

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 30th JUNE 2009

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

1. Appointment of the Bailiff's Consultative Panel

The Bailiff:

We come next to the appointment of a panel of the Bailiff's Consultative Panel. An explanatory note has been circulated by the Greffier to Members and may I accordingly invite nominations for membership.

1.1 Deputy J.M. Maçon of St. Saviour:

Sir, it gives me great pleasure to propose the Deputy of St. John.

The Bailiff:

The Deputy of St. John. Is that nomination seconded? **[Seconded]**

1.2 Deputy S. Power of St. Brelade:

I would like to propose the Constable of St. Lawrence, please.

The Bailiff:

The Constable of St. Lawrence is proposed. Is that nomination seconded? **[Seconded]** Any further nominations?

1.3 Connétable D.J. Murphy of Grouville:

I propose Senator Le Main.

The Bailiff:

Yes, Senator Le Main is proposed. Is that nomination seconded? **[Seconded]** Any further nominations?

1.4 Senator T.J. Le Main:

I would like to propose the Connétable of Grouville, Sir. **[Laughter]**

The Bailiff:

The Connétable of Grouville is proposed. Is that nomination seconded? **[Seconded]**

1.5 Senator F.E. Cohen:

Sir, I would like to propose the Deputy of Grouville.

The Bailiff:

The Deputy of Grouville is proposed. Is that nomination seconded? **[Seconded]**

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

I would like to propose Deputy Martin.

The Bailiff:

Is the nomination of Deputy Martin seconded? **[Seconded]**

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

Sir, I would like to propose Deputy Maçon.

The Bailiff:

Deputy Maçon is proposed. Is that nomination seconded? **[Seconded]** Are there any further nominations for membership of the consultative panel? May I have some guidance from Members,

particularly perhaps from the Chairman of the P.P.C. (Privileges and Procedures Committee)? It is possible for the Greffe to arrange for those names to be printed on a ballot paper unless Members are content to proceed on the basis that they can remember the names of the 7 nominees. [Laughter]

Connétable J. Gallichan of St. Mary:

Sir, I think it might be safer to have them printed on a ballot paper I think. [Laughter]

The Bailiff:

It would be a challenge I think. The Greffe will arrange to print ballot papers and later in the morning we will proceed to a ballot.

QUESTIONS

2. Written Questions

2.1 Deputy T.A. Vallois of St. Saviour of the Chief Minister regarding the adoption of recommendations from scrutiny reports:

Question

Could the Chief Minister advise the number of recommendations from **all** scrutiny reports that have been adopted by Ministers since the introduction of Ministerial government and how many recommendations have been put forward to departments?

How does the Council of Ministers consider the scrutiny process is working effectively with Ministers and their departments?

Answer

Although I am Chief Minister, I am not in possession of this information and therefore cannot answer the question. This question should be redirected to the relevant Scrutiny Panel chairmen or the Chairman's Committee, which has a central record of all Scrutiny reports issued and consequential responses from Ministers.

Scrutiny reports are sent by each Scrutiny Panel directly to the appropriate Minister. Scrutiny reports are not copied to the Chief Minister as a matter of course (unless they fall within his domain). Nor do Ministers copy the Chief Minister in on their responses as a matter of course. [Note: Guidelines setting out how Ministers should respond formally to Scrutiny reports is set out in the protocol agreed with Scrutiny in October 2007]

Of course, where a scrutiny report makes a recommendation on a major policy issue, this may be discussed either with the Chief Minister, or with the Council of Ministers. However, the response to the recommendation is in every case made directly to the Scrutiny Panel by the appropriate Minister.

The Scrutiny process has been in place for just over three years. Clearly such a new concept for Jersey will take time to embed itself. However, the Council considers that in general, the Scrutiny process has made great improvements – particularly over the past two years – in performing its role of holding the Executive to account. Panels have produced some excellent reports and contributed to policy formulation. Most Panels have developed good relationships with their Minister and departments, leading to more open and frank discussions. These relationships could be developed further without compromising the role of either the Minister or the Panel.

The Council believes that a strong and fair Scrutiny process is vital to good, orderly and open government and hopes that the process will improve further over time.

2.2 The Deputy of St. Martin of the Chief Minister regarding staff suspensions:

Question

Would the Chief Minister advise the Assembly of the total number of staff, by Department, who were suspended as a result of disciplinary infractions since 1st January 2009 and, in each case, identify the employee group concerned, the period of suspension, the means of disposal of the case and, in those cases where the time between the suspension date and the disciplinary hearing was greater than the eight weeks recommended by the States Employment Board, the reason for the extension?

Would the Chief Minister advise the Assembly of the total number of staff who were suspended during the period 2006 to 2009, and who remain suspended, identifying in each case the employee group concerned, the period of suspension and the reason why the employee remains suspended?

Answer

- 1 The number of employees suspended as a result of disciplinary infractions since 1st January 2009 is reproduced below:

Dept.	Employee Pay Group	Suspension Commenced	Suspension Finished	Method of Disposal
EDD	Civil Servant	11/02/2009	04/03/2009	Disciplined
ESC	Teacher	07/05/2009	16/06/2009	Disciplined
HSS	Nurses & Midwives	14/01/2009	28/01/2009	Disciplined
HSS	Residential Child Care Officers	23/01/2009	Ongoing	Ongoing
HSS	Doctors & Dentists	02/02/2009	Ongoing	Ongoing
HSS	Nurses & Midwives	23/03/2009	29/04/2009	Disciplined

The table shows that there have been 6 employees suspended as a result of disciplinary infractions since 1st January 2009.

Of the 6 employees suspended, 4 were dealt within the 8 week period recommended by the States Employment Board.

The 2 remaining employees who have been suspended for longer than the recommended 8 week period are subject to police investigation.

- 2 The number of employees who have been suspended during the period 2006 to June 2009 and who remain suspended is reproduced below:-

Dept.	Employee Pay Group	Suspension Commenced	Reason
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HSS	Doctors & Dentists	18/10/2006	Police investigation now complete. Currently pending disciplinary action
HSS	Civil Servant	12/06/2008	Police investigation now completed. Currently awaiting decision regarding potential disciplinary action
HSS	Health Care Asst.	01/12/2008	Police investigation ongoing
HSS	RCCO	23/01/2009	Police investigation ongoing
HSS	Doctors & Dentists	02/02/2009	Police investigation ongoing

Note: Both parts of this answer do not relate to Police Officers, who are office holders, and for whom the Minister for Home Affairs is responsible.

2.3 Deputy T.M. Pitman of St. Helier of the Minister for Education, Sport and Culture regarding plans to privatise or outsource elements of service delivery:

Question

Following on from the Strategic Plan, what sector, if any, in his department's service delivery does the Minister plan to privatise or outsource and how many jobs will this effect; further still, what savings are planned?"

Answer

As stated by the Chief Minister on 16th June 2009, in response to an oral question from Deputy G.P. Southern of St. Helier, all organisations change and adapt as technological improvements, economic conditions and other innovative opportunities arise. This applies equally to the public sector which must change and adapt, particularly in the current economic conditions. All departments need to keep the provision of their services under constant review, which must include whether there are more commercial ways of working or opportunities for wider private sector involvement as a means of improving efficiency and keeping costs down.

At present, the Education, Sport and Culture Department does not have any plans for the privatisation or outsourcing of services.

2.4 Deputy T.M. Pitman of St. Helier of the Minister for Home Affairs regarding plans to privatise or outsource elements of service delivery:

Question

Following on from the Strategic Plan, what sector, if any, in his department's service delivery does the Minister plan to privatise or outsource and how many jobs will this effect; further still, what savings are planned?"

Answer

There are no specific areas within the Home Affairs Department which are being considered for privatising or outsourcing at this stage.

However, with the requirement to make efficiency and other savings, and with considerable pressure on resources to deliver services at existing levels, the Minister cannot confirm that areas for privatisation or outsourcing will not be investigated in the future.

2.5 Deputy T.M. Pitman of St. Helier of the Minister for Planning and Environment regarding plans to privatise or outsource elements of service delivery:

Question

Following on from the Strategic Plan, what sector, if any, in his department's service delivery does the Minister plan to privatise or outsource and how many jobs will this effect; further still, what savings are planned?"

Answer

As stated by the Chief Minister on 16th June 2009, in response to an oral question from Deputy G.P. Southern of St. Helier, all organisations change and adapt as technological improvements, economic conditions and other innovative opportunities arise. This applies equally to the public sector which must change and adapt, particularly in the current economic conditions. All departments need to keep the provision of their services under constant review, which must include whether there are more commercial ways of working or opportunities for wider private sector involvement. As such opportunities arise Departments will be expected to implement them as a means of improving efficiency and keeping costs down.

In the past the Chief Minister has informed States members of a good example of this in the recent exercise tendering for the improvement and upgrading of the States website in his own department. As a result a consortium of private companies successfully bid for and are now undertaking not only the development but also future provision of web facilities.

Within the Planning and Environment Department, there are no plans within the current budget process (2010 – 1012) to privatise or outsource the main activities of the Department. Work will commence however, on a review of the Jersey Meteorology Department, in line with the recommendations made by the Comptroller and Auditor General in 2007. The review will explore different delivery models for the Met service and the costs associated with States provision, as opposed provision via external agencies. If any savings are to be achieved these will not be delivered until 2013 at the earliest, and it is too soon to indicate if there are any staffing implications.

In addition, work will be undertaken to challenge the extent of existing regulation and to explore whether it is appropriate for further self certification by the private sector, for instance in the field of Building Control or by increasing permitted development rights.

The Department will also be exploring options for improving the cost recovery of certain services through the introduction of higher or additional charges and fees. This will effect a range of services including Building Control and Development Control as detailed in the 2010 States Business Plan which is to be presented to the States for debate later in the year.

2.6 Deputy T.M. Pitman of St. Helier of the Minister for Treasury and Resources regarding plans to privatise or outsource elements of service delivery:

Question

Following on from the Strategic Plan, what sector, if any, in his department's service delivery does the Minister plan to privatise or outsource and how many jobs will this effect; further still, what savings are planned?"

Answer

As stated by the Chief Minister on 16th June 2009, in response to an oral question from Deputy G.P. Southern of St. Helier, all organisations change and adapt as technological improvements, economic conditions and other innovative opportunities arise. This applies equally to the public sector which must change and adapt, particularly in the current economic conditions. All departments need to keep the provision of their services under constant review, which must include whether there are more commercial ways of working or opportunities for wider private sector involvement. As such opportunities arise Departments will be expected to implement them as a means of improving efficiency and keeping costs down.

In the past the Chief Minister has informed States members of a good example of this in the recent exercise tendering for the improvement and upgrading of the States website in his own department. As a result a consortium of private companies successfully bid for and are now undertaking not only the development but also future provision of web facilities.

Whilst there are no definite plans to privatise or outsource current services, the Treasury keeps under constant review ways to increase efficiency and reduce the costs to the taxpayers.

2.7 Deputy T.M. Pitman of St. Helier of the Minister for Transport and Technical Services regarding plans to privatise or outsource elements of service delivery:

Question

Following on from the Strategic Plan, what sector, if any, in his department's service delivery does the Minister plan to privatise or outsource and how many jobs will this effect; further still, what savings are planned?"

Answer

As stated by the Chief Minister on 16th June 2009, in response to an oral question from Deputy G.P. Southern of St. Helier, all organisations change and adapt as technological improvements, economic conditions and other innovative opportunities arise. This applies equally to the public sector which must change and adapt, particularly in the current economic conditions. All departments need to keep the provision of their services under constant review, which must include whether there are more commercial ways of working or opportunities for wider private sector involvement. As such opportunities arise Departments will be expected to implement them as a means of improving efficiency and keeping costs down.

In the past the Chief Minister has informed States members of a good example of this in the recent exercise tendering for the improvement and upgrading of the States website in his own department. As a result a consortium of private companies successfully bid for and are now undertaking not only the development but also future provision of web facilities.

The strategic plan states that Transport and Technical Services (TTS) and Treasury and Resources will investigate alternative ways to fund and deliver key infrastructure services, such as disposing of liquid and inert waste. TTS will review all services to make sure that the existing business model of states funded and operated utility is the best value approach. To avoid limiting this review the department will challenge all the historical and social assumptions to provide defendable and unbiased options for the best decision to be made whilst guaranteeing a sustainable future for the islands infrastructure.

To directly answer the question the answer is that this could affect all TTS workers and managers. Any savings planned will need to be utilised to support the aging infrastructure and long term maintenance needs of Islands critical assets.

2.8 Deputy T.M. Pitman of St. Helier of the Minister for Social Security regarding plans to privatise or outsource elements of service delivery:

Question

Following on from the Strategic Plan, what sector, if any, in his department's service delivery does the Minister plan to privatise or outsource and how many jobs will this effect; further still, what savings are planned?"

Answer

As stated by the Chief Minister on 16th June 2009, in response to an oral question from Deputy G.P. Southern of St. Helier, all organisations change and adapt as technological improvements, economic conditions and other innovative opportunities arise. This applies equally to the public sector which must change and adapt, particularly in the current economic conditions. All departments need to keep the provision of their services under constant review, which must include whether there are more commercial ways of working or opportunities for wider private sector involvement. As such opportunities arise Departments will be expected to implement them as a means of improving efficiency and keeping costs down.

In the past the Chief Minister has informed States members of a good example of this in the recent exercise tendering for the improvement and upgrading of the States website in his own department. As a result a consortium of private companies successfully bid for and are now undertaking not only the development but also future provision of web facilities.

However, the Social Security Department does not have any current plans to privatise or outsource any further services provided by the Department.

2.9 Deputy T.M. Pitman of St. Helier of the Minister for Economic Development regarding plans to privatise or outsource elements of service delivery:

Question

Following on from the Strategic Plan, what sector, if any, in his department's service delivery does the Minister plan to privatise or outsource and how many jobs will this effect; further still, what savings are planned?"

Answer

As stated by the Chief Minister on 16th June 2009, in response to an oral question from Deputy G.P. Southern of St. Helier, all organisations change and adapt as technological improvements, economic conditions and other innovative opportunities arise. This applies equally to the public sector which must change and adapt, particularly in the current economic conditions. All departments need to keep the provision of their services under constant review, which must include whether there are more commercial ways of working or opportunities for wider private sector involvement. As such opportunities arise Departments will be expected to implement them as a means of improving efficiency and keeping costs down.

In the past the Chief Minister has informed States members of a good example of this in the recent exercise tendering for the improvement and upgrading of the States website in his own department. As a result a consortium of private companies successfully bid for and are now undertaking not only the development but also future provision of web facilities.

The Economic Development Department as the States lead-department in terms of delivering productivity and support for business continues to explore how it can most cost-effectively deliver its broad range of services. For example, the Department grant-funds Jersey Finance Limited (JFL) to develop the interface with the finance sector and carry out promotional activity on a global basis that will raise the profile of Jersey as a transparent and effective global finance centre. In addition, EDD grant-funds the Jersey Consumer Council to deliver effective consumer representation.

Members will also be aware that the Department is evaluating with the JHA and others, a proposal for the potential introduction of a public-private partnership for the delivery of marketing and promotion of the Island as a visitor destination, along similar lines to JFL. This proposal is currently the subject of a review by the Economic Affairs Scrutiny Panel. A key element of the proposal is the delivery of a more effective and productive organisation grant- funded by the Economic Development Department, with an increased contribution from the private sector.

2.10 Deputy T.M. Pitman of St. Helier of the Minister for Health and Social Services regarding plans to privatise or outsource elements of service delivery:

Question

Following on from the Strategic Plan, what sector, if any, in his department's service delivery does the Minister plan to privatise or outsource and how many jobs will this effect; further still, what savings are planned?"

Answer

As stated by the Chief Minister on 16th June 2009, in response to an oral question from Deputy G.P. Southern of St. Helier, all organisations change and adapt as technological improvements, economic conditions and other innovative opportunities arise. This applies equally to the public sector which must change and adapt, particularly in the current economic conditions. All departments need to keep the provision of their services under constant review, which must include whether there are more commercial ways of working or opportunities for wider private sector involvement. As such opportunities arise, Departments will be expected to implement them as a means of improving efficiency and keeping costs down.

In the past, the Chief Minister has informed States members of a good example of this in the recent exercise tendering for the improvement and upgrading of the States website in his own department. As a result, a consortium of private companies successfully bid for, and are now undertaking, not only the development but also future provision of web facilities.

The Health and Social Services Department has a number of long standing partnership arrangements with both the charitable and private sectors here in Jersey. My Department disburses over £10M per year to the grant aided (charitable) sector, with Family Nursing and Home Care Services being the largest recipient of funds from within this large sum of money. Two years ago, my Department also entered into a partnership agreement with a number of private nursing home providers which meant that Leoville and McKinstry wards could be closed and the residents thereby enjoy higher quality facilities and environments. It is envisaged that these partnerships will expand – again, building on good working relationships between the States, charitable and private agencies – rather than new services being created. However, my officers and I will continue to be alert to opportunities which new forms of organisation and service provision offer to patients and to clients.

At this stage, therefore, it is not envisaged that there will be any reduction or loss of staff within my Department as a result of new forms of public private partnership.

2.11 Deputy T.M. Pitman of St. Helier of the Minister for Housing regarding plans to privatise or outsource elements of service delivery:

Question

Following on from the Strategic Plan, what sector, if any, in his department's service delivery does the Minister plan to privatise or outsource and how many jobs will this effect; further still, what savings are planned?"

Answer

As stated by the Chief Minister on 16th June 2009, in response to an oral question from Deputy G.P. Southern of St. Helier, all organisations change and adapt as technological improvements, economic conditions and other innovative opportunities arise. This applies equally to the public sector which must change and adapt, particularly in the current economic conditions. All departments need to keep the provision of their services under constant review, which must include whether there are more commercial ways of working or opportunities for wider private sector involvement. As such opportunities arise Departments will be expected to implement them as a means of improving efficiency and keeping costs down.

Members are aware that next month the Review of Social Housing undertaken by Professor Christine Whitehead from the Cambridge Centre for Housing and Planning Research and London School of Economics will be circulated for consultation as a Green Paper. In that report Professor Whitehead does discuss options for the future status of the Housing Department. These options will be the subject of full consultation ahead of a debate in the New Year.

2.12 Deputy T.M. Pitman of St. Helier of the Chief Minister regarding plans to privatise or outsource elements of service delivery:

Question

Following on from the Strategic Plan, what sector, if any, in his department's service delivery does the Minister plan to privatise or outsource and how many jobs will this effect; further still, what savings are planned?"

Answer

As I stated on 16th June 2009, in response to an oral question from Deputy G.P. Southern of St. Helier, all organisations change and adapt as technological improvements, economic conditions and other innovative opportunities arise. This applies equally to the public sector which must change and adapt, particularly in the current economic conditions. All departments need to keep the provision of their services under constant review, which must include whether there are more commercial ways of working or opportunities for wider private sector involvement. As such opportunities arise Departments will be expected to implement them as a means of improving efficiency and keeping costs down.

Previously I have informed States members of a good example of this in the recent exercise tendering for the improvement and upgrading of the States website in my own department. As a result a consortium of private companies successfully bid for and are now undertaking not only the development but also future provision of web facilities.

There are no current plans to privatise or outsource any further parts of the Chief Minister's Department's services, although if opportunities arise to improve service or cost to the public they will be fully evaluated.

2.13 Deputy G.P. Southern of St. Helier of the Minister for Treasury and Resources regarding estimates for the downturn in the economy for 2009 and 2010:

Question

Will the Minister inform members what evidence he has to support his estimates for the downturn in the economy for 2009 and 2010 of 4% and 2% respectively?

Answer

The Minister has taken the advice of the Economic Adviser and the Fiscal Policy Panel (FPP) on the outlook for the Jersey economy. The Economic Adviser made an objective assessment of the economic outlook based on a quantitative assessment of the relationship between Jersey's economic performance and key economic variables and a qualitative assessment of the outlook for the various sectors of our economy. The FPP also made a similar assessment in their annual report published in May this year.

2.14 Deputy G.P. Southern of St. Helier of the Minister for Education, Sport and Culture regarding the number of secondary teaching vacancies advertised by his department for September 2009:

Question

Will the Minister inform members of the number of secondary teaching vacancies advertised by his department for September 2009 listed by subject area along with the numbers of applicants for these posts? Will he further state whether applicants were fully qualified secondary teachers in the subjects required and whether applicants were locally qualified, UK graduates or other nationalities? How many vacancies remain unfilled?

Answer

The Department has advertised 18 vacancies either in the Jersey Evening Post or the Times Educational Supplement or both. The Department has also advertised two promoted posts internally giving a total of 20 posts.

The advertisements have attracted a total of 140 applications, all of which were from graduates, and some applicants may have applied for more than one post. 31 applicants were locally qualified (i.e. continuously resident in Jersey for a period of at least five years), one applicant was employed in a Jersey school on a J category contract, 87 applicants were from the UK, and 17 applicants were non-U.K. nationals.

11 of the 20 appointments were local appointments, eight were granted J category status, and one was granted a one year fixed term contract without a J category.

All with the exception of two local appointments were fully qualified secondary teachers in the subjects required. The two unqualified appointees were local graduates and will complete one year's training to obtain Qualified Teacher Status on Island.

No vacancies remain unfilled for September 2009.

Subject area	No. of posts	No. of Applications	Locally qualified applicants (see note)	UK Graduate applicants	Other nationalities applicants
Science	4	33	3	25	-
Mathematics	5	31	2	35	5
English	3	20	6	7	7
History	1	1	1	-	1
Headteacher	1	14	1	13	-
Design Technology	1	24	8	12	4

Drama	1	5	2	3	-
Music	1	3	1	2	-
Learning Support	1	4	4	-	-
Modern Foreign Language	1	2	2	-	-
Girls PE	1	3	2	1	-

Note: This figure consists of the 31 applicants who have been continuously resident in Jersey for a period of at least five years, together with the one applicant employed in a Jersey school on a J category contract.

2.15 Deputy G.P. Southern of St. Helier of the Chief Minister regarding changes made to teachers' pension terms and conditions for new entrants:

Question

Will the Minister inform members what changes have been made to teachers' pension terms and conditions for new entrants and state how this differs from the UK equivalent?

Does the Minister agree with the statement of the Comptroller and Auditor General, supported by PAC, that

“terms and benefits must be broadly equivalent to those of the mainland in order to recruit staff.”?

Does the Minister anticipate recruitment difficulties given the recently negotiated reduced pension terms?

Answer

The Jersey Teachers' Superannuation Fund introduced a new benefit structure in April 2007. The New Members part of the Scheme included numerous changes, some a betterment of terms, for instance the Death-in-Service lump sum was increased from once annual salary to twice annual salary. However, the main alteration was a decrease in the accrual rate from 60ths to 80ths (of final salary for each year of service). This differs from the UK equivalent which has retained accrual rates of 60ths.

In principle we do agree that “terms and benefits must be broadly equivalent to those of the mainland in order to recruit staff”. Nonetheless, since the 1987 restructure of the Public Employee Contributory Retirement Scheme (PECRS) the pension situation for all other States employees does not compare favourably with corresponding schemes in the UK. However, the Comptroller and Auditor General made the point that recent reforms in the UK mean the gap is closing.

The situation regarding any recruitment difficulties is being carefully monitored by ESC and at the present time difficulties are only experienced where there is a general shortage nationally. Whilst it is true to say that some potential UK recruits have withdrawn their interest in moving to Jersey as a teacher because of the pension issue, it is also true to say that this has not resulted in any vacancy not being filled.

2.16 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the number of vacant nursing and social worker positions:

Question

Will the Minister inform members how many positions, and at what levels, are unfilled in the full complement of -

- a) Hospital nurses
- b) Social workers

What measures, if any, does the Minister have in place to remedy the position?

Answer

My answer to the Deputy naturally falls into two parts.

(a) Hospital Nurses

In providing the information to the Deputy, I have included in the figures those health practitioners who are called ‘Health Care Assistants’. This group of valuable practitioners is included within the Nurses and Midwives pay group.

As at 23rd June 2009, there are 54.99 FTE (Full Time Equivalent). This equates to 5.39% of the total Registered Nurse and HCA workforce.

As to remedial measures, I can advise the Deputy that 10 Registered Nurses have been appointed, but we are awaiting a starting date for them, which of course is subject to Police checks and health clearance.

Further remedial actions which are intended to improve the recruitment and retention of our Nursing and Midwifery workforce include:

- Development of relocation package for Nurses and Midwives equitable to packages available to other pay groups
- A ‘Hard to Recruit Area’ policy developed locally that enables some negotiation for staff to relocate on an increment higher than the usual bottom increment of grade within the agreed States of Jersey Nurses and Midwives career framework. A more assertive approach is now taken to market Jersey and to identify Senior Nurse Managers as contact points so that those who are thinking of relocating to Jersey ‘have a friend on the phone’ here in Jersey, so to speak.
- As has been well publicised, a range of ‘grow our own nurses initiatives’ have been put in place. These imaginative schemes seek to give career opportunities to indigenous Islanders and thereby reduce the reliance on recruiting nurses from other jurisdictions.
- A radical overhaul of recruitment and other administrative procedures is underway aimed at streamlining and thereby reducing the gap between vacancy and a new nurse coming into post. The new vetting arrangements which are undertaken by the States of Jersey Police are being refashioned and should reduce the waiting time in this regard.

(b) Social Workers

I am very pleased to report that with regard to Social Services, the number of vacancies within social work has reduced considerably over recent months. The following table best describes the picture, given the various specialisms within social work itself. The vacancies should be seen in the context of there being 58 substantive posts in social work.

Table 1

Service Area	Number & nature of post/s	Action
Adult Social Work	2.5 Social Work posts	Posts have been advertised. Interviews mid July.
Children’s Service	Executive 1 Residential/Secure Officer in Charge post	Due to be advertised in September

Children's Assessment and Protection	Service: 2 Social Work posts and Child	Post offered, awaiting completion of police checks
Children's Service: Needs	Special 1 Social Work post	Recruitment nearing completion, successful candidate in post in 2/3 months.

Whilst the vacancy position has improved, there is no room for complacency and we must always be vigilant. It is well known that there is a dearth of Registered Social Workers within the United Kingdom – which remains the principal source of all our Social Worker recruitment in Jersey.

Clearly long term solutions are required to address this problem, which threatens to erode the capacity of the service to deliver its core statutory services. Measures continue to be put in place with the aim of improving recruitment and, crucially, ensuring that once recruited, staff are retained in post. These remedial measures include:

- Re-evaluation of remuneration levels for all Registered Social Workers – which reflects the level of autonomy and decision making which Social Workers are accountable for now in the modern world.
- The Directorate of Social Services uses a portion of its training budget each year to support and financially sponsor up to four indigenous Islanders to undertake the Open University Social Work Degree. Again, this is another example of Jersey 'growing its own'.
- If the States supports the Williamson Implementation Plan, then additional training funds – and other supportive resources – will be available which will improve the quality and well-being of existing Social Workers. It is well recognised that a Department of Social Services which is undergoing a huge and positive investment in itself attracts social workers to come and to take up roles within a service which is recognised as being on a path of improvement with resources available to back this up.

2.17 Deputy G.P. Southern of St. Helier of the Chief Minister regarding the recruitment of the new Deputy Chief Executive:

Question

Would the Chief Minister give precise details a) of the procedure followed in the recruitment of the new Deputy Chief Executive and b) of his job description?

Answer

- a) The States, when setting the 2009 Business Plan, specifically provided additional resources to allow the recruitment of the Deputy Chief Executive, in order to bring together the Resources functions and to lead on change and efficiency across the public sector. The recruitment exercise then followed the process agreed under the aegis of the Appointment Commission. It was agreed that provided the suitable candidate fully met the job criteria the role should be filled by a local candidate with the appropriate knowledge and experience of the workings of the States of Jersey. In the first instance it was agreed that the job should be offered to internal candidates and only if no one of sufficient ability applied would it be advertised externally in Jersey and the UK. In the event there was a good choice of internal candidates who completed a number of assessed tasks and who were interviewed by a panel comprising, the Chief Minister, the Minister for Treasury and Resources, the Chief Executive, the Chairman of the Appointments Commission, and an external adviser. I am pleased to report that John Richardson met the required standard and was considered to be the best candidate in the process.
- b) The job description is attached.

JOB DESCRIPTION

DEPARTMENT: Chief Minister's Department

JOB TITLE: Deputy Chief Executive/Chief Officer – Resources

REPORTS TO: Chief Executive

1. JOB PURPOSE

To deputise, across the full range of his functions, for the Chief Executive as the provider of first line advice to the Chief Minister, ensuring that any such advice has been properly researched, is robust, and is in line with the States' overall strategic aims.

To provide strategic leadership to the Resource functions of the States of Jersey, comprising the Human Resources Department, Information Services Department including Customer Services, Property Holdings and Procurement and the JDE function, ensuring that the work of the Resources functions is focussed on, and supports the work of, the States of Jersey.

To work across the States, with the CMB, to devise and lead OD programmes to maximise efficiency and effectiveness.

2. PRINCIPAL ACCOUNTABILITIES

1. To support the Chief Executive in driving forward the corporate management agenda and the work of the Corporate Management Board. To deputise for the Chief Executive across the full range of his activities, and in his absence provide clear leadership to all Executive States Departments, and for specific delegated functions.
2. To bring together the corporate resource functions of HR, Property, Information Services, Procurement and the JDE function, to create a high performing Resources Directorate which provides high quality, efficient services to Departments. The allocation of JDE functions and resources between CMD and Treasury will be led by the DCE and agreed with the Chief Executive and Treasurer.
3. To provide strong leadership and direction to the Resources Directorate, supporting the professional Heads to ensure that the individual functions work in unison to drive forward the collective and corporate agendas. To ensure that proper processes are in place to review individual and departmental performance, objective setting and accountability for performance. To ensure that budget management processes are in place, aligning resource allocation with the finance available, savings or overspends are identified and appropriate action instigated.
4. To ensure that proper processes are in place to review and continuously improve individual and departmental performance, objective setting and accountability for performance.
5. To take the lead on driving organisational development and improvement to increase the efficiency and effectiveness of services across the States of Jersey, implementing systems to monitor the progress and effectiveness of any changes.
6. To take responsibility for specific, high profile, corporate initiatives as determined from time to time.
7. To utilise the resource function, including the JDE system and the development team, to ensure that there is an enterprise wide system designed to support Departments and maximise efficiency.
8. To work as a member of the Corporate Management Board under the authority and direction of the Chief Executive to the Council of Ministers. To act at all times to secure the best interests of the States and their services on behalf of the public.

3. DIMENSIONS

(2008 data)

Financial

Staffing FTE

Human Resources	£4,255,300	55.00
ISD	£3,332,600	70.40
Customer Services	£244,400	11.7
Procurement	£318,000	5.00
Property Holdings	£3,140,500	52.75
JDE	(total sum to be agreed)	
Capital:		
ISD Department	2008 - 2012	£18,000,000
Property Holdings	2008 – 2012	£29,622,00

4. KNOWLEDGE AND SKILLS

- Educated to degree level with a Postgraduate management qualification
- Substantial senior management experience of at least 10 years at a policy formulation level in a multi-disciplinary environment.
- Knowledge and understanding of the States of Jersey and substantial experience of working in a political environment
- Proven ability to drive performance in a multi-disciplinary team
- Strong analytical skills and proven project management ability.
- Significant negotiating, persuading and influencing skills
- Proven ability to lead, motivate and develop teams during periods of change.

2.18 Deputy R.G. Le Hérissier of St. Saviour of the Minister for Social Security regarding employment trends and the collation of unemployment statistics:

Question

Given the difficulties in accurately keeping track of unemployment trends will the Minister be revising the way in which such statistics are collected and, if so, how?

Answer

As indicated in response to Question 4587 (16th June 2009) and as previously stated by the Chief Minister in response to Question 4555 (2nd June 2009), the Social Security Department is currently working closely with the Statistics Unit to produce a monthly publication on registered unemployment in the Island.

Current statistics on individuals who are registered as unemployed and actively seeking work include details of gender, age and duration of actively seeking work status. Reports are published monthly in the employment section of the Social Security website. The April report can be found at the following web address:

<http://www.gov.je/NR/ronlyres/A684CA8F-01A8-4BC4-93F6-FC9C4CED5831/0/ASWApr09.pdf>

2.19 Deputy R.G. Le Hérissier of St. Saviour of the Chairman of the Privileges and Procedures Committee regarding cases placed before the Complaints Board:

Question

Will the Complaints Board be able to comment on whether alleged contraventions of Human Rights are a factor in cases placed before it?

Answer

PPC is currently awaiting the outcome of the recruitment process for additional members of the Complaints Panel. The interview process is being managed by a member of the Appointments Commission without the involvement of any members of PPC and I understand that the selection panel should be in a position to recommend nominations to the Committee within a week. At that stage PPC will lodge a proposition asking the States to approve the nominations put forward.

Once the Complaints Panel is fully reconstituted PPC will arrange a meeting with the Chairman, Deputy Chairmen and members to discuss the work of the complaints system. As the issue of human rights has been raised by States members I am happy to undertake to place this matter on the agenda for the meeting. I think it is nevertheless important to stress that the complaints system is a way for complainants who are aggrieved by a *specific* decision of a Minister, Department or person acting on their behalf to have the complaint reviewed and it would not therefore be possible for a Board to consider human rights matters unless they were directly relevant to a particular decision. In addition the only remedy that the Board can recommend, if it finds in favour of the complainant, is that the Minister should reconsider the original decision in the light of the Board's findings. Although the current Chairman and Deputy Chairmen are legally qualified there is no statutory requirement for them to be lawyers and a Complaints Board is not a court. When PPC meets the members of the Complaints Panel it will be keen to discuss the extent to which the Panel should be alert to human rights issues that are raised by complainants even if it is only to know when further information or advice on matters raised should be sought. When PPC discussed this issue on 19th June 2009 it was interested to note the views of the UK Parliamentary Commissioner for Administration, Ann Abraham, who, in response to the inquiry launched in April 2008 by the UK Equality and Human Rights Commission, wrote in August 2008 that "*Formal findings of human rights infringements are of course a matter for the courts. But Ombudsmen need to ask human rights questions, use human rights language and play their part in nudging public authorities towards the sort of human rights culture that the Government envisaged with the Human Rights Act in 1998.*"¹

¹ http://www.ombudsman.org.uk/about_us/FOI/whats_available/documents/responses/human_rights_inquiry.html

2.20 Deputy R.G. Le Hérisier of St. Saviour of the Minister for Social Security regarding the status of the claim against the assets of Woolworths in Jersey by GMAC:

Question

Would the Minister explain the status of the claim against the assets of Woolworths in Jersey by GMAC for £164 million?

