regeneration, if you like, in the country. Then, of course, there is regeneration within the town. Why not? Why should not the town have these huge benefits? Then, of course, finally, there are the benefits that cannot be counted. There is the joy of a couple of people saying: "Let us meet in the park. Let us take our sandwiches." There is the mum looking at her child playing. This is a once-in-a-lifetime opportunity. It is the only opportunity to do this and I would urge the country dwellers especially to give the town residents a fair crack of the whip. Twenty years on, looking back, people will say, we will say in our dotage: "Thank goodness for this wonderful park, for the delight of young and old and everyone in between."

The Deputy Bailiff:

Can I remind Members, the debate on the amendment is whether really the debate on the North of Town Masterplan should take place before the rest of the debate on this site.

9.1.9 Deputy S. Pitman:

Sir, this does go off a bit but it does relate to what you have just said. It does relate to the amendment and if we vote against it or for it and the consequences. I would like Members, if they have P.57, the North of Town Masterplan, just refer to the map in there and just, firstly, look at the proposed site for the park and the buildings which is in orange and how much space that does take up for the park. In the Masterplan, the town park site, there are 80 units proposed to be there. The old Ann Court site was 60 units; proposed is 150 units. Nelson Street behind the old fire station, a notional 15 units. Minden Place car park site, a notional 35 units. The plan also makes recommendations for the following sites, and I read them again for purposes different to that of Deputy Le Claire and in some detail so Members can get some idea as to how many more people will be moving into St. Helier in the coming years.

[16:45]

The first is the Gas Holder site. It is suitable for residential or other purposes should it become surplus for the Gas Company's requirements. Britannia Place site: this site could be developed as a new 3-storey residential scheme. On page 16 of the masterplan, the Le Masurier, Bath Street and Odeon Cinema sites proposal is for retail and food and drink use with residential on the upper floors to a maximum of 5 floors. Former Jersey College for Girls site: proposals for residential

apartments and townhouses are already in preparation and further development of the Mont Cantel site currently occupied by Janvrin School. Le Bas Centre: another potential site for residents. Wesley Chapel: this site has permission for a mixed use redevelopment. Jersey Brewery site: possible residential use. The heights of any new buildings on Ann Street and Simon Place to reflect surrounding buildings. That is up to 3 storeys. Development could be considered of up to 5 storeys. Mayfair Hotel site: the development should be of 3 storeys adjacent to St. Saviour's Road and Brooklyn Street and up to 4 storeys on Ann Street. Lastly, the Masonic Temple: 3 storeys for residential development. Proponents of the Hopkins plan say that it will create more public space. However, when one considers the number of housing units proposed in the plan, that is the Nelson Street, Minden Place, the old Ann Court site and a town park with 80 flats, this will mean less space *per capita* for St. Helier residents. So we need as much space as possible. Our population is fast increasing and potential development sites are being snapped-up at an exponential rate and quicker than ever to accommodate more people, mainly in St. Helier. If there is a time to build more space for St. Helier residents it is now because I think in future years we will have serious regrets. Thank you.