Answer

This is a judicial matter inasmuch as the claim is to be adjudicated upon by the Viscount in terms of an Act of the Royal Court dated 2nd March, 2009. The Deputy should therefore address his question to the Viscount (or, of course, to the claimant).

2.21 Deputy R.G. Le Hérisier of St. Saviour of the Minister for Treasury and Resources regarding the reform of the public sector:

Question

Would the Minister confirm whether the remit of one of his Assistant Ministers covers reform of the public sector and cost cutting and, if so, would he explain how this will come about?

Answer

Reform of the public sector and cost cutting does not come under the specific remit of either of the Assistant Ministers

2.22 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the Jersey Field Squadron:

Question

Following my earlier oral question would the Minister please provide the following detailed information on the Jersey Field Squadron:

1. How much is the Island's defence contribution to HM Government which covers the cost of the Jersey Field Squadron?

Answer

2007: Total £914,991

2008: Total £884,792

Question

2. What is the permanent staff of the Field Squadron, breaking it down into seconded regular army personnel and local personnel?

Answer

Two (2) Regular Soldiers (3 if no TA Officer Commanding available), two (2) Non-Regular Permanent Staff (NRPS) and four (4) States of Jersey civil servants. The Squadron uses the Transport and Technical Services department to maintain all its vehicles and as such pays for a civilian Transport and Technical Services department fitter on an hourly basis.

Question

3. What is the cost of housing permanent members of the Field Squadron?

Answer

The Squadron uses States of Jersey property to house its permanent staff; less one property that has a long term private lease. The enduring revenue liability is limited to property maintenance, which is met from the stated Squadron budget, and charges normally associated with residential properties. The underlying cost per annum is detailed below.

For 2007:

£48319.15 (Including all maintenance and lease charges)

£9246.77 (less property maintenance charges for the States of Jersey property)

For 2008:

£76484.33 (Including all maintenance and lease charges – exceptional year as one property needed a new roof – note. commitment made to undertake work from existing funds as spend in 2008 reduced below level for 2007. This was an opportunity arising from cash savings associated with 7 soldiers deployed to Iraq)

£10883.28 (less property maintenance charges for the States of Jersey property)

Question

4. Would the Minister give the number of Island volunteer personnel on the books of the Squadron broken down by:

Answer

- a. numbers recorded on the establishment for each year from the formation of the unit:

The Squadron's current records date back to 1996; it must be noted that when a soldier is mobilised for full time service they are posted from the Squadron's strength onto the Regular Army's strength.

The figures as at December for each year are:

Ser	Year	December Manning Level	Average for the Year
(a)	(b)	(c)	(d)
1	1996	91	93
2	1997	87	85
3	1998	68	77
4	1999	63	66
5	2000	53	57
6	2001	56	55
7	2002	51	57
8	2003	44	42
9	2004	68	60
10	2005	71	72
11	2006	69	69
12	2007	76	72
13	2008	68	68

- b. numbers recorded on the establishment who were actually paid for attendance at training sessions from the year of its formation;

It is not possible to obtain detail as source data is no longer available because Ministry of Defence IT systems have changed over the years. It is important to consider that soldiers only get paid to attend training; there is no financial 'retention' element for a TA soldier, and the current policy is to discharge people who don't train. There is no benefit to artificially inflating recruited strength and

as such it is fair to say all those who are currently on the Squadron strength are training, and in receipt of pay, or pending discharge.

- c numbers of volunteers on establishment who attended annual camp for each year since its formation;

Sometimes referred to as ‘annual camps’, continuous training periods of between 8 - 15 days can refer to a variety of activities, including recruit training courses, career courses, annual training exercises and attachments to Regular Units. The Jersey Field Squadron term their training in whether or not their soldiers are trained to a level that allows them to deploy on Operations.

Year	
2000	23
2001	25
2002	26
2003	26
2004	20
2005	37
2006	26
2007	34
2008	30

- d numbers of volunteers on establishment who have served in Bosnia, Kosovo, Iraq or Afghanistan.

33

Question

5. Would the Minister give details of the equipment paid for by Jersey for use by the Squadron and its current location?

Answer

The list of equipment held by the Jersey Field Squadron RE (M) is contained in a “Restricted” document; however, the Deputy can view it at the TAC on Mount Bingham should he wish. The Jersey Field Squadron does not pay for equipment that it doesn’t have and it does not retain equipment that it doesn’t require. With the exception of 6 sets of webbing and 3 Land Rover trailers (for exclusive use of the Jersey Field Squadron RE (M)) which is strategically placed with the Squadron’s parent unit in Monmouth, to save on transport cost and excess baggage charges, all of the equipment that the Squadron has is held in Jersey.

3. Oral Questions

The Bailiff:

We come now to oral questions and the first question is in the name of Deputy Vallois of the Minister for Economic Development.

3.1 Deputy T.A. Vallois of the Minister for Economic Development regarding the breakdown of in Salary and Wages costs for Jersey Harbours:

Could the Minister provide a breakdown of the reduction of £782,500 in salary and wages as per 2008 financial accounts for Jersey Harbours when there was only a reduction in one full-time employee on their records since 2007 financial accounts?

Senator P.F. Routier (Assistant Minister for Economic Development - rapporteur):

I am not sure whether Members do have copies of the 2007 accounts in front of them but it would make it easier to explain the answer to this question. The harbour staff analysis is provided on page 153 of the 2008 accounts, which has been restated to exclude the part-year staff costs for the engineering staff which transferred from Harbours to Transport and Technical Services. This states an increase in Harbours staff costs of £249,000 from the 2007 to 2008 accounts. The 2007 comparative data included in note 3 to the 2007 accounts includes the partier costs for the engineering staff transferred from Harbours to T.T.S. (Transport and Technical Services). But aside of that, the F.T.E. (Full Time Equivalent) figure as at the end of the year does not include the staff who transferred across.

3.2 Deputy R.G. Le Hérissier of St. Saviour of the Minister for Treasury and Resources regarding the number of projects approved as part of the Fiscal Stimulus Package:

Would the Minister state how many projects have been approved as part of the Fiscal Stimulus Package and how many of these will address the issues raised by the recently announced redundancies in the finance sector?

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

I have given 21 projects an amber light so far and these will be given final go-ahead on a case by case basis once they have met all the necessary conditions. All the projects are designed to give and to protect all employment across the whole of the economy and manage to the extent that we can unemployment where there is. Money has been also made available this year to Jersey Finance with an additional £400,000. In addition, the Chief Minister's International Finance Directorate has had a further £400,000. This is designed to help mitigate some of the impact of the global slowdown on unemployment by boosting our activities in financial services. I will be keeping a close eye on developments in the financial services industry and I am quite prepared to make more money available from the fiscal stimulus package as circumstances require.

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

When will the Minister bring to this House details of what these schemes are because at the moment no one in this House or out there knows what these schemes are?

Senator P.F.C. Ozouf:

The Scrutiny Panel who have been scrutinising, if I may say, extremely well in relation to the individual plans know what these schemes are. The individual departments know what these schemes are, and I think the Deputy too knows what these schemes are. This Assembly delegated responsibility to the Minister for Treasury and Resources to sign off schemes. Those schemes are now having an amber light and I will be rolling out the detail of them as and when final approvals are given.

3.2.2 Deputy G.P. Southern:

When does he expect final approval given and when does he expect to come this House and inform Members, as they have a right to know, what is being done, what is £44 million being spent on in our name?

Senator P.F.C. Ozouf:

The Deputy appears almost by his fairly aggressive questioning to be suggesting that there is something amiss here. This Assembly has given me delegated responsibility to make decisions on a timely basis - targeted and timely - when conditions arise. The Deputy if he would have been reading information will know that of the £40 million, I have allocated initially £8 million for skills and training, £1.4 million for supporting individuals, £1.4 million for support for business, £7.8 million of civil infrastructure work and £21 million for construction and maintenance.

3.2.3 Deputy R.G. Le Hérisier:

Would the Minister identify the specific projects that will assist continuing employment in the finance sector as opposed to the very general statements he has made?

Senator P.F.C. Ozouf:

The Deputy is quite right and this is the second set of questions that I am answering in relation to - I think he dubbed it - white collar unemployment. I think the first thing to say is that the job losses that were announced last week by Lloyds Banking Group were not unexpected. Ministers had been briefed and continue to be briefed on the thinking that is within financial services. Obviously some of this information is commercially sensitive. In relation to Lloyds Banking Group it is clear that the reduction in staff is as a result of the moving of the call centre that was formerly part of HBOS to another place. Those job losses will not occur immediately but will occur as the bank develops and brings together the 2 organisations in the next 2 years. So the impact is not immediate. It is going to be throughout 2010 and 2011. The only way that we can deal with financial services downturn is by discussing with leading financial players what Jersey has to offer, encouraging them to base more activities in Jersey and to go out and win more business. That is why I answered in my question, while strictly not fiscal stimulus, the importance of putting money into Jersey finance and to the Chief Minister's Department in terms of going out and doing more marketing.

3.2.4 Senator B.E. Shenton:

Can the Minister give an assurance that some of the money will find its way into private sector initiatives and will not just be distributed by civil servants to fund States departments?

Senator P.F.C. Ozouf:

I am happy to brief Senator Shenton. The money is not going in to increase the amount of public sector workers. All of these projects have to be managed by a department. For example, the housing projects are managed by Property Holdings and the Housing Department. That is not going into wage packets of public sector workers. It is going into the wage packets of the construction workers that will be working and all of the ancillary services providing to bring forward a housing project. The work in terms of the allocations of money in Economic Development is going into businesses in expanding, for example, their offshore networks programme, their inward investment promotion for bringing more businesses to Jersey, all of the small loans guarantee arrangement, the enterprise grants, the Business Angels. This is going directly into businesses and helping businesses fight the recession and keep themselves competitive.

3.2.5 Deputy G.P. Southern:

Will this House be informed of exactly what the measures proposed are before the money is spent and does the Minister consider this accords with his commitment to open government?

Senator P.F.C. Ozouf:

Open government means communicating and explaining to the Scrutiny Panel that has been scrutinising these. They have made it clear that they do not wish to have a veto. As and when decisions are made, they will be communicated and Members will be informed. But if the Deputy is asking effectively for a veto right - a calling mechanism - for individual projects because some of his pet projects might not meet the precise conditions of what we need for fiscal stimulus then I am afraid the answer is no. This Assembly has given me responsibility to sign off projects and that is exactly what I am doing with a very strict criteria within the Treasury to boost economic activity in this downturn and doing it fast.

3.3 Deputy P.V.F. Le Claire of St. Helier of the Minister for Home Affairs regarding the purpose of files kept on States Members:

Can I ask the Minister if he would inform Members of the precise purpose why files were kept on States Members and if it was merely for the purposes of administration in order that they would know who to call in the event of an issue, would the Minister state how much has the operation cost and why it was given an operational name?

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

I think the essential part of the question which I understand from Deputy Le Claire is really a question as to whether the purpose of the files was purely to provide contact details. That does not appear to be so. I would have thought if you wanted contact details of a person you would not normally also have a full criminal check on them at the same time. In relation to the other aspects of the question, these are all matters which are currently under investigation and I am not going to speculate in relation to them until I see the result of the investigation.

3.3.1 Deputy P.V.F. Le Claire:

A supplementary if I could, Sir? Given that the Minister has known about this since April, I appreciate he is allowing for the investigation to take its course. Surely from the oversight procedure he must at least have some inkling as to what the cost of this has been. That would give Members an inkling as to what has been going on because contrary to suggestions that have been made by some Members, I also find it remarkable. Would he not agree that this premise that they were doing it to keep a record of people's names is laughable because they could have gone to the front of the phonebook for that?

Senator B.I. Le Marquand:

Yes, I agree that to keep this for the purpose of keeping of names and contact addresses, that that suggestion is absolutely laughable. In relation to costing, I have slight difficulty in that, so far everybody who has spoken about this matter denies knowing about it. **[Laughter]** So it is difficult to work out costs on anything when everybody denies knowing about it.

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

Can the Minister confirm that the C.E.O. (Chief Executive Officer) of the States was fully aware of these files and, if so, will he be taking action to suspend any officers that may be ...

The Bailiff:

Deputy, I am going to disallow that question because it is a question that is going to be put in a few moments time.

The Deputy of St. John:

Cutting my legs off again, Sir.

The Connétable of Grouville:

[Telephone rings][Members: Oh!] I am relieved, Sir, it was the Deputy of St. Mary. I thought I was getting a reaction.

The Bailiff:

A customary fine to the Greffier, please, Deputy.

3.3.3 The Connétable of Grouville:

Since the one sure thing that is going to happen about these files is that eventually they will be leaked, would the Minister consider opening them up to the press and the public and letting us see exactly what is in there officially so that whatever action needs to be taken can be taken?

Senator B.I. Le Marquand:

I do not accept that the contents of these files will be leaked. They are being kept securely by the States of Jersey Police. It would be totally inappropriate to open matters up which could include very sensitive information resulting from information provided from the U.K. (United Kingdom) and other security services.

3.3.4 Deputy P.V.F. Le Claire:

I understand the Minister's difficulty in that nobody is admitting knowledge of these files. I would like to ask him if I could then how much has the inquiry cost so far into trying to find out who does not know about it?

Senator B.I. Le Marquand:

It has not cost anything so far because it is only just about to begin. I have had to go through various processes prior to moving towards an inquiry. There were difficult issues as to precisely what form the inquiry would make because there are a number of different aspects which need to be inquired into.

3.4 Deputy G.P. Southern of the Minister for Education, Sport and Culture regarding the local graduate training initiative for secondary teachers:

Will the Minister state whether the local graduate training initiative for secondary teachers is validated by the U.K. authorities and, if this is not the case, advise whether it, therefore, restricts graduates to teaching only in Jersey?

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

The graduate teacher training programme has been developed in conjunction with the Institute of Education at London University and mirrors that offered in the U.K. The word of the Jersey Qualified Teacher Status is designed to enable locally qualified graduates to teach in Jersey secondary schools and 2 senior and very experienced lecturers from Goldsmith College, University of London, will oversee delivery of the programme. Due to English law, locally qualified teachers trained in this way are not able to automatically teach in the U.K. as graduates who wish to attain English qualified teacher status must undertake training in English maintained schools. It is for this reason that the U.K. authorities are unable to validate this initiative. It is, however, possible for those achieving the Jersey Qualified Teacher Status to access conversion training in the U.K. if individuals choose to teach elsewhere.

3.4.1 Deputy G.P. Southern:

I thank the Minister for his answer. Is it also true that compared with the U.K. we are training our graduates, as it were, at less cost in that they only receive a grant and not, as in the U.K., payment on the teaching assistance rate?

The Deputy of St. Ouen:

I cannot directly answer that particular question. All I will say is that this particular initiative is designed to enable local qualified graduates with commitments, whether it be family or otherwise, to remain in the Island and achieve the teacher training status which otherwise they would not be able to do.

3.4.2 Deputy R.G. Le Hérisier:

Given the vast number, for example, of Commonwealth teachers who teach all over the U.K., particularly in places like London, would the Minister outline what would make the Jersey qualification applicable in the U.K.? What would make it applicable and is currently missing at the moment?

The Deputy of St. Ouen:

As I have already said, the qualification mirrors that offered in the U.K. The only stumbling block is English law which does not acknowledge any other training apart from training provided within their school system.

3.4.3 Deputy R.G. Le Hérisier:

But how does English law then allow for Commonwealth teachers to operate and to be recruited in vast numbers?

The Deputy of St. Ouen:

I presume that they undertake a teacher training programme such as we are offering within our Island.

3.4.4 Deputy M. Tadier of St. Brelade:

The Minister said that the qualification obtained in Jersey would not automatically qualify someone to teach in the U.K. Does he mean that it would not qualify someone, full stop, because it seems that the word “automatically” is superfluous there? But, more importantly, when he talks about a conversion course being available in the U.K., is he simply talking about the P.G.C.E. (Postgraduate Certificate in Education) which is in itself in its own right a one year course? If not, is the conversion course also a year long?

The Deputy of St. Ouen:

First of all I want to make one thing very clear. This scheme is primarily designed to train local people to access local jobs. With that in mind, it is acknowledged that in some instances teachers who qualify under the Jersey Qualified Teacher Status may choose to teach elsewhere at some time in the future. There is a conversion programme that is provided within the U.K. and I am led to believe the time for this conversion period is approximately one school term.

3.4.5 Deputy M. Tadier:

Just to clarify then, is the Minister saying that the qualification has been deliberately set up to keep graduates in Jersey to teach?

The Deputy of St. Ouen:

Not at all.

Deputy M. Tadier:

Which is fine if that is the case. It is fine if that is the case.

3.4.6 The Deputy of St. Ouen:

I do not know how much clearer I need to make the answer. This is designed primarily to enable local graduates to access local jobs in a properly managed and beneficial way. If the idea is for

local graduates that want to train in England, I would suggest that they would go to England to take and undertake similar training that is provided within the U.K.

3.4.7 Deputy G.P. Southern:

Can the Minister assure Members that he has clearly informed all participants on this course that they are receiving an inferior qualification and the not the equivalent of a D.Ed. (Diploma in Education) or Cert.Ed. (Certificate in Education) in the U.K. and do not qualify to teach in the U.K. as of right?

The Deputy of St. Ouen:

I absolutely am frustrated by the question of Deputy Southern.

Deputy G.P. Southern:

Has he informed all Members?

The Deputy of St. Ouen:

Because this ... I am not giving way. This is designed specifically to help not hinder local graduates to access local jobs within our secondary schools. **[Approbation]** It is not designed to support local people to train elsewhere. We have other mechanisms in place to allow that. Regarding the first question that the Deputy posed, all applicants being considered for this year's course understand that this is a Jersey qualification.

3.5 Deputy D.J. De Sousa of St. Helier of the Minister for Housing regarding rent rebate:

Can the Minister inform the Assembly what policies and procedures were in place to monitor the rent rebate from the time of its introduction in 1991 and the reason for the increase in the rent rebate subsidy cost from £1 million to £24 million over the intervening period?

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

Rent rebate was implemented in 1991 following a decision by this Assembly of the States. Rent rebate in common with the rent abatement scheme already in place for States tenants required applicants to reapply annually and to provide full details of family composition and income. Applications were also reassessed whenever there was a material change in the applicant's circumstances or when there was a change of address. All properties in which rent rebate was claimed were inspected to ensure they met the needs of the applicant and that the rent charge was not excessive. In calculating the level of subsidy to be provided, rent rebate rentals were capped at the level of fair rents set for States rental accommodation. The Housing Committee reviewed the parameters of the scheme annually, and the costs and associated statistics were published as part of the States accounts and annual performance report. At no time did rent rebate cost £24 million. The figure is in fact the total cost of all rent subsidy payments in 2007 - the last year of operation - is made up of £9 million rent rebate and £15 million rent abatement, specifically for States rental tenants. Rent rebate costs increased from £1 million to £9 million as a result of the numbers of claimants which rose from 381 at the end of 1991 to 2,025 at the end of 2007.

3.5.1 Senator B.E. Shenton:

I have a number of people that praise me that the rent rebate system is a fantastic system and they could not do without it. Unfortunately, all these people that do praise it are very wealthy landlords. **[Approbation]** Does the Minister believe that the rent rebate system does keep rents artificially high on the Island?

Senator T.J. Le Main:

There is no rent rebate since 2007. It is finished. A rental component is administered by Social Security in the low income scheme.

3.5.2 Deputy S. Pitman of St. Helier:

Could the Minister explain then how much of the £24 million is going on trusts each year?

Senator T.J. Le Main:

On what?

Deputy S. Pitman:

Is going towards housing trusts each year.

Senator T.J. Le Main:

No, I have not got that figure with me but, as I say, the housing trusts were treated similarly to States tenants.

Deputy S. Pitman:

Could he endeavour to provide that information to States Members as soon as possible?

Senator T.J. Le Main:

No problem at all. I can extricate that information and pass it around to States Members if they so wish.

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

Yes, a follow on from Deputy Pitman. The increase from the few hundred to the 2,025 people are in fact about ... 1,900 are in housing trust. The rent rebate scheme was introduced, would the Minister not agree, in the first place so that social housing could stop being provided by the States and there was a guaranteed income of rental for housing trust? Now the reason Housing have stopped building ... and on a final comment, what does he think of the Minister for Treasury and Resources' comment last week when he said tenants will soon have to start approaching their landlords and say: "Sorry, mate, we are not getting rises this year so you cannot put the rent up."

Senator T.J. Le Main:

I cannot comment on what has alleged to have been said by the Minister for Treasury and Resources. All I can say is this scheme has been finished now for 2 years and everything that has happened in the past is in the past. The annual accounts were presented to this Assembly with performance statistics, as I say, on an annual basis. If Members had a worry or a concern at that time, they should have raised it then; not now that the scheme is finished and done by and now operating within a component of the low income scheme.

3.5.4 Deputy G.P. Southern:

Will the Minister bring to the House figures which show the reduction in the equivalent scheme in income support that will take place when transition support is removed in 2010?

Senator T.J. Le Main:

No, I am not prepared to do that. I have got plenty of work in my department. As I say, we are now virtually a social landlord, the Housing Department, and I am not prepared to spend time and effort doing that when my staff are fully busy at the present time. If the Deputy seeks further information on a housing component at the moment then he should direct himself to Employment and Social Security.

Deputy P.V.F. Le Claire:

I think I had better go to Social Security, Sir.

3.5.5 The Deputy of St. Mary:

Rent abatement, Minister, £15 million. Can you explain the connection between ...

The Bailiff:

Through the Chair, please, Deputy.

The Deputy of St. Mary:

Sorry, Sir. Yes, would the Minister like to explain this rent abatement £15 million figure and, in particular, the connection between that £15 million and low incomes because presumably there is a connection?

Senator T.J. Le Main:

I am not going to explain any further. Low income is now the place to seek the information - Social Security - on those sorts of questions. The Housing Department in 2007 is virtually now a social landlord. If the Deputy wants any information then he should direct himself to Employment and Social Security who administer the housing component on behalf of this Assembly.

3.5.6 Deputy D.J. De Sousa:

Can the Minister inform the House if there are any existing plans to build trust housing and, if so, if his department is going to help to fund this?

Senator T.J. Le Main:

I cannot advise this Assembly if the trust are going to build further houses. They are committed that when they have excess funds and built up funds within ... once they have had letters of comfort on some of the developments that have been given by the States, that once the mortgages have been paid off they are directed under the agreements that they should increase their portfolio of properties for social renting if there is a need. Otherwise, any surplus monies will come back to the States coffers. But I know that there are certainly one or 2 - particularly one social landlord within housing trust - who are very keen to increase their portfolio for rental. But I must advise this Assembly that I will not condone any increase in the portfolio of social rented housing when there is no need for it and which could cost the taxpayer any moneys in supporting. At this present time, I do not sign any letters of comfort unless there are exceptional cases and I work with the Minister for Treasury and Resources on that basis.

The Bailiff:

We come next to a question by Deputy Trevor Pitman of the Chief Minister. Perhaps I could just remind Members of the Standing Order about names.

3.6 Deputy T.M. Pitman of St. Helier of the Chief Minister regarding the involvement of the Chief Executive Officer in the establishment of 'Operation Blast':

Noted, Sir. I am sure it was not aimed at me just.

The Bailiff:

It was aimed at all Members, Deputy.

Deputy T.M. Pitman:

Indeed, Sir. Would the Chief Minister advise whether there is any evidence to suggest that the Chief Executive Officer was involved in the establishment of Operation Blast and, if so, will he as a neutral act be suspended while this matter is investigated?

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

I have seen no evidence whatsoever substantiating an allegation that the Chief Executive Officer was involved in the establishment of Operation Blast. Accordingly, I see no reason to suspend the officer concerned.

3.6.1 Deputy T.M. Pitman:

A supplementary, Sir. Could the Chief Minister clarify for the House whether the Chief Executive Officer is named in the memo from the Chief of Police?

Senator T.A. Le Sueur:

I hesitate to answer this because I am aware that there is an inquiry or investigation going on about this matter which the Minister for Home Affairs referred to in an earlier answer. Part of that investigation requires a duty of confidentiality on all sides. I think on that basis I am going to be very circumspect in my answer. I am aware of a document circulating which does contain the name of the Chief Executive Officer.

3.6.2 Senator B.E. Shenton:

Does the Chief Minister believe that where States Members make allegations against individuals that are not substantiated that they should in fact apologise to the individuals concerned?
[Approbation]

Senator T.A. Le Sueur:

Yes, I could have added in my answer that I regard it as totally unacceptable that these implications and inferences should be made without any evidence whatsoever and I deplore them.

3.6.3 The Deputy of St. John:

Has the Chief Minister, given his earlier reply, made inquiries with the Police Chief as to whom the senior officers within States employment may have been ... let me think. How can I put it without bringing names out? Can he confirm that he has made contact with the Police Chief and been told who the senior officers are that were involved ... who know about Operation Blast, is probably the easiest way?

Senator T.A. Le Sueur:

The conduct of this investigation is being handled by the Minister for Home Affairs. I have every confidence in that Minister, to whom I have spoken. I have every confidence that that Minister will perform that duty in a thorough and conscientious way and make all inquiries required.

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

I did not quite catch the Chief Minister's answer. But could I just ask the Chief Minister, has he asked the Chief Executive Officer whether he was involved at any time with Operation Blast or anything connected with the case we are talking about?

Senator T.A. Le Sueur:

Yes, the Chief Executive Officer has made it quite clear to me, and I have said in my answer that there has been no evidence whatsoever that the Chief Executive Officer has been involved in any way in the establishment of Operation Blast.

The Deputy of St. Martin:

Can I just press then that the Chief Minister has asked him? That is the question I am getting at there.

Senator T.A. Le Sueur:

I did not need to ask because I was told by the Chief Executive Officer that he was not in any way involved.

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

Has the Chief Minister discussed this matter with the Minister for Home Affairs and is he aware of the contents of the Chief Police Officer's memo? And ... in fact I will leave it at that.

Senator T.A. Le Sueur:

Yes, I have already made it clear that I have discussed the matter with the Minister for Home Affairs and, yes, I am aware of the document issued by the Chief Officer of Police.

3.6.6 Deputy M. Tadier:

I believe the Chief Minister may have clarified but if he can do so again. Initially when asked whether the Chief Executive Officer had spoken of his involvement, the Chief Minister said that the Chief Executive Officer said there was no evidence of his involvement which is maybe true but that is not what he was asked. Could the Chief Minister confirm categorically once again that the Chief Executive Officer has said that he was not involved in these files and their setting up?

Senator T.A. Le Sueur:

I do not know how much clearer I can make it to the Member concerned or to Members generally. The Chief Executive Officer has made it quite clear that he has not been involved in the establishment of Operation Blast.

3.6.7 Deputy T.M. Pitman:

I think everyone in this House would adhere to the belief that innocent until proven guilty. However, the Chief Police Officer also maintains that he is innocent. Should this evidence arise - I go back to my first question - will the Chief Minister suspend the C.E.O. if evidence does arise?

Senator T.A. Le Sueur:

That is a hypothetical question but clearly should such evidence arise then I shall have to consider the position very seriously indeed and it may well involve suspension. Being a hypothetical question, I can only give a hypothetical answer.

The Deputy of St. John:

On a point of order, Sir, if I may. Originally I asked the Minister for Home Affairs the original question and it was disallowed. Given that the Chief Minister is hiding behind the work of Home Affairs in his original reply, should my original question not be answered by the Minister for Home Affairs, because I think there is somewhat of a cover up, for want of a better word, going on between the Ministers themselves.

The Bailiff:

The short answer to your question is no, Deputy. You cannot ask a question of the Minister for Home Affairs when the Chief Minister is being questioned by a Member. We come now to the next question which is in the name of Deputy Trevor Pitman of the Minister for Economic Development.

3.7 Deputy T.M. Pitman of the Minister for Economic Development regarding anti-social behaviour involving cars and motorbikes on the road along Albert Quay:

Following on from my question of 16th June regarding spiralling antisocial behaviour involving cars and motorbikes on the road along the Albert Quay, would the Minister advise the Assembly whether this matter has been referred to the police or harbour authorities for further action to be taken?

Senator P.F. Routier (Assistant Minister for Economic Development - rapporteur):

Jersey Harbours has been working closely with the police to try and contain this growing problem. The police have increased their patrols in this area during the peak periods. The police patrol units also respond to additional requests by the department security team to assist in moving the people

and their cars away from the area. As a matter of routine, Jersey Harbours supplies copies of incident reports within the port area to assist the police in allocating their resources.

3.7.1 Deputy T.M. Pitman:

A supplementary, Sir. Is the Assistant Minister aware that the police do indeed come but the vehicles leave and are back within 10 minutes? My point is that the police have recently been given the registration of 40 vehicles and yet very little is happening. Can he give the residents any reassurance that something will finally be done?

Senator P.F. Routier:

Yes, I am certainly aware that it is a persistent problem that people are moved off the area and do come back again. As I say in my earlier answer, we do give regular information to the police. I will speak to the Minister for Home Affairs to see if anything can be done to ensure things are followed up.

3.8 The Deputy of St. Mary of the Minister for Planning and Environment regarding the possible breach of the Construction Environmental Action Plan in relation to the Energy from Waste Plant:

When the contractors working on the incinerator sliced into toxic ash pits supposedly sealed for ever just weeks into the construction phase, did they breach the Construction Environmental Action Plan and, if so, what action has the Minister taken or does he propose to take?

Senator F.E. Cohen (The Minister for Planning and Environment):

The Construction Environment Management Plan outlines the specific measures that will be taken to control and manage environmental issues on the site. It covers topics such as noise, air quality, water resources and ecology. The plan requires the contractor to take all reasonable actions to minimise risks of spills, leaks or other fugitive emissions to ground and, in the event of a leak or spill, to take all reasonable steps to minimise the area of exposed ground and carry out remedial clean up activities. The contractors are also required to report and record any pollution incidents within 24 hours. The Planning and Environment Department is satisfied that the actions taken by T.T.S. and their contractors accorded with the plan. They reported the incident in a timely and appropriate manner, immediately minimised contact between the waters from the pit and the surrounding ground and undertook all necessary remedial actions including replacing and resealing the damaged liner. Penetrating the liner was a highly regrettable incident but I am advised that in view of the circumstances I have outlined, further action would not be appropriate.

3.8.1 The Deputy of St. Mary:

The Minister appears moderately concerned about this issue but it worries me because within weeks of starting work a site that should have been marked out and should have been safe was sliced into. I would like to have the Minister's comments on whether he thinks any action perhaps should be taken about the water that enters the excavation pit on high tides being pumped out over the steel girders, over the steel piles, into a hole and then on out to sea. That is getting around the discharge permit. I wonder if he has any comments on whether that requires action from his department.

Senator F.E. Cohen:

I am not aware of the specific circumstances the Deputy has outlined. I will investigate the matter and if I find that there is any truth in the matters raised by the Deputy, I will certainly deal with those in the appropriate manner.

The Bailiff:

We come next to a question by the Deputy of St. Martin. Deputy, I notice and perhaps Members will notice that the Minister is going to make a statement later on. I wonder, because there are a large number of questions, whether you might wish to withdraw your question and put your question to the Minister after she has made her statement.

The Deputy of St. Martin:

If it might help because we may get to some of the others as well but I will be prepared to do that.

The Bailiff:

Very well. Thank you very much. That is withdrawn. We come next then to a question by the Deputy of St. Mary of the Minister for Treasury and Resources.

3.9 The Deputy of St. Mary of the Minister for Treasury and Resources regarding the use of agricultural land for allotments:

Given that the availability of suitable land for allotments is likely to be limited and in light of the Minister for Economic Development's support for the concept of allotments and their importance to the community, would the Minister commit to not marketing or disposing of any agricultural land for 6 months in order that the Allotment Working Group's report can be considered before any such disposal?

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

Sir, can I ask Deputy Le Fondré to be rapporteur for this question?

Deputy J.A.N. Le Fondré of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):

I cannot commit to not disposing of any agricultural land but where there is a possibility that the land may be suitable for allotments, any sale will be delayed pending direction from the Allotment Working Group which is led by Economic Development.

The Deputy of St. Mary:

Can I ask how you will assess whether ...

The Bailiff:

Through the Chair, please, Deputy.

3.9.1 The Deputy of St. Mary:

Sorry. Can I ask the Assistant Minister how such suitability would be assessed in the absence of ... or whether he would communicate with the Allotment Working Group for each site or whether he proposes to take these decisions on his own?

Deputy J.A.N. Le Fondré:

Firstly, the assessment for suitability, I believe from discussions between my department and Planning and Environment Department, is that the land should be close to the main areas of population and not to take land that is better used for agricultural purposes. Yes, we have to an extent already reviewed certain areas of land because there are only a certain limited number of fields that we are considering for disposal and those have previously been approved by this Assembly. Of those sites, certainly 2 or 3 of them are basically considered too small for allotments in any case. They would not be suitable.

3.9.2 Deputy R.G. Le Hérissier:

It is well known that one of the impediments has been provision of parking space. While I am glad to see the Assistant Minister ploughing on, I would like to rake over the old issue of whether it is conditional that there be many parking spaces in order to proceed with allotments?

Deputy J.A.N. Le Fondré:

I think to an extent that is something we would have to be guided by the Allotment Working Group and obviously in their discussions with Planning. If I am informed that land is suitable for allotment then it is suitable for allotments but I have to be guided by the working group.

3.9.3 The Deputy of St. John:

For some months people have been calling out for ... longer than months - years - for allotments. Could the Assistant Minister inform the House when we will get a response to this because I am aware of people in my Parish and over the border who require allotments and yet we in this House are dragging our heels? We need a finite date when these allotments will become available, if any.

Deputy J.A.N. Le Fondré:

I hate to say this but I think he is asking the wrong politician. The Allotment Working Group is being led by Economic Development. I would have to say speaking personally I believe the first time I was asked a question on the matter was certainly during this session and I believe it was January. So from our point of view we have not been dragging our feet.

3.9.4 The Deputy of St. Mary:

I am a little bit concerned when the Minister talks about 2 or 3 sites that are too small. Is the Minister committed to the importance of allotments in general and will he commit to proper consultation before disposing of any sites, regardless of their size?

Deputy J.A.N. Le Fondré:

Firstly, I have previously indicated, yes, I am committed to the principle of allotments. In fact I think that was a written answer to Deputy Power I believe in January or February. But the advice that we have received that of the sites that we are presently considering to dispose, I can give you a breakdown. There is one in St. Brelade which would appear to be suitable. There is one in St. Helier which meets the outline criteria but it has quite difficult access which probably touches on Deputy Le Hérisier's comments about vehicle and parking. There are some in either Trinity or St. Martin, depending where the boundary is, which would probably not be acceptable from a visual point of view from a planning perspective and there are sites that are considered too remote. The other sites, to quote, are small: "2 fields which would not be suitable for allotment. A third needs further consideration." So the point, I think from a preliminary analysis if the preliminary analysis in conjunction with the Allotment Working Group is that the sites are not suitable then we consider carrying on with disposal. If they are considered potentially suitable for allotments then obviously we will wait on the findings of the Allotment Working Group. But, as I said, that is a matter I believe ... that is being led by the Minister for Economic Development.

3.10 Senator P.F.C. Ozouf of the Chairman of the Economic Affairs Scrutiny Panel regarding the progress of a Depositor Protection Scheme:

Mindful of the urgency of having a depositor protection scheme to protect individual's deposits and the significant efforts taken to bring legislation to the Assembly as soon as possible, could the Chairman confirm that his panel will complete its report on the draft legislation and not delay the debate on 14th July 2009?

Deputy M.R. Higgins (Chairman, Economic Affairs Scrutiny Panel):

As someone who has a particular interest in deposit compensation schemes, the Minister can rest assured that I and the other members of the Economic Affairs Scrutiny Panel will work as fast as possible in our scrutiny of the proposed legislation but there is no possibility that we can complete our work by 14th July to enable it to be debated on that date. The panel will be working on it throughout the summer recess to enable it to be brought to the Assembly as soon as possible.

3.10.1 Senator P.F.C. Ozouf:

I am deeply disappointed to hear what the Deputy says. Is the Deputy not aware that the advice that Ministers have and the information from the regulatory bodies and the international advisers to Jersey say that this scheme cannot wait and should be passed by this Assembly in July and not wait until September?

Deputy M.R. Higgins:

In answer to the Minister, no, we have not been given that information by anybody. In fact what I can tell this House is that since February, the Economic Affairs Scrutiny Panel has been seeking information from Economic Development and repeatedly - in fact 2 or 3 times a month - seeking the Oxera Report and the background information on this. We finally received the Oxera Report, which the legislation is supposed to be based on, on 1st June. We also received on Friday, 4 volumes of information relating to deposit protection that we have been seeking. We cannot start our scrutiny until we have this information. So all I can say is the panel is going to review it as fast as they can with the information we have. You can rest assured it will be a thorough but very quick investigation.

3.10.2 Deputy T.M. Pitman:

Would the Deputy just clarify for the House - and he has probably indicated an answer already - whether he is happy with the co-operation he has received from the Ministers on this important issue?

Deputy M.R. Higgins:

I might say I am extremely disappointed. In fact the Economic Affairs Scrutiny Panel believes it has been misled on occasion by the Economic Development Department. We have gone to quarterly meetings with the Minister and the officers and asked them for the Oxera Report and other information and we were led to believe there was absolutely nothing. In March we found out the department was consulting on a draft law. We were not given that in March. I received a copy from someone in the industry. That was the first indication that we had that they were ... sorry, not the first indication but an indication that they were consulting on something. The panel would have worked in co-operation with Economic Development and the Minister for Treasury and Resources going forward from February. We even set aside time to hold Scrutiny hearings. When information was not forthcoming, we went on to other projects which we have been working on. Now that we have just almost completed one, we are commencing work on Thursday. We will be interviewing the Minister and going forward from that time.

3.10.3 The Deputy of St. Mary:

There is a more fundamental problem here. My understanding is that this law is now on draft 18; it is somewhere in the high teens anyway. Would the chairman agree that it would have been absurd to start scrutinising drafts 1, 2, 3, 4, 5, 6, 7 and 8, or even to have scrutinised all the drafts, one after the other?

Deputy M.R. Higgins:

Again, I believe that because these things are constantly evolving, it is a waste of the committee's time to go through each draft in turn so, no, I do not think it would be appropriate to go through each of them. But I think having the Oxera report, I know that the department was given an interim report in February of this year which basically contains ... in fact the May report contains virtually

the same information. If that had been provided to us, then the panel could have been far better prepared and informed to be able to proceed with this particular inquiry.

3.10.4 Senator A. Breckon:

I wonder if the chairman of the Economic Affairs Scrutiny Panel can say whether he is aware of any consultation that was taken on with the general public to establish if they thought it was a good idea that the Strategic Reserve, their reserve, was used for a commercial guarantee and transactions.

Deputy M.R. Higgins:

I can confirm there was no public consultation. The only consultation that has taken place was with the Jersey Bankers' Association and through Jersey Finance. There has not been a public consultation exercise. I might add, the £100 million that is allocated from the Strategic Reserve does give me concern, and members of my committee concern; it is one of the things we want to review. I might also add, there are other aspects of the scheme which give us concern. For example, it only applies to individuals, so no small businesses covered by the scheme. For example, pension funds which obviously in a time when we have an ageing population and we want to encourage people to save, their money will not be covered by the fund. As I say, not all of these depositor schemes are funded by government. I know it is partly funded by the banks but there is a considerable liability to the public purse in the worst scenario.

3.10.5 Senator S.C. Ferguson:

This particular scheme is talking in terms of £100 million from the Strategic Reserve which equates to just over £1,000 for every person, every man, woman and child in the Island, and would the Chairman agree that, with such large sums involved, it is absolutely essential to scrutinise it correctly? **[Approbation]**

Deputy M.R. Higgins:

I could not agree more with the Senator's comments. It must be scrutinised and scrutinised in detail.

3.10.6 Senator P.F.C. Ozouf:

The Deputy said that he was not aware of the concern among industry and from Ministers' advisers of the fact that this scheme or the non bringing into force of this scheme will have potentially severe issues for financial services. If he would be willing to meet with advisers and understand the importance of bringing this scheme into force, would he do so and would he not potentially agree that the legislation could pass on 14th July and if he is concerned about it, he brings forward amendments in September or in October? Would he confirm also that the current situation means that Jersey is the only jurisdiction, including the Isle of Man, the U.K., Switzerland, Singapore and the whole of the E.U. (European Union) that does not have depositor compensation? Is he happy to block that arrangement for Jersey?

Deputy M.R. Higgins:

First of all, I would say that as the Minister himself has told us, and the Chief Minister, we do have a depositor protection scheme in the Island because he gave a political guarantee to the public of this Island **[Approbation]** that all retail deposits would be covered to an unlimited extent. Now, in fact, the guarantee that he has given, if it is worth any value, is worth more than the proposed guarantee scheme. I must also say that, no, there is not sufficient time to be able to go through the law and to be satisfied ourselves before 14th July for it to go through. I would also point out too, I have been pressing Ministers about depositor protection schemes since I came into this House and the point **[Interruption]** ... what have I done? We have been waiting and, in fact, I am quite happy to circulate to the House, this is a copy of all the requests and so on and conversations that we have had on depositor compensation and I will ask the usher to distribute it to Members. So, as far as I am concerned, there is no delay on the part of the Scrutiny Panel. We will go through it as quickly

as possible and make sure the scheme is the best for this Island and the people of this Island.
[Approbation]

3.10.7 Deputy E.J. Noel of St. Lawrence:

Just really a matter for clarification from the Deputy, he mentioned that Scrutiny could not start until they had the information. Am I right in hearing that the Scrutiny Panel has not started the scrutiny yet and they intend to do so this Thursday?

Deputy M.R. Higgins:

The Scrutiny Panel has been requesting information, and to be able to review something of this complexity - it is a complex scheme - we require the information. Four of these files were received on Friday. This is the information we need to go through to be able to scrutinise it properly, so it is not a question of our delay. We will start this Thursday and work through the summer recess to get the scrutiny finished so we can get this legislation on the books; something I have longed for.

3.11 The Deputy of St. John of the Minister for Social Security regarding doctors' home visits to patients with flu symptoms:

Given that doctors are being asked to visit patients at home if they have flu symptoms, will the Minister advise whether it is necessary for doctors to have to produce triplicate versions of signed paperwork in order to claim their fees and, if so, will he undertake to implement a simpler approach so as to minimise their already large workload?

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

I am pleased to confirm that no G.P. (General Practitioner) has to produce a triplicate version of any paperwork to obtain the special medical benefit that has been approved by the States to do with home visits connected with the flu pandemic. G.P.s complete one copy of a one-page form. This can be sent directly to the department or, if they prefer, they could submit the details electronically on a spreadsheet. The G.P. records the name and Social Security number of the patient, the date and time of the visit and whether the visit was to check for flu or to treat someone displaced from the hospital. Officers are working very closely with the Deputy Medical Officer of Health and G.P.s to ensure that the payment of both medical benefit and sickness benefit will continue as smoothly as possible throughout the course of the pandemic.

3.11.1 Deputy G.P. Southern:

Will the Minister assure members of the public who are supported by income support that house visits by G.P.s for flu or other illnesses will all be supported either through a H.M.A. (Household Medical Account) clearly or through special payments?

Deputy I.J. Gorst:

This question is about the doctors' visits for the flu pandemic. As the Deputy is aware, people in receipt of income support with H.M.A.s, yes, those will be charged to the H.M.A. Those other individuals who are in receipt of income support who are outside or do not have the H.M.A. provisions, there is facility for those payments to be met through the special payments provision.

3.11.2 The Deputy of St. John:

Given that doctors are currently working fully stretched, running their private practices and having to visit suspected flu patients, what standby arrangements are in place when one or more doctors fall ill? Have the G.P.s been contacted individually to get their views on the extra workload and, if so, who did the negotiations? Because the feedback I am receiving from many G.P.s, they have not been asked themselves to put all this additional time in and to arrange for backup in the event of the pandemic getting worse that they cannot get out to cover their general patient practice.

Deputy I.J. Gorst:

I thank the Deputy for his supplementary question because he raises a very important point. The scenario that he is outlining there is one which has moved from the containment phase to one where the pandemic is in, shall we say, unfortunately, full flow. Those provisions are within the remit of the Health and Social Services Department; they will have provisions in place. I cannot remember off the top of my head exactly whether it will be nurses visiting or people phoning a bank of nurses but we will move away from the general G.P. provision which is expected under this containment phase. There were a lot of questions that the Deputy asked, I am not sure if you are going to allow me time to answer them one by one, or if he wishes to propose them one by one.

The Bailiff:

This is not a debate, Minister, you must be very, very brief.

Deputy I.J. Gorst:

Well with regard to the negotiation, as the Deputy is aware, these regulations were drafted at very, very short notice. We consulted with the P.C.B.(?) of which G.P.s are a member; there were 2 members present. They agreed with these provisions, they agreed with the costs, so I do not believe that the Deputy is correct in his assertions.

3.11.3 Deputy S. Pitman:

The Minister is aware that a couple of months ago I came to him regarding a constituent who is now paying his doctor's fees after his H.M.A. account has run out. He now says there are provisions within special payments to cover this. I asked the Minister 2 months ago, is he now telling me that this gentleman's G.P. visits can be paid by special payments because I would appreciate an answer from the Minister?

Deputy I.J. Gorst:

It becomes very difficult for me and I do not believe it is appropriate for me to try and engage in debate about individual cases across this Chamber, because I am not aware of which particular case it is. There are many cases; there are many people that the department helps, and I stand by exactly what I said in answer to Deputy Southern.

3.11.4 Deputy J.A. Martin:

It is a 2-part, really. Could the Minister inform us how many numbers of home G.P. visits have been required because of flu-like symptoms? Could he undertake in this containment phase to work - I know he is and I am the Assistant Minister for Health - with the Medical Officer of Health to really get the message out there while we are in containment to not go to your G.P., to call them out? I have every sympathy with the G.P.s maybe extra workload, but they will be financially compensated but not by the person: by the taxpayer or by the contributions at Social Security. I am concerned I am getting a different message from the Deputy of St. John; there are many, many people who have a scare and are turning up at all the wrong places. They must know to phone their G.P. for a home visit and they must not be scared of the price. I would like a confirmation that the Minister for Social Security will make this a priority with the Medical Officer of Health to get this loud and clear to the public.

Deputy I.J. Gorst:

I thank the Assistant Minister for her question. I do not have the figures of the number of visits which have taken place but I can hopefully get those and supply them to the Assistant Minister. She is absolutely right. The reason that my department went into overdrive and produced these regulations was to meet that exact need. In the containment phase it is absolutely imperative that if people feel that they have flu-like symptoms that they phone their G.P. and that the G.P. visits them at home. We believed that this was so important that the contributors to the health insurance would

meet that cost and would pay for G.P.s to be able to deliver this service. The Deputy of St. John is right that once we have gone through the containment phase, a number of people we will expect to be ill and unavailable for work. That will be a situation which the entire community has to consider and react to. We, however, hope that at that point it will only continue for a short number of weeks but I would reiterate wholeheartedly the message of the Assistant Minister: it is imperative that people who feel they might have these symptoms, they phone their doctor and they ask for a home visit so that the virus can be contained. It is absolutely imperative that we do that until the injection is secured on-Island.

3.11.5 The Deputy of St. John:

Is the Minister aware that G.P.s are in fact taking a pay cut by not being able to attend their patients at their surgery fully, given the time they are having to spend visiting patients at their homes?

Deputy I.J. Gorst:

I really do not necessarily understand the Deputy's mathematics there because what we are paying is a part-payment for a normal home visit based upon the cost of the current home visits. I am not certain if the Deputy is suggesting that doctors, when they perform a home visit, run at a loss. I am certain that members of the public would not believe that. However, if that is the case, that is an issue which needs to be addressed separately from these specific provisions.

3.12 The Deputy of St. John of the Minister for Health and Social Services regarding the recovery of the costs of non-natives being cared for in nursing homes/hospitals at the taxpayer's expense:

I am given to understand that this is to be answered by the Minister for Health and Social Services. Given that presently no agreement exists with other jurisdictions to recoup the costs of non-natives with as little as 5 years' residency being cared for in nursing homes and hospitals at the taxpayer's expense, if the person has no means of payment, what action, if any, is the Minister taking to put in place a reciprocal agreement with other countries?

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

I will ask my Assistant Minister to answer.

Deputy E.J. Noel (Assistant Minister for Health and Social Services - rapporteur):

I thank the Deputy of St. John for this question as it gives us an opportunity to clarify matters, therefore, if I may take this question in 2 parts. With regard to the nursing home care it is important to remember that the reciprocal health agreement with the U.K. covered hospital and G.P. medical services only. It did not cover personal care services provided in residential care homes. As such, the ending of the agreement has had no direct impact on individuals in care homes. Jersey does not meet the care costs of Jersey-born individuals now living elsewhere in the same way other countries do not provide support for individuals born in countries who have chosen to settle in Jersey. This, in the broadest sense, could be seen as a global unofficial reciprocal agreement.

3.12.1 The Deputy of St. John:

Given the Assistant Minister's reply, and as Jersey residents in general who live abroad would be paying for their own medical needs because they would be generally well educated and carrying out their work where they would have been able to put money aside, can it be right that Jersey taxpayers are having to pick up bills, as explained earlier, for quite a number of people who have just recently moved to the Island, and "recently" being 5 or 7 years? Can the Assistant Minister give a reason and will he explain why no negotiations are put in place ...

The Bailiff:

Would you be kind enough to show respect to the Assembly by addressing the Assembly without your hands in your pockets?

The Deputy of St. John:

Sorry, Sir, I was trying to get my handkerchief out. You have now thrown me [Laughter] yet again, for the second time this morning.

The Bailiff:

I am sorry to have interrupted you, Deputy, I should perhaps have waited until you had finished your question. I must say on that subject, perhaps I could take the opportunity of saying that I think this is really a matter for the Chamber rather than for the Chair. I think my successor would welcome some advice from the Chairman of the P.P.C. as to Members' comportment when they are addressing the Assembly. But, in the meantime, the default rule is no hands in pockets, please, Deputy. [Laughter]

The Deputy of St. John:

You are cutting me off at the knees, again. I think I will call it a day, this morning, and sit down.

The Bailiff:

Have you put your question, or are you abandoning it in mid-flow?

The Deputy of St. John:

No, I have put enough of the question to have an answer, Sir.

The Bailiff:

Good. Assistant Minister?

Deputy E.J. Noel:

I dispute what the Deputy of St. John said because on a personal level I have 2 members of my family that have retired overseas, unfortunately, and they are not in the situation that the Deputy has described; they are in a similar situation that he believes that those people in Jersey are settled. So I do not think it is true to say that when Jersey residents do move abroad that they are necessarily contributing significantly to the economy of the country that they go to. With regards to the 5-year rules, that is really something that the Social Security Department deals with, not a Health and Social Services issue, but I could say that the work that we are doing currently in health tourism is much broader than the commonly-known definition of health tourism which is people specifically coming to Jersey to gain access to our hospital services. We are taking a quite broad definition of that and are bringing policies and procedures in place to deal with that and these should be in situ by September.

3.12.2 Deputy R.G. Le Hérissier:

Would the Assistant Minister confirm that one of the reasons why residential care is becoming such a big issue is the enormous costs attached to it? Of course, we have had in the background this intended solution of an insurance scheme for years and years as a talking point but not as a realisation point. Could the Assistant Minister tell us when, in co-operation with his Social Security counterparts, will this be put in place?

Deputy E.J. Noel:

I agree with the Deputy of St. Saviour. The introduction of some type of payment mechanism to cover for our elderly care is really a question for the Social Security Department. Naturally, the Health Department will be working closely with them to ensure that it is the best possible solution. Thank you.

3.13 Deputy R.G. Le Hérisier of the Chairman of the Privileges and Procedures Committee regarding Operation Blast:

Would the chairman explain why the committee has issued no formal statement in relation to Operation Blast?

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

The Committee has not made a formal statement to the Assembly because, as yet, the issues arising from the statement made by the Minister for Home Affairs concerning Operation Blast do not appear to fall within its terms of reference. Nevertheless, Members will be aware that I wrote to all States Members on 22nd June to clarify P.P.C.'s position. For the avoidance of doubt, the Committee fully accepts that the statement raised by the Minister for Home Affairs raises issues of significant concern to the States Assembly, although it also notes that several Members have been reported as saying that the concern regarding Operation Blast has been blown out of proportion. Clearly the Minister for Home Affairs has taken this issue seriously and that is why he has taken the action that he has. P.P.C. also acknowledges that a report and proposition calling for a Committee of Inquiry has been lodged for debate in September. That proposition will no doubt be given careful consideration by the Assembly. Members will be aware that P.P.C.'s terms of reference are set out in Standing Order 128. They may also know that several references have been made to possible breaches of parliamentary privileges arising from the existence of Operation Blast. Had the States been faced with such a potential breach, it would have been quite appropriate for P.P.C. to make a statement advising what action P.P.C. would be taking under paragraph (f) of its terms of reference. However, it is quite clear that parliamentary privilege is not relevant to Operation Blast, as the files have no bearing on any proceedings of the States as such. None of P.P.C.'s remaining terms of reference would empower the Committee to get involved in this matter. Indeed, the more relevant issues arising from the statement of the Minister for Home Affairs appear to fall squarely within his own remit and the Minister has already indicated that he is taking appropriate action. All the feedback P.P.C. has had to date indicates that States Members are very satisfied with the Minister's handling of this matter and the Committee is confident that the Minister will make the results of his inquiries known to the States as and when it is appropriate for him to do so. P.P.C. will be monitoring developments closely in the intervening period and it reserves the right to consider taking substantive action in the event that further revelations raise issues that do fall within its terms of reference. Thank you.

3.13.1 Deputy R.G. Le Hérisier:

I wonder if the chairman could identify whether the decision she has outlined was a unanimous decision and, if not, what the vote was in regard to that decision.

The Connétable of St. Mary:

I asked for the matter to be considered at the meeting of P.P.C. the Friday following the declaration was made by the Minister for Home Affairs. There was some discussion about whether a statement should be made but the matter was acknowledged by the majority to be more appropriately dealt with by a letter, as there was no follow-up information and advice that could be given following a statement.

Deputy R.G. Le Hérisier:

What is the definition of a majority?

The Connétable of St. Mary:

More than half. [Laughter]

3.13.2 Deputy P.V.F. Le Claire:

I wonder if the chairman would be able to tell us what her opinion will be if it is later revealed that these files have also contained information on States Members' families.

The Connétable of St. Mary:

I believe that would fall squarely within the remit of the Minister for Home Affairs to deal with. If there are potential breaches in either regulatory powers, perhaps, or data protection, for example, that would be a matter to be pursued in a different dimension, I believe.

3.13.3 Deputy R.G. Le Hérisier:

I wonder if the chairman could define or could acknowledge whether she sees the role of P.P.C. to be the defence, albeit constructively, of Members' interests when faced with pressures from other quarters. How would she define that role I regard to the role that P.P.C. appears to be playing?

The Connétable of St. Mary:

I would refer the Deputy to the terms of reference which have been set out for P.P.C. by this House in Standing Orders. They are very clear: we must defend the privileges of the States. There are others issues which are not relevant to this particular Operation Blast but certainly I do believe that P.P.C. is acting wholly according to its terms of reference in this matter.

3.14 Deputy S. Pitman of the Minister for Social Security regarding recipients of Long Term Incapacity Allowance:

Would the Minister advise Members whether 89 recipients of Long-Term Incapacity Allowance, considered unable to work by the Medical Board, are not receiving their incapacity pension, and if so, explain why?

Deputy I.J. Gorst (The Minister for Social Security):

As the Deputy did not specify which 89 recipients she is referring to, it has been difficult for me to answer the question specifically. However, in general terms, L.T.I.A. (Long-Term Incapacity Allowance) is a benefit paid to working-aged individuals who have a long-term loss of faculty. The benefit is a variable amount depending on the severity of the condition. Individuals are able to work and claim this benefit at the same time. A Medical Board examines the individual and decides the level of benefit payable. The Medical Board do not take any account of the ability of the individual to work; they just consider the extent of the loss of faculty. Incapacity pension is a benefit paid to adults still below pension age who have a serious long-term condition which means that they are very unlikely to return to employment before they reach pension age. It is impossible for an individual to receive L.T.I.A. and incapacity pension at the same time.

3.14.1 Deputy S. Pitman:

May I just point out to the Minister that on the assessment forms of the Medical Board the recipients are informed by the Medical Board whether or not they can work? There are boxes they tick "yes" or "no" and so he is wrong on that issue. I refer to a written question I asked several weeks ago and where it was pointed out to me that there are currently 98 individuals claiming L.T.I.A. with 100 per cent award but only 9 of them receiving incapacity pension. It does say in the leaflets on the incapacity benefits: "If the Medical Board agrees that your loss of faculty is such that you will probably not return to work, you will be given a form to complete for incapacity pension." The question I ask is at what point does the Medical Board determine whether a recipient of L.T.I.A. will receive this pension?

Deputy I.J. Gorst:

I am sorry that the Deputy thinks that I was wrong. I was not wrong; I was quite clear in the way I answered the question. However, she is right, the current form does ask that question of the

Medical Board and as I have been reviewing this particular area in light of some of the questions that the Deputy has raised, I have asked for that particular form to be clarified because, as I quite clearly said, the Medical Board and the law allows the Medical Board to take consideration for the loss of faculty, not the ability to work or not. This benefit was introduced so that recipients could receive some benefit and work at the same time. I am not wrong, but then neither is the Deputy, in that regard. She also makes some comments in regard to a written answer that I gave some months ago. I hope that I was clear in my initial answer but perhaps not. If one is receiving L.T.I.A., one is not also able to receive incapacity pension. Therefore, it is not a matter of mathematics: 98 minus the 9 making 89 but it is 98 plus the 9, so these are different groups. I am sorry, there were quite a lot of questions, I am not sure if I have answered them all.

3.14.2 Deputy G.P. Southern:

Surely the point is that once in receipt of an incapacity pension, one no longer has to go for regular medical checks to make sure that you are still ill. Will the Minister review all cases of 100 per cent incapacity to examine whether it is appropriate to place some or all of these people on an incapacity pension with their agreement accepting that they will work again but excusing them from the need to travel to receive Medical Board at regular intervals?

Deputy I.J. Gorst:

While I acknowledge - and Deputy Pitman herself raised this issue - there is also a need for clarification in the leaflet regarding this benefit and that I have asked my department to do as well. However, the assertion that everybody on 100 per cent L.T.I.A. should move on to a pension, I refute that. The pension is based on ...

Deputy G.P. Southern:

There was no assertion, Minister. There was a question. The question: will you review to see whether it is appropriate?

Deputy I.J. Gorst:

Of course, I am always prepared to review. However, I should say that my department is overworked, as I am sure the Deputy would admit. However, I must make it absolutely clear that the invalidity pension is based on previous contributions and therefore it may not be of benefit to the individual to move from 100 per cent L.T.I.A. to an incapacity pension because they may be worse off. Therefore, I am not sure whether the Deputy is suggesting I move all those people on the 100 per cent to incapacity pension therefore making them worse off. We and my department try to encourage that people have the best and most appropriate benefit for them at the maximum rate to which they are entitled, not moving them to benefits which may be less beneficial to them.

3.14.3 Deputy S. Pitman:

Firstly, could the Minister answer Deputy Southern's questions: will he endeavour to review as to when these people who are on 100 per cent L.T.I.A. ... when is it appropriate for somebody to receive a pension? Also, I refer him to one of his own constituents which he met with myself in January who has been trying to get an answer out of him since then and I have myself. Could he answer regarding Mr. R, if he has forgotten, when is he going to give this gentleman an answer as to if he will be receiving a pension, because he has worked for many years, made his full contributions, please could he tell me when he is going to give this gentleman an answer?

Deputy I.J. Gorst:

The Deputy insists on trying to raise individual cases. It is not appropriate for me in order to defend myself to get into the details of an individual. It is not appropriate for my department to do so either and I will refuse to be drawn into that ...

Deputy S. Pitman:

I think he is obliged to his constituents to answer.

The Bailiff:

Wait a moment, Deputy, if the Minister is going to give way, you may interrupt but if he is not, you cannot.

Deputy I.J. Gorst:

As I tried to indicate in my answer to Deputy Southern, it is not as straightforward as saying that everybody with 100 per cent L.T.I.A. should move on to incapacity pension. I am prepared, as I committed to review these cases, it might be appropriate for someone who was on, say, 80 or 85 per cent L.T.I.A. who had a very good contribution record and perhaps had a dependency to move to an incapacity pension, if their contribution record was not up-to-date, if they were reasonably young, is it appropriate for the department to be moving people into a pension situation which is going to leave them on pension for 20 years until they reach pension age and then continue after that?

Deputy S. Pitman:

May I ask when the Minister is going to give Mr. R an answer?

The Bailiff:

I am sorry, Deputy, no, you have had your final supplementary and I think the Minister has made his position clear. May I ask you, Deputy, whether your following question is for the Attorney General personally or is to be answered by the Solicitor General?

Deputy S. Pitman:

The Attorney General has expressed that he wishes to answer the question at the next sitting but I understand he has briefed the Solicitor General. I leave it entirely up to the Solicitor General if he wishes to answer the question.

The Bailiff:

Well I think it is really a matter for you. If you are content to have an answer from the Solicitor General, we can proceed.

Deputy S. Pitman:

Yes. Thank you.

The Bailiff:

Very well, then put your question, please.

3.15 Deputy S. Pitman of H.M. Solicitor General regarding when H.M. Attorney General was first informed about Operation Blast

Would H.M. Solicitor General inform Members when, and how, the Attorney General was first informed about Operation Blast?

Mr. T.J. Le Cocq Q.C., H.M. Solicitor General:

I am not sure if the question has changed a little bit in form. I am answering the question as written and not the question as recently stated which appeared to be directed to me personally.

The Bailiff:

I think, as I understand it, you are answering the question on behalf of the Attorney General.

The Solicitor General:

The Attorney General is currently away from the Island appearing in the Privy Council and accordingly is unable to answer this question. He asked the Deputy to defer the question to the next

sitting so that he could answer it but the Deputy has declined to do so. As the question is directed to the Attorney General personally and is about his state of knowledge, I cannot answer it for him. He has, however, copied to me an email that he sent to the Deputy as part of an exchange about whether or not the Deputy would agree to defer this question. In it, among other things, he said: "So let me be clear, neither the present Solicitor General nor I participated in any way in setting up of files by the police in Operation Blast. We were not aware of their existence or proposed existence before or during the time when they were set up and maintained. We were not consulted about them and during that time gave no permission or consent in relation to them and were not asked to do so. We were wholly unaware of them, in my case, until 4th April this year when the S.G. (Solicitor General) mentioned it to me." He also said this in his email that the former Solicitor General was out of the Island and that he had no reason to believe she knew anything about it either. I do not think I can assist the Assembly any more on the Attorney General's statement.

The Bailiff:

Yes, Deputy Le Claire.

3.15.1 Deputy P.V.F. Le Claire:

Could I ask the Solicitor General when the Attorney General was first told of Operation Blast, in what manner was he told by the Solicitor General of the operation and what was the reason why the Attorney General was told at the time he was told?

The Solicitor General:

The question is directed to the Attorney General's state of knowledge. The answer is that he was told about it by me on 4th April. I am, however, not at liberty to go any further into the matter than that because obviously anything I know about the matter is subject to legal privilege and I cannot discuss that in these circumstances.

Deputy P.V.F. Le Claire:

I understand. Thank you.

The Bailiff:

I have seen other supplementary questions but may I just advise Members who are in the precinct that we will proceed to the ballot at 11.15 a.m. when the Question Time comes to an end and perhaps they would be kind enough to return to their seats if they wish to participate in the ballot. Deputy Tadier.

3.15.2 Deputy M. Tadier:

Operation Blast, it would seem, should be very easy to resolve because it seems that nobody set the files up and nobody knows anything about them, so it should be an open and shut case. But the question I would ask if the Solicitor General is in a position to answer, is he aware if any socially or politically prominent non-States Members have also had files on them?

The Solicitor General:

I have no information about that. Even if I had information, I would not be at liberty to reveal it to the Assembly for the reason I have previously articulated: that of legal professional privilege.

3.15.3 Deputy S. Pitman:

If such files were set up in the interests of national security for the Island, who would authorise this?

The Solicitor General:

I am afraid I do not know the answer to that which is, after all, a hypothetical question. What I can say to the Assembly is that neither the Attorney General nor the Solicitor General have any authority in connection with the setting up of police files.

3.16 Deputy G.P. Southern of the Chief Minister regarding the justification of a pay freeze for nurses and other public sector workers:

In the light of the continuation of the bonus culture in banking in the U.K. and Jersey, how does the Minister justify a pay freeze for nurses and other public sector workers?

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

I have no evidence to confirm that there is an ongoing bonus culture in banking but, in any event, the Council of Ministers' reasons for a pay freeze in the public sector this year are twofold. Firstly, given that budget deficits are forecasted for States finances over the next few years, even after the Island comes out of recession, increased taxes and/or cuts in services will be inevitable. If a pay increase is awarded to public sector staff in these circumstances, this will simply exacerbate the extent of those tax increases and/or those cuts in services. Secondly, employees in the private sector in the Island are being faced with the prospect of job cuts and/or pay freezes. It cannot be fair to expect those very employees to help fund, through their taxes, pay increases for public employees who enjoy much greater job security. In my view, comparisons with the banking sector need to be treated with considerable caution given, for example, a very recent announcement by Lloyds TSB and HBOS that over 180 jobs in Jersey alone are to be lost over the next 2 years.

3.16.1 Deputy C.F. Labey of Grouville:

Is it appropriate that senior executives of Jersey Telecom, a company wholly owned by the States, should receive sizeable bonuses in these economic times?

Senator T.A. Le Sueur:

I do not want to go into individual cases. There may be instances where part of a remuneration package involves a performance bonus based on the profitability of a company. If that is a contractual arrangement, then that contractual arrangement needs to be honoured.

3.16.2 The Deputy of St. John:

Can the Minister clarify something: given that we have a number of States - and I am thinking here of the Jersey Electricity Company of which we are major shareholders, Water Board, et cetera, and Jersey Telecom - will these companies have to fall into line and take no pay increase this coming year? If not, why not?