9.1.10 Deputy T.M. Pitman:

I do not feel I have to say very much after the Deputy of St. Mary's speech because there is probably no-one better at focusing us on the real value of life than the Deputy himself. He could almost be a big cartoon character, he is so full of zip and spring. I think his speech was excellent. Now, I was on the masterplan working group and for that reason and because I do not want to repeat what everyone has already said I am going to save most of my thoughts for the Constable of St. Helier's excellent proposition. I would just like to focus on a few points to do with what the Chief Minister has told us. However, I would start with a few things that were flagged-up from those brilliant statements from children about trampolines, ponds, trees, bird tables and I was particularly touched by nut dispensers. Well, I have to say, I do not know that child but if that child is listening to us debating, considering building horrible revolting flats, cramming more people on to what we signed-up to have as a perfectly untouched open space, they would think we have all the nut dispensers that we need. It is probably this Assembly and I would have to say I am one of them, obviously, but that is what we would be, nuts. I think people have been quite kind about what the Chief Minister said at the beginning because really when he referred to the original proposition (and I have got it here on my desk somewhere) and told us what our predecessors had voted for it was, quite simply, Orwellian. It was a rewriting of history. The States did not vote for what was in a report, as I am pleased to say, Sir, you pointed out. We did not vote for reports or what some people might think even was in a report. We did not vote as a Government for underground parking. It was misleading and the House really should keep that in mind, for that alone should tell us: "Do not support this amendment." We should also keep in mind that, contrary to the impression given by the tone of the Chief Minister's speech, we are not voting to reject the whole of the masterplan. That is simply not true. I also have to reiterate that, contrary to what was said by the Chief Minister in support of his amendment, the Constable of St. Helier has offered some significant possibilities to improve the parking situation and, unlike the Chief Minister and Hopkins it has to be said - and, as I say, I was on the masterplan working group - he has not suggested improving it with things that do not even belong to us. Now, there may be other opportunities for improvement. I have to be careful because I see Deputy Lewis has come back, I know I am very critical of second jobs but I am quite willing to take on laying the explosives under the Odeon and detonating it myself. **[Laughter]** **[Aside]** I will move slightly to the right out of reach. Finally, it is just amplifying what others have already pointed out. As someone who worked for young people for 20 years, young people need space. They like lots of space. They need lots of space and they like and need to make noise. How can that ever be compatible with having that space overlooked by people in flats? People, who will, quite understandably, want to relax, maybe even to sleep. It is just ridiculous. I am sorry, I have every respect for the Minister but it just does not stack-up. As I say, I will keep my main observations for the proposition which I will be

supporting totally. I really applaud the Constable for bringing it. But the key issue and all that really needs to be said to conclude is the simple matter here is it is high time for Government to, just for once, keep its promises. We want a park and we want it now, even if that now is 12 years later already.

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

As a child - and we have all been there, I hope; some of us are still there, in our second and perhaps even third childhood - we can all remember going to primary school and learning how to write for the first time. We had these weird symbols and we learned how to print and then we put the symbols together to make words and then words to make sentences and then, as time went on, we managed to move up a class, hopefully. Some of us repeated the junior school classes because they were slower learners than others but the next class showed us a better way of doing things. We joined-up our symbols and we had joined-up writing and what a huge advance it was. Not only was it easier to write, probably less easy to read if you did not print your letters properly, but it meant that you could adopt an adult stance on things. I have been in this House for a long time and ever since I joined what has really upset me, some days more than others, is that time and time again we love to engage in *ad hoc* planning. I have been beating this drum, as I say, for some (well, too long) tens of years almost and I would have loved to have seen us get the message; to move from our junior school days of printing things and moving to the adult world where we can begin to indulge in adult joined-up thinking as well as writing. For me, this is really the essence of the amendment from the Council of Ministers, to ask this House to consider a masterplan solution which does not just look at one side of the argument but begins to link-up all the little bits together so we can do a better job of planning this Island for the benefit of as many people as possible. It is common sense but it is difficult because it requires us to move away from a one-dimensional approach on a day-to-day basis to putting all our arguments up together in a big jumble, a bit like dealing with jigsaw puzzles really, and talking to everybody; consulting, filtering out what is important and what is not and trying to come up with the best compromise consensus solution that solves as many of the issues as possible. That is the way I think we should work in all different areas of the States business but we do not. So what have we got here? We have got a late attempt to take propositions that the States have already agreed to out of context to try and paint a tiny picture of it, a tiny part to show this House, wrongly, that we are trying to deliver something that has not been agreed. I do not know whether Members have got P.190 of 1997 on their desks but it has been referred to not only by the Constable of St. Helier but indeed by a couple of other speakers. The Constable was quite clever to say that we should be responding to the prayer of the petitioners. Now, why did he say that? Well, he is an English graduate. So he knows about words. He certainly writes in joined-up writing and he knows how to put sentences together. So why was he being selective in suggesting that we should be only responding, because he did not say anything else, to the prayer of the petition? Well, I will read out what the humble petition was because before you pray for anything you have got to know what it is you are after, otherwise you may end up with things that you do not want, including one millimetre of rain in St. Mary when perhaps it would have been better in other Parishes. We have to be really careful because we use words and when we use words and, in particular, sentences we must say what we mean and mean what we say. If we do not there is no point in writing things down or indeed discussing it and that is the fundamental difficulty that we approach time and time again in all of these debates. So what does the humble petition say? It says: "(a) There is a substantial public support for a public town park with underground car park." It goes on and the next words are vitally important. I think the petition (and I was a member of the town park group) was probably written by a lawyer because it then goes on to place the definition of the town park in inverted commas. So quite deliberately, it did not have to but it says: "The 'town park' is defined as a public town park with an underground car park." Then it went on, because if you started the ball rolling, in legal speak, in order to get your piece you have got to carry on right to the end and make sure that you are consistent, as most legal minds are. So it went on to say: "There is substantial public support for a public town park