Senator T.A. Le Sueur:

The Deputy tries to mix up different social relations. Companies set up by the States and owned by the States and run at arm's length are in a different situation from so-called 'quangos' which are totally under States control. In any event, the pay policy which was set out by myself on behalf of the States Employment Board relates to employees of the States directly. Certainly as a matter of good policy, I would expect other organisations which state an interest to have similar sorts of principles, but where they are independently directed it must be for the boards of those companies to make those decisions for themselves in the light of the current economic circumstances.

The Bailiff:

I am afraid that concludes the time set aside for oral questions and we proceed now to the ballot for the appointment of members of the Bailiff's Panel. I ask the ushers to circulate the ballot papers. Members are reminded that they can vote for up to 5 candidates.

Deputy P.V.F. Le Claire:

I beg your pardon, but given that we are going to be debating probably today the Committee of Inquiry proposition, I had a question for debate today that has fallen away now and I wonder if I could request for the Minister for Health and Social Services to respond to this question by email ahead of this debate to all States Members so we can be aware of that answer, because I do believe it is material. Thank you.

The Bailiff:

I am sure the Minister for Health and Social Services will take that into account. I ask the usher and Deputy Viscount to collect the votes. If all Members have put their ballot papers in the urns, I will ask the Solicitor General and Deputy Viscount, please, to act as scrutineers. I assume Members would wish to proceed with questions without notice. Very well, the first question period is of the Minister for Transport and Technical Services and I invite questions. The Constable of St. Ouen.

4. Questions to Ministers Without Notice - The Minister for Transport and Technical Services

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

In view of the fact that I fell foul of the system for asking my question to the Minister for Economic Development, I will now head in the same direction with the Minister for Transport and Technical Services who I know has been involved, or his department has been involved, for some time with the issue of Grève de Lecq. I would ask the Minister to inform the Assembly what work has been undertaken since 2002 on the potential danger to the public from the rock face at Grève de Lecq and if the answer to that is: "Very little", what work is envisaged in the future?

Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services):

As a result of a recent meeting of the Royal Court, the department has been stimulated by activities of late to move into action, shall we say, in conjunction with the Economic Development Department who have responsibility for the area. I am able to say that this morning the experts in this rock face work have been looking at the issue down there and agreement has been made on the level of risk which is at present there. It has been decided that the area ought to be closed off to the public but it is within the risk assessment to allow the passage of vehicles down there. So the effect of that will be that there will be signage put up to prevent the public access but allow those who sign a disclaimer to access the area through a gate, so that means that boat owners will be able to continue to park their vehicles there. I would say that the department is keen to get this matter closed off in conjunction with the Economic Development Department and I am sure that the present flurry of activity will ensure that takes place.

4.2 The Connétable of St. Mary:

In the spirit of trying to ensure that people are able to leave their cars at home wherever possible, will the Minister undertake to review whether there is adequate motorcycle parking provisions in St. Helier? Thank you.

The Connétable of St. Brelade:

The department are conscious of the fact that the motorcycle parking areas presently available to the public are rapidly taken up and I think as part of our transport strategy we will be indicating that there needs to be more provision for that. In saying that, we have already made provision for additional cycle spaces in the existing car parks and we continue to endeavour to identify spaces where additional motorcycle parking can be placed.

4.3 Deputy R.G. Le Hérisier:

Would the Minister explain what tests his department applies to contractors who undertake work for the department to ensure that a large proportion of the workforce is as locally based as possible?

The Connétable of St. Brelade:

I am sure the Deputy refers to the contract with the Energy from Waste Plant at La Collette. I took the opportunity of visiting the site only yesterday to establish the progress taking place down there and, in fact, the nature of the works so that I was in a position to report back to the Deputy. I am confident that the staff employed down there, when imported, shall we say, are imported only on the basis of absolute necessity. In fact, the concrete works that have been taking place down there are really of quite a high calibre and specialised formwork equipment is being used. It is a specialist French-type of equipment, the French are well used to using it, and it is producing an excellent result. I would add that the concrete used for the structure has been supplied by a local company using their local transport, using their local staff and they have been very efficient in working as a team providing the structure which we have agreed to construct.

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

It was reported in the Guernsey press last week that confirmation had been sought and gained from a senior Jersey politician that Jersey's new incinerator could accommodate the burning of Guernsey's waste in addition to its own. Was that politician the Minister for Transport and Technical Services and, if not, can the Minister inform the House which senior politician has been approached and whether that politician was given authority to act on behalf of Transport and Technical Services in respect of seeking to import rubbish from other jurisdictions?

The Connétable of St. Brelade:

Not me, however, the department responsible, the Public Works Department in Guernsey, have been liaising with our department, Transport and Technical Services, to establish whether we would be receptive to their rubbish, if you can call it that, or their excess waste, and have asked us to quote a gate fee for its reception and we will do that. I understand there is a debate to come in the States of Deliberation of Guernsey, I think at the end of this month, and the result of that debate will no doubt become known and whether they wish to use information from Jersey or not remains to be seen.

4.4.1 Deputy R.C. Duhamel:

A supplementary. Will the Minister nonetheless seek to inform the House which senior politician has been acting on behalf of the department?

The Connétable of St. Brelade:

I am not aware of who has been speaking to Guernsey politicians but clearly we have connections with Guernsey politicians. I spent a week at the C.P.A. (Commonwealth Parliamentary Association) meeting 2 weeks ago over there and was pleased to talk to several Guernsey politicians on the matter and it was discussed at length. I am keen, as I am sure as we all are, that the Channel Islanders work together. Likewise, if we can gain benefit from working with Guernsey, I think we ought to but, likewise, I do not think it needs to be to the detriment of Jersey itself. Thank you.

4.5 Deputy M. Tadier:

Would the Minister confirm whether he has received any representations from individual taxi drivers or taxi drivers representing the association with regard to allowing them to purchase the plates for taxis and, if so, can he issue his thoughts on this matter?

The Connétable of St. Brelade:

Yes, I have had representations from 2 taxi drivers on this matter. The department does not consider it is an ideal way to proceed at the moment but having said that, we are undertaking a

review of the taxi service in the Island and the provision of a taxi service to the general public as part of our transport strategy. No doubt, that element of the review will become public once it has been fully considered.

4.6 The Deputy of St. John:

Given that Les Charrières de Bonne Nuit have had barriers on the hill for some 5 years, when will the rock face straight road be stabilised, and have the landowners been summoned to carry out the necessary works?

The Connétable of St. Brelade:

This is another of the rock face situations which rumbles on, dare I say it? Clearly, it is down to a land-ownership issue and I understand that the Law Officers are in discussion with the landowners with regard to this to get it concluded as soon as possible, as is the case with Rozel and Grève de Lecq.

4.7 Deputy D.J. De Sousa:

Can the Minister please assure Members that all service providers i.e. taxi drivers, bus drivers and driving instructors have a level playing field when accommodated because some Members do feel that they are not accommodated in the same way as others?

The Connétable of St. Brelade:

Yes, I know the Deputy has approached me with regard to provision of specified spaces for driving instructors. This has been addressed within the department and it is felt that these days with communications being so much easier it is not necessary to give particular places for driving instructors and there are adequate areas where they can pick up their clients. But having said that, we will take a view that all public service suppliers will be accommodated as far as we possibly can within the resources we have available.

4.8 Deputy J.M. Maçon:

Could the Minister please inform the Assembly that of the £150,000 that the department has recently publicised, how much has been allocated and how much is left to be allocated and how much is going to the parish of St. Saviour?

The Connétable of St. Brelade:

Sorry, I could not quite get that question, £150,000 of what? Sorry, if the Deputy could clarify.

Deputy J.M. Maçon:

I believe for road traffic improvements.

The Connétable of St. Brelade:

I do not have the list in front of me. It certainly was laid out in the press release as to which allocation was to which areas of the Parish. I know the Deputy has questioned me regarding a pedestrian crossing at Longueville and I think we have replied to him to suggest that there are land-ownership difficulties which make the cost of that particular crossing particularly unachievable at this point. Clearly, we continue to monitor the situation and if lands can be purchased at a reasonable cost, the department will facilitate the provision of the necessary crossing.

4.9 Deputy G.P. Southern:

In his answer 4617 given earlier today, will the Minister confirm that he is actively pursuing the privatisation or outsourcing of key infrastructure services such as a disposal of liquid and inner waste? Will he further confirm that any savings made in such an outsourcing or privatisation he will use to spend on capital to support ageing infrastructure, and is he setting a principle of using revenue to support capital spending?

The Connétable of St. Brelade:

No, in practice, we have a situation whereby we have an evolving world and I think we have an ageing infrastructure which will need considerable expenditure on it in the next 20 years and we have to provide for that. How we do it is open to conjecture at present. Clearly, there is not the funding available from within existing resources and it is my task to work with the Treasury Department to identify how we can come up with sustainable funding solutions so this infrastructure can be maintained at a level that safeguards, not only the environment, but the people of Jersey.

4.9.1 Deputy G.P. Southern:

A supplementary, if I may? In the transfer of any such services from the States to private sector involvement, will he assure the House that health and safety standards will be maintained at all costs and that any transfer of undertakings laws which are in place at the time will be fully observed?

The Connétable of St. Brelade:

The health and safety standards and well-being of the Jersey public are paramount in my view, and would be adhered to at all costs.

The Bailiff:

If the Deputy would just repeat the second part of his question.

Deputy G.P. Southern:

Any T.U.P.E. (Transfer of Undertakings (Protection of Employment)) arrangements which are in place will be strictly observed.

The Connétable of St. Brelade:

I do not think the department would have any alternative but to observe present contractual arrangements with the staff.

4.10 Deputy C.H. Egré of St. Peter:

Sorry to return to matters domestic. The Minister will be aware of a problem that we have in St. Peter in Clos de Charmes and the road known as Rue du Pointe. There is an issue there with children being able at present to run directly on to a very busy road area. I know the Minister has visited the site and agrees that there is a major problem there of safety. Could I seek the Minister's reassurance that something will be done about this comparatively short job before the start of the summer holidays for the children?

The Connétable of St. Brelade:

Yes, I am aware of the area to which the Deputy refers and have been in consultation, not only with my department, but also with the Constable of St. Peter. It turns out to have been the responsibility of the developer of the site; however, given that time has moved on and a willingness to achieve this, the department will be, I think, sharing some very small costs to achieve this particular accident prevention mechanism in the near future.

The Deputy of St. Peter:

Can I just add a supplementary? Could I get the assurance I asked for; that this will be done before the start of the summer holidays, please?

The Connétable of St. Brelade:

Yes, I think that is achievable.

4.11 Deputy M.R. Higgins:

Is the Minister aware of the plans for the incinerator in Guernsey and seen the design? If he is, would he not agree that it is a far superior design to the one that has been adopted in Jersey? It is low profile, covered with grass, and is not an eyesore, which I am afraid the proposed Jersey incinerator is going to be.

The Connétable of St. Brelade:

I am not a planner or in the Planning Department and I think planning matters are somewhat subjective. I am aware of where it is being proposed to be placed in Guernsey and the adjacent tower or fort, I believe, and I think the idea is that it is no higher than that particular fort. Our design has been approved by the Planning Department and is designed by Hopkins Architects, and I think I will stand back and say that design is subjective and everyone has their own opinions.

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

Without going into a recent complaint, of which the Minister knows about, could he advise the House of whether his department in general has an appeals policy similar to that, or otherwise, of Education, Sport and Culture, where people can make a complaint for reviewing a decision that is made by officers within each department? If not, why not? Thank you.

The Connétable of St. Brelade:

I think as is the case with most departments, the appeals procedure probably ends up in my lap. If I may refer to the question the Deputy asked, I know specifically ... I can assure him that that matter will be dealt with in the next few days. It is not as simple as he might have been told and the answer is complex, but it will be dealt with very shortly.

The Bailiff:

That concludes the period of time for the Minister for Transport and Technical Services. We come now to questions to the Minister for Treasury and Resources; the Deputy of St. John.

5. Questions to Ministers Without Notice - The Minister for Treasury and Resources

5.1 The Deputy of St. John:

Given the Minister is opposed to a wage increase for staff in the Civil Service and within our workforce, does he agree that any restraint in increase would also cover all of the quangos that the States currently have? Also, other States areas, like the J.E.C. (Jersey Electric Company), Jersey Telecom, who are currently talking about paying £340,000 to 7 directors in fees; does he agree that this should still go ahead, given his view on States employees' pay rise?

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

Absolutely. I have, in the last couple of weeks, had meetings with most of the utility companies and asked them exactly what the situation is with wage rises and expressed concern, as appropriate, for wage settlements that are above the pay freeze. It is clear from the real private sector that there are real fears of job redundancies and wage freezes are being applied across the board. I think it is important that this Assembly sends out a clear message that the public sector must do the same.

5.2 Senator S.C. Ferguson:

We have today received a report on financial management by the Auditor General. Will the Minister explain how he intends to implement the recommendations; particularly as I understand that there is a proposal to ask for tenders from consultants to advise on the implementation of recommendations? Particularly in view of the fact that the Treasurer's view of his role is merely to provide financial information to other States departments.

Senator P.F.C. Ozouf:

I have just been in the role of Minister for Treasury and Resources for just over 200 days. Last week, I gave a speech to the Institute of Directors outlining my views of the Treasury and I am delighted to have received the report from the Comptroller and Auditor General last night and to see that we appear to be as one on the need to strengthen the Treasury. Some Members will not like this, but the Comptroller highlights the current inability of the Treasury to challenge. He talks about departments being able to obscure costs. He is supportive, as I am, and indeed the Treasury, of strengthening the Treasury role to allow us to set public expenditure more intelligently. He says also that changes are likely to require an increase in the number and attitude of staff and I intend in the next few weeks to work on a plan for changing the Treasury and to report to this Assembly when I have completed that work.

5.2.1 Senator S.C. Ferguson:

A supplementary. But this will require leadership on the financial management side. In view of the Treasurer's existing view of his role, does the Minister consider that he has the leadership necessary in his department?

Senator P.F.C. Ozouf:

Yes, and I have had extensive debates with the Treasurer of the States, who is now in the tenth year of his service, in bringing and managing public finances, and his view and mine are as one. If we are to strengthen the Treasury, if we are to be more challenging, then the Treasury, unfortunately, is going to have to have more professional staff in order to do that, and that is exactly what we are working on trying to achieve.

5.3 Deputy P.V.F. Le Claire:

I have been contacted lately by a number of residents of Jersey concerned about the issues in relation to the exposure of accounts and the concealment of funds of accounts in relation to the Jersey Telecom directors, and also in relation to, most recently, the gun-to-the-head diplomacy of the Jersey Heritage Trust, who are now saying they are going to have to close things in order to make ends meet. Would the Minister for Treasury and Resources undertake to see if those bodies within Jersey that have access to public funds, or are supported to a large extent by public fund participation in their limited companies, start to deliver far more accountable accounts than they do at present? Because in several of the conversations I have had with people in the finance industry and others, they find that the revelations of late of the Jersey Heritage Trust's shortage and the proposed closures and the activities of the Jersey Telecom bodies are just completely woeful.

Senator P.F.C. Ozouf:

I refer the Deputy to the answer that I gave a few moments ago. If the Treasury is to be in a position to be more challenging and not simply ... and I am not in any way saying that the Heritage Trust are issuing a siren call in order to try and argue for more money just because those loud voices get more money. If the Treasury is to be more challenging in departments and all requests from non-departmental bodies, we are going to need the people to do it. In respect of the utilities, I have put arrangements in place, following the previous Minister for Treasury and Resources, of a greater accountability in terms of the accounts, and will be shortly submitting for Members and for publication all of the more detailed accounts of all the utilities. In addition to that, I am carrying out a utility review to strengthen the corporate government's arrangements and change completely the way that the Treasury holds those utilities to account.

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

Further to the news that mobility scooters will now be charged Goods and Services Tax, will the Minister agree to exempt mobility scooters and class them as medical appliances? As most users are senior citizens, this will add approximately £250 to the purchase price. Does the Minister not agree?

Senator P.F.C. Ozouf:

I heard on the radio, I think it is not a local issue, it is - as I understand it - an E.U. ruling of the definition of a mobility scooter. I really need advice in order to make a determination on this. What I will say to the Deputy is that the Treasury line must continue; that exemptions and zero-ratings should be avoided. Certainly, the market in relation to scooters - and I know I bought one a couple of years ago - is that, as usual, consumers need to be searching in the local retailers to get a good price for whatever they are buying. Not having duties sometimes influence local prices. I need to look at this particular market.

5.5 Deputy J.A. Martin:

Could the Minister for Treasury and Resources, following on from the wage freeze, confirm to the States if there are any plans for all States departments who pass on a charge to the public to be frozen, and is there also any plans to freeze all benefits and pensions this year?

Senator P.F.C. Ozouf:

The Deputy will be aware that there are no plans to freeze benefits and pensions. Pensions are proudly increased by the rate of earnings in Jersey; something which most other places could not even begin to afford to do. In relation to charges, I am not going to give a commitment to not raise charges because in freezing charges that can have the unintended consequence of providing subsidy for people receiving charges. I want a comprehensive review of charges across the board. I was looking at some charges for one particular sector yesterday and I believe that this Assembly would warmly welcome the increase in that particular charge. I want a comprehensive review of charges. The old days of simply freezing charges, I am afraid, has unintended consequences of making some people that we would not want to be better off, better off.

5.6 Deputy G.P. Southern:

I am absolutely taken aback by that stand, but nonetheless I will press on. In terms of wage freezes, is the Minister aware that the staffing levels among levels at the hospital have caused serious problems and that competition is resulting in reduction in rates of retention and recruitment among nursing? Is he aware also that Guernsey is in negotiation for a 12 per cent deal for its nurses over a 3-year period and the U.K. is currently talking about a 7.99 per cent pay deal? What impact would a wage freeze have on critical services, such as nursing, especially in terms of recruitment and retention? What conversations has he had with his Minister for Health and Social Services to ameliorate that?

Senator P.F.C. Ozouf:

I draw the Deputy's attention to the note that the Chief Minister has lodged on 24th June concerning the salary comparatives with the private sector. Nurses are, at the lowest rate, 34 per cent higher paid than the private sector. He will also be aware of the substantial investment in nurses' salaries that have been made in recent years. We are well aware that Guernsey is making a settlement to their nurses. I should draw his attention to the fact that nurses in Guernsey are relatively lower paid than those in Jersey and I would hope that he would not seek to make political capital out of the necessary wage freeze by using the emotive area such as nurses. There are areas in nurses, and I am advised as a member of the S.E.B. (States Employment Board), there are areas where nursing recruitment has been difficult, but that is in specialised areas, not across the board.

5.7 Deputy M. Tadier:

Does the Minister acknowledge that it is misleading, given the fact that inflation, whichever index you use, is above zero, to talk of a pay freeze? Would it not be more accurate to talk about a pay decrease, in relative terms? Obviously not for J.T. (Jersey Telecom) directors though, presumably. Would he also inform the Assembly what powers he has got to freeze rents - both in the public and private sector - to freeze food prices, and to freeze fuel increases?

Senator P.F.C. Ozouf:

It is competition that drives prices and the putting in place of a competition law which protects consumers suffering cartelised prices, et cetera. Of course, the Minister for Treasury and Resources had no impact on these other issues; it is markets that work for that. In relation to the freeze itself on wages, it is the lead that the public sector needs to take against the private sector. He will be aware that there are many people fearing for their jobs in the private sector and people facing job losses. Private companies are putting in pay freezes, recruitment freezes, and the public sector needs to show some discipline and some leadership in this difficult time.

5.8 Deputy T.A. Vallois:

Could the Minister advise when and how he will be looking to introduce a benefit fraud scheme in conjunction with the Minister for Social Security for the benefit of efficiency and States expenditure?

Senator P.F.C. Ozouf:

I can say to the Deputy that under the direction of the new Deputy Chief Executive and the emerging Resources Department and looking at corporate savings, consideration is being given to the setting up of a fraud office to deal with issues of fraud, both in terms of ...to join together the different departments that are dealing with that matter. I will inform the Assembly as and when those plans are being more developed in the next couple of months.

5.9 Deputy R.G. Le Hérissier:

Will the Minister inform the House who is in charge of cost cutting within his ministry and will this person be investigating the recent figures on meal expenses?

Senator P.F.C. Ozouf:

I am taking personal responsibility for the areas of cost cutting. I have set out, when I sought the position of Minister for Treasury and Resources, that cost savings and efficiencies would be my top priority as I realised the public did not have an appetite for further taxation increases. Therefore, those responsibilities fall squarely on these shoulders, but for also all Ministers in this Assembly, no doubt, when we are going to be discussing the Business Plan. I recognise that Members want to, on the one hand, improve services, but at the same time do not want to see wage freezes, they do not want to see tax rises. I am afraid that savings and efficiencies in a culture whereby every organisation and every department has to deal with efficiencies has got to be taken across the whole of the public sector. There is a change in culture that is required.

5.9.1 Deputy R.G. Le Hérissier:

A supplementary. Will the Minister be looking at major programmes, like supplementation, and in its different guise, rent rebate?

Senator P.F.C. Ozouf:

There are no areas which are going to be exempt from the torchlight of savings and efficiencies.

The Greffier of the States (in the Chair):

Just before calling the next Member, could I give notice to Members in the precincts that a second ballot will be required to resolve a tie for fifth place, so I invite Members to return for that ballot, which I will call at the end of the question period. The Deputy of St. Peter?

5.10 The Deputy of St. Peter:

As a Minister has a responsibility for both Treasury and Resources, what does the Minister see as the way forward, regarding the latter - namely Resources - within his department?

Senator P.F.C. Ozouf:

Currently the arrangements for Resources are effectively shared between the Chief Minister's Department and the Treasury. The Deputy Chief Executive has been appointed effectively as *de facto* the Chief Officer for the combined Resources Department. I am currently under discussions with the Chief Minister and his department to centralise a Resources Department, probably - and in my view rightly - within the Treasury and Resources Department, as I believe the Clothier Report envisaged. I will also need to be considering giving special responsibility for that Resources Department to one specific individual Assistant Minister.

5.11 The Deputy of St. Mary:

I too welcome the overall direction of the Comptroller and Auditor General's report, and at last we might get proper cost benefit analysis of major proposals from departments. Would the Minister agree that one instance of the Treasurer's inability in the past to challenge costs coming from a department was the lead-up work to the placing of the contract for the incinerator and, indeed, any proper financial appraisal of alternative waste strategies? Would he agree with that? We are looking forward to a golden era when departments will have to produce a cost benefit analysis of their proposal.

Senator P.F.C. Ozouf:

The Deputy and I are never going to agree on this, but it was the former president of the Environment and Public Services that brought the Waste Strategy to the States. I would remind him that if the decision in relation to the Energy from Waste Plant would have been made 5 or 6 years ago then taxpayers would have been tens of millions of pounds better off than they were today.

5.12 The Connétable of Grouville:

Hopefully I can perhaps assist the Minister with regards to mobility scooters. When the G.S.T. (Goods and Services Tax) was first brought in I asked the previous Minister if he would include in the medical appliances an adapted car, which were for invalids purposes, and he agreed that this should come under medical appliances. I just wonder if the mobility scooters could also be classified under that heading?

Senator P.F.C. Ozouf:

I will look into it.

The Greffier of the States (in the Chair):

Very well. That concludes the period of Questions Without Notice to the Minister. I am now in a position to announce the results of the ballot for the Bailiff's Consultative Panel. There is a need to elect 5 Members from the 7 names put forward. I can announce the Constable of St. Lawrence received 30 votes; Deputy Martin received 29 votes; the Deputy of Grouville received 28 votes; and the Constable of Grouville received 28 votes, and those 4 Members are duly elected. Twenty seven votes were cast for Senator Le Main and for the Deputy of St. John and 19 votes for Deputy Maçon. Accordingly, the Assembly needs to ballot for one name between Senator Le Main and the Deputy of St. John to allocate the fifth place. I will ask for the ballot papers to be distributed. Plain papers to write one name, please: Senator Le Main or the Deputy of St. John. Very well, if all Members have written their one name on the paper I will ask the Deputy Viscount and the usher to collect the ballot papers.

Deputy J.M. Maçon:

In that time, although unsuccessful, may I just thank all those Members who did give me their vote.
[Approval]

The Greffier of the States (in the Chair):

Have all Members placed their votes in the ballot boxes? I can ask the Deputy Greffier and the Solicitor General to act as scrutineers. The Assembly can proceed.

6. Urgent Oral Question to the Chief Minister:

The Greffier of the States (in the Chair):

The Bailiff yesterday gave leave to the Deputy of St. Mary to ask an urgent, oral question to the Chief Minister. Deputy?

6.1 The Deputy of St. Mary:

Will the Chief Minister confirm that Heritage and Culture are important to the Council of Ministers, the work of the Heritage Trust is valued by them, and advise the Assembly what action, if any, will be taken to avoid 3 major sites closing in the middle of summer and what action will be taken in the longer term to secure a sustainable future for the service?

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

I do confirm that Heritage and Culture are important to the Council of Ministers and that the work of the Jersey Heritage Trust is indeed valued by the Council. This is reflected in the key priorities of the States Strategic Plan, approved earlier this month, which included, as a priority, to protect and enhance our unique culture and identity and support the development of arts and heritage in Jersey. Members will be aware that the Jersey Heritage Trust is an independent organisation which receives financial support from the States. The Trust already receives a significant annual allocation from the States through the Minister for Education, Sport and Culture. In January this year, it was provided with additional funding for 2009 of £200,000 for this year in order to assist it in responding to the cost pressures mentioned. That is in addition to the £2 million that the Jersey Heritage Trust already receives. Neither the Council of Ministers, nor the Minister for Education, Sport and Culture, would seek to dictate how the additional funds should be allocated; it is for the Trust itself, as an independent body, to determine priorities in accordance with its budget. So it has already been agreed that arrangements will be put in place for an independent review to be conducted of the Jersey Heritage Trust as soon as possible, and that is underway. I am confident that any recommendations arising from that review will be given careful consideration, both by the Trust and by the Minister for Education, Sport and Culture, including any proposals relating to the long-term funding arrangements for the Trust.

6.1.1 The Deputy of St. Mary:

I am very pleased to hear that a review is being commissioned into the activities of the Jersey Heritage Trust. I think they would rather have some cash to get on with the job. I just wonder whether the Chief Minister would like to comment on all these grand words in the Strategic Plan, but when he comes to it, the Director of the Heritage Trust is talking about ending free access to children and he does not really want to do that. I would just ask the Chief Minister where are the priorities of this Council of Ministers? Because a review does not pay the staff and it does not keep the sites open.

Senator T.A. Le Sueur:

I am well aware of that. From the start of my term of office I had an early meeting with the representative of the Heritage Trust, and as a result of which we took 2 actions: one action was to commission the review and the other was to give them an immediate injection of cash of £200,000 to tide them over this immediate problem. So it is not a question of doing one or the other. We have gladly done both in support of the aims and principles, which I set out, which the States agreed, in the Strategic Plan.

6.1.2 The Deputy of Grouville:

Does the Chief Minister recognise that the Public Records Law, which was introduced, had a huge impact on Jersey Archives? Does he not consider that funding direct from the Chief Minister's Department to Jersey Archives to pay for this service and ongoing work would be in order?

Senator T.A. Le Sueur:

I think that it is symptomatic of ... a problem which we often seem to ignore in this House, and that is when we pass a law and we say there are no financial implications; we skirt around the situation that there often are financial implications somewhere else down the line and that is one good example. But the Archive Service, which is a very laudable service, provided to support the Public Records Law, is part of the operations of Jersey Heritage Trust. As such, it is for them to allocate their resources in what they believe is the most appropriate way. It would not be for my department, or any department, in fact, to interfere with the running of a private organisation to say how they should spend their money. If the States decide that they want to bring back the Jersey Archive Service into public ownership, that is another matter, but it is not a matter which is being discussed today.

6.1.3 The Deputy of Grouville:

Jersey Archive are providing a service to the Government so that the Government complies with this law. It is a direct service. The Government are employing Jersey Archive Services for this and paying nothing for the huge amount of resources this takes from the Jersey Heritage Trust.

Senator T.A. Le Sueur:

I am well aware of the valuable service that the Archive provides and it is really for the Heritage Trust to decide, as custodians of that Archive Service, whether they wanted to maintain that or give it back to the States to maintain. I would say that that sort of issue is one which is surely going to be reviewed or taken up in the course of this review and I think we should await the outcome of that review before jumping to any conclusions about which is the right course of action to take.

6.1.4 Deputy J.A. Martin:

That follows on nicely because what I was going to ask is can ... he may not have them now, but can he furnish the States Members with the terms of reference for this review? Because I think it is fundamental that we know where it is going and what it is looking at. I mean, I need to see whether it is looking at ... is culture and heritage even under the right ministry.

Senator T.A. Le Sueur:

I only received this question yesterday afternoon and I have not had a chance to make detailed inquiries. I understand that the review, which in any case being commissioned by the Heritage Trust must be under their terms of reference, will include obtaining information from the museums, libraries and Archive Service in the U.K. in order to see how that might be able to assist us, as well as looking with the Economic Development Department and Jersey Enterprise into the business activities of the Trust. So, it is a wide-ranging review. The precise terms of reference, I do not have available at the current time.

6.1.5 The Deputy of St. John:

As a former trustee of the Heritage Trust, I have one or 2 concerns. Can it be right that hundreds of thousands of pounds were spent on purchasing DUKWs to and from Elizabeth Castle when they were already in private ownership? Also, will the Chief Minister confirm that a new roof is required at La Hougue Bie, for instance, which also comes under the Heritage, or is it something that is nice to have? Because it is claimed that they are changing from slate to tile, or the other way around.

Senator T.A. Le Sueur:

I mentioned a moment ago that the terms of reference included looking at the commercial activities of the Trust and it may well be that the commercial activities, such as the ferry service to the castle, which the Deputy talks about, is one which might need reconsideration. As to the roof of the premises at La Hougue Bie, that again is a matter of priorities. Like all of us in each department - and we will see this when we come to debate our own spending plans - we have to prioritise what we consider to be the most important activities; be those roofs or archive buildings.

6.1.6 Deputy S. Pitman:

Would the Chief Minister advise Members when he expects this review to be finished?

Senator T.A. Le Sueur:

No, I expect it to be finished as soon as possible because, clearly, the Heritage Trust need to know their priorities for 2010. We have given them funding for the current year, so certainly a timescale, I envisage, would be during the course of this year.

The Greffier of the States (in the Chair):

I note there are 4 more Members waiting to ask a supplementary. I will allow these 4 to ask them. The Constable of St. Helier.

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

As a present and States-appointed trustee, could I ask the Minister whether he is aware that as responsible employer the Heritage Trust has begun consultation on redundancies and that it will have to take decisions about closing sites that are important to the Island on 10th July?

Senator T.A. Le Sueur:

I would expect any Trust to take responsible decisions and then be a responsible employer. I would be disappointed if it led to immediate redundancies in the middle of a season when we have given them additional funding to tide them over the present time, but that must be a matter for the trustees to decide. They are independent and I am not going to interfere in their decision making.

6.1.8 Deputy R.G. Le Hérissier:

Is the Chief Minister happy with the fact that there has been a very well-orchestrated membership campaign on behalf of the Trust? Would he not wish to see the Trust working in concert with the National Trust and the Société? Secondly, is he aware of whether the wage costs of the Jersey Heritage Trust are in conformity with the policies espoused by our beloved Minister for Treasury and Resources?

Senator T.A. Le Sueur:

I will repeat that the Trust is an independent organisation and I am sure it is for them to decide whether there are merits in working more closely in conjunction with people like the National Trust and the Société; certainly, I believe that would be a sensible thing to do. Again, as I say, it is for them to decide as an independent organisation. It is equally for them, as an independent organisation, to set their wage rates, but I would expect them, as a responsible employer, to be reasonable and realistic in that respect as well.

6.1.9 Deputy P.V.F. Le Claire:

The question raised by the Constable of St. Helier puts the hourglass before us; 10th July they are looking to regard closing some important and historical sites, heritage sites, and redundancies. Given that this is the height of the holiday season, would it not be more appropriate to look at limited closures, I ask the Chief Minister? Such schemes as exist in other jurisdictions, whereby local residents who prove local residency can access heritage sites at a reduced rate, thereby increasing footfall on an ongoing basis? I appreciate the Chief Minister does not want to get involved in operational matters, but unless he takes a proactive stance on this we are going to see a

disjointed operation in relation to heritage at one of the key points in our economy, tourism, at the height of the tourism season. Will he undertake to go and look into these issues with the Minister for Education, Sport and Culture, please?

Senator T.A. Le Sueur:

I would be disappointed if the Board of Trustees and Heritage Trust acted other than in a responsible way and in a commercial way. If they decide that it is in the interests of the Trust and its profit and loss account, if you like, to arrange for special arrangements for local people in order to increase footfall, that is a commercial position which I would entrust to them as people with more commercial expertise than maybe my department has, to take appropriate decisions. Whether doing things in the middle of the season is a particularly good commercial activity to take has to be a matter for the trustees to decide, but it may well be that in the terms of giving an adequate notice period to staff who might have to be put down subsequently, a date has to be stated and worked as a basis. It is really not for me at this stage to be able to explain that when, in fact, the Jersey Heritage Trust is not a direct responsibility of the Chief Minister's Department. I am really responding to this question as an urgent question because it is a matter of, I think, importance to all States Members as a whole.

6.1.10 The Deputy of St. Martin:

Would the Chief Minister not agree that thousands of pounds could be saved; just remove the scaffolding which has been surrounding St. James' Church for so long? **[Approbation]** Will he take some steps to have a word with the Minister for Education, Sport and Culture? **[Laughter]**

Senator T.A. Le Sueur:

I can certainly have words with the Minister for Education, Sport and Culture, and indeed, with the Minister for Planning and Environment. I suspect that the continued existence of scaffolding around St. James' Church is a matter of public safety and I would not want to jeopardise public safety in the sake of simple economies. What we need to do is have a resolution for that issue and not have the scaffolding ongoing for ever and ever. That resolution, sadly, seems to have taken longer than I would like to have seen, and longer - no doubt - than the Deputy of St. Martin would like to see.

6.1.11 The Deputy of St. Mary:

I am quite shocked by the Chief Minister's continual reference to prioritising within the service, as if somehow it is the Jersey Heritage Trust's responsibility that these sad things are maybe about to happen, and I would ask the Chief Minister to express a view on whether in fact the reality is continual underfunding and the slow strangulation, in terms of funding, of the entire service for years?

Senator T.A. Le Sueur:

Certainly, I believe that the trustees of the Heritage Trust did have a responsibility to prioritise and to run that operation properly and if it turns out that they had inadequate funding in order to do that, that will no doubt be highlighted in the course of this review and they can immediately be put on a firmer footing. I suspect that this change in circumstances has not arisen overnight and really until that review is undertaken and reported on, I am not going to speculate on why there should be these particular difficulties at this current time, particularly, as I say, having given the Trust an additional £200,000 earlier this year in order to resolve some of this temporary crisis.

The Deputy of St. Mary:

When do we expect the report?

Senator T.A. Le Sueur:

I have already answered that question. I do not know the precise date, but it will need to be during the course of this year.

The Greffier of the States (in the Chair):

Very well, that concludes the urgent question. I can now announce the results of the ballot for the fifth place on the Bailiff's Consultative Panel; 26 votes were cast for the Deputy of St. John, 19 votes for Senator Le Main. There was one blank paper and accordingly the Deputy of St. John will be the fifth member, alongside the Constable of St. Lawrence, Deputy Martin, the Deputy of Grouville and the Constable of Grouville.

The Deputy of St. John:

Could I thank the Members who voted for me and all those who partook, Sir? Thank you.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Greffier of the States (in the Chair):

We come now to statements. There are 2 statements listed on the Consolidated Order Paper and I have I have received notice of a third statement which I understand has been circulated by the Minister for Health and Social Services. The first statement is from the Chairman of the Comité des Connétables.

7. The Chairman of the Comité des Connétables will make a statement regarding the Island-wide rate

7.1 The Connétable of St. Ouen (Chairman, Comité des Connétables):

I wish to inform Members of the cost to ratepayers across the Island, of the Island-wide rate for 2009, which has been determined in accordance with the Rates (Jersey) Law 2005. The 2009 annual Island-wide rate figure is the 2008 figure of £10,093,606 increased by the Jersey Retail Price Index for the 12 months to March 2009, of 2.1 per cent, resulting in a sum of £10,205,572. In accordance with the Rates Apportionment (Jersey) Regulations 2006, 55 per cent of the annual Island-wide rate figure is to be met from the domestic rate, and 45 per cent of the annual Island-side rate figure is to be met from the non-domestic rate. The sum of £5,668,065 is therefore to be raised from the domestic rate and a sum of £4,637,507 from the non-domestic rate. The rates are determined by dividing the sum to be raised between the number of quarters assessed on domestic and non-domestic property. The rates will therefore be 0.65 pence per quarter for domestic rate payers and 1.14 pence per quarter for non-domestic rate-payers. I would just like to add that these figures are added to the rates as set by each individual parish assembly.

The Greffier of the States (in the Chair):

Does anyone wish to ask any questions of the Chairman? Deputy Southern.

7.1.1 Deputy G.P. Southern:

Will the chairman inform Members whether any consideration was given to the possibility of freezing the Island-wide rate at this stage, given that we are about to freeze the wages of public sector workers?

The Connétable of St. Ouen:

The decision to freeze, or otherwise, the Island-wide rate is one which has to be made by the States, not by the Comité des Connétables. The Comité des Connétables are obliged to find that figure from the rates in order to produce it for the States.

7.1.2 The Deputy of St. Ouen:

I wonder if the chairman would be good enough to inform the Assembly what was the rate per quarter, of both domestic and non-domestic property, in 2008?

The Connétable of St. Ouen:

The increase of 2 per cent in the non-domestic quarter results from the fact that there is a different number of quarters to be assessed annually. The rates assessors in their assessment find a different figure annually and therefore it is not exactly a simple system to compare one with the other. In fact, what happens in this year is that there is a slight increase in the domestic quarter figure, but in fact a decrease in the non-domestic figure.

7.1.3 Deputy T.M. Pitman:

Just a clarification really - could the Connétable just clarify whether this will come back to the House to be debated and decided on?

The Connétable of St. Ouen:

Sorry, will I come back to the House with ...?

Deputy T.M. Pitman:

You said it was the House who decides on this. Will it come back to the House to be debated?

The Connétable of St. Ouen:

No. It is set in law what the Connétables have to raise towards the Island-wide rate. That is set in the law and therefore it is a matter of either a Minister or an individual Member bringing the law back for a change.

7.1.4 Senator P.F.C. Ozouf:

Could the Connétable just remind Members of how the figure of £10,093,000 is arrived at? Is that an automatic figure or is that a figure that the Comité des Connétables has set?

The Connétable of St. Ouen:

It is a figure which is set in the law. It was originally the amount which the Parishes together raised towards welfare, and that figure was transferred to the Treasury, and the agreement written within the law was that it would rise annually by the Retail Price Index as set at March of each year.

The Greffier of the States (in the Chair):

If there are no further questions for the Chairman we will move to the second statement which is to be made by the Minister for Economic Development.

8. The Minister for Economic Development will make a statement regarding fare regulation of the car ferry market

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

As Members are well aware, ferry operations on the route to St. Malo went through some turbulent times during 2004 to 2005, and again in 2007 to 2008. While we gained some brief and apparently very beneficial fare offers, the uncertainties and cancellations also threatened the very security of our route. In January 2008 we reached an important understanding with Guernsey. In February the States amended the Harbours (Administration) Law and in April we agreed a new set of regulations. My department also commissioned and carried out some important security of supply work, to ensure the Island could cope in the event of serious route disruption. All this was to help underpin the agreed 2006 Sea Transport Policy. I am confident that we are now in a much more stable position however some people continue to have concerns over fares. Members will recall that I announced in February that we had commissioned Oxera to consider whether something more

is required to protect the interests of Islanders and how best to ensure that the States Sea Transport Policy objectives are met. Oxera's task is now essentially complete and their report is now being studied. It does not cover all aspects of ferry operations, nor was that the intention. An important aspect to understand whether the public really believes fares need more control than they presently have, however this must be without upsetting hard-won stability on the one hand, or discouraging potential competition and putting fares up on the other hand. I say that because direct fare regulation can be costly and bureaucratic. My own instinct is that government should limit its activities in the commercial world and I recognise that intervention can undermine market benefits. I have therefore decided to ask my department to put together a Green Paper during the coming months. This paper will set out the position we are in and the options for the future. It will use Oxera's work, and indeed it will refer to other evidence such as the Jersey Annual Social Surveys. We will involve the Consumer Council and other interested parties in drafting the paper. Above all, we will seek a wide cross-section of public opinion. The response to the Green Paper will be very important. We need people to take part so that we can fully explore consumer concerns and consider the most appropriate method to maintain and improve the sea routes that serve the Island. In terms of a timescale, I envisage being able to publish the Green Paper in the autumn and will issue the Oxera report alongside it. It is an informative report that will assist in our consideration as to whether further government intervention may be necessary to ensure the sustainability of our sea routes, with the delivery of year-round services at affordable prices. There will be a 12-week period of consultation and the 2009 Jersey Annual Social Survey will also need to be considered when its results are published in December. If matters go to plan, I should be able to form a policy position in February or March of next year. Depending on that position, I hope to be able to report back to States Members thereafter, with an updated Sea Transport Policy.

The Greffier of the States (in the Chair):

Are there any questions for the Minister? Senator Breckon?

8.1.1 Senator A. Breckon:

I wonder if the Minister would agree that with the previous Service Level Agreements that were in place the ferry operators were at best useless, and that what is required now is some transparency perhaps with a single operator and the involvement of the J.C.R.A. (Jersey Competition Regulatory Authority)?

Senator A.J.H. Maclean:

Yes, I do agree with the Senator with regard to the original Service Level Agreements. The primary problem we had with Service Level Agreements at that time was the inability to enforce the terms of those agreements. In terms of what we do in the future, that is the purpose of the Green Paper. We need to consider a number of options. The Oxera report raises some interesting issues and indeed the consumers' responses will also need to be carefully considered. As to whether or not it is appropriate to include a heavy-handed regulation, and that could possibly include the J.C.R.A. as the most effective body and mechanism to deliver such regulation, or indeed through the same body perhaps a lighter touch regulation.

8.1.2 Deputy M. Tadier:

The Minister is quite correct when he says that some people continue to have concerns over fares and certainly I know that a sizeable amount of my time is taken up dealing with constituents on this very issue. Will the Minister acknowledge that the current state of affairs with a monopoly on both the southern and northern route is effectively little more than protectionism of Condor Ferries, and that the only satisfactory and viable solution is to have one single other operator operating on both the southern and northern routes to provide a sustainable competition, as I believe the Minister for Economic Development purports to support competition as the only real way to bring down fares?

Senator A.J.H. Maclean:

I should point out to the Deputy that the arrangements currently in place with Condor, yes, they are the only operator serving, certainly car and passenger services on the northern route and indeed at the current time on the southern route. I should point out however, that it is not an exclusive license. It is non-exclusive, however in the current economic climate we are not seeing any requests for any further licenses from other operators. It is not likely that at the moment we would receive such requests, but should we do so we would consider them on their merits and indeed the position of the department has been for some time, has been the preference of competition over regulation. However, where there is no competition, regulation is something that needs to be considered carefully if there is deemed to be a market failure.

8.1.3 Deputy M. Tadier:

Supplementary, could I just ask, is the department being proactive in trying to seek alternative operators on the route, or are they just expecting the business to fall into their lap?

Senator A.J.H. Maclean:

I think it is fairly well publicised that there have been different operators, for example on the southern route, over recent years. Those are from the activities partly of the department, but also because of the routes of the Channel Island are well known, and certainly the main operators that provide sea ferry services from the U.K. to a number of destinations, including France which goes straight past, are well aware of the dynamics and limitations that the Jersey market offers. There are not many operators to choose from. Certainly we are seeing more of them going out of business than there are staying in business. What we need is certainty. What the current operator needs is a degree of certainty and I am certainly encouraged by the new owners of Condor in the way in which they are presenting their business and taking on board many of the issues raised in the past. I expect to see a great deal of improvement in the services this year. I am already seeing improvement and I think we should all be very thankful for that.

8.1.4 Deputy P.V.F. Le Claire:

Islanders are very thankful to the transportation companies of this Island for the ability to get on and off it. One thing that really bugs us though, myself included, is the fact that fares are available from the main lands that we visit at cheaper rates than are available to Islanders. Because there are a large number of islands in the world that are serviced by ferries to sustain their communities, and a large number within Great Britain, can the Minister undertake an investigation to see whether or not it is practice within those jurisdictions, for those islands that are serviced by ferries, to be forced to pay more money for their fares to travel, than people who travel to their jurisdictions?

Senator A.J.H. Maclean:

This is an old chestnut and it is a relatively complex issue. It is economic dynamics. Quite simply, the U.K. represents a large market. The operator Condor that is serving the Island from the U.K., have to be competitive with regard to other operators serving other continental destinations, and indeed Irish and so on. It is a large market and in that respect their pricing has to be competitive. It serves to support our tourism industry, for example, in terms of bringing people into the Island. If they did not have the volume from that market, I suspect the outcome would be increased prices for local consumers wishing to get back to the U.K., rather than the other way around. Now, it is a complex and difficult issue. We have to understand that sea ferry operations, and in particular the passenger element, is not a particularly profitable element and as such it is an area on which we have much dialogue with the operator, but it is not one where there is an easy silver bullet answer.

8.1.5 Deputy P.V.F. Le Claire:

Could I press the Minister, please? My question was not whether or not it was an old chestnut to crack. My question was would he undertake to investigate other jurisdictions and to see, and report back to Members, what the practice is in those jurisdictions, because to be told blindly and to accept it as a matter of faith that they have to do this, is not acceptable.

Senator A.J.H. Maclean:

When I come back to the Assembly in the early part of next year with the results of the Green Paper and an update on the Sea Transport Policy, I am more than happy to include that particular query as one of the options that we will cover. It is not something that is going to have, necessarily, an easy solution to it, but I do accept the concerns that not only the Deputy, but many other people have in this regard.

8.1.6 Deputy S. Power:

In relation to Deputy Tadier's comments, I too have spent a great deal of my time this year sending complaints to the J.C.R.A., so can the Minister confirm whether his department and Oxera have sat down with the J.C.R.A. to discuss the level of complaints to do with fare structures? Can he also confirm that in the publication of this Green Paper, that consideration would be given for the provision of a new carrier should a carrier present itself to his department?

Senator A.J.H. Maclean:

Having given the Deputy a soaking at the Trinity fete on Saturday afternoon, I knew he would not hold back from standing up and asking a question. He was in the stocks, and it was a warm day, so I am sure he was actually quite satisfied to have a bucket of water over his head. With regard to the questions, yes, I am perfectly aware. We have a regular dialogue with the J.C.R.A. They have raised the fact that there have been a number of complaints that they are investigating. I believe they are having some difficulty substantiating some of the complaints that have been brought forward, but that is a matter for them and they will, I am sure, go through due process in that regard. As far as new carriers are concerned, I did make the point a moment ago, that of course if a carrier comes forward and presents a viable business case, then it most certainly will be given due consideration. That has always been the position and that remains the position.

8.1.7 Deputy S. Pitman:

The Minister in his statement said: "Above all we will seek a wide cross-section of public opinion." Could he inform Members how he will go about doing that?

Senator A.J.H. Maclean:

The consultation itself will be publicised in the usual way. It will be sent out to all those who have responded in the past to consultations. It will be publicised and any member of the public will be able to get involved with the consultation process and feed in their views. We are very keen to get as wide a cross-section as possible.

Deputy S. Pitman:

Supplementary, Sir? What does he mean by "usual way"?

Senator A.J.H. Maclean:

Well, the Communications Unit push out information with regard to consultations that occur. They get publicised on the States website. The media tend to pick up and do an excellent job with regard to consultations, it will be well publicised.

8.1.8 Deputy J.B. Fox:

A very quick question to the Minister. Could he extend that to the travelling public so that they are available when they collect their tickets or purchase them in those direct places? That is where I think it would be invaluable. Can you answer, please?

Senator A.J.H. Maclean:

Yes, the Deputy raises a very good point. I am more than happy to ensure that that happens. I should also say that the Consumer Council receives quite a great deal of feedback with regard to

ferry routes and I am sure that they will also publicise the fact that there is going to be this Green Paper in their newsletter which gets wide circulation to all households in the Island.

The Bailiff:

I have had notice from the Minister for Health and Social Services that she wishes to make an official statement. I call upon the Minister.

9 The Minister for Health and Social Services will make a statement regarding the Verita investigation

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

Some 40 States Members attended a presentation by Verita last Wednesday to hear about the experience of the company, the calibre of the investigative team and the progress of investigation to date. At that presentation I also told Members the action I have taken as the new Minister for Health and Social Services to ensure that this investigation is robust, independent and thorough. I hope Members will realise that this action was necessary regardless of any proposition concerning the investigation as a responsible review of priority issues by a new Minister. Management of Health and Social Services no longer have direct communications with Verita. I have instructed the Health and Social Services Department and Verita that all further contact is to be undertaken initially through the Chief Minister's Department and subsequently through the Greffe. Accommodation for Verita will no longer be available on Health and Social Services premises and interviews will only take place away from Health and Social Services. I was encouraged by last Wednesday's meeting and States Members' questions and their wish to meet with Verita. I can confirm that Verita are willing to meet with any States Member and I invite Members to take up that opportunity directly with Verita. However, I believe there are still some misconceptions and some confusion surrounding Verita's investigation which is still giving rise to questions. I am happy to answer any questions but, to help Members who still harbour some doubts, I will briefly summarise the actions I have taken around the terms of reference. The terms of reference have been clarified and strengthened by making it fundamentally clear that Verita are investigating the details of what happened and the actions of individuals; making it clear that the investigation will also be considering hospital and Health and Social Services Department procedures and practices strengthening the report procedure and editorial control of the report; requesting that an addendum be added to include matters that might be outside the terms of reference but about which I, the Minister, should be aware and requesting Verita to revisit in 6 months' time following the publication of the report to give a written report on progress with implementation. The letter that I am sending to Verita is attached.

9.1.1 Deputy P.V.F. Le Claire:

I am happy not to ask this. I did not realise there was going to be a statement. I heard there might be one but I did not realise that it had been tabled and I am wondering if I can ask the Minister for Health and Social Services the question I had originally down for this morning in this context. I had asked for it to be emailed, but is she happy? She is happy, okay. Given that on 2nd June 2009 the Minister mentioned a wholly separate disciplinary process would take place in relation to the excluded consultant, would she advise why the department is attempting to investigate his actions before the Verita investigation is completed and confirm whether the Medical Director has been appointed as case manager and, if so, explain the reasoning for this when he had a major role in the incident.

The Deputy of Trinity:

I will be forwarding the answer to the question so I will just give a brief answer, because I am sure there are some other questions. The 2 processes are not linked. Because Verita is independent, there cannot be categorically no pressure to complete the disciplinary case before the Verita case is

completed. Similarly, there is no reason for the matter to wait after Verita has finished and it simply will follow its own course. As regarding the role of the Medical Director, I am content that he is properly appointed in accordance with the relevant policy. I should point out, however, that the individual investigating and subsequently reporting on the disciplinary issues in this case is an external U.K. consultant appointed on the recommendation of the National Clinical Assessment Service.

9.1.2 The Deputy of St. Martin:

If I could ask the question that I was going to ask under number 9, if the Minister could be ready for the answer. Will the Minister inform Members of the original estimated cost of the Verita investigation and the revised estimated cost now that Verita has replaced one member and added another member to its team and is she confident that the new Verita team has the expertise and terms of reference to allow for a thorough and satisfactory investigation?

The Deputy of Trinity:

I again will email the answers to these questions shortly. I will give a résumé. The original cost of this investigation was £250,000 and this has not been revised by the replacement of one member of the team. It was always anticipated that various experts will be brought in by Verita as necessary and will be charged separately. This is done to further demonstrate independence and not done through the commissioning body, which is normal practice. The terms of reference, as I have mentioned, have been enhanced and strengthened to make sure that they are robust and independent and the letter is attached.

9.1.3 The Deputy of St. Martin:

Could I ask a supplementary on the terms of reference because the Minister will have received, I would hope ... I did circulate an email to all States Members this morning asking the Minister if she would provide Members with a copy of the original terms of reference as they are now because they definitely have been changed by the Minister's own admission through her statement.

The Deputy of Trinity:

The original terms of reference are attached to my comments of the proposition, P.76, at the back. I stress that they have been strengthened and enhanced. The most important thing, I think, is submission of the draft report and final report, that the draft copy goes to the Greffier, the Deputy Viscount, the Chair of the Health and Social Services and Housing Scrutiny Panel once it is complete. This report will not be sent to the Health and Social Services management team without the explicit written agreement of me or the Greffier. The other terms of reference which I have enhanced are that Verita is to retain full editorial control of the draft report while it is being fact checked. This will ensure that the contents of the final report are considered the views of the investigation team. I reconfirm that I propose to publish the investigation report and I would like to do this in a manner that the findings and conclusions are widely available. I would also like the Verita team to present the findings of the investigation to States Members and separately to the Health and Social Services Department's team and staff and, in addition, if any press conference needs to be held, and 2 things which I think I have done which I hope Members will agree will strengthen this report, I would like to ask Verita to prepare an addendum to the report. If matters do come to light during the work that are outside the terms of reference that the investigation team think that I should know about, and should feel that they need to prepare such a document, then it should be submitted at the same time to the 4 individuals set out above. Can I add, too, that reports are very good but what are we going to do to deal with them? My final bit in that letter is the follow-up, that I am determined that the investigation report should not sit on the shelf. I expect the management team to draw up action plans in response to the recommendations. I expect them to explain how the actions will be implemented and monitored. I want to know exactly who is responsible for each action and the time scale for the completion and I want the Verita team to

revisit the hospital in 6 months' time after the publication to check on progress and submit a written account of that visit to me, the Greffier, the Deputy Viscount and the chair of the Scrutiny Panel and based on those findings, I may wish to add further visits to report on progress within the hospital.

9.1.4 Senator S.C. Ferguson:

I appreciate that the Minister has done a considerable amount of work on this but I ask her, can this report really be salvaged when the original briefings and terms of reference were dictated by the senior management team of Health and Social Services and therefore have compromised the independence of this inquiry and particularly those parts which have already been completed?

The Deputy of Trinity:

I do not think the terms of reference are flawed. The Verita team had to be given the scene, so to speak. From that, they are independent and that is what I really want, a robust, independent and thorough investigation. The terms of reference, and I point to the first one, the original, examine the care, treatment and management of Mrs. Rourke from her related G.P. referral up to and the start of the police investigation. That includes everything, the cost of the treatment, care treatment and management and that includes hospital procedures and policies. It encompasses everything.

9.1.5 Senator A. Breckon:

My question is very similar and it refers to the terms of reference. I would like to ask the Minister if she thinks it is appropriate to change the terms of reference partway through an inquiry.

The Deputy of Trinity:

I do not think I have changed them fundamentally. I would like to say that I have enhanced and strengthened them and it is within my right as commissioner and also listening to the concerns of States Members because, at the end of the day, I want a report that will answer all the questions of what happened on that awful, terrible day nearly 3 years ago. I want a timeline to know exactly what happened and why did it happen and what actions people took and I want to know the answers.

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

I have to say I am most reassured to see the Minister has taken the action she has to make the terms of reference much more robust. Enhancing or making alterations to terms of reference in a situation like this is not unusual.

The Bailiff:

Are you going to put a question, Deputy?

Deputy A.E. Jeune:

Yes, I am coming to that. My question is more one of clarity. Did the Minister say N.C.A.S. (National Clinical Assessment Service) has, in fact, already been involved and have any of the colleges been involved yet? Also for clarity, the current disciplinary is, in fact, not related to the specific incident?

The Deputy of Trinity:

The investigation of an employee is a totally separate procedure and comes under policies and I will not comment on that any further because it is going through separate procedure. As I said, a U.K. N.C.A.S. consultant has been appointed for those procedures, which is totally separate to the Verita investigation.

Deputy A.E. Jeune:

I am sorry, could the Minister just answer my question on had N.C.A.S. already been here?

The Deputy of Trinity:

The U.K. consultant appointed is on the recommendation of the National Clinical Assessment Service.

The Bailiff:

That concludes the time allowed for questioning the Minister and we would now move to Public Business.

PUBLIC BUSINESS

Senator S. Syvret:

I am going to be speaking for at least half an hour and as we are shortly to adjourn for lunch in a matter of a few minutes, I wonder if we would either perhaps adjourn now or there are a couple of Appointed Day Acts further on the Public Business which we might take before lunch.

The Deputy of St. John:

This morning, I was approached by the Minister for Treasury and Resources saying that he had a statement to make to do with the Esplanade Quarter. I am surprised it has not been brought to your attention.

Senator P.F.C. Ozouf:

It is in the process of being transmitted to the Greffe. I will make it as soon as possible during the course of the afternoon.

The Bailiff:

We could deal with Projet 73, Draft Employment (Amendment No. 4) (Jersey) Law 2009 if the Minister for Social Security is willing to deal with that now.

Deputy I.J. Gorst:

I could. I am not sure whether people are going to want to speak on it or not because there are certainly some new Members. I will try.

The Bailiff:

Is it a straightforward matter?

Deputy I.J. Gorst:

It is in my opinion but one can never judge the mood of the House.

10. Draft Employment (Amendment No. 4) (Jersey) Law 2009 (Appointed Day) Act 200- (P.73/2009)

The Bailiff:

It is not a debate on the principle of the law. It is a debate on the time at which it comes into force. It ought to be straightforward. I ask the Greffier to read the long title of the Act.

The Greffier of the States:

Draft Employment (Amendment No. 4) (Jersey) Law 2009 (Appointed Day) Act 200-. The States in pursuance of Article 4(2) of the Employment (Amendment No. 4) (Jersey) Law 2009 have made the following Act.

10.1 Deputy I.J. Gorst (The Minister for Social Security):

This is an Appointed Day)Act to an amendment to the Employment Law which, if approved, will come into force at the beginning of October of this year. The amendment itself made 2 slight

changes to the Employment Tribunal, giving them 2 additional powers in relation to making an award when an employee is found to have been unfairly dismissed: firstly, the power to direct the continued employment of a dismissed employee and, secondly, the power to reduce an unfair dismissal award in certain circumstances, including where an employee has contributed to his or her own dismissal. I maintain the Act.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the Draft Act? I put the proposition. Those Members in favour of adopting it, kindly show?

Deputy I.J. Gorst:

Can we have the appel, please?

The Bailiff:

Yes, I ask any Member in the precincts who wishes to vote on this matter to return to his or her seat. I ask the Greffier to open the voting which is for or against the (Appointed Day) Act.

POUR: 41

CONTRE: 0

ABSTAIN: 0

Senator S. Syvret

Senator T.A. Le Sueur

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator F.E. Cohen

Senator A. Breckon

Senator S.C. Ferguson

Senator A.J.D. Maclean

Senator B.I. Le Marquand

Connétable of St. Ouen

Connétable of Grouville

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. John

Connétable of St. Saviour

Connétable of St. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Deputy R.C. Duhamel (S)

Deputy of St. Martin

Deputy R.G. Le Hérisier (S)

Deputy J.B. Fox (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 S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy I.J. Gorst (C)
Deputy of St. John
Deputy A.E. Jeune (B)
Deputy of St. Mary
Deputy T.M. Pitman (H)
Deputy A.T. Dupré (C)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy D. De Sousa (H)
Deputy J.M. Maçon (S)

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Yes, the adjournment is proposed. If Members agree, we will adjourn until 2.15 p.m.

LUNCHEON ADJOURNMENT

PUBLIC BUSINESS - resumption

11. Committee of Inquiry into the death of Mrs. Elizabeth Rourke (P.76/2009)

The Bailiff:

The Assembly returns to the first item of Public Business, the Committee of Inquiry into the death of Mrs. Elizabeth Rourke, P.76/2009.

Deputy G.P. Southern:

May I make a point of order? My understanding is that Ministers are supposed to inform the House about events in their remit and yet this afternoon, I read in the paper that Harcourt have missed the deadline for Esplanade funding today. The Minister for Treasury and Resources must have released something to the press. Why did he not release anything to us? Could we ask him?

Senator P.F.C. Ozouf:

There is a statement which is in the process of being given to the Greffe and I have to say I have not read the article apart from just looking at the headline. I was very clear to the journalist that I would not speak to her and say exactly what I was going to say to the Assembly before the Assembly so obviously she has her sources, as journalists do, but it is certainly not from me.

Deputy G.P. Southern:

I am pleased and relieved to hear that.

The Deputy of St. John:

On a second point, as it is your last afternoon, is there any chance, as it is so humid outside and it is very warm in here, that we can remove our jackets? **[Laughter]**

The Bailiff:

That was a very good try but absolutely no chance at all, Deputy. **[Laughter]** I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether of opinion (a) to agree that the Committee of Inquiry should be established in accordance with Standing Order 146 to inquire into a definite matter of public importance, namely the circumstances surrounding the death of Mrs. Elizabeth Rourke in October 2006; (b) to agree that a nationally recognised healthcare investigatory organisation be invited to undertake the investigation and to nominate investigators for approval by the States as chairman and members of the Committee of Inquiry; (c) to agree that detailed terms of reference of the Committee of Inquiry should be agreed with the commissioned organisation and submitted to the States for approval alongside the names of the Chairman and Members; (d) to agree that the Greffier of the States be asked to identify a suitable investigatory organisation to negotiate terms of reference based upon the accompanying report and following approval of the membership in terms of reference by the States, sign the relevant contract on behalf of the Assembly; (e) to agree that the proposed investigation by Verita into the death of Mrs. Elizabeth Rourke should not proceed and to request the Minister for Health and Social Services to take the necessary steps to discontinue that investigation.

11.1 Senator S. Syvret:

Firstly, let me state that I, for one, am expecting this debate to be dignified and civilised as merits the gravity of the situation and let me also declare an interest in this matter in that I was the Minister at the time of the tragic incident, a fact to which I will return. Turning to the proposition before us today, what is proposed is necessary. It is important and it is of great relevance to all people in Jersey who will find themselves being cared for by our health services. While a tragedy for the family in this specific case, we cannot lose sight of the fact that what we are in reality dealing with here is a fundamental breakdown in patient safety and not the only such failure either. Even more recently other instances of unexpected patient deaths have occurred, sadly, as my understanding, at least one that is not yet in the public domain. Agreeing to a meaningful and genuinely independent inquiry in this specific case will go a long way to addressing all such failures. I will begin by addressing 2 matters. Firstly, it has been suggested by some Members that we take votes on the separate parts of the proposition, the misguided thinking behind the suggestion being apparently that the principle of the Committee of Inquiry be approved but then we park the Committee of Inquiry and let the Verita exercise continue, an outcome which would quite obviously be an utterly ridiculous state of affairs. I have been a Member of this Assembly for 19 years and I just could not count the times I have seen Members enthusiastically embrace, like a drowning man might a life belt, those types of “have your cake and eat it” political manoeuvres, the “get out of jail free” card by which Members are able to appear to do the responsible and popular thing but, in reality, are simply ducking the centrally important issues. That is precisely what this Assembly would be doing if we vote for the principle of a Committee of Inquiry and then permit the Verita exercise to continue. I, for one, will be no part of such absurd and uncourageous political dodging around. Let us be clear. The issue before us today is a simple question. Do we, the legislature, intervene and hold the Executive to account over this matter of very serious public concern or are we content for the non-independent inquiry, as designed by the Health and Social Services Department and Verita, to continue? Fundamentally, do we believe in genuinely independent and impartial investigations or do we not? Now, if Members do not believe in the need for such genuine independence then let them say so and let them vote accordingly. It is not

credible, either politically or intellectually, to posit the notion that the Verita exercise could continue to completion and then we launch a Committee of Inquiry. The plain fact is one cannot have 2 exercises of this nature being undertaken in immediate consequence. Evidence will be contaminated, witnesses already committed to possibly unsustainable positions, given the vulnerable position as employees many of them find themselves in and perhaps yet other witnesses who will have been influenced in their understanding of events by the publication of the first report, a document which would be so very grossly deficient for obvious reasons, as I will explain later. No, it is decision time. For that reason, I will not be taking the proposition in parts. We will vote on it as a whole. Let us not play games. I said there were 2 issues I wish to address before exploring the detailed reasons as to why this proposition should be supported. The second of those 2 issues are the official comments as tabled by the Minister for Health and Social Services. These comments are readily disposed of and I hope not to spend long dealing with them, given just how disastrously and obviously flawed they are for many reasons. In saying that, I wish to make it clear that I do not criticise the Minister. I have no doubt at all that she is acting in good faith in tabling these comments, acting in good faith but terribly misguided, quite literally, in this case. Let me put this diplomatically. There are plainly a great number of errors in the information the Minister has been furnished with. Before going on, I would like to ask a question of the Minister which I hope she will answer during her speech. The question is this: what methodology and research went into the extraordinary assertion in her claim that a Committee of Inquiry would cost millions of pounds? Why, for example, is it claimed that a Q.C. led inquiry would be necessary? I am afraid these are the kinds of un-evidenced assertions which simply serve to further illustrate the department's desperation in hiding the truth. The Minister's comments say that she: "... does not support this proposition. It is unnecessary in that it will provide no more information or understanding." She goes on to say: "It [this being the Verita exercise] will allow everyone to discover the truth and to enable lessons to be learned." Those are 2 key assertions made in the very first paragraph of the comments and both are quite obviously wrong. The type of exercise being undertaken by Verita can never hope to succeed in getting to all of the facts, all of the truth, and I will explain why that is. The Verita exercise has no formal powers, unlike a Committee of Inquiry. It cannot therefore gather evidence with the same authority and effectiveness of a Committee of Inquiry. It has no powers to compel recalcitrant witnesses, or question them under oath, a factor which sadly is important in this case. The Verita exercise cannot offer to potential witnesses the necessary safeguards which flow from the privileged format of a Committee of Inquiry. Another obvious deficiency which has to be borne in mind is this. The actual so-called investigation by Verita is not being carried out in the public eye at all. A Committee of Inquiry will be empowered to hear and deal with certain evidence in formal public session, thus introducing a degree of transparency the Health and Social Services and Verita exercise could never hope to meet. Obviously, given the various sensitivities of the subject, the Committee of Inquiry will no doubt choose to hear certain evidence in camera but nevertheless a huge degree of transparency can be achieved, achieved in a way that the Verita and Health and Social Services exercise could not hope to even approach replicating. This is why a Committee of Inquiry must happen 100 per cent independently of Health and Social Services, and be based in a location away from that department and free of all contamination by Jersey senior civil servants. It follows therefore that the Verita exercise is structurally incapable of discovering the full truth and enabling all lessons to be learned. At this point, I would like to refer to the presentation given by Verita for States Members which was given in the belief that such a briefing would support the Health and Social Services position. I am usually rightly sceptical about these kinds of presentations but most unusually this one was of great benefit, of great benefit in that several of the key statements made by members of the Verita team flatly contradicted much of what the public, the media and this Assembly have been told over the months, not that this fact provides any great encouragement or faith in Verita. It has been truly remarkable to see just how the goalposts have been constantly shifting in this matter and even during the Verita presentation, at least 2 of the speakers flatly contradicted each other and at least one of the speakers contradicted themselves in the course of the same meeting. The impression one