with underground car park, 'the town park', on the land currently comprising the public car park at Gas Place, the private car park occupying the site of the former Gas Company offices and workshops, the whole situate [there is a good legal word] between Bath Street and the new Gas Company offices and 'the entire land'." So all we have done in (a), the petitioners, is they have qualified what they mean by the entire land. It has got a specific meaning.

[17:00]

It means all the land between the lands designated and they have also specified, quite clearly, what they mean by the town park, which is not just a park. It is not just an open park with grass. It is not a park with swings or slides or ponds or frogs or squirrels or nuts or anything else. It says it is a public town park with an underground car park. It then goes on to say that the maintenance of an open space - it does not qualify the size of the open space, it just says an open space - on the entire land is desirable to ensure the quality of life for the residents and users of St. Helier. We all agree with that. It also says that the park would be a desirable and appropriate project to reflect the aspirations for the future of St. Helier as a vibrant urban environment (not a countryside environment but an urban environment) in the 21st century. Absolutely spot on. Having defined their terms in the petition, they then go on to state that they pray that the town park be created on the entire land. So that, in legal speak, means a park with underground car parking should be created on the land that has been specified. It does not signify that it has to be all of it. It is specifying that that is the site rather than putting it in St. John's or anywhere else. It also says that it should be known as the Millennium Town Park, that is fine, and it goes on and it says: "The town park should constitute a millennium project for the benefit and enjoyment of future generations of Jersey, the residents of St. Helier and their children." So quite clearly it does not say that this is a pet project by the Council of St. Helier or its Deputies. It is for Islanders. It is a millennium project that has to be voted on by the whole House for everybody. Quite key is the last point which is that the entire land, which is the site, should not be used for a multi-storey car park. Now, why did they say multi-storey car park? Because you use words to mean what you say and say what you mean, because quite clearly it is underground car parking that is being asked for. It says: "The entire land should not be used for a multi-storey car park or other uses precluding a public park." That is very, very clear. It leaves it open to determine the size of the park, the quality of the park, whether it is swings, slides, go-cart tracks, skateboarding, cycle tracks, hamburger stalls - although they are probably out if you have an obesity problem - or any other facilities or amenities on that land. Now, the Constable bringing forward the petition then reworded, as was his wont, the petition and the prayer of the 16,500 or so petitioners to the States in the words of a proposition and he used specific words that were in line with what the petition and the petitioners had prayed for. Had he used something else, or had he used a different language to suggest that it to be a specific park, of a specific size, of a specific type, with specific amenities, he would have done it and would have probably earned the retribution from the petitioners in that he was misrepresenting them because any States Member bringing forward a petition to this House they have to listen to the people who are signing it. That is the name of the game. So what does the Constable ask for? He asked for a public Town Park, Town Park, in capitals, so presumably the same town park as was defined by the petitioners or otherwise we are talking about something else, and the States have to vote for this. So if the Constable was bringing forward a different vision for a town park, he quite clearly did not say so and States Members in discussing this project, when it was discussed, quite clearly took the words of the petition and the prayer into account. You would have to or otherwise we do not know what it is we are voting for. That might have been the case but I do not think it was. So he wanted the whole thing to be known as "Millennium Town Park", that is in the prayer: "The town park to constitute a millennium project for the future of Jersey residents [as in the petition] and the land shall not be used for a multi-storey car park [absolutely, otherwise you would not be building underground, you would be building over the ground] or any other use that would preclude the creation of a public park on the site" without defining what it was. The Constable,