was left with was one of abiding chaos, directionless, unfocused, contradictory, lacking in even internal logic. If ever there was a presentation to States Members which exhibited “make it up as you go along” panic, then that presentation was it. We see yet more of this bedlam even during the last 12 hours with the Minister asserting that the terms of reference have been “clarified and strengthened” yet Deputy Hill receiving a letter from Verita confirming that the terms of reference remain unaltered. What on earth is going on? Further observations must be made in respect of the Verita presentation. Great store was placed upon the involvement by Verita in several high profile public cases, several tragedies in the United Kingdom. Now, that may, on the surface, seem impressive to people but what was not made clear in the presentation is that Verita was commissioned to undertake certain small specialised aspects of the investigation into those issues, those incidents, incidents which were exposed and thoroughly investigated by the relevant empowered statutory agencies in the United Kingdom. Here we do not have that. We are putting Verita in straight as the top lead organisation. I am sorry but it simply is not good enough. In the absence of the formal statutory regulatory and inspectorate apparatus that the United Kingdom has and we do not have, we have a duty to establish an empowered genuinely independent investigation of the kind that would occur with agreement to a Committee of Inquiry. Verita also confidently asserted that they have seen, for example, all of the relevant documents. How on earth can they know that what they have been shown is the complete documentation? One of the Verita team even said, and I quote: “Great progress has been made with the help of staff and managers within Health and Social Services.” Yet we are supposed to regard that as an independent inquiry. Several panicked attempts to reinvent history were on display during the presentation. For example, a denial was made that the acts and omissions of individuals had been excluded from the terms of reference. Then it was claimed that the Verita investigation would, and I quote: “Not be an investigation into managers or H. and S.S. (Health and Social Services) medical practices.” I want Members to reflect on just what an extraordinary set of contradictions and absurdities those claims are. Wrong and wrong, no matter what interpretation one makes of them. If acts and omissions are in the investigation, then why are they excluded from the written terms of reference? But even if they are in, why did a Verita person state, quite unambiguously, that it was not an investigation into management issues? What are we supposed to make of such hopeless confusion on the part of the reviewers and those who support them? Verita also admitted that some people may refuse permission to access their statements. Again, another extraordinary admission that the Verita exercise cannot do what a Committee of Inquiry could do, namely, exercise real powers to obtain all evidence. Chaos and panic, a conclusion which must be further borne out by the Minister’s announcement that a senior civil servant, who currently works within the Chief Minister’s Department, has been appointed as an, and I quote: “independent senior officer from outside Health.” Look, let us not insult the intelligence of the public. The very notion that a senior Jersey civil servant of any description could be regarded as independent and objective in any case which was so potentially apocalyptic for other senior civil servants who are their long-term friends and colleagues, is such an extraordinary assertion as to serve as yet more powerful evidence for the need to establish a genuinely independent inquiry. As a further example, Health and Social Services produced 2 versions of the Verita terms of reference, one version, which was published in the media and another version which was retained as a secret document. The difference between the 2 was that the passage I am about to quote was deliberately omitted from the published terms of reference and I quote: “The investigation has no disciplinary remit and will not consider the acts and omissions of individuals. Rather it will provide a narrative explanation of the incident and consider organisational systems and processes.” Can the public trust an organisation which engages in such proactive attempts at spin-doctoring the situation? There is another crucial factor which must be drawn to the attention of Members in respect of both the issuing of the public version of the terms of reference and one of the great misleading assertions which we have been repeatedly subjected to, namely that there had been no involvement by H. and S.S. managers in drawing up with Verita the terms of reference. I will not name the person, but if Members look at the appendices of my report, at the end of the publicly issued press release, a person is named for

further contact. The person named issued the misleading and incomplete terms of reference. In what was a startling revelation, we also heard from Verita that the named person was one of the 3 senior H. and S.S. managers who drew up the terms of reference with Verita. The person named is the Director of Clinical Governance of the organisation. I want Members to think about that. This senior manager, who drew up the terms of reference with 2 colleagues and Verita, is possibly the most culpable senior manager for this incident in the whole department. I say possibly the most culpable because a very strong contender for the title of most culpable is the Medical Director of Health and Social Services, a man who is, I repeat, is, contrary to assertions made elsewhere, the internal case manager for the disciplinary process and ongoing exclusion of a highly respected senior Jersey consultant. Yet, and you just could not make this up, the Medical Director, another consultant, was himself a key actor in the fatal incident. I repeat, he was involved in the incident himself, yet has been placed in charge of the internal case management of his excluded colleague. You just could not make it up. Members who may not be familiar with health practices really need to try and grasp the magnitude of that fact. There is no, I repeat, no health organisation no matter how incompetent or poor anywhere else in the British Isles which would appoint as an internal exclusion case manager a person who was a direct actor in the incident under investigation. It is truly that extraordinary. On those grounds alone, that one simple fact, really leads this Assembly to have no credible choice other than to agree to appoint an independent Committee of Inquiry. But as though further evidence were required, we are now faced with the revelation that many assertions were previously made to the effect that no Health and Social Services managers have been involved in preparing the terms of reference. We have been told that falsehood on many occasions, only for it to be belatedly revealed to us that, in fact, 3 senior managers drew up the terms of reference with Verita, and Members need to think about this, each one of those 3 managers are each heavily culpable for the disastrous breakdown in human resources, clinical governance, incident reporting and systems management of which the injury to the patient was simply a culmination, the conclusion of a disastrous long-term cascade of human resources and clinical governance failures. Given the fact that these recent revelations have added so powerfully to what was already an overwhelming case for this proposition, it is frankly amazing that there should still be resistance to agreeing to stop the contaminated Verita inquiry and instead put in place a real investigation. Returning to the comments, they go on to make reference to the criminal trial which took place as though this adversarial examination of certain issues has done a great deal of the necessary work. It has not, unsurprisingly, because that was not its purpose. The function of the trial was simply to determine the guilt or innocence of the locum, no more, no less. So while certainly some important information came into the public domain through the trial, the process, many, many fundamental questions and issues were not addressed by that exercise. Just to cite one example. An absolutely key and central witness in the whole matter, the currently excluded consultant gynaecologist, was not called by either the prosecution or the defence, a fact so profoundly puzzling that the judge hearing the case remarked on it twice. Therefore, the comments are yet further wrong when it is asserted that, and I quote: "Taken together, the criminal investigation court hearing, the Verita investigation and report, as well as the independent inquest will establish a very clear picture of all the matters surrounding this tragic case." No, they will not. The court proceedings did not create a clear picture of the tragic incident in October 2006 and it was not intended to do so. The defence advocate argued that the locum was forced or had no choice but to undertake the initial procedure, the hysteroscopy - a claim not necessarily accurate incidentally - and that the excluded consultant gynaecologist subsequently wrecked the patient's chances of survival by bungling the attempted repair. The jury gave a verdict of guilt or innocence in respect of the locum but did not go into and were not asked to examine the individual strands of the defence case nor, indeed, of the broader issues. Only a full review of all relevant documents and a proper broad investigation of all events relating to the circumstances can establish the detailed facts of the incident. The suggestion that the various investigations listed by the Minister will create "a very clear picture" of what happened on that day is obviously wrong because the investigations, with their differing remits, will reveal undoubtedly conflicting evidence and no one

has the authority at present to interpret, reconcile and draw conclusions from all this evidence, which is why we must have a Committee of Inquiry. The criminal trial looked at the question of guilt or innocence. The inquest will deliver on its task. Verita, if allowed to continue, will look only at its very narrow terms of reference as designed by Health and Social Services but none of the above, individually or as a whole, can do the comprehensive all-encompassing task required to enable a full apprehension of all the facts. This is why a Committee of Inquiry can, contrary to the assertions in the comments, very much add to what we must know and what we must do about it. I have already touched upon why a Committee of Inquiry, over and above the present exercise, is the right way forward and though these points are obvious and beyond all credible contention, I will remind Members and make no apology for repeating some points. A Committee of Inquiry format has actual real considerable powers, unlike the present arrangement. It can summon witnesses, can demand evidence, and can hear witnesses in secret when the witnesses fear for their privacy or, more relevantly in this context, their careers. The Verita investigation, because it has been supported, run and largely designed by Health and Social Services, simply cannot, with the best will in the world, get to the truth. Many relevant witnesses are just too frightened to state the truth. Even if we accept, for argument's sake, that Verita would do hypothetically a reasonably effective job, it cannot hope to meet the public test of appearing to be objective and impartial. Not only must justice be done, it must be seen to be done. The Verita exercise, born as it is plainly now revealed out of Health and Social Services, indeed the managers who may very well be culpable themselves, cannot be ever regarded as free of suspicion and as a legitimate, objective investigation. This is not even an establishment versus anti-establishment argument, just a statement of fact concerning the public good. This legislature simply must begin getting into the habit of challenging and holding to account our various and very expensive executive departments. We must take mastery of the situation and not be content to let the tail wag the dog. A Committee of Inquiry will produce an entirely objective report which, if my suggestion is accepted and something like the draft terms of reference adopted, will be published in full, warts and all, with no prior editorial input from any States department, States Member, public employee or civil servant. I will now go on to my knowledge of the incident and what took place at the time. I was not kept correctly or honestly or frankly informed. Indeed, not even a bog standard rudimentary attempt was made to adhere to what were the standard procedures and we can see this fact illustrated quite clearly. It is confessed effectively in the emails which appear as appendices in my report when it is frankly admitted and accepted that the correct procedures for keeping the Minister informed had not been followed and that they were basically 6 months down the line going to have to start trying to cobble some train and paper trail together post event. At the time, what I did get told by senior members of the management team is that, yes, this tragic incident had occurred. I was initially told for 2 or 3 weeks, merely verbally, not in any great detail, the repeated written reports, that the person to blame was the excluded consultant gynaecologist and the management were very, very strong on this point. They gave me no doubt at all that it was an unambiguous case that that consultant was to blame for the incident. End of open and shut case. I knew also at the time that the Medical Director was playing a major role in investigating and handling the exclusion and other matters from an internal point of view. What I was not told at that time, and I only discovered after I left the post was that, in fact, the Medical Director himself had been a key actor in the fatal incident, a fact which I found quite staggering when I discovered it. Literally, as I have already said, you just could not make it up. But after the senior managers had had various discussions with police officers and law officers and so on, suddenly one day their story changed overnight. Suddenly no longer was it the fault of the excluded consultant. It was all the fault of the locum. Just like that, the story changed totally overnight. Again, it was all the locum's fault and there was never any suggestion put to me whatsoever that the incident which occurred was simply the culmination of a variety of human resources and clinical governance and management failings, some very serious failings. There are a number of key pieces of evidence of knowledge which are now in the public domain through such events as the trial and other activities. We know, for example, that there were gross failures in the standards of recruitment and this is a management issue. If the management of

a hospital gets such matters as recruitment of clinical staff wrong, then the likelihood is you are going to end up with injured or dead people. That is how important the management structures are in a clinical environment. This is especially true when it comes to the recruitment of locums. Now, there are many good locums out there who are locums for entirely legitimate reasons of choice but it is well known, to speak frankly, in hospitals up and down the country that there is often a reason why doctors are locums as opposed to having a permanent position and it is often because, frankly, they are not very good and this is well known and well documented and well understood throughout every health organisation in the United Kingdom. Therefore, the expectation upon hospital management must be that they take double care, particular care, that they really do pay strong attention to their duty of care when it comes to the recruitment and the monitoring of the performance of locums and any subsequent reporting to colleagues across the fields as to whether there may be any issues with that particular locum's competencies. All of that failed and just did not happen in this case and, indeed, just as it did not happen in not only this case but a couple of other equally bad incidents too. The reporting systems failed disastrously. We know, for example, that with this particular locum, there had been at least 2 formal expressions of concern put in writing to the relevant managers about the competencies of this locum. Those 2 warnings were ignored. They were not dealt with competently. They were not properly and adequately reported to all of the relevant clinicians and other people who would be working with the locum. No steps were taken to withdraw the locum out of circumstances in which they might run the risk of doing harm to a patient, and crucially, quite crucially, the excluded consultant gynaecologist was himself not told of these formal expressions of concern about the locum's competencies. So this gross management failure, because that is what it was, the blame for it has been attempted to be placed on the locum initially and also, to an extent, the wrongly excluded, in my view, consultant gynaecologist. The failure to report expressions of concern about clinical competencies cannot be overstated in its importance. Then, of course, we come back to the situation that notwithstanding the catastrophe on the day in which during the final hours of the patient's life, her care was in the hands of the consultant anaesthetist, who was the Medical Director, up to the tragic point of the patient's death, that Medical Director, that consultant, has been placed in charge of the internal case management for the exclusion. Then if all of that were not bad enough, we get to the events which immediately followed the conclusion of the criminal trial. There comes a time when one has to set aside personal enmities so I am going to unusually single out those very good friends of mine, the *Jersey Evening Post*, for praise here. They did an excellent job of reporting some of these key facts. Their reporters sat patiently through the trial and picked up on certain bits of information and were supplied with other certain bits of information. The result was this headline of Saturday 31st January 2009: "Warnings that were missed, hospital death, internal reports raised concerns about the performance of the doctor put on trial" and I will quote a little of it: "Two internal hospital reports raising concerns about the performance of the locum were made prior to the routine operation which resulted in the death of a staff nurse. The *J.E.P.* (*Jersey Evening Post*) has learned that the 2 incident reports were made in the days leading up to the gynaecological procedure which lead to the fatality but [and I am still quoting the *J.E.P.* here] those in charge of the doctor either failed to act or the incident report did not reach them in time to stop the locum from operating while they were investigated. One of them involved a caesarean delivery just days before the patient fatality. Hospital management denied" ... mark ... "Hospital management denied the existence of any written concerns at the press conference on Wednesday which followed the acquittal and yesterday the Deputy Chief Executive of Health said that: 'He could not confirm the existence of the reports.' However, after he was informed by the *J.E.P.* that the documents were presented in court during the trial but in the absence of the jury, he retracted his earlier statement and agreed that the incident reports did exist, saying that the police have checked all the incident reports concerning the locum." I will not quote the entire article - I am sure we can come back to it in the course of the debate - but underneath that headline story there was a second front page story headed: "Review Team Member was in Tragedy Theatre" and again I will quote a little of it: "One of the consultants, who was involved in the battle to save the patient, was asked to be involved in an internal review

into how she died. It was denied this week by the Health Chief Executive and a senior colleague who, incidentally, is one of the 3 civil servants who drew up with Verita the terms of reference. It was denied by the Chief Executive and the senior colleague that the Medical Director was involved in any sort of internal inquiry but during a subsequent telephone conversation with the *J.E.P.* the Medical Director himself confirmed that he was involved in the early inquiries and did not see any conflict of interest in investigating the matter despite being involved in the attempt to save the patient's life. However, he denied being the case manager on the inquiry and denied that any such title existed in Jersey when a serious untoward incident was being investigated. He also went on to say that the internal investigation, as a whole, was almost immediately put on hold after the tragedy because the criminal proceedings had begun. However, an email seen by the *J.E.P.* shows that the Medical Director was still being referred to in March the following year as the case manager for the inquiry, that is the case manager for the internal exclusion disciplinary review of the excluded gynaecologist. The email, which was sent from the Human Resources Department at the General Hospital to both the Medical Director and another doctor, said: 'I have had to allocate roles as per the procedure. You, the Medical Director are the case manager, as Medical Director this is appropriate. [It is not actually because he was involved in the incident]. The guidelines state that you must consider all the issues around pay, exclusion from the premises, keeping in contact, continuous professional development, et cetera, which you have been doing.' But this week the Medical Director denied being a case manager. He said: 'I did not lead any internal investigation and we do not have case managers in Jersey on a serious untoward incident.' The Medical Director went on to explain that following a serious untoward incident a panel of officials meet almost immediately to assess what to do. He said that he was part of that initial meeting but did not lead any investigations. However, this was contrary to what the Chief Executive had told the media this week which was that the Medical Director was never involved in any internal investigation and further, contrary to the leaked email, which clearly calls the Medical Director the case manager almost 6 months after the death." So, we are dealing with some really quite profound issues here which are well ventilated and sufficiently robustly evidenced for the *J.E.P.* to report them in that manner on the first and second pages of the paper. We have seen the situation develop in which a tragedy has occurred, a tragedy which was the culmination of a series of systems errors. Since then, and especially since the conclusion of the criminal trial, we have seen a frankly utterly chaotic shambolic excuse for an internal investigation. We have seen the goalpost being moved. We have seen the reviewing organisation making it up as they go along, contradicting each other during the same presentation, even one of them contradicting themselves about 3 times in the course of the same presentation. We have an investigation which we were told repeatedly had been set up entirely independently of Health and Social Services senior managers but belatedly we discover: "No, that was not true." In fact, 3 senior Health and Social Services managers were involved in drawing up the terms of reference with Verita and it just so happens those 3 managers could conceivably be in the frame for blame in the event of a real meaningful investigation taking place. We have seen deliberate attempts to deceive. We have seen complete falsehoods told to the media over this matter and, again, I have to praise the *J.E.P.* for pulling all these strands of information together. Generally, what emerges is a picture of chaos, moreover a picture of an organisation gripped and led by a culture which does not appear to be subject to any form of moral hazard. It appears to be the case - and this is not merely a criticism confined to Health and Social Services management but one could make it of several other departments - that people can be lackadaisical concerning the standards of their performance and their professional responsibilities, ultimately absolutely secure in the knowledge and the confidence that, well, at the end of the day it can all just get brushed under the carpet: "We will have an inquiry, we will have an investigation and that will suitably whitewash everything." Well, I do not think so this time. We are dealing within this particular incident the case of a person losing their life needlessly and, as I have already informed the Assembly, there are, sadly, several other similar examples. We in this Island do not have the statutory, regulatory and inspectorate agencies that are found in the United Kingdom that would be involved in investigating these kind of issues which is why we frankly have a responsibility and a

duty to establish a properly empowered genuine independent inquiry of the kind that would be provided by the establishment of a Committee of Inquiry. Only such a body stands any chance of getting to the truth. In conclusion, I remind Members that while this is a tragedy for the family concerned, the issues that really need exposing are broader and deeper than this. This issue goes to the very heart of patient safety in Jersey. Personally, I cannot see any rational, convincing or credible arguments for not supporting the proposition today. I move the proposal.

The Bailiff:

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

Deputy A.E. Jeune:

Sir, may I just ask for some clarity on something. I suspect it may well come from yourself or the Solicitor General if the Senator does not mind. He mentioned that a Committee of Inquiry does not require a Q.C. (Queen's Counsel). Could I ask, is it not normal practice that a senior legal figure is involved in Committees of Inquiry, please?

The Bailiff:

It is entirely a matter for the Assembly, Deputy. Sometimes a legal figure is involved but sometimes not. The matter is entirely within the discretion of the Assembly. Senator Ferguson?

11.1.1 Senator S.C. Ferguson:

I think it is essential that we keep this debate factual. We have got to focus on 2 issues, that surgery in the hospital complies with the best standards of clinical governance and that if there is any injustice it must be redressed; but consider the facts in the unanswered questions. The various reports, trial records and so forth that I have been ploughing through indicate that there are big holes in the clinical governance at the hospital. If we have had so few incidents it is all credit to frontline staff rather than those who should have installed the clinical governance procedures. As the Senator has said, it is quite clear from the statements in the trial that the system for employing locums is woefully lacking. I would have thought that this should have been undertaken by a medical professional, probably the Medical Director, and his office. It is quite ridiculous that normal H.R. (Human Resources) staff are required to assess the competence of specialised medical personnel. I am also concerned that the notification of N.C.A.S. and the other organisations, according to the emails in the proposition, formal notification was not made until March 2007, 5 months after the incident, not good enough. I am concerned, as is the Senator, with the involvement of one individual who handled the commencement of the investigation, notified the police, appointed himself case manager for the disciplinary hearing and also participated in preparing the terms of reference and was a leading player in the incident. I am also very concerned with the rush to conclude the disciplinary hearings before the investigation is completed. That raises questions. Statements made in the trial referred to 2 complaints being made regarding a locum consultant but appeared not to have been known by the senior management team. One must ask if the complaint system is working. Despite being the anaesthetist in the last 5 hours or so of the patient's life, the Medical Director assumed the role of case manager and the investigation of her death. The department says that he was and is not the case manager of the S.U.I. (Serious Untoward Incident) investigation but this investigation did not start for some time. By the time it became an S.U.I. investigation the Medical Director had been taken off the case, but by that time he appears to have briefed the police, the coroner, the 2 visiting pathologists, the press and suspended 2 consultants. I find the emails, quoted in the proposition on page 13, interesting. The lower one states: "We can justify but need a couple of file notes." There is currently a court case proceeding at the moment where the production of post-dated file notes is considered to be fraudulent. As the Senator has said, this investigation is not in the normal line of business for Verita. I cannot understand why the Care Quality Commission was not involved. I understand they have already done 2 reports in the Island. Interestingly, all their reports in the U.K. are published in full on their

website. I do wonder why our 2 reports that have apparently been made, one on mental health and the other on the Midwifery Department, have not been published. I would just speculate on the results that were included in them. The changes in the Verita management team suggest they have realised that they were involved in a highly complicated investigation which requires a much higher degree of medical competence than they were led to believe. Certainly, I can find no record on their website of them having performed this type of investigation before which leaves me back to wonder why we are not using the Care Quality Commission. I suppose really I feel a bit sorry for Verita as I think they have been caught in the crossfire of a highly technical and complicated investigation which they did not expect. The terms of reference, according to the comments by the Minister, advised no doubt by the Chief Officer, they were produced by the Minister - as I say, probably the Chief Officer or any attendants - the Medical Director and the Director of Nursing and Governance. As has already been observed the Medical Director is totally conflicted and should not have been involved. However, and this is much more important, this is allegedly an independent investigation. Verita should never have accepted the terms of reference given by the department, accepting these means that all hope of an independent investigation is compromised from the first. At the briefing with Verita they confirm that they discussed the terms of reference with the Deputy Chief Officer and another senior officer. Why did they not discuss them with those who composed them? If they are discussing them with underlings then they are following the dictates of H. and S.S. and it is not good enough for an independent investigation. I am glad to see that the Minister has amended this but does this mean that the evidence before the changes is valid? Can it be trusted? More importantly, why has the excluded consultant not been interviewed? I am glad to see that the Minister has removed the phrase referring to acts and omissions of individuals. This really was rubbish. It is the acts and omissions of individuals which are at the very heart of the investigation. However, this is tinkering with an investigation, which was set up in what appears to be a totally biased manner. I ask Members to consider investigations in which they have been involved, for Scrutiny for example. Who sets the terms of reference with you? The Scrutiny Panel does. The minute the organisation being investigated sets its own terms of reference, then no matter how objective it feels it is being it wrecks any possibility of being independent. It is not just Scrutiny. Can you imagine the response of an organisation being reported on and gave the Comptroller and Auditor General his terms of reference? Forget it. Turning to the Minister's comments, I do not quite understand why those were produced by the Deputy Chief Officer. I do understand that on the 3rd December 2007 the Advocate for Health and Social Services confirmed in writing to the legal representatives of the excluded consultant that, after an extremely rude outburst on the lines of: "I hope he burns in hell", the Deputy Chief Officer would not be involved further in the case which leaves me to wonder, as I say, why the comments were produced by him. Can we really think that they are objective? The comments about the involvement of the consultant anaesthetist are not strictly accurate. As I have already said, by the time the investigation was declared an S.U.I. that consultant was off the case but he had already briefed the coroner, the police, the visiting pathologists, et cetera. Neither the police investigation nor the court case have really considered procedures in theatre, whether these were commensurate with good clinical governance, what actually happened, what should have happened, what were the laparotomy findings such as the hole in the uterus, how had it been made and what other evidence there was at laparotomy to help determine how the incident occurred, but nobody asked the question. There are only 2 specialists in the hospital who could have answered and one of them was present, the excluded consultant, but the anaesthetic care was not discussed in court and this is an integral part of a laparotomy. Why were none of these questions asked? The Minister's comments state that the Royal College of Obstetrics and Gynaecology do not do investigations of this sort but my understanding is that they do. I think it is important that any inquiry we have should also examine the correspondence from H. and S.S. to Verita to see what sort of information was given to them in the first place but for the various reasons given I do not have any great faith in the current investigation. The terms on which it was set up are flawed and because of this and because of the way it has been compromised by H. and S.S., I completely support the proposal for a truly

independent Committee of Inquiry. It is possibly only the second time in my life that I have supported the good Senator. However, we have got to have an inquiry which will give confidence to the people of this Island. I regret that this is necessary and I am not at all happy about spending the money but I see no other option. We all take this seriously and I know H. and S.S. do but really we must have a report we can rely on and that it is published in full and takes place in public. I am sorry, I must support this proposition and I ask Members to support it.

11.1.2 The Deputy of Trinity:

A few short weeks ago States Members had the confidence to elect me to the privileged position of Minister for Health and Social Services. I knew the task before me was not easy and I am very much aware of the current issues and difficulties that I have picked up in the new position. I have always stated that my main concern is patient safety; that is paramount. I would like to take the opportunity, along with my Ministerial team, to do the job that I was elected to do and I take that responsibility very seriously indeed. Since my election I have made it my personal business, along with my Assistant Ministers, to get to grips of the tragic incident that resulted in the death of a fellow nurse, Elizabeth Rourke, and the investigations that are looking into what happened. Even though new to the position I realised I had to try and resolve some deeply seated political issues that have created suspicion in some States Members' minds and also have translated a sense of mistrust to the public of the Island, but during this period of consideration I have always been acutely aware that a person has died and a family have lost a loved one, now over nearly 3 years ago. For them it is not a sense of political agendas, cover-ups or witch-hunts but more of a question of answers. As Senator Syvret said in his proposition it is relatively simple. It seeks to replace an investigation by a reputable U.K. company experienced in healthcare investigations, manned by skilled eminent professionals who are well into the investigation with a report due within 3 months. It seeks to replace it with a public inquiry that may, in likelihood, take 2 or 3 years to conclude once it has been commissioned. I can also confirm that I will not be party to any cover-ups nor will I be a party to any witch-hunts. My main aim, as always, is to get to the facts and the truth of that sad incident. My Assistant Ministers and I are unshakably determined to get to the facts of that incident and matters leading up to it and following it. Two Members, have raised a lot of questions and quite rightly. There are an awful lot of questions but they will be addressed and I very much expect them to be addressed by Verita. That is their job. I am doing this by showing, firstly, the measures that the Ministerial team have taken. Secondly, the high esteem that Verita holds in the U.K. health regulatory and investigative community. Thirdly, the terms of reference and how they are indeed fit for purpose and, fourthly, as I see, the disadvantages of a public inquiry. Regarding the first points, I have now instructed Verita and the Health and Social Services Department that further direct communication requests for documents and other practical materials relating to the investigation should be channelled to the Chief Minister's Department and a senior officer there has been designated as a liaison officer. Accommodation for Verita will not be provided on Health and Social Services premises and, along with future interviews, will be undertaken on premises outside Health and Social Services Department or indeed outside the Island. Arrangements are well under way for an office in Morier House to be made available. After this debate the official liaison between the States and Verita will be through the States Greffe. In short, not only am I satisfied that Verita are completely independent and that the independence has not been compromised but I am determined that any perception of Health and Social Services involvement is removed. Let me turn to the second point, the matter of Verita and its reputation. I and the Ministerial team have met with Verita independently, followed up its performance with regulatory national bodies and acquainted myself with some of its reports. I can say no more than that I was impressed and I hope the Members that were there were also impressed. We had an open frank discussion and questions were answered. Since being elected I commissioned a reference on Verita from Nigel Ellis who was head of National Inspection and Assessment of the Care Quality Commission which, until April, was the Health Care Commission. This is a health regulatory body for England and Wales. He writes: "While I never have had the need to commission Verita services directly, I am familiar

with their work. I have always been impressed with their professionalism of the organisation and the quality and timeliness of their reports. Professionalism and calibre of the investigation team are key points to bear in mind.” I think that the idea that a Council Minister of the Law Society, a recent chair of the Royal College of Obstetricians and Gynaecologists Professional Standards Committee, an associate of the Prime Minister’s Delivery Unit, would not compromise their individual or collective integrity by taking part in a cover-up, spin-doctoring, witch-hunting investigations is frankly not on. Quite unreservedly I can tell the House that the Assistants and I have full confidence in Verita. I have absolute faith in their integrity, professionalism and expertise to bring to this investigation. The third point to address are the terms of reference which have confused some Members, and I can understand that. The first paragraph is the commissioning statement and it sets the scene for the terms of reference. It contains the phrase: “The investigation has no disciplinary remit and will not consider the acts and omissions.” It has a misconception about Verita’s investigation. I have clarified and strengthened the understanding what I want Verita to do, pleased that my understanding will be that with Verita. Verita are not carrying out an investigation for the purposes of disciplinary action. The purpose of this investigation is to establish the facts, the truth surrounding that incident. The first terms of reference, the actual terms of reference, as I have said repeatedly, examine the care, treatment and management of Mrs. Rourke from her related G.P. referral up to the start of the police investigation. That is very broad, very wide and very encompassing. It includes absolutely everything, from policies, hospital procedures, exactly what happened, who did it, why and the repercussions of it. It is very broad. Of course Verita will be looking at the actions of individuals surrounding the incident and, more importantly, the interaction with procedures and practice operated with Health and Social Services. How else could they develop a factual map of the incident? There are an awful lot of questions raised and raised by Senator Syvret and Senator Ferguson and other Members too. I expect them, again, to be addressed in their report. I think that I must touch on the involvement of Health and Social Services in the development of the terms of reference. It was, in fact, limited with the bulk of the wording and input coming from Verita who defined and refined the terms of reference. In any event, the result of the drafting of the terms of reference is that they should be fit for purpose and not limited and unduly constraining, and I believe that they are not. I hope that the clarifications I have made and Verita’s presentation have helped to remove suspicion and misconception. I would like to inform Members of the other arrangements I have made with Verita concerning this investigation. I have asked that Verita send the draft report to me, the Greffier, the Chairman of the Health and Social Services and Housing Scrutiny Panel and the Deputy Viscount. Verita have also been instructed to have full editorial control of the report so it clearly represents the views of the investigative team. I make no apologies for reading it out again and also about the publication and presentation: “I reconfirm that I propose to publish the investigative report. I would like to do this in such a manner that the findings and conclusions are widely available. I would like Verita and the team to learn to present the findings of the investigation to you, States Members and separately to Health and Social Services management team and staff and this is in addition to any press conference that we may hold.” I am open and I say again I do not want any cover-ups. I want to find the truth. Secondly, after speaking to Verita and following the States Members presentation I have asked that Verita produce an addendum to the report that would include matters outside the Rourke investigation but which may have been raised with Verita by interviewees about which, I believe, that I should be aware of. Verita have given the option for any States Members to contact them about any of their concerns and I hope States Members feel that they can do that. Thirdly, Verita’s report will not sit on the shelf. I have asked Verita to come back to Jersey in 6 months from the date that the report is produced to ensure that the results of the report are being acted upon through an action plan. They will report in writing to me, the Greffier, the chairman of the Scrutiny Panel and the Deputy Viscount. I am also looking at a mechanism that will validate any action plan with expert input if necessary and robust monitoring and a review of mechanisms of its implementation. I believe my actions, with the support of my Assistant Ministers for which I am grateful, shows my passion and determination to determine the facts

through independent investigation by a highly regarded expert company with a high calibre investigative team. Finally, a comment on the idea of a public inquiry and the advantages that it may bring, we will have had an independent investigation, police investigation and an inquest once it is reopened. I just want to remind Members that the inquest is still not completed. Before that, however, the inquiry will have to be commissioned and I would have to question whether a suitable organisation ... I am told that the Royal College do not carry out similar investigations and that the Care Quality Commission would normally expect a responsible authority to commission a report similar to the one currently under way. So, we are probably looking at it being headed up by a Q.C. or equivalent purely because we are dealing with professional people with their own professional bodies, which will require professional legal representation. I wanted to improve this health system. My final comments concerns the family and, in particular, Mr. Rourke. While we debate political matters here, some of which in my view are part of a different wider agenda, he knows that he has lost his wife but wants to know why. He has been informed about the progress of the investigation and is fully supportive of Verita's approach and methodology. I want to be able to provide Mr. Rourke, as do States Members too, facts and answers, at the same time look at the long term aim of improving patient quality, care and safety in Jersey. I believe that the independence, integrity and credibility of Verita is proven by its track record and the calibre of its team. Much too has been said about the witnesses who have seen or not seen Verita. Verita will see everybody involved. They will do it at the right time set by them. It includes the employees who were not in court. I do not want to make any further comment on that because it is witness confidentiality. Verita's suitability has been clarified with the terms of reference so there can be no doubt that the investigation will be thorough and without favour. Any actions falling out of the investigation will be pursued vigorously and actively. As I said, I want answers. States Members want answers. I want a robust independent investigation. The report will be ready in 3 months' time in which I hope those questions will be answered, if not we will want to know why. I urge States Members to reject this proposition in its entirety and let me continue with Verita's investigation and find out the truth and the events of what happened on that day. Thank you. **[Approval]**

11.1.3 Deputy M.R. Higgins:

Unfortunately, I cannot accept the assurances of the Minister for Health and Social Services with regard to Verita and their independence. I went to the Verita presentation at St. Paul's Centre and I discovered something which undermines Verita's inquiry, in my opinion. I discovered that one of the Verita investigators, appointed to carry out the investigation into Mrs. Rourke's death, had served as a house doctor with one of the people being investigated and met him at a medical conference. The medical world, certainly at senior management and consultant level, is a very small world and many trained or served with each other in their early years and meet each other regularly at medical conferences or on the golf courses found at the centres where these conferences are held. The Verita inquiry, in my mind, is therefore neither independent nor transparent. Senator Syvret first and Senator Ferguson second have raised some very serious issues and concerns which I believe can only be reconciled by a truly independent transparent public inquiry. The public demand it to restore confidence in our health service and the Island government. I shall, therefore, be supporting Senator Syvret's proposition.