being a canny man with words, and others who were supporting the project - and I have been supporting the project since day 1 practically - were pretty upset when the monies were not forthcoming to provide the underground car parking that everybody wanted. So the Constable in his Anti-Inflation Strategy, 3rd Amendment - that is P.125 of 29th August 2000 - had a go to see whether or not he could secure funding for the Millennium Town Park above the line in accounting terms to ensure that the monies were put aside to deliver because people had decided, or were about to decide, that they did want a park. That was going to be the millennium project and monies should be allocated. There were ramblings at the time as to the cost of delivery. As we will hear from my Minister later, there is no point in having a vision for masterplans if you cannot deliver it. That has been the whole argument all along. So what did the Constable say in 2000 when he said, among a whole load of other things: "It has already been established by the Policy and Resources Committee that the Town Park is the Island's preferred millennium project ... It was withdrawn from the capital programme on the clear understanding that it would be subject to separate consideration for funding from the Millennium Fund and the Car Park Trading Fund once the feasibility studies were complete"? So, we were not saying we are not going to do it. We are not saying we are not providing underground parking and a park on top, or anything else of whatever shape and form that everybody wants. We are going to do it but we need to sort out the funding and we need to sort out whether or not it is feasible. Those studies have been completed and the recommended option of the steering group, as set out in Planning and Environment's report, is: "A park across both the Talman and the Gas Place car parks with 3 levels of underground car parking beneath the latter." So "beneath the latter" means underneath Gas Place: not underneath Talman but underneath Gas Place. It is pretty much what is being recommended now: "At a total cost [November 1999 prices] of £23.81 million following the risk evaluation workshop." So serious work has been done by the engineers to determine whether or not it can be done and it could. "Following the risk evaluation workshop, a further £4.92 million would need to be set aside for contingencies." It goes on to talk about whether or not these capital projects should be in or out, decided upon against other projects or whether or not a special case should be made for them. It goes on to say: "Support for the Millennium Town Park scheme is a special case because it enjoys an unprecedented level of popular support." It still does. "It promises significant improvements to the quality of life of residents in the most densely populated part of St. Helier." That has not changed. "It will be a catalyst for urban regeneration and increased economic vitality. It will provide essential open space and car parking for the hundreds of new homes which are to be built in the town. It will remediate the contamination of the States-owned land. The debate on P.190 [this is important] of 1997 [that is the discussion of the petition] will take place shortly." This is in 2000. "If the States give their approval to the creation of the Millennium Town Park with underground car parking, that work should be able to commence unfettered by an earlier decision of the States on P.125 of 2000 which could delay the work indefinitely. It was never anticipated that the project will be ready in time for the millennium but if it receives the all-clear from the States in the millennium year its title will still be fitting." Now, fortunately the Constable's amendment to make a special funding case for the delivery of the town park, whatever it was going to be, and the underground parking which was called for, was not agreed with so where did that leave us? It left a pretty bad taste in the mouth because we had all agreed that this was what we wanted. It was supposedly going to represent our millennium project for the Island as a whole. It was going to be an economic stimulus for the area of town. It was going to provide all the open spaces for kids to run and play ball and all the rest of it that we all still want. So what has happened in between? Well, the Planning Department have continued to bang the drum to say: "If you are going to do these things, you have got to be organised. You have got to make sure that you talk to everybody. You have got to find a way to deliver what you are dealing with. It has got to be funded." The urban task force which was led by an illustrious Lord, who is also an architect, in the U.K. in 1999 and wrote *Towards an Urban Renaissance* through C.A.B.E. (Commission for Architecture and the Built Environment) which is an organisation that is interested in architecture and building which we refer to quite often at Planning so that we do not have to reinvent wheels, in

Creating Successful Masterplans: a Guide for Clients they state what makes a successful masterplan and they itemise half a dozen different points which show us, the States, because we have not done masterplans very often and it is debateable whether or not the ones we have done have been successful. They said that in order to conduct a successful masterplan process, the masterplan must be visionary. I think there is a vision that is coming out of the masterplan document. We might not like it but it is a vision nonetheless. “It should raise aspirations and provide a vehicle for consensus building and implementation.” Spot on. “It should be deliverable. It should take into account likely implementation and delivery routes [so there should be several different ways of achieving the end] laid out to show that you can deliver whatever solutions you are agreeing to. It should be fully integrated into the land use planning system.” Now that last one is absolutely vital. We cannot have planning from the floor of the House. We can have an agreement to plans that are brought forward by the Minister for Planning and Environment and the Planning Department. That is fine if that is the direction we wish to go in, so that we are all involved, but we cannot have the actual substance of the plans dictated on the floor of the House, bit by bit by bit. If we do that, you are not going to have an integrated plan. You are going to have a bunch of things that may hang together if you are lucky but the odds are that they do not. So it is non-integrated, non-joined-up thinking which we have been told time and time again. It is one of the issues at the root of our problems. If we think our way through from the front end of the problem to the end of it then, time and time again we can avoid problems before they turn up rather than creating them by making poor decisions that have to be undone in some shape or form later on. It has to be flexible and I think the masterplan that has been proposed is flexible. We are certainly going to hear the Minister telling us that he has listened to the public consultation; he has made substantial changes; his mind is still open to further changes. That is what a good masterplan should be. “It should be the result of a participatory process providing all stakeholders with a means of expressing their needs and priorities.” He has done that. The last point is: “It should be equally applicable to rethinking the role, the function and the form of existing neighbourhoods [in this case it is an open site with car parking] as to creating new neighbourhoods.” We want it to be a park with better community links, housing, amenities, whatever, whatever we want. It is completely open. The detail has not been put to bed as yet. This is a high level masterplan. I think what the Planning Department have done and what the Minister is trying to bring to this House for proper consideration is a proper, adult, joined-up thinking approach to improving the town, which is something that we all buy into to various levels. There is something in it for everybody. It does not represent a minority point of view put forward by any one particular party to the benefit of that party alone and it should not. The Island and the town does not belong to the Constable of St. Helier or its Deputies. It belongs to all of us.

[17:15]

The amenities that are going to be provided were not going to be ring-fenced and if you have a St. Helier I.D. (identification) badge you can get in and if you have not you are going to be kept out. That is utterly ridiculous. It could be set up like that but I do not think that is what people want. So it means it must a space that has certain attractions and holds attractions for people to go to who do not live in the town as well as for those who do. Otherwise it is not a millennium project for all of the residents of the Island, it is a specific project just for part of St. Helier. That is not what we agreed to on the many times that this proposition, or variations, has come to the House. So where are we today? The Constable knows what the petition said. He knows what the prayer said. He has chosen to put a particular emphasis on some of the passages within it but he does know in his heart of hearts that it never said that no building should be on the whole site. If it had, he would not be here under (b) making the case for the Gas Place car park and Talman land in their entirety and: “No part of the site should be developed for housing [which may be right, may be wrong, I do not know; we have not decided yet.] or other uses.” Now, “other uses” means “no parking”. So forget about what the 16,500 people said because they can all be disappointed; the States do not deliver on

their promises and there were only 16,500 of them. Had we had everybody then maybe we would be delivering, but they asked for parking, underground parking. That is what we agreed to all those years ago. It is what we are still agreeing to and that is why the Constable is coming forward today to change it. I think that is poor planning. I think it is only part of the job and I think we should be looking at the bigger picture. To do that we have to endorse the Minister for Planning and Environment's stance to successfully implement a new resolve to create masterplans, not just for this particular part of town. We have got exactly the same argument starting to loom up for La Collette about harbour replacements. We have got the same arguments about sewage facility treatments; the same arguments about airports; the same arguments about Les Quennevais and other urban areas. We have got the Island Plan coming forward, which is a masterplan in itself. That is the way we do business and that is the way we should continue to do business. Instead of picking bits and pieces and squabbling over the issues that really miss the bigger picture by a mile, I think it would be better if all politicians were to get behind the Minister for Planning and Environment and give him their assistance to bringing forward what is in effect the best compromise to meet the needs of all those who will be enjoying these spaces. If that is not the case, then we are just pandering to the view of the minority and that is wrong, fundamentally wrong. One other point is about use of resources. The reason that this whole process has taken so long is because of the funding aspects of delivering the underground parking that was called for but there are ways and means of delivering it inside the figures that have been mooted as being possible figures for the upper-end estimates of what it will cost. I think that gives us enough flexibility. If parking is deemed still to be acceptable, still to be something that the 16,500 persons who signed the petition called for, if it is still to be delivered then the States should be finding ways of working together to deliver it. The masterplan is an admirable attempt to do that. It needs to be discussed. We need to decide whether or not that is the way that we want to march forward together. If we do not go for the Council of Ministers' amendment, to give the States and all of us an opportunity to discuss all of the issues under the masterplan, we are committing the thing that I mentioned early on, which is the bane of my life, which is *ad hoc* planning and doing things bit by bit, piecemeal, and making poor decisions, something which this House is constantly striving towards remedying. The best way to deal with these things is to construct masterplans, to debate them independent of what the outcome is and we have all done our duty and had our say. That is the way it should be and I will wholeheartedly be supporting the Council of Ministers' proposition and, as I do, endorse wholeheartedly the provision of a town park and underground car parking and the best that is available for all members of our society, not just the favoured few.