11.1.4 Deputy P.V.F. Le Claire:

I shall be supporting Senator Syvret's proposition and congratulate him for a presentation that avoided emotion and put dignity on to this important matter. It is not to say that I lack faith or do not support the Minister for Health and Social Services. Unfortunately, I have been told in recent debates which I have lost, including the Children's Commissioner, that people did not vote for me because: "Well, we just want to give our support to Anne." That sort of thing, when it is in relation to giving support to the Deputy of Trinity, who is the Minister for Health and Social Services, it may be okay in a States strategic debate and acceptable but this is not a case of supporting the Minister for Health and Social Services. It is supporting the horse that she did not ride in on

because Verita was set up prior to her appointment, and I think that she has tried to do quite an admirable job of handling this but I believe that the beast is the wrong beast in the first place and it has been badly treated and it is not going to ride in the fashion that we would like it to. So, after I attended the Verita briefing I went to the Verita team members and I said to them: "Listen, you know I am very impressed with your credentials and I am very impressed with your openness and thank you very much for coming. I certainly do not, nor do the surgeons that I have spoken to, wish for you to leave this Island feeling in any way that we do not appreciate you coming but, unfortunately, I just cannot support your continuing with the investigation that you are conducting." The reason for that is not because of any particular aspect necessarily - I had that formulated in my mind - but it is because a Committee of Inquiry is a much stronger and more robust vehicle in the first place. Senator Syvret stated in his opening speech: "If we go with Verita we are never going to get all of the truth." It cannot guarantee to receive all of the witness statements because before they get all the witness statements they have got to get permission from the police to receive those. That came out in the briefing with Verita, something I was surprised about but, nevertheless, now I know they are hoping to receive all of the witness statements but they cannot compel the police to give them to them. It is only if those witnesses agree that they should have them. So, when the Minister for Health and Social Services says that she wants to have a robust, independent and wide-ranging report I am afraid that is where there remains an area of doubt. The issue of a Committee of Inquiry giving evidence in public I think is a point that has been well made. We have had Committees of Inquiry into such things as buses and housing in St. Lawrence. We have avoided them on things such as Trinity infill when I was put off calling for a Committee of Inquiry because we were asked to wait for the independent report that was set up by Planning at the time to look into it: "We will just hand on until that is done" and then when that work was done, well, we know but do we need to know now, why have a Committee of Inquiry? It is just a waste of money. So Senator Syvret is quite right. It is a mechanism and it occurs on a regular basis. Whenever you get close to somewhere the civil service has failed drastically, they will throw up a report, they will drag in a team from outside and they will head you off at the pass and that is a common manoeuvre, certainly in the 10 years that I have been here. I have spoken to Members in the past and I have repeated this on occasions, and I am going to give the Minister for Health and Social Services and her Assistants my evidence when I can, on the culture of concealments and fear of reprisals that exist within Health and Social Services about speaking out about problems within that organisation. My first experience came when I found on the committee that we had been given written papers, as I have said before on a number of occasions, that stated 20 things or 12 things were done and I went up to the top of the ward to the Renal Unit to find only one of them had occurred and yet that was a paper that had been presented for that day's meeting with the committee which had been put together 2 weeks before. When I highlighted it at the committee, and Deputy Hill will verify this, it got so bad for me, because I was pointing out that they had lied to us basically, that I ended up having to apologise to them for going behind their backs and checking out the story. Now, if it can get so bad that a politician, who is new in the game, feels that he has done something wrong by finding out the truth because there is a gang-up system in there, how would the individuals feel if they worked there about speaking out against the organisation? Probably petrified or terrified as was the case recently, which I have highlighted on a number of occasions, when one of the most senior surgeons and his colleagues, who were also surgeons, spoke to me about the failings and the concerns within the hospital due to the staffing levels, the issues that Senator Syvret is talking about. When the surgeon said to me, when I asked him to go to Scrutiny to see Senator Breckon's panel after he had expressed his concerns, he said: "Say nothing. I will be put down, put out and put under" and he walked out of the room. It is actually that way, but he walked out of the room: "Say nothing. I will be put down, put out and put under." That is not a nurse. That is not a doctor. That is not even a surgeon. That is a consultant. The changes that we have seen in the last 24 hours in relation to the terms of reference and the statement today that is being tabled by the Minister for Health and Social Services are admirable inasmuch as she is trying her best but the General Hospital is beginning to look a bit more like a forward army surgical hospital rather than

an Island hospital at the moment because they are running all over the place as if they are having real issues, contact with the enemy. To make these changes on the hoof as she is doing may start to catch some of the issues that I have been talking about, including a new addendum, which a company like Verita very well could be involved in looking into, issues such as that, to help and assist with Scrutiny, and I would certainly support something like that but that is general practice, systems and procedures that are failing the hospital. They are failing the hospital today. They failed the hospital 10 years ago. They are going to fail the hospital tomorrow and they are going to continue to fail the hospital until we get to the bottom of it and open up this can of worms. I for one, when I spoke to the lady who was doing the presentation for Verita, was for once unmovable because of experience. When she said: "You do realise that a Committee of Inquiry is going to take much, much longer and we could be finished this in 3 months" and I said: "Yes. Well, I am sorry but this has been going on since I was on the committee in 1999" and we failed the X children and we failed a number of other things that we are now starting to see come to fruition. I was on that committee that day and instead of resigning and going to the media, which is what I should have done, I apologised to the civil servants and stayed on the committee. I should have just walked out and gone public with it like I did when they first tabled Clothier, and the civil servants sat around the tables making up the numbers to push forward the Ministerial system. If I had not walked out that day nobody would have known about that either. The Minister said: "I am very pleased with the presentation that Verita gave Members. I was very pleased with the amount of people that turned up and I hope that it helped to remove suspicion from Members' minds." It certainly helped to remove suspicion from mine. I suspected that the management had been involved with the forming of the terms of reference and yet I had completely dismissed that on the grounds that I had repeatedly heard that they had not been, and thank you very much for me going because the suspicions were confirmed. They had been involved. They have been involved in the setting up of these terms of reference. We hear the argument: "Okay. Well, look, Treasury and Resources are saying it is going to cost £250,000 if we pull this now to pay for so I have got a real problem with supporting (e) because that is all that money down the toilet." Sorry, we spent £220,000 on 20/20.je. Was that worth the paper it was written on? No and if we had found out about that sooner than later Alice in Wonderland would have been down the road a lot earlier. We need a thorough and robust independent investigation. We have a culture of concealment and a fear of reprisal in the States of Jersey Hospital. We have a situation which I am told of, face to face by surgeons, that gives us today, in my opinion, unsafe ... and in the U.K.'s opinion there have been illegal practices in terms of shifts for surgeons and the cover and we have seen one death, we have heard of others. I am currently, at this time, in dialogue with a gentleman whose mother is in the hospital, whose 2 sisters are nurses, one here and one in the Royal Marsden and I am relaying those pieces of information to the Minister and the 2 Assistant Ministers and it is very much along these lines. Yet for days and weeks now, although the mother is seriously ill, they have been afraid to speak out. They are very, very, very, very, very afraid to speak out. When I mentioned this to Verita, who had completed 25 or 30 investigations, and quite rightly Deputy Green had pointed out an issue in backing up one of my questions, about whether or not a culture or a climate of fear might have an effect about how people would interact with the terms of reference including Mr. Rourke and the other people in the hospital, the managing director of Verita admitted: "Yes, that could have an effect but it is something that we have not heard of." Oh, wow: "You have held 25 investigations within the Health and Social Services buildings, where the consultants are afraid to speak out and you have not learned about the culture of fear reprisals." What does that tell me? That tells me the investigations so far have revealed pretty much nothing because there is a culture and it is not going to get sorted out by an outside company. It is only going to get sorted out when we have the courage to say: "Yes." The Deputy of Trinity, I voted for her after I received my one vote. I voted for her to be Minister for Health and Social Services, in my view the best choice. I first put my name forward to make it a competition to enforce her position in case there was not going to be one. I think she is a great Minister for Health and Social Services but this is not about the Minister for Health and Social Services. This is not about her 2 Assistant Minister for Health

and Social Services either. I have respect for both of them. I have known Deputy Martin for years and I am starting to know Deputy Noel. I have respect for both of them. I am convinced if we do not implement a Committee of Inquiry we are running the risk of not collecting all of the evidence because from their words they are going to have to wait to see if the police can get permission from the witnesses to reveal all the information. If we do not get all of that information then we will not have the whole picture but even if we do get it all - I will finish on this - which really drives it back home to me again and again and again ... not fooling me. I was born at night but not last night. The second part of the paragraph: "I expect Verita to retain full editorial control of the draft report while it is fact-checked by Health and Social Services Departments." So, prior to it being published they are going to send all the facts within it off to the Health Department to get checked and yet we are told within the same letter that the senior management is not going to have anything to do with this report. Well, nothing to do with it, no, except just making sure the facts are all okay. Members cannot convince me and members of the public cannot convince me that this type of inquiry is cost-effective or safe for the future. A Committee of Inquiry is the proper way to go. The Minister needs our support but on this particular issue the public and, indeed - and I have got to say this because I think they come next - the doctors and the nurses in the hospital who are having to operate under this fear culture at the moment, they need it sorting out. They need it sorting out. So, I am going to support it and I hope other Members will put aside their loyalties today. It is not about the Minister for Health and Social Services.

11.1.5 Deputy D.J. De Sousa:

The previous speaker did touch on a couple of the issues that I wanted to raise so I will not go back over them. The fact that individuals from the department were involved in the development of the terms of reference for this investigation is the main reason that I cannot support having Verita versus the independent Committee of Inquiry. Also, the fact that Verita has told us at their presentation that they can request that witnesses come forward but it is only a Committee of Inquiry that can enforce that. So, I will be supporting the Senator's proposition and I would urge other Members to do so.

11.1.6 Senator B.E. Shenton:

I was not going to particularly speak on this issue but I think I must respond to Deputy Le Claire's speech because it sums up everything that is wrong with the Jersey politics these days and the standards that we set ourselves as elected representatives. I was Minister for Health and Social Services until the end of the last session and Deputy Le Claire approached me one day in the Chamber around September or October time coming up to the election and said that he had been in touch with the media about some serious concerns he had at the hospital. When I asked him what they were he would not divulge them to me and told me that I would have to wait and read about it. They were obviously that serious that he went to the media first without talking to me as Minister for Health and Social Services and ...

Deputy P.V.F. Le Claire:

Sir, on a point of information please, I have yet to speak to anybody. The information has not been published by any media. I am due to report to the Minister for Health and Social Services and Assistant Ministers and I certainly did not say, in that context: "Read it in the media." I was putting together a report. I have yet to table it. The media has got a copy of the situation but it does not identify the doctors or the surgeons because it is of such a grave condition but I did speak to this Senator here, who was the Minister, about the issue on the occasion.

Senator B.E. Shenton:

The Deputy sent numerous emails to BBC and the *Evening Post* concerning the concerns he had because they asked me about them because they did consider running the story on the back of his emails but there was no evidence. There was no hard evidence to substantiate the concerns that he

had which I have no idea where he heard the concerns but obviously when you have got over 2,000 members of staff there are going to be some which are upset and so forth. No hard evidence was produced, but he kept badgering the media to publish the story.

Deputy P.V.F. Le Claire:

I am sorry, but on a point of order, Sir. These are people who have spoken to me.

Senator B.E. Shenton:

No, I am not giving way, Sir.

Deputy P.V.F. Le Claire:

These are people who have spoken to me. That is the evidence.

Senator B.E. Shenton:

If he wants to play this type of politics, that is fine.

The Bailiff:

Deputy, you must not interrupt the Member unless to a point of order. This is not a point of order, and the Senator is not giving way.

Senator B.E. Shenton:

The allegations were made to Senator Perchard when he took office. Again, no hard evidence was produced. The allegations were made to Deputy Pryke when she became Minister for Health and Social Services. Again, no hard evidence has been produced. This has gone on for 8 or 9 months, this continued gossip-mongering about what is going on at the hospital and this fear culture and so on and so forth. I have always thought myself as being fairly approachable, and when I was Minister for Health and Social Services I met numerous people at my own and or at other places, which my colleagues at Health do not know anything about; and obviously you treat the information that you receive with respect, you do not give out names if it is not in their best interest to give out names, you do not give out the source of your information. You just try and sort things out. But I do object most strongly to this style of politics where people claim to have hard evidence, and yet when they are asked to produce it, they cannot. The Deputy has had 9 months to produce this. Maybe it is not so important now the election is past to get his name in the paper. But at the end of the day we are here to do a serious job. Scrutiny is evidence-based. If Deputy Le Claire has concerns, he has to produce the evidence; 9 months is plenty of time to come up with the evidence. I do object to ...

Deputy P.V.F. Le Claire:

I must persist, Sir. I am providing this evidence, and he is going on and on.

The Bailiff:

Sit down, please. You know the rules of the Assembly. The rules of the Assembly are that you must not interrupt the speaker. It is unparliamentary, and you have done it more than once, and you will please stop. Otherwise I shall treat it as being grossly disorderly behaviour and treat it accordingly.

Deputy P.V.F. Le Claire:

He is impugning my integrity, Sir.

The Bailiff:

No, he is not. He is disagreeing with you. Now, please sit down.

Senator B.E. Shenton:

Members of the States are in a very privileged position. They should not make allegations unless they have evidence to back that up; and they should ensure that they have hard evidence, not gossip in the pub or some other form of notification. I know largely what the events were surrounding this investigation. I think most people at Health know what went wrong. It is no secret. There can be no cover-up. There has been a criminal investigation. Witnesses will be called, and so on and so forth. But I do believe that we as a House have to stop making unfounded allegations towards individuals, and I think we need to raise the standard. **[Approbation]**

Senator S. Syvret:

On a point of order, I rather got the impression that somehow we have suddenly strayed into an entirely different debate in those exchanges between the Senator and the Deputy. Can I just state quite clearly, and if he has disagreed with me I will invite him to say so, that everything I have said in my speech, and the Senator was not here, is in fact evidence and we are dealing with facts.

Senator B.E. Shenton:

I did hear the Senator's speech, and I have not made any criticism of his speech.

11.1.7 Deputy T.M. Pitman:

I really want to follow on from Senator Syvret. I think after the last exchange we have real danger of losing what is important here, and that would be a tragedy. I have basically torn up what I was going to say, because some of these things have really quite thrown me. But since I have been in the House I have made a point on a number of occasions that I have always voted on a proposition according to its merit. Likewise, if a speech is made and the points that it raises are appropriate, I will support that speaker and applaud it, regardless of whether they are of the same political philosophies as myself. Which brings me to the speech from Senator Ferguson. The Senator told us that this was, I think, the second time she had ever supported Senator Syvret. Well, I think I can trump that. I think this is the first time I have ever supported Senator Ferguson, but her speech was excellent, and it really summed up what this is all about. The fact that we will probably even argue about the colour of orange juice on another day is irrelevant. I think I can sum up what we should be focusing on, and that is the simple fact that whatever inquiry we have, it has got to be 100 per cent independent, and the only way we are going to have a 100 per cent independent inquiry is if we support Senator Syvret's proposition. I went to the Verita presentation and I am afraid I was not impressed. It is not really an attack on Verita itself, but certainly in places like America, the damage limitation business is big business, and I do not care about damage limitation as far as the States of Jersey goes. This is about justice, and it is about seeing that what was wrong is put right, and that it does not happen again. I would urge everyone: let us stick to facts; let us not even worry about who brought this proposition, let us vote on the issues. We need an inquiry that is independent. Let us support this proposition.

11.1.8 The Deputy of St. John:

We need justice to be done. Justice for Mr. Rourke and his family, and justice for the senior doctors or consultant who have been suspended for 2 and a half years, and anybody else who was involved in this sorry affair. I attended the presentation - although late because we had a panel hearing on that morning - but I did manage to get some questions into Verita. In fact it was myself who put the question to Verita as to whether or not they had the power to call witnesses to account, and whether or not they could call on witness statements from the police that had been taken. I will repeat the reply we got, because Deputy Le Claire repeated that Verita said they could only get the evidence that the police had with the consent of the various witnesses, and the various statements. That being the case, if somebody because of whatever reason changed their mind on the evidence they had given and were not willing to go in front of another panel after giving evidence to the police - it could be for a number of reasons - I thought therefore we will not get to the bottom of everything. Therefore, I left that meeting a little bit disheartened, knowing that if Verita are to

continue, they will not have the teeth to be able to do their work. They will probably do 80 per cent of the work, but the most important bits will not be able to be drawn out. So, therefore, I will have no alternative, because I see the way the debate is going. What I have heard at the moment from the Minister for Health and Social Services - and as much as I respect her and I know it is none of her doing - she has tried very, very hard to try and correct a number of issues by having the amendments to the Verita inquiry; but I think by having any amendments it will, in fact, weaken the inquiry at some later date. So, therefore, I will have to support Senator Syvret on this one, because I think that is the only way we will get to the very bottom of what is required and put this to bed once and for all.

11.1.9 Connétable S.A. Yates of St. Martin:

I was thinking about speaking and then I looked around and thought I will speak. I went to the presentation and I was quite comfortable with the presentation of Verita. They said: "This is not a disciplinary inquiry. It is an inquiry into fact. We will inquire into the facts of what was done, who did it, what the deficiencies were, what should have been done. We will inquire into the medical staff in the operating theatre; we will inquire into the layers of management up the scale from the operation theatre, up the scale of the administration of the hospital", and I was quite happy in the fact that at the end of this investigation we will be in possession of the facts. I do not know what happened in the operating theatre. I do not know who messed up in the administration at the lower level, the middle level, the top level. I do not know; I would like to know. It will not be pointing a finger at individuals but it will give a picture of the facts. Also, there is an inquest to come. The inquest has not been completed yet. The inquest will be inquiring about what happened, what caused the death, who was to blame, and there may be disciplinary matters to be looked into after this Verita inquiry, and there may be disciplinary matters to be looked into after the inquest. I am not going to support this proposition, and I would recommend other Members to think about what they are voting for today. We are voting to find out the facts. We are not here to point the finger.

11.1.10 The Deputy of St. Mary:

I may run out of water, but I will do my best. Yes, I think the question is how difficult is the problem? I think we are struggling with whether we ought to go, if you like, the whole distance or whether Verita can do a sufficient job. Is this a tragic accident or is it, as Deputy Le Claire suggested, a deep matter of culture that has gone wrong? When the Minister said in her speech, quite praiseworthily, that this report of Verita would not sit on the shelf, and there would be an action plan, and they would come back 6 months later and they would check that it was going to happen, that presupposes that the structures and the culture are right in the first place, and that we are not facing a depth of a problem that perhaps Verita, because of their terms of reference and because of the way they have to operate, are simply not equipped to deal with. So, I think that is the problem. The question, rather, is how deep is the problem that we think we are facing, and really that is a matter for the judgment of Members. I would say that there is something operating in these cases, which is that we do not want to believe that it can be that bad. I think we heard the Constable there suggesting that the Verita would be enough but, as I say, that depends on how bad you think it really is. We do not really want to turn over every stone. We would rather have an inquiry that, as someone said, does 80 per cent. I think that is connected with the kind of society that Jersey was in the not too distant past. I still remember something I think is relevant, because I think this is something about why we do not want to really turn over things - why we feel some kind of reluctance to go down the Committee of Inquiry route, which is a pretty devastating route to go down, but maybe we have to. I still remember an older parishioner telling me wistfully that he did not know everyone in the Parish any more. That to him was a kind of shock. The world has changed for him, and for many, many others. There is something about the way a traditional society functions - the way which I know from my wife, because she grew up in a traditional village society in Germany - the way you are known and the way you are safe, the way that norms are absorbed, the way that the consensus of that society is arrived at in an osmosis process that

cannot be challenged, the community arrives at a view. But we are not there, and the hospital and the systems that underlie it and the complication, it is just a different world; and when we are faced with this particular tragedy, and then what we hear are the systemic underlying factors, we do probably have to go to a deeper process and not just the Verita. I think that is what is part of what is underlying the choice between the 2 alternatives, because that is what it is, is it not? It is: "Do we go along with Verita? Do we think they are adequate, or do we have to go more deeply and more thoroughly?" I would just make some points of detail. I want to ask the Minister, and I do not know if she can reply in any way or ask someone else to reply. I am troubled by 2 things that appeared in the documents that she produced for the debate. One is in the comments, if I can find them, page 2 of the comments of the Minister. At the bottom of page 2 she talks about the consultant anaesthetist. Now, people have given us 2 or maybe 3 different versions of what has happened, and I would want clarification, because we have here the official comments of the department in the name of the Minister, and we are told that: "It is suggested in the proposition [i.e. of the Senator], that the consultant anaesthetist who cared for the patient in the final hours of her life was appointed as the internal case manager for the S.U.I. investigation. This is incorrect." Well, I want to know whether that is correct or not, because I have been told 2 different versions of this story around the consultant anaesthetist. What was their exact role? When were they on the case, and when were they not on the case? I would welcome someone to go through that and tell me in black and white what the situation is, because we are told in the comments that the Senator was wrong in what he stated. The other question was to do with the acts and omissions, and here, if you go to her statement today, the statement of the Minister, we have first of all the statement that the terms of reference have been clarified and strengthened: "The terms of reference have been clarified and strengthened" and the first bullet is: "By making it fundamentally clear that Verita are investigating the details of what happened and the actions of individuals." But my understanding is that the terms of reference have not been changed, and in fact if we look at her letter to Ed Marsden which is in the same document on the second page of the statement that she made today, she says: "My predecessor set your terms of reference and I am content to endorse them." So, they have not changed; and she writes in the third paragraph: "As I understand it, the team is looking at these events in the context of hospital systems and procedures and patient safety, and will be providing the fullest account possible of who did or did not do what and why, as is judged appropriate by you. I endorse this approach." But then she says that the Commission preamble, the preamble to what the terms of reference are, going up the page a bit, reads as follows: "The investigation has no disciplinary remit and will not consider the acts and omissions of individuals." "Will not consider the acts and omissions of individuals." So, on the one hand we strengthen the understanding that it will consider the acts and omissions of individuals, and the sentence above says that it will not consider the acts and omissions of individuals, and the Minister has not taken the opportunity of changing that. So, that preamble stands. So, what are we to understand? I think the Senator made the point in his opening remarks that the goalposts are changing. Well, I do not even know if they are changing or not. So, I am really concerned about the kind of wobble-wobble around the Verita operation, and there are other points that just need to be reiterated because they might get lost in the fog. When the terms of reference were given to the media, the preamble was sliced out; so that talk of acts and omissions of individuals was simply not there when the media were told about it. There is what the Senator referred to, the deceit in what the public were told around the trial and so on, and I will not recap on that, just remind Members of just how bad that was, what the department's officers were doing. Then, the fact that the terms of reference were drawn up by the department. I just want to remind Members what we are looking at here, and ask them whether they can really think that the Verita inquiry as it has been set up, unfortunately, is adequate to the task. To conclude, the real question is the benefit to Islanders of what we decide, the benefit to the health service, the benefit to the hospital and, an important point, to the way this Island is governed, which the Senator also alluded to. The effects of this inquiry, if it is done in the right way, and if it leads to a good result, which I admit is a big if, but it will be more thorough than the Verita, will assist

this Island to be governed better, because I think the problems are pretty deep-seated, personally, and I urge Members to support the proposition.

11.1.11 Connétable J.M. Refault of St. Peter:

This may be the last time I speak under your stewardship in this Chamber, so I shall be brief. Hopefully not the last time I speak ... no, thank you, Deputy. **[Laughter]** It has been a long day. Listening to the debate, it seems to be coming down to a case of it is either one or the other. For me it is not one or the other. I am quite content in general to support the proposition, but for the item (e), and the proposer has already said he is not prepared to split them up. I see this review into the death of Elizabeth Rourke as something which needs to conclude. For her family's sake, the situation involves that one issue in solace. I then further believe that there should be a full inquiry into the general administration operations at the General Hospital. So, I think for me, I see the Verita inquiry as being the first point which may well address a number of issues which will set the ground for a second more thorough investigation in the whole operations of the General Hospital. So, unfortunately, as the proposer is not prepared to accept to take them item by item, I will not be able to go with his proposition on this occasion. But I would if he came back again without item (e).

11.1.12 Senator P.F.C. Ozouf:

The death of Mrs. Rourke was a tragedy. The family, the public health staff, patients past and future, the Minister, this Assembly, need to know the facts. There is, without any question, huge concern among Islanders and Members. There is, I think, I would say one thing that unifies everybody in this Assembly when we believe that medical professionals should be held to account. Lessons must be learnt. I have no doubt that the new Minister for Health and Social Services has an enormous job of work to do at Health. While there are hundreds of Islanders under the caring staff at Health and Social Services and many excellent professionals, hundreds of people receiving excellent care and treatment, it is clear that many people have questions about our health service. This proposition seeks to disband the Verita investigation. The team, as those Members who were able to hear Verita, consists of a senior individual from a Royal College. Do we really think that the kind of people that we heard from Verita are going to compromise their professional integrity and engage in some sort of cover-up, or engage in not asking appropriate questions? I believe the stopping of the Verita investigation would not only be effectively impugning the reputation of the people carrying out the review, but also a waste of money; and also, perhaps most importantly, a delay in getting to the facts. I suspect that the Verita inquiry is not going to be entirely also the end of the matter. It may not also be the only inquiry. This is not about personalities but, in my view, one of the issues that the new Minister for Health and Social Services has to deal with is the fact that there has been a health service which has not had strong political oversight and control. I cannot support the proposition by Senator Syvret. I am going to support the Minister for Health and Social Services and give her the chance to assert a political authority and to get to the facts, put in place the corrective action and deliver to Islanders the world-class health service which our Island community deserves.

11.1.13 Deputy A.E. Jeune:

This proposition has caused me a lot of deliberation. I see it as being 2 issues. The Verita investigation which is currently running, and the terms of reference which caused me great concern, as I did consider them flawed, have been modified, and they can continue to be modified should it be necessary. The presentation which many of us attended also reassured me. Verita is a renowned, reputable, professional organisation who I believe will carry out the investigation with the integrity required. A Committee of Inquiry will take time to set up and get going. This serious, untoward incident did occur, as the Senator rightly says, on his watch. He was at the time the Minister responsible. Had the Senator, past committee president and Minister chosen to respond to his telephone messages over the years, he may well have found that there were whistle-blowers

who would have given him a great deal of fact and identified issues which would have given him an opportunity to introduce independent investigations a long time ago. I deeply regret that the Senator will not take part (e) of the proposition separately. **[Approbation]** The bottom line, as I see it, is that the Verita investigation should be completed. That will enable the inquest to be finalised and the family to have some closure. The current Minister for Health and Social Services has assured us that she will ensure the independence of the investigation, and I have every confidence that the Minister, who is an experienced health professional as well, is in a position to ensure that the wool cannot be pulled over her eyes and, when the report is delivered, will ensure that any further action required will be done. I would like to see an investigation which includes the colleges, and it would appear that this may in fact be occurring within the Verita investigation. Therefore, the outcome, the report of Verita, is essential. I believe it is at that time the Minister and the Members of this Assembly will be able to make considered and informed decisions as to the way forward. What type of further investigation is appropriate? What we do not need here is knee-jerk reactions. We do not need something that deals with just one particular case. At this time I believe any further investigations need to be much broader and wider looking at all aspects of organisational and cultural behaviour within the Health Department. Finally, I would ask the Senator in his summing up whether he could advise us what action he took when he became aware that the investigating manager was directly involved in the case.

The Deputy of St. Mary:

I did not want to interrupt the flow of the speaker but I would ask for a point of clarification. The speaker mentioned that the terms of reference had been modified. I would just like her clarification as to in what way they have been modified.

Deputy A.E. Jeune:

I would need to find them among my papers and clarify that.

11.1.14 Deputy S. Power:

I went with some degree of interest to last week's briefing as well as a member of the public really just as concerned as anyone is about what happened in October 2006. I have to say, having listened to the presentation by Verita I did come away with the impression that they were ... they gave me the impression, and I have no medical background, that they were a competent professional organisation to carry this out. However, having listened to Senator Syvret's excellent speech, and listening to what people say to me as a politician and as an ombudsman for the people of my district, I do come across quite regularly, from time to time, concerns about the governance of the hospital. However, I would agree also with what Senator Shenton said, that it has to be evidence based, but there appears to be out there a doubt in people's mind about the way the hospital is run. I think it will take a big heart to get to the bottom of it, and I do respect the Minister for Health and Social Services we have at the moment, and I do hope and I pray that she has the strength to take on some of the issues that she is facing at the hospital because she is going to need the heart of a lion to do it. I would have, like the Constable of St. Peter, accepted this proposition were it not for paragraph (e) because I think that if we look at where we are today for whatever reason we have gone down the Verita route and I have already said, I think that they have, they impressed me. I think because Health and Social Services, the department has started down this route I really think that we have to allow it to do due process and get to the end of this part of the investigation, remember that we are also waiting for 2 other pieces of it to go through, which is the locum's situation with the General Medical Council, and there is an inquest to come. This is only, in my view - this is in my personal opinion - this is purely one part of the data that has got to be put together on this incident, and this is the part that the Health and Social Services Department decided to start down. Whether we like it or whether we dislike it, that is where we are. This work has started, and if you read the Minister for Treasury and Resources comments on the last paragraph of his comments on this: "The Health and Social Services Department has already spent

£190,000 on this investigation and would be committed to another £60,000 representing one month's written notice if the contract were cancelled", and we would end up effectively spending £250,000 and no report, and I think that is an issue as responsible politicians we have to bear in mind, and I relate that back to paragraph (e) of Senator Syvret's proposition. I think we are between a rock and a hard place where we are at the moment with Verita. My belief is that Verita have quite clearly set out that this is a fact finding investigation. It is not going to lay blame or fault. I think if Senator Syvret is able to read the mood of the Assembly, and he is a very astute politician, I think he will see that he has a very good chance of winning this proposition today if he were to reconsider paragraph (e). I think that is where we are. I am personally very impressed with his proposition. I know he fought hard to get it to where it is today but my problem, like many other Members of the Assembly, is paragraph (e). I am not prepared to dump £250,000 of taxpayers' money at the moment. He made 2 very good points in his proposition. One is that the one single agency that seemed to have successfully carried out its duties was the jury in the acquittal case, and I think that was a very important point that the Senator made. I also think that his point, and that the locum will have to be answerable to her professional body, the General Medical Council, and we do not know what is going to happen there. So from where I am at the moment, in my opinion, there will have to be a further investigation after the Verita one and I say to Senator Syvret: "Well done." I say to the Minister for Health and Social Services, you will need to have the heart of a lion, as I say, to take on what you have got to take on, and I respectfully suggest to Senator Syvret that he reconsider his statement and that he withdraw (e).

11.1.15 Senator T.A. Le Sueur:

There seems to be a feeling, certainly evidenced by the last speaker, and maybe one or 2 others, that the sort of inquiry they are talking about goes much further than the death of one particular person or one particular incident, and it is that by which perhaps a Committee of Inquiry might, in due course, be required. We have today to deal with what is in front of us as a proposition and this proposition relates specifically to the inquiry into the affairs relating to the death of Mrs. Rourke. Sadly, there seems to be a feeling in some Members' minds of damning the Verita report as inadequate before they had even seen it or before it has been completed. I do suggest to Members that it is appropriate to see that report first and then to ensure or to decide whether it is or is not complete. Certainly with the work that Verita have done so far there has been no evidence that I am aware of, no evidence that they have not been able to obtain the information they require from whoever they require it from. But the main reason why I wanted to stand and contribute to this debate is because I think some Members perhaps do not appreciate the importance of one other aspect of this inquiry yet to take place, and that is the inquest. Because, I should point out to Members, an inquest is a formal hearing, a formal inquiry, where witnesses can be summonsed to give evidence. This matter will not be settled until not only the Verita report has been produced but that inquest has also been held. An inquest which if it is going to achieve what it ought to achieve needs to be fully informed and additionally informed by the evidence of the outcome of the Verita inquiry. I suggest to Members that whether they want to have a Committee of Inquiry in due course into other matters, whether they want to go into other areas is not germane to today's activity. Today we should not be saying to Verita: "Pack up, take your cheque for £250,000 and go." We should be saying to them: "Please continue and finish the work you are already doing", let us have the inquest and then when all that is over, if we need to, let us have a look at the broader picture. For those reasons I recommend to Members that they not support Senator Syvret's proposition.