9.1.12 The Deputy of St. Mary:

May I ask for a point of clarification of the previous speaker? As he is such a stickler for precision, can the speaker tell Members if the petitioners prayed for or asked for housing on this site?

9.1.13 Deputy R.C. Duhamel:

I am happy to reread what the petition said. There was no mention made of housing. Equally there was no mention of getting rid of the parking. Equally there was no definition of what "alternative uses" were. I was there when the petition was being signed. Those persons who were asked to sign and who decided to sign, they were adamant that what they wanted was the 2 things together: park area open space and car parking, and this masterplan will deliver both in perhaps a way that might need a slight amendment but we are going with the flow.

The Deputy of St. Mary:

Is it true that the actual prayer ...

The Deputy Bailiff:

Deputy, your last one was not a point of clarification. You knew very well the answer. It was a point of debate.

9.1.14 Deputy A.K.F. Green:

May I just ask for a point of clarification? If the development went ahead with those flats, how many of the parking spaces would be available for public use?

Deputy R.C. Duhamel:

I think we are being told the original plans were for the provision of 3 underground storeys of parking on Gas Place and that was of the order of 600. I think the 400 going at Ann Court plus the 200 for the other side add up to the same amount. How they are shared is still to be decided.

Deputy A.K.F. Green:

The Deputy knows what I mean. How many spaces will be available on the Gas Place and Talman site for public use if the plan goes ahead as in the north plan?

Deputy R.C. Duhamel:

I think presently the officers in the Department are talking about 200 all together, 80 of which for residential parking purposes and 120 for shopper purposes. The Transport and Technical Services Department, in line with the Integrated Travel and Transport Plan, have recommended to the Planning Department, which was something that that department has taken up, that the commuter car parking be replaced elsewhere which reflects the proposition that has been put forward.

9.1.15 The Connétable of St. Ouen:

I am going to support this amendment but only because of the fact that I believe that the production of the masterplan has given us an option to look at the overall plan for the north of St. Helier. I give fair warning now that when that masterplan comes to debate I will need real arguments to convince me that we should build houses on the site which was designated as the town park. I entirely agree with the Chief Minister that we need to replace the parking which is going to be lost when the town park is created and I think that that is right. We will need to look at that plan and decide how we replace that parking and I suspect that underground parking is the only way we will succeed in replacing it. I have a little bit of experience of creating parks because, after 30-odd years of argument and counter-argument in the Parish of St. Ouen, we managed to create a village green. I have to say that as good as it is - and it is a very good amenity, a very well used amenity - it could have been that much better if we had not been forced into having building on half the site. I suspect that what we are going to see here is a proposition which leads us down that same road. I will support this amendment because I think that as a States we owe it to the people of Jersey to look at the whole masterplan as a whole but I will need serious convincing that we should build houses on this site.

The Bailiff:

Does any other Member wish to speak on the amendment?

9.1.16 Connétable J.L.S. Gallichan of Trinity:

Could I just say that I was delighted to receive the Connétable and Deputy of St. Helier to the wonderful open space of Trinity Football ground? Maybe the next time the Connétable visits he might realise that it belongs to the Parish and is not a public open space. Having said that, I agree with the Connétable of St. Ouen because I think it is essential that there is a green open space for a park in St. Helier. Let us be fair: we are fortunate in the rural Parishes to have these places. I tend to disagree with maybe the area. When they say the area that the Connétable of St. Helier said of 2 square metres per person, St. Helier does go all the way to the Oaklands restaurant, the Red Rose. There is a lot of land still in St. Helier that is green. I think if he took all the calculations, like the Deputy of St. Mary has done, there would be more green area than he is saying. Never mind that: the future Island Plan which is due to be debated next year - not this year - does say there should be a lot more building in St. Helier. With this in mind, it is essential that we do have green open spaces in our Parish but I think it is only right that we debate the North of Town Masterplan before

we make that decision. I would be very similar to the Connétable of St. Ouen that unless there is a very good case made for housing there, I would prefer to see an open space.

9.1.17 The Connétable of St. Mary:

I will be very brief on this. I am very grateful to Deputy Duhamel for what he has said that reminded me, confirmed what I had always thought, because, of course, when this was all debated originally I was outside the Chamber and just taking an interest as a citizen. I certainly had understood that this was to be the Island millennium project. I would say at this point I am quite clear that St. Helier needs more green open spaces. There is no doubt about that but it needs to be accessible to other members of the Island as well because do not forget people come to St. Helier to work, they earn their money here, they spend a lot of their money here, they deserve a nice break, in their lunch time they need somewhere to spend it. It has to be accessible to people, to bring the family down after work to meet dad from the office, whatever. There needs to be somewhere to park. At the moment I come to town and I cannot park pretty much anywhere because I am not a resident and in most of the areas around there it is very difficult to find a space apart from in Gas Place. So let us make some long-term provision. To get to the nitty-gritty of simply the amendment, I am just a little concerned. I asked the Constable of St. Helier before, by a note, did he have a plan, a layout, of exactly what he wants the town park to look like. He said that there are lots of things that the children have said, *et cetera*. I have heard other Members make reference to the things that youngsters have said they want. It sounds to me like a lot of those youngsters are expecting some sort of play park, not just a flat open space to kick the ball in. I think we do need to give a lot of consideration to the final layout. What I am also concerned about is: “No part of the site should be developed for housing or other uses.” Now, my youngest is now 13 so I am out of the toddler in the park thing but I did spend a lot of time, when my children were young, in Coronation Park with them. When I was young, for example, the height of playground equipment was an old steam roller. I am sure most of you can remember playing on that. Children did not need any more than that but they needed something to focus their attention on. They had great fun in there. When my children were younger, as a parent I could go down, take a picnic blanket and for very little outlay, just for perhaps an ice cream, we could have a whole day’s fun and entertainment in the park. What I would never have done would have gone to a park with my children, laid everything out, when there was no toilet facility, when there was no café facility. I certainly do not want to cross a road with toddlers. So when it says “no development”, is that really what the Constable means? I can understand he might say “no housing”: absolutely; but to say “no development” worries me because there are things that you need to put in a park if that park is going to be used to the best advantage by the people who really need it.

[17:30]

I really think that not enough thought has gone into what we are saying here. I have been told, and Members have said, repeatedly: “It is what is in the proposition.” Absolutely right. So no part of this site should be developed for housing or other uses. Well I am not going to support the town park unless it gets a toilet block at the very least for all the mothers who go there with their children and want to use the facilities. That is at the very simplest level. I am saying that I want the town park. I think the town park is long overdue but it has to be right. It has to be right, right across the board and for that reason, like the Constables of Trinity and St. Ouen, I am supporting this amendment because it leaves the way open and the town masterplan needs to be debated in context. We need to look at what this means for the town, for the north of St. Helier, for the Island as a whole, because we are talking about an Island facility here. For that reason I am supporting the amendment. It leaves the way open for the park to be properly planned. Like the Constables who have spoken before me, I am not convinced about housing on that site but I am convinced that it needs more work.

The Deputy Bailiff:

The adjournment is proposed now at 5.30 p.m., so the Assembly will adjourn until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:31]