11.1.16 Deputy G.P. Southern:

I think what is important today is that whatever the outcome of this debate and whatever the results going forward, that we are seen to get this incident right and to clear it up once and for all. We live in a small community where all sorts of things happen and rumours spread and multiply as they go round the Island. What we must in this particular case do is get it right so that it is clean once and

for all. That everybody involved can go away from this inquiry and say: "At least we did that right. It is clear, it is clean, there were doubts but they are resolved. We know what happened and we know what the consequences were." It is not a question, I think, of questioning Verita's competence. There is no question of that. They are obviously a competent group of people with in depth knowledge of these particular areas. The questions arise around the setting up of the inquiry, the involvement of the management of Health and Social Services in the setting up of the inquiry. In particular, we are told the management of Health and Social Services were involved in setting up the terms of reference. Now, I look at that and I just cannot believe that it happened. If it did, and I believe it did, then that, if you like, contaminates the effectiveness of the whole review process, I believe. It would be like me, as a chair of Scrutiny - were there to be such a thing ever again - investigating the Chief Minister's office to examine his efficiency and effectiveness of his Chief Officer and the layer below that and saying to him: "I fancy having a look at your department. Will you get your officers to draw up some terms of reference for me so I can have a thorough good investigation of what they are up to?" I do not think so. That would not be doing my job, and if I followed those terms of reference I would be in deep, deep trouble, I think, very shortly because they would tie me up in knots. We all know what happens if you ask somebody to examine their own conscience and their own work in that sort of terms. So, that would be unthinkable just in terms of the straightforward accountability required for Scrutiny to hold a Minister and his officers to account. So it would not have happened. Now, as soon as it has happened we have got problems. The current Minister is doing very well when she makes her statement in the opening paragraph of her statement today and says: "I also told Members of the actions I have taken as the new Minister for Health and Social Services to ensure that this investigation is robust, independent and thorough." In saying so she says: "I am acting now to make sure it is" and the implication, read between the lines, is because there are serious doubts that it was not. We cannot get away from that. There are serious doubts that the involvement of management and the setting up of the inquiry was not clean. It was a contaminated process and therein lies the rub. Having started there all the brushing, nor the polishing, nor the cleaning will not remove that contamination. It will just spread through, whatever the result of this inquiry: "Ah yes, but it was not clean, was it?" That rumour and that doubt will persist, and that is the last thing we want from this inquiry. She then goes on in her second paragraph to say: "Management of Health and Social Services no longer has direct communications with Verita", error number one. Ooh, oops, how did we do that? "Well, we stopped it, that is all right." No it is not all right. Not good enough, no matter what the efforts are: "I have instructed H.S.S.D. (Health and Social Services Department) and Verita that all further contact be undertaken initially through the Chief Minister's Department and subsequently through the Greffe." Well, that is very good. That is the way the whole thing should have started, but it did not. Now we mended it, but I think it is broken. "Accommodation for Verita will no longer be available on H.S.S.D. premises." Oops. Oh dear, how did we arrive doing that? Why did we not place it somewhere else? Because - we go on to the next statement: "And interviews will take place away from H.S.S.D." As I said in the beginning we are a small community. The hospital is a small community within our small community and you walked down that corridor and knock on room, I do not know what it is, 301, and we know what you are there for. "So you are witness X, are you?" I do not know, but that is what apparently has been happening, or you have not walked down that corridor because you know that people are watching that corridor and everybody will know, and you will not knock on that door and you will not be witnessed because you may be saying something that may have consequences for you in your professional life. That is the reality of the society in which we live, and that little error there of: "Yes, and interviews will take place elsewhere" not on hospital premises where everybody knows who is going in and out is a major error. It should not have been allowed to happen but has been allowed to happen. I would argue, and I believe it, that that has contaminated this particular report. It is why we need a Committee of Inquiry. Then we get briefly, and I will briefly touch on some of the measures contained in the letter that came today. The first one was referred to by the Deputy of St. Mary and contains this issue in the terms of reference: "The terms of reference have been clarified and strengthened to

include examination of the actions of the individuals.” However the terms of reference have not been changed and still say: “will not consider the acts or omissions of individuals” and the Minister says: “I am content to endorse them.” So have we had a change, have we not had a change? Is that clarification? No, it is not. It then goes on to talk about submission of the draft report and the final report, and makes the statement very clearly and very laudably: “I expect Verita to retain full editorial control of the draft report while it is fact checks by H.S.S.D.” Again I return to my experience as a Scrutiny chairman, and I know very well that I retain all editorial control no matter what draft goes out to whom in order to check it for factual accuracy and very often one spends quite some time defending, justifying, why a statement has been made, and yes, there are the words that were said and that is the evidence in order to back that up. But that implies that there was some question that editorial control was not there in the first place. Again, was this process contaminated? “I reconfirm that I propose to publish your investigation report.” Well, I should hope so too. It is an assumption that should not need confirming. Of course a report will be published and editorial control will be maintained. It then goes on to say: “At your discretion I would like you to prepare an addendum to your report. This should include matters that come to light during your work that are outside your terms of reference but the investigation team think I should know about.” Well, if that is not an admission of failure on the part of those who drafted the terms of reference I do not know what is. Again, I refer back to the Scrutiny process, way back at the very beginning. We learnt a lesson very early on - I certainly learnt it in my first investigation - where the Minister came in to give evidence to us and started arguing about our terms of reference and saying: “That is not in your terms of reference. You cannot ask me that.” We jolly well spent the next 2 months redrafting the terms of reference and got him back in and he did answer those questions eventually, but now we have a catchall within our terms of reference, which we make up, not they make up, is a statement “and any other issues that the panel deems as relevant”, and we go where we jolly well like and we make sure that if we want to go there, we go there and we get the facts out. But we are asked to say: “At your discretion you might include an addendum.” Well, jolly good. You are trying to fix something that is broke. I am afraid this particular investigation is contaminated, it has been badly set up, there was over involvement by H.S.S.D. and I do not believe it will do the job of getting it right and cleaning up the issue in Jersey unless we abandon it and, yes, abandon £250,000, yes. Accept that we made a mistake in setting out with the involvement of the management in setting up this investigation and that that is the price we shall have to pay. But no, go forward to clean this up properly and to get it right and to get it clean, we need a Committee of Inquiry and I will be supporting this call for a Committee of Inquiry.

Deputy P.V.F. Le Claire:

May I just apologise for my unruly actions earlier. I got taken by the mood of the moment, I apologise.

The Bailiff:

That is very gracious of you, Deputy. Thank you.

11.1.17 Deputy S. Pitman:

Firstly, it is just a short speech because a lot of what has been said I was going to say, but I would just like to respond to a few speakers. The Chief Minister referred to an inquest that will take place where witnesses will be, if necessary, summonsed to give evidence. But the fact is that may be true but we cannot get away from the fact that we have officers involved putting together the terms of reference for this Verita investigation. The next point, people have raised the fact that the Minister at the time was, indeed, Senator Syvret and personally I do not think that matters. Others have said that they put their trust in Verita and their integrity. Again, this does not matter. Whoever the Minister was at the time and whether or not States Members like Senator Syvret or what he says in the House, please get away from this. We are talking about, as you know, the death of somebody by fault of officers and we must get away, we must be impartial when we come to voting for this

proposition. Let us not find any which way we can not to support this proposition to bring about, in my view ... what it is all about is truth and justice for Mrs. Rourke and her family. I ask, will an investigation for the terms of reference put together by managers who are involved in the incident, will it achieve truth and justice when the investigation is based on impartial terms of reference? Lastly, we have heard of the waste of the cost of the Verita report. Already we have spent £200,000 or £250,000, I cannot quite remember, but in this case truth and justice are far more important, and as a responsible government we owe it to the family of Mrs. Rourke and Mr. Rourke.

11.1.18 The Connétable of St. Mary:

I do not share what I believe is confusion surrounding the terms of reference to the Verita report. I believe there has been an element of confusion between the Commissioner's statement and the terms of reference. In my mind, it is completely clear. The terms of reference deal with an event and the terms of that event they will deal with examining the care, treatment and management from the time when the patient went to her G.P. right up to the time the police investigation started. That deals with the whole event. It deals with it in its entirety. Where the confusion has come in, is from the Commissioner of the report's statement that the investigation has no disciplinary remit and will not consider the acts and omissions of individuals. That is quite clear to me this is not a disciplinary body. Verita is an investigatory body. Discipline happens in a different area depending what actions are revealed to be wanting, that that will determine which disciplinary agency or body or college or professional body is responsible for discipline. Not Verita. That to me is absolutely crystal clear. I see nothing in the terms of reference that means that every single aspect of this incident, right the way through its history, right the way through its timeline, will not and cannot be discovered. The terms of reference also deal with what happened post event in regards to the initial investigations and deals with future events, detailing what has happened since those initial investigations and what is lacking and still needs to happen. Recommendations will be provided. I see no conflict or no confusion in that at all. I am confident that if this Verita investigation is allowed to proceed, if there are such deep seated problems as have been suggested then they will either be uncovered or there will be sufficient concern highlighted that that will lead to the warrant of a further investigation. A further broader investigation, deeper investigation, and I think that is important because, as the Chief Minister said when he spoke, the Committee of Inquiry focuses on that same single event as its starting point. That means that the broader issues which Senator Syvret has in his admirable speech highlighted possibly will not be covered either by the Committee of Inquiry, as it is suggested here. I would also like to say that we heard at the Verita briefing last week that it is not at all unusual for an organisation to be involved at the outset in setting terms of reference as there is a huge amount of scene setting to be done at the time when investigations are initiated. Indeed it is not only quite usual but it is almost the norm in many cases, I believe, and certainly does not amount to contamination as has been alleged. As Deputy Southern said in his speech, by implication you can read between the lines. Well, I am asking Members not to read between the lines but to look at facts. I think that is extremely important. Some Members have said that we need to consider Mrs. Rourke's family. I have been in contact with them, as I have said previously, and I know that they are fully supportive of the Verita inquiry continuing. I think one of the elements that we would lose with a Committee of Inquiry at this stage if the Verita investigation was stopped would be the timeliness. We are already 3 years down the line. We would be starting the clock again. I really do not believe that is fair to the family. The inquest has not happened. It cannot happen, it will not happen until the Verita inquiry is finished, and I believe that the family really deserve to have that matter addressed and laid to rest once and for all. When Deputy Jeune said that she regretted that Senator Syvret would not allow us to take (e) separately I heard the Senator say: "I do not like cowardice." Well, that is admirable but I have the courage to say I want to see the Verita inquiry concluded and I want to see the results of that inquiry, in public, as soon as possible. I think that is absolutely essential, not only for the comfort for Mrs. Rourke's family but for the comfort of Islanders generally. I believe that some of

the comments made by the Senator in his opening speech will have caused a great deal of anxiety to members of the public listening. Those who are undergoing treatment at the moment. I will just make one example; I believe the Senator, and please do forgive me if I do not quote exactly, but I believe this is what he said, that one reason perhaps that people are locums is because they are not very good. Now that may be true in a number of cases perhaps but I would say there are an awful lot of people in our hospitals being treated by locum doctors and consultants and being treated extremely well [**Approbation**] and I think that what is important is that the points that the Senator raised must be addressed and either they must be rebutted or they must be confirmed and remedied as necessary. I believe that will happen in the swiftest possible course if the Verita inquiry continues. I do not support a further delay in finding out what the issues are here. Members have said that they would support the proposition if (e) was taken separately. The Senator has at this particular stage said he will not do that. But for reasons that I have outlined I do not believe that I will support the proposition even if (e) is taken separately simply because, although I could be persuaded perhaps, the focus is still on that one particular incident and I believe if we are to have a Committee of Inquiry it must go beyond what we are expecting Verita to look at. It must address all the other issues that Senator Syvret has alluded to in his speech and I do not believe that the proposition, as we have it, enables us to do that.

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

I am not going to speak long because a lot of speakers have gone before me and said a lot of the things that I wanted to say. I agree with a lot of what the previous speaker stated, and also Deputy Power and Deputy Jeune made comments and also the Constable of St. Peter about paragraph (e). That is the thing that I have most concern about. I am struggling to understand why Senator Syvret will not consider withdrawing part (e). I am sure if he can elaborate on that in his response to Members, that would be most helpful, because my understanding is Health and Social Services have already spent £190,000 and it is going to cost another £60,000 to withdraw from the contract, but when I spoke to the officer outside and asked him the total cost of the report I was told it was £250,000. So I am struggling to understand why we are spending this huge sum of money for a report that will, I think, benefit. It is going to answer a lot of questions why the Senator will not agree to remove part (e). My gut feeling is that even when we do have the report, if that is indeed what the House decides, is that there will be a Committee of Inquiry into what happened. I would like the Senator to explain in detail why he is not prepared to remove part (e) because I think there are a lot of Members here, myself included, who would support him and support his proposition if he would do that.

11.1.20 Deputy R.G. Le Hérissier:

I will try and be as brief as my colleague. One of the strange things in the States is obviously we get backed into a corner or we start dealing with matters in a fairly timid way, then as the issue escalates for various reasons so our response gets that way. If you analyse what the Minister for Health and Social Services has conceded in terms of Verita, she has moved more and more closely to the attributes of a Committee of Inquiry. But the one thing that the Committee of Inquiry has which Verita does not, it has that sense of gravitas and that sense of autonomy and that sense of legal independence, and that ability to go where no person goes, so to speak. Whereas Verita, we seem to be apologetic, we seem to have to extract concessions inch by inch, not from them but from the system in order to get a private company who are lacking, in particular, one very, very important power, the power to require the attendance of witnesses. There has been this sort of almost - to use an unfortunate phrase - this stance where is or is not the must crucial witness going to appear and sort of all this strange ... I have inquired at some length about this behind the scenes and this strange pirouette has been performed, they are slowly being persuaded and hopefully something will materialise, but it lacks a precision and it lacks the kind of focus and the kind of clear sense of power that a Committee of Inquiry has and that is why I have grave doubts about this even though I do not doubt the Minister's sincerity and integrity. I think she has been handed an

incredible task here, not of her own making, and she is desperately trying, having inherited this imperfect animal, obviously she is trying to sort of make it as perfect as she can without having the full and proper instrument, which is the Committee of Inquiry. The other issue, Deputy Pitman and Deputy Jeune mentioned that we must not ... that the role of the Minister is important. I think it is important. I think one of the terrible things that has been happening over the last few years is where is political accountability, and I am sure Senator Syvret will be brave enough to realise that the spotlight has to be on him as well. We just cannot say “civil servants lied, there was corruption within the department.” This is likely to prove to be or may prove to be a case study in a major, major cultural and organisational breakdown or whatever, and we need to get to the bottom of this, and if we cannot get political accountability working in our system then what hope is there for all of us? What hope is there? All we have to say is “they lied” and then we are absolved. We cannot allow a system like that to take route, and that is why I am very keen that there be a full Committee of Inquiry because unlike the ... although it was very well put by the Constable of St. Mary in her distinction between looking at the narrative covering this particular incident and distinguishing it from the broader issues, they probably are or have to be seen together because one, in my view, probably led to the other. I mean, we do not know but a Committee of Inquiry has to have the right to roam far and wide and to place this incident in the broader context. That means political accountability has to be looked at. That means it has to be run and staffed by people who are utterly fearless. There was, just as a slight diversion, one of the witnesses to the Williamson Inquiry, one of the academics who studied some of the papers told us, having sort of grasped some of the enormity, that it is highly likely that when it comes to implementation and when it comes to carrying it out, that there are probably going to have to be some major, major questions asked about staffing and whether you can go ahead with the current staff, and you are going to have to ask them very, very major questions. So, the Minister’s assurance in her letter, to take one example: “I will ask for action plans and I will ask for clear steps and so forth”, I am afraid that may be overtaken in a big way by the enormity of the findings. She may find she is dealing with a very, very different world and a very, very different context. Having said that, I will await for the explanation on (e).

11.1.21 The Deputy of St. Martin:

I have been one of those Members who has asked a number of questions and regretfully the more questions I ask the more different the answers seem to be. Certainly the bigger the hole one dug the more mistakes and omissions one found. I have had concerns that have been echoed. Certainly terms of reference, acts and omissions were in the first terms of reference, they were omitted from the second press release, they were again definitely not included when I asked the Minister on 16th June, I have checked again with *Hansard*, definitely not included. However, after the meeting with Verita last week I emailed them and I said: “Can I have a copy of the original and the updated versions” and they said what they are looking at, their terms of reference are exactly the same as when they were first asked to do so way back in February or whenever it was. We got the feeling, does the left hand know what the right hand is doing? Also I have been really, really concerned about the suspended consultant. I think it is an absolute disgrace that we are here and we have had 4 Ministers who have allowed this person to stay suspended now for over 2 years 8 months, and this man is still suspended. We were told initially that we had to wait for the court case. Well, the court case finished last January so why has he not been brought before a disciplinary case. Again, why has he not been seen? I think we had that question this morning from Deputy Le Hérissier. If I was carrying out an investigation I would have started with him and then I would have carried on looking at everybody else, then come back. To me that seems to be the key, but again I am not part of the investigation. I have had concerns certainly, but again they have been echoed, about the senior management’s involvement in drafting the terms and reference although it seems to me wrong when they themselves have been conflicted, also in the selection of Verita in the first place. Again, what must be said though, as a result of the questions, we have seen the Minister make concessions. In fact there have been huge concessions. We have seen the Verita team change, it has lost one, gained 2. We have seen the terms of reference strengthened and clarified, and we

have also seen safeguards in place. Safeguards such as the management no longer having direct communication with Verita. We have heard - I am not going to repeat him - but really one asks why were they not there in the first place? The reason they are there now is because of the questions asked by a number of States Members, that is why. Give the Minister her credit, she has listened. She could have dug her heels in and said: "I am all right, Jack. I am going to carry on." But she has done, you could almost say cartwheels, but done in the right way. We look at our credibility in the timing. Again, Deputy Le Hérisier just said about the appointment of Verita. I think it was a mistake. It was unfortunate. Nothing about Verita at all but I do believe that they, again, were not the type of body that should be investigating. We should have had what Senator Syvret was asking for in the first place because it would have been a proper inquiry with all the teeth and safeguards again. Unfortunately we have not got it. You have got to put it right back again to the Ministers. The Ministers took advice, they took advice from people who were conflicted, and that is again a great shame. However, we are where we are. I do have sympathy with the Ministers but again Ministers should be big enough to look and maybe ask for second opinions, and unfortunately it was not done. What turned out to be quite a quick fix is now turning out to be quite a messy affair. However, we have had it in Les Pas, we are where we are. Verita, we are told, has seen between 28 and 30 people. It has now made 77 entries in its register. We have already spent £250,000. What for? Nothing, if we pack up. I went to that Verita meeting. In fact, I have got to say they won a lot of Brownie points. They would certainly have won over those doubters or those people who knew very little about it. But, again, that is what Verita are. They are a professional body. One would have expected that of them. In fact, to be fair with them, I have no problem. I think they are very professional people. I think they have excellent C.V.s (curriculum vitae) and I have no doubt whatsoever they are more than capable of carrying on the job. However, because of the circumstances, there is always going to be that question mark about the credibility of their report but there again we know that everybody's report has question marks. They never satisfy all the people all the time, and I just wonder really if, in fact, we had the Committee of Inquiry, whether that again would satisfy all the people all the time. However, I think we have got to be pragmatic about it, and I know Senator Syvret will not like what I am going to say, but I think Verita have gone down that road so far, its reputation is at stake, it has brought in the big guns. I cannot see it failing to carry out and do a proper thorough job. I have got to do a u-turn myself because I started off initially thinking we had to have it in but all the concessions that have been made I just feel really we have got to a stage now that we have got to be big enough, and I would ask Senator Syvret to have a pragmatic statesmanship approach. The concessions that can be made have come as a result of the work that Senator Syvret and others have done without a doubt. I think what we have got now, we are going to get a fairly comprehensive report. As I said earlier, it may not satisfy all the people all the time but at least we will be getting something for our money. What I would like to say to Senator Syvret, like others have said, think carefully about part (e). Do not spoil a victory by turning it into defeat. That has happened so many times that we have got the Minister on the ropes and we know now that we are going to get a decent ... you do not believe me? I think we will get a much better inquiry investigation done because, again, of all the work done. So, unless Senator Syvret can really, really convince me as to why I should support his proposition and why part (e) is so vital to this particular proposition then I am afraid I will not be able to give it my support.

The Connétable of St. Mary:

I hesitate to interrupt the debate, but we are approaching the end of your last sitting and I wonder if you would allow me to say a few words at this point?

The Bailiff:

May I just first ask the proposer of the motion whether he would like to finish the debate this afternoon or whether he is prepared to defer until tomorrow morning?

Senator S. Syvret:

I would probably prefer to finish it this afternoon. I am in the hands of the Assembly. I am not especially bothered either way but it would just seem to me better ... depends really how many Members still wish to speak.

The Bailiff:

The Constable of St. Helier wishes to speak, and if any other Members; Deputy Martin wishes to speak, Deputy Noel; clearly the debate has some way to run.

Senator S. Syvret:

In that case I think we will conclude it tomorrow.

FAREWELL TO THE BAILIFF

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

I am honoured and delighted that it falls to me to deliver a farewell address to you on behalf of Members of the Assembly. Since the advent of Ministerial government and the creation of an Executive and as a result of the election of a Chief Minister the question of who should be responsible for delivering the customary addresses at pivotal points in the life of the States Assembly has been raised in a variety of circumstances. It is fitting that for the occasion of your retirement as Bailiff of Jersey the decision on who should speak was made independently by your consultative panel who agreed that as chairman of the Privileges and Procedures Committee, a member of neither the Executive nor Scrutiny functions, I should undertake this task. While I do feel some anxiety as it is now my responsibility to deliver some words worthy of the occasion and fitting to mark your great service to this Island I must say that it has not been a question of finding something to say but rather of finding excuses to leave things out. On the basis that having given many months notice of your retirement with effect from today, Sir, you might reasonably expect to be able to be home in time for dinner. You see, I have found out that almost without exception people were extremely willing to talk about you at length, about the service you have given to the Island, about the contributions of time and patronage you have made to local organisations, about speeches you have made at key events, about your efforts to enhance the cultural life of Jersey to ensure that Jersey remains a tolerant and inclusive society, and indeed that even greater strides are made in this direction with the concept that the term “Islander” legitimately includes people from many different countries, cultures and religious grounds. I was reminded at length about the importance you have placed on Jersey’s relations with the world at large and especially on links with France, Madeira and Germany. In this latter respect you have been especially active in promoting the theme of reconciliation and in forging links with Bad Wurzach, which is of course now twinned with St. Helier. The sheer length of your public service to this Island means that there is a lot of ground to cover. So perhaps I should paraphrase the late Eamonn Andrews or, for the benefit of younger Members of the Assembly, Michael Aspel, when he would open that big red book and start by saying: “Mr. Philip Bailhache, this is your public life.” [**Approbation**] I am able to focus primarily on certain key aspects of your public career as your position as head of the Island’s judiciary was admirably dealt with by the Attorney General and the Batonnier last Friday when you presided over the Friday court for the last time. The Attorney General remarked that if one were to step back and look at your career the thing that would stand out most would be your commitment to improving the quality of what is done in Jersey for the benefit of everyone. I think that that short sentence speaks volumes. He went on to make particular mention of the importance you have placed on the reassertion of the Island’s customary law, that it is certainly necessary to see the law develop, but that it is possible to blend the old with the new and so to protect our Island’s legal heritage. The Batonnier spoke at some length and made one remark which struck a chord with me. He said that one of your many qualities was the ability to remain polite and apparently attentive at all times. [**Laughter**] This must be a very useful attribute during some

States debates, I would imagine, but I will be watching you closely, Sir, for signs of fatigue during the remainder of my speech. Your public service to this Island began when you were elected to this very Assembly as the Deputy of Grouville in 1972. By this time, aged 26, you had completed your education at Oxford and had been called to both the English and the Jersey bars. You have served the Island continuously ever since, having been appointed Solicitor General in 1975, Attorney General in 1986, Deputy Bailiff in 1994 and being appointed to your current role in 1995. To emphasise how much of your life you have devoted to the service of your beloved Jersey, it is astonishing for me to think that despite your still youthful appearance there are several Members of the Assembly today who were not even born when you first joined the States. Indeed, one or 2 had not yet been born when you became Attorney General, some 14 years later. **[Laughter]** I spoke to one person who vividly recalled the hustings meeting held in Grouville in 1972 at which you launched your political career. Many people it seems may have considered you to be too young or too inexperienced to be a credible challenge to the incumbent. Apparently though you approached your first foray into public life in the same thorough way that you seem to prepare for each different challenge that you face. I am told that your speech on the night was all embracing, that you presented an analysis of the existing situation in Jersey and demonstrated your own vision for the way forward. My source, Sir, who remains nameless, told me that your speech made such an impact on him that if required he could probably recall most of it verbatim, even today. Several of the themes you discussed would be equally topical and no less controversial today, for example in response to a question about housing you said we must build higher to absorb the increasing population. **[Laughter]** The election took place on 13th December and you won by a margin of 81 votes. On your first day in the States as Deputy of Grouville you were one of 11 new Members, including Norman Le Brocq, Jane Sandeman, Sir. Robert Marett, David de la Haye and Jean Le Maistre. There were several prominent Members already in the Assembly at that time, and it is interesting to note that there was a Senator Shenton present at the start of your time in the States and there is still one present now at the conclusion. **[Laughter]** In those days things seem to have moved at a faster pace than of late as on the very next day members of committees were appointed. Records show that the Deputy of Grouville was appointed to the Social Security Committee, the Prison Board, the Fort Regent Development Committee and the Special Committee to Consider the Relationship between Committees and the States. **[Laughter]** The following August the Establishment Committee was added to the list. The themes of the day were strangely familiar. Soon after your election you tried in vain to save your Parish from development, voting against the proposals for the acquisition of land for the Gorey Village development. Attitudes to some familiar topics however have changed remarkably. Later in 1973 Members debated the issue of refuse. The Sewerage Board proposed to discontinue composting as a means of refuse disposal on the grounds that the cost was greater than incineration, that there was a declining interest in the use of compost and a doubtful long term market for it. The States decided that future refuse disposal should be by incineration at Bellozanne and, incredibly, this was adopted on a standing vote. I really cannot imagine this happening today. **[Laughter]** During your time in public office, Sir, there have been a number of changes in procedures and in the make up of the Assembly. For example, when you became a Deputy it was still practice for a Constable, who was unable to attend the States, to be represented by his Chef de Police. The most fundamental change, however, must surely have been the move to Ministerial government. You were in an almost unique position to observe the functioning of both systems of government, committee and Ministerial, from the position of President of the States Assembly. Speaking at the time of your tenth anniversary as Bailiff, before the change was effected, you did not comment on the argument of whether to make the change or not but you remarked simply that your hope for the new system was that both sides of the equation, both those who would be involved in Ministerial government and those who would be involved in the scrutiny process, would accept that there had been quite a substantial change and would try to work together to ensure that it worked. During your tenure as Bailiff, Sir, you have overseen a great many important events. The fact that we continue to celebrate the end of the occupation in the way that we do and indeed the celebration of the Island's liberation has become such an

important ceremonial occasion is due in no small measure to you. **[Approbation]** You consolidated the annual 9th May States meeting with formal celebration in Liberation Square into the Island's calendar at a time when there was some scepticism about the value of maintaining an annual Island ceremony of this kind. Furthermore, you have made this event an opportunity to further enhance the inclusive nature of the Island's community by inviting, among others, the heads of the Island's Jewish and Muslim congregations to participate in the event. You have also ensured that the annual memorial service to slave workers, which takes place in the afternoon of Liberation Day, has become an established and extremely meaningful event in its own right. As civic head of the Island you oversaw the vibrant and yet poignant celebrations of the 50th and 60th anniversaries of liberation of Jersey, receiving His Royal Highness the Prince of Wales and Her Majesty Queen Elizabeth the Second, respectively, on these historic occasions. You presided over the Island's loyal celebrations of Her Majesty's Golden Jubilee in 2002 and a common theme to all 3 of these major celebrations was the provision of significant public sculptures, the Liberation sculpture, the Freedom Tree and the Golden Jubilee Needle. When it became apparent that this last sculpture could not be realised within funds set aside by the States to celebrate the occasion you led a successful fundraising campaign to raise more than £100,000 privately to meet the shortfall. The Jubilee Needle on the Albert Pier was unveiled by the Prince of Wales 5 years ago and subsequently achieved national recognition at the Natural Stone Awards in London. Your involvement with the arts in Jersey goes back much further than that, however, as you were chairman of the Jersey Arts Council's Executive Committee during the 1970s and 1980s and in this capacity you were effectively one of the founders of the Jersey Arts Centre. At a time when opportunities were very limited the Council's remit was to encourage access to the arts for the whole community and the Arts Centre was built and part opened to that end in 1983. By the time it was completed 3 years later some two-thirds of the capital costs had been raised privately by the Council of which you, Sir Philip, were chairman. In recognition of this achievement you were later appointed an Honorary Life Member of the Jersey Arts Centre Association by the members. Since becoming Bailiff, Sir, you have continued to support a wide range of cultural activities. Among a great many other things you have encouraged the Annual Holocaust Memorial Day as an opportunity to reappraise the Island's own wartime experience. You have been the speaker at this annual memorial day relating the fate of those who suffered during the occupation to wider human rights issues. You have been a champion for the Island's cultural achievement, for example, giving particular encouragement to *Tout Peindre Jersey*, a touring art exhibition to Normandy during the late 1990s which promoted Jersey artists, past and present. This resulted in important works from the public collection being shown in St. Lô, Cherbourg and Caen, an opportunity for artists living in Jersey to show their work. You have also encouraged young performers to mark significant Island events like the visit of Her Majesty the Queen for the 60th anniversary of the liberation in 2005 and the visit of His Royal Highness the Prince of Wales the previous year. Chairing the working party to explore the feasibility of establishing a national art gallery in Jersey and leading discussions with potential funders and lenders you have fostered links between the Island and major U.K. institutions like Tate Modern and Tate St. Ives to informed debate about the impact that a gallery could make in Jersey. One of the lasting legacies that you will leave from your time as Bailiff must surely be the creation of the Jersey Legal Information Board as part of a move to make the law more accessible to all, the online resource jerseylaw.je is a superb example of how to provide key information swiftly and efficiently, and is the envy of many much larger jurisdictions. The Jersey Law Review, now the Jersey and Guernsey Law Review, was mentioned by the Deputy Bailiff in his speech at the unveiling of your portrait yesterday. This has also had a strong impact culturally. Perhaps this is most evident in the conference organised by the Jersey Law Review in London in 2004 which gave rise to the publication *A Celebration of Autonomy 1204 to 2004*. This reminds me that the public celebrations held to mark this historic 800th anniversary were a further significant milestone over which you presided, Sir. I have said so much but I feel I have only scratched the service. I have not even touched on your work as President of the Jersey branch of the Commonwealth Parliamentary Association or your contributions to the Assemblée

Parlementaire de la Francophonie but really I feel I must leave something for the Chief Minister to say this evening, Sir. So to conclude, I would like to read the comment from Meridian, writing in *Under the Clock* on 20th October 1974 following the announcement that the Deputy of Grouville had been appointed as the next Her Majesty's Solicitor General: "Crown Appointment. While congratulating young Philip Bailhache on his appointment as Solicitor General I wonder why it is that so few of our Hill Street men appear prepared to forfeit a lucrative Island practice for appointment as Junior Crown Officer. There have been whispers in the past that applications for these vacancies have been traditionally thin on the ground. More power therefore to a young man who is prepared to measure ambition and success in other than monetary terms." Sir, I believe I speak for countless Members of this Assembly, past and present, when I say that I am very grateful that you did make that choice and that I am hopeful that your record of service and achievement will mean that others continue to make such choices in the future. Sir Philip, I am sure that in devoting so much of your time to the Island you have had to sacrifice many of your leisure interests along the way and I know that you are looking forward in retirement to spending more time with Lady Bailhache and your family to enjoying your garden; various sources have hinted at particular fondness for roses and raspberries although not necessarily at the same time, to pursuing your love of all forms of the arts, and I now understand that some boating may be high on the agenda. If I could offer just one word of advice in that area, it might be cryptically "registration". **[Laughter]** My very best wishes go to you and Lady Bailhache, Sir, and I know that the Assembly will join me now in showing in its customary way its appreciation of your long and dedicated service to the Island and it is hoped that you may enjoy a long, happy and healthy retirement, Sir. **[Approbation]**

The Bailiff:

Madame Chairman, thank you very much for those kind words and all those embarrassingly generous sentiments which you have expressed. You have clearly done so much research about my life that I think you know much more about me than I know myself. **[Laughter]** I could not help noticing, as you held up that Eamonn Andrews card of This is Your Public Life, that "public" was brackets, and I think that my wife, were she here at this moment, would probably feel that the brackets ought not to be there. I have, as you have said, presided over this Assembly for more than 15 years and I have been a Member for 37 years. Members may find this surprising but I have enjoyed nearly every moment. **[Laughter]** There have been low points where debates have dragged on interminably and one has almost lost the will to live, but there have been many high points too. There have been debates where a speech has completely changed the mood of the Assembly or where a Member not renowned for oratory has made some dazzling contribution. Members may be surprised also to know that I have given adverse rulings against almost every Member at one time or another. I have annoyed both Ministers and Back-Benchers in equal measure, although never intentionally. If I have ruled against some Members like the Deputy of St. John or Deputy Le Claire more than others **[Laughter]** it is only because they get it wrong more often. **[Laughter]** **[Approbation]** It is sometimes said that politics is the art of the possible but I have always thought that that was a rather negative maxim, justifying many a shabby compromise. I believe that politics is the art of persuasion and in our Chamber it is a particularly important part too. If I may state the obvious, in most other parliaments where the government has a majority it is seldom defeated in debate. Our government does not have an automatic majority and without the power of persuasion it can easily lose. So those who can persuade by the power of reason have everything to gain. I leave the Chamber with more than a little sadness. I confess that I shall probably not be turning on the radio tomorrow morning **[Laughter]** but I shall follow the affairs of the Assembly nonetheless with a close interest. I should like to express my gratitude particularly to the Greffier and his staff, all their advice and good humour over the years, but more than anyone at this moment, I thank you, Madame Chairman, for expressing the good wishes of the Assembly with such elegance and charm. I thank Members for their support, their stimulating company and their friendship. Thank you very much. **[Approbation]**

Senator S. Syvret:

On that note, may I propose the adjournment. Just before doing so, as a matter of courtesy for Members, I give notice that I am not seeking to debate P.49 tomorrow. Again it has somehow found itself on to the Order Paper without things being settled yet.

The Bailiff:

Thank you, Senator. If Members agree we will adjourn now and reconvene at 9.30 a.m. tomorrow morning.

ADJOURNMENT